

**GREATER BEMIDJI AREA  
REGULAR JOINT PLANNING COMMISSION MEETING**

**Thursday, October 27, 2016  
6:00 P.M.**

**Council Chambers, City Hall  
317 4<sup>th</sup> ST NW  
Bemidji, MN 56601**

**AGENDA**

- |   |              |
|---|--------------|
| ➤ <b>Call to Order/Roll Call</b>                      | <b>Chair</b> |
| ➤ <b>Pledge of Allegiance</b>                         |              |
| ➤ <b>Approve Agenda</b>                               |              |
| ➤ <b>Approve Minutes</b>                              |              |
| • <b>Thursday, September 22, 2016 Regular Meeting</b> |              |

**NEW BUSINESS**

**Public Hearings**

- |  |           |
|--|-----------|
| 1. <b><u>City Of Bemidji</u> – V-16-80.00077.00: Bemidji Chrysler Center</b>             | <b>CM</b> |
| 2. <b><u>Northern Township</u> - V-16-31.02150.00–Pierson Family Limited Partnership</b> | <b>CB</b> |
| 3. <b><u>City of Bemidji</u> – CUP/-16-80.04510.00: CrossFit Bemidji</b>                 | <b>CM</b> |
| 4. <b><u>Northern Township</u> - PUD-16-31.00448.00–Great Western Properties, LLC</b>    | <b>CB</b> |

**OTHER BUSINESS**

- |                                |                     |
|--------------------------------|---------------------|
| 1. <b>Visitors</b>             | <b>Chair</b>        |
| 2. <b>Administrator Report</b> | <b>CM</b>           |
| 3. <b>Upcoming Meetings</b>    | <b>Chair</b>        |
| • November 9, 2016 6:00 pm     | JPB Regular Meeting |
| • November 17, 2016 6:00 pm    | JPC Regular Meeting |
| • December 14, 2016 6:00 pm    | JPB Regular Meeting |
| • December 22, 2016 6:00 pm    | JPC Regular Meeting |
| 4. <b>Adjourn</b>              | <b>Chair</b>        |

**MINUTES  
GREATER BEMIDJI AREA  
REGULAR PLANNING COMMISSION MEETING**

October 27, 2016  
6:00 p.m.

City Hall  
Council Chambers

**CALL TO ORDER:** Chair, Jess Frenzel called the regular meeting of the Greater Bemidji Area Joint Planning Commission to order at 6:00 p.m. Roll call was taken and the pledge of allegiance was recited

**MEMBERS PRESENT:** Berg, Kramka, Steffen, David, Frenzel, Lemmer, Miller, Smith

**MEMBERS ABSENT:** Hendricks

**STAFF PRESENT:** Casey Mai, Cory Boushee, Terri Ball

**OTHERS:** J. Adam Hamilton, Kirk Malkowski, Jim Knutson, Matt Murray

**APPROVAL OF AGENDA:**

Motion by Lemmer, second by Smith, to approve the Agenda.

Motion carried unanimously

**APPROVAL OF MINUTES:**

Motion by Steffen, second by Miller, to approve minutes from the September 22, 2016 Greater Bemidji Area Regular Joint Planning Commission as written.

Motion carried unanimously

**NEW BUSINESS:**

**Public Hearing:**

**Mai presented the first case:**

## **PLANNING CASE – V-16-80.00077.00 – Bemidji Chrysler Center**

Applicant, located at 755 Paul Bunyan Dr., is requesting a setback variance of six (6) feet from the required setback of the right-of-way (R.O.W.) to install a millennium Chrysler arch tower in the front of their building.

### **BACKGROUND**

The applicant is looking to improve an existing site that is occupied by their current business. The existing building will see minor renovations to its facade to meet the Chrysler Franchise requirements, pave the entire lot, and create at least eight (8) percent of the required interior greenspace. In order to meet Chrysler requirements, applicant is required to upgrade to the Millennium Branding System, which entails a millennium arch tower (known as a structure) be installed at the front entrance of their building.

### **PLANNING CONSIDERATIONS**

1.) Reasonableness: The property owner proposes to use the property in a reasonable manner but cannot do under the rules of the ordinance.

The request is reasonable in this location. The location of the existing building does not allow for any addition to the front of the building due to setbacks. The Chrysler franchise requires all Chrysler dealerships upgrade to the millennium branding system with the arch tower in the front of their building.

2.) Essential character: The variance, if granted, will not alter the essential character of the locality. Under this factor, consider whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area.

The site has been Bemidji Chrysler Center and will continue to be. This variance will not alter the essential character of the area.

3.) Uniqueness: The landowner's problem is due to circumstances unique to the property not caused by the landowner. The uniqueness generally relates to the physical characteristics of the particular piece of property, that is, to the land and not personal characteristics or preferences of the landowner.

The applicant has indicated that the all Chrysler dealerships are required to upgrade to the Millennium Branding System, which means the facade must meet current Chrysler specifications.

### Setbacks

In regulating structure setbacks from the right-of-way, there are concerns that need to be addressed.

Conditions staff is planning to add if a building permit were to be approved include:

A variance verification review and site plan review shall be required of the applicant, which includes site visits and a review fee.

### Signage

A sign permit will need to be submitted if any signage is installed above the millennium arch tower or the current sign permit will need to be amended if any signage changes due to the arch tower. The requirements for the signage are as follows:

Wall signage is limited to a maximum of four (4) percent of the building's total wall elevation square feet per street frontage, or fifty (50) square feet whichever is greater. Maximum allowable sign size shall not exceed two hundred and fifty (250) square feet.

ii. Freestanding or monument signage shall be limited to one hundred twenty-five (125) square feet for on-premise static identification signage. An additional fifty-five (55) square feet of on-premise signage may be permitted for a manual changeable copy reader board or a dynamic display when it is incorporated into a permitted sign structure.

### Comprehensive Plan References

In regards to the comprehensive plan, the goals of the plan are to protect the safety, health and welfare of the community population and environment. With the proper construction steps for mitigating potential impacts, this request is in keeping with the goals and policies of the comprehensive plan.

### Fire Marshal

The fire department had no concerns with the proposed accessory structure location in regards to fire protection.

### 197 - MnDOT Comment

MnDOT had no concerns regarding this variance request. The applicant has worked with MnDOT on their entrances along the Highway 197 corridor.

### Neighborhood Comment

No comments were received from neighboring property owners regarding the variance request.

## **RECOMMENDATION**

Staff recommends approval of a six (6) foot variance to allow for a twenty-four (24) foot setback encroachment on the thirty (30) feet required from the front yard setback or right-of-way. The conditions stated above would be imposed on an approved building permit for additions/alterations to the current structure. The applicant will also go through the JPB variance verification process and pay the set fee.

**Public Hearing opened at 6:09 p.m.**

**Public Hearing closed at 6:09 p.m.**

Motion by Miller, second by Steffen to approve the Variance for parcel 80.00077.00 with findings:

**1. Has the applicant demonstrated a practical difficulty?**

Yes. The request is identified as a need for a more modern version of the dealership to meet requirements by the Chrysler. Economic considerations are not the sole purpose of the request for this variance.

**2. Are there exceptional circumstances, unique to this property, which have not been created by the land owner?**

Yes. The current building structure was placed in a location without regard for future construction of an accessory structure. Therefore the site is working within limited space, with new construction requirements by the franchise.

**3. Can the variance be granted and that such action will be in keeping with the spirit, purpose and intent of the Zoning Ordinance?**

Yes. The property is already developed. Therefore the site is working within limited space, with new construction requirements by the franchise.

**4. Can the variance be granted without altering the essential character of the surrounding area?**

Yes. The site has been a Chrysler Dealership and will continue to be one. This variance will not alter the essential character of the area. The installation of the millennium arch will provide an improved facelift of the facade.

Motion carried unanimously.

## **PLANNING CASE – V-16-31.02150.00 – Pierson Family Limited Partnership**

Applicant is requesting four (4) variances to construct a garage on parcel 31.02150.00 owned by the partnership, in the (R-3) Suburban Residential district. The first variance is from a 1980 Variance not allowing for any type of structure to be allowed on this parcel. The second variance is to allow for more than one accessory structure greater than 200

S.F. on a parcel of land less than one (1) acre. The third variance is to allow for a variance of 457 S.F. above the allowed amount of accessory structure for one parcel in the (R-3) Suburban Residential District. The fourth variance is to allow for a 3.3' variance from the 20' required structure setback from a septic system.

## **BACKGROUND**

The applicant is requesting four (4) variances in which two of them were recommended by staff in order to recommend approval. The 1980 Variance Permit allowed the creation of seven (7) substandard lots, so this would be considered a standard lot. The stipulations for this allowed lot division were;

1. These lots were to become part of the lots immediately in front of them and will not be permitted, hereinafter, to be sold separately, and that on the deed of each of these substandard parcels, it shall read "No buildings of any type will be permitted."

The JPB could grant a variance allowing for an accessory building to be constructed on this parcel, and not require that the lots be combined. As this is an allowed use in the R-3 through R-6 districts if the parcels are in continuous common ownership with a deed restriction requiring the parcels be retained under common ownership.

Through a conversation with our JPB attorney regarding this technical matter it was determined still requiring the lots to be combined was the best option for recommending approval. This caused staff to recommend the addition of the variance for more than one accessory structure, and the additional square footage of the existing accessory structure. The idea is that a one lot under continuous ownership was a cleaner way to record than the requirement of a deed restriction. Deed restrictions can be harder to track in the future, making it easier for land use decision mistakes, or mistakes leading to land sale that would not be allowed.

Expansion of the existing accessory structure is not practical for the applicant and would only create additional impervious surface lakeside. The existing structure has been restored to match the architecture of the house. The applicant would like the opportunity to construct a more traditional garage to store larger items on-site. Using the backlot of this property for an accessory structure is consistent with the neighborhood.

In an effort to save more trees and provide the length of garage needed for items the applicant would like to store on-site, the applicant is requesting a variance of 3.3' from the required 20' structure setback to a septic system, in order to construct the garage. It is believed by staff that this area was always used for storage, and additional trees were

removed that were lost in the summer wind storms. The 1,108 S.F. garage would be allowed if the lots were to remain separate.

## **PLANNING CONSIDERATIONS**

In regulating structure setbacks from septic system drain fields or mound system, there are concerns that need to be addressed. Including increased run-off draining towards the drain field and protecting the system during construction. The accessory structure could be made smaller to meet the required setback, the applicant desires to be allowed the square footage that would be allowed with a separate lot.

If the lots are combined the lot will still be considered a substandard lot in regards to the JPB ordinance. Although only the width will be non-conforming, the lot size will now be considered standard as it is above the 30,000 S.F. requirement.

Other accessory structures have been built to the west of the back lots on Birchmont Ct. Likely permitted without knowledge of this existing variance. A letter was sent by past planning staff to all landowners involved in this variance asking for voluntary lot combination. The letter was unsuccessful as all lots still remain separate from lakeside lots. The lots adjacent to this parcel to the west currently have septic mound systems that would not allow for the construction of a garage on the backlot.

The variance for additional accessory structure is recommended in order for the lot combination to occur in lieu of requiring a deed restriction.

It is staff's opinion that not allowing for any type of building to be constructed on this property is over-reaching and could have property rights issues. A property owner should have the right to construct an accessory structure if allowed by current zoning standards. This is planned to be an accessory structure and will have no plumbing that could allow it to become an Accessory Dwelling Unit.

The additional 1% of impervious surface above the allowed 25% is based on an estimation. The applicant will need to provide JPB staff with an accurate number before a land use permit may be issued. If in fact the impervious surface is greater than 25% the code allows for an additional 25% of your allowed impervious in the shoreland overlay if mitigation measures are applied to the site. The existing front lot is currently at 36% impervious, the combination of the lots is correcting a non-conformity.

A lot combination application will also need to be filed with JPB before any land use permit can be allowed.

### Existing Conditions/Alternative Sites

The house is currently meeting the setback of 100' from the Ordinary High Water Level, this does not leave much room in the rear yard for an addition to the current accessory structure.

### Fire Marshal

The fire department had no concerns with the proposed accessory structure location in regards to fire protection.

### GIS/911

Beltrami County GIS commented on the project and saw no concerns as long as it continued to be an accessory structure with no dwelling units.

### Comprehensive Plan References

This request is in keeping with the goals and policies of the Greater Bemidji Area Land Use Plan.

### Neighborhood Comment

No neighborhood comment was received at the time of writing this report.

## **RECOMMENDATION**

Staff recommends approval of four Variance's to allow for the construction of an accessory structure on parcel 31.02150.00. 1) Variance from condition of 1980 variance allowing for an accessory structure to be built. 2) Variance to allow for the construction of more than one accessory structure in excess of 200 square feet on a parcel less than one acre in size. 3) Variance to allow for 457 square feet above the allowed 1,008 square foot maximum allowed accessory structure per parcel. 4) Variance of 3.3' from the 20' structure setback requirement from a septic system. The conditions stated above regarding impervious surface and lot combination will need to be met. The lot combination request and an accurate impervious surface calculation shall be filed with JPB staff before a land use permit can be issued, the applicant will also go through the JPB variance verification process and pay the set fee.

### **Public Hearing opened at 6:30 p.m.**

Jim Knutson, contractor representing the applicant, stated the Pierson Family has owned the property for over 40 years. He explained that back in 1980 when the first variance was granted, the county's expectation was that "no further structure" meant no additional houses. Commissioner Smith questioned why building will not be adjusted so as to avoid  
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encroachment. Knutson stated it will look better and will be parallel with the house, also, it will avoid the destruction of trees that are several hundred years old.

**Public Hearing closed at 6:33 p.m.**

Motion by Steffen, second by Lemmer to approve four (4) variances to construct a garage on parcel 31.02150.00:

1. The first variance is from a 1980 Variance not allowing for any type of structure to be allowed on this parcel.
2. To allow for more than one accessory structure greater than 200 S.F. on a parcel of land less than one (1) acre.
3. To allow for a variance of 457 S.F. above the allowed amount of accessory structure for one parcel in the (R-3) Suburban Residential District.
4. To allow for a 3.3' variance from the 20' required structure setback from a septic system.

And with findings:

**1. Has the applicant demonstrated a practical difficulty?**

Yes. An existing variance was approved with unknown findings resulting in the owner not being allowed by right to construct an accessory structure.

**2. Are there exceptional circumstances, unique to this property, which have not been created by the land owner?**

Yes. The existing accessory and principle structures were constructed larger than would be permitted by current ordinance. The backlot is the only area reasonable to allow construction of an accessory structure.

**3. Can the variance be granted and that such action will be in keeping with the spirit, purpose and intent of the Zoning Ordinance?**

Yes. Accessory structures are a permitted use in the R-3 district as well as the shoreland overlay. The allowed variance for the construction of the garage and requiring the combination of the lots is improving a non-conformity of lot size and allowed impervious surface.

**4. Can the variance be granted without altering the essential character of the surrounding area?**

Yes. The backlots for the surrounding parcels are currently being used for septic systems or accessory structures.

Roll call vote:

Ayes: Smith, Miller, Lemmer, Frenzel, David, Steffen, Berg

Nays: Kramka

Absent: Hendricks

Abstain: None

Motion carried

### **PLANNING CASE – IUP-16-80.04510.00 – CrossFit Bemidji**

Applicant is requesting an IUP for the operation of an Indoor Recreational Facility in the Light Industrial District (I-1). The property is located at 987 Industrial Park Drive SE is under a lease agreement with CrossFit Bemidji contingent on the decision of the Interim Use Permit.

### **BACKGROUND**

Cross Fit Bemidji plans to operate out of the existing building with minor alterations to the interior. A building permit will be required with the City of Bemidji. CrossFit is a fitness routine of various workouts based on functional movements, and these movements reflect the best aspects of gymnastics, weightlifting, running, rowing and more. Many CrossFit facilities model in either commercial facilities or industrial warehouses with the idea of developing a garage gym atmosphere for intense workouts.

### **PLANNING CONSIDERATIONS**

#### **Parking**

All parking areas shall be marked by durable painted stripes designating the parking spaces unless exempted by the Planning Administrator, per Section 1009 in the Zoning and Subdivision Ordinance. One (1) space for each three (3) persons based on the maximum design capacity shall be provided.

#### **Landscaping**

As part of the development site plan submitted for approval, the landscape plan shall also include a minimum total tree count according to required minimum green space. Staff recommends a total of seven (7) trees be planted throughout this site and meet all the ordinance standards for size and type.

### Lighting

The applicant has not indicated that there will be any additional lighting added to the existing structure. Any additional lighting that would be added would need to conform to the JPB's requirements.

### Signage

A sign permit application has been submitted along with a plan for a wall mounted sign. Any additional signage must comply with the JPB Sign Ordinance and a sign permit shall be obtained.

### Trash Handling & Outdoor Storage

Final site plan will be required to identify any dumpster enclosure on-site. There will be no allowed outdoor storage of materials or equipment. All requirements in Section 1002 of the JPB zoning ordinance will be followed.

### Fire/Engineering

No concerns were identified by the Fire Department or the Public Works Department.

### Neighboring Property Owner Input

Staff has received no comments or concerns regarding the proposal.

### Comprehensive Plan References

The proposed use of an indoor recreational facility in the district is consistent with Greater Bemidji Area Land Use Plan; provided the IUP process is followed and specific conditions are met in order to assure compatibility with surrounding uses.

## **RECOMMENDATION**

Staff recommends approval of an Interim Use Permit to allow the operation of an indoor recreational facility to be located at parcel 80.04510.00 in the (I-1) Light Industrial District with the following conditions:

1. The IUP shall terminate upon a change in use, a change in the owner/operator (leaseholder), or a change in the lease space as may be determined by the JPB Staff.
2. The parking lot shall be striped to provide adequate parking spots for employees and clients.
3. All future lighting improvements on the property shall be in full conformity with Section 1008 of the GBAJPB Zoning & Subdivision Ordinance.
4. If a dumpster is brought on site it shall be fully enclosed as required by the GBAJPB Zoning & Subdivision Ordinance per Section 1002.

5. A sign permit has been obtained for a wall mounted sign, but for any additional signage, another permit will need to be obtained prior to being placed on the property.
6. A landscape plan with seven (7) trees shall be submitted for final approval to JPB staff.
7. All applicable permits from the City of Bemidji Building Department shall be obtained prior to construction. Any future additions to this structure must be approved by GBAJPB staff and the City of Bemidji Building Department.
8. The IUP shall be reviewed for compliance one time upon six months of operation by the JPB staff. If they think there is a reason to bring it to the JPB, the applicants shall participate in a review of the IUP.

**Public Hearing opened at 6:51 p.m.**

Applicant, William Richmond, explained the parking area and street connecting with the trail system will also be used for recreational purposes. Commissioner Miller asked if the property is owned by the applicant. Applicant clarified it to be leased, but is contingent on the approval of the IUP. Staff stated the property owner, Ron Cuperus, is aware of all the conditions and has no problem with any of them. Frenzel asked if lighting is in conformity. Staff stated it is and does not have concerns. Kramka questioned why trees are required to be planted if the location is not suitable. Frenzel commented this is the only way to bring a property into conformance with ordinances, when variances are requested. Smith noted this parcel fronts on two roads. Staff suggests planting a row of trees for privacy. Smith compared this with SNAP Fitness which has a paved walkway. Staff assured 55% green space. Applicant was asked how the owner felt about the conditions and who will pay for the expenses involved. Richmond explained the owner is aware of and okay with property changes, and further stated expenses will most likely be paid by CrossFit but doesn't feel it is a big deal. Frenzel is in favor of the opportunity to bring this parcel into conformity. Discussion about which party – applicant or owner – should pay for the conditions. Applicant Carol Richmond stated it should be clarified for future purposes. Frenzel commented that the condition is part of the IUP process and needs to be in place no matter who owns property, and should be worked out between the owner and renter.

**Public Hearing closed at 7:07 p.m.**

Motion by Steffen, second by Lemmer to approve an Interim Use Permit for the operation of an Indoor Recreational Facility in the Light Industrial District (I-1) located at 987 Industrial Park Drive SE, with all conditions:

1. The IUP shall terminate upon a change in use, a change in the owner/operator (leaseholder), or a change in the lease space as may be determined by the JPB Staff.
2. The parking lot shall be striped to provide adequate parking spots for

- employees and clients.
3. All future lighting improvements on the property shall be in full conformity with Section 1008 of the GBAJPB Zoning & Subdivision Ordinance.
  4. If a dumpster is brought on site it shall be fully enclosed as required by the GBAJPB Zoning & Subdivision Ordinance per Section 1002.
  5. A sign permit has been obtained for a wall mounted sign, but for any additional signage, another permit will need to be obtained prior to being placed on the property.
  6. A landscape plan with seven (7) trees shall be submitted for final approval to JPB staff.
  7. All applicable permits from the City of Bemidji Building Department shall be obtained prior to construction. Any future additions to this structure must be approved by GBAJPB staff and the City of Bemidji Building Department.
  8. The IUP shall be reviewed for compliance one time upon six months of operation by the JPB staff. If they think there is a reason to bring it to the JPB, the applicants shall participate in a review of the IUP.

And with findings:

1. **Whether the proposed use adversely affects the public safety, health, morals, convenience and general welfare of the occupants of the surrounding land.**  
No. The proposed use is not anticipated to adversely affect, nor create an unreasonable level of disruption or interference upon the surrounding area.
2. **Whether the proposed use adversely affects traffic conditions and parking on adjacent streets and land.**  
No. Increases in traffic or other negative impacts are not anticipated. On-street parking is not available and adequate parking will be provided on-site.
3. **Whether the proposed use adversely affects property in the surrounding area.**  
No. The proposed use is not anticipated to adversely affect, nor create an unreasonable level of disruption or interference upon the surrounding area. A delivery service once occupied the parcel with constant traffic, this indoor recreational facility is expected to be similar, and is consistent with the goals and policies of the JPB Land Use Plan
4. **Whether the proposed use is in conformance with the community's Comprehensive Plan or Land Use Plan.**  
Yes. The proposed use is consistent with the goals and policies of the JPB Land Use Plan.
5. **Whether adequate utility, drainage and other such necessary facilities have been or can be provided.**  
Yes. The property has adequate public infrastructure and is served by city

services.

Roll call vote:

Ayes: Berg, Kramka, Steffen, David, Frenzel, Lemmer, Miller, Smith

Nays: None

Absent: Hendricks

Abstain: None

Motion carried unanimously.

### **PLANNING CASE – Concept PUD -16-31.00448.00 – Great Western Properties LLC**

Applicant is requesting **CONCEPT** approval of a Planned Unit Development (PUD) located in an *(R-5) High Density Residential District* for the purpose of multi-family development composed of townhome duplexes. Including a mix of rental properties and owner-occupied properties in Northern Township.

#### **BACKGROUND:**

In December of 2015, applicant was approved by the JPB to re-zone this parcel from *(B-1) Low Density Commercial* to *(R-5) High Density Residential* to meet the demand for high quality residential rental properties. The applicant would now like to be able to sell some of his properties.

This project has already been permitted and construction has commenced for a multi-family residential rental development. In order for the applicant to sell individual homes on this property a PUD/CIC must be approved by the JPB.

A development agreement currently exists between Northern Township and Great Western Properties LLC for the construction of the road and sidewalks.

Construction has started on two buildings, grading and drainage is being completed, and road subgrade is also being completed.

#### **PLANNING CONSIDERATIONS:**

This is the concept phase of the PUD review process, which consists of three (3) phases. The three phase process was created as applicants expressed interest in gaining a clear vision of Joint Planning Board expectations during the concept phase to ensure expectations can be met. Even though construction has already started on this project as earlier stated, the JPB and the applicant still need to adhere to the PUD process.

##### **1. Concept Review**

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- a. Does this projects density and sample layout work within the confines of its location?
  - b. What pieces of information would we require in order to make a final recommendation to the applicant?
  - c. The approval of a concept in no way approves any elements of this project.
2. Preliminary Review
- a. This should show the applicant has made an effort to address all of the concerns that were brought to their attention at the concept meeting.
  - b. If staff feels all concerns have been met and significant issues have been addressed, preliminary and final review can be combined for approval.
  - c. Finalized plans need to be presented at this time for approval.
3. Final Approval
- a. Finalized plans are required to be presented at this time if approval is to be recommended. JPB makes final decision on approval or denial.

#### Zoning/Density/Housing Type

Duplexes, triplex, and quadplex development are all permitted in the (R-5) zoning district. This type of duplex with a common wall development is allowed through the PUD/CIC process in the (R-5) zoning district. Regarding density this development is actually comparable to the (R-3) Suburban Residential density requirements, although duplexes would not be allowed. (R-3) Suburban Residential is defined as to; Provide areas for suburban residential development, and other compatible uses, at a density which will encourage the provision of centralized sewer & water. Meaning an (R-3) district development at the proposed density, would be allowed to develop without centralized sewer & water, but at a density that could make it possible to provide in the future.

This development is proposed to be partly rental housing and partly owner-occupied housing. The applicant is proposing to start out selling housing, then transfer back to creating rental housing. The planned ratio is 50% owner-occupied and 50% rental, which is recommended ratio from an investor point of view. The main idea from an investment standpoint is that renters will not take the same stake as owners in ensuring the complex amenities are kept up, or have the same regard for the rules of the community. This ratio was found through staff research on condominium investment.

Each lot will be 100'x100' and 50% owned by each dwelling unit. This would equal 5,000 SF for each dwelling unit, meeting the (R-5) High Density Residential Requirement.

## Amenities

All items below are part of the amenities list except the dog park.

1. Public ROW dedication and construction.
  - a. A development agreement is already in place for public road.
2. Community Garden or on-site food production.
  - a. Must be a minimum of 60 S.F. per dwelling unit so 3,360 S.F. is necessary to count as a provided amenity.
3. Open Space
  - a. 50% of the open space shall be landscaped outdoor space not occupied by buildings, 50% of the provided area shall be contiguous.
4. Dog Park

## Flexibility

Greater flexibility is allowed with a PUD than otherwise allowed under the zoning and subdivision ordinance, if it is a coordinated development providing public benefits not otherwise required. The amenities provided are meeting the requirements for granting greater flexibility. Flexibility can only be granted to the extent allowed by the ordinance and flexibility will only be given to items approved during the approval process. All other items not granted flexibility shall meet the ordinance and all regulations and requirements.

Flexibility can be granted for setbacks, lot size, density, yards, signage and off-street parking and loading areas. Flexibility can also be given as in this case to have multiple principle residential dwellings on a platted lot. A signage plan will be submitted which may also require some flexibility.

## Parking

Section 1009 of the JPB ordinance will need to be met. One (1) parking space per bedroom is required, garage stalls do count toward this calculation. A legal parking space shall be 8.5' x 19'. Currently the existing buildings are exceeding parking requirements.

## Landscaping/ Tree Preservation

A tree preservation plan has already been approved for this development and the trees have been cleared. No additional clearing or cutting of trees beyond the approved will be permitted without review of the tree preservation plan, or an additional tree removal permit. Two (2) trees will be required to be planted in the front yard of each individual dwelling unit, corner lots will need two (2) trees per street frontage in accordance with Section 1006 of the ordinance.



### Wetlands

A review of the parcel was performed by Beltrami County Environmental Services as well as the Army Corps of Engineers to determine that no wetlands regulated by the Wetland Conservation Act exist on this property. The low land on the east side of the parcel was a result of excavation for the construction of Highway 71 and are incidental to construction.

### Septic System

No additional dwelling units can be permitted on this site beyond the fifty-six (56) dwelling units, unless approval is given by the Minnesota Pollution Control Agency. Each unit will have one (1) septic system, so each septic system handles two (2) dwelling units, there will be twenty-eight (28) systems total. Some of the areas shown on the site plan labeled for future waste water treatment sites are located in areas that are reserved for tree preservation. No trees shall be removed in these areas unless a new tree preservation plan was approved. If these areas are planned to be used for a larger septic system, that application needs to be approved before any additional units can be constructed on-site even with approval of the PUD.

### Well

Each unit will have one (1) well, so each well handles two (2) dwelling units, there will be twenty-eight (28) systems total. Wells are regulated and approved by the Minnesota Department of Health.

### Lighting

All lighting shall be in conformity with Section 1008. Lighting in the performance standards of the JPB ordinance. All exterior lighting shall be hooded or otherwise shielded in order to deflect from adjoining properties and the public ROW, as well as protect the night sky of the Greater Bemidji Area.

### Signage

Signage is something that flexibility to standards can be granted for with an approved PUD, no signage plan has been given to JPB staff. In order to get flexibility, it needs to be approved with final approval of the PUD.

### Trash Handling

Currently no trash handling plan has been proposed. Staff assumes that trash handling will be the responsibility of each individual dwelling unit. If a dumpster is proposed to handle trash, it will need to be in a four sided enclosure per Section 1002 of the JPB Zoning and Subdivision Ordinance.

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### Transportation Plan – Vehicular and Pedestrian

The infrastructure for this project is nearly finished. Although that does not mean this design is final or that this design is approved by the Joint Planning Board for a PUD. The transportation plan should be reviewed for traffic safety as well as pedestrian safety as if it is not constructed.

The Cul-de-Sac in Phase Two (2) of the development must be designed with at least a 53' Radius and be less than 500' from Hamilton Dr NW. It is meeting requirements for less than 500' from drive, but unclear if 53' radius requirement is being met.

Phase Two of this project is not currently being platted. At this time, the applicant understands he will need to amend the PUD to gain approval for this. The road agreement had two different options for connecting Phase Two of the project, the Cul-De-Sac that meets JPB standards or a loop road. No additional dwelling units shall be added beyond the fifty-six (56) dwelling units approved for this project.

Currently sidewalks only exist on one side of the street with no connection to the community amenities on the east side of the property. Rules need to be established to ensure cars are not parking across sidewalks.

### School Buses

Staff received comment from ISD 31 regarding school buses. Any dwelling unit needs to be within one-half mile of the intersection of Hamilton Park Dr NW and Lakewood Dr NW, this is where ISD 31 will propose a bus stop. The applicant will need to work with ISD 31 to ensure a bus stop will work. ISD 31 would like to use the turn-around at the end of Lakewood Dr NW, if possible. The applicant will need to see if this is a possibility or the bus will use the intersection to turn-around. A designated bus-stop could be established for children waiting at the intersection. The target market of this development is Sanford Hospital professionals, so it is likely children will be living here.

### Engineering Considerations

An updated stormwater management plan will need to be provided reflecting the final engineering plans. Any additional impervious surface needs to be accounted for in the final stormwater management plan. The driveways for the units that are constructed are larger than what is proposed for future development. This needs to be accounted for, as well as the future parking area. If the community amenities will have sidewalks or other impervious surface, they also need to be accounted for, including the proposed storage units.

The erosion control plan has already been implemented and construction was done under an approved NPDES permit from the Minnesota Pollution Control Agency.

The roads have been constructed and inspected to the satisfaction of Northern Township to the best of JPB staff knowledge.

#### Storage Sheds

Currently, storage units are proposed in Phase Two of the development, but are not on the preliminary plat. Also, the CIC declaration states each dwelling unit is allowed one 10'x20' storage shed, but the placement for it or setbacks are not shown on the site plan or preliminary plat. This will need to be addressed in order to permit sheds in the future. Boats, RV's and other types of recreational vehicles are allowed per the CIC Declaration. Per the JPB ordinance; In R-3, R-4, R-5, R-6 and MH Districts, boats, trailers, recreational vehicles, and campers less than 20 feet in length, if stored in a rear yard at least 10 feet from all property lines.

#### Parks / Open Space

Open space was discussed as amenities that are being provided as well as some park style amenities. Further discussion needs to occur as to how this open space will function and what it will provide. Park areas relating to the dog park / community garden are areas that provide amenities and are maintained. Open space is defined by staff as area that is not maintained and left to grow naturally, thus protecting our "northwoods" character. The ratio between the two landscapes needs to be understood.

#### GIS/911 Addressing

A Planned Unit Development event with a dedicated public street and right-of-way is addressed as one development. The current addressing plan would remain in effect if approval of PUD is not granted, which is to address each unit individually. If the PUD is approved, the development would receive one fire number, and would require signage displaying the location of all units within the development. Signs displaying the respective unit number for each individual unit will also need to be installed by the owner throughout the development.

#### Beltrami County Recorder

The Beltrami County Recorder's Office will provide feedback for approval of the CIC Declaration to ensure it can be recorded as currently drafted.

#### Fire Marshal / Police Considerations

No concerns were brought to the attention of staff from fire or police.

#### Neighborhood Comment

At the time of writing this report no neighborhood comment or concern was addressed to staff.

### Comprehensive Plan References

This development is in conformity with the goals and policies for rural development in accordance with the Greater Bemidji Area Land Use Plan. Planned Unit Development is encouraged in these areas to help preserve open space, by promoting compact design.

### RECOMMENDATION

JPB staff recommends approval for Concept Planned Unit Development for Parcel 31.00448.00 in the (R-5) High Density Residential district.

#### **Public Hearing opened at 7:38 p.m.**

Applicant stated initial intent of project was to own as many units as possible, the purpose was to allow for flexibility for future owners as to style of single family or duplex. He felt the project has not changed, but this is the best way to conform with ordinances. An advanced septic plan was completed and feels Birchmont has a greater density closer to wetlands than his property. Also, this is merely a re-packaging of what has already been done. Lengthy discussion about the potential shared ownership of septic and well, as to who would maintain/repair, if it will be covered by the Home Owners Association. Applicant ultimately offered to consult his lawyer as to HOA terms. Commissioners felt this aspect should be handled by Property Management. Lemmer asked size of units. Applicant stated each has two bedrooms and 1 ½ bathrooms, and would house four people comfortably in 1430 livable square feet. Frenzel questioned on street and overflow parking. Applicant summarized plans that are not finalized, but said the installed driveways would easily fit two cars, and overflow parking can be accommodated on the parcel. Miller asked if each unit's septic system included tank and drainfield and if there is room to access tank if it needed to be pumped. Applicant affirmed both questions. David questioned the alternative waste water treatment area. Applicant clarified this is part of the advanced septic plan which allows space for replacement systems if they should fail. Kramka asked if recreational parks for children are planned. Staff not aware of any. Kramka further stated her favor of the community garden and dog park, but suggested a safe environment for kids. Frenzel discussed current sidewalk plans and how they compare with R3 zoning. He suggested full sidewalks around the exterior of the development, even though it isn't required. David commented that project is well planned out and will be great for Bemidji. Applicant spoke of bussing for school children and his discussions with Ken Stevens. The area's hammerhead will accommodate for a 3-point turn and will be located at the end of Lakewood and Hamilton Park NW. Smith questioned road maintenance. Applicant stated the township is responsible for plowing and maintenance. Smith asked if curb & gutter are included, or if only paved road. Suggested shoulders. Applicant explained shoulders to be problematic for stormwater. Smith further

commented about Movil Lake Road being made wider. Frenzel asked staff if this project is considered to be a major or minor subdivision. Staff explained the PUD checklist is being used and sidewalks meet the design standards.

**Public Hearing closed at 8:12 p.m.**

Motion by Steffen, second by Miller to approve concept PUD for the purpose of multi-family development composed of townhome duplexes including a mix of rental and owner-occupied properties, with conditions:

1. Applicant will need to design the community garden and dog park. The community garden should meet the 3,360 S.F. to meet the requirements for the provided amenity. The dog park should be designed with best management practices for size and fencing. Also the timeline will need to be established for when these amenities will be constructed.
2. Applicant will submit a signage plan.
3. Applicant shall submit a pedestrian circulation plan. Identify how the outer houses access the sidewalk on the other side of the drainage areas. Identify how the community garden and dog park be accessed by pedestrians in the development.
4. Applicant will identify where the school buses will be allowed to operate. Identify any safety measures needed for the ditches next to the sidewalk at intersection of Lakewood Dr. NW and Hamilton Park Dr.
5. Applicant shall identify setbacks for lots.
6. Applicant shall identify on lots where a 10'x20' storage shed will be allowed. Storage of licensed boats, snowmobiles, trailers, campers, golf carts, and other season property is allowed in the CIC Declaration. Identify where these items will be allowed to be stored.
7. Applicant will identify how much land is proposed to be open space vs developed into park space.
8. Septic and well ownership, as well as management duties shall be specified.
9. Recreational opportunities will be presented for childrens usage.
10. Pedestrian opportunities will be increased.

And with findings:

**1. Does this projects density and sample layout work within the confines of its location?**

Yes. The density of this development is well under what could be allowed within a (R-5) High Density Residential zone. The cluster design of this planned unit development creates an acceptable use of the property. Increased density in a rural environment accompanied by conservation of open space and amenities is acceptable. The current layout provides the best use of space, while still providing a rural open space development.

**2. What pieces of information would we require in order to make a final recommendation to the applicant?**

Staff has placed some initial recommendations into this finding, this finding should be further developed by JPC/JPB during the concept meeting.

Motion carried unanimously.

## **OTHER BUSINESS**

### **VISITORS:**

Kirk Malkowski asked what the voting results were for the Pierson case. Staff stated only one dissenting vote. When asked why it was dissented, Commissioner Kramka explained her vote was based on the fact that the owner caused his own hardship when he built his house.

### **ADMINISTRATOR REPORT:**

Mai and commissioners discussed several development projects. Comprehensive Plan continues. Next meeting is scheduled November 3 and will cover chapters 6-11. Staff attended more GTS training while at American Planners Association conference. Stearns has been focusing on enforcement of dumpster enclosures and dynamic signs.

### **UPCOMING MEETING DATES:**

November 9, 2016	6:00 pm	JPB Regular Meeting
November 17, 2016	6:00 pm	JPC Regular Meeting
December 14, 2016	6:00 pm	JPB Regular Meeting
December 22, 2016	6:00 pm	JPC Regular Meeting

### **ADJOURNMENT:**

There being no further business, motion by Lemmer, second by Miller to adjourn the Regular Planning Commission meeting at 8:30 p.m.

Motion carried unanimously.

Respectfully submitted.

Terri Ball  
Planning Assistant

Approved and attested by:

  
\_\_\_\_\_  
Joint Planning Commission Representative