

AGENDA
GREATER BEMIDJI AREA JOINT PLANNING BOARD
317 4th Street NW

Wednesday, February 13, 2019 REGULAR MEETING – 6:00 p.m.

- **Roll Call** **Chair**
- **Pledge of Allegiance**
- **Approval of the Agenda**

A. MINUTES **Chair**
Approval of December 12, 2018 Minutes
Approval of January 9, 2019 Minutes

B. CONSENT AGENDA
Items in the Consent Agenda are approved with one motion without discussion/debate. The Chairman will ask if any Board member wishes to remove an item. If no items are to be removed, the chairman will then ask for a motion to approve the consent Agenda.

- 1. Approve/Pay Bills (see attached list of bills) **Chair**

C. VISITORS **Chair**

D. NEW BUSINESS
1. City of Bemidji – Resolution No. 2019-02 - V-19-80.01417.00 – Hagg-Sauer, BSU **JC**

E. OTHER BUSINESS

F. DIRECTOR’S REPORT **CM**

G. UPCOMING MEETINGS **Chair**

1. February 28, 2019	6:00 pm	JPC Regular Meeting
2. March 13, 2019	6:00 pm	JPB Regular Meeting
3. March 28, 2019	6:00 pm	JPC Regular Meeting
4. April 10, 2019	6:00 pm	JPB Regular Meeting

H. ADJOURN **Chair**

GREATER BEMIDJI AREA JOINT PLANNING BOARD
Meeting Minutes
February 13, 2019

Pursuant to due call and notice, a regular meeting of the Greater Bemidji Area Joint Planning Board, Beltrami County, Minnesota, was held on Wednesday, February 13, 2019, at 6:00 p.m. City Hall. Chair Kelly presiding called the meeting to order and roll call was taken.

Upon roll call, the following members were declared present: Erickson, Meehlhause, Kelly, Rivera (alternate), Chambers (alternate)

Members absent: Albrecht (utilized alternate), Frenzel (utilized alternate)

Staff present: Casey Mai, Jamin Carlson, Terri Ball

Others in attendance: John & Trudy Peterson

Pledge of Allegiance was performed.

AGENDA

Motion by Erickson, second by Meehlhause, to approve the agenda as presented.

Motion carried unanimously.

MINUTES

Motion by Meehlhause, second by Rivera to approve the amended December 12, 2018 minutes.

Motion carried unanimously.

Motion by Meehlhause, second by Erickson to approve the January 9, 2019 minutes.

Motion carried unanimously.

CONSENT AGENDA

- 1) Bills for the total amount of \$7,798.88 were presented for payment.

Motion by Erickson, second by Chambers, to approve consent agenda as amended.

Motion passed unanimously.

VISITORS

Trudy Peterson along with John Peterson presented the Board with their concerns about receiving an invoice for legal fees that City Staff incurred while working on their planning cases for Clear Vue Resort:

- She stated that she has her own legal fees associated with this project, and now she is also responsible for the City's legal fees.
- She stated that she was never notified that her escrow account was running low on funds, and she never saw any bills until her case was finalized.

- She stated that her building permits that she needs to allow for construction are being withheld until the JPB legal fees are paid, but she feels that the permits are being held up for another reason.
- She also stated that City Staff's learning curve is not her financial responsibility.

Board members made the following comments:

- Erickson stated that all professionals have a learning curve to a new job position, and incurring fees due to seeking advice is not an inappropriate expense.
- Staff shared that the JPB attorney stated these billable inquiries were not common issues that a planner would have knowledge of. Also, staff explained that the monthly attorney invoices are two months behind in processing.
- Rivera asked if the applicant signed any documents. Staff produced copies of all project applications which contain the escrow clause.
- Kelly read aloud the escrow clause and commented that it was clear in its understanding and does not state that an applicant will be notified of a low escrow balance. He commented that these are legitimate bills specific to these planning cases, and also that several times during the process the Board directed staff to seek legal advice. Kelly further explained that delays in billing are not uncommon in any business.
- Meehlhause stated an understanding of the concerns while also reminding the Board of staff turnover during that time. He further stated that this situation is an opportunity for staff to learn so as to better help future applicants.
- Kelly commented that treating everyone equally is a big concern.

Motion by Erickson, second by Chambers to stand by the original December JPB meeting statements in which the full amount of legal fees are required to be paid by the applicant.

Roll call vote:

Ayes: Chambers (alternate), Rivera (alternate), Kelly, Meehlhause, Erickson

Nays: None

Absent: Frenzel (utilized alternate), Albrecht (utilized alternate)

Abstain: None

Motion carried unanimously.

NEW BUSINESS

RESOLUTION 2019-02 - V-19-80.01417.00 - Hagg-Sauer, BSU

Bemidji State University (BSU), represented by Jennifer McGinnity, is requesting approval of a height variance of 5.29 feet to construct a 930 square foot HVAC mechanical room on a new two-story building, which will be replacing the present four-story Hagg-Sauer building. The property is located at 1500 Birchmont Drive NE in the City of Bemidji. This property is zoned University District (U), within the shoreland overlay.

BACKGROUND

The request is for a height variance of 5.29 feet to permit an HVAC/mechanical room on top of a new, two-story replacement of Hagg-Sauer Building on the BSU Campus. The current Hagg-Sauer building will be demolished and the proposed building will have a substantially smaller building footprint and will be reducing in size from a four-story building to a two-story building. Also, the current building height of 45.8 feet will be reduced to 33.07 feet. The variance is required in order to accommodate a 3rd level 930 square foot HVAC/mechanical room necessary for the air handling equipment needed to service the building and to meet MN B3 Standards.

PLANNING CONSIDERATIONS

The purpose of this request is to approve a height variance for the proposed HVAC/mechanical room for the new building. The property is located in the U – University/Shoreland Overlay Zoning District. The maximum height for this property is 40 feet. The building plan elevation proposes a HVAC/mechanical room building height of approximately 45.29 feet. Therefore, a 5.29 foot height variance is required for approval of the project. The entire existing building height of Hagg-Sauer is 45.8 feet and exceeds the current maximum height requirements. The new building (excluding the HVAC/mechanical room) proposes a new height of 33.07 feet, an overall reduction in height of 12.83 feet and would meet the current zoning ordinance height requirements for the main building.

Landscaping

The site plans show rain gardens that will serve as storm water treatment areas for surface run off from the proposed building before entering into the storm sewer system and ultimately Lake Bemidji.

With the Hagg Sauer structure being reduced nearly half in size, BSU plans to replace the impervious surface with greenspace made up of native landscaping, infiltration basins and additional trees. Through the redevelopment, this site's greenspace will increase by nearly 18,000 square feet or by twenty-one percent (21%). The applicant is planning to plant 42 new trees in addition to the existing six trees within the proposed construction area. All landscaping requirements are subject to Section 1006 in the GBAJPB Zoning & Subdivision Ordinance.

Signage

No signage plan has been presented to JPB staff. Any new signage will require a sign permit through the GBAJPB. All signage must comply with Section 714 of JPB Zoning and Subdivision Ordinance.

Lighting

The applicant has not indicated any exterior lighting at this time. Any exterior lighting that would be added shall conform to the JPB's requirements in Section 1008 of the GBAJPB Zoning Ordinance.

Lighting shall be directed downward in order to minimize adverse impact on surrounding properties and rights-of-way.

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.

Section 1002 of the JPB zoning ordinance.

For all uses, except one and two family residences, which provide exterior and/or accessory trash, recycling or associated storage, the following standards shall be required:

- a. Such areas shall be completely screened and enclosed on all sides, except the roof, with an enclosure or screening wall a minimum of six (6) feet in height.*
- b. The enclosure shall be provided with a secure door and/or opening device to allow regular servicing and pick up of materials.*
- c. The construction materials for the enclosure shall be of a durable and fully opaque material which cannot be seen through.*

- d. *The enclosure exterior design materials shall be compatible or of the same composition and appearance with that of the principal structure.*
- e. *The enclosure, if designed as an accessory structure with a roof or located within 10 feet of the principal or accessory structure where building code inspections are required, shall be permitted in accordance with the requirements of the building code.*
- f. *In LC, LD, UR, OM and U districts, no materials or equipment may be stored outside except those directly related to the principal use or those being used for construction on the premises.*

Development Team: (Public Works/Engineering, Building, GIS & Fire Department)

The Building Department, GIS, nor the Fire Department had any concerns regarding the site plans for the proposed use.

Public Works/Engineering stated that a plan review for grading & drainage, erosion control, and utility plans are contingent upon engineering approval prior to building permit being issued.

Mississippi Headwaters Board (MHB)

Tim Terrill, executive director of MHB, had the following to say about the variance request:

Our Comprehensive Plan states that structures placed on a general development lake must not exceed 35 feet which is consistent with state standards. Being that this penthouse will not increase the impervious surface on the site, and will not increase the footprint of the building with the increase of 12.22 in additional height; I think it would be an acceptable alternative in my opinion.

There may be some concern from the MHB about the additional height, but that would need to go before the MHB Board for final certification.

Neighboring Property Owner input

At the time of writing the report, one neighborhood email was submitted in opposition of the project.

Comprehensive Plan References

The plan references BSU as a major economic engine for the community and surrounding region. The campus is landlocked by surrounding development and past efforts have been viewed as a threat to the future of their neighborhoods. The overall increase in greenspace and stormwater treatment are viewed as benefits. Therefore, the ability to use the capacity of the University within the existing campus area is viewed as consistent with the goals and objectives of the Comprehensive Plan.

RECOMMENDATION

Staff recommends approval of the applicant's request for a 5.29 foot height variance to construct a 930 square foot HVAC mechanical room on the proposed building roof at the BSU campus located at 1500 Birchmont Dr. NE within the City of Bemidji in the University District (U) and the shoreland overlay, with the following conditions and findings of fact:

Conditions

1. The applicant shall obtain all necessary building permits prior to construction.
2. The applicant shall follow Section 1006 of the GBAJPB Zoning Ordinance for landscaping requirements.

3. All future exterior lighting shall conform to Section 1008 of the GBAJPB Zoning Ordinance. Lighting plans and specs sheets shall be submitted for approval to JPB staff prior to installation.
4. All dumpsters/recycling throughout campus shall be fully enclosed complying with Section 1002 of the GBAJPB Zoning Ordinance.
5. A stormwater mitigation and erosion control plan must be submitted for review and approved prior to construction.
6. A Grading Plan shall be provided with existing and proposed spot elevations, finished floor elevations (FFE's), and contours to signify existing versus proposed stormwater runoff.
7. A tree removal permit shall be obtained prior to any trees being removed from site.

Board members made the following comments:

- Meehlhause commented that this project is a clear improvement and brings the property closer to conformity.

Motion by Meehlhause, second by Erickson, to approve Resolution No. 2019-02 for a 5.29 foot height variance to construct a 930 square foot HVAC mechanical room on the proposed building roof at the BSU campus located at 1500 Birchmont Dr. NE within the City of Bemidji in the University District (U) and the shoreland overlay, with the following conditions:

1. The applicant shall obtain all necessary building permits prior to construction.
2. The applicant shall follow Section 1006 of the GBAJPB Zoning Ordinance for landscaping requirements.
3. All future exterior lighting shall conform to Section 1008 of the GBAJPB Zoning Ordinance. Lighting plans and specs sheets shall be submitted for approval to JPB staff prior to installation.
4. All dumpsters/recycling throughout campus shall be fully enclosed complying with Section 1002 of the GBAJPB Zoning Ordinance.
5. A stormwater mitigation and erosion control plan must be submitted for review and approved prior to construction.
6. A Grading Plan shall be provided with existing and proposed spot elevations, finished floor elevations (FFE's), and contours to signify existing versus proposed stormwater runoff.
7. A tree removal permit shall be obtained prior to any trees being removed from site.

And with findings:

1. Has the applicant demonstrated a practical difficulty?

Yes. The granting of the variance will allow for the project to comply with MN B3 standards. Due to the mechanical equipment height in the HVAC/mechanical room and the required ceiling heights in the rest of the buildings for ventilation purposes, a much larger building footprint would result if the building was kept below 40 feet. This would, in turn, sacrifice green space as well as quality ventilation. Additionally, the variance will not increase the overall building height for the property as the new proposed structure is significantly less than the current building.

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

Yes. Exceptional and unique circumstances apply to the redevelopment of this site in conformity with the established building improvements and site limitations. The applicant and architect have worked effectively to design the project to reduce the overall footprint of the building and to increase

greenspace. These circumstances are unique to this project.

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 granting of a variance to this standard will be in keeping with the spirit, purpose and intent of the Zoning Ordinance based upon the factors outlined in this report. Minimum required shoreland setbacks for the property are maintained and all other requirements of the Zoning Ordinance have been met.

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

Yes. The granting of this variance will not alter the essential character of the surrounding area, given the careful attention to planned site improvements. This site has always been home to the BSU campus and will continue to do so moving forward.

Motion carried unanimously.

OTHER BUSINESS

Kelly requested that the staff provide a written recommendation from the Joint Planning Commission. Mai suggested that the recommendation be in a memo format located after the planning case report.

DIRECTOR'S REPORT

Mai identified the upcoming planning cases as well as the progress of current development projects. Mai announced that the Comprehensive Plan will be presented for final approval at the next JPC meeting. Mai also stated that the first Joint Powers Agreement renewal meeting will be held Tuesday February 19th at 4:30 pm.

Carlson presented an opportunity for an elected official to participate on the Mississippi River Headwaters One Watershed, One Plan as on the advisory and policy committees. The Board's general consensus was to have Albrecht serve in that capacity.

UPCOMING MEETING DATES

February 28, 2019	-- JPC Regular Meeting @ 6:00 p.m.
March 13, 2019	-- JPB Regular Meeting @ 6:00 p.m.
March 28, 2019	-- JPC Regular Meeting @ 6:00 p.m.
April 10, 2019	-- JPB Regular Meeting @ 6:00 p.m.

ADJOURNMENT

There being no further business, motion by Meehlhause, second by Rivera, to adjourn the Joint Planning Board meeting at 6:52 p.m.

Motion carried unanimously.

Respectfully submitted,

Terri Ball
Planning Administrative Assistant

JPB Minutes Approved and attested by:



Joint Planning Board Representative