

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

**Thursday, April 26, 2018
6:00 P.M.**

**Council Chambers, City Hall
317 4th ST NW
Bemidji, MN 56601**

AGENDA

- **Call to Order/Roll Call** **Chair**
- **Pledge of Allegiance**
- **Approve Agenda**
- **Approve Minutes**
 - **Thursday, March 29, 2018 Regular Meeting**

NEW BUSINESS

- 1. Visitors** **Chair**

Public Hearings

- 1. Northern Township - V-18-31.01389.00 - CUP-18-31.01389.00 - Daniel L. Swingen** **CB**
- 2. City of Bemidji - CUP-18-80.02997.01 – EJ Holloway LLC, Goldpine Home** **CM**
- 3. City of Bemidji - PUD-18-80.00182.01- Kuepers Inc./Beltrami County HRA** **CM**

OTHER BUSINESS

- 1. Director Report**
- 2. Upcoming Meetings** **Chair**
 - **May 9, 2018** **6:00 pm** **JPB Regular Meeting**
 - **May 24, 2018** **6:00 pm** **JPC Regular Meeting**
 - **June 13, 2018** **6:00 pm** **JPB Regular Meeting**
 - **June 28, 2018** **6:00 pm** **JPC Regular Meeting**
- 3. Adjourn** **Chair**

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

April 26, 2018
6:00 p.m.

City Hall
Council Chambers

CALL TO ORDER: Chair Nicki Lemmer 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: Faver, Steffen, David, Heinonen, Lahn, Lemmer, Smith

MEMBERS ABSENT: Berg, Miller

STAFF PRESENT: Casey Mai, Cory Boushee, Terri Ball

OTHERS: Marlyce Trepanier, Ann Austad, Liz Nichols, Bill Nichols, Brooke Langdon, Jim Garvey, Sandra Garvey, Tim Larson, Dustin Holloway, Chris Raimann, Patrick Bradley, Don Swingen, Jody Westgaard, Becky Lindell, Dale Lindell, Gale & Lois Falk

APPROVAL OF AGENDA:

Correction of parcel number, case number two of Public Hearings.
Motion by Heinonen second by Smith, to approve the amended agenda.

Motion carried unanimously.

APPROVAL OF MINUTES:

Motion by Heinonen, second by Steffen, to approve minutes from the March 29, 2018 Greater Bemidji Area Regular Joint Planning Commission.

Motion carried unanimously.

NEW BUSINESS:

VISITORS:

None addressed the commission.

Planning Commission Meeting, April 26, 2018

Public Hearing:

Boushee presented the first case:

PLANNING CASE – V-18-31.01389.00 - CUP-18-31.01389.00 - Daniel L. Swingen

Applicant is requesting approval of a variance in order to expand on a substandard parcel located at 3927 Waville Rd NE within Northern Township. This property is located in the R-3 Suburban Residential Zoning District within the Shoreland Overlay. The applicant is also requesting a conditional use permit (CUP) to construct an accessory dwelling unit (ADU) within the garage on the east side of Waville Rd NE.

BACKGROUND

The applicant's representative approached staff about the possibility of removing an existing 392 square foot ADU from the lake side of their property and replacing it. In a lakeshore setting an ADU may be more commonly referred to as a guest cabin. The proposed replacement would be a 380 square foot addition to the existing garage on the non-riparian side of the lot. The main reason for removing and replacing this ADU is to allow for a 186 square foot expansion to the rear of the cabin, no expansion on lake side or closer to the lake is proposed. If this lot was 100 feet in width, Section 903 nonconforming standards would allow this expansion without a variance; however, a conditional use permit would still be required for the replacement of the ADU. The proposed cabin expansion is to allow for additional space in the bathroom and kitchen, it is not for additional plumbing features or sleeping area. The proposed replacement of the ADU is similar in size and sleeping area, also containing a bathroom.

The proposal meets all setback requirements, the existing cabin is still entirely within the 100 foot OWHL setback. Expansion can be allowed away from the lake within rights of nonconforming standards.

PLANNING CONSIDERATIONS

Septic Systems

This property is part of the Waville Environmental Subordinate Service District Wastewater Collection System. A system serving twenty (20) properties in this area managed by Northern Township and the subordinate district.

With the proposal removing and replacing an existing structure of similar size that already include a bathroom, no change of estimated septic flow is anticipated that would negatively impact the existing septic drainfield. JPB staff understand the concern with over utilization of the septic system, any proposal in this area requesting to increase flows over what is existing would require more thorough review of the existing systems design capacity. It is likely that new connections to this system could not be approved

without improvements to the design capacity of the system. Any connection to the system or work within the road right-of-way needs to be approved by Northern Township.

In the case of this being a seasonal cabin and a guest cabin, Section 801 of the JPB ordinance would allow for a holding tank. Holding tanks require special alarms along with maintenance contracts, they are not the preferred method for sewage treatment.

Wetlands

Low areas and wetlands do exist on this property. Before a land use permit can be issued for this project JPB staff and Beltrami County staff will need to inspect the site under conditions appropriate for wetland review. If there are potential for wetland impacts, a certified wetland delineator may be required to delineate the wetland boundaries. At this time, through on-site inspection JPB staff believe that no fill will be placed into a wetland for this project.

Agency Comment

Mississippi Headwaters Board review requested the JPB ensure at a minimum type one septic system be installed, and the property maintain less than twenty-five (25) percent impervious surface coverage. This proposal does meet MHB standards for nonconforming lot improvements.

Comprehensive Plan References

If all conditions placed on this request are met by the applicant, the request is in keeping with the spirit purpose and intent of the Greater Bemidji Area Land Use Plan.

RECOMMENDATIONS

Conditional Use Permit

Staff recommends approval of a Conditional Use Permit to construct an Accessory Dwelling Unit at 3927 Waville Rd NE in the R-3 Suburban Residential zoning district and shoreland overlay of Northern Township with the following conditions and findings of fact:

1. ADU approved as shown on provided site plan.
2. A wetland investigation is required before a land use permit can be issued.
3. A land use permit shall be obtained before construction begins.
4. All work within the road right-of-way of Waville Road NE shall be approved by Northern Township.
5. A 911 address will be assigned to the ADU from Beltrami County.

Variance

Staff recommends approval of a variance to expand an existing single family home and a detached accessory structure on a substandard parcel of record located at 3927 Waville Rd NE in the R-3 Suburban Residential zoning district and shoreland overlay of Northern Township.

Public Hearing opened at 6:17 p.m.

Dan Swingen stated that the driveway is to remain natural (grass), until a crushed rock surface is needed.

Public Hearing closed at 6:19 p.m.

Staff and Commissioners stated concerns or comments.

- Lemmer questioned the location of the lift station at the corner of the house. Staff explained that the distance to the house is not regulated, as is a SSTS.
- Heinonen asked about the septic options, the driveway material, and use of the ADU. Staff clarified that the only choice for the septic is to install a pressurized system which connects to the Waville subordinate system, and offered it as an added condition. Staff further explained that the applicant did not specify a driveway on the site plan, but if one is created, it must consist of approved material. Also, staff stated that the ordinance does not allow renting of an ADU, but it could also be made into an added condition.

Motion by Steffen, second by Lahn to approve a variance in order to expand on a substandard parcel located at 3927 Waville Rd NE within Northern Township and also a conditional use permit (CUP) to construct an accessory dwelling unit (ADU) within the garage on the east side of Waville Rd NE, with the following conditions:

1. ADU approved as shown on provided site plan.
2. A wetland investigation is required before a land use permit can be issued.
3. A land use permit shall be obtained before construction begins.
4. All work within the road right-of-way of Waville Road NE shall be approved by Northern Township.
5. A 911 address will be assigned to the ADU from Beltrami County.
6. ADU septic will be hooked to the Waville subordinate system.
7. ADU shall not be used for rental purposes, as per GBAJPB Zoning and Subdivision Ordinance.

And with all findings:

FINDINGS – CUP

1. **Whether the proposed use adversely affects the public safety, health, morals, convenience and general welfare of the occupants of the surrounding land.**
No. An ADU currently exists on this property, the proposal is to replace with similar size structure meeting all setback requirements.
2. **Whether the proposed use adversely affects traffic conditions and parking on adjacent streets and land.**
No. The proposal removes a structure that currently is built on the ROW line, replacing a similar size structure will not increase traffic.
3. **Whether the proposed use adversely affects property in the surrounding area.**
No. There are no adverse effects to property in the surrounding area anticipated

as a result of this proposal. The subject parcel is appropriately zoned for the proposed use with approval of a CUP.

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. Per the GBAJPB Zoning Ordinance, ADU's are allowed with approval of a CUP.

5. Whether adequate utility, drainage and other such necessary facilities have been or can be provided.

Yes. The location is serviced by private well and a subordinate sewer system.

FINDINGS – VARIANCE

1. Has the applicant demonstrated a practical difficulty?

Yes. County tax records indicate the property was developed in 1946, requesting an addition to improve the livability of the cabin is a reasonable request.

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

Yes. The property was platted before the official controls and oversight of today for land subdivision standards.

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. With approval of a conditional use permit for the ADU and expansion away from the lake with respect to the request meeting setbacks and impervious surface requirements.

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

Yes. Other properties along Waville Road and lake shore within the Greater Bemidji Area have accessory residential structures, the adjacent properties have much larger structures than what is being requested.

Motion carried unanimously.

Mai presented the second case:

PLANNING CASE – CUP-18-80.02997.01 – EJ Holloway LLC, GoldPine Home

Applicant is requesting a Conditional Use Permit (CUP) to expand and operate an Assisted Living Facility up to ninety (90) units in the (R-6) Multi-Family Zoning District, located at 1700 30th Street NW within the City of Bemidji.

BACKGROUND

The applicant is proposing to expand the existing GoldPine Home facility with additional apartments to service the elderly as well as a commercial day care facility for community wide and employee children. In 1996, this location was approved a Special Planning Commission Meeting, April 26, 2018

Use Permit (SUP) from the City of Bemidji to build an eighty (80) unit assisted living facility. By 1999, two (2) facilities made up of sixty-three (63) units were constructed, the first building to the north compiled of thirty-two (32) units while the south structure consist of thirty-one (31) units. In 2015, the site was approved for an interim use permit (IUP) in order to construct a commercial day care facility for a capacity up to seventy (70) children that would be licensed through the Minnesota Department of Human Services.

The Greater Bemidji Area Zoning Ordinance Section 302 does not include Assisted Living Facilities. However, at a prior Joint Planning Commission meeting, an assisted living facility was thought to be similar in nature to a nursing home, which is only allowed in a Multi-Family Residential District (R-6) through a CUP or by permit in the Urban Renaissance (UR) and Office-Medical (OM).

According to a study by the U.S. Bureau of the Census, it is anticipated that before 2029 when all of the "Baby-Boomers" are 65 years and older more than 20 percent of the population will be 65 years or older. It is anticipated that this shift in age will continue and that eventually, age cohort of 65 years and older will have a larger population than under 18 years in age. As we continue to promote a healthy and safe community for all residents of the Greater Bemidji Area, it is imperative that we ensure our elderly can receive the care and assistance they need.

The applicant is proposing a two-story addition that will accommodate twenty-seven (27) more units for assisted living as well as a two-story day care. The two-story day care will not be increasing its density of the approved seventy (70) children; however, it will be increasing the space to house an indoor play area for the children during inclement weather.

PLANNING CONSIDERATIONS

Parking and Traffic

Section 1009 of the JPB Ordinance requires that parking be based on 75% of the total units. This development would require 68 parking spaces for the proposed ninety (90) senior housing units. As for the proposed daycare, the JPB Ordinance requires one parking space per each faculty member of full-employee status. At this time, a total of ten (10) employees will be hired on at full-time status, requiring ten (10) parking spaces. Per site plans that were submitted the development is proposing a total of eighty-seven (87) parking spaces throughout the property.

Access to the subject property is proposed from 30th Street NW using the existing approaches. No curb cut or other driveway access shall be located less than forty (40) feet from the intersection of two (2) or more street right-of-ways; however, due to both Hannah Avenue NW and 30th Street NW both having average daily traffic volumes greater than 4,000, the minimum distance separating a curb cut and an intersections is one-hundred-and-twenty-five (125) feet or greater.

Landscaping

Per the JPB Zoning and Subdivision Ordinance, the site requires one (1) tree per thirty (30) feet of street frontage along with one (1) tree for every 1,200 square foot of minimum required pervious site surface. A total of thirty-six (36) trees are required throughout the property, including five (5) trees along Hannah Ave NW and twenty-one (21) trees along 30th Street NW. For the proposed expansion, a total of twenty-five (25) high quality significant trees out of forty-seven (47) will be removed on site for construction. The applicant is proposing a total of forty-eight (48) trees by adding twenty-six (26) new trees to the existing twenty-two (22) left remaining on site.

Lighting

All lighting proposed and existing for this development must meet Section 1008 of the JPB Ordinance. A lighting plan showing fixtures and placement will need to be submitted for approval.

Signage

A permitted sign already exists, any additional signage may require a sign permit. All signage must comply with Section 710 of JPB Zoning and Subdivision Ordinance.

Trash Handling

New dumpster locations have been identified on the site plans. These dumpsters shall be fully enclosed complying with Section 1002 of the JPB Zoning and Subdivision Ordinance.

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

The Building Department, nor the Fire Department had any concerns regarding the site plans for the proposed expansion. A building permit will need to be issued prior to construction.

The following is a list of deliverables the Engineering Department will require prior to approval:

Grading & Drainage Plan – To include stormwater calculations meeting requirements stated in City of Bernidji Surface Water Management Plan and Stormwater Design Guide. Owner shall not exceed existing conditions for

stormwater heading toward public right of way. Project shall also meet ADA regulations.

Erosion Control & SWPPP – A plan for sediment and erosion control will need to be submitted and approved.

Additional Conditions:

Utility Plan, Profile, & Details – The current sewer line runs west of the current buildings and services both Affinity Bank and the Social Security property. A utility design will need to be submitted and approved to relocate this line prior to the easement being possibly vacated.

Access to Public ROW – The proposed access to Hannah Avenue will not be allowed. Both 30th Street NW and Hannah Avenue NW have average daily traffic (ADT) counts exceeding 4000 and are categorized as major collectors. With this high volume of traffic, guidance states that the driveway distance to the nearest intersection should be a minimum 125' and could be greater due to these site specific conditions.

Neighboring Property Owner Input

At the time of writing the report, no neighborhood input was obtained.

Comprehensive Plan References

The proposal for expansion of an existing assisted living facility in a multi-family district is in keeping with the goals and policies of the Greater Bemidji Area Land Use Plan.

RECOMMENDATIONS

Staff recommends approval of a Conditional Use Permit to allow the expansion of an existing assisted living facility and located at 1700 30th Street NW (Parcel: 80.02997.01) in the (R-6) Multi-Family Zoning District of the City of Bemidji with the following conditions:

1. This property shall remain an assisted living facility and a day care and not expand the services to be that of a nursing home with more extensive care options that should be performed at a medical facility.
2. Final engineering, grading, and utility plans will need to be approved for review by JPB staff, City of Bemidji Public Works staff, and Bemidji Fire Department before any construction can commence.
3. Final building plans will need to be approved by the City of Bemidji Building Department and Bemidji Fire Department.
4. A tree removal permit will need to be approved prior to removing trees on site.
5. All lighting on-site will need to comply with Section 1008 of the JPB Ordinance; a

- lighting plan shall be submitted with final building plans for JPB review.
6. Any additional signage needs to meet Section 710 of the JPB Ordinances and a permit must be granted if necessary before any additional signage is placed on site.
 7. All dumpsters shall be fully enclosed complying with Section 1002 of the JPB Ordinance.
 8. Designated play area outside must be fully enclosed with fencing as per the requirements of the Minnesota Department of Human Resources.
 9. A commercial daycare license issued by the Minnesota Department of Human Services shall be submitted to the JPB office.

Public Hearing opened at 6:39 p.m.

Dustin Holloway stated he has been the property owner since 2013, and since then has only seen the parking lot filled one evening per year, for the annual Christmas Eve banquet. Holloway agrees with Smith's assessment that daycare users will access facility opposite of their parking location, but the goal was to increase space for directing water run-off, thus reducing parking spaces in the larger lot. Holloway also agreed with Heinonen's suggestion to add parking lot striping for pedestrian crossing safety.

Public Hearing closed at 6:47 p.m.

Staff and Commissioners stated concerns or comments.

- Faver sought clarification of ordinance wording for full employee status. Staff will propose amended definition and present with other ordinance updates.
- Smith asked if a daycare is already in operation, so staff explained GoldPine has not acted on this since the IUP was granted in 2015. Smith questioned the number of parking spaces to be reduced. Holloway stated that the engineer suggested ten (10.)
- Steffen questioned if Holloway's IUP is still in good standing even if construction has not yet occurred. Staff explained that the original IUP remains in place until either the zoning or ownership changes.
- Smith commented that the project is favorable and has comprehensive conditions. Recommends adding a condition that specifies the number of parking spaces to be reduced.

Motion by Smith, second by Heinonen to approve a Conditional Use Permit (CUP) to expand and operate an Assisted Living Facility up to ninety (90) units in the (R-6) Multi-Family Zoning District, located at 1700 30th Street NW within the City of Bemidji, with the following conditions:

1. This property shall remain an assisted living facility and a day care and not expand the services to be that of a nursing home with more extensive care options that should be performed at a medical facility.
2. Final engineering, grading, and utility plans will need to be approved for review by

JPB staff, City of Bemidji Public Works staff, and Bemidji Fire Department before any construction can commence.

3. Final building plans will need to be approved by the City of Bemidji Building Department and Bemidji Fire Department.
4. A tree removal permit will need to be approved prior to removing trees on site.
5. All lighting on-site will need to comply with Section 1008 of the JPB Ordinance; a lighting plan shall be submitted with final building plans for JPB review.
6. Any additional signage needs to meet Section 710 of the JPB Ordinances and a permit must be granted if necessary before any additional signage is placed on site.
7. All dumpsters shall be fully enclosed complying with Section 1002 of the JPB Ordinance.
8. Designated play area outside must be fully enclosed with fencing as per the requirements of the Minnesota Department of Human Resources.
9. A commercial daycare license issued by the Minnesota Department of Human Services shall be submitted to the JPB office.
10. Applicant and staff will collaborate to establish a reduction of ten (10) parking spaces in order to increase greenspace and infiltration on the site.

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 expansion is not anticipated to adversely affect, nor create an unreasonable level of disruption or interference upon the surrounding area. An assisted living and day care is compatible with both housing and commercial.
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. Increased traffic is anticipated to be during the day for visitation and socializing purposes, as well as in the mornings and evenings while parents pick up their children from day care, but all parking will be provided on-site (off-street parking).
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. The subject lot has been used as an assisted living for twenty (20) years and no adverse effects to this present day.
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.

Motion carried unanimously.

Mai presented the third case:

PLANNING CASE – Concept & Preliminary PUD-18-80.00182.01- Kuepers Inc. / Beltrami County HRA

Applicants are requesting CONCEPT / PRELIMINARY approval of a Planned Unit Development (PUD) located in an (R-6) Multi-Family Zoning District for the purpose of multi-family development composed of apartment buildings, townhouses and a shared clubhouse featuring an outdoor pool. This new multi-family housing development is proposed on parcel 80.00182.01 within the City of Bemidji bound by Conifer Avenue NW, 15th Street NW and Middle School Avenue NW.

BACKGROUND

Kuepers Inc. currently has a purchase agreement in place with Beltrami County HRA for the subject property and is anticipated to take possession in early June. The subject parcel is roughly thirty-two (32) acres of vacated land and is located just west of the Bemidji Middle School. This site was originally planned for the Gene Dillion Elementary School, before it located out west on Division Street NW. Through the PUD process, Kuepers has submitted a preliminary plat, separating the property into seven (7) buildable lots, a road right-of-way and a large outlot utilized for stormwater retention and a wetland area.

Kuepers Inc. intends to build four (4) apartment buildings consisting of thirty-five (35) units each along with accessory garage structures for each of the apartment complexes; four (4) townhouse buildings consisting of eight (8) units each; and a clubhouse with shared site amenities, such as an outdoor pool. In total, a hundred-and-seventy-two (172) units are proposed to be constructed throughout the site. All apartment buildings will either be one (1) or two (2) bedroom units; with each thirty-five (35) unit building having twelve (12) one-bedroom units and twenty-three (23) two-bedroom units. All townhomes will either be two (2) or three (3) bedroom units; with each eight (8) unit townhome having three (3) three-bedroom units and five (5) two-bedroom units. At the time of completing a traffic impact study of the area, Kuepers Inc. initial plan was to build a two-hundred-and-forty-five (245) unit development; however, since that time, they decided to reduce the development down to a hundred-and-seventy-two (172) units. All street improvements for this project are based on the two-hundred-and-forty-five (245) unit density traffic loads.

A development agreement will be entered into between Kuepers Inc, City of Bemidji and the Greater Bemidji Area Joint Planning Board for the construction of the project, as well as a public road and a paved public walking trail. The City of Bemidji will plan on accepting the road into its public road system upon satisfactory of completion and approval from City Council. The road will be named Maple Vista Drive NW.

PLANNING CONSIDERATIONS

A Residential PUD is allowed in the Multi-Family (R-6) zoning district and is approved through the PUD process outlined in the GBAJPB ordinance; and no PUD can be approved without issuance of a Conditional Use Permit (CUP) by the Joint Planning Board.

The PUD review process 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. At this time, the applicant has opted to provide a higher level of detail with the intentions of the preliminary review and final approval phases being combined.

Summary of Three Phase Process

1. Concept Review
 - 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

The subject property is zoned as Multi-Family (R-6), which is defined as to: Provide areas for multiple family residential development and compatible uses in both and urban and suburban setting. Multiple Family dwelling is a structure designed or used for

residential occupancy by more than one family, with or without separate kitchen or dining facilities, including apartment houses, rooming houses, boarding houses, townhomes, row houses, and similar housing types. Multiple family dwellings do not include hotels, motels, nursing homes or hospitals. As for density, this project will not exceed the maximum density. In the R-6 zoning district with city services provided, a property is required to have a minimum lot area of 18,000 square feet per lot or at least 2,000 square feet per dwelling unit, whichever is greater. A property this size would be allowed to have a maximum of six-hundred-and-forty (640) units.

The properties to the west of the subject property are all zoned (R-6) Multi-Family, which consist of BI-CAP Inc and Beltrami County Housing. The property to the direct north is zoned (R-1) Rural, which is owned by Beltrami County comprising of athletic fields. The properties to the east are also zoned (R-1) Rural, which houses the Bemidji Middle School and the Bemidji Area School Transportation Services Building. The properties south of 15th Street NW are all located in Bemidji Township and are rural residential properties. The property adjacent southwest of the subject parcel is also zoned (R-6) Multi-Family and owned by Beltrami County HRA as a rental home.

Amenities

A PUD is given greater flexibility from the ordinance for providing a selection of amenities. These amenities are listed in the JPB Ordinance as Section 1105, Part D. Flexibility can be granted when the applicant provides a selection of amenities from the list but not limited to. All items below are part of the amenities list except the pet areas and the clubhouse featuring the outdoor pool.

The current amenities being provided in order to gain increased flexibility are:

1. **Public ROW Dedication and Construction with Paved Walkways**
 - a. A development agreement will be entered into for public road.
2. **Outdoor Children's Play Area**
 - a. A minimum of fifty (50) square feet for each unit containing three (3) or more bedrooms but not less than five hundred (500) square feet of play area to a maximum required area of five-thousand (5,000) square feet.
3. **Clubhouse featuring Outdoor Pool**
 - a. Shall be approved through a conditional use permit (CUP) through the PUD process.
4. **Large Park/Picnic Area (Open Space)**
 - a. Fifty percent (50%) of the open space shall be landscaped outdoor space not occupied by buildings, fifty percent (50%) of the provided area shall be contiguous.
5. **Pet Areas**

Flexibility

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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.

Flexibility being requested at this time includes reduction of setbacks on Lots 2 and 3 of Block 1, as well as a reduction in parking spaces throughout the development to incorporate larger stalls for the larger vehicles in northern Minnesota. The applicant has also requested to build a ten (10) foot wide paved public walking trail adjacent to the new proposed Maple Vista Drive NW road that links Conifer Avenue NW to Middle School Avenue. The trail is proposed to be located on the north side of the street only within the right-of-way, dedicated to the City of Bemidji.

Lot Size and Setbacks

A PUD, as stated in the Ordinance and the above section of this report, is a type of development that allows for greater flexibility, thereby creating a project that fits within a specific location. The Setbacks will be one of the requirements that the applicants will be looking for flexibility. Flexibility being requested at this time includes reduction of setbacks on Lots 2 and 3 of Block 1. The reduction of setbacks for Lots 2 and 3 are both front yard setbacks for the proposed garages, which are accessory structures. Both lots are needing a setback reduction for the purpose of aligning the Maple Vista Drive access with the Beltrami County Housing across Conifer Avenue NW. Lot 2 is requesting a flexibility reduction of eighteen (18) feet as the proposed structure will be twelve (12) feet from the right-of-way. Lot 3 is requesting a flexibility reduction of eleven (11) feet as the proposed accessory structure will be nineteen (19) feet from the right-of-way.

Parking

Per Section 1009 of the JPB ordinance, one (1) parking space per bedroom, plus one (1) additional space per dwelling unit is required, garage stalls do count toward this calculation. Based on the proposed three-hundred-and-eight (308) bedrooms from the one-hundred-and-seventy-two (172) units, this development would be required to have

four-hundred-and-eighty (480) parking stalls. A legal parking space shall be at least eight-and-a-half feet by nineteen feet (8.5' x 19'). The applicant is requesting larger parking spaces that are ten feet by 20 feet (10' x 20') to account for the larger vehicles that people drive in northern Minnesota. Per the request of larger stalls, the applicant is asking for flexibility in parking reduction.

JPB staff is proposing a zoning ordinance amendment for a reduction to minimum parking requirements for multiple family dwellings, which would change to one (1) parking space per bedroom, plus 0.25 additional space per dwelling unit for guest parking. This proposed recommendation will go before the JPC in May and the JPB in June for approval. If this proposed change was adopted, this development would require a total of three-hundred-and-fifty-one (351) parking space instead of the current four-hundred-and-eighty (480) parking spaces. Per the site plans, the applicant is proposing a total of four-hundred-and-four (404) spaces throughout the development.

Landscaping/ Tree Preservation

Per Section 1007 of the JPB Ordinance, Removal of up to sixty percent (60%) of the high quality significant trees over and above the base minimum landscape standard may be permitted. Any removal of high quality significant trees beyond this standard may only be approved by CUP. Per site plan submittal, a tree inventory of the property was completed on January 30th of 2018, as eight (8) unit areas were studied and documented. There was a total of five-hundred-and-forty-two (542) high quality significant trees that were identified throughout the property that were not damaged or diseased. There was also one-thousand-six-hundred-and-twelve (1,612) significant trees acknowledged throughout the site.

A CUP will be required for removal of more than sixty percent (60%) of the high quality significant trees on site, as well as a tree removal permit will need to be obtained prior to any trees being removed. Once a tree preservation plan has 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.

In the multi-family district, at least one (1) tree shall either be preserved or planted for every thirty (30) lineal feet of street frontage between the front property line and the minimum front yard setback line. This development site shall also provide one (1) tree per one-thousand-and-two-hundred (1,200) square foot of minimum required pervious site surface (30%). Per the base minimum tree standards for this property where development will occur, a total of two-hundred-and-forty (240) trees are required to be planted or preserved. The applicant is proposing to provide two-hundred-and-eighty-four

(284) trees throughout the developed area. In outlot A, where the wetlands are located, a total of a hundred-and-sixteen (116) trees are required to be planted or preserved.

Wetlands

Located in the southeast corner of this property is a significant wetland. The applicant intends to preserve the existing wetlands as they currently are located and no disturbance is anticipated. A final wetland delineation prior to grading of the site shall be required. A preliminary wetland delineation was completed on March 31st of 2015 by Karvakko Engineering.

All stormwater design for the proposed project will meet the 100-year stormwater design requirements for the City of Bemidji, as well as all Minnesota Pollution Control Agency (MPCA) requirements. On-site stormwater infiltration and retention basins are proposed throughout the development and will capture all water run-off before overflowing into the wetland.

Lighting

All lighting shall be in conformity with Section 1008 of the JPB Zoning and Subdivision 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

The applicant has indicated that a retaining landscaped rock wall with a sign will be installed entering the property off of Middle School Avenue. Signage is something that flexibility towards 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

The applicant has identified a twelve foot by sixteen foot (12'x16') concrete pad area for trash enclosures between the proposed garages on each of the parcels that include an apartment building. Each townhome building unit will have its own roll-out dumpster that will be managed by each individual tenant. All dumpster throughout the development proposed to handle trash shall be in a four sided enclosure per Section 1002 of the JPB Zoning and Subdivision Ordinance.

Transportation Plan – Traffic Impact Study

A traffic impact study was completed this past year in November of 2017 by Spack Consulting. The purpose of the study was to determine the traffic impacts associated

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with the build out of the development, which at the time was for a total of two-hundred-and-forty-five (245) units. The traffic impacts were studied on the roads and intersections where significant impact is anticipated and improvements are recommended where mitigation is most likely needed. The roadway corridors studied for this proposed site include: 15th Street NW, 23rd Street NW, Middle School Avenue NW, and Conifer Avenue NW. The following intersections closest to the proposed development and where the greatest impact is expected were also included:

- 15th Street NW & Middle School Avenue NW
- 23rd Street NW & Middle School Avenue NW
- 23rd Street NW & Conifer Avenue NW
- 15th Street NW & Conifer Avenue NW
- Middle School Avenue NW & Middle School Access/Maple Vista Drive NW (proposed road)
- Conifer Avenue NW & Maple Vista Drive (proposed road)

The traffic impacts of the proposed development were thoroughly studied and the following recommendations were made by Spack Consulting:

- No geometric or striping changes are required because of the development.
- Bicycle parking be provided at each apartment building.
- The City work with the school to provide a sidewalk connection, and potentially a striped crossing of Middle School Avenue, to allow for safe crossings between the proposed apartment development and the Bemidji Middle School.

The proposed road Maple Vista Drive NW will be required to meet the City of Bemidji road design standards. All residential urban streets with curb and gutter constructed in the (R-6) Multi-Family zoning districts are required to have a right-of-way width of sixty (60) feet and a pavement width of thirty-two (32) feet. Additional width may be required at the discretion of the local road authority to provide for parking, turn lanes or high traffic projections. Based on traffic forecasting and traffic trip patterns, the developer has proposed a left turn lane on Maple Vista Drive NW turning onto Middle School Avenue NW, as well as a right turn lane heading southbound on Middle School Avenue NW turning into Maple Vista Drive NW. By installing these two (2) turn lanes, the flow of traffic during peak hour volumes should mitigate traffic impacts for/from this development.

The JPB Ordinance requires sidewalks to be on both sides of the street with residential projects. The proposed development is planning to construct a ten (10) foot wide paved public walking trail/sidewalk adjacent to the new proposed Maple Vista Drive NW road that links Conifer Avenue NW to Middle School Avenue. The trail is proposed to be located on the north side of the street within the right-of-way, dedicated to the City of Bemidji. The applicant has requested to build one ten (10') foot public paved shared-use

path instead of building two sidewalks on both sides of the road. JPB staff doesn't have any concerns with this request as the PUD gives flexibility. Staff would recommend that adequate signage and safe crossings be incorporated throughout the site for proper connections between the dwelling units and the amenities.

Parks / Open Space

The subject parcel will be required to parkland dedication for the addition of any new tax parcels through the platting process of the PUD per the provisions of Section 1115 of the GBAJPB Zoning and Subdivision Ordinance. For multiple family residential, the rate of one (1) acre per twenty-five (25) residential units shall be dedicated based upon actual number of dwelling units in the development. The parkland dedication shall be calculated at the time of entering into a development agreement and shall be paid with each phase of development.

Throughout the development several public amenities are being provided for the tenants, such as a clubhouse with an outdoor pool, large park/picnic areas, children's play areas, pet areas and paved walkways. Open space was discussed as an amenity that is being provided as well as some park style amenities. Park areas relating to the pet areas are spaces that provide amenities, which are maintained. Open space is defined by staff as area that is not maintained and left to grow naturally, thus protecting our "northwoods" character.

Phasing of the Project

This PUD is proposing two (2) phases. Phase one would be the east half of the project and Phase two being the west half. The applicants have indicated that phase one would include the utilities and the road improvements for the entire development to allow for a thru road. Phase one is anticipated to start this summer/fall with the grading of the entire site.

Engineering Considerations

Per the City Assistant Engineer, Kuepers has presented a lot of information as part of the preliminary/concept PUD submittal and looks to be a very thought out proposal. Most of this information will be reviewed by our department on a schedule running concurrently with this PUD review, but for now comments are mainly high level being that this is only intended to be a concept/preliminary review.

The following is a list of deliverables the Engineering Department will require prior to final approval:

- Grading & Drainage Plan – To include stormwater calculations meeting requirements stated in City of Bemidji Surface Water Management Plan and

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Stormwater Design Guide. Owner shall not exceed existing conditions for stormwater heading toward public right of way. Project shall also meet ADA regulations.

- Erosion Control & SWPPP – A plan for sediment and erosion control will need to be submitted and approved.
- Utility Plan, Profile, & Details – A utility plan shall be approved as some of the infrastructure will become City owned at project acceptance. Proposed public infrastructure will require full-time inspection during installation.
- Roadway typical sections – The roadway design and typical sections should adhere to City of Bemidji minimum standards. Full-time inspection shall be required during construction for Maple Vista Drive as this is proposed to become a City Street.
- Traffic Control Plan – Any roadway revisions at the connections of Middle School Drive and Conifer Avenue, along with the proposed right turn lane on Middle School Drive into the development shall require a traffic control plan approved by the City of Bemidji.
- Right of Way Acquisition or Easement – An easement should be provided on the west side of Middle School Drive between the proposed Maple Vista Drive and north end of the proposed right turn lane to allow for a bituminous trail to be constructed heading north in the future.

GIS/911 Addressing

If the PUD is approved, each platted lot within the development would receive its own fire number (911 address), and would require signage displaying the location of all units within each complex. Signs displaying the respective unit number for each apartment or townhome complex will also need to be installed by the owner throughout the development. All addressing for the development will need to comply with the City of Bemidji GIS Department requirements.

Beltrami County Recorder

The Beltrami County Recorder's Office has no concerns regarding this proposed development.

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 comments or concerns were addressed to staff.

Comprehensive Plan References

This development is in conformity with the goals and policies for an urban 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 with offered amenities.

RECOMMENDATIONS

JPB staff recommends approval for Concept/Preliminary Planned Unit Development for Parcel 80.00182.01 in the (R-6) Multi-Family zoning district.

Public Hearing opened at 7:29 p.m.

Chris Raimann, Kuepers Architect, stated his willingness to adapt the sidewalk into two (2) – four (4) foot wide sidewalks as suggested by the commissioners. The single ten (10) foot wide sidewalk was recommended early on in the process by City Engineer, Craig Gray. Raimann is willing to work with Beltrami County for easements on neighboring parcels for the creation of walking trails that would connect to nearby sporting fields. Smith questioned “attractive nuisance” caused by the facility swimming pool. Raimann assured that all Minnesota Department of Health safety standards will be followed. David asked if units are for affordable housing, to which Raimann explained they are financed privately and are strictly rentals. Smith questioned turnaround space for garbage removal. Raimann is confident about the design as it is being used in five (5) other sites. The truck will drive into the middle isle, then backs out. Jody Westgaard asked if any neighboring property is being taken for this project; if city water and sewer will be utilized; if services will be provided for the one rental home on the adjoining parcel; and if the pool will be fenced and available for public use. Raimann explained that no other property is being purchased, and city services will be provided through a private line which will run from Maple Vista Drive. The pool will be fenced, but will only be available for use by tenants. Marlyce Trepanier stated concerns about increased traffic in an already busy area, and environmental changes that may affect wildlife.

Public Hearing closed at 7:42 p.m.

Staff and Commissioners stated concerns or comments.

- Smith commented that he has no concerns about increased traffic if the city has no concerns with traffic study results.
- Staff will request a memo from City Engineer Craig Gray summarizing the study.
- Heinonen stated concern that people living on Conifer Avenue will begin using Maple Vista as a cut through to get to the Middle School.
- Staff commented that the traffic study of this development does not warrant a roundabout, and daily traffic will operate at an acceptable level.
- Smith stated concerns about kids crossing traffic to get to the Middle School. Lahn commented that the city needs to determine safety requirements. Staff assured that the applicant is working with the city on these matters.
- Faver stated concerns with possible road improvements in relation to who pays for them and where it is documented. Staff suggested adding a condition to the

future final PUD/CUP. Faver also requested feedback from the city engineer regarding the marked change in traffic as a result of this development.

Motion by Steffen, second by Heinonen to approve the Concept and Preliminary Planned Unit Development for Parcel 80.00182.01 in the (R-6) Multi-Family zoning district, with the following 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-6) Multi-Family zoning district. The high density of this planned unit development creates an acceptable use of the property with the availability of City services, accompanied by conservation of open space and amenities is acceptable. The current layout provides the best use of space, while still providing a public right-of-way which includes a road and walking trail.

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

1. Applicant will need to design and identify the pet area as well as the children's play areas. Both the children's play areas and the pet area should be designed with best management practices for size and fencing. Also, the timeline will need to be established for when all amenities will be constructed.
2. Applicant shall submit a signage plan.
3. Applicant shall identify setbacks for lots.
4. Applicant shall provide a wetland delineation of the property prior to grading, so wetlands are not filled or impacted.
5. Applicant shall submit a tree preservation permit as well as a CUP for the removal of more than sixty percent (60%) of the high quality significant trees on site
6. Applicant shall provide all deliverables required by the City of Bemidji Engineering Department.
7. Applicant shall provide adequate signage and safe crossings for pedestrians throughout the site for proper connections between the dwelling units and the provided amenities.
8. Memo from City Engineer regarding the traffic study that was completed and the details about marked change in traffic due to this development.

Roll call vote.

Ayes: Smith, Lemmer, Lahn, Heinonen, David, Steffen, Faver

Nays: None

Absent: Miller, Berg

Abstain: None

Motion carried unanimously.

OTHER BUSINESS:

DIRECTOR REPORT:

Mai provided updates of last month's planning cases, Comprehensive Plan progress, current development projects, and Spring Tour details. Mai sought feedback from commissioners about recycling roll-off units meeting ordinance standards of concrete surface and screening. JPC feels ordinances should be followed and both private and public entities should be treated the same way; however, recycling is different than refuse. Staff will present a change of wording that clarifies this meaning and will be considered along with the other ordinance updates.

UPCOMING MEETING DATES:

May 9, 2018	6:00 pm	JPB Regular Meeting
May 24, 2018	6:00 pm	JPC Regular Meeting
June 13, 2018	6:00 pm	JPB Regular Meeting
June 28, 2018	6:00 pm	JPC Regular Meeting

ADJOURNMENT:

There being no further business, motion by Steffen, second by Heinonen to adjourn the Regular Planning Commission meeting at 8:13 p.m.

Motion carried unanimously.

Respectfully submitted.
Terri Ball, Planning Assistant

Approved and attested by: 
Joint Planning Commission Representative