

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

**Thursday, May 26, 2016
6:00 P.M.**

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

AGENDA

- | | |
|---|--------------|
| <p>➤ Call to Order/Roll Call</p> | Chair |
| ➤ Pledge of Allegiance | |
| ➤ Approve Agenda | |
| ➤ Approve Minutes | |
| • Thursday, April 28, 2016 Regular Meeting | |

NEW BUSINESS

Public Hearings

- | | |
|---|----------|
| 1. <u>City of Bemidji</u> – CUP/V-16-80.00838.00 – Holiday Stationstore | J |
| 2. <u>City of Bemidji</u> – CUP-16-80.00461.00 – Minnesota DNR (Withdrawn) | C |

OTHER BUSINESS

- | | |
|--|--------------|
| 1. Visitors | Chair |
| 2. Upcoming Meetings | Chair |
| • June 8, 2016 6:00 pm JPB Regular Meeting | |
| • June 23, 2016 6:00 pm JPC Regular Meeting | |
| • July 13, 2016 6:00 pm JPB Regular Meeting | |
| • July 28, 2016 6:00 pm JPC Regular Meeting | |
| 3. Adjourn | Chair |

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

May 26, 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, Miller, Smith

MEMBERS ABSENT: Lemmer

STAFF PRESENT: Cory Boushee, Josh Stearns, Terri Ball

OTHERS:

APPROVAL OF AGENDA:

Motion by Miller, second by Steffen, to approve the Agenda.

Motion carried unanimously

APPROVAL OF MINUTES:

Motion by Steffen, second by Berg, to approve minutes from the April 28, 2016 Greater Bemidji Area Regular Joint Planning Commission as written.

Motion carried unanimously

NEW BUSINESS:

Chair Frenzel welcomed new Assistant Planner, Cory Boushee.

Public Hearing:

Stearns presented the first case as follows:

Planning Commission Meeting, May 26, 2016

PLANNING CASE – CUP/V-16-80.00838.00 – Holiday Stationstore

Applicant is requesting a Conditional Use Permit for an existing gas and convenience store and three variances for a tear down and rebuild of their existing holiday gas and convenience store. The variances requested include a 12 ft side yard setback (15 ft required – 3 ft provided) between the proposed structure and the property line on the northeast corner. A tree reduction of 5 trees (15 required – 10 provided). An impervious surface reduction of 20% (30% required – 10 provided). This is located in the Lake Oriented Commercial District at 1106 Paul Bunyan Drive South in the City of Bemidji.

BACKGROUND

The applicants are looking to redevelop an existing site that is occupied by their current business. When an existing structure and use are removed from a site, they are required to be upgraded to the current standards of the zoning ordinance. With the redevelopment of this site there is clearly some standards that are becoming "better" albeit as this is the entryway into the lake oriented commercial and the downtown, this site could set the standard rather than requesting a number of variances.

There has been a lot of discussion about the shared entrance changing location. The JPC may recommend approval of this project, however this project should not be approved by the JPB until an agreement over this entrance has been made by all the land owners.

Planning Considerations

Setbacks

The property has an unusual shape in that it is more of a "triangle" with front yard setbacks on two (2) of the sides. The property that abuts the site is a CIC (ATARAXIS CONDOMINIUM CIC NO 54) and includes several businesses. The distance between the proposed structure and the existing will be 10 feet. This distance is the minimum requirement for building separation. The requirement for both structures to meet the setback would place 30 feet between these structures. The JPB needs to decide if this building should be located further southwest. Requiring the building to be located further southwest will force an encroachment into the front yard setback (30ft min).

Green Space

The requirement for green open space has a multitude of reasons for inclusion in the GBA Zoning Ordinance. The first being the water quality of Lake Bemidji. This area has a flexibility agreement that was established based on the 1985 agreement between the City and the DNR. Regardless of the agreement the area is still within the watershed of the Mississippi Headwaters and any variance request should be reviewed carefully. The second reason for the 30% requirement is for the aesthetics and economic vitality of the community. Finally stormwater capacity is important to this location. There is a distinct

wetland complex directly northwest of the site. Ensuring limited run off is one of the benefits for the total amount of green open space required.

In this scenario, the site is already at a roughly 100% impervious calculation. Unfortunately, the additional 10% addition is extremely small. Staff finds it encouraging that they are ensuring the boulevard green spaces in the MnDOT ROW will be landscaped and maintained. This however does not count towards their green space calculation. Staff would have liked to have seen a variety of additional planting options, even in the form of enhanced landscaping along the building front, creating additional enhancement of the site.

The total number of trees required for this site is 15 the applicant is requesting a variance to reduce this to 10 trees. While the site is constrained in size, there is additional space for enhanced landscaping. A condition of this variance is the need for an enhanced landscape plan showing ornamental shrubs and perennial plantings. Since there is limited greenspace and a lessening of the total number of trees, an enhanced amount of landscaping seems to be a compromise as this location is part of the entryway into the heart of the community.

Parking

The Site is proposing 39 parking spaces which is an increase of 11 to the 28 parking spots that exist currently. Using the requirement of one space per 250 square feet of gross floor area staff calculates a total of 38 parking spots needed. This total of 38 parking spots is calculated using all three business that are located here because there is an easement and parking agreement between these business already recorded with the county that will be required to be maintained.

Lighting

Lighting in the GBA zoning code is required to be completely shielded and downward facing. This location has had complaints regarding the lighting for many years. While the building cannot be required to be retrofitted, in the realm of a request for a variance, conditions can be placed on this location. One of the key variance concepts is that the site may be allowed flexibility if the final product that the community is receiving has an enhanced benefit. In this situation staff is recommending a condition for a photometric plan with lighting that reaches no more than 0.1 foot candles at the property boundary. This site should not be providing for light pollution at the entryway into the community.

Signage

There was no specific sign proposal. However one concern that staff has is that one of the free standing signs that is proposed to stay in place resides on MnDOT Property. Staff has no concerns with this existing sign remaining if MnDOT is allowing it. Staff is requesting as a condition the applicant will provide a signed agreement between MnDOT and Holiday station stores that allows the current sign to stay in place on MnDOT Property.

For new signs The property is zoned LC and will need to be compliant with the standards that are required for the LC district.

Utilities / Fire / Engineering

The project will be connected to the City of Bemidji's centralized system. The Fire Department has indicated that they are satisfied with this project. The site has been reviewed for preliminary engineering, grading and draining. Final engineering plans, and a development agreement for any utilities will be required for approval.

Dumpster Enclosure

This requirement is satisfied in the proposed plans.

Neighborhood Comments

Staff has received several comments voicing concerns over this project that have been added to the packets.

RECOMMENDATION

Staff recommends approval of the applicant's request for a CUP to redevelop the existing use as a gas and convenience store with three (3) variances based on the following conditions:

1. An enhanced landscaping plan will be provided prior to the JPB meeting to include shrubs and perennial plants.
2. Final grading, drainage and engineering plans will be submitted with the building permit application.
3. A variance verification review and site plan review shall be required of the applicant, which includes a site visits with a review fee.
4. A photometric plan, cut sheets of lighting fixtures and location of all lighting will be identified and provided as part of the final plan set.
5. A signage permit will be applied for prior to any sign installations.
6. Applicant will provide to staff a signed agreement between MnDOT and Holiday Stationstores that allows the current sign to stay in place on MnDOT Property.

Public Hearing opened at 6:21 p.m.

Applicant representative Sam Anderson from Karvakko Engineering described their enhanced landscaping which will give flexibility in greenspace area. Commissioner Smith asked why applicant does not move building to the southwest, thus eliminating need for one variance. Anderson spoke of a domino effect which would then decrease walk way, parking, functionality, and create other code variances. Kramka asked how parking was calculated. Anderson explained calculation based only on actual buildings, not canopy area. Smith questioned parking for two existing businesses beside Holiday. Five were

accounted for, but 6 are shown on the survey, and staff said 12 spots are shown facing Hampton Inn. Anderson described current lease agreement between Holiday Stationstore, Classic Cuts, and Lake-N-Woods Realty, which provides a minimum of 12 parking spaces in three combined areas. Smith asked width of paved area around building. Anderson stated 13 ft. of which half is concrete and half is paving. Discussion about angled parking instead of perpendicular, and how it effects 2 lane traffic. Anderson explained two lanes coordinates traffic and provides more accessibility. Kramka discussed no matter how variances are configured, the important factor is a need for parking spaces, for customers and employees. Kim Nelson, owner of Classic Cuts, and Chris Hamilton, owner of Lake-N-Woods, addressed their concerns. Hamilton worries about trees and their location in relation to reducing business visibility and allowing debris in front of entrance door. Nelson commented on the pylon being owned by self and Hamilton and is not part of parking. Smith asked both owners if they had a concern with how the proposed building is located. Both owners stated that parking is a greater concern. Also, the easement agreement doesn't specify the location of parking, just the number. Discussion about types of trees to be planted. Anderson listed a few proposed species, including maple, red oak and Hawthorne. Steffen stated concern with who would maintain the trees. Discussion about reducing number of trees and increasing shrubs. Staff clarified code, and per ordinances, shrubs are not trees. Other concerns by Nelson include people hanging out between buildings. Now there is a false wall to connect, so no gap for loitering. Hamilton stated he is working with MnDOT for the access. Miller asked Anderson if possible to mitigate some of Nelson's concerns addressed in her letter. Anderson said some issues are inevitable, but hopes for compromise on entrance, and an after hour water shut down from city. More discussion about parking. Staff explained that an easement agreement is in place and parking cannot be stipulated by this project.

Public Hearing closed at 6:52 p.m.

Public Hearing re-opened at 6:53 p.m.

Frenzel asked Anderson if Holiday will be closed down during the construction. Anderson said this site will be completely shut down. Business will be conducted at the former EZ Stop, which was bought out by Holiday Stationstore.

Public Hearing closed at 6:53 p.m.

Motion by Miller, second by Steffen to approve the CUP for parcel 80.00838.00 with the conditions:

1. An enhanced landscaping plan will be provided prior to the JPB meeting to include shrubs and perennial plants.
2. Final grading, drainage and engineering plans will be submitted with the building permit application.

Planning Commission Meeting, May 26, 2016

3. A variance verification review and site plan review shall be required of the applicant, which includes a site visits with a review fee.
4. A photometric plan, cut sheets of lighting fixtures and location of all lighting will be identified and provided as part of the final plan set.
5. A signage permit will be applied for prior to any sign installations.
6. Applicant will provide to staff a signed agreement between MnDOT and Holiday Stationstores that allows the current sign to stay in place on MnDOT Property.

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. This is an existing use on the parcel and will continue to operate the same, and is consistent with the goals and policies of the JPB Land Use Plan.

2. **Whether the proposed use adversely affects traffic conditions and parking on adjacent streets and land.**

No. Changes to access and traffic circulation flow are proposed to help issues that currently exist on site. Increases in traffic or other negative impacts are not anticipated.

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 use on this subject parcel exists currently and will not change the affects to surrounding properties with this renovation.

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 is served by city services.

Motion carried unanimously.

Motion by Steffen, second by Kramka to approve variance to reduce number of trees planted to ten (10), for parcel 80.00838.00, with the findings:

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

The site is encumbered by two front yard setbacks, adjacent to an existing

structure, and MnDOT property directly adjacent to this site. The current site is 100% impervious and will be decreased with this redesign.

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

The site is encumbered by two front yard setbacks, adjacent to an existing structure, and MnDOT property directly adjacent to this site. The current site is 100% impervious and will be decreased with this redesign.

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

The site with the requirements of enhanced landscaping, greenspace provided on site and in the MnDOT ROW, a photometric plan and updated signage will be in keeping with the spirit, purpose and intent of the zoning ordinance.

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

The site with the requirements of enhanced landscaping, greenspace provided on site and in the MnDOT ROW, a photometric plan and updated signage will be in keeping with the spirit, purpose and intent of the zoning ordinance.

Roll call vote:

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

Nays: None

Abstain: None

Absent: Lemmer

Motion carried unanimously.

Motion by Steffen, second by Smith to approve a variance for a 12 ft. side yard setback for parcel 80.00838.00 with findings:

1. Has the applicant demonstrated a practical difficulty?

The site is encumbered by two front yard setbacks, adjacent to an existing structure, and MnDOT property directly adjacent to this site. The current site is 100% impervious and will be decreased with this redesign.

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

The site is encumbered by two front yard setbacks, adjacent to an existing structure, and MnDOT property directly adjacent to this site. The current site is 100% impervious and will be decreased with this redesign.

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

The site with the requirements of enhanced landscaping, greenspace provided on site and in the MnDOT ROW, a photometric plan and updated signage will be in keeping with the spirit, purpose and intent of the zoning ordinance.

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

The site with the requirements of enhanced landscaping, greenspace provided on site and in the MnDOT ROW, a photometric plan and updated signage will be in keeping with the spirit, purpose and intent of the zoning ordinance.

Roll call vote:

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

Nays: None

Abstain: None

Absent: Lemmer

Motion carried unanimously.

Motion by Miller, second by Steffen to approve variance of reduced impervious surface by 20% on parcel 80.00838.00 with findings:

1. Has the applicant demonstrated a practical difficulty?

The site is encumbered by two front yard setbacks, adjacent to an existing structure, and MnDOT property directly adjacent to this site. The current site is 100% impervious and will be decreased with this redesign.

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

The site is encumbered by two front yard setbacks, adjacent to an existing structure, and MnDOT property directly adjacent to this site. The current site is 100% impervious and will be decreased with this redesign.

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

The site with the requirements of enhanced landscaping, greenspace provided on site and in the MnDOT ROW, a photometric plan and updated signage will be in keeping with the spirit, purpose and intent of the zoning ordinance.

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

The site with the requirements of enhanced landscaping, greenspace provided on site and in the MnDOT ROW, a photometric plan and updated signage will be in keeping with the spirit, purpose and intent of the zoning ordinance.

Roll call vote:

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

Nays: None

Abstain: None

Absent: Lemmer

Motion carried unanimously.

Stearns presented the second case as follows:

PLANNING CASE – CUP-16-80.00461.00 – Minnesota DNR

Applicant withdrew request 5/13/16.

Public Hearing opened at 7:04 p.m.

Public Hearing closed at 7:05 p.m.

UPCOMING MEETING DATES:

| | | |
|---------------|---------|---------------------|
| June 8, 2016 | 6:00 pm | JPB Regular Meeting |
| June 23, 2016 | 6:00 pm | JPC Regular Meeting |
| July 13, 2016 | 6:00 pm | JPB Regular Meeting |
| July 28, 2016 | 6:00 pm | JPC Regular Meeting |

ADJOURNMENT:

There being no further business, motion by Steffen, second by Smith to adjourn the Regular Planning Commission meeting at 7:06 p.m.

Motion carried unanimously.

Respectfully submitted.

Terri Ball

Planning Assistant

Approved and attested by:



Joint Planning Commission Representative

Planning Commission Meeting, May 26, 2016