

**AGENDA**  
**GREATER BEMIDJI AREA JOINT PLANNING BOARD**  
City Hall

**Wednesday, February 12, 2020 REGULAR MEETING – 6:00 p.m.**

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

**A. MINUTES** **Chair**  
Approval of January 8, 2020 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. Northern Township – Resolution No. 2020-03 – V-20-31.00126.02 – Jay Hill **CM**
2. City of Bemidji – Resolution No. 2020-04 – IUP-20-80.00979.00 – Nameless Coalition **CM**
3. Northern Township – Resolution No. 2020-05 – V-20-31.01046.00 – Northern Township **CM**  
-- Resolution No. 2020-06 – CUP-20-31.01046.00–Northern Township **CM**

**E. OTHER BUSINESS**

1. Call for Public Hearing 3/11/2020 – Short Term Vacation Rentals

**F. DIRECTOR’S REPORT** **CM**

**G. UPCOMING MEETINGS** **Chair**

- |                      |         |                     |
|----------------------|---------|---------------------|
| 1. February 27, 2020 | 6:00 pm | JPC Regular Meeting |
| 2. March 11, 2020    | 6:00 pm | JPB Regular Meeting |
| 3. March 26, 2020    | 6:00 pm | JPC Regular Meeting |
| 4. April 8, 2020     | 6:00 pm | JPB Regular Meeting |

**H. ADJOURN** **Chair**

**GREATER BEMIDJI AREA JOINT PLANNING BOARD**  
**Meeting Minutes**  
**February 12, 2020**

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 12, 2020, at 6:00 p.m. City Hall. Chair Meehlhause presiding called the meeting to order and roll call was taken.

Upon roll call, the following members were declared present: Albrecht, Erickson, Meehlhause, Kelly, Frenzel

Members absent: None

Staff present: Casey Mai, Terri Ball

Others in attendance: Matt Murray, Muriel Gilman, Jay Hill, Shep Wilimek, Libby Underhill, Sachel Josefson

Pledge of Allegiance was performed.

AGENDA

Motion by Erickson, second by Albrecht, to approve the agenda.

Motion carried unanimously.

MINUTES

Motion by Frenzel, second by Erickson, to approve the January 8, 2020 minutes as presented.

Motion carried unanimously.

CONSENT AGENDA

- 1) Bills for the total amount of \$4,570.51 were presented for payment.

Motion by Kelly, second by Frenzel, to approve consent agenda as amended.

Motion passed unanimously.

VISITORS

None.

NEW BUSINESS

**RESOLUTION 2020-03- V-20-31.00126.02 – Jay Hill**

Jay Hill is requesting a variance from Section 1109 of the GBAJPB Ordinance to be able to build a one (1) inlet/outlet road, functioning similar to a cul-de-sac exceeding the maximum length of five-hundred (500) feet for the Acorn Ridge Plat.

## **BACKGROUND**

The Applicant met with JPB staff to discuss the road design and the reasoning for keeping the current plat configuration. The Applicant stated that topography of the parcel along with the shape of the lot creates problems for more than one access off of Whiting Road. Ultimately, the Applicant is seeking a variance from Section 1109 of the Greater Bemidji Area Zoning & Subdivision Ordinance to create a one (1) inlet/outlet road for the proposed single-family housing subdivision. A total of thirty-eight (38) lots will be platted within the subdivision that will access this one (1) inlet/outlet road. This subdivision recently went through the preliminary plat subdivision process with the Commission on November 21, 2019 and ultimately before the Board on December 11, 2019. Both the Commission and the Board were in support of the preliminary plat layout.

The proposed road prior to the loop is approximately a little over sixteen hundred (1,600) feet in length and is roughly one and one-tenth (1.1) of a mile from the start of the development before exiting back out onto Whiting Road. Staff noted during the preliminary plat process that using best planning practices, all new developments should have multiple ingress/egress for protecting the public health, safety, comfort, convenience and general welfare as well as to promote the beneficial and safe interaction between the use of land, buildings, and people for the circulation of vehicular, bicycles, and pedestrian traffic, including active transportation and complete streets, throughout the Greater Bemidji Area. It was highly encouraged at that time and eventually became a condition that a variance shall be obtained for a one inlet/outlet road, functioning similarly as a cul-de-sac exceeding the maximum length of five-hundred (500) feet or a through road be designed within the platted development to allow for second means for entering or exiting. At this time, the Applicant is seeking a variance with the blessing of Northern Township, the local road authority.

## **PLANNING CONSIDERATIONS**

Staff interprets the proposed road functions similarly as a cul-de-sac as the road is a minor street with one (1) inlet/outlet and ends in a circle or turnaround as defined Section 109 of the Ordinance. Although your typical cul-de-sac had a bulb, this type of road design still functions similar as it is not a through street and/or ultimately a dead-end.

### Northern Township – Road Authority/Requirements

Northern Township is the Road Authority within this jurisdiction. The Applicant shall work with Northern Township to establish a new Road Agreement. All residential right-of-way widths and pavements shall conform to the minimum dimensions, in addition to any requirements of the road authority that will be asked in order for the Township to accept. In the R-2 district, rural streets without curb and gutter are required to have a right-of-way of sixty-six (66) feet and a pavement width of twenty-four (24) feet. As this area will not be served by storm sewer, the right-of-way shall be grubbed to a minimum of twenty (20) feet on either side of a center line in an embankment section, or such addition as may be required in a ditch section. The width between shoulder lines shall be uniform and shall be a minimum of fourteen (14) feet on either side of the center line. In slopes and back slopes shall not be steeper than three (3) feet on the horizontal to one (1) foot on the vertical. The ditch separation shall be a minimum of two (2) feet with a ditch bottom of three (3) feet minimum.

### Development Team (Fire Department)

Dave Hoefer, Fire Chief had no concerns with this variance request as long as proper wildfire mitigation is incorporated throughout the development.

### Neighborhood Comment

At the time of writing this report, no neighborhood input was received in regards to the variance request for the one inlet/outlet road exceeding five hundred (500) feet in length.

## Comprehensive Plan References

The newly adopted Greater Bemidji Area Comprehensive Plan has identified the following objectives and strategies for this type of development.

### **Objective 4.1: Preserve the Quality Residential Neighborhoods**

- 4. Allow flexibility with site design standards to ensure high-quality development.** *Allowing for greater flexibility of zoning ordinances or density requirements for meeting site development criteria, such as increased live landscaping, stormwater retention areas, active recreation amenities, or park area, can provide a benefit to developers while Land Use 20 ensuring a high-quality neighborhood is being designed or redeveloped.*

### **Objective 4.3: Promote Land Use Decisions that Protect the Natural Environment through Smart Growth and Sustainable Practices**

- 1. Utilize guidelines for land use practices conserving natural landscapes and allow zoning flexibility for implementation.** *Zoning flexibility can be initiated for development to ensure protection and conservation of natural landscapes on a site such as bluffs, steep slopes, trees, or wetlands, lakes, and streams.*

## **RECOMMENDATION**

During the preliminary plat process, the Joint Planning Commission and the Joint Planning Board both determined this type of road would function similar in nature to a cul-de-sac. If the Commission and the Board both feel this is best possible road option available for the proposed subdivision, then approval shall be recommended with the following conditions:

1. A tree inventory and tree removal permit shall be obtained prior to any trees being removed on the property.
2. A final landscaping plan will be submitted for review and approval by the JPB staff.
3. The Applicant and Northern Township shall enter into a Road Agreement for the new proposed road. The new proposed road shall comply with all minimum dimensions and requirements of Northern Township, as the Road Authority.
4. The variance shall expire and become void if the lot division and recorded easement are not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the recordings are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

Board members had the following comments:

- Meehlhause questioned an additional condition on page five of the report. Staff clarified that the condition for the submittal of a final landscaping plan was from the approved preliminary plat, but has been removed for this variance request.
- Kelly stated that Northern Township representatives met with the Applicant and have a preliminary Road Agreement.

Motion by Frenzel, second by Albrecht, to approve Resolution 2020-03 for a variance to be able to build a one (1) inlet/outlet road, functioning similar to a cul-de-sac exceeding the maximum length of five-hundred (500) feet for the Acorn Ridge Plat, with the following conditions:

1. A tree inventory and tree removal permit shall be obtained prior to any trees being removed on the property.
2. A final landscaping plan will be submitted for review and approval by the JPB staff.

3. The Applicant and Northern Township shall enter into a Road Agreement for the new proposed road. The new proposed road shall comply with all minimum dimensions and requirements of Northern Township, as the Road Authority.
4. The variance shall expire and become void if the lot division and recorded easement are not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the recordings are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

**And Findings of Fact:**

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

Yes. This existing lot of record is unique and oddly shaped due to the original lot being subdivided for other single-family development. Approximately, a little over fifty-nine (59) acres remains of the original eighty (80) acres. The configuration of this road eliminates having multiple road accesses and driveway approaches in close proximity along Whiting Road NW, providing a safer mean for entering and exiting the development.

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

Yes. The proposed road configuration is due to the shape and narrowness of the existing parcel, along with the location of wetlands and the topography of the land. The Owner is attempting to preserve as much of the uniqueness and nature of the property as possible through the development of this plat and the creation of this road.

**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. This request is proposing to create a public road that will be built to Township standards to provide access to abutting lots within the proposed plat of Acorn Ridge. This road will function similar to other one (1) inlet/outlet roads that have been approved by Northern Township in the past.

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

Yes. The proposed road configuration is designed to preserve the essential character of the surrounding area as it does not have any direct impact on the adjacent previously developed properties. Similar road configurations have been created in the surrounding area and have had no impact as they continue to properly function today.

Motion carried unanimously.

**RESOLUTION 2020-04 – IUP-20-80.00979.00 – Nameless Coalition**

The *Nameless Coalition* is requesting an amendment to their existing Interim Use Permit (IUP) in order to add additional beds to the existing building, located at 522 America Avenue NW in the (UR) *Urban Renaissance* “downtown” district of the City of Bemidji. This facility is a seasonal/nighttime homeless shelter for chronic inebriates.

**BACKGROUND**

In August of 2015, the Nameless Coalition was approved an IUP and a variance in order to convert an existing vacant church building into a seasonal homeless shelter for chronic inebriates. The church was the former home of the Unitarian Church. Per Section 302 of the Greater Bemidji Area Zoning & Subdivision Ordinance, Transitional Housing, Homeless Shelters, & Warming Centers require the approval of an IUP. A variance was approved in 2015 for the shelter being located within five-hundred (500) feet of a library. The original IUP limited the shelter to operate seasonally from

October to April with the hours of operation from 6:00 p.m. to 9:00 a.m. The maximum adult clients, eighteen plus (18+) years old, allowed to be housed at one time was sixteen (16). The site contains two (2) shower stalls and two (2) toilets for the clients to utilize.

The IUP amendment is to allow the Applicant to add an additional ten (10) beds to the center; however, at this time, the Applicant is requesting to allow up to the maximum capacity of the center as set by the City Building and Fire code. On January 22<sup>nd</sup>, 2020, the City Building Official, the City Fire Chief and the State of Minnesota Department of Health Inspector plan to do a walk-through of the building to access the maximum capacity, along with inspection of the structure itself for code compliance.

## **PLANNING CONSIDERATIONS**

### **Parking and Transportation**

One condition under the original IUP was that the Applicant create a minimum of two (2) parking stalls on site located off of the alley to allow for staff parking. There is adequate room for two (2) to four (4) vehicles to be parked on site, depending on size of vehicles. All sidewalks surrounding the Wolfe Center on a day of a site visit were completely covered in snow. All sidewalks shall be removed of snow with twenty-four (24) hours of any snow event.

### **Lighting**

All exterior lighting existing for this site shall be shielded to prevent lighting from shining in the right-of-way complying with Section 1008 of the JPB Zoning & Subdivision Ordinance. A lighting plan showing fixtures and shielding will need to be submitted for approval prior to adding the additional beds.

### **Trash Handling**

The site currently doesn't not have any dumpsters located on it. Any dumpsters or recycling containers brought on-site shall be fully enclosed complying with Section 1002 of the JPB Zoning & Subdivision Ordinance. Such areas shall be completely screened and enclosed on all sides, except the roof, with an enclosure or screening wall with durable and opaque material at a minimum of six (6) feet in height. At this time, all trash and recycling shall be stored indoors or an enclosure be constructed.

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

No concerns from Public Works/Engineering, the Fire Department or GIS regarding this IUP amendment. Police Chief Mike Mastin also had no concerns with this request and provide call logs for this property for both 2018 and 2019, see attached at the end of the report.

The Building Official has setup a time for January 22<sup>nd</sup> to do an extensive walk-through of the building to check for compliance as well as to gauge a maximum occupancy for the number of adults staying within the structure at one time. Department of Health will partake in the walk-through as well to determine whether any future licensing will be required.

### **Neighboring Property Owner input**

At the time of writing the report, one neighborhood comment was obtained in support of the additional capacity of overnight lodging at the Wolfe Center.

### **Comprehensive Plan References**

The proposed use in (UR) Urban Renaissance district is consistent with the Greater Bemidji Area Comprehensive Plan as well as the Zoning & Subdivision Ordinance; 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 amendment for the expansion of the homeless shelter on parcel 80.00979.00, located at 522 America Avenue NW within the City of Bemidji provided all requirements of the Ordinance are met, subject to the following conditions:

1. The IUP shall be reviewed for compliance on an annual basis 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.
2. The applicant shall provide a list of its Board of Directors, Executives and Officers and the owner of the proposed facility and the operator of the facility.
3. There shall be no more adult clients housed at this location than what the maximum capacity allows.
4. The Applicant shall comply with all State Building Code requirements with the City of Bemidji Building Department as well as obtaining all licenses through the Department of Health.
5. No loitering on adjacent properties, in City streets or on sidewalks will be permitted prior to the opening of the facility for each night.
6. The applicant shall remove snow from all sidewalks with twenty-four (24) hours of any snow fall event.
7. All outdoor activities shall continue to take place within the rear fenced yard.
8. All existing exterior lighting shall come in full conformity with Section 1008 of the JPB Zoning Ordinance.
9. Any dumpsters brought on-site shall be fully enclosed complying with Section 1002 of the JPB Ordinance.
10. The IUP shall terminate upon a change in use, a change in the owner/operator (leaseholder), or any other change as may be determined by the JPB Staff.
11. JPB Staff may administratively approve a change in the operator, and/or lease space at this address without termination of the IUP, provided a complete and satisfactory review of the proposed change is conducted and there is no change in the approved IUP.

Board members had the following comments:

- Albrecht asked the reason for Commissioner Heinonen's vote of opposition. Staff explained that Heinonen spoke briefly about concerns that the location was not suitable for the area and that adding to the capacity was not something that he supported. Albrecht also stated concern with the police reports included in the report. Staff explained that the reports were voluntarily given by Chief Mastin to show the limited involvement by law enforcement.
- Erickson questioned the request for service of law enforcement. Executive Director of the Wolfe Center, Reed Olson, explained that most calls were welfare checks, which is better than calling an ambulance unnecessarily. Olson further stated that assistance was not needed for people acting up, but mostly medical concerns.
- Erickson asked how many people were usually turned away if ten (10) additional beds are requested. Olson described a recent grant opportunity from the state that would facilitate more beds in the rare event of a need. The center has space and the flexibility would be an asset.
- Erickson asked if staff would be increased. Olson stated it would not be changed. Discussion about dates of the seasonal operation, which are September 16<sup>th</sup> through May 30<sup>th</sup>, but pending funding the goal is to lengthen to September 1<sup>st</sup> through May 30<sup>th</sup>.
- Erickson asked if kitchen services are provided. Olson stated that there is an existing kitchen area located in the basement from the previous church, but no food service is provided.
- Olson stated that with the uniqueness of the current use as the Wolfe Center, the City's approved Renters Permit has transitioned to state regulation for a Transient Housing permit. Olson continued to describe the benefits of state requirements such as upgraded safety

features and standards. Olson concluded with comments that no assaults have occurred in the five (5) years of operation, so the current number of staff is adequate, and clients are docile. Erickson asked the number of staff, which Olson stated is one (1). Volunteers may be added in the future.

- Meehlhause asked if the occupancy permitted of up to thirty (30) people includes staff. Olson stated it does include the number of beds and number of staff, but he does not expect a noticeable change once beds are added. Meehlhause questioned the current hours of operation. Olson explained them to be 8:00 pm until 8:00 am, but they are considering adding an hour to each end, expanding hours to 7:00 pm until 9:00 am.
- Erickson stated that the Bemidji Public Librarian spoke at the Joint Planning Commission's public hearing, and volunteered to extend the hours of operation to match the Wolfe Center's hours. Erickson sits on the Library Committee and is not sure that this promise is possible due to the budget. Efforts to reach the KRLS director were unsuccessful. Olson was not aware of this offer, and suggested that it is easier and cheaper for the Wolfe Center to adjust its hours than the library. Olson complimented library staff for their volunteer efforts during a library weather closure in 2019.
- Albrecht asked if there is a request to change the hours of operation. Staff explained that the hours have no restrictions, as the original IUP condition limiting hours to 6:00 pm until 6:00 am was removed.

Motion by Albrecht, second by Erickson, to approve Resolution 2020-04 for an interim use permit amendment for the expansion of the homeless shelter on parcel 80.00979.00, with the following conditions:

1. The IUP shall be reviewed for compliance on an annual basis 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.
2. The applicant shall provide a list of its Board of Directors, Executives and Officers and the owner of the proposed facility and the operator of the facility.
3. There shall be no more adult clients housed at this location than what the maximum capacity allows.
4. The Applicant shall comply with all State Building Code requirements with the City of Bemidji Building Department as well as obtaining all licenses through the Department of Health.
5. No loitering on adjacent properties, in City streets or on sidewalks will be permitted prior to the opening of the facility for each night.
6. The applicant shall remove snow from all sidewalks with twenty-four (24) hours of any snow fall event.
7. All outdoor activities shall continue to take place within the rear fenced yard.
8. All existing exterior lighting shall come in full conformity with Section 1008 of the JPB Zoning Ordinance.
9. Any dumpsters brought on-site shall be fully enclosed complying with Section 1002 of the JPB Ordinance.
10. The IUP shall terminate upon a change in use, a change in the owner/operator (leaseholder), or any other change as may be determined by the JPB Staff.
11. JPB Staff may administratively approve a change in the operator, and/or lease space at this address without termination of the IUP, provided a complete and satisfactory review of the proposed change is conducted and there is no change in the approved IUP.

### **And Findings of Fact**

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 will not adversely affect the surrounding area, as this use has been operating at this location since 2015. The use is appropriate in this location with the police department location directly across the street for safety concerns, limited single family housing within the downtown and within walking distance of the population of concern. The use conforms to the zoning regulations as a permitted IUP in the UR District.

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

No. No changes to access or traffic circulation flow on adjacent streets are proposed. Increases in traffic or other negative impacts are not anticipated as most clients do not have transportation. On-site parking for volunteers ensures that the street parking will remain for the public.

**3. Whether the proposed use adversely affects property in the surrounding area.**

No. There will be no adverse effects to property in the surrounding area anticipated from the proposed operation on the site, with the required conditions limiting hours, outdoor usage and loitering. Building occupancy standards will be required by City Building Inspections.

**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 Greater Bemidji Area Comprehensive Plan. Per the GBAJPB Zoning Ordinance, transitional housing, homeless shelters and warming shelters are allowed pursuant the issuance of an Interim Use Permit by the JPB, and the subject parcel is appropriately zoned for the proposed use.

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

Yes. The location is already serviced by centralized services. No additional building or site development is being requested at this time.

Motion carried unanimously.

**RESOLUTION 2020-05 –V-20-31.01046.00, and RESOLUTION 2020-06 – CUP-20-31.01046.00 – Northern Township**

Northern Township is requesting a conditional use permit (CUP) for the creation of a public watercraft access on the south shore of Lake Movil, parcel 31.01046.00. The following variances are also being requested:

1. To develop on a substandard lot of record (lot size and lot width);
2. An additional twenty-one (21) percent or four thousand four hundred and forty-four (4,444) square feet of impervious surface coverage above the maximum allowable limit throughout the property per Section 901.

**BACKGROUND**

Northern Township board members met with JPB staff in order to build a public watercraft access off of S Movil Lake Road NE. The parcel is an existing lot of record that was platted in 1926 which was recently combined with the ten (10) foot alley to the west, making the lot larger in size and closer to conformity. The alley was the only public right-of-way (ROW) land access to the lake that was used in the past. The adjoining lot to the east had been used as well along with the alley after the existing structure was removed some time ago. The property has an old holding tank of some kind and an old retaining wall. The Township then combined the two lots to create the current lot configuration. JPB staff attended multiple committee meetings to discuss design, zoning, and issues that were raised by neighboring property owners.

This project will need determinations decided by the Technical Evaluation Panel (TEP), made up of

the Department of Natural Resources (DNR), Army Corps of Engineers, Board of Water & Soil Resources (BWSR), Beltrami County Environmental Services Department (ESD), as the scope of the project in regards to the wetlands are dependent on the findings for this case.

## **PLANNING CONSIDERATIONS**

### **Existing Conditions**

This is a heavily treed lot with a wetland and an ice ridge that separates it from the lake. There is an approach off of S Movil Lake Road NE that will be used for the entrance to the watercraft access. Most of the mature trees are hardwoods with a majority being Ash along with some Maple, Basswood, Oak, and Aspen. Some conifers are sprinkled throughout the site as well that include White Spruce, Red Pine, and Balsam Fir. Shrubs consist of willows, crab apple trees, Red Osier Dogwood, and many other small trees and bushes. There are houses on each side of the proposed property as well.

### **Alternative Option #1**

The first rendering of a plan shows the "bulb" largely impacting the wetland along with the shore impact zone. This alternative also has a significant impact to the landscape in regards to impervious surface coverage, tree and shrub removal, wetland fill and impacts, and it being situated right next to the lake causes storm-water challenges as well as loss of screening from the lake and adjacent neighbors.

The total impervious surface coverage for this alternative option would be approximately twelve thousand one hundred and sixty (12,160) square feet or fifty-eight percent (58%). This option has three (3) large parking spaces for vehicle and watercraft trailers along with three (3) smaller parking spaces for just transportation vehicles. There is an option for an additional two (2) to three (3) parking spaces within the center of the bulb. This option staff is in opposition due to the large amount of impervious coverage along with impacts to the wetlands and shore impact zone.

### **Alternative Option #2 (Applicant's Preferred Alternative)**

This alternative depicts the bulb further back from the shore impact zone and less impacts to the wetland along with less overall tree and shrub removal, and less impervious surface coverage than Alternative Option #1. The access to the lake from the bulb bisects the wetland and thus divides it into two (2) distinct parts. The Applicant's representative states that this alternative disturbs the least amount of wetland, but does not indicate the different types and regimes that the impacts will have for the preferred Alternative Option #2 compared to the other alternatives.

The total impervious surface coverage for this alternative option would be approximately nine thousand eight hundred and twenty (9,820) square feet or forty-six percent (46%). This option has three (3) large parking spaces for vehicle and watercraft trailers along with one (1) smaller parking space for just a transportation vehicle. There is an option for an additional two (2) to three (3) parking spaces within the center of the bulb or a vegetative island that could be incorporated to help direct flow of traffic. With the location of the access ramp in relation to the bulb, staff feels maneuvering of vehicles and watercrafts could make backing up to the access ramp rather cumbersome due to lack of a direct path to the lake. Without designating no parking within the center of the bulb, this could create obstacles that could disrupt emergency personnel and vehicles from entering the access ramp.

Below are two (2) public watercraft accesses in the area that have a "P" shaped design that allows for direct path to the access ramp allowing users to back in more of a straight line rather trying sharp or slight turns.

### **Alternative Option #3**

JPB staff believes Alternative Option #3 is the best design that was presented, although there is more impervious surface coverage (an additional 2%) and loss of more high quality significant trees from preferred Alternative Option #2, there is less impact to the deepest regime of the wetland as well as shoreland impact zone. Also, this design does not cut through the middle of the wetland or the ice ridge thus leaving both mostly intact. Bill Best, the local WCA Administrator, concluded that the current watercraft access lane to the lake was manipulated with fill in the past and he would not consider this section of the property needing wetland mitigation.

The total impervious surface coverage for this alternative option would be approximately ten thousand two hundred (10,200) square feet or forty-eight percent (48%). This option has three (3) large parking spaces for vehicle and watercraft trailers along with one (1) smaller parking space for a transportation vehicle. There is an option for an additional two (2) to three (3) parking spaces within the center of the bulb or vegetative island could be incorporated to help direct flow of traffic. Another reason staff supports Alternative Option #3 over Alternative Option #2, is the ease or flow of traffic through the bulb for a straighter in-line launching of a boat, as previously referenced above as the "P" design.

### **Alternative Option #4**

This alternative was not explored to any length and was used primarily as one of the requirements for WCA. This plan could be reconfigured to allow for parking and still minimize wetland and landscaping impacts.

The total impervious surface coverage for this alternative option would be approximately eight thousand nine hundred and seventy-five (8,975) square feet or forty-two percent (42%). This option provides no parking spaces at all; however, there is an option for two (2) to three (3) parking spaces to be located within the center of the bulb.

### **Alternative Option #5**

This alternative was a no-build option that was not reasonable for the project goals.

### **Wetlands**

The parcel contains a wetland that has multiple types ranging from Type 3 (Shallow Marsh), Type 6 (Shrub Swamp), and Type 7 (Wooded Swamp). The proposed Alternative Option #2 indicates that 0.12 acres (5,227 square feet) of wetland will be filled (impacted) and will bisect the wetland through the middle. The applicant will be required to go through the WCA banking process for any wetland impacts. The above photos were taken in June of 2019 and shows the current path that is used which runs along the west side of the property that was manipulated in the past to access Movil Lake in regards to filling and grading.

In order to proceed forward with Alternative Option #2, the project shall receive all approvals from the TEP to allow for impacts to the wetland. Without TEP approval, the Applicant will only be able to proceed forward with Alternative Option #4 or Alternative Option #5 as these will have no or minimal impacts to the wetland.

### **Parking**

The proposed site plans (Alternative Option #2) has three (3) large parking spaces for vehicle and watercraft trailers along with one (1) smaller parking space for just a transportation vehicle. There are potential options for additional parking spaces within the center of the bulb, if the Township does the proper striping. The proposed bulb and parking area complies with all parking setbacks of five (5) from property lines.

### Landscaping

Per Section 908 of the Ordinance, vegetation alterations shall in no case exceed fifty percent (50%) of the brush and twenty-five percent (25%) of the trees within the shore and bluff impact zones or on steep slopes. For the purpose of this Section, trees less than four (4) inches in diameter as measured at a height of four (4) feet from the ground shall be considered brush.

The proposed site plan (Alternative Option #2) indicates the site will be approximately fifty-four percent (54%) pervious, under the seventy-five percent (75%) pervious surface minimum required. Per Section 1006 of the Ordinance, this site is required to have a total of twenty (20) high quality significant (HQS) trees preserved or planted. Currently there is a total of one-hundred and ten (110) trees on the property of which fifty-nine (59) are (HQS) trees. Forty-nine percent (49%) or twenty-nine (29) of the total HQS will be removed for the installation of the watercraft access. Within the shoreland impact zone, there is a total of thirty-one (31) trees and the plan shows four (4) trees to be removed which equates to thirteen percent (13%) well under the twenty-five percent (25%) maximum. The site plans do not show the amount of shrubs that will be removed, it is important to note that no more than fifty percent (50%) of shrubs are to be removed in the shoreland impact zone.

Per Section 1005 of the Ordinance, non-residential uses adjacent to residential structures shall have proper screening in place to prevent undue nuisance to neighboring properties. The screening required shall consist of a wall, fence or densely planted compact evergreen hedge not less than five (5) feet or more than eight (8) feet in height that blocks direct vision.

### Stormwater Management

Per Section 914 of the Ordinance, if a project cannot meet the shoreland limitation for impervious surface of 25% maximum, an engineering plan, provided by a licensed civil engineer, or registered land surveyor, indicating that there will be no additional post development runoff with the addition of alternative impervious surfaces (including rain gardens, pervious pavers or pavement systems, green roofs, underground treatment, etc.) may be submitted for review and approval by the Planning Administrator, subject to prior engineering review and a maintenance plan. Approved alternative pervious surfaces of up to an additional 25% over and above traditional impervious surface materials may be considered for approval.

### Fire Department

No issues were brought to the attention of JPB staff at the time of writing this report. A letter from the fire chief, Dave Hoefler was included in the applicant's attachments that stated this access could be beneficial in lifesaving, rescue, and firefighting operations.

### Department of Natural Resources (DNR)

There are multiple letters from various divisions within the DNR that support the watercraft access Lake Movil. All letters are included in the packet.

### Neighborhood Comment

One (1) neighborhood comment was received at the time of writing this report that was in opposition and stated that the peace and tranquility would be disrupted on Movil Lake.

### Comprehensive Plan References

The newly adopted Comprehensive Plan for the Greater Bemidji Area lays out several objectives and strategies that fully support a public access on Lake Movil.

### ***Objective 10.2 Promote All Forms of Recreational Activities***

*Recreational activities are a key part of the community. These activities can consist of local, regional,*

*national, and even international events that bring the community and visitors together to participate in a wide array of healthy and active events. Events are a great way to promote recreational activities; however, it is important to maintain and increase opportunities for recreation that are not event-related.*

**3. Engage the community on public recreation projects and encourage private development.** *Transparency on recreation projects is key to ensure that the needs of the community are being met.*

**4. Promote health and enhancement of water-oriented recreational opportunities offered to the community.** *Water-orientated recreational activities are becoming increasingly available. Appropriate developments should provide access to water-orientated recreation opportunities. **Public access to water needs to be preserved and increased where appropriate.***

## **RECOMMENDATION**

Staff recommends approval of two (2) variances and a conditional use permit in order to build a new public watercraft access at parcel 31.01046.00 on Movil Lake off of S Lake Movil Lake Road NE. in the (R-3) Suburban Residential Zoning District and Shoreland Overlay within Northern Township. The variances are as follows:

1. Reduction of forty-six (46) feet in the lot width requirement of one hundred and fifty (150) feet to one hundred and four (104) feet along with a lot size reduction from the required forty-thousand (40,000) square feet to twenty-one thousand one-hundred and ninety-seven (21,197) square feet.
2. An increase in impervious surface coverage from the maximum of twenty-five (25) percent to forty-six (46) percent or from five-thousand two-hundred and ninety-nine (5,299) square feet to nine-thousand seven-hundred and fifty-one (9,751) square feet.

Approval recommended with the following conditions:

1. All Wetland Conservation Act (WCA) findings and conditions shall be complied with along with all other governing bodies' permitting requirements for the public watercraft access.
2. A landscaping and screening plan shall be submitted to JPB staff for approval along with a tree removal and preservation permit.
3. A shoreland alteration permit shall be obtained prior to any site alterations.
4. The existing holding tank on the property shall be removed and an SSTS abandonment reporting form shall be completed and submitted to JPB staff and MPCA.
5. Final engineering grading, drainage, and stormwater plans along with proper erosion control will need to be reviewed and approved by JPB staff before any construction can commence.
6. The variance and conditional use permit shall expire and become void if the watercraft access is not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

Board members had the following comments:

- Erickson commented that a lot of wetlands are present on this parcel, and it is a considerable variance request for impervious surface coverage. Staff stated that the majority of variance request for additional impervious surface coverage that come before

the JPB are between thirty five (35) and fifty (50) percent impervious surface coverage, this is in large part due to many lots being substandard in size. Erickson asked staff if approval is granted for new structures with that volume of impervious surface. Staff explained that most variances are for the replacement of existing structures, not new on vacant lots.

- Kelly described this lot history of having been vacant for twenty (20) or more years, and once having a foundation. He further stated that the total area is only twelve tenths (0.12) of an acre, and Alternative Option #2 meets the needs of public safety. Kelly spoke about comments regarding transparency of Northern Township's actions, and referenced page three of their report which outlined the actions taken since the idea began in 2018. He stated that residents do not want the access, but this is the only available lot on Lake Movil and the access has been requested to be developed by the DNR for several years.
- Frenzel explained that the Bemidji Fire Department wanted a larger access, but did agree with the reduced size as it will still allow maneuvering for fire trucks. He stated that this parcel met the goals required by the DNR, and is an access for public use also.
- Kelly stated that this parcel has been used as a public access for many years, and the current level of erosion is not healthy for the lake.
- Meehlhause commented that Alternative Option #2 preserves the most quantity of mature trees.
- Erickson questioned where fire trucks access water, and where an alternate location is. Meehlhause explained that the trucks carry water to a site, and Kelly stated that having availability to quick access of water is a positive outcome.
- Shep Wilimek read aloud a letter on behalf of area residents who continue to oppose the public boat access on Lake Movil.
- Albrecht sought clarification of motions from the JPC minutes. Staff clarified that the variances and CUP were separate motions.
- Kelly reiterated that all governing agencies criteria is met by Alternative Option #2, which also has a minimum impact. He also stated that the access will have low usage with smaller boats.
- Erickson questioned the claim of the township digging out sand from the beach. Kelly stated that claim is false, and that no interference with the lake is planned.
- Frenzel asked staff to explain the process necessary for buffers between lots. Staff referenced Section 1005 of the Ordinance which requires proper screening consisting of either a fence or densely planted compact evergreen hedge along the property line.
- Kelly stated that the Northern Township Board is willing to work with both neighbors on appropriate screening options.
- Erickson asked what brought Northern Township to consider this project. Frenzel explained that the property had been vacant and up for sale for many years, and was being used by the public anyway; when the sale price was lowered, it then became a possibility. He stated that the parcel abutted a public alley way and has been proposed by the DNR for some time. The public alley way has since been combined with the property.
- Erickson questioned the access for the fire department in the nearby trailer park. Kelly explained that the private property does contain a slot to back into Lake Movil, and is used by the park residents. The property owner has an understanding with the fire department and would never deny access in the event of an emergency.
- Frenzel explained that the fire department could get permission from private property owners if needed, but that is not ideal if time is of the essence.
- Albrecht commented that governing agencies ask for a number of requirements to be met and an applicant faces many hurdles, so approvals have been earned. She explained that the DNR first wants people to avoid impacts, but if it is necessary, then

mitigations should be put in place. Albrecht concluded that as long as this request has met government requirements, the JPB needs to approve the application.

- Erickson stated concern about the emotional feedback from citizens who oppose this application.
- Meehlhause asked if any other public access is available for Lake Movil. Kelly stated that it can be accessed through neighboring lakes, but not directly.
- Kelly recognizes the input from neighbors, yet understands the rights of people who want to use public property.
- Frenzel stated that Northern Township made a conscious effort to plan properly, set back the access as far as possible, while keeping a natural environment for a small, public access.

Motion by Kelly, second by Frenzel, for the approval of Resolution 2020-05 in the creation of a public watercraft access on parcel 31.01046.00 with the following variances:

1. Reduction of forty-six (46) feet in the lot width requirement of one hundred and fifty (150) feet to one hundred and four (104) feet along with a lot size reduction from the required forty-thousand (40,000) square feet to twenty-one thousand one-hundred and ninety-seven (21,197) square feet.
2. An increase in impervious surface coverage from the maximum of twenty-five (25) percent to forty-six (46) percent or from five-thousand two-hundred and ninety-nine (5,299) square feet to nine-thousand seven-hundred and fifty-one (9,751) square feet.

Approval recommended with the following conditions:

1. All Wetland Conservation Act (WCA) findings and conditions shall be complied with along with all other governing bodies' permitting requirements for the public watercraft access.
2. A landscaping and screening plan shall be submitted to JPB staff for approval along with a tree removal and preservation permit.
3. A shoreland alteration permit shall be obtained prior to any site alterations.
4. The existing holding tank on the property shall be removed and an SSTS abandonment reporting form shall be completed and submitted to JPB staff and MPCA.
5. Final engineering grading, drainage, and stormwater plans along with proper erosion control will need to be reviewed and approved by JPB staff before any construction can commence.
6. The variance and conditional use permit shall expire and become void if the watercraft access is not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

**And Findings of Fact:**

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

Yes. A practical difficulty exists as the current lot does not meet the lot size minimum or width. Also, to be able to provide off-street parking the impervious surface coverage will go above the twenty-five (25) percent maximum.

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

Yes. The parcel is an existing lot of record that was platted in 1926 which was recently combined with the alley to the west, making the lot larger in size and closer to conformity. Due the size and configuration of this parcel, the placement of this access or any

development of this lot in general is challenging, due in large part from the wetlands that are located near the lakeside of the property.

**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. Movil Lake currently does not have a public watercraft access and as noted within the GBA Comprehensive plan, a public access to public waters are needed for water-oriented opportunities, and to promote and protect the public health, safety, comfort, convenience and general welfare of the Greater Bemidji Area. Through an approved Conditional Use Permit (CUP) public and private watercraft accesses are permitted within the shoreland areas.

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

Yes. The applicant has made many site plan additions to screen from neighboring properties from the vehicle traffic that will occur at the watercraft access along with both the street and lake sides. This use would not alter the character of the surrounding area as the site plans show their due diligence in preserving the Northwood's character and the natural state of the lot and area.

Roll call vote:

Ayes: Frenzel, Kelly, Meehlhause, Albrecht

Nays: Erickson

Abstain: None

Absent: None

Motion carried.

Motion by Frenzel, second by Kelly, to approve a CUP for the creation of a public watercraft access with Resolution 2020-06 for parcel 31.01046.00, with the following conditions:

1. All Wetland Conservation Act (WCA) findings and conditions shall be complied with along with all other governing bodies' permitting requirements for the public watercraft access.
2. A landscaping and screening plan shall be submitted to JPB staff for approval along with a tree removal and preservation permit.
3. A shoreland alteration permit shall be obtained prior to any site alterations.
4. The existing holding tank on the property shall be removed and an SSTS abandonment reporting form shall be completed and submitted to JPB staff and MPCA.
5. Final engineering grading, drainage, and stormwater plans along with proper erosion control will need to be reviewed and approved by JPB staff before any construction can commence.
6. The variance and conditional use permit shall expire and become void if the watercraft access is not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

**And Findings of Fact:**

**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 project is not anticipated to adversely affect, nor create an unreasonable level of disruption or increase interference upon the surrounding area. This use will enhance public safety and will allow emergency personnel to access Movil Lake in the event of a crisis.



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

No. Based on the proposed project, the site plans shows adequate off-street parking that will be provided on the parcel, as parking is not allowed on the S Movil Lake Road. Due to the depth and the size of Lake Movil in proximity to the access, only smaller watercrafts would be the primary source of traffic at this proposed public watercraft access.

**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 neighborhood. Public watercraft are located in residential districts throughout the majority of public waters within the State of Minnesota.

**4. Whether the proposed use is in conformance with the community's Comprehensive Plan**

Yes. The proposed use is consistent with the goals and policies of the Comprehensive Plan as well as the Zoning and Subdivision Ordinance as public accesses to public waters are needed for water-oriented opportunities, and to promote and protect the public health, safety, comfort, convenience and general welfare of the Greater Bemidji Area. Through an approved Conditional Use Permit (CUP) public and private watercraft accesses are permitted within the shoreland areas.

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

Yes. The proposed site plans show adequate drainage for all of the impervious surface on the parcel to mitigate storm-water run-off from entering Lake Movil.

Roll call vote:

Ayes: Albrecht, Erickson, Meehlhause, Kelly, Frenzel

Nays: None

Abstain: None

Absent: None

Motion carried unanimously.

### OTHER BUSINESS

- Staff requested a call for a Public Hearing at the March 11<sup>th</sup> Joint Planning Board Meeting, to gather input from the community on the possibility of amending the Ordinance regarding Short Term Vacation Rentals. Discussion resulted in the consensus by the Board for a Public Hearing scheduled by staff at the April 8<sup>th</sup> Joint Planning Board Meeting.

### DIRECTOR'S REPORT

Mai described the upcoming planning cases, year-to-date activity, as well as new and on-going development projects. Mai presented the job rating classification and salary scale of the Enforcement position. Both government units requested time to present the figures to their respective LGU members for approval. Consensus by the Board for staff to discuss at the next JPB meeting.

### UPCOMING MEETING DATES

February 27, 2020	6:00 pm	JPC Regular Meeting
March 11, 2020	6:00 pm	JPB Regular Meeting
March 26, 2020	6:00 pm	JPC Regular Meeting
April 8, 2020	6:00 pm	JPB Regular Meeting


**ADJOURNMENT**

There being no further business, motion by Erickson, second by Frenzel, to adjourn the Joint Planning Board meeting at 8:05 p.m.

Motion carried unanimously.

Respectfully submitted,

Terri Ball  
Planning Administrative Assistant

JPB Minutes Approved and attested by:   
Joint Planning Board Representative

