

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

**Thursday, March 26, 2020
6:00 P.M.**

**Council Chambers, City Hall / Cisco Webex Video Conferencing
317 4th ST NW
Bemidji, MN 56601**

AGENDA

- | | |
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| <p>➤ Call to Order/Roll Call</p> | Chair |
| ➤ Pledge of Allegiance | |
| ➤ Approve Agenda | |
| ➤ Approve Minutes | |
| • Thursday, February 27, 2020 Regular Meeting | |

NEW BUSINESS

- | | |
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| 1. Visitors | Chair |
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Public Hearings

- | | |
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| 1. <u>City of Bemidji</u> - V-20-31.01608.00 – Gary Johnson | CM |
| 2. <u>City of Bemidji</u> – CUP-20-31.00453.00 – Urman Properties | JC |

OTHER BUSINESS

- | | |
|---|--------------|
| 1. Director’s Report | |
| 2. Upcoming Meetings | Chair |
| • April 8, 2020 6:00 pm JPB Regular Meeting | |
| • April 23, 2020 6:00 pm JPC Regular Meeting | |
| • May 13, 2020 6:00 pm JPB Regular Meeting | |
| • May 28, 2020 6:00 pm JPC Regular Meeting | |
| 3. Adjourn | Chair |

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

**March 26, 2020
6:00 p.m.**

**Cisco Webex
Video Conference**

CALL TO ORDER: Chair Don Heinonen 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, Faver, Steffen, David, Heinonen, Lemmer, Miller, Smith

MEMBERS ABSENT: None

STAFF PRESENT: Casey Mai, Jamin Carlson, Terri Ball

OTHERS: Gary Johnson

APPROVAL OF AGENDA:

Motion by Miller, second by Steffen, to approve the agenda as presented.

Ayes: Smith, Miller, Lemmer, Heinonen, David, Steffen, Faver, Berg

Nays: None

Abstentions: None

Motion carried unanimously.

APPROVAL OF MINUTES:

Motion by Smith, second by Steffen, to approve minutes from the February 27, 2020, Greater Bemidji Area Regular Joint Planning Commission as presented.

Ayes: Berg, Faver, Steffen, David, Heinonen, Lemmer, Miller, Smith

Nays: None

Abstentions: None

Motion carried unanimously.

NEW BUSINESS:

VISITORS:

Public Hearing:

Mai presented the first case:

PLANNING CASE – V-20-31.01608.00 – Gary Johnson

Gary Johnson is seeking a variance in order to construct a new single-family home on a vacant substandard lot of record located on parcel 31.01608.00 within the City of Bemidji. This parcel was

recently part of the 2020 annexation into the City limits and is within the (R-3) Suburban Residential Sewered Zoning District and Shoreland Overlay. The requested variances are as follows:

1. A reduction of 15,470 square feet in lot size per the Section 901 requirement of 30,000 square feet; and
2. An additional four and one-half percent (4.5%) or six hundred and fifty-three (653) square feet of impervious surface coverage throughout the property per Section 901.

BACKGROUND

The Applicant recently met with Staff in regards to building a new single-family residential structure on the property. The Applicant currently has a purchase agreement in place, contingent of the variance request to build on this substandard lot of record. In 1992, Beltrami County Planning Commission/Board of Adjustments along with the Mississippi Headwaters Board approved Barbara DeMarchi, a prior owner, a variance to build on the substandard lot of record as well as a setback of sixty-two (62) feet from the ordinary high water level (OHWL), instead of the required one-hundred (100) feet. In 2008, Municipal water and sewer was extended along Lagoon Dr NE, allowing this property's setback requirements from the OHWL to decrease to fifty (50) feet.

PLANNING CONSIDERATIONS

This lot does not meet any of the allowances for substandard lot construction in the ordinance Section 502 or Section 903, and nothing can be constructed or expanded without a variance.

Landscaping Requirements

A landscaping plan would need to be submitted if any trees, shrubs, or vegetation are to be removed within the shoreland protection zone. Erosion control would have to be in place before any construction or demolition begins and remain intact until suitable vegetation is established and in place.

Per Section 1006 of the Ordinance, a minimum of two (2) trees shall be planted or preserved on the property within the front yard setback between the property line and the principal structure.

Stormwater Mitigation

Per Section 914 of the Ordinance, if a project cannot meet the shoreland limitation for impervious surface of twenty-five percent (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 twenty-five percent (25%) over and above traditional impervious surface materials may be considered for approval.

Staff would recommend that the applicant install a gutter system on the new structure to direct stormwater towards a mitigation system such as raingardens or even a pervious pavement system in lieu of concrete or bituminous surface. This will prevent runoff from entering Lake Bemidji. A stormwater mitigation plan shall be submitted to JPB staff for review and approval prior to building permit being issued.

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

The Building Department, GIS, nor the Fire Department had any concerns with this request. The residential construction project will be subject to plan review, permitting and inspections to

demonstrate compliance with the 2015 MN State Building Code or the 2020 MN State Building Code depending upon the timing of the project.

Craig Gray, City Engineer stated the following in regards to this request:

My recommendation would be denial of the variance for the extra impervious surface coverage. The rules for impervious surface coverage are in place to protect the water bodies in the area. I don't see any hardship that would prevent the applicant from reducing the size of the house, the patio or the driveway, so that the additional 653 square feet of impervious surface would not be needed.

Neighborhood Comment

At the time of writing the report, no neighborhood comments were received.

Comprehensive Plan References:

The newly adopted Greater Bemidji Area Comprehensive Plan has identified a few objectives and strategies that supports the variance request and is in keeping with the spirit, purpose and intent of the Plan.

Land Use Objective 4.1: Preserve the Quality Residential Neighborhoods

Identify specific redevelopment opportunities and promote revitalization while maintaining character. Mapping of existing neighborhoods can provide a clearer boundary to ensure preservation. This can also aid in the development of form-based zoning to allow redevelopment of existing nonconforming structures.

Natural Resources Objective 11.2 Preserve and Enhance Water Quality

The protection of water quality is becoming increasingly important in all-natural resource environments. In an area that thrives on a strong connection to water and Mississippi River, water quality protection is key to preserving and improving a high quality of life standard that is so attractive to residents and visitors.

Strategy #2: Use shoreland restoration incentives and demonstrate success on public and private property to increase natural shoreland. Encourage shoreland restoration projects through incentives or flexibility could potentially reduce shoreland variances. Displaying the benefits of shoreland restoration can increase awareness and understanding of the process that could result in a positive impact on shoreland.

RECOMMENDATIONS

Staff recommends approval of two (2) variances in order to construct a new single family structure on parcel 31.01608.00. The variances are as follows:

1. A reduction of 15,470 square feet in lot size per the Section 901 requirement of 30,000 square feet; and
2. An additional four and one-half percent (4.5%) or six hundred and fifty-three (653) square feet of impervious surface coverage throughout the property per Section 901.

Approval recommended with the following conditions:

1. Buildings shall be staked by a professional surveyor to mitigate setback encroachment.
2. An erosion control plan shall be submitted and be in place before any construction commences on the property.

3. A stormwater mitigation plan shall be provided by the landowner from a design professional to be reviewed and approved by the Planning Director and City Engineer before a building permit can be issued.
4. A building permit from the City of Bemidji shall be obtained prior to construction.
5. Applicant shall obtain a driveway permit from the City of Bemidji Public Works.
6. A minimum of two (2) trees shall be planted or preserved within the front yard setback.
7. The variance shall expire and become void if the project 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.

Public Hearing opened at 6:17 p.m.

Gary Johnson stated that the conditions are reasonable and he will gladly comply with them. Johnson questioned the need of a formal designer for the designing of stormwater and preferred to work with the contractor to design options. Staff explained that the condition was suggested by the City Engineer in an attempt to mitigate shoreline effects. Johnson commented that he understood the reasoning and is okay with this.

Public Hearing closed at 6:18 p.m.

Motion by Steffen, second by Miller to recommend approval of two (2) variances in order to construct a new single family structure on parcel 31.01608.00. The variances are as follows:

1. A reduction of 15,470 square feet in lot size per the Section 901 requirement of 30,000 square feet; and
2. An additional four and one-half percent (4.5%) or six hundred and fifty-three (653) square feet of impervious surface coverage throughout the property per Section 901.

Approval recommended with the following conditions:

1. Buildings shall be staked by a professional surveyor to mitigate setback encroachment.
2. An erosion control plan shall be submitted and be in place before any construction commences on the property.
3. A stormwater mitigation plan shall be provided by the landowner from a design professional to be reviewed and approved by the Planning Director and City Engineer before a building permit can be issued.
4. A building permit from the City of Bemidji shall be obtained prior to construction.
5. Applicant shall obtain a driveway permit from the City of Bemidji Public Works.
6. A minimum of two (2) trees shall be planted or preserved within the front yard setback.
7. The variance shall expire and become void if the project 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.

Findings of Fact

1. Has the applicant demonstrated a practical difficulty?

Yes. This is an existing lot of record that is currently vacant; the surrounding area is heavily developed on small substandard lots. Without a variance, the lot could not be improved or further developed.

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

Yes. This is a previously platted and developed lot of record with an approved variance from 1992. Due to no construction on the lot for the past twenty-eight (28) years and for the slight proposed increase in impervious surface, a new variance approval is required.

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 make use of the property in a reasonable manner. This proposal is to allow a vacant lot to be constructed on and for the new structure to comply with all setbacks including the OHWL of Lake Bemidji.

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

Yes. This existing neighborhood along Lagoon Dr NE is completely built out and this is the last remaining undeveloped lot. By allowing the nonconforming lot to be developed on and complying with all setbacks, this will be suitable with the surrounding area's character.

Ayes: Smith, Miller, Lemmer, Heinonen, David, Steffen, Faver, Berg

Nays: None

Abstentions: None

Motion carried unanimously.

Carlson presented the second case:

PLANNING CASE – CUP-20-31.00453.00 – Urman Properties

Urman Properties LLC, is requesting a conditional use permit (CUP) to be able to have up to seven (7) commercial uses in a multi-tenant building they will be constructing in the upcoming construction season. The proposed uses may include: contractor's shop and storage facility, light manufacturing/processing, and professional or business offices. This parcel, known as 31.00453.00, was part of the 2020 annexation into City limits and is located at 1465 Balsam Rd. NW, within the City of Bemidji. This property is zoned (B-1) Low Density Commercial.

BACKGROUND

In 2019, Urman Properties LLC purchased this property and had it rezoned from R-2 Suburban Residential to B-1 Low Density Commercial. Since then, the property has had the wetland boundaries determined by Beltrami County staff, as well as having the trees and vegetation removed from the construction area. The Applicants are proposing to construct a multi-tenant structure with multiple commercial uses slated for the building. The Applicants have been in contact with JPB staff along with the City Building Department to discuss all requirements related to planning and zoning as well as state building codes. The proposed project location is under four (4) acres and the remaining twenty-five (25) acres plus of the property will be undeveloped due to wetlands being identified. This parcel recently was annexed into the City of Bemidji.

A CUP allows for the community to review on a case by case basis the needs of the surrounding neighborhood to allow a use, with conditions, that may or may not be of a similar nature. The conditions are a method to minimize any potential impact the use may have.

PLANNING CONSIDERATIONS

Properties to the west and southwest are B-1 Low Density Commercial and the properties to the east and south are R-1 Rural Residential that are mostly undeveloped. The proposed parcel is primarily made up of wetlands and is in the Sensitive Area Overlay as with the parcels to the east, west, north and south as well.

Parking

Section 1009 of the Ordinance requires that business and professional offices have one (1) space for each three-hundred (300) square feet of gross floor area, plus one (1) space for each employee on max shift. As this is the most restrictive for parking requirements that have been listed by the applicant, based on the maximum design capacity, the proposal shows designated parking for those possible uses with an expansion if needed. Based on the most restrictive use, this site would be required to have forty (40) parking spaces. Per the Ordinance, the Applicant can provide proof of parking of what is actually needed. At this time, the site is proposing approximately thirty-six (36) parking spaces. Note that there is identified parking expansion on the site plans if needed in the future for any changes in use that will require additional parking.

Landscaping

Per Section 1006 of the Ordinance, the site requires one (1) tree per fifty (50) lineal feet of street frontage along with one (1) tree for every 1,400 square feet of minimum required pervious site surface. A total of twenty-two (22) trees are required throughout the construction area of the property. Twelve (12) trees are required within the front yard setback along the street frontages of Balsam Road NW and HWY 71. A final landscaping plan shall be submitted for JPB staff approval prior to obtaining a building permit.

Lighting

All exterior lighting proposed for this development must meet Section 1008 of the Ordinance. A lighting plan showing fixtures and placement will need to be submitted for approval prior to building permit being issued.

Signage

No exterior wall signage or freestanding signage was indicated on the site plan. All signage must comply with Section 712 of the Ordinance and a sign permit shall be obtained prior to installation.

Trash Handling

At this time no trash enclosure was identified on the site plans. Any dumpsters brought on-site shall be fully enclosed complying with Section 1002 of the Ordinance.

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

The Building Department, nor the Fire Department had any concerns regarding the site plans for the proposed expansion. Bryan Kerby, the City building official had the following to say in regards to this CUP request:

The Building Department has met with the owners of this project for a preliminary discussion of proposed construction and has no concerns at this time. Construction documents will need to be submitted to the Building Department for plan review, permitting and inspections to verify compliance with the 2015 or 2020 MN State Building Code depending upon timing of submittal.

Sam Anderson, the City Assistant Engineer, had the following comments:

I provided my preliminary civil review comments prior to the CUP submittal.

A final civil plan set will need to be provided, if CUP is approved, for final review prior to construction, but my initial comments have been addressed.

A building permit will need to be issued prior to construction. Utility as-builts will also need to be submitted to the GIS Department, which shall include the stormwater. GIS Department stated the entire building will have one address number and suite numbers/letters will be assigned to any businesses inside.

Neighboring Property Owner input

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

Comprehensive Plan References

The newly adopted Greater Bemidji Area Comprehensive Plan has identified the following objectives and strategies that supports commercial use on this property.

Objective 4.2: Preserve and Promote Commercial and Industrial Redevelopment or In-Fill Development Where Appropriate Providing opportunity for commercial and industrial redevelopment is imperative to reduce urban sprawl and increase land use densities where appropriate. Land use planning can preserve existing developed areas and ensure land is available as well as compatible for increased development.

2. Identify areas where commercial and industrial uses should be located, specifically adjacent to highways with controlled access where noise, odor, dust, and glare will have minimal impact. When reviewing new commercial and industrial land uses, ensuring these areas are appropriate and compatible with opportunity to be successful. Piecemeal development of industrial and commercial land uses can increase urban sprawl and have negative impacts on existing, less intense surrounding land uses.

The location of a multi-tenant business in a commercial area is compatible in the B-1 Low Density Commercial Zoning District. The proposed use of a multi-tenant commercial building in this zoning district is consistent with Comprehensive Plan; provided the CUP process is followed and specific conditions are met in order to assure compatibility with surrounding uses.

RECOMMENDATIONS

Staff recommends approval of a conditional use permit (CUP) for a multi-tenant building required for a contractor's shop and storage facility, light manufacturing/processing, and professional or business offices located at 1465 Balsam Rd. NW, within the City of Bemidji with the following conditions:

1. Final engineering, grading, erosion control and stormwater plans will need to be approved for review by JPB staff, City of Bemidji Public Works staff, and Bemidji GIS Department before any construction can commence.
2. Final building plans will need to be approved by the City of Bemidji Building Department and Bemidji Fire Department.
3. All exterior lighting on-site shall comply with Section 1008 of the JPB Ordinance; a lighting plan shall be submitted with final building plans for JPB review.
4. All signage needs to meet Section 712 of the JPB Ordinances and a permit must be obtained prior to any signage being placed on site.
5. Any dumpsters brought on site shall be fully enclosed complying with Section 1002 of the JPB Ordinance.
6. A final landscaping plan shall be submitted to JPB staff for approval complying with Section 1006 of the JPB Zoning Ordinance.

7. The passenger parking area shall consist of a bituminous or concrete surface and have adequate parking for the proposed multiple commercial uses complying with Section 1009 of JPB Ordinance.
8. The developer/owner shall enter into a development agreement with the JPB and the City of Bemidji prior to construction.
9. A conditional use permit shall expire and become void if the use it allows 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.

Public Hearing opened at 6:31 p.m.

No comments received.

Public Hearing closed at 6:32 p.m.

Motion by Smith, second by Steffen, to approve a conditional use permit (CUP) for a multi-tenant building required for a contractor's shop and storage facility, light manufacturing/processing, and professional or business offices located at 1465 Balsam Rd. NW, within the City of Bemidji with the following conditions:

1. Final engineering, grading, erosion control and stormwater plans will need to be approved for review by JPB staff, City of Bemidji Public Works staff, and Bemidji GIS Department before any construction can commence.
2. Final building plans will need to be approved by the City of Bemidji Building Department and Bemidji Fire Department.
3. All exterior lighting on-site shall comply with Section 1008 of the JPB Ordinance; a lighting plan shall be submitted with final building plans for JPB review.
4. All signage needs to meet Section 712 of the JPB Ordinances and a permit must be obtained prior to any signage being placed on site.
5. Any dumpsters brought on site shall be fully enclosed complying with Section 1002 of the JPB Ordinance.
6. A final landscaping plan shall be submitted to JPB staff for approval complying with Section 1006 of the JPB Zoning Ordinance.
7. The passenger parking area shall consist of a bituminous or concrete surface and have adequate parking for the proposed multiple commercial uses complying with Section 1009 of JPB Ordinance.
8. The developer/owner shall enter into a development agreement with the JPB and the City of Bemidji prior to construction.
9. A conditional use permit shall expire and become void if the use it allows 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. A multi-tenant commercial use conforms to the zoning regulations as a permitted CUP in the (B-1) Low Density Commercial Zoning District. The proposed use is not anticipated to adversely affect, nor create an unreasonable level of disruption or interference upon the surrounding residential or commercial areas.

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

No. A slight increase in traffic will occur in the area; however, other negative impacts are not anticipated with the controlled access to Highway 71. The applicant is providing adequate off-street parking on the property.

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

No. Adverse impacts upon the surrounding area are not anticipated with this proposed project. Any future proposed uses or changes shall be reviewed in accordance with all zoning requirements and any change in use that requires an amendment to the CUP will be brought back to the Commission and Board for approval.

4. Whether the proposed use is in conformance with the community's Comprehensive Plan or Land Use Plan.

Yes. The proposed uses are consistent with the goals and policies of the Comprehensive Plan as well as the Zoning & Subdivision Ordinance through an approved CUP.

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

Yes. The property will be served by private well and septic system designed by a licensed professional.

Ayes: Berg, Faver, Steffen, David, Heinonen, Lemmer, Miller, Smith

Nays: None

Abstentions: None

Motion carried unanimously.

OTHER BUSINESS:

DIRECTOR REPORT

Staff updated Commissioners on the decisions made by the JPB, and mentioned projected planning cases. Year-to-date activities and project developments were also discussed.

UPCOMING MEETING DATES:

April 8, 2020	6:00 pm	JPB Regular Meeting
April 23, 2020	6:00 pm	JPC Regular Meeting
May 13, 2020	6:00 pm	JBP Regular Meeting
May 28, 2020	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 6:43 p.m.

Motion carried unanimously.

Respectfully submitted,

Terri Ball

Planning Administrative Assistant

Approved and attested by: 
Joint Planning Commission Representative