

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

**Thursday, July 27, 2017
6:00 P.M.**

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

AGENDA

- **Call to Order/Roll Call** **Chair**
- **Pledge of Allegiance**
- **Approve Agenda**
- **Approve Minutes**
 - **Thursday, June 22, 2017 Regular Meeting**

NEW BUSINESS

Public Hearings

1. **Northern Township: CUP-17-31.00721.00 – Jon Kummer** **CM**
2. **Northern Township: V-17-31.01058.00 – Craig & Wendy Boyer** **CB**
3. **Northern Township: V-17-31.01456.00 – Ross Hegge** **CB**
4. **City of Bemidji: CUP-17-80.04502.00 & 80.04397.00 – Beltrami County** **CM**
5. **Northern Township: CUP-17-31.03208.00 & 31.03207.00 – Justin Hoover** **CB**

OTHER BUSINESS

1. **Visitors** **Chair**
2. **Director Report** **CM**
3. **Upcoming Meetings** **Chair**
 - August 9, 2017 6:00 pm JPB Regular Meeting
 - August 24, 2017 6:00 pm JPC Regular Meeting
 - September 13, 2017 6:00 pm JPB Regular Meeting
 - September 28, 2017 6:00 pm JPC Regular Meeting

4. **Adjourn** **Chair**

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

July 27, 2017
6:00 p.m.

City Hall
Council Chambers

CALL TO ORDER: Chair Nicki Lemmer called the regular meeting of the Greater Bemidji Area Joint Planning Commission to order at 6:00 p.m. Roll call was taken and the pledge of allegiance was recited

MEMBERS PRESENT: Berg, Steffen, David, Hendricks, Lahn, Lemmer, Miller, Smith

MEMBERS ABSENT: None

STAFF PRESENT: Casey Mai, Cory Boushee, Terri Ball

OTHERS: Craig Boyer, M. Danielson, Brian Olson

APPROVAL OF AGENDA:

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

Motion carried unanimously.

APPROVAL OF MINUTES:

Motion by Steffen, second by David, to approve minutes from the June 22, 2017 Greater Bemidji Area Regular Joint Planning Commission.

Motion carried unanimously.

NEW BUSINESS:

Public Hearing:

Mai presented the first case:

PLANNING CASE – CUP-17-31.00721.00 – Jon Kummer

The applicant is requesting approval of a Conditional Use Permit (CUP) for a Refuse Service Facility at the location of 901 Anne Street NW in Northern Township; parcel

number 31.00721.00. This subject parcel is located in the R-1 Rural Residential Zoning District.

BACKGROUND

Per Section 302 of the GBAJPB Zoning and Subdivision Ordinance, a Refuse Service Facility is an allowed use in an R-1 Rural Residential Zoning District with an approved CUP. Jon's Refuse Service is currently nonconforming as it has been operating at this location without an approved CUP.

Jon's Refuse Service was established in 1972 and was run by Jon's parents up until the mid-1990's. At the time when the Kummer's were ready to retire, the business was sold to Brad's Sanitation. On October 16th, 1995, the Kummer's Sanitary Landfill was entered into a Landfill Cleanup Agreement pursuant to the Landfill Cleanup Act, Minn. Stat. § § 115B.39-115B.46 (1994). Under the agreement, Kummings agreed to place a restrictive covenant on portions of the parcel of property that they owned. The portion of their land where the homestead lies is not covered under the Landfill Cleanup Agreement.

Per Minn. Stat. § § 115B.39, "Closure" means actions to prevent or minimize the threat to public health and the environment posed by a mixed municipal solid waste disposal facility that has stopped accepting waste by controlling the sources of releases or threatened releases at the facility. "Closure" includes removing contaminated equipment and liners; applying final cover; grading and seeding final cover; installing wells, borings, and other monitoring devices; constructing groundwater and surface water diversion structures; and installing gas control systems and site security systems, as necessary.

Through many site visits and inspections, this site is a concern as the area groundwater may be affected by past landfill contamination. A good portion of the area is contaminated with groundwater plume and methane gases. Minnesota Pollution Control Agency (MPCA) Closed Landfill Program (CLP) continues to visit the site and do annual inspections and monitoring of groundwater wells. Through the Agreement, Kummer's agreed not to place, or allow others to place any materials, personal property, equipment or any other items on or in the landfill without written consent of the MPCA.

In 2012, Brad's Sanitation sold to Waste Management, which is based out of Houston, Texas. Recently Jon and his wife returned to northern Minnesota and started Jon's Refuse Service back up at the Kummer homestead.

PLANNING CONSIDERATIONS

Jon's Refuse Service Facility is located in the R-1 Rural Residential Zoning District. This area is zoned R-1 because of the closed landfill for the sole purpose that nothing can ever be developed on this property without the land being cleared and released by the MPCA. The surrounding uses to this property are not compatible and are not zoned in similar manner. The land to the northeast of the Kummer's homestead is made up of apartments and zoned multi-family. The land directly to the east of the Kummer's homestead is made up of primarily high density commercial retail stores and restaurants that are zoned general commercial. The land to the west and southwest is made up of professional offices and medical clinics that is zoned low density commercial and office medical. The land directly to the south is made up of residential townhomes that is zoned moderate density residential.

Trash Handling & Exterior Storage

The applicant has not indicated an enclosed dumpster area on their site plan. All exterior storage of materials or equipment on the parcel are required to be fully enclosed on all sides with a secure door, constructed to a height of six (6) feet and matching the architectural appearance of the buildings and/or screened with a dense evergreen tree hedge per Section 1002 and 1005 of the GBAJPB Zoning & Subdivision Ordinance.

Signage

The applicant has not indicated any signage being added to the properties. All signage must comply with Section 710 of the JPB Ordinance and a sign permit shall be obtained prior to installation. At this time the applicant is using a dumpster as a display sign with Jon's Refuse contact information.

Minnesota Pollution Control Agency (MPCA) Closed Landfill Program (CLP)

The CLP has no issue with Jon's Refuse Services operating at this location if they plan to just store empty dumpsters and service trucks; however, they do have concern with leakage of contamination from the dumpsters or the trucks. They have indicated that they will continue to visit and inspect the site and that there shall be no construction of any structures on site without written approval from the MPCA.

Development Team (Public Works / Engineer; Fire Department; Beltrami County)

No concerns were identified by the Fire Department or the Beltrami County Highway Department.

Neighboring Property Owner Input

Staff has received concerns from eight neighboring property owners regarding this use and the potential effects it may have on the surrounding area. They feel the proposed use could have strong odors and that the use does not fit within the zoning of the surrounding uses. They are worried this will diminish the value of their properties and will hinder people from living or shopping in the area.

Comprehensive Plan References

The proposed use of a refuse service facility in a rural residential district is consistent with Greater Bemidji Area Land Use Plan; provided the CUP process is followed and specific conditions are met in order to assure compatibility with surrounding uses. However, a refuse service facility proposing outdoor storage of equipment used for the handling of solid waste in this location is not consistent with the Greater Bemidji Area Land Use Plan as this use is not compatible with the existing surrounding land uses, nor is this request in keeping with protecting the public health, safety, comfort, convenience and general welfare of the Greater Bemidji Area. Appropriate buffers to prevent land use conflicts between the surrounding lands uses do not exist in this proposal.

RECOMMENDATION

Staff recommends denial of the conditional use permit to allow the operation of a refuse service facility to be located at 901 Anne Street NW in Northern Township; parcel number 31.00721.00 in the R-1 Rural Residential Zoning District.

Public Hearing opened at 6:19 p.m.

Jon Kummer stated that MPCA has conducted quarterly inspections since the closure and no significant methane has been present for 15 years. Kummer has no concerns about leakage as his canisters are in good shape and are taken to jobs and two times a week he power washes the insides. Further, Kummer stated this is not a transfer station, it is a place to park his trucks. He has no plans to expand the business on this site. Kummer also stated in his conversations with neighboring business people (Choice Therapy and Bob Whelan) they had no concerns with Jon's Refuse. Kummer again stated that no garbage ever comes into this site. Commissioner Lemmer asked where bins are power washed and Kummer stated his yard as the location. Discussion expanded to Lemmer's concern about contaminated materials being left in the yard after cleaning process, but Kummer insisted only the exterior of the bins are being washed. Commissioner Lahn asked how long Kummer has been operating at this site, which Kummer answered September of 2016. Lahn also asked if complaints about smell were received and what Kummer's intentions are if business increases. Kummer has not received complaints about odor, and if business gets better he plans to expand it elsewhere. City Attorney Al Felix stated that if the JPC approves this Conditional Use Permit, the applicant must comply with all city ordinances and laws.

Public Hearing closed at 6:25 p.m.

Motion by Smith, second by Miller to deny a Conditional Use Permit (CUP) for a Refuse Service Facility at 901 Anne Street NW in Northern Township, parcel number 31.00721.00, 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.**
Yes. The proposed use of a refuse service facility is anticipated to adversely affect, or create an unreasonable level of disruption or interference upon the surrounding area as the use is not compatible with the existing neighborhood, nor is it protecting the public health, safety, comfort, convenience and general welfare of the Greater Bemidji Area. Although empty dumpsters and empty service trucks are only to be serviced and stored on site, the possibility of having strong odors or leakage of contamination is a general concern for the surrounding neighborhood.
- 2. Whether the proposed use adversely affects traffic conditions and parking on adjacent streets and land.**
Yes. Although currently Jon's Refuse is a small operation with minimal trucks entering or exiting the property daily, increasing business or another company with a larger operation wishing to use this property as a refuse service facility could create a burden on traffic conditions mixing the ingress/egress of garbage trucks and existing high traffic flow.
- 3. Whether the proposed use adversely affects property in the surrounding area.**
Yes. The proposed use of a refuse service facility and outdoor storage of equipment used for the handling of solid waste on the parcel is anticipated to adversely affect the value of land and properties and create an unreasonable level of disruption or interference upon the surrounding area as it is not a compatible use for the area. A refuse service facility is not consistent with the goals and policies of the JPB Land Use Plan for this area through the conditional use permit.
- 4. Whether the proposed use is in conformance with the community's Comprehensive Plan or Land Use Plan.**
No. The proposed use of a refuse service facility is not consistent with the goals and policies of the JPB Land Use Plan for this zoning area through the conditional use permit as it would not be protecting the public health, safety, comfort, convenience and general welfare of the Greater Bemidji Area
- 5. Whether adequate utility, drainage and other such necessary facilities have been or can be provided.**
Yes. The property is served by city water services due to groundwater plume contamination from the past landfill; however, the site is still served by its own septic system which was installed and inspected in 2015.

Roll Call Vote:

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Ayes: Smith, Miller, Lemmer, Lahn, Hendricks, David, Steffen, Berg
Nays: None
Absent: None
Abstain: None

Motion carried unanimously.

Boushee presented the second case:

PLANNING CASE – V-17-31.01058.00 – Craig & Wendy Boyer

Applicant is requesting multiple variances at 6914 Bemidji Ave N in Northern Township to remove an old metal shed and replace it with an existing newer shed, as well as construct a new 480 square foot accessory structure. 1.) Variance for a 19,597 square foot reduction in lot size requirement from the 45,000 square foot requirement of the (R-3) Suburban Residential UNSEWERED zoning district; 2.) Variance for a reduction of forty-six (46) feet from the fifty (50) feet required from federal, state, or county right-of-way; and 3.) Variance for a reduction of (9.6) feet for structure mound setback on east side of mound.

BACKGROUND

The applicant approached inquiring about the ability to construct a garage on their Lake Bemidji property. A previous variance was granted for this property in 2014 allowing for the addition of a four-season porch to be constructed, this was for substandard lot size and reduction of setback to OHWL of fifty (50) feet. This platted nonconforming lot would be completely unbuildable if held to the strictest standards as it is an average of 150' in depth, so any building would encroach on a setback. The applicant presented two options for discussion; however, JPB staff felt that Option 1 would place the least amount of impact on the shoreland, require less additional impervious surface, remove the least amount of trees, but also could impact the county ROW.

PLANNING CONSIDERATIONS

Lot Size Variance

A variance for lot size requirement was granted on this parcel in 2014, as JPB staff felt it was necessary to also include this in the variance process to update the numbers based on the certificate of survey provided. The 2014 request did not have the benefit of a survey for calculating square footage.

The request for administrative lot combination of the three (3) contiguous lots has been filed and approved by JPB staff.

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ROW Setback

Setbacks are used in planning for safety, environmental concerns, and orderly, uniform development. The largest concern with this request is the encroachment on the public ROW, Bemidji Ave N is maintained by the Beltrami County Highway Department. The general consensus was that enough ROW currently exists here and that a minimal setback could be okay in this situation. The property does have a second driveway approach that will need to be removed as part of the proposed construction.

Response from Bruce Hasbargen, Beltrami County Engineer:

E-mail 1: Initial conversation

I am for option 1.

It looks like we have adequate right of way width. If there are any future improvements I wouldn't expect them to expand the right of way especially towards the development along the lake. So a large setback from the right-of-way is not warranted in my opinion. It would be great to have the second approach removed, remove that safety hazard.

They would need to make sure the garage is built on the property with no encroachment on the right-of-way, so some minimal setback would be good.

E-mail 2: Response to Agency Packet

Beltrami County Highway Department is OK with this variance but requests with the approval there is the requirement to remove the southerly driveway.

Beltrami County Highway Department allows one driveway per parcel. With the lots combined into one parcel and with this variance request, now would be a good opportunity to remove the second approach. All approaches are a safety hazard for any vehicle that leaves the roadway. They are an even greater hazard when they are located close to each other such as these two.

Any short term need for the second approach such as having to construct a septic system can be handled by a temporary driveway.

Septic Setback

The JPB ordinance is stricter than the MPCA guidelines for septic systems by requiring all structures to meet the twenty (20) foot setback from septic system drain field or mound media bed. MPCA only requires habitable structures to meet this requirement. The concern with setbacks is damage to the system and increasing run-off onto the system, no damage or increase in runoff is anticipated as this is a mound system.

Comprehensive Plan References

This request is in keeping the goals and policies of the GBAJPB land use plan, one goal of the plan is to protect the safety and functionality of the road system in the community through the promotion of appropriate development patterns. This request is not anticipated to negatively affect the road system, and the removal of the additional access will increase the overall safety of the roadway.

RECOMMENDATION

Staff recommends approval of three (3) variance's located at 6914 Bemidji Ave North in Northern Township. 1.) Variance for a 19,597 square foot reduction in lot size requirement from the 45,000 square foot requirement of the (R-3) Suburban Residential UNSEWERED zoning district. 2.) Variance for a reduction of forty-six (46) feet from the fifty (50) feet required from federal, state, or county right-of-way; and 3.) Variance for a reduction of (9.6) feet for structure mound setback on east side of mound. Approval recommended with the following condition:

1. Additional ingress/egress to property will be removed as part of the construction process.

Public Hearing opened at 6:42 p.m.

Craig Boyer stated second option of proposal is no longer viable, summarized his project and stated no trees will be removed. Commissioner Lemmer asked about water run off, so applicant explained direction of gutters runs parallel with road.

Public Hearing closed at 6:45 p.m.

Motion by Miller, second by Steffen to approve three variances on parcel 31.01058.00:

1. Variance for a 19,597 square foot reduction in lot size requirement from the 45,000 square foot requirement of the (R-3) Suburban Residential UNSEWERED zoning district
2. Variance for a reduction of forty-six (46) feet from the fifty (50) feet required from federal, state, or county right-of-way
3. Variance for a reduction of (9.6) feet for structure mound setback on east side of mound

Including findings:

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

Yes. A practical difficulty exists as this lot is an existing, previously built upon, non-conforming lot in the Chautauqua Beach Plat. If held to the strict standards for setbacks of the shoreland overlay this lot would have nearly zero square feet

of buildable area.

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

Yes. This lot was platted or created before the official controls and oversight of today for setbacks, as well as surveying and platting practices.

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. Having an attached garage or detached accessory structure is in keeping with the character of the neighborhood, and does not compromise the intent of the zoning ordinance.

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

Yes. Nearly every property in this neighborhood has the benefit of a garage, likely constructed before the implementation of stricter regulation and oversight.

Motion carried unanimously.

Boushee presented the third case:

PLANNING CASE – V-17-31.01456.00 – Ross Hegge

Ross Hegge, with realtor Doug Fuller as representative is requesting four (4) variances located at 6526 Birchmont Dr. SE in Northern Township. 1.) Allow for an eight (8) foot setback encroachment from the side yard of the ten (10) feet required. 2.) A (2.3) foot encroachment of the public right-of-way requirement of twenty (20) feet. 3.) To increase the allowed green space / pervious surface from twenty-five (25) percent to (47.5) percent; a (27.5) percent increase. 4.) To construct a structure on a substandard parcel of land in the shoreland overlay and (R-3) Suburban Residential SEWERED zoning district.

BACKGROUND

The applicant is requesting approval to construct a 308 S.F. detached garage, to store a vehicle and other items through Northern Minnesota winters. A potential buyer is interested in purchasing the property to use as a year round residence. The proposal includes removing an existing 212 S.F. storage shed, removing a bituminous driveway and replacing with pervious pavers yet to be designed and planting two trees on-site.

PLANNING CONSIDERATIONS

Existing Conditions

Current site is (49.5) percent impervious surface. The house is twenty (20) feet by forty-six (46) feet and built up against the north property line and within the OHWL setback from Lake Bemidji. A twelve (12) foot by twenty (20) foot shed exists on the property built against the south property line and within the setback from the right-of-way.

Substandard and Nonconforming Lots

This proposal does not meet the standards for building on substandard lots for JPB or MHB ordinances as setbacks cannot be met, nor impervious surface.

Setbacks

Setbacks are used for policy and planning to protect the health, safety, and welfare of a community as well as the environment. Setbacks are used to ensure adequate access for emergencies, provide a safe public ROW, mitigate environmental hazards, and provide for uniform neighborhoods and yards.

Placing gutters on the proposed garage could mitigate stormwater issues. The proposed landscaping of two (2) trees should be adjusted to ensure adequate access remains to the front of building for emergency purposes.

Impervious Surface and Green Space

The proposal intends to decrease impervious surface by providing a pervious pavement system that has yet to be designed, but does not provide for any improvement of green space. The addition of a pervious pavement system on this site does allow for twenty-four (24) percent of the impervious surface to be designed to infiltrate stormwater.

Alternative Options

The applicant provided options for placing the structure along the north or south side of the property, through conversations with the neighbor to the north the applicant decided to request the structure to be on south side. JPB staff explored other ideas with the applicant that could provide lower impact such as attaching the structure, this was not possible as the rear of the house is primarily bedrooms and not structurally designed for the addition.

Policy Considerations

Minnesota State Statute 103F.371 requires other governmental units such as the JPB to exercise their powers so as to further the purposes the MHB's goals of their comprehensive plan. This should be considered when making land use decisions that impact the MHB planning area.

Agency and Neighborhood Comment

Neighbor to the north requested that the structure not be placed directly on his property line.

Comment from the MHB was to ensure the strictest standards are followed, whether that be MHB or JPB ordinance.

Comprehensive Plan References

Improving this property to decrease current stormwater run-off and increase the permeability of the lot is in keeping with the goals and policies of the GBAJPB Land Use Plan. Although the JPB is still extremely concerned with over development of lake shore in the Greater Bemidji Area, making stormwater improvements and allowing for increased

density in areas served by central services is consistent with the land use plan and zoning ordinance.

RECOMMENDATION

Staff recommends approval of four (4) variances located at 6526 Birchmont Dr. SE in Northern Township. 1.) Allow for an eight (8) foot setback encroachment of the side yard of the ten (10) feet required. 2.) A (2.3) foot encroachment of the public right-of way requirement of twenty (20) feet. 3.) To increase the allowed green space / pervious surface from twenty-five (25) percent to (47.5) percent a (27.5) percent increase. 4.) To construct a structure on a substandard parcel of land in the shoreland overlay and (R-3) Suburban Residential SEWERED zoning district. Approval recommended with the following conditions:

1. Pervious pavement system shall be constructed to standards as designed on site plan provided by licensed professional.
2. The pervious pavement system will always remain in place and no increase in impervious surface will be allowed without variance approval.
3. A development agreement between JPB and landowner at time of construction stating that the pervious pavement system will be maintained in a functioning condition as designed, and any replacement will meet or exceed the approved design parameters will be signed notarized and recorded.

Public Hearing opened at 6:58 p.m.

Doug Fuller stated the whole neighborhood has tight quarters. His client intends to live at this residence year-round and wants a garage. Client's goal is to match the neighbor's pervious pavers and to beautify the current home and yard.

Public Hearing closed at 6:59 p.m.

Motion by Steffen, second by Hendricks to approve four (4) variances located at 6526 Birchmont Dr. SE in Northern Township. 1.) Allow for an eight (8) foot setback encroachment of the side yard of the ten (10) feet required. 2.) A (2.3) foot encroachment of the public right-of way requirement of twenty (20) feet. 3.) To increase the allowed green space / pervious surface from twenty-five (25) percent to (47.5) percent a (27.5) percent increase. 4.) To construct a structure on a substandard parcel of land in the shoreland overlay and (R-3) Suburban Residential SEWERED zoning district. Approval recommended with the following conditions:

1. Pervious pavement system shall be constructed to standards as designed on site plan provided by licensed professional.
2. The pervious pavement system will always remain in place and no increase in impervious surface will be allowed without variance approval.
3. A development agreement between JPB and landowner at time of construction stating that the pervious pavement system will be maintained in a functioning

condition as designed, and any replacement will meet or exceed the approved design parameters will be signed notarized and recorded.

Including Findings:

1. **Has the applicant demonstrated a practical difficulty?**
Yes. An argument can be made that the ability to not have a garage in Northern Minnesota is a practical difficulty and a reasonable request of land use.
2. **Are there exceptional circumstances, unique to this property, which have not been created by the land owner?**
Yes. The lot was created and the principle structure was placed in this location before the official controls and oversight of today for setbacks and platting practices.
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. Allowing for improvement of a property with proper mitigation to decrease environmental impacts on a parcel that is already developed and served by municipal sewer and water is in keeping with the intent of the zoning ordinance.
4. **Can the variance be granted without altering the essential character of the surrounding area?**
Yes. Nearly every property in this area has a structure built within the setback from right-of-way and side yard, and is also not meeting green space or impervious surface requirements.

Motion carried unanimously.

Mai presented the fourth case:

PLANNING CASE – CUP-17-80.04502.00 & 80.04397.00 – Beltrami County

Beltrami County is requesting approval of a Conditional Use Permit (CUP) for a Refuse Transfer Station at the location of 751 Industrial Park DR SE in the City of Bemidji; parcel numbers 80.04397.00 & 80.04502.00. These subject parcels are located in the I-1 Light Industrial Zoning District.

BACKGROUND

This site has been operating a refuse transfer station prior to the adoption of the GBAJPB Zoning and Subdivision Ordinance. Per section 302 in the GBAJPB Zoning and Subdivision Ordinance, the operation of Refuse Transfer Station is allowed with approval of a Conditional Use Permit (CUP). 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 way to minimize any potential impact the use may have.

Beltrami County contracts with Waste Management of Bemidji which provides trash collection service for commercial customers within the City of Bemidji, and serves residential and commercial customers outside of the City limits of Bemidji. Refuse service for residential properties within the city limits of Bemidji are hauled by the City of Bemidji collection trucks which uses Waste Management of Bemidji's transfer station facility as the off-loading site. Beltrami County's contract with Waste Management of Bemidji expires at the end of 2019. Beltrami County recently took ownership of the facilities as of July 1, 2017.

The applicant is looking to expand and alter the existing site, by adding a new access for a 24-hour customer drop-off, demolishing the existing and constructing a new scale house and truck scale, as well as demolishing two buildings and adding a 5,000 square foot addition. Per Article V Nonconformities and Substandard Lots of Record in the GBAJPB Zoning and Subdivision Ordinance, it is the intent that nonconforming uses shall be encouraged to eventually be brought into conformity. Legally established nonconformities existing as of the date of the Ordinance, or as of the date of an amendment which resulted in the nonconformity, are allowed to be continued, but they will be restricted as to any expansion, additions, or intensification of use. The applicant will now be required to bring the property in conformity with the ordinance.

PLANNING CONSIDERATIONS

Solid waste transfer stations act as temporary storage areas for waste and can bring many problems to a community if they are not managed correctly. In addition to quality of life issues such as noise, odor, litter, and traffic, solid waste transfer stations can cause environmental concerns associated with poor air quality (from idling diesel-fueled trucks and from particulate matter such as dust and glass) and disease-carrying vectors such as rodents and roaches.

Certainly, the nature of the work performed at a solid waste transfer station can impact a surrounding neighborhood in terms of an increase in the volume of traffic, noises, and potential odors emanating from the site. It is the task of the JPB to make the determination, if this particular location, in its relation to the properties within the surrounding area, presents an unreasonable level of disturbance to these residents.

Cited in the attached application, the applicant states that, "As a solid waste transfer station the facility could cause noise and potentially generate odor and blowing litter. Best management practices will be utilized to minimize the potential for these items."

Many of the inevitable impacts of a solid waste transfer station can be mitigated or even eliminated with effective best management practices which address health, safety, and environmental impacts.

Lot Combination

The refuse transfer station is located on two (2) contiguous lots with the lot line intersecting through a structure. The applicant has requested a lot combination of the two (2) contiguous lots to make one (1) lot of record for the refuse transfer station. The GIS

department has no concerns other than there will be two addresses on the same parcel and one address will have to be picked as the primary address.

Parking

All parking areas shall be marked by durable painted stripes designating the parking spaces unless exempted by the Planning Administrator, per Section 1009 in the Zoning and Subdivision Ordinance. Based on site review, staff feels there is an adequate amount of parking on site. All gravel parking areas shall be removed and replaced with a bituminous, concrete, paver, or equally durable surface. Such areas shall be graded and drained so all surface water accumulation is maintained within the property area.

Lighting

The applicant has indicated that there will be additional lighting added to the proposed site. All additional lighting, as well as existing light shall conform to the JPB's requirements. Light specs and cut-sheets shall be submitted and approved by the JPB staff prior to installation.

Signage

The applicant has indicated the existing facility freestanding sign will be removed and that a new facility freestanding sign will be installed at a different location on site. All new signage must comply with Section 715 of the JPB Ordinance and a sign permit shall be obtained prior to installation.

Trash Handling & Exterior Storage

The applicant has not indicated an enclosed dumpster area on their site plan; however, a 24-hour customer drop-off for garbage and recyclables has been proposed. The 24-hour drop-off dumpster area shall be completely enclosed on all sides with a secure door, constructed to a height of six (6) feet and matching the architectural appearance of the buildings. As this is a drop-off facility it is not the intention of the ordinance to hinder the service that waste management is proposing to provide. Alterations to this requirement should be allowed to ensure the best possible service to the public, but meet the intentions of the ordinance for screening trash and preventing blowing litter. These dumpsters should be containers with lids, not open style dumpsters. Acceptable alterations could be walk-in access of four (4) foot between dumpsters without a door or gate, allowing for ease of entry with trash. All exterior storage of materials or equipment on the property shall be fully enclosed and/or screened per Section 1002 and 1005 of the GBAJPB Zoning & Subdivision Ordinance. The construction materials for the enclosure shall be of a durable and fully opaque material which cannot be seen through.

Landscaping

Staff recommends a total of thirteen (13) trees be planted throughout the site and meet all the ordinance standards for size and type. It is recommended that all thirteen (13) be planted along Industrial Park DR SE, Mahnomen DR SE and Naylor DR SE to meet the street frontage tree requirement.

Development Team (Public Works / Engineer; Building Official; Fire Department)

No concerns were identified by the Development Team. Architectural plans will need to be submitted and approved prior to issuing a building permit. Public Works is fine with the proposed entrance changes and dimensions; however, if any utility changes are anticipated to occur, plans shall be approved prior to changes happening.

Neighboring Property Owner Input

Staff has received concerns from neighboring property owners regarding trash/garbage blowing around onto adjacent properties and into the nearby wetland. Neighboring property owners recommend some sort of screening to prevent trash/garbage leaving the property or being seen.

Comprehensive Plan References

The proposed use of a refuse transfer station in the general industrial district is consistent with Greater Bemidji Area Land Use Plan; provided the CUP process is followed and specific conditions are met in order to assure compatibility with surrounding uses.

RECOMMENDATION

Staff recommends approval of a conditional use permit for a refuse transfer station at the location of 751 Industrial Park DR SE in the City of Bemidji; parcel numbers 80.04397.00 & 80.04502.00 located in the I-1 Light Industrial Zoning District with the following conditions:

1. The two (2) contiguous lots shall be combined into one (1) lot of record.
2. The parking lot shall be striped to provide adequate parking spots for employees and customers.
3. All gravel parking areas shall be removed and replaced with a bituminous, concrete, or equally durable surface or returned to greenspace.
4. All existing and future lighting improvements on the property shall be in full conformity with Section 1008 of the GBAJPB Zoning & Subdivision Ordinance.
5. All dumpsters on site shall be fully enclosed on all sides with a secure door, constructed to a height of six (6) feet and matching the architectural appearance of the buildings as required by the GBAJPB Zoning & Subdivision Ordinance per Section 1002, or an alteration acceptable by the Planning Director meeting the intention of the ordinance
6. Any new or additional signage will require another sign permit and will need to be obtained prior to being placed on the property.
7. A final landscaping plan with thirteen (13) trees shall be submitted for final approval to JPB staff. The size, type and location of each tree shall be displayed.
8. All exterior storage shall be fully screened with a minimum of a six (6) foot fence complying with Section 1002 and 1005 of the GBAJPB Zoning & Subdivision Ordinance.
9. All applicable permits from the City of Bemidji Building Department shall be obtained prior to construction and demolition. Any future additions to this structure must be approved by GBAJPB Staff and the City of Bemidji Building Department.

Public Hearing opened at 7:19 p.m.

Brian Olson described new 24-hour drive up drop off area and 2 new compactor units that will reduce number of exterior containers which will also be sheltered from view. Commissioner Berg questioned how applicant will address issue of debris on premises. Olson stated debris can come from various sources, but will attempt to minimize by installing an automatic door for trucks at time of load emptying. Commissioner Smith asked if staff could regularly walk perimeter to manually collect random debris, which Olson stated as a possibility, especially since that is a requirement of the MPCA. Commissioner Miller asked if Waste Management labeled trucks will change when Beltrami County takes over the contract. Olson stated some may remain and others phased out, but it is not known at this point.

Public Hearing closed at 7:27 p.m.

Motion by Steffen, second by Smith to approve a conditional use permit for a refuse transfer station at the location of 751 Industrial Park DR SE in the City of Bemidji; parcel numbers 80.04397.00 & 80.04502.00 located in the I-1 Light Industrial Zoning District with the following conditions:

1. The two (2) contiguous lots shall be combined into one (1) lot of record.
2. The parking lot shall be striped to provide adequate parking spots for employees and customers.
3. All gravel parking areas shall be removed and replaced with a bituminous, concrete, or equally durable surface or returned to greenspace.
4. All existing and future lighting improvements on the property shall be in full conformity with Section 1008 of the GBAJPB Zoning & Subdivision Ordinance.
5. All dumpsters on site shall be fully enclosed on all sides with a secure door, constructed to a height of six (6) feet and matching the architectural appearance of the buildings as required by the GBAJPB Zoning & Subdivision Ordinance per Section 1002, or an alteration acceptable by the Planning Director meeting the intention of the ordinance
6. Any new or additional signage will require another sign permit and will need to be obtained prior to being placed on the property.
7. A final landscaping plan with thirteen (13) trees shall be submitted for final approval to JPB staff. The size, type and location of each tree shall be displayed.
8. All exterior storage shall be fully screened with a minimum of a six (6) foot fence complying with Section 1002 and 1005 of the GBAJPB Zoning & Subdivision Ordinance.
9. All applicable permits from the City of Bemidji Building Department shall be obtained prior to construction and demolition. Any future additions to this structure must be approved by GBAJPB Staff and the City of Bemidji Building Department.

Including Findings:

1. **Whether the proposed use adversely affects the public safety, health, morals, convenience and general welfare of the occupants of the**

surrounding land.

No. The proposed use is not anticipated to adversely affect, nor create an unreasonable level of disruption or interference upon the surrounding area as the refuse transfer station has been operating at this existing location for some time now.

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

No. Increases in traffic or other negative impacts are not anticipated. On-street parking is not available and adequate parking is provided on-site. A new 24-hour customer drop-off entrance is proposed to help eliminate traffic congestion on-site.

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

No. The proposed use of a refuse transfer station on this site is not anticipated to adversely affect, nor create an unreasonable level of disruption or interference upon the surrounding area as it has been in existence prior to the GBAJPB Zoning and subdivision ordinance. A refuse transfer station is consistent with the goals and policies of the JPB Land Use Plan for this zoning district through the conditional use permit.

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

Yes. The proposed use of a refuse transfer station is consistent with the goals and policies of the JPB Land Use Plan for this zoning district through the conditional use permit.

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

Yes. The property has adequate public infrastructure and is served by city services.

Motion carried unanimously.

Boushee presented the fifth case:

PLANNING CASE – CUP-17-31.03208.00 & 31.03207.00 – Justin Hoover

Justin Hoover is requesting a conditional use permit in Northern Township.

BACKGROUND

The applicant approached staff with a proposed request to develop a mini-storage facility, in a (B-1) Low Density Commercial District.

PLANNING CONSIDERATIONS

A mini storage facility is only allowed in a (B-1) Commercial Zoning District through the CUP process, and should only be approved if found to be in harmony with the zoning ordinance and the GBAJPB land use plan.

Planning Commission Meeting, July 27, 2017

Existing Conditions

This lot is currently vacant and no approach currently exists to the two (2) parcels from Irvine Ave.

Adjacent Zoning and Land Use

The proposed development is surrounded by a mix of uses. To the west is Northern Elementary School with a mix of commercial and multi-family zoning, north of the school is commercial business and south of the school is a mobile-home park. To the immediate north of the proposal a vacant old gas station exists; it is currently being monitored by MPCA for pollution concerns. To the northeast a multi-family development exists consisting of two (2) single level apartment buildings. The land to the east is vacant and zoned for commercial development. The land to the south consists of churches and single-family homes, with commercial zoning to the immediate south and multi-family zoning to the south of that.

JPB staff does not anticipate mini-storage generating any hardship on the surrounding land use and will be compatible with surrounding land uses.

Landscaping

Landscaping is not on the most up-to-date site plan. The applicant does propose to place all of the required trees along the street frontage around the security fence. A basic landscape plan was submitted that does not currently have enough trees on it, and is not complete. A final landscape plan with proposed location, size, and tree of type will need to be submitted before a land use permit can be issued. Fifty (50) trees are required on-site with nine (9) frontage trees.

The end result of this proposal would have a surface of 2.2 acres of impervious surface with no interior landscaping. JPB staff would like the revised enhanced landscaping plan to include landscaping on the north and south sides of the building. Enhanced landscaping should include hearty shrubs and/or trees. With thirty (30) feet proposed on north and south of building staff feels that at least six (6) feet of landscaping could be added.

Lighting

Any proposed exterior lighting will need to be submitted for review by JPB staff, being downward facing and not projecting onto right-of-way or neighboring parcels.

Signage

The applicant has informed JPB that he would like a sign, but has not completed an application for sign permit.

Screening

The applicant is proposing to have a six (6) foot perimeter chain link fence that is screened, with the hope that the screening would allow the applicant to use an alternative surface for the project in lieu of bituminous or concrete. No exterior storage will be

allowed at this location, so JPB staff does not feel that the additional screening will be required and the proposed landscaping around the fence will be sufficient.

Hard Surfacing Requirements

The JPB ordinance requires that all parking, loading, and driving areas be surfaced with bituminous pavement, concrete or an equally durable surface. Durable surfaces are required for multiple reasons including; stormwater management reducing the amount of sediments traveling to stormwater management areas; air quality reducing dust and fine particles entering the air effecting surrounding land uses; controlling the continuous expansion of parking areas; and to ensure parking areas are in aesthetically pleasing condition and not full of rutting, water pockets, and unwanted vegetation.

The applicant is requesting to use a ¾" crushed rock with a crushed concrete base for the driving and loading surface of the development. For the reasoning of the large expense of pavement and maintenance, the applicant feels that the crushed rock would allow for increased stormwater infiltration.

Phasing Plan

JPB staff is comfortable with a phasing plan if all zoning requirements are continued to be met, including landscaping, hard surface, and stormwater. All areas disturbed not being utilized by approved phase must remain landscaped greenspace until next phase is approved for construction.

Trash Handling

Currently no dumpster is being provided at this location, if one is provided it will need to be screened.

Transportation

The Beltrami County Highway Department does not have transportation concerns with this request, nor does JPB staff as the proposal is directly across from an existing ingress/egress to Irvine Ave.

Beltrami County Highway Department has no concerns with this request. The new driveway approach will need a permit from us and they have already applied for it. We will work with them on the location of the driveway.

Bruce Hasbargen

County Highway Engineer

Fire Department

The fire department had no concerns with this request for fire safety.

JPB Engineer

No engineering concerns were brought to our attention at this time, but final plans will need to be reviewed by engineer prior to approval.

Comprehensive Plan References

Commercial development of this property is consistent with the goals and policies of the GBAJPB Land Use Plan encouraging commercial development in areas that were zoned and designated for commercial development through future land use planning.

RECOMMENDATION

Staff recommends approval of a conditional use permit to operate mini warehouse storage at parcels 31.03208.00 & 31.03207.00 in the (B-1) Low Density Commercial Zoning District of Northern Township with the following conditions:

1. The final engineering plan shall be submitted with land use permit application meeting section 1009 parking standards of the ordinance for parking and loading areas, bituminous, concrete or equally durable surface will be required as well as stormwater management.
2. The final landscaping plan shall be submitted with land use permit application meeting section 1006 landscaping requirements of the ordinance requiring fifty (50) trees and nine (9) frontage trees as well as enhanced landscaping on the north and south side of the building. The size, type and location of each tree shall be displayed.
3. The two (2) contiguous parcels shall be combined into one (1) lot of record.

Public Hearing opened at 7:42 p.m.

No one came forward to speak.

Public Hearing closed at 7:42 p.m.

Motion by Steffen, second by Smith to approve a conditional use permit to operate mini warehouse storage at parcels 31.03208.00 & 31.03207.00 in the (B-1) Low Density Commercial Zoning District of Northern Township with the following conditions:

1. The final engineering plan shall be submitted with land use permit application meeting section 1009 parking standards of the ordinance for parking and loading areas, bituminous, concrete or equally durable surface will be required as well as stormwater management.
2. The final landscaping plan shall be submitted with land use permit application meeting section 1006 landscaping requirements of the ordinance requiring fifty (50) trees and nine (9) frontage trees as well as enhanced landscaping on the north and south side of the building. The size, type and location of each tree shall be displayed.
3. The two (2) contiguous parcels shall be combined into one (1) lot of record.

Including 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. Negative impacts are not anticipated with this conditional land use as long as conditions are in place to mitigate potential impacts and are followed.

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

No. No additional ingress/egress will be added to Irvine Ave but is not expected to place a negative impact on the area transportation network

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

No. There are no adverse effects to property in the surrounding area anticipated as a result of this proposal. The subject parcel is appropriately zoned for the proposed use with approval of a CUP.

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

Yes. The proposed use is consistent with the goals and policies of the JPB Land Use Plan and Zoning Ordinance.

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

Yes. An engineered plan will address drainage, and sewer and water are not proposed.

Motion carried unanimously.

OTHER BUSINESS

None

DIRECTOR REPORT:

Mai summarized recent planning cases, detailed development projects, and described Comprehensive Plan updates. Mai also informed commissioners that staff officially became city employees June 26, while job duties remain dedicated to Joint Planning.

UPCOMING MEETING DATES:

August 9, 2017	6:00 pm	JPB Regular Meeting
August 24, 2017	6:00 pm	JPC Regular Meeting
September 13, 2017	6:00 pm	JPB Regular Meeting
September 28, 2017	6:00 pm	JPC Regular Meeting

ADJOURNMENT:

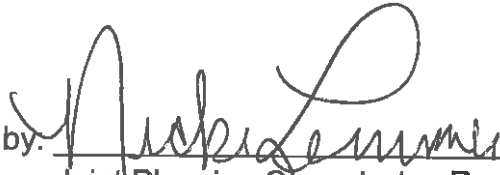
There being no further business, motion by Smith, second by Steffen to adjourn the Regular Planning Commission meeting at 7:50 p.m.

Motion carried unanimously.

Respectfully submitted.

Terri Ball, Planning Assistant

Approved and attested by:



Joint Planning Commission Representative