

**AGENDA**  
**GREATER BEMIDJI AREA JOINT PLANNING BOARD**  
317 4<sup>th</sup> Street NW

**Wednesday, October 10, 2018 REGULAR MEETING – 6:00 p.m.**

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

**A. MINUTES** **Chair**  
Approval of September 12, 2018 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 2018-17 - CUP-18-31.00957.00–Derek Hanson **CM**
- 2. City of Bemidji – Resolution 2018-18 - CUP-18-80.06731.00 – John Peterson **CM**

**E. OTHER BUSINESS**

- 1. 2019 Budget Workshop

**F. DIRECTOR’S REPORT** **CM**

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

- 1. October 25, 2018 6:00 pm JPC Regular Meeting
- 2. November 14, 2018 6:00 pm JPB Regular Meeting
- 3. November 29, 2018 6:00 pm JPC Regular Meeting
- 4. December 12, 2018 6:00 pm JPB Regular Meeting

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

**GREATER BEMIDJI AREA JOINT PLANNING BOARD**  
**Meeting Minutes**  
**October 10, 2018**

Pursuant to due call and notice, a regular meeting of the Greater Bemidji Area Joint Planning Board, Beltrami County, Minnesota, was held on Wednesday, October 10, 2018, at 6:00 p.m. in City Hall Council Chambers. Chair Meehlhause presiding called the meeting to order and roll call was taken.

Upon roll call, the following members were declared present: Meehlhause, Erickson, Kelly, Chambers (alternate), Albrecht

Members absent: Frenzel (utilized alternate)

Staff present: Casey Mai, Cory Boushee, Teresa Hanson

Others in attendance: Brent Mason, Mary & Mark Varriano, Derek Hanson, John Peterson, Matt Murray, Vince VanAntwerpen, Jay Seitz, Mary Forney

Pledge of Allegiance was performed.

**AGENDA**

Motion by Kelly, second by Erickson, to approve the agenda as presented.

Motion carried unanimously.

**MINUTES**

Motion by Kelly, second by Erickson, to approve the September 12, 2018, JPB minutes.

Motion carried unanimously.

**CONSENT AGENDA**

- 1) Bills for the total amount of \$29,852.41 were presented for payment.

Motion by Erickson, second by Chambers, to approve consent agenda as presented.

Motion passed unanimously.

**VISITORS**

None

**NEW BUSINESS**

**RESOLUTION 2018-17 CUP-18-31.00957.00 – Derek Hanson**

The applicant is requesting approval of a Conditional Use Permit (CUP) to construct an accessory dwelling unit (ADU) within a detached garage located at 5712 Birchmont Drive NE within Northern Township. This property is located in the R-3 Suburban Residential Zoning District within the Shoreland Overlay.

## **BACKGROUND**

The applicant, who recently purchased the property, approached staff about the possibility of redeveloping the property by demoing the existing house that resides on site and replacing it with a new home that is further back from Lake Bemidji. Through the redevelopment process, the applicant plans to construct a new detached garage with an accessory dwelling unit above the garage. The applicant plans to live in the accessory dwelling unit while they construct the new proposed house. Once the new home is built, the accessory dwelling unit will become a guest cottage for family members who come to visit. The existing house sits roughly thirty (30) feet from the ordinary high water level (OHWL) and is encroaching within the side yard setback from the neighbors to the north. The proposed redevelopment will push the home back to comply with the fifty (50) foot OHWL setback as well as the ten (10) foot side yard setbacks from the north and south.

Per Section 604 of the Greater Bemidji Area Zoning & Subdivision Ordinance, ADU's may be incorporated within or added onto an existing house, garage, or other accessory structure, or may be built as a separate structure on a lot where a single-family dwelling exists in the R-1 through R-4 Residential Zoning Districts. All detached ADUs in the R-3 and R-4 Residential Districts, or on lots smaller than two (2) acres, shall require the issuance of a CUP subject to the standards of the Ordinance. The maximum accessory structure size for this property is 1,200 square feet. The maximum size of the ADU within the accessory structure may be no more than fifty (50) percent of the square footage of the principal dwelling unit or eight hundred (800) square feet, whichever is less.

## **PLANNING CONSIDERATIONS**

### Lot Combination

The applicant has submitted a lot combination application and has been approved by JPB staff to combine the two parcels into one lot of record. Through the combination, the new parcel of record will meet all lot areas and lot widths per Section 901 of the Greater Bemidji Area Zoning & Subdivision Ordinance.

### City Utilities

The location is currently serviced by city water and sewer and is part of the 2020 annexation. The proposed ADU would connect to the existing services that occupy the single-family dwelling.

### Agency Comment

Tim Terrill of Mississippi Headwaters Board had the following to say about the proposed project and the provided site plan:

*"It is good to see that the old house is being removed and the new one will comply with the state shoreland ordinance and be set back fifty (50) feet from the OHWL. Also, it is good that the impervious surface is being reduced from approximately twenty-seven percent (27%) to approximately twenty-three percent (23%) and the home is on public sewer."*

### Comprehensive Plan References

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

## **RECOMMENDATION**

Staff recommends approval of a Conditional Use Permit to construct an Accessory Dwelling Unit at 5712 Birchmont Dr NE in the R-3 Suburban Residential zoning district and shoreland overlay of Northern Township with the following conditions and findings of fact:

1. ADU approved as shown on provided site plan.
2. A land use permit, as well as an erosion control / stormwater permit shall be obtained prior to construction beginning.

However, Mai reported that when he visited the project site today, he observed grading had taken place and it appeared construction had begun since framing and underground plumbing were in place. He noted work was started though he told the owner several times that he could not begin until the Land Use Permit was obtained. Therefore, staff recommends the imposition of an after-the-fact Land Use Permit penalty in the amount of \$390.00.

Board members made the following comments:

- Kelly supports the removal of the non-conforming structures and noted he understands the urgency to get construction underway due to the recent cold weather and snow. He believes there may have been a misunderstanding between Hanson and staff regarding when and what work could commence, but policies must be enforced and he supports the staff recommendations.
- Albrecht clarified the retaining wall is shared with the neighbor through a formal easement.

Motion by Erickson, second by Chambers, to approve a Conditional Use Permit (CUP) to construct an Accessory Dwelling Unit at 5712 Birchmont Drive NE in the R-3 Suburban Residential Zoning District and Shoreland Overlay of Northern Township, with the following conditions:

1. ADU approved as shown on provided site plan
2. A land use permit, as well as an erosion control / stormwater permit shall be obtained prior to construction beginning.
3. Payment of an after-the-fact Land Use Permit penalty in the amount of \$390.00.

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. An ADU will have no adverse effect on the surrounding land as this structure as well as all new proposed structures will comply with all setback requirements. Occupants of ADU's are limited to members of the family of the owner(s) of the principal structure and no rentals are allowed within the ADU.
2. **Whether the proposed use adversely affects traffic conditions and parking on adjacent streets and land.**  
No. The proposal of an ADU is not anticipated to adversely affect traffic conditions or parking within the street or adjacent properties. Adequate impervious surface coverage will be on site for parking. The ADU will be located above a detached garage.
3. **Whether the proposed use adversely affects property in the surrounding area.**  
No. There are no adverse effects to property in the surrounding area anticipated as a result of this proposal. The subject parcel is appropriately zoned for the proposed use with approval of a CUP.
4. **Whether the proposed use is in conformance with the community's Comprehensive Plan or Land Use Plan.**  
Yes. The proposed use is consistent with the goals and policies of the JPB Land Use Plan. Per the GBAJPB Zoning Ordinance, ADU's are allowed with approval of a CUP.
5. **Whether adequate utility, drainage and other such necessary facilities have been or can be provided.**  
Yes. The location is currently serviced by city water and sewer and is part of the 2020 annexation.

Motion carried unanimously.

RESOLUTION 2018-18 CUP-18-80.06731.00 – John Peterson

The applicant submitted an alternative plan since the last JPB meeting reducing density from nine (9) units down to eight (8) units along with incorporating a detached garage for storage. Of the eight (8) units, the applicant is proposing three two-story twin home structures with two bedrooms each making up six (6) of the units. The other two (2) units will be detached single-family units, with one three (3) bedroom unit and the other a four (4) bedrooms. All units are proposed to be sprinkled, eliminating the fire turn around lane. Eliminating the fire turn around lane allowed the applicant to stay under the maximum allowed impervious surface coverage.

**RECOMMENDATION**

1. The JPB shall first review the JPC recommendation and the resolution for the project to be approved as proposed with the alternative plans reducing density. If there is support for the alternative plans, a motion can be made to act on the resolution approving the CUP.
2. If the JPB is still not in favor of the high density with the new larger structures, and a motion was not passed for approval of the CUP, then the Board shall proceed forward with the resolution denying both the original and the alternative site plan with the provided findings of fact.

Board members had the following concerns:

- Kelly indicated the revised plan, in his opinion, is not what was discussed last spring. While construction of new structures, connection to city sewer service and increased setbacks are beneficial, the density doesn't meet the intent of the Ordinance. In addition, conversion from a resort to multi-family rental homes changes the use of the property and it doesn't fit in this residential neighborhood.
- Board members discussed density versus occupancy of the proposed development and what density level would be acceptable. The Zoning Ordinance addresses the number of dwelling units, not the total occupancy, which is addressed by the City's Rental Ordinance. Consensus of the group was a density level of six (6) dwelling units.

Motion by Kelly, second by Chambers, moving Resolution No. 2018-18 denying a Conditional Use Permit for a Planned Unit Development on Parcel 8006731.00, based on the 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.**  
Yes. The proposal to completely raze an existing resort in a single family zoned neighborhood on Lake Bemidji and rebuild all the structures increasing the height and size is an adverse effect on the surrounding land. High density residential along lake shores is known to increase overall lake pollution. Maintaining and intensifying high density residential can increase overall pollution of Lake Bemidji. The majority of the existing buildings are small cabins, some are even one room cabins. Option #1 proposal to maintain the same density with all two bedroom units, and one three-bedroom home, as well as Option #2 to reduce density by one unit including three duplex structures consisting of six units with all two bedrooms, along with one three-bedroom unit and one four-bedroom unit is not found to be in the best interest of the surrounding property owners. The new structures will increase in height as they are proposed at two-story; the structures will be taller than most surrounding single family

structures. The proposed amended development does not adequately address the concerns previously cited regarding high density residential housing.

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

Yes. Increasing the population density of this site in a single family neighborhood will increase traffic. Negative impacts are not anticipated to the adjacent streets; however, the increase in traffic that is expected with high density residential could disrupt the low density residential neighborhood. An increase in tenants will increase the amount of daily trips in and out of the property, as well as increase the amount of visitors.

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

Yes. The high density of the proposed use adversely affects the surrounding properties as it resides in a single family zoned neighborhood. The subject parcel is zoned R-3 suburban residential which only allows single family dwellings. The proposed use is to maintain the same density of nine units. The proposed amendment to decrease density by one unit while increasing the on-site occupancy does not address the negative impacts that could happen in a single family neighborhood.

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

No. The proposed use does not meet the goals and policies of the JPB Land Use Plan for a suburban sewer residential area. The proposed use is anticipated to maintain the same density or reduce density of one unit with all new structures increasing the height to two-story units in a single-family neighborhood made up of single level or story and half level units. Although the proposal does expand the diversity of housing opportunities for the area, the proposed density is not appropriate for this single family residential area. The proposed amended development is still not in conformity with the community's adopted land use plan.

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

Yes. The location is serviced by centralized services and was annexed into the City limits in 2015. A grading and drainage plan managing stormwater on-site is required as part of this proposal.

Roll call vote:

**Ayes:** Erickson, Chambers (alternate), Kelly, Meehlhause

**Nays:** None

**Abstain:** Albrecht

**Absent:** Frenzel (utilized alternate)

Motion carried unanimously.

**OTHER BUSINESS**

**2019 Budget Workshop**

Mai distributed the 2019 draft and 2020 preliminary budgets and discussed some line items including filling the site analyst/enforcement position, replacing the department vehicle or possibly considering a vehicle lease, revenue breakdowns, JPC and JPB per diems, and the possibility of purchasing tablets for use by JPB and JPC members to reduce staff time and printing costs of packets. The budgets will be discussed in more detail at the next meeting, but Mai stated he's willing to meet with the individual LGU's to answer questions, if necessary.

**DIRECTOR'S REPORT**

- Ruttger's will need an after-the fact variance; also need septic compliance; however, all septic permits will most likely be issued by the State.
- Status of development and construction projects.
- Cory's resignation – thanked him for his efforts and dedication.
- Comp Plan is posted online with a comment section. The public meeting is scheduled on November 20<sup>th</sup> in Council Chambers and staff is working on ways to notify and invite the public to attend (Pioneer doing article, Chat-a-bout, public service announcements, posters, City and JPB websites, etc.)

**UPCOMING MEETING DATES:**

October 25, 2018 -- JPC Regular Meeting @ 6:00 p.m.

November 14, 2018 -- JPB Regular Meeting @ 6:00 p.m.

November 29, 2018 -- JPC Regular Meeting @ 6:00 p.m.

December 12, 2018 -- JPB Regular Meeting @ 6:00 p.m.

**ADJOURNMENT:**

There being no further business, motion by Albrecht, second by Kelly, to adjourn the Joint Planning Board meeting at 8:07 p.m.

Motion carried unanimously.

Respectfully submitted,

Teresa Hanson  
Deputy City Clerk

JPB Minutes Approved and attested by:



Joint Planning Board Representative