

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

**Thursday, May 24, 2018
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, April 26, 2018 Regular Meeting**

NEW BUSINESS

- 1. Visitors** **Chair**

Public Hearings

- 1. Northern Township - V-18-31.02727.00 – Shaw Holdings LLC** **CB**

OTHER BUSINESS

- 1. Ordinance No. 2018-05** Prohibition of Short-Term Vacation Rentals
- 2. Ordinance No. 2018-06** Zoning and Subdivision Ordinance Update
- 3. Director Report**
- 4. Upcoming Meetings** **Chair**
 - June 13, 2018 6:00 pm JPB Regular Meeting
 - June 28, 2018 6:00 pm JPC Regular Meeting
 - July 11, 2018 6:00 pm JPB Regular Meeting
 - July 26, 2018 6:00 pm JPC Regular Meeting
- 5. Adjourn** **Chair**

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

May 24, 2018
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: Steffen, David, Heinonen, Lahn, Lemmer, Miller, Smith

MEMBERS ABSENT: Berg, Faver

STAFF PRESENT: Casey Mai, Cory Boushee, Terri Ball

OTHERS: Liz Nichols, Ann Austad, Sandra Garvey, Jim Garvey, Alan Netzer, Donna Dickinson, Connie Ghostley, Beth DeKrey, Dan DeKrey, Andy Mack, Bill Nichols, Brian Shaw

APPROVAL OF AGENDA:

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

Motion carried unanimously.

APPROVAL OF MINUTES:

Motion by Heinonen, second by Miller, to approve corrected minutes from the April 26, 2018 Greater Bemidji Area Regular Joint Planning Commission.

Motion carried unanimously.

NEW BUSINESS:

VISITORS:

None addressed the commission.

Public Hearing:

Boushee presented the first case:

PLANNING CASE – V-18-31.02727.00 – Shaw Holdings LLC (Northern Rides)

Shaw Holdings LLC, known as Northern Rides is requesting approval of a variance in order to expand a commercial structure within the structure setback of the existing septic system located at 516 Centerpoint Ct NW within the B-1 Low Density Commercial Zoning District of Northern Township. The requested variance is a reduction of eleven and one-half (11.5) feet of the required twenty (20) feet creating an eight and one-half (8.5) foot setback.

BACKGROUND

The applicant approached staff in the fall of 2017 about the possibility of expanding the structure. Staff explained multiple zoning violations currently exist on the site including parking on the grass, exterior storage, and temporary storage containers. Staff explained that a variance process or land use permit will require that these items be corrected, and the applicant has been willing to work with staff to correct any issues.

The applicant has explained his goal with this project is to expand his resources and building area to accommodate more work indoors and reduce exterior storage. He plans to add pavement to remove the gravel parking areas that have been created and will add screening measures.

PLANNING CONSIDERATIONS

Existing Conditions

The site has been developed as an auto body shop since 2004. With limited space on a site that has a steep topographic change through the middle of the lot restricting space for further expansion.

This site was approved for a Conditional Use Permit (CUP) in 2004 by Northern Township to operate an auto body shop. Because the proposed site/impervious surface expansion is less than 20% the proposal can be approved administratively through a minor CUP amendment. When approving the minor CUP amendment and land use permit, staff will review the entire site for zoning compliance and work with the applicant to make improvements on any non-compliant items.

Proposed Expansion

The proposed expansion is to allow the applicant to increase efficiency with the auto body shop that will in turn allow for improvements for zoning compliance. More vehicles can be in the building being worked on at one time allowing for more staff and quicker turnaround times. Increase paving will allow for proper improved surface storage of vehicles being worked on. The addition of a trash enclosure will help with screening requirements.

The applicant has informed staff that this expansion is necessary in order to bring the property into compliance with the zoning ordinance.

Septic Setbacks

Minnesota Rules Chapter 7080 regulating septic systems would not require a setback variance in this case, the JPB is more restrictive. Setbacks are typically only required for structures designed for human habitation.

JPB staff see no issue with the septic setback if gutters are placed on the building directing water away from the septic system.

Landscaping

Staff will work with the applicant to add trees to meet the road frontage landscaping requirements.

Agency Comment

Beltrami County ESD comments;

- 1. MN Rules Chapter 7080 doesn't mandate a setback from a drainfield to this type of building unless it is determined by the local government unit to be interfered with by the construction, operation, or maintenance of an SSTS.*
- 2. If approved, recommend directing runoff from the building away from the drainfield so the wastewater treatment process in the soil is not interfered with due to increased runoff on the site.*

Neighborhood Comment

No comment was received at the time of writing this report.

Comprehensive Plan References

With approval of a variance and on-site improvements for zoning compliance this request is in keeping with the spirit, purpose and intent of the JPB land use plan.

RECOMMENDATIONS

Staff recommends approval of a reduction of eleven and one-half (11.5) feet of the required twenty (20) feet creating an eight and one-half (8.5) foot setback. Approval recommended with the following condition:

1. Gutters will be placed on the building to direct stormwater away from the septic system.

Public Hearing opened at 6:12 p.m.

No one addressed the Commission.

Public Hearing closed at 6:12 p.m.

Staff and Commissioners stated concerns or comments.

- Miller asked staff what violations needs to be addressed by the applicant. Staff listed exterior storage, temporary storage containers, lack of dumpster enclosure, and parking surfaces. Staff also explained that these items do not impact the variance request, but will help to bring this property into compliance. Miller also questioned if paving over the well will cause any damage, which was deemed unlikely as the well head is above ground.
- Heinonen asked if the violations should be a part of the findings or conditions. Staff explained that these items will be addressed in the Land Use Permit requirements.

Motion by Heinonen, second by David to approve a variance for a reduction of eleven and one-half (11.5) feet of the required twenty (20) feet creating an eight and one-half (8.5) foot setback with the following condition:

1. Gutters will be placed on the building to direct stormwater away from the septic system.

And with findings:

1. **Has the applicant demonstrated a practical difficulty?**
Yes. The site has significant steep slope topographic feature that limits further development of the site to expand the building or add other buildings further than the septic system.
2. **Are there exceptional circumstances, unique to this property, which have not been created by the land owner?**
Yes. Existing topography creates a unique situation limiting areas for expansion on the site.
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. With proper construction and gutters to direct the stormwater this request is in keeping with the ordinance.
4. **Can the variance be granted without altering the essential character of the surrounding area?**
Yes. No negative impacts to the septic system or surrounding areas are anticipated.

Motion carried unanimously.

OTHER BUSINESS:

Ordinance No. 2018-05 – Prohibition of Short-Term Vacation Rentals

Staff presented the two drafts and explained that the first draft mandates that current short-term rentals through an Interim Use Permit will expire January 1, 2019. The second draft incorporates public comments at the last Joint Planning Board meeting by a current VRBO owner, which allows currently approved VRBOs to continue operation until a

change of ownership or revocation of the IUP occurs. Both options prohibit new short-term vacation rentals from being allowed through the Interim Use Permit.

Public Hearing opened at 6:20 p.m.

Beth DeKrey commented that short-term vacation rentals should not be allowed in a residentially zoned area and also stated that complaints have been brought forward at public hearings.

Jim Garvey stated he had not brought complaints to staff, but had presented the property owner with a detailed letter listing his concerns. No complaints have been made since.

Dan DeKrey stated his surprise that a Grandfather Clause would be considered instead of implementing a clean break. He also thanked the Joint Planning Commission for listening to their concerns on this matter.

Public Hearing closed at 6:28 p.m.

Staff and Commissioners stated concerns or comments.

- Smith preferred the amended ordinance option, as he was not in favor of an outright prohibition. He commented that a trial period would have been the best option and that all problems are speculative in nature.
- Steffen questioned if the prohibition is short term or permanent. Staff clarified that the Board intended it to be permanent.
- Heinonen asked if the amended ordinance option was selected, would there be a way to revoke the permit if a problem occurs. Staff explained that an Interim Use Permit is subject to reviews and can be terminated.
- Lemmer clarified that long-term rentals are still allowed even if the short-term IUPs are prohibited. Miller stated similar concerns. Staff explained that rentals within the city limits are regulated through permits and inspections, but rentals within Northern Township have no regulation at this time.

Motion by Smith, second by Heinonen to recommend to the Joint Planning Board the amended version of Ordinance No. 2018-05, which allows current Short-Term Vacation Rentals to continue operation through an IUP until there is a change in property ownership or violations of conditions.

Roll call vote.

Ayes: David, Heinonen, Lahn, Miller, Smith, Lemmer

Nays: Steffen

Absent: Berg, Faver

Abstain: None

Motion carried.

Ordinance No. 2018-06 – Zoning and Subdivision Ordinance Update

Staff presented the Commission with the summary of changes as developed through work sessions, with the following updates:

- Definitions
- Land Use Matrix to include newly annexed public waters
- R-5 setbacks to remain 7.5 feet
- Septic setbacks to match State of Minnesota requirements for non-habitable structures
- Zoning Map to include newly annexed public waters
- Driveway paving requirements only required in zones containing stormwater drains

Public Hearing opened at 6:43 p.m.

Andy Mack spoke to the Commission about his concerns with the ordinance update which requires all newly constructed single family homes to pave the driveway. Mack commented that it is an added expense for most people and will be a detriment to Habitat for Humanity. He stated that Habitat homes will need to be built outside of the Greater Bemidji Area if this update is approved.

Public Hearing closed at 6:45 p.m.

Staff and Commissioners stated concerns or comments.

- Miller questioned why this change is being implemented. Staff explained it as a request from the Public Works Department to bring continuity to paved alleys, as well as maintaining the alley sump pumps, and preventing sediments from traveling from stormwater ponds into Lake Bemidji and Lake Irving. Staff also stated that paving driveways will address the parking on grass violations as well as the continuation of growing parking lots and driveways.
- Miller commented that paving driveways in Northern Township is inappropriate and unattainable. Staff clarified that this requirement is limited to zones R-3 to R-6, so rural areas are not affected. Also, it is only triggered if there is a new build or an expansion of over 20% on the property.
- Smith asked if aesthetics are the only reason for the driveway paving ordinance. Staff explained that many alternatives were considered, but this is the most functional method for maintenance.
- David commented on the similarity between this and state mandated storm sewer fees. Discussion about everyone paying fees regardless if they have the service.
- Smith commented that the reasoning is valid. Staff stated that growth within the city will require extending the stormwater system further. Lahn agrees that this is a fair compromise.

No action required by the Commission.

DIRECTOR REPORT:

Mai provided updates of last month's planning cases, Comprehensive Plan progress, development project updates, and summarized the Spring Tour. Mai also identified the memo from the Minnesota DNR which recently annexed two (2) public bodies of water.

UPCOMING MEETING DATES:

June 13, 2018	6:00 pm	JPB Regular Meeting
June 28, 2018	6:00 pm	JPC Regular Meeting
July 11, 2018	6:00 pm	JPB Regular Meeting
July 26, 2018	6:00 pm	JPC Regular Meeting

ADJOURNMENT:

There being no further business, motion by Heinonen, second by Steffen to adjourn the Regular Planning Commission meeting at 7:10 p.m.

Motion carried unanimously.

Respectfully submitted.
Terri Ball, Planning Assistant

Approved and attested by:



Joint Planning Commission Representative