

AGENDA
GREATER BEMIDJI AREA JOINT PLANNING BOARD
317 4th Street NW

Wednesday, April 11, 2018 REGULAR MEETING – 6:00 p.m.

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

A. MINUTES **Chair**
Approval of March 14, 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. **City of Bemidji** – Resolution 2018-05 - CUP-18-80.00878.00; 80.01182.00; 80.01186.00
– St. Philips Catholic Church **CM**
City of Bemidji – Resolution 2018-06 - V-18-80.00878.00 – St. Philips Catholic Church
CM
City of Bemidji – Resolution 2018-07 - V-18-80.01182.00 – St. Philips Catholic Church
CM
2. **City of Bemidji** – Concept PUD-18-80.06731.00 – John Peterson **CB**

E. OTHER BUSINESS

1. Ordinance No. 2018-03 Short-Term Vacation Rental **CM**
2. Ordinance No. 2018-04 Fee Schedule (to include STVR Permits) **CM**

F. DIRECTOR’S REPORT **CM**

G. UPCOMING MEETINGS **Chair**

1. April 26, 2018 6:00 pm JPC Regular Meeting
2. May 9, 2018 6:00 pm JPB Regular Meeting
3. May 24, 2018 6:00 pm JPC Regular Meeting
4. June 13, 2018 6:00 pm JPB Regular Meeting

H. ADJOURN **Chair**

GREATER BEMIDJI AREA JOINT PLANNING BOARD
Meeting Minutes
April 11, 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, April 11, 2018, at 6:00 p.m. in City Hall. Chair Meehlhause presiding called the meeting to order and roll call was taken.

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

Members absent: None

Staff present: Casey Mai, Cory Boushee, Josh Stearns, Terri Ball

Others in attendance: Jim Garvey, Sandra Garvey, Mike Johnston, John & Trudy Peterson, Donna Dickinson, Dan DeKrey, Liz & Bill Nichols, Ann Austad, Beth DeKrey, Connie Ghostley, Robb Naylor, Fr. Chuck Huck, Mark Varriano, Lois & Gale Falk

Pledge of Allegiance was performed.

AGENDA

Motion by Frenzel second by Erickson to approve the agenda as presented.

Motion carried unanimously.

MINUTES

Motion by Kelly, second by Albrecht to approve the March 14, 2018 JPB minutes.

Motion carried unanimously.

CONSENT AGENDA

- 1) Bills for the total amount of \$8004.08 were presented for payment.

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

Motion passed unanimously.

VISITORS - None addressed the board.

NEW BUSINESS

RESOLUTION 2018-05 - CUP-18-80.00878.00; 80.01182.00; 80.01186.00;
RESOLUTION 2018-06 - V-18-80.00878.00; RESOLUTION 2018-07 - V-18-
80.01182.00 – ST. PHILIPS CATHOLIC CHURCH

St. Philips Catholic Church is requesting a Conditional Use Permit (CUP) for the expansion of a religious institution throughout the campus, which includes the addition of classrooms, a new garage and a new storage building, located at 720 & 806 Beltrami Avenue N within the city limits. St. Philips Catholic Church is also requesting two (2) variances for its campus.

The first variance request is for an increase of 50.5% in allowed maximum impervious surface coverage of 25% within the shoreland overlay of the underlying (UR) Urban Renaissance zoning district, located on parcel 80.00878.00 in the City of Bemidji. The proposed impervious coverage will only increase 1.1% from the existing impervious coverage on site.

The second variance request is for an increase of 24% in allowed maximum impervious surface coverage of 25% within the shoreland overlay of the underlying (R-6) Multi-Family zoning district, located on parcel 80.01182.00 within the City of Bemidji. The proposed impervious coverage will decrease by 15.8% from the existing impervious coverage on site; however, the impervious coverage still exceeds the maximum amount allowed.

BACKGROUND

For the clarity of this report, the following parcels will be identified throughout this document as Lot 1, Lot 2 or Lot 3.

Parcel # 80.00878.00 – Lot 1

Parcel # 80.01186.00 – Lot 2

Parcel # 80.01182.00 – Lot 3

In 2002 and 2003, a special use permit (SUP) and a variance was issued by the City of Bemidji to construct a 12,800 sq ft addition to the church on Lot 1. In 2011, the GBAJPB issued a CUP for the expansion of the campus, which contained two (2) additional parcels (Lots 2 & 3). The expansion included demolishing two (2) rental houses and their old dilapidated church being used for their Clothing Depot (former Baptist Church) to accommodate for the new 2,994 sq ft building for the clothing operation, along with the construction of two (2) new parking lots.

St. Philips is now looking to expand on its campus by converting and remodeling the current storage building into three (3) classrooms as well as adding another classroom and support spaces onto the existing structure to the east. A new 26' x 28' garage is also being proposed on the main campus (Lot 1) adjacent to the rectory. And finally, a new 1,600 sq ft storage building is proposed for a neighboring campus parcel (Lot 3) to be utilized for the storing of the lawn mowers and snow removal equipment. Also on this

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parcel, the trash enclosure and dumpsters will be relocated from the clothing depot site (Lot 2) to this one. This will allow an additional two (2) parking spaces for the depot site.

PLANNING CONSIDERATIONS

Parking/Traffic Flow

Properties located within the UR District are exempt from all off-street parking and loading requirements. Lot 1, which resides in the UR District currently provides one-hundred and thirty-two (132) parking spaces throughout the main campus parcel. Lot 2 and Lot 3 both reside in the R-6 District, so the minimum parking standards shall apply per that land use. Lot 2, where the clothing depot resides is required to have one (1) parking space for every three-hundred (300) square feet of gross floor area, which would require ten (10) parking spaces. Lot 2, currently has five (5) parking spaces; however, with the relocation of the trash enclosure, the site is proposing to have seven (7) parking spaces with one (1) loading/unloading dock space, equaling eight (8) parking spaces in total. When Lot 2 was approved and developed originally, staff felt there was adequate parking across the street to serve this property. Lot 3 is entitled to have at least one (1) parking space for each three (3) employees on maximum shift for the proposed storage building. The anticipated driveway per the site plans is wide enough to park three (3) vehicles.

As for the flow of traffic, the applicant has indicated one-way traffic with parent drop-off and pick-up on the site plan for Lot 1 throughout their parking area. By designating and encouraging the parking lot areas for parent drop-off and pick-up, this should help alleviate the issue of traffic congestion on Beltrami Ave NW and 8th Street NW.

Landscaping

For new construction and major building additions, modifications to the tree planting standards may be approved by the JPB for unique or unusual conditions associated with the development. Since the use of a storage building on Lot 3 is unique to the neighborhood, surrounded by single and two family dwellings, staff would recommend all existing trees be preserved on site and at least two (2) trees be planted between the front property line and the minimum front yard setback. Screening shall be provided consisting of a fence or densely planted compact evergreen hedge not less the five (5) feet or more than eight (8) feet in height separating the parking for the storage building and residential properties.

On Lot 1, several trees are anticipated to be removed for the proposal of the new garage. Per the landscaping standards in the UR district, no additional trees are required to be planted. A tree removal permit will need to be obtained prior to any trees being removed on campus.

Trash Handling

The applicant has indicated that the existing trash enclosure on the clothing depot site (Lot 2) will be removed and will be relocated on the adjacent parcel (Lot 3). Per Section 1002 of the JPB zoning ordinance, the structure must be completely screened on all sides with a secure door, constructed to a height of six feet and matching the architecture appearance of the buildings. Any other dumpsters throughout the campus shall be fully enclosed as well and shall be included on a final site plan for approval by JPB staff.

Lighting

The applicant has not indicated that there will be any additional lighting added to the existing structures, to the proposed structures, or throughout the campus. Any additional lighting that would be added would need to conform to the JPB's requirements.

Signage

The applicant is proposing a new digital sign to be placed on the property. The maximum size of a digital sign is fifty-five (55) square feet. Any additional signage must comply with the JPB Sign Ordinance and a sign permit shall be obtained prior to installation.

Comment from Darren Laesch, MNDOT D2 Planning Director:

The proposed digital sign must follow the guidelines in MN State Statute 173.155 (attached). Any proposed work within MnDOT R/W will require a permit.

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

The Building Department, nor the Fire Department had any issues regarding this CUP or variance request. A building permit will need to be obtained prior to any construction taking place on this site. Public Works/Engineering Department had the following comments:

For the proposed impervious improvements, a grading & drainage plan should be provided to demonstrate no adverse effects on the neighboring parcels.

Specifically, the new garage on Lot 3 will need to prove no additional storm water is encroaching on the neighboring parcels.

The building floor plans display an alternate for floor drains, utility drawings will need to be provided and approved showing the utility connection meeting code.

Neighboring Property Owner Input

Staff has received comments and concerns regarding the campus proposal from several of the neighboring property owners. The majority of the concerns addressed

were in relation to the parking and traffic congestion throughout the area along with preserving the historic residential neighborhood.

Attached to the planning report is comments and concerns from an adjacent neighbor to the Campus.

Comprehensive Plan References

The location of a religious institutional use in the UR and R-6 zoning districts is consistent with the Greater Bemidji Area Land Use Plan as long as a CUP is obtained. The CUP process allows specific conditions to be imposed in order to assure compatibility with surrounding uses. Adequate provisions are contained within the ordinance to assure such compatibility.

RECOMMENDATION

Staff recommends approval of a conditional use permit for the expansion of the religious institution throughout the St. Philips campus, as well as an approval for a variance to increase the allowed maximum impervious surface coverage within the shoreland overlay on parcels 80.01182.00 & 80.00878.00 with the following conditions:

1. All current and future lighting improvements on the property shall be in full conformity with Section 1008 of the Zoning & Subdivision Ordinance.
2. All trash enclosures on campus shall be completely enclosed on all sides, complying with Section 1002 of the Zoning & Subdivision Ordinance.
3. A sign permit shall be obtained prior to installation of the new digital sign. Any additional signage shall be included on the sign permit or will require another permit prior to being placed on the property at a future date.
4. A landscaping plan with a total of two (2) trees planted in the front yard of Lot 3 and a densely compact evergreen hedge separating the parking lot from residential properties shall be submitted for final approval to JPB staff.
5. Stormwater mitigation shall be followed and inspected by JPB staff.
6. One-way traffic, as well as parent drop-off and pick-up shall be shown with signage or striping throughout the campus.
7. A tree removal permit shall be obtained prior to any trees being removed.
8. The CUP shall be reviewed for compliance by the JPB staff within one (1) year of approval.
9. A development agreement will be entered into between the JPB and Applicant to ensure all site construction is completed to a satisfactory condition.

Board members had the following concerns:

- Frenzel asked if the DNR has discussed expansion of 6th Street. Staff said no conversations have occurred, but may be warranted in the future.

- Erickson questioned which other neighbors commented, as only one response was documented. Staff explained the oral comments which included concerns about traffic, and effects to other parcels. These concerns were addressed individually. Erickson also asked about the presence of one-way drop off/pick up, and if it is exit-only onto Beltrami Avenue? Staff described that exiting out of the east access onto 8th Street is considered exit-only, as well as the access onto Beltrami Avenue, but directional markings are not present in the main parking lot.
- Staff discussed a concern about parents departing the school lot who then speed north down the alley, and Clothing Depot donors who park cars in the alley upon unloading. Suggested to the City Engineer that signage should be placed in the alley.
- Albrecht suggested that once the Clothing Depot dumpster is relocated more parking spaces will be created and may alleviate issue of parking in the alley. Furthermore, she commented that she is not a fan of storage on Beltrami Avenue, but does appreciate the applicant's willingness to make it look like a single family residence in order to better fit in the neighborhood. Albrecht also questioned why the current school building is not being expanded. Staff explained that the applicant considered this, but the best option for use of time and money is with the proposal. Albrecht also asked about the impact of reducing parking spaces in "Lot 3." Staff stated this lot is hardly used, but when it is, it is rarely filled.
- Frenzel questioned not requiring landscaping in "Lot 1." Staff explained the UR Zoning and its rationale, as well as the green space containing trees on the remainder of the campus.
- Kelly stated that the proposed changes are positive, and agrees with Albrecht's and Frenzel's concerns, yet also feels that the neighbors' concerns about increased traffic congestion are valid.
- Meehlhause offered that congestion resulting from the transition of moving from a downtown area to a residential area is to be expected, and the process is not unique to our community.
- Albrecht agrees with Meehlhause's comments and detailed a similar experience. She urged the evolving community to bring thoughtful changes, and stated the benefit of neighborhood churches to a community.

Motion by Frenzel, second by Erickson to approve Resolution 2018-05, Resolution 2018-06, and Resolution 2018-07 with the following conditions and individual findings:

Conditions:

1. All current and future lighting improvements on the property shall be in full conformity with Section 1008 of the Zoning & Subdivision Ordinance.

2. All trash enclosures on campus shall be completely enclosed on all sides, complying with Section 1002 of the Zoning & Subdivision Ordinance.
3. A sign permit shall be obtained prior to installation of the new digital sign. Any additional signage shall be included on the sign permit or will require another permit prior to being placed on the property at a future date.
4. A landscaping plan with a total of two (2) trees planted in the front yard of Lot 3 and a densely compact evergreen hedge separating the parking lot from residential properties shall be submitted for final approval to JPB staff.
5. Stormwater mitigation shall be followed and inspected by JPB staff.
6. One-way traffic, as well as parent drop-off and pick-up shall be shown with signage or striping throughout the campus.
7. A tree removal permit shall be obtained prior to any trees being removed.
8. The CUP shall be reviewed for compliance by the JPB staff within one (1) year of approval.
9. A development agreement will be entered into between the JPB and Applicant to ensure all site construction is completed to a satisfactory condition.

FINDINGS – CUP (80.00878.00, 80.01182.00 & 80.01186.00)

1. **Whether the proposed use adversely affects the public safety, health, morals, convenience and general welfare of the occupants of the surrounding land.**
No. St. Philips is currently utilizing these parcels and is not anticipated to adversely affect, nor create an unreasonable level of disruption or increase interference upon the surrounding area.
2. **Whether the proposed use adversely affects traffic conditions and parking on adjacent streets and land.**
No. A slight increase in traffic may occur on or around campus with some additional students; however, with proper planning and mitigation efforts, other negative impacts are not anticipated. On-street parking is available and adequate parking is provided on-site. With designated parent pick-up and drop-off areas, traffic congestion should decrease.
3. **Whether the proposed use adversely affects property in the surrounding area.**
No. The proposed use of a religious institution and school for St. Philips is not anticipated to adversely affect, nor create an unreasonable level of disruption or interference upon the surrounding area as it has been an existing use for some time now at this location.
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 as well as the Zoning and Subdivision Ordinance as long as the property is approved through a CUP.

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

Yes. The property is served by City services.

FINDINGS – VARIANCE (80.00878.00/Lot 1)

1. Has the applicant demonstrated a practical difficulty?

Yes. This campus has been developed within the shoreland overlay before the official controls and oversight of today's zoning, as well as surveying and platting practices; it is a reasonable request for the applicant to want to continue to improve and develop on the campus.

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

Yes. This campus has been in operation at this location before today's standards were put in place. For St. Philips to add greenspace to the campus, parking spaces would have to be removed, creating an adverse effect on traffic as more vehicles would be parked in the street causing an increase in congestion.

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. The underlying UR zoning district allows one-hundred percent (100%) of impervious surface coverage and is exempt from all off-street parking requirements. This proposed development on campus is anticipated to have no impact on the shoreland with the proper stormwater mitigation efforts proposed on site.

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

Yes. This campus area is already designed for the assemblage of large groups of people, whether it's for school or church.

FINDINGS – VARIANCE (80.01182.00/Lot 3)

1. Has the applicant demonstrated a practical difficulty?

Yes. This campus has been developed within the shoreland overlay before the official controls and oversight of today's zoning, as well as surveying and platting practices; it is a reasonable request for the applicant to want to continue to improve and develop on the campus.

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

Yes. Land was platted and zoned for multi-family/high density residential use; without variances very few properties in this neighborhood would meet current standards.

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 proposed development of a storage building with the architectural appearance of a single-family home is anticipated to have a positive impact on the neighborhood rather than a parking lot and is in keeping with the spirit, purpose and intent of the Zoning and Subdivision Ordinance.

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

Yes. By having a structure with the architectural appearance of a single-family home, will be similar in nature to the other structures on the block and won't alter the character of the neighborhood.

Motion carried unanimously.

CONCEPT PUD -18-80.06731.00 – JOHN PETERSON

Applicant is requesting a concept approval of the JPC for a proposed transformation and redevelopment of an existing resort on Lake Bemidji located at 4910 Birchmont Drive NE. The applicant would maintain ownership of all structures for long term rental units. Concept approval is in no way approval of the project, it is meant to guide the developer moving forward and to attain an assessment of the proposed plan.

BACKGROUND

The use of this property in recent years has been a mix of short-term rental and long-term rental with long term being the primary use. Most homes have year round leases on the structures; when they are vacant they have been rented in the short term. With the annexation of this property and the long-term rental usage, the property was required to become compliant with the rental ordinances established by the City of Bemidji.

The rental ordinance is designed to ensure properties are well kept, but also most importantly, is to ensure that proper measures for life safety pertaining to building and fire codes are being met. The applicant has made repairs to these structures in order to improve some life safety features regarding ventilation and other items, but concerning the structures repair and maintenance is becoming costly. The applicant has expressed interest in revitalizing the site while maintaining the current dwelling density, but making improvements to the property. Those improvements would be:

- new structures built outside of the OHWL setback;
- improve water and sewer utilities serving the units;
- meet current building codes;
- meet fire access requirements;
- improve grading, drainage, and stormwater retention, and
- meet improved surfacing requirements.

PLANNING CONSIDERATIONS

Density

The proposal as it exists does not meet any of the density requirements of the Shoreland Overlay, nor does it meet the requirements of the (R-3) Suburban Residential Sewered zoning district. Through working with the applicant and our own legal representation, it was determined that an existing resort can be converted to a residential PUD under Section 1107 of the JPB ordinance. Section 1107 allows for the conversion of an existing resort to a PUD when making on-site improvements; however, it does not allow the increase of density.

A letter is attached to the report from the Minnesota Department of Natural Resources (MnDNR) expressing concern that JPB staff have wrongly interpreted this ordinance and this project should be reviewed as new construction, therefore MnDNR recommends any development at this density should be denied. However, this does not mean the JPC does not have the right to move forward if it agrees to support this redevelopment and approve a conversion of this manner.

If the JPC does not support a conversion to residential PUD and this was processed as a new residential PUD, this property would need to be rezoned to high density residential, which would be a spot zone as there are no other high density land uses adjacent. This would only allow for a maximum amount of five (5) units.

If it is found that the redevelopment of new structures is not appropriate for this location, the applicant does have the right to maintain the structures and the density currently on the property.

Impervious Surface

The current impervious surface on-site is 32%, as the requirement in the shoreland overlay is a maximum of 25%. The proposal as it stands would create 40% impervious surface an increase of 8%. Approval of this project would require granting flexibility in impervious surface requirements.

The Mississippi Headwaters Board (MHB) did submit comment recommending that this project not exceed 25% impervious surface.

Setbacks

The proposed layout is requesting flexibility for the southerly side yard setback. The proposal does meet the setback to the north providing an improvement from the existing structure being built on the property line.

Planning Considerations

Redeveloping this site has the potential to make improvements to the existing condition of the property. Not only for environmental standards, but for public safety standards as the structures will be improved. However, redevelopment at this density may not be consistent with the goals and intent of the current land use plan or zoning ordinance. Non-conforming uses are allowed to continue with the goal being, they will eventually become compliant with the zoning ordinance. At this time the applicant has not indicated that they have any interest in using the property differently now, or in the future and would intend to maintain this density however possible.

Updates from Planner

- Neighbor Mark Varriano provided a written list of concerns to the Board.
- Staff summarized JPC concerns.
- An updated site plan was provided.

RECOMMENDATION

Does this projects density and sample layout work within the confines of its location?

The following are possibilities for this concept moving forward:

- The existing density is greater than what would be allowed for new construction on-site. New construction would only allow five (5) units and would require rezoning the property. The JPC agrees that a conversion would allow the applicant to maintain the existing density and would support a redevelopment and improvement of the property at the proposed density.
- Redevelopment at this density should not be allowed and the non-conforming use can continue until a time that redevelopment occurs that is compliant with the current ordinance.

What pieces of information would we require in order to make a final recommendation to the applicant?

- Grading, Drainage and Utility Plans need to be provided, this also will need to include a detailed erosion control plan. This needs to be designed for the entire build-out, but may need intermediate designs for drainage and erosion control suited for phasing the project.
- Applicant should reduce proposed impervious surface, or further address with alternative designs why flexibility in max impervious surface is necessary.
- Applicant should meet southerly ten (10) foot side yard setback, or further address with alternative designs why flexibility is needed.

- A final phasing plan with a timeline will need to be agreed upon through a development agreement, between the applicant and JPB.
- Applicant will need to address how the natural shoreline can be preserved or enhanced, and meet JPB landscaping requirements for trees.
- Applicant will need to address what amenities are being provided on-site for the granting of flexibility from the ordinance.

If there is support from the JPC/JPB in the transformation and redevelopment of this site this project would need approval of a Conditional Use Permit from the JPB. As no platting of land is required; preliminary and final approval of this PUD would be combined into one hearing.

Board members had the following concerns:

- Albrecht stated concern with the DNR response. Staff clarified support from JPB legal counsel, as well as from the applicant's representative, but stated the DNR has a right to challenge the JPB's decision.
- Kelly questioned the identity of this property owner, as the applicant is the authorized agent. John Peterson clarified that his step dad is the owner of this parcel. Kelly commented that this property is great for redevelopment, but has concerns about the density of this nonconforming use. He also commented that the owner could simply make corrective code changes, but otherwise keep the property the same.
- Peterson stated his sacrifices include giving up the resort classification in the conversion process, as well as the proposed moving of buildings back from the OHW. He offered that no other neighbors had issues with the project. Peterson further stated the necessity of density for the economic feasibility of the redevelopment, and reasoned that if he opted to keep up the resort, his rental capacity could be up to 228 people in three months. He also commented on the absence of police issues since the new ownership.
- Kelly reiterated his support for redevelopment of this property, but stated the proposed changes do not constitute a hardship.
- Frenzel complimented the applicant and the proposed improvements yet he cannot remember a time when an increased density was granted. He further stated that a change in conformity should bring about better results.
- Staff stated that the applicant could choose to tear down each unit and rebuild in its existing footprint, and this use would continue indefinitely.
- Albrecht suggested building fewer units. She commented that her opinion would be different if not for the discrepancies between our ordinance and the state statute. Peterson stated this resort has existed since the 1920's, and residents have knowingly built homes around it.
- Albrecht asked if applicant would install city water, since city sewer is currently in use. Peterson answered to the affirmative. Erickson asked why Peterson had not

hooked up to city water previously. Peterson stated he had no need to because his well was working fine.

- Peterson explained the project will be in two-phases, beginning with the north side and finishing with the south side.
- Albrecht questioned onsite retention ponds. Peterson stated that they will be present. Albrecht stated concern with letter from applicant's representative, who is not an attorney, and asked for assurance from legal counsel before moving forward. Staff detailed examples provided by the JPB attorney and the effort to save on legal fees until the project expands. Albrecht also questioned the effect on the neighborhood, as these are multi-family units. She urged thoughtfulness in the decision making process.
- Kelly clarified that if the applicant chose to rebuild existing units, the environmental concern would not be an issue because municipal services would be utilized.
- Erickson commented on a past practice of rebuilding a structure around one existing wall. Staff stated this requirement's wording was changed through state legislation in 2005.
- Albrecht asked how many boat slips were available on the dock, and if there are rules limiting the number of slips based on the lot size. Peterson was unaware of any such rule, and confirmed that fewer than five may be used by tenants. Albrecht questioned the comparison to the Irvingboro development, and if rezoning was necessary. Staff explained that this conversion would become a Residential PUD, and only Commercial PUDs require a rezone.
- Erickson asked if the garages would be used by all renters, or only certain units. Staff explained the storage next to Unit 1 is a noise buffer and is proposed to be used by everyone, the garage next to Unit 9 is also a noise buffer and will be used for yard maintenance, and the garage next to Unit 6 is only for renters of Unit 6.
- Discussion about density, with Peterson stating it will remain the same after redevelopment. Further discussion about lofts relating to rental ordinance standards.
- Albrecht commented that in the past, the ordinance addressed increasing the bulk, or mass of buildings, on a property. She stated this project greatly increases the bulk, and changes the look and perspective of the property.
- Kelly agreed with Albrecht about the need for clarification of the DNR's density issue, and questioned if this conversion to a PUD is wanted by the JPB in this residential area.
- Albrecht suggested the Royal Bay condos as a comparison development. Kelly provided background information, summarizing that was a stand-alone project with no impact on the residential neighborhood.
- Frenzel stated that major development has occurred in the past but was shown to be a clear improvement however, this project is subjective in nature.

- Staff summarized the JPB's agreement on lack of support for the project density, lack of support for increased impervious surfaces, and the need for clarification of the conflict with the DNR.
- Erickson reminded all that this property could continue its current status with only minor improvements in order to meet regulations, but the Board cannot force the applicant to accept its suggestions.
- Meehlhause reminded all that the proposal is only a concept.

Motion by Frenzel, second by Kelly to suggest that the applicant improve redevelopment plans that will reduce density, reduce impervious surfaces, and eliminate a DNR conflict.

Roll call vote:

Ayes: Frenzel, Kelly, Meehlhause, Erickson, Albrecht

Nays: None

Abstain: None

Absent: None

Motion carried unanimously.

OTHER BUSINESS

Ordinance No. 2018-03 – Short-Term Vacation Rental

Mai detailed the history of events leading to the creation of this ordinance, and the two additions imposed by the Joint Planning Commission at the March 29 meeting.

Chair Meehlhause offered public comments at 8:08 pm.

- Dan DeKrey listed ideas of best practices used by other communities, and also commented on past JPB responses to residents' concerns.
- Jim Garvey questioned who would have access to the records held by short-term vacation renters. Staff explained that personal information would not be available to the public, but numbers of renters and dates would be available through the JPB staff. Garvey also questioned the exact times defining the term, day.
- Beth DeKrey discussed how staffing does not allow for full monitoring of STVR, nor do these rentals benefit Northern Township or the City of Bemidji.

Public comments concluded at 8:16 pm.

Board members had the following concerns:

- Frenzel defended past criteria that made these IUPs monitorable.
- Kelly commented that this issue is troublesome and would support banning short-term vacation rentals.

- Meehlhause identified three (3) options for the JPB – ban STVR, continue IUP process as it is, accept staff recommendations in Ordinance 2018-03.
- Albrecht noted that her opinion of short-term rentals has changed, and stated surprise at the lack of comment from the local hospitality industry.
- Frenzel offered his respect to the residents' involvement in this process, as well as his surprise that those supporting short-term vacation rentals have not been present.
- Erickson stated concern about letting these IUPs continue without further compliance requirements.
- Meehlhause stated his lack of support to ban STVR, cautioned against comparing Bemidji to other communities because all planning and zoning aspects are unknown, suggested this may be a fad in the tourism industry, and suggested it is easier to say no to this request but it may not be right.

Motion by Kelly, second by Erickson directing staff to bring an ordinance back to the JPB that prohibits Short-Term Vacation Rentals in the Joint Planning Board Area.

Roll call vote:

Ayes: Albrecht, Erickson, Kelly, Frenzel

Nays: Meehlhause

Abstain: None

Absent: None

Motion carried.

Ordinance No. 2018-04 – Fee Schedule Amendment

Mai explained this would be void as the only proposed change included an annual permit fee for Short-Term Vacation Rentals.

DIRECTOR'S REPORT

Mai identified the upcoming planning cases, Comprehensive Plan updates, current development projects, and the scheduled Spring Tour on May 10. Details will be sent soon.

UPCOMING MEETING DATES:

April 26, 2018	-- JPC Regular Meeting @ 6:00 p.m.
May 9, 2018	-- JPB Regular Meeting @ 6:00 p.m.
May 24, 2018	-- JPC Regular Meeting @ 6:00 p.m.
June 13, 2018	-- JPB Regular Meeting @ 6:00 p.m.

ADJOURNMENT:

There being no further business, motion by Kelly, second by Frenzel to adjourn the Joint Planning Board meeting at 8:57 PM.

Motion carried unanimously.

Respectfully submitted,

Terri Ball

Planning Assistant

JPB Minutes Approved and attested by: Michael Muhlhaner
Joint Planning Board Representative