

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

**Thursday, March 23, 2017
6:00 P.M.**

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

AGENDA

- | | |
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| ➤ Call to Order/Roll Call | Chair |
| ➤ Pledge of Allegiance | |
| ➤ Approve Agenda | |
| ➤ Approve Minutes | |
| • Thursday, February 23, 2016 Regular Meeting | |

NEW BUSINESS

Public Hearings

- | | |
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| 1. <u>City of Bemidji</u> – IUP-17-80.00758.00 – Jim and Mary Kay Boell | CB |
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OTHER BUSINESS

- | | |
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| 1. Visitors | Chair |
| 2. Director Report | CM |
| 3. Upcoming Meetings | Chair |
| • April 12, 2017 6:00 pm JPB Regular Meeting | |
| • April 27, 2017 6:00 pm JPC Regular Meeting | |
| • May 10, 2017 6:00 pm JPB Regular Meeting | |
| • May 25, 2017 6:00 pm JPC Regular Meeting | |
| 4. Adjourn | Chair |

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

March 23, 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, Kramka, Steffen, Hendricks, Lahn, Lemmer, Miller, Smith

MEMBERS ABSENT: David

STAFF PRESENT: Casey Mai, Cory Boushee, Terri Ball

OTHERS: Sandra & James Garvey, Don Fargen, Matt Boell

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 Smith, to approve minutes from the February 23, 2017 Greater Bemidji Area Regular Joint Planning Commission as written.

Motion carried unanimously.

NEW BUSINESS:

Public Hearing:

Boushee presented the first case:

PLANNING CASE – IUP-17-80.00758.00 – Jim & Mary Kay Boell

Applicant is requesting an Interim Use Permit (IUP) in order to operate a vacation rental to be located at 2918 Birchmont Dr. NE in the R-3 Suburban Residential district of the City of Bemidji.

Planning Commission Meeting, March 23, 2017

BACKGROUND

The Greater Bemidji Area Zoning Ordinance Section 302 allows for vacation rentals to be located in residential zoning districts with the approval of an interim use permit. The applicants would like to rent their home short-term with hopes of using the property as much as possible and someday living full time.

PLANNING CONSIDERATIONS

Zoning

Per the GBAJPB Zoning Ordinance, vacation rentals require the issuance of an Interim Use Permit by the JPB.

Section 1020. Special Provisions for Vacation Rentals

Vacation rentals are an interim use in all residential zoning districts and shall meet the following requirements:

- A. A site plan showing location of home, garage and provision for guest parking is to be provided.
- B. At least one parking space per guest room is to be established or at least one (1) space per three (3) maximum sleeping spaces, whichever is greater.
- C. One three (3) square foot informational sign is allowed.
- D. No exterior alterations or expansions shall be made to the residential structure other than those necessary to meet health and safety codes.
- E. All recreational equipment (canoes, boats, and other types of equipment, will be stored inside an approved and permitted accessory structure).

In this situation, the house has space for up to five (5) vehicles. Which means the maximum number of sleeping spaces should be no more than five (5) bedrooms or 15 occupants. This is a rather large home that could be leased for a family vacation, family reunion, or recreational group. The applicant has indicated that only four (4) clients are expected at one time at the residence.

The attached garage provide space for recreational equipment to be stored inside, for this reason this garage was not counted in the five (5) total parking spaces.

No sign is being proposed but a small three (3) square foot sign or less would be allowed.

Engineering / Fire / Police / Building Considerations

No comments or concerns were expressed.

Policy Considerations

Vacation rental homes are subject to Minnesota sales tax laws for lodging facilities. It will be a policy of the appropriate local government unit to decide if they wish to collect lodging tax or require a rental license. The applicant must comply with additional regulation set forth by the appropriate LGU or this IUP may be subject to termination.

Neighborhood Comment

At the time of writing this report no neighborhood comments have been received.

Comprehensive Plan References

JPB staff believes that the request for vacation rental is not contrary to any goals and policies set forth in the Greater Bemidji Area Land Use Plan.

RECOMMENDATION

Staff recommends approval of the Interim Use Permit for Jim and Mary Kay Boell to operate a vacation rental to be located at 2918 Birchmont Dr NE in the R3 Suburban Residential District of the City of Bemidji, with the following conditions:

1. The IUP shall terminate upon a change in use, a change in the owner/operator (leaseholder), or a change in the lease space as may be determined by the JPB Staff.
2. At least one parking space per guest room is to be established or at least one (1) space per three (3) maximum sleeping spaces, whichever is greater.
3. One three (3) square foot informational sign is allowed, a sign will need to be approved by JPB staff but will not require a permit.
4. Exterior alterations and expansions of the cabin footprint will require a review of this IUP or termination.
5. All recreational equipment will be stored inside.
6. JPB staff will conduct reviews the property at one month, three months and six months of operation to ensure there are no negative effects on surrounding properties. If any unforeseen issues result in damage or disruption to surrounding properties this IUP will be reviewed and may be terminated by the Joint Planning Board. This includes but is not limited to complaints of noise, animals or trespassing.
7. The applicant will remain compliant with any regulations or fees required by the City of Bemidji, failure to do so may result in termination of this IUP.
8. Must provide proof of registration with MN Dept. of Health within 30 days of approval or before operation.

Public Hearing opened at 6:15 p.m.

Applicant clarified number of bedrooms as 3 with a possibility of adding one more. Stated he had a misunderstanding with IUP application when he answered capacity of 4 when he actually intends to advertise up to 8 occupants. Hendricks questioned possibility of home becoming a long-term rental if IUP is not granted. Applicant explained 3-5 year goal is to occupy home himself. Neighbor Jim Garvey asked how many VRBOs will be allowed, commented on feeling squeezed and uncomfortable with constant new people coming and going, offered that recent renters complied with all JPB conditions, then presented staff with a list of neighbors opposing application. Miller asked applicant about vetting renters. He explained the websites give opportunities to rate both renter and property owner, and further commented on his desire to deal with any problems as he doesn't want anything bad to happen to the neighborhood. Garvey commented he feels better informed about the process after speaking with staff.

Public Hearing closed at 6:25 p.m.

Motion by Steffen, second by Hendricks to approve the IUP in order to operate a vacation rental located at 2918 Birchmont Dr. NE in the R-3 Suburban Residential district of the City of Bemidji with the following conditions:

1. The IUP shall terminate upon a change in use, a change in the owner/operator (leaseholder), or a change in the lease space as may be determined by the JPB Staff.
2. At least one parking space per guest room is to be established or at least one (1) space per three (3) maximum sleeping spaces, whichever is greater.
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7. The applicant will remain compliant with any regulations or fees required by the City of Bemidji, failure to do so may result in termination of this IUP.
8. Must provide proof of registration with MN Dept. of Health within 30 days of approval or before operation.

And 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.**
No. There is no evidence that a vacation rental will adversely affect the surrounding land as long as the conditions are followed and met.
2. **Whether the proposed use adversely affects traffic conditions and parking on adjacent streets and land.**
No. No changes to access or traffic circulation flow on adjacent streets are proposed. Increases in traffic or other negative impacts are not anticipated.
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.
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, vacation rentals are allowed pursuant the issuance of an Interim Use Permit by the JPB, and the subject parcel is appropriately zoned for the proposed use.
5. **Whether adequate utility, drainage and other such necessary facilities have been or can be provided.**
Yes. The location is serviced by centralized services.

Motion carried unanimously.

OTHER BUSINESS

DIRECTOR REPORT:

Mai summarized recent cases presented to JPB, detailed all development projects and commented on Comprehensive Plan activity. Informed commissioners about settlement agreement reached in litigation case with Bemidji Township, and the public hearing scheduled at next JPB meeting. Mai further described recent staff site reviews and enforcement.

UPCOMING MEETING DATES:

April 12, 2017	6:00 pm	JPB Regular Meeting
April 27, 2017	6:00 pm	JPC Regular Meeting
May 10, 2017	6:00 pm	JPB Regular Meeting
May 25, 2017	6:00 pm	JPC Regular Meeting

ADJOURNMENT:

There being no further business, motion by Steffen, second by Miller to adjourn the Regular Planning Commission meeting at 6:44 p.m.

Motion carried unanimously.

Respectfully submitted.

Terri Ball
Planning Assistant

Approved and attested by:



Joint Planning Commission Representative