

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

**Thursday, March 29, 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, February 22, 2018 Regular Meeting**

NEW BUSINESS

- 1. Visitors** **Chair**

Public Hearings

- 1. City of Bemidji – CUP-18-80.00878.00; 80.01182.00; 80.01186.00 – St. Philips Catholic Church** **CM**
- City of Bemidji – V-18-80.00878.00 – St. Philips Catholic Church** **CM**
- City of Bemidji – V-18-80.01182.00 – St. Philips Catholic Church** **CM**
- 2. City of Bemidji - PUD-17-80.06731.00 – John Peterson** **CB**

OTHER BUSINESS

- 1. Short-term Vacation Rental Ordinance Final Draft**
- 2. Zoning & Ordinance Updates; Zoning Map Drafts**
- 3. Director Report**
- 4. Upcoming Meetings** **Chair**
 - April 11, 2018 6:00 pm JPB Regular Meeting
 - April 26, 2018 6:00 pm JPC Regular Meeting
 - May 9, 2018 6:00 pm JPB Regular Meeting
 - May 24, 2018 6:00 pm JPC Regular Meeting
- 5. Adjourn** **Chair**

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

March 29, 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: Berg, Faver, Steffen, David, Heinonen, Lahn, Lemmer, Miller

MEMBERS ABSENT: Smith

STAFF PRESENT: Casey Mai, Cory Boushee, Terri Ball

OTHERS: Jim Garvey, Sandra Garvey, Ann Austad, Lois & Gale Falk, Mark & Mary Varriano, Beth DeKrey, Liz Nichols, Bill Nichols, Mike Johnston, Robb Naylor, Dan DeKrey, Fr. Chuck Huck, John Peterson, Vincent Potter, Michael Meehlhause, Matt Murray, Linnie Lindquist, Jack Lindquist, Dave Landgrebe

APPROVAL OF AGENDA:

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

Motion carried unanimously.

APPROVAL OF MINUTES:

Motion by Heinonen, second by Steffen, to approve minutes from the February 22, 2018 Greater Bemidji Area Regular Joint Planning Commission.

Motion carried unanimously.

NEW BUSINESS:

VISITORS:

None addressed the commission.

Planning Commission Meeting, March 29, 2018

Public Hearing:

Mai presented the first case:

PLANNING CASE – CUP-18-80.00878.00; 80.01182.00; 80.01186.00, V-18-80.00878.00, 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 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

The main campus of St. Philips south of 8th Street is located in the Urban Renaissance (UR) Zoning District and the adjacent campus parcels north of 8th Street reside in the Multi-Family (R-6) Zoning District. The entire St. Philips campus lies within the 1,000 ft shoreland overlay. Impervious surface coverage shall not exceed twenty-five (25) percent of a lot in the shoreland overlay. Per Section 302 of the GBAJPB Zoning & Subdivision Ordinance, land uses such as religious institutions and schools are both required to have a CUP in the UR and R-6 zoning districts.

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 RW 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.

RECOMMENDATIONS

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.

Public Hearing opened at 6:25 p.m.

Mike Johnston of MJ Architectural, representing St. Philips, stated the intent of the project was to have the look blend into the surrounding area while increasing classroom space and storage. Commissioner Miller questioned signage, which applicant stated will be digital signage, and staff assured will be compliant with the ordinance.

Public Hearing closed at 6:27 p.m.

Staff and Commissioners did not offer other concerns or comments.

Motion by Steffen, second by Lahn to approve 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.

And with all findings:

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.

Boushee presented the second case:

PLANNING CASE – Concept PUD-18-80-06731.00 John Peterson

John Peterson of Clear Vue Resort 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.

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BACKGROUND

Since the annexation of this property the applicant, JPB staff, and City of Bemidji staff have had many conversations regarding the future of this resort. 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.

DEVELOPMENT SUMMARY

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.

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.

NEXT STEPS

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.

Public Hearing opened at 6:44 p.m.

John Peterson purchased the resort two (2) years ago with the intent of cleaning up the neighborhood, as there used to be problems with crime and prostitution. The resort was once owned by his wife's family and is currently licensed by the state and is being used for year-long and monthly-leases. Peterson's home is just south of this. He is able to move planned buildings around to better meet setbacks on the south, but not able to on the north as his neighbor is on his property. Commissioner Lahn questioned size of rental units. Peterson stated them to be about 770' square feet, and will be reduced from nine (9) to six (6) total structures designed to maximize green space. Commissioner Miller asked if rental units were single or double story, but Peterson described them as 1 ½ story, each with two (2) bedrooms, except unit #7 which is three (3) bedrooms. Peterson also commented that the density will remain the same. The neighbor to the north, Mark
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Varriano, stated he has lived in his home for 22 years and attests to neighborhood problems that had occurred. Varriano stated that Peterson's buildings are only five (5) feet from his home. Varriano is very opposed to this project, mostly because his view of the lake will be obstructed from his driveway, traffic and parking will increase, and there is no guarantee of the quality of renters. He further stated that the more people you have in a small area, the more problems will occur.

Public Hearing closed at 6:56 p.m.

Staff and Commissioners stated concerns or comments.

- Miller stated the JPC should listen to the neighbors. She further commented that just because we can do something allowed by the ordinance doesn't mean we should.
- Faver questioned if proposed changes will bring property closer to compliance. Staff explained the OHW, building and fire codes will comply, if approved the land use will become a permitted use, however the use still may not be consistent the land use plan or current zoning district.
- David commented that a past proposal across Lake Bemidji would have blocked neighbors' views, so it was denied.
- Heinonen suggested finding an option that could be agreeable to both parties.

Public Hearing re-opened at 6:59 p.m.

John Peterson re-stated that Mark Varriano is encroaching on his property. Two (2) – three (3) years ago, Varriano poured a concrete slab over his property line, as shown in the survey. Mark Varriano contested that in his mind, the sidewalk is on his own property.

Public Hearing re-closed at 7:02 p.m.

Staff and Commissioners stated concerns or comments.

- Berg asked if the applicant could put up a six (6) foot fence the length of his property, and if a permit is required. Staff stated the side yards are allowed fencing that height without a permit. Furthermore, staff commented that a single family home meeting setbacks could be allowed along the length of the lot also.
- Berg commented that the existing cabins could also remain as they are, with only minor improvements meeting the building and fire codes. He stated that replacing the buildings with new ones would increase the value and bring higher quality of renters.
- Miller questioned the size of the lot. Staff measured approximately 150'x330'.
- Steffen stated the resort has been in existence since 1925 and will not last another 80 years. He commented that the applicant has a right to make changes on his property, or has the right to keep it as is. Further, Steffen offered that the plan has merit and should move ahead, but needs some changes.

- Faver asked if it is appropriate to add a recommendation to reduce the number of structures. Staff explained the JPC could recommend it; however, the applicant could return with the original request.
- Miller commented that this project is not in compliance with the rest of the neighborhood.

Motion by Miller, that this request is an inappropriate usage of the property. Motion failed for lack of a second.

Motion by Faver, second by Miller that 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.

Roll call vote:

Ayes: Faver, Miller

Nays: Berg, Steffen, David, Heinonen, Lahn, Lemmer

Abstain: None

Absent: Smith

Motion failed.

Motion by Heinonen, second by Steffen to move forward with project redesign that follows setbacks and density, which makes use more conforming.

Roll call vote:

Ayes: Lemmer, Lahn, Heinonen, David, Steffen, Faver, Berg

Nays: Miller

Abstain: None

Absent: Smith

Motion carried.

OTHER BUSINESS:

SHORT TERM VACATION RENTAL DRAFT ORDINANCE

Staff presented the final draft ordinance, which included all recommendations from the JPC and JPB.

Public Hearing opened at 7:20 p.m.

- Dan DeKrey detailed short-term rental ordinances found in other cities, commented that citizen concerns have not been addressed in this draft, commented that the proposed ordinance only benefits a few at the expense of many, and does not benefit Bemidji. Further, DeKrey stated the JPB should either reject the ordinance or bring in a best practices procedure with increased fees.

- Jim Garvey's neighbor has an IUP for a vacation rental. Garvey presented him with a two-page letter listing concerns. Garvey commented that short-term rentals are hard to manage, and that he has been bothered by VRBOs.
- Beth DeKrey stated frustration with the ordinance process and does not feel listened to. She is concerned with density and zoning, and questions the benefits for Bemidji. Further, DeKrey stated a need for someone to regulate and watch these short-term rentals.
- Diane Landgrebe commented that VRBOs should not be allowed and the neighborhood is for residential use, not rental. She also asked what is expected to be gained by allowing VRBO's.
- Liz Nichols stated that she and her neighbors are totally against the lack of limits to density and suggested a limit of 600' within the city and not less than 1000' along the water.
- Commissioner Miller asked JPB Chair, Michael Meehlhause, who was in the audience, why the JPB did not honor the staff memo. Meehlhause, who only spoke for himself, stated that the changes and recommendations were present in the draft. Staff clarified that recommendations from previous meetings were presented and the Board felt concerns had been addressed through the ordinance. Further, Miller questioned if the JPB doesn't feel like neighbor comments matter. Staff explained the JPB had felt comfortable with an IUP in place with individual conditions as needed, and supported the annual permit review. Meehlhause further commented that the JPB summarized at the last meeting that an ordinance was necessary.

Public Hearing closed at 7:39 p.m.

Motion by Heinonen, second by Berg to move the final draft of the Short-Term Rental Ordinance forward to the Joint Planning Board.

Roll call vote:

Ayes: Lemmer, Heinonen, David

Nays: Miller, Lahn, Steffen, Faver, Berg

Abstain: None

Absent: Smith

Motion failed.

Motion by Faver, second by Steffen to recommend to the JPB this final draft of Ordinance No. 2018-03 with the following additions:

1. No IUP shall be granted for any property within 600' of a property covered by an IUP for a short-term vacation rental.
2. No short-term vacation rental shall be rented for more than 90 days per calendar year.

Roll call vote:

Ayes: Berg, Faver, Steffen, David, Heinonen, Lahn, Lemmer, Miller

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Nays: None
Abstain: None
Absent: Smith
Motion carried unanimously.

ZONING & SUBDIVISION ORDINANCE WORKSHOP

Staff and JPC members met on 3/8 and 3/22, and all proposed changes were incorporated into the draft recently sent to our attorney for review.

DIRECTOR REPORT:

Mai provided updates of last month's planning cases, Comprehensive Plan progress, current development projects, and described a new software program being used by staff.

UPCOMING MEETING DATES:

April 11, 2018	6:00 pm	JPB Regular Meeting
April 26, 2018	6:00 pm	JPC Regular Meeting
May 9, 2018	6:00 pm	JPB Regular Meeting
May 24, 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 8:24 p.m.

Motion carried unanimously.

Respectfully submitted.
Terri Ball, Planning Assistant

Approved and attested by:



Joint Planning Commission Representative