

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

Wednesday, April 12, 2017 REGULAR MEETING – 6:00 p.m.

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

A. MINUTES **Chair**
Approval of March 8, 2017 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. NEW BUSINESS

1. City of Bemidji – Resolution No. 2017-09 -IUP-17-80.00758.00 – Boell **CB**

D. OTHER BUSINESS

1. BT v. JPB – Settlement Agreement **Chair**
2. Public Hearing and Recommendation Regarding the Proposed Amendment to the Revised Joint Powers Agreement (RJPA) – Resolution No. 2017-10

E. VISITORS **Chair**

F. DIRECTOR’S REPORT **CM**

G. UPCOMING MEETINGS **Chair**

1. April 27, 2017 6:00 pm JPC Regular Meeting
2. May 10, 2017 6:00 pm JPB Regular Meeting
3. May 25, 2017 6:00 pm JPC Regular Meeting
4. June 14, 2017 6:00 pm JPB Regular Meeting

H. ADJOURN **Chair**

GREATER BEMIDJI AREA JOINT PLANNING BOARD
Meeting Minutes
April 12, 2017

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 12, 2017, at 6:00 p.m. in City Hall. Chair Kelly presiding called the meeting to order and roll call was taken.

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

Members absent: Heuer, Merschman, Johnson (utilized alternate), Frenzel (utilized alternate)

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

Others in attendance: Gene Schwantel

Pledge of Allegiance was performed.

AGENDA

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

Motion carried unanimously.

MINUTES

Motion by Albrecht, second by Chambers to approve the March 8, 2017 JPB minutes.

Motion carried unanimously.

CONSENT AGENDA

- 1) Bills for the total amount of \$7819.15 (Check No. 2078 - 2092) were presented for payment.

Motion by Albrecht, second by Meehlhause to approve consent agenda as presented.

Motion passed unanimously.

Motion by Chambers, second by Meehlhause to approve \$1,000.00 payment of Check No. 2093 to LePier Outdoors for return of Land Use Permit escrow.

Motion passed unanimously.

Motion by Albrecht, second by Chambers that additional escrows belonging to Bemidji Township residents be reviewed at May 10 JPB meeting.

Motion passed unanimously.

NEW BUSINESS

RESOLUTION NO. 2017-09 – 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.

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.

No alterations to the property are expected. The proposed use is not expected to require any significant alterations to the property.

PLANNING CONSIDERATIONS

An IUP for vacation rental has been approved at the property to the North. The neighborhood was concerned about the use of this property. The Boells should take notice of that and ensure they work with the property to the North to make for a successful vacation rental.

The JPB does not see “vacation rentals” as resorts, having two next to each other is a concern, but nothing in the JPB ordinance prevents this from happening.

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), a change in zoning regulations, 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.

Board members had the following concerns:

- Erickson questioned licensure with the Minnesota Department of Health. Staff explained DOH oversees the same inspection for resorts. Erickson further asked about frequency of inspections. Staff unsure if annual or just one time.
- Meehlhause commented on neighboring VRBOs and asked if the City of Bemidji has experienced similar situation. Staff stated the city has lots of neighboring long term rentals.
- Albrecht questioned occupancy as JPC minutes stated 21 while planning report stated 15, questioned if condition number seven required applicant to have a city rental license, and if applicant received information about the Lodging Tax. Staff clarified occupancy of 15, no rental license is needed and staff has not consistently informed people of Lodging Tax.
- Erickson commented on size of home and questioned how staff calculates occupancy. Staff explained number is related to parking spaces, as directed by ordinance.

Motion by Albrecht, second by Erickson to approve Resolution No. 2017-09 to approve an IUP for parcel 80.00758.00 for Jim & Mary Kay Boell with included conditions:

1. The IUP shall terminate upon a change in use, a change in the owner/operator (leaseholder), a change in zoning regulations, 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.

And 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

Staff presented the process related to the Settlement Agreement with Bemidji Township as advised by legal counsel. Chair Kelly asked staff to read Settlement Agreement into the record.

- Erickson requested the record show her discomfort with the wording of item 3 on page #3, which leaves “other provisions” unclear.

Motion by Albrecht, second by Meehlhause to approve Settlement Agreement as presented.

Roll call vote:

Ayes – Chambers (alternate), Larson (alternate), Erickson, Meehlhause, Kelly, Albrecht

Nays – None

Absent – Frenzel (utilized alternate), Merschman, Johnson (utilized alternate), Heuer

Abstain – None

Motion carried unanimously.

Chair Kelly opened Public Hearing for Resolution No. 2017-10 at 6:46 pm.

Chair Kelly closed Public Hearing without comments from public at 6:47 pm.

Chair Kelly asked staff to read Resolution No. 2017-10 into the record.

Motion by Meehlhause, second by Chambers to approve corrected Resolution No. 2017-10 with corrected Exhibits A-F as presented.

Roll call vote:

Ayes – Albrecht, Kelly, Meehlhause, Erickson, Larson (alternate), Chambers (alternate)

Nays – None

Absent - Frenzel (utilized alternate), Merschman, Johnson (utilized alternate), Heuer

Abstain – None

Motion carried unanimously.

DIRECTOR'S REPORT

Mai identified upcoming planning cases, detailed development project updates, and other department events noted in April Director Report. Mai further summarized recent progress on updating Zoning Ordinance, Zoning Maps and Fee Schedules which will be presented at May JPB meeting.

UPCOMING MEETING DATES:

April 13, 2017 -- Joint LGU Meeting @ 6:30 p.m. at Northern Town Hall
April 27, 2017 -- JPC Regular Meeting @ 6:00 p.m.
May 10, 2017 -- JPB Regular Meeting @ 6:00 p.m.
May 25, 2017 -- JPC Regular Meeting @ 6:00 p.m.
June 14, 2017 -- JPB Regular Meeting @ 6:00 p.m.

ADJOURNMENT:

There being no further business, motion by Albrecht, second by Chambers, to adjourn the Joint Planning Board meeting at 7:14 PM.

Motion carried unanimously.

Respectfully submitted,
Terri Ball
Planning Assistant

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