

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

Wednesday, January 10, 2018 REGULAR MEETING – 6:00 p.m.

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

A. MINUTES **Chair**
Approval of December 13, 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**
- 2. **Resolution No. 2018-02** – Appointment of Don Heinonen to JPC **Chair**

C. VISITORS **Chair**

D. NEW BUSINESS

- 1. City of Bemidji – Concept PUD-17-80.05081.00 - Sanford Medical WITHDRAWN **CM**
- 2. City of Bemidji – **Resolution No. 2018-01** - V-80.02519.00 & 80.02520.00 – Dave Kaufmann **CB**

E. OTHER BUSINESS

- 1. **VRBO Discussion**
- 2. **Election of 2018 Officers (New officers will be seated at the February meeting)**
Chair (City of Bemidji) / Vice Chair / Treasurer

F. DIRECTOR’S REPORT **CM**

G. UPCOMING MEETINGS **Chair**

- 1. January 25, 2018 6:00 pm JPC Regular Meeting
- 2. February 14, 2018 6:00 pm JPB Regular Meeting
- 3. February 22, 2018 6:00 pm JPC Regular Meeting
- 4. March 14, 2018 6:00 pm JPB Regular Meeting

H. ADJOURN **Chair**

GREATER BEMIDJI AREA JOINT PLANNING BOARD
Meeting Minutes
January 10, 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, January 10, 2018, 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, Erickson, Meehlhause, Kelly, Frenzel

Members absent: None

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

Others in attendance: Don Heinonen, Dave Kaufman, Matt Murray

Pledge of Allegiance was performed.

AGENDA

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

Motion carried unanimously.

MINUTES

Motion by Frenzel, second by Erickson to approve the December 13, 2017 JPB minutes.

Motion carried unanimously.

CONSENT AGENDA

- 1) Bills for the total amount of \$8,097.50 were presented for payment.
- 2) Resolution No. 2018-02 – Approval to appoint Don Heinonen to JPC

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

Motion passed unanimously.

VISITORS - None addressed the board.

NEW BUSINESS

RESOLUTION NO. 2018-01 -V-17-80.02519.00 & 80.02520.00 – DAVE KAUFMAN

Applicant is requesting four (4) variances to construct a Tri-Plex in the (R-5) High Density Residential zoning district and shoreland overlay within the City of Bemidji. 1.) Front yard setback reduction of nineteen (19) feet of the required thirty (30) feet; 2.) Side yard setback reduction of nine (9) feet of the required seventeen and one half (17.5) feet; 3.) Increase in allowed maximum impervious surface coverage of 3,642 square feet; and 4.) Expansion of an existing structure on a substandard lot.

BACKGROUND

The applicant is requesting to remove a dilapidated residential structure on a lot adjacent to a single-family home that the applicant owns, and convert his structure into a tri-plex. A tri-plex is an allowed use of land in the (R-5) High Density Residential zoning district. This property owner faces challenges as this property is zoned for high density, but lot sizes and the shoreland overlay make developing difficult. This neighborhood is made up of mostly rental properties ranging from single family to multi-family, a small amount of owner occupied homes do remain. Redeveloping structures to accommodate a higher density has been a trending theme in this neighborhood as the college has continued to grow. The neighborhood serves primarily college students as it is in walking distance from Bemidji State University. In 2006 and 2013, the applicant completed similar projects adjacent to the proposal. In 2006, a single family home was upgraded and turned into a tri-plex and in 2013 variances were granted to remove a single family home and construct a duplex, both projects are directly south of this proposal.

PLANNING CONSIDERATIONS

Existing Conditions

The current conditions of the neighborhood consist of nearly all rental housing of various densities. With many homes being modified or renovated over the years to have multiple units. Some of the units were developed before any standards were in place for rental properties for parking or JPB standards, some were developed after. JPB staff encourages members of the JPC/JPB to visit the site for a more accurate description of the existing neighborhood. The following map outlines rental properties in yellow and the number indicates the number of dwelling units in each structure. Not to be confused with the number of bedrooms in each unit. The study area consists of forty-six (46) rental properties and fourteen (14) owner occupied properties, eighty-seven (87) percent of the units are rentals. Thirteen (13) of the forty-six (46) rental properties have multiple units.

Setbacks

The applicant is requesting two (2) setback variances. The proposed structure will make a setback improvement from the existing structure, but still requires a variance for construction. The proposed setbacks do not seem out of the ordinary for the

neighborhood and no negative impacts on property safety, right-of-way, or stormwater are anticipated.

Parking

The proposed site plan meets the parking standard requirements with one parking space per bedroom. Staff discussed the possibility of reducing parking spaces to increase green space on the site. With the close proximity to campus staff felt that some tenants may not have cars, with the limited amount of parking in this area already providing parking for each tenant is reasonable.

Landscaping / Greenspace / Stormwater

The site has trees that will be preserved and the applicant plans to add five (5) additional coniferous trees. The property will be graded to handle snow melt and stormwater on-site, a stormwater mitigation plan has been provided.

Substandard Lot

This area was originally platted with twenty-five (25) foot lots, since then many homes were built on two (2) lots or a variation. This is an existing high-density neighborhood that was developed before shoreland regulations.

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

The streets department had no issues with the proposal as long as all vehicles will remain out of the narrow alleyway. The site plan has room for all vehicles to be parked on-site.

The property will also be subject to the City of Bemidji rental property ordinance.

Neighborhood Comment

At the time of writing this report six (6) letters of support were received and no public concerns were identified. Letters were in support of upgrading housing for safety reasons, and the supporters felt that updated housing will provide better tenants and better relationships between rental and owner-occupied housing. One email opposing the project for parking reasons was received last week.

Comprehensive Plan References

The two existing buildings are single family homes the proposed project would create a high density tri-plex, an allowed use in the zoning district. The current GBAJPB land use plan encourages a wide variety of housing opportunities and to increase density when appropriate to encourage multimodal transportation. The draft comprehensive plan also has similar objectives and strategies encouraging diverse housing and improving walkability. Increasing density and providing safe, affordable, and updated

housing near the B.S.U. campus is in keeping with the intent of the land use plan, with the stormwater mitigation plan no adverse environmental impacts are anticipated.

RECOMMENDATION

Staff recommends approval of four (4) variance's 1.) Front yard setback reduction of nineteen (19) feet of the required thirty (30) feet; 2.) Side yard setback reduction of nine (9) feet of the required seventeen and one half feet (17.5); 3.) Increase in allowed maximum impervious surface coverage of 3,642 square feet; and 4.) Expansion of an existing structure on a substandard lot. Within the (R-5) High Density Residential zoning district and shoreland overlay of the City of Bemidji with the following conditions:

1. Stormwater mitigation and landscaping plan shall be followed and inspected by JPB.
2. The two (2) lots shall be combined into one tax parcel.

Board members had the following concerns:

- Frenzel asked what the current impervious surface is. Staff stated it to be 4,705 square feet and is proposed to increase by 1,346 square feet, totaling 6,051 square feet.
- Erickson questioned who currently owns second lot. Staff explained applicant has a signed purchase agreement with a contingency of JPB variance decision. Erickson also questioned condition of lot combination. Staff stated that condition was added by the JPC.
- Albrecht asked if demolition is occurring on the site. Staff described demo of existing house on southerly lot, and adding a slab on grade structure connecting to existing home with basement. Albrecht further questioned entrances. Staff detailed existing entrances on Dewey Avenue, as well as rear entrances.
- Meehlhause commented that a parcel to the south is similar to this project.
- Albrecht remembered that project as it is also owned by the applicant. Albrecht further stated her preferences of making the new structure look like it fits into the neighborhood, appreciating the front doors facing Dewey Avenue, and agrees with engineers parking comments. Garbage was also discussed, and applicant stated two (2) containers for city removal are provided instead of a dumpster.

Motion by Meehlhause, second by Frenzel to approve Resolution No. 2018-02 on parcels 80.02519.00 & 80.02520.00 for four (4) variance's 1.) Front yard setback reduction of nineteen (19) feet of the required thirty (30) feet; 2.) Side yard setback reduction of nine (9) feet of the required seventeen and one half feet (17.5); 3.) Increase in allowed maximum impervious surface coverage of 3,642 square feet; and 4.) Expansion of an existing structure on a substandard lot. Within the (R-5) High Density Residential zoning district and shoreland overlay of the City of Bemidji with the following conditions:

1. Stormwater mitigation and landscaping plan shall be followed and inspected by JPB.
2. The two (2) lots shall be combined into one tax parcel.

And findings:

1. Has the applicant demonstrated a practical difficulty?

Yes. This high density neighborhood has been developed within the shoreland overlay, it is a reasonable request for the applicant to want to continue increasing density and redeveloping housing. The shoreland overlay does not account for existing platted lots at urban densities with municipal infrastructure.

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 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 is anticipated to have a positive impact on the neighborhood providing safe housing for students or families and removing a structure in need of many improvements or replacement.

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

Yes. This area is predominantly rental properties with many properties having multiple units, it has also been common for existing buildings to be altered to accommodate new housing opportunities.

Motion carried unanimously.

OTHER BUSINESS

VRBO (Vacation Rental By Owner) Discussion

Mai detailed a report that was included in the board packets. Department of Health guest representative, Dave Kaufman, was invited to participate in the discussion.

Staff and Commissioners stated comments and concerns:

- Albrecht requested clarification of Ordinance to specify single family units only.
- Kelly commented that restrictions such as minimum length of stay or maximum days to rent out are easy to get around if trying to evade rules.
- Erickson commented that a long term, stable renter is preferred by neighbors instead of constant renter turnover.

- Albrecht questioned allowing a long term rental while also having short term rental licensing, for the benefit of the property owner. She suggested creating a type of blended model to address this option.
- Kelly asked why we should differentiate between short term or long term. Albrecht stated that short term rentals could be required to participate in the lodging tax, which is her preference.
- Frenzel commented that proposed licensing fees are too light. He stated higher fees will produce better managed properties.
- Kaufman described license fee amounts for Department of Health.
- Albrecht questioned desire of Board to limit rental to only municipal service areas.
- Kelly commented that staff's work and research was very beneficial to the Board. Also stated that he has septic concerns for certain areas on Lake Bemidji, then described the private Waville system challenges, and proposed limited VRBOs to specific areas or zoning districts. Kelly further stated that residents of Northern Township prefer Option #2, which would prohibit VRBOs.
- Kaufman suggested stipulating septic compliance as well as location, upon application.
- Erickson questioned frequency of rental. Staff described that some communities set a limit. Meehlhause commented that would be difficult to enforce.
- Frenzel asked if it would be hard to not allow VRBO parcels to adjoin one another. Staff, Erickson and Albrecht agreed that it would be difficult to place limits.
- Albrecht suggested individual annual reports from VRBO owners.
- Kelly stated the lodging tax is a voluntary reporting, and that no one has the ability to require proof from anyone. Further questioned how it could be monitored while keeping duties manageable.
- Albrecht asked how long VRBOs have operated in the other communities mentioned in the report. Staff stated that some that were studied have been in operation since 2010 or 2011.
- Staff commented that VRBOs will impact every community differently. Meehlhause agreed and suggested an evolving ordinance to grow with the process.
- Staff also commented that no matter what the Board decides, there will be problems regulating. Frenzel further stated that VRBOs will happen whether they are allowed or not.
- Albrecht urged the Board to nail down the purpose of the ordinance, then suggested items such as protecting public safety, property values, and lake quality.
- Staff suggested mandatory website rental which requires feedback and ranking. Kelly stated those rankings are only opinions and may not be factual.

- Kaufman explained that the Minnesota Department of Health regulates rental no matter what, but this license process would help him find some that have not come forward. Kaufman stated the IUP process would still be needed, but the regulation would not be done by the JPB. Further, he stated VRBOs are considered low risk, so they are inspected every two (2) years.
- Albrecht questioned if Kaufman checks for insurance coverage during inspection. Kaufman does, and stated that VRBOs meet the definition of hotel/motel so inspections have same criteria.
- Erickson prefers limiting occupancy.
- Frenzel stated that citations are good, but enforcement is unrealistic.
- Albrecht commented on enforcements being complaint driven.
- Kelly stated that staff has done what was asked, and urged Board for further direction.
- Consensus is Option #3 with suggestions provided. Board prefers a lighter approach to stipulations that are not burdensome to staff, but do specify consequences for violations. Staff will prepare a draft ordinance.

2018 ELECTION OF OFFICERS

Nomination by Albrecht, to appoint Michael Meehlhause as Chair by unanimous ballot.

Motion carried.

Motion by Kelly, second by Albrecht to nominate Jess Frenzel as Vice Chair.

Motion carried unanimously.

Nomination by Meehlhause, to appoint Nancy Erickson as Treasurer by unanimous ballot.

Motion carried.

New officers will be seated at the February meeting.

New Alternate #1 for the City of Bemidji is Roger Hellquist who replaces Dave Larson.

DIRECTOR'S REPORT

Mai summarized upcoming planning cases, CPAW Forum in Boulder Colorado January 23-25, and recent projects including new forms and handouts developed by staff, staff collaboration for a new process for development projects, and the beginning of file scanning to RVI system. Mai also summarized ongoing development projects.

UPCOMING MEETING DATES:

January 25, 2018 -- JPC Regular Meeting @ 6:00 p.m.
February 14, 2018 -- JPB Regular Meeting @ 6:00 p.m.
February 22, 2018 -- JPC Regular Meeting @ 6:00 p.m.
March 14, 2018 -- JPB Regular Meeting @ 6:00 p.m.

ADJOURNMENT:

There being no further business, motion by Meehlhause, second by Frenzel, to adjourn the Joint Planning Board meeting at 7:49 PM.

Motion carried unanimously.

Respectfully submitted,
Terri Ball
Planning Assistant

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