

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

**Thursday, December 21, 2017  
6:00 P.M.**

**Council Chambers, City Hall  
317 4<sup>th</sup> ST NW  
Bemidji, MN 56601**

**AGENDA**

- **Call to Order/Roll Call** **Chair**
- **Pledge of Allegiance**
- **Approve Agenda**
- **Approve Minutes**
  - **Thursday, November 16, 2017 Regular Meeting**

**NEW BUSINESS**

- 1. Visitors** **Chair**

**Public Hearings**

- 1. City of Bemidji - Concept PUD-17-80.05081.00 – Sanford Medical WITHDRAWN** **CM**
- 2. City of Bemidji - V-80.02519.00 & 80.02520.00 – Dave Kaufmann** **CB**

**OTHER BUSINESS**

- 1. VRBO Work Session** **CM**
- 2. Director Report** **CM**
- 3. Upcoming Meetings** **Chair**
  - January 10, 2018      6:00 pm                      JPB Regular Meeting
  - January 25, 2018      6:00 pm                      JPC Regular Meeting
  - February 14, 2018      6:00 pm                      JPB Regular Meeting
  - February 22, 2018      6:00 pm                      JPC Regular Meeting

- 4. Adjourn** **Chair**

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

December 21, 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, Steffen, David, Lahn, Lemmer, Miller, Smith

**MEMBERS ABSENT:** Faver, Hendricks

**STAFF PRESENT:** Casey Mai, Cory Boushee, Terri Ball

**OTHERS:** Dave Kaufman, Matt Murray

**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 Miller, to approve minutes from the November 16, 2017 Greater Bemidji Area Regular Joint Planning Commission.

Motion carried unanimously.

**VISITORS:**

None

**NEW BUSINESS:**

**Public Hearing:**

**Mai presented the first case:**

Planning Commission Meeting, December 21, 2017

## **PLANNING CASE – Concept PUD-17-80.05081.00 – Sanford Medical**

Applicant withdrew application. More research needed from traffic professionals in order for staff to give thorough review of project.

**Public Hearing opened at 6:04 p.m.**

**Public Hearing closed at 6:04 p.m.**

**Boushee presented the second case:**

## **PLANNING CASE – V-17-80.02519.00 & 80.02520.00 – Dave Kaufman**

Dave Kaufman 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.

### 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.

## **RECOMMENDATIONS**

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.

### **Public Hearing opened at 6:14 p.m.**

Dave Kaufman has been a rental landlord for the past 12 years. In 2006, he completed a similar project with another property. All of his properties are in located in a central area of the city. Kaufman maintains his own buildings and yards, which he feels it creates a good relationship of trust between himself and renters. No rental complaints have been made to Law Enforcement in the 12 years of his ownership. Kaufman's goal is to upgrade the neighborhood with this project, and provide safe, affordable, housing. The main challenge is the Shoreland Overlay, since all criteria is met for the R-5 zoning, but the addition of the overlay increases restrictions. Kaufman detailed parking for renters and recalled the first project in which City Engineer Craig Gray suggested this parking layout. At first, Kaufman stated he disliked it because it cost more, but has since come to value  
Planning Commission Meeting, December 21, 2017

the safety of limited in/out traffic, increased sight line in alley, and greater convenience to his renters.

**Public Hearing closed at 6:20 p.m.**

Staff and Commissioners stated concerns or comments.

- Berg asked about snow removal. Applicant described that snow pile will be located toward the northeast corner, but will not be between parking and the ally.
- Miller commented that six favorable neighbor letters showing support of the project are a testament of Kaufman's rental quality.

Motion by Miller, second by Steffen to approve 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 with 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.

Commissioner Miller excused herself from the meeting at 6:24 p.m.

### **OTHER BUSINESS:**

#### **VRBO (Vacation Rental By Owner) Work Session**

Mai detailed a Power Point presentation while commissioners reviewed the printed version included in their packets. Department of Health guest representative, Dave Kaufman, was invited to participate in the discussion.

Staff and Commissioners stated concerns:

- Lemmer questioned a limit to the number of days of occupancy allowed per month. Smith suggested no restriction except a maximum number of days per year. Staff commented that it would be difficult to place a limit.
- Lemmer asked how long escrows would be held. Staff stated that once IUP conditions were completed, escrow could be returned immediately.
- Lemmer asked how the city will track sales tax. Smith detailed his experience with Turtle Lake Township in which residents were responsible for reporting their own tax to the state, and making payment to the township. Staff stated this is also a requirement of an annual audit.
- Kaufman summarized the history of the VRBO and how licensing became a regulation. He hopes that licensing becomes part of the GBAJPB practice because it will assist with state tracking. Kaufman explained the three risk categories (low, medium, and high), the frequency of inspections (every other year for VRBOs as they are a low risk), and the average cost per annual license. An attainable goal is to coordinate efforts of his department with our Building Department, GBAJPB, and Fire Department to efficiently protect public safety. Kaufman sees value in IUP process as it includes public comment. Encouraged us to change term VRBO to something more general, such as, "Vacation Rental."
- Smith suggested a one (1) day stay as a minimum for classification.
- Staff opposed licensing if the homeowner resides in the home during its rental.
- Smith commented on the difficulty of limiting quantity of licenses, as other communities have chosen to do.
- Smith questioned if an IUP permit fee would be charged annually along with the licensing fee. Staff stated it would not be necessary to review the IUP unless there are violations of conditions or a transfer of property ownership.
- Discussion about neighborhood covenants. Smith suggested non-involvement of this.
- Staff asked if LD (Lake Oriented Development) or Multi Family zoning districts should be allowed to be licensed. Discussion included Smith, Kaufman, and Lahn. Smith commented that only single family should be eligible for licensure.

- Lahn questioned the difference between an IUP complaint and licensing inspection for best results. Staff stated the inclusion of city departments during inspections is a positive.
- Steffen questioned the idea of limiting the quantity of licensed VRBOs in any given area. Staff explained no other communities that were studied had measured restrictions regarding short-term rental in location proximity to another short-term rental. Staff also stated it would be difficult to identify a limit.
- Mai reiterated his support of Option #3. Lemmer and Smith stated their support.

**DIRECTOR REPORT:**

Mai summarized results of last month's planning cases and updated the progress of development projects. Informed commissioners that consultant has completed chapters 1-4 of the Comprehensive Plan, and described remaining process and time line. Mai stated his appreciation to those who attended the recent Joint LGU meeting, and thanked JPC Chair Nicki Lemmer for her service this year.

**UPCOMING MEETING DATES:**

January 10, 2018	6:00 pm	JPB Regular Meeting
January 25, 2018	6:00 pm	JPC Regular Meeting
February 14, 2018	6:00 pm	JPB Regular Meeting
February 22, 2018	6:00 pm	JPC Regular Meeting

**ADJOURNMENT:**

There being no further business, motion by Steffen, second by Smith to adjourn the Regular Planning Commission meeting at 7:32 p.m.

Motion carried unanimously.

Respectfully submitted.  
Terri Ball, Planning Assistant

Approved and attested by:   
Joint Planning Commission Representative