

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

Wednesday, June 13, 2018 REGULAR MEETING – 6:00 p.m.

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

A. MINUTES **Chair**
Approval of May 9, 2018 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. **Ordinance No. 2018-05** Prohibition of Short-Term Vacation Rentals **Chair**

C. VISITORS **Chair**

D. NEW BUSINESS
1. **Northern Township– Resolution 2018-11 – V-18-31.02727.00 – Shaw Holdings LLC** **CB**

E. OTHER BUSINESS
1. **Ordinance No. 2018-06** Zoning and Subdivision Ordinance Update

F. DIRECTOR’S REPORT **CM**

G. UPCOMING MEETINGS **Chair**

1. June 28, 2018	6:00 pm	JPC Regular Meeting
2. July 11, 2018	6:00 pm	JPB Regular Meeting
3. July 26, 2018	6:00 pm	JPC Regular Meeting
4. August 8, 2018	6:00 pm	JPB Regular Meeting

H. ADJOURN **Chair**

GREATER BEMIDJI AREA JOINT PLANNING BOARD
Meeting Minutes
June 13, 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, June 13, 2018, at 6:00 p.m. in City Hall. Chair Meehlhause 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 & Joyce Fargen, Ann Austad, Alan Netzer, Bill Nichols, Liz Nichols, Jim Garvey, Sandra Garvey, Geri Hickerson, Dan DeKrey, Beth DeKrey, Brooks Hazelton, Hugh Welle, Bess Kuryla, Jim Dahedl

Pledge of Allegiance was performed.

AGENDA

Suggested change of order for agenda items.

Motion by Albrecht, second by Frenzel to approve the amended agenda.

Motion carried unanimously.

MINUTES

Motion by Kelly, second by Frenzel to approve the May 9, 2018 JPB minutes.

Motion carried unanimously.

CONSENT AGENDA

- 1) Bills for the total amount of \$16,264.27 were presented for payment.

Motion by Albrecht, second by Kelly to approve consent agenda as amended.

Motion passed unanimously.

VISITORS – Geri Hickerson stated concern with the ordinance amendment which requires all new home constructions to have paved driveways and hopes to become partners with the city for affordable housing in Bemidji.

Joyce & Don Fargen spoke of recent panhandlers in their backyard and throughout the neighborhood, and attributed them to the Group Home across the street. They spoke of safety concerns for children in the nearby daycare center also. Staff clarified the address of the ReStore House at 3007 Birchmont, then explained that he has been in recent contact with the director, Mary Greer, who was made aware of neighborhood concerns. Staff also stated that this is an allowed use for up to six (6) people, as per Minnesota statute and licensing through the Department of Health and Department of Human Services. Erickson advised the Fargens and their neighbors to contact law enforcement if incidents occur.

Jim Garvey stated that he also lives across the street from this treatment center, and feels the city ought to have a complaint process. He also told of Two Harbors, MN banning RV's being used as VRBO's.

Sandra Garvey thanked the JPB for hearing concerns of citizens. She also commented that the health of Lake Bemidji was not really addressed during the Short-Term Vacation Rental ordinance process, then stated that vehicles from four (4) states were next door at the VRBO. She further explained that any aquatic invasive species could easily infect the lake this way. Garvey also asked staff to clarify where and how to make complaints. Staff explained that the forms are in the office or online and available any time.

Brooks Hazelton spoke in support of Short-Term Vacation Rentals, stating that this is the way families travel and the process is thriving through the United States. He also commented that our community can gain from this opportunity.

Sachel Josephson stated he recently purchased a home with the intent of turning it into a VRBO, then learned that Short-Term Vacation Rentals were in the process of being banned. He commented that these rentals are another format to allow families to travel.

Clint Bruestle, representing the Bemidji Community Arena, announced the second rink expansion plan to the north of the current rink. He described the non-profit organization which leases the land from the Bemidji School District and operates for the benefit of the community. Since its inception in 2000, it has been known that an expansion would take place. Meehlhause asked about parking spaces, which number 85 spots total. The school district will allow space for expansion of 66 vehicles, and 19 will park remotely along the north side of the high school, within the required 600 foot limit. Albrecht questioned availability of a pedestrian path from the north lot to the second rink. Staff stated that current administration plans for an eight (8) foot walking trail. Frenzel asked about the staff parking lot to the south. Bruestle commented that many discussions and options have been raised, including expansion and relocation to direct the route directly to Adam's Avenue.

NEW BUSINESS

RESOLUTION 2018-11 – V-18-31.02727.00– Shaw Holdings LLC

Shaw Holdings LLC, known as Northern Rides is requesting approval of a variance in order to expand a commercial structure within the structure setback of the existing septic system located at 516 Centerpoint Ct NW within the B-1 Low Density Commercial Zoning District of Northern Township. The requested variance is a reduction of eleven and one-half (11.5) feet of the required twenty (20) feet creating an eight and one-half (8.5) foot setback.

BACKGROUND

The applicant approached staff in the fall of 2017 about the possibility of expanding the structure. Staff explained multiple zoning violations currently exist on the site including parking on the grass, exterior storage, and temporary storage containers. Staff explained that a variance process or land use permit will require that these items be corrected, and the applicant has been willing to work with staff to correct any issues.

The applicant has explained his goal with this project is to expand his resources and building area to accommodate more work indoors and reduce exterior storage. He plans to add pavement to remove the gravel parking areas that have been created and will add screening measures.

PLANNING CONSIDERATIONS

Existing Conditions

The site has been developed as an auto body shop since 2004. With limited space on a site that has a steep topographic change through the middle of the lot restricting space for further expansion.

This site was approved for a Conditional Use Permit (CUP) in 2004 by Northern Township to operate an auto body shop. Because the proposed site/impervious surface expansion is less than 20% the proposal can be approved administratively through a minor CUP amendment. When approving the minor CUP amendment and land use permit, staff will review the entire site for zoning compliance and work with the applicant to make improvements on any non-compliant items.

Proposed Expansion

The proposed expansion is to allow the applicant to increase efficiency with the auto body shop that will in turn allow for improvements for zoning compliance. More vehicles can be in the building being worked on at one time allowing for more staff and quicker turnaround times. Increase paving will allow for proper improved surface storage of vehicles being worked on. The addition of a trash enclosure will help with screening requirements.

The applicant has informed staff that this expansion is necessary in order to bring the property into compliance with the zoning ordinance.

Septic Setbacks

Minnesota Rules Chapter 7080 regulating septic systems would not require a setback variance in this case, the JPB is more restrictive. Setbacks are typically only required for structures designed for human habitation.

JPB staff see no issue with the septic setback if gutters are placed on the building directing water away from the septic system.

Landscaping

Staff will work with the applicant to add trees to meet the road frontage landscaping requirements.

Agency Comment

Beltrami County ESD comments;

- 1. MN Rules Chapter 7080 doesn't mandate a setback from a drainfield to this type of building unless it is determined by the local government unit to be interfered with by the construction, operation, or maintenance of an SSTS.*
- 2. If approved, recommend directing runoff from the building away from the drainfield so the wastewater treatment process in the soil is not interfered with due to increased runoff on the site.*

Neighborhood Comment

No comment was received at the time of writing this report.

Comprehensive Plan References

With approval of a variance and on-site improvements for zoning compliance this request is in keeping with the spirit, purpose and intent of the JPB land use plan.

RECOMMENDATION

Staff recommends approval of a reduction of eleven and one-half (11.5) feet of the required twenty (20) feet creating an eight and one-half (8.5) foot setback.

Approval recommended with the following condition:

1. Gutters will be placed on the building to direct stormwater away from the septic system.

Board members had the following concerns:

- Albrecht questioned staff about at which point curb and gutter are required at the end of a parking lot. Staff explained that all new constructions

require curb and gutter, as well as some existing sites when expansion warrants it. Albrecht asked about the size of the parking lot and number of vehicles being parked, as well as interior greenspace. Staff described this request as less than a 20% change, and as an improvement to the current gravel surface because its use is more for exterior storage than parking. Also, staff stated that the ordinance requires interior greenspace for more than 40 parking spaces, more often utilized for retail purposes.

- Albrecht stated her concern for staff to apply the same rules fairly and consistently. She also questioned stormwater run-off, and the presence of a management plan or grading and drainage plan. Staff stated confidence in the vegetative covering on the bluff and the gutters moving water away from the septic system, thus making site sufficient.
- Frenzel commented in support of Albrecht's concerns, and stated his own concerns about sites that have unorganized sprawl upon expansion. He is in favor of the site being cleaned up. Also, Frenzel stated that no one should be given special treatment. Staff clarified that every project is different and each applicant has unique requests to consider.
- Kelly described the history of this site and its business' success, and feels the request for a variance can be a trade-off for clean-up. Kelly also stated agreement with Albrecht about drainage and urged staff to work with applicant to achieve compliance.
- Meehlhause suggested making a stormwater plan as another condition. Staff explained that it will be better handled as a condition to their land use permit, and Kelly agreed it made sense for staff to make the determination.
- Albrecht stated that a clarified stormwater plan makes sense and supports the application. She again urged that all people are treated the same, then questioned if requirements are different in Northern Township than in the city. Staff explained that stricter stormwater management is required within the city limits, and is subject to a MS4 permit.

Motion by Kelly, second by Frenzel to approve Resolution 2018-11 for the approval of a reduction of eleven and one-half (11.5) feet of the required twenty (20) feet creating an eight and one-half (8.5) foot setback with the following condition:

1. Gutters will be placed on the building to direct stormwater away from the septic system.

And with findings:

1. Has the applicant demonstrated a practical difficulty?

Yes. The site has significant steep slope topographic feature that limits further development of the site to expand the building or add other buildings further than the septic system.

2. Are there exceptional circumstances, unique to this property, which have not been created by the land owner?

Yes. Existing topography creates a unique situation limiting areas for expansion on the site.

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. With proper construction and gutters to direct the stormwater this request is in keeping with the ordinance.

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

Yes. No negative impacts to the septic system or surrounding areas are anticipated.

Roll call vote:

Ayes: Frenzel, Kelly, Meehlhause, Erickson, Albrecht

Nays: None

Absent: None

Abstain: None

Motion carried unanimously.

OTHER BUSINESS

Ordinance No. 2018-05 Prohibition of Short-Term Vacation Rentals

Staff presented the amended version as recommended by the Joint Planning Commission, which allows currently approved and operating VRBOs the ability to continue until either a change in ownership or violation of permit conditions. Staff also offered the original version as written by our attorney.

Board members had the following concerns:

- Erickson supports the amended version.
- Albrecht supports the amended version.
- Meehlhause commented that he is against bans in general, but supports the amended version over the original ordinance.
- Frenzel stated that public opinion played a big part of the JPB's decision, and stands in support of the amended version.

Motion by Albrecht, second by Kelly to approve the amended version of Ordinance No. 2018-05 to Prohibit Short-Term Vacation Rentals, although not terminating current Interim Use Permits to the four (4) active VRBOs until a change in ownership or violation of conditions occur.

Roll call vote:

Ayes: Albrecht, Erickson, Kelly, Frenzel

Nays: Meehlhause

Absent: None

Abstain: None

Motion carried.

Ordinance No. 2018-06 Zoning and Ordinance Updates Discussion

Staff explained that the attorney has not yet completed his review of the proposed changes, but the matter is anticipated to come before the Board for a decision in August. Staff summarized proposed changes and answered questions by the Board and public.

Beltrami County Recycling Units

Albrecht questioned status of this matter. Staff and the City Manager met with the county recently, and requested that screening be implemented at all proposed sites. Ordinance changes will be drafted for future updates.

ReStore House

Albrecht asked if this group home is bound by rental and parking ordinances. Staff stated that Minnesota statute allows up to six (6) occupants, so parking is currently adequate. No other rental requirements are necessary.

Sanitary Sewer

Kelly commented that a clear direction was not identified at the recent Joint LGU meeting. Meehlhause stated that both the City and Northern Township were going to provide names for the committee which will work to identify the feasibility of expanding sanitary sewer along Lake Bemidji. Staff stated that Nate spoke with Brent Rud to schedule a discussion with Josh next week. Frenzel commented that there is no reason to move forward until there is a clear decision. Meehlhause commented that many separate meetings will be necessary before both parties can discuss the options. Kelly suggested that elected officials and experts be included in the process.

Birchmont Drive Litigation

Kelly announced the recent decision by the court in favor of Northern Township and the City of Bemidji.

DIRECTOR'S REPORT

Mai informed the Board that two (2) of the three (3) upcoming planning cases have withdrawn, leaving only one (1) to be presented to the JPC later this month. Development projects were identified in the report, and questions were clarified. Mai

sought feedback from the Board about a proposed project. Comprehensive Plan updates were also discussed.

UPCOMING MEETING DATES:


June 28, 2018 -- JPC Regular Meeting @ 6:00 p.m.
July 11, 2018 -- JPB Regular Meeting @ 6:00 p.m.
July 26, 2018 -- JPC Regular Meeting @ 6:00 p.m.
August 8, 2018 -- JPB Regular Meeting @ 6:00 p.m.

ADJOURNMENT:

There being no further business, motion by Frenzel, second by Kelly 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: 
Joint Planning Board Representative