



**City of Jordan
City Planning Commission
Meeting February 12, 2008**

Members present: Jeanne Marnoff (Council rep.), Chair Terry Jeffery, Rolf Hafslund, Dawn Benko, Rob Mishica, and John Watkins,

Official representatives: Andy Hingeveld Scott County representative.

Staff present: City Administrator Ed Shukle, City Engineer Carol Caron from Bolton and Menk, City Engineer Doug Carter from Bolton and Menk, Planning Consultant Joanne Foust MDG, City Admin. Intern Sunny Bjorklund Schultz, Senior Planner Joe Janish, and Planner Casey MacCallum.

Others present: Mayor Ron Jabs, Dan Schmidt from Gen-Con, Tim Nightingale Jordan Mini Storage, Derek Schmidt Jordan Mini Storage, Missy Nightingale Jordan Mini Storage, Diane King 408 Broadway St. N., Jim King 408 Broadway St. N., Brad Guttsen 209 4th St. N., Rodney Vivant, Steve Kochlin Fire Chief, Troy Schutte 845 Corporate Dr.

1.0 Call to Order. Chair Terry Jeffery called the Planning Commission to order at 6:03 p.m.

2.0 Adopt Agenda. Moved by Rolf Hafslund, seconded by John Watkins, to adopt the agenda as presented.

3.0 Minutes.

Motion Rolf Hafslund, second by John Watkins, to accept the December 11, 2007 Planning Commission Minutes as amended. Unanimous approval.

Motion Jeanne Marnoff, second by John Watkins, to accept the Planning Commission minutes of January 8, 2008 as presented. Unanimously approved.

4.0 2008 Comprehensive Plan Update: There were 2 items for Comprehensive Plan discussion.

- A. System Statement for Population Projection.** Planning Consultant Foust presented communication with Met Council regarding the population projections and its affect on the transportation chapter. There were two changes: (1) amend System Statement for employment forecasts, and (2) amend Systems Statement for a more aggressive population and household forecasts for 2030 (13,500 population and 5,200 households).

Planning Commission Discussion. Most of the discussion regarded defining the projections and reason for Met Council's decision. City Administrator Shukle commented that Jordan is on a fast growth track, slight derailment is temporary. Mayor Ron Jabs stated that Met Council's population projections have typically been low.

Motion Rolf Hafslund, second John Watkins, to accept the Met Council's revised employment forecasts to increase 2030 projections from 1,870 jobs to 3,400 jobs and population and household projections through 2020 which project a population of 9,700 with 3,700 households. Be it future moved that the Planning Commission recommends the City Council plan more aggressively than the revised System Statement which suggests a population of 13,500 and 5,200 households in 2030, planning for a 2030 population of 15,000 with 6,000 households. The Planning Commission recommends the City authorize the transportation modeling be completed for three options, the 13,500 System Statement, 15,000 City planned population and full build out, if financially possible. Unanimously approved, Commissioner Mishica abstaining.

- B. Waste Water Chapter of the Comprehensive Plan.** City Engineer Carol Caron, Bolton and Menk, presented their findings on the Waste Water Chapter of the Comprehensive Plan.

5.0 Public Hearing. There were 2 items for public hearing.

- A. Text Amendment to allow for a Teen Center in Industrial zoned areas with an IUP.** As presented by the Senior Planner: The City of Jordan has received a request to allow for Teen Centers to operate within the Industrial zone at 424 N Broadway Street.

In order for the Planning Commission to consider this item two actions must occur separately. With the first action requested under this agenda item; should a Teen Center be allowed as an Interim Use Permit? The second item which is the next agenda item is should an IUP be issued for this property?

Definition of an IUP. An “interim use” is a temporary use of property until a particular date; until the occurrence of a particular event, or until zoning regulations no longer permit it.

Purpose of an IUP. The purpose and intent of allowing interim uses is:

- To allow a use for a limited period of time that reasonably utilizes the property in the manner not permitted in the applicable zoning district.
- To allow a use that is presently acceptable, but not permitted within the zoning district and, with anticipated development, may not be acceptable in the future.

Standards in issuing an IUP. Meets the standards of a conditional use permit set forth in City Code which are:

1. The use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
 2. The use will be sufficiently compatible or separated by distance or screening from adjacent agricultural or residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.
 3. The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.
 4. The use in the opinion of the Council is reasonably related to the overall needs of the City and to the existing land use.
 5. The use is consistent with the purposes of this Chapter and the purposes of the zoning district in which the applicant intends to locate the proposed use.
 6. The use is not in conflict with the comprehensive plan.
 7. The use will not cause traffic hazard or congestion.
 8. Existing businesses nearby will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare, or general unsightliness.
- Conforms to the zoning regulations, performance standards and other requirements of this ordinance.
 - Will terminate upon a tangible date or event specified in the resolution approving said interim use permit.
 - Will not impose, by agreement, additional costs on the public if it is necessary for the public to take the property in the future.
 - Will be subject to, by agreement with the owner, any conditions that the City Council has deemed appropriate for permission of the use, including a condition that the owner will provide an appropriate financial surety to cover the cost of removing the interim use and any interim structures upon the expiration of the interim use permit.

Termination of an IUP

- The date specified in the permit
- A violation of the conditions under which the permit was issued; or
- A change in the City’s zoning regulations

Past usage of IUP. The City of Jordan adopted language that allows the City to use interim uses in June of 2005. Since this time two permits have been issued. One permit was for a temporary structure at Riverland Bank while the main building was being constructed which expired at time of a Certificate of Occupancy was issued. While the other permit expires in November of this year and is for Critter Getters to operate a commercial kennel.

Proposed Ordinance. According to the proposed ordinance attached the following conditions are placed upon a Teen Center:

1. Meets the standards of an Interim Use Permit set forth in City Code.
2. All events are held within a structure and under supervision of an appropriate number of responsible adults.
3. The use shall be located in a structure that has property that abuts a State Highway or County Roadway.

4. The establishment must be closed at 11:00 pm on Sunday to Thursday and 12:00 pm on Friday and Saturday.
5. All curfew laws are followed in regards to age and time the individuals must vacate the premises.
6. Adequate lighting shall be provided.
7. Criminal Background check

As noted above you can see that many items are discussed with the issuance of an interim use permit and additional items related to the specific use may also be added by the Planning Commission and City Council under each specific circumstance.

Public Hearing Opened at 7:12.

Diane King of 408 Broadway Street expressed her objection to the change and placement within her close vicinity. She found the loitering and number of kids in the alley would result in several problems and devalue the property. Though she did not directly object to the reclassification in the Industrial Zoning District so long as there were strong conditions.

Planning Commission Discussion. Members discussed the placement, conditions, and similar uses to Teen Centers.

Motion Rob Mishica, second John Watkins, to continue the Public Hearing until after the following agenda items.

- B. Interim Use Permit for Teen Center at 424 North Broadway Street.** The City of Jordan has received a request to allow for Teen Centers to operate within the Industrial zone at 424 N Broadway Street.

A previous Public Hearing was held to take input on allowing for an IUP to be used to allow for Teen Centers within Industrial zoned property. If the previous item received a positive recommendation to the Jordan City Council this agenda item can be reviewed. However if the Planning Commission made a negative recommendation to the Jordan City Council this item should be denied based on City Code not allowing for Interim Use Permits for Teen Centers within the Industrial zoning classification.

IUP Review

1. The use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities, which serve or are proposed to serve the area.

This use would not place a burden on existing parks, schools, or streets. The business would be located within a building and would actually serve school age individuals during after school hours and weekends. The public utilities (water, and sewer) are currently in place to adequately handle the occupancy of the building.

2. The use will be sufficiently compatible or separated by distance or screening from adjacent agricultural or residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.

Currently the person requesting the IUP also owns adjacent property. The area that the proposed IUP would be issued is also currently guided as Highway Commercial in the 2008 draft plan. The existing property owner is in the process of working on options to redevelop the property and this use (Teen Center) would utilize a building that is currently vacant and has been vacant for some time.

3. The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.

According to the current property owner the building exterior will remain virtually the same at this time. This is expected to not have an adverse effect upon adjacent residential properties and the proposed IUP would be issued for 2 years.

4. The use in the opinion of the Council is reasonably related to the overall needs of the City and to the existing land use.

This item would need to be discussed at the meeting and the Jordan City Council will also need to provide input.

5. The use is consistent with the purposes of this Chapter and the purposes of the zoning district in which the applicant intends to locate the proposed use.

The property is zoned Industrial and is defined as having a purpose of “to allow and preserve areas in the City for manufacturing, processing, assembly and fabrication, storage and warehousing and other industrial uses and to allow certain retail and service business.” A teen center is associated with a service business.

6. The use is not in conflict with the comprehensive plan.

This use does not appear to be in conflict with the comprehensive plan. As noted earlier the property is currently guided in the 2008 Comprehensive Plan to become Highway Commercial in the future.

7. The use will not cause traffic hazard or congestion.

This use is not projected to cause a traffic hazard or congestion. In the past the building was used as an auto repair-minor business and also as an office building. The direct access would be provided off of Highway 21.

8. Existing businesses nearby will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare, or general unsightliness.

This business would not adversely affect existing nearby business in regards to intrusion of noise, glare, or general unsightliness. The use would occur only within the building limiting the amount of noise produced outside. The building itself would remain virtually the same with the addition of different signage. An appropriate number of adults are required as part of the ordinance that may have received a positive recommendation during the last public hearing.

Termination of an IUP

- The date specified in the permit (*this would last for 2 years from date of approval by the Jordan City Council*)
- A violation of the conditions under which the permit was issued; or
- A change in the City’s zoning regulations

Next Steps

The Code Amendment if approved is expected to move forward to the Jordan City Council on February 19, 2008. The actual permit would need to wait until the City Council has the 1st and 2nd reading projected on February 19 and March 3. The IUP itself would be brought forward to the Jordan City Council on March 17 for action.

Public Hearing Opened at 7:39.

Brad Guttsen 209 4th Street North stated concerns of allowing for a teen center nearby a residential area and about kids loitering, being loud; and in general does not see the Teen Center working.

Public Hearing Closed at 7:48.

Planning Commission Discussion. Some commissioners asked for more information regarding the demographics, time of use, the expense of the temporary use, and loitering of users.

Motion Rob Mishica, to continue until the next meeting to discuss with the organizer and get more information. Motion not discussed because of a lack of a second.

Motion Rolf Hafslund, second John Watkins, to continue this public hearing so to make a motion on the preceding item.

Motion John Watkins, Second Rolf Hafslund to change the Industrial Text to allow Teen Center as an IUP. Unanimously approved.

Chair Jeffery returned to Item 5B for continuance.

Fire Chief Steve Kochlin noted the Fire Code Requirements of 2 exits, 2 bathrooms and if the building is under 10,000 square feet is does not need to be sprinkled. All of this information will be reviewed by the building inspector for Fire Code Approval.

Motion Rolf Hafslund, second Jeanne Marnoff, for a positive recommendation for the City Council to approve the IUP for a 2 year period, and a minimum review of one year. Motion passes by a 4-1 margin.

6.0 New Business. There was 1 items of new business.

- A. Site Plan Review – Jordan Mini Storage North.** As Senior Planner Janish presented: the City of Jordan adopted an ordinance in 2006 that requires commercial and industrial site plans to be reviewed by the Planning Commission and City Council. This project is the first industrial project that will go through the new process.

Overview. The project is a mini storage facility located within Timberline Business Park with a legal description of Lot 4 Block 2 Timberline Business Park Third Addition. This lot is located south of the City of Jordan Water Tower and north of Vivant Custom Woodcraft.

The project would be phased overtime as the storage spaces are rented out to individuals. The full build out was shown an attachment, would consist of six buildings and a total of ranging from either 23,120 to 24,100 square feet of storage space. The first building to be constructed would be 6,400 square feet in size. Since this project would be phased out over several expansions staff is asking the Jordan Planning Commission and City Council to consider entering into an agreement to require curb and gutter along with the completed landscaping plan in the future through a draft agreement that was presented at the meeting.

Setbacks. The property meets the setbacks:

50 feet for the front yard.

20 feet for the rear yard.

15 feet side yard (internal lot)

25 feet side yard (corner lot)

Buildings. The site would consist of five buildings. The applicant is proposing a metal siding with rock wainscoting on the lower portion of the building facing Corporate Drive to meet the 30% requirement in the Architectural Controls Chapter. The building is currently proposed to be beige with a green trim and a larger river rock wainscoting. The applicant has indicated that color samples will be available at the meeting.

The doors would have a new locking device that would not allow for people to cut the locks to gain entry into the building. The locks are flush mounted to the door and according to the applicant an individual would need to remove the overhead door in order to gain access. No office space is provided for onsite. Lighting is provided on the buildings in order to provide illumination during the night and a draft agreement would allow for the ability to phase in improvements.

Planning Commission Discussion. Members discussed water runoff, tree removal and drainage, traffic flow, and the amount of turnover in the storage units.

Fire Chief Steve Kochlin discussed his concerns over the turning radius around the buildings.

Troy Schutte of Elite Waste Disposal discussed his concern over the quality of the mini storage and devaluing the properties in the industrial park. Specifically the aesthetics of building a steel shed with only 50' setbacks. Mr. Schutte discussed the requirements for his building. Mr. Schutte also questioned the absence of curb and gutter for 3 years.

Derek Schmidt explained the phasing and storm sewer. The Fire Truck turning radius would be supported by H25 load rated product that grass grows through, was shown on an attachment, close to north side of the 6,400 building.

Missy Nightingale provided a two page handout on MSFC (07) Section 503.1.1 which discussed fire access roads. According to Mrs. Nightingale the Fire Chief's expectations are excessive, the mini storages aesthetics currently meet the minimum requirement, and that there is no need for a fence.

Rodney Vivant stated that full concrete buildings should be required.

Commissioner Mishica questioned prohibiting flammable materials within the storage units, better aesthetic design for something more compatible with the neighboring properties by adding additional architectural items to the buildings sides that face Corporate Drive, and more landscaping to screen the building.

Motion Rolf Hafslund, second John Watkins, to table the site plan and review again; requesting more architectural design that would be consistent with neighbor by eliminating the amount of steel facing Corporate Drives, approval by the Fire Chief for providing access around the buildings, and phasing landscaping Plan with additional trees to provide more visual break. Unanimous approval.

7.0 Old Business. There were no items of old business.

8.0 Planners Report. There were no items on the Planner Report.

9.0 Commissioners report. Commissioner Jeanne Marnoff requested information on the timeline for revisions to the Sign Ordinance, and staff noted the Sign Ordinance update will commence upon completion of the comprehensive plan.

10.0 Adjournment. *Moved by Rolf Hafslund, seconded by John Watkins, to adjourn at 9:34p.m. Motion unanimously approved.*

Respectfully Submitted,

Casey MacCallum
Jordan City Planner