



**City of Jordan  
City Planning Commission  
Regular Meeting April 10, 2012**

**Members present:** Rolf Hafslund, Sally Schultz, Jeanne Marnoff, Gene Flynn, Tom Sand and Jeff Will (6:35 p.m.). **Staff present:** Joe Janish, Senior Planner, Joanne Foust- Planning Consultant and City Attorney Annette Margarit. **Others Present:** Jim Holle, Michelle Bisek, Mike Nevins, Brenda Lieske, Rod Lieske, Colleen Ballard plus nine members of the public that did not sign in.

**1.0 Call to Order.**

Chair Rolf Hafslund called the meeting of the Planning Commission to order at: 6:30 p.m.

**2.0 Agenda.**

*Motion by Marnoff, seconded by Sand to adopt agenda as presented. With all in favor, the motion carried 5-0.*

*Will arrived at 6:35 p.m.*

**3.0 Approval of Minutes.**

*Motion by Schutz seconded by Flynn to approve the March 13, 2012 meeting minutes as presented. Motion carried 5-1-0 with Marnoff abstaining.*

**4.0 Public Hearings.**

**A. Amendment to Sections 11.65 Sign Ordinance and Section 11.02 Definitions Section of the Zoning Ordinance.**

Foust provided an PowerPoint overview of the proposed sign ordinance, which is Section 11.65 of the City Code, including information on the reasons the Planning Commission is updating the ordinance, proposed changes to the various subdivisions and new proposed language.

She noted that definitions relating to signs are currently contained within Section 11.02. It is proposed these be removed from the general zoning definitions and be placed within the sign ordinance section, resulting in the required amendment to Section 11.02.

Chairman Hafslund discussed comments received at the April 26, 2012 Open House on the Sign Ordinance. He noted the primary concerns were related to signs on fences and limitations on the size and number of non-commercial signs in residential districts.

City Attorney Margarit addressed the two topics noting concerns with exposure to equal protection claims for language which would prohibit signs on fences but exempt ball park fences. She noted the Planning Commission may however; regulate signs on fencing differently in different zoning districts. Relating to non-commercial signs in residential districts she noted that most cities do regulate the size and number of signs. She referenced a court ruling which upheld the limitation on the number of signs as regulated by the City of New Brighton in their sign ordinance. She clarified that this limitation does not apply to election signs.

It was further clarified that non-commercial speech can be displayed on signs year-around as long as it on signs that meet the size and number requirements of the zoning district

Hafslund called the public hearing to order at 7:16 p.m.

Mark Ballard, Ballard Sunder Funeral Home, noted people from outside of Jordan have commented on the wacky signs and number of temporary signs on downtown buildings. He requested the Commission include requirements to remove the clutter.

Michelle Bisek, 101 1<sup>st</sup> Street West, noted she drove around town and observed residents do not really have many signs. She encouraged the freedom of speech and expressed concern with garbage rather than signs.

Pete Ewals, 108 Hillside Drive, expressed concerns with limiting the number of non-election signs and the impact on free speech. He provided information relating to the First Amendment Center.

Tom Boncher, 113 Marlane Circle, indicated he does not want the city to treat the ball park fence signing different from other residential properties.

Charlie Sunder, Ballard Sunder Funeral Home, expressed concern that the types of signage that has been in the city the past two years has not been inviting to commercial, industrial or residential growth. He noted he feels signage within a ball park fence is different from signs on the exterior of a fence.

Michelle Bisek, 101 1<sup>st</sup> Street West, inquired how the Planning Commission will notify business owners of the changes and make them aware certain signs are no longer allowed. Janish noted two notices have been sent through the Chamber of Commerce and some may become aware through the complaint basis for violations.

Tom Boncher, 113 Marlane Circle, suggested adding text that permanent non-conforming signs are allowed to continue however; this does not apply to temporary signs.

With no further comment, Hafslund closed the public hearing at 7:38 p.m.

Commissioners discussed public comment from the hearing as well as the open house. It was noted signs that people carry cannot be regulated, such as a picket sign, messages on t-shirts, etc. In response to an inquiry, Margarit noted the city can limit the size of protest signs in residential districts.

*Motion by Will, seconded by Sand to table action on the proposed Ordinance Amending Section 11.65 Sign Ordinance and Section 11.02 Definitions until the May 8, 2012 meeting to obtain further information on outstanding issues including: (1) Signs on fences in residential districts; (2) Temporary signs in the residential district as they relate to the eight square foot sign limitation; (3) Setbacks of signs in residential areas (signs on fences on property lines) and (4) Definitions of permanent signs and temporary signs.*

It was recommended that once the Sign Ordinance is adopted that a letter be sent to businesses making them aware of the changes and enforcement if a formal complaint is filed.

## **B. Conditional Use Permit for Automotive Sales in the C-3, Highway Commercial District.**

Janish provided an overview of a request received for a conditional use permit for automotive sales in the C-3 Highway Commercial District, at 700 Syville Drive within the Riverland Bank Building, as submitted by Eric Delacy, the applicant. He noted this is a unique request in that the applicant is seeking a MN Dealers License to operate in Jordan. As a requirement of the state license he is required to have a minimum five parking stalls for vehicle sales. Mr. Delacy intends to lease office space for office transaction relating to auto sales. He does not intend to have a car sales lot on the site.

Janish reviewed the requirements for issuing a conditional use permit noting the proposed businesses is not anticipated to create an excessive burden on existing parks, utilities, or streets and traffic. He noted the parking lot and curbing are already in place on the site. No auto body work is proposed for the site. The project is not seen to have adverse impacts on the adjacent properties. The proposed use is consistent with the comprehensive plan.

Janish noted he received two emails relating to the proposed project. One asked for clarification and noted they were excited to see a new business moving into Jordan. The other expressed concern with the existing lighting in the parking lot at Riverland Bank. Janish will follow up with the property owner and request a shield be placed on the existing light.

Hafslund opened the public hearing at 8:28 p.m.

Delacy addressed the Planning Commission. He indicated he owns and operates a car dealership in South St. Paul and plans to use this office for paperwork relating to sales transactions, not as a sales lot.

Tom Boncher, 113 Marlane Circle, asked if the applicant would have an objection to a condition that no cars be available for sale at the site. Delacy noted he is required as a part of the state license to have five parking spaces and while he does not intend to have a sales lot there may be times a car that is being sold is in one of the parking spaces.

Pete Ewals, 108 Hillside Drive, suggested the Planning Commission include a limit of five parking spaces for vehicles for sale as a part of the conditional use permit.

With no further comment, Hafslund closed the public hearing at 8:42 p.m.

*Motion by Sand, seconded by Shultz to recommend to the City Council approval of a conditional use permit for Eric Delacy at 700 Syville Drive for automotive sales, as presented in the application and noted in the staff report. With all in favor, the motion carried 6-0.*

Janish will provide an update on the lighting complaint at the next Planning Commission meeting.

## **5.0 Business**

*There was no new business.*

## **6.0 Old Business.**

*There was no old business.*

## **7.0 Planner's Report.**

Janish reminded Planning Commissioners that there will be a LEGO's 401 session at the April 16, 2012 City Council Workshop. Commissioners were encouraged to attend.

Janish also noted that the Planning Commission will be starting the Highway Commercial Design Standards Manual at the May meeting. Information will be compiled on regulations already in place and public comment obtained on highway commercial zoning through the Comprehensive Plan and C-3 Zoning CGO process over the past couple of years. Joint sessions with the EDA and City Council will be included as a part of the process. The manual will look at classifications of building materials and define the "tie between the C-2 and C-3 or Central Business District and Highway Commercial Districts".

## **8.0 Commissioners' Reports.**

*There were no Commissioner reports.*

**9.0 Adjournment.**

*Member Will made a Motion, Marnoff seconded, to adjourn the meeting at 8:55 p.m. The Motion was approved unanimously.*

Respectfully Submitted,

Joe Janish, Senior Planner