



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

Members present: Tom Sand, Jeff Will, Gene Flynn, Rolf Hafslund, Sally Schultz, Jeanne Marnoff (6:34 p.m)
Staff present: Joanne Foust, Interim Planner, Emily Bodeker, Planning Intern, and Bob Malz, Police Chief (7:11 p.m). **Others Present:** Mayor Pete Ewals, Jim Stang, Pat Atkins, Robb Tupy, Nikki Tupy, Brad Guttsen, Nancy Jink, Matt Jink, Mark Zeller, Mikki Zeller, Marv Deutsch, Thom Boncher and Al Weirerke.

1.0 Call To Order

Chair Rolf Hafslund called the meeting of the Planning Commission to order at: 6:31 p.m.

2.0 Agenda.

Motion by Schultz, seconded by Sand to adopt agenda as presented. With all in favor, the motion carried 6-0.

3.0 Approval of Minutes.

Motion by Will seconded by Flynn to approve the June 12, 2012 meeting minutes as presented. With all in favor, the motion carried 6-0.

4.0 Public Hearings.

A. Amendment to Section 11.25 Subd. 2 R-4, Multi Family District to include “Outpatient Medical or Mental Health Services” as a permitted use.

Chair Hafslund introduced the item, noting the topic was briefly discussed at the June 12, 2012 meeting.

Foust explained Mark Zeller has requested the Planning Commission and City Council consider an amendment to the Zoning Ordinance, Section 11.25 Subd. 2 to allow “Outpatient Medical or Mental Health Services” in the R-4, Multiple Family District. She listed some of the current permitted uses in the R-4 district that are somewhat similar in nature including a nursing home, family day care serving 14 or less persons, state licensed residential group home facilities serving 16 or fewer persons, and non-statutory group home. She requested that the Planning Commission gather input and make a recommendation to the City Council.

Chair Hafslund noted the City attorney suggested this text amendment be made to have a clear nomenclature in the ordinance.

Foust noted that this would apply to any area zoned as an R-4 district not a specific piece of property and displayed a map illustrating the areas in Jordan that are zoned R-4.

Chair Hafslund opened up the Public Hearing for Agenda item 4.0 A, Amendment to section 11.25 Subd. 2, R-4 Multiple Family Residential, Permitted Uses of the City Code at 6:40 pm.

Thom Boncher, 113 Marlane Circle, asked who and how people were notified about this public hearing. He lives adjacent to the property and he received no notification. He stated he doesn't particularly have an objection to the facility but the process leading up to it, and having problems with notification.

Foust explained the City Code requires mailed notice to property owners within 350 feet of a site for a variance or CUP that is parcel specific. When there is a modification to a code item that is not related to a specific parcel and relates City wide the code requires to publish it in the City paper and have notice at City Hall. Since this is a text amendment to the ordinance there was no requirement to mail to specific property owners.

Boncher suggested that the Planning Commission be very explicit in what the City is going to allow.

Chair Hafslund stated that the use is for Outpatient Medical care where patients would only be there for a short period of time, then leave the facility. Marnoff stated that there are some conditions drafted in the ordinance that was being presented.

Foust clarified that the ordinance, if the Commission chooses to recommend, reads "Outpatient Medical or Mental Health Services, licensed by the State of Minnesota provided hours of operation are limited to 7 a.m. to 7 p.m. and off-street parking is provided in accordance with off-street parking regulations of this Chapter."

Mark Zeller, applicant, introduced himself and audience members involved in their project, Marv Deutsch and Mikki Zeller. He also stated they are available to answer any questions people may have. They are excited about the project in Jordan and appreciate the Planning Commission's time.

Marv Deutsch, contractor, stated that he has worked with the Zellers for some time and has seen some of their work. In his opinion the style of project would fit in very well in the R-4 district.

Chair Hafslund reminded those in attendance that this is not parcel specific and related to all areas zoned R-4 in the City of Jordan.

With no further comments the Chair Hafslund closed the public hearing at 6:46 p.m. and opened up for questions and comments from the Planning Commission.

Commissioner Will shared his opinion that he believes that this use is not outside the realm of the other permitted used for the R-4 district such as a group home or daycare.

Motion by Marnoff, seconded by Will to recommend an amendment to the Zoning Ordinance, Section 11.25 Subd. 2 to allow "Outpatient Medical or Mental Health Services, licensed by the State of Minnesota provided hours of operation are limited to 7 a.m. to 7 p.m. and off-street parking is provided in accordance with off-street parking regulations of this Chapter, to the City Council, where it will be heard at the July 16, 2012 meeting. Motion carried 6-0.

B. Amendment to Ch. 11, the Official Zoning Map to rezone 14 parcels north of 4th Street West, south of Johnson Memorial Drive, east of Rice Street North and west of Broadway to C-3 Highway Commercial.

Chair Hafslund informed the audience that the Planning Commission is initiating this request to bring the zoning of parcels to be consistent with the City's Comprehensive Plan.

Foust explained that the Comprehensive plan was updated in 2008 and during part of that process the City looked at the highest and best use of parcels. The Planning Commission held a number of meetings to gather public input during the process, where there was concurrence that this area would have a higher and better use as highway commercial rather than mixed uses of industrial, residential and neighborhood commercial to provide for redevelopment opportunities in the future.

Chair Hafslund opened the public hearing at 6:52 p.m.

Chair Hafslund and Foust explained these parcels could continue with their current uses as legal non conforming; however, the legal non conforming use would not be able to be expanded on those parcels.

Thom Boncher, 113 Marlane Circle, questioned if tonight is the only public hearing or if there will be another. Boncher also asked if the residents within 350 feet were notified. He hopes homeowners understand they will not be able to expand the size of their home.

Matt Turic, 213 4th Street East, expressed his understanding of the proposal, but noted his main concern is property tax implications. He questioned, if the rezoning will have an immediate impact on taxation for the residents or at what point would the change in taxation change?

Chair Hafslund, explained that as long as use of the property remains residential, it continues to be taxed at a residential rate. Taxation is based on what the use of the property, not the property's zoning. Tax will change on a particular lot when the use of the lot is changed.

Foust added that if the house were vacant for more than a year, then it would have to change use to commercial. If it continues as residential and the use is not abandoned the use can continue.

Turic then asked if the City had a timeline for when they would like to see this happen.

Hafslund explained that a Comprehensive Plan is a guide for the future 20+ years, and during the Comprehensive planning process they thought this would be a better use for the area in the future, with no specific timeline set.

Mayor Pete Ewals, 108 Hillside Drive, noted he was part of the comprehensive plan update but he now feels C-1, Neighborhood Commercial or C-2 Central Business District would be better as the small zone doesn't fit the size needs for a highway commercial area.

Foust stated that during the process the Planning Commission believed that this area was more vehicle oriented. The Central Business District was also considered but they looked at the likelihood of the residential parcels between the downtown and these parcels changing in the next 10-20 years and that was not seen as happening during that time period. She noted that July 30th there is a Planning Commission EDA and City Council meeting that will touch on design standards which may tie the two areas together.

Chair Hafslund discussed the walkability of the area and noted most people in that area will enter by car and not by foot. Looking forward he would like to improve connectivity and possibly add onto the downtown, but currently there is heavier transportation oriented, heavier usages.

Brad Gutson, 209 4th Street E, wanted to know if there was a change between the C-1 and C-3 what would be the difference for homeowners and what type of businesses would be allowed.

Hafslund explained that C-3 would be uses such as strip malls, restaurants, etc. and C-1 is to serve more residential neighborhoods.

Gutson asked why at one point there was a proposal for an arcade for children, if the area isn't walkable. Hafslund stated that that was a proposal by a developer and it didn't necessarily mean that the Commission thought that that area was suitable.

Thom Boncher, 113 Marlane Circle, wanted to know if there are any other conflicts on the Zoning map.

Hafslund explained there are parcels that need to be rezoned to match the comprehensive plan and that the Commission decided due to the number of areas they should deal with each area at a time and look at them individually. Other areas will be rezoned in the near future.

Jim Stang, 19895 Delaware Avenue, wanted to know if there would be any planning with traffic control with Highway 21 being a feeder into 169.

Hafslund discussed rezoning may assist with access control versus the multiple uses with multiple accesses.

Brad Gutson, 209 4th Street East, asked if the foreclosure of the GenCon site had anything to do with the rezone.

The Commission answered that foreclosure had nothing to do with the Comprehensive plan update or the rezoning of the parcels.

With no further comment from the public, Chair Hafslund closed the public hearing at 7:17 p.m. and opened it up to Planning Commissioners questions and comments.

Commissioner Sand asked what some examples of C-1 were for the audience and Commissioners discussed options for the C-1 district.

Commissioners also discussed that the rezone area was only one side of the street not both sides of TH 21.

Commissioner Will stated that he believes C-3 Highway Commercial leaves more opportunities for businesses in the area.

Mayor Ewals brought his concerns that the architectural standards may be different in this area and in the downtown district, creating two different looks. Commissioners and Mayor Ewals discussed different design standards and parking options in both the downtown district and C-3 zoning areas.

Commissioners also discussed that due to the size of the area of the rezoned parcels won't allow large C-3 uses such as car dealers, etc.

Commissioners also noted that plans change and as time and needs change and maybe in the long term this area may change zones again to accommodate different needs within the City.

Mayor Ewals expressed his feelings for setting design precedence in the area and the importance of keeping the corridor looking similar to keep Jordan's unique downtown a destination.

Foust read the purpose statement of the C-1, neighborhood commercial district and noted that the list of permitted uses would need to be updated, at this time there are 57 uses listed, not all consistent with the purpose statement.

Motion by Sand seconded by Will to recommend an amendment to Chapter 11, the Official Zoning Map to rezone the following 14 parcels north of 4th Street West, south of Johnson Memorial Drive, east of Rice Street North and west of Broadway to C-3 Highway Commercial, with review of design standards to be cohesive with the downtown area.

<i>PID #</i>	<i>Current Zoning</i>	<i>PID #</i>	<i>Current Zoning</i>
<i>229190040</i>	<i>I-1</i>	<i>220011060</i>	<i>R-2</i>
<i>229190030</i>	<i>I-1</i>	<i>220010920</i>	<i>C-1</i>
<i>229190010</i>	<i>I-1</i>	<i>220010880</i>	<i>C-1</i>
<i>229190020</i>	<i>I-1</i>	<i>220010881</i>	<i>R-2</i>
<i>229190761</i>	<i>I-1</i>	<i>220010890</i>	<i>R-2</i>
<i>229190740</i>	<i>I-1</i>	<i>220010900</i>	<i>R-2</i>
<i>229190760</i>	<i>I-1</i>	<i>220010910</i>	<i>R-2</i>

Motion Carried 5-1-0 with Marnoff abstaining noting she is an adjacent property owner.

5.0 New Business

A. Scott County Comprehensive Plan Amendment

Foust explained the City received notice of proposed amendments to the Scott County 2030 Comprehensive plan update along with proposed text and maps. The sections of the Scott County Comprehensive Plan which directly impact Jordan are consistent with the City's Comprehensive Plan and adopted 2010 Master Parks, Trails, and Natural Resource Plan as they identify Jordan as the "hub of a regional trail system." Scott County asked the City to respond with comments or statement of support to the Comprehensive Plan Amendments.

Mayor Pete Ewals, stated how important this plan is to make Jordan a hub and a place for people to visit, not just drive through. He believes this is part of Jordan's future to make it a destination, furthering the need to keep up with design and architectural standards. He believes it is a great plan and pointed out that Tim Bischke, as well as others put a lot of time and effort into this plan.

Motion by Will seconded by Schultz to recommend to the City Council a letter of support for the Scott County Comprehensive Plan Amendment, indicating the City would like to be involved in the implementation of the trail development in Jordan. Motion carried 6-0.

B. Site Plan Review- Lot 1, Block 1 Jordan Valley Addition

Foust introduced the item, noting the Planning Commission is asked to review and approve a Site Plan for Lot 1, Block 1 Jordan Valley Addition (603 Hope Avenue) for the Cedar House. The proposed commercial building is being designed as a twin home, for the Cedar House Operations. She reviewed the requirements for the site and building plans and conditions recommended the Planning Commission include with their recommendation to City Council.

Shultz addressed accessibility and handicap parking in the parking lot, which the Planning Commission added to their list of conditions.

Marv Deutsch addressed noted driveways could be refigured to reduce access points adding the site has ample room to make changes.

Chair Hafslund asked if there is room to add another home on the lot in the future. He also asked if the applicant would consider rain gardens, although they are not required. Deutsch noted the site is designed for conversion.

Motion by Schultz, seconded by Flynn to recommend the site plan for the Cedar House at 603 Hope Avenue, Lot 1, Block 1 Jordan Valley Addition be approved contingent upon the following condition:

- 1. The site plan for the proposed Cedar House should be approved contingent upon the Code amendment allowing Outpatient Medical or Mental Health Services in the R-4 District.*
 - 2. Parking and driveways be amended to meet the surface area requirements. It is recommended one of the access/driveways be removed and the surface area coverage be recalculated. It is further recommended the number of access points be reduced to two, from the proposed three, to reduce conflict points onto Hope Avenue.*
 - 3. Driveway accesses should be constructed perpendicular to Hope Avenue to provide better sightlines.*
 - 4. The parking lot should be paved with a perimeter curb and space dimensions of no less than 8 ½ x 19'*
 - 5. At the location where each utility service turns roughly 90 degrees toward the building, an access point (clean out or manhole) should be installed for maintenance.*
 - 6. Handicap parking be added and marked in the parking lot.*
- . Motion carried 6-0.*

6.0 Old Business.

A. Amendment to Section 73.03 of the Code relating to RV Parking

At the June meeting the Planning Commission held a public hearing to accept public input on amendments to Section 73.03 of the City Code relating to the parking of recreational vehicles. At that meeting action was tabled to obtain additional information on other parking regulations which may apply to recreational vehicles.

Foust presented the additional parking information found in Section 73.02 of the City Code.

Chair Hafslund requested the removal of the length for trailers from the proposed Ordinance Amendment.

Commissioner Will asked if people come to visit a residence with an RV if they can park outside on the street while they visit.

Police Chief Malz noted residents may call the police station and most likely a variance can be granted for a short time.

Thom Boncher, 1113 Marlane Cirice, questioned the language in Section 73.02 (R) relating to current registration and the requirement of being operable.

Pat Atkins, 915 Dakota Point, expressed his concerns with safety in this matter. He presented information obtained by kidsandcars.org relating to safety.

Marlin Brule, 810 Dakota Point, answered questions relating to covenants in Timberline.

Police Chief Malz asked the Planning Commission to include golf carts in the Ordinance Amendment.

Mayor Pete Ewals expressed concern with the City becoming too restrictive as there are other Code enforcement issues within Jordan.

Police Chief Malz reminded the Commission that Code enforcement is complaint based, so if there is a complaint, he suggested they call the police department to report it.

The Planning Commission discussed removing the length limit on trailers, the addition of golf carts to be included as a recreational vehicle and adding a 30 foot setback to an intersection restriction.

Motion by Will, seconded by Marnoff to recommend An Amendment to Section 73.03 of the City Code with the following changes to the draft: removing the length limit on trailers, the addition of golf carts to be included as a recreational vehicle and adding a 30 foot setback to an intersection restriction. Motion carried 6-0.

B. Amendment to Chapter 11 relating to RV parking

Foust noted that at the June meeting the Planning Commission conducted a public to accept public input on amendments to various Sections within Chapter 11 (Zoning Ordinance) related to the parking of recreational vehicles and boats. Action was tabled in order to obtain additional information on other parking regulations which may apply to recreational vehicles.

The following text is included within each of the sections referenced below:

"Boats and Recreational Vehicles. There shall be no front yard storage of boats or recreational vehicles on the grass or landscaped areas required by the Chapter. Boats or recreational vehicles stored on hard

surfaced areas required by this Chapter and not required for off-street parking shall not exceed 21 feet in length.”

It was recommended to remove the language from the referenced sections of the ordinance contingent upon the approval of amendments to Section 73.03.

Motion by Flynn, seconded by Will to recommend to the City Council that the following text, “Boats and Recreational Vehicles. There shall be no front yard storage of boats or recreational vehicles on the grass or landscaped areas required by the Chapter. Boats or recreational vehicles stored on hard surfaced areas required by this Chapter and not required for off-street parking shall not exceed 21 feet in length.” Be removed from the following sections of Chapter 11:

Section 11.21, RR- Rural Residential Subd. 7. Design and Performance Standards T.

Section 11.22, R-1 – Single-Family Residential, Subd. 6 Design and Performance Standards R.

Section 11.23 R-2 – Medium Density Single Family Residential, Subd. 6; Design and Performance Standards, P.

Section 11.24 R-3 – Townhouse and Multiple-Family Residential District, Subd. 6 Design and Performance Standards, S and

Section 11.25 R-4 – Multiple-Family Residential District Subd. 6 Design and Performance Standards , AA. *Contingent upon the amendments proposed to Section 73.03 of the City Code. Motion carried 6-0.*

7.0 Planner’s Report.

Foust reminded the commission of the Highway Commercial Design Standards Joint Workshop – Monday, July 30, 2012.

The August meeting date was rescheduled to Thursday, August 9, 2012 at 6:30 pm due to the Primary Election.

8.0 Commissioners’ Reports.

Commissioner Sand acknowledged the wonderful work done in the Lagoon Park Bathrooms.

Jeanne Marnoff notified Police Chief Malz that there is a car parked on a Boulevard on 4th Street East of the Railroad tracks.

Mayor Ewals thanked everyone for the lively discussion.

9.0 Adjournment.

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

Respectfully Submitted,
Emily Bodeker, Planning Intern