



**City of Jordan
City Planning Commission
Meeting May 13, 2008**

Members present: Jeanne Marnoff (Council rep.), Chair Terry Jeffery, Jan Gilmer, Dawn Benko, and Rob Mishica

Official representatives: Andy Hingeveld Scott County Planning Rep.; and Bill Heimkes from Sand Creek Township.

Staff present: Planning Consultant Joanne Foust, Senior Planner Joe Janish, and Planner Casey MacCallum.

Others present: None,

- 1.0 **Call to Order.** Chair Terry Jeffery called the Planning Commission to order at 6:09 p.m.
- 2.0 **Adopt Agenda.** Moved by Rob Mishica, seconded by Jan Gilmer, to adopt the agenda as presented.
- 3.0 **Minutes.** Motion Jan Gilmer, second by Jeanne Marnoff, to accept April 8, 2008 Planning Commission Minutes as amended. Unanimous approval.
- 4.0 **2008 Comprehensive Plan Update:** Gina Mitchell AICP from Bolton and Menk presented the Transportation chapter of the Comprehensive Plan. Her discussion detailed the projected transportation loads determined by the guided land uses. Transportation studies were also proposed.
- 5.0 **Public Hearing.** There was one item for public hearing.

A. Zoning Ordinance Amendment – Allowing for Outside Seating Areas for Food Service Business. Opened at 7:02pm. As presented by Joe Janish. The purpose of this Public Hearing is to allow for the public to provide input on the zoning ordinance amendment and consider adoption of the proposed amendment.

Changes from the last meeting. At our last meeting the Planning Commission members requested staff to conduct research on the following:

Restricting the location of outdoor seating from the front of the building, and placing a distance from the front/main entry. Staff spoke with the City Attorney and is it possible to limit the location of the outdoor seating area because of the CUP process. Staff is recommending language is not inserted into the ordinance because of the CUP review. The Planning Commission and City Council would then be able to determine if a distance is necessary and the proper location.

Allowing for the use of exterior sound producing equipment as long as the noise levels are appropriate. Staff also spoke with the City Attorney in regards to the noise. According to State Statute the City of Jordan is restricted by the State Statute for noise levels. This means if outdoor audio/sound equipment is allowed outdoors the State Statute would dictate the noise level. I have attached a copy of the State Statute for your review. Please note many individuals are protective of noises and staff is recommending to not allow for outdoor audio/sound equipment.

Public Comment: No one commented during the meeting.

Planning Commission Discussion: The Commissioners discussed several items. They discussed the sound allowed in the outdoor area, lighting, heating, and the definition and use of “durable chairs”.

Motion Jan Gilmer, second Dawn Benko, to move forward with recommendations. Unanimously approved.

- 6.0 **New Business.** There was 1 item of new business.
 - A. **Site Plan Review-Ahlbrecht.** As Planner Casey MacCallum presented:

BACKGROUND: The City of Jordan adopted an ordinance in 2006 that requires Site Plan Review approval of all commercial and industrial construction and enlargements by the Planning Commission and City Council. This project is the first industrial project that will go through the new process.

Overview. Bruce Ahlbrecht applied for Site Plan Review on March 30th to enlarge his current site at 371 Ervin Industrial Drive. The legal description is lot 4 block 2, PID 220240101.

The project, as you can see on the attached survey, is an enlargement of the existing industrial building, and the parking lot around it.

SETBACKS. The property meets the setbacks as established in the underlying zoning classification:

- 50 feet for the front yard.
- 20 feet for the rear yard.
- 15 feet side yard (internal lot)

ENLARGEMENT. The Enlargement is 2412 square feet (40' by 60.3') to the existing 7,200 square foot metal building on site and additional concrete to service the addition. The proposed concrete area is 40-feet wide and is of the same length as the existing concrete. The drainage swale which services the parcel is also on the east side of the parcel.

ARCHITECTURAL CONTROLS. Zoning Code Section 11.80 Architectural Control and Building Materials; Subdivision 2D Building Materials: Industrial Buildings Constructed in the City provides the following conditions for Architectural approval:

1. Shall Consist of one or more non-combustible, non-degradable and essentially maintenance-free exterior. This condition is **met**. The building will be constructed of non-degradable metal.
2. May be designed with office/showroom areas extending out from the principal mass of the building. This condition is **met**. The expansion extends away from the street.
3. May be designed so that burnished block and specialty block forms, exposed aggregate concrete, concrete block, pre-cast concrete panels, wood, anodized aluminum or similar materials are used, if appropriately integrated into the overall building design. This condition is **met**. The exterior is designed of a similar material.
4. Shall not consist of exterior materials such as sheet or corrugated aluminum, or unfinished metals such as tin. This condition is **met**. The expansion is being made of steel.
5. Shall be compatible with surrounding industrial buildings. This condition is **met**. The expansion is made of the same material as the existing building.

Requiring greater architectural standards could be considered unreasonable and of little impact to the betterment of the surrounding properties.

CURB AND GUTTER. The attached memo outlines the City Attorney's interpretation and approval of the site plan justified by extending the previous variance to the future expansion. As she states:

"The extraordinary circumstance that existed when the City Council approved the curb and gutter variance in 2005, still exists, namely the vast majority of the drainage from the parcel will proceed to the drainage swale. Curb and gutter installation will likely be required at such time as Ahlbrecht Masonry expands parking to the south or to the west of its building which is away from the drainage swale and overland drainage facility. The 2005 variance should not be construed to permanently allow this parcel to avoid installing curb around the parking area but installation is dependent upon drainage conditions and increased impervious surface which may require the flow of storm water to be directed into the City's storm water system."

In short, the previous variance should be extended to this site because it is a 33.5% enlargement that will not affect drainage. The City Engineer has signed off on the Site Plan and raised no drainage issues.

VARIANCE. The 2005 variance does cover the proposed future expansion of the site. So no action is required on the variance.

PLANNING COMMISSION DISCUSSION

The Planning Commissioners discussed the expansion and the amount of storm water runoff, the type of siding being used and extending the 2005 variance to the proposed concrete area. The Planning Commission is making a positive recommendation based on the findings that (1) the City Engineer supports the expansion and there is a swale and drainage ditch in close proximity to the expansion that would cover the storm water runoff; (2) the City Attorney agrees that the 2005 variance should be extended to the proposed addition; and (3) increasing the architectural controls on the expansion will provide little benefit to the surrounding properties and the community.

The Planning Commission made a positive recommendation to the City Council to approve the Application for Site Plan Review as presented.

7.0 Old Business. There was 1 item of old business.

- A. Sign Ordinance Discussion.** The Planning Commission discussed the general definitions, specifically the definition of Sign Area, made several general policy decisions, and discussed signage in the residential areas.

DEFINITIONS: Attached you will find several sign and policy definitions for your review. In the future these will be the definition that staff uses to evaluate signs, sign area, and sign permits.

Staff is requesting specific guidance on the definition of the sign area, because this has been a point of contention in the past.

SIGN AREA: The definition is as follows:

“That area enclosed by the smallest continuous line, curve rectangle, triangle, or circle connecting the extreme limits of the message, and around each line of copy for individually mounted letter signs and the entire face of a sign, including the advertisement surface and any framing, trim, or molding but not including the supporting structure for all other signs and the entire message.

The maximum sign area is the maximum allowable gross surface area in square feet of a sign or signs. The maximum number of signs cannot be arranged and integrated so as to create a cumulative gross sign area in excess of such requirements as may be applicable. The surface area of the letters will not be part of the sign area calculation.”

GENERAL POLICY DECISIONS:

- Determine the appropriate square footage of sign area for “address signs.”-The Commission requested research on the size of the address from public safety and emergency vehicles perspective.
- Determine the maximum amount of time for a temporary sign, a sign designed or maintained longer would be considered permanent. –the Commission requested the Jordan Economic Development Authority review before they made a determination.
- Bench sign area. –The Commission discussed a 3 by 8 area but wanted research on the size of current bench signs.
- Construction and development sign illumination. –The Commission discussed permitting Development signs and allowing them to be lit, but did not want to allow construction signs.
- Double sided signs calculation. –The Commission wanted to count both sides of a double sided sign but allow more total sign area and restriction on the size of any one sign side.

RESIDENTIAL SIGNAGE: Staff is recommending that all residential zoning districts have the same regulations. If the Planning Commission prefers we can pull out one or two or all of the districts and change the regulations.

Signage cannot be regulated on the basis on the content but we can regulate commercial and non-commercial signage differently. We can put a complete ban and prohibit all commercial signage in residential districts. We cannot prohibit non-commercial speech; this would be considered an unreasonable regulation.

Staff is proposing the Commission allow in the residential district between one (1) square foot and three (3) square feet of permanent commercial signage; and between three (3) square feet and ten (10) square feet on a temporary commercial signage. For noncommercial speech the Commission should decide between four (4) and twenty (20) square feet of noncommercial permanent signage; and between three (3) square feet and thirty (30) square feet of temporary signage.

You can regulate the amount of non commercial signage based on the findings of visual clutter, so long as it allows a justifiable amount.

Planning Commission Discussion. The Commission reviewed the requested guidance and determined that the permanent amount of Commercial signage and noncommercial signage in the R1 Residential District should be 2 square feet. The temporary amount of Commercial signage should be 18 square feet with no sign or side of a sign larger than 9 square feet. The temporary amount of noncommercial signage should be 15 square feet. These dimensions were derived from what the Commissioners thought was a reasonable amount of signage needed to, for the permanent, inform clients of a home occupation that they are in the right place, and for the temporary signage the amount that would be needed for a large “welcome home” banner.

8.0 Planners Report. Planner Janish discussed the date for the open house: May 21st.

9.0 Commissioners report. Jan Gilmer requested the status of architectural controls. Terry Jeffery discussed the ditch on the North side of County Road 66.

10.0 Adjournment. *Moved by Rob Mishica, seconded by John Watkins, to adjourn at 8:50pm. Motion unanimously approved.*

Respectfully Submitted,

Casey MacCallum
Jordan City Planner