

**MINUTES OF THE PROCEEDINGS
OF THE PLANNING COMMISSION OF THE CITY OF JORDAN
IN THE COUNTY OF SCOTT
JUNE 9, 2015**

Present: Tom Sand, Gene Flynn, Jeff Will, and Brenda Lieske. Absent: Sally Schultz.

Also Present: Laura Holey, Andrew Barbes, Joanne Foust

1.0 CALL TO ORDER

2.0 ADOPT AGENDA

Motion by Gene Flynn seconded by Brenda Lieske to adopt the addenda as presented. With all in favor, the Agenda was approved.

3.0 APPROVAL OF MINUTES- May 12, 2015 Planning Commission Minutes

Motion by Jeff Will seconded by Gene Flynn to approve the May 12, 2015 Planning Commission Minutes. With all in favor, the Minutes were approved.

4.0 PUBLIC HEARINGS

A. An Ordinance Regulating the Keeping of Chickens

Planner Holey presented a memo to the Planning Commission. Tom Sand opened the Public Hearing at 6:32 pm

Jarrod ____-564 Timber Ridge Ct- spoke to the planning commission in support of the keeping of chickens. He recommended multiple changes to the proposed ordinance including increasing the number of chickens allowed, having no permit fee and removing the 25 foot setback requirement from the principle structure.

Gary Shuttle- 116 Arabian Ct- spoke to the Planning Commission regarding the difficulty to meet the 25ft setback from principle structure and stated it would be easier for a hose and heat lamp if the coop could be closer to the house.

Tom Sand closed the Public Hearing at 6:40 closed meeting

Planning Commissioners discussed many different aspects of the ordinance including the threat of bird flu, chicken leg bans, permit fees and setbacks. Commissioner Flynn suggested the council should be in charge of placing a fee for this permit but they should not exceed \$20.00. Chair Sand suggested removing the principle structure setback and only having the 25 foot

setback from the property lines. Lastly, commissioners change the ordinance so the City would provide the leg bands as the time of permitting.

Jeff Will made a motion to recommend to the City Council the adoption of the ordinance relating to the keeping of chickens with the removal of the principle structure setback, leg bans to be required and provided by the city at the time of the permit being issued, and a flat fee for the permit not to exceed \$20.00, seconded by Brenda Lieske. With all in favor, the Motion carried.

B. Rental Housing Ordinance

Jo Foust presented the revised rental ordinance to the Planning Commission describing it as similar to City of Shakopee's current Rental Policy which requires registration of rental housing units and participation in the Crime Free/Drug Free Housing Program. She noted the inspection of units was removed at the Planning Commission's request.

James Terwedo spoke to the Planning Commission and requested they table this item to better vet out the contents of the ordinance.

Al Wierkee- spoke and concurred with Jim Terwedo but highlighted this can be a good policy if landlords can be given more input.

Tom Sand closed the public hearing at 7:18

Commissioners discussed the scope of the policy and how it applies to the planning commission now that inspections have been removed from the policy. Commissioners agree this is an important policy but it should be vetted at the City Council to better understand the legal aspects and the implementation of the policy.

Motion by Jeff Will, seconded by Brenda Lieske to move this item to the City Council with no recommendation due to the fact that the scope of the policy no longer fits within the Planning Commission. With all in favor, the Motion carried.

C. Setback Variance- 806 Lodge Drive

Holey presented a request to the Planning Commission for a three (3) foot side yard setback variance to allow for access to a deck in the rear yard of the home located at 806 Lodge Drive. The applicant is requesting a four (4) foot wide platform that would lead from his side door to his rear deck. This would be outside of the easement but within the 8 foot side yard setback that is required for all interior lots in the R-1 District.

Tom Sand opened the public hearing at 7:42 p.m.

Dustin Kempf, 806 Lodge, approached the Commission and noted he is requesting the smallest platform feasible to access the door and lead to the deck, which is located in the rear of the property and conforms to setbacks.

Tom Sand closed the public hearing at 7:44 p.m.

Commissioner Will inquired how close the platform will be located to the adjacent residence. It was noted there is approximately 16 feet.

Motion by Gene Flynn seconded by Brenda Lieske to recommend to the City Council the approval of the three (3) foot side year setback variance for 806 Lodge Drive. With all in favor, the Motion carried.

D. Setback Variance -1027 Homestead Drive

Jo Foust presented to the Planning Commission for 13.7 rear yard variance for a deck in the rear yard at 1027 Homestead Drive. The applicant is asking for a 13.7 foot variance to allow them to build a 14 foot deep deck in the rear yard. It would be outside of the easement but within the 35 foot required rear yard setback that is required for the R-1 District. She noted the home was constructed within the past year.

Rod Tietz, representing the applicant, Sherco Construction, spoke to the Planning Commission regarding the zoning ordinance. He noted that the zoning code is difficult to read and the plan review should have noted that a deck would be difficult to add due to setbacks. Mr. Tietz acknowledged that no deck was shown on the original house plans but spoke to the good nature of the Sherco Construction Company and that this would be a onetime exception.

Tom Carisle, owner of Sherco Construction, spoke to the Planning Commission stating it was an honest mistake that this code was overlooked when building the home.

Tom Sand closed the Public Hearing at 8:07pm

Jo Foust clarified to the commissioners that Table A is intended to be a summary of residential performance standards in one location for all setbacks when building a new house. A deck is not speculated for the future when an original permit is issued, if it is not illustrated on the site plan.

Commissioners discussed the difference between the setback requirements for decks and accessory structures. Commissioner Flynn asked the applicant and other commissioners again for any reasoning for hardship so this variance can meet the standards for approval.

Motion by Gene Flynn, seconded by Tom Sand to deny the request for a 13.7 variance for 1027 Homestead Drive, due to not meeting variance requirements of a practical difficulty and the plight being caused by the landowner. Those in favor of the motion: Gene Flynn and Tom Sand. Opposed: Jeff Will and Brenda Lieske. Motion failed.

Motion by Gene Flynn, seconded by Brenda Lieske to send the variance request to the City Council with no recommendation noting a 2-2 tied vote from Planning Commission. With all in favor, the Motion carried.

5.0 NEW BUSINESS

A. Minor Subdivision -312 &316 First St W

Jo Foust presented a request for a minor subdivision as applied for by the property owners Cory Adamek, 312 West 1st Street and David Reinke, 316 West 1st Street. According to the application, the request is to allow the subdivision of the lots to modify the property boundaries to conform to the long-standing lines of occupation and the understood boundary lines. The garage which has historically served as an accessory structure for 312 1st Street West is illustrated to be located on the parcel for 316 1st Street West. An overview of the requirements for a minor subdivision, per Section 153.07 was provided. It was noted this property is in the R-2, Single-family residential district and Shoreland Overlay District. While the garage setback will not be conforming, it will improve the current situation where the lot is in the midst of the garage.

Jeff Scott, attorney for the applicant, addressed the Planning Commission and noted this is a part of a settlement agreement as the property line has been in litigation. Both property owners are amenable to the proposed re-subdivision.

Motion by Gene Flynn seconded by Brenda Lieske to recommend to the City Council the approval of the Minor Subdivision for 312 &316 First St W. With all in favor, the motion carried.

6.0 OLD BUSINESS

A. Jordan Middle School Site Plan Amendment- Native Plantings

Planners presented the Jordan Middle Schools Plan for Native Plantings located in the front yard of the Middle School and the new CERC. The total area would be around 2 acres of coverage which is proposed to include prairie grass versus grass/sod. Representatives from the School and Prairie Restoration were present to help answer any questions about the project.

Commissioners discussed the burning of native grasses in a residential district. Commissioner Will stated he is opposed to native grass due to safety issues.

Motion by Jeff Will seconded by Gene Flynn to recommend to the City Council the denial of the Site Plan Amendment for Native Plantings located at the Jordan Middle School. Ayes: Jeff Will and Gene Flynn. Opposed: Tom Sand and Brenda Lieske. Motion failed.

Motion by Jeff Will seconded by Gene Flynn to forward the request from the Jordan Schools to amend the landscape plan to include two acres of native plantings versus grass, to the City Council with no recommendation and note a 2:2 tie vote from the Planning Commission. With all in favor, the motion carried.

7.0 PLANNERS REPORT

A. The Next Regular Meeting will be held Tuesday July 14, 2015

8.0 CITY COUNCIL MEMBER UPDATE

Councilmember Will stated that based on this meeting there needs to be more housekeeping items within the City Code.

Councilmember Lieske stated she is glad to be part of the Planning Commission.

9.0 COMMISSIONER MEMBER REPORT

None

10.0 ADJOURNMENT

Motion by Jeff Will seconded by Gene Flynn to adjourn at 9:04 p.m. With all in favor, the meeting adjourned.