

**MINUTES OF THE PROCEEDINGS  
OF THE PLANNING COMMISSION OF THE CITY OF JORDAN  
IN THE COUNTY OF SCOTT  
MARCH 13, 2018**

1.0 CALL TO ORDER

Present: Tom Sand, Sally Schultz, Toni Walsh, Jane Bohlman, Robert Whipps

Absent: Jesse Masloski, Jeff Will

Also Present: Addison Lewis, Planner/Economic Development Specialist, Lucinda Meyers, Planner, Mike Waltman, City Engineer

2.0 ADOPT AGENDA

Motion Schultz, second Walsh to approve agenda. Vote all ayes. Motion Approved.

3.0 APPROVAL OF MINUTES

A. February 13, 2018 Meeting Minutes

[February 13, 2018 Meeting Minutes](#)

Motion Walsh, second Whipps to approve minutes as presented. Vote all ayes. Motion Approved.

4.0 NEW BUSINESS

A. [PUBLIC HEARING: Bridle Creek PUD and Preliminary Plat for 9th - Future Additions](#)

[4 A. PUBLIC HEARING: Bridle Creek PUD and Preliminary Plat for 9th - Future Additions](#)

Planner/Economic Development Specialist Lewis presented the agenda item to the commission. Upon completion of the presentation Chair Sand opened the public hearing at approximately 6:45 PM.

Mark Fritz, 1054 Mallard Avenue, inquired whether the lots would be included in the HOA, and whether the developer has contributed funds to the HOA. Fritz stated that the park and specifically the pool has exceeded capacity.

Pat Mason, Ames Construction, stated that all lots in the Bridle Creek development will be included in the HOA, as specified in the original HOA document. Mason stated that Ames has made significant contributions to the HOA fund. Mason stated that Ames will monitor the impact as development occurs.

John Lumbar, 901 Huntington Way (across the street from park), stated that 18-20 high school kids use park on a regular basis and he does not believe they are residents of Bridle Creek. Lumbar stated that several calls have been placed to the police regarding this reoccurring issue. Chair Sand inquired whether the only recourse for this issue is calling police. Lumbar indicated that it is the only recourse as the association has not been effective in managing the problem. Lumbar stated that the park is too small, at currently at capacity, and as a result cannot possibly cater to the proposed lots.

Planner/Economic Development Specialist Lewis stated that the required parkland dedication for the proposed project is 11.3 acres. The developer is proposing to dedicate 2.81 acres within the development, and pay for the remainder in cash to the city park dedication fund.

Commissioner Schultz inquired whether the Parks and Recreation Advisory Commission (PRAC) was aware of the development and stated that from her understanding it is the city's choice whether cash or land is accepted. Planner Lewis indicated that the development proposal will go to PRAC in March.

Duane Judge, 1001 Mallard Avenue, HOA board member. Stated that HOA dues cover the cost of private amenities within association including common areas, monuments, the park- including pool maintenance. Judge stated that all services are bid on an annual or three-year basis. Chair Sand asked how the cost of the dues are determined. Judge stated that the HOA's funds are currently low, although they came out ahead last year, and that a special assessment has been issued to begin building a reserve fund. The budget is analyzed on an annual basis and forecast for next year. The board took over HOA control from the developer in 2014, at which point they inherited a very small reserve fund between \$6,000 and \$10,000. Judge indicated that the reserve should contain, at minimum the amount of 1 years' annual budget. Judge stated that he does not believe the existing amenities are sufficient to support the proposed development, and would like to see a second park to accommodate the proposed development.

Pat Mason, Ames Development, confirmed that the HOA was transferred from the developer to the board in 2014 and stated that under their control, problems were fixed when they arose and that they did not raise dues. Mason stated he heard discussion about adding residents of the nearby Stonebridge development to HOA to aid in the generation of funds. If the park is already at capacity why would the HOA want to include Stonebridge residents?

Commissioner Bohlman inquired upon the size of the dedicated parkland. Mason indicated 2.81 acres and cash dedication.

Dale Peterson, 920 Forest Edge Drive. Inquired upon the existence regulations pertaining to the number of lots allowed to be developed based on existing vacant lots. Peterson stated that trees are in rough shape, have died and have not been replaced, including several dead trees lying along old 169 that the developer says they'll take care of but so far have not. Peterson expressed concern for the safety of neighborhood children during construction as there are only 2 entrances into the development. Peterson stated that the increased density will result in a loss of property value, and that he believes all Bridle Creek residents should have been notified of the public hearing.

Pat Mason, Ames Construction, stated that they will replace trees along 169 in the fall. Mason stated they take care of the property. Addressing the reduced lot sizes, Mason stated lot sizes are smaller due to the citing of the pond facility within the development. Lot widths and setbacks are reduced by 5 feet and consistent with the existing development.

Sarah Anderson, 905 Forest Edge Drive, Bridle Creek resident of 6 years. Has noticed the pool become progressively more crowded each summer. There are easily 30-40 children at the park. Pool is a major safety concern; it is extremely crowded and without a lifeguard. Kids are aging, there are many in the 14+ demographic, and they're bringing friends to the pool.

Duane Judge, 1001 Mallard Avenue, HOA board member. Based on past experience with the developer, does not believe Ames will take care of the trees. Stated that since the board took over the HOA, dealings with Ames have been difficult and everything has been a battle. Half of the trees along 169 are dead and have been for years; several homes on west side of Mallard have dead trees. Homeowners have replaced trees due to inaction of developer. Judge stated that the HOA opened the pool to 10 Stonebridge homes for 1 summer to help pad reserves. The proposed development would almost triple the amount of homes in the HOA. Judge stated he would like to see more dedicated land for public amenities and that he is not against development.

Commissioner Whipps inquired upon the size of the existing park and the amount of cash to be dedicated by Ames for future park development. Planner Lewis indicated it is approximately 2.5 acres and the city is expected to receive \$50,000 for the 9<sup>th</sup> addition and \$225,000 total for all remaining additions. Whipps stated the money would allow the city to acquire a lot of amenities. Whipps stated the HOA can't complain about not having enough money and not wanting additional members. Whipps stated he does not believe the pond is enough of an exchange for the increased density.

Dale Peterson, 920 Forest Edge Drive. Boulevard trees are planted too close to curb- should be reevaluated with future phases. Requested the developer and city consider integrating additional parkland into the design. Commissioner Walsh asked Mason whether additional parkland could be added. Mason replied that it would be very difficult as the pond is already built and economically the integration of additional park land does not make sense. Mason stated that they don't want to sit on lots, they want to build good homes and move on to next phase and complete the development.

Mark Fritz, 1054 Mallard Avenue, addressing Mason, asked how much value the HOA adds to the lots. Mason indicated the HOA added significant value to the lots.

Chair Sand closed the public hearing at 7:27PM.

Commissioner Schultz inquired upon the owner of the land identified for the future regional park, upon the existence of a right-of-refusal, and whether it is a priority of the city to acquire the remainder of this parkland.

Chair Sand inquired upon the status of the area identified as the site for the future regional park and whether there is a timeline for the development of the park. Planner Lewis stated that it is

currently outside of the city limits and will be acquired as the area is developed in the future. Commissioner Schultz reiterated that this should be further researched and a plan should be in place. The safety of our children and the quality of life should be considered. Acquisition of the parkland should be researched and park planning considered before it is voted on by council.

Commissioner Walsh stated that the pool was big in 2005 and maybe the HOA needs to look at things differently. If there are issues with the pool then the HOA needs to find way to generate more money to cover those costs. Neither New Prague or Belle Plain have HOA's with pools.

Commissioner Bohlman indicated that the future splash pad could alleviate the HOA's issues with pool capacity. Bohlman motioned to recommend the plans as presented. Commissioner Schultz added that she would like a committed timeline for the future regional park or otherwise demonstration of prioritization noting concerns raised by Bridle Creek and Stonebridge residents. Schultz added that dead trees should be replaced.

Commissioner Whipps seconded the motion. Walsh abstained from voting, all remainder votes aye. Motion approved.

Commissioner Whipps encouraged residents to come to council and present potential solutions to the issues raised.

**B. PUBLIC HEARING: Special Home Occupation License Request - 812 Forest Edge Drive, Case of Shannon Oleson**

**4 B. PUBLIC HEARING: Special Home Occupation License Request - 812 Forest Edge Drive, Case of Shannon Oleson**

Planner Meyers presented the request for a special home occupation license to allow for gun sales in the R-1 district at 812 Forest Edge Drive. The city recently passed an ordinance to allow gun sales as a home occupation through the issuance of a special home occupation license. Meyers stated that the proposed hours of the business are Monday – Thursday 8am – 10pm and Friday/Saturday 8am – 5 pm. The home is approximately 3807 sq. ft. and only 168 sq. ft. would be used for gun sales. The applicant intends to sell up to one gun per week. There will be no advertising and all marketing would be by word of mouth. Parking would be accommodated on site. Guns would be stored in a safe. The business would be conducted entirely within the residence and there would be no indication of a business from the exterior of the home. Planner Meyers presented an overview of the conditions that must be met for a license and stated that staff finds the criteria to be met with this request. The license may be issued for one year and then can potentially be reissued for up to five years. The City Council would need to revisit this issue before one year is up. Staff would be responsible for tracking the home occupation license and when it expires.

The applicant, Shannon Oleson, stated that he has to do an interview with the FFL but stated that they won't issue him the FFL license until the city provides verification that the property is

zoned to allow for the use. He stated that they need to see verification that the home occupation license has been approved, and then he can complete his FFL process.

Chair Sand opened the public hearing at 8:00pm.

Jim Holle, 823 Forest Edge Drive, stated that in order to get to the subject property, one would need to drive by a lot of houses. Holle stated that there are a lot of kids in the neighborhood that play in the street and front yards due to a lack of park space and small back yards. Holle said he is concerned that the business will bring more unfamiliar drivers into this neighborhood, which presents a safety concern.

Planner Meyers explained that the applicant previously expressed his intent to sell guns from the house to his neighbors via social media prior to amending the code and invited them over to his house to discuss his proposed business. The Planning Commission also hosted a public hearing. There has been extensive public outreach done on this issue within the community.

Chair Sand asked if there was any opposition expressed at the council meeting when the code was amended.

Commissioner Whipps stated that a few people spoke to council in opposition.

Shannon Oleson stated he spoke with concerned neighbors about how it would impact property values. Says that there is no advertisement or indication that guns would be sold at the property.

Planner Meyers said that staff is looking for the Planning Commission to make a recommendation to the City Council.

Chair Sand closed the public hearing at 8:05pm.

Commissioner Whipps asked the applicant if he would be willing to amend the hours, stating that 10pm is pretty late.

Oleson clarified that it should be 8am to 10am Monday – Thursday, not 10pm as previously noted. Hours would also include 8am-5pm on Friday and Saturday.

Commissioner Whipps stated that initially we had assumed 1 -2 guns a month and asked if the applicant would be agreeable to a cap on the number of sales per month. Whipps said he would like to see a cap so that at some point there is a motivation to move to a brick and mortar store if sales increase.

Oleson stated that 10 sales a month was probably more than he would do but felt that it was a fair cap.

Whipps said he would like to change the wording of the home occupation license to require the FFL license be submitted upon issuance. If the applicant is denied the FFL license, then the home occupation license would become void. Whipps also stated that a condition should be that

no uncased weapons are allowed outside of the home. Whipps motioned to approve the request subject to the following conditions:

1. Business hours are limited to 8am – 10am Monday – Thursday and 8am-5pm Friday and Saturday;
2. There are no exterior alterations of the house or signage for the business at the house;
3. The address of the home shall not be used in any advertising for the business;
4. The license shall be renewed before March 19, 2019 and thereafter may be renewed for a period of up to five years;
5. Any expansion of the business would require a new license;
6. The applicant shall provide proof of a valid FFL license to the city;
7. Gun sales shall be limited to no more than 10 sales per month;
8. No uncased weapons shall be allowed outside on the property.

Second by Toni Walsh. Vote all ayes. Motion approved.

### C. Comp Plan Update - Utilities Chapter

#### 4 C. Comp Plan Update - Utilities Chapter

City Engineer, Mike Waltman, and Brian Guldan with Bolton & Menk, provided an overview of the draft Utilities chapter for the comprehensive plan. The chapter addresses three key considerations, including where is the city facing development pressure, how should the city prepare for development, and what improvements will be needed if development continues at the same pace. Waltman provided an overview of the city's 2040 growth boundary, which identifies areas of planned growth between now and the year 2040. Waltman described the existing sanitary sewer system and planned improvements. Guldan provided an overview of the city's wastewater treatment facility and noted that in terms of capacity, nothing is in serious need of upgrade in the near future with the amount of anticipated growth. Capacity appears sufficient for the next decade. Guldan then provided an overview of the city's water system, using historical per capita water demand to predict future water usage. Current water storage capacity is 1.3 million gallons. There are four existing wells that draw from two aquifers. As the city grows, there may be a need to look at additional capacity with wells. A new well is projected sometime around the year 2025. Waltman provided an overview of the city's surface water system.

The commissioners thanked Waltman and Guldan for a nice presentation and update.

#### 5.0 OLD BUSINESS

#### 6.0 PLANNERS REPORT

##### A. General Updates

Planner Meyers stated that the city has a new Planner/Economic Development Specialist on staff, Addison Lewis. Planner Lewis provided a brief introduction of himself. Meyers noted that the city also has a new planning intern, Lauren Walburg. Her background is in solar development and she will work on coordinating the SolSmart program and GreenStep Cities program. She is

generally at city hall Mondays and Wednesdays and will be full time after May. Meyers stated we are excited to have a full staff again.

Meyers noted that the City Council received the proposal to rezone property on Broadway and followed the recommendation of the Planning Commission from the February meeting to deny the request.

Commissioner Walsh asked if the applicant plans to come back with a revised proposal.

Planner Meyers stated that staff is unsure of the applicant's intentions at this point.

Commissioner Whipps said they wanted to acquire more property and will need to see if they can do that before they come back so it could be a while.

Meyers said there have also been conversations about him possibly selling the property.

B. Next Meeting- April 10, 2018

#### 7.0 CITY COUNCIL MEMBER UPDATE

Commissioner Whipps provided an update on recent activity of the City Council. He stated that the council approved a three year extension for engineering and legal consultants. The Council also approved a policy that will have people fill out an application if they want to request an ordinance change. The Council also is looking at rules for how to conduct its meetings.

Chair Sand asked if that is something the commissions should look at as well.

Whipps said yes, it's something that could be looked at by the commissions.

Planner Meyers noted that Chair Sand has been invited to a work session with the City Council to discuss the strategic plan goals established by the Planning Commission at the previous meeting. The work session will be next Monday at 5:30pm, before the regular City Council meeting.

The commissioners discussed the city's park land dedication requirements and expressed interest in revising this ordinance in the future.

Meyers noted that one of the goals of the 2018 strategic plan was to revisit the park dedication ordinance.

#### 8.0 COMMISSION MEMBER REPORT

Commissioner Bohlman asked if the city is responsible for sidewalk maintenance and noted that there is a bad stretch of sidewalk between the Feedmill and Vinery.

Whipps stated that the property owner is responsible and that the city follows up with the property owner when it gets a complaint.

Meyers added that every year in the spring, the city completes an inventory of sidewalks and identifies areas that need improvements. Property owners are then contacted and asked to fix it.

Chair Sand asked if the entire city is wired for fiber optic. He says that Frontier is saying they are not and that is why service is not as good in some areas.

Engineer Waltman said that not every house or building is connected to fiber. Some homes or businesses are hooked up and pay for it.

#### 9.0 ADJOURNMENT

Motion by Toni Walsh to adjourn, second by Whipps. Vote all ayes. Motion approved.

Meeting adjourned at 9:25pm.

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Tanya Velishek  
Mayor

ATTEST:

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Tom Nikunen  
City Administrator