

**MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF
JORDAN IN THE COUNTY OF SCOTT April 14, 2015**

1.0 CALL TO ORDER

Present: Commissioners Tom Sand, Sally Schultz, Donna Breeggemann, Jeff Will, and Gene Flynn.

Also Present: Laura Holey, Andrew Barbes, Jo Foust, Thom Boncher 113 Marlene Cir, Terry Eid, Clarence and Audrey Kaiser, Randy Kaiser, Rory Kaiser, Craig Jenson, Randy Wells, and Rod Tietz

2.0 ADOPT AGENDA

Staff recommended moving item 5 D to be reviewed first in new business.

Motion Jeff Will second Gene Flynn to approve 2.0 ADOPT AGENDA, as amended. Motion approved. All voted aye.

3.0 APPROVAL OF MINUTES

A. March 10, 2015 Planning Commission Minutes

Motion Donna Breeggemann, second Sally Schultz to approve the February 10, 2015 Planning Commission Minutes. Motion approved. All voted aye.

4.0 PUBLIC HEARINGS

Jo Foust presented information relating to the proposed Clancys Bar plat including the Preliminary Plat/PUD, Conditional Use Permit for construction in the Floodplain, Conditional Use Permit for construction in the Shoreland Overlay District, a Conditional Use Permit for a the Country Inn & Suites building height, a Conditional Use Permit for an outdoor patio for Clancy's Bar and Pizza Parlor, Variance requests for increased impervious surface coverage and reduced setbacks for both the Country Inn & Suites and Clancy's Bar & Pizza Parlor.

Staff noted notice of the public hearing was published in the Jordan Independent, mailed to property owners within 350 feet as well as to the DNR as the project is within the floodplain and shoreland overlay district.

Sand called the public hearings to order at 6:45 p.m.

The Planning Commissioners reviewed each request individually.

Craig Hanson spoke on behalf of the Jordan Development LLC, ~~to~~ and-thanked Commissioners for their time and efforts with this project.

Tom Sand Closed the Public Hearings regarding the Clancys Bar Plat, PUD and hotel restaurant development at 7:20pm.

A. Preliminary Plat and PUD –Clancys Bar PUD- Ordinance 2015-05, Resolution 4-19-2015

A Preliminary Plat for Clancys Bar was presented, as submitted by Clarence and Audrey Kaiser (owners) and Jordan Hotel Partners, LLC (Developer). The property is located at 220 and 230 Triangle Lane, within the Highway Commercial District, and is 2.21 acres in size. It is requested this be a commercial planned unit development to allow shared parking, reduced setbacks between commercial buildings and a unified commercial development plan. The plat consists of two lots and one block. An overview of preliminary plat and preliminary PUD requirements was provided. A list of fourteen contingencies was provided, including but not limited to meeting comments from the City Engineer, City Attorney, approval of various conditional use permits and variances, execution of a Development Agreement, a fee-in-lieu of park land dedication to Lion's Park along with park and trail improvements, storm water ponding in Lion's Park, future removal of the access to Creek Lane, and required landscape escrow.

Commissioner Schultz questioned ADA compliance, as the site is proposed to be elevated three feet, above the regulatory flood elevation level. Terry Eid, builder, responded that there will be no need for steps because the site will be sloped.

Motion by Will, Second by Schultz, to recommend to the City Council the conditional approval of the Preliminary Plat and Planned Unit Development for Clancys Bar, with the 14 conditions noted by staff. Motion approved unanimously.

B. CUP- Construction on the Floodplain- Clancys Bar PUD Resolution 4-24-2015

A Conditional Use Permit has been requested for the development of Clancy's Bar & Pizza Parlor and a Country Inn & Suites, within the Floodplain. An overview of the criteria for construction in the floodplain, per City Code Section 154.047, Conditional Uses in the Floodplain, were reviewed. It was noted, Plan Sheet C2 illustrates first floor elevations of 753 feet for both the hotel and restaurant first floor. The regulatory flood protection elevation level is 750 feet. This meets the requirement. No basements are proposed. It was noted fill will be brought on the site to meet the elevation requirements.

Thom Boncher, 113 Marlene Circle questioned the response of the DNR. Staff noted they have been in contact with the City Engineer regarding design of the storm water pond but did not have any objections to the project.

Motion by Will Second by Breeggemann, to recommend to the City Council the Conditional Use Permit for construction of Clancys Bar within the Floodplain, with conditions noted by staff. Motion approved unanimously.

C. CUP- Construction in the Shoreland Overlay- Clancys Bar PUD Resolution 4-25-2015

Foust stated that the easterly portion of the proposed Clancys Bar plat is within the Shoreland Overlay District, as illustrated on the maps included in the packet. According to § 154.286 Commercial PUDs are an allowed Conditional Use, within the Shoreland Overlay District, providing the standards of § 154.291 and §154.292 are met. An overview of the project as it relates to the requirements was provided. In addition, an overview of the request as it relates to § 154.286 Conditional Uses, was provided.

Motion by Will, Second by Breeggemann to recommend to the City Council approval of a Conditional Use Permit to allow a Commercial PUD in the Shoreland Overlay District, with conditions noted by staff. Motion approved unanimously.

D. CUP outdoor dining- Clancys Bar Lot 2 Block 1-220 Triangle Ln Resolution 4-26-2015

Clarence and Audrey Kaiser (owners) are proposing the construction of a new restaurant, with a covered outdoor patio, on a neighboring site of the current Clancy's. This review is for the new outdoor dining space for Clancy's. The proposed patio is approximately 1,140 square feet in size and located at the NE corner of the restaurant and site, at the intersection of Triangle Lane and Creek Lane N.

Motion by Will Second by Flynn to recommend to the City Council approval of a Conditional Use Permit to allow a 1,140 square foot outdoor dining patio on the northeast corner 220 Triangle Lane at the proposed new Clancy's Bar & Pizza Parlor, with conditions noted by staff. Motion approved unanimously

E. CUP Height- Clancys Bar Lot 1 Block 1-230 Triangle Ln- Country Inn and Suites Resolution 4-27-2015

The City has received a request from Jordan Partners LLC. for a conditional use permit to allow the proposed new Country Inn & Suites to be constructed at a height above 35 feet. The proposed 62-unit hotel is proposed to be constructed at 230 Triangle Lane. The applicant is requesting approval to construct the hotel at an average height of 37 feet high, versus the 35 foot maximum identified in Table C of the Zoning Ordinance (154.146, C-3 Zoning Regulations) and Section 154.290 Height Requirement in the Shoreland Ordinance, which restricts the height of structures to 35 feet. In addition, the peak of the entrance is proposed to be 47' 7 3/8" high. An overview of the findings required to issue a Conditional Use Permit was provided.

Motion by Will Second by Schultz to recommend to the City Council approval of a Conditional Use Permit to allow a conditional use permit at the proposed 230 Triangle Lane for the new Country Inn & Suites, to construct the building at an average height of 37 feet and an entrance with a height of 47' 7 3/8", with conditions noted by staff. Motion approved unanimously

F. Variance for Impervious site coverage- Clancys Bar PUD Resolution 4-28-2015

An overview of the request was provided. Clancys Bar PUD is proposing a hotel and restaurant development. The lot would be 22% green space and 78% impervious surface. The code limits impervious surface in the Shoreland Overlay District (east portion of the lot) to 25% and to 50% in the Highway Commercial District. The applicant sites the reason for more impervious surface is due to the parking requirements. Park land improvements within Lion's Park, adjacent to the plat, are proposed. An overview of the findings for a variance with practical difficulties was provide.

Motion by Will Second by Flynn to recommend to the City Council approval of a variance to allow 78% impervious surface coverage within the proposed Clancys Bar PUD, with conditions noted by staff. Motion approved unanimously

G. Variance for Setbacks –Clancys Bar Lot 2 Block 1-220 Triangle Ln Resolution 4-29-2015

The City has received a request for variances from §157.157 Table C, 154.194, F and 154.289 relating to setbacks for the proposed Clancy's Bar & Pizza Parlor to be located at 220 Triangle Lane North. The Code requires a minimum 20 foot side yard setback in the Highway Commercial District, with a 30 foot setback from city streets within the Shoreland Overlay District. In addition, within a commercial PUD, the ordinance requires buildings to be setback a minimum 20 feet or the height of the tallest structure, whichever is greater. The Applicant is requesting approval of setbacks of 10 feet from Creek Lane North and Triangle Lane resulting in a 20 foot variance. In addition, the hotel and restaurant are proposed to be setback 30 feet apart. The hotel is approximately 37 feet tall, resulting in a 7 foot variance for the setback between the two commercial buildings. The criteria for granting a variance was reviewed as it related to the request.

Motion by Will Second by Breeggemann to recommend to the City Council approval of a variance to allow 10 foot side yard and front yard setbacks for the proposed Clancy's Bar & Pizza Parlor and a 30 foot setback between Clancy's Bar & Pizza Parlor and the hotel, with conditions noted by staff. Motion approved unanimously.

H. Variance Setback- Clancys Bar Lot 1 Block 1-230 Triangle Ln- Country Inn and Suites Resolution 4-30-2015

Jordan Hotel Partners LLC. has submitted a request for a setback variance to allow a 9'8" variance on the side adjacent to Creek Lane N. resulting in a setback of 20' 4" versus the required 30' setback from Creek Lane as required in the Shoreland Overlay District. The criteria for granting a variance was reviewed as it related to the request.

Motion by Will Second by Flynn to recommend to the City Council approval of a variance to allow a 20'4" setback on the side of the proposed hotel adjacent to Creek Lane, with conditions noted by staff. Motion approved unanimously.

Tom Sand opened the Public Hearing for Item 4.0 I Zoning Amendments at 7:32 p.m. to accept input on the following:

- I. Amendments to Chapter 154 Zoning Ordinance-Ordinance 2015-06 1. 154.061
–Removal of Rural Residential District reference
2. 154.370- Inclusion of Special Home Occupations
3. Table A- Clarifying Residential Impervious Surface Coverage
4. Table C-Highway Commercial Impervious Surface Coverage

Foust introduced the topic to the Planning Commission, noting a couple items were inadvertently omitted or needed to be clarified in the Zoning Ordinance from the codification which was completed last year.

Rod Tietz, on behalf of Sherco Construction a builder in Jordan, spoke and presented some information to the proposed impervious surface coverage of 30% in residential districts. His concern was this would be too restrictive making it difficult to build ramblers in areas such as Heritage Hills.

Commissioners requested further information about residential lot coverage.

Motion by Breeggemann to Table Item 4.0(I) 3. Table A- Clarifying Residential Impervious Surface Coverage and remove it from the rest of the list for item 4.0 I, seconded by Flynn. Motion approved. All Ayes.

Motion by Breeggemann, seconded by Schultz to recommend to the City Council Amendments to Chapter 154 Zoning Ordinance-Ordinance 2015-06 to amend Section 154.061 –to remove reference to the Rural Residential District; an amendment to Section 154.370- to include Special Home Occupation language and an amendment to Table C-Highway Commercial Impervious Surface Coverage

Tom Sand closed all Public Hearings.

5.0 NEW BUSINESS

D. Site Plan Review- Jordan Develop Corp 1st Lot 2 Blk 1- 320 Ervin Industrial Dr- Resolution4-34-2015

This was set at item 5.0 D but was move to A when the agenda was set. Laura Holey presented the site plan review to the Planning Commission. Donna asked about the landscaping with regarding significant trees on the property.

Motion by Breeggemann, second by Flynn to recommend to the City Council the approval of the Site Plan for 320 Ervin Industrial Dr. with written contingencies. Motion approved. All ayes.

A. Final Plat Review- Clancys Bar PUD Resolution4-31-2015

An overview of the Final Plat for Clancys Bar and Final Planned Unit Development was provided by Jo Foust as it related to Chapter 153, requirements for Final Plat submittals. Council member Will suggested a review in future storm water assessments to the development since they are already providing a storm water pond. This will be passed on to the City Council for their consideration.

Motion by Schultz , second by Will to recommend to the City Council the approval of the Final Plat and PUD for Clancys Bar, with the contingencies noted by City Staff, the City Engineer and City Attorney, including but not limited to meeting conditions of the Preliminary Plat, and execution of a Development Agreement . Motion approved unanimously.

B. Site Plan Review - Clancys Bar Lot 2 Block 1-220 Triangle Ln Clancy's Bar & Restaurant- Resolution4-32-2015

An overview was provided by Jo Foust. Site and Building Plans were referenced for the construction of a new Clancy's Restaurant and Bar, which is proposed to be a 5,400 square foot restaurant, with a 1,175 sq. ft outdoor patio.

Breeggemann spoke about the landscaping with some suggestions to change the Spruce trees due to the size and proximity to building. She also noted to sizing on the plan was inaccurate for some of the varieties of trees highlighting the difference between caliper inches and height. Lastly, Breeggemann made comments about extending the proposed Lions Park trail to connect with 282.

Motion by Will, second by Breeggemann to recommend approval of the Site and Building Plan for Clancy's Bar & Pizza Parlor, to be located at 220 Triangle Lane, with conditions noted. Motion approve. All Ayes.

C. Site Plan Review - Clancys Bar Lot 1 Block 1-230 Triangle Ln County Inn and Suites- Resolution4-33-2015

Jo Foust presented an overview of this item. Jordan Hotel Partners, LLC., the applicant, is proposing the construction of a 3-story hotel with a ground floor area of approximately 39,000 sq feet. This is a 3-story, 62 unit hotel with a pool and meeting room. An overview of the shared parking, landscaping, building materials, etc. were provided.

Breeggemann noted the tree detail should be changed to nursery specs.

Motion by Flynn second by Breeggemann to recommend approval of the Site and Building Plan for Country Inn & Suites, to be located at 230 Triangle Lane, with the conditions noted by staff. Motion approved. All Ayes

E Dug Outs and storage Shed for Holzer Park

Andrew Barbes presented an overview of the plans to build 6 new dugouts with concrete pads and a new shed for Holzer Park.

Motion by Breeggemann second by Schultz to recommend to the City Council the approval of \$17,000 for Dug outs and a shed at Holzer Park. Motion approved. All ayes.

F City Hall –Design Review of Roof- Resolution 4-35-2015

Andrew Barbes presented the proposed new roof for City Hall. A green, metal roof is proposed to replace the existing roof on City Hall, located at 210 East First Street, within the Central Busienns District.

Commissioner Schultz commented that the roof will be too industrial looking for the downtown area. Schultz requested new exploring other options and to bring visuals. Flynn and Breeggemann agreed.

Motion to Table by Schultz, second by Breeggemann. Motion approved. All Ayes.

G 115 Water Street- Design Review- Expansion- Resolution 4-36-2015

Andrew Barbes present the proposed new design of 115 Water St., a City owned building in the Central Business District. The City is proposing an addition on the north side of the building. Design illustrations were provided. Shultz comments that the design does not fit within the downtown design standards. Specifically with the two sides being proposed as different. She recommends it being uniform throughout. Commissioner Will noted the block look throughout the building would help keep the historic nature.

Motion by Will second by Schultz to table action on the site and building plan for 115 Water Street with revised plan submitted to provide a historic rendering with the north and south sides of the building matching in style, reflective of the period of the original construction (1930) and utilizing a material on the north side (1st Street) similar in nature to the contour block along Water Street and incorporating recommendations of the Downtown Vision.

Other conditions recommended by staff included; the future business occupants shall meet the requirements of the C-2 District Design and Performance standards including but not limited to Noise, Clean Air and Environmental Protection, emissions, health and safety; the approval shall be contingent upon the meeting the requirements in City Engineer comments; the Lighting Plan shall meet requirements of Chapter 154; and the Color schemes shall fall within the approved color palette for the C-2 Central Business District Design Standards. Motion Approved. All Ayes.

6.0 OLD BUSINESS

A Rental Housing Policy

Laura Holey present the overview for the proposed rental housing policy. Holey stated that the memo has been updated with commends from the previous meeting but more research is still needed.

Councilmember Will stated that all his concerns have been addressed there is no need to implement this policy.

Motion by Commissioner Schultz to table until the April 12,2015 Planning Commission Meeting, second Breeggemann. Motion approved. 4-1 Council member Will opposed.

7.0 PLANNERS REPORT

A. Next Regular Meeting- Tuesday May 12, 2015

B. A Park Commission Update was provided by Holey. She noted the Personnel Committee is scheduling interviews with Park Commission applicants.

C. A Code Enforcement Update was provided by Planners Holey and Barbes.

8.0 CITY COUNCIL MEMBER UPDATE

9.0 COMMISSIONER MEMBER REPORT – None.

10.0 ADJOURNMENT

Motion by Schultz seconded by Breeggemann to adjourn at 9:48 p.m.. Motion approved. All ayes.