

**MINUTES OF THE PROCEEDINGS  
OF THE PLANNING COMMISSION OF THE CITY OF JORDAN  
IN THE COUNTY OF SCOTT  
MAY 14, 2019**

1.0 CALL TO ORDER

Present: Tom Sand, Jane Bohlman, Jesse Masloski, Bob Bergquist, Jeff Will, Robert Whipps, Brenda Lieske

Also Present: Lucinda Meyers, Senior Planner, Lauren Walburg, Planning Intern

Meeting called to order at 6:30

2.0 ADOPT AGENDA

Motion by Bohlman, second Bergquist to adopt the agenda as presented. Vote all ayes. Motion carried.

3.0 APPROVAL OF MINUTES

A. April 9, 2019

Motion by Bergquist, second Whipps to approve the meeting minutes as presented. Vote all ayes. Motion carried.

4.0 NEW BUSINESS

A. PUBLIC HEARING: Request for Variance for 333 Crestview Circle

Senior Planner Meyers presents the variance request to locate a fence within an emergency overflow easement. The City does allow fences to be constructed in drainage and utility easements that are not designated as emergency overflow, assuming the property owner enters into an easement agreement with the City. The property has a drainage and utility easement that has been designated as an emergency overflow easement that extends 10 feet out from the rear property line and an underground storm sewer pipe located near the rear property line. Staff recommends the Planning Commission motion to approve the requested variance subject to conditions.

Joseph Straylow property owner at 329 Crestview Circle and his father-in-law ask whether a survey has been done on the property to verify property lines.

Whipps states that he believes a survey is necessary to obtain a fence permit.

Meyers states that the homeowner may also provide a hand or computer generated site plan with dimensions that are to scale as a cost-effective alternative.

Straylow states that he has concerns about the accuracy of the site plan and that it appears as though the property lines are not correct.

Whipps recommends that the property owner locates their pins and installs a survey line. It would also be beneficial to talk to the neighbor or the fence company that is installing the fence. The City does not step into a legal role to solve property line disputes, that is up to the homeowner.

Public Hearing closed at 6:44 pm

Will questions whether the location of the fence within the easement will be the same as the location granted with the 2018 variance.

Meyers states that it is not the same because the underground infrastructure is different.

Whipps states that there is also another existing fence, but that the property owner did not apply for a permit and it did not go before Council.

Will states that the City should be consistent with fence placement so that the fences are not installed in a zig-zag manner. Bergquist questions whether it is possible to be consistent? Meyers responds that the City engineer analyzes these variances with the same criteria, but that does not include aesthetics. Whipps states that the fences are consistent on the same side of the street.

Will questions why the property owner would install a fence 7 feet from their property line. Meyers responds that is what the City Engineer was comfortable with considering the emergency overflow easement.

Motion by Brenda, Second Bergquist to recommend approval of the variance subject to conditions with the findings that it meets all requirements for a variance. Vote all ayes. Motion Carried.

**B. PUBLIC HEARING: Request for variance for 917 Waterford Way**

Planner Meyers presents the variance request for 917 Waterford Way. The property owner would like to locate their fence within a drainage and utility easement designated as an emergency overflow easement, located in the side yard of the property. The property owner is proposing to install a 4-ft fence. The City engineer has reviewed the fence permit and would like to include particular language in the fence variance to limit city liability. Staff feels that the variance criteria has been met for this request. The staff recommendation is to recommend approval of the variance subject to the conditions in the staff report.

6:59 Public Hearing opened

No comments were made during the public comment period

Chair Sand states that condition B from the staff report makes this variance a little different from the previously considered variance.

Bohlman questions what condition B means.

Meyers explains that if debris collects in the fence during a storm and causes damage, the City is not held responsible for anything directly attributable to that issue.

Bohlman questions if the neighbor gets water in their basement, is the property owner with the fence liable? Meyers responds that yes, they are liable.

Motion Whipps to adopt findings and recommend that the City Council approve the variance subject to all conditions. Second Bohlman. Vote all ayes. Motion carried.

C. PUBLIC HEARING: Request for Site Plan and Design Review, Conditional Use Permit, Variances (3) for Caribou Coffee at 225 Triangle Lane.

Planner Meyers presents the request for site plan and design review, CUP and variances for 225 Triangle Lane Caribou Coffee. Property is located in the C-3, which requires a site plan and design review specific to the C-3 requirements (similar to the C-2 design review process). Planner Meyers explains the proposed variances and the Conditional Use Permit, as well as the site plan and design review findings.

7:19 Public Hearing opened

Lonnie, Caribou representative thanks the commissioners and staff for their consideration and work on the project. He explains that this is a new concept for Caribou, and they are excited to try out the concept in Jordan.

Chair Sand questions why the change to drive-through only?

Lonnie states that is a bigger question related to Caribou's strategy in focusing on what they are good at, and responding to customer demand. He states that there will be all of the normal Caribou products

7:21 Whipps left the meeting

7:22 Public Hearing closed.

Lieske asks about the timeline associated with receiving the LOMA from FEMA.

Lonnie states that it is a 60 day standard process, but that they anticipate a shorter timeline because of work that FEMA has done in the area recently. The survey data that Caribou has shows that they are 1 inch above the floodplain. Their submittal went in 2-3 weeks ago, and they believe they will be successful. It will be problematic for the project if they do not get the LOMA.

Motion Bohlman, Second Bergquist to recommend approval of the site plan and design review subject to the conditions. Vote all ayes. Motion carried.

Motion Bergquist, Second Bohlman to recommend approval of conditional use permit subject to conditions. Vote all ayes. Motion carried.

Motion Will, Second Lieske to recommend approval of variance regarding number of parking stalls. Vote all ayes. Motion carried.

Motion Will, Second Bergquist to recommend approval of the variance for outdoor seating subject to conditions. Vote all ayes. Motion carried.

Motion Will, Second Bohlman to recommend approval of variance regarding parking setback. Vote all ayes. Motion carried.

D. PUBLIC HEARING: Request for Preliminary Plat and PUD, Final Plat and PUD for CDA Brentwood Addition

Planner Meyers presents request for preliminary and final PUD, preliminary and final plat for Scott County CDA Brentwood addition.

7:33 Public Hearing opened

CDA Representative thanks staff and commissioners for their time and work on this project, stands for any questions.

Chair Sand asks about the waitlist for Brentwood Court.

The applicant states that they have a waitlist currently for Brentwood Court and are keeping an interest list for the proposed project, although they do not anticipate that the project will be completed until Fall 2020.

Masloski asks about the deviation to the front yard setback, and whether the CDA could reduce the number of units to avoid needing a deviation from this requirement. He states that it is not in our best interest to approve buildings in this district so close to the road.

The applicant states that they are responding to growing demand for these units.

Meyers states that we rezoned these properties to be R-4, but the surrounding properties are C-3, which has much smaller setback requirements.

Bohlman questions what floor area ratio is.

Project architect explains the concept of floor area ratio.

Motion Will, Second Bergquist to recommend approval of the Preliminary Plat contingent upon the conditions being met. Vote all ayes, Motion carried.

Motion Bergquist, Second Bohlman to recommend approval of the Preliminary PUD contingent upon the conditions being met. Vote all ayes. Motion carried

Motion Bohlman, Second Lieske to recommend approval of the Final Plat contingent upon the conditions being met. Vote all ayes. Motion carried.

Motion Bergquist, Second Bohlman to recommend approval of the Final PUD contingent upon the conditions being met. Vote all ayes. Motion carried.

Motion Bohlman, Second Lieske to recommend approval of site plan. Vote all ayes. Motion carried.

E. Design Review – 205 Broadway St S.

Planning Intern Walburg presents design review application.

There is a discussion of painted murals, and the steps and railings shown in the rendering. The applicant voiced the need for more tables and light in the Pickled Pig, which the garage door will help with. He would like to improve the exterior to better match the interior.

Motion Bohlman, Second Bergquist to recommend approval of design review subject to conditions. Vote all ayes. Motion carried.

5.0 OLD BUSINESS

6.0 PLANNERS REPORT

A. General Updates

Discussion of Cinco de Mayo – couldn't get into downtown to park, perhaps use MiniMet parking. The event could use more food vendors as lines were long and the food ran out.

Signage update, new planner/economic development specialist, Wexford Square, Yellow House parking plan, Sand Creek dog park improvements.

B. Next Meeting- June 11, 2019

7.0 CITY COUNCIL MEMBER UPDATE

8.0 COMMISSION MEMBER REPORT

Welcome to Brenda (Jesse)

Sand – joint powers working on getting music in the park

9.0 ADJOURNMENT

Motion Bohlman, Second Masloski to adjourn.

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Tanya Velishek, Mayor

ATTEST:

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Tom Nikunen  
City Administrator