

**CITY OF JORDAN
PLANNING COMMISSION
Regular Meeting Agenda**

**Tuesday, September 10, 2019
6:30 P.M.**

City of Jordan Council Chambers
116 First Street East, Jordan MN 55352

- 1.0 CALL TO ORDER
- 2.0 ADOPT AGENDA
- 3.0 APPROVAL OF MINUTES
 - A. August 13, 2019 Meeting Minutes
- 4.0 NEW BUSINESS
 - A. PUBLIC HEARING: Request for a Conditional Use Permit for Outdoor Storage at 845 Corporate Drive
 - B. PUBLIC HEARING: Request for Zoning Text Amendment to allow towing service with outdoor vehicular storage as a conditional use in the Highway Commercial (C-3) District
 - C. PUBLIC HEARING: Request for Variance and Amendment to Conditional Use Permit for Signage at 215 Broadway St S, St. John's Catholic Church
 - D. Change of Use Proposed for 415 Broadway St S – From Office/Retail to Assembly
- 5.0 OLD BUSINESS
 - A. Proposed Zoning Text Amendments
- 6.0 PLANNERS REPORT
 - A. General Updates
 - B. Next Meeting- October 8, 2019
- 7.0 CITY COUNCIL MEMBER UPDATE
- 8.0 COMMISSION MEMBER REPORT
- 9.0 ADJOURNMENT

Contacts:

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**MINUTES OF THE PROCEEDINGS
OF THE PLANNING COMMISSION OF THE CITY OF JORDAN
IN THE COUNTY OF SCOTT
AUGUST 13, 2019**

1.0 CALL TO ORDER

Present: Tom Sand, Jane Bohlman, Bob Bergquist, Jeff Will, Robert Whipps, Brenda Leiske

Also Present: Lucinda Meyers, Senior Planner, Nathan Fuerst, Planner/Economic Development Specialist, Megan Pavek, Planning Intern

Meeting called to order at 6:31 pm

2.0 ADOPT AGENDA

Motion by Will, second Sand to adopt the agenda as presented. Vote all ayes.
Motion carried.

3.0 APPROVAL OF MINUTES

A. July 9, 2019

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

4.0 NEW BUSINESS

A. PUBLIC HEARING: Request for a Conditional Use Permit for an Automotive Service Center to be located at 424 Broadway St. N.

Fuerst introduced a Conditional Use Permit application for Wherley Wrenches LLC at 424 Broadway Street N. The proposed use is an automotive service center; previous use was a marine repair shop. This property is currently zoned as C-3 Highway Commercial as well as the majority of properties surrounding it except to the east where there are several properties zoned as R-2 Single and Two-Family Residential.

According to City Code it is required that the automotive center has 8 parking stalls and the application states that 9 parking stalls can be established. The proposed hours of operation are 9 am-8 pm, Monday through Saturday. No site improvements were proposed and the proposed use would not conflict with the goals of Jordan's Comprehensive Plan. Fuerst stated that nearby homes in the R-2 district could be impacted by noise from this proposed use, but also noted that similar uses have been occurring on this parcel since the 60s. The City Code does allow automotive centers in

the C-3 if they are granted a CUP. However, City Code does not specify what conditions should be met in order to obtain a CUP, so staff researched this issue.

Staff recommended that the Planning Commission recommend the Conditional Use Permit application for an automotive service center at 424 Broadway Street N to the City Council for approval, subject to the conditions outlined in the staff report.

Meyers stated the City Code definition of an automotive service center as:

“A facility for the sale, service, and repair or replacement of any 1 or more of the following: tires, batteries, brakes, transmissions, shock absorbers, exhaust systems and similar parts, including engine tune up, wheel balancing, and alignment, but not including body repair, painting, engine rebuilding, or tire capping.”

Whipps asked about the difference in the definition provided and what the applicant is proposing. Meyers suggested in the event that the property is used for sales, an amendment to the CUP should be required since the application has been reviewed as a proposed repair shop and not for sales. Will inquired about storage and whether there was a time limit to enforce and or a rule to define what is classified as storage. He is concerned that the applicant is unaware or will be in violation of this. Will also inquired what constitutes as a violation.

Meyers responded that those classifications can be made clearer in the CUP. Will asked what is currently stated in regards to the proposed conditions. Bohlman asked what would happen if the applicant were in violation. Meyers responded that they would be notified of the violation and if they do not respond, the City Council has the authority to revoke a CUP if it isn't in compliance with the necessary conditions.

Whipps referenced a similar business south of Minnesota State Highway 21 and asked whether they had a similar CUP. There have been issues with this business leaving junk cars out in the front lot, as well as other waste. Whipps didn't want to repeat this situation and therefore wanted to be as clear as possible on the set conditions. Leaving junk cars on the property or allowing sales could result in leaking and damage to impervious surfaces. Meyers responded that the staff's attempt to address this issue is to specify that parking is not allowed on pervious surfaces, and ensure that parking is clearly only designated on impervious services.

Fuerst referenced the adjacent property and stated that in order to limit spillover, the property owners would have to combine two parcels to create extra space for parking in the future. Leiske stated that over the years there had been discussions on first impressions when driving into the community. There had been a lot of concerns that the first thing newcomers will see is unkept businesses and how that would create a bad

impression. She inquired whether this had been addressed when reviewing the application.

Fuerst responded that the proposed conditions require clearly marked parking stalls and what they can be used for is regulated. There will also be requirements that all repairs and operations happen inside the principal structure. Leiske inquired about the storage of tires or other smaller items. Meyers responded that a potential condition could be not allowing any outdoor storage. Whipps asked the applicants what specific repairs they are planning on conducting.

Sand opened up the public hearing at 6:57 pm. The applicants stated that all work will be conducted onsite, and services offered do not include body or engine work. Only repairs on accessory parts like brakes, headlights, basic tune ups, and such will be offered. Whipps inquired on whether the nature of most repairs will be short term. The applicants responded yes, and that so far, the longest repair has taken them two weeks but that is very rare. Whipps stated that a time frame should be created, so for example a condition would state that one vehicle cannot be there for longer than two months. That would be long enough to finalize repairs, work out a payment plan and address any other concerns.

Applicants stated that they take pride in their business and want to ensure that it looks presentable and orderly from the outside as well. Whipps stated there might not be a need to eliminate outdoor storage, instead a condition could specify which side of the building can't have outdoor storage depending on what can be seen from Highway 21 when entering the city. The applicants stated that the business recycles tires and does not store them onsite. Sand inquired about exactly what would need to be stored. The applicants responded that mostly it's just vehicles that need to be stored temporarily. Sand responded that the storage issue can be remedied by setting a time limit. The applicants stated that a vehicle should never be there for more than 2 months, and even that is rare.

Planning Commission decided to add the conditions that a vehicle cannot be stored for longer than 2 months and that storage is restricted to the west side of building so it is not visible from Highway 21. Also, if the property is to be used for sales in the future, an amendment to the CUP is required.

Motion by Whipps, Bohlman second, to recommend approval of the CUP with the conditions recommended by staff and the three additional conditions formulated by the Planning Commission. Vote all ayes. Motion carried.

B. Zoning Code Text Amendments

It has come to the attention of City Staff that the definition of front yard in the City Code is inaccurate. The existing code states that the area from the front lot line to the required front yard setback is currently defined as the front yard. Therefore, the area between

where the actual house is built and the front yard setback is technically "no mans" land. Meyers proposed to change the definition of front yard so that it is defined as the area from the front lot line to the closest point of the building, instead of the front yard setback. Meyers reviewed the entire code to see how changing the definition would impact other areas and regulations. She also found a few other errors that needed to be changed. Some of the deck regulations conflict with other regulations found in code for the R-1 and R-2 districts. Overall there are a few irregularities that need to be remedied in the City Code; this is a housekeeping item.

Changing the definition of front yard will primarily affect fence regulations. Sand agreed that logically anyone would think the area from the front lot line to the front of the house would be the front yard. Whipps inquired whether this will affect developments, namely the Stonebridge parcels that have had issues with rear setbacks. Meyers stated that they requested to encroach into the front yard setback and therefore shouldn't be affected.

Motion by Leiske, second Whipps, to recommend approval of the zoning text amendments as presented. Vote all ayes. Motion carried.

5.0 OLD BUSINESS

6.0 PLANNERS REPORT

A. General Updates

Grassmann Park Grand Opening is taking place this Saturday. The City is expecting a big turnout and was able to have Fox News cover a story on the new Challenge Course and the upcoming opening event. Meyers invited the Planning Commission to attend. This is the first Challenge Course in the country to feature both an adult Pro Course and a Youth Course.

Stonebridge Phase 4 will be starting soon and the pre-construction meetings are starting to be scheduled. The development process will begin in September.

Caribou construction is still going smoothly. Caribou Cabin is name of the new prototype, where only drive thru and counter service is provided. Caribou Coffee is still on track for opening in October.

The City is still working on a contract for Brentwood Court Phase 2. Meyers stated that they are currently negotiating with the county on some of the conditions. No new information is available at this time. The property was previously rezoned which is causing some issues that weren't expected.

The City received an application from Bobby and Steve's Auto World for a zoning text amendment.

Pineview Townhomes already have tenants but there have been issues with tenants having no cable. The City has received multiple complaints. The parks in that development are still on schedule for fall opening.

The City was asked for a third extension on the Pekarna Plat. Per state statute the City must act after receiving application within 120 days. Council will not see it until Spring 2020- this project is currently on pause.

Fuerst gave an update on the sign ordinance. The Council only changed one word from the Planning Commission's recommendation. The Welcome to Jordan sign will most likely be removed by the property owner. Sand mentioned that article in the newspaper about the potential removal triggered a lot of people. There is a draft sign ordinance posted on the city website.

Meyers reported that City Staff met with owners of the new winery to discuss finance options. This business probably won't open until the spring so they are not going to meet the original November deadline.

Fuerst reported that the City has resumed actively marketing to potential hotel chains and has received immediate feedback.

7.0 CITY COUNCIL MEMBER UPDATE

Will stated that a lot of people have been asking about the sign ordinance. He has also received multiple phone calls and emails about the homeless shelter discussion. He believes a lot of the homeless shelter discussion was taken out of context. Discussion about the need for more affordable housing follows. Sand inquires whether there are enough starter apartments available in the community. Meyers responded that the City is encouraging the prospective developer of the Peeper Property to submit a proposal that will go before the Planning Commission for comments.

Whipps reported that the roundabout project will not be happening this year. Instead, the focus will be on bridges. MnDOT is not allowing the roundabout for the time being. Whipps expressed his opinion on the homeless shelter presentation, stating that the information presented was conflicting and raised concerns. More thorough research needs to be conducted. Overall the council is not very supportive of this project at this point in time.

8.0 COMMISSION MEMBER REPORT

9.0 ADJOURNMENT

Motion by Bohlman, second by Leiske to adjourn at 7:50. Vote all ayes. Motion carried.

Tanya Velishek, Mayor

ATTEST:

Tom Nikunen, City Administrator

DATE: September 10, 2019
TO: Chair Sand and Members of the Planning Commission
FROM: Lucinda Meyers, Senior Planner



AGENDA ITEM: 4 A. PUBLIC HEARING: Request for a Conditional Use Permit for Outdoor Storage at 845 Corporate Drive.

ACTION REQUESTED: Conduct a public hearing to accept input on a request for a conditional use permit to allow for outdoor storage at 845 Corporate Drive. Consider the requested conditional use permit for outdoor storage and make a recommendation to the City Council.

BACKGROUND:

Address: 845 Corporate Drive

Applicant/Owner: IPS Jordan Building, LLC / International Parts Supply Corp.

Current Zoning: I-2 General Industrial District

Surrounding Land Use:

- North: Single-family residential (zoned R-1)
- South: Industrial (zoned I-2)
- East: Industrial (zoned I-2)
- West: Single-family residential (zoned R-1)

Overview:

The I-2 General Industrial District is the only zoning district where outdoor storage is permitted as a principal use. City Code Section 154.173 Conditional Uses, (J) states that outdoor storage and display areas which exceed a 2:1 land to building ratio are permitted through the receipt of a conditional use permit. The applicant is proposing to store armored personnel carriers on the northern portion of the subject parcel. The proposed storage area is currently fenced by a 6-foot black vinyl chain link fence which is surrounded by landscaping, and paved with asphalt (see images on pp. 2-3). The storage area is approximately 45,750 square feet, and the building footprint is approximately 9,392 square feet. The proposed land to building ratio is nearly 5:1.



Image 1. Aerial image (2016).

Armored personnel carriers are currently being stored on-site. A code enforcement letter was sent to the property owner August 12, 2019 regarding the current non-compliant status of the property.



Image 2. Image taken from Corporate Drive, showing the northeastern portion of the storage area. Armored personnel carriers can be seen between the mature coniferous trees, and through the gate entrance (to the right).



Image 3. Image taken from Corporate Drive, showing the northwestern portion of the storage area. Armored personnel carriers can be seen between the mature coniferous trees.



Image 4. Image taken from the midpoint of the southwestern side lot line abutting the trail.



Image 5. Image taken from the trail running along the south western side lot line, facing the rear lot line.

City Code Section 154.177 I-2 Design and Performance Standards, is intended to encourage a high standard of development by providing assurance that land uses will be compatible. The section establishes the following screening requirements for development in the I-2:

Staff comments are show in *italics*.

1. Where any business or industry (structure, parking or storage) is adjacent to property zoned or developed for residential or highway commercial use, that business or industry shall provide an earth berm a minimum of 6 feet in height and screening along the boundary of the residential and/or commercial property. Screening shall also be provided where a business, parking lot, or industry is located across the street from a residential zone, but not on that side of a business or industry considered to be the front.

The rear lot line abuts public parkland which serves as a buffer between the industrial and residential land uses. The depth of the buffer measures 110 feet. This buffer satisfies the intent of this provision.

2. All exterior storage shall be screened. The exceptions are (1) merchandise being displayed for sale (2) materials and equipment presently being used for construction on the premises.

The storage area is surrounded by a 6-foot black vinyl chain link fence and landscaping.

The landscaping does not, however, provide sufficient screening of the storage area from the public right of way, which includes both Corporate Drive and the trail. Additional vegetative screening is recommended as a means of satisfying this provision.

3. The screening required in this section may consist of fence, trees, shrubs and berms, but shall not extend within 15 feet of any street or driveway. The screening shall be placed along property lines or in case of screening along a street, 20 feet from the street right of way with landscaping between the screening and pavement. Planting of a type approved by the Council may also be required in addition to or in lieu of fencing.

The subject property is landscaped, however additional landscaping around the storage area is needed to adequately screen the storage area from the right of way (as mentioned in 2, above).

Conditional Use Permit Review:

A conditional use is a land use designated in the zoning ordinance that is specifically allowed in a zoning district so long as certain standards are met. Reasonable conditions relating to the ordinance standards may be attached to a CUP.

City Code Section 154.047 Conditional Use Permit, (A) states that the Planning Commission shall recommend a conditional use permit and the Council may issue conditional use permits if it makes the following findings:

1. The use will not create an excessive burden on existing parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the area.

The allowance of outdoor storage exceeding a 2:1 land to building ratio is not anticipated to create an excessive burden on existing parks, schools, streets and public facilities and utilities which serve or are proposed to serve the area.

2. The use will be sufficiently compatible or separated by distance or screening from adjacent agricultural or residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.

The site does back up to residentially zoned area but has a 110-foot park space buffering between the two uses. In order to mitigate potential noise impacts, it is recommended that the hours of equipment operation be limited to between 7 a.m. and 10 p.m.

3. The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.

The site has residential properties along the rear property line with a 100-foot green space between the two uses. It is not anticipated that this industrial use should affect the adjacent residential property.

4. The use in the opinion of the Council is reasonably related to the overall needs of the city and to the existing land use.

The proposed use is related to the needs of the City in that it fits within the I-2 General Industrial District, and such zoning complies with the Comprehensive Plan.

5. The use is consistent with the purposes of this subchapter and the purposes of the zoning district in which the applicant intends to locate the proposed use.

The use of the property as armory is permitted in the General Industrial (I-2) district.

6. The use is not in conflict with the Comprehensive Plan or Water Resource Management Plan.

The proposed use is compliant with this standard.

7. The use will not cause traffic hazard or congestion.

The proposed use is not anticipated to cause traffic hazards or congestion.

8. Existing businesses nearby will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare, or general unsightliness.

The proposed use is not anticipated to curtail customer trade brought about by intrusion of noise, glare, or general unsightliness or otherwise adversely affect nearby businesses.

Attachments:

1. Location Map
2. Zoning Map
3. Land Use Application
4. Code Enforcement Letter dated August 12, 2019

FISCAL IMPACT: The costs associated with the application are the responsibility of the applicant. The \$400.00 application fee, per the 2019 Fee Schedule, has been paid by the applicant.

STAFF RECOMMENDATION: Staff recommends the Planning Commission make a motion to recommend the City Council adopt a resolution approving the conditional use permit for outdoor storage at 845 Corporate Drive with the following conditions:

- A. The outdoor storage area shall be fully screened from the adjacent right of way. This shall be achieved through fencing with 100 percent opacity and/or additional landscaping. If landscaping is incorporated, the applicant shall submit a landscaping plan for approval by the City Planner and landscaping shall be installed within 6 weeks of permit approval.
- B. Equipment operation within the outdoor storage area is prohibited between the hours of 10:00 p.m. and 7:00 a.m.

COMMISSION ACTION:

Motion: _____

Second: _____

Approved: _____

Disapproved:

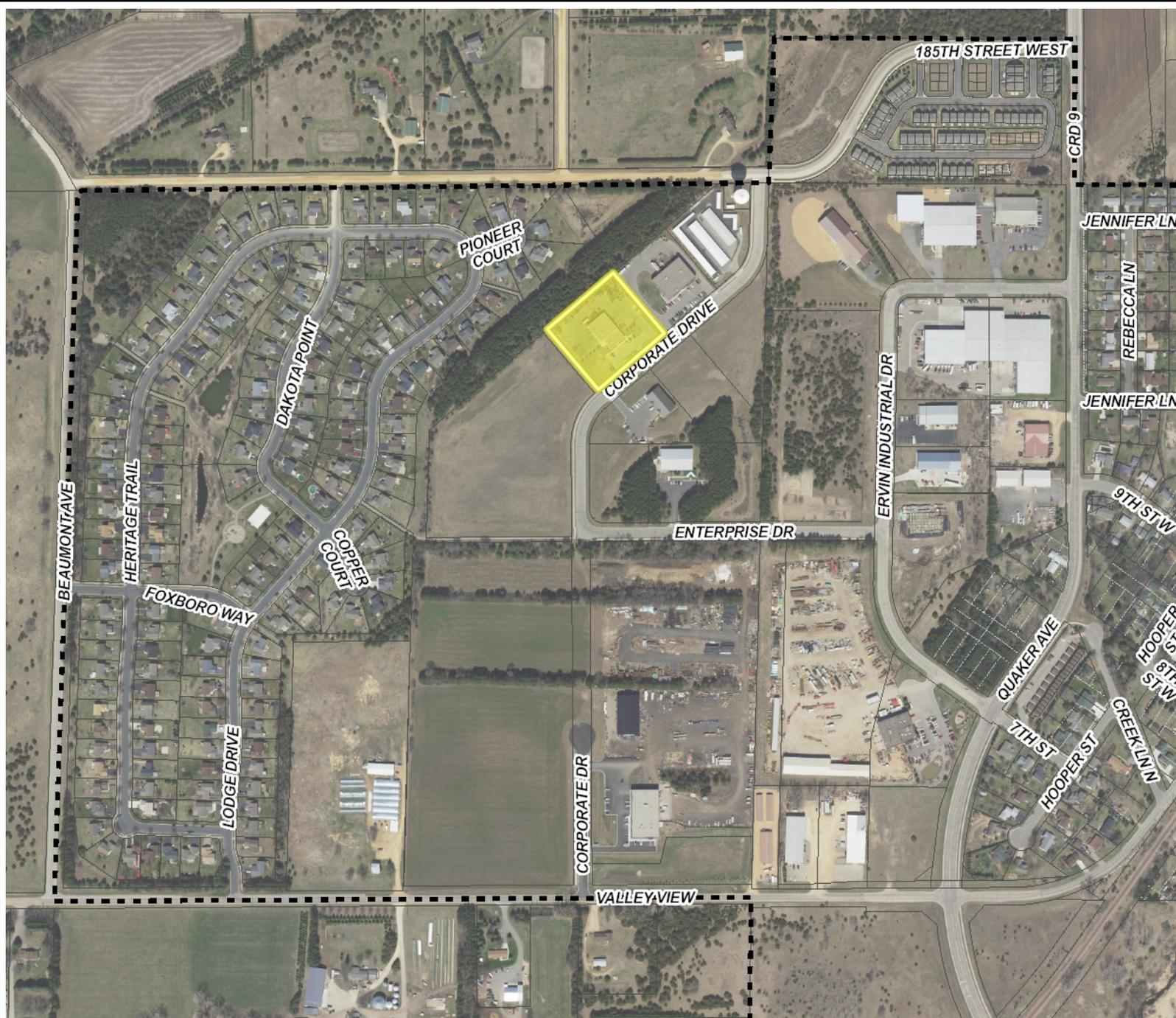
Tabled:

Other: _____



Legend

- City Limits
- Parcels (4/1/2019)
- Lot Lines



845 Corporate Drive - Location Map



Disclaimer:

This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices, and other sources affecting the area shown, and is to be used for reference purposes only. The City of Jordan is not responsible for any inaccuracies herein contained.

0 527 Feet

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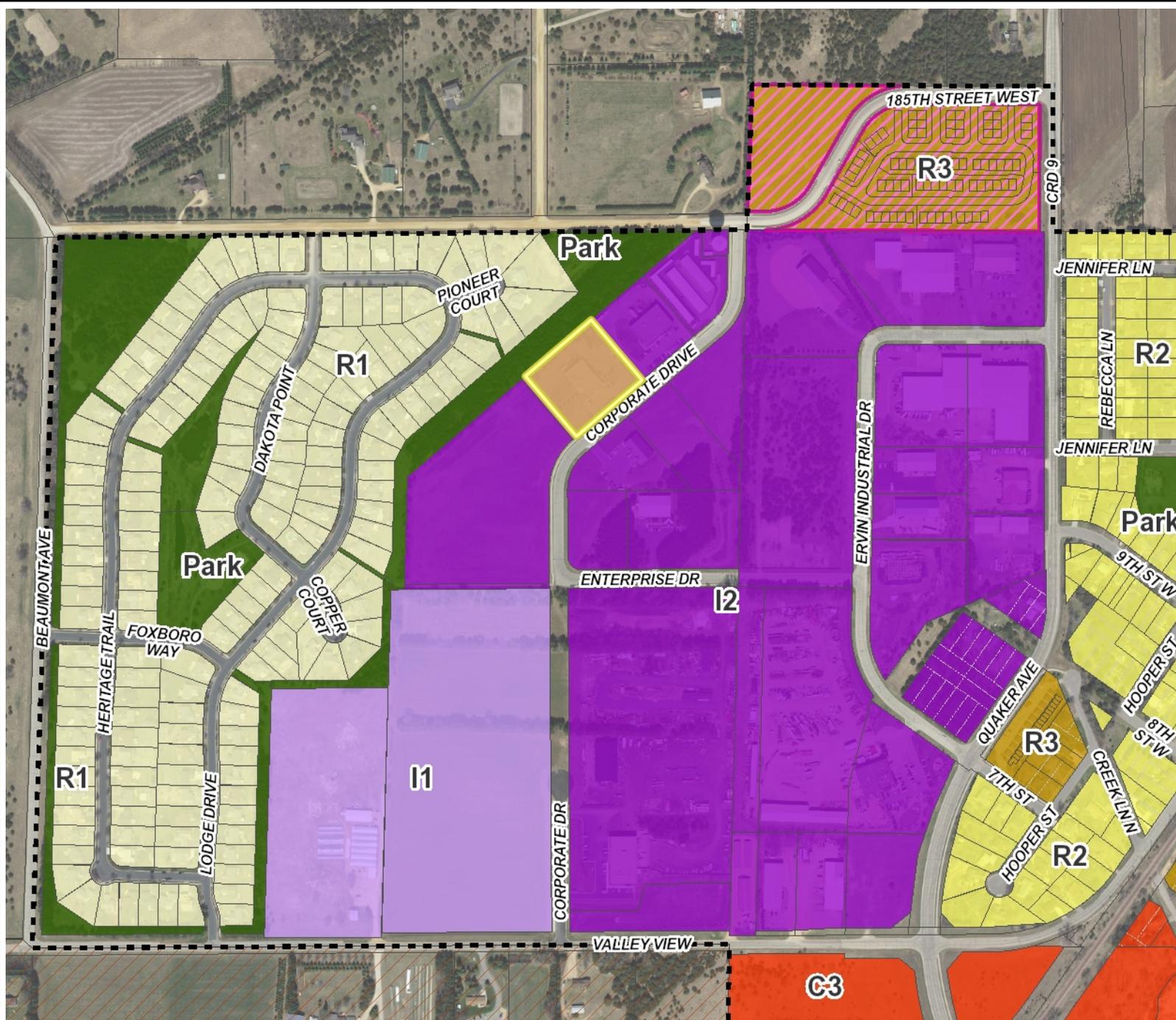


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Legend

- ⊞ City Limits
- Parcels (4/1/2019)
- Lot Lines
- ⊞ Annexations
- ⊞ Planned Unit Development
- Zoning**
- R-1 Single Family
- R-2 Single and Two Family Residential
- R-3 Townhouse and Multiple Family Residential
- R-4 Multiple Family Residential
- R-5 Mobile Home District
- C-1 Neighborhood Business
- C-2 Central Business
- C-3 Highway Commercial
- I-1 Light Industrial
- I-2 General Industrial
- Park



845 Corporate Drive - Zoning Map



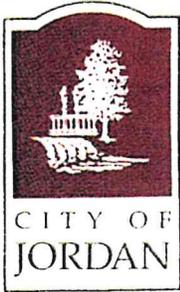
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0 527 Feet



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APPLICATION FOR CONDITIONAL USE PERMIT

CITY OF JORDAN
210 EAST FIRST STREET
JORDAN, MN 55352
952-492-2535

RECEIVED
AUG 15 2019
CITY OF JORDAN

PAID

APPLICANT

NAME: IPS Jordan Building, LLC WORK PHONE: 952-832-0707 AUG 15 2019
HOME PHONE: N/A ADDRESS: 845 Corporate Drive CITY OF JORDAN
CITY: Jordan STATE: MN ZIP: 55352

OWNER

NAME: International Parts Supply Corp. WORK PHONE: 952-832-0707
HOME PHONE: N/A ADDRESS: 7220 Ohms Lane
CITY: Minneapolis STATE: MN ZIP: 55439

I/We, the undersigned, hereby make the following application to the City Council and Planning Commission of the City of Jordan, Scott County, Minnesota. (Applicants have the responsibility of checking all applicable ordinances pertaining to their application and complying with all ordinance requirements):

- Application is hereby made for Conditional Use Permit to conduct the following: Outside vehicle storage in fenced lot area. Warehouse will have approx. 3-4 employees performing light vehicle maintenance. No office personnel. Front parking lot might have a couple vehicles for storage, but will be primarily parking for 3-4 warehouse employees.
- Legal description of land to be affected by application, including acreage or square footage of land involved, and street address, if any (attach additional sheet if necessary): Approx. 2.27 acres in Timberline Business Park City of Jordan, Scott County, Minnesota. 845 Corporate Drive, Jordan, Minnesota. Lot 1, Block 1, Timberline Business Park Fourth Addition.
- Street Location of Property (address): 845 Corporate Drive, Jordan, MN
- Present zoning of the above described property is: Industrial
- Title Information: Abstract Torrens
- What impact will the granting of the Conditional Use Permit have on:
 - Existing parks and schools: None noted
 - Existing streets and other public facilities: None noted
 - Existing public utilities which serve or are proposed to serve the area: None noted
- Is the proposed use compatible with present and future land uses of the area? Please explain: Yes, previous occupants used facility for outside vehicle storage
If no, what screening is proposed and what are the setbacks from the adjacent land uses? N/A

8. Will the proposed use or appearance of the proposed use have an adverse affect on adjacent properties? Please explain:
None noted
9. Is the use related to the overall needs of the City and to the existing land uses? Explain:
10. Is the use consistent with the zoning district provisions and other sections of the Zoning Ordinance? Please explain:
11. Is the proposed use consistent with the Comprehensive Plan? Please explain.
12. Will nearby existing businesses be adversely affected because of curtailment of customer trade brought about by noise, glare or general unsightliness? Please explain. None noted

Attached to this application and made a part thereof are other material submission data requirements, as indicated. Conditional Use Permits in the F-1 and F-2 Districts require additional information and mapping.

I certify that all information submitted is true and correct and I fully understand that all information and a complete application must be submitted at least 28 days prior to a planning commission meeting to ensure review by the Planning Commission on that date.

*Applications will not be accepted without a parcel identification number.

Applicant Signature: [Signature] Date: August 15, 2019

Owner Signature: [Signature] Date: August 15, 2019

PROPOSED MEETING DATES: INTERNATIONAL PARTS SUPPLY
William D. Hucovsk, Vice President

Planning Commission _____ City Council _____

FOR OFFICE USE ONLY

DATE SUBMITTED: _____ DATE COMPLETE: _____ IF INCOMPLETE, DATE LETTER SENT TO APPLICANT: _____

DATE OF PUBLIC HEARING _____ PUBLICATION DATE: _____

DATE NOTICE SENT TO ADJOINING PROPERTIES: _____

AMOUNT OF FEE PAID: _____ DATE FEE PAID: _____ FILE # _____

PLANNING COMMISSION ACTION: _____ RECOMMEND APPROVAL _____ RECOMMEND DENIAL _____

DATE OF ACTION: _____

DATE APPLICANT/PROPERTY OWNER NOTIFIED OF PLANNING COMMISSION ACTION: _____

CITY COUNCIL ACTION: _____ APPROVED _____ DENIED _____

DATE OF ACTION: _____

DATE APPLICANT/PROPERTY OWNER NOTIFIED OF CITY COUNCIL ACTION: _____

DATE FILED WITH SCOTT COUNTY RECORDER'S OFFICE: _____



August 12, 2019

IPS Jordan Buildings, LLC
Attn: Ken Everson
7220 OHMS Lane
Minneapolis, MN
55439

SENT BY U.S. MAIL & EMAIL
keverson@ipscorpUSA.com

RE: NON-COMPLIANT PROPERTY LOCATED AT 845 CORPORATE DRIVE

Dear Property Owner,

This letter is to serve notice that use of your property, 845 Corporate Drive, for outdoor storage is in violation of City Code. Outdoor storage is allowed as a Conditional Use in the General Industrial (I-2) district, however a Conditional Use Permit (CUP) has not been issued for the property. If you intend to continue to store armored personnel carriers on site, you will be required to obtain a CUP.

Enclosed is a CUP application. The application fee is \$400.00. Please complete the application and submit along with payment (cash or check) at your earliest convenience. **The deadline for submittal is September 5th, 2019.**

Please contact me directly at 952-492-7940 or lmeyers@jordanmn.gov should you have any questions or concerns.

Sincerely,

Lucinda Meyers
Senior Planner
City of Jordan

Enclosure:
Conditional Use Permit Application

DATE: September 10, 2019
TO: Chair Sand and Members of the Planning Commission
FROM: Lucinda Meyers, Senior Planner



AGENDA ITEM: 4 B. PUBLIC HEARING: Request for Zoning Text Amendment to allow towing service with outdoor vehicular storage as a conditional use in the Highway Commercial (C-3) district.

ACTION REQUESTED: Conduct a public hearing to accept input on a request for a zoning text amendment to allow towing service with outdoor vehicular storage as a conditional use in the Highway Commercial (C-3) district. Consider the request and make a recommendation to the City Council.

BACKGROUND:

Applicant / Address: Bobby and Steve’s Autoworld / 3701 Central Avenue NE, Columbia Heights, MN 55421

Request:

The applicant is requesting the addition of *towing service with outdoor vehicular storage* as a conditional use in the Highway Commercial (C-3) district.

The applicant owns several properties within the City, all of which are clustered on the north side of the Highway 169/292/CR 9 intersection, and zoned Highway Commercial (C-3). A map of these properties is attached.

Overview:

Towing service with outdoor vehicular storage is allowed in the I-2 General Industrial District, as a conditional use. The zoning code does not explicitly list *towing service*, but instead [conditionally] allows for outdoor storage in excess of a 2:1 land to building ratio. The use is required to be fully screened from residential uses and the public right of way.

Overall, the main difference between towing businesses and other businesses in commercial districts is the issue of outdoor storage. Towing businesses require abundant space for outdoor storage for all types of cars in various conditions. This would likely impact the value or aesthetic of surrounding commercial businesses and their properties.

ANALYSIS:

Industrial Land Use

Zoning Code:

The purpose of the General Industrial (I-2) District is to preserve areas in the city for manufacturing, processing, assembly, fabrication, storage and warehousing, distribution, and construction related services that are compatible with and buffered from adjacent uses (City Code Sec. 154.172). The district accommodates the most intensive land uses and should be isolated to the furthest extent possible from residential land uses. I-2 uses are compatible with other industrial uses such as those permitted in the Light Industrial (I-1) district. The following uses are permitted in the I-2 district:

Appliance assembly and warehousing, armory, auto repair (major), building materials and production, clothing, apparel, and canvas fabrication and manufacturing, concrete products plants, contractor operations and supply yards, landscaping services and contractors, lumber yards, machine shops, manufacturing, fabrication, processing, assembly and storage operations, meat locker, offices, business or professional, printing and publishing, public utility buildings, garages, and structures, railroad yards and spurs, research laboratories, truck, freight and bus terminals, utility services and structures, warehousing, wholesaling.

For a list of conditional uses, please see City Code [Sec.154.173](#).

Comprehensive Plan:

Industrial land uses comprise around 9% of total land uses within the City today. I-2 properties are concentrated north of Highway 169 and with the exception of the Siwek Lumberyard and three (3) properties north of it, I-2 properties are clustered in the industrial park located west of County Road 9/Quaker Avenue and north of 180th/Valley View Drive. The industrial park is served by Ervin Industrial Drive, Corporate Drive, and Enterprise Drive. A zoning map is attached for reference.

The following policies have been established for industrial land uses by the Comprehensive Plan:

1. Continue to take a proactive approach to business retention and expansion.
2. Promote industrial development that pays employees a livable wage.
3. Consider economic incentives for industries that will contribute substantially to the City's tax and employment bases without substantial negative impacts on the city's infrastructure system.
4. Design new industrial park areas to minimize impact on environmental features such as wetlands and creeks.
5. Design new industrial park areas to discourage industrial traffic from traversing through residential neighborhoods.
6. Minimize the impact of industrial properties on adjacent land uses by requiring additional setbacks, screening, and/or fencing and landscaping.

Commercial Land Use

Zoning Code:

The purpose of the Highway Commercial (C-3) District is to recognize the need for commercial

establishments, preferably in clusters, in close proximity to major thoroughfares. The purpose of the district is to provide appropriate locations for a broad range of commercial activities which are primarily oriented to highway uses rather than the central business district and which are designed to serve local and regional customers, vehicular and non-vehicular traffic. With a highly visible viewshed, these areas should be designed to enhance the aesthetics, control traffic movement, and include sufficient landscaping to minimize the impact typically associated with highway commercial development (City Code Sec. 154.151). The following uses are permitted in the C-3 district:

Retail: *Apparel or clothing store, shopping center, video store, furniture dealer.*

Service businesses supplying commodities: *Brewery, micro-distillery, micro-brewery, micro-winery, or tap room, on and off-sale liquor establishments, restaurants—Class I, II and III, library.*

Service businesses performing services: *Barber or beauty shop, personal care salons and spas, business and trade schools, churches, day care facilities, financial institutions, funeral home, massage therapist, medical or dental clinics and hospitals, motel and hotels, office or professional building, personal services, public uses related to recreation (e.g. parks) or utilities, private club, theaters, licensed tattoo establishment, physical recreation and educational facilities, including: bowling alleys, dance studios, fitness centers and gyms, martial arts.*

For a list conditional uses, please see [Sec.154.153](#).

Comprehensive Plan and Highway Commercial Design Manual:

Approximately three percent of the city's land inventory is commercial in nature. This is comparable to the amount identified in 2005 as part of the last comprehensive plan update. At present, there are approximately 64 acres with commercial uses in the city.

Due to limited sites available in the downtown for larger users and those requiring off-street parking, other highway commercial areas along Highway 169 have been established over the years. Highway Commercial properties center around two primary highway corridors. The larger is concentrated around U.S Highway 169 where highway commercial businesses began to be constructed in the 1980's and 1990's. An extension of the district occurred around Eldorado Drive and Seville Drive with additional highway commercial development beginning in 2000. Highway Commercial Districts are also located on the north and south sides of Jordan's historic central business district. These commercial districts are located along Highway 21 and serve as gateways into the city's downtown.

The expansion of commercial areas outside of the downtown is expected to continue as the city grows. The following policies have been established for the C-3 district by the Comprehensive Plan:

1. Link existing and expanded areas of downtown and highway commercial districts with distinctive design features, including ornamental streetlights and walkways to connect the two main commercial areas.

2. Plan for larger commercial sites for destination retailers, while supporting smaller retail and service businesses.
3. Plan for attractive commercial areas with review of parking lot standards, façade and landscaping requirements, as these areas are highly visible from the Highway 169 Corridor.
4. Collector streets and local roadways should be planned to service new commercial areas, minimizing the access points to Highway 169.

The City adopted the *Highway Commercial Design Manual* in 2012, a link to this manual is attached for reference. The manual was established with consideration to the district's highly visible viewshed, and sets design guidelines that are intended to enhance the aesthetics, address circulation and mobility, and include sufficient landscaping to minimize the impact typically associated with highway commercial development. The following design goals were established by the manual:

1. Establish a coordinated image in the Highway Commercial District which serves as an attractive gateway into the City.
2. Develop contemporary interpretations of Jordan's historic downtown, without requiring or attempting to develop a false sense of history in the buildings.
3. Promote a walkable commercial district, which is pedestrian/bicycle friendly with trails and pedestrian ways.
4. Link the historic Central Business District with the Highway Commercial District through streetscape design elements.
5. Develop design standards which create aesthetically pleasing commercial areas, while allowing and encouraging commercial development.

Staff researched how other cities in Scott County and surrounding areas classify and zone towing businesses. For every city researched, towing was not listed as a permitted, conditional, accessory or interim use in any Commercial District. There was only one city code that specifically allowed towing in the I-1 (Light Industrial) District out of the 10 city codes that were researched. One of the main components of towing is the need for outdoor storage of vehicles. This raises issues when a towing lot is located in a zoning district that is reserved for commercial activity, where the goal is to facilitate economic development and aesthetics are important. Although a number of cities did allow outdoor storage in some of their Commercial Districts, a conditional use permit was required. The conditions were strict about paving of the lot, screening, and landscaping. After conducting this research, the general consensus throughout all 10 cities was that towing has been classified as a traditional industrial activity. This type of use is typically zoned as a transition area between more intensive industrial sites and residential and commercial land uses. The full review is attached for reference.

Attachments:

1. Location Map
2. Zoning and Future Land Use Map
3. Property owned by Bobby & Steve's Autoworld

4. Land Use Application
5. [*Highway Commercial Design Manual \(2012\)*](#)
6. Review of adjacent communities zoning regulations for towing or similar use.

FISCAL IMPACT: The costs associated with the application are the responsibility of the applicant. The \$400.00 application fee, per the 2019 Fee Schedule, has been paid by the applicant.

STAFF RECOMMENDATION: Staff recommends the Planning Commission make a determination whether the proposed use is compatible with the established goals and objectives for the Highway Commercial District.

Alternative A:

If the commission finds that the proposed use does not fit within the district, then the commission should motion to recommend denial of the application based on this finding.

Alternative B:

Contrarily, if the commission finds that the proposed use is in harmony with the policies and objectives established for the Highway Commercial District, then it should determine which conditions to impose on the use that would effectively minimize its incompatibility with C-3 uses and possible adjacent uses such as residential. The commission should then motion to recommend approval of the application subject to the conditions identified.

COMMISSION ACTION:

Motion: _____
 Approved: _____

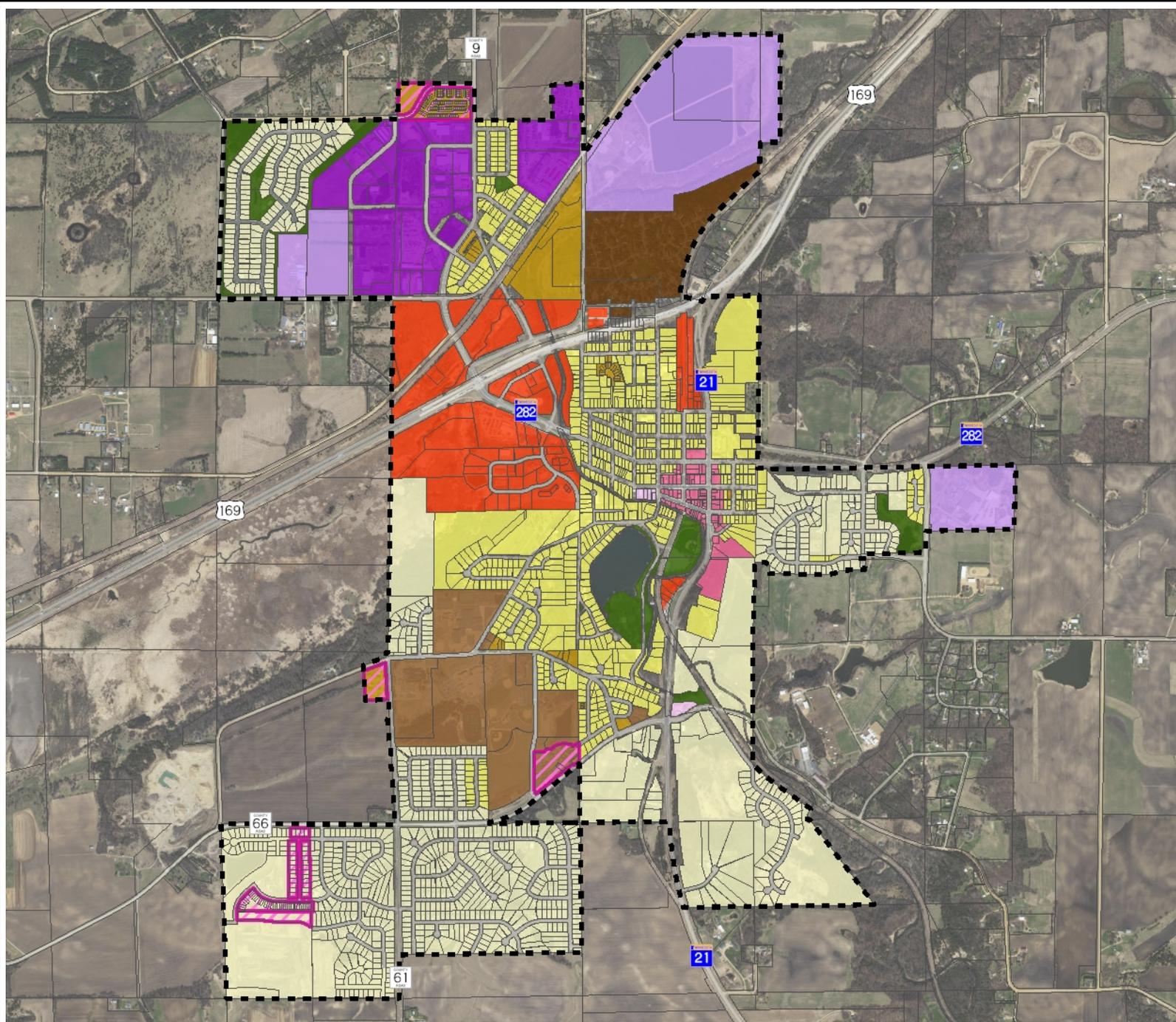
Second: _____
 Disapproved:
 Tabled:

Other: _____



Legend

- ⊞ City Limits
- Parcels (4/1/2019)
- ▨ Planned Unit Development
- Zoning**
- R-1 Single Family
- R-2 Single and Two Family Residential
- R-3 Townhouse and Multiple Family Residential
- R-4 Multiple Family Residential
- R-5 Mobile Home District
- C-1 Neighborhood Business
- C-2 Central Business
- C-3 Highway Commercial
- I-1 Light Industrial
- I-2 General Industrial
- Park



Zoning Map



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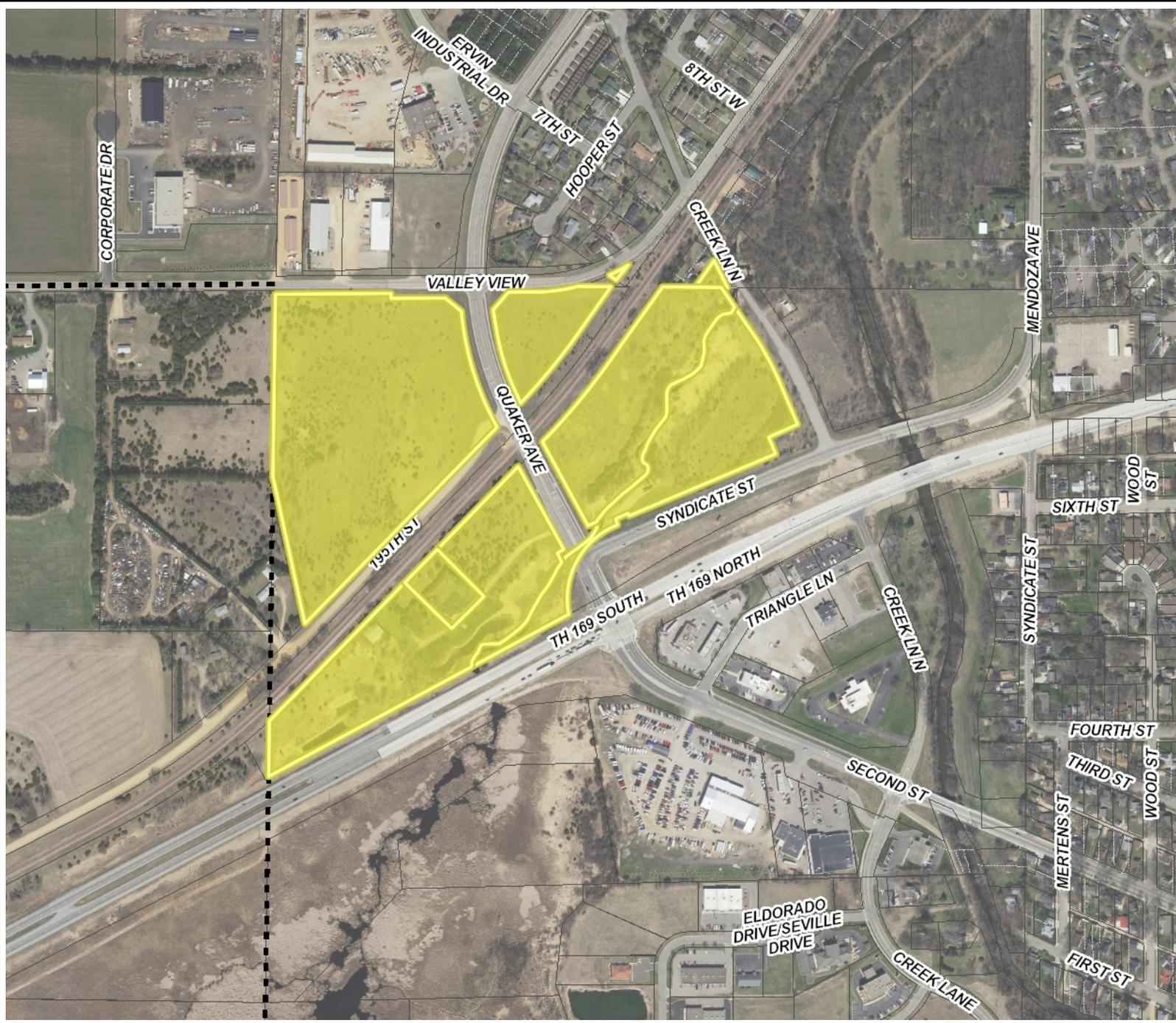
0 2,107 Feet





Legend

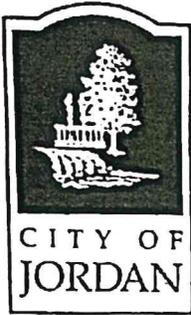
- City Limits
- Parcels (4/1/2019)
- Lot Lines



**Bobby & Steve's
Autoworld**



Disclaimer:
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APPLICATION FOR TEXT AMENDMENT

RECEIVED

PAID
SEP 04 2019

CITY OF JORDAN
210 EAST FIRST STREET
JORDAN, MN 55352
952-492-2535

AUG 05 2019
CITY OF JORDAN

CITY OF JORDAN

612-203-6935

APPLICANT NAME: Bobby & Steve's Autoworld WORK PHONE: 763.788.1113

HOME PHONE: melissa.peterson@bsaw.com ADDRESS: 3701 Central Avenue NE

CITY: Columbia Heights STATE: MN ZIP: 55421

We, the undersigned, hereby make the following application to the City Council and Planning Commission of the City of Jordan, Scott County, Minnesota. (Applicants have the responsibility of checking all applicable ordinances pertaining to their application and complying with all ordinance requirements):

1. Application is hereby made to amend the: Zoning Ordinance Subdivision Ordinance.
Section: § 154 Subd. 152 Item: A (Permitted Uses)

conditional

2. Current text: Add proposed text to existing list of Permitted Uses A(1) - A(22).

3. Proposed Text: Add "Towing service with outdoor vehicular storage"

4. Is the text amendment consistent with the City of Jordan's Comprehensive Plan? Yes
 No. If No, an amendment to the Comprehensive Plan must be approved prior to this request.

5. Reason for requesting the text amendment:
Explain: To allow for the necessary outdoor storage of towed vehicles associated with the activities of a vehicular towing service business which is primarily oriented and designed to serve local and regional customers utilizing the major thoroughfares in close proximity to the site.

Attached to this application and made a part thereof are other material submission data requirements, as indicated.

I certify that all information submitted is true and correct and I fully understand that all information and a complete application must be submitted at least 25 days prior to a planning commission meeting to ensure review by the Planning Commission on that date.

Applicant Signature: [Signature] Date: August 1, 2019

PROPOSED MEETING DATES:
Planning Commission 09/10/2019 City Council 09/17/2019

FOR OFFICE USE ONLY

DATE SUBMITTED: _____ DATE COMPLETE: _____ IF INCOMPLETE, DATE LETTER SENT TO APPLICANT: _____
DATE OF PUBLIC HEARING _____ PUBLICATION DATE: _____
FEE PAID: _____ DATE FEE PAID: _____ FILE # _____

PLANNING COMMISSION ACTION: _____ RECOMMEND APPROVAL _____ RECOMMEND DENIAL _____
DATE OF ACTION: _____
DATE APPLICANT/PROPERTY OWNER NOTIFIED OF PLANNING COMMISSION ACTION: _____

CITY COUNCIL ACTION: _____ APPROVED _____ DENIED _____
DATE OF ACTION: _____
DATE APPLICANT/PROPERTY OWNER NOTIFIED OF CITY COUNCIL ACTION: _____

Shakopee:

Towing is zoned in either I-1 (Light Industry) or I-2 (Heavy Industry)

Towing is classified as an activity that should take place in an area for industrial, light manufacturing, and office uses which are generally not obtrusive and which serve as a transition between more intensive industrial sites and residential and business land uses.

OR

Towing is classified as an activity that should take place in locations remote from residential uses and in which urban services and adequate transportation exist.

Savage: (actually mentioned in zoning code** the only one!)

Towing operations are allowed in the I-1 with a CUP

Towing is classified as a traditional industrial activity and the overall character of the district where it occurs should be to allow industrial development but to assure that it is compatible with adjacent land uses.

Belle Plaine:

The following are conditional uses in an I-2 District requiring a conditional use permit based upon procedures set forth and regulated by Sections 1103.08 and 1106.04 of this Ordinance:

1. Open or outdoor service, sale and rental as a principal or accessory use.

1105.13 SUBD 3. CONDITIONAL USES FOR COMMERCIAL/INDUSTRIAL DISTRICT

3. Warehousing, Storage and Wholesaling: The storage, handling, assembly and distribution of goods and materials for retail, wholesale or on-site use. This does not include truck terminals, which are not allowed in this District.

Elko New Market:

11-26F-4: Conditional Uses for the B-6 (Business Warehouse District)

Open and outdoor storage as an accessory use, provided:

A. The storage area is landscaped, fenced, and screened from view of neighboring uses and abutting residential districts.

B. The storage area is not located within a front yard.

C. Storage is landscaped and screened from view from the public right-of-way.

D. The storage area is blacktopped or concrete surfaced.

E. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences.

F. The storage area does not take up parking space or loading space as required for conformity with this title.

11-27A-4: Conditional Uses for the I-1 (Limited Industrial)

Open and outdoor storage as a principal or accessory use; provided, that:

A. The storage area is landscaped, fenced, and screened from view of neighboring uses and abutting residential districts.

B. The storage is landscaped and screened from view from the public right of way.

C. The storage area is surfaced with asphalt or concrete unless specifically approved by the city council.

D. Lighting shall be hooded and so directed that the light source shall not be visible from the public right of way or from neighboring residences.

E. The storage area does not take up parking space or loading space as required for conformity with this title.

(Also allowed in the I-2 General Industrial District as a conditional use)**

Prior Lake:

1102.1202 (4) Outdoor storage is allowed in the C-3 with the following conditions:

- a. occupies an area no larger than 50% of the floor area of the principal structure
- b. outdoor areas shall be screened from view of all adjacent property and public streets. Outdoor storage areas shall be screened by a 100% solid fence or wall of at least 6 feet in height. Privacy slats, wind screening, or other fence inserts, commonly used with chain link fencing, shall not be used to achieve this screening requirement
- c. All outdoor storage areas adjacent to an "R" Use District shall meet the required structure setback. In all other instance outdoor storage shall meet the required parking setback
- d. A bufferyard shall be provided along all property located within an "R" Use District

(6) Storage or Parking of Vehicles with the following conditions:

- a. Vehicles larger than 1 ton capacity may be stored, provided that such vehicles are used in connection with a business located in the principal structure on-site and are screened from view of adjacent residential property and public streets in accordance with the city's landscaping and screening ordinance

1101.1203 Uses permitted with CUP:

Outdoor Storage Class II

1102.1402 Outdoor Storage allowed in the I-1 with the following conditions:

- a. Storage areas shall be fully screened. Screening shall be 100% opacity in the form of fencing, landscaping, berming or some combination thereof from all property lines and abutting public rights-of-way
- b. Storage areas may not interfere with either on-site or off-site traffic visibility
- c. Storage of inoperative vehicles or equipment or other items typically stored in a junkyard or salvage yard shall not be permitted
- d. All areas used for storage shall be paved and a drainage plan for the site shall be approved by the city engineer
- e. All outdoor storage areas adjacent to the "R" Use District shall meet the required building setback. In all other instances outdoor storage shall meet the required parking setbacks
- f. Outdoor storage area shall not occupy an area larger than 50% of the floor area of the principal structure

Outdoor storage class II is also allowed with CUP

Chaska:

3.1.10 Industrial District, Uses by Special Permit:

- d) Open storage areas which require screen fences greater than eight (8) feet in height

3.1.10.5 Open Storage / Screening in the Industrial District

For the purposes of this Ordinance, open storage shall include storage of raw materials, supplies and finished and semi-finished products and equipment provided that motor vehicles necessary to the operation of the principal use and of not more than one-ton capacity may be stored within permitted parking lot areas. Open storage shall not include materials, supplies, merchandise or other similar matter on display for direct sale, rental or lease to the ultimate consumer such as auto and truck dealers, recreational equipment, farm and garden equipment, and building materials sales.

a) All open storage areas shall be fully screened by a fence subject to the provisions of Subsection 9.20.4.1

b) Open storage areas shall comply with building setback requirements and shall not be located forward of the principal buildings as constructed

c) Open storage areas shall be properly graded for drainage purposes and surfaced to provide a durable, dustless surface

d) There shall be no open storage of scrap or cannibalized autos, machinery, or equipment

Eagan:

General Business District- Conditional Uses:

8. Outdoor storage when conducted by an occupant of the principal building, subject to regulations thereof elsewhere in this chapter.

11.Truckstops

****Outdoor storage also allowed in the I-1 & I-2: said nothing about towing****

Burnsville:

Towing is classified as a light industrial use, which can be near or located in commercial through the enforcement of performance standards, to encourage and accommodate high quality, large scale development opportunities along intermediate arterial roadways within the City.

Outdoor storage allowed as conditional use in the B-4(Hwy Commercial District)

Open storage lot allowed as conditional use in the I-1 (Light Industrial)

Lakeville:

Outdoor storage allowed in the C-2 (Hwy Commercial) and C-3(General Commercial) and C-CBD (Central Business District) **as an interim use**

Off street parking is allowed as a permitted accessory use in the I-1 & I-2

Apple Valley:

General Business District (GB) conditional uses:

- (B) Outdoor sales or storage of motorized vehicles;
- (C) Outdoor storage of damaged vehicles

Overall, the main difference between towing businesses and other businesses in Commercial Districts is the issue of outdoor storage. Towing businesses require abundant space for outdoor storage for all types of cars in various conditions. This would likely impact the value or aesthetic of surrounding commercial businesses and their properties.

DATE: September 10, 2019
TO: Chair Sand and Members of the Planning Commission
FROM: Nathan Fuerst, Planner/Economic Development Specialist



AGENDA ITEM: 4 C. PUBLIC HEARING: Request for Variance to base height requirements and to amend Conditional Use Permit allowing a Monument Sign at 313 2nd St. E.

ACTION REQUESTED: Hold the public hearing and consider the request for a Variance to exceed the maximum base height of a monument sign and to amend a Conditional Use Permit approving an enlarged monument sign.

BACKGROUND

Address: 313 2nd St. E.

Applicant: Jonathan Brandtner, on behalf of St. John the Baptist Catholic Church and School.

Current Zoning: R-2 Single and Two Family Residential

Surrounding Land Uses:

- North: R-2 Single and Two Family Residential
- South: Mix of R-2 Single and Two Family Residential, and C-2 Central Business
- West: Mix of R-2 Single and Two Family Residential, and C-2 Central Business
- East: R-2 Single and Two Family Residential

Overview:

The City has received applications for a Variance and to amend a CUP from St. John the Baptist Catholic Church and School (The Applicant). The Applicant is proposing to erect a monument sign along Broadway Street North near the parking lot on the West side of the property. In October of 2018, the Applicant was granted a Conditional Use Permit (CUP) allowing a Monument Sign with the same overall height and width to be placed in the same location as detailed in the current requests. The October 2018 CUP allowed a monument sign with a base height of three (3) feet, reduced from four (4) feet in the original sign permit application, in order to adhere to the City Code’s maximum base height requirement for a Monument Sign.

The Applicant, in coordination with the sign contractor, has made the judgement that a monument sign with a base height of three (3) feet will not adequately allow community members to see and read messages from a reasonable distance. This is due to a retaining wall which runs parallel to Broadway Street North.

After making the determination that a monument sign with a base height of four (4) feet will be required to ensure visibility of the sign, the Applicant has applied for a variance to the height requirements for a Monument Sign and to amend the originally approved CUP.

Two proposed changes to the sign require the amending of Resolution 10-81-2018 approving the original CUP. The First is that the base height of the monument sign is amended to be four (4) feet from three (3) feet. The Second is that the Electronic Message Board and overall sign area is enlarged from 88 square feet to 112 square feet.

Relevant City Code Regulations:

Maximum Sign Area: 120 square feet

Proposed: 112 square feet

Minimum Setback: 5 feet

Proposed: 5 feet

Maximum Monument Sign Base Height: 3 feet

Proposed: 4 feet

Electronic Message Board: All electronic message boards (EMBs) must meet all the requirements of section 154.248 (G)

1. The maximum height of any freestanding EMB that is not attached to or part of a multipart freestanding sign is 8 feet. Where an EMB is attached to or part of a multi-part freestanding sign, the maximum sign height will be determined according to the maximum permissible height of the sign type of which the EMB is a part.
2. The maximum area of an EMB sign shall not exceed 50% of the allowable sign square footage. As an EMB sign is a form of reader board, the EMB sign square footage may not be coupled with any other form of reader board.
3. EMBs may be used for all or part of an on-premise sign that displays a commercial or noncommercial message. EMBs may not display off-premises commercial advertising.
4. No flashing light is allowed on any EMB.
5. All EMB signs shall be antiglare. All EMBs must be equipped with an automatic dimmer device.
6. As measured at the property line, the maximum light emanation from an EMB sign shall be no greater than 2 foot candles.
7. EMB signs must not cast light on adjacent residential properties, regardless of zoning.
8. No EMB signs are allowed within the C-2, Central Business District, or facing historic district, with the exception of a sign no greater than 2 feet long by 6 inches wide, which may be mounted inside the building. Dynamic or electronic message signs shall not be allowed on free standing signs or mounted on the exterior of a building in the C-2 District.
9. Any malfunctioning EMB must be turned off or display a blank screen until repaired.
10. All electrical equipment used to operate or install an EMB must be Underwriters Laboratory (UL) listed.
11. All EMB signs must meet the State Electric Code.
12. All EMB signs shall be kept in good operating condition and maintained with good external appearance.

13. If any non-conforming existing EMB sign is damaged so that repairs would cost as much as 60% of the value of the sign, the sign may be repaired only if it is brought into conformance with this chapter.

Variance Review:

Section 154.048 of the Jordan Zoning Ordinance states that the Planning Commission may recommend the City Council issue variances when the following criteria are met:

1. *The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.*

The applicant is proposing to build a monument sign that is one foot taller than the zoning ordinance allows. Monument signs are an allowed use in the R-2, Single and Two Family Residential, district through the approval of a CUP. **Criterion Met.**

2. *The plight of the landowner is due to circumstances unique to the property not created by the landowner.*

The subject property has a retaining wall which runs parallel to Broadway Street North, which would obscure the view of an electronic message board from said roadway. The retaining wall was required for safety purposes when the parking area was constructed. **Criterion met.**

3. *The variance, if granted, will not alter the essential character of the locality.*

A variance to exceed the base height allowed by City Code will not alter the essential character of the locality. This use is allowed in the R-2 with a CUP, and the sign does not violate City Code in any other way as proposed. **Criterion met.**

4. *The variance is in harmony with the general purpose and intent of the ordinance.*

The intent of the ordinance is to limit any public safety and aesthetic impacts on the district in which the Monument Sign or Electronic Message Board is allowed. As proposed, the sign is within the overall sign area limitation set by City Code and meets relevant setback requirements. It is not expected that the impacts of the proposed sign, including the Electronic Message Board, will have any significant effects on surrounding properties or uses. **Criterion met.**

5. *The variance is consistent with the Comprehensive Plan*

The Comprehensive Plan guides the property for Public Institutional use. The applicant is requesting the variance for the purpose of constructing a sign that will assist in educating the public about opportunities with the Church. This will support the Applicant's continued use of the property. **Criterion met.**

Conditional Use Permit Review:

Section 154.047 of the Jordan Zoning Ordinance states that the Planning Commission shall recommend the City Council issue a conditional use permit if the following criteria are met:

1. *The use will not create an excessive burden on existing parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the area.*

The proposed use will not have an impact on existing parks, schools, streets and other public facilities and utilities which serve the area. **Criterion met.**

2. *The use will be sufficiently compatible or separated by distance or screening from adjacent agricultural or residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.*

The proposed sign is sufficiently compatible with the zoning district where it is proposed to be located. The monument sign is architecturally similar to the principle structure on the property and will adhere to regulations for Electronic Message Boards so as to not create adverse visual impacts on surrounding properties. **Criterion met.**

3. *The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.*

The proposed sign will not have an adverse effect upon adjacent residential properties. The Electronic Message Board will adhere to regulations set forth in Jordan City Code and the structure will be architecturally similar to the principle structure on the subject property. **Criterion met.**

4. *The use in the opinion of the Council is reasonably related to the overall needs of the city and to the existing land use.*

Signs are a permitted use in the R-2 Single and Two Family Residential District through the issuance of a Conditional Use Permit. **Criterion met.**

5. *The use is consistent with the purposes of the Conditional Use Permit subchapter and the purposes of the zoning district in which the applicant intends to locate the proposed use.*

The proposed monument sign adheres to all applicable zoning requirements other than base height, for which the applicant is also asking for a variance from City Code. **Criterion met.**

6. *The use is not in conflict with the Comprehensive Plan or Water Resource Management Plan.*

The proposed use is not in conflict with the Comprehensive Plan's goal to provide needed public facilities to support current and future growth of public land uses. The subject

property is not in the shoreland overlay district. **Criterion met.**

7. *The use will not cause traffic hazard or congestion.*

The electronic message board will adhere to regulations set forth in Jordan City Code and the structure will meet applicable setback and height regulations. As proposed, the sign will not impair traffic visibility from the driveway access on the subject property's Broadway St. N. entrance. **Criterion met.**

8. *Existing businesses nearby will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare, or general unsightliness.*

Existing businesses will not be impacted by the proposed sign or electronic message board. **Criterion met.**

Standard Conditions

1. **Modification to the conditional use permit.** Any change which involves structural alteration, enlargement, or intensification or use or any similar change not specifically permitted by the issued permit shall require an amended conditional use permit.
2. **Review.** Permit shall be reviewed on an annual basis for compliance set forth in the zoning code.
3. **Violation.** In the event that the applicant violates any of the conditions set forth in the permit, or in the Zoning Ordinance, the Council shall have the authority to revoke said permit.
4. **Duration.** The permit shall remain in effect as long as the conditions agreed upon are observed.
5. **Recording with Scott County.** A certified copy of the permit shall be recorded against the property.

Unique Conditions

6. **Permit Required.** A sign permit shall be obtained prior to the installation of the sign.
7. **Consistency.** The sign shall be consistent with the sign plan submitted with the Variance and CUP applications and as presented at the September 10, 2019 Planning Commission Meeting.

FISCAL IMPACT: None

STAFF RECOMMENDATION:

Staff recommends the Planning Commission motion to recommend the City Council adopt a resolution **approving** the requested variance, **repealing** resolution 10-81-2018, and adopting a new resolution **approving** a conditional use permit subject to conditions outlined in this report.

Proposed Conditions:

1. **Modification to the conditional use permit.** Any change which involves structural alteration, enlargement, or intensification or use or any similar change not specifically permitted by the issued permit shall require an amended conditional use permit.
2. **Review.** Permit shall be reviewed on an annual basis for compliance set forth in the zoning code.
3. **Violation.** In the event that the applicant violates any of the conditions set forth in the permit, or in the Zoning Ordinance, the Council shall have the authority to revoke said permit.
4. **Duration.** The permit shall remain in effect as long as the conditions agreed upon are observed.
5. **Recording with Scott County.** A certified copy of the permit shall be recorded against the property.
6. **Permit Required.** A sign permit shall be obtained prior to the installation of the sign.
7. **Consistency.** The sign shall be consistent with the sign plan submitted with the Variance and CUP applications and as presented at the September 10, 2019 Planning Commission Meeting.

ATTACHMENTS:

1. Location Map
2. Zoning Map
3. Sign Permit Application
4. Variance Application
5. CUP Application
6. Draft Resolution XX-XX-2019 approving the variance
7. Draft Resolution XX-XX-2019 approving the CUP

PLANNING COMMISSION ACTION:

Motion: _____ Second: _____
 Approved: _____ Disapproved: _____ Tabled: _____

Other: _____



Legend

- ⊞ City Limits
- Parcels (04/04/2018)
- Lot Lines

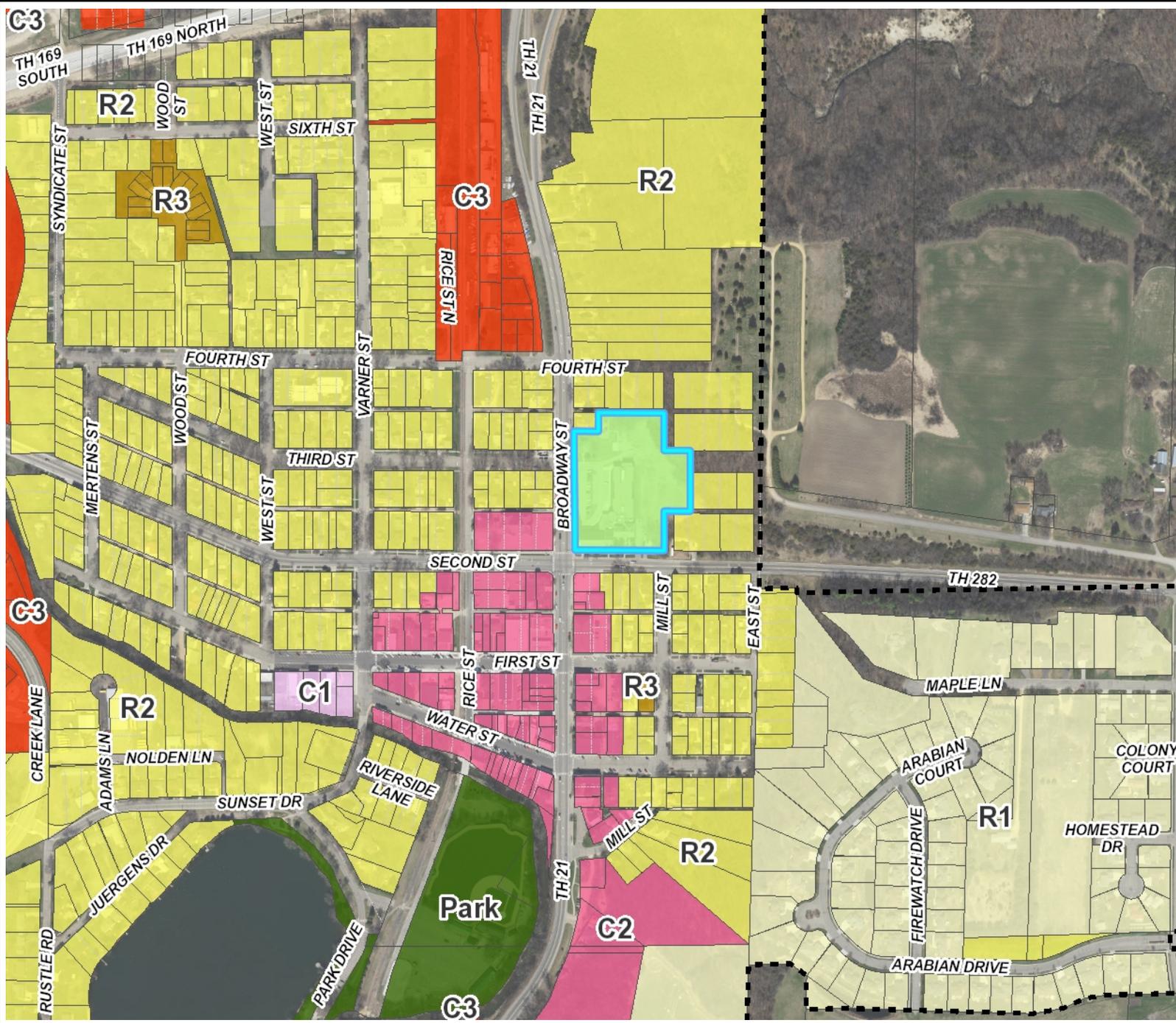
**St. John's
Catholic Church**



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Legend

- ⊞ City Limits
 - Parcels (4/1/2019)
 - Lot Lines
 - ⊞ Annexations
 - ⊞ Planned Unit Development
- Zoning**
- R-1 Single Family
 - R-2 Single and Two Family Residential
 - R-3 Townhouse and Multiple Family Residential
 - R-4 Multiple Family Residential
 - R-5 Mobile Home District
 - C-1 Neighborhood Business
 - C-2 Central Business
 - C-3 Highway Commercial
 - I-1 Light Industrial
 - I-2 General Industrial
 - Park

St. John's Zoning



Disclaimer:

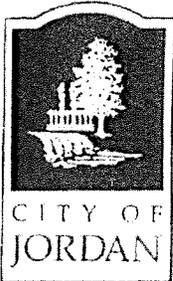
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Received
8/14/2019

APPLICATION FOR SIGN PERMIT

- Nathan
Foerst



CITY OF JORDAN
210 EAST FIRST STREET
JORDAN, MN 55352
952-492-2535

APPLICANT NAME: St. John the Baptist Catholic Church WORK PHONE: 7640 492-~~2535~~
HOME PHONE: _____ ADDRESS: 313 2nd St. E
CITY: Jordan STATE: MN ZIP: 55352

I/We, the undersigned, hereby make the following application to the City Council and Planning Commission of the City of Jordan, Scott County, Minnesota. (Applicants have the responsibility of checking all applicable ordinances pertaining to their application and complying with all ordinance requirements):

- Application is hereby made for to construct or install a sign at the following address:
313 2nd St E / 215 Broadway St. N.
- Legal description of land affected by the application:
Section 19 Township 114 Range 023, Subdivision St. John the Baptist Catholic Lot 001 18' wide by 22064' Subdivision Lot 22064
- Name, address and phone number of present owner of above described land:
Same as applicant
- Zoning District in which the sign will be located: R2
- Type of sign: _____ Free-standing pole sign Ground mounted free standing _____ Temporary Sign
_____ Sign affixed to surface of the building _____ Sign on an awning or canopy _____ Directional _____ Mural
- Sign Dimensions: 8' Height 1' Width 7' Length 56 Total Square Feet
- Number of faces on the sign: _____ One Two
- Proposed setbacks: _____ (feet) Front yard 5 (feet) Side 1 Broadway side (feet) Side 2 _____ (feet) Rear yard
- If any other signs are currently located on the site, please provide total square footage of existing sign or signs anticipated to be removed: Existing at 2nd & Broadway = 10.67 ft²
- Will the sign be lit? Yes _____ No. If yes, provide a description of the lighting.
Daytime FORD VITs Max, Night FORD VITs Max, LED RGB, 150 Horizontal / 95 vertical viewing angle
- Attach copies of a site plan illustrating the proposed location of the sign(s) and a drawing depicting the sign, both with dimensions/setbacks clearly defined. No sign shall be placed in an easement or public right-of-way.

*All signs must comply with Chapter 154 Zoning Ordinance SEC. 154.240 and other applicable codes.
** A building permit may also be required depending on the size and location of the sign.

I certify that all information submitted is true and correct.

Applicant Signature: Fah N. Z

Date: 7-30-19

Owners' Signature(s): Fah N. Z

Date: 7-30-19

Date: _____

FOR OFFICE USE ONLY

DATE SUBMITTED: _____ DATE COMPLETE: _____ IF INCOMPLETE, DATE LETTER SENT TO APPLICANT: _____

FEE PAID: _____ DATE FEE PAID: _____ FILE # _____

APPROVED _____ DENIED _____ BY: _____

DATE OF ACTION: _____

DATE APPLICANT/PROPERTY OWNER NOTIFIED OF CITY STAFF ACTION: _____

DATE SIGN PERMIT ADDED TO PROPERTY ADDRESS FILE: _____



Proposed Sign Location

St John the Baptist
Catholic Church

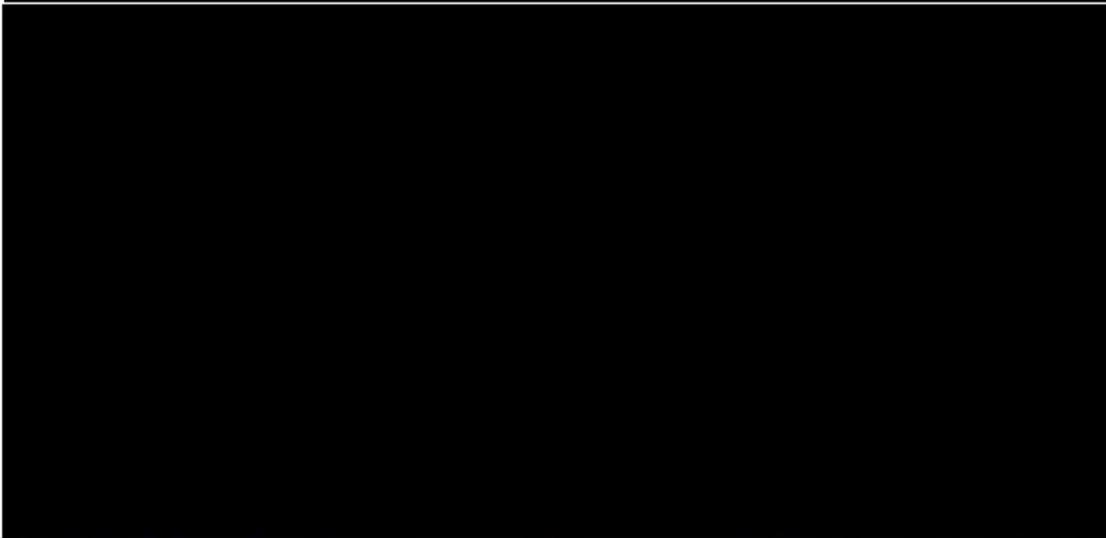
Broadway St N

Broadway St N

84"



7"



41"



48"

On Premise Quote



QUOTE NUMBER: 1820054.4 (Revision 4) DATE: 2/27/2019

SIGN ID: 1249962 W10-S

M & M Signs 28900
Ben Roach, Owner
P.O. Box 282
Mankato, MN 56002-0282
507-625-4265
mmsigns@hickorytech.net

Shipping Destination
M & M Sign Company
160 Mohr Drive
Mankato, MN 56001

Job Site
Name: St John's the Baptist
Address:
City: Jordan
State: MN Zip:

PRODUCT SPECIFICATIONS

Pixel Pitch:	W10mm LED RGB
Pixel Matrix:	90 X 210
Cabinet Size:	41in H x 7ft 3in L x 5in D
Viewing Area:	36in H x 7ft L
Cabinet Style:	Double Face Twinpak (Slim)
Character Size:	11 lines / 42.0 Characters at a 3" type
Approx. Weight:	585.00 Lbs.
Warranty:	Standard 5 Year Watchfire warranty applies.
Mfg. Lead Time:	2-4 weeks (after this document is signed & returned and receipt of down payment).
Electrical Service:	120 VOLT 26.0 amps (13.00 per face) Single Phase Service. Refer to the Installation manual for details on wiring. Based on 18 hours of operation a day, plus or minus 10% depending on how the sign is programmed. <i>Example: 16.2 KWHrs a day x \$0.07 = \$1.13/Day</i>

STANDARD FEATURES

Brightness	Daytime 7000 NITs Maximum; Nighttime 700 NITs Maximum
Color	LED RGB
Color Capability	Min. 1.2 Quintillion
Includes	Ignite Graphics Software
Video	Up to 30FPS
Viewing Angles	150 Horizontal/95 Vertical

OPTIONS

Software	Ignite OP
Communications	4G Wireless w/ Life-of-sign Cellular Data Plan
Software Training	Not Ordered
Temperature Sensor	w/100-Step Photocell w/15 ft Cable
Cabinet Separation	Standard Up To 15 Feet
Power Requirements	Standard As Quoted
Sign Mounting Kit	Not Ordered / Not Required
Warranty	Standard 5-Year Parts Warranty
Technician On-Site	Not Ordered
Technician On-Site	Not Ordered

ORDER ACCEPTANCE

QUOTE VALID UNTIL 5/28/2019

System Price: 10mm Highbrightness Color LED Message Center - Front Ventilation

To order Sign ID 1249962, sign here and return with down payment

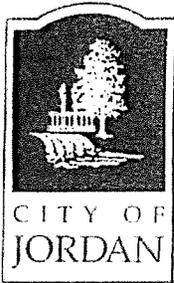
Signature: _____ Date: _____

Buyer acknowledges that prior to executing this Agreement Buyer has read or has had the opportunity and means to review the TERMS OF SALE and Seller's LIMITED WARRANTY, SOFTWARE LICENSE, AND LIMITATION OF LIABILITIES AND REMEDIES at <http://watchfiresigns.com/terms-and-conditions-of-sale> or in the alternative, a hard copy has been provided to Buyer and its receipt is acknowledged.

This quote/offer is expressly limited to the acceptance by the buyer of its exact terms, including the terms of sale and seller's limited warranty, software license, and limitation of liabilities and remedies, all of which are a part of the agreement. Any purchase order or related documents buyer issues to seller (even if it contains terms in addition to or inconsistent with the terms of this agreement) for this transaction shall constitute buyer's unconditional agreement to be bound exclusively by the seller's terms and conditions of this agreement, and buyer hereby agrees that such additional or inconsistent terms shall not apply nor become a part of this agreement.

Received
8/14/2019
- Nathan Fuerst

APPLICATION FOR CONDITIONAL USE PERMIT



CITY OF JORDAN
210 EAST FIRST STREET
JORDAN, MN 55352
952-492-2535

APPLICANT
NAME: St. John the Baptist Catholic Church WORK PHONE: 952-492-2640
HOME PHONE: _____ ADDRESS: 313 2nd St. E
CITY: Jordan STATE: MN ZIP: 55352

OWNER
NAME: St. John the Baptist Catholic Church WORK PHONE: 952-492-2640
HOME PHONE: _____ ADDRESS: 313 2nd St. E
CITY: Jordan STATE: MN ZIP: 55352

I/We, the undersigned, hereby make the following application to the City Council and Planning Commission of the City of Jordan, Scott County, Minnesota. (Applicants have the responsibility of checking all applicable ordinances pertaining to their application and complying with all ordinance requirements):

- Application is hereby made for Conditional Use Permit to conduct the following: Erect a sign with an electronic message board on the west side of the property.
- Legal description of land to be affected by application, including acreage or square footage of land involved, and street address, if any (attach additional sheet if necessary): R2 - Church + School Property
- Street Location of Property (address): 313 2nd St E
- Present zoning of the above described property is: R2
- Title Information: Abstract _____ Torrens _____
- What impact will the granting of the Conditional Use Permit have on:
 - Existing parks and schools: Help the school communicate
 - Existing streets and other public facilities: None
 - Existing public utilities which serve or are proposed to serve the area: None
- Is the proposed use compatible with present and future land uses of the area? Please explain: Yes, the property will remain a church + school for the foreseeable future.
If no, what screening is proposed and what are the setbacks from the adjacent land uses? _____

8. Will the proposed use or appearance of the proposed use have an adverse affect on adjacent properties? Please explain:
The property directly across the street is owned by the church.

9. Is the use related to the overall needs of the City and to the existing land uses? Explain:
Yes the sign will be used to communicate information about St. John's church & school & will help draw people into the community.

10. Is the use consistent with the zoning district provisions and other sections of the Zoning Ordinance? Please explain:
Yes, it will be a monument sign.

11. Is the proposed use consistent with the Comprehensive Plan? Please explain. _____

12. Will nearby existing businesses be adversely affected because of curtailment of customer trade brought about by noise, glare or general unsightliness? Please explain. _____

Attached to this application and made a part thereof are other material submission data requirements, as indicated. Conditional Use Permits in the F-1 and F-2 Districts require additional information and mapping.

I certify that all information submitted is true and correct and I fully understand that all information and a complete application must be submitted at least 28 days prior to a planning commission meeting to ensure review by the Planning Commission on that date.

*Applications will not be accepted without a parcel identification number.

Applicant Signature: [Signature] Date: 8-13-19
Owner Signature: [Signature] Date: 8-13-19

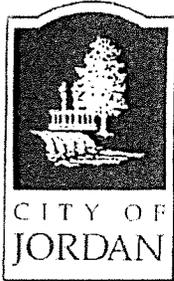
PROPOSED MEETING DATES:

Planning Commission _____ City Council _____

FOR OFFICE USE ONLY

DATE SUBMITTED: _____ DATE COMPLETE: _____ IF INCOMPLETE, DATE LETTER SENT TO APPLICANT: _____
DATE OF PUBLIC HEARING _____ PUBLICATION DATE: _____
DATE NOTICE SENT TO ADJOINING PROPERTIES: _____
AMOUNT OF FEE PAID: _____ DATE FEE PAID: _____ FILE # _____
PLANNING COMMISSION ACTION: _____ RECOMMEND APPROVAL _____ RECOMMEND DENIAL _____
DATE OF ACTION: _____
DATE APPLICANT/PROPERTY OWNER NOTIFIED OF PLANNING COMMISSION ACTION: _____
CITY COUNCIL ACTION: _____ APPROVED _____ DENIED _____
DATE OF ACTION: _____
DATE APPLICANT/PROPERTY OWNER NOTIFIED OF CITY COUNCIL ACTION: _____
DATE FILED WITH SCOTT COUNTY RECORDER'S OFFICE: _____

Received
8/14/2019
-Nathan
Fuerst



APPLICATION FOR VARIANCE

CITY OF JORDAN
210 EAST FIRST STREET
JORDAN, MN 55352
952-492-2535

I/We, the undersigned, as owners of the property described below, hereby appeal to the City Council and Planning Commission of the City of Jordan, Scott County, Minnesota to grant a variance from the Jordan City Code; (applicants have the responsibility of checking all applicable ordinances pertaining to their application and complying with all ordinance requirements):

PROPERTY OWNER NAME(S): St. John the Baptist Catholic Church

PROPERTY OWNER PHONE NUMBER(S): 952-492-2640

ADDRESS: 313 2nd St. E

ZONING DISTRICT: R2

LEGAL DESCRIPTION OF PARCEL: Section 19 Township 114 Range 023, Subd. St. John the Baptist Catholic School Block 001

PARCEL IDENTIFICATION NUMBER: 220640010

PROPERTY OWNER(S) SIGNATURE(S):
[Signature]

1. The request(s) which we desire for our property is/are in conflict with the following section(s) of the Jordan City Code: Section 154.248 Section _____ Section _____

2. Proposed non-conformance(s):
Signs have to be 4 feet above grade at exact location.

3. What special conditions and circumstances exist which are particular to the land, structure or building(s) involved which do not apply to the land, structures or building(s) in the same zoning classification? (Attach additional pages as needed) We are the only church & school combo zoned as residential.

4. Do any of the special conditions and circumstances result from your own actions? (If the answer is yes, you may not qualify for a variance) No, we had no control over the zoning of the property.

5. What facts and considerations demonstrate that the literal interpretation of the zoning ordinance would deprive you of rights commonly enjoyed by other properties in the same district under the terms of the zoning ordinance? (Attach additional pages as needed)

6. State your reasons for believing that a variance will not confer on you any special privilege that is denied by the zoning ordinance to other lands, structures or buildings in the same district: I would hope that any church/school in the same district would be afforded the same variance

7. State your reasons for believing that the action(s) you propose to take is in keeping with the spirit and intent of the zoning and subdivision ordinances: _____

8. State your reasons for believing that a strict enforcement of the provisions of the zoning or subdivision ordinance would cause practical difficulty. Practical difficulty means that the property owner proposed to use the property in a reasonable manner not permitted by the zoning ordinance, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a practical difficulty under the terms of Jordan City Code as referenced in state statutes:

Attached to this application and made a part thereof are other material submission data requirements, as indicated.

PROPOSED MEETING DATES:

Planning Commission _____
City Council _____

I certify that all information submitted is true and correct and I fully understand that all information and a complete application must be submitted at least 28 days prior to a planning commission meeting to ensure review by the Planning Commission on that date. Applicants are responsible for any costs incurred by the City of Jordan.

*Applications will not be accepted without a parcel identification number.

Applicant Signature: [Signature] Date: 8-13-19

Owner Signature: [Signature] Date: 8-13-19

FOR OFFICE USE ONLY	
DATE APPLICATION SUBMITTED: _____	DATE APPLICATION COMPLETE: _____
IF INCOMPLETE, DATE LETTER SENT TO APPLICANT: _____	
DATE OF PUBLIC HEARING: _____	PUBLICATION DATE: _____
DATE NOTICE SENT TO ADJACENT PROPERTIES: _____	
FEE PAID: _____	DATE FEE PAID: _____
	FILE # _____
PLANNING COMMISSION ACTION: _____ RECOMMEND APPROVAL _____ RECOMMEND DENIAL	
DATE OF ACTION: _____	
DATE APPLICANT/PROPERTY OWNER NOTIFIED OF PLANNING COMMISSION ACTION: _____	
CITY COUNCIL ACTION: _____ APPROVED _____ DENIED	DATE OF ACTION: _____
DATE APPLICANT/PROPERTY OWNER NOTIFIED OF CITY COUNCIL ACTION: _____	
DATE FILED AT SCOTT COUNTY'S RECORDER'S OFFICE: _____	
DATE FILED IN ADDRESS FILE: _____	

**CITY OF JORDAN
RESOLUTION 09-XX-2019**

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT
TO ALLOW MONUMENT SIGN AT 313 2ND STREET EAST**

WHEREAS, a conditional use permit within the City of Jordan requires the approval of the City; and

WHEREAS, Church of St. John the Baptist (the “owner and applicant”) has submitted a request for approval of a conditional use permit for a monument sign with an electronic message board in the R-2, Single and Two Family Residential District for property located at 313 2nd Street East and legally described as:

Lot 1, Block 1, ST. JOHN THE BAPTIST CATHOLIC CHURCH ADDITION, Scott County, Minnesota

WHEREAS, the City of Jordan City Council, approved a conditional use permit to allow a monument sign at 313 2nd Street East, at its regularly scheduled meeting on October 15th, 2018 through resolution 10-81-2019

WHEREAS, Church of St. John the Baptist (the “owner and applicant”) has requested to amend the original conditional use permit to allow a monument sign with greater base height and sign area,

WHEREAS, Notice of public hearing to accept input on the conditional use permit request was published in the Jordan Independent August 29th and mailed to property owners within 350 feet of the property; and

WHEREAS, the City of Jordan Planning Commission considered the Owner’s request for approval of the proposed conditional use permit as it relates to the requirements outlined in the Zoning Ordinance at a public hearing on September 10th, 2019; and

WHEREAS, the City of Jordan Planning Commission has reviewed the proposed conditional use permit request as it relates to the requirements for granting of a conditional use permit outlined in City Code 154.047 and recommended the City Council approve the requested conditional use permit; and

WHEREAS, the City of Jordan City Council, at the regularly scheduled meeting on September 16th, 2019 considered the application materials on file with the City, and the recommendation from the Planning Commission.

THEREFORE, BE IT FURTHER RESOLVED, by the City Council of Jordan, Scott County, Minnesota, as follows:

1. The City Council of Jordan, Scott County, Minnesota, hereby repeals Resolution 10-81-2018 approving a conditional use permit for a monument sign located at the property 313 2nd Street East.
2. The City Council hereby adopts the following findings:
 - A. A monument sign at the proposed location is not anticipated to create an excessive burden on existing parks, schools, streets, public facilities or utilities.
 - B. The proposed monument sign located at 313 2nd Street East is sufficiently compatible with surrounding uses.
 - C. The proposed use will not have an adverse effect upon adjacent residential properties.
 - D. The proposed use is in line with the previous use of the property and is reasonably related to the overall needs of the City.
 - E. The proposed use, a monument sign, is permitted in the R-2 Single and Two Family Residential District through the issuance of a conditional use permit.
 - F. The use is not in conflict with the Comprehensive Plan or Water Resource Management Plan.
 - G. The proposed use is not anticipated to cause traffic hazards or congestion.
 - H. The proposed use, is not expected to adversely affect existing surrounding businesses.
3. Based on the findings set forth therein, the City Council hereby approves the conditional use permit to allow a monument sign to be located at 313 2nd Street East, subject to the following conditions:
 - A. **Modification to the conditional use permit.** Any change which involves structural alteration, enlargement, or intensification or use or any similar change not specifically permitted by the issued permit shall require an amended conditional use permit.
 - B. **Review.** Permit shall be reviewed on an annual basis for compliance set forth in the zoning code.
 - C. **Violation.** In the event that the applicant violates any of the conditions set forth in the permit, or in the zoning ordinance, the Council shall have the authority to revoke said permit.
 - D. **Duration.** The permit shall remain in effect as long as the conditions agreed upon are observed.
 - E. **Recording with Scott County.** A certified copy of the permit shall be recorded against the property.
 - F. **Permit Required.** A sign permit shall be obtained prior to the installation of the sign.
 - G. **Consistency.** The sign shall be consistent with the sign plan submitted with the Variance and CUP applications and as presented at the September 10, 2019 Planning Commission Meeting.

DATED THIS 16th DAY OF SEPTEMBER, 2019

Tanya Velishek, Mayor

ATTEST:

Tom Nikunen, City Administrator

DRAFT

**CITY OF JORDAN
RESOLUTION NO. 09-XX-2019**

**RESOLUTION APPROVING A VARIANCE FROM SECTION 154.259 TO ALLOW
FOR THE BASE HEIGHT OF A MONUMENT SIGN TO EXCEED THREE (3) FEET**

WHEREAS, a variance from the Zoning Ordinance within the City of Jordan requires the approval of the City; and

WHEREAS, Church of St. John the Baptist (the “owner and applicant”) has submitted a request for approval of a variance to construct a monument sign with a base height exceeding three (3) feet at the following property:

313 2nd Street East, PID 220640010

Legal Description:

Lot 1, Block 1, ST. JOHN THE BAPTIST CATHOLIC CHURCH ADDITION, Scott County, Minnesota

WHEREAS, notice of public hearing to accept input on the variance request was published in the Jordan Independent on August 29th, 2019 and mailed to property owners within 350 feet of the property; and

WHEREAS, the City of Jordan Planning Commission considered the Owner’s request for approval of the proposed variance as it relates to the requirements outlined in the Zoning Ordinance at a public hearing on September 10, 2019; and

WHEREAS, the City of Jordan Planning Commission has reviewed the proposed variance request as it relates to the requirements for granting of a variance outlined in City Code 154.048 and recommended the City Council approve the requested variance; and

WHEREAS, the City of Jordan City Council, at the regularly scheduled meeting on September 16th, 2019 considered the application materials on file with the City, and the recommendation from the Planning Commission.

THEREFORE, BE IT FURTHER RESOLVED, by the City Council of Jordan, Scott County, Minnesota, as follows:

1. The City Council hereby adopts the following findings:
 - a. The property owner is proposing to use the property in a reasonable manner not permitted by the zoning ordinance. The property owner is proposing a monument sign which exceeds the allowed base height by one foot.
 - b. The plight of the landowner is due to circumstances unique to the property not created by the landowner. A retaining wall blocks view of the sign from a reasonable distance.

- c. The variance will not alter the essential character of the locality. The proposed sign will not violate regulations regarding electronic message boards and proposed building materials are similar to the principle structure.
 - d. The variance is in harmony with the general purpose and intent of the ordinance. The sign is allowed in the R-2 district through a conditional use permit, and the proposed sign will not violate the City Code if a variance is granted.
 - e. The variance is consistent with the Comprehensive Plan.
2. Based on the findings set forth therein, the City Council hereby approves a variance to allow for a monument sign, exceeding the base height allowed by City Code to be constructed at 313 2nd Street East.
 3. The variance is subject to the following conditions of approval:
 - a. **Permit Required.** A sign permit shall be obtained prior to the installation of the sign.
 - b. **Consistency.** The sign shall be consistent with the sign plan submitted with the Variance and CUP applications and as presented at the September 10, 2019 Planning Commission Meeting.

DATED THIS 16TH DAY OF SEPTEMBER, 2019

Tanya Velishek, Mayor

ATTEST:

Tom Nikunen, City Administrator

DATE: September 10, 2019
TO: Chair Sand and Members of the Planning Commission
FROM: Lucinda Meyers, Senior Planner



AGENDA ITEM: 4 D. Change of Use Proposed at 415 Broadway St S.

ACTION REQUESTED: Consider the change of use request at 415 Broadway St S and whether the amount of on-site and on-street parking is sufficient to accommodate the proposed use. Motion to recommend approval or denial of the change of use request to the City Council.

BACKGROUND:

Property Information:

Address: 415 Broadway St S.

Zoning: Central Business District (C-2), Shoreland Overlay District

Owner: Bree Properties (Barbra Kochlin)

Request: To change the use of the first floor of the brewery (2,200 sf) from office and retail to assembly. The property owner has been approached by a church who has expressed interest in renting the space for their activities.

Overview of Request:

[City Code Section 154.223 \(N\) Change of use or occupancy of buildings.](#)

Any change of use or occupancy of any building or buildings including additions thereto requiring more parking and loading area shall not be permitted until there is furnished such additional parking and loading areas as required by this chapter.

Due to the existing development pattern in the C-2, the Zoning Code allows some flexibility with the parking requirements. [City Code Section 154.225 \(E\) Central Business District \(C-2\).](#)

The required parking is to be determined by the Council following review by the Planning Commission. Review and approval shall be based on:

Staff comments in *red*:

1. *The number of off-street parking spaces to be provided. There is a total of twelve (12) off street parking spaces, including one (1) handicap space adjacent to 401 Broadway St S.*
2. *The number and accessibility of on-street parking in the area. Parking is available north of the property on Mill Street, which is a residential street. On-street parking is also available north of Mill Street, on Broadway Street. Combined, there are approximately fifteen (15) off-street parking spaces.*
3. *Provisions made by the owner or tenant for joint or shared parking. The properties*

are currently owned by a single owner, with whom a joint parking agreement is currently in place for the Brewery Complex (401 and 415 Broadway St S).

4. *Other factors affecting the need for off-street parking.*

The number of parking spaces required for assembly is one (1) parking space for each three (3) seats **based on the design capacity of the main assembly hall**. The design capacity of the main assembly is unknown at this time. Design capacity is determined by an architect, typically during the building design process. Building occupancy, however, can be determined by applying the Building Code standard of 15 square feet per occupant for assembly space with unconcentrated tables and chairs. The square footage of the space intended for assembly is 2,200. Under this standard, the building occupancy would be 147 (2,200 SF / 15 SG per occupant = 147 occupants). If the design capacity equaled the building occupancy, then the required number of parking spaces would be 49.

According to the prospective tenant, there are a total of thirty (30) attendees during their most popular service, which takes place Sunday morning from 10:00a.m. to 12:00p.m. If the design capacity equaled the number of current assembly attendees, then the required number of parking spaces would be ten (10).

The church has indicated that attendance is anticipated increase to eighty (80) in 5-years. It is currently unknown whether the design capacity of the space is large enough to accommodate a church of that size, however (80) attendees would necessitate a minimum of twenty-seven (27) parking spaces.

The existing office/retail uses require a total of ten (10) parking spaces. A breakdown of the uses on the property (including 401 Broadway St S as both properties share parking) and their respective parking requirements is featured in Table 1, below. The total number of parking spaces required, per City Code, for the Brewery Complex is 33. There is a total of 12 parking spaces on the Brewery Complex site, including 1 handicap space adjacent to the restaurant use at 401 Broadway St S. The parking plan for the Brewery Complex, adopted July 1, 2019, is attached.

Uses	Number of Spaces Required/Use (City Code)	Square Footage, etc. (Site Conditions)	Number of Parking Stalls Required per City Code
Residential	2 spaces per unit	6 units	12 spaces
Office	1 per 250 sf of floor area	1,000 sf	4 spaces
Retail	1 per 200 sf of gross floor area	1,200 sf	6 spaces
Restaurant	1 space per 75 sf of gross floor area	840 sf	11 spaces
Total Existing			33 spaces

Table 1. Brewery Complex Parking Requirements. (City Code Section 154.225, *Number of Required Off-Street Parking Spaces*).

Attachments:

- 1. Location Map
- 2. Zoning Map
- 3. Parking Plan for Brewery Complex dated August 9, 2019

FISCAL IMPACT: This request is being handled as part of normal staff duties.

STAFF RECOMMENDATION:

Staff recommends the Planning Commission consider whether the information provided by the property owner is sufficient to make a recommendation to the City Council regarding whether the proposed use can be accommodated by the existing off-street and on-street parking. The commission may request additional information from the property owner, such as the design capacity for the proposed use of the building, prior to formulating a recommendation. There has been no application filed, and therefore the city is not required to take action within a set time period.

COMMISSION ACTION:

Motion: _____

Second: _____

Approved: _____

Disapproved:

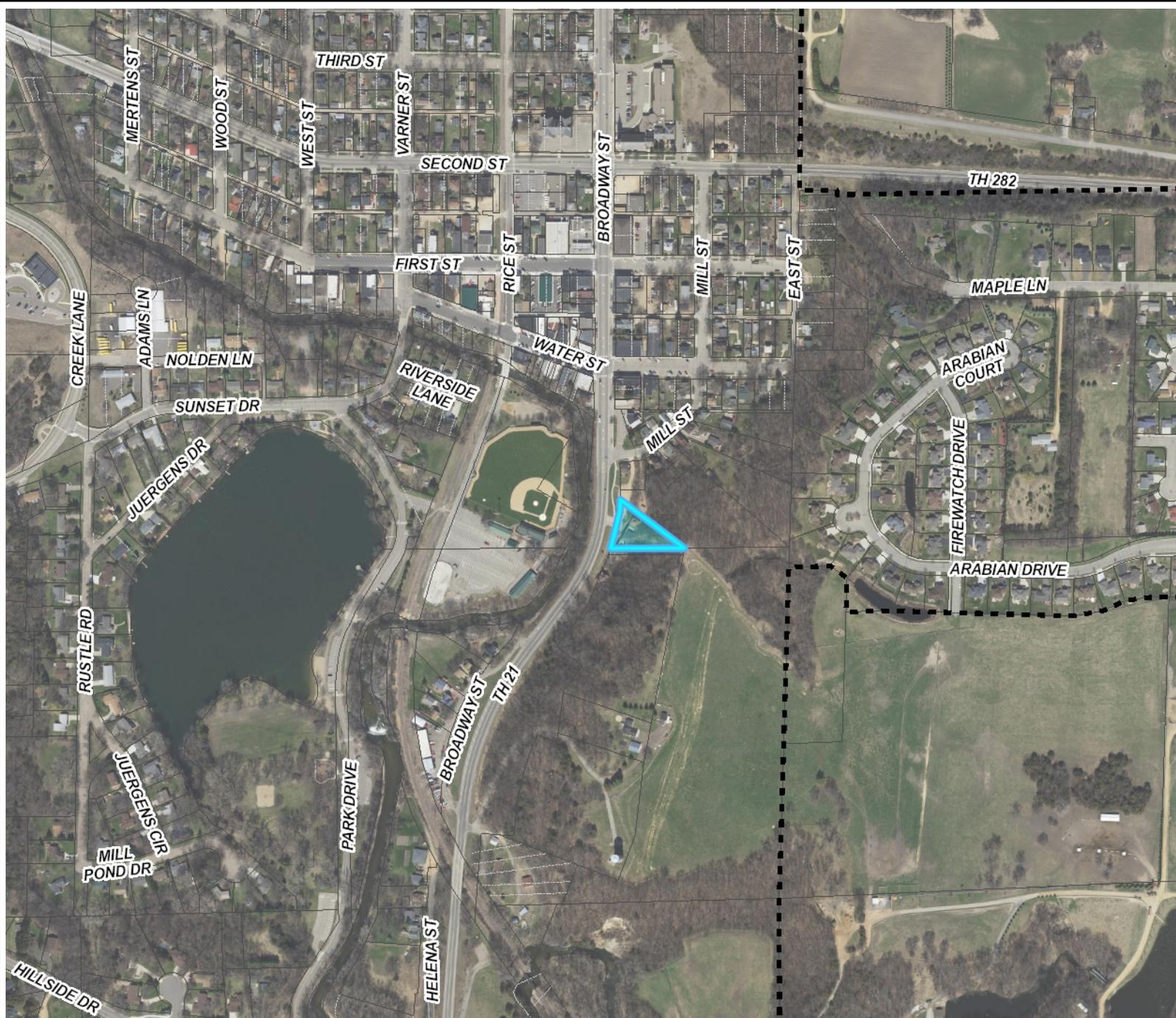
Tabled:

Other: _____



Legend

- City Limits
- Parcels (4/1/2019)
- Lot Lines



Location Map



Disclaimer:

This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices, and other sources affecting the area shown, and is to be used for reference purposes only. The City of Jordan is not responsible for any inaccuracies herein contained.

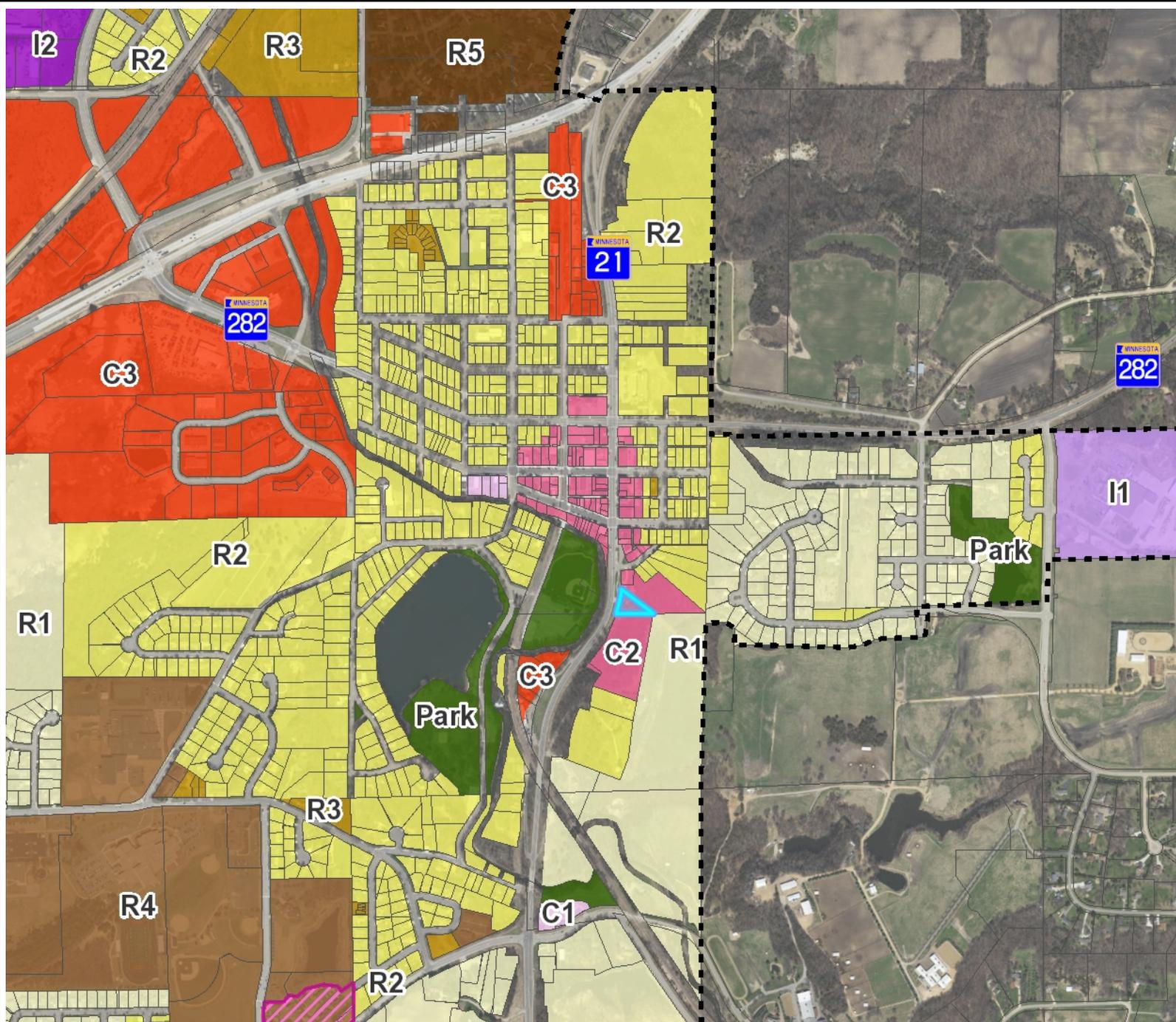
0 527 Feet





Legend

- ⊞ City Limits
- Parcels (4/1/2019)
- ▨ Annexations
- ▨ Planned Unit Development
- Zoning**
- R-1 Single Family
- R-2 Single and Two Family Residential
- R-3 Townhouse and Multiple Family Residential
- R-4 Multiple Family Residential
- R-5 Mobile Home District
- C-1 Neighborhood Business
- C-2 Central Business
- C-3 Highway Commercial
- I-1 Light Industrial
- I-2 General Industrial
- Park



Zoning Map



Disclaimer:

This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices, and other sources affecting the area shown, and is to be used for reference purposes only. The City of Jordan is not responsible for any inaccuracies herein contained.

0 1,053 Feet

© Bolton & Menk, Inc - Web GIS 9/6/2019 1:05 PM

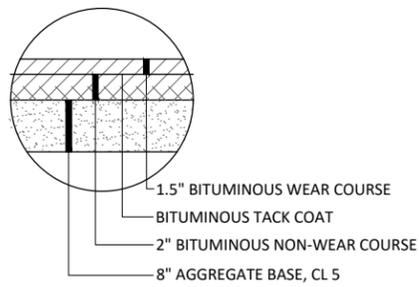


Real People. Real Solutions.

415 BROADWAY ST S PARKING IMPROVEMENTS

LEGEND

- PROPOSED BITUMINOUS PAVEMENT
- PROPOSED CURB & GUTTER



PARKING LOT TYPICAL SECTION
NOT TO SCALE

EXHIBIT A 08/09/2019



H:\JORD\T14107713\Brewery Parking Lot\FIGR-107713 Prelim.dwg 8/30/2019 1:06:52 PM

DATE: September 10, 2019
TO: Chair Sand and Members of the Planning Commission
FROM: Nathan Fuerst, Planner/Economic Development Specialist



AGENDA ITEM: 5.0 A. Proposed Zoning Code Text Amendments

ACTION REQUESTED: Discuss proposed zoning text amendments.

BACKGROUND:

Staff has determined that the zoning code definition for *Outdoor Storage* is inadequate. The term is defined as follows:

OUTDOOR STORAGE. A commercial seating area for business patrons which is not located in an "Indoor Area" as defined by M.S. § 144.413, Subd. 1a.

The language above is not appropriate in defining the term “Outdoor Storage”, rather, the language should define the phrase “Outdoor Seating”.

In researching this conflict, staff found that the terms “Outdoor Storage” and “Exterior Storage” are used interchangeably. An example is in the I-1 and I-2 districts which allow “Outdoor Storage” as a conditional use, but regulate “Exterior Storage” in the Design and Performance Standards. This contributes to confusion in the interpretation of the Zoning Ordinance. The definition for “Exterior Storage” may be appropriately used to define Outdoor Storage, it is defined as follows:

EXTERIOR STORAGE. The storage, including open storage, of goods, materials, equipment, manufactured products, and similar items not fully enclosed by a building.

Further, as the term “temporary outdoor storage” is used in the City Code, that term should also be defined. The term is used to limit outdoor sales and displays to only daytime periods in all commercial districts in the City (C-1 through C-3).

The definitions proposed by staff read as follows:

Outdoor Seating. *A commercial seating area for business patrons which is not located in an "Indoor Area" as defined by M.S. § 144.413, Subd. 1a.*

Outdoor Storage. *The storage, including open storage, of goods, materials, equipment, manufactured products, and similar items not fully enclosed by a building for an indefinite period of time.*

Temporary Outdoor Storage. *The storage, including open storage, of goods, materials,*

equipment, manufactured products, and similar items not fully enclosed by a building for a limited time.

The code has been reviewed to determine whether additional sections are impacted by the new definitions. Deletions are shown in ~~red strikethrough~~ and additions in blue underline. The following amendments are proposed:

- 1. Section 154.020
 - a. OUTDOOR ~~SEATING STORAGE~~. A commercial seating area for business patrons which is not located in an "Indoor Area" as defined by M.S. § 144.413, Subd. 1a.
 - b. ~~EXTERIOR~~ OUTDOOR STORAGE. The storage, including open storage, of goods, materials, equipment, manufactured products, and similar items not fully enclosed by a building. for an indefinite period of time.
 - c. OUTDOOR STORAGE, TEMPORARY. The storage, including open storage, of goods, materials, equipment, manufactured products, and similar items not fully enclosed by a building for a limited time.
 - d. OPEN SALES LOT (~~EXTERIOR~~ OUTDOOR STORAGE). Any land used or occupied for the purpose of buying, selling, leasing, renting or trading goods, materials or merchandise where such goods are not enclosed in a building.
- 2. Section 154.167
 - (B) ~~EXTERIOR~~ OUTDOOR STORAGE
 - (G) SCREENING
 - (2) All ~~exterior~~ outdoor storage shall be screened. The exceptions are (1) merchandise being displayed for sale (2) materials and equipment presently being used for construction on the premises.
- 3. Section 154.177
 - (B) ~~EXTERIOR~~ OUTDOOR STORAGE
 - (G) SCREENING
 - (2) All ~~exterior~~ outdoor storage shall be screened. The exceptions are (1) merchandise being displayed for sale (2) materials and equipment presently being used for construction on the premises.
- 4. Section 154.375
 - (G) There shall be no ~~exterior~~ outdoor storage of equipment or materials used in the home occupation, except personal automobiles used in the home occupation may be parked on the site.

FISCAL IMPACT: This is being conducted as part of normal staff duties.

STAFF RECOMMENDATION: Motion to recommend the proposed zoning text amendments, with any changes deemed necessary.

ATTACHMENTS: None

COMMISSION ACTION:

Motion: _____

Second: _____

Approved: _____

Disapproved:

Tabled:

Other: _____
