

**MINUTES OF THE PROCEEDINGS
OF THE PLANNING COMMISSION OF THE CITY OF JORDAN
IN THE COUNTY OF SCOTT
OCTOBER 8, 2019**

1.0 CALL TO ORDER

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

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

Meeting called to order at 6:33 pm.

2.0 ADOPT AGENDA

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

3.0 ELECTION OF OFFICERS

Motion Whipps, second Lieske to elect Bob Bergquist as the Vice Chair. Vote all ayes. Bergquist abstains. Motion carried.

4.0 APPROVAL OF MINUTES

A. September 10, 2019

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

5.0 NEW BUSINESS

A. PUBLIC HEARING: Request to amend Conditional Use Permit for operation of a funeral home at 104 1st Street W.

Meyers introduced the application to amend the existing Conditional Use Permit for Ballard Funeral Home located at 104 1st Street W. The applicants are seeking this amendment to offer a new service called Alkaline Hydrolysis, which is otherwise known as a greener form of cremation. The original CUP that was issued for Ballard Funeral Home allowed the business to perform methods of body disposal that were legal and regulated by Minnesota State Statute. At that time, Alkaline Hydrolysis was not included in those statutes but has since become a legal and accepted practice in the state of

Minnesota. Due to the unique nature of this situation, the City attorney advised the amendment of the existing CUP. City staff assessed the proposed offering against the Minnesota State Statutes which regulate Alkaline Hydrolysis and made findings found in the memo based on information gleaned from research and meetings with the Applicants, Ballard Funeral Home. Each criterion was met.

Sand opened Public Hearing at 6:43 p.m.

Dean Fisher pioneered development of the Alkaline Hydrolysis process at Mayo Clinic was in attendance. Chair Sand invited Dean Fisher to speak and explain this alternative cremation process to the audience in further detail. Fisher explained that staff defined the process appropriately, and that he has been working with this process since day one, it is a greener alternative for body disposal, and notes that offering a service like this will fit well with Jordan's GreenStep Initiative.

Thom Boncher, 113 Marlane Circle, expressed his concerns regarding the lack of information surrounding this body disposal process, the logistics of how it will be implemented in Jordan, and the impacts it could have on the community. He listed a series of questions for the applicants, commissioners, and city staff that were present. He inquired whether there had been any assessments done as to how expanding funeral services could impact property values, the environment, and the health of the community in general. Boncher claimed that the information provided to the public thus far had been inadequate and demanded follow-up to his questions.

Tim Fink, 204 1st Street E, spoke on how offering Alkaline Hydrolysis would be an opportunity for the City to begin to replace harmful fire-based cremation services that have been occurring since the original CUP was issued. He voiced concerns on current cremation practices causing pollution in the air and ultimately mercury poisoning to citizens. Fink was in support of anything will help mitigate these pollutant issues.

Margaret Fink, 204 1st Street E, stated that body disposal is big money, and that the prospect of increased business is held as priority over the safety and health of the community. She expressed concerns over matters of toxic pollutants and felt that this was a very important factor that was not being addressed by the applicants or the commission.

Kathy Lopic, 102 Sawmill Road, questioned the Applicants about what kinds of fumes and or excess waste were left over after the Alkaline Hydrolysis process is conducted. She was also concerned about the amount of water required to use this process, but Fisher assured her there are no emissions resulting from this process and that the water is recycled. Fisher also noted that currently 21 states in the U.S. approve and allow Alkaline Hydrolysis as an alternative method of body disposal.

Maureen Carlson, 102 Water Street, inquired about the consistency of resulting liquid after the process is conducted. Due to the proximity of her property to the funeral home, she was concerned with how increased excess waste would impact her septic system. Fisher assured her that the resulting liquid had a very thin consistency and that they had

never come across issues with pipes clogging while conducting these services. Fisher also noted that the entire Alkaline Hydrolysis process takes roughly 3-5 hours, so at most the funeral home could conduct two per day, meaning that demand for the services would not result in an increase in cremations.

Michelle Bisek, 101 1st Street W, inquired how this process was safer than Alkaline Hydrolysis and was concerned about a large increase in body disposal if this service is offered. She also expressed her frustration with the City for only now acknowledging that flame-based cremation releases harmful toxins, and that Alkaline Hydrolysis would be a better alternative. Fisher explained that ten years ago the technology required for this process was millions of dollars. As it has become more popular, it has also become more accessible, and more funeral homes are choosing to participate.

Lindsey Ballard, 104 1st Street W, reiterated that her business is not just about body disposal- it provides a meaningful service to the community. She clarified that Alkaline Hydrolysis would not replace flame-based cremation, but Ballard Funeral Home wants to give everyone the opportunity to choose whichever service they prefer. She also addressed accusations of mercury pollution and stated that roughly 90% of mercury toxins come from a global scale and are not a local phenomenon. Ballard also referenced a study that found natural burial to have a higher carbon footprint than Alkaline Hydrolysis, mostly due to the ability of this process to recycle metal that is in the body. She states that this process is now a viable option and that it is a positive change in the way cremation has a traditionally been conducted.

Public Hearing closed at 7:25 pm.

Bergquist expressed concerns regarding practices not being done correctly at Ballard Funeral Home, and the pricing of this new service. Ballard responded that her business is still working on a way to make it more viable, however anything that is “green” tends to be of higher quality and price. Bergquist inquired on whether this service being too expensive would result in increased number of flame-based cremations. He also stated that Ballard Funeral Home should be limited on how many cremations they can conduct per year, until they can prove the process is not releasing harmful toxins. Ballard responded saying that this is an unreasonable request and that no other state crematory is regulated to that degree.

Whipps asked Senior Planner Meyers whether flame-based cremation is relevant to the decision that needs to be made regarding this agenda item. He expressed that he doesn’t want to live in the past and that he would like there to be a greener option available to those who wish to utilize it.

Motion Whipps, second Will, to recommend approval of the CUP amendment, subject to the conditions established by staff. Vote all ayes. Motion carried.

B. PUBLIC HEARING: Zoning Parcels Recently Annexed into the City

Fuerst presented information regarding the two parcels that were recently annexed into the City. MN State Statute dictates that all cities need to zone for land uses. This is an administrative process initiated by the City to assign land use designations that are consistent with the comprehensive plan.

The first parcel is what is now known as Grassmann Park, and was originally annexed in 2018. Fuerst proposed that this parcel be zoned as R-1 Single-Family Residential because that is consistent with what has been laid out in the comprehensive plan, and it fits well with the land uses of surrounding parcels. The second parcel is owned by the Jordan Public School System and was annexed in May of 2019. Jordan Schools plan to utilize this parcel in the future for an expansion that would include a new South Campus. Fuerst proposed that this parcel be zoned as R-4 Multi-Family Residential because that is also consistent with comprehensive plan and other surrounding land uses. Staff recommends a motion to recommend the proposed zoning to the City Council for approval.

Will inquired on whether parks are allowed in the R-1. Fuerst responded that they are. Will inquired as to why there was not a zoning designation when the parcels were initially annexed. Fuerst responded that he is unsure why there a delay since there was a staff change during this time. Meyers clarified that this is not standard procedure but it is also not illegal. Whipps asked staff to verify the addresses associated with the parcels.

Sand opened Public hearing at 7:45 p.m.

Jon Fidel, previous owner of 940 Broadway Street S, inquired about who had initiated the process to rezone. Fuerst responded that the City did as an administrative process to ensure that zoning aligned with the comprehensive plan for future public institutions. Meyers stated that all public-school related uses are consistently zoned as R-4.

Public Hearing closed at 7:47 p.m.

Motion Lieske, second Bergquist to recommend the proposed zoning to the City Council for approval. Vote all ayes. Motion carried.

6.0 OLD BUSINESS

A. Request for Zoning Text Amendment to allow towing services with outdoor vehicular storage as a conditional use in the Highway Commercial (C-3) District

Meyers gave a brief overview of what was discussed at the last meeting when a Public Hearing was held. Towing is traditionally categorized as an industrial use and the applicant is seeking a zoning text amendment to allow it as a permitted use in the Highway Commercial (C-3) District. At the previous meeting the commission decided to table the agenda item and requested a concept plan be submitted by the applicant. Meyers recommended that the commission discuss any conditions that should be imposed on this use if allowed in the C-3 since it is highly incompatible with surrounding land uses.

Bergquist and Lieske voiced concern on the cosmetic implications of allowing towing in this area. Sand agreed and wanted more information from the concept plan so that a more informed judgement call can be made regarding the potential impacts on aesthetic. Lieske inquired whether allowing towing in the C-3 would result in a towing lot being the first thing people see upon entering the community. Sand inquired whether he would be able to see specifically the Bobby and Steve's towing lot from 169.

Applicant stated that Bobby and Steve's can wait to implement towing until after the building is constructed if that's what the City wants. The main issue is whether the City will allow Bobby and Steve's to implement towing on this parcel. Applicant stated that they did not want the public to be able to see the tow lot either and therefore sufficient screening will be utilized. Applicant ensured that the lot would be completely concealed from 169. She also stated that once the building is constructed, public will not be able to see the fence from the highway either.

Will stated that he is familiar with the Bobby and Steve's business model and recognizes that they are not just another standard towing company. He also stated that it makes sense to combine auto services and towing on one parcel. Will asked the applicant whether the upcoming MnDOT interchange had been taken into consideration. He also pointed out that the community is in need of semi-truck parking.

Applicant responded that a truck stop is not traditionally a service that Bobby and Steve's provides but it could potentially be an option in the future since there is enough room on the parcel.

Whipps stated that it's worth noting that no other city in Scott County allows towing in the C-3.

Bohlman stated that there is a need for more gas stations, truck parking and towing services in the community.

Meyers stated that all of Bobby and Steve's other locations require separate parcels, one for the gas station and auto services and the other for towing.

Whipps voiced concerns regarding the intent behind this zoning text amendment, questioning whether allowing this conditional use would increase the property value and result in increased monetary gain for Bobby and Steve's should MnDOT need the land for the future interchange.

**Motion by Whipps to deny the request, Lieske second. Vote two Ayes, three Nays.
Motion Denied.**

Whips inquired why Sand did not vote. Sand responded that he never votes unless there is a tie. Staff stated that is incorrect procedure and Sand should be voting every time.

Will expressed that he is hesitant to make a zoning text amendment and would prefer a CUP. Whipps explained they had already gone over this at the last meeting and it is not a viable option since towing is not a permitted use in the C-3.

Motion by Will to recommend the City Council approve the zoning text amendment to allow towing with outdoor storage in the C-3 if it is in conjunction with a primary use. Bergquist second. Vote four Ayes, two Nays. Motion Approved.

6.0 PLANNERS REPORT

Meyers reported that the CDA was approved by the City Council the night before. Construction schedule is yet to be determined. The change of use at the old brewery complex was denied. The Mexican Coffee shop building permits were issued today. Caribou Coffee is planning on opening in early to mid-November, construction is almost complete. There are still currently no plans for the Pieper Property.

7.0 CITY COUNCIL MEMBER UPDATE

Whipps stated that he believes Bobby and Steve's have questionable intentions and are requesting the zoning text amendment solely to increase the value of their land. Whipps stated that making a zoning text amendment is completely unnecessary, which has resulted in increased speculation of Bobby and Steve's.

Will stated that one of his main goals as a commission and city council member is to advocate for businesses and create a welcoming environment for them. Whipps stated that the City has more business revenue than people think. The perception of citizens that the City scares off potential businesses and does not create a welcoming environment is incorrect.

Whipps asked the other commission members how often a business comes in and requests a zoning text amendment years in advance of a project? Lieske stated that she is confused because at the last meeting the applicant only requested permission for towing. She voiced concerns about trusting the Applicants.

8.0 COMMISSION MEMBER REPORT

Bergquist expressed his excitement regarding becoming more involved in the Planning Commission and feels as though he is learning a lot.

9.0 ADJOURNMENT

Motion Sand, second Whipps, to adjourn at 8:53 p.m. Vote all ayes. Motion carried.

Tanya Velishek, Mayor

ATTEST:

Tom Nikunen, City Administrator