

**MINUTES OF THE PROCEEDINGS  
OF THE PLANNING COMMISSION OF THE CITY OF JORDAN  
IN THE COUNTY OF SCOTT  
JANUARY, 2020**

1.0 CALL TO ORDER

**Present:** Chair Sand, Commissioner Lieske, Commissioner Bohlman, Councilmember Whipps

**Absent:** Vice Chair Bergquist, Councilmember Heimkes

**Also Present:** Lucinda Meyers, Senior Planner, Nathan Fuerst, Planner/Economic Development Specialist, Elliot Mohler and Megan Pavek, Planning Interns

Meeting called to order at 6:32 p.m.

2.0 ADOPT AGENDA

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

3.0 ELECTION OF OFFICERS

A. Chair

**Motion Whipps, second Lieske to elect Tom Sand as the Chair. Vote all ayes. Motion carried.**

B. Vice Chair

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

4.0 APPROVAL OF MINUTES

A. November 12, 2019

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

5.0 NEW BUSINESS

A. Discussion Item: Residential Fences

Senior Planner Meyers introduced item 5A regarding fence regulations. The Planning Department issues roughly 30 fence permits annually. Meyers mentioned that there was a discrepancy between what planners do in practice and what is stated in the City Code. Most

notably, a land survey is generally not required, however the City Code lists it as a submittal requirement. Rather, planners in practice have required a to scale site plan from the applicant which depicts the proposed fence location. It noted on an approved site plan or survey that is the responsibility of the property owner to locate their property lines and ensure that they install the fence in accordance to the approved site plan/survey. Should the property owner fail to follow this disclaimer, the City is absolved from property disputes.

Commissioner Whipps asked if it would be possible to have "wiggle room" without fully changing/amending the City Code. Meyers responded that the City Attorney indicated that just because the code allows the city to require a certified land survey, does not mean it is necessary for every fence application. In that regard there is "wiggle room" so to speak, in the way that the code is currently written.

Whipps commented on the option to require the signatures of neighboring properties, to verify that the neighbors have seen the proposed plans and have no concerns. This would provide opportunity for communication between neighbors and potentially limit future disputes by having a conversation between neighbors before they apply. The option would allow City Staff to mitigate conflict.

Whipps stated that he would like to see a solution that doesn't eat up staff time by throwing them in the middle of trivial residential arguments.

Meyers mentioned that it was possible and detailed a quick example of a sheet/form that could be filled out by applicants.

Chair Sand thought it was a great option and has the potential to stop issues from arising in the future; especially for older parts of town where property lines are not always clear and therefore a lot of disputes occur.

Meyers mentioned that under current practice, a proposed fence in downtown or an older part of town might be an instance where staff would require an official survey for a fence permit due to the confusing nature of property boundaries downtown. Meyers continued by stating that this has been more or less commonplace, but could be a financial burden.

Chair Sand mentioned that if it is a burden then a fence might not be necessary for the applicant.

Meyers requested further direction about signatures from applicant neighbors. Whipps explained that it would be an either-or situation. Either get a survey or get the signatures from their neighbors with explanation for when neighbors wouldn't sign. This would be easier than having a public hearing.

Lieske asked whether a public hearing would be feasible.

Meyers stated that this was unlikely, as fence permits are issued administratively. She explained that fence applications only go to Planning Commission and City Council if a property owner is requesting a variance, such as those recently issued for fence installation within an emergency

overflow easement. Meyers added that the signature option may not be available to applicants with difficult neighbors.

Whipps Mentioned that "black and white" would be easiest - just get the signatures.

Meyers said that the City has good records for the location of easements and improvements for properties platted after 2000. For those somewhat earlier, final plats are available. Sand asked for clarification on whether this would be an issue applicable only to those properties located in the downtown and or older parts of town platted before 2000.

Meyers confirmed that it is easier to help residents identify the location of their pins or property lines with an aerial image and an official survey or a plat as reference. This information is more accessible for properties platted after 2000.

Meyers asked the commission whether the City should lend out metal detectors or allow for staff to go out to properties to assist in identifying property boundaries. Lieske questioned if Ace or another hardware store could lend/rent out metal detectors. The commission was overall in favor of this idea rather than having the City perform this service.

#### B. Proposed Zoning Code Text Amendments

Planner Fuerst introduced the proposed text amendment changes. He stated that the proposed changes addressed inconsistencies and errors in the City Zoning Code requiring amendment. Fuerst stated that the Planning Commission has been addressing the issues in groups so they can be packaged together for the City Council.

The first change was to rename Chapter 124 "Residential Rental License Registration" to eliminate confusion. The chapter would be amended and be named Residential Rental Licensing and Inspections instead.

The next proposed amendment was to change 154.048 (D) which would give the city the ability to require necessary information on variance applications.

Section 154.199 would also be improved by eliminating a requirement to amend the zoning ordinance every time a PUD is approved. This data is tracked and available to the public at City Hall.

Fuerst explained that Section 154.224 was being changed to eliminate the inconsistency for maximum surface parking area in residential zones.

Fuerst continued with the following sections changes:

Sections 154.313 (I), 154.121, 154.05 remove safe room requirements that were initially implemented to comply with state statute. The City currently requires safe rooms on residential properties, but this has been removed from state requirements and the city can no longer enforce it.

Meyers further explained that Minnesota Home Builders lobbied for this change. Meyers explained that several other cities have received similar notices from the State of Minnesota, as they did not change their City Code after the building code changed. The changes suggested allow the city to require safe rooms if such requirements are introduced back into the state building code.

Fuerst explained that proposed changes to sections 154.322-.325 involve reorganizing landscape escrow language to eliminate inconsistencies and redundancies. These sections contained a large amount of redundant text which is proposed to be removed.

Bohlman asked for clarification for the requirement of safe rooms in manufactured home parks. Meyers clarified that manufactured homes are not affected by the proposed amendment.

**Motion Lieske, second Bohlman to accept the proposed zoning text amendments and recommend to City Council for approval. Vote all ayes. Motion carried.**

C. Discussion Item: R-4 Density

Intern Mohler introduced the agenda item to the Planning Commission. The City Code was amended in 2018 to allow densities of up to 33 units per acre in the Multi-family Residential (R-4) District. When this was done, regulations related to density, such as floor area ratio and building height were overlooked. The commission is asked to discuss amending these regulations to allow high density projects to be constructed without receipt of a variance or a PUD. The maximum height currently allowed for buildings in the city is 30 feet or three stories, whichever is less.

Whipps inquired about parkland dedication and how it related to this topic, emphasizing that it must be discussed alongside this topic. Meyers responded by giving background on the CDA project and the parkland dedication ordinance, which staff have been researching recently. A review of the parkland dedication ordinance and implementation is on the agenda for the January 27 PRAC meeting. Any recommendation made there will be received thereafter by the Planning Commission and City Council.

Whipps inquired about what other communities are doing. Mohler explained that he researched Shakopee and Savage because they are doing this style of high-density development.

Whipps stated that he doesn't mind changing the R-4 requirements. He also specifically cited potential high density residential in Whispering Meadows. He asked if there is demand for taller buildings. Meyers responded that there is a need for high density multifamily housing, and that she has spoken with interested developers.

Whipps expressed that Staff should take a closer look at New Prague, who recently built a large assisted living facility. He suggested asking what their height requirements are, or whether they required a PUD. Belle Plaine might also be developing a similar facility. It is important to

research and compare other communities in Scott County that are more similar to the size of Jordan.

## 6.0 OLD BUSINESS

### A. Annual Review of Conditional Use Permits

Intern Mohler presented the CUP review from 2019. The most recent CUP was for the Ballard Funeral Home. This specific CUP was highlighted because it caused past contention to be revisited, which originally stems from the CUP that allowed the crematory to be constructed in 2010. The fifth condition of the original CUP stated that Ballard Funeral Home must provide the City with annual records of inspection at its request.

City staff are in the process of obtaining those records and will provide that information to the commission upon receipt.

Whipps inquired on whether this is public information, because then it's the responsibility of the citizens to obtain these records. If this was the case than city staff could be absolved from this ongoing conflict and mitigate accusations.

Lieske questioned whether is was fair to single out only one business with a CUP and not invite them to this discussion. She stated that in the future she would like to invite them so they have a voice and representation.

Bohlman disagreed that Ballard Funeral Home is being singled out in a negative way. Instead she believed that the City has addressed this because of all of the past issues it has caused with the public. Whipps agreed. City staff, Council, and the Planning Commission would like this conflict to finally be resolved. There are hopes that upon receipt of information from the Department of Health and the MPCA, concerned citizens will finally get the information they need and their concerns can be properly addressed.

The review of conditional use permits is a discussion item mandated by city ordinance to be done annually, no motion needed.

### B. Planning Commission Annual Report - 2019

Intern Pavek outlined accomplishments made by the Planning Commission in 2019.

- The commission reviewed the preliminary plat and PUD, final plat and PUD for the Scott County CDA Brentwood Phase 2.
- Six conditional use permits and six variances were reviewed and recommended for approval. Applications for variances consisted of installing fences in the emergency overflow easement, amending parking and outdoor dining requirements for the Caribou Cabin, and installing a sign at St. John's.

- Amendments were recommended to allow CUPs for outdoor storage in the C-3 district, and to allow vehicle sales in the I-2.
- Three downtown façade grants recommended. There were also two map amendments- the annexation of Grassmann Park and a parcel owned by the Jordan School District.
- A total of 37 single-family homes constructed, six townhomes, and three manufactured homes.
- A total of 264 permits issued for a total valuation of \$24,842,420.

Pavek explained that single-family new construction has steadily increased over the past decade. Compared to Scott County communities, Jordan exceed both Elko New Market and New Prague in new home construction.

Whipps asked if a majority of the new construction was from the new townhome development- Pineview Townhomes. Meyers clarified that building permits were issued for six townhomes, which were constructed in Wexford Square. Pineview permits were issued in 2018.

#### 7.0 PLANNERS REPORT

##### A. General Updates

Intern Mohler will sadly be leaving as he was offered full time planner position with Olmsted County.

Fuerst gave an update on the exciting possibility of digital permitting to allow for the acceptance of credit cards as payment and an online application system. Staff have met with multiple companies to determine which new software update would be best for the City.

Meyers mentioned that staff is pretty open to all options as they determine how integration would occur across departments, with residents/developers/applicants, and with building inspectors. She stated that the prices for the software varied and there is no concrete price as staff is still determining what would be best.

Whipps asked if the software would update automatically for ease of access and whether it is user friendly. Fuerst and Meyers clarified that all of the options staff is considering update automatically.

Meyers mentioned that both she and Fuerst are enrolled in a training course to obtain certification in Erosion and Sediment Control inspections through the University of Minnesota.

##### C. Next Meeting- February 11, 2020

#### 8.0 CITY COUNCIL MEMBER UPDATE

Whipps stated that Heimkes will be the second council liaison on the Planning Commission.

He also gave an update on a City Council work session on flood control project that took place recently.

Whipps stated that Council agreed to get appraisals for a sewer extension to serve the Pieper Property for its future development. Costs are to be paid by the future development.

9.0 COMMISSION MEMBER REPORT

10.0 ADJOURNMENT

**Motion Whipps, second Lieske, to adjourn at 8:02 p.m. Vote all ayes. Motion carried.**