

Planning Commission Minutes – May 14th, 2024

**MINUTES OF THE PROCEEDINGS  
OF THE PLANNING COMMISSION OF THE CITY OF JORDAN  
IN THE COUNTY OF SCOTT  
May 14th, 2024**

1.0 CALL TO ORDER

**Present:** Jane Bohlman, Sandra Johnson, Ray Sandey, Michael Vourlos, Mike Franklin, and Jeff Will

**Also Present:** Jeff Matzke, Planning Consultant; T.J. Hofer, Planning Consultant Sahni Moore, Planner/ Economic Development Specialist

**Absent:** Lea Schulte, Scott Penney

Meeting called to order at 6:30 pm.

2.0 ADOPT AGENDA

**Motion by Bohlman to adopt the agenda as amended. Seconded by Johnson. All commissioners present voted ayes. The motion was declared carried.**

3.0 APPROVAL OF MINUTES

A. Planning Commission Meeting Minutes, April 9<sup>th</sup>, 2024

**Motion by Johnson to approve of the April 9th, 2024 Minutes as presented. Seconded by Bohlman. All other commissioners present voted ayes. The motion was declared carried.**

4.0 NEW BUSINESS

A. Planned Unit Development Amendment (Beaumont Bluffs 4<sup>rd</sup> Addition)

Matzke presented the application for Beaumont Bluffs 4<sup>rd</sup> Addition planned unit development amendments regarding changing lots from twin homes to the same number of single-family detached homes. Matzke recommended the Planning Commission discuss the item, hold the public hearing and provide a recommendation to City Council.

Will opened the public hearing at 6:37 pm.

No public comments were made.

Will closed the public hearing at 6:38 pm.

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**Motion by Sandey to approve the planned unit development amendment as presented. Seconded by Vourlos. All other commissioners present voted ayes. The motion was declared carried.**

### B. Appeal of Nonconforming Use at 231 Broadway St. S

Hofer presented the appeal for nonconforming use at 231 Broadway St. S. Hofer recommended the Planning Meeting discuss the item, hold the public hearing and provide a recommendation to City Council.

Will opened the public hearing at 6:38 pm.

Ryan Lewis, the tenant, spoke briefly regarding their understanding of the issue and stated that they believed the use should be allowed to continue with the statutory rights of a nonconforming use and that they had provided sufficient evidence regarding the continued use of the nonconforming uses. Lewis stated that Kim Hanner, the owner, did not keep business records because it was not required by city code. Lewis stated that they had information to share, but did not know if it was necessary. Lewis stated that if they had a year to gather the requested information, they would be able to provide it, but that they were not able to do so in the three weeks provided. Lewis also indicated that, because the building is on the National Register of Historic Places, it does not have to be accessible per the ADA nor does he have to install fire suppression improvements.

Kim Hanner, the owner, stated they agreed with Lewis with respect to prior uses. Hanner stated that the business was started and not advertised because it was advertised by word of mouth. Hanner stated they had four programs from events that had taken place in the upper level in 2009, 2011, 2012, and 2015. Hanner contested that the upper level was ever used for storage aside from tables and chairs for events.

Bob Schmitz, associated with the Dakota 38 Memorial Run, stated they had newspapers from multiple years when the event was held at the site and read a statement from Miranda Bellanger and Fern Cloud of the Pejuhutazizi Presbyterian Church Upper Sioux Reservation and Fred Carroll of the Shakopee Mdewakanton Sioux Community.

Will asked if there was an issue with the code that could be fixed to deal with the issue. Lewis stated they did not believe anything needed to be changed because it should be considered a legal nonconforming use. Lewis stated they stopped providing information to the City as they did not believe it was beneficial.

Franklin asked what Lewis believed should be the allowed uses if the conforming use rights were continued. Lewis stated it should be wedding receptions, theatrical performances, community meals, birthday parties, and general use of the space as an area to congregate. Lewis stated their intention was to host events of less than 100 people.

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Franklin asked if Lewis would agree that if a wedding with 300 attendants had not been held for over one year if that type of nonconforming use would have expired. Lewis stated that the building has been in existence previous to any recent code and has been used for events the entire time, and that should be allowed to continue through a legal nonconforming use.

Franklin asked if the code was amended and the proposed use was allowed through a conditional or interim use permit, if that would be considered a change of use. Staff stated they would need to review the building code and they were unsure, but they believed it could.

Franklin left the meeting at 7:14 pm.

Sandey and Johnson stated they had been to events at the site in the past.

Hofer clarified the rule of the Planning Commission under § 31.22 regarding the hearing and the recommendation to the City Council.

Will closed the public hearing at 7:25 pm.

**Motion by Sandey to recommend that the appeal be upheld and the use be deemed legally nonconforming. Seconded by Bohlman. Mayor Franklin filled the role of Penney's ex-officio member, but had to leave the meeting before the motion was made. All other commissioners present voted ayes. The motion was declared carried.**

### 5.0 OLD BUSINESS

No old business was discussed.

### 6.0 PLANNERS REPORT

#### A. General Updates

Matzke stated that former intern, Cyril Amisshah will be returning to intern again this summer.

#### B. Next Meeting – Tuesday, June 11<sup>th</sup>, 2024

### 7.0 CITY COUNCIL MEMBER UPDATE

Johnson stated the council discussed new bids for a new roof for the fire station and the intent for the city to purchase the former Xcel Energy building.

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### 8.0 COMMISSIONER MEMBER UPDATE

Sandey stated that they had no update.

Bohlman stated that it should be looked into if the council chambers and historical center are being cleaned and restrooms restocked.

Will stated that they had no update.

Johnson stated that they had no update.

Vourlos stated that they had no update.

### 9.0 ADJORNMENT

**Motion by Bohlman to adjourn. Seconded by Sandey. The meeting was adjourned at 7:38 pm.**