

**MINUTES OF THE PROCEEDINGS
OF THE PLANNING COMMISSION OF THE CITY OF JORDAN
IN THE COUNTY OF SCOTT
June 13, 2023**

1.0 CALL TO ORDER

Present: Jane Bohlman, Bill Heimkes, Scott Penney, Ray Sandey, and Jeff Will

Also Present: Barrett Voigt, Planner/Economic Development Specialist; T.J. Hofer, Planning Consultant

Absent: Brenda Lieske (arrived during meeting) and Sandra Johnson

Meeting called to order at 6:32 pm by Chair Will.

2.0 ADOPT AGENDA

Motion by Bohlman to adopt the agenda as presented. Seconded Heimkes. All commissioners present voted ayes. And the motion was declared carried.

3.0 APPROVAL OF MINUTES

A. May 9, 2023

Motion by Heimkes to approve of the May 9, 2023 Minutes as presented. Seconded by Bohlman. All commissioners present voted ayes. And the motion was declared carried.

4.0 NEW BUSINESS

A. City of Jordan (Design Review) - 214 1st Street East

Barrett Voigt, Planner/Economic Development Specialist, presented the application for Design Review for a new sign and exterior staircase located at 214 1st Street East. Voigt recommended approval.

Sandey inquired if the existing Schmidt sign would be removed. The applicant stated it would remain.

Heimkes asked for more information on the steps. The applicant stated that the intent was to replace what was previously there. The applicant stated that there are existing steps on the back that they would like to remove and the steps along the western elevation were required to access the unit on the second floor.

Heimkes asked if the second floor would have one unit or two. The applicant stated that it would be one unit with storage space. The applicant detailed the overall plan which included opening the business, performing required improvements, working on the access to the building, replacing the deck, and

utilizing the patio space on the south side of the site. Heimkes stated that he was excited to see the project move forward.

Penney offered a welcome to the applicant to the City and stated it looked like the business was already doing well.

Heimkes asked if there would be food service in the future. The applicant stated that they are interested in converting space on the second floor to a kitchen.

Voigt noted that the applicant also applied for a façade matching grant which was heard and recommended for approval at the Economic Development Authority meeting on June 5, 2023.

Will asked for a motion.

Motion by Heimkes to recommend approval of the design review as detailed in the staff report. Seconded by Bohlman. All commissioners present vote aye and the motion was declared carried by a vote of 5-0.

B. City of Jordan (CUP) – 116 2nd Street East

Hofer presented the application for a Conditional Use Permit (CUP) for outdoor seating at 116 2nd Street East. Hofer recommended approval and recommended the public hearing be opened.

Penney asked for clarification on what part of the application triggered the review for parking. Hofer stated that the review was triggered due to the proposed CUP creating additional useable space that impacted the parking calculations. Heimkes stated that the parking review should not be needed. Heimkes asked if a local business were to change ownership if the requirement would be triggered. Hofer stated that if the use remained the same, it would not be triggered.

Penney asked about the use of the existing patio that is within the right-of-way of MN 282 and if it was so restrictive as to limit pedestrians in the area. Hofer stated that the right-of-way cannot be used for equipment like tables, chairs, and trash receptacles without a permit from the Minnesota Department of Transportation. Voigt noted that the Americans with Disabilities Act (ADA) required certain walkways to be kept clear and recommended a condition that the use be kept in compliance with ADA standards.

Bohlman stated she was concerned about parking in the area. Bohlman asked if parking was allowed on Rice Street. Hofer stated it parking is allowed along Rice Street. Bohlman stated she was concerned about the congestion or traffic issues on Rice Street specifically because of the narrowness of the street.

Sandey inquired if the applicant agreed to the conditions of approval. The applicant stated they were and that they were facing building code issues related to a bathroom that was slowing their opening of the business.

Heimkes asked if the applicant had a date planned for an opening. The applicant stated that the issues with the bathrooms was currently delaying them but they wish to open as soon as possible.

Will opened the public hearing at 6:36 pm.

No members of the public made comment and no comments were received by staff.

Will closed the public hearing at 6:37 pm.

Sandey inquired about the condition of approval that restricted outdoor noise amplification. Hofer stated that it was a condition that had been put on other outdoor seating in the area and that the applicant had not indicated a desire for outdoor noise amplification. The applicant indicated that they did not have an issue with the condition.

Will called for a motion.

Motion by Sandey to recommend approval of the design review as detailed in the staff report, amended to include a condition that requires ADA compliance. Seconded by Bohlman. All commissioners present vote aye and the motion was declared carried by a vote of 5-0.

5.0 OLD BUSINESS

Commissioner Lieske arrived.

Penney stated that the Council received more information about the park dedication fund that was discussed last time. Penney stated that the park dedication fund is exclusively used for parks, but funds that are added to it are not necessarily dedicated to a certain park. Heimkes noted that this discussion came from the review of the Pauly Park project. Will noted that the City Council did not approve the Pauly Park plat with the recommendations of the Planning Commission because of an issue that the City Attorney identified.

6.0 PLANNERS REPORT

A. General Updates

Voigt stated that the items before the Planning Commission in May were approved by the City Council. Voigt stated that the Planning Department had hired a new intern. Voigt stated that the Planning Department was busy with

prospective planning applications and building permits

B. Next Meeting – Tuesday July 11, 2023

C. Discussion on Ordinance Amendment to Substantial Damage Ordinance

Voigt presented information regarding the substantial improvement ordinance for the Planning Commission to discuss. Voigt presented the intent of the ordinance, state law regarding floodplain, and how the standards within the City's ordinances were more strict than state requirements.

Heimkes asked for clarification on structures in the floodplain. Voigt clarified how many structures are located in the floodplain. Heimkes stated that many do not have flood insurance. Voigt stated that all of the structures should have flood insurance. Heimkes noted his residence was in the floodplain that he did not have flood insurance, but that he owned his property outright. Voigt stated that all federally backed mortgages require flood insurance.

Will asked if the tracking of improvements was self-imposed by the City. Voigt stated that tracking was required but the City tracking currently looks at the life time of the building. Voigt stated there was a minimum requirement set by the Department of Natural Resources and he was uncertain of the exact time period, but he believed it was between two and five years. Voigt stated that outside of the 50% improvement threshold, improvements for health and safety are allowed.

Sandey asked if this could be considered a government taking. Voigt stated that there has been litigation around these rules and the rules have been upheld.

Lieske asked why the City's standards were more stringent than required. Voigt stated he researched this and was unable to find an answer.

Will asked how the City can fix this. Voigt stated that the 50% threshold is the maximum allowed, however tracking this metric over the lifetime of the building can be changed. Sandey stated it should be evaluated per permit. Voigt stated there was a minimum time duration allowed and that he believed it was between two and five years. Sandey asked why a minimum was established. Voigt stated that the Minnesota Department of Natural Resources (DNR) regulates and state level rules are in place. Penney stated it should be set to the shortest time period possible as investing in properties helps the community. Lieske and Will stated that they would need to know the minimums to make a decision. Voigt stated that he would research what is allowed and that any ordinance amendment requires review by the (DNR).

7.0 CITY COUNCIL MEMBER UPDATE

Council Member Penney stated that the City Council had done a walkthrough of the improvements at the Mini Met Park and expressed gratitude for the donations of both funds and time that went into the work.

8.0 COMMISSION MEMBER UPDATE

Heimkes stated that he visited the Mini Met and was impressed by the improvements. Heimkes stated that the new apartment building behind Radermacher's was also progressing and he was excited to see it.

Lieske apologized for being late and stated she was at a meeting for Hope Lutheran. Lieske asked about the sign ordinance and rules around temporary signs. Voigt stated that temporary signs are allowed, but only on private property. Voigt stated that the City is able to grant other approvals for temporary signs. Lieske stated that they also visited the Mini Met and loved the improvements.

Sandey apologized for missing the May meeting. Sandey stated that he wanted to thank local businesses and offer a welcome to the new ones.

Bohlman stated that the Historical Society would be hosting an open house and that signs would be posting advertising it. Bohlman stated that she had an issue with a property stake being removed as part of an infrastructure improvement. Voigt stated that he would contact the City Engineer and let them know of the issue.

Will stated that they had no update.

9.0 ADJOURNMENT

Motion by Will to adjourn, Second by Heimkes. The meeting was adjourned at 7:36 pm.