



**City of Jordan  
City Planning Commission  
February 8, 2011**

**Members Present:** Rolf Hafslund; Council Representative Mayor Pete Ewals; John Watkins; Guy Beck; John Levar, Jeanne Marnoff.

**Staff Present:** Senior Planner Joe Janish; Planning Consultant, Joanne Foust, MDG Inc,

**Others Present:** Sandra Steinmetz, Mervin Brenke, Jim Stang, Kathy Lopic, Ray Somey, Jerry Hartman, Mike Nevins, Kris Beuch, Roger Beuch, Julie Bischke, Heidi Lawrie, Dick Pauly, Thom Boncher

**1.0 Call to Order.**

*Chair Hafslund called the Planning Commission to order at 6:31 pm.*

**2.0 Adopt Agenda.**

Janish indicated to members of the audience that the direction by the City Council the previous night was to re-review the CUP list and this would not occur at this meeting but a future meeting.

Janish also noted it might be appropriate for the Planning Commission to consider moving Public Hearing item 4.0 (B) IUP – Critter Getters to 4.0 (A) and 4.0 (A) would become 4.0 (B).

*Motion Beck seconded by Watkins to approve agenda with amendment. Motion unanimously approved.*

**3.0 Approval of Minutes.**

**A. January 11, 2011 Meeting Minutes**

*Motion Watkins, seconded by Levar to approve the January 11, 2011 minutes with revisions as noted. Motion approved 5-0-1 (Marnoff abstain).*

**4.0 Public Hearings.**

**A. IUP-Critter Getters Extension**

Senior Planner Janish stated Sandra Steinmetz is seeking an extension to the current Interim Use Permit to operate an “Animal Control Holding Kennel on the parcel located at 230 Quaker Avenue. Janish noted that the applicant originally received the Interim Use Permit in 2006 and had received an extension in 2008. This proposal is to grant an extension of the IUP with the same conditions outlined in the past until December 31, 2014, and noted the staff report included a draft resolution for the City Council to consider.

The Planning Commission reviewed the average intake which varies from month to month; Janish had a copy of the last inspection report by the Minnesota Board of Animal Health.

Chair Hafslund opened the hearing 6:42 p.m.

Kathy Lopic, questioned how disposal of animals is conducted, if needed. Sandra Steinmetz indicated that if an animal is not able to be put up for adoption, by an adoption agency, then the animal is taken to the Jordan Vet to be put to sleep.

Chair Hafslund closed the hearing at 6:44 p.m.

*Motion Beck, seconded Watkins to grant the extension of the IUP as outlined in the draft resolution and as previous years until December 31, 2014. Motion approved unanimously.*

## **B. Proposed Industrial Zoning District and Map Amendments**

Planning Consultant Foust reviewed the proposed industrial Zoning District Amendments. Foust noted the information tonight consists of several amendments including an Ordinance Amending Section 11.41 Light Industrial Zoning District; an Ordinance Creating Section 11.42, General Industrial Zoning District; An Ordinance Amending 11.60, Subd. 5 Off-Street Parking and an Ordinance Amending the Official Zoning Map.

Foust noted that the proposed draft includes additional conditions to allow for Indoor Firing Ranges as a Conditional Use in the I-2, General Industrial Zoning District and also noted that the City would have to amend the City Code which currently prohibits this use.

Foust noted that at this point the ordinance does not consider amendments to architectural controls but the Planning Commission is interested in hearing any thoughts folks may have.

Chair Hafslund opened the Public Hearing at 7:15 p.m.

Janish indicated he had spoken with an Industrial property owner who had expressed concern with the limited size of presses and under the current ordinance a company with a press greater than 20 tons is not able to be located within Jordan. According to the person a 20 ton press is considered a “hobbyist” press when the person had called around. The person also had concerns with the minimum lot size and had noted that smaller companies are looking for smaller lots and the City may be requiring too large of lots.

An audience member noted that the City needs to be careful on how the architectural controls are amended because it is possible for a building to have four sides face a street.

Jerry Hartman, noted that the City may want to not only look at the standards but also ask how the architectural controls are working to find out if it is feasible to implement more restrictive requirements. Mr. Hartman noted that he is the person who had expressed the concerns to Mr. Janish and indicated that the press issue is based on types of presses and the City should consider having the applicant show that the size of the press would not impact surrounding properties perhaps through a CUP process.

Thom Boncher, questioned why the Planning Commission is allowing for a papermill within the industrial area because of odors and typically they are found next to waterways.

An audience member indicated it is difficult to look at the zoning without having a formal interchange concept developed for Highways 282 and 169.

Chair Hafslund closed the Public Hearing at 7:58 p.m.

Planner Commissioners discussed the possibility of removing the papermill, providing a diagram for a half acre site related to setbacks.

*Motion Beck, seconded Levar to table action until March 8<sup>th</sup>, 2011 with staff providing a sketch of a half acre parcel meeting setbacks, obtaining information on presses, remove papermill from the draft ordinance, review half acre lots vs. one acre making corrections related to the firearm range, and correction related to the city license for a firearm range. Motion approved unanimously.*

## **5.0 New Business.**

### **A. Appointment “Skill Sets”**

Janish indicated he had contacted several communities and found that communities did not have a “skill set” for commissioners. Janish noted several communities indicated that it is nice to have a “well rounded” Planning Commission, however many of the communities look at what the current members are able to provide and look to what the applicants can provide. Janish noted this does not mean that Jordan is not able to create a skill set.

Commissioners discussed by having a skill set it would make it more objective when making recommendations to the full City Council and it might be appropriate to have a set of soft and hard skills identified. Members noted that perhaps Commissioners Levar and Beck could work with staff to develop a list of soft and hard skills and perhaps revamp the application and questions used while interviewing individuals.

### **B. Tattoo Discussion**

Janish provided a handout for licensing requirements for Tattoo Establishments, along with some zoning information on how the City of Belle Plaine and New Prague handle this type of use. Janish noted he had hoped for more information for the meeting but would provide additional responses at the next meeting for commissioners to consider possible locations for a Tattoo Establishment. Janish noted that he is not aware of such a use wanting to enter the City of Jordan, but thought it would be better to have the discussion prior to a request.

## **6.0 Old Business.**

### **A. Tattoo Establishment Discussion**

Janish stated the City of Jordan has amended the process in which Tattoo Establishments are regulated within the community. The City Council adopted an amendment to have the State of Minnesota regulate the operations of Tattoo Establishments, however it was discovered that the City of Jordan does not have a place within the zoning ordinance to operate a Tattoo Establishment.

Janish provided background on Shakopee, New Prague, Belle Plaine and Stillwater and noted that with the exception of Stillwater the other communities would allow for a Tattoo Establishment within their Business Districts including “downtown” districts. Some of the communities would not allow for the Tattoo Establishment to be operated as a home occupation though. Janish noted that the

Planning Commission should consider a location for a possibly allowing for a Tattoo Establishment and the City could consider a zoning amendment to allow for the placement of one.

Members discussed that they did not see a reason to prevent a Tattoo Establishment from being within the Central Business District or the Highway Commercial District. Members indicated that the use should be located in an area that is visible and not within a home as a home occupation.

*Motion Watkins, Seconded Levar to call for a Public Hearing on March 8, 2011 to consider the amendment to allow for Tattoo Establishments within the Central Business District and Highway Commercial District. Motion approved unanimously.*

## **7.0 Planners Report.**

Janish noted at an upcoming meeting the Planning Commission will review the list of CUP's after staff has had a chance to do additional research. Chair Hafslund questioned why the Planning Commission would review the list again. Mayor Ewals noted that the City Council wanted to have staff review the list and conduct drive by inspections to see if they are compliant, and started to note a specific example. Janish interrupted the Mayor stating the Planning Commission should not have a long conversation about the list, because audience members who may have been in attendance at the beginning of the meeting may have wanted to listen to the discussion.

The Planning Commission noted that it would be appropriate to hold off on further discussions until the item was on the agenda.

## **8.0 Commissioner Report.**

Commissioner Beck noted he would like to have a discussion at a later meeting to review the performance standards of residential properties.

Commissioner Levar noted he had a discussion with several homeowners of a development where the developer had gone bankrupt. This had the Homeowners concerned with who enforces the architectural requirements of the homes and provides protection to their home values. Levar questioned what might be able to be done to help the homeowners.

Janish stated he had conversations with a few different people in the development and unfortunately the architectural requirements established by the developer are not enforceable by the city. Janish indicated the residents have looked at possibly rezoning the property to a PUD to incorporate the higher standards, but at this time the City of Jordan PUD zoning asks that the developer provide something in exchange such as additional parkland, protection of natural resources, or affordable housing.

Janish noted that it was his understanding the residents were looking into possibly creating a new architectural review board for the development, and the current architectural requirements are considered a private contract between the former developer and the homeowner, which the city is not able to become involved in. Janish noted that many cities have run into this issue and starter homes have been constructed next to expensive ones.

Levar indicated this is something that the City should look into to see how this type of thing could be at least prevented going into the future. Mr. Levar noted perhaps something could be written within a development agreement that if the developer files for bankruptcy that the review board is to be turned over to the homeowners.

**9.0 Public Comment.**

Kathy Lopic questioned if the Planning Commission has thought of recording the meeting and airing it on the Public Access channel and noted that the Planning Commission allows for a lot of public comments during the discussion items.

Commissioners noted that meetings are not recorded at this time and unsure when or if they will be. Commissioners Levar commented that he had previously been on a Planning Commission that started to record the meetings and the discussions changed drastically and the style of meeting was altered, which actually reduced the ability of the audience to participate.

**10.0 Adjournment.**

*Motion Levar, seconded Beck to adjourn the Planning Commission meeting at 9:55 p.m. Motion unanimously approved.*

Respectfully submitted,

Joe Janish  
Senior Planner