



**City of Jordan  
City Planning Commission  
June 14, 2011**

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

**Staff Present:** Senior Planner Joe Janish, Joanne Foust Planning Consultant with Municipal Development Group, Inc.

**Others Present:** Jim Fink, Margaret Fink, Mike Nevins, Cindy Nevins, Christ Oldsberg, Dave Murray, and Thom Boncher.

**1.0 Call to Order.**

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

**2.0 Adopt Agenda.**

*Motion Watkins seconded by Levar to approve agenda as presented. Motion unanimously approved.*

**3.0 Approval of Minutes.**

**A. May 10, 2011 Meeting Minutes**

*Motion Beck, seconded by Levar to approve the May 10, 2011 minutes. Motion approved unanimously.*

**4.0 Public Hearings.**

**A. Amendment: Chapter 11 Sec. 11.11 Administration, Subd. 5 Variances**

Janish indicated the amendments proposed would bring the current language into compliance with the new state statutes related to variances. Janish further indicated the Planning Commission had a presentation from the City Attorney some time back related to the *Krummenacher v. City of Minnetonka* court case in Minnetonka. Janish noted the court case had changed the way in which the courts view variances by providing a ruling that overturned about 30 years of past rulings. Janish stated the biggest difference in the state statute is related to using the term “practical difficulties” instead of “undue hardship.”

Chair Hafslund opened the Public Hearing at 6:37 p.m.

Jim Fink questioned what the language meant by having the request consistent with the Comprehensive Plan. Commissioner Levar noted this meant that if someone is asking for a variance it should not be in violation of the objectives of the Comprehensive Plan.

Jim Fink also stated that the language indicated the City may hold a public hearing and noted that variances run with the land and should have a public hearing to notify individuals of the request someone has applied for.

Chair Hafslund closed the Public Hearing at 6:43 p.m.

Members discussed that the language should be revised to from “may hold a hearing” to “shall hold a hearing.” Discussion centered around the current process is to have a hearing for variance and neighboring properties should be notified of a request.

Ewals questioned if the new language allows for a community to place certain conditions on the variance. Janish noted that the new language would allow for a community to place conditions related to the request. An example was if a variance had been granted for a setback perhaps the city may want to have the applicant provide additional screening to minimize the impact to surrounding or neighboring properties for the item that received the variance.

*Motion Levar, seconded Beck to provide a positive recommendation to the City Council with the noted change of amending the ordinance to require a public hearing for variance requests, having the City Attorney re-review the ordinance to be certain a hearing would be required and providing for the subsection related to the Public Hearing requirements. The motion also included providing the Planning Commission another review of the language once the City Council has passed the ordinance and review of the new application. Motion approved unanimously.*

## **5.0 New Business.**

### **A. Site Plan Review – 301 Eldorado Drive**

Janish provided an overview of the proposed site plan noting the structure meets setbacks and would provide for a dental office. The building would be 4,413 square feet on a 40,946.40 square foot lot. Janish noted the lot does not meet the current lot width requirements of 150 feet, of the revised code in late 2010; however a provision had been inserted to allow for existing lots of record to be grandfathered in. This would allow for the lot to still be developed.

Janish further provided an overview of the project:

**If a public sidewalk or trail is located in the abutting public right-of-way or easement, a pedestrian walkway shall be provided and designed through the parking lot to the main entrance of the building.** No public sidewalk or trail is located in the abutting the public right-of-way or easement. This item does not apply.

#### **Design and Performance Standards:**

**Service Streets:** To the extent possible, a service street shall be located between the arterial street and the business establishment. The service street shall provide access to the arterial street subject to service-street standards required by the City. Service street traffic shall not be routed on or directed to, local residential streets. *This is not applicable in this particular project.*

**Business Inside:** All business, service, storage, merchandise, display and repair and processing, where permitted, shall be conducted wholly within an enclosed structure except for off-street vehicular parking and off-street loading or where approved by conditional use permit. *The applicant does not intend to conduct business outside.*

**Storage.** Open Storage in conjunction with a permitted business shall be prohibited. *The applicant will need to provide approved screening techniques for the trash containers. Currently the plans only show a 4" thick concrete slab for trash containers. Storage of trash in the principal building or in an accessory building of architecture and materials identical to the principal building.*

**Sale of Goods.** Goods produced on the premises shall be sold only on the premises and the processes and equipment employed in production shall not produce any offensive odor, dust, smoke, ash, gas, noise, vibration or refuse. *As a dental office the premises is not expected to create anything beyond a normal dental office waste. These items would need to be properly handled and disposed of.*

### **Landscaping.**

1. At least 10 percent of the site shall have diversified landscaping in addition to the landscaping required in setback areas, or around the perimeter of the property or along street frontages.
2. All landscaped areas are to be developed with live deciduous and coniferous plants, trees and shrubs which provide a variety of color, textures, heights, and forms consistent with the needs of the site, size of structure, and other elements of the plan.
3. All trees are to be at least 2-1/2 inches in diameter one foot off the ground at the time of planting. The landscaped areas may contain some stone, wood, patio blocks, sculpture, and other appropriate ornamental features.
4. All landscaped areas shall be kept free of weeds and debris and shall be maintained in a healthy and growing condition and shall receive regular pruning, fertilizing, mowing and trimming.
5. Maintenance of any landscaping between the curb of any street abutting the parcel , unless a recognized association or district has assumed responsibility for maintenance.
6. Design flexibility. Alternatives to the requirements listed above may be approved by the City Council, upon recommendation of the Planning Commission for existing lots of record prior to August 2010, where due to lot size and/or configuration it is determined it is not feasible to landscape 10% of the lot area and reasonably accommodate a facility and off-street parking.

*The applicant is proposing the use of Summit Ash trees. In discussions with a landscaper it was found that this tree could be susceptible to the Emerald Ash Bore. It is recommended the applicants select another tree.*

### **Signs.**

*At this time the plans do not show signs. The signs shall have to conform to the appropriate regulations and be reviewed by City Staff when obtaining the proper permits.*

## **SEC. 11.80 ARCHITECTURAL CONTROL AND BUILDING MATERIALS REVIEW:**

Subd. 2. Building Materials . . . .

C. Apartments Buildings, Institutional Buildings, and Commercial Buildings Constructed in the City:

1. Shall have exterior surfaces consisting of one or more non-combustible, non-degradable and essentially maintenance-free materials and comprising the following:
  - (a) At least 50% of any side of the structure facing a public street shall be brick, natural stone, granite, stucco, copper glass, masonry or decorative architectural precast concrete panels.
  - (b) No more than 50% of any side of the structure within view from a public street may be burnished block and specialty block forms, exposed aggregate concrete, concrete block, or pre-cast concrete panels.
2. May have wood, or anodized aluminum or similar metals, as an accent material if appropriately integrated into the overall building design; wood may be used if it is not subject to damage due to heavy use or exposure.
3. Shall not have exterior surfaces made of sheet or corrugated aluminum, or unfinished metals such as tin.
4. Shall be designed to consist of exterior materials which are compatible with development in the surrounding area with regard to architectural quality and the massing of structures.
5. Buildings within the Highway Commercial district should integrate traditional Downtown streetscape and architecture to connect the highway commercial with the historic downtown.

*The applicant is proposing to use two colors of Exterior Insulating Finishing System (EIFS) for the building. The roof is expected to look like a tile but would actually be a metal product. The Planning Commission should also discuss if the building integrates with the downtown area or not.*

The Planning Commission questioned the ability to construct a basement within the Whispering Meadows Development and asked if the owner had obtained soil samples. Walter Zuniga noted that soil samples have not yet been done but the developer had soil corrections in the area. Members questioned if the soil corrections had been conducted to account for a basement.

Commissioner Levar questioned if the engineer is aware of the holding pond to the South and if precautions have been taken regarding the footings of the structure. Levar also noted with the basement sump pumps may be needed due to the elevation of the water table of the pond and the elevation of the basement.

Commissioners questioned the turning radius of the curb within the parking lot and if vehicles would be able to make the turn in order to exit the parking lot while another vehicle was entering. Janish noted the engineer has requested to see the dimensions to the drive to verify the movements.

Commissioner Beck questioned the roofing material on the building. Zuniga stated the material is a metal and will have a tile shape to it. Commissioners questioned the color and manufacturer of the tile. Zuniga commented that he was not certain of the manufacture at this time.

Commissioner Levar noted he does not see EIFS as a listed approved material. Zuniga indicated the material is similar to stucco, but provides a better insulation value. Levar noted he interprets the code to state two building materials are needed. Levar questioned if a colored rendering is available. Zuniga provided a colored sample to the Planning Commissioners. Zuniga stated he is open to suggested colors for the building.

*Members took a 4 minute recess while Janish obtained the color sample board for the historical palette.*

Beck questioned if the parking would drain correctly. Janish noted the engineer did review the drainage and the drawing appears to have some drainage to the corner of the parking lot with some flowing towards the street.

Commissioner Levar questioned if the Southwest Architecture (Mediterranean Architecture) would fit with the existing Highway Commercial Buildings. Levar indicated he would like to see a different architecture style to the building in order to blend in with the existing structures while meeting the code. Levar suggested a Midwestern Historical Architecture should be able to accomplish that.

Zuniga commented the structure should not necessarily blend into the other buildings and should be able to stand on its own. The buildings in the area do not have a theme and this building should not have to tie into the downtown because it is in the Highway Commercial area.

Levar indicated he is not comfortable making a motion to the City Council with the outstanding issues identified and would like the applicant to take another look at the building and city requirements. Beck stated he would like to have the architect review the architecture section of the code and provide a response on how this building or revisions meet the requirements.

*Motion Levar, seconded Beck to table action with the applicant coming back with responses to staffs contingencies (1) provide the finished basement floor elevation, (2) Dimension the entrance width, entrance curb radii and the typical parking stall width and length, (3) provide the quantity of rip rap to be installed at the storm sewer outlet and overland swale to the pond and confirm that it meets requirements (4) Users of the two southern-most parking spaces may have trouble backing out and exiting the lot (5) We assume water, sanitary sewer and storm sewer services are private and don't require easements (6) The proposed Summit Ash tree is not used and another type of tree is selected (7) the applicant verifies and provides to staff that the overall height of the structure to be sure it is consistent with the height requirements; (8) the applicant verifies and provides that the landscaping requirements have been met (10) the applicant is aware signage requires a separate permit; but more importantly: (11) revise the architecture of the building to be a more Midwest Historical Product, and look at a different shape of material for the roof (12) provide copies of a colored renderings (13) review the possible footings due to the storm water retention pond (14) review if a basement is possible due to the soil (15) provide an enclosure for the trash containers (16) provide a response from the architect on how the building meets the intent of Chapter 11.80 (17) provide a lighting layout with the plans. Motion approved unanimously.*

Commissioners noted that it may be possible to hold a special meeting in order to attempt to keep the project moving, and Mr. Zuniga would have to work with staff to set that up.

## **B. Noise Compliant Process**

Janish stated he understood this item to be only information for the Planning Commission and had requested the Chief of Police to provide information on how complaints are handled within the community.

Jim Fink questioned if the Planning Commission would allow for the audience to discuss this item.

Commissioners indicated if someone has comments they would allow for them to speak.

Christa Oldsberg provided a packet of information related to the MPCA and noise requirements and indicated she found a report more recent than the information the Police Chief is using and background noise is suppose to be removed from the readings and not applied towards the reading, Oldsberg stated noise is considered a pollutant by the MPCA. Oldsberg indicated that noise does play a role in land use and the Planning Commission, can regulate the amount of noise a property generates through land use controls.

Oldsberg also noted the information provided to members includes dates and times of noise from the crematorium.

Chair Hafslund indicated staff would provide the information presented to the Chief of Police. Janish noted he would provide the packet of information to the Police Chief.

## **C. Industrial Zoning District Façade Requirements**

Janish noted Joanne Foust has completed a Business Survey for the Economic Development Association with a 39% response rate. Janish indicated the survey had included some questions related to the Industrial Façade Requirements and Foust would provide a brief presentation on the results.

Foust summarized the responses which included: (1) a majority of those responding feel the existing industrial façade requirements are appropriate, (2) a majority of those responding were uncertain if the requirements could be more restrictive, (3) followed by those who feel current standards should remain, (4) a majority feel that an addition of 50% or greater of the footprint of an existing building should trigger the requirement to comply with façade requirements, with a smaller addition (less than 50% of the existing size) should be allowed to be constructed to match the existing façade.

Members identified Shakopee, corner of 610 (North of Fleet Farm), Eden Prairie to obtain information on their Architectural Requirements for an upcoming meeting. Members also noted the City needs to be careful on which standards it attempts to compare itself to.

## **6.0 Old Business.**

### **A. Home Occupation(s) Discussion**

Janish indicated he had contact several state agencies in order to obtain a list of Home Occupations. Janish provided the possibility of providing a notice within the upcoming City Newsletter to provide a notice to those interested in the topic.

Members decided to determine not to action on amending the Home Occupation related ordinances.

**7.0 Planners Report.**

None.

**8.0 Commissioner Report.**

Chair Hafslund noted he would like to see when items become a nuisance.

Levar questioned the colors on a downtown building and if they had been the colors approved by the Planning Commission.

**10.0 Adjournment.**

*Motion Levar, seconded Watkins to adjourn the Planning Commission meeting at 8:37 p.m. Motion unanimously approved.*

Respectfully submitted,

Joe Janish  
Senior Planner