



**City of Jordan
City Planning Commission
Regular Meeting September 11th, 2012**

Members present: Rolf Hafslund, Tom Sand (6:35 p.m.), Jeff Will, Gene Flynn, Sally Schultz, Jeanne Marnoff

Staff present: Joanne Foust, Consulting Planner, Corrin Wendell, Senior Planner, and Emily Bodeker, Planning Intern

Others Present: Pete Ewals and Thom Boncher

1.0 Call To Order

Chair Rolf Hafslund called the meeting of the Planning Commission to order at: 6:30 p.m.

2.0 Adopt Agenda.

Motion by Marnoff, seconded by Flynn to adopt agenda as presented. With all in favor, the motion carried 5-0.

3.0 Approval of Minutes.

Motion by Will seconded by Marnoff to approve the August 9, 2012 meeting minutes after changing the time arrived to after Schultz instead of Marnoff. With all in favor, the motion carried 5-0.

Commission Member Sand arrived 6:35.

4.0 Public Hearings

A. Amendment to Jordan City Code Chapter 153, Subdivisions

Foust introduced the public hearing to accept public input to proposed amendments within chapter 153 of the City Code.

- Section 153.11- Design Standards B. 4 to amend street design requirements
- Section 153.14 Final Plat, E. Supplemental Documents to amend requirements of documentation required as a part of the Final Plat submittal.

At a previous meeting Foust had mentioned changes needed to be made in section 153.02, to repeal existing and replace definitions relating to bluffs, but since then has found that those changes have already been made.

Changes Proposed in Section 153.11 are as follows:

<u>Street</u>		<u>R/W*</u>	<u>Width*</u>	<u>Radii</u>	<u>Strength</u>	<u>Curb Radius</u>
Principal Arterial	120 ft.	Design	Design	10-ton	25	
Minor Arterial		120 ft.	44 ft.	Design	10-ton	25
Major Collector		100 ft	66 ft	200 ft.	10-ton	25
Local Collector		80 ft.	40 ft.	200 ft.	10 ton	25
Local Residential		68 ft.	36 ft.	200 ft.	7-ton	15
Cul-de-sac		120 ft.			10 ton	15
Frontage		50 ft.	36 ft.	200 ft.	10 ton	
Trail		25 ft.	8 ft.	N/A	7-ton	

Pedestrian Way	25 ft.	6 ft.	N/A	N/A
Alley	25 ft.			

*Street Width is face to face.

Section 153.14 changes that were proposed are as follows:

4. A complete set of as-built construction drawings, **including an as-built grading plan**, for any public improvements constructed in the subdivision shall be furnished as soon as the construction is complete and approved by the City. In addition one (1) **electronic AUTOCAD file** and one scanned copy for imaging shall be submitted to the City.

Chair Hafslund opened the public hearing regarding the proposed changes at 6:37 p.m.

With no comments heard, Chair Hafslund closed the public comment at 6:38 p.m.

Motion Will second Schultz, to accept and recommend proposed changes in sections 153.11 and 153.1.

Commissioner Will asked what the purpose of changing a minor collector to a local collector.

Foust answered that it was a designation that was in the Comprehensive Plan that Cities are utilizing throughout the County.

With all in favor the motion passed 6-0.

5.0 New Business

A. Zoning Code Ch. 11.10/11.11

Senior Planner Wendell introduced the information prepared by City Attorney, Annette Margarit. The city is working to re-codify the zoning code and is starting to work with the administrative provisions, sections 11.10 and 11.11.

Margarit is cleaning up the parts of the sections that are redundant, so they are explained in one section of the code. There are other parts of the administration section that would be better found in their own section, making it easier for staff, citizens, and developers to find what they need.

11.13 Conditional Use Permits, 11.14 Variances, 11.15 Interim Use Permits are new sections added (previously found in administrative).

Changes Proposed (bolded, underlined or crossed out):

Section 11.11 Existing Non-Conforming Uses:

A. Any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy. A municipality **may, by ordinance, permit an expansion** or impose upon non-conformities reasonable regulations to prevent and abate nuisances and to protect the public health, welfare or safety. This subdivision does not prohibit a municipality from enforcing an ordinance that applies to adults-only bookstores, adults-only theaters or similar adults-only businesses, as defined by ordinance.

(Minn. Stat. § 462.357, Subd. 1e)

Section 11.12 Administration:

Subd. 2. Board of Adjustment and Appeals. See Section 31.22 of this Code. OR The Planning Commission shall be the Board of Appeals and Adjustments for the City, and as provided by Minn. Stat. Sec. 462.354, subd. 2, shall have the powers granted under Minn. Stat. Sec. 462.357, subd. 6.

Subd. 3. Zoning Amendment

B. Procedures. Amendment may be initiated by the Council, the Planning Commission or upon application of a property owner. Individuals wishing to initiate an amendment shall complete a zoning amendment application form and submit it to the City. Any amendment not initiated by the Planning Commission shall be referred to that commission for review, and no amendment shall be acted upon by the Council until it has received the Planning Commission recommendations or until sixty (60) days have elapsed from the date of reference of the amendment without a report by the planning agency or otherwise in compliance with Minn. Stat. Sec. 15.99, subd. 2.

Source: 462.357, subd. 4.

F. Council Action. The Council shall take action on the application within sixty (60) days following referral by the Planning Commission. A majority vote of all members of the Council is required to adopt an amendment to this Chapter, except that the adoption or amendment of any portion of a zoning ordinance which changes all or part of the existing classification of a zoning district from residential to either commercial or industrial requires a two-thirds (2/3) majority vote of all members of the governing body. The applicant shall be notified of the action taken.

Source: 462.357, subd. 2(b).

Section 11.13 Conditional Use Permits:

G. Modification to Conditional Use Permit. Any change which involves structural alteration, enlargement or intensification of use or any similar change not specifically permitted by the issued permit shall require an amended conditional use permit. A request for amendment shall be processed in the same manner and all procedures shall apply as if a new permit were being requested.

~~2. The Council may impose reasonable conditions at any time, or modify the conditions of an existing special permit, as changing circumstances warrant. No such modification may be made until a public hearing has been held, except minor modifications having little or no impact on neighboring property and the general public shall require only notice to the holder and the approval of the Council.~~

H. Duration. A conditional use permit shall remain in effect as long as the conditions agreed upon are observed, but nothing in this section prohibits the City from enacting or amending official controls to change the status of conditional uses.

(Minn. Stat. § 462.3595, subd. 3)

Section 11.14 Variances and 11.15 Interim Use Permits: No changes to sections made.

6.0 Old Business.

A. Comp Plan Implementation Projects

6.A.1 Zoning Map Amendments

Foust introduced this agenda item and explained that in 2009 the City of Jordan adopted its Comprehensive Plan, including a Future Land Use Map. As a part of the planning process a number of parcels within the City were reviewed as they relate to their highest and best long term use.

Minnesota State Statutes 473.858 COMPREHENSIVE PLANS; LOCAL GOVERNMENT UNITS, Subd. 1. No conflicting zoning, fiscal device, official control reads,

“...If the comprehensive municipal plan is in conflict with the zoning ordinance, the zoning ordinance shall be brought into conformance with the plan by local government units in conjunction with review and, if necessary, amendment of its comprehensive plan required under section 473.864, subdivision 2.”

Foust explained each section on the Zoning map which future land use plan differs from the zoning map. She suggested starting with rezoning the C-3 districts, then following with C-2, Residential, and Park and Miscellaneous.

Motion Sand second Schultz to call for a public hearing for the rezone areas guided C-3. With all in favor the motion passed 6-0.

6.A.2 Mining Reclamation Ordinance

Wendell explained that the mining reclamation information and the rental housing information are given to the Commission for their information and give examples of other towns and cities with these ordinances to better create one for Jordan, if the Commission chooses.

The mining reclamation ordinance is to regulate the extraction of aggregate resources and reclamation of mining sites to minimize land use conflicts and promote public health, safety and welfare. State statute as well as the Metropolitan Council requires cities to research and map aggregate resources as a part of their Comprehensive Plans, which Jordan has completed. Planning and regulatory measures must be developed to ensure aggregate resources are extracted prior to urbanization of aggregate rich sites. An example from Aitkin County was included for the Commissioners to look at.

Currently there are no active areas but locations have been identified within the City. Currently Jordan allows mining and reclamation in the I-1 zone, permitted by interim use permit.

Mining is permitted by conditional use in the RR, R-1, and R-3 zones. The R-2, R-4 and R-5 zones mining isn't listed as a permitted use.

Wendell explained that the Planning Commission can choose to put the information in each of the zones or create its own ordinance to reference.

Commissioners expressed that it would be beneficial to have a separate ordinance.

Foust explained that with an interim use permit there are sunset dates and with conditional use permits there are not sunset dates. The City of Jordan had changed the Industrial zones but haven't changes the residential zones.

Wendell explained that in each zoning district in the zoning code would reference the Mining and Reclamation Ordinance rather than putting the ordinance in each section.

Chair Hafslund stated that by creating this ordinance it doesn't mean that the City can prevent this type of activity but by creating an ordinance, there can be regulations.

Will asked if Townships have mining operations who regulates it?

Mayor Ewals answered and said that the County regulates it.

Will asked why the City needed one too.

Chair Hafslund answered that when a piece of land is annexed by the City, their regulations apply to that piece of land.

Wendell suggested that staff provide Scott County's ordinance for the next meeting for their review and from there the Commission can decide to start to draft Jordan's own ordinance.

Commissioners suggested other cities may have ordinances where they are actively using the permit process.

6.A.3 Rental Housing Ordinance

Intern Bodeker introduced the information regarding Rental Housing Ordinances. She explained that cities ordinances monitor and maintain different aspects of rental properties within their City. Ordinances either analyze location and distribution of rental housing to help track the need of rental housing within their City. Other rental housing ordinances look at maintenance standards and are used to keep rental housing sanitary and safe to protect the public health, safety and welfare of the community.

She explained that adopting a rental housing ordinance is optional for cities. She contacted Prior Lake, Savage, Carver, Shakopee, Lonsdale, Elko New Market, New Prague, and Belle Plaine. Of the area cities contacted Belle Plaine and New Prague had rental housing ordinances.

She asked the Planning Commission to discuss the need for a rental housing ordinance and reminded the Commission that if either type of ordinance is adopted there will need to be staff available to inspect properties and track rental registrations.

After discussion by the Planning Commission, it was requested that staff get some more information on Belle Plaine's Rental Housing Ordinance and get information on why they have a rental housing ordinance and how they implement it. The Commission expressed that before they put a lot of time into creating a rental housing ordinance, they need to find out the cost of implementation and know if it is feasible for Jordan.

B. Highway Commercial Design Standards

Foust introduced this draft of the Highway Commercial Design Standards Manual that clarifies section 11.80 of the Zoning Ordinance. At the joint Council/EDA/Planning Commission it was the consensus that the Manual should focus on the following:

- Identify streetscape features which can create a link between the two districts such as streetlights, trees, benches, fencing materials.
- Prepare categories of permitted a non-permitted building façade materials.
- Identify building features which may be able to be integrated into highway commercial multi-tenant buildings such as awnings, multiple store fronts, etc.
- Provide flexibility to allow franchise businesses to move into the community, while treating these businesses similar to non-franchise businesses.
- Possibly develop an overlay district for the highway commercial districts which are along Highway 21, on either end of the downtown to help tie the two areas together.

Foust went through the draft of the design manual and took comments and feedback from Commissioners.

Schultz asked about the materials required on the front façade and asked if it is possible to require certain materials on facades that are visible to the public.

Both Wendell and Foust assured Schultz that that is something that can be written into the ordinance.

Commissioners asked if it was also possible to classify more building materials in the Class I classification and to keep cost in mind and to also think about adding materials native to the regional area.

Boncher asked about Landscape requirements and asked the Commission to think about tree requirements for new and existing businesses.

Foust answered that there are currently landscape requirements.

Wendell also commented that usually if a building is changed more than a certain percentage that the regulations would apply to that building.

Mayor Ewals presented a book that he had been reading with good examples of design standards and suggestions.

Wendell suggested to keep the manual an example of what the Community does want, and to not show examples of buildings or materials that are not desired in the Community.

Foust suggested that she work with staff to create another draft of the Highway Commercial Design Standard Manual and bring it to the next Planning Commission meeting.

7.0 Planner's Report.

The next regular meeting is scheduled for Tuesday, October 9th 2012.

8.0 City Council Member Update

None.

9.0 Commissioner Member Report

Commissioner Sand noted the new painting at the Lagoon Park Bathroom. He also asked about the cost of a building permit compared to the surrounding communities.

Mayor Ewals explained that there are developer costs that developers in other communities paid up front and then charge the resident through the purchase of the lot, while in Jordan that fee is paid along with the building permit.

Commissioner Will stated that he is unable to attend October's meeting.

10.0 Adjournment

Member Sand made a Motion, Marnoff seconded, to adjourn the meeting at 9:40 p.m. The Motion was approved unanimously.

Respectfully Submitted,
Emily Bodeker, Planning Intern