

**MINUTES OF THE PROCEEDINGS  
OF THE PLANNING COMMISSION OF THE CITY OF JORDAN  
IN THE COUNTY OF SCOTT  
SEPTEMBER 10, 2019**

Present: Tom Sand, Jane Bohlman, Bob Bergquist, Robert Whipps, Brenda Lieske

Also Present: Alternate Terry Stier, Lucinda Meyers, Senior Planner, Nathan Fuerst, Planner/  
Economic Development Specialist

Absent: Jessie Masloski

1.0 CALL TO ORDER

Meeting Called to order by Chair Sand at 6:35 pm

2.0 ADOPT AGENDA

Motion by Bohlman, second by Bergquist to adopt the agenda as presented. Vote all ayes. Motion carried.

3.0 APPROVAL OF MINUTES

Motion Lieske, Second Bohlman, to approve the minutes of August 13, 2019. Vote all ayes, Steir abstain. Motion Approved.

4.0 NEW BUSINESS

A. PUBLIC HEARING: Request for a CUP 845 Corporate Dr.

Meyers presented the staff report, explaining background and nature of CUP Request.

Bergquist asked about the prior use.

Meyers stated the property was used for maintenance and storage of waste trucks. Design performance standards call out requirement for screening on properties with outdoor storage.

Meyers stated that conditions for the use should address screening of APC equipment stored on site. The property has a 120 foot buffer between the use and surrounding residential. The adjacent ROW should be screened due to the fact that the use, outdoor storage, is visible from the ROW.

Bohlman asked where the complaints for the business come from. Meyers explained that they were based on comments about past businesses at that property

Sand opens Public Hearing at 6:51 PM

Tom Johnson - adjacent residential property owner - The original occupant created sound and light issues. In particular, the resident wanted the council to address noise and lighting issues related to the users of this property moving forward.

Meyers stated that the Applicant has indicated they would be interested in expanding the outdoor storage area and that they would be responsible for adhering with the outdoor screening requirements in City Code. The Planning Commission could consider requiring the outdoor storage area to be paved in the event that it is expanded.

Bergquist asked if there would be any concerns about leakage of fluid from APCs, similar to concerns with an item presented at the last meeting.

Meyers stated that the Applicant indicated that the APC's require only moderate repairs which would reduce the likelihood of leaks.

Steir commented that he would like staff to consider any sort of barriers that would shelter fuel or hazardous substance storage areas.

Lieske asked resident to elaborate on issue regarding lighting.

Resident stated that light shines through the underbrush of the wooded area behind the property. The light shines visibly into windows when on.

Meyers stated that Planning Staff will reach out to the property owner with that comment.

Whipps voiced concern about screening requirements. Inquired about where potential expansion would take place.

Meyers explained where potential expansions would take place and that the applicant would be limited to only covering 80% of the lot with impervious surfaces.

Whipps inquired how much control does the City has over fencing and the materials used.

Meyers stated she has had conversations with the property owner to support screening using landscaping such as planting trees. She has also made the Applicant aware of requirement for Site Plan review if they would like to pursue an expansion of the use. Lastly, she stated she has informed the Applicant that they will not be able to operate the vehicles in the public ROW

Whipps asked how many of the lots in the industrial area have been given CUPs for Outdoor Storage? Meyers listed several properties including Minger and Hentges.

Whipps stated that many lots have been given CUPs, and that this use should not be required as a CUP, rather a zoning text amendment should be granted to make it a permitted use.

Resident asked about the requirement for a Public Hearing for a Site Plan review.

Meyers stated that is not required for a Site Plan review - but could be done with Planning Commission Meeting guidance.

Whipps asked if the Planning Commission has teeth in the event that it is asked for a Site Plan Review?

Meyers stated that a Site Plan Review is a review of the zoning requirements and the site plan will need to be approved if the application meets the requirements of the Zoning Code. This would not impact the CUP.

Whipps requested to add a condition that requires bituminous pavement if expansion takes place.

PUBLIC Hearing Closed at 7:15 p.m.

**Motion Sand, second Whipps, to approve the CUP with proposed conditions including an additional condition requiring a bituminous surface if the use is expanded. Vote all ayes. Motion Approved.**

B. PUBLIC HEARING Request for Zoning Text Amendment to allow towing service B.S. Autoworld

Meyers presented the Staff Report, explaining the nature of the request for a zoning text amendment, covering related language from the existing city code, comprehensive plan, and highway commercial design standards manual. Conditions may be used to regulate the use further than what is already allowed.

Public Hearing Opened: 7:43 p.m.

Melissa, representing the Applicant, Bobby and Steve's Autoworld [hereafter, "BSA"] - introduced the business. Auto repair, convenience, fuel, and food services. They are applying due to need to service clients for a towing service. BSA believes in working together with City during interchange process. Would like to build a Mini Truck Stop. BSA purchased 20 acres of property on 169, decades ago to provide for a future location. The use would entail a truck stop with food service, showers, etc. BSA attempted to provide no parking in the flood plain area for the uses. The City and BSA can share in costs for interchange work.

Lieske asked how long cars will sit in the proposed towing yard.

BSA stated that there is a 45-day limit until cars are taken to a scrapyards or auction. There is not support to have the business built until the interchange is constructed.

Whipps stated concern about BSA not constructing both uses all at once. He asked BSA why they did not also apply to build the principle use.

BSA would not want to make a large investment in the project without the entitlement.

Whipps inquired about cost share between city and BSA.

Meyers clarified that it would be for floodplain modeling and stormwater ponding. The cost of doing the modeling work for BSA properties would be covered by BSA.

Leiske was concerned about the fit for the use in the C-3 district with the gateway nature of the district.

Steir asked why there was not a concept plan for the proposed tow yard.

Meyers stated that the City has been working with BSA for concept for site. This discussion has been kept at a high level due to the nature of the application being a text change amendment – not for just one property or project. The discussion should be about conditions to permit development in certain areas with certain restrictions. The Commission could consider rezoning the parcel into an industrially zoned parcel.

BSA stated they own a lot of land in that area and has been approached about selling parcels. They are comfortable with making the site plan public.

Whipps asked if a variance could be granted for this project.

Meyers stated that variances cannot be granted for a use.

Bohlman stated she would like to table the discussion for a later date to get more information about the site plan and nature of the project.

Whipps stated that the proposal is for a use that is not currently allowed in the C-3 and allowing one would be like allowing the use on every other property in the C-3. He also stated he is concerned with the potential timeline for an interchange.

Meyers stated that the property would have to be rezoned to I-2 to allow the use

under the current zoning ordinance. This use is allowed in the I-2 through a CUP.

Lieske restated her concerns with aesthetics of the potential gateway to the City of Jordan. She would like to assess the proposed use.

Whipps asked how the use at this site compares to others owned by BSA.

BSA stated they have not built anything new since 2013 in Eden Prairie. Other properties contain the elements that are proposed on this site.

Public Hearing Closed: 7:52 p.m.

Meyers stated that there are significant hurdles to development of this site, but the project is otherwise looked at as one the City would like to see through. If a rezoning request is made, approval would be needed by the Met Council.

Sand clarified alternatives as alternative A – a motion to deny, alternative B – to put conditions on the use (approval), and alternative C - to table the discussion until more information can be presented.

**Motion Bohlman, Second Leiske, to move with alternative C – to table the discussion. Vote all ayes. Motion Approved.**

Leiske stated she would like to see site plan

Whipps stated he would like to see the different phases of the project.

Bergquist requested to see a map of other properties in the same zone potentially affected.

C. PUBLIC HEARING: Request for VAR and CUP – St. Johns

Fuerst presented application for a Variance and amended CUP from St. John's Church and School.

Public Hearing Opened: 8:07 p.m.

Public Hearing Closed: 8:08 p.m.

No members of the public spoke during hearing.

**Motion Whipps, second Bergquist, to recommend variance to City Council for Approval. Vote all ayes. Motion Approved.**

**Motion Whipps, second Steir, to recommend amended CUP to City Council**

**for approval with conditions outlined in the staff report. Vote all ayes.  
Motion approved.**

D. Change of Use proposed for 415 Broadway St, S.

Meyers explains background of change of use request. for use of lower level to be changed from retail and office uses to assembly space.

Bergquist added that if church takes place on Sundays the impacts may be limited but if the buildings use changes to use the space occurs on other days, there may be impacts to businesses.

Bohlman asked whether there is precedent to allow for a similar change of use such as what has been requested by the Applicant. Meyers responded that there is space above Carasim coffee which is used for this use. One key difference is that the surrounding streets in the downtown are surrounded on all sides by commercial uses with more available parking.

Sand inquired about the proposed uses for the religious space.

The Pastor of Bridge Church (the Applicant) indicated that a small group visits on Thursday, other than that, Sunday mornings are the only time that the church would utilize the space.

Barbara Kochlin (the Property Owner) stated that she wants to work together with other business owners and existing tenants to provide a win-win for the property.

Meyers indicated that a challenge with allowing the change of use is that there is also a change in occupancy which triggers the need for building code review. Due to the change in classification according to the building code, there are increased requirements for accessibility, ingress, egress, etc.

Whipps stated that he does not want to add to parking problem over and above what already exists at the site.

Bohlman stated that she wants to see more people in downtown

The Applicant asked if it is possible to change for just a church. Meyers stated that the use and occupancy are tied, it is not possible to change the use to a religious space and not change the assembly classification.

Sand went through motion options and noted that he did not think it would pass at Council

Meyers discussed the options available to the Planning Commission and City Council.

Whipps reiterated that the Property Owner made a business decision when she previously sold the “South House” instead of creating more parking area.

**Motion by Bohlman to recommend the Change of Use for Approval at the City Council. No Second. Motion Denied.**

**Motion Whipps to recommend the Change of Use for Denial at the City Council. Bergquist Second. Vote five Ayes, one Nay. Motion Approved.**

5.0 OLD BUSINESS

A. Proposed Zoning Text Amendment

Fuerst presented staff report regarding City Code definitions for Outdoor Storage and Seating.

Staff continue to address housekeeping related issues when they come up by recommending fixes at each meeting before bringing a group of changes to a future City Council Meeting.

**Motion Whipps, Second Lieske, to recommend the changes to City Council for approval. Vote all ayes. Motion approved.**

6.0 PLANNERS REPORT

A. General Updates

Commissioner Jessie Masloski has resigned from the Planning Commission effective immediately. City Staff will open up a position on the City’s Planning Commission to fill his vacancy.

7.0 CITY COUNCIL MEMBER UPDATE

8.0 COMMISSION MEMBER REPORT

9.0 ADJOURNMENT

**Motion Steir, second Whipps, to adjourn at 9:19 p.m. Vote all ayes. Motion approved.**

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Tanya Velishek, Mayor

ATTEST:

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Tom Nikunen, City Administrator