

**MINUTES OF THE PROCEEDINGS
OF THE PLANNING COMMISSION OF THE CITY OF JORDAN
IN THE COUNTY OF SCOTT
JUNE 9, 2020**

1.0 CALL TO ORDER

Present: Brenda Lieske, Jane Bohlman (6:40PM), Bob Bergquist, Robert Whipps, Bill Heimkes

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

Meeting called to order at 6:30 pm.

2.0 ADOPT AGENDA

Motion by Whipps, second Heimkes to adopt the agenda as presented. Vote all ayes. Motion carried.

3.0 APPROVAL OF MINUTES

A. May 12, 2020

Motion by Heimkes, second Bergquist to approve the minutes as presented. Vote all ayes. Motion approved.

4.0 NEW BUSINESS

A. PUBLIC HEARING: Request for Design Review, Conditional Use Permit for Outdoor Dining and Variance to Awning Projection Requirements for 205 Broadway St. S.

Bohlman joined the meeting at 6:40 pm.

Planner Fuerst presented the three applications that have been submitted to the City by Joe Grannes LLC for 205 Broadway St. S. otherwise known as the location of the Pickled Pig Bar and Restaurant. The Subject Property is located in the C-2 Zoning District within Historic Downtown Jordan. Located at the intersection of Broadway and First Streets, the Subject Property is very prominent, and according to MnDOT, over 15,000 people pass by each day.

Request for Design Review

A different façade design is proposed from what was approved in June 2019. During the work to improve the façade, stucco and the old awning spanning the building along Broadway Street were removed, revealing more brick work than originally anticipated. Since then, an updated proposal was submitted and reviewed by staff. It was determined that the proposed color scheme did not meet design standards because the awnings were black, which is not allowed as a primary or accent color in the Central Business District Design Standards Manual Color Palette.

Staff recommended the following conditions:

1. Change the awning color to comply with the C-2 Color Palette.
2. Select an appropriate accent color for the upper floor window trim
3. Implement a ground floor color that promotes consistency
4. Replace material of wooden main entry door with glass
5. Depict location of all proposed outdoor light fixtures
6. Submit a sign permit application
7. Comply with occupancy requirements for the proposed patio, per State Building Code.

Conditional Use Permit for Outdoor Dining

Staff reviewed this application and determined all standards required for a conditional use permit are met. Bohlman inquired about how many people the patio would be able to fit. Fuerst responded that the applicant had stated a capacity of 15 people standing in the application. Additionally, the City Building Inspector had since commented that roughly 8 people could fit seated on chairs or stools.

Staff recommended the following conditions:

1. Location and size of outdoor seating area remain consistent with approved site plan
2. A minimum of four feet of fence shall enclose this area
3. Outdoor seating or standing shall only be located within the 64 square foot area designated on the site plan
4. Hours of operation must occur between 10am-9pm Sunday through Thursday, and 10am-10pm on Friday and Saturday.
5. Exterior sound equipment and live music shall be allowed no later than 8pm Sunday through Thursday, and 9pm Friday through Saturday.
6. Lighting is permitted so long as it is directed perpendicular to the ground or directly on the building so no direct rays are visible.
7. All garbage shall be stored within the building or the dumpsters.
8. No alcoholic beverages shall be served to persons outside of the designated outdoor seating area. Clear signage shall be posted to reflect and enforce this regulation.
9. All required permits shall be obtained prior to starting any work.

Variance to Awning Projection Requirements

The awnings are located above the main entrance and the proposed outdoor dining area. The awning over the outdoor dining area will cover the area entirely, but won't project beyond property boundaries. Staff reviewed this application and determined all standards had been met to receive a variance.

Fuerst concludes his presentation stating three separate motions are required.

Vice Chair Bergquist opened the public hearing at 7:02 pm.

Heimkes expressed concern over the restrictions being put on small businesses by the City, and stated that a fence around the outdoor dining area seemed excessive. Senior Planner Meyers responded that state statute imposed a number of requirements that must be met in order to receive a liquor license for outdoor seating, so staff is merely enforcing state regulations by recommending the requirements. The building occupancy, and therefore outdoor dining capacity is limited due to total square footage of the building itself, not because of extra restrictions enforced by the city.

Heimkes inquired about whether staff is only enforcing state regulations, or if additional restrictions are imposed by the City. He suggested that if there are additional restrictions on top of the state regulations, it would be problematic. Fuerst responded that it was within the ability of the Planning Commission to omit some of the conditions of approval before passing the motion if they are believed to be too excessive and burdensome on the applicant.

Whipps stated that the applicant had requested monetary aid from the city for the façade improvements, and therefore some portions of the project require more oversight. Whipps also stated that the various colors proposed for the exterior of the building did not flow well together, and looked disjointed. Whipps was not in favor of excessive restrictions either, but if the applicant continued to request EDA funds for the improvements, he believed the commission had the right to implement more restrictions and express their opinions.

Whipps also inquired about whether there was a secondary fire escape proposed. All of the other outdoor patios in the city had to meet this requirement before they were approved to have outdoor dining. Grannes responded that they are planning to install a gate with the proposed fence, and will implement whatever the building inspector requests.

Heimkes inquired about being able to speak with the property owner in person at the next city council meeting. Fuerst responded that these applications would most likely be presented to the council at the July 6th meeting. Lieske inquired about whether Grannes could foresee having any issues with putting signage on the black awnings. If text or speech was added to the awnings, they would be considered signage, and black signage would be allowed in the C-2. Grannes would prefer not to put signage on awnings because if extenuating circumstances cause the business to close, he would like to reuse them if possible. He also stated that none of the colors used in the design plan are solidified, and he is open to changing any of them at the commission's discretion. The colors were initially chosen to be as neutral as possible.

Whipps stated that if the property owner is open to changing the proposed exterior building colors, he would not have a problem voting on the other items. He agreed with Bergquist that other colors like burgundy or green should be used instead of gray.

Vice Chair Bergquist closed the public hearing at 7:21 pm.

Motion by Heimkes, second Lieske, to recommend approval of the request for Design Review at the City Council.

Motion by Lieske, second Heimkes, to recommend approval of the request for a Conditional Use Permit to the City Council, pursuant to the conditions outlined by staff.

Motion Whipps, second Bergquist, to recommend approval of the request for a Variance to the City Council, pursuant to the conditions outlined by staff.

5.0 OLD BUSINESS

6.0 PLANNERS REPORT

A. General Updates

Staff has started working out of city offices full time now, but are still encouraging residents to pursue contact-free methods of communication via phone, email, and drop-box. The Deputy Registrar has been opened, and is one of three locations to open throughout the entire state. People from all over Minnesota have been traveling to Jordan to utilize these services. The Planning Department has received many inquiries and applications for home improvements. An individual has recently contacted the department inquiring about opening a new business downtown and staff is optimistic that this will come into fruition this summer, along with the opening of the new Mousse Winery. Staff is also working with another property downtown to construct an addition, and add further investment to the community.

Updates have been made to the 2020 Strategic Plan, which will be presented to the Planning Commission at the next meeting. Planner Fuerst reported that Jordan has officially advanced to Step 4 in the GreenStep Cities program.

B. Next Meeting- July 14, 2020

7.0 CITY COUNCIL MEMBER UPDATE

The final preliminary design for the 169 Interchange project was approved at the last meeting, so now staff is able to start applying for funding.

Construction for the bridge project has fallen behind, and there was discussion held on that as well.

8.0 COMMISSION MEMBER REPORT

Bohlman stated that she had observed creative outdoor dining practices in Belle Plaine and wondered if the city could incorporate something similar. Whipps stated MnDOT had approved encroachment into the Right-of-Way, and that space could now be utilized by businesses for outdoor dining. Fuerst stated that Pickled Pig, Linsey's, Clancy's, Roets, and Delia's have all applied for a temporary outdoor dining permit.

9.0 ADJOURNMENT

Motion by Whipps, second Berguist, to adjourn at 7:33. Vote all ayes. Motion carried.

Tanya Velishek, Mayor

ATTEST:

Tom Nikunen, City Administrator