

**MINUTES OF THE PROCEEDINGS  
OF THE PLANNING COMMISSION OF THE CITY OF JORDAN  
IN THE COUNTY OF SCOTT  
December 8, 2020**

1.0 CALL TO ORDER

**Present:** Tom Sand, Brenda Lieske, Robert Whipps, Bill Heimkes

**Absent:** Jane Bohlman, Bob Bergquist

**Also Present:** Nathan Fuerst, Planner/Economic Development Specialist; Ben Schneider, Planner; Revée Needham, Planning Intern; Jonathan Brandtner, St. John the Baptist Catholic Church representative; Pat Mason, Ames Construction; Jeff Will, Council member; Yvonne Perkins, Real Estate Agent

Meeting called to order via Zoom at 6:32 pm.

2.0 ADOPT AGENDA

**Motion by Heimkes, second Whipps to adopt the agenda as presented. Vote all ayes. Motion carried 4-0.**

3.0 APPROVAL OF MINUTES

A. Planning Commission Meeting Minutes, November 10, 2020

**Motion by Lieske, second Heimkes to approve the minutes as presented. Vote all ayes, Whipps abstains. Motion carried 3-0-1.**

4.0 NEW BUSINESS

A. PUBLIC HEARING- IUP Request- 210 Broadway St N.

Fuerst presents the IUP request from St. John the Baptist Catholic Church in the C-2 district. The old school was demolished in 2018 due to fire damage and has since been a gravel parking lot. Staff find no incompatibilities with the findings required by the zoning ordinance for Interim Use Permits and recommend a continuation of conditions in the previous IUP. Lieske asks if this is a 2 year extension. Fuerst replies that the previous IUP has expired and IUPs for gravel lots are allowed for up to 2 years.

**Chair Sand opens the public hearing at 6:39pm.**

John Brandtner explains the Church is looking to sell the lot or develop it. Sand asks if this is going to happen next year. Brandtner replies the Church council had a meeting in October and has been in talks with a developer, and that COVID had delayed the effort to redevelop.

**Chair Sand closed the public hearing at 6:42pm.**

**Motion by Whipps to recommend the IUP request subject to conditions 1-4 per staff recommendations for City Council approval. Second Heimkes.**

Whipps explains that this gravel lot is different because it is from fire damage, another gravel lot in town did not have fire damage. Sand wants to avoid controversy and that it would be good to see the site developed.

**Vote: all ayes. Motion carried 4-0.**

**B. PUBLIC HEARING- PUD Amendment Request- Bridle Creek 9<sup>th</sup> Addition**

Schneider presents the PUD agreement includes a phasing plan for the 10<sup>th</sup>-13<sup>th</sup> additions and the application is to extend those deadlines. The 9<sup>th</sup> addition final plat was approved in 2018 and the deadline is December 31, 2020 for the 10<sup>th</sup> addition final plat to be submitted. The request is to move the final plat deadline for the 10<sup>th</sup> addition to 2022. There are still vacant lots in the 9<sup>th</sup> addition and they need more time to sell, although some improvements have been made on the 10<sup>th</sup> addition. If this request was granted, the preliminary plat would remain intact. If denied, the PUD agreement and preliminary plat for the 10<sup>th</sup>-13<sup>th</sup> additions would be void. Then, they could reapply for the PUD or sell the land.

**Chair Sand opens the public hearing at 6:49pm.**

Whipps asks if they have considered opening up to other developers. The Stonebridge development has built approximately 60 homes compared to Bridle Creek's 8. Pat Mason expresses dissatisfaction and notes that Lennar has done a good job. They are actively pursuing all builders and agree that having multiple models available is an effective model. Heimkes asks if there are alternatives for the home types and sizes such as senior housing and patio homes. Mason notes that patio homes are popular with senior housing and they are taken into consideration if the lots are flat and can fit within on them. Sand comments on how he moved into Stonebridge built by Lennar to downsize and thinks the development has been successful with the variety of homes and sizes. Mason notes that there are protective covenants for the square footage so this cannot be modified for the 9<sup>th</sup> addition but will consider for the future. Chair Sand closes the public hearing at 6:54pm.

**Motion by Whipps to recommend the PUD Amendment Request for City Council approval. Second Lieske. Vote: all ayes. Motion carried 4-0.**

**C. PUBLIC HEARING- Floodplain Text Amendment**

Schneider presents the deadline is February 21, 2021 after FEMA has redrawn the floodmaps and to remain in the NFIP, the City must update its floodplain ordinance. The updates are mostly minor, updating definitions, added plat requirements, restructuring the format. This is presented as a repeal and replace for ease. This was modeled after the MN DNR's ordinance and has received conditional approval. Staff deviated from the minimum standards of the model DNR ordinance in two minor cases per the recommendation of the city engineering staff: 1) Fill and storage of soil, sand, gravel, and other materials for the purposes other than stabilization projects would remain a conditional use in the Floodway district and 2) Language was added in the Utilities Section to ensure fuel storage tanks must be constructed to minimize flood damage.

**Chair Sand opened the public hearing at 7:02pm. Chair Sand closed the public hearing at 7:02pm.**

Heimkes wishes this could involve the public more and get together like they did with the roundabout, although it's difficult with the pandemic.

**Motion by Lieske, second by Whipps to recommend the Floodplain Text Amendment for City Council approval. Vote: all ayes. Motion carried 4-0.**

**D. PUBLIC HEARING- Parkland Dedication + R-4 Text Amendments**

Schneider presents the two separate two amendments, grouped together for efficiency and to save publishing costs. Since the staff report was prepared on Friday, there has been concern voiced by developers over the parkland dedication, so there are additional options to consider. Currently, parkland dedication relies on a 95% residential and 5% industrial/commercial split and factors into the number of households, the number of residents and the current parkland. For cash in lieu, the acres of land that would be dedicated is multiplied by fair market value of the land and is divided by the acres. Other neighboring communities use a flat 10% of buildable land for parkland dedication and some do not use fair market value to calculate the cash in lieu. Additionally, Jordan requires much less commercial/industrial parkland dedication in comparison to others. The staff provide 3 options to consider. The first is to simplify the formula to 10% buildable land for both residential and industrial/commercial. The second option is to keep the current formula but to update the numbers to reflect current statistics. The third option would be a hybrid of the two options. Lieske asked if the formula would need to be changed every year. Schneider clarifies that if option two was chosen, the numbers (i.e. population etc.) would be updated annually without Council review but the formula would not be changed.

For the R-4 district, the Planning Commission motioned for this approval in February but did not hold a public hearing. This would change the maximum height in R-4 to 4 stories or 40ft, whichever is less.

**Chair Sand opens the public hearing at 7:17pm.**

Yvonne Perkins, who sells real estate in Jordan and develops land in the Metro area thanks the Commission for their work and notes that she loves parks. In most developments, there is a 10% parkland dedication and that Jordan's increase to ~17% is a mistake. The Parks and Recreation Advisory Committee signaled to conduct a parks study to better formulate the dedication and this hasn't happened.

Robin Lawrence, RJS Properties, submitted a written comment. She owns 300 acres of land in residential zoning and while they support parkland, changing the requirements would impact their land. Developers would move to other towns with fewer restrictions and this would limit Jordan's growth. Also noting that the annexation fees are high and hinder Jordan's success.

**Chair Sand closes the public hearing at 7:22pm.**

Heimkes loves parks but when Jordan is much higher for parkland dedication compared to surrounding communities, it is hard to argue. Sand is in favor of option 1 and thinks we need to work with developers. Whipps asks if the 10% of buildable land includes ponds and streets or just the lots. Schneider says we have a definition of buildable land already, which would not change, and this excludes holding ponds. Whipps points out that while the parkland dedication is a bit off, the cash in lieu is not and recently, all developers have chosen the cash in lieu option. If we change the parkland dedication, this will decrease the cash in lieu and undercut the parks system. If we change it, the cash in lieu should also change. Jordan's cash in lieu is quite low compared to other towns. The reason we have the parkland formula currently is to account for a higher density development, which involves more homes, more people, and more strain on the parks. Overall, we don't have that many parks and some aren't the most traditional "parks" like Veteran's and

Fireman's. The 10% dedication makes sense for industrial/commercial land. Whipps is ok with the CDA paying for cash in lieu for parkland, considering they don't pay taxes and have the market on senior housing. Sand agrees, thinks residents were mad when cash in lieu is paid instead of building parks. Lieske asks what the cash in lieu is based on. Schneider replies it is the (fair market value divided by the number of acres) multiplied by the parkland required for dedication. Whipps asks if the fair market value is based on the land as is or after it's developed. Schneider replies as is. Whipps thinks we're not deterring developers with our cash in lieu currently and it doesn't make sense to use the value of the land before it's developed. Whipps is leaning towards the 10% formula, as it's simple, but thinks we should also update the cash in lieu. Sand asks how other cities calculate their cash in lieu flat rate. Schneider replies they would need to look into it.

**Whipps motions to table Item D until staff can look more into the cash in lieu. Lieske seconds. Vote: all ayes. Motion carried 4-0.**

E. Application for Commission- Jeff Will

Fuerst presents the application from Will for the open seat on the Planning Commission. Sand would love to see Will join again.

**Motion by Sand, Second Whipps to recommend Will to City Council for appointment to the Planning Commission.**

Heimkes expresses hesitation with everything that's happened this year and thinks the Planning Commission should seek more applicants. Will responds that the agreement is void after his Council term and notes that the seat has been unoccupied for quite some time, and has years of experience on the Planning Commission. Whipps is not concerned about Will and thinks he brings a unique perspective, is unafraid to ask questions, and to go against staff recommendations if he disagrees. Sand attests that after working with Will on the Planning Commission, his number one goal is for the City.

**Vote: Heimkes nay. Motion carried 3-1.**

F. Application for Commission- Jane Bohlman

**Motion by Whipps, Second Lieske to recommend Bohlman to City Council for re-appointment to the Planning Commission. Vote: all ayes. Motion carried 4-0.**

G. Application for Commission- Brenda Lieske

**Motion by Whipps, Second Sand to recommend Lieske to City Council for re-appointment to the Planning Commission. Vote: all ayes, Lieske abstains. Motion carried 3-0-1.**

5.0 OLD BUSINESS

6.0 PLANNERS REPORT  
A. General Updates

Fuerst reports that there will be a year-end review in January including the CUP/IUP annual review as well as the 2021 Strategic Plan. This year, 28 single family homes were constructed compared to 37 last year and the median value rose \$2,000 to \$309,000. There have been 274 permits so far valued at almost \$15 million.

B. Next Meeting- January 12, 2021

#### 7.0 CITY COUNCIL MEMBER UPDATE

Whipps: The zoning text amendment to allow towing in the C-3 district passed, Timberline was approved for a playground, the lagoon park shelter will be replaced, and the City is purchasing the lot behind the Pickled Pig to create a parking lot downtown.

Heimkes: Is the parking lot going forward?

Whipps: The terms were agreed upon and the City is using the EDA money to purchase.

Fuerst: The terms sheet has been executed by both parties and now it just needs to be finalized.

#### 8.0 COMMISSION MEMBER REPORT

Sand asked if there were plans to build a park shelter or trees at Grassmann Park as there is little shade. Whipps replied that the park is being built in phases as more homes are built nearby.

#### 9.0 ADJOURNMENT

**Motion by Whipps, second Heimkes, to adjourn at 7:55pm. Vote all ayes. Motion carried 4-0.**