

**MINUTES OF THE PROCEEDINGS
OF THE PLANNING COMMISSION OF THE CITY OF JORDAN
IN THE COUNTY OF SCOTT
May 11, 2021**

1.0 CALL TO ORDER

Present: Tom Sand, Robert Whipps, Bill Heimkes, Jane Bohlman, Brenda Lieske

Absent: Bob Bergquist, Jeff Will

Also Present: Nathan Fuerst, Planner/Economic Development Specialist; Ben Schneider, Planner; Revée Needham, Planning Intern

Meeting called to order at 6:34 pm.

2.0 ADOPT AGENDA

Motion by Bohlman, second Whipps to adopt the agenda as presented. Vote all ayes. Motion carried 5-0.

3.0 APPROVAL OF MINUTES

A. Planning Commission Meeting Minutes, April 13, 2021

Motion by Lieske, second Heimkes to approve the minutes as presented. Vote all ayes. Motion carried 5-0.

4.0 NEW BUSINESS

A. PUBLIC HEARING – Conditional Use Permit Amendment Request 115 1st St E Fuerst presents the CUP request from Mousse Winery, which opened in 2020. The property is zoned C-2 and currently has an enclosed patio with fencing, rails, and an ADA ramp. With the COVID restrictions, they have expanded a temporary patio addition in the back. This CUP request would effectively solidify that temporary patio. The site has 7 stalls in the back. The proposed expansion is 732 sq. ft., bringing the total patio to 1132 sq. ft. The applicant is proposing using rope lighting and grape vines to decorate the railing. Design Review is not required for this, however it appears to be consistent with the design standards. The property is within the Shoreland Overlay District, with a maximum of 25% impervious surface. The CUP was sent to the DNR and they responded that they do not have any comments. The building inspector reviewed the proposed expansion and the current facilities are sufficient for the additional occupancy. This CUP does require a parking review, as the additional patio space requires an additional 15 stalls of parking. Staff recommend flexibility in the parking requirement as the parking study from 2011 revealed that parking is underutilized and the additional demand for parking would be seasonal in nature. The proposed CUP conditions are the same as the existing resolution with the addition of two more: limiting the patio size to that proposed and ensuring the patio is built as proposed in the site plan.

Chair Sand opens the public hearing at 6:41pm.

Heimkes thinks that this is a positive project but challenges the Commission to consider any unexpected consequences in the future.

Chair Sand closes the public hearing at 6:42pm.

Heimkes asks if this is okay with the impervious surface requirement. Fuerst replies the applicant is proposing pea gravel, which is a permeable surface. Sand asks if the pea gravel will get muddy or slippery. Fuerst replies no, not if it is installed correctly. Sand asks where the grape vines will

be. Fuerst replies on the fence, the perimeter of the patio along the side and back, acting as a screening. Whipps suggests adding the condition to the CUP to meet the pervious surface requirement to avoid any future cement slabs. Whipps asks how the parking requirement is applied, as it appears to be inconsistent with other proposals receiving variances. Fuerst replies that in all other zoning districts, a variance is required if the parking is not met. However, in the C-2 district, a parking review by City Council is sufficient, with the built nature of downtown and the smaller lots. Whipps replies that he wants to ensure this is consistent. Fuerst replies that it is up to the City Council to determine if there is enough parking, which would then approve the change of use. In the case of the brewery, City Council determined there was not enough parking available. In all zoning districts, there is the option of proof of parking. Whipps suggests recommending a variance. Fuerst replies that if the Council determines there is not enough parking, then they could apply for a variance, which has a higher standard. This process applies to all parcels in the C-2 district.

Motion by Heimkes, Second Bohlman, to recommend approval of the Conditional Use Permit with the conditions established in Resolution 4-19-2019 and the two additional conditions recommended by staff. Vote: all ayes. Motion carried 5-0.

5.0 OLD BUSINESS

6.0 PLANNERS REPORT

A. General Updates

Fuerst explains that a code enforcement case regarding landscaping was discussed at City Council and will be at the next Planning Commission. Heimkes adds that he wants to stop it tonight, if possible, so that it doesn't leave the Planning Commission. Whipps clarifies that it's coming before the Planning Commission because no one at City Council wanted to be the "bad guy." Fuerst clarifies that upon a landscape escrow inspection, it was noted that mulch was in the City ROW up to the house as well as small plantings, however City Code only allows turf grass in the boulevard and easements. Staff tried working with the developer and then sent code enforcement letters to the homeowners, explaining they need to remove the mulch or apply for a text amendment. Whipps replies this is similar to the native plantings on Sunset Dr. Fuerst adds that another family installed native plantings in the front yard and appealed to the City Council, however they were denied and had to remove the plantings. Heimkes cautions that if this is allowed then others will also try to do it. Sand adds that there is a community code and you need to follow the rules. Whipps explains the homeowners felt that Lennar was taking too long to install grass and installed this in the interim. Sand asks how the code is enforced. Fuerst replies that the police used to perform code enforcement and would send letters out, however now the code is enforced on a complaint basis. Whipps explains that either city staff or the police department handle complaints depending on which section of the code is violated. Fuerst adds that staff route any complaints to the appropriate venue. Sand replies that it should be a simpler process, and that the huge code is not enforced. Heimkes notes that Scott County has a paid Code Enforcement Officer. Sand asks who to talk to about code enforcement and how long it takes to get resolved. Fuerst replies that talking to either the police or city is fine. Lieske asks what happens if the homeowners refuse to remove the mulch. Fuerst explains that in a typical code enforcement case, a letter is sent specifying a correction within a reasonable timeframe. If not addressed, then a citation is issued for a misdemeanor which is handled by Scott County. Lieske asks if that involves a fine. Whipps clarifies that it is up to 90 days in jail or a fine. Typically, if the issue is fixed, then it is dismissed with a small fine. Whipps suggests keeping an open mind and hearing the homeowners' side. Sand replies the Code needs to be followed or changed.

The Bridle Creek 10th addition is moving ahead, with 32 more residential lots. The Urban Land Institute is hosting a work session on June 14th and all Commissions are invited. Heimkes asks about the Dakota development. Fuerst replies that staff are hopeful to move ahead with the environmental review as the next step.

B. Next Meeting- June 8, 2021

7.0 CITY COUNCIL MEMBER UPDATE

Heimkes asks if the City Council and Planning Commission were meeting together. Fuerst replied they will for the ULI session.

Whipps notes that the first reading of the C-1 rezoning passed at Council.

8.0 COMMISSION MEMBER UPDATE

Lieske asked about who to contact to buy attached townhomes in the City, specifically across from the Elementary School. Fuerst replied that while it is a bit early to talk to the developer, those interested could sign up for meeting notices to watch for more information on the Dakota development. Whipps suggests the new Bridle Creek has townhomes. Fuerst replies that the eighth addition has attached townhomes, but with future additions the developer hasn't decided yet what to do so contacting staff could be the best bet. Whipps notes that the Brentwood Terrace senior housing is full and Schule Haus has a waiting list.

Sand asks how many dogs are allowed within one house. Fuerst replies three and they need to be licensed.

Bohlman notes that Commissioner Bergquist is undergoing medical treatment and is unable to attend meetings in person but would like to attend virtually. Fuerst replies that he will reach out.

9.0 ADJOURNMENT

Motion by Whipps, second Lieske, to adjourn at 7:18pm. Vote all ayes. Motion carried 5-0.