

**MINUTES OF THE PROCEEDINGS
OF THE PLANNING COMMISSION OF THE CITY OF JORDAN
IN THE COUNTY OF SCOTT
AUGUST 10, 2021**

1.0 CALL TO ORDER

Present: Tom Sand, Robert Whipps, Bill Heimkes, Jane Bohlman, Bob Bergquist, Jeff Will, Brenda Lieske

Also Present: Nathan Fuerst, Planner/Economic Development Specialist; Ben Schneider, Planner; Naomi and Jerry Chanen, 607 Blue Heron Cir.; Robert Johnson, 24 Valley Green Park

Meeting called to order at 6:32 pm.

2.0 ADOPT AGENDA

Motion by Bohlman, second Heimkes to adopt the agenda as presented. Vote all ayes. Motion carried 6-0.

3.0 APPROVAL OF MINUTES

A. Planning Commission Meeting Minutes, July 13, 2021

Motion by Whipps, second Heimkes to approve the minutes as presented. Vote all ayes, Lieske abstains. Motion carried 5-0-1.

4.0 NEW BUSINESS

A. PUBLIC HEARING – Conditional Use Permit Request, Valley Green Park
Will enters at 6:39pm.

Schneider presents. A CUP is required for structures to be placed within the floodplain on alternative methods to fill. Heimkes asks if moving in new manufactured homes counts as construction. Staff replied no. Schneider presents the comments received from the DNR, which require a sketch to demonstrate proof of meeting the RFPE. The conditions for a CUP are met with this application. Schneider presents proposed conditions. Heimkes clarifies why a CUP is not needed for each individual manufactured home lot. Bohlman asks if it is required for each home. Schneider confirms that Valley Green is the property owner of the whole park, so only one CUP is needed to cover the park. Schneider also clarifies that individual building permits would still be needed for each lot.

Chair Sand opens the public hearing at 6:40pm.

Robert Johnson, 24 Valley Green Park:

He wanted to bring the building permit process in Valley Green to the Commission's attention. He claims that the protocols are not being followed. He says that other federal standards are not being followed by the trailers' piers. He claims that his permit has no engineered plans and is therefore invalid. He thinks that Certificates of Occupancy should be issued. It concerning to him to not be able to sell his home.

Chair Sand closes the public hearing at 6:43pm.

Lieske asks Schneider for clarification about Certificates of Occupancy in Valley Green. Schneider responds that he talked with the Building Official and that issuing formal

Certificates of Occupancy has not been the practice historically. Rather, the Building Official will write “Okay to Occupy” on the final inspection notice. However, we could update the process and issue Certificates of Occupancy in the future.

Motion by Lieske, Second Heimkes to recommend approval of the Conditional Use Permit with the conditions outlined by staff to City Council. Vote: all ayes. Motion carried 7-0.

B. PUBLIC HEARING- Text Amendment Application, Secondary Access

Fuerst presents the request to allow for secondary accesses in the R-2 zoning district, and he gives an overview of the applicant's property as an example. Lieske says that she talked to the property owner and that there is a concern of backing out of the driveway with the school traffic. She says that they also do not want to remove this access, as it connects to the existing garage. Heimkes expresses support for the request. Whipps says he would be concerned about what neighbors would think from an aesthetic perspective. Will asks if a second access on the applicant’s property would put him over 40% impervious surface. Fuerst says no. Will wonders whether this is the only lot in the City where this would work. Whipps responds that a lot of properties don't have garages, so those houses would potentially be interested in secondary accesses. Bergquist says that he is concerned about safety for the applicant. Sand agrees with Whipps about potential aesthetic concerns, as cars may not necessarily be in garages. Sand also reiterates that if this is approved, it would affect the whole city and not just the applicant’s property. Fuerst confirms that to be the case. Bergquist asks if there would be a way to approve or deny these requests on a case by case basis. Whipps says no. Will asks what about a variance? Fuerst says no because a property owner cannot create their own hardship, which is the case here since the property owner could replace the existing access with a new access rather than having two accesses. Whipps asks what about a conditional use permit? Schneider says that may be possible, but the standards for this proposed conditional use would need to be carefully thought out and be as objective as possible. Staff will look into making this a conditional use and bring this item back at the next meeting.

Motion by Sand, Second Bergquist to table discussion of this item. Vote: all ayes. Motion carried 7-0.

C. Design Review Request- 106 1st St E

Fuerst presents the request. The applicant is installing a new window on the front façade of 106 1st St E, which triggers the need for a design review.

Motion by Heimkes, Second Bergquist to recommend approval of the Design Review to City Council. Vote: all ayes. Motion carried 7-0.

5.0 OLD BUSINESS

A. Residential Landscaping Review – Draft Ordinance

Fuerst says this item came back from the City Council because of insufficient information. He goes over what draft ordinance would accomplish. Fuerst also uses the property at 607 Blue Heron Circle as a visual example of what would be permitted if this draft ordinance was approved. Fuerst then shows a more typical lot with more common easement boundaries as another example. Fuerst also shows the Commission photos of properties in Shakopee where there are less limitations for landscaping. Sand asks about the required percentage of grass for front yard? Fuerst responds that 51 percent is the current interpretation of a requirement for establishing landscaping to recover a landscape escrow. The new ordinance would not have a required percentage as written. Whipps clarifies why this item was brought back to the Planning Commission. He says that he thought the Public Works Director and City Engineer would review landscaping requests for entire properties, not just easements and right of way. Whipps says the Commission should have a discussion of whether the City would benefit from allowing any type of ornamental cover in the parts of yards that are not in boulevards or easements. Sand asks for clarification of what ornamental landscaping is. Fuerst presents the definition in the draft ordinance. Lieske asks for clarification of whether property owners assume risk for items placed in easement. Whipps says yes, but not in the other parts of the yard. Whipps also clarifies that he trusts the property owners at 607 Blue Heron Circle to maintain their existing mulch, but he does not believe that everyone will be diligent about maintenance. Sand asks if there could be a compromise by still having a certain percentage of grass, but have a percentage less than 51 percent. He clarifies that he is primarily concerned about the front yard. Whipps says she is concerned that the definition of ornamental is too subjective. He thinks there will always going to be people who will push limits. Whipps also says he cares more about front yard. Will says that aesthetics will always be subjective, and it would be difficult to find a better definition of ornamental. Whipps offers the idea of requiring 75 percent of a front yard to be grass. Will replies that being flexible with landscaping now might save headaches in the future, as more people may want to have less grass in their yard for environmental reasons. Fuerst goes over draft text Jeff motions to pass draft ordinance. Brenda seconds. Whipps reiterates that he does not believe all property owners will properly maintain yards that are heavily landscaped. Fuerst responds that if dirt is visible, that would be a violation of the new ordinance’s standard requiring property owners to prevent erosion and control sediment runoff.

Motion Will, second Lieske to recommend approval of the Draft Ordinance to City Council. Vote: all ayes, Whipps nay. Motion carried 6-1.

6.0 PLANNERS REPORT

A. General Updates

Fuerst reports on the City-owned lots. Fuerst comments on the Pieper Property. Schneider mentions the final plat for Bridle Creek 11th Addition was received.

B. Next Meeting- September 14, 2021

7.0 CITY COUNCIL MEMBER UPDATE

Whipps expresses concern about whether the developer in Bridle Creek will try to do smaller lots for future additions of Bridle creek. He has no problem with them doing it for the 11th Addition because it is only seven extra lots, but he would be hesitant to allow this again. Heimkes expresses excitement for the new businesses in the City.

8.0 COMMISSION MEMBER UPDATE

Bohlman comments that the pins were removed from her yard with sidewalk construction. Fuerst says that Luke Wheeler with Bolton and Menk may be able to assist her.

9.0 ADJOURNMENT

Motion by Whipps, second Will, to adjourn at 7:47pm. Vote all ayes. Motion carried 7-0.