



**CITY OF JORDAN  
PLANNING COMMISSION  
Regular Meeting Agenda**

**Tuesday, June 14, 2022  
6:30 P.M.**

City of Jordan Council Chambers  
116 First Street East, Jordan MN 55352

- 1.0 CALL TO ORDER
- 2.0 ADOPT AGENDA
- 3.0 APPROVAL OF MINUTES
  - A. Planning Commission Meeting Minutes – April 12, 2022
- 4.0 DISCUSSION
  - A. The Bluffs at Cedar Ridge – Variance
  - B. Ordinance Amendment to Allow for Private Parks in the C-2 Central Business District
- 5.0 PLANNERS REPORT
  - A. Shoreland Overlay Impervious Surface Ordinance Amendment Discussion
  - B. Next Meeting –
    - 1) Joint City Council/Planning Commission Meeting on Monday, July 11, 2022
    - 2) Planning Commission Meeting on Tuesday, July 12, 2022
- 6.0 CITY COUNCIL MEMBER UPDATE
- 7.0 COMMISSION MEMBER REPORT
- 8.0 ADJOURNMENT

**MINUTES OF THE PROCEEDINGS  
OF THE PLANNING COMMISSION OF THE CITY OF JORDAN  
IN THE COUNTY OF SCOTT  
April 12, 2022**

1.0 CALL TO ORDER

**Present:** Scott Penney, Jane Bohlman, Tom Sand, Brenda Lieske, Bill Schuh, Jeff Will

**Also Present:** Barrett Voigt, Planner; Corrin Bemis, Planner; Mike Waltman, City Engineer; Luke Wheeler, City Engineer

**Absent:** Bob Bergquist

Meeting called to order at 6:30 pm.

2.0 ADOPT AGENDA

No additions to agenda.

**Motion by Lieske, second Schuh to adopt the agenda as presented. Vote all ayes. Motion carried 5-0.**

3.0 APPROVAL OF MINUTES

A. Planning Commission Meeting Minutes, March 8<sup>th</sup>, 2022  
No discussion.

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

4.0 NEW BUSINESS

A. Beaumont Bluffs – Final PUD and Final Plat

Planner/Economic Specialist, Barrett Voigt, presented on the Final PUD and Final Plat applications for Beaumont Bluffs. Mr. Voigt provided summary of the phases of the Beaumont Bluffs development and comparisons between the preliminary and final plat. He stated that phase 1 would include 55 residential units and that a Developer's Agreement will require sidewalk throughout the development. A breakdown of housing types within the development was provided along with land dedication requirements. Mr. Voigt stated that 5.08 acres will be dedicated along with cash-in-lieu and that the details will be finalized in the Developer's Agreement.

Mr. Voigt presented on the details of the Final PUD and noted that no changes had occurred since the approval of the Preliminary PUD. Mr.

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Voigt discussed next steps for the development applications for the development.

Commissioner Will asked about land dedication and easements. Mr. Voigt explained the easements that exist within the development. Commissioner Will inquired about access to existing properties as a result of the proposed changes to Beaumont Boulevard. Mr. Voigt explained that this detail will be worked out in the Developer's Agreement.

Commissioner Penny asked whether the intersection leading into the development will be redeveloped as a right-in/right-out intersection. Mike Waltman explained that the intersection will be a full-access intersection. Waltman explained that all access points into the development will be full-access intersections.

**Motion by Will, second Lieske to recommend approval of the motion as recommended by staff. Vote all ayes, Motion carried 5-0.**

B. Whispering Meadows – Final PUD and Minor Subdivision Lot Combination

Mr. Voigt presented on the Whispering Meadows Final PUD and Minor Subdivision applications to allow for a mixed use multi-family and commercial building. Mr. Voigt stated that the development proposes a mixed use building of 72 market rate housing units and 8,551 square feet of retail space. The building would be 67 feet tall (4 stories), include 58 underground parking spaces and 99 surface parking spaces for a total of 150 parking spaces proposed. The first floor would have retail and residential units and the remaining three floors would have multi-family units.

Mr. Voigt discussed that the site was occupied by floodway and wetlands that place constraints on the property. The underground parking floor would be built above the previous base flood elevation and staff does not have any concerns about flooding.

Mr. Voigt provided details on the applicant request to deviate from underlying zoning requirements for building height, side yard setbacks, off-street parking minimums, and parking stall planter requirements.

Mr. Voigt presented on the proposal to combine the two subject parcels via minor subdivision. He stated that cash-in-lieu and a Developer's Agreement will be required as part of this application.

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Commissioner Lieske asked about the formula used to determine the necessary parking stalls. Voigt explained that the commercial parking is determined by square footage of the retail space.

Commissioner Bohlman asked if shoppers would be able to park in other parking lots around the development. Mr. Voigt answered yes and explained the difficulties of fitting parking on the property.

Commissioner Penney asked if shoppers would be able to park in the street. Mr. Voigt answered that parking in the street is allowed. The applicant explained the parking formulas used to determine the necessary amount of parking.

Council Member Schuh asked what regulations exist for rooftop patios. The applicant answered by explaining the safety components of the patio.

Commissioner Will asked about rules and guidelines for rooftop patios. He asked how the Commission could recommend denial of the rooftop patio feature at this time. Mr. Voigt explained that the patio is allowed by right. Commissioner Will asked about the increase in roof height. Mr. Voigt explained that the increase is due to the rooftop patio staircase.

**Motion by Penney, second Bohlman to recommend approval of the motion as recommended by staff. Vote all ayes, Motion carried 5-0.**

### C. Minger Business Park – Zoning Amendment, CUP, CUP, Preliminary Plat, and Final Plat

Mr. Voigt presented on the Zoning Amendment, CUP, CUP, Preliminary Plat, and Final Plat development applications. He stated that the Applicant proposes to use the property as a boat repair, storage, and sales facility. He stated that the land uses that are being proposed are assembly and storage operations, outdoor storage, outdoor sales accessory use, accessory use commercial sales, automobile repair, and motor vehicle sales.

Mr. Voigt stated that the Applicant is proposing a subdivision of the parcel to create three separate parcels and that the property was currently governed by a Developer's Agreement that requires the developer to complete the construction of Corporate Drive northward and that the details would be specified in the Developer's Agreement.

Mr. Voigt discussed site plan updates since the previous Planning Commission Meeting. He stated that the applicant is proposing to

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rezone the southernmost parcel to I-2. The two other parcels would remain I-1. The business hours would be from 8 to 5pm and would employ about 15 employees.

City Engineer, Mike Waltman explained that the applicant is interested in pursuing a pre-treatment structure consistent with other industrial sites around the area.

Mr. Voigt stated that staff received multiple public comments concerning aesthetics of the site. Mr. Voigt stated that staff believe the conditions proposed in the Condition Use Permit language would most likely mitigate public concerns.

Commissioner Will asked whether the word “pontoon” should be changed to “watercraft” in the recommended conditions of approval. Voigt explained that this language is in line with the requirements of the zoning ordinance. Commissioner Will inquired about the possibility of making an ordinance amendment during the meeting. Mr. Voigt explained that a formal public hearing process is required to amend the Zoning Ordinance. Commissioner Sand expressed that he would like to trust staff and proceed with the application and zoning language as it currently stands.

Commissioner Penney asked whether the applicant would be required to comply with the updated zoning ordinance if the City updated it after approval. Mr. Voigt explained how staff would proceed under various scenarios.

**Motion by Lieske, second Will to recommend approval of the motion as recommended by staff to approve the zoning amendment application. Vote all ayes, Motion carried 5-0.**

**Motion by Will, second Bohlman to recommend approval of the motion as recommended by staff to approve the Conditional Use Permit #1 application. Vote all ayes, Motion carried 5-0.**

**Motion by Will, second Penney to recommend approval of the motion as recommended by staff to approve the Conditional Use Permit #2 application. Motion carried 4-1 with Council Member Schuh voting nay.**

**Motion by Will, second Lieske to recommend approval of the motion as recommended by staff to approve the preliminary plat application. Motion carried 4-1 with Council Member Schuh voting nay.**

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**Motion by Will, second Bohlman to recommend approval of the motion as recommended by staff to approve the final plat application. Motion carried 4-1 with Council Member Schuh voting nay.**

5.0 OLD BUSINESS

None

6.0 PLANNERS REPORT

A. General Updates

Voigt introduces consultant planner, Corrin Bemis, and states two planning interns have been hired and are set to begin in May.

B. Next Meeting - May 10<sup>th</sup>, 2022

7.0 CITY COUNCIL MEMBER UPDATE

Schuh – Update on the Highway 169 Project Meeting with MnDOT

8.0 COMMISSION MEMBER UPDATE

Penney – No comments.

Bohlman – No comments.

Sand – No comments.

Lieske – No comments.

Will – Would like to update the definitions in the zoning code in relation to sales of pontoons. Would like to proceed with discussion and would like more information on the procedure.

9.0 ADJOURNMENT

**Motion by Schuh, second Penney, to adjourn at 7:40pm. Vote all ayes. Motion carries 5-0.**



**DATE:** June 6, 2022  
**TO:** Planning Commission  
**FROM:** Barrett Voigt, Planner/Economic Development Specialist  
**AGENDA ITEM:** 4A. Request for Variance to Exceed Fence Height Requirements in the R-1, Single-Family Residential Zoning District

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**ACTION REQUESTED:** Consider the request for a Variance to allow for a fence to exceed height requirements in the R-1, Single-Family Residential Zoning District and recommend approval, approval with conditions or denial to the City Council.

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**PROPOSAL:**

The applicants, Jim and Jan Gilmer, would like to construct a 6.5-foot tall fence in the rear yard of the property located at 112 Arabian Court (legally described as Lot 5, Block 1, The Bluffs at Cedar Ridge) for the purpose of screening a chain link and barbed wire fence of a commercial utility building area that occupies the rear yard of the property as a result of a 99-year commercial lease that was executed by the developer in 1981 prior to the purchase of the property by Jim and Jan Gilmer.

The commercial lease site is occupied by a yellow corrugated metal building approximately 480 square feet in size, a propane tank, a portable toilet structure (porta-potty), various electrical boxes, and a chain link fence with barbed wire on top approximately 6.5 feet in height.

The property owner states that originally there were pine trees planted between the residential structure and the commercial utility area to provide a visual buffer, however the needles have fallen off of the lower branches over the years and no longer provide a visual screen. Please see that attached photo for more information. In addition, portions of the residential property behind the residential structure sit at a slightly lower elevation than the commercial utility site so that views of the area are slightly upward in elevation. The applicant would like a fence taller than 6 feet so that screening of the facility can be achieved from those vantage points. Please see the illustration with contour markings below.

The property is located within the R-1, Single-Family Residential zoning district. Section 154.086(B)(1) of the City of Jordan Zoning Ordinance limits the height of a fence in the rear yard to 6 feet. Accordingly, the applicants are requesting a variance in order to allow the proposed 6.5-foot-tall fence to exceed fence height requirements by 6 inches.



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**STAFF ANALYSIS:**

**Zoning Ordinance Variance:**

**Section 154.048 of the Zoning Ordinance and Minnesota State Statute § 462.358, subd. 6. lists the review and evaluation criteria to only allow for a variance to zoning ordinance requirements as follows:**

- 1. When the proposed development is in harmony with the general purposes and intent of the ordinance**  
The applicant proposes to install a fence 6 inches beyond the maximum height permitted by the underlying R-1 zoning district for the purpose of screening a commercial utility site that occupies the property in the backyard. The zoning ordinance contains language where screening is required where commercial and industrial land uses abut residential properties. The request of the property owner is similar in intent to zoning requirements to buffer residential properties from abutting commercial and industrial land uses.  
*(Criteria satisfied)*
  
- 2. When the variance request is consistent with the comprehensive plan**  
Future land use goals and policy provide language that impacts on residential properties from commercial land uses should be minimized with appropriate buffering and screening. Staff feel that the proposed fence would adequately screen the residential property from the commercial lease site to minimize

visual impacts and that it is in line with the intent of the language in future land use goals of the Comprehensive Plan.  
*(Criteria satisfied)*

**3. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance and that the property owner proposes to use the property in a reasonable manner, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance would not alter the essential character of the locality.**

The zoning ordinance only addresses screening for land uses that abut each other, but not when they occupy the same parcel. Staff feels that the circumstances are unique and were not created by the land owner. The applicant has provided documents that verify that the 99-year commercial lease was executed by the developer prior to the purchase of the property. In addition, an attempt was made to provide screening with landscape units. However, the needles on the pine tree have fallen off on the bottom and no longer provide screening coverage. Staff is not aware of where any other similar situation exists in the city. Staff feels that the request would not alter the character of the locality, but would be more in line with the intent of the zoning ordinance to allow screening between residential and commercial and/or industrial land uses.

*(Criteria satisfied)*

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**STAFF RECOMMENDATION:**

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend to the City Council approval of the variance to exceed fence height requirements by 6 inches in the R-1, Single-Family Residential zoning district as outlined within the staff report, as the proposal complies with the standards of Section 154.048 and all other applicable requirements.

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**ATTACHMENTS:**

- 1. Location Map
- 2. Zoning Map
- 3. Supplemental Documents

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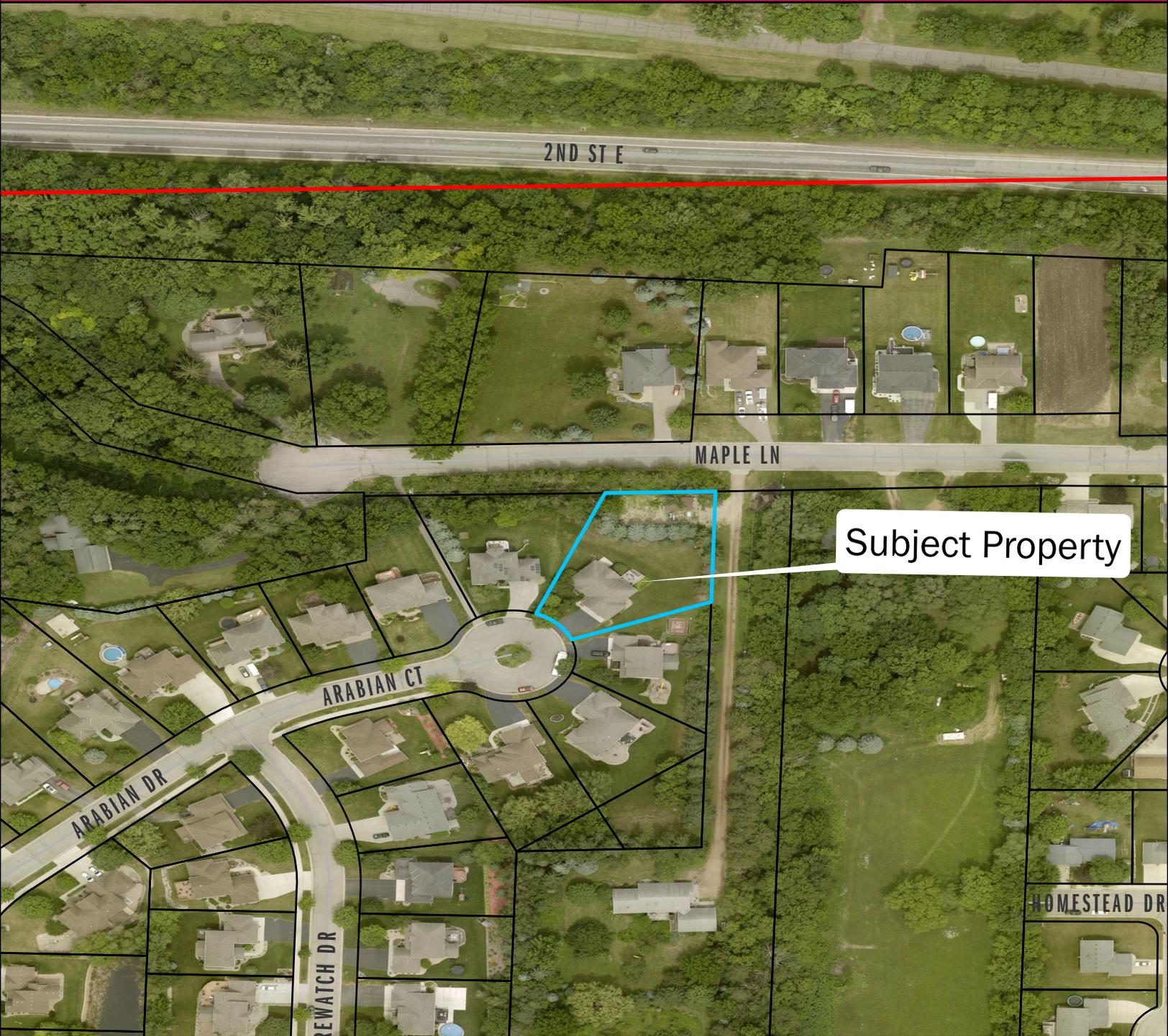
**COMMISSION ACTION:**

Motion:	_____	Second:	_____
Approved:	_____	Disapproved	_____
		:	_____
Tabled:	_____	Other:	_____

# Variance

112 Arabian Ct

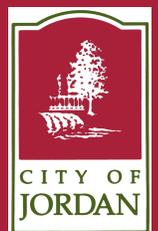
Lot 5, Block 1, The Bluffs At Cedar Ridge



Subject Property



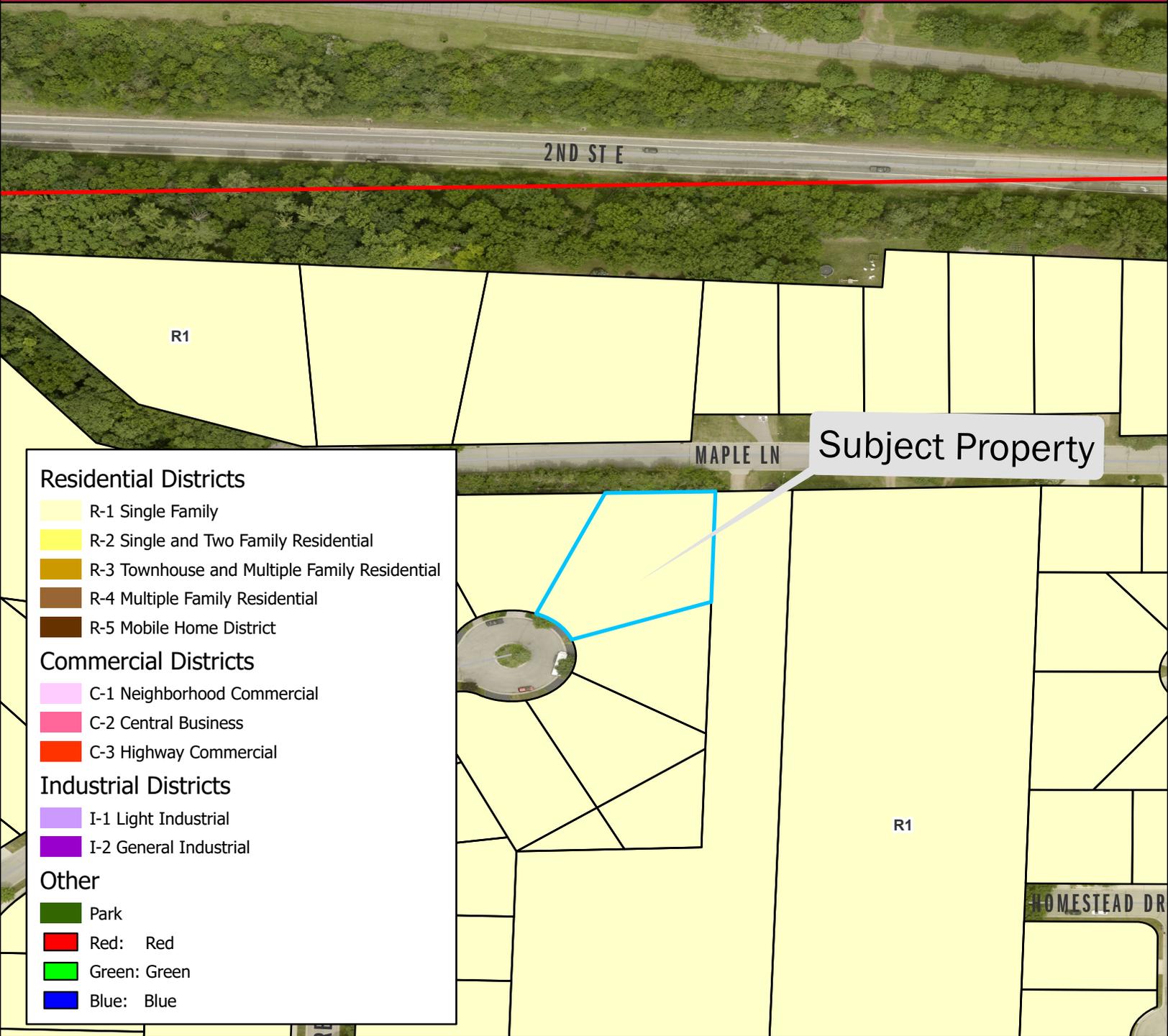
Maps and data are to be used for reference purposes only and the City of Jordan is not responsible for any inaccuracies herein contained. no responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuses of the information herein provided.



# Variance

112 Arabian Ct

Lot 5, Block 1, The Bluffs At Cedar Ridge



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APPLICATION FOR VARIANCE

CITY OF JORDAN  
210 EAST FIRST STREET  
JORDAN, MN 55352  
952-492-2535

Site Information

Site Address: 112 ARABIAN CT JORDAN MN

Legal Description: LOT 5, BLOCK 1, THE BLUFFS AT CEDAR RIDGE

Applicant / Contractor Information

Name: JIM & JAN GILMER Phone: 952-836-7806

Address: 112 ARABIAN CT JORDAN Email: jkg2jpg@gmail.com

Owner Information ( Check if same as above)

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Email: \_\_\_\_\_

I/We, the undersigned, as owners of the property described below, hereby appeal to the City Council and Planning Commission of the City of Jordan, Scott County, Minnesota to grant a variance from the Jordan City Code; (applicants have the responsibility of checking all applicable ordinances pertaining to their application and complying with all ordinance requirements):

ZONING DISTRICT: R-1

PARCEL IDENTIFICATION NUMBER: 220560050

1. The request(s) which we desire for our property is/are in conflict with the following section(s) of the Jordan City Code: Section 154.086 Section B1 Section \_\_\_\_\_

2. Proposed non-conformance(s):  
HEIGHT OF FENCE/PRIVACY PANEL DESIRED TO HEIGHT TO SCREEN EXISTING CHAIN LINK FENCE w/ BARBED WIRE AT 78"

3. What special conditions and circumstances exist which are particular to the land, structure or building(s) involved which do not apply to the land, structures or building(s) in the same zoning classification? (Attach additional pages as needed) A COMMERCIAL LEASE EXISTED ON OUR LOT WHEN WE PURCHASED IT. THE DEVELOPER SCREENED THE COMMERCIAL BUILDINGS/FENCE WITH LARGE PINE TREES. THE LOWER LIMBS OF THE PINE TREES HAVE SHED THEIR NEEDLES. TRIMMING THE LOWER BRANCHES LEAVES LARGE GAPS OF VIEW TO/FROM COMMERCIAL BUILDINGS. COMMERCIAL AREA HAS OFF-SCHEDULE RESOURCES 24x7/365. ADDITIONALLY BACK-UP GENERATOR RUNS TYPICALLY IN STORMS SITUATIONS OR OTHER LOSS OF POWER. OUTDOOR BIFFY IS CLEANED FROM TIME TO TIME.

4. Do any of the special conditions and circumstances result from your own actions? (If the answer is yes, you may not qualify for a variance) NO - EXISTING STRUCTURES

5. What facts and considerations demonstrate that the literal interpretation of the zoning ordinance would deprive you of rights commonly enjoyed by other properties in the same district under the terms of the zoning ordinance? (Attach additional pages as needed)

FENCES ON RESIDENTIAL LOTS MAY NOT BE HIGHER THAN SIX (6) FEET IN THE REAR YARD.

6. State your reasons for believing that a variance will not confer on you any special privilege that is denied by the zoning ordinance to other lands, structures or buildings in the same district: THE ONLY PEOPLE WHO WOULD SEE THE PRIVACY PANELS WOULD BE THE HOMEOWNER AND RESOURCE WHILE ONSITE OF COMMERCIAL BUILDINGS

7. State your reasons for believing that the action(s) you propose to take is in keeping with the spirit and intent of the zoning and subdivision ordinances: THE PINE TREES WERE ADDED TO SCREEN THE VIEW FROM POTENTIAL HOMEOWNER PURCHASING LOT. PRIVACY PANEL WOULD BE MORE ASTHETICALLY PLEASING THAN GRAVEL, CHAIN LINK AND BARBED WIRE FENCING; GENERATOR, PROpane TANK, BIFFY, ETC.

8. State your reasons for believing that a strict enforcement of the provisions of the zoning or subdivision ordinance would cause practical difficulty. Practical difficulty means that the property owner proposed to use the property in a reasonable manner not permitted by the zoning ordinance, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a practical difficulty under the terms of Jordan City Code as referenced in state statutes:

BELIEVE THE VIEW OF COMMERCIAL AREAS TAKES AWAY FROM SERENITY OF OUR BACKYARD. ALSO BELIEVE IT WOULD MAKE PROPERTY LESS DESIRABLE, IF WE WANTED TO SELL AND PERHAPS COST MARKET VALUE.

Attached to this application and made a part thereof are other material submission data requirements, as indicated.

**PROPOSED MEETING DATES:**

Planning Commission \_\_\_\_\_  
City Council \_\_\_\_\_

I certify that all information submitted is true and correct and I fully understand that all information and a complete application must be submitted at least 28 days prior to a planning commission meeting to ensure review by the Planning Commission on that date. Applicants are responsible for any costs incurred by the City of Jordan.

\*Applications will not be accepted without a parcel identification number.

Applicant Signature: Grant E. Selmer

Date: 5/30/22

Owner Signature: Grant E. Selmer

Date: 5/20/22

**FOR OFFICE USE ONLY**

DATE APPLICATION SUBMITTED: \_\_\_\_\_ DATE APPLICATION COMPLETE: \_\_\_\_\_  
IF INCOMPLETE, DATE LETTER SENT TO APPLICANT: \_\_\_\_\_  
DATE OF PUBLIC HEARING: \_\_\_\_\_ PUBLICATION DATE: \_\_\_\_\_  
DATE NOTICE SENT TO ADJACENT PROPERTIES \_\_\_\_\_  
FEE PAID: \_\_\_\_\_ DATE FEE PAID: \_\_\_\_\_ FILE # \_\_\_\_\_  
PLANNING COMMISSION ACTION: \_\_\_\_\_ RECOMMEND APPROVAL \_\_\_\_\_ RECOMMEND DENIAL  
DATE OF ACTION: \_\_\_\_\_  
DATE APPLICANT/PROPERTY OWNER NOTIFIED OF PLANNING COMMISSION ACTION: \_\_\_\_\_  
CITY COUNCIL ACTION: \_\_\_\_\_ APPROVED \_\_\_\_\_ DENIED DATE OF ACTION: \_\_\_\_\_  
DATE APPLICANT/PROPERTY OWNER NOTIFIED OF CITY COUNCIL ACTION: \_\_\_\_\_  
DATE FILED AT SCOTT COUNTY'S RECORDER'S OFFICE: \_\_\_\_\_  
DATE FILED IN ADDRESS FILE: \_\_\_\_\_





AMENDMENT OF LEASE

Certified Filed and/or Recorded on

Dated: January 10, 2002

02-19-2002 at 02:25 Receipt: 16024

Parties: The Bluffs at Cedar Ridge, LLC,  
a Minnesota limited liability corporation  
(Lessor)

Pat Boeckman, County Recorder 01  
by (W), Deputy Fee: \$20.00

and

Minnesota Cable Properties, Inc.,  
a Minnesota corporation  
(Tenant)

- Recitals:
- A. By Commercial Lease dated August 12, 1981, filed August 20, 1981 as Document No. 183102 ("Lease") Paul A. Stahler leased a parcel of land to Tenant.
  - B. Lessor is the present owner of the land, which was intended to be subject to the Lease. Lessor's address is 2500 West County Road 42, Suite 200, Burnsville, MN 55337.
  - C. A survey of the legal description of the land contained in the Lease has determined that such legal description is ambiguous, and the Parties desire to amend the lease to set forth a corrected legal description of the area which is actually occupied by and claimed by Tenant to be subject to the Lease.

NOW THEREFORE, in consideration of the foregoing and the mutual covenants of the Parties it is agreed as follows:

1. The legal description set forth in the Witnesseth paragraph of the lease is deleted ab initio, and the following legal description is substituted therefor:

That part of Lot 5, Block 1, THE BLUFFS AT CEDAR RIDGE, according to the recorded plat thereof, Scott County, Minnesota described as follows:

Commencing at the Northeast corner of said Lot 5; thence South 87 degrees 16 minutes 00 seconds West, assumed bearing, along the north line of said Lot 5 a distance of 15.00 feet to the point of beginning of the land to be described, said north line of Lot 5 also being the south line of Maple Lane; thence continue South 87 degrees 16 minutes 00 seconds West along said north line a distance of 82.17 feet; thence South 01 degrees 59 minutes 39 seconds East a distance of 46.91 feet; thence North 88 degrees 29 minutes 10 seconds East a distance of 82.17 feet; thence North 02 degrees 00 minutes 01 seconds West a distance of 48.66 feet to said point of beginning.

together with non-exclusive right of access over the part of said Lot 5, Block 1. The Bluffs at Cedar Ridge, as lies within the following described tract:

Beginning at the Northeast Corner of Lot 5, Block 1, THE BLUFFS AT CEDAR RIDGE, according to the recorded plat thereof, Scott County, Minnesota; thence North 87 degrees 16 minutes 00 seconds East, assumed bearing, a distance of 33.13 feet along the easterly extension of the north line of said Lot 5, said line also being the south line of Maple Lane; thence South 02 degrees 00 minutes 01 seconds East a distance of 49.69 feet; thence South 88 degrees 29 minutes 10 seconds West a distance of 48.13 feet; thence North 02 degrees 00 minutes 01 seconds West a distance of 48.66 feet to the north line of said Lot 5; thence North 87 degrees 16 minutes 00 seconds East along said north line a distance of 15.00 feet to the point of beginning.

2. The Lease, as herein amended, contains the entire agreement of the Parties with respect to this matter.

THE BLUFFS AT CEDAR RIDGE, LLC

By: \_\_\_\_\_

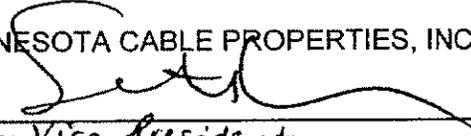
Its: \_\_\_\_\_

  
President

MINNESOTA CABLE PROPERTIES, INC.

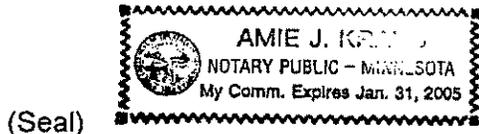
By: \_\_\_\_\_

Its: \_\_\_\_\_

  
Vice President

STATE OF MINNESOTA )  
COUNTY OF Dakota )ss.

The foregoing instrument was acknowledged before me this 10th day of January, 2002, by Richard J. Ames the President of The Bluffs at Cedar Ridge, LLC, a Minnesota limited liability company on behalf of said company.



Amie J. Kraus  
Notary Public

STATE OF MINNESOTA )  
COUNTY OF Hennepin )ss.

The foregoing instrument was acknowledged before me this 13th day of February, 2002, by Scott Olson the Vice President of Minnesota Cable Properties, Inc., a Minnesota corporation on behalf of said corporation.



Jean W. Stringer  
Notary Public

X Amie Kraus  
2600 Ames Dr  
Burnsville MN 55306

COMMERCIAL LEASE

THIS LEASE, made this 12<sup>th</sup> day of August, 1981, by and between  
PAUL A. STAHLER, unmarried, Lessor, and VALLEY VIEW CABLE, INC.,  
a Minnesota Corporation, Tenant;

WITNESSETH

LESSOR hereby leases to Tenant and Tenant hereby accepts, the premises  
located in Scott County, Minnesota described as:

That part of the Northwest Quarter (NW1/4) of the Southwest  
Quarter (SW1/4), Section 20, Township 114 North of Range 23  
West, Scott County, Minnesota:

Commencing at a point 925 feet from the south line and  
1,080 feet from the west line of said Northwest Quarter  
(NW1/4) Southwest Quarter (SW1/4) and along the south  
line of Maple Lane as the point of beginning. Thence  
west along the south line of Maple Lane 200 feet; thence  
south 100 feet; thence east 200 feet; thence north 100  
feet to point of beginning;

for the term of 99 years commencing the first day of August, 1981,  
and terminating the 31st day of July, 2080.

In consideration of the lease as hereinabove described and of the  
mutual covenants hereinafter set forth, IT IS AGREED:

1. Rent. Tenant shall pay to Lessor as rent for the premises  
described above the sum of Four Thousand Dollars (\$4,000) upon  
the execution of this lease. Thereafter as rent the Tenant shall  
provide to the Landlord without charge or expense all TV signals  
which the Lessee offers for sale to its customers. The TV signals  
shall be provided for one single family home only.
2. Permits - Zoning. Tenant shall obtain and maintain in force and  
effect all permits, licenses and similar authorizations to use the  
described premises for tenant's purposes which is required by any  
governmental authority having jurisdiction over the use thereof.  
Tenant assumes the risk that the described premises are properly zoned  
for the aforesaid purpose. Neither the failure to obtain or maintain  
such permits, licenses, and similar authorizations nor the fact that  
the premises are not properly zoned for the aforesaid purpose shall  
relieve Tenant from the performance of the obligations and covenants  
on Tenant's part to be performed except such obligations as may be  
prohibited by law.

3. Utilities. Tenant shall pay the cost of whatever utilities that he chooses to use upon the demised premises.

4. Alterations and Improvements. Tenant may make alterations and improvements to the premises demised. Such alterations and improvements shall be in compliance with all laws and regulations of any governmental agency having jurisdiction over the demised premises. Tenant shall hold the Lessor and the property of which the demised premises are a part harmless against all claims and demands of every kind and character which result from or arise out of the making of such alterations and improvements.

5. Governmental Directives. The parties shall have the following duties and responsibilities as to compliance with the orders of all governmental agencies having jurisdiction over the demised premises:

(a) Tenant shall, at his own expense, comply with such orders which relate to the use and condition thereof, the issuance of which is primarily occasioned by the the purpose for which Tenant uses or proposes to use the demised premises.

(b) Tenant shall at his own expense comply with such orders which relate to Tenant's improvements and betterments.

6. Liability Insurance. Tenant shall at all times during the term of this lease procure and maintain at Tenant's expense, but for the mutual benefit of Lessor and Tenant, general public liability insurance. These insurance policies shall cover claims for personal injuries, wrongful death and property damage occurring in or from the premises demised for Tenant's sole use. Such insurance is to afford protection to a limit of not less than \$300,000 in respect to injuries or death to a single person, to a limit of not less than \$1,000,000 in respect to any one accident, and to a limit of not less than \$100,000 in respect to property damage. The Lessor shall be named as an additional insured in such policies.

7. Condemnation. If the whole of the demised premises is taken under power of eminent domain or is sold to any entity having the power of eminent domain under threat of condemnation, there shall be such division of the proceeds from the condemnation proceedings, and such abatement

of the rent and other adjustments made as shall be just and equitable under the circumstances. If the Lessor and Tenant are unable to agree upon division of the award, an abatement of the rent or any other adjustments within 30 days after the award has been made, then the matters in dispute shall be settled by arbitration in accordance with the rules of the American Arbitration Association.

8. Breach by Tenant. Should Tenant breach this agreement, in the opinion of the Lessor, the Lessor shall give Tenant notice of such breach. The Tenant shall commence to cure such breach within sixty (60) days following the giving of such notice or the lease will terminate. If the Tenant diligently proceeds with and completes the curing of such breach within six months, the lease shall continue.

9. Notice. Whenever notice is required by the terms hereof, it shall be given in writing by delivery or by certified or registered mail addressed to the Tenant at 450 Martin Building, Rockvale, Minnesota 56001 (or whatever new address Tenant may have at the time of said notice) and to the Lessor at the place designated by Lessor for the payment of rent. If notice is given by mail, it shall be deemed to be effective three (3) days after mailing.

10. Successors. All covenants, obligations, and agreements of this lease shall be binding upon and inure to the benefit of the heirs, executors, administrators and assigns of Lessor and Tenant.

11. Quiet Enjoyment. Conditioned upon the faithful performance of the terms, covenants and provisions herein contained, Lessor covenants that Tenant shall and may peaceably and quietly have, hold and enjoy the demised premises for the term aforesaid except as otherwise herein provided.

12. Assignment. The Tenant may assign this lease upon written notice to the Lessor.

Paul A. Stahler  
PAUL A. STAHLER LESSOR

VALLEY VIEW CABLE, INC.      TENANT  
By Christopher Faye  
Christopher Faye.      Its President  
By Ruth Faye  
Ruth Faye.      Its Secretary

STATE OF MINNESOTA  
SS.  
COUNTY OF ~~WASE~~-EARTH Willet

On this 10<sup>th</sup> day of August, 1961, before me, a Notary Public within and for said County, personally appeared Christopher Faye and Ruth Faye, to me personally known who, being by me duly sworn, did say that they are President and Secretary of the corporation named in the foregoing instrument, and that said instrument was signed and sealed in behalf of said corporation and said President and Secretary acknowledged said instrument to be of his free act and deed of said corporation.

Kenneth W. Kuehner

 KENNETH W. KUEHNER  
NOTARY PUBLIC - MINNESOTA  
NICOLLET COUNTY  
MY COMMISSION EXPIRES FEB. 21, 1963

STATE OF MINNESOTA  
SS.  
COUNTY OF SCOTT

On this 12<sup>th</sup> day of August, 1961, before me personally appeared Paul A. Stahler, unmarried, to me personally known, who being by me duly sworn, did say that he is the Lessor named in the foregoing instrument and acknowledged said instrument to be of his free act and deed.

Patricia Will

 PATRICIA WILL  
NOTARY PUBLIC - MINNESOTA  
SCOTT COUNTY  
MY COMMISSION EXPIRES MAY 8, 1965

Office of County Recorder  
Scott County, Minn.  
I hereby certify that the within instrument  
was filed in this office for record on  
the 20 day of August  
A.D. 1961 at 10 o'clock A.M.  
and duly recorded as 183102  
Instrument No.  
Paul W. Wernersheim  
County Recorder

By \_\_\_\_\_ Deputy

599  
Valley View Cable Inc.  
450 Martin East  
Mankato Minn 56001



**DATE:** June 14, 2022  
**TO:** Chair Sand and Members of the Planning Commission  
**FROM:** T.J. Hofer, Planner  
**AGENDA ITEM:** **4B.** Request for Ordinance Amendment of the Parks in Central Business (C-2) Zoning District

**ACTION REQUESTED:** Discuss the proposed zoning text amendments and provide a recommendation to the City Council.

.....

**PROPOSAL:**

City staff is proposing a zoning text amendment that will help differentiate private parks and public parks in §154.020 of the Zoning Ordinance of the City Code. Additionally, two changes to the Central Business (C-2) Zoning District in §154.142 and §154.143 are proposed to modify how public and private parks are allowed in the C-2 District.

**Proposed Uses in the Zoning Ordinance**

The Jordan City Code is proposed to be revised to allow for the following updates below. Deletion(s) are shown in red ink.

**§ 154.020 DEFINITIONS.**

**PARKS, PRIVATE.** A tract of land presently owned or controlled and used by private or semi-public persons, entities, groups, etc., that is occupied by a natural or landscaped area, buildings, or structures, with the intent to provide active or passive recreational use or natural resource protection. Includes, but is not limited to, such uses as parks, plazas, greens, botanical or ornamental gardens, playfields and game courts, playgrounds, and monuments. Includes related ancillary facilities, such as picnic table areas, and gazebos.

**PARKS, PUBLIC.** A tract of land provided by a unit of government that is occupied by a natural or landscaped area, buildings, or structures, with the intent to provide active or passive recreational use or natural resource protection. Includes, but is not limited to, such uses as parks, plazas, greens, botanical or ornamental gardens, playfields and game courts, playgrounds, and monuments. Includes related ancillary facilities, such as picnic table areas, and gazebos.

**§ 154.142 PERMITTED USES.**

- (F) Public and private human services, schools or academies, including:
- (1) Daycare facilities.
  - (2) Government offices and structures.
  - (3) Government utility buildings and structures.
  - (4) Library.

- (5) Music or performing arts.
- (6) Parks Parks, Public.
- (7) Performing arts center.
- (8) Postal service.
- (9) Religious institutions.
- (10) Schools or academies.

**§ 154.143 CONDITIONAL USES.**

(L) Parks, Private. Subject to the following:

- (1) No more than 50% of the total lot area may be used for parking. Parking areas must be constructed with curbs and gutters.
- (2) Any areas used for parking and drive aisles must be paved. All other areas must be landscaped.
- (3) Screening with landscaping must be provided for adjacent residential properties that share a lot line. Screening will be provided with landscaping at a minimum height of 3 feet to prevent spillover lighting from vehicle headlights.
- (4) Any structure, including accessory structures and fences, must be designed to meet the design and performance standards § 154.147 and the standards of the Downtown Jordan Master Vision
- (5) Any sculpture, statue, or other three-dimensional piece of art that is installed a private park must meet the structure setbacks established in § 154.247.

\*\*\*\*\*

**STAFF ANALYSIS:**

The proposed change to §154.020 is to allow for private and public parks to be differentiated by the code. While parks have historically been only public within the City of Jordan, as the downtown area redevelops property owners may see a need to establish a private park with accessory uses. Staff believes that it is important to impose conditions on private parks to ensure that they do not fall into disrepair, become a blight, or be developed in a way that is not cohesive with the downtown area.

The changes to §154.142 will allow existing public parks to remain as legal conforming uses while allowing the City greater control of parks that are established by a private entity with the amendment to § 154.143. Due to the nature of parks and the wide variety of accessory and incidental uses they create, staff believes that proposed conditions in §154.143 will ultimately lead to a more desirable use.

The proposed changes to §154.143 will establish important restrictions for private parks. Parking will be limited to no more than 50% of total lot area. Parking areas must be paved following the parking standards in the zoning code. All other areas are required to be landscaped. Additionally, screening to a height of at least 3 feet must be provided along any lot line that is adjacent to a residential use. Parks that are established in the C-2 District are likely to be adjacent to residential

uses and will be large open areas. This creates a potential issue for light spill over into residential uses. Finally, any structure that is placed in a private park must conform to the design and performance standards of § 154.147 and the Downtown Jordan Master Vision. This will ensure that the parks and any associated structures are cohesive with the rest of the downtown area.

\*\*\*\*\*

**STAFF RECOMMENDATION:**

The Planning Commission should discuss the recommended changes to the Zoning Ordinance section of the City Code and provide staff with feedback. The Commission should motion to recommend amending the code sections as specified.

\*\*\*\*\*

**ATTACHMENTS:**

1. Proposed Zoning Code Text Amendment

\*\*\*\*\*

**COMMISSION ACTION:**

Motion: \_\_\_\_\_  
Approved: \_\_\_\_\_

Second: \_\_\_\_\_  
Disapproved:  
Tabled:

Other: \_\_\_\_\_  
\_\_\_\_\_

## CENTRAL BUSINESS DISTRICT (C-2)

### § 154.020 DEFINITIONS.

**PARKS, PRIVATE.** A tract of land presently owned or controlled and used by private or semi-public persons, entities, groups, etc., that is occupied by a natural or landscaped area, buildings, or structures, with the intent to provide active or passive recreational use or natural resource protection. Includes, but is not limited to, such uses as parks, plazas, greens, botanical or ornamental gardens, playfields and game courts, playgrounds, and monuments. Includes related ancillary facilities, such as picnic table areas, and gazebos.

**PARKS, PUBLIC.** A tract of land provided by a unit of government that is occupied by a natural or landscaped area, buildings, or structures, with the intent to provide active or passive recreational use or natural resource protection. Includes, but is not limited to, such uses as parks, plazas, greens, botanical or ornamental gardens, playfields and game courts, playgrounds, and monuments. Includes related ancillary facilities, such as picnic table areas, and gazebos.

### § 154.142 PERMITTED USES.

(F) Public and private human services, schools or academies, including:

- (1) Daycare facilities.
- (2) Government offices and structures.
- (3) Government utility buildings and structures.
- (4) Library.
- (5) Music or performing arts.
- (6) ~~Parks~~ Public Parks.
- (7) Performing arts center.
- (8) Postal service.
- (9) Religious institutions.
- (10) Schools or academies.

### § 154.143 CONDITIONAL USES.

(L) Parks, Private. Subject to the following:

- (1) No more than 50% of the total lot area may be used for parking. Parking areas must be constructed with curbs and gutters.
- (2) Any areas used for parking and drive aisles must be paved. All other areas must be landscaped.
- (3) Screening with landscaping must be provided for adjacent residential properties that share a lot line. Screening will be provided with landscaping at a minimum height of 3 feet to prevent spillover lighting from vehicle headlights.
- (4) Any structure, including accessory structures and fences, must be designed to meet the design and performance standards § 154.147 and the standards of the Downtown Jordan Master Vision
- (5) Any sculpture, statue, or other three-dimensional piece of art that is installed a private park must meet the structure setbacks established in § 154.247.



**DATE:** June 14, 2022  
**TO:** Chair Sand and Members of the Planning Commission  
**FROM:** T.J. Hofer, Planner  
**RE:** Shoreland Overlay District Update

**ACTION REQUESTED:** Discuss the proposed zoning text amendments and provide a comments for staff.

.....

City staff is proposing a zoning text amendment that will increase the impervious surface coverage limits of the Shoreland Overlay District within the Central Business (C-2) Zoning District in § 154.291 of the Zoning Ordinance of the City Code. City staff would like to introduce the changes to the Shoreland Overlay District for consideration by the Planning Commission in anticipation of a formal public hearing for the zoning text amendment at the July, 2022 Planning Commission meeting.

**BACKGROUND:**

City staff became aware of a need to increase the impervious surface allowance in the areas of the C-2 District that are within the Shoreland Overlay District in February, 2022. City staff has been working with the Minnesota Department of Natural Resources (DNR) to amend the Shoreland Overlay District in order to increase the impervious surface limitations from 25% to 75% and to allow lots to exceed 75% with a Conditional Use Permit (CUP).

The C-2 District makes up a large amount of Jordan’s historic downtown area and is largely developed. A large portion of the C-2 District is also within the Shoreland Overlay District. The Shoreland Overlay District is required by state law in order to provide special protection to areas containing important natural resources. Part of this protection is imposing impervious surface coverage restrictions that allow up to 25% of a lot to be covered by impervious surfaces. In a district like the C-2 District, the impervious surface limitations create conflicts as much of the land is already developed and if a use wishes to expand or improve, those changes to the lot can conflict with the impervious surface limitations.

\*\*\*\*\*

**PROPOSAL:**

**§ 154.291 IMPERVIOUS SURFACE COVERAGE REQUIREMENTS.**

~~No structure or combination of structures and impervious areas shall occupy more than 25% of the lot area within the Shoreland Overlay District.~~

Impervious surface coverage for all lots in all districts shall not exceed 25% of the lot area, except as provided in the following provisions. Such impervious surface coverage shall be documented by a certificate of survey at the time of any zoning or building permit application.

(A) An existing site which is being altered, remodeled, or expanded without expanding the existing impervious surface may be allowed, provide that where appropriate and there necessary, structures and practices for the treatment of storm water runoff are in compliance with the Jordan Surface Water Management Plan and approved by the City Engineer.

(B) In the Central Business District (C-2) new construction on confirming lots or an existing site being altered, remodeled, or expanded which expands the existing impervious surface coverage may be allowed where necessary, provided the site conforms to the Jordan Surface Water Management Plan and is approved by the City Engineer, provided the impervious surface coverage does not exceed 75% of the total parcel and provided the following stipulations are met:

(1) All structures, additions or expansions shall meet setback and other requirements of the zoning code.

(2) The parcel shall be served by municipal sewer and water.

(3) Storm water is collected and treated in compliance with the Jordan Surface Water Management Plan.

(C) Impervious surface coverage for the Central Business District (C-2) may be allowed to exceed 75% of the total parcel or exceed existing conditions on the parcel which are over 75% provided the following stipulations are met:

(1) A conditional use permit is submitted and approved as set forth in the zoning code.

(2) Improvements shall be constructed in compliance with the Jordan Surface Water Management Plan.

(3) All the conditions in provision (B) above are satisfactorily met.

\*\*\*\*\*

**STAFF ANALYSIS:**

The proposed zoning text amendment will allow for properties in the C-2 District to exceed the 25% impervious coverage limitations of the Shoreland Overlay District. Allowing 75% lot coverage for all lots with some lots able to apply for a CUP will allow for all lots in the C-2 District to grow and develop as desired.

The City Engineer has reviewed the amendment and has determined that there should be no conflict with the Jordan Surface Water Management Plan.

\*\*\*\*\*

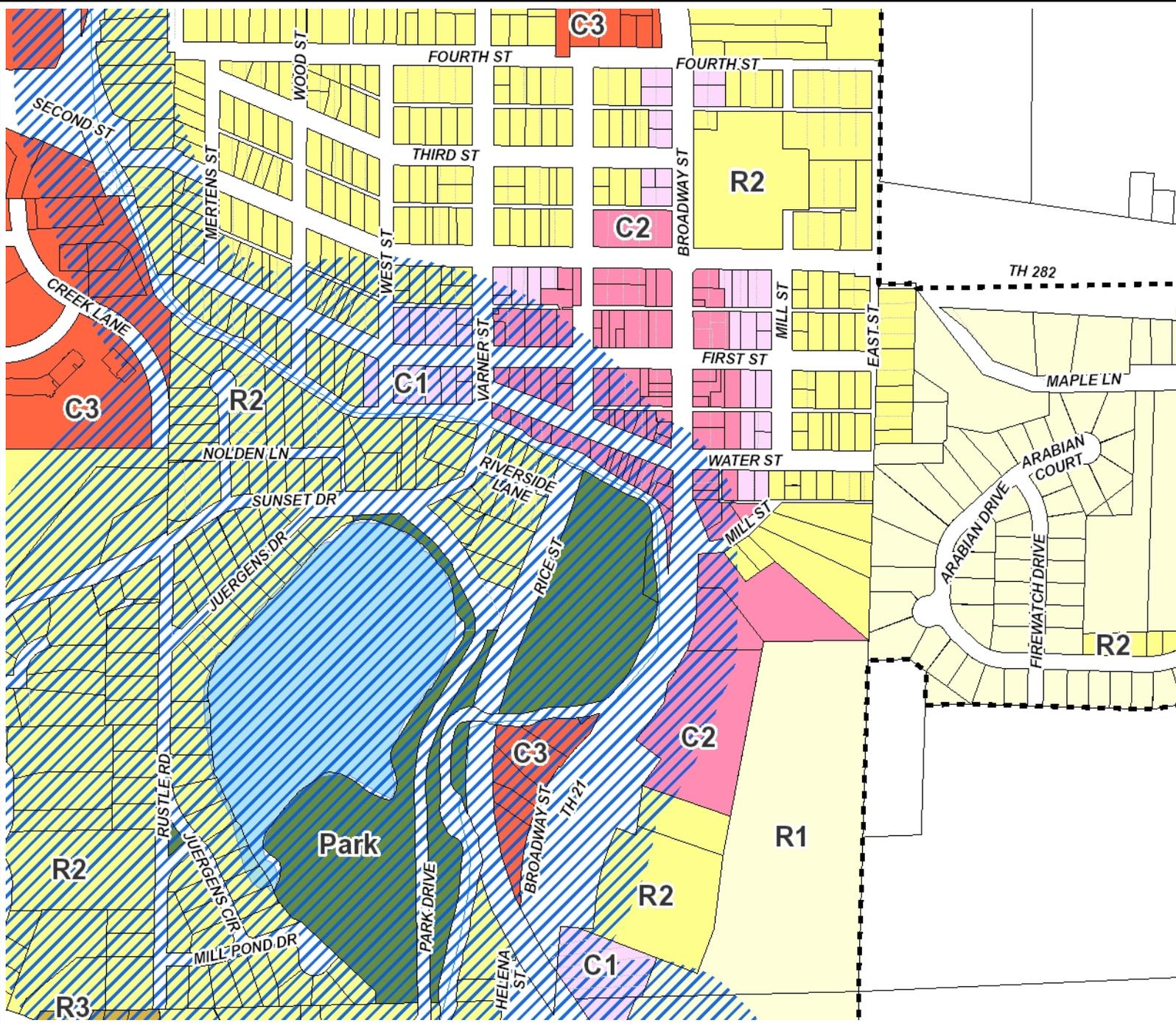
**ATTACHEMENTS:**

1. Zoning Map of C-2 District in Shoreland Overlay District.

\*\*\*\*\*

**STAFF RECOMMENDATION:**

The Planning Commission should discuss the recommended changes to the Zoning Ordinance section of the City Code and provide staff with feedback.



**Legend**

- ⊞ City Limits
- Parcels (3/1/2022)
- Lot Lines
- ▨ Shoreland Overlay District
- Protected Waters - Basins
  - Public Water Basin
  - Public Water Wetland
- Protected Waters - Watercourse
  - Connector (Wetland)
  - Stream (Intermittent)
  - Stream (Perennial)
- ⊞ Annexations
- ⊞ Planned Unit Development
- Zoning
  - R-1 Single Family
  - R-2 Single and Two Family Residential
  - R-3 Townhouse and Multiple Family Residential
  - R-4 Multiple Family Residential
  - R-5 Mobile Home District
  - C-1 Neighborhood Commercial
  - C-2 Central Business
  - C-3 Highway Commercial
  - I-1 Light Industrial
  - I-2 General Industrial
  - Park

**Attachment 1**



**Disclaimer:**

This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices, and other sources affecting the area shown, and is to be used for reference purposes only. The City of Jordan is not responsible for any inaccuracies herein contained.

