

**MINUTES OF THE PROCEEDINGS
OF THE PLANNING COMMISSION OF THE CITY OF JORDAN
IN THE COUNTY OF SCOTT
July 11, 2023**

1.0 CALL TO ORDER

Present: Jane Bohlman, Sandra Johnson, Brenda Lieske, Scott Penney, Ray Sandey, and Jeff Will

Also Present: Barrett Voigt, Planner/Economic Development Specialist

Absent: Bill Heimkes

Meeting called to order at 6:32 pm by Chair Will.

2.0 ADOPT AGENDA

Motion by Bohlman to adopt the agenda as presented. Seconded Penney. All commissioners present voted ayes. And the motion was declared carried.

3.0 APPROVAL OF MINUTES

A. June 13, 2023

Motion by Lieske to approve of the June 13, 2023 Minutes as presented. Seconded by Bohlman. All commissioners present voted ayes. And the motion was declared carried.

4.0 NEW BUSINESS

A. Ordinance Amendment – Retail Sales of Edible Cannabinoid Products

Barrett Voigt, Planner/Economic Development Specialist, presented the application for an Ordinance Amendment to allow for the retail sales of edible cannabinoid products. Voigt recommended approval.

Johnson inquired about why the use of edible cannabinoid products were not proposed to be used as accessory uses with other principal uses not listed. Voigt stated that staff recommended the proposed language to allow for the use of edible cannabinoid products to occur in locations similar to where uses related to alcohol are permitted because the products may be intoxicants like alcohol.

Johnson inquired if the ordinance amendment would result in any legal non-conformities. Voigt stated that it would create 1 legal non-conforming land use similar to what resulted with the ordinance amendment to establish the land use for retail sales of tobacco. Sandey stated he was very concerned about creating non-conforming land uses with new ordinance requirements. Lieske stated that edible cannabinoid products needed to be regulated and it was challenging to adopt new legislation to new land uses without creating non-conformities.

Sandey inquired about the proposed language for parking ratio requirements. Voigt explained that off-street parking is required in the zoning ordinance for all land uses and the language creates clarity for building permit and site plan application review. Voigt stated that the proposed ratio is similar to retail sales and retail sales of tobacco. Sandey stated that a parking ratio should not be required for accessory uses and the language should be removed. Voigt stated that the ordinance language requires staff to apply parking ratio requirements and to apply the closest uses when evaluations are being made and that ultimately the same ratio would be applied. Sandey stated if the amendment were to move forward with off-street parking regulations for accessory uses that development would not be allowed to occur in the downtown area. Voigt provided an explanation of how off-street parking requirements are implemented in the C-2 zoning district. Penney asked if a formal process would still provide an avenue for development if a change of use were to occur in the C-2 zoning district. Voigt stated that there would be and the applicant could submit an application of a parking plan for review by the Planning Commission and City Commission.

Sandey stated he had concerns of what could possibly result from creating new zoning legislation to regulate edible cannabinoid products until the Office of Cannabis Management is established and creates guidelines. Voigt stated that staff and the City Attorney are confident that negative results are unlikely to occur from the ordinance amendment because the current state statute allows for local zoning control and the Office of Cannabis Management may not issue a permit unless the application complies with local zoning ordinances.

Will asked for a motion.

Motion by Lieske to recommend approval of the ordinance amendment as detailed in the staff report. Seconded by Johnson. Commissioners Bohlman, Johnson, Lieske, Penney and Will voted aye and Commissioner Sandey voted nay. The motion was declared carried by a vote of 5-1.

5.0 OLD BUSINESS

6.0 PLANNERS REPORT

A. General Updates

Voigt stated that the Planning Department had hired a new intern. Voigt stated that applications would likely be received for the following Planning Commission in August.

B. Next Meeting – August 8, 2023

C. Discussion on Ordinance Amendment to Substantial Damage Ordinance

Voigt presented information regarding the substantial improvement ordinance for the Planning Commission to discuss. Voigt presented the intent of the ordinance, state law regarding floodplain, and how the standards within the ordinance of the city are more strict than state requirements. Voigt stated that the state minimum requirements to evaluate substantial improvements was 365 days.

Chair Will stated that he would like to see the evaluation time frame reduced from the initial date of when the structure was built to the minimum of 365 days so that property owners are not prevented from maintaining the structures.

All Commissioners stated that they would like to see staff move forward with an ordinance amendment application to reduce the substantial improvement time period to 365 days.

7.0 CITY COUNCIL MEMBER UPDATE

Council Member Penney provided an update on the previous City Council meeting agenda items regarding emerald ash bore tree removal policy discussion and the Birdie's Golf Lounge and Sports Bar business opening.

Council Member Johnson provided an update on the grant award for Pauly Park.

COMMISSION MEMBER UPDATE

Lieske stated that commended the paint work on the city water tower

Sandey inquired about the telecommunication equipment will be re-attached to the water tower. Assistant Engineer Luke Wheeler stated that the equipment will be placed on top of the tower where it will not obscure the city logo.

Will stated that he commended the work of the public works department regarding the chemical treatment of the Lagoon Park pond.

8.0 ADJOURNMENT

Motion by Lieske to adjourn, Second by Sandey. The meeting was adjourned at 7:37 pm.