

PLANNING COMMISSION
August 12, 2019

The City of Jackson Planning and Zoning Commission met in regular session in the Council Chambers of the Jackson City Hall at 5:15 p.m. on August 12, 2019 with the following Commission members present: Chairman Randy Ringquist, Nathan Peterson, Dennis Hample, Dave Lappe, Robert Dorschner and City Zoning Administrator/Recording Secretary Dave Maschoff. Also attending was City Administrator Matt Skaret, Phyllis McKeown, Ross Haliburton and Steve Henderson. (Planning Commission members Tim Beck and Donnie Schoenrock were absent.) (A quorum of the Planning Commission was present.)

CALL THE MEETING TO ORDER

Chairman Randy Ringquist asked for a motion to call the August 12, 2019 Planning Commission meeting to order and to open the public hearings.

LAPPE/HAMPLE moved and it was unanimously carried to open the meeting and open the public hearings.

APPROVE THE MINUTES FROM THE JUNE 10, 2019 PLANNING AND ZONING COMMISSION MEETING

Chairman Ringquist asked if there were any corrections or additions to the June 10, 2019 Planning Commission minutes. Hearing none, Ringquist asked for a motion to approve the minutes.

HAMPLE/BECK moved and it was unanimously carried to approve the June 10, 2019 Planning and Zoning Commission meeting minutes.

CONTINUE THE PUBLIC HEARING TO CONSIDER THE VARIANCE APPLICATION OF GREGORY AND PHYLLIS MCKEOWN. IN THEIR APPLICATION, THE MCKEOWN'S PROPOSE TO CONSTRUCT AN ADDITION TO THE ENTIRE FRONT OF THEIR HOME LOCATED AT 306 MORRISON AVENUE IN JACKSON. THE NEW ADDITION WILL BE 18 FEET FROM THE EDGE OF THE MORRISON AVENUE RIGHT-OF-WAY. CITY CODE 153.041 REQUIRES A 30 FOOT SETBACK FROM A MINOR STREET RIGHT-OF-WAY IN A RESIDENTIAL ZONED DISTRICT.

Ringquist asked the Planning Commission members if they all had an opportunity to view the white marker flags that were placed in front of McKeown's house at 306 Morrison Avenue. He noted the flags were placed to provide a better idea of where the front of the house would be located if a variance was granted to add onto the front of the house.

Commission members indicated they had looked at the placement of the flags.

Ringquist said he also looked at where the flags were placed showing where the front of the house would be if it was added onto. He said the flags outlining where the new addition would be located is what he was hoping to see. Ringquist said the new addition to the front of McKeown's house would line up and would be the same distance from the street as the rest of the houses. He said the addition to the front of the house would look appropriate to the rest of the houses on that street.

Hample noted he thinks the addition would look good.

Lappe concurred with Ringquist and Lappe.

Ringquist asked City Zoning Administrator Maschoff if anyone had commented for or against McKeown's variance application.

Maschoff said there were no comments received for or against McKeown's variance application. He said he had one person ask a question about the variance but said they weren't against it, but just had a question. Maschoff noted notices of the public hearing were sent to all adjacent property owners.

LAPPE/HAMPLE moved and it was unanimously carried to recommend to the City Council to approve the Variance Application of Gregory and Phyllis McKeown to construct an addition to the entire front of their house located at 306 Morrison Avenue that will be 18 feet from the edge of the Morrison Avenue right-of-way.

Ringquist explained to Phyllis McKeown that the Planning Commission's recommendation would now go before the City Council for their consideration on Tuesday, August 20th, 2019. He noted the recommendation would be on the City Council's Consent Agenda. Ringquist said McKeown is invited to attend the City Council meeting if she wishes. He thanked McKeown for her patience as the Planning Commission members studied her variance application.

McKeown thanked the Planning Commission.

PUBLIC HEARING ON THE VARIANCE APPLICATION OF ROSS HALIBURTON WHO RESIDES AT 302 RIVER STREET IN JACKSON. IN HIS APPLICATION, HALIBURTON PROPOSES TO ADD A 12' BY 16' DECK TO THE REAR OF HIS HOME WHICH WILL BE 7 FEET FROM THE REAR PROPERTY LINE. CITY CODE 153.045(A)(2) REQUIRES DECKS TO BE SETBACK AT LEAST 10 FEET FROM THE REAR LOT LINES IN ALL RESIDENTIAL DISTRICTS.

Ringquist asked the Planning Commission members if they all had an opportunity to review Haliburton's variance application and supporting materials.

Planning Commission members indicated they reviewed the variance application and associated information.

Hample asked if there were any complaints filed by adjacent property owners regarding the variance application.

Maschoff said no complaints were filed. He noted notices of the public hearing were sent to nine surrounding property owners. Maschoff said no negative comments were received. He said he received one comment on August 12th from Gary and Donna Comstock who live at 107 Gillie Drive. Maschoff said the Comstock's wrote a note on their notice of the public hearing that stated: "This is certainly fine with us."

Ringquist asked if the Comstock's were the neighbor's directly behind Haliburton.

Maschoff said the Comstock's would be the next neighbor over from Haliburton.

Ringquist asked Haliburton if he's had contact with the neighbor that is directly behind him and will be the closest to the proposed deck.

Haliburton explained he's seen his next door neighbor located behind his property maybe three times in the last seven years.

Ringquist asked if the neighbor had received a written notice regarding the August 12th public hearing regarding Haliburton's variance application.

Maschoff said a notice was sent to Haliburton's next door neighbor. He said he hadn't received any comments or anything from the neighbor.

PETERSON/LAPPE moved and it was unanimously carried to recommend to the City Council to approve the Variance Application of Ross Haliburton at 302 River Street to add a 12' by 16' deck to the rear of his house which will be 7 feet from the rear property line.

PUBLIC HEARING ON THE VARIANCE APPLICATION OF STEVE HENDERSON WHO PROPOSES TO INSTALL A 12 FOOT WIDE CONCRETE SLAB NORTH OF HIS GARAGE FOR PARKING AT 503 SIXTH STREET WHICH WILL BE APPROXIMATELY TWO FEET FROM THE PROPERTY LINE. CITY CODE REQUIRES CONCRETE PADS AND PAVED DRIVEWAYS TO BE FIVE FEET FROM THE PROPERTY LINE.

Ringquist said in this situation, if he was the neighbor, he'd rather have a concrete slab than a gravel or rock pad. He commented he thinks Henderson's variance request makes perfect sense.

Maschoff said notices of the public hearing were sent to surrounding property owners, posted at City Hall and the Library and a notice was published in the Jackson County Pilot. He noted Henderson had also talked to adjacent property owner John Hepp about his plans. Maschoff said no negative comments were received.

PETERSON/HAMPLE moved and it was unanimously carried to recommend to the City Council to approve the Variance Application of Steve Henderson at 503 Sixth Street to install a 12 foot wide concrete slab north of his garage for parking at 503 Sixth Street which will be approximately two feet from the property line.

Ringquist thanked Henderson for attending the meeting.

UPDATE ON REVISIONS TO THE NOISE ORDINANCE

Maschoff said he would like to have a public hearing on the proposed revisions to the City's noise ordinance at the Planning and Zoning Commission's September 9th, 2019 meeting.

Maschoff noted there was good discussion by the Planning Commission at their previous meetings about revisions to the ordinance.

Maschoff said after reviewing the proposed revised ordinance further, he thinks the wording in the proposed revision accomplishes what is being sought regarding both public and private events without making the ordinance complicated or confusing.

Maschoff noted the proposed wording in Public Nuisance Ordinance 94.01(B) states: *The City Council may waive by special permit the enforcement of the "CHAPTER 94: NUISANCE" code restrictions by granting a special event waiver for private or public events that would otherwise result in a violation of said code. The permit must be specific as to time, place and duration. The permit shall also include any other reasonable limitations that protect the rights of others.*

Maschoff pointed out the wording simply spells out that the City Council may waive by special permit the enforcement of the Chapter 94 nuisance code restrictions by granting a special event waiver for private or public events that would otherwise result in a violation of the nuisance code. He noted the permit must be specific as to time, place and duration of an event.

Maschoff noted if an event was going to be held in a neighborhood; then the City Council could put stipulations on the permit such as requiring notifying next door neighbors of the upcoming event. Maschoff pointed out it would be similar to stipulations added to a conditional/interim use permit or stipulations added to someone seeking a burning permit from the City Council. He said the revised wording keeps the intention of the ordinance clear and concise and accomplishes what's intended. Maschoff noted the revised language is pretty straightforward.

Ringquist said to him, simple is better. He said he likes the paragraph approach way better and lets it up to the City Council if there are any limitations or conditions that need to be added to any specific request.

Maschoff said he would like to bring the proposed revised ordinance before the Planning Commission for a public hearing at their September 9th meeting.

INFORMATION REGARDING PROPOSED CHANGES TO THE LAND USE CHART AND A PROPOSED ORDINANCE FOR ALLOWING BREWERIES AND DISTILLERS TO OPERATE IN JACKSON

Maschoff explained Community and Business Development Specialist Tom Nelson has spoken to individuals interested in starting a brewery or distillery in Jackson.

Maschoff said although no immediate plans are pending by anyone in starting a brewery or distillery, the thought is to be proactive and develop or amend the City's liquor ordinance to allow for the operation of breweries or distilleries in Jackson. Maschoff noted the City's Land Use Chart may also need to be amended. He said the Land Use Chart currently allows liquor stores and taverns as permitted uses in the Service Business and Central Business Zones of Jackson. Maschoff said breweries and distilleries could possibly be added to that list.

Maschoff distributed copies of the City of Marshall's ordinance regarding breweries for the Planning Commission members to review. He said the information in Marshall's ordinance could be used in formulating the City of Jackson's ordinance regarding breweries and distilleries. Maschoff said of course all State rules would have to be followed.

Maschoff said City Administrator Matt Skaret mentioned about finding out how much water would be used and wastewater generated by a brewery or distillery.

Dorschner suggested Maschoff check with the City of Mankato who has a brewery in their community and find out what Mankato's regulations and requirements are for breweries and distilleries.

Hample noted a large building in downtown Worthington is currently being renovated to be used as a brewery.

Ringquist noted the breweries that are operating in Spirit Lake and Okoboji.

Peterson added a brewery has also been operating for the past couple of years in downtown Knoxville, Iowa.

ADJOURNMENT

With no further business, HAMPLE/LAPPE moved and it was unanimously carried to adjourn the Planning and Zoning Commission meeting at 5:30 p.m.

David A. Maschoff, Zoning Administrator

