

ARLINGTON CITY PLANNING & ZONING BOARD
MEETING MINUTES
APRIL 12, 2007

The meeting was called to order at 7:00 p.m., Chairman Nagel presiding.

Members Present: Chairman Lowell Nagel, Kramer, Kreft, Mielke, Pinske, Councilmember Curt Reetz

Members Absent: Haggemiller, Grabitske, Hislop

Also Present: P&Z Administrator Jenness, Mayor Kreft, Bruce Pinske, Paul Wiemann, Denny Schultz, Dan Buresh, Rod Coras, Jeff Hennen, Anne Hennen, City Administrator David Krueger

Motion by Kramer, seconded by Kreft, and passed by unanimous vote to approve the minutes from the March 8, 2007 meeting as presented.

P&Z Administrator Jenness stated that the Council reviewed the Preliminary Plat for Polar Circle Second Addition at their last meeting in March. Attorney Arneson informed the Council that a portion of the property was not in city limits. Jenness explained that there has been some confusion as to where the city limit line actually is. He stated that through researching records of the City Attorney, City Engineer, the State of Board of Annexation and the Department of Transportation the city limit boundary line was determined, which showed that a good portion of the property proposed for development by Mr. Hennen and a portion of the High Island Creek Addition (already approved) were not in city limits. The City Council felt this new information was important and should be considered by the P&Z Board prior to approving the plat; and the Council wanted the P&Z Board to consider whether this property should be rezoned from R-1 to B-1. Jenness commented that a small portion of the property is already zoned B-1, but the vast majority is R-1 and he felt the property should not be rezoned at this time because a plat was in front of them for consideration. He commented that the P&Z Board could deny the preliminary plat based on the fact the entire property was not in city limits, per one of the conditions set at the previous meeting. Mielke expressed concern that he didn't feel comfortable about approving anything that is not in city limits. Reetz agreed. Mayor Kreft commented that he had talked with Attorney Arneson about the issue that the High Island Creek Addition had been approved with the understanding it was in city limits, but they have since found out that part of it is not. Attorney Arneson indicated to him that no precedent was set because the City approved that plat based on the information they had available to them at that time; it was an unintentional mistake. Pinske commented that he was in favor of pursuing the B-1 corridor along the highway.

Paul Wiemann from Seneca Foods was present and expressed his thoughts that the plat should be denied based on a lot of reasons, but primarily on the past history of the property.

Motion by Reetz, seconded by Mielke, to recommend to the City Council to reject the Preliminary Plat of Polar Circle Second Addition as proposed by Jeff Hennen based on the fact that the entire property is not in city limits. Chairman Nagel rejected the second to open the discussion up to those in the audience and give them an opportunity to speak.

Rod Coras spoke on behalf of the developer. He asked for some clarification on what difference it made on how much of the property was in city limits or not; they were ready to approve a preliminary plat that had a small portion outside city limits prior to this plat. He also questioned if the High Island Creek Addition was going to be revoked and if permits would be issued based on the new information that part of the property is outside city limits. Mayor Kreft and Councilmember Reetz explained that the City made an inadvertent mistake and does not intend to violate its own ordinances and they believe the City is treating all developers the same. City Administrator Krueger gave his recollection of how things happened and what the city is doing to correct them. He stated that annexation of the properties in the southwest corner just outside of the city will be discussed at the next regular Council meeting. He stated that the City wants to make sure things are getting taken care of

correctly. Coras asked the P&Z Board to consider tabling the Preliminary Plat until such time (no later than December 31, 2007) as the annexation can be completed so that the entire process does not have to start over. Reetz opposed the idea of tabling the plat based on the fact that part of the property is zoned B-1 and there are proposed residential lots that overlay this area. He feels the property should remain B-1 and not allow the PUD lots to overlay it. There was considerable discussion held on denying the plat or tabling it. Paul Wiemann resumed his presentation (against the development on Seneca Foods' behalf). Bruce Pinske (on Seneca Foods' behalf) expressed his thoughts on the matter also and feels that the City is not considering if this project is in the best interest or general welfare of the city as dictated by city ordinances.

Motion by Reetz, seconded by Kreft, to recommend to the City Council to reject the Preliminary Plat of Polar Circle Second Addition as proposed by Jeff Hennen based on the fact that the entire property is not in city limits. Motion was rescinded.

Motion by Mielke, seconded by Reetz, and passed by unanimous vote to reconsider the PUD as presented by Jeff Hennen.

Motion by Reetz, seconded by Pinske, and passed by unanimous vote to recommend to the City Council to deny the Preliminary Plat of Polar Circle Second Addition because the entire property is not in city limits and wait until an annexation procedure is done; and approve waiving the preliminary plat fees upon presentation of a new preliminary plat for this property.

Jenness explained that Mr. Bruch has recently purchased the property at 408 East Main Street and the adjoining vacant lot next to it (2 separate parcels). He is proposing to construct a 40x80 storage garage on the vacant lot. Jenness explained that a garage is an accessory building and shall not exceed 1,000 sq. feet and cannot be constructed on a lot by itself per the zoning ordinance. Mr. Bruch is planning to combine the parcels into one. Jenness stated if Mr. Bruch attached the proposed garage to his house, the parcels would not have to be combined. Kramer expressed his opposition to the size and it not conforming to the city's zoning ordinance. Mielke and Pinske both expressed concern about the appearance of a pole-shed in a residential setting. Mielke suggested revising the zoning ordinance to clarify what type/height of accessory buildings (materials) may be constructed in residential zones. Kreft commented that he would like to see restrictions (change zoning ordinance) put onto certain properties in residential zoned areas that have larger buildings on them that if they are sold the use must conform to residential zoning and not continue as commercial or a business.

Jenness presented his monthly building permit report. Discussion was held on modular homes.

Jenness reported that the company that had proposed a cell tower in Arlington a few months back has now found a site, which is on the fairgrounds. He stated that it would be to the east of the racetrack pit area and would meet all the required setbacks. The Fair Board and the cell tower company have reached an agreement.

Kreft questioned what if anything was being done about the properties around town that are in disrepair. Jenness stated that he had sent letters out to the property owners.

Brief discussion was held on the situation with the city limit boundaries.

Motion Mielke, seconded by Kramer, and passed by unanimous vote to recommend to the City Council to have the City Attorney, City Engineer, Surveyors and State (any means necessary) determine all the city boundary lines before the end of the year.

Reetz commented that at the last Council meeting he had brought up the need to get a Comprehensive Land Use Plan in place and the Council acknowledged this need. They had authorized several individuals to attend a seminar in St. Paul on this topic.

Brief discussion was held on the types of housing available and needed in Arlington.

Kreft requested Jenness to go back in the records to see if there was anything that stated that the properties in the business district on Main Street had to have some kind of fire retardant material (stucco, brick, etc.).

Jenness commented that they are currently working on properties that have people living in them illegally (above old Community Hall, garages, etc.).

Motion by Mielke, seconded by Kramer, and passed by unanimous vote to adjourn the meeting.

P&Z Administrator Harry Jenness

Chairman Lowell Nagel