

ARLINGTON PLANNING & ZONING BOARD  
MEETING MINUTES  
DECEMBER 6, 2007

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

Members Present: Grabitske, Haggemiller, Kreft, Chairman Nagel, Pinske, Councilmember Curt Reetz

Members Absent: Hislop, Kramer, Mielke

Also Present: P&Z Administrator Cynthia Smith-Strack, Chris Bruch

It was the consensus of the Planning & Zoning Committee that the agenda stood approved with the following additional items:

7B) Amend Ordinance 168 – Premature Subdivisions.

Motion by Kreft, seconded by Pinske, and passed by unanimous vote to approve the minutes from the November 1, 2007 meeting as presented.

Chairman Nagel recessed the regular meeting to hold a public hearing.

**Ordinance 220: Amend Zoning Ordinance Section 14 Relating to Non-Conformance**

Chairman Nagel called to order the public hearing regarding proposed Ordinance 220: An Ordinance Repealing and Replacing Section 14 of Ordinance No. 169, The Arlington Zoning Ordinance, Relating to Non-Conforming Uses Within the City. P&Z Administrator Smith-Strack commented that there have been some discussions about the unlawful establishment of sunset dates (amortization) for non-conforming uses. It was noted that there was no one in attendance either for or against said proposed amendment.

Chairman Nagel adjourned the public hearing and reconvened the regular meeting.

Discussion continued on proposed Ordinance No. 220. Smith-Strack noted that the revised language addresses the following 3 types of non-conformance:

- 1) Non-conforming uses of land which are activities that use land, buildings, and/or structures for a purpose that was legally allowed when established but that is not currently allowed as a use in the zoning district in which it is located.
- 2) Non-conforming structures which are legal non-conforming buildings that complied with ordinance standards at the time it was established but that does not currently conform to an ordinance standard such as height, setback, or size.
- 3) Non-conforming lots of record are existing base lots of record at the time of approval of this Ordinance that are non-conforming in terms of lot area or lot width or depth and that have not at any time been the site of a principal use/structure.

Smith-Strack gave some examples of non-conforming uses (lots and structures) for the PZ Committee to consider. There was considerable discussion.

Motion by Grabitske, seconded by Pinske, and passed by unanimous vote to table proposed Ordinance 220: An Ordinance Non-Conforming Uses to allow the Planning & Zoning Committee more time to review it.

No action was taken on Resolution 10-2007 – A Resolution Recommending the City Council Approve Ordinance 220, An Ordinance Repealing and Replacing Section 14 of Ordinance No. 169, The Arlington Zoning Ordinance, Relating to Non-Conforming Uses Within the City as discussion on this was tabled.

Chairman Nagel recessed the regular meeting to hold a public hearing.

**Bruch CUP Amendment: Sidewall Height of Accessory Structure**

Chairman Nagel called to order the public hearing regarding the request from Chris Bruch, 408 East Main Street, to amend the existing Conditional Use Permit on said property. Smith-Strack stated that the purpose of the public hearing was to review and consider an amendment of the existing CUP to allow a change in the overall sidewall height for the accessory structure to either 12 feet or 14 feet. She reviewed the conditions of the CUP. She explained that by amending the CUP, additional conditions may be attached to the CUP. It was noted that Chris Bruch was the only one present and the City had not received any verbal or written comments either for or against the change. He presented 2 drawings of the proposed accessory structure, one with 12 ft. sidewalls with scissor trusses and a 5/12 pitch roof; and one with 14 ft. sidewalls and a 4/12 pitch roof, each drawing included a proposed additional accessory structure behind it. Bruch stated the reason he was asking for the change was to accommodate a hoist within the structure. Pinske commented that he thought the shorter structure would look better. Nagel commented that the steeper roof pitch would also look good due the height of the house and its roof pitch. Haggenmiller suggested making the roof a 6/12 pitch in order to bring it closer (nicer looking) to the house pitch. Reetz expressed concern about the second accessory structure proposed to be on the property and placed behind the 2,000 sq. ft. structure. Bruch stated that he would prefer the structure to have 14 ft. sidewalls. Pinske suggested allowing a 40x50x12 structure, but disallow a second structure. Haggenmiller suggested eliminating the second structure, allow 14 ft. sidewalls and increase the front setback so the structure sits further back on the lot (less noticeable).

Chairman Nagel adjourned the public hearing and reconvened the regular meeting.

Motion by Pinske, seconded by Kreft, and passed by unanimous vote to amend the CUP for Chris Bruch, 408 East Main Street to allow a 40x50 accessory structure with 12 ft. sidewalls and a 5/12 pitch roof with pending setbacks and disallow the proposed second accessory structure.

PZ Adm. Smith-Strack reviewed the information she received from members of the PZ Committee regarding accessory structures (likes, dislikes, and concerns). Considerable discussion was held on the following:

- 1) architectural details,
- 2) subordinate scale/bulk,
- 3) limiting where accessory structure can be located,
- 4) limiting number of accessory structures allowed per lot,
- 5) limiting structure height,
- 6) allowing relief through a Conditional Use Permit.

Smith-Strack will compile the suggestions into a draft of specific standards for accessory structures and have it ready for the next meeting.

Kreft expressed concern about houses being put in that don't fit the look of the neighborhood; example given was a manufactured home with little to no pitch roof next to a 1½-2 Story home. Smith-Strack stated that this can be addressed through Developer's Agreements and/or Restrictive Covenants.

Smith-Strack presented a proposed fee schedule. She explained that some of the fees have been in place for some time and some were new. Nagel expressed concern about setting the fees too high.

Motion by Pinske, seconded by Haggenmiller, and passed by unanimous vote to recommend to the City Council to adopt the following fee schedule:

<b><u>PURPOSE OF APPLICATION</u></b>	<b><u>PROPOSED FEE</u></b>
Variance Application	\$200 plus recording fee
Conditional Use Permit Application	\$200 plus recording fee
Ordinance Amendment Application	\$200
Rezoning Application	\$200 plus recording fee
Land Use Permit Application	\$15

Preliminary Plat Approval Application	\$200 plus \$5/lot plus deposit
Final Plat Approval Application	\$150
Planned Unit Development Approval Application	\$200 plus \$5/lot plus deposit
Park Dedication Fee	5% of average value of buildable area
Annexation Fee	\$5/lot, minimum of \$100.

Smith-Strack commented that there is a need to amend the Subdivision Ordinance as it currently does not give the City the authority to deny a plat request. She stated that language should be added that addresses Premature Subdivisions, which will then give the City the discretion it needs with regards to plat approval/denial. It was the consensus to amend the Subdivision Ordinance; Smith-Strack will have it ready for the January meeting.

The PZ Committee reviewed the October & November Building Permit Reports. Discussion was held on permit fees and valuations, which are based off of State tables/guidelines. It was noted that regardless of what valuation is put on a permit, the County will not assess taxes based on that value; they have a completely different method they use to determine taxable values.

Motion by Grabitske, seconded by Pinske, and passed by unanimous vote to adjourn the meeting.

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P&Z Consultant Cynthia Smith-Strack

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Chairman Lowell Nagel