

ARLINGTON PLANNING & ZONING BOARD
MEETING MINUTES
MAY 7, 2009

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

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

Members Absent: Rosenfeld

Also Present: PZ Adm. Smith-Strack, Kim Vigen for After Burner Auto, Galen Wills

Motion by Reetz, seconded by Grabitske, and passed by unanimous vote to approve the agenda with the following addition:

Add item 5.5) After Burner Auto CUP Amendment.

It was noted that the minutes from the April 2, 2009 meeting were not ready in time for the meeting.

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

Side Yard Setback Variance: Jeff & Wendy Klehr, 640 East Brooks Street

Chairman Nagel called to order the public hearing regarding the request for side yard variance from Jeff and Wendy Klehr, 640 East Brooks Street. Smith-Strack stated that the property owners are proposing an addition (38 x 100 ft.) onto their existing shed (50 x 90). It was noted that the required side yard setback in a R-1/Ag, R-2/Ag district is 10 feet, which the southern end of the addition meets, but the northern end would not due to the angle of the lot line. The applicants noted on their application and during a site visit that the variance is needed because the side yard is the only available spot to put the addition due to topographical conditions (sloping) of the lot, it would be cost prohibitive to extend the shed on the end due to sloping, and it would put garage doors on the wrong side of the structure in winter (freeze shut) when they needed to get their equipment out. Smith-Strack explained the hardship rules and recommended approval of the variance. It was noted that there were no written or verbal commitments either for or against said variance. It was also noted that the Klehrs were present.

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

Discussion resumed on the variance request for Klehrs. Pinske asked if the addition could be reduced/narrowed, which it could not due to the size of the equipment planned to be stored inside of it.

Kreft introduced the following resolution and moved for its adoption:

RESOLUTION NO. 3-2009

A RESOLUTION RECOMMENDING APPROVAL OF A VARIANCE FROM SIDE YARD SETBACK REQUIREMENT FOR 640 EAST BROOKS STREET, PARCEL #310109000

WHEREAS, Jeff and Wendy Klehr have submitted a request for variance from the required side yard setback under Section 4.5, Subd. 5(c)(2) of the Arlington Zoning Ordinance; and,

WHEREAS, the purpose of the variance is to provide for an addition to an existing structure on the property legally described as the east 230.11 feet of Outlots 11-12 except parcel 200 feet by 75.11 feet, Maas Subdivision, City of Arlington, Sibley County MN; and,

WHEREAS, notice of a public hearing to accept input on the variance request was published in the official newspaper on April 23, 2009 and sent to property owners within 350 feet of the property; and,

WHEREAS, the Planning and Zoning Committee acting as the Board of Zoning Adjustment conducted a public hearing on the variance request on May 7, 2009 and accepted input on the variance request; and

WHEREAS, the Planning Committee has reviewed the variance request and has made the following findings:

- The parcel is within the R1/R2-Ag Residence District. The subject parcel is not developed at an urban density and is used as a large lot business/residence. The proposed addition is in keeping with the spirit and intent of the zoning classification.
- The structural addition cannot be located to the west or south of the existing structure due to topographical features of the lot. The structural addition cannot be located north of the existing structure due to encroachment into the front yard. The variance is unique to the property due to topographic conditions, lot orientation, and existing layout of structures upon the parcel.
- A portion of the proposed structural addition (a 38' X 100' rectangular-shaped structure) meets the required side yard setback of 10 feet.
- The non-compliance results from a side yard line that is measured from the center point of a creek which results in a line that deflects as it progresses from north to south. The degree of deflection accommodates the 10' setback at the southern portion of the proposed structure but encroaches onto the required setback in the northern portion of the structure.
- The proposed variance and structure will not alter the essential character of the locality in that similar structures existing throughout the Maas Subdivision which was originally developed in the township and recently annexed to the City. Most lots within the locale contain large agricultural accessory structures which house business equipment to prevent storage of such items outdoors.

NOW, THEREFORE, BE IT RESOLVED BY THE ARLINGTON PLANNING AND ZONING COMMITTEE THAT: The Planning Commission acting as the Board of Zoning Adjustment does hereby recommend the City Council of the City of Arlington approve a request for a seven foot nine inch variance to the side yard setback requirement for the property at 640 East Brooks Street (Parcel #310855000).

The motion for the adoption of the foregoing resolution was duly seconded by Grabitske and upon poll being taken thereon the following voted in favor thereof: Grabitske, Haggemiller, Kreft, Nagel, Pinske, Councilmember Reetz; and the following voted against the same: None; and the following abstained from voting: None; and the following were absent: Rosenfeld.

Adopted by the Planning & Zoning Committee of the City of Arlington this 2nd day of April, 2009.

Signed: /s/ Lowell Nagel Attest: /s/ Cynthia Smith-Strack
Chairperson Planning & Zoning Administrator

Whereupon the resolution was declared duly passed and executed.

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

Ordinance No. 245: Interim Use Permits

Chairman Nagel called to order the public hearing regarding proposed Ordinance No. 245 – An Ordinance Amending Ordinance 169, The Arlington Zoning Ordinance By Adding Section 15.5 Relating to Interim Use Permits. Smith-Strack gave a brief explanation of what IUP's are and how they work. It was noted that no verbal or written comments had been received either for or against said ordinance.

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

Reetz introduced the following resolution and moved for its adoption:

RESOLUTION NO. 4-2009

A RESOLUTION RECOMMENDING THE CITY COUNCIL APPROVE ORDINANCE 245, AN ORDINANCE AMENDING THE ARLINGTON ZONING ORDINANCE (ORDINANCE 169) TO PROVIDE FOR INTERIM USE PERMITS

WHEREAS, the City of placed Ordinance 169, the Zoning Ordinance, into effect several years ago; and

WHEREAS, the from time to time the Arlington Planning Commission reviews the Zoning Ordinance to make sure standards are appropriate and up to date; and

WHEREAS, cities are authorized to provide for 'interim uses' and 'interim use permits' under MN. Stat. 462.3597; and

WHEREAS, an 'interim use' is a temporary use of property until a particular date, until a particular event occurs, or until zoning regulations no longer permit such a use; and

WHEREAS, the Arlington Planning Commission has drafted Ordinance 245 which provides for the establishment of interim uses and interim use permits; and

WHEREAS, a public hearing was properly noticed and held on May 7, 2009 by the City of Arlington Planning Commission.

NOW, THEREFORE, BE IT RESOLVED, that the Arlington Planning Commission recommends the City Council approve Ordinance 245, entitled "An Ordinance Amending Ordinance 169, the Arlington Zoning Ordinance by Adding Section 15.5 Relating to Interim Use Permits".

The motion for the adoption of the foregoing resolution was duly seconded by Pinske and upon poll being taken thereon the following voted in favor thereof: Grabitske, Haggemiller, Kreft, Nagel, Pinske, Councilmember Reetz; and the following voted against the same: None; and the following abstained from voting: None; and the following were absent: Rosenfeld.

Adopted by the Planning & Zoning Committee of the City of Arlington this 7th day of May, 2009.

Signed: /s/ Lowell Nagel
Chairperson

Attest: /s/ Cynthia Smith-Strack
Planning & Zoning Administrator

Whereupon the resolution was declared duly passed and executed.

Smith-Strack provided an update on the After Burner Auto Body CUP compliance. She explained that three separate notices (2 from her office and 1 from City Attorney) had been sent indicating that compliance was not being met. She handed out a copy of a letter that had been received from After Burner regarding said compliance. The CUP was reviewed and it was noted that it only mentioned 'passenger' vehicles and did not address commercial vehicle storage on the property. The property owner was requesting clarification of what a 'passenger' vehicle was (amendment to CUP). Smith-Strack indicated that the CUP could be amended by a clarifying resolution and recorded at the County. Kim Vigen for After Burner Auto Body was present to answer questions. Clarifying language should be motorized vehicles and trailers related to the business (4 of each at one time) rather than "passenger" vehicles.

Motion by Reetz, seconded by Grabitske, and passed by unanimous vote to recommend to the City Council to amend the CUP for After Burner Auto Body by adding the clarifying language as mentioned above.

Smith-Strack stated that the City Council, in an effort to determine its southern corporate boundary line, has been working with Seneca Foods on a conceptual design pending annexation. Considerable discussion was

held on the various concepts that had been presented. She indicated that the Planning & Zoning Committee will most likely be discussing a zoning amendment for the I-2 Heavy Industrial Standards, rezoning of Seneca property, and the implementation of a CUP. She commented that the addition of a can manufacturing facility may be added, which a site plan will be presented to the PZ also. Discussion was held on the silage pile and how this would be handled.

Discussion was held on beekeeping in city limits. Galen Wills (former beekeeper) was present to answer questions about beekeeping, which included general bee behavior, flight paths, feeding & watering, swarming, space needed, requeening, hive/colony/nuc limitation, etc. A draft ordinance was also reviewed. It was suggested that if a resident wants to have bees on their property, they must fill out a form (provided by the City) and have all neighbors within a certain radius sign off on it. It was stated that the information presented was very helpful and interesting.

The March and April Building Permit Reports from Building Official Haslip were reviewed.

Smith-Strack invited the Committee of the upcoming “Rediscover the Sportsmans Park” event on May 17th. She stated that the Parks Committee is looking at what can be done with the park, such as active areas, trails, etc. and are seeking public input.

Haggenmiller expressed concern about the resident keeping rabbits on his property (corner of 4th Avenue NW and West Douglas Street), not being properly maintained (odor issues). He stated that he had submitted a written complaint to the City, who in turn gave it to the Police and nothing has been done. It was noted that the property is a problem property as it has racecars and/or car parts all over also. Smith-Strack will investigate the matter.

Kreft expressed his concern about the signs located on the sidewalk in front of the Meat Market and Liquor Store. Reetz stated that no complaints have emerged from the one in front of the Meat Market, but numerous ones have been received regarding the Liquor Store. He stated that the neither sign is enforceable and the City is addressing the issue.

Smith-Strack gave an update on the Neisen property (CUP compliance). She stated that Attorney Arneson sent Neisen a letter that stated he had until May 17th to get into compliance or he would be fined. Concern was expressed about the debris (possible asbestos) in the dumpsters on the property.

Brief discussion was held on what if anything was happening with the old lumberyard building behind After Burner Auto. It was noted that it was an eye sore and a safety hazard.

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

PZ Adm. Cynthia Smith-Strack

Chairman Lowell Nagel