

ARLINGTON PLANNING & ZONING BOARD
MEETING MINUTES
OCTOBER 4, 2007

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

Members Present: Grabitske, Haggemiller, Hislop (arrived late), Kreft, Mielke, Pinske, Councilmember Curt Reetz

Members Absent: Kramer, Nagel

Also Present: P&Z Administrator Cynthia Smith-Strack, City Attorney Arneson, Kris Von Eschen, Tom & Mary Von Eschen, Jennifer Von Eschen, Chris Bruch

Motion by Reetz, seconded by Mielke, and passed by unanimous vote to approve the agenda as presented.

Minutes from the September 13, 2007 meeting were not ready for the meeting and will be approved at the next regular meeting. There were no minutes from the Special September 20th meeting due to a lack of a quorum.

Discussion on the request from Tom Von Eschen to rezone his property at 409 4th Avenue NW resumed from the previous meeting. Von Eschen presented a petition signed by 73 individuals in support of the rezoning to residential. Von Eschen commented that he just wants to be treated fairly as he knows there are other residences within B1 districts. Reetz expressed his feelings that the property would be better suited for residential as that is what is all around it, even though he agrees that property along the Hwy 5 corridor should be for commercial purposes. Smith-Strack and Attorney Arneson commented on some incorrect zoning issues along Hwy 5 and the zoning map.

Mielke commented that he hasn't heard any reason(s), other than personal, for changing the zoning. Von Eschen commented that he tried operating a business without success; it is costly to maintain commercial property without a functioning business in it. Mielke commented that maybe a different type of business would do better. Von Eschen commented another reason is that it would improve the appearance of the neighborhood, which he has already received several compliments on. Kris Von Eschen commented that in order for traffic to access the property (business) it must turn off Hwy 5 into a residential area (there is potential for increased traffic flow).

Smith-Strack commented that the rezoning request needs to be clarified; is it the intent to make the structure an apartment or single-family residence. She reiterated that apartments are not permitted in a R-1 district. She stated that the term "apartment" means more than 1 family. Attorney Arneson explained the difference between the terms "single family residence" and "apartment(s)". Von Eschen stated that it is intended to be a residence.

Grabitske questioned what kind of process there will be in the future if it is deemed necessary to change the zoning back to commercial (B-1). Smith-Strack stated that the process is much more difficult going from residential to commercial zoning. Pinske expressed concern about setting precedence. Pinske questioned if the property can stay zoned B-1, but allow a residence by either a variance or CUP. Smith-Strack stated that the zoning ordinance would have to be amended to allow this. Von Eschen commented that this already exists within city limits. Attorney Arneson stressed that these properties were "grandfathered" in. Grabitske commented that he liked the idea of the property being used for residential, but also wants to make sure the door is still open for commercial use in the future.

Reetz introduced the following resolution and moved for its adoption:

P&Z RESOLUTION NO. 2007-5

**RESOLUTION RECOMMENDING APPROVAL OF A REZONING REQUEST FOR 409 4TH AVE
NW FROM B-1 SERVICE BUSINESS TO R-1, SINGLE AND TWO FAMILY RESIDENTIAL**

WHEREAS, Thomas and Mary Von Eschen have submitted a request for rezoning of the property at 409 4th Avenue NW from B-1 Service Business to R-1 Single and Two Family Residential; and

WHEREAS, notice of a public hearing to accept input on the rezoning request was published in the official newspaper on August 30, 2007 and sent to property owners within 350 feet of the property; and

WHEREAS, the Planning and Zoning Committee conducted a public hearing on the rezoning request on September 13, 2007 and accepted input on the CUP request; and

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

1. Historical use of the property as a commercial establishment has proved problematic in that the parcel had repeatedly fallen into a state of disrepair.
2. The parcel while abutting Highway 5 does not have access onto Highway 5 but via 4th Avenue, a local street.
3. The parcel is adjacent to residential uses.

NOW, THEREFORE, BE IT RESOLVED BY THE ARLINGTON PLANNING AND ZONING COMMITTEE THAT: The Planning Committee does hereby recommend the City Council of the City of Arlington approve a request for rezoning of the property at 409 4th Avenue NW from B-1 Service Business to R-1 Single and Two Family Residential.

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

Adopted by the Planning & Zoning Committee of the City of Arlington this 4th day of October, 2007.

Signed: /s/ Arden Kreft
Arden Kreft

Attested: /s/ Cynthia Smith-Strack
Cynthia Smith-Strack

Whereupon the motion was declared duly passed and executed.

Smith-Strack stated that the Council had approved the CUP for Chris Bruch as recommended by the P&Z Committee, including the reduction in size of the structure to no more than 2,000 sq. ft. She stated that Mr. Bruch was asking for clarification as to what actually he was being expected to take off of the proposed 3,200 sq. ft. structure, the front section (960 sq. ft. with 10 foot sidewalls) or the rear section (2,240 sq. ft. with 14 foot sidewalls). She stated that he was proposing to take off the front section, which the entire structure would then have 14 foot sidewalls. Hislop commented that he did specifically ask Mr. Bruch at the last meeting which side of the structure (front or back) would be reduced; and was told that the reduction in size would not be acceptable. Bruch clarified that if he would have been allowed the 25x60 structure he would have taken some off the rear of the structure and kept the front section; but due to the square footage being allowed he was proposing removing the front section completely so that the entire structure would have 14 foot sidewalls. He handed out a revised drawing of the proposed structure with a second accessory structure (960 sq. ft.) on the lot with it. Smith-Strack commented that the ordinance for R1/R2 does not limit the number of accessory structures or surface coverage (maximum) on a lot, nor does it limit the sidewall height

for accessory structures. She stated that the ordinance would have to be amended to include the limitations. Some of the Committee Members expressed concern about the proposed 2nd accessory structure.

Motion by Hislop, seconded by Pinske, and passed by unanimous vote to table the discussion for the Chris Bruch accessory structure (granted CUP for at a previous meeting) until such time that he can present a revised drawing (2 different elevations) of the structure reduced to the permitted 2,000 sq. ft.

Motion by Hislop, seconded by Mielke, and passed by unanimous vote to recommend to the City Council to put a moratorium on accessory structures in order to give the P&Z Committee time to revise the ordinance pertaining to said structures and incorporate a limitation as to the number and size (overall sq. footage per lot) of said structures. The moratorium should last up to the next regular meeting of the Planning & Zoning Committee.

Smith-Strack presented proposed Ordinance No. 212 – An Ordinance Amending the Arlington Zoning Ordinance (Ordinance No. 169) by Adding Section 13, Subd. 6 Relating to Wind Energy Conversion Systems (WECS).

Motion by Hislop, seconded by Reetz, and passed by unanimous vote to hold a public hearing at the November 1st meeting in order to obtain public input on proposed Ordinance No. 212 – An Ordinance Amending the Arlington Zoning Ordinance (Ordinance No. 169) by Adding Section 13, Subd. 6 Relating to Wind Energy Conservation Systems (WECS).

Discussion was held on accessory structure standards and revising the zoning ordinance to include said standards. Smith-Strack commented that there are areas of the zoning ordinance that need to be amended and soon as there are items within it that are no longer valid or are illegal. She presented examples of what other cities (Belle Plaine, Gaylord, Jordan, Norwood Young America) allow with regards to accessory structures. It was noted that there are set limits on the number of accessory structures allowed, when they can be erected (must have a principal structure first), limits on sidewall height and some sort of loose language tying it to the design of the principal structure so that it blends in with the rest of the neighborhood. Hislop expressed concern that some kind of language should be added to the zoning ordinance that covers the overall appearance (esthetics) of any structure, not just accessory structures (specifically color) so that someone can't paint their house in such way to spite the City or neighborhood (ridiculous color scheme). Smith-Strack commented that esthetics is usually covered in restrictive covenants when new developments go in. Reetz commented that total lot coverage should also be addressed (how much of the lot may be covered by structures or how much green space must be maintained). Mielke expressed his feelings about CUP's (not really favorable to them), but understands that you don't want rules that are too restrictive either. Haggemiller commented that he would like to see some language added that covers anyone who violates the ordinance.

Smith-Strack commented that she has been asked by the Mayor and City Administrator to look into taking over the zoning for the orderly annexation area (at a minimum) and outside city limits 2 miles. She stated that the Orderly Annexation Agreement (OAA) does not specify who has zoning authority within the annexation area. It is presumed the zoning authority reverts to the underlying jurisdiction (Township and/or County) until the area is annexed. Smith-Strack stated that she spoke with Jeff Majeski (Director of Environmental Services at Sibley County), who expressed his support for the concept and recommended to the City to file letters of intent with the Town Board, the County Attorney and his office. She also spoke with Attorney Arneson on this matter and he suggested amending the OAA.

Motion by Hislop, seconded by Mielke, and passed by unanimous vote to recommend to the City Council to amend the Orderly Annexation Agreement to give the City of Arlington the zoning authority over said annexation area.

The September Building Permit report was reviewed.

Hislop thanked Smith-Strack for all the good information she has been providing to the Committee and bringing to the meetings.

Mielke commented on what was happening around Madison Lake in Blue Earth County regarding zoning control outside city limits approximately 1 mile. He commented that going any farther than 1 mile might be too far.

Kreft commented that the City should start looking ahead to outlying areas and how they should be zoned when they are annexed and include truck routes. Smith-Strack stated that is what a Comprehensive Plan is for and the City is starting to put a plan together.

Mielke spoke on behalf of the County's Hwy Department. He stated that the County has budgeted money to put salt sheds near their maintenance sheds (that don't currently have them) throughout the County in order to be able to get the roads cleared faster during the winter. He gave a brief description of the proposed structure and where it would be located in conjunction with the existing maintenance building.

Motion by Hislop, seconded by Reetz, and passed by unanimous vote to adjourn the meeting.

/s/ Cynthia Smith-Strack
P&Z Consultant Cynthia Smith-Strack

/s/ Arden Kreft
Vice Chairman Arden Kreft