

ARLINGTON PLANNING & ZONING BOARD
MEETING MINUTES
SEPTEMBER 13, 2007

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

Members Present: Chairman Lowell Nagel, Grabitske, Haggenmiller, Hislop, Kreft, Mielke, Pinske,
Councilmember Curt Reetz

Members Absent: Kramer

Also Present: P&Z Administrator Cynthia Smith-Strack, Administrator Jaunich, Ben Gregory, David & Julie Snyder, Chris Bruch, Kim Von Eschen, Tom & Mary Von Eschen, Al & Mary Kistner, Matt & Lisa Otto, Rick Quast, Jeff Klehr, Jason Quast, Wayne Quast

Motion by Haggenmiller, seconded by Reetz, and passed by unanimous vote to approve the minutes from the August 16, 2007 meeting as presented.

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

Conditional Use Permit Request: Accessory structure at 408 East Main Street, Chris Bruch.

Chairman Nagel called to order the public hearing regarding a Conditional Use Permit request from Chris Bruch, 408 East Main Street. Smith-Strack explained that Mr. Bruch would like to construct an accessory structure on his property over the allowed 1,000 sq. feet. She explained that this proposal had been incorrectly presented to the P&Z Committee once before as a variance request. She stated that accessory structures are permitted under the zoning ordinance, but the size of the structure was the issue. A CUP allows certain restrictions or additional standards be required so as to decrease the impact the proposed use would have on adjacent land uses and the public's health, safety or general welfare. She explained that conditions such limitation on the square footage of the structure, requiring landscaping/screening and requiring the structure fits the look and/or character of the rest of the neighborhood could reduce the potential impact of the structure on the residential character of the neighborhood.

The details of the project were reviewed. Bruch was proposing a 3,200 sq. ft. structure consisting of a 960 sq. ft. portion with 10-foot side walls on the front facing Main Street and a 2,240 sq. ft. portion with 14-foot sidewalls on the rear of the structure. The proposed structure would be placed on a cement slab with wood framing and colored steel siding to match the house. Bruch stated that he had completed the legal procedure of combining the 2 lots. Ben Gregory (neighboring property owner) was opposed to the structure in its entirety because it did not fit the residential character of the neighborhood (it was a steel shed and was more of an industrial looking building). David & Julie Snyder expressed concern about additional traffic in the alley and what the rear of the structure was going to look like as they were the neighbors to the south (across the alley). Reetz expressed concern about the vertical steel siding and steel roof in a residential district. Various questions about the project were asked and answered, including the possibility of moving the structure over, changing the siding materials and making it smaller.

P&Z Administrator Smith-Strack commented that she was recommending approval of the CUP with the following conditions:

- 1) accessory structure shall be up to 2,000 sq. ft.,
- 2) placed on a cement slab,
- 3) similar in exterior color to the dwelling, and
- 4) screened to the west with shrubbery/landscaping so as to soften the appearance of the structure from the abutting property.

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

Discussion on the Bruch accessory structure continued. Hislop commented that he feels the proposed structure should be moved over 5 feet towards the existing home and have matching siding (horizontal). Reetz commented that he was not opposed to the 2,000 sq. ft. based on the logic that Bruch has combined the 2 lots into 1 and he could have constructed two 1,000 sq. ft. structures, 1 on each lot if he chose to. Hislop liked the idea of landscaping to soften the appearance of the structure to the property to the west.

Motion by Hislop, seconded by Pinske, and passed by unanimous vote to approve the following changes to the request for a CUP from Chris Bruch, 408 East Main Street:

- 1) The detached accessory structure shall:
 - a) be no larger than a maximum of 2,000 square feet in area;
 - b) be post/frame construction with a cement floor;
 - c) have a metal roof with concealed fasteners;
 - d) be same color to dwelling;
 - e) have matching horizontal steel siding as dwelling; and
 - f) be moved 5 feet closer to dwelling;
 - g) screened on the west with shrubbery/landscaping so as to soften the appearance of the structure to the abutting property.

Kreft introduced the following resolution and moved for its adoption:

P&Z RESOLUTION NO. 4-2007

RESOLUTION RECOMMENDING APPROVAL OF A CONDITIONAL USE PERMIT FOR A DETACHED ACCESSORY STRUCTURE AT 408 EAST MAIN STREET

WHEREAS, Mr. Chris Bruch has submitted a request for a Conditional Use Permit to construct an accessory structure at 408 East Main Street; and

WHEREAS, Section 5, Subd. 2(A) of the Arlington Zoning Ordinance provides for conditional uses allowed in the R-1 One and Two Family Residential District; and

WHEREAS, notice of a public hearing to accept input on the CUP 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 CUP request on September 13, 2007 and accepted input on the CUP request; and

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

- A. The establishment, maintenance, or conducting of the use for which a permit is sought will not under the circumstances of the particular case be detrimental to the health, safety, morals, comfort, convenience or welfare of the persons residing or working in the neighborhood of such use. *The Planning Commission finds that with the conditions proposed to be attached to the use, the use will not be detrimental to the health, safety, morals, comfort, convenience or welfare of the persons residing in the neighborhood since the structure will be residential in character and sympathetic in bulk and scale to other structures within the district.*
- B. The establishment, maintenance, or conducting of the use for which a permit is sought will not under the circumstances of the particular case be detrimental to the public welfare, or injurious to property or improvements in the neighborhood. *The Planning Commission thoroughly discussed the request and accepted public testimony. The Planning Commission finds that with the conditions listed above the use will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood since the structure will be residential in character and sympathetic in bulk and scale to other structures within the district. The size limitation reflects the volume of accessory structure that would be allowed on two lots within the R-1 District. The property owner has combined two base lots.*

- C. The City may designate conditions and require guarantees in the granting of use. The Planning Commission recommends the City Council designate certain conditions for approval as itemized in this resolution.

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 the CUP to allow the construction of a detached accessory structure at 408 East Main Street subject to the following:

1. The detached accessory structure shall be:
 - a. Up to 2,000 square feet in area.
 - b. Post/frame construction and feature a cement floor.
 - c. Allowed to have a metal roof, however, if a metal roof is employed it shall have covered fasteners.
 - d. Made of the same material as the dwelling at 408 East Main Street. The siding shall be horizontal.
 - e. Shifted five feet to the east (toward the house at 408 East Main).
 - f. Similar in exterior color to the dwelling at 408 East Main Street.
 - g. Screened to the west with shrubbery/landscaping so as to soften the appearance of the structure from the abutting property.
2. This conditional use permit is in effect for the property at 408 East Main Street legally described as Lots 3-4, Blk2, Foley's Addition, City of Arlington, Sibley County MN. Parcel # 31.0483.000 and 31.0484.000.
3. This conditional use permit is assigned to the current and/or any future owner of the property. The conditional use permit may be revoked by the City following written notice to the property owner if the conditions of the permit as listed herein are not met and/or maintained. The conditional use permit will expire if/when the use of the property is changed.
4. The conditional use permit shall be recorded at the Sibley County Recorder's Office.

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, Hislop, Kreft, Mielke, Pinske, Councilmember Reetz; and the following voted against the same: None; and the following abstained from voting: None; and the following were absent: Kramer.

Adopted by the Planning & Zoning Committee of the City of Arlington this 13th day of September, 2007.

Signed: /s/ Lowell Nagel
Lowell Nagel

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

Whereupon the motion was declared duly passed and executed.

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

Rezoning Request: B-1 to R-1 409 4th Ave NW; VonEschen

Chairman Nagel called to order the public hearing regarding the request from Thomas & Mary Von Eschen to have their property at 409 4th Avenue NW rezoned from a B-1 Service Business to a R-1, Single and Two Family Residential. P&Z Administrator Smith-Strack reviewed the purpose of both the R-1 Single and Two Family Residential District and the B-1 Service Business District. She also reviewed potential findings for denial and approval of the rezoning request. Tom Von Eschen commented that he has tried to run a business on the property without success and would like to turn it into an apartment so he can at least make some money on it. He believed that back approximately 5 years ago, the neighbors had all signed a petition to have it rezoned to residential against a used car dealership going in. Von Eschen commented that he had talked with Attorney Arneson regarding the property to see if it could be used as rental property without rezoning it; and he was told he could. Smith-Strack stated that mixed uses are not allowed in a service business district. It was noted that

there was an open building permit on the property for roofing and replacing sidewalls (under commercial zoning), which if the property is rezoned, a new permit would have to be obtained to do any further work on the property. It was also noted that in order to put an apartment on the property, it would have to be rezoned to R-2 Multiple Family Residential, not the R-1 being requested. Von Eschen clarified that he would like the structure to become a single family residence, possibly a single family rental, including a 2-stall garage for 1 individual. He stated that the steel siding would come off and vinyl siding put on.

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

Discussion on the rezoning request from Tom Von Eschen continued briefly. Hislop expressed concern that more research needs to be done on this matter to resolve the conflict that exists of what is or is not allowed under the B-1 zoning.

Motion by Hislop, seconded by Haggemiller, and passed by unanimous vote to postpone this matter to a special meeting so that the zoning issue can be researched further with Attorney Arneson.

Motion by Reetz, seconded by Hislop, and passed by unanimous vote to call a special meeting on Thursday, September 20th at 7:00 p.m. pending a recommendation from the City Attorney and P&Z Consultant on the Von Eschen rezoning request.

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

Zoning Ordinance Amendment: Add Section 4.5 relating to the R1/R2-Ag District

Chairman Nagel called to order the public hearing regarding the Zoning Ordinance Text Amendment: to add Section 4.5 relating to the R1/R2-Ag (Residence and Agricultural) District. P&Z Administrator Smith-Strack explained that the zoning map references R1/Ag and R2/Ag zoning classifications, but there is no narrative within the zoning ordinance assigning standards to such districts. She stated that these areas are transitioning from rural land uses to urban land uses and also from units that are not connected to municipal utilities to those that are. The purpose of the proposed ordinance amendment is to provide for said rural to urban transitioning.

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

Wayne Quast questioned if steel accessory structures will be permitted under the proposed ordinance. Smith-Strack commented that there is nothing within the ordinance that prohibits steel as an exterior building material for accessory structures. Reetz expressed concern that accessory structures need to fit the existing neighborhood, but the area where Quast was proposing to put a structure consisted of larger lots with pole shed structures on them.

Mary & Al Kistner were also present and explained that they own 9 acres just outside city limits and are in the orderly annexation area, but would like to sell 3 acres to their daughter. They questioned what the minimum lot size needed to be. Smith-Strack explained what options would be available under the proposed ordinance. Reetz commented that the City has no jurisdiction outside city limits and they have to follow the County's zoning rules. Kistner stated that the County told them to see what the City would allow.

Jeff Klehr expressed concern about only allowing 15% of a lot for accessory structures. He would like to see a little more, such as 20%. Some discussion was held on this (Subdivision 4 – Permitted Accessory Uses, Section D). It was agreed to add a CUP clause to this section, that way residents can apply for something different and the city can act on each request independently without setting precedence.

Smith-Strack commented that the proposed ordinance only permits detached structures, it does not allow for town homes, etc. She questioned if this is something that should be included. It was agreed to leave it out for now. If someone wants to have this type of structure, they will have to rezone the property first.

Hislop introduced the following resolution and moved for its adoption:

P&Z RESOLUTION NO. 2007-6

A RESOLUTION RECOMMENDING THE CITY COUNCIL AMEND ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE BY ADDING SECTION 4.5 RELATING TO THE R1/R2-AG, RESIDENCE AND AGRICULTURAL DISTRICT

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

WHEREAS, the Arlington Planning Commission routinely reviews portions of the Zoning Ordinance to ensure it is up to date; and

WHEREAS, the City of Arlington initiated a request to amend the text of the zoning ordinance relating to the R1/R2-Ag (Residence and Agricultural) District; and

WHEREAS, the Arlington Planning Commission has reviewed and studied the request and developed text to insert into the Zoning Ordinance as Section 4.5; and,

WHEREAS, a public hearing was properly noticed and held on September 13, 2007 by the City of Arlington Planning Commission; and

WHEREAS, the proposed ordinance is itemized in Exhibit A which is attached to this resolution;

NOW, THEREFORE, BE IT RESOLVED, that the Arlington Planning Commission recommends the City Council approve the proposed text amendment as set forth in Ordinance 211, a copy of which is attached as Exhibit A.

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, Hislop, Kreft, Mielke, Pinske, Councilmember Reetz; and the following voted against the same: None; and the following abstained from voting: None; and the following were absent: Kramer.

Adopted by the Planning & Zoning Committee of the City of Arlington this 13th day of September, 2007.

Signed: /s/ Lowell Nagel
Lowell Nagel

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

Whereupon the motion was declared duly passed and executed.

EXHIBIT A

CITY OF ARLINGTON
ORDINANCE NO. 211

AN ORDINANCE AMENDING ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE BY ADDING SECTION 4.5 RELATING TO THE R1/R2-AG, RESIDENCE AND AGRICULTURAL DISTRICT

THE CITY COUNCIL OF THE CITY OF ARLINGTON ORDAINS AS FOLLOWS:

Section 1

Arlington Zoning Ordinance (Ordinance 169), shall be amended to include Section 4.5 as follows:

SECTION 4.5: R1/AG-R2/AG RESIDENCE & AGRICULTURAL DISTRICT:

SUBDIVISION 1. PURPOSE

The R1/AG-R2/AG Residence & Agricultural District is established for the purpose of accommodating large lot residential and agricultural development in recently annexed areas which are transitioning from rural to urban densities. This District allows space for both very low-density urban (with municipal utilities) residential uses and agricultural/farming/hobby farm operations in areas that have not yet developed to urban densities but are expected to do so in the future.

SUBDIVISION 2. PERMITTED USES

- A. Farming, dairying, pasturage, agriculture, horticulture and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agriculture activities.
- B. Single family detached residences connected to municipal sewer and water.
- C. Hobby Farms and agricultural dwellings with individual private wells and individual septic facilities.
- D. State Licensed Residential Facility serving six (6) or fewer persons in a single family detached dwelling which is connected to municipal sewer and water.
- E. Day care facilities serving twelve (12) or fewer persons in a single family detached dwelling which is connected to municipal sewer and water.

SUBDIVISION 3. CONDITIONAL USES

The following uses require a Conditional Use Permit as regulated in this Ordinance.

- A. Governmental and public utility buildings and structures.
- B. Retail or wholesale trade related to agricultural operations and services.

SUBDIVISION 4. PERMITTED ACCESSORY USES

- A. Operation and storage of vehicles, machinery and equipment which is incidental to permitted or conditional uses allowed in this district.
- B. Home occupations as regulated by this Ordinance.
- C. Detached garages and accessory structures less than 1,000 SF on lots less than 10,001 SF in area. Detached garages and accessory structures over 1,000 SF are allowed under a conditional use permit.
- D. Detached garages and accessory structures on lots greater than 10,000 SF provided the aggregate ground floor square footage of all detached garage/accessory structures do not occupy greater than 15% of the lot area. The aggregate ground floor square footage of all detached garage/accessory structures may exceed 15% of the lot area provided a conditional use permit is issued.
- E. Vehicle Parking. No vehicles may be parked or stored on the premises which are inoperable or unlicensed, unless such vehicles are kept in a fully enclosed structure or fully enclosed licensed trailer, so that no part of the vehicle can be viewed by the public. No vehicles may be parked or stored on the premises which are advertised for sale or rent, except that one vehicle may be advertised for sale or rent as an isolated personal transaction, and not in the ordinary course of business of sale or rent of vehicles, and such vehicle advertised for sale or rent must be operable and licensed.
- F. Signs:
 - 1) A nameplate sign identifying the owner or occupant of a building or dwelling unit, provided such sign does not exceed two (2) square feet in surface area.
 - 2) One additional sign not to exceed thirty-two (32) square feet in area.

SUBDIVISION 5. LOT/DIMENSIONAL REQUIREMENTS

- A. Minimum lot area:
 - 1) Existing single family detached base lots of record within corporate limits (with urban services): 10,000 square feet.
 - 2) New single family detached lots (with urban services): 1 acre – 43,560 square feet.
 - 3) New hobby farms, residences, agricultural dwelling sites, agricultural operations (individual, private well & septic): 10 acres.
- B. Minimum lot width 125 feet, except that if a lot or tract has less area or width than herein provided and was legally platted and was of record at the time of the passage of this Ordinance, that lot may be used for any of the uses permitted by this section.
- C. Setback Requirements:
 - 1) Front yard setbacks of not less than 30 feet from all other public right-of-ways, unless subject site is a lot of record as of the date of adoption of this ordinance and said lot abuts a lot with buildings that have observed a smaller front yard in which instance the minimum front yard setback shall be the distance the existing structures are setback. A viewing triangle measuring 25 feet from the intersection of the front/side property line at street intersections shall be maintained free of structures.
 - 2) Side yard setback shall be ten (10) feet, except existing lots of record less than 100 feet in width shall have minimum side yard setbacks of four (4) feet.
 - 3) Minimum rear yard setback shall be ten (10) feet.
- D. Maximum Building Height: Two stories or thirty (30) feet. Heights in excess of thirty (30) feet may be allowed provided a conditional use permit is issued.
- E. Site Coverage. No structure or combination of structures shall occupy more than fifty (50) percent of the lot area.

Section 2

Effective Date: This Ordinance is effective upon its adoption and publication as prescribed by law.

Adopted by the City of Arlington on the ___ day of _____, 2007.

James R. Krefit, Mayor

Attest: _____
Matthew Jaunich, City Administrator

August Building Permit Report

The Planning & Zoning Committee reviewed the August Building Permit report from Inspector Haslip.

Reports

Smith-Strack stated that she was asked by City Administrator Jaunich to draft an ordinance for wind turbines (Wind Energy Conservation Systems – WECS). She is planning to have it ready for the October meeting.

Kreft commented on the need to revise the pet ordinance to prohibit certain breeds of dogs (namely pit bulls) from city limits. Reetz commented that there was a dangerous animal section within the pet ordinance already; it was added the last time the ordinance was updated (approximately 3 months ago). It was suggested to contact the individual that just moved to town with a pit bull and make sure they are aware of the pet ordinance.

Haggenmiller questioned if background checks could be done on those individuals who apply for commercial building permits/variances. Brief discussion was held with no action taken.

Pinske commented that he feels the Von Eschen property should not be allowed to be rezoned. Haggenmiller commented that the property looks great now (being kept up), but the Hwy 5 corridor is better suited for commercial uses.

Adjourn

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

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

/s/ Lowell Nagel
Chairman Lowell Nagel