

**PLANNING & ZONING COMMITTEE MEETING AGENDA
THURSDAY, OCTOBER 6, 2011 @ 7:00 PM
ARLINGTON COMMUNITY CENTER**

1. Call to Order.
2. Pledge of Allegiance.
3. Approve Agenda.
4. Approve the Minutes.
 - A. September 1, 2011.
5. Public Hearings.
 - A. Attached Garage Size Limits.
 - B. Amendment to Public Institutional District Uses.
6. Unfinished Business.
 - A. None.
7. New Business.
 - A. Bob Meyers – Request for Temporary Structure.
8. Review Building Permit Reports.
9. Other Business.
10. Adjourn.

**ARLINGTON PLANNING & ZONING BOARD
MEETING MINUTES
OCTOBER 6, 2011**

The meeting was called to order at 7:00 p.m. by Vice Chairperson Kreft.

Members Present: Grabitske, Vice Chairperson Kreft, Mielke, Pinske, Councilmember Reetz

Members Absent: Haggemiller, Chairperson Nagel

Also Present: PZ Adm. Smith-Strack, Mayor Kreft, Robert & Stella Meyers

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

Motion by Pinske, seconded by Mielke, and passed by unanimous vote to approve the minutes from the September 1st meeting as presented.

Vice Chairperson Kreft recessed the regular meeting to hold a public hearing.

Ordinance 265: Amendment-Accessory Building Standards

Vice Chairperson Kreft called to order the public hearing regarding the amendment to Ordinance 169, the Zoning Ordinance relating to the maximum size of accessory structures. Smith-Strack explained that language was being added setting a size limit for attached garages. She stated that when a garage is added to an existing principal structure it will be limited to a percentage of that structure, as follows: The total square footage of a garage attached to an existing principal structure shall not exceed sixty percent (60%) of the foundation size of the dwelling unit to which it is attached, unless a Conditional Use Permit as provided in Section 13, Subd. 8 (B)(5) and Section 15, as may be amended, of this Ordinance is issued.

Vice Chairperson Kreft adjourned the public hearing and reconvened the regular meeting.

Reetz introduced the following resolution and moved for its adoption:

RESOLUTION NO. 11-2011

A RESOLUTION RECOMMENDING APPROVAL OF ORDINANCE 265 ENTITLED "AN ORDINANCE AMENDING SECTION 13, SUBDIVISION 6(G) OF ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE, RELATING TO THE MAXIMUM SIZE OF ACCESSORY STRUCTURES WITHIN THE CITY"

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

WHEREAS, the Arlington Planning Commission finds portions of Ordinance 169 relating to accessory structures in residential zones are in need of updating; and

WHEREAS, the Arlington Planning Commission initiated an amendment Ordinance 169 relating to the maximum size of attached garages; and

WHEREAS, the Arlington Planning Commission has reviewed and studied the issue and developed text to be included in Ordinance 265; and

WHEREAS, a public hearing was properly noticed and held on October 6, 2011 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 Ordinance 265, a copy of which is attached as Exhibit A.

The motion for the adoption of the foregoing resolution was duly seconded by Mielke and upon poll being taken thereon the following voted in favor thereof: Grabitske, 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: Hagenmiller, Nagel.

Adopted by the Planning & Zoning Committee of the City of Arlington this 6th day of October, 2011

Signed: /s/ Arden Kreft
Vice Chairperson Arden Kreft

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

EXHIBIT A
ORDINANCE NO. 265

AN ORDINANCE AMENDING SECTION 13, SUBDIVISION 6(G) OF ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE, RELATING TO THE MAXIMUM SIZE OF ACCESSORY STRUCTURES WITHIN THE CITY

- I. THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH, AND WELFARE, HEREBY ORDAINS SECTION 13, SUBD. 6(G) OF ORDINANCE 169 SHALL BE AMENDED AS FOLLOWS:

SECTION 13 GENERAL STANDARDS.

SUBDIVISION 6. ACCESSORY STRUCTURES.

- G. Accessory structures shall be clearly and reasonably subordinate to the principal structure in terms of both scale and bulk based on the following:

1. The total square footage of a garage attached to an existing principal structure shall not exceed sixty percent (60%) of the foundation size of the dwelling unit to which it is attached, unless a Conditional Use Permit as provided in Section 13, Subd. 8 (B)(5) and Section 15, as may be amended, of this Ordinance is issued.
2. Total accessory structure square footage, excluding attached garages shall not exceed ten (10) percent of the lot area or 576 square feet whichever is greater within the R-1, R-2, Manufactured Home or any commercial district unless a conditional use permit is issued. In addition, aggregate square footage of building coverage per lot shall not exceed the maximum allowed within the applicable zoning classification.
3. Total accessory structure square footage within the Agricultural Residence District or any industrial district shall not exceed fifteen (15) percent of the lot area unless a conditional use permit is issued. In addition, aggregate square footage of building coverage per lot shall not exceed the maximum allowed within the applicable zoning classification.

- II. 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 _____, 2011.

James R. Kreft, Mayor

Attest: _____
Matthew Jaunich, City Administrator

Vice Chairperson Kreft recessed the regular meeting to hold a public hearing.

Ordinance 266: Amendment-Public Institutional District Uses

Vice Chairperson Kreft called to order the public hearing regarding the amendment to Ordinance 169, the Zoning Ordinance relating to accessory uses within the Public Institutional District. Smith-Strack provided background information on the agenda item noting that at a previous meeting, the Planning Commission reviewed a Conditional Use Permit request for a greenhouse (high tower) in a residential zoning district. The Planning Commission recommended denial of the CUP and suggested the property owner either use the high tower on a temporary basis or the property be rezoned to Public/Institutional and the P/I District be updated to accommodate such an ancillary structure for educational purposes. Since then the subject property owned by ISD 2310 has been rezoned to Public Institutional. Following review of the request, the Planning Commission directed the Zoning Administrator to draft language to

address the structure in a P/I District. The language in Ordinance 266 was developed for the Commission.

Smith- Strack referenced a letter from ISD 2310 Superintendent Steve Jones relating to Ordinance 266. Smith-Strack read the letter for the record at the meeting as follows:

"October 6, 2011

*City of Arlington Planning and Zoning Committee
Arlington City Council
204 Shamrock Drive
Arlington, Minnesota 55307*

Dear Honorable Members:

Please consider this letter to serve as an official notice of continued support for City of Arlington Ordinance 266. This letter also represents and signifies the unanimous support of the Sibley East School Board for the zoning amendments outlined in the ordinance.

In addition, the Sibley East School District vows to work directly with Building Inspector Darin Haslip, and to follow his recommendations and directives. Ordinance 266 will have a meaningful and permanent effect on education at Sibley East; it is our desire to impact the lives of our students while continuing to foster a collaborative relationship with the City of Arlington.

Please contact me if I can be of further assistance with Ordinance 266 or any other district-related concerns.

Thank you.

Respectfully,

*Stephen Jones
Superintendent
Sibley East Schools"*

Smith-Strack indicated no additional written comments were submitted on the matter. Kreft asked for input from those attending the meeting.

Vice Chairperson Kreft adjourned the public hearing and reconvened the regular meeting.

Reetz inquired as to whether additional conditions could be put on uses such as the high tower at the public school or additional criteria inserted into the proposed language in Ordinance 266 that could tie type of structure to the principal structure. Reetz presented concerns regarding maintenance of the high tower, specifically relating to weed control and maintenance of plastic before, during, and after wind events and use/protection of city utility easements. Reetz inquired as to what would happen to the structure if a building permit was not obtained or issued and/or the structure was not maintained. Mayor Jim Kreft noted the structure still needs to go through the building permit process which includes site plan review. Smith-Strack informed Superintendent Jones of the need to secure a building permit for the high tower if the District intended to keep the structure year-round.

Smith-Strack noted the initial portion of building permit processing was site plan approval. Smith-Strack is responsible for site plan review and determining consistency with the zoning ordinance. When approving the site plan written comments are attached to and become part of the record on the request. In her comments Smith-Strack stated that easements and use thereof could/would be addressed. Use of easements if contemplated is done at the risk of the property owner and at no risk or liability to the City. Smith-Strack noted that following site plan review the building code was applied to the request by the

Building Official Darin Haslip. In this case whether or not the building qualified as an 'ag' building would be an important distinction. Smith-Strack deferred to Haslip for details on the building code.

Mielke inquired as to whether or not Reetz would be more comfortable with a conditional use process for accessory uses as envisioned under Ordinance 266. He noted the County salt shed required a variance and consistency with the building code; as such it was a more substantial structure than the high tower.

Reetz stated that he was concerned whether or not the school would do what it said it would do and what assurance the City had to make sure requirements were achieved. Mielke inquired as to whether or not language could be inserted in Ordinance 266 which would require accessory structures be similar to the principal structure, similar to how the salt shed fits into the area. Smith-Strack noted that was possible and that the language was for discussion. She also stated that the intent of the Ordinance was to allow for different accessory uses throughout the Public Institutional District including SMC, Public Works Buildings, and Public Parks, not just the Public School. Additional language could be considered if action on the item was postponed to the November meeting.

Vice Chairperson Kreft asked how the Commission wanted to proceed.

Mielke asked how the CUP process could be instituted. Smith-Strack suggested the Commission work backward from the desired result. For example, if the desired outcome was to ensure the high tower was properly maintained and that easements were protected that was something that could be ensured through ordinance administration. Property maintenance items could be addressed through nuisance standards and easement protection through the site plan review process. If needed additional language could be inserted into Ordinance 266.

Reetz repeated his concerns that the high tower be maintained and that City easements be protected from harm and the City released from liability and future expenses relating to any use of the easement. Reetz stated that if those two items could be addressed he did not have an issue with Ordinance 266.

Smith-Strack noted that she will be responsible for following up on Commissioner Reetz's concerns and work with the school to ensure such items were addressed to the satisfaction of the City.

Reetz introduced the following resolution and moved for its adoption:

RESOLUTION NO. 12-2011

A RESOLUTION RECOMMENDING APPROVAL OF ORDINANCE 266 ENTITLED " AN ORDINANCE AMENDING SECTION 10.5, SUBDIVISION 5 OF ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE, RELATING TO ACCESSORY USES WITHIN THE PUBLIC INSTITUTIONAL DISTRICT"

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

WHEREAS, the Arlington Planning Commission finds portions of Ordinance 169 relating to allowed uses within the Public Institutional District are in need of updating; and

WHEREAS, the Planning Commission initiated an amendment Ordinance 169 relating to Accessory uses subordinate to educational, government, and/or public facilities; and

WHEREAS, the Arlington Planning Commission has reviewed and studied the issue and developed text to be included in Ordinance 266; and

WHEREAS, a public hearing was properly noticed and held on October 6, 2011 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 Ordinance 266, a copy of which is attached as Exhibit A.

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, 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: Hagenmiller, Nagel.

Adopted by the Planning & Zoning Committee of the City of Arlington this 6th day of October, 2011

Signed: /s/ Arden Kreft
Vice Chairperson Arden Kreft

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

EXHIBIT A
ORDINANCE NO. 266

AN ORDINANCE AMENDING SECTION 10.5, SUBDIVISION 5 OF ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE, RELATING TO ACCESSORY USES WITHIN THE PUBLIC INSTITUTIONAL DISTRICT

- I. THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH, AND WELFARE, HEREBY ORDAINS SECTION 10.5, SUBD. 5 OF ORDINANCE 169 SHALL BE AMENDED AS FOLLOWS:

SUBDIVISION 5. ACCESSORY USES

The following are accessory uses within the P-I Public and Institutional District.

1. Accessory uses incidental and customary to uses allowed as permitted, conditional, interim and administrative permits in this section.
2. Off-street parking and loading.
3. Signs as regulated by the Zoning Ordinance.
4. Accessory uses subordinate to educational, government, and/or public facilities such as:
 - a. Playgrounds;
 - b. Athletic facilities;
 - c. Portable buildings;
 - d. Office and maintenance buildings;
 - e. Field houses;
 - f. Satellite educational facilities resulting from specific subjects taught at an educational institution such as greenhouses, grow houses, gardens, independent laboratories, construction laboratories;
 - g. Satellite training facilities; and,
 - h. Similar uses considered reasonably beneficial to educational, governmental, and/or public purposes providing they are consistent with the Comprehensive Plan.

- II. 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 _____, 2011.

James R. Kreft, Mayor

Attest: _____
Matthew Jaunich, City Administrator

Bob Meyers: Request for Temporary Structure

Kreft introduced the agenda item. Smith-Strack stated that as the Commission is aware, round top, fabric covered, hoop sheds are not allowed under the City's accessory structures ordinance. Bob and Stella Meyers submitted a permit application on November 1, 2010 (BP A2010-119) to build an accessory structure and potentially a fence at 136 West Main Street. She personally met with Bob and Stella on site while reviewing the permit application to get additional detail.

In September of 2011 the Meyers placed a non-conforming hoop shed style accessory structure on the subject property. Following a phone call, a compliance letter was prepared and delivered to the property. Smith-Strack has since met with Bob and Stella regarding requirement to remove the hoop shed style

structure. The compliance letter, the accessory structure ordinance, the building permit application, and Strack's review requirements are attached for your information.

The Meyers are requesting temporary relief from the removal order until next Spring. At that time the roll top hoop shed would be removed and a conforming structure would be placed on the cement slab. Temporary structures have been allowed previously for up to 180 days. Strack had informed the Meyers that she did not have authority to approve such temporary relief. To those ends the Meyers are attending the Planning Commission meeting.

At face value the request seems reasonable since winter is approaching, but Smith-Strack recommended approval be limited to 180 day and allowed (a) provided the Meyers submit a written request for the temporary extension, (b) provided the temporary structure be removed by March 13, 2011, and (c) provided the Meyers file a building permit application prior to erecting a different structure on the parcel.

In addition, the Meyers request approval to use agricultural fence material with manufactured screening for a fence on the subject property. Smith-Strack stated she had advised the Meyers to bring pictures of the proposed fence to the Planning Commission meeting. Smith-Strack noted the fence requirements for commercial/industrial areas were included in the packet and the subject parcel is actually zoned industrial.

Bob Meyers distributed a copy of the building permit application and Smith-Strack's notes as approved in November of 2010. Meyers noted the accessory structure ordinance had changed since he was on the City Council and that he was not aware of the changes. Meyers also opined that City Administrator Matt Jaunich had agreed to extend the original building permit for another 180 days, but that he did not have that statement in writing. Meyers also stated that the Building Official, two Council Members, and one Planning Commission Member approved of the structure.

Stella Meyers stated that neither she or Bob had indicated the structure would have vinyl siding as Smith-Strack stated in the building permit approval notes. Meyers stated she had talked with contractors in the area about the possibility of covering the rolled top shed with steel siding and they thought it would be possible. Smith-Strack noted it was quite some time since the three had met on site relating to the accessory structure so her memory was somewhat hazy, however, she did note she is quite familiar with the accessory structure items, and that she is not accustomed to making up details such as type of siding.

Mielke stated he was comfortable with the temporary structure extension of 180 days as contained in the staff memo. Reetz stated he was also comfortable with the temporary structure extension but was inquired as to how covering the existing structure with tin would compare with the zoning standards.

Smith-Strack stated that the rolled top of the structure was problematic and that the type of siding proposed would need to be further defined. Unfinished or galvanized tin was not acceptable.

Motion by Mielke, seconded by Reetz, and passed by unanimous vote to approve the temporary structure extension for 180 days beginning November 1, 2011 and expiring on May 1, 2012. It was noted that if Meyers wished to exceed the May 1, 2012 deadline he would need to come in and request an extension.

The September Building Permit Report was not available for the meeting.

Motion by Grabitske, seconded by Mielke, and passed by unanimous vote to adjourn the meeting at 7:50 pm.

PZ Adm. Cynthia Smith-Strack

Vice Chairperson Arden Kreft