

**PLANNING & ZONING COMMITTEE  
MEETING AGENDA  
THURSDAY, APRIL 6, 2017 @ 7:00 P.M.  
ARLINGTON COMMUNITY CENTER**

1. Call to Order.
2. Pledge of Allegiance.
3. Approve Agenda.
4. Approve the Minutes.
  - A. March 23, 2017 – Regular Session.
5. Public Hearings.
  - A. Conditional Use Permit: Diesel Exhaust Fluid Blending Facility  
Pilot Travel Centers, LLC/Warren Dressen: 39625 230<sup>th</sup> Street.
6. Unfinished Business.
  - A. None.
7. Other Business.
  - A. Cemstone Batch Plant Site Plan Approval - 1108 Circle Drive.
  - B. Rental Housing Discussion.
  - C. Accessory Dwelling Unit Discussion.
8. Building Permit Review
  - A. March 2017
9. Adjourn.

<b>A QUORUM OF THE CITY COUNCIL MAY BE PRESENT AT THIS MEETING. NO OFFICIAL ACTION BY THE CITY COUNCIL SHALL OCCUR AT THIS MEETING</b>
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**ARLINGTON PLANNING & ZONING BOARD  
MEETING MINUTES  
APRIL 6, 2017**

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

Members Present: Carlson, Grabitske, Halverson, Chairperson Kreft

Members Absent: Deno, Pichelmann, Councilmember Battcher

Also Present: PZ Adm. Smith-Strack, Matt James & Alex Olin of Cemstone Products, Engineer Jason Femrite

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

Motion by Halverson, seconded by Grabitske, and passed by unanimous vote to approve the minutes from the March 23<sup>rd</sup> meeting as presented.

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

**Conditional Use Permit & Site Plan – 39625 230<sup>th</sup> Street/Dressen-Pilot Travel Centers, LLC:**

Chairperson Kreft called the public hearing to order regarding the request for a Conditional Use Permit and Site Plan from Pilot Travel Centers, LLC (lessee) and Warren Dressen (property owner), 39625 230<sup>th</sup> Street. Smith-Strack stated the purpose of the CUP was to allow for the production of Urea Solution. The process includes purifying city water through deionization and reverse osmosis and then blending it with a solute/urea concentrate (diesel exhaust fluid {DEF}), which will be delivered by transport trucks. The blended product will be stored on site and will be hauled away via rail cars. The solute and resulting product is non-flammable, non-toxic and not hazardous. Smith-Strack stated that if this CUP is recommended for approval, it would supersede and replace a CUP approved previous to date for the transloading of propane fuels at the site.

City drinking water and sanitary sewer are proposed for extension to the site. Pilot estimates having five employees on site. The hours of operation are twenty-four hours per day, seven days a week and 365 days a year, with approximately three to a maximum of five transport trucks stopping at the facility daily. No outdoor storage is proposed at the site except rail cars may be stored on the rail spur on site. There will be ancillary employee and truck parking spaces on site (five total with one handicap accessible; concrete surfaced). Lot surfacing post-project is to include concrete, compacted gravel and pervious (grass) surface. No additional landscaping is proposed. No exterior lighting or fencing is proposed.

A 9,625 sf slab on grade, prefabricated metal building is proposed for the site. The building will be approximately 25 ft. high and have two roll-up overhead doors on the north and south side and three typical exterior entry doors; no windows are proposed. No details were available about exterior color or siding type materials. The building will contain two 15,000 gallon water storage tanks, twelve 20,000 DEF storage tanks, water purification equipment, blending equipment, a restroom, a railcar heater, and an off-load room for truck drivers picking up DEF loads.

The site plan was reviewed in detail. Smith-Strack stated that the proposed use of the property is consistent with industrial use and current zoning. Engineer Femrite provided his overview with regards to accessing the property, utility improvements, wetland delineation, and storm water.

Smith-Strack stated that no oral or written comment had been received regarding the proposed CUP request. It was noted that there was no one present to make public comment on this subject.

Motion by Grabitske, seconded by Halverson, and passed by unanimous vote to close the public hearing.

Chairperson Kreft adjourned the public hearing and reconvened the regular meeting at 7:14 pm.

Discussion continued on the proposed CUP request from Pilot Travel Centers. Halverson commented that he initially had some concerns about noise and odor coming from the business with it operating 24/7, but later realized that the zoning ordinance addresses these concerns. Carlson questioned what impact, if any, this operation would have on the City's wastewater facilities. Smith-Strack stated that only waste from the restroom facility will enter the sanitary system, no other product will enter the system. The Committee reviewed some conditions that Smith-Strack had put together for consideration for the CUP.

Grabitske introduced the following resolution and moved for its adoption:

**RESOLUTION NO. 1-2017**

**A RESOLUTION RECOMMENDING APPROVAL OF A CONDITIONAL USE PERMIT AND SITE PLAN TO ALLOW A DIESEL EXHAUST FLUID BLENDING FACILITY AT 39625 230<sup>TH</sup> STREET**

**WHEREAS**, Pilot Travel Centers LLC, and Warren Dressen, (Fee Owner) have submitted a request to operate a diesel exhaust fluid blending facility at 39625 230<sup>th</sup> Street; and,

**WHEREAS**, The property is legally defined in Exhibit A attached hereto; and,

**WHEREAS**, the property identification number is 31.0843.000; and,

**WHEREAS**, the property is zoned I-1 Limited Industrial District and the proposed use is identified as a Conditional Use within the I-1 District; and,

**WHEREAS**, the Applicants represent:

- Pilot Travel Centers LLC will blend a diesel exhaust fluid (DEF) at the site. The process includes purifying city water through deionization and reverse osmosis and then blending the purified water with a urea concentrate brought to the site by rail tanker. The blended product will be stored on site and hauled away in tanker trucks. The solute and the resulting product is non-flammable, non-toxic, and not hazardous.
- A 175' X 55' (9,625 sf) slab on grade, prefabricated metal building is proposed for the site. The building will be 25 feet in height with two roll-up overhead doors (18' X 16' & 18' X 22') on the north and south side of the building and three typical exterior entry doors. No windows are proposed. Details on building color or architectural metal gauge/fastening type were not provided.
- The building will contain two 15,000 gallon water storage tanks, twelve 20,000 DEF storage tanks, water purification equipment, blending equipment, a restroom for workers, a railcar heater, and an off-load room for truck drivers picking up DEF loads.
- The use is expected to generate three truck transports to the facility each day initially with a fourth anticipated. A maximum of five truck transports per day are anticipated.
- The business will require approximately five employees.
- Municipal water and sanitary sewer will serve the building.
- No outdoor storage will occur.
- Rail cars may be stored on the rail spur located on the subject site.
- The property will be ground leased to Pilot Travel Centers LLC.
- Hours of operations are twenty-four (24) hours per day, seven (7) days per week.
- No storage of flammable, hazardous, or toxic materials shall occur on site.
- Ancillary employee and truck parking spaces are illustrated on the site plan (five total with one handicap accessible; concrete surface).
- Lot surfacing post-project is to include concrete, compacted gravel and pervious surface (grass). No additional landscaping is proposed. No exterior lighting or fencing is proposed.

**WHEREAS**, the proposed use is a conditional use under Section 9, Subdivision 3(A) of Ordinance 169, the Arlington Zoning Ordinance; and

**WHEREAS**, notice of a public hearing to accept input on the CUP request was published in the official newspaper on March 23, 2017 and sent to property owners within 350 feet of the subject property; and

**WHEREAS**, the Planning and Zoning Committee conducted a public hearing on the CUP request on April 6, 2017 and accepted input on the CUP request; and

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

- The planned land use and existing zoning are consistent with the proposed use.
- The Use is located in an area with primarily other industrial uses.
- 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 use is industrial in nature and involves the production of a non-flammable, non-toxic, and non-hazardous compound.

**NOW, THEREFORE, BE IT RESOLVED BY THE ARLINGTON PLANNING AND ZONING**

**COMMISSION THAT:** The Planning and Zoning Commission hereby recommends approval of a conditional use permit and site plan to provide for the blending of diesel exhaust fluid at 39625 230<sup>th</sup> Street subject to the following:

1. The 'Use' is defined as and limited to the blending of diesel exhaust fluid (DEF) as described herein. The process includes purifying city water through deionization and reverse osmosis and then blending the purified water with a urea concentrate brought to the site by rail tanker. The blended product will be stored on site and hauled away in tanker trucks. The solute and the resulting product is non-flammable, non-toxic, and not hazardous.
2. The 'Site' is defined as and strictly limited to Lot 5 and part of lots 4 & 6, Arlington Industrial Park, City of Arlington, Sibley County MN (full legal description attached) property identification number: 31.0843.000 as existing on April 6, 2017 the date of public hearing.
3. This conditional use permit supersedes and replaces any previous conditional use permit issued for the Site.
4. The approved Use is limited to the Site defined above and at all times shall meet the conditions set forth herein.
5. The Use shall at no time exceed an average of five (5) tanker trucks at the site each day.
6. The recommendations included in a review memo from the Consulting Planner dated April 6, 2017 and the recommendations included in a review memo from the City Engineer dated March 27, 2017 are hereby incorporated by reference.
7. No outdoor storage is allowed. This includes any/all personal property owned by the property owner or lessee or others, any debris, or miscellaneous items.
8. The Property Owner/Lessee shall at all times keep the property weed free, control dust on the property, prevent soil erosion, prevent tracking of debris onto public rights of way, prevent contamination of soil, prevent infestation of rodents, prevent infestation by insects, and retain items in specific storage areas. It is noted the site is currently not in compliance with this standard due to lack of weed control.
9. The Property Owner/Lessee shall ensure each and every day that any material/debris tracked from the site on to County Road 12 is swept off the public right of way.
10. All truck traffic maneuvers and parking, staging, or stacking shall occur on site on private property.
11. The Use is subject to re-review and approval by the Fire Chief prior to establishment.
12. A building permit for the proposed structure is required.
13. Signage intended to be viewed from off the site shall require a separate permit and is subject to Section 13.5 (Signs) of the Zoning Ordinance, as may be amended.
14. Exterior lighting, if proposed, shall require administrative review and approval. Any lights used for exterior illumination shall direct light away from adjoining property. Glare, whether direct or reflected, such as from floodlights, spotlights, or high-temperature processing, and as differentiated from general illumination, shall not be visible beyond the limits of the property.
15. Fencing, if proposed, requires the issuance of a permit.
16. The use shall at all times meet the requirements of Section 9, Subdivision 5 of the Zoning Ordinance (as may be amended) relating to noise, vibration, smoke, particulate matter, odor, sewer and water discharge, exterior lighting, and glare.
17. This approval shall expire one year after date of approval unless the Applicant has commenced operation of the Use on-site.
18. This permit is subject to all applicable codes, regulations and ordinances, and violation thereof shall be grounds for revocation.
19. The City may revoke the CUP upon violation of the conditional use permit standards in the Zoning Ordinance or violation of the conditions of this resolution.
20. The conditional use permitted under this Resolution shall be expire with no further action of the City if the Use ceases for more than twelve (12) consecutive months.
21. The Use permitted under this Resolution may change to a permitted use in the I-1 District without further action by the City Council; however the Use may not change to another conditional use or be increased in intensity without a new application and approval by the City Council.
22. Approval of this site plan does not approve any future expansion or associated improvements on-site.
23. Any modifications not defined as "minor" by the Zoning Administrator shall require separate site plan approval.

The motion for the adoption of the foregoing resolution was duly seconded by Kreft and upon poll being taken thereon the following voted in favor thereof: Carlson, Grabitske, Halverson, Kreft; and the following against the same: None; and the following abstained from voting: None; and the following were absent: Deno, Pichelmann, Councilmember Battcher.

Adopted by the Planning & Zoning Committee of the City of Arlington this 6<sup>th</sup> day of April, 2017.

Signed: /s/ Jim Kreft  
Chairperson Jim Kreft

Attested: /s/ Cynthia Smith-Strack  
Planning/Zoning Adm. Cynthia Smith-Strack

Whereupon the resolution was declared duly passed and executed.

The Committee reviewed the proposed Cemstone Batch Plant site plan. It was noted that Alex Olin and Matt James from Cemstone were present to answer questions. Smith-Strack stated that Cemstone was proposing a 3,360 sq. ft. concrete batch plant with associated paved parking and drive areas on 6.4 acres adjacent to Circle Drive. The plant is to be slab on grade, concrete panel construction with a display area, driver office, restrooms, storage, and concrete mix batch area. The plant will also have a mezzanine storage area.

In addition to the batch plant a weir structure to manage process water from truck washout operations is proposed. The weir system will separate water from solids; overflow will drain into a sedimentation pond, which will overflow into a northerly wet sedimentation pond in the event of an extreme rain event.

Stormwater from the site will be directed to two wet sedimentation ponds providing rate control and water quality treatment. One pond located on the northeast corner of the site, the other on the southwest. Impervious surface coverage proposed is 63% of the lot area. There will be compacted gravel and turf areas. No additional landscaping is proposed. No exterior lighting or fencing is proposed on the site plan.

Smith-Strack commented that the planned use of the property is consistent with the current zoning (I-1) and meets performance standards for lot size, building coverage and height, and lot setbacks. Eight employee and two customer parking spaces are proposed, along with six truck parking stalls; all to be on compacted gravel. Aggregate storage bins and a recycle pile are proposed along the southern boundary, which will have to be screened with suitable materials. A berm of unspecified height is also proposed as the property south and east has potential for residential development in the future. Smith-Strack commented that the City may wish to address vegetative screening at a later date; along with restricting the size of the recycle pile. Engineer Femrite provided his overview of this site plan with regards to drainage and utilities.

The Committee reviewed some conditions that Smith-Strack had put together for consideration for the CUP. Brief discussion was held on the height of the berm. It was suggested that it be a minimum of three feet. It was noted that the aggregate piles would be in concrete bunkers approximately six feet high. Grabitske commented that he would like to see some kind of vegetative screening. Halverson agreed. Further discussion ensued with the Commission ultimately arriving at consensus that requiring vegetation be installed on the berm at some point in the future is problematic for tracking over time. Engineer Femrite commented that the berm would not cause any drainage issues to the adjacent property. Brief discussion was also held on the recycle stockpile height. Applicants and Commissioners discussed a maximum stockpile height of fifteen (15) feet.

Grabitske introduced the following resolution and moved for its adoption:

**RESOLUTION NO. 2-2017**

**A RESOLUTION RECOMMENDING THE CITY COUNCIL APPROVE A SITE PLAN FOR A BATCH PROCESSING FACILITY (CEMSTONE PRODUCTS) AT 1108 CIRCLE DRIVE**

**WHEREAS**, Cemstone Products, Co. (the Applicant) has submitted a request for site plan approval for a concrete batch plant, weir structure, and associated parking and drive aisles; and,

**WHEREAS**, the property is legally described as Part of the NW ¼ of NW ¼, Sect. 10, Twp. 112, Range 27; Parcel No. 31.0834.120; and,

**WHEREAS**, City staff and consultants have reviewed proposed plans for the batch plant and forwarded comments and recommendations to the City of Arlington; and,

**WHEREAS**, City staff, consultants, or the Applicant may refer site plan approval to the Planning and Zoning Committee and City Council for approval; and,

**WHEREAS**, The Consulting Planner has referred site plan approval to the Planning and Zoning Commission and City Council due to the nature of the use; and,

**WHEREAS**, the Planning and Zoning Commission on April 6, 2017 reviewed the request and pertinent information.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF ARLINGTON THAT:** It hereby recommends the City Council approve a site plan for a concrete batch plant at 1108 Circle Drive with the following conditions:

1. The "Use" is a 3,360 square foot concrete batch plant, weir structure, and associated parking and drive aisles at 1108 Circle Drive.
2. Compliance with standards contained in Ordinance 169 (Zoning), Section 9, Subd. 5, as may be amended, relating to noise, smoke, dust, fumes or gases, sewer and water discharge, odor, and vibration.
3. Lighting shall be directed away from adjoining property. Glare, whether direct or reflected, such as from floodlights, spotlights, or high-temperature processing, and as differentiated from general illumination, shall not be visible beyond the limits of the property.
4. Signage shall require submittal of a sign permit application and approval by the Zoning Administrator and/or Building Official.
5. Compliance with recommendations contained in the City Engineer's review memo dated March 20, 2017 and the Consulting Planner's review memo dated April 6, 2017.
6. Issuance of a building permit.
7. This approval is subject to all applicable codes, regulations and ordinances, and violation thereof shall be grounds for revocation.
8. This approval shall expire one year after date of approval unless the Applicant has commenced construction of the Use on the Property.
9. Approval of this site plan does not approve any future expansion or associated improvements on-site.
10. Any modifications not defined as "minor" by the Zoning Administrator shall require separate site plan approval.
11. A berm of not less than three (3) feet in height shall be established on the southern property line of the subject parcel.
12. Aggregate recycle stockpile shall not exceed 15 ft. above grade.

The motion for the adoption of the foregoing resolution was duly seconded by Kreft and upon poll being taken thereon the following voted in favor thereof: Carlson, Grabitske, Halverson, Kreft; and the following against the same: None; and the following abstained from voting: None; and the following were absent: Deno, Pichelmann, Councilmember Battcher.

Adopted by the Planning & Zoning Committee of the City of Arlington this 6<sup>th</sup> day of April, 2017.

Signed: /s/ Jim Kreft  
Chairperson Jim Kreft

Attested: /s/ Cynthia Smith-Strack  
Planning/Zoning Adm. Cynthia Smith-Strack

Whereupon the resolution was declared duly passed and executed.

Discussion resumed from the previous meeting with regards to a rental housing code. Smith-Strack took the information (sample ordinances from four other cities) presented at that meeting and condensed it down into 'purpose' statements for the Committee to review/discuss. Purpose statements are a mechanism to help determine the potential benefit of having a rental code. Rental codes are usually more

focused on ensuring that adequate rental space is available and avoiding slum/blight. Cities with student populations tend to emphasize property maintenance. Rental Codes are created more for renters, to ensure they have a safe and quality environment. Some communities try to promote crime-free rentals, which is done by landlords through screening their renters (credit checks, checking rental history, background checks). Other subjects mentioned for consideration were overcrowding, property maintenance and disorderly conduct.

Smith-Strack pointed out that the City of Mankato had adopted the Uniform Housing Maintenance Code (UHMC), which is separate and independent of their rental code. The UHMC is similar to the Building Code, whereby it allows people to go in and inspect any structure (commercial or residential) if one is worried about the condition of same, to see if fixtures work, verify structural integrity, etc. Smith-Strack commented that the UHMC would not be appropriate for Arlington at this time.

Grabitske commented that he would like to receive some guidance from the City Council on their views on this subject before proceeding much further. He liked the idea of having something in place to prevent things from developing. Smith-Strack stated that the Committee's job is to decide whether or not they wish to bring a request to the City Council; and if so they need to identify the pros and cons. Carlson commented that people value their property rights (are protective). Kreft agreed; people and/or landlords are pretty conscientious of their property. The idea of the ordinance would be to preserve the history of people taking pride in their property (it's not an intrusion into anyone's business). It was suggested to reach out to the property owners of the 18 non-homestead properties to get their input. Carlson commented that the other side of things to consider is not to overburden property owners or discourage investment. Smith-Strack commented that she believed the main issue at hand was to determine if there was a problem with rental property in Arlington. Members agreed. Kreft commented that a solution shouldn't be created in search of a problem. It was noted that this topic of discussion was re-ignited due to the potential medical school coming to Gaylord and the impact it could have on the rental market in Arlington. Kreft commented that if the Committee wants to prepare for an opportunity like that, then they need to look at what is here to ensure what comes in will match that quality. It was the consensus of the Committee to table the discussion until the next meeting when the rest of the members could be present. Smith-Strack will put together potential pros/cons also.

Smith-Strack highlighted some of the things that have been touched on in previous discussions with regards to accessory dwelling units. She stated that ADU's are accessory to a homesteaded lot; duplexes (solely rentals) are not ADU's. Smith-Strack commented that the ADU subject is very complicated. Kreft commented that he was ok with an ADU being a rented as long as it was on a homesteaded lot. Halverson expressed concern about there being enough room on lots for separate detached ADU's. He also expressed concern about allowing an ADU within a primary structure where the heat/AC sources are shared (only one unit). Concern was also expressed about the need for separate utilities with a detached unit. Smith-Strack commented that she could attempt to distinguish the difference between rental property and ADU for the next meeting. It was the consensus of the Committee that the property must be homesteaded; the primary owner lives on site, but the occupant of the ADU, whether a family member or non-family member could live rent free or not (income producing component of the homestead).

The March Building Permit Report was reviewed.

Motion by Grabitske, seconded by Halverson, and passed by unanimous vote to adjourn the meeting at 8:46 p.m.

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PZ Adm. Cynthia Smith-Strack

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Chairperson Jim Kreft