

**PLANNING & ZONING COMMITTEE
MEETING AGENDA
THURSDAY, DECEMBER 1, 2016 @ 7:00 P.M.
ARLINGTON COMMUNITY CENTER**

1. Call to Order.
2. Pledge of Allegiance.
3. Approve Agenda.
4. Approve the Minutes.
 - A. November 3, 2016 – Regular Session.
5. Public Hearings.
 - A. CUP: Liquid Natural Gas Transloading: 39625 230th Street Dressen/Frothinger
 - B. Ordinance Amendment: Outdoor Storage
 - C. Ordinance Amendment: Ground Mounted Accessory Solar Systems in Public Institutional District
6. Unfinished Business.
 - A. None.
7. Review Building Permit Report
 - A. October 2016
8. Other Business.
 - A. Schedule – Meeting Night
9. Adjourn.

A QUORUM OF THE CITY COUNCIL MAY BE PRESENT AT THIS MEETING. NO OFFICIAL ACTION BY THE CITY COUNCIL SHALL OCCUR AT THIS MEETING
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**ARLINGTON PLANNING & ZONING BOARD
MEETING MINUTES
DECEMBER 1, 2016**

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

Members Present: Carlson, Deno, Grabitske, Kreft, Chairperson Pauly, Pichelmann, Councilmember Battcher

Members Absent: None

Also Present: PZ Adm. Cynthia Smith-Strack, Mayor Rich Nagel, Councilmember Jim Heiland, Councilmember Galen Wills, Bob Thomes, Jim Pederson, Curtis Ling

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

Under other business: Schedule – meeting night.

Motion by Pichelmann, seconded by Grabitske, and passed by unanimous vote to approve the minutes from the regular November 3rd meeting as presented.

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

Conditional Use Permit – 39625 230th Street/Dressen/Frothinger:

Chairperson Pauly called the public hearing to order regarding the request for a Conditional Use Permit from Bill Frothinger d/b/a Interstate Fuel and Energy (lessee) and Warren Dressen (property owner), 39625 230th Street. Smith-Strack stated the purpose of the CUP was to allow the direct transloading of natural gas liquids from rail cars to tanker trucks. She explained that the City had approved a similar request in late 2014 early 2015; however that CUP had expired since the business did not get started. Smith-Strack stated that the notice of hearing was published in the paper and mailed out to affected property owners within 350 feet as required by state law. She stated that no oral or written comment had been received regarding the proposed CUP request. Smith-Strack commented that the applicant was not present, but would be reached via telephone if there were questions.

Chairperson Pauly adjourned the public hearing and reconvened the regular meeting.

Grabitske introduced the following resolution and moved for its adoption:

RESOLUTION NO. 11-2016

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW A NATURAL GAS LIQUID DIRECT TRANSLOADING FACILITY AT 39625 230TH STREET

WHEREAS, Bill Frothinger, d.b.a. Interstate Fuel and Energy, Property Lessee, and Warren Dressen, (Fee Owner) have submitted a request to operate a natural gas liquid direct transloading from rail car to tanker truck operation at 39625 230th Street; and,

WHEREAS, the request was approved under a Conditional Use Permit previously; and,

WHEREAS, the Conditional Use Permit has expired due to lack of establishment of the transloading use; 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 Applicants represent:

- The use is limited to the direct transloading of natural gas liquids from rail cars to mobile tanker trucks.
- The use will not under any circumstance involve the transfer of more than 200,000 gallons/day of liquid propane from rail cars to tanker trucks.

- The use will not under any circumstances involve the loading of more than 20 tanker trucks on site per day.
- The use will not under any circumstances occupy greater than 100,000 square feet of the subject property.
- The equipment stored on site will be limited to one (1) transloader and one (1) one-ton pick-up truck. The storage of both items shall occur outdoors.
- Semi tractors and/or tankers will not be stored on site.
- Rail cars may be stored on the rail spur located on the subject site.
- There are no structures on the site currently. There are no structures proposed.
- The Applicants certify up to three employees may be at the site at one time.
- The property lessee will be responsible for maintaining the site, weed control, lawn care and snow removal on the property.
- Hours of operations may be up to twenty-four (24) hours per day, seven (7) days per week.
- No storage of hazardous materials shall occur on site, other than within rail cars and/or tankers as they are being transloaded.

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 November 17, 2016 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 December 1, 2016 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 conditions placed up on the property use relating to the Applicant's assuming sole responsibility for implementation of federal hazardous material safety laws and state the state fire code are appropriate and logical regulatory measures developed to further the public welfare.

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 to provide for the direct transloading of natural gas liquids as defined below from rail car to tanker truck at 39625 230th Street subject to the following:

1. The 'Use' is defined as and limited to the direct transloading of the following types of natural gas liquids from rail cars to tanker trucks: Ethane, Propane, Butane, Isobutane, and Pentanes.
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 December 1, 2016 the date of public hearing.
3. The approved Use is limited to the Site defined above and at all times shall meet the conditions set forth herein.
4. The Use shall at no time exceed the transloading of 200,000 gallons per day nor occupy greater than 100,000 square feet of the Site.
5. Equipment allowed to be stored at the Site is defined as and strictly limited to one (1) transloader and one (1) one (1) ton pick-up truck.
6. The Property Owner/Lessee hereby agree to store the aforementioned equipment allowed to be stored at the Site in a fashion that is safe, neat, and orderly.
7. 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.
8. 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.
9. The construction of any structure (structure is defined as anything constructed or erected, the use of which requires location on the ground or attachment to something having a location on the ground) shall necessitate a review of the use of the property, including the potential for requiring a conditional use permit

(CUP) amendment as defined within the Limited Industrial District and zoning standards relating to conditional uses.

10. The construction of a structure, regardless of structure square footage and/or need for service connection, shall necessitate extension of municipal water and sewer service to the property.
11. All truck traffic maneuvers and parking, staging, or stacking shall occur on site on private property.
12. The Use shall be conducted in compliance with applicable state and federal rules, including but not limited to, 49 CFR 174.67 (as may be amended), 49 CFR 172.800 (as may be amended), 29 CFR 1910.199 (as may be amended), 29 CFR 1910.120 (as may be amended), and NFPA 58 (as may be amended).
13. The Use is subject to re-review and approval by the Fire Chief prior to establishment.
14. The Applicant shall supply a portable restroom at the site until such time as extension of municipal utilities is required.
15. 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.
16. Any proposed signage will require the issuance of a sign/building permit.
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 revoked if the Use ceases for more than 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 without a new application and approval by the City Council.

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

Adopted by the Planning & Zoning Committee of the City of Arlington this 1st day of December, 2016.

Signed: /s/ Mark Pauly
Chairperson Mark Paul

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

Whereupon the resolution was declared duly passed and executed.

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

Ordinance Amendment – Outdoor Storage:

Chairperson Pauly called the public hearing to order regarding the proposed ordinance amendment related to Outdoor Storage. Smith-Strack reviewed the various changes made to the Outdoor Storage Ordinance. A couple of larger changes included: campers/rv's and boats are now allowed to be parked on a lot year round, but have to be 80% screened from public view; and the removal of the parking pad restriction on the side and rear yards. Smith-Strack stated that the hearing notice was published in the paper and no oral or written comment had been received regarding the proposed ordinance amendment prior to the hearing/meeting.

Jim Pederson questioned what was meant by screening, if that included tarps. Smith-Strack stated vegetative/shrubbery or fencing, no tarps. Galen Wills asked to have side and rear yards more clearly defined, more specifically corner lots. Smith-Strack clarified. Curtis Ling expressed concerns about storage of items on his vacant lot (owns two lots, which vacant lot is between him and neighbor). Smith-Strack commented that discussion needs to be had (included in the ordinance) to address storage on vacant lots without primary structures. Bob Thomes expressed his discord with the policy/ordinance.

Chairperson Pauly adjourned the public hearing and reconvened the regular meeting at 7:20 pm.

Additional discussion was held on what storage, if any, should be allowed on vacant lots without primary structures. Strack suggested adding language that makes reference to unified ownership for abutting lots in residential districts so that storage on both lots combined can't exceed that allowed on a single lot of record.

Battcher introduced the following resolution and moved for its adoption:

RESOLUTION NO. 12-2016

A RESOLUTION RECOMMENDING APPROVAL OF AN ORDINANCE ENTITLED "AN ORDINANCE AMENDING SUBDIVISION 10, SECTION 13 OF ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE, RELATING TO OUTDOOR STORAGE"

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

WHEREAS, in 2015, the Arlington City Council approved Ordinance 300 entitled, "An Ordinance Amending Ordinance 169, the Arlington Zoning Ordinance, by adding Subdivision 10 to Section 13 Relating to Outdoor Storage"; and,

WHEREAS, in 2016 the City Council requested the Planning and Zoning Commission review standards relating to outdoor storage following comments from the public and to provide clarification for administration on the standards; and,

WHEREAS, the Planning and Zoning Commission reviewed the language and input from the public and City Staff and prepared an amendment to clarify the intent of the standards and provide for clear administration of the standards; and,

WHEREAS, a public hearing was properly noticed and held on December 1, 2016 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 an Ordinance entitled: "An Ordinance Amending Subdivision 10, Section 13 of Ordinance 169, the Arlington Zoning Ordinance, Relating to Outdoor Storage", 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: Carlson, Deno, Grabitske, Kreft, Pauly, Pichelmann, Councilmember Battcher; and the following against the same: None; and the following abstained from voting: None; and the following were absent: None.

Adopted by the Planning & Zoning Committee of the City of Arlington this 1st day of December, 2016.

Signed: /s/ Mark Pauly
Chairperson Mark Paul

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

Whereupon the resolution was declared duly passed and executed.

EXHIBIT A

ORDINANCE NO. ___

AN ORDINANCE AMENDING ORDINANCE 169, AN ORDINANCE AMENDING SUBDIVISION 10, SECTION 13 OF ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE, RELATING TO OUTDOOR STORAGE

I. THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH, AND WELFARE, HEREBY ORDAINS ORDINANCE 169, THE ZONING ORDINANCE, SECTION 13, SUBD. 10 SHALL BE AMENDED AS FOLLOWS:

SUBDIVISION 10. OUTDOOR STORAGE.

A. Purpose. The purpose of this Subdivision is to allow exterior storage of certain items in certain zoning districts in a manner that is not a danger to the public's health, safety, or welfare and that does not negatively impact adjacent property values or constitute a public nuisance.

- B. Exemption. Outdoor storage in the U-R Urban Reserve District is exempt from this Section.
- C. General Provisions. The following provisions apply to all zoning districts:
 - 1. No motor vehicles designed to operate on public highways which are unlicensed or in a condition prohibiting normal operation due to mechanical failure, defect, lack of required parts such as tires, or apparent damage from collision shall be stored on private property unless as provided for by the City's nuisance regulations as may be amended. This standard does not apply to instances where auto sales, storage, or repair is specifically allowed as a permitted or conditional use within a commercial or industrial zoning district.
 - 2. Outdoor storage of items or storage of items in a manner constituting a nuisance as defined by City Ordinance 259, as may be amended is strictly prohibited.
 - 3. Outdoor storage, including but not limited to equipment storage and the parking of vehicles, shall be prohibited as a principal use of property, unless specifically allowed as a permitted or conditional use within a designated zoning district.
 - 4. No recreational vehicle, trailer, or motor vehicle may be used as a residence, office, or business. Except that business entities with a valid Peddler's Permit are exempt from this clause. In instances of special public events such as community festivals, the county fair, or civic celebrations the City may by administrative permit allow such use.
 - 5. The City may order the owner of any property to cease or modify outdoor storage uses, including existing uses, provided it is found that the use constitutes a public nuisance as defined by City Ordinance.
- D. Residential Zoning Districts. The following standards apply to outdoor storage in all residential zoning districts.
 - 1. The following types of outdoor storage are allowed.
 - i. Clothes lines.
 - ii. Fire wood, not exceeding two cords, for use only on the premises provided it is stored in an interior side or rear yard.
 - iii. Landscaping or construction materials or equipment to be used on the property within ninety (90) days.
 - iv. Off-street parking of no more than four (4) licensed and operable passenger automobiles and pick-up trucks, but not including commercial vehicles provided they are stored in a manner as approved under Section 13, Subd. 10(D)2 of this Ordinance.
 - v. Gardens, lawn furniture or fixtures, grills, children's toys, play features, and recreation/sports features such as basketball hoops which are constructed specifically for outdoor use providing they are set back at least five (5) feet from the property line.
 - vi. Swimming pools as provided for under Section 13, Subdivision 5 of the Zoning Ordinance, as may be amended.
 - vii. Licensed and operable sport recreation equipment (snowmobiles, personal watercraft, ATV's, off highway motorcycles, off road vehicles) not exceeding four total items and subject to Arlington Ordinance 184, an Ordinance regulating the parking of all-terrain vehicles, off-road vehicles, off-highway vehicles, and snowmobiles within the City of Arlington, as may be amended. The standards contained in Section 13, Subd. 10(D)2 of this Ordinance apply.
 - viii. Boats may be stored in a front yard in a manner approved under Section 13, Subd. 10(C)2 of this Ordinance. Boats stored outdoors during non-boating season shall be effectively screened from adjacent property lines as viewed from a public street or alley. "Effectively Screened" shall mean eighty percent (80%) of what is stored is not visible from an adjacent property line as viewed from a public street or alley.
 - ix. The parking of one (1) licensed and operable camper (camping trailer, truck camper, fifth wheel) or recreational vehicle (motor home, travel trailer) in a manner approved under Section 13, Subd. 10(D)2 and subject to Section 13, Subd. 10(C)4 of this Ordinance. A camper parked outdoors during the winter months shall be effectively screened from adjacent property lines as viewed from a public street or alley. "Effectively Screened" shall mean eighty percent (80%) of what is stored is not visible from an adjacent property line as viewed from a public street or alley. screened
 - x. The parking of one (1) licensed and operable commercial vehicle a gross weight rating of less than 10,000 pounds in a manner approved under Section 13, Subd. 10(D)2 of this Ordinance. An additional commercial vehicle may be stored on a residential property provided an interim use permit is issued under Section 15.5 of the Zoning Ordinance, as may be amended.
 - xi. The parking of one (1) licensed and operable trailer in a manner approved under Section 13, Subd. 10(D)2 of this Ordinance. An additional trailer may be stored on a residential property provided an interim use permit is issued under Section 15.5 of the Zoning Ordinance, as may be amended. Horse and stock trailers are prohibited from being stored outdoors in a residential zoning district.
 - 2. Outdoor storage area standards. The following standards apply to all outdoor storage areas in residential districts.

landscaping or construction on the premises.

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 _____, 2016.

For City of Arlington:

By Richard Nagel
It's Mayor

By Liza M. Donabauer
It's Administrator

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

Ordinance Amendment – Ground Mounted Accessory Solar Systems in Public Institutional District:

Chairperson Pauly called the public hearing to order regarding the proposed ordinance amendment related to Ground Mounted Accessory Solar Systems in the Public Institutional District. Smith-Strack provided an overview of the proposed ordinance change, which was to allow ground-mounted systems in P-I Districts and they must be under a specified square footage. She stated that Sibley East School had requested that ground-mounted systems be allowed in the P-I district.

Smith-Strack stated that the hearing notice was published and posted; and no oral or written comment had been received regarding the proposed ordinance amendment.

Chairperson Pauly adjourned the public hearing and reconvened the regular meeting at 7:40 pm.

Kreft introduced the following resolution and moved for its adoption:

RESOLUTION NO. 13-2016

A RESOLUTION RECOMMENDING APPROVAL OF AN ORDINANCE ENTITLED “AN ORDINANCE AMENDING ORDINANCE 169, SECTION 13, SUBDIVISION 11 RELATED TO SOLAR ENERGY SYSTEMS AS ACCESSORY USES”

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

WHEREAS, in 2016 the City was approached by representatives from Avant Energy regarding a grant to Sibley East Public Schools for installation of a solar array at the public school; and,

WHEREAS, after review and recommendation by the Planning and Zoning Commission the City Council placed an ordinance into effect allowing solar energy systems as accessory uses in all zoning classifications providing specific standards were achieved; and,

WHEREAS, Sibley East Schools requested consideration of an amendment to Section 13, Subd. 11 of Ordinance 169, the Zoning Ordinance, to allow ground-mounted accessory solar energy systems in the P-I Public Institutional District; and,

WHEREAS, the Planning and Zoning Commission reviewed and studied the issue and developed text to be included in an Ordinance entitled, “An Ordinance Amending Ordinance 169, the Arlington Zoning Ordinance, Section 13, Subdivision 11 Related to Solar Energy Systems as Accessory Uses”; and,

WHEREAS, a public hearing was properly noticed and held on December 1, 2016 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 an Ordinance entitled: “An Ordinance Amending Ordinance 169, the Arlington Zoning Ordinance, Section 13, Subdivision 11 Related to Solar Energy Systems as Accessory Uses”, a copy of which is attached as Exhibit A.

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

Adopted by the Planning & Zoning Committee of the City of Arlington this 1st day of December, 2016.

Signed: /s/ Mark Pauly
Chairperson Mark Paul

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

Whereupon the resolution was declared duly passed and executed.

EXHIBIT A

ORDINANCE NO. ___

**AN ORDINANCE AMENDING ORDINANCE 169, SECTION 13, SUBDIVISION 11
RELATED TO SOLAR ENERGY SYSTEMS AS ACCESSORY USES**

I. THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH, AND WELFARE, HEREBY ORDAINS ORDINANCE 169, THE ZONING ORDINANCE, SECTION 13, SUBDIVISION 11, SUBSECTION (D) SHALL BE AMENDED AS FOLLOWS:

- D. Solar Energy Systems as an allowed accessory use.
1. Rooftop, wall, and building integrated solar energy systems are allowed as accessory uses, subject to Section 11(E), 'General Provisions' of this Ordinance, in the following zoning classifications: R1-AG/R-2-AG Residence & Agricultural District, R-1 One and Two Family Residence District, R-2 Multiple Family Residence District, B-1 Service Business District, I-1 Limited Industrial District, I-2 General Industrial District, and the P/I Public Institutional District.
 2. Rooftop and building integrated solar energy systems are allowed as accessory uses, subject to Section 11(E), "General Provisions" of this Ordinance in the following classification: B-2 Central Business District.
 3. **Accessory ground-mounted solar energy systems not exceeding an aggregate, combined photovoltaic panel area of four hundred (400) square feet in area in the P/I Public Institutional District.**

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 _____, 2016.

For City of Arlington:

By Richard Nagel
It's Mayor

By Liza M. Donabauer
It's Administrator

The October Building Permit Report was reviewed.

Battcher inquired with the Committee if there would be a possibly of changing the scheduled meeting night to another evening during the week as she has some upcoming conflicts (on Thursday nights) in the next few months. The members present were not opposed to changing to a different night, but determining a night was left undecided. It was suggested to wait until after the first of the year to make a decision, that way any new committee members could be included in the decision.

Smith-Strack noted that Grabitske's and Pauly's terms expired at the end of the year and encouraged them both to re-apply for another term.

Motion by Grabitske, seconded by Deno, and passed by unanimous vote to adjourn the meeting at 7:45 p.m.

PZ Adm. Cynthia Smith-Strack

Chairperson Mark Pauly