

**PLANNING & ZONING COMMITTEE
MEETING AGENDA
THURSDAY, DECEMBER 3, 2015 @ 7:00 P.M.
ARLINGTON COMMUNITY CENTER**

1. Call to Order.
2. Pledge of Allegiance.
3. Approve Agenda.
4. Approve the Minutes.
 - A. November 5, 2015
5. Public Hearings.
 - A. Conditional Use Permit Request:
Pat Otto/Jim Heiland - 306 5th Ave NW: Tire/Minor Auto Repair & Tire Sales
6. Unfinished Business.
 - A. Complete Streets: Discussion.
7. New Business.
 - A. None.
8. Review Building Permit Reports.
 - A. November 2015
9. Other Business.
10. Adjourn.

**ARLINGTON PLANNING & ZONING BOARD
MEETING MINUTES
DECEMBER 3, 2015**

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

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

Members Absent: Bob Pichelmann

Also Present: PZ Adm. Smith-Strack, Mike Scharping, Pat & Jenny Otto, Don Wolter, Mayor Nagel

Motion by Battcher, seconded by Deno, and passed by unanimous vote to approve the agenda as presented.

Motion by Grabitske, seconded by Carlson, and passed by unanimous vote to approve the November 5, 2015 meeting minutes as presented.

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

Conditional Use Permit – Pat Otto/Jim Heiland, 306 5th Avenue NW, Tire/Minor Auto Repair & Tire Sales:

Chairperson Pauly called the public hearing to order regarding the application for a Conditional Use Permit from Pat Otto/Jim Heiland. Smith-Strack stated that the purpose of the CUP application was to allow minor automobile repair at the subject address, which was zoned B-1 Service Business District. It was noted that the applicants were representing the following:

1. Minor auto repair and service on site to include: tune-ups, engine repair including gasket replacement, internal parts replacement, replacement of transmissions, replacement of struts, brake replacement, exhaust system repair, shocks replacements, tire sales and repair, starter and electronic component repair or replacement.
2. Auto and light truck repair will be the main focus of the business but there may be an occasional farm tractor, heavy duty truck or piece of farm machinery being repaired.
3. No more than fifteen (15) customer and employee cars will be parked on the lot at any one time
4. Retail sales shall be allowed indoors at the site.

Smith-Strack explained that new or used automobile sales or storage lots, automobile service stations, and repair shops are allowed within the B-1 District subject to issuance of CUP and provided the following standards are achieved:

1. Parking lots are surfaced with a dust-free material and plans for the arrangement of entrances, exists, screening of exterior storage lots, and parking stalls shall accompany the request.
2. Artificial lighting shall be directed away from any public right-of-way and any residential district.
3. A screen of acceptable design shall be constructed along the property line when said use is abutting any residential district.

Smith-Strack stated that as far as conformance with lot requirements, the existing structure conforms to height requirements, side yard setback requirements and building coverage requirements. The existing structure is a legal non-conforming use with regard to the front yard and rear yard requirements. There is no proposed change to the footprint of the building, only a change to the occupancy of the building (reverting back to a previous use) and therefore may continue to exist as it is. As far as conformance with parking requirements, parking spaces must be at least nine (9) feet wide and twenty (20) feet deep; one (1) parking space must be provided for each employee, based on the number of employees present at the

same time on a typical work shift. Signs are permitted accessory uses and if new signage would be proposed, it would be considered under a separate building permit. Currently there are no specific standards relating to stormwater management.

Required findings the Planning Commission must consider before a CUP can issued are as follows:

- 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 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 City may designate conditions and require guarantees in the granting of use.

Smith-Strack recommended approval of the CUP and that consideration should be given to the following conditions:

1. Define what minor automobile repair and service includes (similar to what applicant proposes);
2. Determine the number of vehicles allowed on site at one time;
3. Repair of larger trucks and farm equipment/machinery and where they are to be stored;
4. Prohibiting the storage of any parts, tires, fluids or anything outdoors;
5. Obtain approval from the Building Official to ensure there is a proper containment system for draining vehicle fluids on site.

Smith-Strack commented that she had not received any written or oral comments, either for or against the CUP request. Don Wolters commented that he lived across the street from the subject property and was in support of the business. Battcher expressed concern about the amount of farm machinery that will be dealt with on site. Pat Otto commented that he didn't foresee a lot, just wanted to be able to if situation presents itself. Battcher questioned if repairs would be done outdoors. Smith-Strack commented that outdoor repairs are discouraged as fluids cannot be properly collected. Battcher questioned if some type of screening was needed on the south side between the business and the residence. Smith-Strack commented that it could be added as a condition to the CUP if desired. Otto commented that he would be purchasing the property. Deno questioned if a fence is erected if that would reduce available parking space. Otto commented that it depends where exactly the property line is and what type of fence or screening is required. Smith-Strack commented that conventional/privacy fencing up to 6 ft. high is allowed (on the line with written permission from adjoining neighbor) or natural screening (shrubby) is allowed. It was agreed to allow up to July 1st to install some type of barrier.

Chairperson Pauly adjourned the public hearing and reconvened the regular meeting at 7:16 pm.

Battcher introduced the following resolution and moved for its adoption:

RESOLUTION NO. 10-2015

A RESOLUTION RECOMMENDING APPROVAL OF A CONDITIONAL USE PERMIT FOR A MINOR PASSENGER AUTOMOBILE REPAIR ESTABLISHMENT AT 306 5TH AVENUE NW

WHEREAS, Mr. Pat Otto and Jim Heiland have submitted a request for a Conditional Use Permit to operate a minor passenger automobile repair at 306 5th Avenue North; and

WHEREAS, the subject property is legally described as Lots 24-28, Blk2, Charles Hillemann Addition, City of Arlington, Sibley County MN. Parcel # 31.0397.000.

WHEREAS, Section 7, Subd. 3 of the Arlington Zoning Ordinance provides for conditional uses allowed in the B-1 Service Business District; and

WHEREAS, the Applicant(s) represents:

1. Auto repair to include tune-ups, engine repair including gasket replacement, internal parts replacement, replacement of transmissions, replacement of struts, brake replacement, exhaust system repair, shocks replacement, tire sales and repair, starter and electronic component repair or replacement.
2. Auto and light truck repair will be the main focus of the business but there may be an occasional farm tractor, heavy duty truck or piece of farm machinery being repaired.
3. No more than fifteen (15) vehicles will be parked on the lot at any one time.
4. Retail sales shall be allowed indoors at the site.

WHEREAS, notice of a public hearing to accept input on the CUP request was published in the official newspaper on November 19, 2015 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 December 3, 2015 and accepted input on the CUP request; and

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

1. That with the conditions listed below the use will not be detrimental to the health, safety, morals, comfort, convenience or welfare of the persons residing in the neighborhood since the use will be consistent with adjacent land uses within the same zoning district.
2. That with the conditions listed below the use will not be detrimental to the public welfare, or injurious to property or improvements in the neighborhood since the use will be consistent with adjacent land uses within the same zoning district.

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 operate a minor passenger automobile repair establishment at 306 5th Avenue North subject to the following:

1. Uses of the subject property shall be limited to the following:
 - a. The Applicants propose minor automobile repair and service is proposed for the site. Auto repair to include tune-ups, engine repair including gasket replacement, internal parts replacement, replacement of transmissions, replacement of struts, brake replacement, exhaust system repair, shocks replacement, tire sales and repair, starter and electronic component repair or replacement.
 - b. Minor automobile repair shall not include vehicle painting or auto body work such as dent removal.
 - c. Retail sales shall be allowed indoors.
2. The total volume of passenger automobiles stored on site shall at no time exceed fifteen (15) vehicles. If being repaired heavy trucks, farm equipment, and farm tractors may be stored indoors but not outdoors at the site. Passenger vehicles stored outdoors at the site shall be parked in a neat and orderly fashion.
3. All vehicles, equipment, and the like being repaired shall display current licenses and be in the process of being repaired in a timely fashion, that is within ten (10) days of being placed on site. The Property Owner or Tenant shall maintain a record of each automobile undergoing minor repair illustrating the date the vehicle was delivered to the site. The Property Owner and/or Tenant shall make the record of vehicles undergoing repair available to the City upon request.
4. Outdoor storage of: vehicle parts, scrap metal, tires, engine parts, oil, fluids, vehicles or equipment not displaying current licenses, trailers, campers, buses, heavy construction equipment, miscellaneous debris, vehicles for sale, non-passenger automobiles, miscellaneous equipment, and similar items is strictly prohibited and not authorized under this conditional use permit.
5. The Property Owner or Lessee shall obtain approval from the Building Official prior to commencing operation of the auto repair business. Minor automobile repair must be conducted within a building structure on a surface approved by the Building Official. At no time shall minor automobile repair be conducted outdoors or on a pervious surface.
6. Minor automobile repair shall only be conducted by the owner of the property and/or his or her employees.
7. The applicant/property owner must submit details (i.e. location, type and volume) of signage to the City for approval prior to placing any signage on site. Signage must comply with the requirements of the B-1 Service Business District.
8. By July 1, 2016 screening which may consists of either 1 or both a fence or shrubs shall be installed adjacent to the southern property boundary shared with a residential use.

9. This conditional use permit supersedes and replaces any previous conditional use permit in effect for the subject site.
10. This conditional use permit is in effect for the property at 306 5th Avenue NW and 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.
11. The applicant shall provide evidence to the City of and maintain compliance with any federal or state laws or regulations which are applicable (i.e. collection/disposal of hazardous materials, etc. on site).
12. No changes in the approved plans or scope of the conditional use shall be undertaken without prior approval of those changes by the City. Proposed permit modifications shall be classified as major or minor, as determined by the Zoning Administrator. Major permit modifications may include, but shall not be limited to, hours of operation, number of employees, expansion of structures and/or premises, operational modifications resulting in increased traffic, and the like.
13. The CUP shall be recorded with 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: Carlson, Deno, Grabitske, Pauly, Councilmember Battcher; and the following against the same: None; and the following abstained from voting: None; and the following were absent: Pichelmann.

Adopted by the Planning & Zoning Committee of the City of Arlington this 3rd day of December, 2015.

Signed: /s/ Mark Pauly
Chairperson Mark Pauly

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

Whereupon the resolution was declared duly passed and executed.

Discussion on the complete streets concept was held. Smith-Strack consolidated the information collected from the two work groups at a previous meeting and presented it as "Option A" (groups combined concepts) and "Option B" (Smith-Strack's concept) and put the information on maps for the Committee to review. The concepts were reviewed in detail. Concern was expressed about the no parking along Hwy 5. It was suggested to change this to no truck parking. Some discussion was held on reducing speeds in various areas. Smith-Strack commented that she will draft some sample language for either a resolution or ordinance for the Planning Committee's approval, along with having Bolton & Menk design a map to go with it. Battcher commented that she would like to see standards included for what a complete streets concept would look like within the industrial districts also.

Brief discussion was held on the property north of This Old House that was destroyed by fire and what the status was on it.

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