

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

1. Call to Order.
2. Pledge of Allegiance.
3. Approve Agenda.
4. Approve the Minutes.
 - A. June 2, 2016
5. Public Hearings.
 - A. Conditional Use Permit: 302 Main Street East – Whalen Detached Garage.
 - B. Ordinance Opting Out of Temporary Family Health Care Dwelling Law
6. Unfinished Business.
 - A. None.
7. New Business.
 - A. None.
8. Review Building Permit Reports.
 - A. May 2016
 - B. June 2016
9. Other Business.
10. Adjourn.

**ARLINGTON PLANNING & ZONING BOARD
MEETING MINUTES
JULY 7, 2016**

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

Members Present: Carlson, Deno, Kreft, Chairperson Pauly

Members Absent: Grabitske, Pichelmann, Councilmember Battcher

Also Present: PZ Adm. Cynthia Smith-Strack via telephone, Adm. Asst. Pomplun, Mayor Rich Nagel, Tom & Ann Whalen.

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

Smith-Strack joined the meeting via telephone.

Motion by Carlson, seconded by Kreft, and passed by unanimous vote to approve the minutes from the June 2, 2016 meeting with the following correction: Pichelmann voted against Resolution 7-2016.

Chairperson Pauly recessed the regular meeting to hold a public hearing at 7:05 pm.

Conditional Use Permit & Variance – 302 East Main Street:

Chairperson Pauly called the public hearing to order regarding the request for a conditional use permit and variance from Tom Whalen, 302 East Main Street. Smith-Strack explained that the applicant was proposing construction of a 728 sq. ft. detached garage exceeding ten (10) percent of the lot area and to place same within the interior side yard setback. It was noted that there was not a garage on the property currently and the existing dwelling is three feet from the interior side yard, which the applicant proposes to extend that setback to the detached garage. She stated that she had received one written comment from Dick Thomes and one oral comment from Annie Shotliff; both were in favor of the proposed garage. Smith-Strack stated she was recommending approval of the CUP/Variance with conditions (proposed in the following resolution).

Tom Whalen commented the main reason for the size structure he was proposing was for storage of vehicles and personal property. It was noted that the neighbor's garage had been placed right on the property line. Whalen stated that he was willing to reduce the width if necessary, but would then like to make the garage longer to make up the difference; there was plenty of room/setback from the alley.

Chairperson Pauly adjourned the public hearing and reconvened the regular meeting at 7:10 pm.

Discussion continued on the proposed Whalen CUP/Variance request. Smith-Strack clarified that the proposed resolution addresses both the CUP and Variance. She explained that separate hearings were not needed since they were only extending the non-conforming setback and were not going any closer to the lot line (intensifying it), which included the proposed concrete driveway.

Kreft introduced the following resolution and moved for its adoption:

RESOLUTION NO. 9-2016

**A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW A 728 SF
DETACHED GARAGE AT 302 EAST MAIN STREET**

WHEREAS, Tom Whalen has applied for a conditional use permit to allow a detached accessory structure exceeding ten (10) percent of the lot area; and,

WHEREAS, Whalen has also applied for a variance to acknowledge extension of an existing variance relating to interior side yard setback; and,

WHEREAS, The property is legally defined as Lot 6, Block 6, Streissguth's Addition, City of Arlington, Sibley County MN; and,

WHEREAS, the property identification number is 31.0217.000; and,

WHEREAS, the Applicant represents:

- At this time there is not a garage on the property.
- A 26' X 28' detached garage is proposed totaling 728 square feet.
- The existing dwelling is 1,078 square feet.
- The detached garage is to be ten (10) feet from the dwelling.
- The lot is 50' X 120.75' a typical 6,038 sf base lot.
- The proposed structure as represented in a site plan meets setback (averaging) requirements for front and corner (street) side yard.
- The existing dwelling is three feet from the interior side yard, the Applicant proposed to extend that setback to the detached garage as well.
- The garages would be used for vehicle and lawn equipment storage by the property owner.

WHEREAS, the proposed use is a conditional use under Section 13, Subdivision 6(G)2 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 June 23, 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 July 7, 2016 and accepted input on the CUP request; and

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

1. The property doesn't currently have a garage, a typical accessory use in residential neighborhoods.
2. The proposed structure's ground floor area equates to 12% of the lot area versus the 10% limit without a CUP. As such, the structure will not be detrimental to the public welfare, or injurious to property or improvements in the neighborhood.
3. The proposed structure meets street side setback requirements and matches that existing for the interior side yard. As such, the structure will not be detrimental to the public welfare, or injurious to property or improvements in the neighborhood.
4. The design of the structure is residential in nature with an eight foot garage door height and a 4:12ths hipped roof to match that of the house.
5. The proposed project is consistent with the Comprehensive Plan in terms of future use of the property and goals to retain a pedestrian friendly historic downtown.

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 a 728 sf detached accessory structure at 302 East Main Street subject to the following:

1. The proposed structure shall not exceed 728 square feet in size and shall be placed on the lot as represented in the site drawing submitted with the Conditional Use Permit Request.
2. This approval shall expire one year after date of approval unless the Applicant has commenced construction of the accessory structure on the site.
3. This permit is subject to all applicable codes, regulations and ordinances, and violation thereof shall be grounds for revocation.
4. The conditional use permit allowing for the accessory structure authorized under this Resolution shall expire with no further action by the City Council if the structure is removed from the property for more than 12 consecutive months.

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

Adopted by the Planning & Zoning Committee of the City of Arlington this 7th day of July, 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 at 7:15 pm.

Ordinance Amendment – Opt Out Law – Temporary Family Health Care Dwellings:

Chairperson Pauly called the public hearing to order regarding the proposed ordinance amendment related to Temporary Family Health Care Dwellings. Smith-Strack explained that Governor Dayton had placed a law into effect pertaining to temporary family health care dwellings. Such dwellings can be placed anywhere on a lot provided a permit is submitted and certain guidelines are met, including: that they not be attached to a permanent foundation; that they be no more than 300 sq. ft. in area; and that they provide for sanitary provisions. Cities must allow them and cannot place restrictions on them, unless they ‘opt out’ of the law. Smith-Strack commented that the ‘opt out’ language must be included within the zoning ordinance and presented draft language for consideration. Mayor Nagel commented that the City will act on the proposed ordinance without delay. Smith-Strack stated that 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 7:20 pm.

Kreft introduced the following resolution and moved for its adoption:

RESOLUTION NO. 10-2016

A RESOLUTION RECOMMENDING APPROVAL OF AN ORDINANCE ENTITLED “AN ORDINANCE OPTING-OUT OF THE REQUIREMENTS OF MINNESOTA STATUTES SECTION 462.3593 RELATING TO TEMPORARY FAMILY HEALTH CARE DWELLINGS”

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

WHEREAS, the Planning Commission from time to time reviews statutes and case law to determine consistency of the Zoning Ordinance with said statutes and case law; and,

WHEREAS, on May 12, 2016, Governor Dayton signed into law the creation and regulation of temporary family health care dwellings, codified at Minn. Stat. § 462.3593, which permit and regulate temporary family health care dwellings; and,

WHEREAS, subdivision 9 of Minn. Stat. §462.3593 allows cities to “opt out” of those regulations; and,

WHEREAS, the Planning Commission initiated an amendment to Ordinance 169, Section 13, Subd. 9 to opt out of the temporary family health care dwelling law; and,

WHEREAS, a public hearing was properly noticed and held on July 7, 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 Opting-Out of the Requirements of Minnesota Statutes Section 462.3593 Relating to Temporary Family Health Care Dwellings”, a copy of which is attached as Exhibit A.

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

Adopted by the Planning & Zoning Committee of the City of Arlington this 7th day of July, 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 OPTING-OUT OF THE REQUIREMENTS OF MINNESOTA STATUTES SECTION 462.3593 RELATING TO TEMPORARY FAMILY HEALTH CARE DWELLINGS

WHEREAS, on May 12, 2016, Governor Dayton signed into law the creation and regulation of temporary family health care dwellings, codified at Minn. Stat. § 462.3593, which permit and regulate temporary family health care dwellings;

WHEREAS, subdivision 9 of Minn. Stat. §462.3593 allows cities to “opt out” of those regulations;

THE CITY COUNCIL OF THE CITY OF ARLINGTON, ORDAINS as follows:

SECTION I. Section 13, Subd. 9 of Ordinance 169, the Zoning Ordinance, is amended by adding Subsection (L) as follows:

(L) Opt-Out of Minnesota Statutes, Section 462.3593 as may be amended from time to time. Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Arlington, Minnesota opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.

SECTION 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

Carlson commented on his experience with giving the Annual Report to the Council recently. Pauly thanked him for doing that for the Committee.

The May and June Building Permit Reports were reviewed. Various questions were asked and answered.

Motion by Carlson, seconded by Deno, and passed by unanimous vote to adjourn the meeting at 7:25 pm.

PZ Adm. Cynthia Smith-Strack

Chairperson Mark Pauly