

**PLANNING & ZONING COMMITTEE
MEETING AGENDA
THURSDAY, JUNE 2, 2016 @ 7:00 P.M.
Arlington Community Center**

1. Call to Order.
2. Pledge of Allegiance.
3. Approve Agenda.
4. Approve the Minutes.
 - A. May 16, 2016
5. Public Hearings.
 - A. Ordinance – Solar Energy Accessory Uses
6. Unfinished Business.
 - A. Variance: James Callahan – 301 West Chandler Street – Side Yard Setback.
7. New Business.
 - A. Discussion: Encroachment of Decks, Stairs, Landings, and Stoops into Setbacks.
 - B. Drop Homes – Temporary Family Health Care Dwellings
8. Review Building Permit Reports.
 - A. May 2016
9. Other Business.
10. Adjourn.

**ARLINGTON PLANNING & ZONING BOARD
MEETING MINUTES
JUNE 2, 2016**

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

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

Members Absent: Deno

Also Present: PZ Adm. Cynthia Smith-Strack, Mayor Rich Nagel, James Callahan.

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

Add item 7B) Drop Homes – Temporary Family Health Care Dwellings.

Motion by Grabitske, seconded by Battcher, and passed by unanimous vote to approve the minutes from the May 16, 2016 meeting with the following changes: Revise the corrective language referencing the April 7th minutes and Resolution 5-2016 related to the school site plan to the following: A roll call vote was not taken and motion carried 5-0.

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

Ordinance – Solar Energy Accessory Uses:

Chairperson Pauly called the public hearing to order regarding the proposed ordinance for Solar Energy as Accessory Uses. Smith-Strack provided an overview of the measure. She stated that no oral or written comment had been received regarding the proposed ordinance.

Chairperson Pauly adjourned the public hearing and reconvened the regular meeting at 7:06 pm.

Kreft introduced the following resolution and moved for its adoption:

RESOLUTION NO. 8-2016

A RESOLUTION RECOMMENDING APPROVAL OF AN ORDINANCE ENTITLED “AN ORDINANCE AMENDING ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE, BY ADDING SUBDIVISION 11 TO SECTION 13 PROVIDING FOR CERTAIN 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, the Planning Commission initiated an amendment to Ordinance 169 to allow solar energy systems as accessory uses providing specific standards were achieved; and,

WHEREAS, the Arlington Planning 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, by Adding Subdivision 11 to Section 13 Providing for Certain Solar Energy Systems as Accessory Uses”; and,

WHEREAS, a public hearing was properly noticed and held on June 2, 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, by Adding Subdivision 11 to Section 13 Providing for Certain 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 Grabitske and upon poll being taken thereon the following voted in favor thereof: Carlson, 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: Deno.

Adopted by the Planning & Zoning Committee of the City of Arlington this 2nd day of June, 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, THE ARLINGTON ZONING ORDINANCE, BY ADDING SUBDIVISION 11 TO SECTION 13 PROVIDING FOR CERTAIN 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, SHALL BE AMENDED BY ADDING SUBDIVISION 11 TO SECTION 13 AS FOLLOWS:

SUBDIVISION 11. SOLAR ENERGY SYSTEMS.

- A. Purpose. The purpose of this Subdivision is to allow for rooftop and building integrated solar energy systems as accessory uses in certain zoning classifications.
- B. Findings. The City finds certain solar energy systems, accessory to existing uses, benefit the public health, safety, and welfare by:
 - 1. Promoting the use of and investment in an abundant, clean, and renewable energy resource,
 - 2. Promoting a reduction in greenhouse gas emissions,
 - 3. Supporting local utility cost savings, and
 - 4. Creating access to community-based solar energy.
- C. Definitions. For the purpose of this Section, certain terms and words are defined as follows:
 - 1. Solar Easement means an easement that limits the height or location or both of permissible development on land on which the easement is placed in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to sunlight as defined in Minnesota Statutes Section 500.30, Subdivision 3 as may be amended.
 - 2. Solar Energy System means a device, combination of devices, or structural design feature, of which a substantial purpose is to provide for the collection, storage, use, and distribution of solar energy for electricity generation, space heating or cooling, or water heating.
 - 3. Solar Energy System, Building Integrated means an active solar energy system that is an integral part of a structure or structural component rather than a separate mechanical or ground mounted device.
 - 4. Solar Energy System, Ground Mounted means a solar energy system structurally mounted to the ground which is not roof mounted.
 - 5. Solar Energy System, Rooftop means an active solar energy system that is structurally mounted to a code-compliant roof of an existing building or structure.
 - 6. Solar Energy System, Wall-Mounted means an active solar energy system that is structurally mounted to a code-compliant wall of an existing building or structure.
- 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: R-1/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.
- E. General Provisions. The following standards apply to all accessory solar energy systems:
1. A maximum of one (1) solar energy system per lot or parcel shall be allowed.
 2. Building and electrical permits shall be secured.
 3. Solar energy systems shall be placed to limit visibility from the public right-of-way to the extent possible and to blend into the building design, provided that minimizing visibility still allows the owner to reasonably capture solar energy.
 4. Rooftop solar energy systems:
 - a. Shall not exceed the maximum height allowed in the applicable zoning district.
 - b. Shall be setback at least one foot from every building wall, roof edge, roof peak, roof ridge, and roof valley.
 - c. Shall not cover greater than eighty (80) percent of each side of the roof or wall to which they are affixed.
 5. Glare from solar energy systems to adjacent or nearby properties shall be minimized.
 6. Solar energy system annual power output (kWh) shall be no more than one hundred twenty (120) percent of the total energy used by the lot or parcel over the previous year. The City, at its discretion, may allow an array designed to produce more than 120% of the energy used provided an interim use permit is issued.
- F. Ground mounted solar energy systems are prohibited as principal or accessory uses in all zoning classifications.
- G. Solar Access Easements Allowed. The City elects to allow solar easements to be filed consistent with Minnesota Statutes, Chapter 500.30, as may be amended from time to time. Owners of land or solar skyspace are responsible for negotiating, drafting, and executing solar easements. Solar easements shall be filed with the City and the Sibley County Recorder's Office.

II. EFFECTIVE DATE.

This Ordinance is effective upon its adoption and publication as prescribed by law.

For City of Arlington:

 By Richard Nagel
 It's Mayor

 By Liza M. Donabauer
 It's Administrator

Discussion resumed from the last meeting regarding the Variance request from James Callahan. Smith-Strack reviewed the details from the previous meeting to bring everyone up-to-date. Kreft commented that based on information that he has been provided, he didn't feel there was firm findings of fact that would allow the variance. Grabitske commented that when the area was developed, narrow (50 ft.) lots were created and smaller houses were placed on them; and now homes tend to occupy more of the lot. Pichelmann felt that the property line was unique in that it was on a curve. Battcher commented that the language could be changed to reflect that when the street is narrowed so is the easement. Smith-Strack said that is not likely due to the placement of utilities and or sidewalk. Callahan stated that he had his yard marked and there were no utilities on that side of the property.

Kreft introduced the following resolution and moved for its adoption:

RESOLUTION NO. 7-2016

**A RESOLUTION RECOMMENDING THE CITY COUNCIL DENY A VARIANCE TO
 REQUIRED STREET SIDE CORNER YARD SETBACK IN THE R-1 ONE AND
 TWO FAMILY RESIDENCE DISTRICT**

WHEREAS, James Callahan (the Property Owner) has submitted a request for a variance to a required street side corner lot setback for property at 301 West Chandler Street; and,

WHEREAS, the property legally described as Lot 12, Block 3 Scheer Bros Addition and identified as Parcel No. 31.0440.000; and,

WHEREAS, the Property Owner requests a street side yard setback of five (5) feet; and,

WHEREAS, the required street side yard setback for a corner lot in the R-1 One and Two Family Residence District is 25 feet; and,

WHEREAS, the Planning and Zoning Commission on May 19, 2016 held a public hearing on the request; and,

WHEREAS, following the public hearing the Planning and Zoning Commission discussed the request and established the following facts:

1. Decks attached to principal dwellings are allowed to project an additional six (6) feet from the dwelling unit. The existing deck achieves this standard. The practical difficulty is created by the property owner; the deck can be replaced as currently designed.
2. The proposed variance could apply to most corner lots in the R-1 District; circumstances unique to the property do not exist.

NOW, THEREFORE, BE IT RESOLVED BY PLANNING AND ZONING COMMISSION OF THE CITY OF ARLINGTON THAT: The Commission recommends the City Council deny a variance to required street side yard setbacks for corner lots in the R-1 One and Two Family Residence District.

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

Adopted by the Planning & Zoning Committee of the City of Arlington this 2nd day of June, 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.

Discussion was held on possibly making some changes to the ordinance language with regards to encroachments into setbacks. Smith-Strack stated that currently decks, stoops, stairways and landings are allowed to project into a setback area six feet from a structure regardless of setback requirements, whether front yard or corner side yard. She stated that citizens often report that six feet is not adequate space for enjoyment (i.e. cannot place a table and chairs together) as it is just too narrow. She commented that it had been suggested, at one point, to change the allotted footage to eight feet. She asked those present to also give consideration to the following standards: clear line of sight or sight triangle, free standing/floating (not attached) or low profile/clearance and with/out a railing, and placement (closeness to property line, in front or side yard). Kreft suggested having the setback from the property line (15 ft.) versus from the structure. Concern was expressed that many structures already sit within the setback area (on the smaller lots). Smith-Strack offered to monitor incoming permit/variance requests and report back to the Committee. She stated that if there are a lot of variance requests, a standard within the zoning ordinance is no longer working and needs to be revised.

Smith-Strack talked about Drop Homes or Temporary Family Health Care Dwellings. She stated that Governor Dayton (on May 16th) had signed into law a requirement for Counties and Cities to allow temporary health care dwellings or drop homes in every community in every county on a temporary basis. She stated that there is an 'opt out' clause within the law, which must be done via ordinance by September 1st. Smith-Strack provided information about the law and how it would affect Arlington (override portions of the zoning ordinance in certain instances). She felt the City could do a much better

job on the local level (writing an ordinance) and was recommending that the City utilize the ‘opt out’ option. She stated that ordinance language and a public hearing notice could be put together in time for the July meeting. It was noted that the ordinance itself would be a stand-alone ordinance and not included within the zoning ordinance; the Council could act on it directly without the Planning Committee’s direction. Mayor Nagel commented he would recommend to the Council to opt out, as there were too many loopholes within the new law.

The May Building Permit Report was not available for review.

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

PZ Adm. Cynthia Smith-Strack

Chairperson Mark Pauly