

**PLANNING & ZONING COMMITTEE
MEETING AGENDA
THURSDAY, MARCH 3, 2016 @ 7:00 P.M.
ARLINGTON COMMUNITY CENTER**

1. Call to Order.
2. Pledge of Allegiance.
3. Approve Agenda.
4. Approve the Minutes.
 - A. February 4, 2016
5. Public Hearings.
 - A. Variance Side Yard & Conditional Use Permit: Imperial Development – 23260 401st Avenue
6. Unfinished Business.
 - A. Orderly Annexation Agreement Discussion.
7. New Business.
 - A. Zoning: Industrial Zoning East Main Street.
8. Review Building Permit Reports.
 - A. February 2016
9. Other Business.
10. Adjourn.

<p>A QUORUM OF THE CITY COUNCIL MAY BE PRESENT AT THIS MEETING. NO OFFICIAL ACTION BY THE CITY COUNCIL SHALL OCCUR AT THIS MEETING</p>
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**ARLINGTON PLANNING & ZONING BOARD
MEETING MINUTES
MARCH 3, 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, Tim Haggemiller, Steve Thompson for Imperial Development/Dollar General, Al Scharn/A&N Radiator

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

Motion by Grabitske, seconded by Pichelmann, and passed by unanimous vote to approve the February 4, 2016 meeting minutes as corrected:

Second paragraph after approval of minutes, second line – removed the words “and the OAA” from within the parenthesis - (in city limits).

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

Variance & Conditional Use Permit – Imperia Development (Dollar General), 23260 401st Avenue, side yard setback and parking:

Chairperson Pauly called the public hearing to order regarding the application for a Variance and Conditional Use Permit from Imperial Development/Dollar General. Smith-Strack stated that the applicant is proposing a 9,100 sq. ft. retail store in the northwest quadrant of Hwy 5 and 401st Avenue. It was noted that a five foot side yard setback was being proposed versus the required ten foot in order to stay back from delineated wetlands on the south and west side of the property.

Smith-Strack commented that in order to grant a variance the City must find that practical difficulties exist. She commented that potential findings include:

1. The proposed project is consistent with the Comprehensive Plan;
2. Positioning of the building in the manner proposed allows for an enhanced setback from a delineated wetland;
3. The parcel is unique in that it includes both floodplain and wetland;
4. The proposed development is in keeping with the character of the adjacent neighborhood which includes commercial uses.

The CUP be contemplated is required under the Zoning Ordinance for any parking that encroaches into a setback area.

Tim Haggemiller (Haggemiller Lumber) was present and stated that he was ok with what was being proposed since he was given an opportunity to see the site plan. Al Scharn (A & N Radiator) was also present and after a couple of questions, was also ok with what was being proposed. It was noted that the property had been surveyed; and that sewer and water utilities were being brought over from across the road and bored under 401st Avenue. The site plan was reviewed briefly.

Chairperson Pauly adjourned the public hearing and reconvened the regular meeting at 7:17 pm.

Kreft introduced the following resolution and moved for its adoption:

RESOLUTION NO. 1-2016

A RESOLUTION APPROVING A VARIANCE TO A REQUIRED SIDE YARD SETBACK IN THE B-1 SERVICE BUSINESS DISTRICT AT 23260 401ST AVENUE

WHEREAS, Imperial Development (the Developer) has submitted a request for a variance to an interior side yard setback from ten (10) feet to five (5) feet; and,

WHEREAS, the property is legally described as: the East 565.29 feet of the East Half of the Northeast Quarter (E1/2 NE1/4) of Section Nine (9), Township One Hundred Thirteen (113), Range Twenty-Seven (27), Sibley County, Minnesota, lying northerly of the right of way line of Minnesota Trunk Highway No. 5, except the North 1105.11 feet thereof; and,

WHEREAS, the property identification number is 31.0832.010; and,

WHEREAS, the Planning and Zoning Commission on March 3, 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:

- A. The proposed project is consistent with the comprehensive plan.
- B. Positioning of the building in the manner proposed allows for an enhanced setback from a delineated wetland.
- C. The parcel is unique in that it includes both floodplain and wetland.
- D. The proposed development is in keeping with the character of the adjacent neighborhood which includes commercial uses.

NOW, THEREFORE, BE IT RESOLVED BY PLANNING AND ZONING COMMISSION OF THE CITY OF ARLINGTON THAT: The Commission recommends the City Council approve a variance to reduce a required interior side yard setback from ten (10) feet to five (5) feet at 23260 401st Avenue with the following conditions:

1. The "Use" is a 9,100 square foot retail facility (Dollar General) at the northwest quadrant of the intersection of TH 5 and 401st Avenue.
2. Submittal of a revised set of plans (2 large scale sets and two 11 X 17 sets) illustrating compliance with required conditions of approval.
3. Approval of Resolution 02-2016 approving a conditional use permit to allow a parking lot to occupy a portion of a required yard.
4. Approval of Resolution 03-2016 approving a site plan for the intended use.
5. This approval shall expire one year after date of approval unless the Applicant has commenced construction of the structure on the site.
6. This permit is subject to all applicable codes, regulations and ordinances, and violation thereof shall be grounds for revocation.

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 3rd day of March, 2016.

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.

Battcher introduced the following resolution and moved for its adoption:

RESOLUTION NO. 2-2016

**A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW A
PARKING LOT TO OCCUPY A PORTION OF A REQUIRED YARD IN THE
B-1 SERVICE BUSINESS DISTRICT AT 23260 401ST AVENUE**

WHEREAS, Imperial Development (the Developer) has submitted a request for a conditional use permit to allow a portion of a parking lot to occupy a required yard; and,

WHEREAS, the property is legally described as: the East 565.29 feet of the East Half of the Northeast Quarter (E1/2 NE1/4) of Section Nine (9), Township One Hundred Thirteen (113), Range Twenty-Seven (27), Sibley County, Minnesota, lying northerly of the right of way line of Minnesota Trunk Highway No. 5, except the North 1105.11 feet thereof; and,

WHEREAS, the property identification number is 31.0832.010; and,

WHEREAS, the Planning and Zoning Commission on March 3, 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:

- A. The use and the site are served by 401st Avenue which is of sufficient capacity to accommodate the intended use.
- B. The site design for access and parking shall minimize internal as well as external traffic conflicts.
- C. Adequate off-street parking stalls are being provided in compliance with the off-street parking requirements of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED BY PLANNING AND ZONING COMMISSION OF THE CITY OF ARLINGTON THAT: The Commission recommends the City Council approve a conditional use permit to allow a parking lot to encroach into a required yard at 23260 401 Avenue with the following conditions:

1. The "Use" is a 9,100 square foot retail facility (Dollar General) at the northwest quadrant of the intersection of TH 5 and 401st Avenue.
2. Submittal of a revised set of plans (2 large scale sets and two 11 X 17 sets) illustrating compliance with required conditions of approval.
3. Approval of Resolution 01-2016 allowing a variance to interior side (north) yard required setback.
4. Approval of Resolution 03-2016 approving a site plan for the intended use.
5. This approval shall expire one year after date of approval unless the Applicant has commenced construction of the structure on the site.
6. This permit is subject to all applicable codes, regulations and ordinances, and violation thereof shall be grounds for revocation.

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 3rd day of March, 2016.

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.

With regard to the proposed site plan (dated 3-2-2016) for the Dollar General property, Smith-Strack noted the following:

- The proposed retail development is consistent with future land use plan policies included within the Comprehensive Plan;
- It is appropriately zoned;
- Setback issue was addressed through the variance just approved;

- The proposed building height is 18½ feet, far below the maximum allowed (35 feet);
- The lot coverage standard has been met;
- One parking space is required (for retail) per employee plus sufficient off street parking to accommodate visitors and customers during normal business traffic hours is required. The applicant proposes 31 parking stalls, with two being handicap stalls;
- The exterior building materials are metal with open fasteners (not allowed), but a condition maybe added within the CUP to address this;
- A separate plan for signage will be required; it appears with shifting the building to the north that the pier the pylon sits on would be able to be moved out of the delineated wetland area (if it remains in the wetland area it will have to be approved by the SWCD);
- There is not currently a measurable condition regarding lighting within the zoning ordinance; all exterior lighting shall be directed so as not to cast glare toward or onto the public right-of-way or neighboring properties;
- City Engineer needs to approve final plans with regards to water and sewer services, grading, drainage and stormwater;
- Landscaping was proposed on the initial site plan and should be included on the final site plan;
- MnDOT had made some recommendations, more specifically changing the access width from 40 ft. down to 32 ft. (to limit the number of people accessing the property at one time);
- Separate permits would be needed from MnDOT and SWCD.

Kreft introduced the following resolution and moved for its adoption:

RESOLUTION NO. 3-2016

**A RESOLUTION APPROVING A SITE PLAN FOR A RETAIL FACILITY
(IMPERIAL DEVELOPMENT – DOLLAR GENERAL) AT 23260 401ST AVENUE**

WHEREAS, Imperial Development (the Developer) has submitted a request for site plan approval for a retail store; and,

WHEREAS, the property is legally described as: the East 565.29 feet of the East Half of the Northeast Quarter (E1/2 NE1/4) of Section Nine (9), Township One Hundred Thirteen (113), Range Twenty-Seven (27), Sibley County, Minnesota, lying northerly of the right of way line of Minnesota Trunk Highway No. 5, except the North 1105.11 feet thereof; and,

WHEREAS, City staff and consultants have reviewed proposed plans for the retail facility 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 variance and conditional use permit requests related to the site plan; and,

WHEREAS, the Planning and Zoning Commission on March 3, 2016 reviewed the request and recommended conditional approval of the site plan.

NOW, THEREFORE, BE IT RESOLVED BY PLANNING AND ZONING COMMISSION OF THE CITY OF ARLINGTON THAT: The Commission recommends the City Council approve a site plan for a retail store at a 23260 401 Avenue with the following conditions:

1. The “Use” is a 9,100 square foot retail facility (Dollar General) at the northwest quadrant of the intersection of TH 5 and 401ST Avenue.
2. Submittal of a revised set of plans (2 large scale sets and two 11 X 17 sets) illustrating compliance with required conditions of approval.
3. Approval of Resolution 01-2016 allowing a variance to interior side (north) yard required setback.
4. Approval of Resolution 02-2016 issuing a conditional use permit to allow parking lot encroachment into a required setback in the B-1 Service Business District.

5. Evidence of appropriate approvals and required permits from MnDOT, High Island Creek Watershed and SWCD.
6. Compliance with all standards required and as set forth within a memo to the Planning Commission from Consulting Planner, Cynthia Smith Strack, dated March 3, 2016.
7. Review and approval by Jason Femrite, Bolton-Menk (City Engineer).
8. Exterior siding may be steel but it shall feature concealed fasteners, unless a variance is approved by the City of Arlington related to exterior building materials.
9. Any signage shall require submittal of a sign permit application and approval by the Zoning Administrator and/or Building Official.
10. All exterior lighting shall be directed so as not to cast glare toward or onto the public right-of-way or neighboring residential uses or districts.
11. A building permit shall be required prior to any building construction or improvements on the property.
12. This approval is subject to all applicable codes, regulations and ordinances, and violation thereof shall be grounds for revocation.
13. This approval shall expire one year after date of approval unless the Applicants have commenced construction of the Use on the Property.
14. Approval of this site plan does not approve any future expansion or associated improvements on-site.
15. Any modifications not defined as "minor" by the Zoning Administrator shall require separate site plan approval.
16. Review and approval of a landscape plan by City staff.
17. Reduction of access throat width from forty (40) feet to thirty-two (32) feet.
18. The approval is based on the site plan dated March 2, 2016 and attached hereto.

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 3rd day of March, 2016.

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 from the previous meeting pertaining to the proposed extension of the existing Orderly Annexation Agreement resumed. Smith-Strack reviewed the assessment process as it applies within the corporate city limits (for clarification purposes). The intent of the discussion was to focus on whether to keep the current agreement with the township in place or letting it expire (official date is August 7, 2018), and not to annex specific property at this time. It was understood that the current Agreement gives the City some authority within the OAA. Smith-Strack commented that if the Agreement is extended, it would need to be updated to address such things as who would have land use and zoning review authority, and who would have building permit review authority along with determining the necessary building code applications. Kreft felt the agreement should be extended as it would be beneficial to both city and township residents. Pauly commented that a joint discussion should be held with the township to work out all the details.

Kreft questioned how residents within the OAA would react if they were to be given a specific date that annexation would occur. Pauly commented that there was no way to know how it would be perceived by the property owners. He felt it could be beneficial, as it would allow residents to plan accordingly with their decisions to upgrade their water/sewer systems. Kreft commented that if specific dates were included in the Agreement, it would help the City with planning for future improvements and could be included in the CIP. Pauly questioned if the 50% rule (50% of residents have to want annexation) would still take precedent and/or override annexation by a set date. He expressed concern about what control the township would still have and/or what benefit they would get out of having an agreement with that clause

included in it if it didn't over rule it. Kreft commented that without the agreement, the City can annex a specified amount of property every year unilaterally.

Smith-Strack questioned if there was consensus to reach out to the township to discuss updating and/or extending the Agreement. There was consensus to move forward with this. Smith-Strack questioned if the complete Planning Committee with the Township officials would be needed or if a sub-group consisting of members from both would be best. Pauly felt that a (sub) work group would be better.

Smith-Strack commented that the following would be key issues for discussion:

1. Timing of if/when Boerner Addition and/or other specific areas would be annexed;
2. Clarification with regards to building permits and when/where the building code would be applied;
3. Clarification with regards to the Comp Plan and land use (and governing authority) within the OAA;
4. Any changes proposed with the boundaries of the OAA (northeast quadrant by Hwy 12, going north on Cty Rd 9, south towards the Sportsman's Park);
5. Annexation proportion: if one resident petitions for annexation, the City can elect to annex another non-petitioning parcel in at the same time.

Smith-Strack explained that the Planning Committee would make their recommendations with regards to expanding/updating (or not) the Orderly Annexation Agreement to the Council; the Council would then reach out to the township and a work group would be formed to discuss the Agreement, along with the items mentioned above.

Smith-Strack presented a map showing the east end of Main Street. She stated that there are potentially two parties who are interested in rezoning their properties from R-1 Single Family Residential to either commercial or industrial. She felt industrial zoning would be more suitable for the area. Concern was expressed as to what type of buffer would be needed between industrial and residential districts. Smith-Strack commented that the topography itself already does some, but screening could be added. Battcher expressed concern about the dumping of any chemicals in the area with it being near the creek/flood plain. She also expressed concern about what the intended used was going to be and if improvements would be needed, more specifically streets. It was noted that both properties are currently legal non-conforming uses. Tim Haggemiller was present and explained that he owned the property with the Quonset on it by the City Shop. He would like to tear it down, rebuild it but twice the size as he uses the property for (warehouse) storage; with current zoning he cannot increase the size of the structure. The traffic volume would stay the same. Concern was expressed about what industrial setbacks would be and if the new proposed structure would be able to meet them or if a variance would be needed. Battcher expressed concern about needing buffering between the industrial and residential areas. It was the consensus of the members that they would give consideration to the rezoning request.

It was noted that the February Building Permit Report was not available in time for the meeting.

Motion by Pichelmann, seconded by Battcher, and passed by unanimous vote to adjourn the meeting at 8:35 pm.

PZ Adm. Cynthia Smith-Strack

Chairperson Mark Pauly