

**PLANNING & ZONING COMMITTEE
MEETING AGENDA
THURSDAY, MAY 19, 2016 @ 7:00 P.M.
ARLINGTON COMMUNITY CENTER**

1. Call to Order.
2. Pledge of Allegiance.
3. Approve Agenda.
4. Approve the Minutes.
 - A. April 7, 2016
5. Public Hearings.
 - A. Variance Request: Haggemiller 500 Main Street East – Side Yard Setback
 - B. Variance Request: James Callahan 301 West Chandler – Side Yard Setback
6. Unfinished Business.
 - A. Draft Accessory Solar Energy System Ordinance.
7. New Business.
 - A. 2016 PC Annual Report to Council – June 20th @ 6:45 pm.
 - B. 2017 Staffing – Mayor Nagel request.
8. Review Building Permit Reports.
 - A. April 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
MAY 19, 2016**

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

Members Present: Carlson, Deno, Grabitske, Chairperson Pauly, Pichelmann, Councilmember Battcher
Members Absent: Kreft
Also Present: PZ Adm. Cynthia Smith-Strack, Mayor Rich Nagel, Tim Haggemiller, and James Callahan.

Motion by Battcher, seconded by Pichelmann, and passed by unanimous vote to approve the agenda with the following change:
Add item 7B) 2017 staffing – Mayor Nagel Request.

Motion by Battcher, seconded by Grabitske, and passed by unanimous vote to approve the minutes from the April 7, 2016 meeting with the following changes: amend Resolution 5-2016 within the minutes relating to the school site plan to indicate a roll call vote was not taken and motion carried 5-0.

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

Variance – Tim Haggemiller, 500 Main Street East:

Chairperson Pauly called the public hearing to order regarding the application for a variance from Tim Haggemiller. Smith-Strack stated Tim Haggemiller had filed an application for consideration of a variance to a required 15’ side yard setback in the I-1 Light Industrial District. If approved the variance would allow replacement of an existing quonset structure with a new cold storage structure. Proposed setbacks are eight feet (west) and four feet (east).

She noted sample findings for and against the request. For the request: The proposed project is consistent with the comprehensive plan. Positioning of the building in the manner proposed allows for an enhanced setback from tree massings and High Island Creek’s meander-way. The parcel is unique in that at least a portion appears to possibly be in the floodplain. The proposed development is in keeping with the character of the adjacent neighborhood which includes similar uses. Against the request: positioning of the building in the manner proposed purposely encroaches into the setback. The building could be narrower than that proposed. The practical difficulty is created by the property owner, the building could be reduced in size.

She stated that no oral or written comment had been received regarding the proposed rezoning request. Tim Haggemiller was present to answer questions.

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

The Commission discussed the request and the potential findings. The Commission inquired as to use of Cemstone property and what portions of the lot were at a lower elevation.

Grabitske introduced the following resolution and moved for its adoption:

RESOLUTION NO. 6-2016

**A RESOLUTION RECOMMENDING APPROVAL OF A VARIANCE TO REQUIRED SIDE YARD
SETBACKS IN THE I-1 LIGHT INDUSTRIAL DISTRICT**

WHEREAS, Tim Haggemiller (the Property Owner) has submitted a request for a variance to required side yard setbacks for property at 500 Main Street East; and,

WHEREAS, the property legally described as 62' by 232' of NW ¼ of SW ¼, Sect. 10, Twp. 113, Range 27 and identified as Parcel No. 31.0519.000; and,

WHEREAS, the Property Owner requests side yard setbacks of eight feet (west) and four feet (east); and,

WHEREAS, the required side yard setback in the Light Industrial District is 15 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:

- 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 tree massings and High Island Creek's meander-way.
- C. The parcel is unique in that at least a portion appears to possibly be in the floodplain.
- D. The proposed development is in keeping with the character of the adjacent neighborhood which includes similar 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 side yard setbacks in the I-1 Light Industrial District, provided:

1. The "Use" of the property shall remain cold storage/warehouse.
2. This permit is subject to all applicable codes, regulations and ordinances, and violation thereof shall be grounds for revocation.
3. The minimum side yard (west) is eight feet; the minimum (east) side yard setback is four feet.
4. The Applicant is responsible for determining whether or not the proposed building pad is within a designated floodplain.
5. The variance shall expire in one year following approval, unless construction of the proposed structure has commenced.

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, Grabitske, Pauly, Pichelmann, Councilmember Battcher; and the following against the same: None; and the following abstained from voting: None; and the following were absent: Kreft.

Adopted by the Planning & Zoning Committee of the City of Arlington this 19th day of May, 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.

Variance – James Callahan, 301 West Chandler Street:

Chairperson Pauly called the public hearing to order regarding the application for a variance filed by James Callahan. Smith-Strack stated Mr. Callahan requests consideration of a variance to a required 25-foot street side corner yard required under Section 5, Subd. 4(B)(2) of Ordinance 169. An existing deck projects from the dwelling six feet, as allowed under Section 5, Subd. 4(E)(3), if approved the variance would allow the deck to encroach an additional two feet into the side yard setback. The existing deck is seven feet from the property line, the proposed deck would be only five feet from the property line.

Strack stated the Planning Commission needed to establish that there was a practical difficulty that necessitated the variance. One of the statutory requirements for establishing a practical difficulty existed was that the variance was unique to the property, for example, a portion of the lot was within a floodplain or a portion of the lot had steep fluctuations in topography.

She stated she met with Mr. Callahan at his residence to review the required findings. She noted she shared with him at that time her recommendation would be to deny the variance as the request was not unique to the property but rather something the property owner wanted to have.

Strack introduced James Callahan who reviewed his request and noted the 2015 Street Improvement project removed a sidewalk and narrowed the street by four feet meaning the proposed deck would have the same visual footprint as the existing deck did prior to street reconstruction.

Strack stated that no oral or written comment had been received regarding the proposed variance request.

Chairperson Pauly adjourned the public hearing and reconvened the regular meeting at 7:30 pm.

The Commission discussed the request and the need to establish findings unique to the parcel if a motion to recommend approval was desired. The Commission discussed changes to the street width, site lines, how the request would apply to other corner lots, the volume of traffic on 3rd Street, and the potential to amend performance standards in residential districts to allow more flexibility relating to floating decks.

Motion by Battcher to deny the variance request. Motion failed for lack of a second.

The Commission continued to examine the request and reached consensus that the individual members wanted an opportunity to visit the issue and perhaps tour the property.

Motion Battcher, seconded by Grabitske and passed by unanimous vote to postpone action on the variance to the June 2, 2016 regular meeting.

Chairperson Pauly introduced a draft accessory solar energy use ordinance. Strack reviewed the draft language which reflected discussion at the April meeting.

The Commission specifically discussed solar panels affixed to walls and requested such installations be provided for within the accessory use standards. The Commission also discussed solar arrays in the Central Business District. The Commission requested accessory solar energy systems also be allowed in the Downtown provided the arrays were either roof mounted or building integrated. Wall solar arrays will not be allowed in the Downtown under the proposed standards.

Motion Battcher, second Grabitske, and passed by unanimous vote to call for a public hearing on the Ordinance at the June 2, 2016 meeting

Chairperson Pauly introduced the Planning Commission Annual Report to the Council. Strack provided an overview of the report. Commissioner Carlson will present the report to the City Council on June 6th, provided Strack forwards a list of highlights for the presentation.

The April Building Permit Report was reviewed.

Motion by Battcher, seconded by Grabitske, and passed by unanimous vote to adjourn the meeting at 8:40 pm.

PZ Adm. Cynthia Smith-Strack

Chairperson Mark Pauly