

**PLANNING & ZONING COMMITTEE  
MEETING AGENDA  
THURSDAY, SEPTEMBER 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. August 6, 2015
5. Public Hearings.
  - A. Conditional Use Permit Request:  
Jim Heiland & Duc Nguyen – 307 5<sup>th</sup> Ave NW: Auto Repair.
6. Unfinished Business.
  - A. Accessory Apartments: Discussion.
  - B. Complete Streets: Information.
6. New Business.
  - A. None.
7. Review Building Permit Reports.
  - A. August 2015
8. Other Business.
9. Adjourn.

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

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

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

Members Absent: Carlson

Also Present: PZ Adm. Smith-Strack, Tim Haggenmiller, Don & Donna Wolter, Mike Weber, Jim Heiland, Duc Nguyen

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

Motion by Grabitske, seconded by Deno, and passed by unanimous vote to approve the August 6, 2015 meeting minutes as presented.

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

**Conditional Use Permit – Heiland/Nguyen, 307 5<sup>th</sup> Avenue NW – Auto Repair:**

Chairperson Pauly called the public hearing to order regarding the application for a Conditional Use Permit from Duc Nguyen and Jim Heiland. Smith-Strack stated that the purpose of the CUP application was to allow minor automobile repair at the subject address, which was located in a B-1 Service Business District. She stated that there was a pre-existing CUP for the property in Jim Heiland's name. It was noted that the applicants were representing the following:

1. General auto repair to include: brake jobs, exhaust, shocks, struts, tune ups, engine repair (gasket repair head gaskets, oil pan gaskets, transmission pan gaskets), internal parts replacement, transmission repair, transmission replacement, transmission overhaul, differential repair and replacement, tire sales and repair, starter and alternator repair or replacement, internal wiring, power window repair, and electronic components repair and replacement.
2. Maximum of thirty (30) vehicles outdoors at one time. It is noted an existing CUP for auto sales allows storage of 12 vehicles in the front yard and 25 in the rear yard.

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. The applicants are proposing five (5) parking stalls for customers and employees in the front yard (east side).
2. Artificial lighting shall be directed away from any public right-of-way and any residential district. The applicants are not proposing any additional lighting at this time.
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 is legal non-conforming (or grandfathered in) in terms of setbacks from both front yard (east) and the side yard (north). There is not any proposed expansion to the building and therefore may continue to exist as it is. As far as conformance with parking requirements, one (1) parking space must be provided for each

employee, plus enough to satisfy the wishes of the City Council. Signs are permitted accessory uses and in new signage would be proposed, it would be considered under a separate permit. Currently there are not specific standards relating to stormwater management. There is no change being proposed to any of the parking areas or the structure's size.

Smith-Strack commented that she had not received any written or oral comments, either for or against the CUP request.

Donna Wolter (305 5<sup>th</sup> Avenue NW) commented that she lived next door to the property. She praised the current owner (Heiland) for how they have operated their business and maintained the property; hopes it will continue regardless of what business goes in its place.

Tim Haggemiller (511 West Brooks Street) also praised current owner for the maintenance of the property and hopes it will continue.

Chairperson Pauly adjourned the public hearing and reconvened the regular meeting.

Smith-Strack commented that before a CUP can be issued the Planning Committee must list some findings. The Committee is allowed to attach conditions to the property which may soften the impact of the use or limit the hours of operation, etc. The Committee has to make sure that:

- 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 that the following potential restrictions be considered (as the Planning Committee could enforce) on the CUP:

1. That the use of the property be limited to minor auto repair, as defined by applicant.
2. That the auto repair is limited to licensed passenger vehicles only (or registered with the State under a dealer's license if vehicle doesn't have current licensing and is for sale).
3. A total of five (5) parking spaces shall be located in the front (east) yard of the property.
4. The total volume of automobiles stored on site cannot exceed thirty (30) at any one time.
5. Obtain approval from the Building Official to ensure there is a proper containment system for draining vehicle fluids on site.
6. All auto repairs must be conducted indoors and on passenger vehicles only (no semi's or farm equipment, etc.).
7. Items such as miscellaneous equipment parts, such as tires, engine parts, oil containers, or parts of vehicles must be stored indoors.
8. If the CUP is approved, it must be recorded at the County.

The question was asked how many vehicles can fit on the property (more specifically the rear lot). Heiland commented that he has fit over 25 in the rear lot (not currently striped for stalls) and is currently allowed 12, but has had up to 15, on the front lot. It was questioned if the rear parking lot was paved, and if not, was it required to be. Heiland commented that half was paved; the remaining was grass/gravel mix. Smith-Strack stated that it must be "dust-free" (compacted gravel with dust coating). The question was asked if the fence encompassed the entire rear lot. Heiland explained that it did, but was open to the street side and included privacy slats.

Grabitske introduced the following resolution and moved for its adoption:

**RESOLUTION NO. 8-2015**

**A RESOLUTION RECOMMENDING APPROVAL A CONDITIONAL USE PERMIT TO ALLOW  
MINOR AUTO REPAIR AT 307 5<sup>TH</sup> AVENUE NW**

**WHEREAS**, Jim Heiland (Property Owner) and Business Operator Duc Nguyen (Proposed Property Owner/Lessee) have submitted a request to operate a minor auto repair operation at 307 5<sup>th</sup> Avenue NW; and,

**WHEREAS**, The property is legally defined as Lots 8-10 & 15-18, Block 3 Hillman's Addition, City of Arlington, Sibley County MN; and,

**WHEREAS**, the property identification number is 31.0401.000; and,

**WHEREAS**, the Applicants represent:

- Auto repair to include: brake jobs, exhaust, shocks, struts, tune ups, engine repair (gasket repair head gaskets, oil pan gaskets, transmission pan gaskets), internal parts replacement, transmission repair, transmission replacement, transmission overhaul, differential repair and replacement, tire sales and repair, starter and alternator repair or replacement, internal wiring, power window repair, and electronic components repair and replacement.
- Maximum of thirty (30) vehicles outdoors at one time. It is noted an existing CUP for auto sales allows storage of 12 vehicles in the front yard and 25 in the rear yard.

**WHEREAS**, Under Ordinance 169, Section 7, Subd. 3, 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 a conditional use permit and provided the following standards are achieved:

- 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 for a conditional use permit;
- Artificial lighting shall be directed away from any public right of way and any Residential District;
- A screen of acceptable design shall be constructed along the property line when said use is abutting any Residential District;

**WHEREAS**, notice of a public hearing to accept input on the CUP request was published in the official newspaper on August 20, 2015 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 September 3, 2015 and accepted input on the CUP request; and

**WHEREAS**, the Planning Committee has reviewed and discussed the CUP request.

**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 auto repair at 307 5<sup>th</sup> Avenue Northwest subject to the following:

1. Uses of the subject property shall be limited to the following:
  - a. A total of five (5) parking spaces shall be located in the front (east) yard of the property and retained for customer/employee parking. Automobiles being repaired are not allowed to occupy the required parking stalls or the public right of way/boulevard.
  - b. Minor auto repair is limited to minor repair of licensed, passenger vehicles (i.e. passenger cars and pickup trucks).
  - c. Minor auto repair to include: brake jobs, exhaust, shocks, struts, tune ups, engine repair (gasket repair head gaskets, oil pan gaskets, transmission pan gaskets), internal parts replacement, transmission repair, transmission replacement, transmission overhaul, differential repair and replacement, tire sales and repair, starter and alternator repair or replacement, internal wiring, power window repair, and electronic components repair and replacement.
  - d. Minor automobile repair shall not include vehicle painting or autobody work such as dent removal.
  - e. The total volume of passenger automobiles stored on site combined with necessary parking spaces shall at no time exceed thirty (30) vehicles. A maximum of twelve vehicles, inclusive of employee,

customer, and client vehicles may be stored in the front yard at any one time. All vehicles on site shall have up-to-date licenses. Loading and unloading of used cars shall occur directly on site and shall not occupy the public right of way.

- f. The Property Owner or Lessee shall obtain approval from the Building Official prior to commencing operation of the auto repair business.
  - g. 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 previous surface.
  - h. Minor automobile repair shall only be conducted by the owner of the property and/or his or her employees.
  - i. Passenger automobiles undergoing minor automobile repair shall not be stored on site or stored on site for a period of time exceeding one (1) month. The property owner shall maintain a record of each automobile undergoing minor repair illustrating the date the vehicle was delivered to the site.
  - j. Items such as miscellaneous equipment parts, brush, tree parts, horse, stock, or travel trailers, campers, unlicensed passenger vehicles, buses, agricultural equipment, portions of heavy construction equipment, heavy construction equipment exceeding its normal lifecycle, or similar items shall not be allowed on the site.
2. 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.
  3. This conditional use permit is in effect for the property at 307 5<sup>th</sup> 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.
  4. This conditional use permit supersedes and replaces an existing conditional use permit providing for auto sales at the subject address.
  5. 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).
  6. 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.
  7. 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 Battcher and upon poll being taken thereon the following voted in favor thereof: 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: Carlson.

Adopted by the Planning & Zoning Committee of the City of Arlington this 3<sup>rd</sup> day of September, 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 resumed, from the previous meeting, on accessory apartments, granny flats, and/or carriage houses. Smith-Strack commented that these types of dwelling units are of interest nationally today as they:

- Provide for changing family needs: children home from college, aging parents;
- Allow an additional revenue stream for older homeowners on fixed incomes or facing higher costs of living;

- Encourage a more efficient use of existing housing stock and public investment.

As far as public outreach/input, it was suggested to do a survey that could both be filled out on paper or online and inquire about aging parents or college children moving back. Smith-Strack will draft the survey. Tim Haggemiller commented that they have people coming in with plans for much smaller homes.

Smith-Strack presented a power-point on Complete Streets (a GreenStep Cities Initiative). It was noted that 'complete streets' are safer. Potential benefits of complete streets are: safety, accessibility and independence, promotes health (people are walking and biking), transportation cost savings, narrower streets are environmentally friendly as less materials are used and less runoff, and finally more cost effective over time. Battcher commented that she would like to see a policy put in place that addresses not only items that go in the ground, but also items that are above ground, such as utilities, trees and lighting. Pichelmann appreciates sidewalks and questioned if there is funding available. Smith-Strack will draft some language.

The August Building Permit Report was reviewed.

Motion by Grabitske, seconded by Battcher, and passed by unanimous vote to adjourn the meeting.

---

PZ Adm. Cynthia Smith-Strack

---

Chairperson Mark Pauly