

**PLANNING & ZONING COMMITTEE
MEETING AGENDA
THURSDAY, AUGUST 8, 2013 @ 7:00 P.M.
ARLINGTON COMMUNITY CENTER**

1. Call to Order.
2. Pledge of Allegiance.
3. Approve Agenda.
4. Approve the Minutes.
 - A. July 11, 2013.
5. Public Hearings.
 - A. Ordinance 282: Boundary Line Adjustments.
6. Unfinished Business.
 - A. Ordinance 281: Home Occupations (Draft).
7. New Business.
 - A. None.
8. Review Building Permit Reports.
 - A. July 2013.
9. Other Business.
10. Adjourn.

**ARLINGTON PLANNING & ZONING BOARD
MEETING MINUTES
AUGUST 8, 2013**

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

Members Present: Grabitske, Chairperson L.Nagel, R.Nagel, Pinske, Vrklan

Members Absent: Battcher, Councilmember Curt Reetz

Also Present: PZ Adm. Smith-Strack

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

Motion by R.Nagel, seconded by Grabitske, and passed by unanimous vote to approve the minutes from the July 11th meeting as presented.

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

Ordinance 282-Boundary Line Adjustments:

Chairperson Nagel called to order the public hearing regarding Ordinance 282-An Ordinance Amending Ordinance 168, The Arlington Subdivision Ordinance to Allow for Boundary Line Adjustments by Adding Section 7.25. Smith-Strack reviewed the proposed ordinance. It was noted that there was no one present and no written comments had been received either for or against said ordinance.

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

R.Nagel introduced the following resolution and moved for its adoption:

RESOLUTION NO. 5-2013

A RESOLUTION RECOMMENDING APPROVAL OF ORDINANCE 282, ENTITLED "AN ORDINANCE AMENDING ORDINANCE 168, THE ARLINGTON SUBDIVISION ORDINANCE TO ALLOW FOR BOUNDARY LINE ADJUSTMENTS BY ADDING SECTION 7.25"

WHEREAS, the City of Arlington placed Ordinance 168 into effect several years ago; and,

WHEREAS, the Arlington Planning and Zoning Commission finds although portions of Ordinance 168 relating to boundary line adjustments is in need of clarification; and,

WHEREAS, the Planning and Zoning Commission initiated an amendment Ordinance 168 providing a process and review criteria for simple boundary line adjustments; and,

WHEREAS, the Arlington Planning and Zoning Commission has reviewed and studied the issue and developed text to be included in Ordinance 282; and,

WHEREAS, a public hearing was properly noticed and held on August 8, 2013 by the City of Arlington Planning and Zoning 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 and Zoning Commission recommends the City Council approve Ordinance 282, a copy of which is attached as Exhibit A.

The motion for the adoption of the foregoing resolution was duly seconded by Vrklan and upon poll being taken thereon the following voted in favor thereof: Grabitske, L.Nagel, R.Nagel, Pinske, Vrklan; and the following voted against the same: None; and the following abstained from voting: None; and the following were absent: Battcher, Councilmember Reetz.

Adopted by the Planning & Zoning Committee of the City of Arlington this 8th day of August, 2013.

Signed: /s/ Lowell Nagel
Chairperson Lowell Nagel

Attested: /s/ Cynthia Smith-Strack
Planning & Zoning Administrator

EXHIBIT A
ORDINANCE NO. 282

AN ORDINANCE AMENDING ORDINANCE 168, THE ARLINGTON SUBDIVISION ORDINANCE TO ALLOW FOR BOUNDARY LINE ADJUSTMENTS BY ADDING SECTION 7.25

THE CITY COUNCIL OF THE CITY OF ARLINGTON ORDAINS AS FOLLOWS:

I. THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH, AND WELFARE, HEREBY ORDAINS ORDINANCE 168, THE SUBDIVISION ORDINANCE, SHALL BE AMENDED BY ADDING SECTION 7.25 AS FOLLOWS:

SECTION 7.25: BOUNDARY LINE ADJUSTMENTS

- A. **Applicability/Purpose.** This section is established to provide for administrative approval for changes in property lines through the attachment of land to a contiguous lot, tract, or platted or non-platted parcel. A boundary line adjustment is intended to modify or correct the location of a boundary line, to remedy adverse topographical features, to remedy encroachments of structures, to enable the sale of a portion of a lot to an adjoining property, and/or to remedy errors in perceived boundary lines subsequent to an official land survey. A Boundary Line Adjustment may be allowed provided any residual parcel or any existing structure does not become non-compliant or become further non-compliant with the provisions of the Zoning Ordinance.
- B. **Application.** Any person having a legal or equitable interest in a property may file an application for a Boundary Line Adjustment. An application for Boundary Line Adjustment shall be filed with the Zoning Administrator on an approved form and shall be accompanied by an assessment search, proof of ownership of the subject property, submittal of the required fee(s) and a certificate of survey, prepared and signed by a Minnesota registered land surveyor, illustrating the following:
1. Existing site improvements and existing boundaries with lot dimension and area.
 2. Any encroachments and easements of record.
 3. Existing legal description(s) of property.
 4. Identification of the boundary to be moved and the location of the proposed boundary line.
 5. The dimensions, setbacks, existing site improvements, and square footage for all lots resulting from the proposed Boundary Line Adjustment.
- C. **Review of Boundary Line Adjustment.** The Zoning Administrator shall review all applications for Boundary Line Adjustments to determine compliance with the standards identified in this section and all other pertinent requirements of this Title and the Zoning Ordinance as may be amended. Upon written approval of the request, the developer shall be responsible for filing the certificate of survey with the County Recorder's office. Should the request be denied, the Zoning Administrator shall notify the developer, in writing, of the findings of fact for such denial.
- D. **Findings Required for Approval.** In order for the Zoning Administrator to grant approval for a proposed Boundary Line Adjustment, each of the following provisions shall be met:
1. All necessary right-of-way, utility, and drainage easements are provided as requested.
 2. The Boundary Line Adjustment shall not create any additional lot, tract, parcel, or division of land.
 3. All lots resulting from the Boundary Line Adjustment shall conform to lot area and width requirements of the City of Arlington Zoning Ordinance including all requirements established for the zoning district in which the property is located.

4. The Boundary Line Adjustment shall not result the “Expansion, Enlargement, or Intensification” of an existing legal non-conforming lot or structure as defined in Section 14 of the Zoning Ordinance as may be amended and relating to non-conformance. In the event of the Boundary Line Adjustment is requested to remedy an existing non-conforming lot or structural element and the proposed Boundary Line Adjustment brings the existing non-conforming lot or structural element nearer to conformity it shall be considered meeting this requirement. In no case shall a Boundary Line Adjustment further expand, enlarge, or intensify an existing non-conforming lot or structural element.
5. The Boundary Line Adjustment shall not result or have the effect of replatting, amending, altering, or vacating a plat.
6. The proposed Boundary Line Adjustment is in compliance with the Comprehensive Plan.

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 _____, 2013.

James R. Kreft, Mayor

Attest: _____
Liza M. Donabauer, City Administrator

Smith-Strack presented draft language that she had put together for proposed Ordinance 281-Home Occupations, based on conversations held at previous meetings. Concern was expressed about gun-smithing (dangerous weapons) as a permitted use versus a special use. Outdoor storage of items related to the business and/or what could be considered public nuisance(s) were also addressed. Smith-Strack stated that Ord. 259 covers nuisances. Hours of operation and/or customer hours (walk-in traffic) were reviewed. Concern was expressed about the space restriction (25% of the lot area) for daycare facilities, as they need/use more. Smith-Strack will make the suggested changes and bring a revised draft to the next meeting.

The July Building Permit Report was reviewed. Smith-Strack commented briefly on the swimming pool permit.

Motion by Pinske, seconded by Vrklan, and passed by unanimous vote to adjourn the meeting at 7:35 pm.

PZ Adm. Cynthia Smith-Strack

Chairperson Lowell Nagel