

**PLANNING & ZONING COMMITTEE MEETING AGENDA  
THURSDAY, OCTOBER 4, 2012 @ 7:00 P.M.  
ARLINGTON COMMUNITY CENTER**

1. Call to Order.
2. Pledge of Allegiance.
3. Approve Agenda.
4. Oath of Office – Mike Vrklan
5. Approve the Minutes.
  - A. September 6, 2012.
6. Public Hearings.
  - A. Ordinance 277: Administrative Permits
7. Unfinished Business.
  - A. Subdivision Ordinance Update: Public Land Dedication.
8. New Business.
  - A. None.
9. Review Building Permit Reports.
  - A. September 2012.
10. Compliance Matrix.
11. Other Business.
12. Adjourn.

**ARLINGTON PLANNING & ZONING BOARD  
MEETING MINUTES  
OCTOBER 4, 2012**

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

Members Present: Grabitske, Haggemiller, Kreft, Chairperson Nagel, Pinske, Councilmember Reetz

Members Absent: None

Also Present: PZ Adm. Smith-Strack

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

Motion by Grabitske, seconded by Pinske, and passed by unanimous vote to approve the minutes from the September 6<sup>th</sup> meeting as presented.

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

**Ordinance 277 – Administrative Permits:**

Chairperson Nagel called to order the public hearing regarding Ordinance 277 - Amendment to Ordinance 169, the Zoning Ordinance, relating to Administrative Permits. Smith-Strack stated that with the language being added, it will allow staff to administer several provisions within the ordinance. She noted that she had not received any written or oral commitment either for or against said ordinance amendment.

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

Reetz introduced the following resolution and moved for its adoption:

**RESOLUTION NO. 9-2012**

**A RESOLUTION RECOMMENDING APPROVAL OF ORDINANCE 277, ENTITLED “AN ORDINANCE AMENDING ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE BY ADDING SECTION 14.5 RELATING TO ADMINISTRATIVE PERMITS”**

**WHEREAS**, the City of Arlington placed Ordinance 169 into effect several years ago; and

**WHEREAS**, the Arlington Planning and Zoning Commission finds although portions of Ordinance 169 require issuance of administrative permits a process for administering said permits is not included in the zoning ordinance; and

**WHEREAS**, the Planning and Zoning Commission initiated an amendment Ordinance 169 providing a process and review criteria for administrative permits; and

**WHEREAS**, the Arlington Planning and Zoning Commission has reviewed and studied the issue and developed text to be included in Ordinance 277; and

**WHEREAS**, a public hearing was properly noticed and held on October 4, 2012 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 277, 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: Grabitske, Haggemiller, Kreft, Nagel, Pinske, Councilmember Reetz;

and the following voted 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 4<sup>th</sup> day of October, 2012

Signed: /s/ Lowell Nagel  
Chairperson Lowell Nagel

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

*EXHIBIT A*  
**ORDINANCE NO. 277**

**AN ORDINANCE AMENDING ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE, BY ADDING SECTION 14.5 RELATING TO ADMINISTRATIVE PERMITS**

- 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 SECTION 14.5 AS FOLLOWS:**

**SECTION 14.5: ADMINISTRATIVE PERMITS**

**SUBDIVISION 1. PURPOSE.**

The purpose of this Section of the Zoning Ordinance is to provide procedures for the issuance of Administrative Permits.

**SUBDIVISION 2. SCOPE.**

An Administrative Permit is required as specified or within a zoning district, zoning standard, and/or for certain activities.

**SUBDIVISION 3. PROCEDURE.**

- A. Application for an administrative permit shall be filed by the property owner or designated agent with the Zoning Administrator on forms to be provided by the City. Applications shall be accompanied by the information required in Sect. 14.5, Subd. 4 as may be amended unless specifically waived by the Zoning Administrator. This subsection does not apply to requests requiring Planning Commission review and/or City Council approval which shall be processed under Sections 15.0 and/or 15.5 of the Zoning Ordinance and may be amended.
- B. The application shall be accompanied by a fee as established by Ordinance. Applications for amending permits shall be accompanied by a fee as established by Ordinance.
- C. The Zoning Administrator shall review the application and related materials and shall determine whether the proposal is in compliance with all applicable evaluation criteria, codes, ordinances, and applicable performance standards set forth in this Chapter. The Zoning Administrator shall notify the applicant, in writing, of an incomplete application within fifteen (15) days of the date of submission.
- D. The Zoning Administrator shall consider possible adverse effects of the proposed events or activity. Judgment shall be based upon (but not limited to) the following factors:
1. Compliance with and effect upon the Comprehensive Plan and any existing public facilities plans as may be amended.
  2. The establishment, maintenance or operation of the use, event or activity will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety or welfare.
  3. The use event, or activity will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
  4. The establishment of the use, event or activity will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
  5. The use, event or activity shall, in all other respects, conform to the applicable regulations of the district in which it is located.
  6. The Zoning Administrator shall make a determination on approval or denial of the administrative permit within sixty (60) days from the date of submission of a complete application.

7. A written permit shall be issued to the applicant when a determination of compliance has been made. Specific conditions to assure compliance with applicable evaluation criteria, codes, ordinances and the standards of this Chapter shall be attached to the permit.
8. Determination of non-compliance with applicable codes, ordinances and the standards in this paragraph shall be communicated to the applicant in writing and the application for the permit shall be considered denied; unless, within ten (10) days of the date of such notice, the applicant submits revised plans and/or information with which the Zoning Administrator is able to determine compliance.
9. Unresolved disputes as to administrative application of the requirements of this paragraph shall be subject to appeal as defined by Section 16 of the Zoning Ordinance as may be amended.

**SUBDIVISION 4. INFORMATION REQUIREMENT.**

Information required for all administrative permit applications shall include:

- A. A concise statement describing the proposed use, event or activity, including the purpose, type of merchandise involved, dates and times of operation, number of employees involved, provisions for on-site security, provisions for on-site parking, and other pertinent information required by the Zoning Administrator to fully evaluate the application.
- B. A copy of the approved site plan for the property or a sketch using an approved “as built” survey as the basis which accurately represents existing conditions on the site, including entrances and exits, bona fide parking and driving areas, and which accurately indicates any proposed temporary structures, including tents, stands and signs.
- C. An accurate floor plan, when in the judgment of the Zoning Administrator, such a plan is necessary to properly evaluate the location of the event and the effectiveness of available entrances and exits.
- D. Information identified in Section 14.5, Subd. 3, as may be amended, of this Ordinance as required by the Zoning Administrator.

**SUBDIVISION 5. PERFORMANCE STANDARDS.**

All uses, events or activities allowed by administrative permit shall conform to the applicable standards outlined in the zoning district in which such use, event or activity is proposed and any/all standards applicable to the proposed request.

**SUBDIVISION 6. ADMINISTRATION AND ENFORCEMENT.**

- A. The Zoning Administrator shall keep a record of applications and administrative permits.
- B. A copy of all administrative permits issued shall be forwarded to appropriate staff as determined by the Zoning Administrator.
- C. Enforcement of the provisions of this paragraph shall be in accordance with Section 17 of the Zoning Ordinance as may be amended.
- D. Violation of an issued permit or of the provisions of this section also shall be grounds for denial of future permit applications.

**SUBDIVISION 7. NON-PERMIT APPROVALS.**

In cases where the Zoning Administrator is given approval authority without a requirement for an administrative permit, determinations shall be based upon the criteria outlined in Section 14.5, Subd. 3(D) this Ordinance as may be amended.

**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 \_\_\_\_\_, 2012.

\_\_\_\_\_  
James R. Kreft, Mayor

Attest: \_\_\_\_\_  
Matthew Jaunich, City Administrator

Smith-Strack presented proposed Ordinance No. 278, an Amendment to the Subdivision Ordinance, related to Public Land Dedication. She stated that she had drafted the proposed ordinance based off discussions held at previous meetings regarding implementing standards for the preservation of stream banks and wetland buffers. The proposed ordinance was reviewed in detail.

Motion by Kreft, seconded by Reetz, and passed by unanimous vote to hold a public hearing for proposed Ordinance 278-Public Land Dedication on Thursday, November 1<sup>st</sup> at 7 pm.

The September Building Permit Report was reviewed.

The Compliance Matrix (as put together by PZ Adm. Smith-Strack) was reviewed. Smith-Strack gave an update on the properties listed.

Smith-Strack commented that she had sent out a letter to all the property owners (approximately 35) within the Orderly Annexation Area (OAA) inviting them to an open house (round table style) meeting. She stated the purpose of the meeting is to discuss zoning control (permitting) guidelines for the properties within the OAA, not annexation. It was noted that the County gave the City zoning authority over these properties a couple of years ago.

Motion by Pinske, seconded by Grabitske, and passed by unanimous vote to adjourn the meeting at 7:45 pm.

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PZ Adm. Cynthia Smith-Strack

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Chairperson Lowell Nagel