

**PLANNING & ZONING COMMITTEE MEETING AGENDA
THURSDAY, SEPTEMBER 4, 2014 @ 7:00 P.M.
ARLINGTON COMMUNITY CENTER**

1. Call to Order.
2. Pledge of Allegiance.
3. Approve Agenda.
4. Approve the Minutes.
 - A. August 7, 2014
5. Public Hearings.
 - A. Dressen/Interstate Fuel & Energy Conditional Use Permit: 39625 230th Street
 - B. Ordinance 289 – Pedestrianways (Subdivision Ordinance Amendment)
6. Unfinished Business.
 - A. Ordinance 288: Historical Design Standards
7. New Business.
8. Review Building Permit Reports.
 - A. August 2014
9. Other Business.
10. Adjourn.

**ARLINGTON PLANNING & ZONING BOARD
MEETING MINUTES
SEPTEMBER 4, 2014**

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

Members Present: Battcher, Vice Chairperson Nagel, Pauly, Pinske, Councilmember Reetz

Members Absent: Chairperson Grabitske, Pichelmann

Also Present: PZ Adm. Smith-Strack, Dirk Schumacher of Hutch Co-Op, Bill Frothinger and Adam Breakell of Interstate Fuel

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

Motion by Reetz, seconded by Pinske, and passed by unanimous vote to approve the August 7, 2014 meeting minutes as presented.

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

Conditional Use Permit- Dressen/Interstate Fuel & Energy, 39625 230th Street:

Vice Chairperson Nagel called the public hearing to order regarding the application for a conditional use permit from Bill Frothinger, d/b/a Interstate Fuel & Energy (property lessee) and Warren Dressen (property owner). Dirk Schumacher of Hutchinson Co-Op (neighboring property) was present. Bill Frothinger and Adam Breakell of Interstate Fuel were also present. PZ Adm. Smith-Strack stated the CUP request will allow for a direct transloading of liquid propane from rail cars to tanker trucks at 39625 230th Street. She stated that the applicant represents that:

- The use is limited to the direct transloading of liquid propane from rail cars to mobile tanker trucks.
- The use will not under any circumstance involve the transfer of more than 200,000 gallons/day of liquid propane from rail cars to tanker trucks.
- The use will not under any circumstances involve the loading of more than 20 tanker trucks on site per day.
- The use will not under any circumstances occupy greater than 100,000 square feet of the subject property (approximately 2 of 7 acres).
- The equipment stored on site will be limited to one (1) transloader and one (1) one-ton pickup truck. The storage of both items shall occur outdoors.
- Semi tractors and/or tankers will not be stored on site.
- Rail cars may be stored on the rail spur located on the subject site.
- There are no structures on the site currently. There are no structures proposed.
- The Applicants certify up to three employees may be at the site at one time.
- The property lessee will be responsible for maintaining the site, weed control, lawn care and snow removal on the property.
- Hours of operations may be up to twenty-four (24) hours per day, seven (7) days per week.
- No storage of hazardous materials shall occur on site, other than within rail cars and/or tankers as they are being transloaded.

It was noted that there are no structures of any kind currently on the subject property, nor are any proposed at this time. No signage is being proposed. Smith-Strack stated compliance with State and Federal rules will apply to the CUP (if approved) per MnDOT and a hazardous materials department. She stated that she and the Fire Chief have discussed (at length) the CUP application. The Fire Chief was reviewing the fire code as he had many concerns. Smith-Strack commented that she has had several conversations with the attorney representing the applicant. She had not received any comment (written or oral) from the public prior to the hearing.

Reetz questioned if some form of portable restroom would be placed on site. He also questioned the current access to the site with the volume of truck traffic expected. Smith-Strack stated that County had been notified of the CUP application and what could be taking place on their county road. Nagel questioned the condition of the rail spur. Frothinger stated it will need about \$45,000 worth of work before it can be used. Reetz inquired why this particular site was chosen. Frothinger stated that the rural setting with the rail and switch already in place was part of it; another part was the TC&W rail line connects directly with the BNSF, UP and the CN. They can bring propane from North Dakota in on the BNSF and from Canada on the CN. Frothinger commented briefly on how the operation works (pipeline runs from North Dakota through various states to Ohio). He stated that last year there was a shortage of propane and they trucked it in from Texas. They are anticipating a shortage again this year. They are hopeful that this will eventually turn into a retail business in the future with storage tanks on site.

Pinske questioned if the applicant was involved with any other business(es). Frothinger stated that they are in the frack sand business in southeast Minnesota. They have a mine in Wisconsin where they mine, wash and dry, and size sand and transport via rail to North Dakota and West Texas.

Pinske asked applicants to talk about safety with regards to the transloading business. Frothinger explained that the tanks are inspected daily when they are being made and x-rayed to insure that there are no flaws or stress fractures, etc. After one year of use, they are taken out of service, re-inspected and x-rayed again at the manufacturer before being put back into service for up to 5 years. Breakell commented briefly on the hazard material standards in place, along with grounding systems and emergency shut offs. Frothinger commented that TC&W has to come out and do some grounding on the site (included in the \$45,000 he commented on earlier). It was noted that there is approximately 30,000 gallons of liquid propane per rail car. It takes approximately three tankers (10,000 each) to empty the rail car.

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

Reetz introduced the following resolution and moved for its adoption:

RESOLUTION NO. 6-2014

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW A LIQUID PROPANE DIRECT TRANSLOADING FACILITY AT 39625 230TH STREET

WHEREAS, Bill Frothinger, d.b.a. Interstate Fuel and Energy, Property Lessee, and Warren Dressen, (Fee Owner) have submitted a request to operate a direct transloading from rail car to tanker truck use at 39625 230th Street; and,

WHEREAS, The property is legally defined in Exhibit A attached hereto; and,

WHEREAS, the property identification number is 31.0843.000; and,

WHEREAS, the Applicants represent:

- The use is limited to the direct transloading of liquid propane from rail cars to mobile tanker trucks.
- The use will not under any circumstance involve the transfer of more than 200,000 gallons/day of liquid propane from rail cars to tanker trucks.
- The use will not under any circumstances involve the loading of more than 20 tanker trucks on site per day.
- The use will not under any circumstances occupy greater than 100,000 square feet of the subject property.
- The equipment stored on site will be limited to one (1) transloader and one (1) one-ton pickup truck. The storage of both items shall occur outdoors.
- Semi tractors and/or tankers will not be stored on site.
- Rail cars may be stored on the rail spur located on the subject site.
- There are no structures on the site currently. There are no structures proposed.
- The Applicants certify up to three employees may be at the site at one time.

- The property lessee will be responsible for maintaining the site, weed control, lawn care and snow removal on the property.
- Hours of operations may be up to twenty-four (24) hours per day, seven (7) days per week.
- No storage of hazardous materials shall occur on site, other than within rail cars and/or tankers as they are being transloaded.

WHEREAS, the proposed use is a conditional use under Section 9, Subdivision 3(A) of Ordinance 169, the Arlington Zoning Ordinance; and

WHEREAS, notice of a public hearing to accept input on the CUP request was published in the official newspaper on August 21, 2014 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 4, 2014 and accepted input on the CUP request; and

WHEREAS, the Planning Committee has reviewed the CUP request and has made the following findings:

1. The establishment, maintenance, or conducting of the use for which a permit is sought, with the proposed conditions, will not be detrimental to the health, safety, morals, comfort, convenience or welfare of the persons residing or working in the neighborhood of such use. The Planning and Zoning Commission found the use was industrial in nature and that conditions placed up on the property use relating to the Applicant's assuming sole responsibility for implementation of federal hazardous material safety laws and state the state fire code are appropriate and logical regulatory measures developed to further the public welfare.
2. 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 Planning and Zoning Commission found the use was industrial in nature and that conditions placed up on the property use relating to the Applicant's assuming sole responsibility for implementation of federal hazardous material safety laws and state the state fire code are appropriate and logical regulatory measures developed to further the public welfare.

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 the direct transloading of liquid propane from rail car to tanker truck at 39625 230th Street subject to the following:

1. The 'Use' is defined as and limited to the direct transloading of liquid propane from rail cars to tanker trucks.
2. The 'Site' is defined as and strictly limited to Lot 5 and part of lots 4 & 6, Arlington Industrial Park, City of Arlington, Sibley County MN (full legal description attached) property identification number: 31.0843.000 as existing on August 14, 2014 the date of Application submittal.
3. The approved Use is limited to the Site defined above and at all times shall meet the conditions set forth herein.
4. The Use shall at no time exceed the transloading of 200,000 gallons per day nor occupy greater than 100,000 square feet of the Site.
5. Equipment allowed to be stored at the Site is defined as and strictly limited to one (1) transloader and one (1) one (1) ton pick-up truck.
6. The Property Owner/Lessee hereby agree to store the aforementioned equipment allowed to be stored at the Site in a fashion that is safe, neat, and orderly.
7. The Property Owner/Lessee shall at all times keep the property weed free, control dust on the property, prevent soil erosion, prevent tracking of debris onto public rights of way, prevent contamination of soil, prevent infestation of rodents, prevent infestation by insects, and retain items in specific storage areas. It is noted the site is currently not in compliance with this standard due to lack of weed control.
8. The Property Owner/Lessee shall ensure each and every day that any material/debris tracked from the site on to County Road 12 is swept off the public right of way.
9. The construction of any structure (structure is defined as anything constructed or erected, the use of which requires location on the ground or attachment to something having a location on the ground) shall necessitate a review of the use of the property, including the potential for requiring a conditional use permit (CUP) amendment as defined within the Limited Industrial District and zoning standards relating to conditional uses.

10. The construction of a structure, regardless of structure square footage and/or need for service connection, shall necessitate extension of municipal water and sewer service to the property.
11. All truck traffic maneuvers and parking, staging, or stacking shall occur on site on private property.
12. The Use shall be conducted in compliance with applicable state and federal rules, including but not limited to, 49 CFR 174.67 (as may be amended), 49 CFR 172.800 (as may be amended), 29 CFR 1910.199 (as may be amended), 29 CFR 1910.120 (as may be amended), and NFPA 58 (as may be amended).
13. The Use is subject to review and approval by the Fire Chief prior to establishment.
14. The Applicant shall supply a portable restroom at the site until such time as extension of municipal utilities is required.
15. The use shall at all times meet the requirements of Section 9, Subdivision 5 of the Zoning Ordinance (as may be amended) relating to noise, vibration, smoke, particulate matter, odor, sewer and water discharge, exterior lighting, and glare.
16. Any proposed signage will require the issuance of a sign/building permit.
17. This approval shall expire one year after date of approval unless the Applicant has commenced operation of the Use on-site.
18. This permit is subject to all applicable codes, regulations and ordinances, and violation thereof shall be grounds for revocation.
19. The City may revoke the CUP upon violation of the conditional use permit standards in the Zoning Ordinance or violation of the conditions of this resolution.
20. The conditional use permitted under this Resolution shall be revoked if the Use ceases for more than 12 consecutive months.
21. The Use permitted under this Resolution may change to a permitted use in the I-1 District without further action by the City Council; however the Use may not change to another conditional use without a new application and approval by the City Council.

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

Adopted by the Planning & Zoning Committee of the City of Arlington this 4th day of September, 2014.

Signed: /s/ Rich Nagel
Chairperson Rich Nagel

Attested: Cynthia Smith-Strack
Planning/Zoning Adm. Cynthia Smith-Strack

Whereupon the resolution was declared duly passed and executed.

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

Ordinance 289 – Pedestrianways (Subdivision Ordinance Amendment):

Vice Chairperson Nagel called the public hearing to order regarding proposed Ordinance 289 – An Ordinance Amending Ordinance 168, The Arlington Subdivision Ordinance, by Adding Section 4.5 Relating to Pedestrianways. Smith-Strack provided an overview of the proposed ordinance. She stated that the proposed ordinance allows the City Council to require installation of sidewalks, trails, and pathways when a property subdivision is proposed. The proposed language also indicates where pedestrianways should be required including, but not limited to: significant destinations, across barriers such as creeks and highways, and where increased volumes of non-motorized traffic is anticipated such as schools, parks, and places of worship. It was noted that there was no one present either for or against the proposed ordinance.

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

Motion by Pauly, seconded by Reetz, and passed by unanimous vote to recommend to the City Council to approve Ordinance 289 – An Ordinance Amending Ordinance 168, The Arlington Subdivision Ordinance, by Adding Section 4.5 Relating to Pedestrianways.

Smith-Strack presented a draft Ordinance No. 288 – An Ordinance Amending Section 8 of Ordinance 169, The Arlington Zoning Ordinance by Adding Subdivision 6 Providing for Limited Design Standards within the B-2 Central Business District. She stated that the proposed language would only apply to principal structures on commercial lots at this time. The proposed language was reviewed in detail. Some concern was expressed about the minimum building height requirement; windows (completely closed off by display backdrop or curtains-can't see through) and also about stucco not being allowed if brick is the existing façade. It was agreed that the intent of the ordinance is not to overburden property owners and that some flexibility is needed with regards to building materials (allowed with a CUP, which gives the PZ Board a chance to review the proposed changes and determine best compliance for the business district). It was agreed to do an outreach to the commercial property owners along Main Street to get their input on the proposed ordinance language prior to the public hearing.

The August Building Permit Report was reviewed.

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

PZ Adm. Cynthia Smith-Strack

Vice Chairperson Rich Nagel