

ARLINGTON PLANNING & ZONING BOARD  
MEETING MINUTES  
APRIL 15, 2010

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

Members Present: Grabitske, Vice Chairman Kreft, Mielke, Pinske, Councilmember Reetz

Members Absent: Haggemiller, Nagel

Also Present: PZ Adm. Smith-Strack, Paul Pieper, Brad Krueger, Steve Friezen, Janet Geib

Motion by Reetz, seconded by Grabitske, 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 February 4<sup>th</sup> meeting as presented.

Vice Chairman Kreft recessed the regular meeting to hold a public hearing.

**Conditional Use Permit: Paul Pieper, 23315 State Highway 5:**

Vice Chairman Kreft called to order the public hearing regarding an application for a Conditional Use Permit from Paul Pieper, 23315 State Highway 5 to allow for a heavy duty truck and farm equipment repair and service shop. Smith-Strack commented that there would be one employee initially, with plans to add staff as work increased. She explained that the intended use was for heavy and light duty truck and trailer repair involving DOT inspections, breaks, tires, drive train, and custom fabricating of local and over-the-road trucks, along with repair and maintenance of farm tractors and equipment. It was noted that the applicant's long-term goal is to eventually add onto the current building, which would place the building within the setbacks of property lines and expand the customer parking area for their equipment. Smith-Strack stated that the proposed use is allowable within the current zoning, which is I-1. She commented on the existing site conditions in conjunction with proposed future changes, such building size, parking, storage, etc. It was noted that the proposed use was in conformance with lot dimension requirements, performance standards, and parking requirements. Smith-Strack commented that the application did not include anything about signage for the property, however if signage is planned for, it must conform to the Zoning Ordinance and a building permit obtained. She also noted that the City of Arlington has adopted the Building Code, which requires certain uses provide for containment of certain materials (chemicals, oil, etc.) and that the Building Official would have to inspect the property prior to the start of operation.

Smith-Strack recommended approval of the CUP subject to the following:

1. Use of the subject property shall be limited to the following:
  - a. Use of the property shall be limited to heavy and light duty truck and trailer repair involving DOT inspections, breaks, tires, drive train, and custom fabricating of local and over-the-road trucks. Additional activity on site shall include the repair and maintenance of farm tractors and equipment. At no time shall the use consist of more than any combination of twelve (12) heavy duty trucks (as requested by the Applicant), heavy duty trailers, light duty trucks, light duty trailers, farm tractors, farm equipment, or any portions or pieces thereof, except as described in 1(c) below.
  - b. Expansion of the existing structure not to exceed 8,000 square feet and/or an aggregate total of 10,400 square feet (2,400 existing structure plus 8,000 square foot addition). The site drainage system shall be subject to the review and approval of the City Engineer.
  - c. Storage and sale of parts/accessories related to heavy duty trucks, heavy duty trailers, light duty trucks, light duty trailers, farm tractors, farm equipment, or any portions/pieces thereof shall be clearly subordinate to the principal use (1a above) and shall be completely contained indoors.
2. Outdoor storage of heavy duty trucks, heavy duty trailers, light duty trucks, light duty trailers, farm tractors, farm equipment, or any portions or pieces thereof shall be limited to twelve (12) items as the site exists, but may increase to twenty (20) items if/when the additional structure is erected. (as requested by the Applicant)
3. Unlicensed, junk, or scrap heavy duty trucks, heavy duty trailers, light duty trucks, light duty trailers, farm tractors, farm equipment, or any portions or pieces thereof shall not be stored on the site.
4. Access to the site shall be from State Highway 5 as illustrated on the site plan.

5. 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 I-1 Light Industrial District.
6. Hours of operation shall be limited to those between the 6 A.M. and 9 P.M. (as requested by the Applicant).
7. A buffer consisting of residential fencing and/or vegetative landscaping and/or berming or some combination thereof shall be provided at the front property line. The intent of the buffering is to clearly define the boundary between residential and industrial property and to lessen the impact of the proposed use on the adjacent residential neighborhood.
8. The proposed use shall at all times comply with state standards relating to noise, dust, smoke, vibration, odor and the like. Noise decibel levels for frequency/duration during both day/night may not be exceeded. Avoidable dust from the use shall not be released into the air. Vibration shall not be detectible at the property line for more than six minutes of every hour.
9. Any/all exterior lighting shall be directed away from adjoining property.
10. The Building Official shall inspect the premises prior to establishment of the proposed use. Building Official review requirements shall be attained as a condition of approval of the permit.
11. Expansion of the existing facility shall not increase rate, volume or pollutant load released from the site.
12. The conditional use permit does not excuse the property owner from obtaining building permits when required or complying with building code requirements.
13. The conditional use permit is in effect for the property at 23315 State Highway 5 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.
14. The conditional use permit shall be recorded at the Sibley County Recorder's Office.

Smith-Strack commented on some access issues that have arisen due to the recent vacation of Circle Drive, more specifically, the (industrial) property directly abutting residential property, no buffer between them. It was noted that the applicant Paul Pieper, the current property owner Janet Geib, the adjacent property owner Brad Krueger and area neighbor Steve Friezen were present.

Pieper expressed his concerns about some of the above conditions. He commented that the proposed business will include 'maintenance' of said trucks/tractors, not just repair. He stated that he would like to have some outdoor storage containers on the property: a container for recyclable parts/supplies and another 1-2 containers for storing (to be used) parts in. He added that he would conceal the containers from public view by either placing them in a fenced/screened area or place a tree buffer around them. Pieper requested that there be an allowance to have unlicensed vehicles on site for up to 90 days at a time, as he uses them for parts. He stated that he had no problem with putting a buffer of trees between the industrial/residential line; however it would not be done until the residential property was able to put in their new driveway. It was noted that the property is not currently hooked up to city services and upon sale must be per city ordinance. Pieper stated that due to financial reasons, he would not be able to accommodate the hookup requirement. He had inquired with the City Council if they would consider granting him an 18-month extension, which was granted from the date of closing. Pieper commented briefly on parking and his plans to eventually expand with allowance for the number of items on site to increase to 20.

Krueger (adjacent residential property owner) expressed his concerns that he would like to see the hours of operation be Monday-Friday from 7am to 6pm (not 6am-9pm proposed), Saturday 8am to 12 pm (noon) and no Sundays. He also expressed concerns about the parking and setbacks in the front yard (as proposed on application). Krueger commented that he has small children in his yard and would prefer that a fence be placed between the properties. He asked that the fence (or vegetation) also be set back far enough so that it can be maintained on both sides. Krueger stated that he is in the process of obtaining bids for putting the new driveway in going out to Circle Drive.

Friezen (area neighbor) expressed his concerns with the proposed business, mainly the hours of operation and appearance of the property, along with how it would affect his property value. He stated that as far as fencing or buffer he would like to see something solid (fence) to block the view.

Geib (current owner) expressed her feelings about restrictions being placed on the proposed business. She stated that the property has been zoned industrial for quite some time and has had heavy equipment coming and going with individuals working at various hours.

Pieper responded in kind to the opposition of the proposed hours of operation. He stated that he would like to keep the hours at 6 am to 9 pm as this would accommodate equipment getting dropped off. He added that initially the business will be part-time (hence the nights and weekends) for him as he has a full-time job right now, plus he feels the extra hours will help to get the business going. He feels that restricting the hours would hinder the business.

Mielke questioned if things on the proposal for future expansion (i.e. employee parking) could be shifted to the north side and then treat the area abutting the residence as backyard with a vegetative buffer, essentially access the property from the north through an easement with the Hutch Coop property as it operates under similar hours and has heavy equipment already traversing it. Pieper stated that he had not pursued that as an option. He commented that his expansion plan was designed to get the most use out of the property over time. Considerable discussion was held on the best place to create a buffer zone between the industrial and residential properties.

Kreft (as a comparison) questioned if there were any issues with the fertilizer plant and their operations; both Friezen and Krueger had none.

Smith-Strack noted that she had received an email from TC & W RR that addressed several concerns, more specifically private versus public crossing over the tracks. She stated that she is researching the information provided in the email with the City Engineer and a few others, but did not have an answer at the time of the meeting.

Considerable discussion was held on what the hours of operation should be. It was suggested that the longer hours (as proposed) could be allowed during a specific time of year (seasonal) or sporadic in nature.

The Committee discussed at length Smith-Strack's recommendations for approval as listed above. Considerable discussion was held on determining a suitable allotment and location for outdoor storage containers, number of vehicles (licensed/unlicensed) allowed, and the creation/location of a buffer zone.

Vice Chairman Kreft adjourned the public hearing and reconvened the regular meeting.

Reetz introduced the following resolution and moved for its adoption:

#### **RESOLUTION NO. 2-2010**

#### **A RESOLUTION RECOMMENDING APPROVAL OF A CONDITIONAL USE PERMIT FOR A HEAVY DUTY TRUCK, TRAILER, AND FARM EQUIPMENT REPAIR AND MAINTENANCE FACILITY WITH ANCILLARY RETAIL PART SALES AT 23315 STATE HIGHWAY 5.**

**WHEREAS**, Mr. Paul Pieper (Applicant) has entered into a purchase agreement for the property at 23315 State Highway 5 in Arlington; and

**WHEREAS**, Mr. Paul Pieper has submitted a request for a conditional use permit to allow a heavy duty truck and farm equipment part sales, repair, and maintenance use at the subject property; and

**WHEREAS**, Section 9, Subd. 3 (1) of the Arlington Zoning Ordinance provides for conditional uses allowed in the I-1 Light Industrial District; and

**WHEREAS**, notice of a public hearing to accept input on the CUP request was published in the official newspaper on April 1, 2010 and sent to property owners within 350 feet of the property; and

**WHEREAS**, the Planning and Zoning Commission conducted a public hearing on the CUP request on April 15, 2010 and accepted input on the CUP request; and

**WHEREAS,** the Planning and Zoning Commission has reviewed the CUP request and has made the following findings:

1. The proposed use of the subject property is consistent with the Future Land Use Map contained in the Comprehensive Plan and is currently zoned as Light Industrial. The property is currently zoned as I-1 Light Industrial.
2. The proposed use is listed as a conditional use under Section 9, Subdivision 3(1) of the Arlington Zoning Ordinance. The proposed use conforms to lot dimensional requirements of the Light Industrial Zoning District.
3. The proposed use directly abuts a single family residential dwelling unit contained in the R-1 Single and Two Family Residential Zoning District and guided for continued residential use within the Comprehensive Plan. The proposed use has the potential to impact the quality of life and/or property value of the abutting residential use. As such the Planning and Zoning Commission desires to lessen the potential impact of the proposed industrial use on the adjacent residential use to the extent reasonably possible.
4. The conditional use process as set forth in Section 15 of the Zoning Ordinance provides for evaluation and processing of conditional use permit requests. Section 15, Subd. 4 allows for the designation of conditions and setting of requirements/guarantees for the granting of a CUP.

**NOW, THEREFORE, BE IT RESOLVED BY THE ARLINGTON PLANNING AND ZONING COMMITTEE THAT:** The Planning Committee does hereby recommend the City Council of the City of Arlington approve the CUP to operate heavy duty truck and farm equipment part sales, repair, and maintenance facility at 23315 State Highway 5 subject to the following:

1. Use of the subject property shall be limited to the following:
  - a. Use of the property shall be limited to heavy and light duty truck and trailer repair and maintenance involving DOT inspections, breaks, tires, drive train, and custom fabricating of local and over the road trucks. Additional activity on site shall include the repair and maintenance of farm tractors and equipment. At no time shall the use consist of more than any combination of twelve (12) heavy duty trucks, heavy duty trailers, light duty trucks, light duty trailers, farm tractors, farm equipment, or any portions or pieces thereof, except as described in 1(b) below. Trucks, tractors, trailers, and equipment being repaired/maintained shall be parked in an orderly fashion north of the existing building and, therefore, away from the abutting residence.
  - b. Storage and sale of parts/accessories related to heavy duty trucks, heavy duty trailers, light duty trucks, light duty trailers, farm tractors, farm equipment, or any portions/pieces thereof shall be clearly subordinate to the principal use (1a above) and shall be completely enclosed.
  - c. Expansion of the existing structure not to exceed 8,000 square feet and/or an aggregate total of 10,400 square feet (2,400 existing structure plus 8,000 square foot addition).
2. Outdoor storage of heavy duty trucks, heavy duty trailers, light duty trucks, light duty trailers, farm tractors, farm equipment, or any portions or pieces thereof shall be limited to twelve (12) items as the site exists, but may increase to twenty (20) items if/when the additional structure is erected. Trucks, tractors, trailers, and equipment being repaired/maintained shall be parked in an orderly fashion north of the existing building and, therefore, away from the abutting residence.
3. Unlicensed, junk, or scrap heavy duty trucks, heavy duty trailers, light duty trucks, light duty trailers, farm tractors, farm equipment, or any portions or pieces thereof shall not be stored on the site, except that no more than twenty percent (20%) of any combination of the trucks, trailers, tractors, and equipment on site may consist of unlicensed vehicles. Regardless of this exception at no time shall an unlicensed vehicle be stored on site for more than ninety (90) days.
4. Outdoor storage is subject to an interim use permit (IUP) herein granted and which shall be subject to renewal five (5) years from the date of approval of this Conditional Use Permit. The interim use permit hereby specifies the outdoor storage shall consist of one (1) shipping container, one (1) fifteen (15) yard roll-off container to hold recyclable material, and one (1) commercial refuse container. All containers shall be located north of the principal structure and shall only be established after a site landscape plan is submitted and approved by the Planning Commission. The site landscape plan is intended to function as a buffer between the industrial use and abutting residence. A planting schedule shall be included in the site landscape plan along with details of landscape type/species to be employed. Any increase in the volume of outdoor storage and/or containers shall require either an amendment of the interim use permit (IUP) or evaluation at the time of IUP renewal.

5. Access to the site shall be from State Highway 5 as illustrated on the site plan or through an agreed easement with the Hutchinson Co-op.
6. 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 I-1 Light Industrial District.
7. Hours of operation shall be limited to those between the 7 A.M. and 7 P.M. The intent of this standard is to reasonably limit the volume of noise generated by the industrial use.
8. A buffer consisting of residential fencing and/or vegetative landscaping and/or berming or some combination thereof shall be provided at the front property line. The intent of the buffering is to clearly define the boundary between residential and industrial property and to lessen the impact of the proposed use on the adjacent residential neighborhood. The buffer shall extend from the residential driveway to the west of the dwelling unit. A site landscape plan shall be submitted and approved by the Planning Commission prior to commencing of the proposed industrial use. A planting schedule shall be included in the site landscape plan along with details of landscape type/species to be employed.
9. The proposed use shall at all times comply with state standards relating to noise, dust, smoke, vibration, odor and the like. Noise decibel levels for frequency/duration during both day/night may not be exceeded. Avoidable dust from the use shall not be released into the air. Vibration shall not be detectible at the property line for more than six minutes of every hour.
10. Any/all exterior lighting shall be directed away from adjoining property.
11. The Building Official shall inspect the premises prior to establishment of the proposed use. Building Official review requirements shall be attained as a condition of approval of this permit.
12. Expansion of the existing facility shall not increase rate, volume or pollutant load released from the site.
13. Railway crossing as it relates to existing/proposed uses shall be investigated.
14. This conditional use permit does not excuse the property owner from obtaining building permits when required or complying with building code requirements.
15. This conditional use permit is in effect for the property at 23315 State Highway 5 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.
16. The conditional use permit shall be recorded at the Sibley County Recorder's Office.

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, Kreft, Mielke, Pinske, Councilmember Reetz; and the following voted against the same: None; and the following abstained from voting: None; and the following were absent: Haggemiller, Nagel.

Adopted by the Planning & Zoning Committee of the City of Arlington this 15<sup>th</sup> day of April, 2010.

Signed: /s/ Arden Kreft  
Vice Chairperson Arden Kreft

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

Due to the lengthy public hearing, it was the consensus of the Committee to postpone discussion on the remaining agenda items until the May 6<sup>th</sup> meeting.

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