

**PLANNING & ZONING COMMITTEE MEETING AGENDA  
THURSDAY, DECEMBER 8, 2011 @ 7:00 PM  
ARLINGTON COMMUNITY CENTER**

1. Call to Order.
2. Pledge of Allegiance.
3. Approve Agenda.
4. Approve the Minutes.
  - A. November 3, 2011.
5. Public Hearings.
  - A. Amendment to Conditional Use Permit: 306 5<sup>th</sup> Avenue NW.
6. Unfinished Business.
  - A. None.
7. New Business.
  - A. Appeal of Zoning Ordinance Administration/Interpretation: Dale Hansen.
8. Review Building Permit Report.
9. Other Business.
10. Adjourn.

**ARLINGTON PLANNING & ZONING BOARD  
MEETING MINUTES  
DECEMBER 8, 2011**

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

Members Present: Grabitske, Haggenmiller, Chairperson Nagel, Pinske, Councilmember Reetz

Members Absent: Kreft, Mielke

Also Present: PZ Adm. Smith-Strack, Jim Heiland, Branden Britzius

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

Motion by Haggenmiller, seconded by Grabitske, and passed by unanimous vote to approve the minutes from the November 3<sup>rd</sup> meeting as presented.

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

**Conditional Use Permit: Branden Britzius/Jim Heiland, 306 5<sup>th</sup> Avenue NW:**

Chairperson Nagel called to order the public hearing regarding the application from Branden Britzius and Jim Heiland for an Amendment to a Conditional Use Permit to allow minor automobile repair in addition to other approved uses at 306 5<sup>th</sup> Avenue NW. It was noted that Branden Britzius and Jim Heiland were present. Smith-Strack explained that 2 of the service bays will be used for minor repair and maintenance of passenger automobiles; used vehicles for sale displayed/stored on site may not exceed 19; the third service bay may be used to detail vehicles; retail sales will be allowed indoors on the site; and any signage changes require building permits. She stated that the proposed uses are allowable within the B-1 District as conditional uses. It was noted that PZ Member Mielke (who was absent) had expressed his concern about vehicles being parked on the property too close to the corner, essentially obstructing traffic view for those turning onto Chandler Street. Smith-Strack stated that there was a 15-20 ft. triangular setback for that purpose.

Smith-Strack was recommending approval based on the following:

Findings: Section 15, Subdivision 2 of the Zoning Ordinance requires that prior to issuing a conditional use permit the Planning Commission/City must find that:

- A. 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,
- B. 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.
- C. The City may designate conditions and require guarantees in the granting of use.

And also:

1. Uses of the subject property shall be limited to the following:
  - a. Minor passenger automobile repair and service defined as (a) replacement and/or installation of tires, batteries, ignition parts, brakes, headlights, belts, carburetors, and other minor parts and/or accessories incidental to the normal upkeep of passenger automobiles, (b) fluid and/or oil/filter changes, and (c) passenger vehicle tune-ups. Minor passenger automobile repair specifically prohibits engine and/or transmission overhaul/rebuilding, body and/or frame repair, and painting.
  - b. Display of used passenger vehicles for sale. The total volume of passenger automobiles stored on site combined with necessary parking spaces shall at no time exceed nineteen (19) vehicles, 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.

- c. Detailing of vehicles, defined as scratch and oxidation removal, buffing, interior and exterior washing or shampooing, molding repair/replacement, paint overspray removal, stain removal, non-spray touch up painting, power washing, hand drying, road tar removal, polishing or deodorizing of any type of passenger vehicle or truck.
  - d. Retail sales shall be allowed indoors.
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 to the requirements of the B-1 Service Business District.
  3. This conditional use permit is in effect for the property at 306 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. 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).
  5. 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.
  6. The CUP shall be recorded with the Sibley County Recorder's Office.

Britzius commented that he also intends to use the third service bay to do semi-tractor repairs. He does not intend for any tractors to be sitting outside; they will be done by appointment only, indoors.

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

Brief discussion was held on defining/clarifying what is/not permitted outside, such as storage of vehicle parts, tires, batteries, and dumpsters.

Reetz introduced the following resolution and moved for its adoption:

**RESOLUTION NO. 13-2011**

**A RESOLUTION RECOMMENDING APPROVAL OF AN AMENDED CONDITIONAL USE PERMIT FOR A MINOR PASSENGER AUTOMOBILE REPAIR AND USED AUTOMOBILE SALES ESTABLISHMENT AT 306 5<sup>TH</sup> AVENUE NW**

**WHEREAS**, Mr. Branden Britzius and Jim Heiland have submitted a request to amend a Conditional Use Permit to operate a minor passenger automobile repair and used automobile sales establishment at 306 5<sup>th</sup> Avenue North; and

**WHEREAS**, Section 7, Subd. 3 of the Arlington Zoning Ordinance provides for conditional uses allowed in the B-1 Service Business District; and

**WHEREAS**, notice of a public hearing to accept input on the CUP request was published in the official newspaper on November 24, 2011 and sent to property owners within 350 feet of the property; and

**WHEREAS**, the Planning and Zoning Committee conducted a public hearing on the CUP request on December 8, 2011 and accepted input on the CUP request; and

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

1. That with the conditions listed below the use will not be detrimental to the health, safety, morals, comfort, convenience or welfare of the persons residing in the neighborhood since the use will be consistent with adjacent land uses within the same zoning district.

2. That with the conditions listed below the use will not be detrimental to detrimental to the public welfare, or injurious to property or improvements in the neighborhood since the use will be consistent with adjacent land uses within the same zoning district.

**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 minor passenger automobile repair and used automobile sales establishment at 306 5<sup>th</sup> Avenue North subject to the following:

1. Uses of the subject property shall be limited to the following:
  - a. Minor passenger automobile repair and service defined as (a) replacement and/or installation of tires, batteries, ignition parts, brakes, headlights, belts, carburetors, and other minor parts and/or accessories incidental to the normal upkeep of passenger automobiles, (b) fluid and/or oil/filter changes, and (c) passenger vehicle tune-ups. Minor passenger automobile repair specifically prohibits engine and/or transmission overhaul/rebuilding, body and/or frame repair, and painting. (d) Semi-tractor repair may occur indoors but at no time shall semi-tractors be parked out of doors.
  - b. Display of used passenger vehicles for sale. The total volume of passenger automobiles stored on site combined with necessary parking spaces shall at no time exceed nineteen (19) vehicles. 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.
  - c. Detailing of vehicles, defined as scratch and oxidation removal, buffing, interior and exterior washing or shampooing, molding repair/replacement, paint overspray removal, stain removal, non-spray touch up painting, power washing, hand drying, road tar removal, polishing or deodorizing of any type of passenger vehicle or truck.
  - d. Retail sales shall be allowed indoors.
  - e. Outdoor storage of vehicle parts, tires, batteries, and the like, is prohibited; one (1) 2-yard dumpster may be located in the rear yard.
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 to the requirements of the B-1 Service Business District.
3. This conditional use permit is in effect for the property at 306 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. 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).
5. 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.
6. 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 Grabitske and upon poll being taken thereon the following voted in favor thereof: Grabitske, Haggemiller, Nagel, Pinske, Councilmember Reetz; and the following voted against the same: None; and the following abstained from voting: None; and the following were absent: Kreft, Mielke.

Adopted by the Planning & Zoning Committee of the City of Arlington this 8<sup>th</sup> day of December, 2011

Signed: /s/ Lowell Nagel  
Chairperson Lowell Nagel

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

Nagel wanted to go on record saying that he supported the (enclosure) improvements Mr. Hansen has made to his property (looks nice) even though what was done was not allowed per the zoning ordinance. It was his opinion that it should not have to be taken down and allow it to be finished, but per the Planning & Zoning Board's instructions and that a fine should be administered for going against the laws of the City. Pictures of what the property looked like before and after work was done were reviewed. Haggemiller questioned why the building permit was not adhered to. Hansen stated that after he started he realized the porch was not in good shape, it was rotted; so he replaced *some* of the rotting material. He stated that the Building Official told him he did the right thing. Haggemiller expressed concern that all the rotten materials were not replaced. It was questioned why he enclosed it when he was told he couldn't. Hansen commented that it is framed up on the inside so all he has to do is cut the openings, which he planned to do later; he wanted to put in windows and screens. Pinske questioned why a door and window were being put in, they weren't there originally either. Hansen stated for aesthetics. Pinske commented that the porch could have been fixed and made to look as it was prior to any work being done (enclosure). Hansen commented that he replaced what he needed to for safety reasons. Smith-Strack noted that the issue with the original permit was with lot coverage not the front yard setback.

Smith-Strack read into the record (from her email dated September 20, 2011, approving Hansen's building permit A-2011-93 for the door/steps): "Should the property owner elect to replace the front steps said replacement shall occupy the same footprint as those existing at this time. In the event the Building Official determines the front steps must be replaced for code compliance, the Building Official shall certify the requirement in writing. When said written certification is on-file at the City Offices the area occupied by the front steps may be expanded as required by the Building Official."

Smith-Strack read into the record (from email dated September 21, 2011 from Building Official Haslip, re: building permit A-2011-93): "I have assessed the front stairway for application A2011-93 at 411 West Alden. The front step is in marginal condition and could be considered sub-standard. I told Mr. Hansen he would have to do any modifications to the stairway within the existing footprint of the present stairway, (not including walls, roofs, etc.), and I am including the code requirements for his stairway in his packet. Also, I recommended he draw a plan showing this layout, he stated he would draw it up and show the setback for the stairway and drop it off today."

Smith-Strack commented that she had talked with the Building Official on November 3<sup>rd</sup> as she noticed that framing was occurring on the property. She stated that the Building Official told her that he had not authorized it and told Mr. Hansen that if he did he did at his own risk and may have to remove it. Strack stated that work proceeded and she then asked for the stop work order to be issued. Hansen asked permission to open up what he did, so he could show the framing that is in place (what is intended). Nagel commented that what was done was done wrong (against the laws), but he doesn't want the Planning Commission to be the 'bad guys' by forcing its removal; it can still be salvaged to meet the zoning code. Pinske suggested taking 2 sides and door out, and removing 4 inches above the door to put it somewhat back to original design. Hansen was opposed to some of the changes. It was suggested to have Pinske and Haggemiller view the site since they were carpenters and then make suggestions on how to fix the situation. PZ members agreed that the door and window on the front have to go and somehow regain as much of the original height of the structure as possible. Pinske asked Hansen if he would bring in a drawing for the next meeting. Hansen commented that he would still like to screen the porch off.

The question was asked about the Building Official and what he will require as far as permitting with what the PZ is requiring. Hansen commented that the Building Official told him that everything he did

was ok, as it was making it more stable. Hansen commented on everything he did for the project. He commented that he would like to keep the door for aesthetics. The PZ Commission said they want it back the way it was: no screens, no door, no windows and then Mr. Hansen could cut the openings on the sides. Hansen commented that he would be willing to cut the openings as he has framed so everyone could see what he intended (within the next day), he would then remove the screening and the front door (within a few days) if that's what the PZ Commission still wanted. Haggemiller will put a drawing together of what the PZ will allow (including dimensions) and send it out to everyone. Smith-Strack will contact the Building Official regarding the permit to see what, if any inspections have been done and about lifting the stop work order.

The November Building Permit Report was not available for the meeting.

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

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PZ Adm. Cynthia Smith-Strack

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Chairperson Lowell Nagel