

**PLANNING & ZONING COMMITTEE
MEETING AGENDA
THURSDAY, MAY 7, 2015 @ 7:00 P.M.
ARLINGTON COMMUNITY CENTER**

1. Call to Order.
2. Pledge of Allegiance.
3. Approve Agenda.
4. Approve the Minutes.
 - A. April 9, 2015
5. Public Hearings.
 - A. Conditional Use Permit: Arneson-Hennies - Detached Accessory Structure
 - B. Draft Ordinance: Outdoor Storage
6. Unfinished Business.
 - A. None.
7. New Business.
 - A. 2015 PC Report to City Council.
 - B. Limited Manufacturing in Central Business District
8. Review Building Permit Reports.
 - A. April 2015
9. Other Business.
10. Adjourn.

<p>THERE MAY BE A QUORUM OF THE CITY COUNCIL AT THIS MEETING. NO OFFICIAL ACTION WILL BE TAKEN.</p>

**ARLINGTON PLANNING & ZONING BOARD
MEETING MINUTES
MAY 7, 2015**

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

Members Present: Carlson, Grabitske, Chairperson Pauly, Pichelmann

Members Absent: Deno, Councilmember Battcher

Also Present: PZ Adm. Smith-Strack, Mayor Nagel, Library Director Kathy Homme, Melissa Rosenfeld

Motion by Pichelmann, seconded by Grabitske, and passed by unanimous vote to approve the agenda with the following change:

Add item 7B) Limited Manufacturing in Central Business District.

Motion by Grabitske, seconded by Carlson, and passed by unanimous vote to approve the April 9, 2015 meeting minutes as presented.

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

Conditional Use Permit – Arneson-Hennies, 241 & 247 West Main Street:

Chairperson Pauly called the public hearing to order regarding the application for a Conditional Use Permit from Arneson-Hennies Partnership. Smith-Strack stated that the purpose of the CUP application was to allow for the construction of an accessory structure in the rear yard of the properties located at 241 & 247 West Main Street, which exceeds ten percent of the aggregate area. She explained that this property is actually one lot, but has two primary structures on it; therefore it has two addresses. It was noted that the proposed new structure:

- would replace two existing structures that have exceeded their useful life;
- would be 1,008 sq. ft. (42 x 24) with three garage bays;
- would have two bays access from 3rd Avenue NW (will lose one on street parking space) and one from the alley;
- meets setback and minimum building separation requirements;
- would be used by renters and/or property owners.

Smith-Strack commented that she had not received any written or oral comments, either for or against the CUP request. Morris Mesenbring was present on behalf of the property owners to answer questions about the proposed structure. He commented that the new roofline will be much lower than the existing one and will have a 4:12 pitch. It was noted that the garage stalls would be completely independent of each other. It was consensus that this would be an improvement to the area and clean things up.

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

Mesenbring re-iterated that one on-street parking space will be lost due to the two-bay access on the west side of the proposed new structure.

Carlson introduced the following resolution and moved for its adoption:

RESOLUTION NO. 4-2015

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW A 1,008 SF DETACHED ACCESSORY STRUCTURE AT 241/247 WEST MAIN STREET

WHEREAS, Ross Arneson and David Hennies d.b.a. Arneson-Hennies Rental Partnership have applied for a conditional use permit to allow a detached accessory structure exceeding ten (10) percent of the lot area; and,

WHEREAS, The property is legally defined as Lot 7, Block 14, Original Townsite, City of Arlington, Sibley County MN; and,

WHEREAS, the property identification number is 31.0083.000 & 31.0084.000; and,

WHEREAS, the Applicants represent:

- The proposed three car garage (1,008 sf) would replace two existing garages on the lot that have exceeded their useful life.
- Two of the three garage bays would be accessed from 3rd Ave NW.
- The third garage bay would be accessed from the alley.
- The proposed structure as represented in a site plan meets setback requirements.
- The proposed structure as represented in a site plan meets minimum building separation requirements.
- The garages would be used by residential renters and/or property owners.

WHEREAS, the proposed use is a conditional use under Section 13, Subdivision 6(G)2 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 April 23, 2015 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 May 7, 2015 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 proposed structure will replace two existing garages that have exceeded their useful life thereby providing a positive impact on persons living or working in the neighborhood.
2. The proposed structure's ground floor area is very similar to that of the two existing garages combined, as such, the structure will not be detrimental to the public welfare, or injurious to property or improvements in the neighborhood.
3. The proposed structure meets setback requirements as such, the structure will not be detrimental to the public welfare, or injurious to property or improvements in the neighborhood.
4. There is no maximum impervious surface coverage requirement in the Central Business District wherein larger building coverage percentages are encouraged.
5. The proposed project is consistent with the Comprehensive Plan in terms of future use of the property and goals to retain a pedestrian friendly historic downtown.

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 a 1,008 sf detached accessory structure at 241/247 West Main Street subject to the following:

1. The proposed structure shall not exceed 1010 square feet in size and shall be placed on the lot as represented in the site drawing submitted with the Conditional Use Permit Request.
2. This approval shall expire one year after date of approval unless the Applicant has commenced construction of the accessory structure on the site.
3. This permit is subject to all applicable codes, regulations and ordinances, and violation thereof shall be grounds for revocation.
4. The conditional use permit allowing for the accessory structure authorized under this Resolution shall expire with no further action by the City Council if the structure is removed from the property for more than 12 consecutive months.

The motion for the adoption of the foregoing resolution was duly seconded by Pichelmann and upon poll being taken thereon the following voted in favor thereof: Carlson, Grabitske, Pauly, Pichelmann; and the following against the same: None; and the following abstained from voting: None; and the following were absent: Deno, Councilmember Battcher.

Adopted by the Planning & Zoning Committee of the City of Arlington this 7th day of May, 2015.

Signed: /s/ Mark Pauly
Chairperson Mark Pauly

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

Whereupon the resolution was declared duly passed and executed.

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

Proposed Ordinance – Outdoor Storage:

Chairperson Pauly called the public hearing to order regarding a proposed ordinance for Outdoor Storage. Smith-Strack summarized the various parts of the proposed ordinance. She stated that she had spoken with Councilmembers Wills and Heiland, Mayor Nagel, and the Police Chief on the proposed ordinance. She added that she had not received any verbal or written comment, either for or against, the proposed ordinance. Smith-Strack commented that she was envisioning this ordinance to be used more as a defensive tool versus going out looking for violators; more specifically, if the City receives a complaint the Police will be able to address issues based on this ordinance. A resident questioned if the ordinance addressed the issue of trailers and fish houses being parked on the street for extensive periods of time. Smith-Strack stated that it did not; there was another city ordinance that addressed parking.

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

Grabitske introduced the following resolution and moved for its adoption:

RESOLUTION NO. 5-2015

A RESOLUTION RECOMMENDING APPROVAL OF AN ORDINANCE ENTITLED “AN ORDINANCE AMENDING ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE, BY ADDING SUBDIVISION 10 TO SECTION 13 RELATING TO OUTDOOR STORAGE

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

WHEREAS, in 2014 the Arlington City Council, following receipt of complaints from the public, directed the Planning Commission to develop language regulating outdoor storage within the City; and,

WHEREAS, the Planning Commission initiated an amendment to Ordinance 169 relating to the storage of personal property outdoors; and,

WHEREAS, the Arlington Planning Commission reviewed and studied the issue and developed text to be included in an Ordinance entitled, “An Ordinance Amending Ordinance 169, the Arlington Zoning Ordinance, by adding Subdivision 10 to Section 13 Relating to Outdoor Storage”; and,

WHEREAS, a public hearing was properly noticed and held on May 7, 2015 by the City of Arlington Planning 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 Commission recommends the City Council approve an Ordinance entitled: “An Ordinance Amending Ordinance 169, the Arlington Zoning Ordinance, by adding Subdivision 10 to Section 13 Relating to Outdoor Storage”, a copy of which is attached as Exhibit A.

The motion for the adoption of the foregoing resolution was duly seconded by Pichelmann and upon poll being taken thereon the following voted in favor thereof: Carlson, Grabitske, Pauly, Pichelmann; and the following against the same: None; and the following abstained from voting: None; and the following were absent: Deno, Councilmember Battcher.

Adopted by the Planning & Zoning Committee of the City of Arlington this 7th day of May, 2015.

Signed: /s/ Mark Pauly
Chairperson Mark Pauly

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

Whereupon the resolution was declared duly passed and executed.

EXHIBIT A

ORDINANCE NO. __

AN ORDINANCE AMENDING ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE, BY ADDING SUBDIVISION 10 TO SECTION 13 RELATING TO OUTDOOR STORAGE

THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH AND WELFARE, HEREBY ORDAINS:

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 SUBDIVISION 10 TO SECTION 13 AS FOLLOWS:

SUBDIVISION 10. OUTDOOR STORAGE.

- A. Purpose. The purpose of this Subdivision is to allow exterior storage of certain items in certain zoning districts in a manner that is not a danger to the public's health, safety, or welfare and that does not negatively impact adjacent property values or constitute a public nuisance.
- B. Exemption. Outdoor storage in the U-R Urban Reserve District is exempt from this Section.
- C. General Provisions. The following provisions apply to all zoning districts:
 - 1. No motor vehicles designed to operate on public highways which are either inoperable or unlicensed or which are both inoperable and unlicensed shall be stored on private property unless as provided for by the City's nuisance regulations as may be amended. This standard does not apply to instances where auto sales, storage, or repair is specifically allowed as a permitted or conditional use within a commercial or industrial zoning district.
 - 2. Outdoor storage of items or storage of items in a manner constituting a nuisance as defined by City Ordinance 259, as may be amended is strictly prohibited.
 - 3. Outdoor storage, including but not limited to equipment storage and the parking of vehicles, shall be prohibited as a principal use of property, unless specifically allowed as a permitted or conditional use within a designated zoning district.
 - 4. No recreational vehicle, trailer, or motor vehicle may be used as a residence, office, or business or used for storage of items in conjunction with a residential, commercial, industrial, or business enterprise unless authorized to do so in conjunction with the issuance of an interim use permit as required under Section 15.5 of the Zoning Ordinance, as may be amended. Business entities with a valid Peddler's Permit are exempt from this clause. In instances of special public events such as community festivals, the county fair, or civic celebrations the City may by administrative permit allow such use.
 - 5. The City may order the owner of any property to cease or modify outdoor storage uses, including existing uses, provided it is found that the use constitutes a public nuisance as defined by City Ordinance.
- D. Residential Zoning Districts. The following standards apply to outdoor storage in all residential zoning districts.
 - 1. All materials, equipment, and personal property shall be stored within a building or be fully screened so as not to be visible in any way from adjacent properties or rights-of-way, except the following:
 - i. Clothes lines.
 - ii. Fire wood, not exceeding two cords, for use only on the premises provided it is stored in an interior side or rear yard.
 - iii. Landscaping or construction materials or equipment to be used on the property within ninety (90) days.
 - iv. Off-street parking of licensed and operable passenger automobiles pick-up trucks, but not including commercial vehicles provided they are stored in a manner as approved under Section 13, Subd. 10(D)2 of this Ordinance.
 - v. Gardens, lawn furniture or fixtures, and recreation/sports features such as basketball hoops which are constructed specifically for outdoor use providing they are set back at least five (5) feet from the property line.
 - vi. Swimming pools as provided for under Section 13, Subdivision 5 of the Zoning Ordinance, as may be amended.
 - vii. Licensed and operable sport recreation equipment (snowmobiles, personal watercraft, ATV's, off highway motorcycles, off road vehicles) not exceeding four total items and subject to Arlington Ordinance 184, an Ordinance regulating the parking of all-terrain vehicles, off-road vehicles, off-highway vehicles, and snowmobiles within the City of Arlington, as may be amended. The standards contained in Section 13, Subd. 10(D)2 of this Ordinance apply.

- viii. Boats may be stored in a front yard in a manner approved under Section 13, Subd. 10(C)2 of this Ordinance during boating season.
 - ix. The parking of one (1) licensed and operable camper (camping trailer, truck camper, fifth wheel) or recreational vehicle (motor home, travel trailer) in a manner approved under Section 13, Subd. 10(D)2 during non-winter months and subject to Section 13, Subd. 10(C)4 of this Ordinance.
 - x. The parking of one (1) licensed and operable commercial vehicle a gross weight rating of less than 10,000 pounds in a manner approved under Section 13, Subd. 10(D)2 of this Ordinance. An additional commercial vehicle may be stored on a residential property provided an interim use permit is issued under Section 15.5 of the Zoning Ordinance, as may be amended.
 - xi. The parking of one (1) licensed and operable trailer in a manner approved under Section 13, Subd. 10(D)2 of this Ordinance. An additional trailer may be stored on a residential property provided an interim use permit is issued under Section 15.5 of the Zoning Ordinance, as may be amended. Horse and stock trailers are prohibited from being stored outdoors in a residential zoning district.
2. Outdoor storage area standards. The following standards apply to all outdoor storage areas in residential districts.
- i. Outdoor parking/storage areas in front yards and street-side corner yards shall be surfaced with an all weather dustless material such as asphalt, concrete, pavers, bricks, or other equivalent material. Compacted gravel and/or rock is not a suitable surface. Existing outdoor parking/storage areas in front yards and street-side corner yards shall be brought up to all-weather, dustless surfacing standards upon receipt of a zoning application to improve, enlarge, and/or expand said parking or storage areas.
 - ii. The aggregate area of a front yard or street-side corner yard used for any combination of drive-way, sidewalk, parking, and/or storage shall not exceed the following:
 - 1. Parcels with a total lot area of 5,999 square feet or less – fifty (50) percent of the front yard.
 - 2. Parcels with a total lot area of more than 5,999 square feet but less than 7,500 square feet – forty-five (45) percent of the front yard.
 - 3. Parcels with a total lot area of 7,500 square feet or more but less than 10,000 square feet – forty (40) percent of the front yard.
 - 4. Parcels with a total lot area of 10,000 square feet or more – thirty-five (35) percent of the front yard.
 - iii. Any parking or storage area shall be a minimum of five (5) feet from any property line and shall not interfere with sight lines at intersections or placed over public sidewalks.
 - iv. Outdoor storage of items shall be done neat and orderly manner meaning there is a regular systematic approach to storage of items as opposed storage of items in piles or in a sporadic manner.
 - v. Outdoor storage surfaces in a rear or interior side yard shall at a minimum consist of four (4) inches of compacted gravel, crushed rock, recycled concrete, a concrete slab, and/or similar materials. Outdoor storage surfaces of grass, lawn, weeds, mulch, non-organic material, or topsoil is prohibited.
 - vi. Vehicular access to outdoor storage areas in a rear or a side yard shall occur on the fee owner's private property and shall not interfere with a public or private easement.
- E. Commercial Zoning Districts. The following standards apply to outdoor storage in all commercial zoning districts.
- 1. Outdoor storage/display. Outdoor storage/display shall be governed by the respective zoning district in which such use is located.
 - 2. All outdoor storage shall be located in a rear or side yard. Outdoor storage is not allowed in a front yard.
 - 3. Outdoor storage shall be screened with suitable materials so as to maintain seventy-five (75) percent or more opacity when viewed from a lot line. This performance standard applies to HVAC equipment and garbage dumpsters which is associated with new construction.
 - 4. The following are exempt from Section 13, Subd. 10(E)2 and Section 13, Subd. 10(E)3 of this Ordinance, as may be amended:
 - i. Merchandise being displayed for sale in accordance with zoning district requirements.
 - ii. Temporary storage (i.e. 90 days or less) of materials and equipment currently being used for landscaping or construction on the premises.
 - iii. Merchandise on temporary display (i.e. 90 days or less) for sale.
 - iv. Outdoor dining.
 - v. Outdoor sidewalk sales/signs.
- F. Industrial Zoning Districts. The following standards apply to outdoor storage in all industrial zoning districts.
- 1. Outdoor storage/display. Outdoor storage/display shall be governed by the respective zoning district in which such use is located.
 - 2. Outdoor storage requires the issuance of an interim use permit as provided for under Section 15.5 of this Ordinance, as may be amended.
 - 3. All outdoor storage shall be located in a rear or side yard. Outdoor storage is not allowed in a front yard.
 - 4. Outdoor storage shall be screened with suitable materials so as to maintain fifty (50) percent or more opacity when viewed from a lot line. This performance standard applies to HVAC equipment and garbage dumpsters which is associated with new construction.
 - 5. The following are exempt from Section 13, Subd. 10(F)2, Section 13, Subd. 10(F)3, and Section 13, Subd.

10(F)(4) of this Ordinance, as may be amended:

- i. Merchandise being displayed for sale in accordance with zoning district requirements.
- ii. Temporary storage (i.e. 90 days or less) of materials and equipment currently being used for landscaping or construction on the premises.

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 _____, 2015.

Richard Nagel, Mayor

Attest: _____
Liza M. Donabauer, City Administrator

Smith-Strack reviewed the information that she had put together to be presented in the Annual Report to the City Council. It was noted that Carlson would attend the Council Meeting.

Smith-Strack explained that she had been in contact with an individual who operates a manufacturing facility in Henderson and is looking to relocate to Arlington. She stated that he has been looking at the various unoccupied or soon to be vacant properties in the downtown area. It was noted that manufacturing is not permitted in these commercial/service business areas; however, she was aware of some other communities that do allow limited manufacturing. She inquired if the Committee would consider an Ordinance Amendment to the CBD to allow this with conditions, such as retain some portion for storefront, off-street parking for employees, no outdoor storage, etc. Grabitske was not opposed to reviewing some language for an amendment. Some concern was expressed with how product/goods are being moved/unloaded (semi-truck parking, loading and unloading).

The April Building Permit Report was reviewed.

Motion by Grabitske, seconded by Pichelmann, and passed by unanimous vote to adjourn the meeting at 7:40 p.m.

PZ Adm. Cynthia Smith-Strack

Chairperson Mark Pauly