

**PLANNING & ZONING COMMITTEE
MEETING AGENDA
THURSDAY, MAY 3, 2018 @ 7:00 P.M.
ARLINGTON COMMUNITY CENTER**

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.
4. Approve the Minutes.
 - A. March 1, 2018 – Regular Session.
 - B. April 5, 2018 – Regular Session.
5. Public Hearings.
 - A. Ordinance Amending City Code Chapter 27 (Subdivisions) and Chapter 31 (Zoning) Pertaining to the Definition of Outlots.
6. Business.
 - A. Discussion: Rental Code – Guest Police Chief John Petterson
 - B. 600 Block of Main Street West (Woehler)
 - C. 2018 Annual Report
7. Building Permit Report
 - A. March.
8. Adjourn.

A QUORUM OF THE CITY COUNCIL MAY BE PRESENT AT THIS MEETING. NO OFFICIAL ACTION BY THE CITY COUNCIL SHALL OCCUR AT THIS MEETING
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**PLANNING & ZONING BOARD
MEETING MINUTES
MAY 3, 2018**

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

Members Present: Jim Carlson, Janet Deno, Dwight Grabitske, Jim Kreft, Jennifer Nuesse,
Councilmember Michelle Battcher (arrived late)

Members Absent: Darnell Halverson

Also Present: PZ Adm. Cynthia Smith-Strack, Police Chief John Petterson

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

Motion by Grabitske, seconded by Deno, and passed by unanimous vote to approve the minutes from the March 1, 2018 meeting as presented.

Motion by Nuesse, seconded by Carlson, and passed by unanimous vote to approve the minutes from the April 5, 2018 meeting with the following correction: the meeting was called to order by ‘Dwight’ Grabitske, not ‘Jim’ Grabitske.

City Code Amendment – Chapter 27 (Subdivisions) & Chapter 31 (Zoning) – Definition of Outlots:

Chairperson Kreft called the public hearing to order regarding the ordinance amending the City Code Chapter 27 (Subdivisions) and Chapter 31 (Zoning) pertaining to the definition of Outlots. Smith-Strack explained that the Committee had been discussing how to clarify intent of language in the Code pertaining Outlots. She stated that the proposed Code Amendment was posted on the City’s website and notice was published in the official newspaper prior to the public hearing. She stated that a definition of an Outlot was being added to Chapter 31 and the definition was being revised within Chapter 27 of the Code. It was noted that no written or oral comments on the proposed Code amendment had been received; and there was no one present from the public to address the Committee.

Motion by Grabitske, seconded by Carlson, and passed by unanimous vote to close the public hearing.

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

Councilmember Grabitske introduced the following resolution and moved for its adoption:

RESOLUTION NO. 5-2018

**A RESOLUTION RECOMMENDING APPROVAL OF AN ORDINANCE ENTITLED
“AN ORDINANCE AMENDING CHAPTER 31, SECTION 2, SUBD. 2 (ZONING) OF
THE CITY CODE AND CHAPTER 27.07(M) OF THE CITY CODE PERTAINING TO
THE DEFINITION OF THE TERM ‘OUTLOT’”**

WHEREAS, the City of Arlington placed standards contained in Chapters 27 (subdivision of property) and 31 (land use) into effect several years ago; and,

WHEREAS, in 2018 the Planning and Zoning Commission noted a discrepancy in terminology and a potential of said terminology discrepancies to impact existing development; and,

WHEREAS, the Planning and Zoning Commission has reviewed information pertaining to the term ‘outlot’ and prepared a code amendment to clarify the intent of the standards and provide for clear administration of the standards; and,

WHEREAS, a public hearing was properly noticed and held on May 1, 2018 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 Commission recommends the City Council approve an Ordinance entitled: “An Ordinance Amending Chapter 31, Section 2, Subd. 2 (Zoning) of the City Code and Chapter 27.07(M) of the City Code Pertaining to the Definition of the Term ‘Outlot’”, a copy of which is attached as Exhibit A.

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

Adopted by the Planning & Zoning Committee of the City of Arlington this 3rd day of May, 2018.

Signed: /s/ Jim Kreft
Chairperson Jim Kreft

Attested: /s/ 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 CHAPTER 31, SECTION 2, SUBD. 2 (ZONING) OF THE CITY CODE AND CHAPTER 27.07(M) OF THE CITY CODE PERTAINING TO THE DEFINITION OF THE TERM ‘OUTLOT’.

- I. THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH, AND WELFARE, HEREBY ORDAINS CHAPTER 31, SECTION 2, SUBDIVISION 2 OF THE CITY CODE IS HEREBY AMENDED BY ADDING THE FOLLOWING DEFINITION:**

Outlot: A parcel of land subject to future platting prior to development or a parcel of land which is designated for: (a) public or private open space, (b) public or private wetland buffers, (c) public or private conservation purposes, (d) rights-of-way, (e) utilities, or (f) other similar purposes. Outlots created after June 1, 2018 are deemed unbuildable and no building permit shall be issued for such properties until said outlot is platted. Except that building permits may be issued for Outlots to be used for a specific purpose such as signage or common property under a planned unit development or common interest community as designated in a developer’s agreement or other agreement.

- II. THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH, AND WELFARE, HEREBY ORDAINS CHAPTER 207.07(M) OF THE CITY CODE IS HEREBY AMENDED AS FOLLOWS:**

M. Outlot. ~~A lot remnant or parcel of land left over after platting, which is intended as open space or other future use, for which no building permit shall be issued.~~ A parcel of land shown on a subdivision plat as an outlot, and designated alphanumerically, (for example, Outlot A). Outlots are used to designate one of the following: land that is to be used for a specific purpose as designated in a developer’s agreement or other agreement between the City and the developer, land that is to be used for a public purpose, or a parcel of land that is subject to future platting prior to development. No building permits shall be issued for outlots created after June 1, 2018 unless authorized under agreement by the City

- III. 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 _____, 2018.

For City of Arlington:

By Richard Nagel
It's Mayor

By Patrick Melvin
It's Administrator

Discussion was held on the proposed Rental Code Standards. Smith-Strack presented the rental code framework that she compiled from discussions held at previous meetings; along with the comments from the informational meeting that was held in April. She also provided copies of the State Statute 504B (landlord and tenant-rental properties) and Landlord and Tenants Rights and Responsibilities for the Committee's review. Members who attended the informational meeting gave a brief summation about the meeting so those members who were unable to attend had an idea of how it went or what was said. It was noted that a very small percentage of the rental property owners attended that meeting. General feeling from that meeting was that the landlords felt they were being over-governed and did not want a rental code; and any fees implemented would most likely be passed onto the renters. Kreft commented that he was not at the meeting, but had talked with a landlord who did not understand that there was a difference between the Building Code and the potential Rental Code. He attempted to clarify the differences for him, which did alleviate many of his concerns. With that said, Kreft felt that there may have been others who were confused also about the differences between the Building Code and the potential Rental Code and what was going to be required of the landlords.

Police Chief Petterson talked about establishing a landlord association. He stated that in Owatonna where he previously worked a landlord association had been established. Petterson explained in some detail how the association worked and how law enforcement was involved. Petterson commented that all the rental property owners have to 'buy' into the association in order for it to work (share information between themselves). The Police Department can then do criminal background checks on the renters and the problems will start diminishing. There is a cost involved, as an attorney draws up the paperwork/forms. If everyone works together, the community will be a better place. The association was not developed to build code and regulate things, but share information and to minimize loss based on bad renters; essentially provide security basis for who is living within community. Petterson opined the property owners who attended the informational meeting seemed receptive to the idea of the association. Kreft commented that people in Arlington are not joiners and did not see an association being formed. He would like to see the City offer this type of service if it is possible. Smith-Strack will do more research on this with the City Attorney. Smith-Strack commented that some communities and landlords she has experience with actually favored sharing information on tenant conduct as it may assist with an eviction, if needed.

Councilmember Battcher had requested that discussion be held on the 600 Block of West Main Street. She explained that when the City rezoned property a few years ago; Dan Woehler's property (600 Block of W. Main St.) wasn't rezoned to reflect all the various/existing uses. Smith-Strack stated that in 2010 the property was rezoned from Industrial to Multi-Family Residential. Last fall an individual approached Mr. Woehler about putting an auto repair shop on site, which is not allowed under the current zoning. Mr. Woehler was in the process of gathering the necessary paperwork to apply for a Planned Unit Development (PUD).

Smith-Strack noted that the Planning Committee was due to give their annual report to the Council on May 21st. A copy of the proposed report was reviewed in detail. Member Kreft volunteered to give the report on behalf of the Planning Committee. Member Grabitske will join him if he is back in time.

Motion by Battcher, seconded by Nuesse, and passed by unanimous vote to approve the 2018 Annual Report to the Council as presented.

The March Building Permit Report was reviewed. Carlson questioned how long a permit was valid. Smith-Strack stated that generally it is valid for 180 days, but as long as progress is being made (ongoing) it is 180 days from the last inspection. Nuesse questioned the current fee schedule and if an increase was necessary. Brief discussion was held on the fee schedule. Smith-Strack will check into this.

Grabitske commented that the Preservation Alliance of Minnesota was going to be holding a workshop and invited the Planning members. He stated that a few years back the Planning group discussed the idea of developing a historic district.

Motion by Grabitske, seconded by Battcher, and passed by unanimous vote to adjourn the meeting at 8:12 p.m.

PZ Adm. Cynthia Smith-Strack

Chairperson Jim Kreft