

**PLANNING & ZONING COMMITTEE
MEETING AGENDA
THURSDAY, JULY 5, 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. May 3, 2018 – Regular Session.
 - B. June 7, 2018 – Regular Session.
5. Public Hearings.
 - A. Conditional Use Permit – Attached Garage 301 4th Ave NE – Joshua Novosad.
6. Business.
 - A. Discussion: Rental Code.
 - B. Discussion: Building Permit Fees.
 - C. Discussion: Goals
 - D. Discussion: Potential Rezoning of the “Swenson” (Hotel) Property
7. Building Permit Report
 - A. May.
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

**PLANNING & ZONING BOARD
MEETING MINUTES
JULY 5, 2018**

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

Members Present: Jim Carlson, Darnell Halverson, Dwight Grabitske, Jim Kreft, Jennifer Nuesse

Members Absent: Janet Deno, Councilmember Michelle Battcher

Also Present: PZ Adm. Cynthia Smith-Strack, Joshua Novosad

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

Add item 6-D) Discuss the potential rezoning of the “Swenson” (Hotel) property.

Motion by Grabitske, seconded by Carlson, and passed by unanimous vote to approve the May 3, 2018 minutes as presented.

Motion by Grabitske, seconded by Nuesse, and carried (Halverson abstained) to approve the June 7, 2018 minutes with the following changes: On page 3 in the middle of the page (mid-paragraph starting with EDA Dir. Newsom...) – Smith-Strack explained that it was not the practice of the Planning Committee to rezone property without an application first (not a purchase agreement as stated in the minutes). And Same paragraph – She was making known that a request may be forth coming. (not requesting both parcels to be rezoned industrial as stated in the minutes).

At 7:07 p.m. Chairperson Kreft recessed the regular meeting in order to hold a public hearing.

Conditional Use Permit – Attached Garage 301 4th Ave NE – Joshua Novosad:

Smith-Strack stated that Joshua Novosad had applied for a Conditional Use Permit to allow for an addition to an attached garage that will create an attached garage that is greater than 60% of the foundation size of the house. Under Chapter 31, Section 13, Subdivision 6G of the City Code the applicant is able to provide for the expansion through a conditional use permit. The Planning Commission can make a recommendation to the Council to increase required setbacks, landscaping, update the façade, etc. to ensure that it blends in with the surrounding area. Smith-Strack explained that Novosad would like to add 390 sq. ft. to the already existing 540 sq. ft. attached garage, so the total proposed square footage would be 939 sq. ft. The existing house has a footprint of 1,087 ft. and the attached garage after the addition, if approved, would be 86% (the size of the foundation of the house). It was noted that the CUP was consistent with the Comp Plan and was not detrimental to the health, safety, morals comfort, convenience or welfare of the persons residing or working in the neighborhood. The Committee has the authority to add conditions to the permit, such as:

- Require the use of trim, wainscoting and lighting or other additional architectural detail to soften the impact of the bulk and height of the proposed structure;
- Require the structure be designated and placed on a lot so as to reasonably maintain a scale/size difference;
- Require the visibility of the accessory or attached structure be minimized as viewed from adjacent lots;
- Require garage door openings are placed so as to reduce their visibility from adjacent lots and rights-of-way
- Require the accessory structure be reasonably compatible with the architectural detail of the principal structure.

- Require the use of the same or similar window and exterior door proportion and types to soften the impact of the bulk and height;
- Require general compatibility with adjacent properties within the same district.

Smith-Strack commented that she had talked with Novosad about ways to reduce the appearance of ‘bulk’ Smith-Strack noted that she had not received any public comment, either for or against the proposed CUP request prior to the meeting. It was noted that there was no one present to provide public comment.

Novosad stated that he was going to change the peak of the roofline on the front side to make it have a better curb appeal. Halverson questioned if the front of the house faced 4th Avenue and Novosad confirmed that it did. Kreft favored the idea of requiring the addition to be reasonably compatible with architectural detail of the principal structure and questioned if that would hinder Novosad’s plans. Novosad it would not. Nuesse asked if the siding would match the house and Novosad confirmed that it would.

Smith-Strack recommended approval of the conditional use permit as follows:

- Limiting it to the property at 301 4th Avenue NE;
- Requiring that the attached garage not exceed the 86% of the foundation size of the dwelling;
- The proposed addition to the exiting attached garage shall be a minimum of nine (9) feet from the north property line;
- The proposed garage addition must be stepped back from the existing building line or vary in roof orientation (what was being proposed) as a means of breaking up the continuous building wall;
- Then the proposed garage addition shall be compatible with the exterior building material/color, roof pitch, and garage door height to the existing garage;
- If these conditions are not met the CUP can be revoked;
- The CUP has to be registered with the County.

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

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

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

RESOLUTION NO. 07-2018

RESOLUTION RECOMMENDING APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW AN ATTACHED GARAGE THAT IS GREATER THAN SIXTY PERCENT (60%) OF THE FOUNDATION SIZE OF THE DWELLING TO WHICH IT IS ATTACHED

WHEREAS, Chapter 31, Section 13, Subd. 6(G) of the City Code allows an attached garage to exceed 60% of the foundation size of the home to which it is attached provided a conditional use permit is issued; and

WHEREAS, Joshua Novosad has applied for a Conditional Use Permit to allow an attached garage that is eighty-six percent (86%) of the foundation size of the house to which it is attached; and

WHEREAS, The subject property is legally described as Lot 4, Block 1, Altnow Addition, City of Arlington with a property identification number of 31.0724.000; and

WHEREAS, The subject property address is 301 4th Avenue NE; and

WHEREAS, Notice of a public hearing to accept input on the CUP request was published in the official newspaper on June 21, 2018 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 July 5, 2018 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 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 a conditional use permit to allow an attached garage that is eighty-six (86%) of the foundation size of the house to which it is attached for the property at 301 4th Avenue NE subject to the following:

1. This conditional use permit is in effect for the property at 301 4th Avenue NE and assigned to the current and/or any future owner of the property unless the use changes or the use is in violation of the conditions of this permit.
2. The attached garage shall not exceed eighty-six (86) percent of the foundation size of the dwelling to which it is attached.
3. The proposed addition to the existing attached garage shall be a minimum of nine (9) feet from the north property line.
4. The proposed garage addition shall be stepped back from the existing building line or vary in roof orientation as a means of breaking up the continuous building wall.
5. The proposed garage addition shall be compatible with exterior building material/color, roof pitch, and garage door height to the existing garage.
6. The accessory structure shall be reasonably compatible with the architectural detail of the principal structure.
7. 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.
8. 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 Carlson, and upon poll being taken thereon the following voted in favor thereof: Carlson, Grabitske, Halverson, Kreft, Nuesse; 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 5th day of July, 2018.

Signed: /s/ James R. Kreft
Chairperson James R. Kreft

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

Whereupon the resolution was declared duly passed and executed.

Smith-Strack talked about the proposed rental code framework. She provided a brief overview from the meeting with Chief Petterson, whereby he outlined parts of the Owatonna Landlord's Association COLA. It was noted that the local police department was not a member, but rather a consultant or independent organization that has a constructive working relationship. The Committee expressed interest in having a similar association formed in Arlington. Smith-Strack has talked to City Attorney Arneson; there is a legal framework that the City could formulate to enact a program with the City as the lead entity. Kreft commented that he would be hesitant to have the City organize this. He commented that it is not a bad thing and it would benefit the landlords and indirectly the City. However, he felt it would be difficult to draw a line between drafting a rental code and then being on the organizing side of the negotiations for the association. Smith-Strack recalled that this was intended to add value to the rental code for the landlords. Smith-Strack mentioned that Attorney Arneson had seen an upside for public protection.

Carlson commented that it sounds advantageous for the landlords, but questioned liability if the City engages in the process, whether through the police department or other agency. Chairperson Kreft believed that if the City just set up a meeting between landlords there would not be any liability; but if it were a City Committee or be a member there would be a potential for conflicts of interest/some liability. Smith-Strack noted that there could be data privacy issues as well. Grabitske commented that it is a good idea, but the idea needs to come from the landlords. He suggested that maybe the police department could get the landlords involved. Kreft suggested that since the police chief understood what Owatonna did fully, to inquire with the police department to see if they would be willing to make some contacts. Smith-Strack was directed to talk to the police chief about talking to landlords about a rental association. Grabitske commented that if the landlords are not having issues now, they are not likely to want to do anything (be proactive).

It was questioned if the Committee should continue discussing putting a rental code together. Chairperson Kreft commented that the Council had professed an interest in having a rental code about a year or so back. He mentioned that there was some animosity from the landlord group. Nuesse stated that they should ask the landlords to define what they think is a viable rental code. She feels that by allowing them to provide their input, they would be more receptive to it. Smith-Strack mentioned that a fee would help cover inspections and other administrative costs. Kreft suggested that they review the rental code at the next meeting, along with the information from the open house from the landlords.

Smith-Strack noted that the building permit fee calculations are established in the annual fee schedule (reviewed during the Budget Process). Building Official Haslip informed her that the City uses the 1997 Uniform Building Code Fee Schedule, which was the most current one available online. It was noted that this schedule is a bit higher than what surrounding communities were using. Most of the permits issued are flat fees (not based on the value of the project). After review of the current and past Budgets (expenses and revenues) it was noted that the fees do not cover the costs, which is not unusual when compared with other communities. Nuesse requested Smith-Strack to see if there was a more up-to-date fee schedule available than what was currently being used. Kreft suggested that they make a recommendation to the City Council to exam the fee structure when they adopt their fee schedule next January.

Motion by Nuesse, seconded by Kreft, and passed by unanimous vote to recommend to the Council to revisit the fee schedules for building permits as a part of their planning for 2019 to justify current rates and expenses.

Smith-Strack commented that the Committee has not afforded a lot of attention towards its goals/work plans yet this year and thought it was a good time to review them. Chairperson Kreft commented that the Orderly Annexation Agreement with the Township has expired and expressed his concern about the City's loss of zoning control within the OAA. He questioned if zoning reverted back to the County and would like clarification from the county on how they would like to handle this area. Smith-Strack suggested approaching the township again to see if they would be open to simply extending the orderly annexation agreement that just expired with no new expansion. Chairperson Kreft felt that the Planning Committee (with the Council's approval) should invite the Township Board to a meeting to discuss the OAA as it does pertain to zoning/development of that area. Smith-Strack agreed that they have to have the Council's backing. Chairperson Kreft stated their goal could be to clarify what is happening with the area formerly within the orderly annexation. Smith-Strack will contact the County's Planning Consultant about the zoning control issue, since their Comp Plan delegates zoning authority to the City for this area, which the City no longer has.

Chairperson Kreft commented that at the last meeting the EDA Director addressed the Committee about a new business that wanted to come to Arlington and a preliminary request for rezoning so that business

could build on city owned property. At that meeting it was understood that there was a process in place for rezoning of property. Since then, he read in the local paper that the business was going in on the city owned (hotel/Swenson) property. It was noted that a rezoning application had not been received to-date. Should one come in and there is public opinion against the rezoning, he doesn't want the Planning Committee to be labeled anti-development/business (look bad) if it would then deny said application. He expressed his concerns that things are not being done in the proper order (enthusiasm of development shouldn't overtake the process). Smith-Strack will look into whether or a not a purchase agreement has been signed for the new hops business, which is in the initiator for the Planning Committee's process/review.

The May Building Permit Report was reviewed.

Grabitske commented on preservation of historic districts. He stated that he had attended a workshop in Mankato and spoke with representatives from the Preservation Alliance of Minnesota and noted that if anyone wants to look at historic districts they need to start at the homeowner and/or business owner level, not the government level.

Motion by Grabitske, seconded by Nuesse, and passed by unanimous vote to adjourn the meeting at 8:10 p.m.

PZ Adm. Cynthia Smith-Strack

Chairperson Jim Kreft