

PLANNING AND ZONING COMMITTEE
Special Meeting
December 30, 2019 at 7:00 PM
Arlington Community Center - Council Chambers

1. Call to Order
2. Pledge of Allegiance
3. Approve Agenda
4. Approve the Minutes
 - (A) November 7, 2019 - Regular Session
5. Public Hearings
 - (A) Conditional Use Permit: Veterinary Clinic/Hospital in B-2 Central Business District - Lyle Braun, Minnesota Valley Vet Services - 402 West Alden Street
6. New Business
7. Unfinished Business
 - (A) Proposed Ordinance Establishing the B-3 Commercial/Industrial District.
8. Review Building Permit Reports
 - (A) October
 - (B) November
9. Other/Updates
10. Adjournment

**ARLINGTON PLANNING & ZONING BOARD
MEETING MINUTES
NOVEMBER 7, 2019**

Call to Order.

The meeting was called to order at 7:00 p.m. by Chairperson Dwight Grabitske. All stood for the Pledge of Allegiance.

Attendance.

Members Present: James Carlson, Dwight Grabitske, Jennifer Nuesse, and Councilmember Michelle Battcher.

Members Absent: Janet Deno and Darnell Halverson

Also Present: Tim Haggenmiller, Andrew Fredin, Mayor Rich Nagel, and PZ Adm. Cynthia Smith Strack.

Approval of Agenda.

Grabitske introduced the agenda item. No changes were requested.

Motion by Nuesse, second Battcher to approve the agenda with requested changes. Motion carried 4:0.

Approval of Meeting Minutes.

Grabitske introduced the minutes from previous meetings.

A. August 1, 2019.

Motion by Nuesse, second Battcher to approve the August 1, 2019 meeting minutes as presented. Motion carried 4:0.

B. September 5, 2019.

Motion by Nuesse, second Battcher to approve the September 5, 2019 meeting minutes as presented. Motion carried 4:0.

C. October 3, 2019.

Motion by Battcher, second Nuesse to approve the October 3, 2019 meeting minutes as presented. Motion carried 4:0.

Public Hearings.

A. Conditional Use Permit: Exterior Building Material in Central Business District. Exposed fastener metal roofing – 102 Main St West

Chairperson Grabitske introduced the public hearing topic and asked Strack to provide background on the request.

Strack stated the Planning Commission was to hold a public hearing and make a recommendation on a request by Andrew Fredin to replace existing asphalt shingles on a structure at 102 Main Street West with exposed fastener metal roofing.

Strack stated that at face value this request appears to be about roofing at a single property; however, the question is much broader and has implications for acceptable roofing material throughout the Downtown, and is really about preserving traditional Downtown. Strack noted she was not comfortable making a decision pertaining to exterior materials for roofing in Downtown and had therefore advised the Applicant of the potential to request a conditional use permit under Chapter 31, Section 11, Subd. 6(E)(IV) of the City Code.

The Applicant represents the exterior material proposed is 29-gauge exposed fastener steel roofing in black. The Applicant further represents the existing asphalt shingles have exceeded their natural life and that the new steel roof will improve the structure appearance.

The property is zoned B-2 Central Business District and design standards apply to structures within the district. The intent of the design standards is to promote and encourage high standards of creative, traditionally based, architectural design.

Strack noted Chapter 31 included criteria for review of conditional use permits. Strack further noted a public hearing notice was mailed, posted, and published in accordance with state law. No comments for or against the proposed roofing had been received.

Strack noted the Applicant was present in the audience and she was available to take questions/comments and would review proposed recommendations following the hearing.

Grabitske adjourned the regular session and convened the public hearing at 7:09 p.m.

Applicant Andrew Fredin testified as to his rationale for employing exposed fastener roofing. He noted anticipated lifespan of the metal exceeded that of asphalt shingles. He also opined the metal roofing would improve structural aesthetics.

Grabitske stated he was very familiar with metal roofing materials. Grabitske opined he would like to see more metal roofing in certain applications as they last longer than asphalt shingles.

Commissioner Nuesse asked Fredin if he had undertaken other improvements. Fredin noted he just recently purchased the building, he had had it painted.

Resident Tim Haggemiller opined the proposed roof would blend in with a similar metal roof across the street.

Grabitske opined the quality of metal roofing had greatly improved over the past few decades. Most were now warrantied for colorfastness for up to 40 years verses only 25 years Grabitske

asked the Applicant what steel roofing manufacturer he intended to use. Fredin stated Long Creek Steel was the manufacturer.

Nagel inquired as to whether or not roofing warranty covered chipping and color fastness. Fredin confirmed the warranty covered both.

Nuesse inquired as to cost of exposed fastener roofing verses asphalt shingles and enclosed fastener, standing seam metal roofing. Fredin noted exposed fastener metal was slightly less cost than asphalt shingles but standing seam was approximately three times the cost of asphalt shingles.

Nuesse opined that if the exposed metal roofing was proposed for a new building she would likely look at the application in a different light.

Grabitske stated he did not, in general, favor metal roofing in the Downtown but noted quality had improved.

Battcher questioned how the metal roof was allowed. Strack explained the roof across the street was exposed fastener metal which was replaced with exposed fastener metal and that legal non-conformities were allowed to be maintained but not expanded/intensified.

Haggenmiller referenced the motel was recently re-roofed with exposed fastener metal. Haggenmiller questioned how that re-roof was approved. Strack noted that property was in the B-1 Service Business District and design standards were not in effect in the B-1 District, only the B-2.

Motion: Battcher, second Nuesse to close the public hearing.

Grabitske asked Strack to review CUP criteria and recommendations included in the packet.

Strack noted the Commission could not deny a conditional use permit unless conditions under which it were to be issued were not met. The Commission could, however, recommend conditions be placed on the proposed activity.

Strack noted the City was to address specific standards related to how the proposed use impacted the health, safety, morals, property values, comfort, convenience, and welfare of the neighborhood and adjacent properties.

Strack stated she was uncomfortable approving open fastener steel roofing to replace asphalt shingles in the Central Business District as the intent of the design standards appears to limit such material and favor replacement of existing materials. Exposed fastener, thinner steel is often less resistant to color fade, lower durability, and is more likely to allow water infiltration. As such the Applicant was required to submit an application for a conditional use permit. She noted she had withheld a recommendation in favor of a policy decision.

Strack noted that if the Commission was inclined to recommend approval of the CUP she would recommend the following conditions.

1. Use of architectural grade closed fastener steel with a minimum 25 year colorfast warranty in a neutral shade that harmonizes with existing structures. Strack noted PC comments appear to support

approval of the Applicant's request which would mean adjustment to this standard.

2. This conditional use permit is in effect for the property at 102 Main Street West 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.
3. Approval of a re-roof permit is required. The Applicant confirmed he had applied for a re-roof permit.
4. No changes in the approved plans or scope of the conditional use shall be undertaken without prior approval of those changes by the City.

Strack stated sample Resolution 06-2019 was included in the packet.

Nuesse noted there was an inconsistency in the street number included in the Resolution. The correct number was 102 Main Street West, the reference to 201 should be adjusted.

Battcher recommended the proposed conditions be updated to reference exposed fastener metal verses closed fastener metal. The Commission concurred.

Grabitske stated that he would typically be opposed to allowing exposed fastener metal roofing in the Downtown but he viewed this property as being removed from Main Street as the structure was significantly set back from the street. Grabitske requested that finding be incorporated into the Resolution findings. The Commission concurred.

Motion: Battcher, second Nuesse to approve Resolution 06-2019 with aforementioned changes and recommending the Council approve the use of exposed fastener metal roofing for 102 Main Street West. Motion carried 4-0.

Grabitske informed the Applicant the City Council would act on the request on November 18th.

Business.

A. Creation of Commercial/Industrial District.

Grabitske introduced the agenda item.

Strack stated the City Council had embraced the Commission's recommendation to establish a quasi-commercial industrial blended zoning classification. She noted the Commission was NOT suggesting assigning the proposed classification to any specific property at this time, only considering authorizing language for the district. As such rezoning to the proposed district would be required for any parcel(s) in the future. Strack referenced a draft ordinance she had created which was included in the Commission packet.

Strack requested the Commission: (a) review proposed uses/architectural standards which were previously recommended, (b) consider the adequacy of proposed performance standards, (c) consider adequacy of proposed parking standards, and (d) if appropriate call for a public hearing on the draft text.

Strack reviewed the proposed ordinance in detail including proposed conditional uses, prohibited uses, performance standards, and architectural requirements.

Nuesse inquired if other Commissioner's had an interest in including libraries as conditional uses.

Battcher expressed concern for requiring a parking lot setback of ten feet if joint parking was proposed.

Grabitske questioned how commercial strip centers could be accommodated.

Strack noted libraries as an allowed use could be added to 'post offices and other public service operations'. Battcher expressed concern for allowable uses resulting in businesses leaving the Downtown.

Strack noted the Commission should review pros/cons of allowing certain uses. She noted some cities 'protect' Downtowns by requiring post offices, libraries, and city halls only be allowed in Downtowns. She noted greenfield development is always more cost effective than redevelopment and infill development. Cost considerations are often the deciding factor in business location driving private establishments to the lowest cost alternative. As such public facilities in Downtown not only make sense as a driver of people into the Downtown but also from a public investment perspective. She noted the Commission could decide to recommend libraries be allowed in both the B-3 and B-2 Districts or prohibit libraries in the proposed B-3 District sending a clear signal such uses were to be located only in the Downtown.

The Commission discussed the pros/cons of public building locations. The Commission reached consensus to remove an allowance for 'post offices and other public service operations' from the list of conditional uses and add it to the list of prohibited uses in the proposed district.

Strack next noted Battcher's comment pertaining to parking lot setback was a concern as the proposed district would likely be assigned in locations close to controlled spacing access roadways – including Highway 5. The Commission could accommodate joint parking facilities by making an exception to the parking lot setback requirements for such facilities. The Commission concurred.

Strack next referenced Grabitske's suggestion to accommodate retail centers and multi-tenant facilities. Strack suggested the allowance could be added to the proposed conditional uses as 'mixed and multiple tenant retail, office, and service establishments'. The Commission concurred.

Grabitske questioned how signage standards would apply to mixed use facilities and whether or not language should be included in the proposed district text. Strack noted a separate Section of Chapter 31 governed the placement of signage. She noted that specific Section may need to be updated to accommodate the B-3 District if/when it was placed into effect.

Battcher inquired as to screening of garbage receptacles, mechanical, and HVAC equipment. Strack noted that similar to signage, a separate Section of Chapter 31 governed landscaping requirements.

Battcher noted she was apprehensive about the volume of outdoor storage proposed to be allowed. Strack noted the proposed language embraced by the Commission limited the size of an

outdoor storage yard to the size of the principal structure on the lot and that specific types of outdoor storage were prohibited. Strack asked Battcher to clarify whether she was concerned the proposed language was too restrictive or too permissive. Battcher noted not strict enough in terms of the amount of a storage yard allowed and the lack of required screening. The Commission discussed landscaping standards and potential to require additional screening under CUP issuance. No changes to proposed language were made at this time.

The Commission then discussed whether or not a public hearing should be called. The Commission reached consensus to review the proposed text at a future meeting in an effort to allow staff to get up to speed on the proposed ordinance.

Commissioner Reports/Meeting Updates

Strack thanked those present and those elected and appointed officials who had served previously for their support and professionalism. She noted she was pleased to have served the City over the previous twelve years and appreciated the opportunity to work with high quality people and a City she held in such high regard.

August and September Building Permit Reports

Chairperson Grabitske noted the reports were in the packet. The Commission accepted the reports.

Adjournment

Motion by Battcher, seconded by Carlson, to adjourn the November 7, 2019 Regular Planning Commission meeting. Motion carried 4:0. Meeting adjourned at 8:16 p.m.

PZ Adm. Cynthia Smith Strack

Chairperson Dwight Grabitske



S.A.

Planning & Zoning
Amy Newsom, Zoning Administrator

204 Shamrock Drive
Arlington, MN 55307
Phone: (507) 720-8586
anewsom@arlingtonmn.com

MEMORANDUM -

To: City of Arlington

CC:

From: Amy Newsom, Planning and Zoning Administrator

Date: December 9, 2019

Request: Request for Approval of a Conditional Use Permit for Minnesota Valley Vet Services to move into the former Arlington Enterprise Building located at 402 West Alden Street.

OVERVIEW & GENERAL INFORMATION

1. Overview.

Applicant Lyle Brown is requesting a conditional use permit to open the Minnesota Valley Vet Services in the former Arlington Enterprise building located at 402 West Alden Street. The building is in the B-2 Central Business District where the veterinary clinic/hospital is not allowed. Animal hospitals can be allowed in a B-2 district with a conditional use permit.

12/9/19 Requested information on health/safety/welfare of public

12/10/19 Requested more information on number of employees/parking

2. General Information.

Applicant/Owner: Lyle Braun
Location: 402 West Alden Street, Arlington, MN 55307
Existing Zoning: B-2 Central Business District

Surrounding Zoning: North: R-2 One- & Two-Family Residential District
East: B-2 Central Business District
South: B-2 Central Business District
West: B-2 Central Business District

Comprehensive Plan: The Comprehensive Plan guides this property for business use.

Deadline for Agency

Action:

Application Date:

12-02-2019

60 Days:

01-31-2020

Extension Letter Mailed

N/A

120 Days:

03-31-2020

REQUEST CONSIDERATIONS

1. Ordinance Authority.

- a. *Zoning Ordinance Section 8 sub 2: B-2 Central Business District* provides permitted uses in B-2.

SUBDIVISION 2. PERMITTED USES.

Within a B-2 District, unless otherwise provided by this Ordinance, no building or land shall be used except for the following:

A. Animal or pet shops.

B. Antique, gifts, or jewelry stores.

Ba. Apartments mixed with compatible commercial uses in the same building provided:

- 1. A separate ingress/egress in the rear of the building is provided for the residential units. Alternately, a separate ingress/egress from the public sidewalk in front of the building may be considered through a conditional use permit.
- 2. Apartments may be located on the ground floor; street level provided a space is reserved for commercial uses. Said space must be at the front of the building and maintain a minimum depth of twenty-five (25) feet and a minimum width equal to the width of the structure.

C. Apparel, dry goods, or department stores.

D. Appliance, sewing machine sales and service, hardware, paint and wallpaper stores; bicycle sales and repair.

E. Art and school supply, book and stationery stores.

F. Art, photographic, music and dance studios.

G. Bakeries employing not more than four (4) persons in the baking process.

H. Banks, savings and loan associations, loan and finance companies.

I. Barber and beauty shops.

J. Business, commercial, or trade schools.

K. Camera, or photographic supply stores, hobby, toy, or record stores, sporting goods stores; musical instrument stores.

L. Clinic, for people only.

M. Radio or television broadcasting or transmitting stations or studios; radio and television repair, when operated as an accessory to a retail sales establishment.

N. Drugs, variety and five-and-ten cent stores.

O. Dry cleaning and laundry collection stations.

P. Professional and other business offices; employment agencies.

Q. Furniture store, carpet and rug stores.

R. Grocery, fruit, vegetable, floral or meat stores; candy, ice cream, soft drink or confectionary stores, excluding drive-in type service.

S. Leather goods, and luggage; shoe stores and shoe repair service.

T. Liquor stores and taverns.

U. Medical supply stores.

V. Newsstands.

W. Laboratories.

X. Physical culture and health clubs, gyms.

Y. Pipe and tobacco shops.

Z. Post offices.

AA. Restaurants, tearooms, delicatessens, cafes, excluding drive-in type service.

AAa. Single Family Residential Uses existing at the time of Ordinance adoption (effective date March 22, 2012).

BB. Tailor shops.

CC. Telephone booths (outside).

DD. Theaters.

b. *Zoning Ordinance Section 8 sub 3 provides Uses by
Conditional Use Permit*

Buildings or land may be used for the following, if granted a
conditional use permit:

- A. Any business activity of the same general character as those listed in Section 8, Subdivision 2.
 - B. Any of the uses listed in Section 7, Subdivision 2, except that such uses must conform to the rules set out in Section 8, Subdivisions 4 and 5.
 - C. Custom or limited manufacturing, assembly, or treatment of merchandise comprised of cloth, natural or synthetic fiber, leather, ornamental metal, paper, plants, plastic, stone, wax, wood, and wool provided the following standards are met:
 - D. No outdoor storage of any kind, including but not limited to materials, equipment, or machinery shall be permitted.
 - E. All business vehicles shall be accommodated by off-street parking.
 - F. Office or retail sales areas shall be maintained at the front (street-facing) side of the building.
 - G. Manufacturing operations are limited to the first floor (street level) and below the first floor. Manufacturing operations shall not occur in an upper story. Manufacturing uses shall be compatible with residential uses when in a mixed use structure.
 - H. To the extent possible deliveries shall be to the rear of the principal structure in an attempt to keep public streets free from interference by said delivery traffic.
 - c. *Zoning Ordinance Section 7, Subdivision 2* provides for permitted uses in B-1, except that such uses must conform to the rules set out in Section 8, Subdivisions 4 and 5.
- SUBDIVISION 2. PERMITTED USES.**

Within the B-1 District, unless otherwise provided by this Ordinance, no building or land shall be used except for the following:

- A. Armories, convention halls, or exhibition halls.
- B. Bowling alleys, billiards or pool halls.
- C. Bakeries employing not more than four (4) persons in the baking process.
- D. Bus Station.
- E. Cabinet, carpenter, upholstering, or furniture repair shops employing not more than four (4) persons in the construction or repair process.
- F. Dry cleaning establishments, laundries, Laundromats, self-servicing or employing not more than four (4) persons in the laundering, cleaning, and pressing process.

- G. Frozen food lockers for individuals or family.
- H. Grocery, fruit, vegetable and meat stores.
- I. Greenhouses, nurseries and garden stores.
- J. Laboratories, medical and dental.
- K. Lumber yards.
- L. Marine and boat sales and servicing establishments.
- M. Miniature golf courses, par three golf courses or archery or golf driving ranges operated for commercial purposes.
- N. Monument sales, not including processing.
- O. Mortuaries or funeral homes.
- P. Motels, hotels or apartment hotels.
- Q. Newspaper distribution agencies.
- R. Orthopedic and medical appliance stores, but not including the assembly or manufacturing of such articles.

S. **Pet and animal hospitals.**

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- T. Plumbing, heating and air conditioning shops and showrooms.
- U. Printing and publishing shops.
- V. Public utility structures.
- W. Municipal and government buildings.
- X. Radio and television service and repair shops.
- Y. Recording studios.
- Z. Restaurants.
- AA. Skating rinks.
- BB. Taverns.
- CC. Telephone booths (outside).
- DD. Theaters.
- EE. Vending machines for ice, soft drinks and milk sales.

d. *Zoning Ordinance Section 8, Subdivision 4 and 5*

SUBDIVISION 4. HEIGHT, YARD AND AREA REGULATIONS. A. Height Regulations: The height regulations of the B-2 District shall be those of Section 6, Subdivision 4 (1).

- B. Yard Regulations and Lot Coverage Regulations: None required except to provide offstreet parking and loading if required.

SUBDIVISION 5. GENERAL REGULATIONS.

- A. Lighting shall be directed away from public right-of-way and residential districts.

B. An awning, canopy, or marquee suspended from a building may extend over the public right-of-way ten (10) feet and not closer than two (2) feet of the curb line extended. Such structures shall be not less than eight (8) feet from the sidewalk or ground grade line, and the owner of such structure shall be responsible for its structural safety.

- e. *Zoning Ordinance* Section 6, Subdivision 4 (1).

SUBDIVISION 4. HEIGHT, YARD and AREA REGULATIONS.

- A. Height Regulations: Structure shall not exceed two and one-half (2½) stories or thirty-five (35) feet in height, whichever is lower, except that church spires, belfries, domes which do not contain usable space, water towers, chimneys or smoke stacks and cooling towers, may be erected with no height limitations except airport requirements.

2. Findings.

I. Conditional use - A conditional use is a land use designated in a zoning ordinance that is specifically allowed in a zoning district so long as certain standards are met. The zoning ordinance typically detail both general standards that apply to all conditional uses, as well as specific standards that apply to a particular conditional use in a given zoning district. A use is typically designated in a zoning ordinance as conditional because of hazards inherent in the use itself or because of special problems that its proposed location may present. For example, uses that generate traffic such as family childcare, service stations, convenience stores, or drivethrus are often designated as conditional uses.

II. Conditional use permit (CUP)

Minn. Stat. § 462.3595.

A conditional use permit is a document a city issues to grant a conditional use when the general and specific ordinance standards have been met by the applicant. The use is allowed by permit only if the special concerns are addressed as set forth in the zoning ordinance. Conditional use permits are authorized under state law.

A. General CUP standards - A zoning ordinance will typically detail general standards that apply to all conditional uses. For example, some zoning ordinances provide that all conditional uses must conform to the comprehensive land use plan of the community, be compatible with the adjoining properties, and be served by adequate roads and public utilities.

B. Specific CUP standards - In addition to general CUP standards, many zoning ordinances will detail specific standards that apply to a particular conditional use, such as those made for businesses operating a drive-thru. Conditions for such uses may include specific standards regarding things like off-street parking and loading areas, landscaping and site plan, and hours of business operation.

III. Granting conditional use permits - Generally, CUPs are granted only for uses specifically

listed in the zoning ordinance as conditional uses in a particular zoning district. If a use is not designated as a conditional use in a zoning district, then arguably the city has no ability to issue a CUP without first amending the zoning ordinance to provide for the conditional use. This would of course allow other applicants to apply for a conditional use permit under the same standards.

A. Who grants See Section IV, Public hearings. A CUP is typically approved by the city council. Planning commissions often first consider the CUP application and make recommendations to the city council. State statute allows the city council to designate its CUP approval to another authority, and some cities have designated the planning commission as the approving body. In any event, the city council is generally making the final decision on CUPs.

B. Required approval - If a proposed conditional use satisfies both the general and specific standards set forth in the zoning ordinance, the applicant is entitled to the conditional use permit. Importantly, if the applicant meets the general and specific ordinance standards, the city usually has no legal basis for denying the CUP.

C. Time limits Minn. Stat. § 15.99. A written request for a CUP is subject to Minnesota's 60-day rule and must be approved or denied within 60 days of the time it is submitted to the city. A city may extend the time period for an additional 60 days, but only if it does so in writing before expiration of the initial 60-day period. Under the 60-day rule, failure to approve or deny a request within the statutory time period is considered an approval.

1. A city must grant a CUP if the applicant satisfies all the conditions established in the ordinance. The burden lies with the applicant to demonstrate that the standards and criteria stated in the ordinance will be satisfied. If a conditional use permit applicant demonstrates to the governing body that imposed a reasonable condition would eliminate any conflict with the ordinance's standards and criteria, and the governing body ignores or does not consider the proposed condition, a court may find a subsequent denial arbitrary. However, if the records show that the governing body had a reasonable basis that the proposed condition would not address concerns, then a reviewing court likely would uphold the decision.
2. A city may deny a CUP if the proposed use:

- a. Does not meet the specific standards or conditions established in the zoning ordinance;

The request meets the standards under Zoning Ordinance Section 8 sub 3 Uses by Conditional Use Permit

- b. Is not consistent with the city's officially adopted comprehensive plan;
The request is consistent with the City of Arlington Comprehensive Plan
- c. Endangers or is not compatible with the health, safety and welfare of the public: Granting the CUP will not endanger the health, safety or welfare of the public (see email from Minnesota Valley Vet Services.)

POTENTIAL ACTION

The Planning and Zoning Commission may:

- A) Make a motion to adopt a resolution to **approve** the conditional use permit subject to any conditions added during the public hearing discussion.
- B) Make a motion to adopt a resolution to **deny** the conditional use permit. The Commission should establish findings for its reason for denial.
- C) **Table** the item and request additional information.

ATTACHMENTS

Exhibit A: Application for Conditional Use Permit

Exhibit B: Map of location

Exhibit C: Notice of Public Hearing

Exhibit D: City Zoning Ordinance Sections 8, 7, 6.

Exhibit E: Emails from Minnesota Valley Vet Services

Exhibit F: Resolution

APPLICATION FOR CONDITIONAL USE PERMIT

CITY OF ARLINGTON

204 Shamrock Drive
Arlington, MN 55320

PHONE: 507-964-2378

FAX: 507-964-5973

Fee \$250 + \$46
Paid \$250.00 12/2/19 ✓
Receipt # 9131
Date

I/We, the undersigned, as owners of the property described hereby appeal to the City Council and Planning Commission of Arlington, to grant a Conditional Use Permit. Applicants have the responsibility of checking all applicable ordinances and complying with all ordinance requirements.

NAME: MINNESOTA VALLEY VET SERVICES

PHONE: 952-412-7731

ADDRESS: 318 W MAIN STREET ARLINGTON

1. Legal description of land affected by the application: R 31.0051.000 402 W BLDG
2. Present zoning of above described property: B-2 CENTRAL BUSINESS DISTRICT
3. Purpose of Conditional Use Permit: VETERINARY CLINIC

4. Is the proposed use compatible with land use(s) of the area? Please Explain.

YES SUBDIVISION 2-A USES-S

5. Will the proposed use depreciate the area in which it is proposed? Please Explain.

NO

6. Can the proposed use be accommodated by existing City services (utility/facility capacity)? Please Explain.

YES

7. Are local streets capable of handling traffic which is generated by the proposed use? Please Explain.

YES EMPLOYEE PARKING

8. Attach a written statement describing in detail the proposed use.

9. Attach additional information required by City.

By signing this application form, I agree that all fees and expenses incurred by the City for the processing of this application, including costs for professional services, are the responsibility of the applicant and property owner to be paid immediately upon receipt or the City may approve a special assessment for which the property owner specifically agrees to be assessed for 100 percent per annum and waives any and all appeals under Minnesota Statutes Section 429.081 as amended. All fees and expenses are due whether the application is approved or denied.

I, the undersigned, hereby apply for the considerations described above and declare that the information and materials in support of this application are in compliance with adopted City policy and ordinance requirements are complete to the best of my knowledge.

I understand that this application will be processed in accordance with established City review procedures and Minnesota Statutes Section 15.99 as amended, at such time as it is determined to be complete. Pursuant to Minnesota Statutes Section 15.99, the City will notify the applicant within fifteen (15) business days from the filing date of any incomplete or other information necessary to complete the application. Failure on my part to supply all necessary information as requested by the City may be cause for denying this application.

Applicant Signature



Date 11/30/19

Owner Signature

Date _____

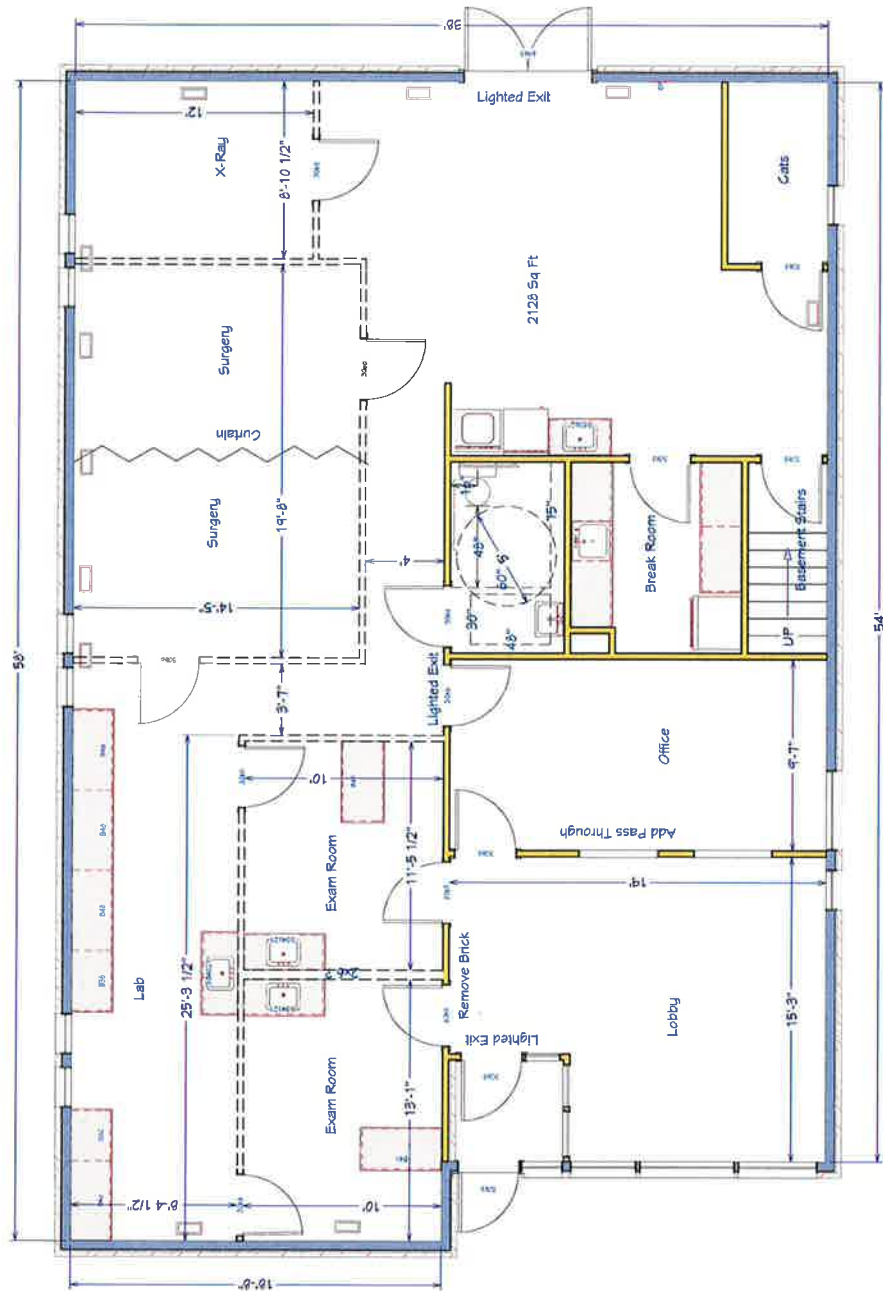
FOR OFFICE USE ONLY: ROUTE TO ZONING OFFICIAL

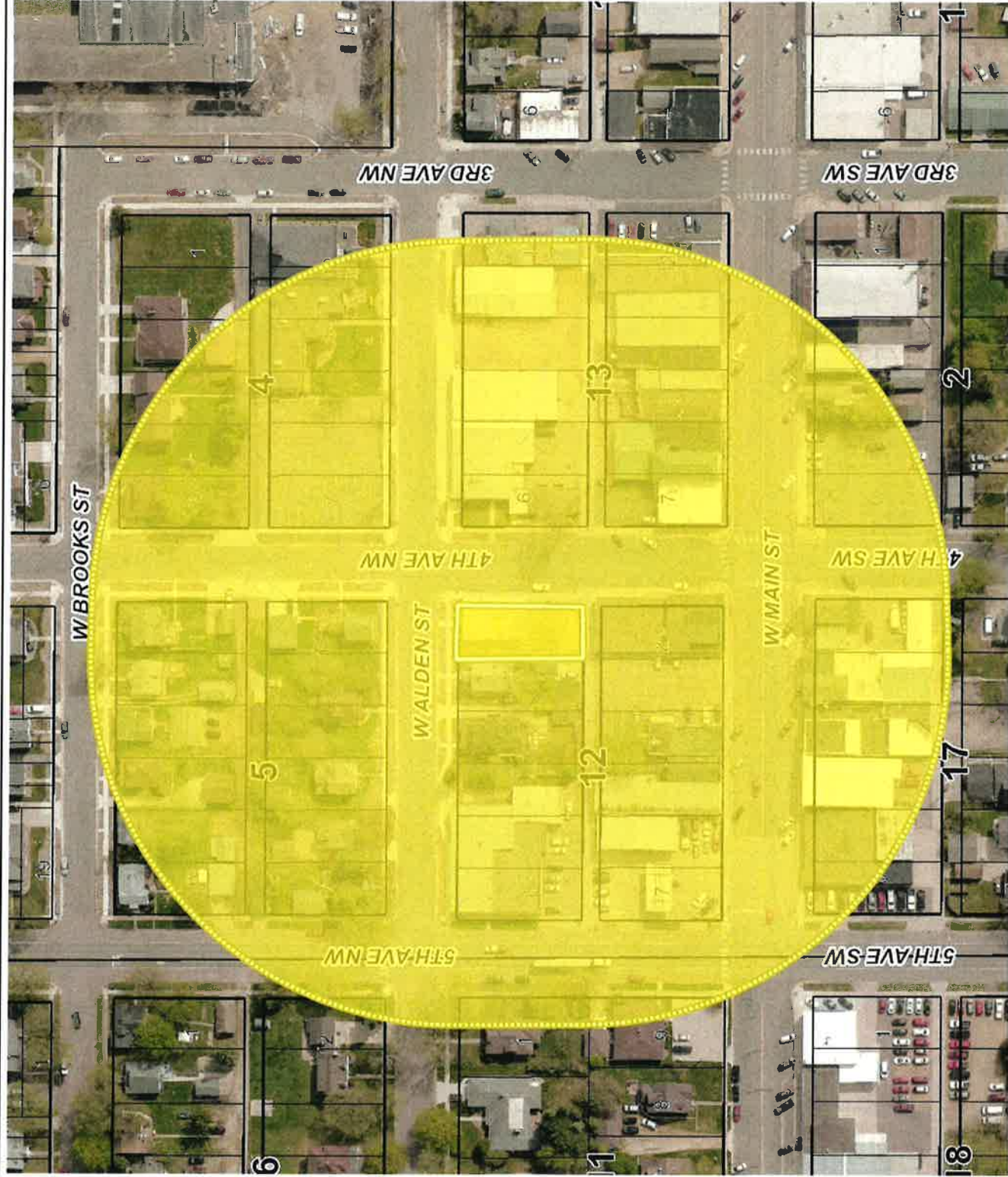
Date Submitted _____	Date Complete _____	Date of Public Hearing _____	Publication Date _____
Planning Commission Recommendation (Circle One):	Approval _____	Denial _____	Date of Action _____
Date Applicant/Property Owner notified of Planning Commission Recommendation: _____			
City Council Action (Circle One):	Approval _____	Denial _____	Date of Action _____
Date Applicant/Property Owner notified of City Council Action: _____			
Filed with County Recorder: _____			

UPON APPROVAL OF CONDITIONAL USE PERMIT
WE WILL CLOSE ON THE BUILDING 12/30/19

Minnesota Valley Veterinary Services propose to operate a Veterinary clinic at 402 west Alden street In Arlington Mn. We currently have a clinic at 318 west Main street and have out grown that facility. The configuration of current building does not allow for increased appointments or additional employees. We have experienced substantial growth the last few years and are at a disadvantage to serve our growing clientele at current location. Our proposal for 402 west Alden will allow us to increase exam rooms from 1 to 3, to increase surgery suites from 1 to 2. To offer a private euthanasia suite. to have a enhanced lobby area to properly display retail pet health items. To have increased office size to add additional staff including additional DVMs. We have been looking for different facilities the past year and consider it fortunate to stay in the downtown business district. We have not had any compliance issues over the years operating within the city of Arlington and will continue to be good civic neighbors. Two of our staff members live in the city along with additional staff living in the surrounding agricultural area. Offering emergency care services, it is important to have staff close by. It is our desire that additional staff would utilize Arlington proper for their housing choices.

Any questions or concerns can be directed to Lyle Braun practice manager at 952-412-7731 or Susan Jones majority owner Minnesota Valley Veterinary Services with clinics in Le Sueur and Arlington.





Legend

- City Limits
- Right-of-Way
- Right of Way - Vacated
- Railroad
- Bridges
- Lot Lines
- Easements
- Protected Waters - Basin
- Public Water Basin
- Public Water Wetland
- Protected Waters - Watercours
- MNSIBL18-LEAF-OFF-SID-6
- Red: Band_1
- Green: Band_2
- Blue: Band_3

402 W. Alden St.



Disclaimer:

This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices, and other sources affecting the area shown, and is to be used for reference purposes only. The City of Arlington is not responsible for any inaccuracies herein contained.



BOLTON & MENK

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**CITY OF ARLINGTON
PLANNING & ZONING COMMITTEE
PUBLIC HEARING**

The Arlington Planning & Zoning Committee will hold a public hearing on Monday, December 30, 2019 at 7:00 p.m. in the City Hall Council Chambers, 204 Shamrock Drive to consider the following matter.

APPLICANT

PURPOSE

Minnesota Valley
Vet Services

To consider a request from Minnesota Valley Vet Services for a conditional use permit to operate an animal clinic/hospital at 402 West Alden Street, Arlington, MN 55307.

Legal: Original City of Arlington, Lot 001, Block 012. PD: 310051.000

Any person desiring to comment on this matter is invited to do so in writing or orally at the time of the public hearing. Inquiries should be directed to the Zoning Administrator at 507-720-8586 during normal business hours. Written comments should be sent to the Zoning Administrator at 204 Shamrock Drive, Arlington MN 55307.

Publish once in the Arlington Enterprise on December 19, 2019.

SECTION 6: R-2 MULTIPLE FAMILY RESIDENCE DISTRICT.

SUBDIVISION 1. PURPOSE.

To establish residential districts which will allow multiple dwellings (apartments, town houses, etc.) in those areas where such development is compatible with the Land Use Plan and which will maintain optimum space, height and lot requirements approximating the standards of single family residential development.

SUBDIVISION 2. PERMITTED USES.

Within an R-2 District, unless otherwise provided by this Ordinance, no building or land shall be used except for the following:

- A. One (1) and two (2) family dwellings.
- B. Parks and recreational areas owned or operated by governmental agencies.
- C. Public schools or private schools, provided that no building shall be located within fifty (50) feet of any lot line of an abutting lot in any Residence District.
- D. Churches, provided that no building shall be located within fifty (50) feet of any lot line of an abutting lot in any Residence District.
- E. Accessory Buildings and Uses:
 - 1. Private garages, carports and other accessory buildings used for the purpose of storing private vehicles and equipment but not including the storage of vehicles and equipment used for commercial purposes. Prohibited commercial vehicles shall automatically be considered to include, but are not limited to, any trucks rated as two (2) ton or heavier, and any tractor-trailer units. One (1) commercial motor vehicle of not over thirty-two (32) foot length used by the resident occupant may be parked on the premises or the public street bordering the premises. Detached garages and accessory buildings shall not exceed one thousand (1,000) square feet. Any proposed accessory structure which exceeds this square footage shall be permitted only by a conditional use permit.
 - 2. Swimming pools per Section 13, Subdivision 5.
 - 3. Reserved.
 - 4. Vehicle Parking: No vehicles may be parked or stored on the premises which are inoperable or unlicensed, unless such vehicles are kept in a fully enclosed structure or fully enclosed licensed trailer, so that no part of the vehicle can be viewed by the public. No vehicles may be parked or stored on the premises which are advertised for sale or rent, except that one (1) vehicle may be advertised for sale or rent as an isolated personal transaction, and not in the ordinary course of business of sale or rent of vehicles, and such vehicle advertised for sale or rent must be operable and licensed.
 - 5. Signs: per Section 13.5 of this Ordinance.

- F. Multiple dwellings, apartment buildings, townhouses.
- G. Boarding or lodging houses.
- H. Hospitals, convalescent and nursing homes.
- I. Private clubs or lodges, except those whose chief activity is service customarily carried on as a business.

SUBDIVISION 3. USES BY CONDITIONAL USE PERMIT.

Within an R-2 District, buildings or land may be used for one (1) or more of the following uses if granted a conditional use permit:

- A. Municipal administration buildings, police and fire stations, museums, art galleries, post offices, and other municipal service buildings except those customarily considered industrial in use, providing that no building shall be located within fifty (50) feet of any lot in a residential district.
- B. Water supply buildings, reservoirs, wells, elevated tanks and similar essential public utility and service structures.
- C. Golf course, golf clubhouse, miniature golf course, driving tee, country club, public swimming pool, private swimming pool serving more than one (1) family, provided that no principal structure shall be located within fifty (50) feet of any lot in a residential district.
- D. Offices of business persons as a home occupation.
- E. Boarding or rental of rooms to one (1) or more persons on the premises.
- F. Parking of a commercial motor vehicle of over thirty-two (32) foot length used by the resident occupant.
- G. Any use determined by the Planning Commission to be of the same general character as the permitted or conditional uses and found not to be detrimental to the general health, safety and welfare of the City.

SUBDIVISION 4. HEIGHT, YARD and AREA REGULATIONS.

- A. Height Regulations: Structure shall not exceed two and one-half (2½) stories or thirty-five (35) feet in height, whichever is lower, except that church spires, belfries, domes which do not contain usable space, water towers, chimneys or smoke stacks and cooling towers, may be erected with no height limitations except airport requirements.
- B. Front Yard Regulations:
 - 1. There shall be a front yard having a depth of not less than twenty-five (25) feet.
 - 2. There shall be a front yard on each street side of a corner lot.

C. Side Yard Regulations:

1. For one (1) and two (2) family dwellings, and their accessory buildings there shall be a side yard as required in Section 5, Subdivision 4 (C).
2. For multiple family dwellings greater than two (2) family, there shall be two (2) side yards, each such yard having a width of not less than fifteen (15) feet.

D. Rear Yard Regulations:

1. There shall be a rear yard as required in Section 5, Subdivision 4 (D).

E. General Yard Regulations:

1. The general yard regulations of the R-2 District shall be those of Section 5, Subdivision 4 (E).

F. Lot Size Regulations:

1. The minimum lot area for a one (1) or two (2) family unit shall not be less than twelve thousand (12,000) square feet.
2. Every lot on which a one (1) or two (2) family dwelling is erected shall not be less than one hundred (100) feet in width. Lots fronting on curvilinear streets and cul-de-sacs shall have a minimum frontage of seventy-five (75) feet and a one hundred (100) foot width at the building line.
3. The minimum lot area for a multiple dwelling containing three (3) or more dwelling units shall not be less than twelve thousand (12,000) square feet, plus two thousand (2,000) square feet for each dwelling unit in excess of two (2).
4. Not more than thirty-five (35) percent of a lot or plot shall be occupied by buildings.

SUBDIVISION 5. PARKING REGULATIONS.

A. Off-street parking shall be provided on the premises, exclusive of required yards, for uses as follows:

1. Multiple dwellings, two (2) parking spaces for each apartment, except housing for the elderly projects, which shall provide one (1) parking space for each dwelling unit.
2. For all other uses: as required in Section 5, Subdivision 5 (B).

SECTION 7: B-1 SERVICE BUSINESS DISTRICT.

SUBDIVISION 1. PURPOSE.

The B-1 District is intended for commercial activities which might be incompatible with uses in the

Central Business District by reason of traffic considerations, marketing characteristics, area requirements, and other characteristics inherent in these uses.

SUBDIVISION 2. PERMITTED USES.

Within the B-1 District, unless otherwise provided by this Ordinance, no building or land shall be used except for the following:

- A. Armories, convention halls, or exhibition halls.
- B. Bowling alleys, billiards or pool halls.
- C. Bakeries employing not more than four (4) persons in the baking process.
- D. Bus Station.
- E. Cabinet, carpenter, upholstering, or furniture repair shops employing not more than four (4) persons in the construction or repair process.
- F. Dry cleaning establishments, laundries, Laundromats, self-servicing or employing not more than four (4) persons in the laundering, cleaning, and pressing process.
- G. Frozen food lockers for individuals or family.
- H. Grocery, fruit, vegetable and meat stores.
- I. Greenhouses, nurseries and garden stores.
- J. Laboratories, medical and dental.
- K. Lumber yards.
- L. Marine and boat sales and servicing establishments.
- M. Miniature golf courses, par three golf courses or archery or golf driving ranges operated for commercial purposes.
- N. Monument sales, not including processing.
- O. Mortuaries or funeral homes.
- P. Motels, hotels or apartment hotels.
- Q. Newspaper distribution agencies.
- R. Orthopedic and medical appliance stores, but not including the assembly or manufacturing of such articles.
- S. Pet and animal hospitals.

- T. Plumbing, heating and air conditioning shops and showrooms.
- U. Printing and publishing shops.
- V. Public utility structures.
- W. Municipal and government buildings.
- X. Radio and television service and repair shops.
- Y. Recording studios.
- Z. Restaurants.
- AA. Skating rinks.
- BB. Taverns.
- CC. Telephone booths (outside).
- DD. Theaters.
- EE. Vending machines for ice, soft drinks and milk sales.
- FF. Accessory uses, other than signs, customarily incident to the uses permitted in Section 6, Subdivision 2, and Section 6, Subdivision 3.
- GG. Signs: per Section 13.5 of this Ordinance.

SUBDIVISION 3. USES BY CONDITIONAL USE PERMIT.

Within a B-1 District buildings or land may be used for one (1) or more of the following uses if granted a conditional use permit:

- A. New or used automobile sales or storage lots, new or used implement sales or storage lots, automobile laundries or car washes, automobile service stations or repair shops provided:
 - 1. The parking lot shall be surfaced with a dust-free material, and plans for the arrangement of entrances, exits, screening of exterior storage lots, and parking stalls shall accompany the request for a conditional use permit.
 - 2. Artificial lighting shall be directed away from any public right-of-way and any residential district.
 - 3. A screen of acceptable design shall be constructed along the property line when said use is abutting any residential district.
- B. Drive-in restaurants, drive-in theaters, or similar uses that provide goods and services to patrons in automobiles, provided:

1. A screen of acceptable design shall be constructed along the property line when said use is abutting any residential district.
 2. The parking area shall be surfaced with a dust-free material, and plans for the arrangements of entrances, exits, and parking stalls shall accompany the request for a conditional use permit.
 3. Lighting shall be directed away from any public right-of-way and any residential district.
- C. Parking lots in setback zone.
- D. Other business activities of the same general character as listed in Section 7, Subdivision 2.

SUBDIVISION 4. HEIGHT, YARD AND AREA REGULATIONS.

A. Height Regulations:

1. The height regulations of the B-1 District shall be those of Section 6, Subdivision 4 (A).
2. On any lot abutting an R-1 District, the height regulation of the R-1 District Section 5, Subdivision 4 (A) shall be observed.

B. Front Yard Regulations: There shall be a front yard having a depth of thirty (30) feet.

C. Side Yard Regulations:

1. There shall be a side yard having a depth of ten (10) feet, except that:
 - a. A buffer yard shall be required for the portion of a lot having a common lot line with a lot located in any residential district, each such buffer yard shall be approved by the Planning Commission and have a width of at least fifteen (15) feet and featuring screening such as a privacy fence or vegetative cover sufficient to lessen the view of the business from the adjoining lot.

D. Rear Yard Regulations:

1. There shall be a rear yard having depth of not less than twenty (20) feet, except that:
 - a. A buffer yard shall be required for the portion of a lot having a common lot line with a lot located in any residential district, each such buffer yard shall be approved by the Planning Commission and have a width of at least fifteen (15) feet and featuring screening such as a privacy fence or vegetative cover sufficient to lessen the view of the business from the adjoining lot.

E. Lot Coverage Regulations: Not more than fifty (50) percent of a lot shall be occupied by buildings.

SUBDIVISION 5. PARKING REGULATIONS.

- A. The required parking and loading spaces shall be provided on the premises of each use.
- B. No parking shall be allowed in any required yard except as provided in Section 7, Subdivision 3 (C).
- C. Each parking space shall contain a minimum area of not less than three hundred (300) square feet including access drives, and a width of not less than nine (9) feet, and a depth of not less than twenty (20) feet.
- D. The minimum number of required off-street parking spaces for various uses shall be a minimum of one (1) parking space for each employee, based on the number of employees present at the same time on a typical work shift, plus sufficient off-street parking to accommodate visitors and customers during normal business traffic hours, as determined by the City Council on a case by case basis.

SECTION 8: B-2 CENTRAL BUSINESS DISTRICT.

SUBDIVISION 1. PURPOSE.

The B-2 District is intended for retail stores and offices which are mutually compatible and can benefit from and contribute to a compact shopping area serving the City or region.

SUBDIVISION 2. PERMITTED USES.

Within a B-2 District, unless otherwise provided by this Ordinance, no building or land shall be used except for the following:

- A. Animal or pet shops.
- B. Antique, gifts, or jewelry stores.
- Ba. Apartments mixed with compatible commercial uses in the same building provided:
 - 1. A separate ingress/egress in the rear of the building is provided for the residential units. Alternately, a separate ingress/egress from the public sidewalk in front of the building may be considered through a conditional use permit.
 - 2. Apartments may be located on the ground floor, street level provided a space is reserved for commercial uses. Said space must be at the front of the building and maintain a minimum depth of twenty-five (25) feet and a minimum width equal to the width of the structure.
- C. Apparel, dry goods, or department stores.
- D. Appliance, sewing machine sales and service, hardware, paint and wallpaper stores; bicycle sales and repair.
- E. Art and school supply, book and stationery stores.
- F. Art, photographic, music and dance studios.
- G. Bakeries employing not more than four (4) persons in the baking process.
- H. Banks, savings and loan associations, loan and finance companies.
- I. Barber and beauty shops.
- J. Business, commercial, or trade schools.
- K. Camera, or photographic supply stores, hobby, toy, or record stores, sporting goods stores; musical instrument stores.
- L. Clinic, for people only.
- M. Radio or television broadcasting or transmitting stations or studios; radio and television

repair, when operated as an accessory to a retail sales establishment.

- N. Drugs, variety and five-and-ten cent stores.
- O. Dry cleaning and laundry collection stations.
- P. Professional and other business offices; employment agencies.
- Q. Furniture store, carpet and rug stores.
- R. Grocery, fruit, vegetable, floral or meat stores; candy, ice cream, soft drink or confectionary stores, excluding drive-in type service.
- S. Leather goods, and luggage; shoe stores and shoe repair service.
- T. Liquor stores and taverns.
- U. Medical supply stores.
- V. Newsstands.
- W. Laboratories.
- X. Physical culture and health clubs, gyms.
- Y. Pipe and tobacco shops.
- Z. Post offices.
- AA. Restaurants, tearooms, delicatessens, cafes, excluding drive-in type service.
- AAa. Single Family Residential Uses existing at the time of Ordinance adoption (effective date March 22, 2012).
- BB. Tailor shops.
- CC. Telephone booths (outside).
- DD. Theaters.
- EE. Accessory uses as follows:
 - 1. Any accessory use, except signs, customarily incident to the above permitted uses.
 - 2. Signs: per Section 13.5 of this Ordinance.

SUBDIVISION 3. USES BY CONDITIONAL USE PERMIT.

Buildings or land may be used for the following, if granted a conditional use permit:

- A. Any business activity of the same general character as those listed in Section 8, Subdivision 2.
- B. Any of the uses listed in Section 7, Subdivision 2, except that such uses must conform to the rules set out in Section 8, Subdivisions 4 and 5.
- C. Custom or limited manufacturing, assembly, or treatment of merchandise comprised of cloth, natural or synthetic fiber, leather, ornamental metal, paper, plants, plastic, stone, wax, wood, and wool provided the following standards are met:
 - D. No outdoor storage of any kind, including but not limited to materials, equipment, or machinery shall be permitted.
- E. All business vehicles shall be accommodated by off-street parking.
- F. Office or retail sales areas shall be maintained at the front (street-facing) side of the building.
- G. Manufacturing operations are limited to the first floor (street level) and below the first floor. Manufacturing operations shall not occur in an upper story. Manufacturing uses shall be compatible with residential uses when in a mixed use structure.
- H. To the extent possible deliveries shall be to the rear of the principal structure in an attempt to keep public streets free from interference by said delivery traffic.

SUBDIVISION 4. HEIGHT, YARD AND AREA REGULATIONS.

- A. Height Regulations: The height regulations of the B-2 District shall be those of Section 6, Subdivision 4 (1).
- B. Yard Regulations and Lot Coverage Regulations: None required except to provide off-street parking and loading if required.

SUBDIVISION 5. GENERAL REGULATIONS.

- A. Lighting shall be directed away from public right-of-way and residential districts.
- B. An awning, canopy, or marquee suspended from a building may extend over the public right-of-way ten (10) feet and not closer than two (2) feet of the curb line extended. Such structures shall be not less than eight (8) feet from the sidewalk or ground grade line, and the owner of such structure shall be responsible for its structural safety.

SUBDIVISION 6. DESIGN STANDARDS.

- A. Intent and Purpose. It is the intent of the City to promote and encourage high standards of creative, traditionally based, architectural design in the Central Business District. Activities within the Central Business District shall comply with the following design

standards and guidelines. The restoration, remodeling and/or expansion of existing buildings shall, to the maximum extent possible, bring exterior facades back to the appearance they had when they were originally constructed, or maintain a similar architectural style to the original construction, or comply to the extent possible with these design standards and guidelines.

B. Major maintenance of all buildings within the Central Business District shall be permanently kept up so that:

- (1) The visual appearance does not deteriorate to a point where the building becomes visually blighted;
- (2) The structure becomes uninhabitable;
- (3) The building becomes structurally deficient; or,
- (4) The structure becomes hazardous to occupants.

C. Site and Design Elements. New principal structures and additions to existing principal structures exceeding 50% structure size shall be designed in a manner that is sensitive to, compatible with, and reminiscent of historic building patterns in the central business district in Arlington. Said new principal structures and qualifying additions to existing principal structures shall meet this standard:

- (1) By placing the structure at the front lot line (i.e. on a property line shared with a public street).
- (2) By purposely treating building exteriors facing public streets in a manner in which the street level story is visually distinct from any upper story of the building. This distinction can be achieved in a number of ways including, but not limited to: an intermediate cornice line, awning, or portico; a change in building materials or detailing; or, a change in window shape or treatment.
- (3) By incorporating storefront windows as the primary design element on the street level and featuring windows as a prominent design element in upper stories of the building.
- (4) By employing flat or pitched (gabled, hipped) roofs or a combination thereof. Where flat roofs are employed ornamental parapets or cornices are strongly recommended. Roofing material shall be the same or similar to those employed on roofs on adjacent principal structures. Metal roofing comprised of: non-commercial grade metal; pre-manufactured resin, plastic, fiber, vinyl, or synthetic panels; or, materials not intended for roofing but employed for roofing purposes are strictly prohibited.
- (5) By securing input from the Arlington Historical Society, other historic organizations (e.g. Minnesota Historical Society; State Historic Preservation Office), and/or the Planning Commission as needed or directed.

D. Windows.

- (1) When window replacement is contemplated, replacement windows shall replicate in dimension or be larger in dimension than what is being replaced.
- (2) Windows which were reduced in size from the original dimensions shall be restored to original dimensions when physically possible.
- (3) Replacement windows shall be placed and installed in a manner that directly abuts approved exterior building materials or traditional trim material which is in keeping with the building's historical exterior trim and material.
- (4) Obstructing of transparent spaces on windows and doors with a permanent opaque material (i.e. 'boarding up' or covering with plywood or similar materials) is at all times strictly prohibited.

E. Exterior building materials.

- (1) Structures within the Central Business District that have existing brick facades are to be retained as brick, unless a conditional use permit as specified below is issued.
- (2) Stucco, exterior insulation and finish systems, and cement board siding are approved exterior building materials.
- (3) Steel, horizontal lap siding may be employed on sides of principal structures not abutting a public street.
- (4) Property owners may seek a conditional use permit to employ alternate exterior building materials providing physical samples of the proposed materials and a written narrative of why the CUP is requested are filed with the Application. The City may require alternate façade enhancements or treatments such as larger windows, additional architectural design elements, and/or more durable materials be employed as part of CUP approval.
- (5) Vertical metal panels, aluminum, vinyl, and wood are prohibited materials and not eligible for use under a conditional use permit.

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Re: Number of employees

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LB **Lyle Braun** <lyle.mnvvs@gmail.com>

Tue 12/10/2019 1:26 PM

👍 ↶ « » ⋮

Amy Newsom ✕

Generally 4 at any one time, receptionist, technician, assistant, doctor. There may be 2 receptionists sporadically and I will be there occasionally. So 4 regular and 2 additional possible..

On Tue, Dec 10, 2019 at 11:36 AM Amy Newsom <anewsom@arlingtonmn.com> wrote:

Hi Lyle - how many employees will you have? I have to confirm there is enough off-street parking. B-2 requires off-street parking for all employees. You have lot behind you and there is a city lot across the alley.

Amy Newsom,

Community Development Director

City of Arl Logo - Giesen

204 Shamrock Drive

Arlington, MN 55307

Phone: 507-964-2378

Cell: (507) 720-8586

Fax: 507-964-5973

www.arlingtonmn.com

anewsom@arlingtonmn.com

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Re: CUP

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LB

Lyle Braun <lyle.mnvvs@gmail.com>

Mon 12/9/2019 12:39 PM

Amy Newsom ✉

👍 ↶ ↷ ➡ ⋮

Minnesota Valley Veterinary Services and Arlington Animal Clinic requires all pets to be leashed or kenneled at all times during transport, entering and leaving the clinic, and at all times in the clinic building. Proper restraint ensures that all safety measures are being employed to protect the public, the client, our employees and other pets in the confines of the clinic, and clinic property.

Lyle Braun

Practice Manager Minnesota Valley Veterinary Services, Arlington Animal Clinic.

On Mon, Dec 9, 2019 at 11:50 AM Amy Newsom <anewsom@arlingtonmn.com> wrote:

Hi Lyle -

The City may **deny** a CUP is the proposed use:

Endangers or is not compatible with the health, safety and welfare of the public:

Can you please address this for the P&Z. Thanks, Amy

Amy Newsom,

Community Development Director

City of Arl Logo - Giesen

204 Shamrock Drive
Arlington, MN 55307
Phone: 507-964-2378
Cell: (507) 720-8586
Fax: 507-964-5973
www.arlingtonmn.com
anewsom@arlingtonmn.com



PLANNING & ZONING COMMITTEE:

RESOLUTION NO. 07-2019

**A RESOLUTION RECOMMENDING APPROVAL OF A CONDITIONAL USE PERMIT FOR
VETERINARY CLINIC AT 402 WEST ALDEN STREET IN
THE B-2 CENTRAL BUSINESS DISTRICT**

Motion by Commissioner _____ Second by Commissioner _____

WHEREAS, Mr. Lyle Braun has submitted a request for a Conditional Use Permit to allow a veterinary clinic at 402 West Alden Street; and,

WHEREAS, the property is zoned B-2 Central Business District; and,

WHEREAS, the property is legally described in Exhibit C attached hereto and assigned a parcel identification number: **31.0051.000**.

WHEREAS, Zoning Ordinance, Section 8, sub. 2 provides for permitted uses in the B-2 Central Business District; and,

WHEREAS, Zoning Ordinance, Section 8 sub 3 provides for Conditional Use Permit in the B-2 Central Business District; including those under Section 7, sub 2; and

WHEREAS, Zoning Ordinance Section 7, sub 2 provides permitted uses in the B-2 District including animal hospitals, and

WHEREAS, Zoning Ordinance Section 8, sub 4 and 5 regulate height, yard and area regulations including parking; and

WHEREAS, Zoning Ordinance Section 6, sub 4(1) regulates height yard and area regulations.

WHEREAS, the Applicant represents:

1. Moving the Minnesota Valley Vet Services into 402 West Adams Street.

WHEREAS, notice of a public hearing to accept input on the Conditional Use Permit request was published in the official newspaper on December 19, 2019 and sent to property owners within 350 feet of the property; and

WHEREAS, the Planning and Zoning Committee conducted a public hearing on the Conditional Use Permit request on December 30, 2019 and accepted input on the Conditional Use Permit request; and

WHEREAS, the Planning Committee has reviewed the Conditional Use Permit request and has made the following findings:

1. That the request meets the standards under Zoning Ordinance Section 8 sub 3 Uses by Conditional Use Permit.
2. That the request is compatible the City's officially adopted comprehensive plan.

3. That granting the conditional use permit will not endanger the health, safety or welfare of the public.

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/deny the Conditional Use Permit to allow a veterinary clinic at 402 West Alden Street subject to the following:

1. This conditional use permit is in effect for the property at 402 West Alden Street 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.
2. No changes in the approved plans or scope of the conditional use shall be undertaken without prior approval of those changes by the City.

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Battcher				
Carlson				
Deno				
Grabitske				
Halverson				
Nuesse				
Vacant				

Adopted by the Planning Commission of the City of Arlington on this 30th day of December 2019.

Signed: _____
Chairperson Dwight Grabitske

Attested: _____
Planning/Zoning Adm. Amy Newsom

Whereupon the resolution was declared duly passed and executed.

ORDINANCE NO. ____

**AN ORDINANCE AMENDING CHAPTER 31 OF THE ARLINGTON CITY CODE
BY ADDING SECTION 11.5 CREATING THE B-3 COMMERCIAL/INDUSTRIAL DISTRICT**

- I. THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH, AND WELFARE, HEREBY ORDAINS CHAPTER 31 OF THE CITY CODE SHALL BE AMENDED BY ADDING SECTION 11.5 AS FOLLOWS:**

SECTION 11.5: B-3 COMMERCIAL/INDUSTRIAL DISTRICT.

SUBDIVISION 1. PURPOSE.

The B-3, Commercial/Industrial District is intended to provide an area identified for a blend of commercial uses dependent on high volumes of vehicular traffic and high quality business/office park development. Commercial or industrial development will be allowed only as a conditional use to (1) ease land use transition, (2) control development so that it is compatible with surrounding property, and (3) maintain a high degree of architectural design/quality construction suitable to entryway and highly visible gateway corridors.

SUBDIVISION 2. PERMITTED USES.

There are no permitted uses in the B-3 Commercial/Industrial District.

SUBDIVISION 3. USES BY CONDITIONAL USE PERMIT WITHIN THE B-3 DISTRICT.

Buildings or land may be used for the following if granted a conditional use permit pursuant to Chapter 31, Section 22 of the City Code as may be amended, and provided further that any objectionable features normally associated with the uses, such as those deemed to be hazardous, offensive or objectionable by reason of order, dust cinders, gas fumes, noise, vibration, refuse matter or water-carried waste, shall be eliminated through design, mechanical devices, screen planting and/or walls or other measures.

- A. Trade and services, including any retail store, personal service or business service establishments, subject to all regulations and such permits and licenses as may be required by law, including the following and other similar uses.
- B. Animal clinics and hospitals.
- C. Banking facilities.
- D. Building material and hardware stores providing exterior storage yards relating to such stores do not exceed that allowable under Chapter 31, Section 11.5, Subd. 4 (Prohibited Uses) of the City Code.
- E. Building trade contractor operations including building construction contractors,

electrical, landscaping, mechanical, and plumbing contractors, providing exterior storage yards related to such operations do not exceed that allowable under Chapter 31, Section 11.5, Subd. 4 (Prohibited Uses) of the City Code.

- F. Business and professional offices.
- G. Car wash operations, including automated lanes.
- H. Catering, food, and restaurant establishments.
- I. Churches and houses of worship and related facilities.
- J. Convenience goods and food shops, subject to a maximum of five thousand (5,000) square feet of sales area.
- K. Cultural, entertainment and recreational establishments.
- L. Data centers and data storage centers.
- M. Daycare Nursery Facilities.
- N. Drive-in or drive-up restaurants.
- O. Establishments providing repair services of household and personal goods.
- P. General merchandising, apparel and accessories and establishments.
- Q. Hotels, motels and bed and breakfast inns.
- R. Manufacturing or assembly of a wide variety of products that is completely contained indoors and produces no exterior noise; glare; fumes; obnoxious products; by-products or wastes; in excess of Minnesota Pollution Control Agency standards, or creates other objectionable impact on the environment including the generation of large volumes of traffic.
- S. New and used passenger automobile repair and service stations.
- T. New and used passenger automobile sales and service establishments.
- U. Nurseries, garden supply centers, and lumber yards providing exterior storage yards related to such operations do not exceed that allowable under Chapter 31, Section 11.5, Subd. 4 (Prohibited Uses) of the City Code.
- V. Post offices and other public service operations.
- W. Publishing and printing establishments.
- X. Restaurants.
- Y. Retail stores and sales establishments.

Z. Theaters, mortuaries, lodges, schools, and places of assembly.

AA. Warehousing, Storage and Wholesaling including the storage, handling, assembly and distribution of goods and materials for retail, wholesale or on-site use. This does not include truck terminals or ministorage uses, which are not allowed in this District.

SUBDIVISION 4. PROHIBITED USES.

The following uses are prohibited within the B-3 Commercial/Industrial District.

- A. Outdoor storage yards exceeding the square footage of the ground floor of the principal structure affixed to the lot. This could be defined as an area used for the outside placement of items that are customarily used or stored outside and made of a material that is resistant to damage or deterioration from exposure to the outside environment, except new and used passenger vehicles. Prohibited items include but are not limited to heavy equipment, construction equipment, construction vehicles, commercial trucks/trailers, construction supplies, landscaping materials, organic material (including but not limited to: wood, rock, gravel, sand, soil, and trees), miscellaneous debris, and materials used on site for production, assembly, processing, or distribution purposes. Items in partially enclosed storage areas which feature both roofing and at least three complete sidewalls are not considered 'outdoor' storage yards.
- B. Uses involving industrial processing, production, assembly, etc that are reasonably expected to impact abutting properties by emitting noise, odor, particulate matter, stormwater discharge, effluent, wastewater discharge, and the like in excess of local, state or federal levels applicable to residential uses. The proposed site user has the burden of providing factual evidence suitable to the City which attests the proposed use meets applicable local, state, and federal levels.
- C. Transportation, truck, and freight terminals; except those providing transit services.
- D. Mini-storage.
- E. Other uses not specifically provided for under Chapter 31, Section 11.5, Subd. 3 (conditional uses in the B-3 District), as may be amended.

SUBDIVISION 5. HEIGHT, YARD AND LOT REGULATIONS.

- A. Minimum Lot Size: 10,000 square feet.
- B. Minimum Lot Width: 100 feet.
- C. Height Regulations: No structure shall exceed three stories or thirty-five (35) feet in height.

D. Front Yard Regulations:

1. There shall be a front yard having a depth of not less than thirty (30) feet.
2. There shall be a front yard on the street side of each corner lot.

E. Side Yard Regulations:

1. There shall be a side yard having a depth of fifteen (15) feet, except that:

F. Rear Yard Regulations:

1. There shall be a rear yard having depth of not less than twenty (20) feet, except that:

G. Lot Coverage Regulations: Not more than fifty (50) percent of a lot shall be occupied by buildings.

SUBDIVISION 6. ARCHITECTURAL AND DESIGN STANDARDS.

All uses in the B-3 District are required to maintain a high standard of architectural design and feature higher quality construction types so as to maintain the aesthetic integrity of highly visible corridors. The following are minimum standards.

- A. Pole/frame construction is prohibited.
- B. Vertical metal siding as a principal exterior material is prohibited.
- C. Metal roofing with exposed fasteners is prohibited.
- D. Driveways and parking areas shall be surfaced with concrete or asphalt.
- E. Outdoor storage surfaces, where allowed, shall be surfaced with materials suitable to control dust, sedimentation, and the growth of vegetation.
- F. One overstory tree for each 500 lineal feet of lot perimeter abutting a public street right of way is required. Minimum planting size is two caliper inches for deciduous trees or six feet for coniferous trees.

SUBDIVISION 7. PARKING REGULATIONS.

- A. Parking and loading spaces shall be provided on the premises of each use.
- B. All parking area shall be surfaced with concrete or asphalt.
- C. All parking areas shall be setback a minimum of ten (10) feet from property boundaries.
- D. Each parking space shall contain a minimum area of not less than three hundred (300) square feet including access drives, and a width of not less than nine (9) feet, and a depth

of not less than twenty (20) feet.

- E. The minimum number of required off-street parking spaces for various uses shall be a minimum of one (1) parking space for each employee, based on the number of employees present at the same time on a typical work shift, plus sufficient off-street parking to accommodate visitors and customers during normal business traffic hours, as determined by the City Council on a case by case basis.

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 _____, 2019.

For City of Arlington:

By Richard Nagel
It's Mayor

By: Patrick Melvin
It's Administrator

First Reading:
Second Reading:
Adopted:
Published:

8. A.

OCTOBER REPORT 2019						
PERMIT #	NAME	PROJECT ADDRESS	CONSTRUCTION - WORK TYPE	CONTRACTOR	VALUATION	PERMIT FEES
A2019- 122	MILLER HOMES, LLC	705 W. ALDEN ST.	RESIDENTIAL - DETACHED GARAGE	PEKA HOMES, LLC	\$ 15,800.00	\$233.68
A2019- 123	JESS TEPLY	602 W. BROOKS ST.	LAND USE - UTILITY SHED	NONE LISTED	\$ 1,000.00	\$0.00
A2019- 124	WALLACE CARLSON	819 W. ALDEN ST.	RESIDENTIAL - REROOF	STEVE SCHAUER	\$ 7,700.00	\$60.00
A2019- 125	KIRBY WECKWORTH	411 4TH AVE. SE	LAND USE - FENCE	NONE LISTED	\$ 270.00	\$0.00
A2019- 126	ANDREW FREDIN	102 W. MAIN ST.	COMMERCIAL- STEEL ROOF	FREDIN CONST. & REMODELING LLC	\$ 12,000.00	\$188.32
A2019- 127	BRITTANY TROCKE	307 6TH AVE. NW	LAND USE - PATIO	TROCKE CONST.	\$ 1,200.00	\$0.00
A2019- 128	BRIAN & STACIE THOMES	314 4TH AVE. NE	RESIDENTIAL - WINDOW INSTALLATION/RESIDE	PV CARPENTRY	\$ 7,600.00	\$100.00
A2019- 129	DAVID & MIMI WECKWORTH	417 E. MAIN ST.	RESIDENTIAL - REROOF	WINN EXTERIORS, LLC	\$ 8,000.00	\$50.00
A2019- 130	MERLIN BROCKOFF	106 W. BROOKS ST.	RESIDENTIAL - REROOF	FREDIN CONST. & REMODELING LLC	\$ 5,000.00	\$50.00
A2019- 131	BILL WALDNER	402 E. ADAMS ST.	RESIDENTIAL - REROOF	SCHAUER & SONS CONSTRUCTION	\$ -	\$50.00
A2019- 132	MARSHA QUAST	106 ADAMS ST.	RESIDENTIAL - REROOF	WINN EXTERIORS, LLC	\$ 9,600.00	\$50.00
A2019- 133	S & F ENTERPRISES LLP	108 5TH AVE. NW	COMMERCIAL- REMODEL	DIETZ BUILDERS INC.	\$ 75,000.00	\$736.87
A2019- 134	PATRICK EMERSON	409 E. ADAMS ST.	RESIDENTIAL- DECK	NONE LISTED	\$ 2,000.00	\$62.32
A2019- 135	K & H HOMER-LLV Homes	305 6TH AVE. NW	RESIDENTIAL - REROOF	KRENTZ CONSTRUCTION LLC	\$ 5,000.00	\$50.00
A2019- 136	JACOB SJOSTRUM	108 5TH AVE. NW	COMMERCIAL- PLUMBING	FOSTER MECHANICAL	\$ 9,100.00	\$151.78
					\$ 158,870.00	\$ 1,772.97

Emerson

625.00
- 55.00
- 90.00

8.B.

NOVEMBER REPORT 2019						
A2019- 137	MILLER HOMES, LLC	705 W. ALDEN ST.	RESIDENTIAL - WINDOW INSTALLATION/REROOF	PEKA HOMES, LLC	\$ 12,000.00	\$100.00
A2019- 138	JEFF KHANKE	312 1ST AVE. S.	RESIDENTIAL - REROOF	RIC INC	\$ -	\$80.00
A2019- 139	JEREMY REINITZ	102 E. DOUGLAS ST.	RESIDENTIAL - REROOF	BOHLMANN EXTERIORS	\$ 10,000.00	\$60.00
A2019- 140	JANE LARSEN	113 E. ADAMS ST.	RESIDENTIAL - REROOF	BRANDON BRINKMAN CONSTRUCTION	\$ 5,921.00	\$60.00
A2019- 141	BRANDON BARTH	309 W. CHANDLER ST.	RESIDENTIAL - MECHANICAL FURNACE	LEONARD HEATING & A/C LLC	\$ 2,900.00	\$60.00
A2019- 142	BRAD & BRENDA DANIELSON	304 POLAR CIRCLE	RESIDENTIAL - WATER HEATER	Y-NOT PLUMBING & HEATING INC.	\$ 1,650.00	\$60.00
A2019- 143	PAT & GWEN NIENABER	215 E. CLINTON ST.	RESIDENTIAL - MECHANICAL FURNACE	Y-NOT PLUMBING & HEATING INC.	\$ 2,500.00	\$60.00
A2019- 144	CHAD FISHER	630 E. BROOKS ST.	RESIDENTIAL - WINDOW INSTALLATION	BAUER BUILDERS LLC	\$ -	\$60.00
A2019- 145	DEBORA REMMICH	602 5TH AVE. S.	RESIDENTIAL - REROOF	MN PRO LLC	\$ 6,200.00	\$60.00
					\$ 41,171.00	\$ 500.00