



PLANNING AND ZONING COMMITTEE

Meeting Agenda

June 3, 2021 at 7:00 PM

Arlington Community Center — Council Chambers

1. Call to Order
2. Pledge of Allegiance
3. Approve Agenda
4. Public Hearing at 7pm — Variance for a proposed 1,440 sq ft detached garage— Collen & Derek Evans
5. Approve the Minutes
 - a. May 3, 2021
6. Resolution 01-2021 Approving the rezoning of the Nickel property
7. New Business
 - a. Request the Comprehensive Plan be put on hold until received the Census Data
 - b. Creation of an Administrator Exception Policy
8. Other/Updates
 - a. Update on Minnesota Valley Vet Services Veterinary Clinic CUP (issued 1/6/2020)
 - b. Update of Fill Me Up Liquor Store
 - c. Update on Hoff Project
9. Adjournment



**PLANNING AND ZONING COMMITTEE
MEETING Minutes
May 6, 2021 at 7:00 PM
Arlington Community Center — Council Chambers**

1. Call to Order – Roll call by Janet Deno at 7:00 PM

Members Present

Jim Carlson
Michelle Battcher – arrived at 7:10pm
David Welch
Janet Deno
Joe Prasad

Member Absent

Brandon Brinkman

Staff Present

Amy Newsom – City Administrator
Phil Mangis – P&Z Administrator

Guest Present

Mayor Rich Nagel
Joe Simons
Tony Hoff
Kurt Menk
Mike Callahan
Ganna Mushynska

Pledge of Allegiance – All stood for Pledge of Allegiance

2. Approve Agenda – Mangis requested to add liquor store off shoot proposed by Fill Me Up.

Consensus to approve the agenda with addition by Mangis.

Public Hearings – Rezoning Nickel Property- Tony Hoff (AJH Properties, LLC)

Tony Hoff proposes to build on the former Nickel property for his business, proposed building will be 60' x 100', which will include an office and store his excavating

equipment. Hoff also stated that he is not there to be a bad neighbor, encouraged people to come and talk with him directly if they have any concerns.

Mike Callahan was concerned about safety. Asked about proposed future plans for the outbuildings. Callahan questioned if they would they need environmental permitting for diesel storage tanks and would they need permits for stormwater. Also wanted to know if Hoff would need approval from homeland security. Wanted to know hours of operation, if this was going to be light industrial and is this a permitted use under the zoning code.

Ganna Mushynska asked a question on how this will help cut down on noise, especially when it comes to the Raceway. Mangis recommended putting up foliage to help screen noise. Asked about hours of operation and Tony Hoff stated his hours of operation are 7a.m- 6p.m. She also asked about safety for children stating there were a lot of children in her neighborhood.

Kurt Menk stated that this development is designed to help create jobs and to increase the tax base.

Amy Newsom spoke on behalf of Steve Cary who owns land across CR 9, he had voiced concerns about the City turning all the land up to the Bullert property into commercial land.

Public Hearing closed at 7:33p.m

Motion by Battcher to close the public hearing.

SECOND by Prasad

Motion carried.

3. Approve the Minutes

a. February 4, 2021

Motion by Battcher to APPROVE THE MARCH 4 MINUTES.

SECOND by Carlson

Motion carried.

4. New Business

a. Update Chapter 1 of Comprehensive Plan- Discussed changing the outlook year from 2035 to 2050, and possibly creating development phases. Also updating the

equipment. Hoff also stated that he is not there to be a bad neighbor, encouraged people to come and talk with him directly if they have any concerns.

Mike Callahan was concerned about safety. Asked about proposed future plans for the outbuildings. Callahan questioned if they would they need environmental permitting for diesel storage tanks and would they need permits for stormwater. Also wanted to know if Hoff would need approval from homeland security. Wanted to know hours of operation, if this was going to be light industrial and is this a permitted use under the zoning code.

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Motion carried.

3. Approve the Minutes

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SECOND by Carlson

Motion carried.

4. New Business

a. Update Chapter 1 of Comprehensive Plan- Discussed changing the outlook year from 2035 to 2050, and possibly creating development phases. Also updating the

data using the 2020 census. Committee does not believe the comprehensive should be changed much, only needs updated using 2020 census data.

- b. Economic Impact of Development Efforts (Hoff Project), Planning and Zoning Committee reviewed the materials.

5. Unfinished Business

Orderly Annexation-Table for next meeting

Motion by Battcher to table orderly annexation to the June meeting.

SECOND by Prasad

Motion carried.

6. Review Building Permit Reports

- a. March and April 2021- Mangis presented the March and April building reports.

7. Other/Updates

- a. Update on Dog Park – Mangis received updated from Committee on the Dog Park.
- b. Update of Minnesota Valley Vet Services Veterinary Clinic CUP (issued 1/6/2020) * shrubs need to be planted.
The clinic has installed a fence but did not follow the CUP which stated that shrubs were to be installed.
- c. **Fill Me Up Liquor Store** – Mangis reported that Ashvin Patel presented a plan to open a liquor store at the Fill Me Up Station across Hwy 5. Staff are still in discussions with the State of MN to ensure that the business follows the State laws. Patel’s will be requesting an off-sale liquor license.

8. Adjournment

MOTION Welch to ADJOURN AT 8:32 PM

SECOND by Prasad

MOTION CARRIED

THE MEETING ADJOURNED AT 8:32 PM.

P&Z Administrator

P&Z Chair

STATE OF MINNESOTA

CITY OF ARLINGTON

COUNTY OF SIBLEY

PLANNING & ZONING COMMISSION

**NOTICE OF PUBLIC HEARING
ON COMPREHENSIVE PLAN AMENDMENT AND REZONING**

NOTICE IS HEREBY GIVEN that the Arlington Planning and Zoning Commission will hold a public hearing at 7:00 p.m. on Thursday, June 3rd, 2021. The meeting will be held at Arlington Community Center Chambers, 204 Shamrock Drive, Arlington, Minnesota, 55307.

APPLICANT

Collen & Derek Evans

PURPOSE

To consider a variance for 206 4th Ave NE because the proposed garage exceeds over 1,000 sq ft (Sec 7, Sub 2 E (1)). The applicant proposes 1,440 sq ft detached garage.

Parcel Identification Number: 31.0480.000

Legal Description: Sect-00 Twp -000 Range -000 Ac-0.56

At this meeting, the Planning and Zoning Commission will decide if variance of the proposed scope will have a negative impact on the properties around.

Any person desiring to comment on this matter is invited to do so in writing or orally at the time of the public hearing. Inquires should be directed to the Zoning Administrator at 507-964-2378 during normal business hours. Written comments should be sent to the Zoning Administrator at 204 Shamrock Drive, Arlington, MN 55307.

Phil Mangis

Zoning Administrator

204 Shamrock Drive

Arlington, MN 55307

Publish: Week of May 17, 2021

Post: May 20, 2021



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

RESOLUTION 01-2021
AMENDING THE 2014 ARLINGTON COMPREHENSIVE PLAN FUTURE LAND USE MAP
PERTAINING TO PROPERTY AT THE NORTHWEST QUADRANT OFF COUNTY ROAD
(“NICKEL PROPERTY”)

WHEREAS, the City of Arlington placed the 2014 Comprehensive Plan into effect under Ordinance 292; and,

WHEREAS, Chapter 31, Section 4, Subd. 1 of the City Code establishes an official zoning map for the City of Arlington; and,

WHEREAS, Tony Hoff dba AGH Properties; City Administrator Amy Newsom on behalf of the City Council (the Property Owner) have submitted a request to amend the future land use map and the official zoning map related to property legally described as 8.00 AC OF TRACT 1 & 6.37 AC OF TRACT 2 and identified as Parcel No. 31.0874.000; and,

WHEREAS, the Planning and Zoning Commission on May 6th, 2021 held a public hearing on the request; and,

WHEREAS, following the public hearing the Planning and Zoning Commission discussed the request and established the following facts as attached.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ARLINGTON THAT: The Arlington City Council approves Ordinance No. 320, attached hereto, Amending the Future Land Use Map in the 2014 Comprehensive Plan and the Official Zoning Map applicable to the subject property to provide for limited industrial future use and Rezoning from R1/AG Resident & Agricultural District to I-1 Limited Industrial, provided the “Use” of the property is subject to all applicable codes, regulations and ordinances currently in effect.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember _____ and upon poll being taken thereon the following voted in favor thereof: _____; and the following voted against the same: _____; and the following abstained from voting: _____; and the following were absent: _____.

The foregoing resolution was adopted by the City Council of the City of Arlington this 3rd day of June, 2021.

Signed: _____
P & Z Chair

Attest: _____
P & Z Administrator

Whereupon the resolution was declared duly passed and adopted and was signed by the P & Z Chair whose signature was attested by the P & Z Administrator.

Features Allowed within Setbacks by Administrator's Exception

Permitted Features

The following features shall be permitted within setbacks in accordance with the standards of this section:

- (a) Swimming pool and deck within rear and side yards;
- (b) Carport or parking stalls within rear and side yards;
- (c) Storage shed or gazebo within rear and side yards;
- (d) Decks within the side or rear yard;
- (e) Detached Garages that do not exceed 1,500 sq ft and within side yards;
- (f) Parking Pads that are within rear and side yards;
- (g) Driveways that cover 15% of the lot area;
- (h) Building additions to primary structures, where the existing primary structure is built within a setback;
- (i) Enclosures of existing decks and porches within side or rear yards;
- (j) Rooftop decks on detached garages;
- (k) Accessory Structures not listed above, where the primary structure is built within a setback.

Standards

The applicant shall establish, by submittal of a plot plan, photograph(s) and other pertinent data such as written approval by abutting property owners that:

- (a) For accessory features, with respect to the front and side yard setback requirements, the proposed construction or erection will not place the accessory use, structures, or additions any closer to the front or neighboring property line than the building line of the applicant's existing, legally established, primary structure;
- (b) The establishment, maintenance, location and operation of the proposed use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;
- (c) Authorization of the proposed exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes permitted, nor substantially diminish or impair property values within the neighborhood;
- (d) The establishment of the proposed exception will not impede the normal and orderly development and improvement of surrounding property for uses permitted in that district;
- (e) Any illumination or drainage shall be contained on site and directed away from abutting properties;

Administrator Action

Before approving an application, the Administrator shall recommend reasonable adjustments including, but not limited to, items concerning utilities, drainage, noise, landscaping and maintenance thereof, lighting, access, egress, screening of accessways to ensure that authorization of the proposed exception is consistent with the standards found

Administrator Exceptions Process

This section sets out the required review and approval procedures for Administrator Exceptions.

Initiation

An application for approval of an Administrator Exception may be filed by the owner of the subject property or the owner's agent.

Notice

After approval of the Administrator Exception is granted, the applicant shall post notice in accordance with the notice requirements.

Notice Action

Within twenty-one (21) days of receipt of a complete application for an Administrator Exception, the Zoning Administrator shall approve, approve with conditions, approve in part, deny, or deny in part the application. Where the Administrator fails to render a decision within the period required by this subsection, the decision shall be deemed to have been rendered in denial of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered deemed denial, it may be sent to the Planning Committee for immediate review. When a decision has been rendered in denial of the applicant because of the failure of the Administrator to meet or render a decision as herein above provided, the Zoning Administrator shall give public notice of said decision within ten (10) days, according to the provisions. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal for reconsideration.

Basis for Action

The Zoning Administrator's action shall be based solely on a determination of whether the application, as proposed, complies with the standards of this Code. The Zoning Administrator may grant approval with conditions only to the extent that such conditions specify the actions necessary to bring the application into complete compliance with the Code. No subsequent approval shall be granted until such time as such conditions have been met.

Lapse of Approval

Administrator Exceptions Involving Physical Improvements

If the Administrator Exception involves physical improvements that have not been substantially initiated within one (1) year of the date of approval or authorization approval of the Zoning Administrator Exception, the approval shall lapse. The Zoning Administrator Exception approval shall also lapse if, after starting construction, the construction is discontinued for a period of one (1) year or more. No physical improvements shall be made after approval lapses unless the approval or authorization is renewed

Administrator Exceptions Not Involving Physical Improvements

If the Zoning Administrator Exception does not involve physical improvements, and a permit has not been issued for the Zoning Administrator Exception within one (1) year of the date of approval or authorization, the approval shall lapse. No permit shall be issued after approval lapses unless the approval or authorization is renewed

Renewal in the Event of Lapse

The Zoning Administrator may renew its approval of an Administrator Exception for which approval has lapsed provided that no more than one (1) year has elapsed since the date of the original approval or, in the case of discontinuance of work, since the date of discontinuance. Renewal shall require formal action, but it shall not require public notice or hearings. Renewal shall have the same effect as the original approval. If no renewal is granted with the one-year period allowed for renewals, the original approval shall be void and no further effect.

May 27th, 2021

Arlington Planning and Zoning

Attn: Phil Magnus

The fence that the Arlington Animal Clinic has installed between the properties of 406 W. Alden and the Arlington Clinic is fine with Pete and Shannon Weber who are the property owners of 406 W. Alden St.

There is no need for additional shrubbery or to replace with shrubbery.

Please consider this matter closed.

Thank you,

Pete & Shannon Weber

Handwritten signatures of Pete and Shannon Weber in blue ink. The signature for Pete is written above the signature for Shannon.

