

**PLANNING & ZONING COMMITTEE
MEETING AGENDA
MONDAY, MARCH 11, 2013 @ 7:00 P.M.
ARLINGTON COMMUNITY CENTER**

1. Call to Order.
2. Pledge of Allegiance.
3. Approve Agenda.
4. Approve the Minutes.
 - A. January 10, 2013.
5. Public Hearings.
 - A. Variance Request: Jeff Matz – 216 East Alden Street.
 - B. Rezoning Request: EDA Property.
6. Unfinished Business.
 - A. None.
7. New Business.
 - A. None.
8. Review Building Permit Reports.
 - A. January 2013.
 - B. February 2013.
9. Other Business.
10. Adjourn.

**ARLINGTON PLANNING & ZONING BOARD
MEETING MINUTES
MARCH 11, 2013**

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

Members Present: Battcher, Grabitske, Chairperson L.Nagel, R.Nagel, Pinske, Vrklan, Councilmember Curt Reetz

Members Absent: None

Also Present: PZ Adm. Cynthia Smith-Strack, Jeff Matz

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

Motion by Grabitske, seconded by Vrklan, and passed by unanimous vote to approve the minutes from the January 10th meeting as presented.

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

Variance – Jeff Matz, 216 East Alden Street:

Chairperson Nagel called to order the public hearing regarding the variance requests from Jeff Matz, 216 East Alden Street, for rear and side yard setback, roof pitch and type, and foundation requirements for a residential accessory structure. Letters from Roger/Barb Robeck and Conrad Kvamme were read into the record as not being opposed to the existing structure; and no other written or verbal comment had been received. Smith-Strack explained that there was an existing non-compliant structure on site which had been erected without the owner obtaining a building permit. She reviewed the standards from the Zoning Ordinance as they pertained to the four variance requests. Each request was discussed individually and evaluated against the variance (practical difficulty) test as mandated by State Law. The Committee didn't foresee an issue granting the rear or side yard setbacks, but held firm on the need to have the roof and foundation requirements be met by property owner. Matz commented he would consider putting a foundation under it, but was opposed to changing the structure (roof pitch). L.Nagel suggested that he consider selling it if he isn't willing to make it compliant with the ordinance. Matz felt the PZ Committee should be more flexible about allowing residents to do more on their own properties. It was commented that the PZ Committee has to be objective about projects brought before them, not subjective. Vrklan commented that the shed could be sold and a new one constructed in its place but to code. Matz commented that he would not rebuild.

Chairperson Nagel adjourned the public hearing and reconvened the regular meeting at 7:35 pm.

Discussion continued on the Matz storage shed. Matz commented that he would like to at least finish residing it before trying to sell it and questioned how much time he would be allowed to keep it on his property. L.Nagel stated it should be sold as is and not worry about finishing it. Matz asked that he be given six (6) months to remove the shed. Smith-Strack stated that six months was too long of a time frame since there was a pending Court date that had been put on hold since the variance had been applied for. She added that even if the structure were to be considered a 'temporary' structure, which are only allowed up for six months of the year; his has been up for over a year already.

Reetz introduced the following resolution and moved for its adoption:

RESOLUTION NO. 2-2013

**A RESOLUTION RECOMMENDING DENIAL OF A VARIANCE FROM YARD SETBACK,
FOUNDATION REQUIREMENTS, ROOF PITCH/TYPE, AND MINIMUM ROOF PITCH FOR 216 EAST
ALDEN STREET**

WHEREAS, Jeff Matz has submitted a request for the following variances:

1. Required yard setback within the R-1 District;
2. Required roof pitch & type standards for accessory structures;
3. Required minimum roof pitch; and
4. Foundation requirements for accessory structures; and,

WHEREAS, the subject property is legally described as: Lots 1 and 2, Block 4, Streissguth's Addition to the Village of Arlington; and,

WHEREAS, the subject property identification number is: 31.0192.000; and,

WHEREAS, the purpose of the variance is to allow for an accessory structure as it has been constructed at the aforementioned address; and,

WHEREAS, notice of a public hearing to accept input on the variance requests was published in the official newspaper on February 28, 2013 and sent to property owners within 350 feet of the property; and,

WHEREAS, the Planning and Zoning Committee acting as the Board of Zoning Adjustment conducted a public hearing on the variance request on March 11, 2013 and accepted input on the variance request; and

WHEREAS the Planning and Zoning Committee has reviewed the variance requests and established the following findings:

- The granting of such variances do not reach the level of 'practical difficulty' since they were created by the Applicant and only in the Applicant's opinion is there a difficulty.
- Granting the variances could be detrimental to all neighborhoods in that it would set a precedent and potentially render the accessory structure standards null/void in the future.
- The Applicant is in essence asking for 'forgiveness' after erecting the structure without a permit and only seeking a variance due to pending litigation.

NOW, THEREFORE, BE IT RESOLVED BY THE ARLINGTON PLANNING AND ZONING COMMITTEE THAT: The Planning Commission acting as the Board of Zoning Adjustment does hereby recommend the City Council of the City of Arlington deny the requests for variances from setback, roof pitch, roof type, and foundation standards for the aforementioned property.

The motion for the adoption of the foregoing resolution was duly seconded by Battcher and upon poll being taken thereon the following voted in favor thereof: Battcher, Grabitske, L.Nagel, R.Nagel, Pinske, Vrklan, Councilmember Reetz; and the following voted against the same: None; and the following abstained from voting: None; and the following were absent: None.

Adopted by the Planning & Zoning Committee of the City of Arlington this 11th day of March, 2013.

Signed: /s/ Lowell Nagel
Chairperson Lowell Nagel

Attested: /s/ Cynthia Smith-Strack
Planning & Zoning Administrator

Motion by Vrklan, seconded by R.Nagel, and passed by unanimous vote to give Jeff Matz until June 1, 2013 to remove the non-compliant structure/shed from his property.

Rezoning – EDA Property:

Chairperson Nagel called to order the public hearing regarding the rezoning of the EDA property. Smith-Strack explained that the 22.89 acres the EDA recently acquired was zoned "UR" Urban Reserve and it was the EDA's intent that the property was to be developed as an industrial park; and therefore needed to be rezoned to "I-1" Limited Industrial. It was noted that the proposed rezoning was consistent with the future land use plan contained within the Comp Plan.

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

R.Nagel introduced the following resolution and moved for its adoption:

RESOLUTION NO. 3-2013

A RESOLUTION RECOMMENDING APPROVAL OF A REQUEST TO REZONE CERTAIN PROPERTY FROM "UR" URBAN RESERVE TO "I1" LIMITED INDUSTRIAL

WHEREAS, the Arlington Economic Development Authority purchase 22.86 acres of property for the development of an industrial park; and,

WHEREAS, the EDA has petitioned for rezoning of the property from “UR” Urban Reserve to “I1” Limited Industrial; and,

WHEREAS, the subject property is legally described as: Part of the Northwest Quarter of Section 16, Township 113 North, Range 27 West, Sibley County, Minnesota, Described as Follows: Beginning at the Northeast Corner of Said Northwest Quarter of Section 16; Thence on an Assumed Bearing of South 00 Degrees 14 Minutes 21 Seconds West along the East Line of Said Northwest Quarter a Distance of 866.40 Feet; Thence South 89 Degrees 36 Minutes 32 Seconds West 869.89 Feet; Thence South 00 Degrees 14 Minutes 21 Seconds 94.78 Feet; Thence South 89 Degrees 36 Minutes 32 Seconds West 307.57 Feet; Thence North 00 Degrees 14 Minutes 21 Seconds East 928.03 Feet to the Northerly Right Of Way of Minnesota Trunk Highway Number 5; Thence North 57 Degrees 39 Minutes 01 Seconds East along Said Northerly Right Of Way Line 43.20 Feet to the North Line of Said Northwest Quarter; Thence North 89 Degrees 05 Minutes 33 Seconds East Along Said North Line 1141.22 Feet, To the Point of Beginning, and Excepting Therefrom the Existing Railroad Right-of-Way Contained Therein; and,

WHEREAS, the subject property identification number is 09.1602.050; and,

WHEREAS, notice of a public hearing to accept input on the rezoning request was published in the official newspaper on February 28, 2013 and sent to property owners within 350 feet of the property; and,

WHEREAS, the Planning and Zoning Committee conducted a public hearing on the rezoning request on March 11, 2013 and accepted input on the rezoning request; and

WHEREAS the Planning Committee has reviewed the rezoning request and has made the following findings:

1. The proposed rezoning is consistent with the future land use plan contained in the 2008 Comprehensive Plan Update.
2. The purpose of the I1 District is to provide for use “*intended for administrative, wholesaling, manufacturing and related uses which can maintain high standards of appearance, including open spaces and landscaping, and limit external effects such as noise, odors, smoke and vibration*”. The purpose of the UR District is to “*allow for an orderly transition from agricultural to urban uses through implementation of the orderly annexation agreement, rezoning, and development when in compliance with the Comprehensive Plan.*”
3. The property abuts the Prairie Line Railway to the west and existing general industrial development to the north. The remaining surroundings are agricultural in nature.
4. The purpose/intent of rezoning is to allow for the development of a City industrial park.

NOW, THEREFORE, BE IT RESOLVED BY THE ARLINGTON PLANNING AND ZONING COMMITTEE THAT: The Planning and Zoning Committee recommends the City Council of the City of Arlington approve a request for rezoning of the aforementioned 22.86 acres of property as legally defined above from “UR” Urban Reserve to “I1” Limited Industrial.

The motion for the adoption of the foregoing resolution was duly seconded by Vrklan and upon poll being taken thereon the following voted in favor thereof: Batcher, Grabitske, L.Nagel, R.Nagel, Pinske, Vrklan, Councilmember Reetz; and the following voted against the same: None; and the following abstained from voting: None; and the following were absent: None.

Adopted by the Planning & Zoning Committee of the City of Arlington this 11th day of March, 2013.

Signed: /s/ Lowell Nagel
Chairperson Lowell Nagel

Attested: /s/ Cynthia Smith-Strack
Planning & Zoning Administrator

The January and February Building Permit Reports were reviewed.

Motion by Grabitske, seconded by Pinske, and passed by unanimous vote to adjourn the meeting.