

**CALL TO ORDER**

Chairperson Werman called the regular meeting of the City of Rockford Planning and Zoning Commission to order on December 12, 2019 at 7:03 p.m. The meeting was held in the Council Chambers of City Hall, 6031 Main Street, Rockford, MN.

**ROLL CALL**

Roll call was taken and the following members were present: Werman, Petersen-Biorn, Morter and Sand. The following members were absent: Cihlar. Also in attendance were Planner Elizabeth Stockman and Deputy Clerk Etzel.

**PUBLIC HEARING – Conditional Use Permit for Automobile Sales at 9000 Walnut Street**

Planner Stockman stated Tu Bi Tu LLC has acquired the property at 9000 Walnut Street. The subject site consists of a 6,800 square foot office building that is currently vacant. The applicant is proposing to use the first floor of the building for an automobile sales use involving outdoor display. The applicant is also proposing to use the lower level of the building for a mediation office and a separate suite for a plumbing contractor business. A public hearing was noticed for the Planning Commission meeting on 21 November 2019 and continued to 12 December 2019 to consider an application for a conditional use permit for outdoor sales within the C-3 District related to the proposed automobile sales use.

**Zoning.** The subject site is zoned C-3, Highway Commercial District. The C-3 District allows for a wide range of retail, service, and office uses intended to meet market needs for Rockford and the surrounding area.

The applicant is proposing to use the first floor of the building for an automobile sales use involving outdoor display that is allowed subject to approval of a conditional use permit in accordance with Section 1001.19, Subd. 5.B of the Zoning Ordinance. Conditional uses are those activities that may cause impacts to surrounding properties due to noise, light, traffic, infrastructure needs, etc. that require additional review and possible conditions on their operation to mitigate potential negative effects. Provided the applicant demonstrate compliance with the requirements and criteria established by the Zoning Ordinance for approval of a conditional use permit set forth in Section 1001.03, Subd. D of the Zoning Ordinance, there is an expectation the application will be approved.

The applicant is also proposing to use the lower level of the building for a mediation office and a separate suite for a plumbing contractor business. The proposed mediation office and plumbing business are permitted uses within the C-3 District. Permitted uses are those activities allowed subject to the basic standards established by the Zoning Ordinance that apply generally to a given zoning district and do not typically have additional stipulations imposed.

**Surrounding Uses.** The subject site is surrounded by the existing and planned uses shown in the table below. Provided that the performance standards outlined for the conditional use permit are complied with, no compatibility issues with the proposed use and surrounding properties will be anticipated.

Direction	Land Use Plan	Zoning Map	Existing Use
West	Medium Density Residential Low Density Residential Rockford Township	PUD District R-1 District	Townhouses Single family
North	Industrial	I-1 District	W-H Cooperative
East	Commercial	PUD District	Rockford Mall Dollar General
South	--	--	TH 55

**Off-Street Parking.** The existing building is approximately 6,800 square feet in area. The applicant has provided information indicating that the first floor will be occupied by the automobile sales use for office space. Approximately 1,000 square feet of the lower level will be used for a mediation office and 2,200 square feet will be used for the plumbing business. Section 1001.05, Subd. 9 outlines a requirement for the number of off-street parking stalls to be provided for the proposed uses as follows:

Use	Area	Requirement	Required Stalls
Auto sales office	3,400sf.	$6 + 1/500 > 1,000sf.$	10
Mediation office	1,000sf.	1/200sf.	5
Plumbing business	2,200sf.	1/500sf.	5
			20

The Zoning Ordinance requires 20 off-street parking stalls for the proposed mix of uses. There are 32 off-street parking stalls are designated on the subject site divided between a 27 stall lot on the level of the main floor of the building and 5 stalls adjacent to the lower level. A pedestrian walkway between the two parking areas must be provided.

**Outdoor Sales.** The area of the parking lot to be used by vehicles for sale must be limited to not more than 12 so as to avoid a conflict with the number of required parking stalls for the interior building uses. Vehicles offered for sale are to be limited to Class 1, 2, or 3 passenger vehicles and trucks in such condition so as to be legally operable upon public streets. There is to be no other outdoor storage of any kind on the property related to the auto sales or other uses within the property.

**Signs.** The applicant has not provided details regarding signs for the subject site. Installation of any signs upon the property must comply with the requirements of Section 1001.08 of the Zoning Ordinance. A sign permit is required prior to installation of any signs upon the subject site.

**Exterior Lighting.** No information has been presented regarding existing or proposed exterior lighting upon the subject site. Any planned installation of new exterior lighting fixtures must include shielding to cast light to the ground and minimize glare at property lines or onto public streets. Any exterior lighting installation is to be subject to review and approval of City staff.

**Trash Storage.** Any exterior storage of containers for waste or recycling is to be enclosed within a structure to secure access and screen the containers from view of surrounding properties and public streets. If a waste enclosure is to be constructed, the design and materials for the waste enclosure is to be subject to review and approval of City staff.

#### **RECOMMENDATION**

The uses proposed for the existing building at 9000 Walnut Street are allowed by the Zoning Ordinance and will comply with applicable performance standards. Our office recommends approval of a conditional use permit allowing the proposed automotive sale use subject to conditions as outlined and presented to the Planning Commission.

1. The maximum number of vehicles offered for sale at any time upon the property shall be 12.
2. Vehicles offered for sale shall be limited to Class 1, 2, or 3 vehicles and shall be in such condition so as to be capable of being legally operated upon public streets.
3. An exterior pedestrian walkway shall be provided between the two off-street parking areas, subject to review and approval of City staff.
4. Exterior storage of trash container(s) shall be screened from view and enclosed with a minimum six foot tall privacy fence with gate for access, subject to review and approval of City staff.
5. Installation of any exterior lighting shall include fixtures with a 90 degree horizontal cut-off and cast light at properties lines at less than 0.4 foot-candles, subject to review and approval of City Staff.
6. All signs shall comply with Section 1001.08 of the Zoning Ordinance and require issuance of a sign permit prior to display upon the property.
7. All State requirements, rules, and laws for automobile sales are met.

Commissioner Werman opened the public hearing at 7:03 p.m.

Commissioner Werman closed the public hearing at 7:03 p.m.

The Planning Commission discussed the use and the letter received from the neighboring property. Also, the commission discussed test driving and Mr. Chong stated a sales person will be required to be along for all test drives and they will not use the mall parking lot. The Planning Commission was concerned for the daycare and preferred no test driving to take place in the mall parking lot. Office hours for car sales will typically be M-F 9am-9pm and Saturday 9am-6pm., Mr. Chong added he plans to fill the office space.

The Planning Commission added condition #8. No outdoor storage shall be allowed on the site other than the two Class Five Vehicles in the lower level parking lot.

Upon further discussion the Planning Commission agreed with the Planner's recommendation.

**MOTION** was made by Petersen-Biorn, seconded by Morter to recommend approval of the Conditional Use Permit to allow automobile sales at 9000 Walnut Street with the eight conditions noted.

**MOTION CARRIED** – VOTING IN FAVOR – WERMAN, PETERSEN-BIORN, SAND and MORTER.

The recommendation from the Planning Commission will be submitted to the City Council at their upcoming December 23, 2019 special meeting for final approval or denial.

**SET AGENDA AND APPROVE CONSENT AGENDA ITEMS**

**MOTION** was made by Petersen-Biorn, seconded by Morter to set the agenda and accept the October 24, 2019 Regular Planning and Zoning Commission Minutes.

**MOTION CARRIED** – VOTING IN FAVOR – WERMAN, PETERSEN-BIORN, SAND and MORTER.

**OPEN FORUM**

Commissioner Werman called for open forum, no one from the public spoke.

**NEW BUSINESS**

**Staff Reports**

Deputy Clerk Etzel's report included: January 9th meeting will be held if any applications are received by December 18th, there were 19 residential new construction permits for 2019, Kwik Trip has started their grading with a build in 2020, Tailwind Development, Parkwood 3<sup>rd</sup>, Council approved the Site Plan for Tailwind Development, City Hall will be closed December 23<sup>rd</sup> and 24<sup>th</sup> for the holiday season and Rockford Fire Department Toy Drive.

**ADJOURNMENT**

**MOTION TO ADJOURN** was made by Werman, seconded by Sand.

**MOTION CARRIED** – VOTING IN FAVOR – WERMAN, PETERSEN-BIORN, SAND and MORTER.

Chair Werman adjourned the meeting at 7:33 p.m.

*Submitted by Audra Etzel, Deputy Clerk*