

CALL TO ORDER

Chair Werman called the regular meeting of the City of Rockford Planning and Zoning Commission to order on **January 11, 2018** at 7:00 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, Cihlar, Morter and Petersen-Biorn. The following members were absent: Sand. Also in attendance was Planner Dan Licht and Deputy Clerk Etzel.

ELECTION OF OFFICERS FOR 2018

MOTION was made by Petersen-Biorn, seconded by Cihlar to elect Mike Werman as Chairperson of the Planning and Zoning Commission for 2018.

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

MOTION was made by Cihlar, seconded by Morter to elect Wendy Peterson-Biorn as Vice Chairperson of the Planning and Zoning Commission for 2018.

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

PUBLIC HEARING –9000 Walnut Street/PID #113-500-200-203303 to consider Zoning Map Change of Classification from I-1 Industrial to C-3 Highway Commercial, Zoning Amendment to allow Animal Kennel’s with a Conditional Use Permit in the C-3 Highway Commercial District and a Conditional Use Permit for an Animal Kennel at 9000 Walnut Street

Planner Licht presented his report: Corners of Kindness Animal Rescue is proposing to utilize the existing vacant building at 9000 Walnut Street as an animal kennel with related veterinary and pet training activities. The proposed use requires consideration of a text amendment to the Zoning Ordinance allowing animal kennels as a conditional use within the C-3, Highway Commercial District, rezoning the subject site from I-1, Industrial District to C-3 District, and consideration of a conditional use permit allowing the use at the subject site.

The Comprehensive Plan guides the subject site for industrial uses. However, the site is adjacent to existing commercial development to the east and visible from TH 55. The subject site was previously used as a dental office. Given the visibility and access of the subject site from TH 55 and opportunity for business interchange with adjacent retail and service uses, commercial use of the subject site is appropriate. An animal kennel that involves frequent interaction with the public in providing its services, such as proposed by the applicant, is appropriate for a commercial location. Location of the proposed use at the subject site is consistent with the policies of the Comprehensive Plan for commercial development.

The subject site is currently zoned I-1 District. The I-1 District does not allow for animal kennels to locate within area so zoned. Given the service nature of the proposed use, City staff believes that the use is appropriately located within a commercial district. As such, City staff is

recommending that the subject site be rezoned to C-3 District. The proposed C-3 District zoning is consistent with the uses allowed at the Rockford Mall and Dollar Store properties to the east of the subject site (under a PUD District) and will be consistent with those uses.

Animal kennels are not currently an allowed use within the C-3 District. City staff has drafted an ordinance amending the Zoning Ordinance making animal kennels a conditional use within the C-3 District. The proposed ordinance includes performance standards that any kennel proposed within the C-3 District must comply with, including:

- Limit on the maximum number of animals.
- Requirements for use of outdoor exercise areas including having staff present, screening/fencing, and limit on hours of use.
- Provisions to control noise audible from outside of the building.
- Requirements for the building interior including wall/floor materials, ventilation, temperature control, and sick room.
- Waste control.

The following addresses the specific use of an animal kennel facility at the subject site based on the proposed performance standards and other requirements of the Zoning Ordinance.

- **Number of Animals.** The applicant has not indicated the maximum number of animals that may be kenneled at the facility at any time. The maximum number of animals is subject to review by the Planning Commission and approval of the City Council. Information regarding the proposed number of interior animal kennels and facilities must be submitted.
- **Outdoor Run.** The applicant is proposing an approximate 45 x 20 (900 square foot) outdoor exercise run to the west side of the principal building. The outdoor run is to be enclosed by a six foot tall privacy fence to screen the area from surrounding properties and public streets.
- **Building Construction.** The applicant has not provided details regarding planned improvements to the interior of the building. The applicant will be required to provide additional information regarding the interior improvements, including addressing the requirements outlined by the proposed ordinance regarding noise control, wall/floor surfaces, and ventilation.
- **Waste Control.** The applicant indicates that waste disposal is to be accomplished using regular trash removal. To ensure that odor does not become an issue, the container for storage of animal waste must have a complete seal. The exterior trash area is located on the west side of the building at the south corner. The trash area must be fully enclosed by a minimum 6 foot tall privacy fence with a gate for access.
- **Off-Street Parking.** The existing building is approximately 3,450 square feet in area. The applicant has not provided a floor plan illustrating the planned interior uses of the building. The narrative describes kennels, veterinary facilities, training, and administrative functions. Section 1001.05, Subd. 9 outlines a requirement for the

number of off-street parking stalls to be provided for uses involving offices and instructional classes of one stall per 200 net square feet. Based on this requirement, 16 off-street parking stalls are required. There are 30 off-street parking stalls that will be available on the subject site for staff and patron use, which is adequate for the proposed facility and exceed Zoning Ordinance requirements.

- **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.

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

In conclusion the proposed animal kennel facility for Corners of Kindness Animal Rescue is an appropriate reuse of the existing building at 9000 Walnut Street. The propose use is consistent with and complementary of other commercial uses in the area and will be compatible with surrounding properties. Our office recommends approval of a Zoning Ordinance amendment, Zoning Map amendment, and conditional use permit as outlined in the attached ordinances and resolution, respectively.

Chair Werman opened the public hearing at 7:10 p.m.

The applicant Taylor Trabant, Executive Director of Corners of Kindness stated they started looking for a site over three years ago. The ground is a 5013C non-profit. Currently their 35-50 animals are in foster care with not central location. They'd like to expanded have their services under one roof: receiving in animals, veterinarian check-ups and emergency, on-site care of animals, storage of supplies and adoptions. The proposed site would allow for separation and kennels as needed and the floor under would be nonporous. This set-up would have less contamination and germs and allow for quarantines if needed. No remodeling proposed at this time. Most of the animals would still stay in foster care to evaluate the animals in a home setting, but this does not work in all cases. The site would be mainly used as a rescue and not boarding. In addition they would offer basic vet services: check-up, vaccinations and fixing the animals. The commission asked a few questions regarding after hours care of animals on site and animal waste. Ms. Trabant stated there would be camera system to watch the animals and the waste would be a combination of flushing or put in the garbage. In addition to the waste

removal the floors would be clean and moped as soon as possible (given a clean tray, scrap, spray, toss and mop). Each of the rooms also has a sink.

Chair Werman closed the public hearing at 7:33 p.m.

The Planning Commission discussed and agreed with the Planner's recommendations.

MOTION was made by Cihlar, seconded by Morter to recommend the City Council approve all three Resolutions: amending the Zoning Ordinance to change the Zoning Classification for the land located at 9000 Walnut Street from I-1 to C-3, amend the C-3 Zoning District to allow for Animal Kennels as a Conditional Use as discussed, and a approve a Conditional Use Permit for 9000 Walnut Street, along with the other ten conditions discussed.

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

The recommendation from the Planning Commission will be submitted to the City Council at their January 23, 2018 regular meeting for final approval or denial.

PUBLIC HEARING –Amending Zoning District C-3 to Allow On-Sale Liquor Establishments as a Permitted Use

Staff explained the City recently received an On-Sale Liquor application for a new bar/restaurant to be located within the Rockford Mall. Upon review of the ordinance it was discovered that On-Sale Liquor Establishments required a Conditional Use Permit (CUP). After speaking to Planner Licht, he did not find a need to require a CUP and suggested amending the C-3 Zoning District. This was discussed at the December 21, 2017 Special Planning and Zoning Commission Meeting where the Commission called for a Public Hearing to consider the zoning amendment.

Chair Werman opened the public hearing at 7:40 p.m.

No one from the public spoke

Chair Werman closed the public hearing at 7:40 p.m.

The Planning Commission agreed with the Planner's recommendations.

MOTION was made by Petersen-Biorn, seconded by Cihlar to recommend the City Council approve the Resolutions amending the Zoning Ordinance C-3 Section 1001.19 to allow on-sale liquor establishments as a permitted use.

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

The recommendation from the Planning Commission will be submitted to the City Council at their January 23, 2018 regular meeting for final approval or denial.

SET AGENDA

MOTION was made by Werman, seconded by Petersen-Biorn to set the agenda and accept the Special Planning and Zoning Commission Minutes from December 21, 2017.

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

OPEN FORUM

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

NEW BUSINESS**Proposed Zoning Amendments to Off-Street Parking and Accessory Buildings**

Planner Licht explained that there may be some conflict regarding Off-Street Parking within different sections of the Zoning Ordinance. Also, Accessory Building requirements for Building Permit Requirements changed from 120 square feet to 200 square feet and the ordinance should be amended. Staff will prepare zoning amendment recommendations.

MOTION was made by Cihlar, seconded by Morter to call for a Public Hearing to consider zoning amendments regarding: Off-Street Parking and Accessory Buildings.

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

Staff Reports

Deputy Clerk Etzel's report included: Commissioner Petersen-Biorn was sworn in for a three year term (2018-2020), Werman was appointed to Chair & Peterson-Biorn was appointed Vice Chair for Planning Commission 2018, upcoming public hearings for proposed zoning amendments to: legal non-conforming uses within the C-3 Zoning District as an interim use, off-street parking & accessory buildings, Council approved the small cell and right-of-way management ordinance amendments at their December 26, 2017 meeting, City Hall is closed January 15th in observance of MLK Jr. and the Fire Auxiliary Spaghetti Dinner is February 24th starting at 4:30pm.

ADJOURNMENT

MOTION TO ADJOURN was made by Morter, seconded by Petersen-Biorn.

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

Chair Werman adjourned the meeting at 7:52 p.m.

Submitted by Audra Etzel, Deputy Clerk