

CALL TO ORDER

Chair Werman called the regular meeting of the City of Rockford Planning and Zoning Commission to order on **February 8, 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 Sand. The following members were absent: Petersen-Biorn. Also in attendance was Planner Dan Licht and Deputy Clerk Etzel.

PUBLIC HEARING –Amendment to Zoning District C-3, Highway Commercial Section 1001.19 Regarding Existing Single Family Dwellings as an Interim Use

Planner Licht explained that the City of Rockford received an application from Tom and Maria Ditsch. They own a single family dwelling located at 8901 Highway 55 in Rockford. The property owners wish to expand the living space into the existing attached garage and construct a separate detached garage. The property is zoned C-3 District, which does not allow single family dwellings as permitted, conditional, or interim use, making the existing use of the property non-conforming. Non-conforming uses are regulated by Section 1001.04 of the Zoning Ordinance. Section 1001.04, Subd. 2 of the Zoning Ordinance states that non-conforming uses may be continued, but that no non-conforming use may be enlarged or increased. Only maintenance of the existing structure is allowed (siding, roof, furnace, etc.) If a non-conforming use is destroyed by fire or other natural event, the property owner has only six months to apply for a building permit to rebuild the previous structure or rights to the use are forfeited. The intent of the non-conforming use provisions is to eventually force removal of the residential use from the property when the lifespan of the structure has been exceeded. Expansion of the living area of the single family dwelling is in conflict with the allowances for continuation of non-conforming uses.

The Comprehensive Plan guides the subject site, the other single family property (owned by the City) between Autumn Oaks Drive and Lone Oak Drive abutting TH 55 and single family dwellings at the northeast quadrant of TH 55 and CSAH 50 for future commercial uses based on access and visibility from this major transportation corridor. The Comprehensive Plan is a long-range vision for future growth and development of Rockford. But, a market for redevelopment of these properties has not materialized and there are competitive sites within Rockford that may be more likely to develop with commercial uses in the near term.

To provide greater flexibility for the current property owners to use their properties in their current state, City staff recommends consideration of a Zoning Ordinance amendment making existing single family dwellings located on parcels zoned C-3 District interim uses as follows:

- B. *Single family dwellings existing as of [EFFECTIVE DATE] shall be designated as interim uses provided that:*
 1. *Not more than one (1) principal use shall be allowed upon the property.*

2. *Commercial uses as provided for within this District shall not be allowed until such time as the interim residential use ceases and the property complies with all requirements of this Chapter applicable to commercial uses; once converted to an allowed commercial use in conformance with the requirements of this Chapter, the residential use shall not be re-established.*

The proposed interim use provisions would remove the non-conforming status of the existing single family dwellings within the C-3 District. The buildings could continue to be used as is or expanded in terms of additional living area, addition of accessory structures, porches, or decks. The conditions placed upon the allowance of the single family dwelling as an interim use provide that the property is not partially or completely redeveloped without the residential use terminating. This approach allows current property owners of non-conforming single family dwellings within the C-3 District the ability to continue to use their property until such time as market forces or other factors will likely dictate redevelopment of the property for commercial uses consistent with the Comprehensive Plan.

The Planner recommends approval of the proposed Zoning Ordinance amendment as outlined herein.

Chair Werman opened the public hearing at 7:05 p.m.

The applicant Tom Ditsch from 8901 State Highway 55, agreed with the Planner's review. When he purchased the house he was single and intended the property to be an investment. Since purchasing, he has married with they have three children. At this time they would like to stay, but would like to remodel to accommodate their current needs. At some point they would like to move and sell to a developer.

Chair Werman closed the public hearing at 7:07 p.m.

The Planning Commission had no further discussion and agreed with the Planner's recommendations.

MOTION was made by Sand, seconded by Cihlar to recommend the City Council approve the Resolution amending the Zoning Ordinance within the C-3 Zoning District to make existing single Family Dwellings an Interim Use.

MOTION CARRIED – VOTING IN FAVOR – WERMAN, CIHLAR, MORTER and SAND.

The recommendation from the Planning Commission will be submitted to the City Council at their February 13, 2018 regular meeting for final approval or denial.

SET AGENDA

MOTION was made by Werman, seconded by Sand to set the agenda.

MOTION CARRIED – VOTING IN FAVOR – WERMAN, CIHLAR, MORTER and SAND.

OPEN FORUM

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

NEW BUSINESS**Staff Reports**

Deputy Clerk Etzel's report included: cancellation of the March 8th meeting, staff is working the proposed language for ordinance amendments to: accessory building and off-street parking, Developments: Hurstwoods 4th, Boulder Ridge and the Meadows, Council approved: rezoning, C-3 ordinance amendment to C-3 to all animal kennels and the conditional use permit for 9000 Walnut Street and the C-3 district on-sale liquor establishment as an allowed use at their January 23rd meeting, City Hall closed February 19th for President's Day, Fire Auxiliary spaghetti dinner February 24th starting at 4:30pm and the R-G Community Expo to be held March 17th.

ADJOURNMENT

MOTION TO ADJOURN was made by Werman, seconded by Morter.

MOTION CARRIED – VOTING IN FAVOR – WERMAN, CIHLAR, MORTER and SAND.

Chair Werman adjourned the meeting at 7:11 p.m.

Submitted by Audra Etzel, Deputy Clerk