

**CALL TO ORDER**

Chair Werman called the regular meeting of the City of Rockford Planning and Zoning Commission to order on **March 12, 2015** 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: Fuller, Petersen-Biorn, Sand, and Werman. The following members were absent: Cihlar. Also in attendance was Planner Dan Licht and Deputy Clerk Etzel.

**PUBLIC HEARING/Conditional Use Permit - Accessory Building at 9061 Woodhill Drive**

Planner Licht's noted the City is in receipt of an application from Mr. Paul Hooper, owner of a single family home at 9061 Woodhill Drive. The subject site is 29,989 square feet in area and is zoned R-1, Single Family Residential District. Mr. Hooper is proposing to build a 1,144 square foot detached accessory building with a height of 19 feet as defined by the Zoning Ordinance. Section 1001.07, Subd. 4 of the Zoning Ordinance limits the area of detached structure accessory to residential uses to 1,000 square feet and a height of 12 feet measured to the mid-point of the pitched roof. Section 1001.07, Subd. 4.G allows exceptions to the area and height limits for residential accessory structures by conditional use permit. A public hearing has been noticed for March 12, 2015 to consider Mr. Hooper's application.

Applications for a conditional use permit for exceptions to the area and height limits for residential accessory structures applications are subject to the following conditions outlined in Section 1001.07, Subd. 4.G of the Zoning Ordinance:

1. The area of the accessory building is not larger than the gross floor area of the principal building.  
*Comment: The applicant has not specified the area of the single family dwelling upon the property. The footprint of the two story structure is approximately 30 feet by 40 feet and includes an enclosed porch and additional living space behind the attached garage. Based on these approximate dimensions, the area of the single family dwelling exceeds that of the proposed detached accessory building.*
2. The height of the accessory building shall not exceed that of the principal building.  
*Comment: The existing single family dwelling is a two story building. Although plans have not been submitted indicating the height of the single family dwelling measured to the midpoint of the pitched roof, the height of the proposed detached accessory building at 19 feet is less than that of the house.*
3. There is a demonstrated need for the building area or height increase and the accessory building has an evident re-use or function related to the principal use.  
*Comment: The applicant indicates that the additional height and area is necessary to accommodate storage of a boat and other hobby related uses accessory to the single family dwelling. The proposed overhead door on the building is 14.5 feet to accommodate the boat and dictates the overall height of the structure. City staff recommends a specific condition be included with approval of the application to prohibit any business activities too from occupying the proposed building to ensure that the use remains accessory to the allowed residential use of the property.*
4. The accessory is of a scale and design that is compatible with the character of the property or neighborhood in which it is located.

The application does not indicate the exterior materials and colors to be utilized for the proposed detached accessory building. Section 1001.07, Subd. 2 requires that the construction of detached accessory buildings be consistent with that of the principal building on the lot in terms of roof pitch, type of exterior material and color. So as to comply with this provision, the detached accessory structure must use a grey horizontal lap siding and dark grey trim. The applicant should also verify that the slope of the roof on the detached accessory building is the same as that of the gable above the attached garage for a consistent appearance when viewed from the street.

Section 1001.05, Subd. 4 limits single family properties to one driveway access from a public street unless additional driveways are approved by conditional use permit. This section also requires that all driveways to single family properties be paved with bituminous, concrete or paver brick. A conditional use permit allowing a second driveway to the property was approved by the City Council on July 8, 2003. The submitted plans do not indicate construction of a second driveway. Provided that the detached accessory building is utilized only for storage of a boat or similar recreational vehicles, a paved driveway is not necessary given the more limited use of such equipment. However, if use of the building would change to parking passenger vehicles, a paved driveway would be required by the Zoning Ordinance and would be enforceable by the City.

The submitted plans do not identify the extent of site work required for construction of the detached accessory building. Section 1007 of the City Code requires application for a land alteration permit if the proposed site work involves moving of more than 10 yards of dirt. The land alteration permit is processed administratively and is subject to review and approval of the City Engineer.

Consideration of a conditional use permit is subject to the criteria outlined in Section 1001.03, Subd. 5 of the Zoning Ordinance. Findings of fact consistent with the criteria for approval of a conditional use permit have been drafted by City staff and provided to the Planning Commission for review.

The application for a conditional use permit to allow a detached accessory building with greater area and height than allowed by the Zoning Ordinance meets the applicable criteria for approval including being appropriate in scale to the property and other properties in the same zoning district. Our office recommends approval of the application subject to the following conditions:

1. The exterior materials for the detached accessory structure must use a grey horizontal lap siding and dark grey trim.
2. The slope of the roof for the detached accessory building shall be the same as that of the gable above the attached garage, subject to approval of City staff.
3. The detached accessory building shall not be utilized for any business activities and the use shall remain accessory to the allowed residential use of the property in accordance with the Zoning Ordinance.
4. Use of the building beyond storage of recreational vehicles and equipment to include parking of passenger vehicles shall construct a paved driveway to the detached accessory building.

5. The property owner shall apply for a land alteration permit if the proposed site work involves the moving of more than 10 yards of dirt, subject to review and approval of the City Engineer.

Deputy Clerk Etzel noted the property does have a Conditional Use Permit for a second driveway.

Chair Werman opened the hearing to public comments at 7:05 pm.

Paul Hooper of 9061 Woodhill Drive was present to answer question. The roof pitch will be reviewed when the building permit is submitted.

Chair Werman closed the public hearing at 7:06 p.m.

The Planning Commission discussed what the Planner Licht's recommendations are. There was one question regarding the roof pitch. Planner Licht explained the calculation is the midpoint of the roof pitch.

The Planning Commission agreed with the Planner's recommendations.

**MOTION** was made by Peterson-Biorn, seconded by Fuller to recommend approval of the Conditional Use Permit for an accessory building to be 1,144 square feet with a height of 19 feet as defined in the zoning ordinance, along with the other conditions as noted.

**MOTION CARRIED – VOTING IN FAVOR – WERMAN, FULLER, PETERSON-BIORN, and SAND.**

The recommendation from the Planning Commission will be submitted to the City Council at their March 24, 2015 regular meeting for final approval or denial.

**\*Approve Regular Planning and Zoning Minutes/February 12, 2015**

**MOTION** was made by Fuller, seconded by Sand to approve the minutes of the February 12, 2015 Regular Planning and Zoning Meeting.

**MOTION CARRIED – VOTING IN FAVOR – PETERSON-BIORN, FULLER, and SAND. OBSTAINED – WERMAN.**

**OPEN FORUM**

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

**Deputy Clerk's Report**

The Deputy Clerk's report included: Council approved the appointment of Cihlar and Ordinance #15-01 Zoning Amendments and Ordinance #15-02 Wetland Setback, next meeting is April 9<sup>th</sup>, Public Works Supervisor Peterson is retiring on May 1<sup>st</sup> and upcoming community events

**ADJOURNMENT**

**MOTION TO ADJOURN** was made Werman, seconded by Peterson-Biorn.

**MOTION CARRIED** – VOTING IN FAVOR – WERMAN, FULLER, PETERSON-BIORN, and SAND.

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

*Submitted by Audra Etzel, Deputy Clerk*