

**CALL TO ORDER**

Vice Chair Petersen-Biorn called the regular meeting of the City of Rockford Planning and Zoning Commission to order on **February 11, 2016** 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: Petersen-Biorn, Sand and Cihlar. The following members were absent: Werman. Also in attendance was Planner Dan Licht, Council Member Buoy and Deputy Clerk Etzel.

**ELECTION OF OFFICERS FOR 2016**

**MOTION** was made by Petersen-Biorn, seconded by Sand to elect Mike Werman as Chairperson of the Planning and Zoning Commission for 2016.

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

**MOTION** was made by Sand, seconded by Cihlar to elect Wendy Peterson-Biorn as Vice Chairperson of the Planning and Zoning Commission for 2016.

**MOTION CARRIED – VOTING IN FAVOR – PETERSON-BIORN, SAND and CIHLAR**

**PUBLIC HEARING/Conditional Use Permit – 8906 Autumn Oaks Drive for Outdoor Storage, Major Automotive Repairs and to Allow Outdoor Sales and Display of Passenger Vehicles.**

Planner Licht of the Planning Company noted Russell Enterprises LLC, on behalf of property owner Teresa W. Pfister, is requesting approval of for their business involving the acquisition, repair and sale of salvage vehicles at 8906 Autumn Oaks Drive. The subject site is zoned C-3, Highway Commercial District. Major and minor auto repair and automobile sales uses are allowed by conditional use permit within the C-3 District. A public hearing has been noticed for the Planning Commission meeting on 11 February 2016 at 7:00 PM to consider the request.

The Comprehensive Plan guides the subject site for commercial land uses. The proposed use is consistent with the guidance of the future land use plan.

The subject site is zoned C-3 District which allows major and minor auto repair and automobile sales as a conditional use subject to the standards established by Section 1001.03, Subd. 5.D of the Zoning Ordinance.

The subject site is surrounded by the following existing and planned land uses shown in the table below. Provided that the auto repair activity is conducted entirely within the building and measures are taken to further limit noise impacts and provide screening, the proposed use will be compatible with adjacent uses.

<b>Direction</b>	<b>Land Use Plan</b>	<b>Zoning Map</b>	<b>Existing Use</b>
North	Commercial	C-3 District	C/I building
East	Commercial	C-3 District	C/I building

South	Commercial	C-3 District	C/I building
West	NA	NA	Rural residential (township)

Lots within the C-3 District must be at least one acre in area with a minimum width of 150 feet and minimum depth of 150 feet. The subject site complies with these requirements.

The table below illustrates the setbacks required within the C-3 District applicable to the subject site:

	Front	Side	Rear	Parking	
				Front	Side/Rear
Required	35ft.	15ft.	25ft.	15ft.	5ft.
Proposed	36ft.	15ft.	50ft.	35ft.	<5ft.

The existing parking lot at its northeast corner does not comply with the required five foot setback and is non-conforming. The expansion of the hard surfaced area within the proposed fence does comply with applicable setbacks.

The existing 4,512 square foot building is a single story, metal sided structure. The applicant states no modifications to the existing building are proposed other than incidental repairs to several areas of the siding and the addition of gutters on the north side of the building.

No landscape plan has been submitted. The applicant’s narrative states that tree maintenance will be done in the spring as well as planting of additional materials to improve the property. Consistent with the requirements imposed for the recent CUP application to the east of the subject site, the applicant should provide a plan for installation of boulevard trees along Autumn Oaks Drive and shrubs at the northeast corner of the site to provide screening of the off-street parking areas. The applicant also indicates that the area to the west of the building will be a combination of grass and gravel (accommodating an outdoor seating area) to protect an existing oak tree. A more defined plan for this area of the site is to be provided to ensure there is separation from the proposed vehicle accessible hard surface area.

Section 1001.05, Subd. 9 of the Zoning Ordinance establishes the following off-street parking requirements for the subject site:

Use	Area	Requirement	Stalls
Office	480sf.	3 + 1 stall /200sf.	6
Warehouse/Shop	4,032sf.	1 stall/1,500sf.	3
Total			9

The site plan indicates there are nine parking stalls existing on the subject site. The site plan must be revised to illustrate the parking stalls in accordance with the dimensions required by Section 1001.05, Subd. 4.H. 1 of the Zoning Ordinance requiring stalls to be a minimum of nine feet wide by 18 feet deep, which appears to allow for up to 12 stalls along the existing pavement. A minimum of one off-street parking stall must be designated for disability accessible vehicles. As nine of the 12 stalls that can be provided on the existing paved area are required to meet the

off-street parking requirements for the existing building, a minimum of two spaces proposed for display vehicles offered for sale would need to be within the fenced area shown on the site plan. A revised site plan illustrating a parking layout and designation of the spaces for display/storage of vehicles offered for sale will need to be provided prior to the City Council's consideration of the application.

There is no concrete curb surrounding the off-street parking stalls, which is required by Section 1001.05, Subd.4.H.15 of the Zoning Ordinance. The expansion of the surface area west of the existing parking area may be exempt from providing curbing as a one-time exception by Section 1001.05, Subd. 4.C.2 based on the City Engineer finding that adequate provisions are made to control storm water runoff from the additional surface. City staff also recommends that the expanded surface west of the existing parking area be surfaced with asphalt as required by the Zoning Ordinance.

The proposed use involves repair of autos damaged to the extent that they have been salvaged by their insurance companies. The extent of repairs may involve painting, which would be subject to Minnesota Pollution Control Agency requirements and the applicant must provide documentation of appropriate permits. Also, noise from what may include major auto repair has potential to effect surrounding properties. As such, we recommend a condition of approval be that all exterior doors to the area of the building where the repairs are made are to remain closed at all times.

City staff is concerned that the proposed fenced area of the property may be used for outdoor storage of vehicles either awaiting repairs or those being offered for sale, which raises two issues: First, the proposed Class 3 surface of the fenced in area would be pervious and allow fluids leaking from damaged vehicles to enter the soil. City staff recommends that the proposed Class 3 area shown on the site plan be paved with a hard surface and surrounded by concrete curb and gutter to direct any storm water runoff to the storm water system. Second, the proposed fence is to be a chain link fence with plastic slats. Such fences do not provide for a complete screen of the enclosed area and the slats can be damaged over time further degrading their screening ability. City staff recommends that either:

1. The proposed fence be constructed of solid weather resistant wood, vinyl or metal panels to a height of eight feet; or,
2. The conditional use permit shall specify that no outdoor storage of unlicensed vehicles, vehicles not in such condition so as to be legally operated, and auto parts are prohibited at all times.

The submitted information does not indicate any exterior lighting is to be added to the subject site. If any exterior light fixtures are installed, they must have a 90 degree horizontal shield to prevent light from being cast to the property line or into the public street. We recommend adding this requirement as a condition of approval for the conditional use permit.

The applicant's narrative states that there will be no signage upon the property. Any signs that are proposed in the future are subject to the requirements of Section 1001.08 of the Zoning Ordinance and require issuance of a sign permit prior to installation.

The applicant indicates that trash containers will be kept within the enclosed fenced area proposed on the site plan. The trash containers would thus be screened from view of all public streets and adjacent properties as required by Section 1001.09, Subd. 19.B.2 of the Zoning Ordinance.

The expansion of hard surface within the subject site is subject to review and approval of the City Engineer for compliance with existing stormwater management plans for the subject site and determination of adequate storage and treatment facilities.

The applicant is not proposing any modification to the existing municipal utilities serving the subject site.

Planner Licht recommend approval of a conditional use permit for 8906 Autumn Oaks Drive subject to the following conditions:

1. The applicant shall provide a plan for installation of boulevard trees along Autumn Oaks Drive and shrubs at the northeast corner of the site to provide screening of the off-street parking areas, subject to review and approval of City staff.
2. The site plan shall be revised to provide additional detail for that area to the west of the building to be a combination of grass and gravel (accommodating an outdoor seating area) to protect an existing oak tree, which is to be subject to review and approval of City staff.
3. The site plan shall be revised to illustrate the nine (9) parking stalls and five (5) stalls for outdoor storage display of vehicles offered for sale in accordance with the dimensions required by Section 1001.05, Subd. 4.H. 1 of the Zoning Ordinance requiring stalls to be a minimum of nine feet wide by 18 feet deep.
4. A minimum of one off-street parking stall must be designated for disability accessible vehicles.
5. There shall be no outdoor storage or display of more than five (5) vehicles offered for sale upon the subject site; vehicles offered for sale shall be kept within the principal building or within the stalls designated on the site plan for outdoor display/sales; all vehicles stored outdoors shall be eligible for license and shall be in such condition so as to be legally operable upon public streets.
6. The site plan is revised to provide asphalt or other impervious surface approved by City staff where a Class 3 surface is proposed, and provide concrete curb as determined necessary by the City Engineer for storm water management purposes.
7. The applicant shall provide documentation of applicable MPCA permits for all major auto repair activities, including painting.
8. All exterior doors to the area of the building where the auto repairs are made are to remain closed at all times except when moving vehicles in/out of the building.
9. The proposed fence shall be constructed of solid weather resistant wood, vinyl or metal panels to a height of eight feet, subject to approval of a building permit.
10. Installation of any exterior light fixtures shall include a 90 degree horizontal shield.
11. Any signs that are proposed in the future are subject to the requirements of Section 1001.08 of the Zoning Ordinance and require issuance of a sign permit prior to installation.

12. Any trash, recycling or used auto parts shall be stored in compliance with Section 1001.09, Subd. 19.B.2 of the Zoning Ordinance.
13. All grading, storm water management, and erosion control issues are subject to review and approval of the City Engineer.

Vice Chairperson Peterson-Biorn opened the public hearing at 7:10 p.m.

Planner Licht noted a new site plan needs to be submitted.

Vice Chairperson Peterson-Biorn closed the public hearing at 7:11 p.m.

The commission discussed the proposal and had concerns about noise and exhaust. The applicant Tom Russell stated they would have normal business hours 8am to 5pm Monday thru Friday with some appointments on Saturday. The garage doors will remain closed unless vehicles are coming in and out, so noise will be contained.

The Planning Commission agreed with the Planner's recommendations.

**MOTION** was made by Sand, seconded by Cihlar to recommend the City Council approve the Resolutions approving the Conditional Use Permit (CUP) for outdoor storage, major automotive repairs and allow for the outdoor sales and display of passenger vehicles within the property located at 8906 Autumn Oaks Drive; along with the other thirteen conditions listed and a new site plan.

**MOTION CARRIED – VOTING IN FAVOR – PETERSON-BIORN, SAND and CIHLAR**

The recommendation from the Planning Commission for the conditional use permit will be submitted to the City Council at their February 23, 2016 regular meeting for final approval or denial.

### **OPEN FORUM**

Vice Chairperson Peterson-Biorn called for open forum, no one from the public spoke.

### **Staff Reports**

Deputy Clerk Etzel's report included: still seeking a Planning Commissioner to fill a vacant term expiring on December 31, 2018, Downtown Project, Lumberyard Re-Development and upcoming community events.

### **ADJOURNMENT**

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

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

Vice Chairperson Peterson-Biorn adjourned the meeting at 7:20 p.m.

*Submitted by Audra Etzel, Deputy Clerk*