

**CALL TO ORDER**

Chair Werman called the regular meeting of the City of Rockford Planning and Zoning Commission to order on **April 12, 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, Council Member Buoy, Parks Supervisor Desens and Deputy Clerk Etzel.

**PUBLIC HEARING –Amend Planned Unit Development for 8900 Walnut Street (Pylon Sign)**

Planner Licht read from his report dated April 9th explaining that the City of Rockford received an application from Westrock Shopping Center LLC and they are proposing to replace the existing freestanding sign at the property located at 8900 Walnut Street (former Rockford City Center Mall). A 300 square foot, with a maximum height of 24 feet tall sign is proposed. A public hearing to consider a PUD Development Stage Plan amendment for the proposed sign has been noticed.

Exhibits included: Site location map and proposed sign

The property is zoned Planned Unit Development (PUD). PUDs may be approved by a PUD Ordinance or by a PUD Development Stage Plan, the performance applicable to the property are to be the same as required by the Zoning Ordinance. Flexibility from the requirements of the Zoning Ordinance may be approved if the Planning Commission and City Council find that the request is consistent with the intent of the established standard and that flexibility achieves the development objectives of the PUD District for the property.

Section 1001.08, Subd. 8.T of the Zoning Ordinance regulates signs for multiple tenant commercial buildings such as the Westrock Mall having more than 3 tenants. Freestanding signs for multiple tenant commercial buildings are to be the same as allowed with the C-3, Highway Commercial District. Section 1001.08.D.2 of the Zoning Ordinance allows one freestanding sign per property with an area not to exceed 120 square feet or a height of 24 feet. The allowed sign area and height limit apply regardless if the property has one tenant or up to the 10 store fronts possible at the Westrock Shopping Center.

The property owner is proposing a freestanding sign with an area up to 300 square feet that is 24 feet in height. The sign would include space for up to 10 tenant signs (two spaced being taken by Clay's on the plan image) and identifying the Westrock Center as a retail destination. The size of individual signs in a standard slot would have lettering/images up to 8 inches in height. The number of individual signs within the structure allows for each tenant to be identified by traffic passing on TH 55 and the lettering size ensures adequate visibility to read and understand the sign. The proposed sign is consistent with the objectives of the sign regulations included in the Zoning Ordinance to allow for business identification balanced with traffic safety and community aesthetics.

The existing sign is located within the yard abutting Walnut Street. Section 1001.08, Subd. 8.B of the Zoning Ordinance requires all signs to be setback 10 feet from property lines. The existing sign encroaches into this required setback. However, the location of the sign is acceptable to ensure maximum visibility from TH 55, which is further south of Walnut Street. Allowing the sign at this location is a tradeoff to avoid the need for an even larger sign to be constructed to maintain the same level of visibility from a greater distance. The pylon construction of the sign will preserve visibility along Walnut Street allowing vehicles to see under the sign.

The Planner recommended approval of a PUD Development Stage Plan to allow for placement of a sign with maximum area of 300 square feet and maximum height of 24 feet setback zero feet from the Walnut Street public right-of-way.

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

No one from the public spoke.

Chair Werman closed the public hearing at 7:04 p.m.

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

**MOTION** was made by Sand, seconded by Morter to recommend the City Council approve the PUD Development Stage Plan to allow for placement of a sign with maximum area of 300 square feet and maximum height of 24 feet setback zero feet from the Walnut Street public right-of-way.

**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 April 24, 2018 regular meeting for final approval or denial.

**PUBLIC HEARING – Resolution #BA18-01 Variance for Side Yard Setback in Parkwood Park for a Batting Cage**

Planner Licht explained that the Parks and Recreation Department is proposing to construct a batting cage within Jim Thome Park. The 14 foot by 70 foot structure would be located west of the right field foul line of the baseball field adjacent to the west line of the park outlot. The proposed location of the batting cage encroaches into a required side yard setback. A public hearing to consider approval of a variance to allow the batting cage to be setback 5 feet from a side lot line has been noticed for the Planning Commission meeting on 12 April 2018.

Exhibits included: Site location map and Parkwood preliminary plat

The subject site is zoned PUD, Planned Unit Development District as part of the Parkwood Development. The Parkwood PUD requires a 10 foot side yard setback. Due to the location of the ballfield and existing utility and irrigation facilities between the ballfield and west property

line of the park, there is not sufficient room to locate the proposed batting cage in compliance with the required setback. The proposed location of the batting cage is to be setback 5 feet from the west property line.

The property is in a unique condition based on the phased development of Parkwood. Land to the west of the park property has been preliminary platted to be rear lot lines of single family lots abutting the park. As such, the park property will be the larger open space of rear yards with additional drainage and utility easement on that side of the property line. In the interim, the undeveloped property to the west continues as an agricultural parcel. Maintenance of a 5 foot setback from the west property line provides adequate separation of the batting cage from the property line and ensures area for on-site stormwater drainage and any utilities.

Consideration of variance applications is to be based upon the criteria established by Section 1001.03, Subd. 4.A of the Zoning Ordinance. Section 1001.03, Subd. 4.A.2 states that the conditions upon which an application for a variance is based are unique to the parcel of land for which the variance is sought and are not applicable, generally, to other property within the same zoning classification. The Parkwood PUD established development standards with the intent of maximizing the developable area of the subdivision while protecting wetlands and floodplain areas as permanent open space. The City's control of the existing developed park property and future development of the property to the west at the time of final plat approval as rear yards is a unique condition applicable only to the Parkwood PUD. The proposed 5 foot setback is adequate to preserve the intent of the Zoning Ordinance with regards to side yard setback requirements between adjacent properties in the interim consistent with Section 1001.03, Subd. 4.A.5 of the Zoning Ordinance stating that the granting of the variance will not be detrimental to the public welfare or injurious to other land or improvements in the neighborhood in which the parcel of land is located.

The Planner recommends approval of a variance to allow a 5 foot side yard setback for batting cages constructed at Jim Thome Park.

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

Mike Peterson of 7006 Jenks Drive stated he lives near Jim Thome Park in the Parkwood Development and he is in full support of the variance for the batting cage

Chair Werman closed the public hearing at 7:08 p.m.

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

**MOTION** was made by Sand, seconded by Morter to approval Resolution #BA18-01 a variance to allow a 5 foot side yard setback for batting cages constructed at Jim Thome Park.

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

**SET AGENDA AND APPROVE CONSENT AGENDA ITEMS**

**MOTION** was made by Werman, seconded by Sand to set the agenda and accept the January 11, 2018 and February 8, 2018 Regular Planning and Zoning Commission Minutes.

**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 April 26th meeting, staff is working the proposed language for ordinance amendments to: accessory building and off-street parking, Developments: Hurstwoods 4<sup>th</sup>, Boulder Ridge and the Meadows, new construction permits, staff is receiving zoning calls for potential development, on February 13<sup>th</sup> the Council approved the C-3 Zoning Amendment regarding existing single family dwellings as interim use, Clean Up Day May 5<sup>th</sup> and Fire Department Pancake Breakfast May 6<sup>th</sup>.

**ADJOURNMENT**

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

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

Chair Werman adjourned the meeting at 7:13 p.m.

*Submitted by Audra Etzel, Deputy Clerk*