

CALL TO ORDER

Planning Commissioner Werman called the regular meeting of the City of Rockford Planning and Zoning Commission to order on **July 9, 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: Werman, Cihlar, Petersen-Biorn and Sand. The following members were absent: None. Also in attendance were Administrator Madsen and Deputy Clerk Etzel.

PUBLIC HEARING/Conditional Use Permit – Buzzco, Inc./6001 Lone Oak Road

A public hearing has been scheduled to consider an amendment to a 2006 conditional use permit to increase the allowed number of automobile display spaces to 35.

Buzzco, LLC owns the commercial property located at 6001 Lone Oak Drive. The subject site is zoned C-3 District and a conditional use permit (CUP) was approved by the City on 26 February 2006 allowing outdoor automobile sales and display. The CUP limited the outdoor display of automobile sales to not more than 20 vehicles and required that a minimum of 10 parking stalls be provided for off-street parking, although there are 36 stalls marked on the site. The property owner is continuing the automobile sales use by leasing the property to seven individually licensed automobile dealers. State licensing requirements for automobile dealers require each license holder to have space to display a minimum of five vehicles, which would require 35 display spaces for the seven licensed dealers to occupy the subject site. The property owner is requesting an amendment of the 2006 CUP to increase the allowed number of automobile display spaces to 35. A public hearing has been noticed for the Planning Commission meeting on 9 July 2015 to consider the application.

Planning Commission received the following for review: Site Aerial Photograph & Certificate of Survey and Parking Plan

The 2006 Conditional Use Permit indicates that there are to be 36 off-street parking stalls within the property. Of these parking stalls, not more than 20 stalls were allowed to be used for outdoor display of automobiles offered for sale (divided between two dealers and limited to vehicles less than 26,000lbs GVW). The CUP also specified that a minimum of 10 off-street parking stall are to be provided on site, assumed to be for employee and patron parking, which the CUP notes is eight less than the number required by the Zoning Ordinance.

The property owner is proposing to lease the property to seven individually licensed automobile dealers. Minnesota Statutes 7400.4100, Subd. 3 includes requirements for licensed automobile dealers to provide a display area for a minimum of five vehicles. City staff interprets this requirement as being specific to the display area and separate from the provision of off-street parking areas for employees and patrons as required by the Zoning Ordinance. Based on the State display area requirement, there must be space on the subject site for display of at least 35 vehicles to accommodate the seven individually licensed automobile dealers as tenants. The property owner is not proposing to alter the size of the building to accommodate the seven individually licensed automobile dealers as tenants. As such, it is not considered necessary to revise the number of off-street parking stalls provided for patrons and employees beyond that required by the conditions of the 2006 CUP. A minimum of 10 off-street parking stalls must be maintained on site exclusive of automobile display spaces.

The property owner has submitted a certificate of survey and parking plan to expand the parking area to provide 45 stalls (35 display plus 10 parking) meeting the minimum 9 foot by 18 foot dimensions required by the Zoning Ordinance. The expanded parking surface complies with the 10 foot setback from Lone Oak Road. The Zoning Ordinance also requires a five foot setback for parking areas from interior lot lines. The existing parking surface encroaches into this required setback adjacent to the south and west lot lines (and onto the abutting property to the South). So as to not increase the degree of non-conformity, the parking plan must be modified to relocate two of the proposed stalls and add one additional stall to account for the stall partially on the adjacent property. These site plan changes are illustrated on the attached exhibit.

The existing parking surface does not have perimeter concrete curb as required by the Zoning Ordinance. Section 1001.04, Subd. 4.C.2 of the Zoning Ordinance allows a one-time exemption from installing concrete curb provided that the expansion is not more than 2,000 square feet and subject to review and approval of the City Engineer for adequate storm water management. We recommend that all grading, drainage and erosion control issues, including the exemption of concrete curb, be made a condition of approval of the amended CUP subject to review by the City Engineer.

Planner Licht's office recommends approval of a CUP amendment for 6001 Lone Oak Drive based on the information presented subject to the following conditions:

1. The outdoor display and sale of automobiles on the premises is limited to thirty five (35), which also must be less than 26,000lbs. GVW, and must be parked on a paved surface.
2. There shall be a minimum of (10) off-street parking stalls, one of which is to be disability accessible, provided within the premises at all times.
3. All vehicles displayed for sale shall be eligible for license and shall be in such condition so as to be legally operable upon public streets.
4. No other outdoor storage is allowed.
5. No major or minor automobile repair, service or parts operation is allowed to be performed on the premises.
6. All vehicles displayed and offered for sale shall be the property of or consigned to a current Minnesota Licensed Automobile Dealer and shall provide proof to the City with a copy of such license from the Minnesota Department of Public Safety upon request.
7. All signs displayed upon the property shall comply with the provisions of Section 1001.08 of the Zoning Ordinance.
8. Any exterior lighting shall comply with the provisions of the Zoning Ordinance and is subject to review and approval of the Zoning Administrator.
9. Any exterior trash or recycling containers shall be screened from view of adjacent properties and the public right-of-way in accordance with the provisions of the Zoning Ordinance.
10. The site plan shall be revised to provide expansion of the parking area such that there are 45 parking stalls entirely within the premises and any expanded parking areas are setback a minimum of five feet from any interior lot line.
11. All grading, drainage and erosion control issues, including the one-time exemption from installation concrete curb as allowed by Section 1001.04, Subd. 4.C.2 of the Zoning Ordinance, shall be subject to review and approval of the City Engineer.

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

No one from the public spoke.

Planning Chair Werman closed the public hearing at 7:27 p.m.

The Planning Commission ask if there were any concerns about the drainage and staff noted the Engineer will review prior to installation of the new pavement. The Planning Commission agreed with the Planner’s recommendations.

MOTION was made by Petersen-Biorn, seconded by Werman to recommend the City Council approve the Resolutions to approve an amendment to the conditional use permit to increase the allowed number of automobile displace spaces to 35 cars.

MOTION CARRIED – VOTING IN FAVOR – WERMAN, CIHLAR, PETERSEN-BIONR and SAND.

The recommendation from the Planning Commission will be submitted to the City Council at their July 14, 2015 regular meeting for final approval or denial.

PUBLIC HEARING/Conditional Use Permit/Variance – City of Rockford/Ground Mount Solar Arrays

Administrator Madsen explained the City of Rockford has been working with Wright-Hennepin Electric Cooperative on installation of a solar gardens on land otherwise undevelopable or unusable. Initially the City’s west watertower facility located in Millennium Park just north of TH 55 and west of Bleck Drive. The Fire Department site located on Main Street and north of the Central Business District and Riverside Park as a back-up location for ground mount solar panels. The installation would include up to 200 ground mounted solar panels. The solar panels are regulated by Section 1001.09, Subd. 21.B of the Zoning Ordinance. The City has initiated a public hearing for 9 July 2015 at 7:00 PM to consider the proposed solar panel installation at both locations.

The ground mounted solar panels are allowed to cover up to 5 percent of the area of the subject site. Based on the area of the subject site being 2.84 acres, the solar panels may cover 6,185.5 square feet.

	Lot Area	5% of Lot Area
Watertower	2.84ac.	6,185.5sf.
Fire Department	3.80ac.	8,276.4sf.

The City has noticed consideration of a variance to allow the coverage to exceed 5 percent of the lot area at either site. For the watertower site, the basis for the variance is that the subject site is occupied a unique essential utility service without spatial requirements typical of other allowed uses within the I-1 District governing Millennium Park. Likewise, this reasoning applies to the Fire Department site, which is zoned POC District. There is also additional City owned property adjacent to the Fire Department site, as the Public Works Building and Waste Water Treatment Facility are each located on separates parcel to the west and south totaling 9.1 acres. This reasoning satisfies the criteria for approval of a variance outlined in Section 1001.03 Subd. 4.A. of the Zoning Ordinance.

The ground mounted solar panels must be setback 10 feet from side or rear lots lines and 30 feet from lot lines abutting the public right-of-way. Both the watertower and Fire Department sites have adequate area to accommodate the proposed solar gardens within required setbacks.

Ground mounted solar panels are allowed to be installed up to the height allowed for principal buildings within the respective zoning districts. The maximum height allowed at the watertower site, which zoned I-1 District, is 48 feet and which the ground mounted solar panels would be expected to be within. There is no height limit within the POC District applicable to the Fire Department site.

The solar panels proposed to be installed on the Rockford City Center Mall are an allowed use in C-3 district.

Planner Licht's office recommends approval of a conditional use permit and variance to allow installation of ground mounted solar panels on the watertower site within Millennium Park and at the Fire Department site, subject to the following conditions:

1. A site plan is prepared indicating the location of the ground mounted solar panels.
2. The solar panels shall be setback 10 from side or rear property lines and 30 feet from property lines abutting a public right-of-way.

Chair Werman opened the public hearing at 7:22 p.m.

Janet Blair of 6671 Maple Drive wanted to express her concerns about potentially having to view the solar panels. Upon further review it was determined the panels would not be visible if the Fire Department site were to have solar panels installed. Staff noted the Fire Department is a back-up site and the conditional use permit expires after eighteen months if not installed.

Planning Chair Werman closed the public hearing at 7:28 p.m.

Steve Nisbet of Wright-Hennepin Electric, 6800 Electric Drive was present to answer questions.

The Planning Commission wanted to know how the energy is stored or used. Mr. Nisbet stated the energy will off-set the city's energy and be put into the grid.

Commissioner Petersen-Biorn discussed the solar garden behind Wright-Hennepin. Mr. Nisbet said these panels help off-set consumer's bills. The panels do not turn or move and the matte color does not reflect the sunlight, there is some metal framing around the panels.

The Commission wanted to know why only 60 panels were being installed on the Rockford City Center Mall roof top. Administrator Madsen explained the mall may not always be owned by the city for the duration of the contract and this would expose the city. A structural engineer was hired by Wright-Hennepin and went with about half of the recommendation at this time. In the future more panels could be added.

Lindy Voss of 6511 Maple Drive asked if Xcel could buy out Wright-Hennepin. Ms. Nisbet explained the districts were divided up in 1974, it would be highly unlikely; but they do sometimes trade.

Commissioner Sand wanted to know if the back-up site at the Fire Department was required. Administrator Madsen explained it always good to have a back-up plan in place.

There was some discussion about how much energy would be generated.

The Planning Commission agreed with the Planner's recommendations.

MOTION was made by Werman, seconded by Sand to recommend the City Council approve the Resolution #BA15-03 to approve a variance for solar panels to exceed the five (5) percent lot coverage.

MOTION CARRIED – VOTING IN FAVOR – WERMAN, CIHLAR, PETERSEN-BIONR and SAND.

MOTION was made by Sand, seconded by Cihlar to recommend the City Council approve the Resolutions to approve a conditional use permit for ground mount solar panels with the conditions listed.

MOTION CARRIED – VOTING IN FAVOR – WERMAN, CIHLAR, PETERSEN-BIONR and SAND.

The recommendation from the Planning Commission will be submitted to the City Council at their July 14, 2015 regular meeting for final approval or denial.

***Approve Regular Planning and Zoning Minutes/May 14, 2015**

MOTION was made by Petersen-Biron, seconded by Sand to approve the May 14, 2015 Regular Planning and Zoning minutes.

MOTION CARRIED – VOTING IN FAVOR – WERMAN, CIHLAR, PETERSEN-BIONR and SAND.

OPEN FORUM

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

Deputy Clerk's Report

The Deputy Clerk's report included: Seeking a Planning Commissioner to fill Commissioner Fuller's term expiring on December 31, 2015, June 23, 2015 P&Z will have a public hearing, and the upcoming community events.

ADJOURNMENT

MOTION TO ADJOURN was made by Werman, seconded by Petersen-Biron.

MOTION CARRIED – VOTING IN FAVOR – WERMAN, CIHLAR, PETERSEN-BIONR and SAND.

Chair Werman adjourned the meeting at 7:47 p.m.

Submitted by Audra Etzel, Deputy Clerk