

Unapproved Minutes
Vermillion Planning Commission
Monday, January 25, 2016 Regular Meeting

The regular meeting of the Vermillion Planning Commission was called to order by Chairman Iverson in the Large Conference Room at City Hall on January 25, 2016 at 5:30 p.m.

1. Roll Call

Present: Forseth, Jones, Muenster, Oehler, Tuve and Iverson.
Absent: Fairholm, Gruhn and Manning.

Staff present: Andrew Colvin, Assistant City Manager, Farrel Christensen, Building Official and Jose Dominguez, City Engineer.

2. Minutes

a. October 26, 2015 Regular Meeting.

Moved by Jones to approve the October 26, 2015 Regular Meeting Minutes, seconded by Oehler. Motion carried 6-0.

3. Adoption of the Agenda

Moved by Tuve to adopt the agenda, seconded by Forseth. Motion carried 6-0.

4. Visitors to be Heard

5. Public Hearing

a. Petition for conditional use permit for a Gas Dispensing Station in the General Business District for property located on Lot 2, Block 6, Erickson Addition to the City of Vermillion (southwest corner of SD Highway 50 and Princeton Street).

Chairman Iverson opened the public hearing.

Andy Colvin reported that an application was received from Casey's General Stores for a conditional use permit to operate a gas dispensing on Princeton Street near the intersection with SD Highway 50. Andy stated that the permit is for the gas dispensing portion of the business. Andy also reported that staff have reviewed the project plans and have no concerns with the proposal.

Muenster inquired about the measures taken to prevent leaks in the underground fuel tanks. Jared Sergeant, Casey's General Stores Real Estate Division, stated that the tanks are installed according to industry standards and has electronic processes in place to detect any loss of fuel. In addition the tanks are double walled fiberglass to prevent contamination.

Gruhn arrived at 5:36 p.m.

Forseth inquired about trucks being able to fill up with diesel fuel. Jared reported that the new store will provide some diesel fuel, similar to the other location in Vermillion. Jared also stated that the canopy at the new location will be larger to accommodate vehicles. Discussion followed.

Moved by Forseth to grant the Conditional Use Permit, seconded by Oehler. Motion carried 7-0.

b. Zoning Ordinance Amendment to Section 155.008, Definitions, and Section 155.071, Accessory Uses and Structures, to provide definitions and regulations for constructing and maintaining a chicken coop for the keeping or housing of chickens as permitted by ordinance.

Chairman Iverson opened the public hearing.

Andy Colvin provided a background on the backyard chickens discussion at the council level. Andy reported that one step in the process to permit backyard chickens is to allow coops as an accessory structure under the zoning ordinance, which would provide for permitting and other site standards.

Justin McGregor, 807 Cottage, informed the Planning Commission that he had chickens until the City told him to get rid of them. Mr. McGregor stated that it is reasonable to permit backyard chickens, but that the proposed regulations considered by the City Council would be very strict and be difficult for interested people to keep chickens.

Andy stated that the question before the Planning Commission is whether to permit coops as an accessory structure, and that the animal section of code will need to be amended to provide for the regulation of backyard chickens.

Christine Ahmed inquired about the location of chicken coops. Farrel stated that the coops would need to be at least 150 feet from a residence other than the one on the property. Christine stated that it is best to build coops close to a dwelling.

Bob Oehler inquired about transferring ownership of property and consent for backyard chickens. Andy reported that the issue will be addressed by the City Council on advice of the City Attorney.

Moved by Forseth to recommend denial of the zoning ordinance amendment to the City Council, seconded by Tuve.

Muenster inquired about putting forth a substitute motion. Andy stated that action needs to be taken on the existing motion, but

that the motion could be amended if the person who made the motion wishes. Forseth stated that he would like to see what happens with the existing motion.

Chairman Iverson requested a roll-call vote on the motion to deny the zoning ordinance amendment. Voting yes: Forseth, Oehler, Tuve and Iverson. Voting no: Gruhn, Jones and Muenster. Motion carried 4-3.

c. Petition to rezone the E 264' of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Exc. E 33' and Exc. Mehlhaf Addition and Exc. the S 270' of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ from R-2 medium density Residential District to R-3 high density Residential District.

Chairman Iverson opened the public hearing.

Jose Dominguez presented the proposed zone change to the Planning Commission, stating that Duane Mehlhaf desires to rezone a described portion of his land from R-2 to R-3 high density zoning. Jose provided a number of concerns with the zone change, including the capacity of the Prentis lift station, the fact that Clark Street has been the dividing line between high and medium-density residential development, the Planning Commission previously denied the zone change in 2011 and Mr. Mehlhaf preliminary platted the property to include single-family development in 2007, with no indication of high density development. Jose stated that staff considers preliminary and final plans when studying current and future infrastructure needs.

Paula Nelson, 438 Prentis, inquired about the Prentis lift station issue and whether additional flow would cause issues for property owners. Jose stated that multi-family development puts extra pressure on a lift station and can lead to sewer backups if the lift station is not sized for the development.

Chairman Iverson indicated he would support keeping Clark Street as the dividing line between high and medium/low density development.

Duane Mehlhaf thanked the Planning Commission for their time and indicated that he is pro-development and has invested a lot of money to provide housing in the community. Mr. Mehlhaf stated that, economically, 4-plexes and single family homes will not work based on the infrastructure costs for corner property. Mr. Mehlhaf stated that he is sensitive to property owners on Anderson Street and would not build apartments west of Norbeck.

Discussion and questions followed on the proposed zone change and lift station issues.

Moved by Forseth to recommend denial of the zone change to the City Council.

Mr. Mehlhaf requested that the Planning Commission table the issue to explore withdrawing his petition in order to avoid a denial. Mr. Mehlhaf stated that he would like to withdraw his petition to rezone at this time.

Since the petitioner withdrew his request, Planning Commission took no action and the matter will not go before the City Council for consideration.

6. Old Business

7. New Business

8. Adjourn

Moved by Forseth to adjourn, seconded by Tuve. Motion carried 7-0. Iverson declared the meeting adjourned at 6:40 p.m.