



City of Vermillion Planning Commission Agenda

5:30 pm Regular Meeting
Monday, May 23, 2011
City Hall
City Council Chambers
25 Center Street
Vermillion, SD 57069

1. **Roll Call**
2. **Minutes**
 - a. May 9, 2011 Regular Meeting.
3. **Adoption of the Agenda**
4. **Visitors To Be Heard**
5. **Public Hearings**
 - a. An Amendment to the Zoning Ordinance of the City of Vermillion to exclude from the R-2 Medium-Density Residential District and include in the R-1 Low-Density Residential District the area south of E. Clark Street, north of E. Main Street between N. Dakota Street and N. Plum Street, referenced on the attached map.
6. **Old Business**
7. **New Business**
8. **Adjourn**

WELCOME TO YOUR PLANNING COMMISSION MEETING

If you wish to participate in the discussion, the meeting provides several opportunities.

After the minutes are approved, the Chairperson will ask if any visitors wish to be heard. Any item not on the agenda may be discussed.

During the discussion of agenda topics, anyone may comment. The Chairperson will recognize you if you raise your hand. Please introduce yourself with your name and address when addressing the Planning Commission. Discussion occurs before motions are made and seconded. Discussion also occurs after the motion is seconded and before the vote. You may participate each time if you wish.

Your suggestions and ideas are welcome. The best decisions are made when everyone participates and provides information.

Meeting Assistance: The City of Vermillion fully subscribes to the provisions of the Americans with Disabilities Act of 1990. If you desire to attend this public meeting and are in need of special accommodations, please notify the City Manager's Office at 677-7050 at least 3 working days prior to the meeting so appropriate auxiliary aids and services can be made available.

Unapproved Minutes
Vermillion Planning Commission
Monday May 9, 2011 Regular Meeting

The regular meeting of the Vermillion Planning Commission was called to order in the conference room at City Hall on May 9, 2011 at 5:30 p.m.

1. Roll Call

Present: Howe, Fairholm, Forseth, Manning, Muenster, Reasoner, Tuve and Iverson. Absent: Gruhn.

Also present were José Dominguez, City Engineer, Farrel Christensen, Building Official, Andy Colvin, Assistant to the City Manager, and Jordan McQuillen, City Intern.

2. Minutes

a. April 11, 2011 Regular Meeting.

Moved by Fairholm to approve the April 11, 2011 Regular Meeting minutes, seconded by Tuve. Motion carried 8-0.

3. Adoption of the Agenda

Moved by Howe to adopt the agenda as printed, seconded by Forseth. Motion carried 8-0.

4. Visitors to be Heard

Chairman Iverson welcomed Mike Manning to the Planning Commission. Everyone present introduced themselves to Mr. Manning.

5. Public Hearing

a. Andy reported that the Planning Commission met jointly with the City Council in February to discuss the joint jurisdictional ordinance. At the meeting, it was the recommendation of the City Council to send the idea of having the Planning Commission approve Conditional Use Permits to the Policies and Procedures Committee. The committee recommended that City staff prepare an ordinance delegating approving authority to the Planning Commission for conditional use permits. Discussion followed.

Moved by Tuve to recommend approval of the proposed amendment to the City Council, seconded by Muenster. Motion carried 8-0.

6. Old Business

7. New Business

8. Adjourn

Moved by Howe to adjourn, seconded by Fairholm. Motion carried 8-0.

Chairman Iverson declared the meeting adjourned 5:45 p.m.



Planning Commission Agenda Memo

From: Farrel Christensen, Building Official

Meeting: May 23, 2011

Subject: Zone Change – Area between Clark and Main, Plum and the alley between Harvard and Dakota

Presenter: Farrel Christensen

Background: City staff received petitions signed by several property owners to rezone approximately sixteen square blocks of the City, bordered by Clark Street on the north, Main Street on the south, Plum Street on the east and the alley between Harvard Street and Dakota Street on the west. A map of the area is included in your packets.

State law grants cities the authority to establish zoning regulations to protect the life, health, safety and well-being of the community. City policy has been to entertain zone change requests from property owners, even though the owners may have no financial or personal interest in the property to be rezoned. In this case the petitioners have submitted a request to change a relatively large amount of land, compared to other petitioned changes, within the City, to a more restrictive zoning classification.

Not all property owners that will be impacted have signed a petition. There are 152 total addresses within the area to be rezoned; of these 30 have signed petitions from owners. The 152 does not include sub-addresses for individual rental units (for example, if a particular property had two or more units, it is classified as one address).

Discussion: Staff accepted the petitions and scheduled the public hearings with the Planning Commission and City Council. Under the proposed zone change, a down-zone to the R-1 District would not allow multi-family uses such as two and four-unit residences. Additionally, Fraternity and Sorority Houses would also not be allowed in the future.

A map is included in your packets that details the properties affected by the proposed change. The map is divided into two categories: conforming uses and non-conforming uses. Conforming uses, outlined in blue, are those which would

still comply with the requirements of the R-1 Residential District should the change be approved. Non-conforming uses, outlined in yellow, are those that would be “grandfathered” in as non-conforming uses and would be allowed to exist until the use changes or the property is significantly damaged or destroyed. Non-conforming uses include two and four-unit properties, Sorority/Fraternity Houses. Of the would-be non-conforming properties on the map, four are Sororities and two are Fraternities.

In making a recommendation to approve or not approve the proposed change, staff looked at the situation from a couple of angles. First, community and neighborhood support is questionable in this particular case. Approximately twenty percent (20%) of the property owners within the affected area have signed the required petition to support the change in zoning. Staff is not aware if the other eighty percent (80%) were not contacted, opposed or unavailable to sign a petition. Therefore, community and neighborhood support, to a large degree, has not been demonstrated or is unknown.

Second, staff looked at the Comprehensive Plan. Chapter IX (A) reads that conservation of single-family homes is encouraged, which would be met by the proposed change. Chapter XI (A) Objective 4 Policy 2 reads that down-zoning of historic neighborhoods should be encouraged at the request of property owners. Since a vast majority of property owners have not signed a petition and, therefore, have not consented to the change, this requirement does not appear to have been met.

Compliance with the Comprehensive Plan: As was mentioned earlier, a broad goal of the comprehensive plan is to conserve single-family homes. However, other sections specify that the support of property owners should be a significant factor considered in any proposed change. In visioning sessions with the Planning Commission, neighborhood redevelopment and conservation was established as an important goal for the revised plan. However, without the support of the neighborhood, it begs the question of whether this is the right time for such a change.

Conclusion/Recommendations: Since it is not known how much community and neighborhood support exists for the proposed change, it appears that this may not be the appropriate time to change the zoning classification. The policy question for the Planning Commission is whether this change will benefit the neighborhood and foster the long-term development of the City. Letters from supporters and opponents of the proposed change have been included in your packets.



120 ■ conforming use

32 ■ non-conforming use

KAREN MUENSTER

509 Linden
Vermillion, SD 57069
May 20, 2011

Vermillion Planning & Zoning Commission
City Hall
Vermillion, SD

Re: May 23 Rezoning Hearing

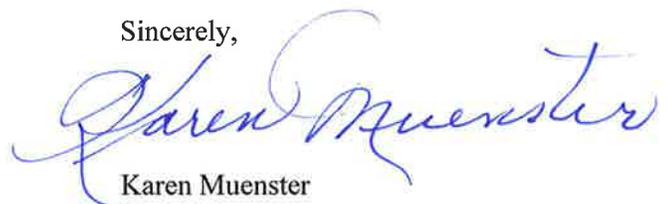
Members of the Commission:

An out of state trip will prevent me from personally attending the re-zoning hearing scheduled for May 23, and therefore I am submitting this written statement.

As an owner of three properties in the proposed rezoning area, I am in support of the rezoning proposal, which will benefit the area, the University campus and the attractiveness of Vermillion as a place to live and visit.

The "down zoning," when coordinated with an enhanced University Historic District, will set the stage for encouraging single family, owner occupied residences in the area.

Sincerely,



Karen Muenster