

Unapproved Minutes
Vermillion Planning Commission
Monday April 23, 2012 Regular Meeting

The regular meeting of the Vermillion Planning Commission was called to order in the conference room at City Hall on April 23, 2012 at 5:30 p.m.

1. Roll Call

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

Also present were José Dominguez, City Engineer and Andy Colvin, Assistant to the City Manager.

2. Minutes

a. March 12, 2012 Regular Meeting.

Moved by Fairholm to approve the March 12, 2012 Regular Meeting Minutes, seconded by Tuve. Motion carried 6-0.

3. Adoption of the Agenda

Moved by Howe to adopt the agenda as printed, seconded by Fairholm. Motion carried 6-0.

4. Visitors to be Heard

5. Public Hearing

a. Zoning Ordinance Amendment - Amending Section 155.008, Definitions, 155.032, R-2 Residential District and 155.033, R-3 Residential District to change dwelling definitions and add a definition and regulations for building lines.

Jose reported that City staff have been working on a plan to permit garage spaces to count towards meeting minimum parking requirements in rental dwellings. The current regulations are in place because code staff found that garages were being used for storage instead of tenant parking. Jose stated that two amendments were required, the first to clarify dwelling definitions and regulations and the second to specify when garage spaces will count. Discussion followed on the first amendment. Forseth asked for clarification on the distinction between a duplex and a townhouse. Jose reported that a townhouse is a single attached dwelling contained on an individual lot and a duplex could be two dwellings on one lot. The Planning Commission asked for clarification on requiring townhomes to be staggered. Jose reported that staggering is desirable to avoid a solid line of homes, which may not be aesthetically desirable. Fairholm suggested that it may be a good idea to define staggered, setting a minimum and a maximum. Staff were directed to look at options from other communities to set a minimum and a maximum limit for staggering.

Moved by Tuve to recommend approval of the amendment, seconded by Gruhn. Motion carried 6-0.

b. Zoning Ordinance Amendment - Amending Section 155.072, Off-Street Parking, modifying parking requirements for dwellings.

Jose reported that the amendment will create specific criteria for when garage spaces will count towards meeting the minimum parking requirements. Jose stated that in, order to be counted, a garage must have direct access from the garage to the dwelling, the garage stall must be at least 10 feet by 20 feet long, and the property owner will ensure the garage space will not be used for any other purpose.

Gruhn inquired as to how this amendment will impact single-family homes being rented. Jose reported that many single family homes are already able to meet the minimum parking requirement without the garage. Fairholm stated that he lives in an area of town where access is directly off of an alley, where there is little space other than the garage to park. Fairholm asked why there is a requirement for garages to be attached in order to count towards minimum parking requirements. Farrel stated that in his experience if a garage is attached with direct access, it is more likely to be used as a garage instead of for storage. Gruhn asked why staff is bringing this forth if the current regulations have worked for the past several years. Howe stated that city regulations on parking are too restrictive and are a barrier to development and redevelopment. Farrel stated that in most cases developers are willing and able to meet the current parking regulations, but that there also may be a way for some garage spaces to count. Discussion followed on permitting all garage spaces to count using the definition of attached garage in the building code. Farrel stated that the building code considers garages built within ten feet of the primary structure to be considered attached and that the minimum stall size is also addressed by the building code. Howe suggested that since the building code takes care of many of the criteria, citing them in ordinance is unnecessary. Howe also stated that it is up to property owners to decide how to use their property and would be in favor of permitting garage spaces to count without the criteria suggested by staff.

Moved by Howe to adopt the amendment with the removal of language requiring direct access, minimum size and the requirement that owners must ensure garage spaces are being used for parking, seconded by Tuve. Motion carried 6-0.

c. Zoning Ordinance Amendment - Amending Section 155.08, Definitions, and Section 155.037, Neighborhood Commercial District, to add a definition for office uses and add permitted commercial uses and conditional residential and commercial uses.

Andy reported that the amendment is a follow up to a previous meeting where a resident expressed concern about refinancing a mortgage on a residential dwelling in the Neighborhood Commercial District. Andy stated that the amendment was drafted to permit residential dwellings and some commercial uses as conditional uses. The Planning Commission inquired whether staff have spoken with any financial institutions on whether the proposed change will help with refinancing activities. Andy stated that the problem lies with third party underwriters and appraisals as opposed to banks. Andy stated that the proposed amendment will permit residential uses as conditional uses. Andy also stated that the amendment will provide for restaurant uses without alcohol licenses as a permitted use. Restaurants with an alcohol license would be required to obtain a conditional use permit. Discussion followed on the proposed amendment. Darby Ganschow, USD representative, stated that

requiring restaurants with alcohol licenses to obtain a conditional use permit would allow the university to offer comments on alcohol establishments close to campus. Howe expressed concern that parking and traffic may also become an issue for commercial uses, primarily restaurants, since on-site parking would only be available via the alley. After some discussion, it was the consensus of the members to move any restaurant to the conditional use category to allow oversight on whether a location is suitable for a restaurant.

Moved by Fairholm to approve the amendment with the change of removing reference to alcohol licenses and requiring all restaurants to obtain a conditional use permit, seconded by Reasoner. Motion carried 6-0.

6. Old Business

7. New Business

a. Preliminary Plat of Cottage Place Addition.

Jose reported that Banner Associates has submitted a preliminary plat on behalf of the owners of Cottage Place Planned Development District. Jose stated that the plat includes all of the required easements and will subdivide the property into eight lots.

Fairholm expressed concern about the roadway going through an existing home and that the width of the street is insufficient off of Cottage. Jose clarified that once the road is put in the structure will need to be moved or demolished and that the entire right-of-way is thirty-three feet off of Cottage, but only a portion of it is reflected on the plat. Reasoner stated that the Cottage Place District was not good for the neighborhood because of the proposed storage and commercial uses. Jose stated that the plat is consistent with the approved district regulations and is only preliminary. If major changes to lots are planned, an additional preliminary plat would be required.

Moved by Howe to approve the preliminary plat, seconded by Gruhn. Motion carried 4-2.

b. Presentation from Tom Reasoner - AIA's 10 Principles of Livable Communities.

Tom Reasoner gave a presentation on the American Institute of Architects' 10 Principles of Livable Communities.

8. Staff Reports

9. Adjourn

Moved by Howe to adjourn, seconded by Gruhn. Motion carried 6-0.

Vice-Chair Forseth declared the meeting adjourned 8:07 p.m.