



**City of Vermillion**  
**Planning Commission Agenda**  
5:30 p.m. Regular Meeting  
Monday, August 24, 2015  
City Hall – Large Conference Room  
25 Center Street  
Vermillion, SD 57069

1. **Roll Call**
2. **Minutes**
  - a. June 8, 2015 Regular Meeting
3. **Adoption of the Agenda**
4. **Visitors To Be Heard**
5. **Public Hearings**
6. **Old Business**
7. **New Business**
  - a. Education Sessions (No action will be taken):
    - i. Historic Neighborhoods and Properties in Vermillion – Jim Wilson.
    - ii. Regulation of access to streets and roads in the City Subdivision Ordinance – Jose Dominguez.
    - iii. Discussion of proposed changes to the Zoning Ordinance for the regulation of Fraternities and Sororities, as well as Boarding/Lodging Houses – Andy Colvin.
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, June 8, 2015 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 June 8, 2015 at 5:30 p.m.

1. Roll Call

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

Staff present: Andrew Colvin, Assistant City Manager and Jose Dominguez, City Engineer.

2. Minutes

a. May 26, 2015, Regular Meeting.

Moved by Muenster to approve the May 26, 2015 Regular Meeting Minutes, seconded by Tuve. Motion carried 8-0.

3. Adoption of the Agenda

Moved by Forseth to adopt the agenda with the addition of placing the advertised Public Hearing for a Conditional Use Permit for the construction of a single-family home in the Joint Jurisdictional Zoning Area under item "a" and moving all other items down, seconded by Manning. Motion carried 8-0.

4. Visitors to be Heard

5. Public Hearing

a. Request for a Conditional Use Permit for a single-family dwelling for Annar Pettersen for property located at 2815 Pettersen Court, Vermillion, South Dakota, which is Lot 8A, Rolling Hills Estates Second Addition, SW1/4, Section 6, T92N, R51W, 5<sup>th</sup> PM, Vermillion Township, Clay County, South Dakota.

Cynthia Aden presented the application for conditional use to both boards. Cynthia stated that a special permit is required by the Joint Jurisdictional Zoning Ordinance since the proposed use is to construct a single family home on a lot of record. Brief discussion followed on the application and the impact on surrounding uses.

Moved by Manning to approve the conditional use permit application, seconded by Jones. Motion carried 8-0.

b. Minor Amendment to the Final Development Plan for the Community-Oriented Healthcare Planned Development District.

Jose Dominguez reported that staff received an amendment to the final development plan for the Healthcare-Oriented Planned Development District that would change the height on the new entrance to the hospital from 28-feet to 58-feet and 6-inches (see exhibit included).

Jose stated that this change would be an aesthetic improvement to the design, and no functional/usable space will be created within the additional height to the tower. Tim Tracy, CEO of Sanford Vermillion Medical Center was present to answer questions. Discussion and questions followed on the amendment.

Moved by Forseth to approve the minor amendment to the final development plan, seconded by Jones. Motion carried 8-0.

6. Old Business

7. New Business

a. Information on overlay zoning and historic preservation activities.

Andy Colvin provided a presentation on overlay zoning and how it is utilized in South Dakota. Andy reported that most South Dakota cities utilize this zoning for special areas, such as floodplains, aquifer protection areas and airports where special requirements are needed in addition to typical zoning restrictions. Andy also provided some information on how state law grants cities the authority to regulate historic preservation and how it is separate from zoning. Andy answered questions from the audience and Planning Commission.

8. Adjourn

Moved by Forseth to adjourn, seconded by Jones. Motion carried 8-0. Iverson declared the meeting adjourned at 6:30 p.m.

## *Planning Commission Agenda Memo*

**From:** Andrew Colvin, Assistant City Manager

**Meeting:** August 24, 2015

**Subject:** Presentation on Residential Historic Districts and Properties in the City of Vermillion

**Presenter:** Andrew Colvin; Jim Wilson

**Background:** On June 8<sup>th</sup> staff presented some background information on historic preservation activities and overlay zoning. Staff informed the Planning Commission and members of the public that the best way for cities to be involved in historic preservation is to adopt local ordinances designating districts and properties. However, Clay County has already adopted ordinances and established a commission to oversee preservation activities. Staff will continue to work with the Clay County Historic Commission when permits are sought for improvements to historic properties.

**Discussion:** Based on the June 8<sup>th</sup> discussion, staff thought it would be good for the Planning Commission to know exactly where the historic districts are located, which properties are contributing and/or listed on the historic registry, and if any have changed names or expanded in recent months. It is also understood that a new historic district is proposed for the area south of the central business district. Jim Wilson provided information to staff so a map showing the districts could be provided to the Planning Commission. A similar map, prepared by SECOG, could be included in the Comprehensive Plan. A map and other information on Vermillion's historic districts will be presented to the Planning Commission on Monday.

**Compliance with Comprehensive Plan:** Historic Preservation has been a significant part of the Comprehensive Plan discussion. The goal of this education session is to better inform the Planning Commission and public on where the historic districts are located in the community.

**Conclusion/Recommendations:** No action is necessary as this is an education session.

## *Planning Commission Agenda Memo*

**From:** Jose Dominguez, City Engineer

**Meeting:** August 24, 2015

**Subject:** Presentation on Regulation of Access to Streets and Roads in the City Subdivision Ordinance

**Presenter:** Jose Dominguez

**Background:** Engineers have always recognized that controlling access to streets was a way to maintain vehicular flow and ensure safety to the public. However, these have always been balanced against the need to allow access to properties. The first City of Vermillion subdivision ordinance created allowed each property one access per frontage. This was mainly directed towards residential uses (single family residences) and not apartments or commercial uses. In 2011, the new subdivision ordinance was adopted and updated the access control portion to mimic more closely that which the SD DOT required. This was due to remove some conflicts that the ordinance had when compared to the DOT's rules along Cherry Street, Stanford Street and SD Hwy. 50.

**Discussion:** It should be noted that access control may seem a trivial item when thinking of a development; however, it is one of the most critical aspects when thinking of site layout and safety. Numerous government research documents compare access points to low volume intersections with regard to the type of traffic volume, number of accidents, and conflicts encountered by users (bicycles, pedestrians, and vehicles). In Vermillion alone we have had approximately 270 accidents at access points since 2005.

Although the original intent of the ordinance adopted in 2011 was to remove confusion between the DOT and the City's ordinance, the new ordinance created more confusion due to the fact that the local developers were not used to the new ordinance. The main complaints were due to the fact that the developer felt as if the rules changed depending on the type of development. In order to alleviate the perceived inconsistencies, the proposed changes would, for the majority of instances, describe how many access points the developer would have depending on the length of the frontage and the street being fronted. There are still instances where the final decision will be made by the City Engineer (i.e. townhome units may be required to share an access point, or apartment

complexes may have to have a limited movement driveway). Additionally, a lot may have multiple access points along one frontage as long as the frontage meets a minimum length. With these proposed changes the developer will know from the very beginning how many access points he is allowed, where they may be, and how wide they can be. However, for some instances the developer will still be required to meet requirements set by the City Engineer.

**Conclusion/Recommendations:** No action is necessary as this is an education session.

## Access to Streets and Roads

### A. Street Access

#### a. Permit

- i. Before a new driveway is connected to a street or an existing driveway approach is modified, a permit shall be obtained from the city. The permit shall be signed by the property owner, or representative.

#### b. Specifications

- i. All driveways shall be constructed according to the current details and specifications, on file with the City Engineer. The City Engineer, if necessary, may vary the specifications, as long as the public's safety, street maintenance and street traffic capacity are not compromised.

#### c. Widths

##### i. Residential and commercial uses

1. The maximum width shall be 36-feet. This distance shall be measured at the property line and does not include the taper lengths, or radii, at the street.

##### ii. Industrial uses

1. The maximum width shall be 50-feet. This distance shall be measured at the property line and does not include the taper lengths, or radii, at the street.

#### d. Number and Location of Access Points

##### i. Local Streets

1. Some properties fronting these roads may be required to have shared access points with the adjacent lots. Access shall be determined by the City Engineer. At no point shall the access be wider than that mentioned on section A. c.

##### 2. Interior and Corner Lots

- a. One access point shall be permitted per frontages less than 200-feet in length.
- b. Two access points shall be permitted per frontages 200-feet long but less than 400-feet in length.
- c. Three access points shall be permitted per frontages longer than 400-feet.
- d. Access points located on the same side may not be closer than 85-feet from each other.
- e. When multiple access points are permitted, they should be located on the frontage with the necessary length.
- f. Access points shall be at least 40-feet from the right-of-way of the cross street to the closest edge of the driveway access at the property line.

##### ii. Collector Streets

1. Access to collector streets shall be limited and strictly enforced. In some instances, access from these streets may not be allowed. Properties fronting these roads may be required to have shared access points with the adjacent lots, limited movement driveways, frontage roads, or backage roads. Access shall be determined by the City

Engineer. At no point shall the access be wider than that mentioned on section A. c.

2. Interior lots (lots with one frontage)
  - a. One access point shall be permitted per frontages less than 200-feet in length.
  - b. Two access points may be permitted per frontages 200-feet long but less than 500-feet in length.
  - c. Three access points may be permitted per frontages longer than 500-feet.
  - d. Access points located on the same side may not be closer than 85-feet from each other.
  - e. When multiple access points are permitted, they should be located on the frontage with the necessary length.
  - f. Access points shall be at least 60-feet from the right-of-way of the cross street to the closest edge of the driveway access at the property line.
3. Corner lots (lots with two or more frontages)
  - a. Access to the collector street will not be allowed if access is available from a street with a lower classification.
  - b. Access from the street with the lower classification shall follow the requirements for classification.
  - c. When a lot fronts a collector street on both sides the access point shall only be allowed from the collector street with the longest frontage.

### iii. Arterial Streets

1. Access to arterial streets shall be limited and strictly enforced. In some instances, access from these streets may not be allowed. Properties fronting these roads may be required to have shared access points with the adjacent lots, limited movement driveways, frontage roads, or backage roads. Access shall be determined by the City Engineer. At no point shall the access be wider than that mentioned on section A. c.
2. Interior lots (lots with one frontage)
  - a. One access point shall be permitted per frontages less than 200-feet in length.
  - b. Two access points may be permitted per frontages 200-feet long but less than 500-feet in length.
  - c. Three access points may be permitted per frontages longer than 500-feet.
  - d. Access points located on the same side may not be closer than 85-feet from each other.
  - e. When multiple access points are permitted, they should be located on the frontage with the necessary length.
  - f. Access points shall be at least 100-feet from the right-of-way of the cross street to the closest edge of the driveway access at the property line.
3. Corner lots (lots with two or more frontages)
  - a. Access to the arterial street will not be allowed if access is available from a street with a lower classification.

- b. Access from the street with the lower classification shall follow the requirements for either a local or collector street, depending on its classification.
- c. When a lot fronts an arterial street on both sides the access point shall only be allowed from the arterial street with the longest frontage.

iv. Streets within the State's Jurisdiction

- 1. An access permit from the State of South Dakota shall be obtained prior to obtaining one from the City.
- 2. In addition to any State of South Dakota requirements for the access point, the applicant shall also meet the City requirements for specifications, access widths, and number and location of access points.

## *Planning Commission Agenda Memo*

**From:** Andrew Colvin, Assistant City Manager

**Meeting:** August 24, 2015

**Subject:** Discussion of proposed changes to the Zoning Ordinance for the regulation of Fraternities and Sororities, as well as Boarding/Lodging Houses

**Presenter:** Andrew Colvin

**Background:** Staff were contacted by one of the Greek houses regarding a major building project and fundraising campaign. The big question from the individual was whether a new house could be built under today's zoning regulations and meet parking requirements. Based on City ordinances, new uses would need to meet code, which would require a significant amount of land for construction of a new fraternity or sorority house. This essentially would prohibit any of the houses from rebuilding in the same area unless neighboring lots were purchased and re-platted into a single lot to accommodate parking requirements of zoning regulations.

**Discussion:** Nearly all of the Greek houses are currently non standard, meaning that they are permitted uses in their zoning district, but do not meet area, yard and parking requirements. Since we have not had a new fraternity/sorority house built for many years, we have never had to put the current ordinance to the test. In looking at the issue, staff would like input from the Planning Commission on the following proposed changes to the zoning ordinance:

1. Change Fraternities/Sororities and Boarding/Lodging Houses to a conditional use in the R-2 and R-3 zoning districts. Currently, these uses are permitted, which does not allow the Planning Commission to look at each project individually. Changing these to require a conditional use permit would allow public input and afford the Planning Commission the opportunity to look at the neighborhood and surrounding uses when approving the project.
2. Add an exception to the parking requirement and allow fraternities/sororities and boarding/lodging houses to utilize off-site parking that would count towards meeting the minimum requirements. There could be agreements to utilize the

parking lots of businesses, the University and other organizations, or even permit Greek houses to cooperatively build and share a parking facility.

**Compliance with Comprehensive Plan:** Neighborhood redevelopment is a goal in the Comprehensive Plan.

**Conclusion/Recommendations:** No action is necessary as this is an education session.