



City of Vermillion
Planning Commission Agenda
5:30 p.m. Regular Meeting
Monday, May 13, 2019
Large Conference Room – 2nd Floor
City Hall
25 Center Street
Vermillion, SD 57069

1. **Roll Call**
2. **Minutes**
 - a. April 22, 2019 Regular Meeting.
3. **Declaration of Conflict of Interests**
4. **Adoption of the Agenda**
5. **Visitors to Be Heard**
6. **Public Hearings**
7. **Old Business**
8. **New Business**
 - a. Presentation to the Public of Part One of the Proposed Amendments to the City's Zoning Ordinance.
9. **Staff Reports**
10. **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, April 22, 2019 Regular Planning and Zoning Commission Meeting

The regular meeting of the Vermillion Planning and Zoning Commission was called to order in the City Council Chambers at City Hall on April 22, 2019 at 5:30 p.m.

1. Roll Call

Present: Fairholm, Forseth, Manning, Muenster, Wilson, Iverson.

Absent: Kleeman, Gestring, Tuve.

Staff present: José Domínguez, City Engineer; John Prescott, City Manager

2. Minutes

a. April 8, 2019 Regular Meeting.

Moved by Commissioner Wilson to adopt April 8, 2019 regular meeting minutes as printed, seconded by Commissioner Manning. Motion carried 6-0.

3. Declaration of Conflict of Interest

Commissioner Muenster noted that he owns investment property.

4. Adoption of the Agenda

Moved by Commissioner Forseth to adopt the agenda as published, seconded by Commissioner Wilson. Motion carried 6-0.

5. Visitors to be Heard

None.

6. Public Hearing

a. A request for a Conditional Use Permit (CUP) to construct a telecommunications tower at 105 Market Street (described as the east half of lot 3, block 22, Original Town of Vermillion, Clay County, South Dakota).

José Domínguez, City Engineer, provided background regarding the two-step process adopted by the City Council for the construction of telecommunication towers. Mr. Domínguez noted that the applicant completed the first step of the process on November 26, 2018. At that time, the Commission granted an exception for the proposed tower to be constructed on land within 300-feet of a residentially zoned or used property and approved the design and aesthetics of the proposed tower. Domínguez further explained that the second step of the process is for the applicant to apply for a Conditional Use Permit noting Staff received the applicant's request on April 5, 2019. This permit would be specifically for the construction of a telecommunications tower in the Central Business District. The Commission should consider the criteria noted in the published memo when making their decision. After reviewing

the application, Staff noted that it meets several goals of the City's Comprehensive Plan.

Mr. Domínguez stated that the applicant has requested the item to be continued at a later date as several governmental reviews are still pending. Staff recommended allowing the public to provide comment and continuing the item to a later date, no sooner than Tuesday, May 28.

Commissioner Iverson opened the floor for Public comment noting no decision would be made.

Elizabeth Smith, 110 Austin Street, asked if FAA approval has been obtained. Mr. Domínguez noted that FAA is one of the governmental reviews still pending. She stated she does not believe the proposed tower meets the goals of the Comprehensive Plan such as: A thriving central business district and Maintain neighborhoods that are safe, healthy, livable, and compatible with adjacent land uses. She requested that the Commission deny the permit. Discussion followed.

Harry Scholten, 118 Austin Street, would prefer that the ordinance increase the setback beyond the 300-foot from residence to decrease the risk of exposure to radiation.

Thomas Marshall, 102 Austin Street, stated he agreed with the comments provided by Mrs. Smith and Mr. Scholton. He said he believed that construction of a telecommunication tower would be reasonable in an industrial area. Expressed concern about the possibility of the FAA requiring a flashing red light.

Reda Brewer, 604 W Broadway (below the bluff), stated that service below the bluff is difficult and calls are often dropped. She stated that the tower will be beneficial to residents who live below the bluff who need to get in touch with emergency services.

Paul Hasse, 415 Sterling, stated that 5th generation will be detrimental to the health of residents and nature. He stated he believes that the commission should research the health impacts of 5G and request that the CUP be denied.

Rich Holland, 902 Ridgecrest Drive, noted that Verizon is willing to allow improvements to aesthetics. Holland stated that property value is likely to go up rather than down. Regarding radiation, Holland stated that radiation is minimal at ground level further explaining that the proposed tower is to extend current service and is not for 5G. He questioned the validity of studies mentioned previously and asked that people pay close attention to the authors/sponsors of said studies. Mr. Holland explained that zoning will not change to become industrial etc...

He concluded that faster communication is needed by emergency services, businesses and the university. Discussion followed.

Moved by Commissioner Wilson to continue the item to no sooner than Tuesday, May 28, 2019 as requested by the applicant, seconded by Commissioner Fairholm. Motion passed 6-0.

7. Staff Report

None.

8. Adjourn

Moved by Commissioner Fairholm to adjourn, seconded by Commissioner Manning. Motion carried 6-0. Commissioner Iverson declared the meeting adjourned at 5:58 p.m.

Planning & Zoning Commission Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: May 13, 2019

Subject: Presentation to the Public of Part One of the Proposed Amendments to the City's Zoning Ordinance

Presenter: Jose Dominguez

Background: Over the years the City has had two zoning ordinances, with the first being adopted in 1966. This ordinance established different districts (agricultural, residential, commercial and industrial) with allowable uses. The ordinance also allowed for conditional-uses; however, at the time these were called 'special uses'. In order for 'special uses' to be approved, the application would be reviewed by the Commission, and then action would be taken by the City Council. In 2008, the City adopted a new zoning ordinance that completely rewrote zoning requirements within the City. This new ordinance still divided the City into districts; however, each of the districts had permitted uses and conditional uses. This, along with different uses being permitted within each zoning district, were the largest changes between the two ordinances.

Due to the existing zoning ordinance being 11 years old, Staff is proposing that the Planning Commission perform a review of the ordinance, to determine if changes need to be made. The depth and scope of that review can be determined by the Planning Commission.

Discussion: Up to now the Commission has had seven meetings (January 14, January 28, February 11, February 25, March 11, March 25, and April 8), all open to the public, to discuss the proposed changes to the definition section and all of the districts. At these meetings the Commission discussed possible changes to the districts, along with updates to the definitions for uses.

The majority of the proposed changes ensure that the uses in the districts match the uses found in the definitions, and vice versa. Additionally, a few uses were moved from the conditional-use category to the permitted category.

Following is a list of major changes to the ordinance:

- Added an ‘Adult Day Services’ definition.
- Combined the definitions for ‘Dwelling, Two-Family Attached (Duplex)’ and ‘Dwelling, Multiple-Family’ with ‘Dwelling, Multiple-Family (Apartments and Condominiums)’.
- Combined the definition of ‘Dwelling, Townhouse’ with ‘Dwelling, Single-Family Attached (Townhouse)’.
- Added definition for ‘Fraternities and Sororities’.
- Updated the definition of ‘Manufactured Home’.
- Added definition for ‘Off-Premise Parking’.
- Updated the definition of ‘Use, Conditional’.
- In the R-1 district, moved single-family attached dwellings from conditional-uses to permitted uses. However, it would only be allowed to be constructed if the building permit was issued prior to December 31, 2019. This was done only to cover existing single-family attached dwellings within the R-1 district.
- In the R-2, R-3, NC, and PD districts, changed the way the maximum number of apartments is calculated from number of apartments to number of bedrooms. For example, currently in the R-2 district you could only build a 4-plex with up to four bedrooms per unit. This means that you could have up to 16-bedrooms in one building. The proposed change would allow for a building to have no more than 16-bedrooms in the R-2 district, meaning that a building could have more than four units but never more than 16-bedrooms.
- In the R-3 district, the rear yard setback was increased from 10-feet to 25-feet. While the maximum building height was increased from 45-feet to 75-feet. These changes were only for multiple-family dwellings.
- In the CB district ‘Restaurant’ was included as a permitted use. This use was omitted from the district.

Compliance with Comprehensive Plan: The City’s Comprehensive Plan encourages the City to perform periodic reviews of the zoning ordinance. Those reviews are intended to update, strengthen and streamline the zoning ordinance.

Conclusion/Recommendations: The Commission is asked to take public comment after a brief presentation from Staff.