



**City of Vermillion**  
**Planning Commission Agenda**  
5:30 p.m. Regular Meeting  
Tuesday, May 28, 2019  
Large Conference Room – 2<sup>nd</sup> Floor  
City Hall  
25 Center Street  
Vermillion, SD 57069

1. **Roll Call**
2. **Minutes**
  - a. May 13, 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**
  - a. Discussion on Comments regarding Storage Units in the Central Business Districts.
8. **New Business**
  - a. Discussion on Amendments to Zoning Ordinance – Section 155.072 Off-Street Parking.
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, May 13, 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 May 13, 2019 at 5:30 p.m.

1. Roll Call

Present: Fairholm, Forseth, Gestring, Tuve, Muenster, Wilson, Iverson.

Absent: Kleeman, Manning.

Staff present: José Domínguez, City Engineer; James Purdy, Assistant City Manager

2. Minutes

a. April 22, 2019 Regular Meeting.

Moved by Commissioner Wilson to adopt April 22, 2019 regular meeting minutes as printed, seconded by Commissioner Fairholm. Motion carried 7-0.

3. Declaration of Conflict of Interest

Commissioner Muenster noted that he owns investment property.

Commissioner Forseth noted that he owns property within the General Industrial District along West Street.

4. Adoption of the Agenda

Moved by Commissioner Wilson to adopt the agenda as published, seconded by Commissioner Tuve. Motion carried 7-0.

5. Visitors to be Heard

None.

6. Public Hearing

None.

7. Old Business

None.

8. New Business

a. Presentation to the Public of Part One of the Proposed Amendments to the City's Zoning Ordinance.

Dominguez, City Engineer, started presentation regarding the first part of the proposed amendments to the City's Zoning Ordinance. Dominguez, gave a brief history of the zoning ordinance from when the first one was adopted to the current one. Additionally, Dominguez discussed the major changes to the current ordinance. The major changes are: 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.

Mr. Marty Gilbertson, 419 Park Lane, had concerns with the high parking requirements for 1-bedroom apartment units. Discussion followed. Additionally, Mr. Gilbertson expressed concerns with the fact that areas currently zoned Neighborhood Commercial do not see development, or improvements, due to the fact that the current zoning does not allow for high density residential development as a permitted use. Discussion followed.

Dominguez continued with the presentation talking about the maximum building height increasing 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. Additional changes to the ordinance are minor in nature and are included in the packet.

Dominguez presented a request from Mr. Chad Grunewaldt, 100 N. Yale, about adding under permitted use, or as a conditional-use, storage units in the Central Business District. A letter was also received from the Vermillion Chamber and Development Company in support of Mr. Grunewaldt's request. Dominguez explained that currently storage units are not allowed in the Central Business District. Mr. Grunewaldt presented pictures of various properties within the Central Business District that are already functioning as storage units. Discussion followed.

Mr. Chris Larson, 1540 Rockwell Tr., asked if the proposed changes will clear-up the confusion, turmoil, regarding townhomes in the Bliss Pointe PDD. Dominguez responded that the changes will not remove, or limit, the use of townhomes within any of the Planned Development Districts such as Bliss Pointe. The only change that will affect Bliss Pointe regarding townhomes is that the use will be consistent with the

definition. Dominguez, stated that any changes to Planned Development Districts will start with a petition rather than a blanket change started with the City. This process was chosen to allow the residents of Planned Development Districts to decide for themselves what the uses should be, which is why they were originally created. Discussion followed.

Mr. Paul Hasse, 415 Sterling, asked if the covenants for Bliss Pointe PDD would be changed with this process. Commissioner Iverson stated that the covenants will not be changed. Discussion followed. Mr. Hasse also stated that the Commission should consider increasing the width of residential lots within residential districts. Discussion followed.

Discussion followed between the Commission and Mr. Grunewaldt regarding his request to allow storage units within the Central Business District. Dominguez suggested that Staff will have a report about the existing uses on the properties that Mr. Grunewaldt brought up to the Commission.

Ms. Katherine Peel representing Circle 13 LLC, 1313 W. Cherry, would like the definition of 'campground' to clarify that individual camping units could not be located and occupied as living quarters for no more than three contiguous months out of a year. Discussion followed. Ms. Peel also would like 'telephone, and secretarial' to be removed from the definition of 'motel' as not all motels offer these services. Discussion followed. Commission agreed with the requested changes.

#### 9. Staff Reports

None.

#### 10. Adjourn

Moved by Commissioner Forseth to adjourn, seconded by Commissioner Tuve. Motion carried 7-0. Commissioner Iverson declared the meeting adjourned at 6:20 p.m.

## *Planning & Zoning Commission Agenda Memo*

**From:** Jose Dominguez, City Engineer

**Meeting:** May 28, 2019

**Subject:** Discussion on Comments Regarding Storage Units in the Central Business District

**Presenter:** Jose Dominguez

**Background:** At the public meeting held on May 13<sup>th</sup> Mr. Chad Grunewaldt (100 N. Yale) asked the Commission to look into the possibility of allowing ‘storage units’ or ‘outdoor contractor storage’ as either a permitted use, or conditional use, within the Central Business District (CBD). During the discussion Mr. Grunewaldt also pointed out several properties within the CBD that might fall under the definition of ‘storage unit’ or a ‘contractor’s storage yard’.

Due to the questions raised at the meeting the Commission requested that Staff research the history of the properties pointed out by Mr. Grunewaldt.

**Discussion:** The properties in question are 222 W. Main, 16 Luxemburg, 217 W. Kidder, and 14 Market (see table for information).

ADDRESS	CURRENT USE	USE PRIOR TO FEB. 20, 2008	COMMENTS
222 W. Main	Fast Auto Glass	Fast Auto Glass	None
16 Luxemburg	Storage shed	Storage shed	None
217 W. Kidder	Turner Plumbing	Turner Plumbing	None
14 Market	Ty’s Building Service	Ty’s Building Service	None
9 W. National	Vacant lot	Press Box	Fire on Sept. 29, 2008; razed December 2009

Based on the information gathered it is safe to say that all of the current uses are allowed in the current zoning district, with the exception of 16 Luxemburg. The use on this

property is non-conforming since the use was allowed in the zoning district it used to occupy.

Additionally, 'storage units' have never been a permitted, or conditional, use in the CBD. The reason that 16 Luxemburg has a storage shed is that that area was zoned in a district that allowed the construction of those buildings.

**Compliance with Comprehensive Plan:** The 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 may choose to include this change in the current amendments. However, this change could have large implications in the CBD considering that storage units can be constructed anywhere (new buildings or within an existing building). This could create an area in the center of Vermillion that would be occupied by businesses that do not draw the public to downtown unless they are needing to use the storage unit.

A better solution would be to allow the City's Code Enforcement Department to work with Mr. Grunewaldt to address the issues on 9 W. National. These issues are related to zoning, however, it is with the enforcement side of the zoning ordinance and not with allowable uses.

## *Planning & Zoning Commission Agenda Memo*

**From:** Jose Dominguez, City Engineer

**Meeting:** May 28, 2019

**Subject:** Discussion on Amendments to Zoning Ordinance – Section 155.072 Off-Street Parking

**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, these were called ‘special uses’ at that time. In order for ‘special uses’ to be approved, they would need to be reviewed by the Planning 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.

At the January 28<sup>th</sup> meeting the Planning and Zoning Commission approved the following schedule. The items that are crossed out have already been presented.

ITEM	DESCRIPTION	DATE STAFF PRESENTED ITEM TO PC	DATE PC TURNED COMMENTS TO STAFF
1	Definitions	January 14, 2019	January 28, 2019
2	NRC-Natural Resource Conservation District	January 28, 2019	February 11, 2019
3	R1-Residential-District R2-Residential-District	February 11, 2019	February 25, 2019

	R3-Residential-District R4-Residential-District		
4	CB-Central-Business-District GB-General-Business-District NC-Neighborhood-Commercial-District	February 25, 2019	March 11, 2019
5	GI-General-Industrial-District HI-Heavy-Industrial-District	March 11, 2019	March 25, 2019
6	Planned-Unit-Development-Districts (only to ensure that uses match the definition in ordinance)	March 25, 2019	April 8, 2019
6A	Draft of items 1 through 6	April 8, 2019	April 22, 2019
7	Public Meeting to gather comments on items 1 through 6	May 13, 2019	
8	Off-Street Parking Requirements	May 28, 2019	June 10, 2019
9	Conditional-Use Permit Section	June 10, 2019	June 24, 2019
10	Miscellaneous amendments to ordinance	July 8, 2019	July 22, 2019
11	Public Meeting to gather comments on items 8 through 10	August 12, 2019	
12	Draft of items 1 through 6, 8, 9 and 10	August 26, 2019	September 9, 2019
13	Public Hearing on Amendments	September 23, 2019	
14	1 <sup>st</sup> Reading of Ordinance at Council	October 7, 2019	
15	2 <sup>nd</sup> Reading of Ordinance at Council	October 21, 2019	

**Discussion:** The City has been regulating parking since the original zoning ordinance was adopted in 1966. Over the years the off-street parking regulations have been amended to adapt to the public's needs (safety and aesthetics). Following are the changes that have occurred to the dwelling requirements:

- **1966 – Ord. 474** – 1 space per dwelling unit
- **1971 – Ord. 571** – 1 space per single-family dwelling; 1.5 spaces per each unit of a two family dwelling; 2 spaces per each unit of a multiple-family dwelling



- **1989 – Ord. 931** – 2 spaces per dwelling unit; No front yard parking in the R-0, R-1 and R-2 district except on driveways
- **2008 – Ord. 1189** – Redo of original 1966 ordinance; 2 spaces per each dwelling unit for single-family or two family dwellings; for multiple-family dwellings is the greater of 2 spaces per dwelling unit or 1 per bedroom
- **2012 – Ord. 1276** – 2 spaces per each dwelling unit for single-family detached; for single-family attached, duplexes, or multiple-family dwellings is the greater of 2 spaces per dwelling unit or 1 per bedroom; also had option of ‘alternate parking’ which counted garages into the formula for parking requirements for multiple-family dwellings.
- **2018 – Ord. 1367** – 2 spaces per each dwelling unit for single-family detached, single-family attached and duplexes; for multiple-family dwellings is the greater of 2 spaces per dwelling unit or 1 per bedroom; removed the ‘alternate parking’ option for multiple-family dwellings, but it still is allowed for all other residential dwellings; defined a parking space as a hard-surfaced area measuring 9-feet x 18-feet

Staff is not recommending any changes to the residential requirements. However, a clean-up change needs to occur to the requirements for boarding houses, sororities and fraternities. Previously the City Council adopted ordinance 1354. This ordinance amended the zoning ordinance’s parking requirements for the previously mentioned uses. Nonetheless, Ordinance 1367 (which was adopted in 2018 by the City Council) mistakenly reversed the amendment by not including the correct changes on the ordinance adopted by the City Council in 2017. The proposed amendments will incorporate the changes done by ordinance 1354 and 1367.

Besides this correction, all other changes are changes to the uses based on the updated definitions.

**Compliance with Comprehensive Plan:** The 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:** Staff asks the Planning Commission to offer comments on the proposed changes to the off-street parking requirements.

Vermillion, SD Code of Ordinances

**§ 155.072 OFF-STREET PARKING.**

(A) *General conditions.*

(1) No parking spaces are permitted in the required front yard in any district, except as follows:

(a) Single-family ~~detached~~ dwellings, ~~townhouse single-family attached~~ dwellings and ~~two-family (duplex) multiple-family~~ dwellings (maximum of two dwelling units) are permitted to provide off-street parking on driveways constructed according to city standards.

(b) Multiple-family dwellings (~~more than two dwelling units~~) located in the R-3 zoning district may provide no more than 25% of the required area for parking in the required front yard.

(c) Commercial uses located in the NRC, CB, GB, NC, GI and HI districts may provide required parking in the required front yard.

(2) Parking spaces may be permitted in any required rear yard.

(3) All parking spaces shall be connected to a public street or alley.

(4) Except in conjunction with a legal nonconforming business, it is unlawful for any person to park, store, leave, or permit the parking, storing or leaving of any commercial vehicle with a gross vehicle weight rating (GVWR) of over 13,000 pounds in a NRC, R-1, R-2, R-3 or R-4 Zoning District, unless the vehicle is parked in connection with the performance of a service. The transferring of refuse from a smaller satellite vehicle to a large packer garbage truck is prohibited.

(5) All parking, loading, and maneuvering and drive areas thereto shall be hard surfaced with asphalt or concrete.

(6) The parking requirements in this section shall not be applicable to property in the CB Central Business District.

(7) Off-street parking shall be located on the same zoning lot as the principal use served.

(B) *Required parking spaces.*

(1) In computing the number of required off-street parking spaces, the floor area shall mean the gross floor area of the specific use, excluding any floor or portion used for parking. Where fractional spaces result, the parking spaces required shall be the nearest whole number. For the number of off-street parking and loading spaces required in all other districts, see Table 1 below:

**Table 1: Minimum Off-Street Parking and Loading Requirements**

<i>Uses and Structures</i>	<i>Minimum Parking Requirements</i>
<del>Rooming and boarding houses, sororities and fraternities fraternities and sororities</del>	<del>1 parking space for each 200 square feet of floor area. In calculating the required parking spaces, these uses may be permitted to include off-street parking available on a different lot, or zoning lot, than the use served, subject to approval of the use through the conditional use permit process. Parking spaces may not count towards more than one use if a new parcel previously undeveloped, then 1 parking space for each 200 square feet of floor area.</del>

Vermillion, SD Code of Ordinances

<i>Uses and Structures</i>	<i>Minimum Parking Requirements</i>
	If an existing parcel previously used as a boarding house, or fraternities and sororities, the applicant shall provide the City the current number of residents and the existing number of off-street parking provided. The existing number of off-street parking shall be subtracted from the current number of residents to determine the current on-street parking demand. The applicant shall also provide the City the proposed number of residents that will live in the new building. The current on-street parking demand shall be subtracted from the proposed number of residents that will live in the new building. This value will be the required off-street parking that will need to be provided for. In calculating the required parking spaces, these uses may be permitted to include off-street parking available on a different lot, or zoning lot, then the use served, subject to approval of the use through the Conditional Use Permit process. Parking spaces may not count towards more than one use.
Bowling alleys	4 spaces per lane
Church or temple	1 space for each 4 seats in main seating area
Private club or lodge	1 parking space for each 300 square feet of floor area
High school (grades 9 <sup>th</sup> through 12 <sup>th</sup> )	4 spaces for each classroom or office room, plus 1 for each 150 square feet of seating area in any auditorium or gymnasium or cafeteria intended to be used as an auditorium
Elementary or Middle school (grades up to, and including, 8 <sup>th</sup> grade)	2 spaces for each classroom or office room, plus 1 for each 150 square feet of seating area in any auditorium or gymnasium or cafeteria intended to be used as an auditorium
Eating and drinking places	1 space for each 300 square feet of gross floor area
Hospitals	1 space for each bed
Nursing, convalescent and rest homes	1 space for each 3 beds
Auditoriums, theaters and places of public assembly	1 space for each 4 seats of design capacity
Hotels and motels	1 space for each 2 rental rooms
Funeral homes	1 space for each 4 seats in the chapel
Retail sales establishments	1 space for each 300 square feet of floor area
Medical and dental clinics	1 space for each 2 staff members and full-time employees, plus 1 space for each 600 square feet of gross floor area
Manufactured home parks	2 spaces for each

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Vermillion, SD Code of Ordinances

<i>Uses and Structures</i>	<i>Minimum Parking Requirements</i>
Industrial uses	1 space for each 2 employees on the maximum working shift
Service establishments	1 space for each 300 square feet of floor area
Wholesale and distribution establishments	1 space for each 2 employees on the maximum working shift

(2) For parking requirements for ~~residential-uses~~dwellings (excluding manufactured homes) see Table 2 below.

(a) Below are several options for a property owner to take when building off- street parking. The process starts with division 1. below. If the requirements cannot be met, then proceed to division 2. below, and so on. All other ordinances still apply to the construction. Options:

1. Off-street parking to be in the existing driveway (side-by-side or back-to-back); if not, then
2. Existing driveway may be widened to provide side-by-side parking along the front side of the property. The portion widened may not be in front of the residence; if not, then
3. Properties with alleyway access may construct the parking area along the rear of the property with access from the alleyway; if not, then
4. Off-street parking may be constructed in the rear yard; if not, then
5. Existing driveway may be widened to provide side-by-side parking along the front side of property. A portion widened may be in front of the residence. The maximum distance for the portion in front of the residence to be widened will be 4-feet and shall be hard surface.

(3) Alternate parking requirements (see Table 2 below) shall allow for 1 parking stall within the garage to count towards the off-street parking requirements. In order for the alternate parking requirements to be utilized, the following criteria must be met:

- (a) Alternate parking requirements shall not be considered for any multiple- family dwelling units to be constructed after March 22, 2018;
- (b) Each dwelling unit shall have the garage located within 10 feet of the unit (measured from the closest point of the dwelling unit to the closest point of the garage unit);
- (c) Each garage stall shall be a minimum of 10 feet wide by 20 feet long; and
- (d) The property owner shall ensure that the garage space is open for resident parking, or for tenant parking as a condition of their rental registry. The garage space cannot be used for any other purpose.

**Table 2: Minimum Off-Street Parking and Loading Requirements for Residential Uses**

<i>Uses and Structures</i>	<i>Minimum Parking Requirements</i>	<i>Alternate Parking Requirements</i>
Single-family detached	2 parking spaces per each dwelling unit	2 parking spaces per each dwelling unit
Single-family attached	2 parking spaces per each	2 parking spaces per each dwelling unit

Vermillion, SD Code of Ordinances

<i>Uses and Structures</i>	<i>Minimum Parking Requirements</i>	<i>Alternate Parking Requirements</i>
<del>(townhouses)</del>	dwelling unit	
<del>Multiple-family (maximum of two dwelling units) Two-family attached (duplex)</del>	2 parking spaces per each dwelling unit	2 parking spaces per each dwelling unit
Multiple-family (apartments and condominiums)(more than two dwelling units)	2 parking spaces per each dwelling unit or 1 parking space per each bedroom, whichever is greater	Use either 2 parking spaces per each dwelling unit or 1 per bedroom, whichever is greater. This value shall be multiplied by the following factors. The number of garage stalls shall be subtracted from the product. If garage is 1 stall then the factor will be 1.2 If garage is 2 stalls, or larger, then factor will be 1.4

(4) All other uses not specified in the above tables shall have minimum off-street parking and off-street loading spaces as determined by the City Council. (Ord. 1189, passed 7-7-2008; Am. Ord. 1276, passed 5-21-2012; Am. Ord. 1340, passed 5-16-2016; Am. Ord. 1354, passed 6-5-2017; Am. Ord. 1367, passed 2-20-2018) Penalty, see § 155.999