



City of Vermillion
Planning Commission Agenda
5:30 p.m. Regular Meeting
Monday, June 24, 2019
Large Conference Room – 2nd Floor
City Hall
25 Center Street
Vermillion, SD 57069

1. **Roll Call**
2. **Minutes**
 - a. May 28, 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 Amendments to Zoning Ordinance – Section 155.072 Off-Street Parking.
8. **New Business**
 - a. Discussion on Amendments to Zoning Ordinance – Section 155.095 Conditional Use Permits.
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 28, 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 28, 2019 at 5:30 p.m.

1. Roll Call

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

Absent: Fairholm, Kleeman, Manning, Tuve.

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

2. Minutes

a. May 13, 2019 Regular Meeting.

Moved by Commissioner Gestring to adopt May 13, 2019 regular meeting minutes as printed, seconded by Commissioner Forseth. Motion carried 5-0.

3. Declaration of Conflict of Interest

Commissioners Muenster and Forseth noted they own investment property.

4. Adoption of the Agenda

Moved by Commissioner Forseth to adopt the agenda as published, seconded by Commissioner Muenster. Motion carried 5-0.

5. Visitors to be Heard

None.

6. Public Hearing

None.

7. Old Business

Discussion on Comments Regarding Storage Units in the Central Business District.

Jose Dominguez, City Engineer, began by explaining that at the public meeting held on May 13 Mr. Chad Grunewaldt 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 four properties within the CBD that might fall under the definition of 'storage unit' or a 'contractor's storage yard'. The commission directed Staff to research the history of the properties noted by Mr. Grunewaldt. As outlined in the memo, the current uses of the four properties researched have not changed since the most recent update to the zoning ordinance, which became effective February 20, 2008. All but one of the properties have allowed uses in the current district. The remaining property is allowable as a non-conforming use as it was in a different district prior to the 2008 update. However, should the building be destroyed or used differently, it would need to comply with the

existing ordinance. Mr. Dominguez noted that Mr. Grunewaldt's property is currently a vacant lot but was a business at the time of the zoning ordinance update. Mr. Dominguez stated that historically, storage units have never been a permitted, or conditional, use in the Central Business District. Staff believe that amending the ordinance could have large implications in the CBD and recommend directing Code Enforcement to work with Mr. Grunewaldt on this matter. Commissioner Iverson stated the CBD is not a place for storage units. Commissioner Muenster stated that enclosed storage units could be beneficial to downtown merchants and tenants. Commissioner Forseth suggested the possibility of rezoning 9 W Main to residential. Discussion followed. Staff was directed to work with Code Enforcement regarding the upkeep of the discussed properties.

8. New Business

a. Discussion on Amendments to Zoning Ordinance - Section 155.072 Off-Street Parking

Dominguez, City Engineer, explained that many of the changes within this section are due to the update of the definition section of the ordinance. He explained that the most notable change is to the minimum parking requirements for boarding houses, fraternities and sororities. This sizable change is due to an error with a recent codification of ordinances. With the most recent update, changes that had been made with the adoption of Ordinance 1354, were erroneously removed with the adoption of Ordinance 1367. Staff's proposed amendments to these uses are intended to incorporate the changes adopted by Ordinances 1354 and 1367.

Mr. Dominguez provided history of parking requirements dating back to the original ordinance in 1966 as printed in the memo.

Commissioners offered the following suggestions:

MANUFACTURED HOME PARKS: 2 spaces ~~for each~~ (for each manufactured home)

HOTELS AND MOTELS: 1 space for each ~~2~~ rental rooms

HOSPITALS: 1 Space for each bed - Staff was directed to research this item as 1 space for each patient bed does not account for hospital staff parking. It was suggested to match the definition for MEDICAL AND DENTAL CLINICS.

CHURCH ~~OR TEMPLE~~: Change the definition to "Place of Worship"

Commissioner Gestring questioned why some establishments' parking was determined by 'floor area' and others were determined by 'gross floor area.' Mr. Dominguez explained that that floor area/gross floor area is determined by where customers are served providing the example that a restaurant's kitchen would not be taken into account for parking.

Staff requested that the Commissioners review the proposed changes to the parking portion of the zoning ordinance and provide feedback at the next meeting.

9. Staff Reports

Anderson Street: scheduling preconstruction meeting with contractor - tentatively in June.

Elm Street: scheduling preconstruction meeting with contractor - tentatively in June.

Roosevelt Street: working with developer that will be constructing ½ of the street.

Downtown Streetscape Project: Public meeting to be set for June.

Generally gearing up for several projects throughout the City and waiting for things to dry up.

10. Adjourn

Moved by Commissioner Forseth to adjourn, seconded by Commissioner Wilson. Motion carried 5-0. Commissioner Iverson declared the meeting adjourned at 6:15 p.m.

Planning & Zoning Commission Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: June 24, 2019

Subject: Discussion on Amendments to Zoning Ordinance – Section 155.072 Off-Street Parking (comments from Commission)

Presenter: Jose Dominguez

Background: At the May 28, 2019 meeting Staff presented amendments to the off-street parking section of the Zoning Ordinance. The proposed changes were given to the Planning and Zoning Commission for review. Staff asked for any comments regarding the proposed changes to be ready for the meeting on June 10th meeting. The June 10 meeting was not held.

Discussion: The proposed changes are intended to simplify the ordinance and ensure that the proposed uses are included in the definitions, and vice-versa.

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

Conclusion/Recommendations: Staff asks for comments on the off-street parking section of the ordinance.



Planning & Zoning Commission Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: June 24, 2019

Subject: Discussion on Amendments to Zoning Ordinance – Section 155.095
Conditional Use Permits

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 28th 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 June 24, 2019
9	Conditional-Use Permit Section	June 10, 2019 June 24, 2019	June 24, 2019 July 8, 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 st Reading of Ordinance at Council	October 7, 2019	
15	2 nd Reading of Ordinance at Council	October 21, 2019	

Discussion: The concept of conditional uses was introduced into the City’ zoning ordinance with the 2008 ordinance. Prior to that the City had ‘special uses’ that functioned close to our conditional uses. An applicant had to go to the Commission who would make a recommendation to the City Council. The City Council would be the final say if the use would be permitted.

Currently every zoning district has permitted uses and conditional uses. The permitted uses are reviewed by Staff and allowed, or not, based on the requirements set for in the Zoning ordinance. On the other hand, conditional uses go directly to the Commission for

review and approval. The review is based on the criteria set forth in this section of the ordinance. If the applicant is not satisfied with the Commission’s decision, then they may submit an appeal to the City Council.

The proposed changes to this section are intended to facilitate the decision making process by removing areas that may be problematic for the Commission to review, or that may place the Commission in conflict with other ordinances in the Code. Although the changes do streamline the process, it still allows the Commission the ability to place conditions to ensure general compatibility with adjoining properties.

EXISTING	PROPOSED	REASON
Ingress and egress to property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe	Ensure that ingress and egress to the property is as required by section 154.14 (E)	<p>There is already an ordinance in place dictating the access requirements from the right-of-way to the property.</p> <p>Staff is proposing splitting the existing criteria. One criteria would have the Commission review to ensure that the ordinance is met, and the other criteria would allow the Commission to review the plans and place conditions on the internal flow of the development.</p>
	Review and, if necessary, place conditions to ensure automotive and pedestrian safety, traffic flow and control, and access in case of fire or catastrophe with in the development	
Off-street parking and loading areas where required	Ensure that off-street parking and loading areas are as required by sections 155.072 and 155.073	There are sections within the Zoning ordinance that have requirements for the developer.

<p>Refuse and service areas with particular reference to 1 and 2</p>	<p>Ensure that refuse areas are provided for within the development</p>	<p>Commercial, industrial and multi-family development are required to provide a refuse area that is not located within the front yard setback.</p>
<p>Utilities, with reference to locations, availability, and compatibility</p>	<p>Ensure that developments have appropriate fire protection (fire hydrants, fire suppression systems, etc...)</p>	<p>Staff reviews utility availability with the developer prior to application is submitted to the Commission. The availability is discussed with applicant and they are made aware of any City requirements. Service size is determined by the applicant and the final request is approved by Staff. In the instance that there are no utilities available the applicant would be required to extend the mains for them to tap into.</p> <p>Staff also reviews the need for fire hydrants within developments and ensures that the proposed services are large enough to accommodate fire flows.</p>
<p>Screening and buffering with reference to type, dimensions and character</p>	<p>Ensure that screening and buffering with reference to type, dimensions and character complies with section 155.077 or any requirements within the zoning district where the development will occur</p>	<p>The section within the zoning ordinance already addresses the requirements that the applicant needs to abide by.</p>
<p>Signs, if any, and proposed exterior lighting with</p>	<p>Ensure that the proposed lighting complies with</p>	<p>The section within the zoning ordinance already</p>

reference to glare, traffic safety, economic effect, and compatibility and harmony with other properties in the district	section 155.077	addresses the requirements that the applicant needs to abide by.
Required yards and other open spaces	Ensure that all of the setbacks are being met for the development as set within the respective zoning districts	There are sections within the zoning ordinance already addressing the requirements that the applicant needs to abide by.
General compatibility with adjoining properties and other property in the zoning district in which such use is to be located	Review and, if necessary, place conditions to ensure general compatibility with adjoining properties and other property in the zoning district in which such use is to be located	
The goals and objectives of the most recently adopted comprehensive plan	Review and, if necessary, place conditions to ensure that the conditional use meets the goals and objectives of the most recently adopted comprehensive plan	

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 conditional use permit review process.

§ 155.095 CONDITIONAL USE PERMITS.

Any conditional use approved by the Planning Commission shall conform to the standards set forth for such uses below. These standards shall be construed to be the minimum requirements for any of the specified conditional uses, and the Planning Commission may require additional reasonable stipulations at their discretion. In all cases, the impact of the proposed use on adjacent properties shall be a major consideration.

(A) *Procedure.* The Planning Commission may authorize by conditional use permit, those uses specifically designated as conditional uses in §§ 155.030 through 155.039, and §§ 155.055 through 155.061. The Planning Commission shall impose such conditions as are appropriate and necessary to insure compliance with the Comprehensive Plan and ~~protect the health, safety, and general welfare~~ the impact of the conditional use upon neighboring land and the public for the particular location in the issuance of the conditional use permit.

(B) *Application.* To obtain a conditional use permit, the applicant shall file an application, therefore, in writing on a form furnished by the Zoning Administrator. Every application shall contain the following information:

- (1) Legal description of the land on which the conditional use is requested, together with a local street address;
- (2) Name and address of each owner of the property;
- (3) Name, address, phone number and signature of the applicant;
- (4) Zoning district classification under which the property is regulated at the time of such application;
- (5) Be accompanied with a site plan, unless waived by the Zoning Administrator; and
- (6) Any other information concerning the property as may be requested by the Zoning Administrator or the Planning Commission.

(C) *Fees.* Upon the filing of any application for a conditional use permit with the Zoning Administrator, the applicant shall pay to the city the appropriate fee as designated by resolution of the Vermillion City Council.

(D) *Information on site plan.*

(1) In addition to the following information, plans shall be drawn to scale upon substantial paper, or provided electronically, and shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show, in detail, that it will conform to the provisions of this section and all relevant laws, ordinances, rules and regulations. The Zoning Administrator may waive the submission of plans, if he or she finds that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this section.

- (a) The address of the property and the legal description.
- (b) The name of the project and/or business.
- (c) The scale and north arrow.
- (d) All existing and proposed buildings or additions.
- (e) Dimensions of all buildings.

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(f) Distance from all building lines to the property lines at the closest points.

(g) Building height and number of stories.

(h) Dimensions of all property lines.

(i) Parking lots or spaces; designate each space, give dimensions of the lot, stalls and aisles.

(j) Screening; show height, location, and type of material to be used.

(k) The landscaped setback and trees; indicate species of trees and material to be used for landscaping.

(l) Name and location of all adjacent streets, alleys, waterways and other public places.

(2) Approved plans shall not be changed, modified, or altered without authorization from the Planning Commission giving final approval, and all work shall be done in accordance with the approved plans.

(E) *Review and public hearing procedure.*

(1) Prior to the approval of a conditional use permit, the Zoning Administrator shall meet with the applicant to review the application. After review of the application, the Zoning Administrator shall make a recommendation to the Planning Commission to either approve or not approve the application. The Zoning Administrator's recommendation shall include a summary of the application, and the reasons and justification for either approval or disapproval of the application.

(2) The Zoning Administrator shall set the date, time and place for a public hearing to be held by the Planning Commission. The Zoning Administrator shall notify the landowner by mail, and shall post notices of the public hearing at City Hall and on the property affected by the proposed conditional use permit no less than 7 days prior to the scheduled public hearing. No less than 10 days before the public hearing, the Zoning Administrator shall publish notice of the public hearing in a legal newspaper of the city.

(3) The following procedure shall be followed by the Planning Commission in considering the recommendation of the Zoning Administrator:

(a) A public hearing shall be held. Any person may appear in person, or by agent or attorney. Minutes of the public hearing shall be recorded and kept in the records of the Planning Commission.

(b) Before any conditional use permit shall be granted, the Planning Commission shall make written findings certifying that the conditional use being reviewed complies with the City's comprehensive plan and all current ordinances governing the individual compliance with the specific rules governing individual conditional uses and that satisfactory provisions and arrangements have been made concerning the following, where applicable:

1. Ensure that ingress and egress to the property is as required by § 154.14 (E), and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

2. Review and, if necessary, place conditions to ensure automotive and pedestrian safety, traffic flow and control, and access in case of fire or catastrophe within the development;

~~23. Ensure that Off-street parking and loading areas are as required by §§ 155.072 and 155.073 where required;~~

~~34. Ensure that Refuse and service areas are provided for within the development, with particular reference to 1. and 2. above;~~

~~45. Utilities, with reference to locations, availability, and compatibility~~ Ensure that developments have appropriate fire protection (fire hydrants, fire suppression systems, etc...);

~~56. Ensure that S~~ screening and buffering with reference to type, dimensions and character complies with § 155.077 or any requirements within the zoning district where the development will occur;

~~67. Signs, if any, and~~ Ensure that the proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with other properties in the district complies with § 155.077;

~~78. Ensure that all of the setbacks are being met for the development as set within the respective zoning district;~~ Required yards and other open space;

~~89. Review and, if necessary, place conditions to ensure~~ General compatibility with adjoining properties and other property in the zoning district in which such use is to be located; and

~~910. Review and, if necessary, place conditions to ensure that the conditional use meets T~~ the goals and objectives of the most recently adopted comprehensive plan.

(c) The Planning Commission shall decide whether to grant the conditional use with such conditions and safeguards as are appropriate or to deny a conditional use when not in harmony with the purpose and intent of these regulations. The decision of the Planning Commission shall be final unless an appeal is filed in accordance with § 155.095(F).

(F) *Appeal of Planning Commission decision.* The decision rendered by the Planning Commission on a conditional use permit may be appealed to the City Council. The applicant or any other person aggrieved by the decision of the Planning Commission shall file a written appeal with the Zoning Administrator within 5 working days of the Planning Commission's decision. When an appeal is filed, the Zoning Administrator shall present the Planning Commission's decision to the City Council for review. Notice of the meeting shall be given as required by § 155.095(E). The City Council shall vote to either uphold, overrule or amend the decision of the Planning Commission.

(G) (1) *Expiration.* A conditional use permit shall expire 1 year from the date upon which it becomes effective if no work has commenced. Upon written request to the Zoning Administrator and prior to the conditional use permit expiration date, a 1-year time extension for the conditional use permit may be granted by the Zoning Administrator, subject to the following conditions:

(a) The land uses for the surrounding properties have not significantly been altered since the original approval date for the conditional use permit;

(b) Due to other on-going permitting processes or necessary engineering/planning studies relating to the specific project for the conditional use permit that may impact the one-year schedule for project completion.

(2) A conditional use permit approved in accordance with § 155.095 shall expire one year after the use discontinues on the premises, or the use is changed to another permitted use in the underlying district.

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(Ord. 1189, passed 7-7-2008; Am. Ord. 1254, passed 5-16-2011)