



City of Vermillion
Planning Commission Agenda
5:30 p.m. Regular Meeting
Monday, July 22, 2019
Large Conference Room – 2nd Floor
City Hall
25 Center Street
Vermillion, SD 57069

1. **Roll Call**
2. **Minutes**
 - a. June 24, 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 155.095 Conditional Use Permits.
8. **New Business**
 - a. Discussion on Amendments to Zoning Ordinance – Section 155.004 Provisions as Minimum Requirements; 155.029 Annexations, 155.050 Intent Compliance with Comprehensive Plan; 155.054 Amendments; 155.078 Home Occupations; and, 155.079 Manufactured Homes.
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, June 24, 2019 Regular Planning and Zoning Commission Meeting

The regular meeting of the Vermillion Planning and Zoning Commission was called to order in the Large Conference Room at City Hall on June 24, 2019 at 5:30 p.m.

1. Roll Call

Present: Fairholm, Kleeman, Gestring, Manning, Tuve, Wilson, Iverson.

Absent: Forseth, Muenster.

Staff present: José Domínguez, City Engineer.

2. Minutes

a. May 28, 2019 Regular Meeting.

Moved by Commissioner Gestring to adopt May 28, 2019 regular meeting minutes as printed, seconded by Commissioner Wilson. Motion carried 7-0.

3. Declaration of Conflict of Interest

None.

4. Adoption of the Agenda

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

5. Visitors to be Heard

None.

6. Public Hearing

None.

7. Old Business

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

José Domínguez, City Engineer, explained that Staff and the Commission discussed parking requirements/criteria imposed on new construction within the City and the proposed amendments to the updated ordinance. At that time, Staff requested the Commissioners review the proposals and provide comment. There were no comments.

8. New Business

a. Discussion on Amendments to Zoning Ordinance - Section 155.095 Conditional Use Permits

Mr. Domínguez provided background on the conditional use permit process, noting that prior to the adoption of the 2008 ordinance the Planning Commission made a recommendation to the City Council where the decision was ultimately made. The change in 2008 allowed for the Planning and Zoning Commission to make the final decision, which allowed for an appeal

process through the City Council. Staff does not propose changing the process. Domínguez explained that the proposed changes, as published in the packet, 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.

Commissioner Wilson suggested that if an application is incomplete, the Commission should not review it. Mr. Domínguez stated that issue has been covered with the new application form. Staff was directed to bring the application to the next meeting for review.

Referring to a dwelling that was constructed and later ordered to be torn down in another city, Commissioner Wilson suggested that the Planning & Zoning Commission (possibly in conjunction with the permit office) should review structures "in context" with the neighborhood. Mr. Domínguez explained this type of situation should be avoided, as the governing body could contradict the ordinances. Discussion regarding setbacks and variances followed.

Commissioner Fairholm requested clarification regarding the Section (G)(1) *Expiration*. Mr. Domínguez explained that multiple 1-year extensions can be granted giving the example of the gas station at the intersection of Norbeck and Cherry. Discussion followed. It was suggested that perhaps only one extension should be allowed and following the one-year extension, if the project were not complete, the Building Permit would expire.

9. Staff Reports

Anderson Street: contractor state project will begin in August. Completion date is at the end of October.

Elm Street: local contractor is waiting for equipment (paver) to begin the project.

Roosevelt Street: working with developer that will be constructing ½ of the street. Project is on hold - they are requesting a variance for parking requirements.

10. Adjourn

Moved by Commissioner Fairholm to adjourn, seconded by Commissioner Manning. Motion carried 7-0. Commissioner Iverson declared the meeting adjourned at 6:05 p.m.

Planning & Zoning Commission Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: July 22, 2019

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

Presenter: Jose Dominguez

Background: At the June 24, 2019 meeting Staff presented amendments to the conditional use permit 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 July 8th meeting. The July 8th meeting was not held.

Discussion: The proposed changes are intended to simplify the ordinance.

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 conditional use permits section of the ordinance.

From: noreply@civicplus.com
Sent: Wednesday, July 10, 2019 4:28 PM
To: Jose Dominguez
Subject: Online Form Submittal: Petition for Conditional Use Permit

Petition for Conditional Use Permit

THE PLANNING COMMISSION REQUEST THE FOLLOWING:

(1) APPLICANT MUST COMPLETE THE ENTIRE APPLICATION, OTHERWISE APPLICATION WILL NOT BE PRESENTED TO THE PLANNING COMMISSION FOR CONSIDERATION.

(2) APPLICANT MUST EITHER CHECK A BOX OR ANSWER EACH QUESTION. IF THE ANSWER TO THE QUESTION IS NOT KNOWN, WRITE 'DO NOT KNOW' AS THE ANSWER TO THE QUESTION.

1. Petitioner Information

Name	Joe Blow
Email Address	joeblow@gmail.com
Address	123 Any Street
City	Vermillion
State	SD
Zip Code	57069
Phone Number	605-123-4567
Fax Number	605-987-6543

(Section Break)

2. Information on Property Applying for Conditional-Use Permit

Address of Property	123 Any Street
Legal Description	Lot 1, Block 1, Super Old Addition
Current Zoning District	R-2 - Residential District
If you selected PDD - Planned Development District, enter the name of	N/A

the district. Otherwise enter 'N/A.'

(Section Break)

3. Information on Adjoining Properties

Describe the neighborhood where the Conditional-Use Permit is being sought.	It's a residential area with apartments to the north, a grocery store to the east and a hog confinement operation to the south and west.
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Adjacent uses to proposed conditional-use (check all that apply):

NORTH	Multi-Family
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EAST	Commercial
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SOUTH	Industrial
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WEST	Industrial
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(Section Break)

4. Standards for Conditional Use Permit

Please address the following criteria. These standards will be addressed at the public hearing.

A. How will the property and structures be accessed from the street?	I would like to have a 100-foot curb cut on my east property line. This will make it easier for trucks to deliver fuel.
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B. Where will the access points from the street be located?	Since it's a corner, the property will be access from the east, with another possible access from the north. This other access will be constructed in the future.
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C. How wide will the access points be?	Both would be 100-feet.
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D. How will the traffic (both vehicles and pedestrians) flow within the property?	Semis and cars will have to make a loop in the property. Even though we sell lollypops and ice cream we do not expect that many pedestrians.
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E. Where will the off-street parking and loading areas be located?	Some parking will be located in front of the building. The rest of the parking will be on the street. With the exception of the fuel being delivered, all delivery trucks will unload/load from the street.
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F. How many off-street parking stalls and loading areas are being proposed?	4 parking stalls, and 1 loading area.
G. Where will refuse and service areas be located on the property?	In the back of the building.
H. What is the availability of utilities in the area? Will they need to be installed or modified to service the property?	The property is already served with City utilities.
I. Is screening and/or buffering being proposed? If so, what will it be, and where will it be constructed?	We are not proposing any screening.
J. Are any signs proposed for the property? If so, describe the signs being proposed (size and lighting).	We are putting a 30'x30' neon sign advertising for our gas station.
K. Will the signs be compatible with neighboring properties?	The grocery store and hog confinement operation are OK with it. I have not been able to speak to the apartment owner.
L. How will the signs affect the surrounding areas?	It will be great. The light will increase safety, and the size will block the hog confinement operation.
M. Are there any required yards and other open spaces?	No.
N. What is the general compatibility with the adjoining properties and other properties in the zoning district in which such use is to be located?	It's compatible with everything.
Upload any plans or diagrams	<i>Field not completed.</i>

(Section Break)

Acknowledgement of Fees I acknowledge.

Electronic Signature Agreement I agree.

Electronic Signature Jose Dominguez

Once submitted, Staff will verify that everything has been filled out correctly. Afterwards, you will be contacted to inform you of when your Petition for Conditional Use Permit will come before the Planning Commission. It is highly recommended that you attend this meeting.



Planning & Zoning Commission Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: July 22, 2019

Subject: Discussion on Amendments to Zoning Ordinance – Section 155.004 Provisions as Minimum Requirements; 155.029 Amendments; 155.050 Intent Compliance with Comprehensive Plan; 155.054 Amendments; 155.078 Home Occupations; and, 155.079 Manufactured Homes.

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	February 11, 2019	February 25, 2019

	R2 Residential District 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 July 22, 2019
10	Miscellaneous amendments to ordinance	July 8, 2019 July 22, 2019	July 22, 2019 August 26, 2019
11	Public Meeting to gather comments on items 8 through 10	August 12, 2019 August 26, 2019	
11a	Noon Presentation to City Council	September 3, 2019	
12	Draft of items 1 through 6, 8, 9 and 10	August 26, 2019 September 23, 2019	September 9, 2019 October 15, 2019
13	Public Hearing on Amendments	September 23, 2019 October 28, 2019	
14	1 st Reading of Ordinance at Council	October 7, 2019 November 18, 2019	
15	2 nd Reading of Ordinance at Council	October 21, 2019 December 2, 2019	

Discussion: The following proposed changes were identified as needing clean up language in the zoning ordinance. The following table shows Staff’s reasoning for the proposed changes.

SECTION TO BE CHANGED	STAFF'S REASONING
155.004 Provisions as Minimum Requirements	<p>Removed 'deed restrictions, or covenants' from the language.</p> <p>The removal will further clarify the fact that the City does not enforce deed restrictions or covenants. The exception would be documents created by the City.</p>
155.029 Annexations	<p>Clarified that when property is annexed it enters as NRC – Natural Resource Conservation District.</p> <p>This will prevent the issue of following the requirements set for an area that may not necessarily match the City's expectations (zoning ordinance, or comprehensive plan).</p>
155.050 Intent; Compliance with Comprehensive Plan	<p>Added line that sets a minimum initial size for planned development plans.</p> <p>Over the years Staff has fielded several requests from the public regarding spot zoning. Once this concept is explained to the public, the following request is typically to do a PDD in order to bypass the spot zoning issue. By requiring a minimum size, the spot zoning/PDD issue is eliminated. This also gives the proposed plan more validity.</p>
155.054 Amendments	<p>Added, and removed, some items to better explain what constituted as major, minor or minimal amendments to the a PDD.</p> <p>The majority of the proposed changes are meant to prevent the Commission from inadvertently bypassing other ordinances, or requirements. For example, the number of curb cuts is set by ordinance and cannot be changed by the Commission; approving an increase in density that would surpass that set in ordinance would require a variance or</p>

	a zoning amendment; etc...
155.078 Home Occupations	<p>Removed the possibility of conducting a home occupation from an accessory structure.</p> <p>Narrowed what may be considered a home occupation.</p> <p>Accessory structures are meant to be used for residential uses (subserving to the main use). Staff has had issues with what is classified as a home occupation. Narrowing the options would prevent someone from opening a mechanic's shop from a residential garage.</p>
155.079 Manufactured Homes	<p>Remove this section.</p> <p>Chapter 151: Mobile Home Parks, covers all of the items discussed.</p>

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 previously mentioned sections.

§ 155.004 PROVISIONS AS MINIMUM REQUIREMENTS.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and general welfare. Wherever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, ~~deed restrictions, or covenants,~~ the most restrictive or that imposing the higher standards, shall govern.
(Ord. 1189, passed 7-7-2008)

§ 155.029 ANNEXATIONS.

~~(A) — In all territories, which may hereafter be annexed to the city, the zoning districts, as they exist in the extraterritorial area or the county, shall be discontinued until otherwise changed by ordinance and automatically be placed in the NRC zoning district. Refer to section 155.101 to rezone the newly annexed territory.~~

~~(B) — Territory zoned as A-1 in the extraterritorial area or the county shall automatically be placed in the NRC zoning district.
(Ord. 1189, passed 7-7-2008)~~

§ 155.050 INTENT; COMPLIANCE WITH COMPREHENSIVE PLAN.

(A) It is the intent of this district to provide flexibility from conventional zoning regulations with increased public review for planned development district projects in order to:

- (1) Encourage well-planned, efficient urban development.
- (2) Allow a planned and coordinated mix of land uses which are compatible and are harmonious, but previously discouraged by conventional zoning procedures.
- (3) Encourage more creative, higher quality and more ecologically sensitive urban design with special consideration given to projects which incorporate desirable design features, including but not limited to underground parking, orientation or design to take advantage of solar energy, environmental preservation, historic preservation, handicapped accessible structures, unique use of open spaces or other desirable design features.

(4) Improve communication and cooperation among the city, land developers, and interested residents in the urbanization of new lands and the renewal of existing deteriorated areas.

(B) The developments within the planned development district shall comply with the policies and design standards of the Vermillion Comprehensive Plan. The development shall be mutually compatible with adjacent projected developments.

~~(C) The planned development district that is be presented to the Planning and Zoning Commission, and to the City Council, shall be at least 5-acres in area. The size of the district may vary once the initial development plan is approved by the City Council.~~

(Ord. 1189, passed 7-7-2008)

§ 155.054 AMENDMENTS.

(A) *Major amendments:* The following changes in an initial and/or final development plan are considered major amendments:

(1) Any change in the proposed land uses, change in the area covered by the planned development district, increase in density above that provided for in the approved development district, or any deviation contrary to the approved plan should follow a rezoning process (§ 155.101).

~~(2) — An increase in density above that provided for in division (B)(5) should follow a rezoning process (§ 155.101).~~

(B) *Minor amendments.* The following changes in an initial and/or final development plan are considered minor amendments:

(1) Any adjustment in the size or shape of the building envelope (increasing the height or reducing the building setback).

~~(2) — Any change in the number or location of curb cuts.~~

(3) Any decrease in the size of required open areas.

(4) A ~~minor~~ change in the street pattern.

(5) Any increase in density of a subarea that does not exceed the allowable maximum set in the approved planned development district:

(a) Less than 25% for a subarea with less than 8 ~~dwellingresidential~~ dwelling units.

(b) Less than 15% for a subarea with between 9 and 20 ~~dwellingresidential dwelling~~ units.

(c) Less than 8% for a subarea with 21 ~~dwellingresidential dwelling~~ units or more.

(6) Any ~~change~~ increase in the number of parking spaces. At no point shall the number of parking spaces be less than the required amount.

~~(7) — Any minor change to on-premise signage.~~

~~(8) — Any major change in the street pattern.~~

(C) *Minimal amendments.* The following changes in an initial and/or final development plan are considered minimal amendments:

(1) Any adjustment of a building within a previously established building envelope.

~~(2) — A reduction in density and scale.~~

~~(3) — Any minimal change in the street pattern.~~

~~(4) — Any minimal change in the parking and loading requirements.~~

~~(5) — Any minimal change to on-premise signage.~~

(Ord. 1189, passed 7-7-2008)

§ 155.078 HOME OCCUPATIONS.

Home occupations are those secondary uses allowed on a premise in conjunction with the following:

(A) The occupation must be conducted within a dwellingresidential dwelling unit ~~or accessory structure.~~

Commented [JD1]: This is covered in the subdivision ordinance. The zoning ordinance does not supersede the subdivision ordinance.

Commented [JD2]: Wouldn't this be covered in the actual ordinance that is approved? A decrease should either be a variance by the Council or an amendment to the ordinance.

Commented [JD3]: This is covered in the signage ordinance.

Commented [JD4]: This is already covered in the minor amendments

Vermillion, SD Code of Ordinances

(B) The occupation must be clearly incidental and secondary to the principal use of the ~~dwellingresidential dwelling~~ for ~~dwellingresidential dwelling~~ purposes.

(C) Only members of the immediate family residing on the premises may be employed by or participate in the home occupation.

(D) There can be no evidence other than the nameplate that will indicate from the exterior that the building is being utilized in part for any other purpose other than that of a ~~dwellingresidential dwelling~~. ~~There is used no~~No sign ~~which is~~shall be attached to the building other than a nameplate. The sign shall not be illuminated or more than 1 square foot in area.

(E) Such occupations shall not require substantial internal or external alterations or involve construction features not customary in a ~~dwellingresidential dwelling~~.

(F) ~~No more than 20% of merchandise, including samples, can be sold on the premises. Must be engaged in providing services to the general public such as professional services, financial services, repair shops, beauty shops, barber shops, shoe repair, photographic and art studios, family day care, etc...~~ Sales of items related to the services being provided are allowed.

~~(G) Materials that are combustible, toxic or consist of any animal or vegetable matter cannot be stored on the premises.~~

(~~G~~H) Any process that will cause odor, dust, glare, noise, heat or vibration, which would have a negative effect on adjacent properties, would not be allowed.

(Ord. 1189, passed 7-7-2008)

§ 155.079 MANUFACTURED HOMES.

~~(A) The site for a manufactured home park shall be at least 5 acres unless abutting an existing manufactured home park. A minimum of 15 manufactured home lots must be provided for occupancy under the initial construction of a manufactured home park.~~

~~(B) Each manufactured home installed on site shall meet or exceed the current federal manufactured home construction and safety standards.~~

~~(C) All manufactured homes placed in a licensed manufactured home park or on a privately owned site shall have a gable roof with a pitch of at least 3/12 feet and shall be constructed of roofing material of a type customarily used on site constructed residences.~~

~~(D) Each manufactured home lot shall be located on a well drained area, and the premises shall be properly graded to prevent the accumulation of storm or other waters.~~

~~(E) The manufactured home park shall be connected to a central water distribution system and a central wastewater collection and treatment system.~~

~~(F) If an individual manufactured home, which does not meet the standards of this section, but has been allowed to continue as a non conforming use, is moved out of a manufactured home park, then any manufactured home installed in its place shall comply with all of the requirements of this section.~~

~~(G) Each manufactured home shall be properly secured to the ground with tie downs installed as recommended by the manufacturer, but in no event more than 12 feet apart along the perimeter of the structure. The tie downs shall extend down no less than 4 feet below grade.~~

~~(H) Each manufactured home shall be skirted with material approved by the Zoning Administrator. Skirting shall be installed as recommended by the manufacturer. Skirting shall be of a material that is compatible with the appearance and condition of neighboring dwelling units.~~

Vermillion, SD Code of Ordinances

~~Appropriate materials shall include commercially manufactured colored steel fiberglass, plastic or masonry materials. Tie downs and skirting shall be installed prior to occupancy. (Ord. 1189, passed 7-7-2008)~~Refer to Chapter 151: Mobile Home Parks.