

Unapproved Minutes
Vermillion Planning Commission
Monday, January 28, 2019 Regular Planning Commission Meeting

The regular meeting of the Vermillion Planning Commission was called to order in the Large Conference Room at City Hall on January 28, 2019 at 5:30 p.m.

1. Roll Call

Present: Fairholm, Forseth, Manning, Muenster, Tuve, Wilson (arrived at 5:32), Iverson.

Absent: Kleeman, Oehler.

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

2. Minutes

a. January 14, 2019 Regular Meeting.

It was noted by Commissioner Muenster that the meeting date was incorrect and should be amended to reflect January 14, 2019. He also noted that Mr. Hazen Bye was referred to as Mr. Hazen and the minutes should be amended to name him as Mr. Bye.

Moved by Commissioner Manning to adopt January 14, 2019 Regular Meeting minutes with the noted amendments, seconded by Commissioner Muenster. Motion carried 8-0.

3. Declaration of Conflict of Interests

None.

4. Adoption of the Agenda

Mr. Domínguez requested to add an item to the agenda stating it would be an item under Public Hearing. The item would be item a. Request for a Conditional Use Permit for a single-family dwelling for Mart Brothers for property described as Tract A of Ranchette #1 of East Ranch Estates, a subdivision of part of NE ¼ of S20-T92N-R51W, 5th P.M., Clay County, South Dakota (Joint item with Clay County Planning Commission).

Moved by Commissioner Forseth to adopt the agenda with the requested addition, seconded by Commissioner Muenster. Motion carried 7-0.

5. Visitors to be Heard

None.

6. Public Hearing

a. Request for a Conditional Use Permit for a single-family dwelling for Mart Brothers for property described as Tract A of Ranchette #1 of East Ranch Estates, a subdivision of part of NE ¼ of S20-T92N-R51W, 5th P.M., Clay County, South Dakota (Joint item with Clay County Planning Commission)

Cindy Aden, Clay County Planning & Zoning Administrator, explained that Mr. Curt Surrell is requesting a Conditional Use Permit to move a residential structure onto land zoned agriculture. She noted that ordinance requires governing body to consider the following:

- Ingress/egress: already in place
- Off-street parking: N/A
- Refuse and Service Areas: N/A
- Utilities: already in place
- Screening/Buffering: N/A
- Signs/Exterior Lighting: N/A
- Required Yard/Open Space: Structure will be placed on the lot in accordance with setbacks of the ordinance.
- General Compatibility with Adjoining Property: All of the other properties in the area are residential in nature.

Staff recommends approval.

County Planning and Zoning Commission approved CUP unanimously.

Motion to approve Conditional Use Permit for a single-family dwelling for Mart Brothers for property described as Tract A of Ranchette #1 of East Ranch Estates, a subdivision of part of NE ¼ of S20-T92N-R51W, 5th P.M., Clay County, South Dakota by Commissioner Muenster and seconded by Commissioner Wilson. Motion carried 7-0.

7. Old Business

a. Discussion on Amendments to Zoning Ordinance - Section 155.008 (comments from Commission)

José Domínguez, City Engineer, reiterated that at the January 14 meeting, Staff began the zoning ordinance amendment process by providing the Planning and Zoning Commission with proposed changes to the definitions portion of the of the ordinance for review and comment. He noted that the intent of the proposed changes to the definitions are to simplify the ordinance and remove confusion for Staff and the Public.

Commissioner Muenster suggested that within the definition of ADULT BOOKSTORE OR VIDEO STORE the term *videocassette* is antiquated and should be amended to *electronic recording*. The definition for AQUIFER should be amended to include *industrial uses*. The definition for COMMISSION should be amended to read Planning *and* Zoning Commission.

Commissioner Fairholm suggested with the increase of adult day care services, language could be added to include *adult* in the definitions for DAY CARE, CENTER and DAY CARE, GROUP. Discussion regarding state regulations of adult day care followed. Staff was directed to research the state regulations and consider the addition of a definition specifically for ADULT DAY CARE. Regarding the definition of DWELLING, Commissioner Fairholm explained that the verbiage *lodging house* is no longer a definition and should be amended to *boarding house*.

Referring to a location that at one time was utilized as a convent, Commissioner Muenster noted that it was not adjacent to the institution the nuns served and suggested the definition of CONVENT AND MONASTERY be amended to remove the language *in adjacent institutions*. Commissioner Muenster suggested including *farm house* within the definition of FARMSTEAD. Commissioner Muenster questioned whether or not the word *slaughter* should be included within the definition of FROZEN FOOD LOCKER. Mr. Domínguez clarified that the definition for SLAUGHTERHOUSE covers the term *slaughter*; an animal transported to a FROZEN FOOD LOCKER would be slaughtered prior to transport. In regard to the definition GASOLINE DISPENSING STATION, Commissioner Muenster suggested a definition should be added for CONVENIENT STORE. Discussion followed that not all gasoline dispensing stations are convenient stores and not all convenient stores dispense gasoline. Mr. Domínguez commented that it may be beneficial to have two definitions: COVENIENT STORE and CONVENIENT STORE, GASOLINE DISPENSING STATION. Commissioner Muenster asked for clarification on the term *immediate family* within the definition of HOME OCCUPATION. Discussion followed and it was suggested that the definition be amended to remove the word *immediate*.

Mr. Domínguez noted other significant changes that had not been previously mentioned. A new definition for HEAVY MANUFACTURING is included in the list. LIGHT MANUFACTURING has been amended to remove verbiage *are not obnoxious due to dust, odor, noise . . .* and replace it with *does not generate any more dust, odor, noise . . .* LIMITED PRODCUTION has been amended to remove the words *and processing*. MANUFACTURED HOME has been amended with the assistance of the Building Official to ensure it is consistent with building code. Mr. Domínguez explained that Staff will make the changes discussed at the meeting and schedule another review session.

James Purdy, Assistant City Manager, noted that while there are adult day care centers in South Dakota, however, at first glance, it doesn't appear as though the state currently has any regulations geared directly toward them. It seems as though the state formerly had some regulations, but the regulations were repealed in 2014 following a Federal review. More research is needed, but adult day care services may currently fall under Family Care umbrella of regulations.

8. New Business

a. Schedule for Proposed Amendments to Zoning Ordinance

Mr. Domínguez began by providing and explaining the schedule outlining the review process and time-line for each item to be presented, reviewed and commented upon. He noted that presently item 7 on the schedule is a Public Meeting is planned for April 22, 2019. It will be at that meeting, the Planning and Zoning Commission would present items 1-6 on the schedule to the Public. Another Public Meeting (item 11) is scheduled for July 8, 2019 to present items 8-10 to the Public. Following the two meetings for Public comment, Staff will draft a document incorporating input from the Planning and Zoning Commission as well as the Public for Public Hearing held by the Planning and Zoning Commission on the proposed amendments. The first reading of

the ordinance with the City Council is scheduled for September 3, 2019. The time-line is not set in stone; some items may require more or less time.

b. Discussion on Amendments to Zoning Ordinance - Section 155.030 NRC Natural Resource Conservation District.

Mr. Domínguez noted that the NRC is the easiest district to work with as it is the City's most restrictive zoning district. When land is annexed into the City, it is entered as an NRC district. The NRC allows very few uses whether permitted or conditionally. Within permitted uses Staff proposes the following:

- Remove 'Single-Family Farm Dwelling'
- Change 'Cemeteries' to 'Cemetery' (to match definition)
- Remove 'on existing support structure' from wireless communication facility (to match definition) and also added verbiage under applicable standards to explain that this permitted use was only for replacement of existing facilities on an existing telecommunications tower that did not require additional space
- Remove 'Fences' (section 155.074 covers this item)
- Remove 'Home Occupation' (section 155.078 covers this item)
- Remove 'Railroad right-of-way'

Discussion followed.

Staff reminded the Commission to have comments regarding the NRC District completed by the following meeting. Comments will be discussed at that meeting.

9. Staff Report

None.

10. Adjourn

Moved by Commissioner Forseth to adjourn, seconded by Commissioner Fairholm. Motion carried 7-0. Commissioner Iverson declared the meeting adjourned at 6:23 p.m.