

Unapproved Minutes
Vermillion Planning Commission
Monday, February 11, 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 February 11, 2019 at 5:30 p.m.

1. Roll Call

Present: Fairholm, Forseth, Manning, Muenster, Tuve (arrived at 5:35), Wilson, Iverson.

Absent: Kleeman, Oehler.

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

2. Minutes

a. January 28, 2019 Regular Meeting.

Moved by Commissioner Manning to adopt January 14, 2019 Regular Meeting minutes as printed, seconded by Commissioner Muenster. Motion carried 6-0.

3. Declaration of Conflict of Interests

Commissioner Muenster noted that he and his family own investment property within the community but did not see any direct conflict with the items on the agenda.

4. Adoption of the Agenda

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

5. Visitors to be Heard

Mr. Domínguez, City Engineer, shared that Mr. Bob Oehler submitted his resignation. Staff will advertise the vacant position. Chairman Iverson noted that on behalf of the Commission, he had thanked Commissioner Oehler for his service via e-mail. The Planning and Zoning Commission echoed the sentiment.

Commissioner Forseth requested clarification on whether or not it was true that members of a housing development are suing the City. Upon clarification of "a housing development," Mr. Domínguez explained that a writ of certiorari had been served regarding the Conditional Use Permit in Bliss Pointe that was appealed to the Council and the Council upheld the Planning and Zoning Commission's decision.

6. Public Hearing

None.

7. Old Business

a. Discussion on Amendments to Zoning Ordinance - Section 155.030 NRC Natural Resource Conservation District (comments from Commission)

José Domínguez, City Engineer, reiterated that at the January 28, 2019 meeting, commissioners were asked to review the NRC District section and provide comments. Discussion of the timeline of the Zoning Ordinance review followed. Chairman Iverson opened the floor for comments from Commissioners. There were none.

8. New Business

a. Educational Session regarding Housing Developments in the Joint Jurisdictional Zoning Area (JJZA).

Mr. Domínguez explained that Clay County and the City of Vermillion have shared zoning responsibility in the established boundary around the City since 2012 noting that the JJZA allows for a wide range of uses, with most of them being agricultural uses. He stated that recently City and County staff have had conversations regarding residential developments in the JJZA and have been asked to explore how receptive the City Planning and Zoning Commission would be to such developments. Mr. Domínguez explained that the 2035 Comprehensive Plan should be utilized through the process as it serves as the City's guide on decisions that will affect its future from amenities offered to citizens to growth and expansion. He further explained that within the document are several sections that discuss growth within the JJZA and outlined the following goals, objectives and policies that guide the City:

- Growth Management Strategy
 - Goal 1: Focus new development within existing City limits area.
 - Encourage compact and contiguous urban growth within corporate limits (objective)
 - The City will maintain the growth area boundary as the division between urban and rural densities and services... (policy)
 - Goal 2: Direct new growth into designated future growth areas.
 - Goal 5: Preserve the function and character of the surrounding rural areas.
 - Encourage agriculture to remain dominant land use activity (objective)
 - Discourage scattered residential, commercial or industrial development (objective)
 - City will encourage the preservation and protection of land used for agriculture...(policy)
 - City will work with Clay County to ensure all proposed development within growth area are annexed and serviced with municipal utilities as feasible (policy)

Mr. Domínguez explained that Staff is asking the Commission if a development that cannot be annexed within the JJZA should be encouraged. He noted that Staff's strict interpretation of the Plan is that development within the JJZA that cannot be annexed should not be allowed to occur; further noting that by having scattered development the City not only loses the ability to control development in its growth areas, but it also loses the possibility of easily

servicing these new developments with municipal utilities, services, and to ultimately integrate the developments into the community.

Commissioner Forseth noted that there are developments already in existence that would be difficult to service with City utilities. Discussion on the annex process (voluntary and involuntary) followed.

Commissioner Fairholm stated that this has been a topic of conversation for the Planning Commission for a long time noting concern regarding developments close to the City utilizing services but not having utilities extended to those areas which were catalysts for current policy. He went on to say that with the absence specific projects it appears less than desirable to have scattered developments without extending utilities. Mr. Domínguez explained some concern of staff is that these developments (existing or future development) have the potential to block the City from growth.

Chairman Iverson opened the floor to Public comment.

Mr. Greg Merrigan, Manager of Clay Rural Water System, stated this approach could actually shut down growth in a really large area as approximately 125 homes exist in the housing developments in the JJZA. He noted that some people don't want to live within City limits and these developments provide that alternative. The developments provide property tax base, provide density for rural utilities, some developments meet the need for affordable housing etc . . .

Mr. Chris Larson, General Manager of Clay-Union Electric, reiterated Mr. Merrigan's comments. Commenting on Commissioner Fairholm's comment regarding "the absence of specific projects" noted that there is a person present that is interested in developing in that area. He stated that if the community truly believes in economic development than it shouldn't matter who serves the development and the County and City should work together to encourage growth. If the development is only allowed to be near the City for approval, the property value will "go through the roof" hindering development and growth. Too much restriction will push the development outside of the JJZA and the goal is to keep things close. Regarding the issue of annexation and the need to be served by City utilities, Mr. Larson stated that Clay-Union wants to be a partner in the development of the community and does not want to hinder annexation.

Mr. Terry Munter, President of the Board of Directors of Clay-Union Electric and resident of 4717 E. Main Street, explained that he lives on E Main Street where the road turns north toward HWY 50, which was recently rezoned, and also serves on the Board of Directors for Clay-Union Electric. He asked if the JJZA is a cooperation between the County and City, why we would shut down a development that could bring in 10-15 new homes into the County when there are rural water and electricity that is willing to service the developments beyond City limits. Mr. Munter stated he did not think the County should be totally dominated by what the City of Vermillion wants.

Chairman Iverson, reminded those in attendance that this is strictly an educational item and there is no decision before the Commission. We are here to hear the views of the Public.

Chris Larson mentioned that he had visited with County Commissioners, one of which was Mr. Travis Mockler, and they had concerns about the way this item was presented in the packet. He noted that the City would likely be hearing from them in the future.

Commissioner Iverson asked Mr. Steve Donnelly and Mr. Jeff Donnelly, who were in attendance, if they had any comments. They explained they were only there to listen and educate themselves.

b. Discussion on Amendments to Zoning Ordinance - Sections 155.031 R-1 Residential District, 155.032 R-2 Residential District, 155.033 R-3 Residential District, and 155.034 R-4 Residential District

Mr. Domínguez began by noting that after the Natural Resource Conservation District, residential districts are the strictest with R-1 being the least dense and R-4 the densest. Staff have several proposed changes, many of which are a direct result of the updates to the definition sections of the zoning ordinance. A few proposed changes are to provide opportunities to multi-family developers in the community. Some of the proposed changes are as follows:

- Permitted Uses in R-1:
 - Added 'Wireless communication facility' to allow the replacement of facilities that will occupy the same space within an existing telecommunications tower.
- Conditional Uses in R-1
 - Remove '(on existing support structure)' from wireless communication facility (to match definition) and also added verbiage under applicable standards to explain that this conditional use was only for replacement of existing facilities on an existing telecommunications tower that requires additional space
- Lot and yard regulations in R-1
 - Removed '...which has a lot width of less than 75-feet.' from note number 2.
- Permitted Uses in R-2:
 - Changed the way that the maximum number of multiple-family dwellings is set from number of dwellings to number of bedrooms. A four-plex, which is the largest apartment building allowed in the R-2, would go from having a maximum of 4 dwelling units with a maximum of 16 bedrooms per lot, to having no more than 16 bedrooms per lot and that at no point may the number of bedrooms exceed 4 in a dwelling unit.

Answering Commissioner Forseth, Mr. Domínguez explained that zoning ordinance does not require a set distance between buildings, but it may be accounted for in the building or fire codes. Commissioner Fairholm noted that the zoning ordinance requires an 8 foot side yard in R-2 and asked if that would be applied to the distance between buildings. Mr. Domínguez referring to an image explained the difference between a side yard and distance between buildings.

Upon request, Mr. Domínguez explained that parking is not affected by the proposed change in density unless there are garages. Discussion regarding bedroom to lot-size ratio and building height limitations followed. Staff was directed to research height limitations.

- o Added 'Wireless communication facility' to allow the replacement of facilities that will occupy the same space within an existing telecommunications tower.
- Conditional Uses in R-2
 - o Remove '(on existing support structure)' from wireless communication facility (to match definition) and also added verbiage under applicable standards to explain that this conditional use was only for replacement of existing facilities on an existing telecommunications tower that requires additional space
- Lot and yard regulations in R-2
 - o Removed '...which has a lot width of less than 65-feet.' from note number 2.
- Permitted Uses in R-3
 - o Proposed a maximum of single-family attached dwellings that could be attached. This maximum would be 8 units.
 - o Added 'Wireless communication facility' to allow the replacement of facilities that will occupy the same space within an existing telecommunications tower.
- Conditional Uses in R-3
 - o Remove '(on existing support structure)' from wireless communication facility (to match definition) and also added verbiage under applicable standards to explain that this conditional use was only for replacement of existing facilities on an existing telecommunications tower that requires additional space
- Lot and yard regulations in R-3
 - o Changed the way that the maximum number of multiple-family dwellings is set from number of dwellings to number of bedrooms. A 8-plex, would go from having a maximum of 8 dwelling units with a maximum of 32 bedrooms per lot, to having no more than 32 bedrooms per lot and that at no point may the number of bedrooms exceed 4 in a dwelling unit.
 - o Changed the rear yard setback from 10-feet to 25-feet for all of the multiple-family dwellings.

Mr. Domínguez explained the reason for the change is to increase the distance between tall buildings. Referring to a map, he provided an existing example of a building receives little to no sunlight due to the height of a neighboring building. Additional rationale for the change is ease for the maintenance of buildings and overall health and safety of residents. Mr. Muenster asked if it would be possible to add language that states a portion of the setback must remain clear of structures such as fencing or playground equipment to allow for service vehicles. Mr. Domínguez noted that it could be possible, but it would need to be researched by the City Attorney. Commissioner Manning questioned if the larger setback could be a problem for developers who want to build duplexes for example. Mr. Domínguez stated it would be a requirement the developer would need to comply with, further explaining that prior to the overhaul of the zoning

ordinance in 2008, 25 feet was the required setback, and there have always been apartments and duplexes.

- o Removed note number five which required a conditional use permit for any structure exceeding the maximum height. This is a variance, and not a conditional use issue.
- Lot and yard regulations in R-4
 - o Removed 'corner lots' from use.

Discussion about the differences between the definitions of MANUFACTURED HOME, MODULAR HOME and MOBILE HOME followed.

Staff reminded the Commission to have comments regarding the Residential Districts completed by the following meeting. Commissioner Fairholm requested that Commissioners also prepare suggestions for changes to permitted and conditional uses. Comments will be discussed at that meeting.

9. Staff Report

None.

10. Adjourn

Moved by Commissioner Tuve to adjourn, seconded by Commissioner Manning. Motion carried 7-0. Commissioner Iverson declared the meeting adjourned at 6:53 p.m.