

Unapproved Minutes

Vermillion Planning and Zoning Commission

Monday, February 13, 2023 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 February 13, 2023 at 5:30 p.m.

1. Roll Call

City Planning and Zoning Commissioners Present: O'Kelley, Gestring, Fitzgerald, Tuve, Forseth, Heggstad, Steele, Wilson

City Planning and Zoning Commissioners Absent: Merrigan

City Staff present: José Domínguez, City Engineer; Kalin Bird, Building Official; Stone Conley, Assistant City Manager

2. Minutes

a. January 9, 2023 Regular Planning and Zoning Commission Meeting.

Moved by Commissioner Heggstad to adopt the January 9th meeting minutes as published, seconded by Gestring. Motion carried 8-0.

3. Declaration of Conflict of Interest

Forseth noted that he owns investment property in lower Vermillion.

4. Adoption of the Agenda

Moved by Heggstad to adopt the agenda as published, seconded by Tuve. Motion carried 8-0.

5. Visitors to be Heard

None

6. Public Hearings

a. Amending Title XV, Chapter 155, Section 155.058, Bliss Pointe Planned Development District (C) Amending Description by Removing Mention of "low to medium density" and "medium to high density residential uses," (E) Adding a new Section that Creates a new Area for Multiple-Family Unit Dwellings, (F) Lot and Yard Regulations, remove rows containing "Multiple-Family Dwelling Units (between 33 and 48 bedrooms per lot)" and "Multiple-Family Dwelling Units (over 48 bedrooms per lot)."

Dominguez presented the agenda memo from the City's Planning and Zoning Commission packet. The Vermillion Chamber and Development Company (VCDC) is requesting to create a new zoning area within the Bliss Pointe Planned Development District (Bliss Pointe). Additionally, the VCDC would like a portion of Bliss Pointe to be rezoned from Area D into the new area being created. The zoning amendment being considered would clean up Section 155.058 by removing references to older uses allowed in Area C. Additionally, the amendment would create a new zoning Area within the Bliss Pointe PDD.

The new area would be called "Area E". Uses within this area would be limited to multiple-family dwellings. Dominguez explained that if the amendment would require the builder to obtain an approval from Bliss Pointe's Architectural Review Committee prior to any future discussion with the Commission. Also, the builder would have to comply with the building requirements set forth in the covenants of the Bliss Pointe Addition. The amendment would also require the lot size to be a minimum of 30,000-square feet and the building to be contain a maximum of 32-bedrooms. Dominguez recommended that the Commission recommend to the City Council approval of the amendment since the proposal meets several goals and objectives of the City's Comprehensive Plan, and because the proposal tries to help the community increase the number of multi-family lots available in the City.

Commissioner Forseth opened the floor to public comment.

Mr. Jim Peterson (VCDC President and CEO) briefly explained the need for the requested rezone.

Mr. Tim Schwasinger (1528 Rockwell Tr) encouraged the Commission not to rezone the area. Mr. Schwasinger expressed concerns with increase traffic at the intersection of Stanford Street and Rockwell Trail as well as safety issues with children in the area. Mr. Schwasinger asked for the VCDC, Developer and City to look at other more appropriate areas to construct multi-family dwellings.

Ms. Carol Geu (1308 Rockwell Tr) asked if the rezone of Lot 11 would affect the other lots within Area D. Dominguez explained that the rezone would only affect Lot 11 and that if approved a new Area E would be created. Area D would remain but only contain the remaining Lot 12 and 13. Discussion followed.

Mr. Rich Holland (902 Ridgecrest Dr) asked about the access requirements for the area being discussed. Dominguez explained that the lot would only be access off Rockwell Trail.

Mr. Nick Slattery (1341 E SD Hwy. 50) asked what the difference is between multi-family and townhomes, and between other multi-family. Dominguez explained that the term multi-family is used for any building that houses multiple dwellings within one lot. Townhomes are those that require each dwelling to be in an individual lot, but the dwellings could share a wall. Dominguez also stated that depending on the zoning district regulations several multi-family buildings could be constructed in one lot.

Mr. Ray O'Connor (1520 Rockwell Tr) stated that more information on the actual building being constructed should be reviewed prior to any decision being made. Mr. Peterson explained that at this time the

VCDC is only interested in rezoning the area and that plans would be made available in the future by the actual builder/developer.

Mr. Tom Mrozla (333 Joplin St) stated that the notices placed on the newspaper were difficult to read and should have had more information.

Ms. Patty Lase (1412 Cornell St) asked if the City and the VCDC had advertised Lot 11 to commercial developers. Mr. Peterson stated that the VCDC had been advertising the parcel since its creation in 2013 and that no one had shown interest. Mr. Peterson added that some of the issues are the distance from more traveled throughfares.

Ms. Vicki Dehner (1504 Rockwell Tr) stated that she had been involved in the Bliss Pointe development since the beginning and that Bliss Pointe was never intended to include multi-family dwellings. Commissioner Forseth indicated that Bliss Pointe was intended to include multi-family from the beginning. Dominguez added, referencing to the original preliminary plat, that the majority of Bliss Pointe phase 2 would have included townhomes and duplexes. Dominguez also stated that within phase 2 large areas were reserved for multi-family dwellings, and that the original ordinance also included multi-family uses. Discussion followed.

Ms. Diane Frigge (309 O'Keefe Cir) asked what was the Bliss Pointe Architectural Review Committee. Ms. Dehner explained that she is a member of the Committee and that it is composed of neighbors, community business owners, and a member of the VCDC. The Committee is responsible for reviewing and approving residential design plans prior to any building permit being issued.

Mr. Slattery asked what would happen if any of the lots adjacent to Lot 11 were purchased with the intent to construct any off-street parking associated with the possible multi-family dwelling. Dominguez responded that the lot would have to be rezoned into Area E, and replatted to one larger lot before construction of parking areas is allowed.

Mr. Steven Smith (1412 Cornell St) asked who would be responsible for collecting the garbage and ensuring that the covenants regarding trash receptacles are followed. Mr. Peterson replied by saying that Lot 11 is not covered by the covenants for Bliss Pointe and that they would be required to follow the City's ordinances. Collection would be done by their contractor responsible for trash collection.

Mr. Slattery asked if the remaining lot in Area D could be rezoned in the future. Dominguez stated that the lot could be rezoned and that the process would be identical to what we are currently going through.

Commissioner Gestring asked why was Lot 11 chosen and not any other area within Bliss Pointe. Mr. Peterson responded by stating that after conversations with builders, community members, and the City it was decided that Lot 11 would be preferred due to its location (e.g. accessibility, distance to businesses, other residential uses). Discussion followed.

Mr. Slattery asked if it would be possible for a driveway connecting Lot 11 to either of the two adjacent lots could be constructed. Dominguez stated that it would be possible, but that the lots would have to be rezoned and replatted since parking for a use on Lot 11 would not be allowed on a separate lot. Dominguez added that although combining the two lots would create a much larger parcel the maximum number of bedrooms could not be surpassed.

Mr. Jason Schmitz (1405 Cornell St) stated that the latest Bliss Pointe plan that removed multi-family dwellings from Area C should be followed. Mr. Schmitz also stated that the consideration should be taken on the capacities of the utilities, and how the new construction would affect traffic. Commissioner Gestring asked Dominguez if the utilities had capacity. Dominguez responded that there is more than adequate capacity in all the utilities.

Ms. Geu asked for a clarification on which zoning regulations would govern in Bliss Pointe. Dominguez stated that the land use will be dictated by the Bliss Pointe PDD regulations and that any other zoning items not included in the Bliss Pointe PDD regulations would be covered by the rest of the zoning regulations (e.g. off-street parking).

Not seeing additional comments from the public Commissioner Forseth closed the public hearing.

Moved by Gestring to recommend that the City Council adopt the ordinance as presented by Staff, seconded by Heggstad. Motion carried 8-0.

7. Old Business

None.

8. New Business

None

9. Staff Report

None

10. Adjourn

Moved by Fitzgerald to adjourn, seconded by Wilson. Motion carried 8-0, Forseth declared the meeting adjourned at 6:41 p.m.