

Unapproved Minutes
Vermillion Planning Commission
Monday, February 25, 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 25, 2019 at 5:30 p.m.

1. Roll Call

Present: Fairholm, Forseth, Kleeman, Manning, Muenster, Tuve, Wilson Iverson.

Absent: None.

Staff present: José Domínguez, City Engineer

2. Minutes

a. February 11, 2019 Regular Meeting.

Commissioner Muenster noted that in item 3. Declaration of Conflict of Interest was to note that he and his family have investment properties within the community, and did have knowledge of whether or not the other Commissioners have investment properties as written in the minutes.

José Domínguez, City Engineer, noted item 8a. New Business, sentence two should be revised to utilize the term "established boundary" rather than "set boundary" as written. In addition to minor grammatical/spelling errors, which included the misspelling of Clay County Commissioner Mockler's name, Mr. Domínguez stated that Mr. Chris Larson of Clay-Union Electric notified him Mr. Terry Munter is the Vice President of the Board of Directors, rather than the President.

Moved by Commissioner Muenster to adopt February 11, 2019 Regular Meeting with the noted changes, seconded by Commissioner Tuve. Motion carried 8-0.

3. Declaration of Conflict of Interest

a. Commissioner Muenster noted that he and his wife own investment property.

4. Adoption of the Agenda

Moved by Commissioner Forseth to adopt the agenda as printed, seconded by Commissioner Wilson. Motion carried 8-0.

5. Visitors to be Heard

None.

6. Public Hearing

None.

7. Old Business

a. Update on Separation between Multi-Family Dwellings, Maximum Building Heights, Convenience Stores and Adult Day Services.

Mr. Domínguez explained that Staff have been keeping record of questions posed by the Commissioners throughout the Zoning Ordinance amendment process. Some of the questions required further research; a presentation of Staff research followed:

- SEPARATION BETWEEN MULTI-FAMILY DWELLINGS - This item is set by building and fire codes rather than zone ordinance. It should not be confused with side-yards or set-backs. The building and fire codes do not necessarily set a minimum separation between buildings; rather it sets construction requirements based on the distance between buildings - the smaller the separation between buildings the higher the fire rating a wall needs to be.
- MAXIMUM BUILDING HEIGHT - Presently the zoning ordinance sets a height maximum for construction and allows for increases when certain parameters are met. The building code sets limitations by story, but it should be noted that there is no height limit to the size of a story (two four-story buildings could vary significantly in height) which is why the height maximum exists within the zoning code. Should the maximum height be removed from zoning code, height maximums would be strictly enforced by the building and fire codes and consider the Fire Department's recommendation as they are responsible to provide protection. There should be language in place that provides guidance that applies the code evenly. When the Fire Department makes recommendations regarding building heights there are many considerations such as contents of the building and proximity to other buildings.

Answering a question from Commissioner Iverson, Mr. Domínguez noted that language could be added to applicable standards to dictate that if the height of a proposed building will exceed X amount of feet, then the side yard should increase to a set standard to accommodate the height of the building.

Responding to Commissioner Wilson, Mr. Domínguez noted height limitations vary by district noting R1 as 35' and the Central Business District, downtown, has no height limitation.

- CONVENIENCE STORES - At present there is no clear definition of convenience store. Staff propose amending the definition of RETAIL SERVICES AND TRADE to include CONVENIENCE STORES as well as GROCERY STORES. Language regarding sale of alcoholic beverages would be removed. Regulation already exists for the sale of alcoholic beverages through State and City oversight though licenses etc.. Additionally, the applicable standards change so that a Conditional Use Permit for a gasoline dispensing station would also include approval of a convenience store.

- ADULT DAY SERVICES - Staff propose adding a new definition as provided in the memo. Applicable standards would require the applicant to provide a copy of the appropriate and applicable State licenses.

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 (comments from Commission)

At the February 11 meeting Staff presented amendments to all four of the Residential Districts and requested comments from Commissioners be prepared for today's meeting noting Commissioner Fairholm submitted his comments to Staff electronically.

R-1 DISTRICT: Commissioner Fairholm suggests removing TOWNHOUSE DWELLINGS (single-family attached dwelling) from the district completely. It would not be a permitted use or a conditional use. Referring to an electronic copy submitted by Commissioner Fairholm (included with minutes for information), Mr. Domínguez outlined the additional items Mr. Fairholm suggested stating that ultimately the only Conditional Uses that would remain in the R-1 District with his proposed changes would be PUBLIC SERVICE FACILITY AND OFF-PREMISE PARKING. Discussion followed regarding townhouse dwellings (single-family attached dwelling) becoming non-conforming uses within the district with the proposed change. It was discussed to protect existing single-family attached dwellings with a moratorium. For example all single-family attached dwellings in existence prior to 2020 would be protected from proposed code change. Commissioner Fairholm noted that Conditional Use Permits should be a rare exception and feels that there is an obligation or opportunity to help existing home owners in the R-1 District know what kind of home can be built around them. He further noted that it is his belief having as few conditional uses as possible will help all involved.

R-2 DISTRICT: Commissioner Fairholm suggested moving items from Conditional Uses to Permitted Uses such as BOARDING LODGING HOUSE, BREAD AND BREAKFAST ESTABLISHMENT. An additional suggestion was to remove LICENSE MANUFACTURED HOME PARKS FROM THE R-2 District, not allowing them as a conditional use.

R-3 DISTRICT: Again pertaining to Conditional Uses, Commissioner Fairholm suggested moving the following to permitted uses: ASSISTED LIVING CENTER CONGREGATE CARE FACILITY, PUBLIC SERVICE FACILITY, BED AND BREAKFAST FACILITY. Remove LICENSED MANUFACTURED HOME PARKS FROM THE R-3 District, not allowing them as a conditional use. Remove maximum height requirements in the R-3 District.

R-4 DISTRICT: Commissioner Fairholm suggested moving all items presently considered conditional uses to permitted uses within the R-4 District.

Commissioner Fairholm noted that it is possible churches must be allowable uses in certain zones and asked staff to verify. Using

Wireless Facilities as an example, Mr. Domínguez noted that at times Federal or State statutes may dictate what must be approved, further explaining that local authority can still require conditions such as landscaping etc..

Staff was directed to research comparable communities to understand how single-attached dwellings are considered. They were additionally directed to research multiple family and side yards in regard to the height of the building.

8. New Business

a. Discussion on Amendments to Zoning Ordinance - Sections 155.035 CB Central Business District, 155.036 GB General Business District, and 155.037 NC Neighborhood Commercial District

Noting the three aforementioned Business/Commercial Districts, Mr. Domínguez noted that the Central Business District is the Downtown District encompassing Main Street from Forest to Franklin and the side streets approximately one to two blocks in each direction. General Business District is approximately the Cherry Street corridor from the east side of town to the west side, along Dakota Street from Cherry Street north to Hwy 50, Princeton and Cottage from Cherry to Duke Street. Neighborhood Commercial District is dispersed throughout the community but mainly on Dakota Street from Main to Clark or Cherry and directly across the street from the High School on Main Street. NC is intended to serve as a buffer.

Staff is proposing several changes in these districts as noted in the memo as published. Staff asks the Planning Commission to prepare comments on the Business/Commercial Districts for the next meeting and submit them to Staff electronically as possible.

9. Staff Report

Preparing for upcoming possible projects: Anderson Street from Clark to Main, completing the section of Elm Street near Alumni, working with developer that is constructing apartments on Roosevelt and Norbeck who is planning to complete Roosevelt. Additionally, we will be continuing with sidewalks and regrading of the baseball field. Answering a question from Commissioner Forseth, Mr. Domínguez noted that the new power substation has been in service for approximately a year.

10. Adjourn

Moved by Commissioner Tuve to adjourn, seconded by Commissioner Kleeman. Motion carried 8-0. Commissioner Iverson declared the meeting adjourned at 6:38 p.m.