

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

1. Roll Call

Present: Forseth, Kleeman, Muenster, Tuve, Iverson.

Absent: Fairholm, Manning, Wilson.

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

Others present: Rich Holland, Alderman.

2. Minutes

a. February 25, 2019 Regular Meeting.

Commissioner Muenster noted on page 3 near a typing error "Bread and Breakfast" should read Bed and Breakfast.

Moved by Commissioner Tuve to adopt February 25, 2019 Regular Meeting with the noted changes, seconded by Commissioner Muenster. Motion carried 5-0.

3. Declaration of Conflict of Interest

Commissioner Muenster noted that he owns investment property. Commissioner Forseth stated he owns industrial property below the bluff.

4. Adoption of the Agenda

Moved by Commissioner Forseth to adopt the agenda as printed, seconded by Commissioner Kleeman. Motion carried 5-0.

5. Visitors to be Heard

José Domínguez, City Engineer, shared that, at the time of the meeting, Staff have received one expression of interest for the vacant seat and the appointment is anticipated at the next City Council meeting.

6. Public Hearing

a. Request for Conditional Use Permit for the construction, and operation, of storage units at 911 N. Norbeck (said storage units would be located within the land described as Lot 10, Block 1, Brooks Industrial Park, City of Vermillion, Clay County, South Dakota).

Mr. Purdy, Assistant City Manager, explained that the storage units proposed by Mr. Todd Heine meets the following criteria that is reviewed by the Planning and Zoning Commission with all Conditional Use Permits (CUP):

- Ingress/Egress: The proposed plan complies with Ordinance 1369. Norbeck is a collector street. As such, the ordinance allows 1 access point per frontages less than 200-feet in length.

Additionally, the Building Permit will require construction of sidewalk along the west side prior to occupancy.

- Off-street parking and loading: There is no off-street parking required for storage sheds. However, the proposed shop will require off-street parking which can occur in the required front yard in the General Industrial District.
- Refuse and services areas: N/A
- Utilities: No utilities will need to be extended.
- Screening and buffering: None required by code.
- Signs: Any future signage would be required to follow existing signage code. No signage has been requested at this time.
- Required yards and open spaces: All construction will take place within required setbacks.
- General compatibility: The proposed construction is generally compatible with the neighborhood.

Mr. Purdy explained that this project is considered a new development since the construction will take place in an undeveloped lot. This allows for the impervious area on the new construction site not to exceed 50% of the lot area. The proposed development will cover approximately 21% of the lot area. Due to this, no storm drainage mitigation is required. Any future construction will have to stay below the 50% threshold for nothing to be required. He continued by noting the proposed construction is compatible with the City's Comprehensive Plan. Staff recommends approval.

Commissioner Forseth noted that there are no other sidewalks in the area. Commissioner Muenster commented that requiring sidewalks would be a first step in a long-term goal of including sidewalks City-wide.

Mr. Domínguez explained that presently, Mr. Heine is interested in constructing ten units leaving the possibility of more in the future. Discussion followed.

Answering questions from Commissioner Iverson and Mr. Holland, Mr. Domínguez explained that there is lighting planned, but mainly for clients accessing their storage units at night. Lighting and fencing requirements are conditions the Commission can consider; they are not requirements.

Commissioner Muenster questioned why a facility such as a storage unit requires a CUP in the General Industrial District. Mr. Domínguez noted that in a later item on the agenda, Staff recommend amending the language in the zoning ordinance to move it to a permitted use along with some other items.

Moved by Commissioner Muenster to continue the item to a later date when the applicant or his representative can appear allowing the Commissioners opportunity to ask the applicant questions. Seconded by Commissioner Kleeman. Motion passed 5-0.

7. Old 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 (comments from Commission)

At the February 25 meeting Staff presented amendments to the business/commercial districts and requested comments from Commissioners be prepared for today's meeting noting Commissioners Fairholm and Muenster submitted their comments to Staff electronically, many of which were the same as those provided in the February 25 packet.

CENTRAL BUSINESS DISTRICT

ADULT ORIENTED BUSINESSES: Commissioner Fairholm suggested removing this item completely and leaving it to the County jurisdiction. Mr. Domínguez noted that the City Manager would prefer the definition remain in the code to avoid the argument that "it's just a dance studio." By the definition remaining in the code, it is defined and a procedure is maintained.

MAXIMUM HEIGHTS: In the Central Business District Commissioner Fairholm noted that the max. heights are listed as N/A. Mr. Domínguez clarified that all heights are dictated by building codes.

GASOLINE: Commissioner Muenster suggests utilizing terms such as FUEL and FUELING STATION rather than GASOLINE as FUEL would encompass diesel as well as electric vehicles.

MOTEL/ MOTOR LODGE/ MOTOR COURT/ TOURIST COURT: Commissioner Muenster questioned the difference among the terms and suggested that perhaps some of the terms are antiquated and could be removed.

FUNERAL HOME/MORTURARY: Commissioner Muenster asked for clarification on the difference. Mr. Domínguez explained that typically a mortuary offers less services than a funeral home. Staff's proposal was to make FUNERAL HOME and MORTURARY the same and added CREMATORIUM as a conditional use.

PRINT SHOP/PRINTING PLANT: Commissioner Muenster asked for clarification on the difference. Staff were unable to find a difference, but agreed with Muenster that perhaps it was a matter of scale. The City's code defines them as the same. Mr. Domínguez explained the reason they are both listed is similar to the issue of Single Family Attached Dwellings (Twinhome/Townhome/Townhouse etc...) To avoid confusion Staff have attempted to encompass all possible terms and define them.

BORDING HOUSE/ LODGING HOUSE/ ROOMING HOUSE: Mr. Domínguez provided the same explanation as PRINT SHOP/PRINTING PLANT. He further clarified at Commissioner Muenster's request that Bed and Breakfast has its own definition and would not be included with these uses.

DAYCARE CENTER: It was clarified that this would only include children. A facility for adults will be defined as ADULT DAY SERVICES.

THEATRE: It was clarified that the definition includes both film and live presentations.

GENERAL BUSINESS DISTRICT

ASSISTED LIVING CENTER AND CONGREGATE CARE FACILITY/NURSING HOME: Commissioner Fairholm suggests moving these items to permitted uses rather than listing them as Conditional Uses. Mr. Domínguez and the City Manager agree that in the Residential districts it makes sense to list them as permitted uses, however in this case, a residential use would become an allowable use in a commercial district, thus Staff believe it should remain a conditional use to allow for conditions to be placed on development to protect the residence from the surrounding area.

Commissioner Muenster suggested research on the use of the term NURSING HOME as it may be antiquated.

VETERINARIAN, SMALL ANIMAL: Commissioner Fairholm suggests listing this as a permitted use. Staff believe that would be okay as No outdoor kennel would be permitted within 150 feet of a residential use.

COMMERCIAL PARKING LOT: Commissioner Fairholm suggests listing as permitted use.

ADULT ORIENTED BUSINESS: Commissioner had the same comment as noted in the Central Business District.

LIMITED PRODUCTION: List as a permitted use. Staff believes it should remain a conditional use as these types of businesses may not create a lot of noise, but they can create a lot of traffic, etc . . .

MAXIMUM HEIGHT: Commissioner Fairholm would like the commission to consider removing the height restriction.

DAYCARE: It was clarified that this would only include children. A facility for adults will be defined as ADULT DAY SERVICES.

LUMBERYARD: Stores such as Menards and Home Depot would not be classified as lumberyards. The Building Official explained that they fit the description of a large box store, like Walmart etc...

NEIGHBORHOOD COMMERCIAL

DWELLING, SINGLE FAMILY DETACHED: Commissioner Fairholm suggested listing this as a permitted use. Staff recommend leaving it as a conditional use as the Neighborhood Commercial District is meant to be a buffer between commercial development and residential development.

RESTAURANTS: Staff are not clear on Commissioner Fairholm's suggestion, but recommend leaving it at the very least a conditional use noting Burger King was allowed as a Conditional Use. Fencing was a condition

to eliminate some of the traffic light from interfering with nearby residential uses.

8. New Business

a. Discussion on Amendments to Zoning Ordinance - Sections 155.038 GI General Industrial District, and 155.039 HI Heavy Industrial District.

Prior to discussion, Mr. Domínguez noted that due to comments from Commissioners, the original schedule of the review process was altered as the process has become more complex than simply updating the document based upon definitions. The process now includes moving conditional uses to permitted uses, removing uses etc... The schedule is included in the memo.

Staff is proposing several changes in these districts as noted in the memo as published. Commissioner Muenster suggested allowing for Solar Farms within zoning code. Staff asks the Planning Commission to prepare comments on the General/Heavy Industrial Districts for the next meeting and submit them to Staff electronically as possible.

9. Staff Report

PRENTIS PARK: improvements to the baseball field, sidewalk from Prentis to Plum. Commissioner Muenster recommended Code Enforcement take a look at Sammelson property by Prentis Park.

CHIP SEAL: Among others, Plum Street from Lewis to Cherry; Clark Street; Prentis from Lincoln to Main

JOINT JURISDICTIONAL AREA (JJZA): Staff have been directed to work on an agreement with Clay County regarding development in the JJZA. Part of the process will potentially include a comprehensive plan with the County for the JJZA.

10. Adjourn

Moved by Commissioner Forseth to adjourn, seconded by Commissioner Kleeman. Motion carried 8-0. Commissioner Iverson declared the meeting adjourned at 6:32 p.m.