

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

1. Roll Call

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

Absent: None.

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

Others present: Rich Holland, Alderman; Todd Heine, Applicant for Conditional Use Permit.

2. Minutes

a. March 11, 2019 Regular Meeting.

Moved by Commissioner Muenster to adopt March 11, 2019 Regular Meeting with the noted changes, seconded by Commissioner Kleeman. Motion carried 9-0.

3. Declaration of Conflict of Interest

Commissioner Muenster noted that he owns investment property.

4. Adoption of the Agenda

Moved by Commissioner Fairholm to adopt the agenda as printed, seconded by Commissioner Tuve. Motion carried 9-0.

5. Visitors to be Heard

New Planning and Zoning Commissioner, Keith Gestring was introduced.

Commissioner Wilson noted that the minutes should reflect that he was absent at the March 11, 2019 meeting.

6. Public Hearing

a. Continuation of 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.
- Refuse and services areas: N/A
- Utilities: No utilities will need to be extended.
- Screening and buffering: None required by code. Any lighting must meet City landscaping requirements to reduce amount of nuisance created by commercial style lighting.
- 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.

Answering a question from Commissioner Forseth, Mr. Heine explained that the intent of the structure is to be utilized for storage and there will be no recreational vehicles etc... stored outside of the buildings. He mentioned should security issues arise, the plan would be to install cameras and additional lighting that meet code rather than fencing. Mr. Heine stated that it is the intention to have a sign on the west side. It will be two-tone dark colors as there is a lot of dust in the area. The structure will be a steel building with tin dividers to the top. There will be no wood. Should the building fill up, the plan is to add on to the east.

Commissioner Fairholm questioned the necessity of the sidewalk, as there are no others in the area. Mr. Domínguez stated as sidewalks are a City requirement, they will be included in the Building Permit. In instances where adjacent neighbors do not have sidewalks, the Council may not require it upon construction, but could in the future.

Mr. Heine, answering a question from Rich Holland, Alderman, explained that dump stations, electricity and water would not be available for RVs. It will be a storage facility only. There will be a need for

electricity for lighting of the facility, but none to the individual units. The intention is not for a shop or a place to stay.

Moved by Commissioner Forseth to approve the 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). Seconded by Commissioner Tuve. Motion passed 9-0.

7. Old Business

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

José Domínguez, City Engineer, stated that at the March 11, 2019 meeting, commissioners were asked to review the General and Heavy Industrial Districts sections and Staff recommendations. The commission was asked to review provide comments.

HEAVY INDUSTRIAL (HI)

Commissioner Gestring had the following suggestions:

RENDERING: add the language "the odor will not impact residential neighborhoods" to the applicable standards.

TANK FARM; PETROLEUM PRODUCTS TERMINAL: remove "and the processing of hides or furs."

GENERAL INDUSTRIAL (GI)

Mr. Domínguez clarified that Ready-mix-plant would be the only type of heavy manufacturing allowed, but only as a conditional use.

Commissioner Fairholm questioned if the height requirement maximum should be removed as in the previously reviewed districts. Mr. Domínguez explained that the maximum height requirement should be maintained in the industrial areas because the variance processes allow for more public input.

b. Update on Single-Family Attached Dwellings and Renewable Energy in Residential Areas (spec. Solar Farms and Wind Turbines)

Mr. Domínguez explained that Staff has 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:

- SINGLE-FAMILY ATTACHED DWELLINGS (TOWNHOMES) - In recent discussions, it was debated whether this use should be a permitted use or a conditional use with in residential districts, specifically in the R1 district. Staff was directed to research how surrounding communities in the area accommodate this type of housing. Staff researched Sioux Falls, Brookings, Madison, Yankton

and Ames, IA and the findings presented are as published in the packet.

SIOUX FALLS: Single-family attached dwellings have their own district and requires an additional buffer yard.

BROOKINGS: Districts are based upon on density. Single-family attached dwellings are allowed in the highest density district of the four low-density districts. They are also allowed in the medium and high-density residential districts and the neighborhood business district.

MADISON: Single-family attached dwellings are only allowed in multiple unit residential district (comparable to Vermillion's R2 & R3 districts).

YANKTON: Single-family attached dwellings are allowed in two-family and multiple-family residential districts. They are also allowed in local business, highway business, and central business districts.

AMES, IA: Single-family attached dwellings are allowed only in medium and high-density residential districts.

Commissioner Iverson expressed his opinion has changed and he now believes single-family attached dwellings should not be an allowable use in R-1 Districts. They should remain in R-2 and R-3. Answering a follow-up question from Commissioner Iverson, Mr. Domínguez explained that the Building Official feels there should be height requirements in the ordinance. Commissioner Fairholm asked what would happen with the single-family attached dwellings that already exist in the R-1 Districts. Discussion followed. Staff was directed to include language in the ordinance that would protect the existing dwellings (disaster, refinancing, etc...). This language would only pertain to R-1 District - not Planned Development Districts (PDD) such as Bliss Pointe.

- RENEWABLE ENERGY IN RESIDENTIAL AREAS - Mr. Domínguez noted that the current ordinance only mentions wind farms. Because uses such as solar panels are not defined in the Zoning Ordinance, the practice is to refer to the Building Code. Concerning the height of wind turbines, Staff can require testing to ensure they are not overly invasive due to sound or view etc... Additionally, the height would be restricted by height requirements of the district.

Missouri River Energy Systems (MRES), a City supplier, required that the City adopt a policy limiting the amount of renewable energy generated within the City. Discussion followed.

8. New Business

a. Replat of Lot 4A, Block 5, and Lot 1A, Block 7, Partridge Subdivision in the W ½ of the NE ¼ of Section 13, Township 92 North, Range 52 West of the 5th P.M., City of Vermillion, Clay County, South Dakota

Mr. Domínguez explained that presently, the newly constructed apartment buildings in lot 1A are on the property line, which is a code violation. Additionally the buildings on the east side of Cottage Avenue are in

multiple lots. Sayer Associates, on behalf of the owner, wishes to replat the aforementioned area to comply with code provisions and to ensure all buildings on the east side of the street are within one lot. With the replat, the applicant will also be dedicating all of the required utility easements around the lot. After review, Staff found that the final plat complies with City code, meets several components of the Comprehensive Plan and thus recommend approval.

Moved by Commissioner Manning to recommend approval of the replat of Lot 4A, Block 5, and Lot 1A, Block 7, Partridge Subdivision in the W ½ of the NE ¼ of Section 13, Township 92 North, Range 52 West of the 5th P.M., City of Vermillion, Clay County, South Dakota, seconded by Commissioner Wilson. Motion carried 9-0.

b. Discussion on Amendments to Zoning Ordinance - Sections 155.055 Country Side Planned Unit Development, 155.056 Coyote Village Planned Development District, 155.057 Cottage Place Planned Development District, 155.058 Bliss Pointe Planned Development District, 155.059 Community Oriented Healthcare Planned Development District, 155.060 Spady Planned Development District, and 155.061 Dakota Commons Planned Development District.

At the March 11 meeting, Staff mentioned that the focus of review on this section is strictly to ensure the uses within the PDDs match the newly proposed definitions. As PDDs are meant to provide flexibility to developers and allow for many opportunities for public review within the process, there is no intent to modify the districts. Mr. Domínguez outlined the proposed changes to uses in each Planned Development District as presented in the published packet. The Commissioners were asked to review the proposed amendments to the definitions and provide comments for the next meeting.

9. Staff Report

Mr. Domínguez noted that it would be busy construction season:

ANDERSON STREET: Currently out to bid.

ELM STREET: Currently out to bid.

PRENTIS PARK: North Sidewalk (South side of Clark Street), Baseball infield

ROOSEVLET: Possible construction of 700-feet of the street.

WEATHER RELATED REPAIRS: Due to the recent rain event that occurred prior to the ground thaw, staff will be addressing newly discovered trouble areas to the best of their ability.

Mr. Purdy explained that the next meeting would be joint with the County to address agriculture and rural residential rezones.

10. Adjourn

Moved by Commissioner Wilson to adjourn, seconded by Commissioner Manning. Motion carried 9-0. Commissioner Iverson declared the meeting adjourned at 6:47 p.m.