

Unapproved Minutes

Vermillion Planning Commission

Monday, August 24, 2020 Planning and Zoning Commission Joint Meeting
with Clay County Planning Commission

The Vermillion Planning and Zoning Commission was called to order in the City Council Chambers at City Hall (and through teleconference) on August 24, 2020 at 5:30 p.m.

1. Roll Call

Planning and Zoning Commissioners Present: Fairholm (in person), Fitzgerald (teleconference), Forseth (teleconference), Gestring (teleconference), Heggstad (teleconference, 5:35 p.m.), Mrozla (in person), Tuve (in person, 5:50 p.m.), Wilson (in person)

Planning and Zoning Commissioners Absent: Iverson.

City Staff present: José Domínguez, City Engineer (in person); James Purdy, Assistant City Manager (in person)

County Planning Commissioners Present: Gilbertson (in person), Mockler (in person), Hubert (in person).

County Planning Commissioners Absent: Bottolfson, Prentice

County Staff present: Drew Gunderson, Clay County Zoning Administrator (in person)

2. Minutes

a. July 27, 2020 Joint Meeting.

Moved by Fairholm to adopt both minutes as printed, seconded by Wilson. Motion carried 6-0, (Fairholm - Yes, Fitzgerald - Yes, Forseth - Yes, Gestring - Yes, Mrozla - Yes, Wilson - Yes).

3. Declaration of Conflict of Interest

Forseth noted that he owns investment property in the community.

4. Adoption of the Agenda

Moved by Wilson to adopt the agenda as printed, seconded by Fitzgerald. Motion carried 6-0, (Fairholm - Yes, Fitzgerald - Yes, Forseth - Yes, Gestring - Yes, Mrozla - Yes, Wilson - Yes).

5. Visitors to be Heard

None

6. Public Hearings

None

7. Old Business

None

8. New Business

a. Preliminary Plat of Lots 6-19 in Block 3, Lots 12-19 in Block 4, Lots 7-21 in Block 7, and Lots 1-10 in Block 7 of Bliss Pointe Addition to the City of Vermillion, Clay County, South Dakota.

Jose Dominguez, City Engineer, explained that Banner Associates submitted a preliminary plat for phase 2 of Bliss Pointe Addition on behalf of the owner, the Vermillion Chamber and Development Company (VCDC). Dominguez further explained that the preliminary plat is used by the City to plan for planning purposes. Additionally, Dominguez explained that the preliminary plat proposed an alley in Block 7. Dominguez stated that alleys are problematic for the City due to snow removal, vegetation removal, garbage clean-up, etc...). Additionally, the alley would increase the cost of construction and street maintenance since it duplicates streets found on either side of the block. Dominguez also stated that the community might perceive the alley as a mistake since it would be the only alley in the development, and the last alley platted since the 1950's. Dominguez recommended to the Commission that they direct the developer to remove the alley, or to make the alley a private street to be maintained by a homeowner's association. Dominguez further stated that if the Commission directed the developer to pursue a private street that the developer would also need to request a variance from the Board of Adjustment since the right-of-way for the alley would be less than the minimum 50-feet required.

Commissioner Wilson asked if there was a reason for the alley. Dominguez stated that his understanding was that the alley was to improve the aesthetics of the neighborhood and to try something different. Mr. Marty Gilbertson (419 Park Lane) explained that because the smaller side yards in that block the alley would offer the property owner the ability to have access from the rear yard. This would allow the owner to have more house frontage along the street. Mr. Nate Welch (VCDC) stated that Mr. Gilbertson explanation was correct and that it gives the VCDC the ability to develop a new more aesthetically pleasing neighborhood. Discussion followed.

Commissioner Fairholm stated that he appreciated the proposed concept. However, that the concept needs to be applied to the entire neighborhood and not just to one block. One block with an alley does not make it a design element. Fairholm also stated that alleys in other parts of the City do pose maintenance issues.

Commissioner Wilson stated that he agrees with having the garages on the back, but that he didn't agree with the statement of the lots being too narrow for garages since a majority of other lots are the same width and would only be able to have garages off the street and not an alley. Discussion followed.

Moved by Wilson to approve the preliminary plat with the recommendation that the alley be omitted, seconded by Fitzgerald. Dominguez asked for a clarification if the City could work with the applicant to omit the alley, or if a revised preliminary plat needed to be brought for the Commission's consideration. Wilson stated that he would prefer for the Staff and the VCDC to work on this rather than presenting the item to the Commission again. Motion carried 6-0, (Fairholm - Yes, Fitzgerald - Yes, Forseth - Yes, Gestring - Yes,

Heggestad - Yes, Mrozla - Abstain (Commissioner Mrozla lives at Bliss Pointe), Wilson - Yes).

- b. Discussion with Clay County Planning Commission to discuss the drafts of Chapter 1: Introduction; and, Chapter 4: Infrastructure Assessment of the Clay County/City of Vermillion Joint Jurisdiction Comprehensive Plan.

Jose Dominguez, City Engineer, explained that the City and County have been working to complete amendments to the comprehensive plan for the joint jurisdictional zoning area. Dominguez stated that the schedule to complete the process has been modified to remove a couple of sections (Community Protection Services, and Park and Open Space Inventory and Needs) that the County and City staff felt were not pertinent to the comprehensive plan. Additionally, Dominguez stated that at the previous joint meeting the City Commission requested that a summary be presented to the Commission from the City and County staff's explaining their point of view as to why the boundary needed to, or did not need to, change. The summaries were to be discussed at this meeting. Dominguez also stated that in addition to the discussion regarding the JJZA boundary, that Chapter 4: Infrastructure Assessment needed to be discussed. Dominguez stated that the chapter had already been reviewed by County and City staff and that those changes were incorporated into the documents being presented. Dominguez stated that depending on the comments from the Commissions on the boundary for the JJZA and on chapter 4, that a public meeting should be set for September 28th to discuss chapters 1 through 6 with the public. Discussion followed.

Commissioner Fairholm stated that since it did not seem as if agreement was going to be reached on the City's request to extend the JJZA boundary that we should be reconsider staying with the current JJZA boundary. Fairholm further said that both Commissions agreed to the existing boundary at the previous meeting. Agreeing to the existing boundary seemed as a reasonable compromise. Discussion followed.

Commissioner Mockler asked for clarification on what the existing boundary looked like. Dominguez gave Mockler a map for his review, and explained the map to the public. Discussion followed.

Mockler asked for the process to change the boundary as the Joint zoning ordinance states be explained. Dominguez stated that changing the boundary would require a joint meeting by the Commissions, and two meetings from the governing bodies. This was due to the fact that the change would be changing an ordinance and those need two readings. Mocker asked if the discussion had to happen at this meeting if the boundary needed to be changed. Dominguez stated that to move process along maintaining the boundary as is would be preferred. This would give City and County staff additional time to ensure that the interpretation of the joint zoning ordinance is correct. Another

discussion on the boundary could be had prior to any recommendations are made to the governing bodies. Discussion followed.

Commissioner Gilbertson asked how the boundary is decided. Dominguez explained that we would have meetings similar to this in which the Commissions would agree on the new boundary and those recommendations are then presented to the governing bodies for action. Mockler asked that the owners that would be affected by the new boundary be notified of the meeting so that they could attend.

Moved by Fairholm to approve chapter 1 and chapter 4 with the narrative changes and the boundary as it existed in the previous plan, seconded by Gestring. Motion carried 8-0, (Fairholm - Yes, Fitzgerald - Yes, Forseth - Yes, Gestring - Yes, Heggstad - Yes, Mrozla - Yes, Tuve - Yes, Wilson - Yes).

9. Staff Report

None

10. Adjourn

Moved by Forseth to adjourn, seconded by Wilson. Motion carried 8-0, (Fairholm - Yes, Fitzgerald - Yes, Forseth - Yes, Gestring - Yes, Heggstad - Yes, Mrozla - Yes, Tuve - Yes, Wilson - Yes). Forseth declared the meeting adjourned at 6:05 p.m.