

Unapproved Minutes
Vermillion Planning Commission
Monday, September 23, 2019 Regular Planning and Zoning Commission Meeting

The regular meeting of the Vermillion Planning and Zoning Commission was called to order in the Large Conference Room at City Hall on September 23, 2019 at 5:30 p.m.

1. Roll Call

Present: Forseth, Manning, Muenster, Tuve, Wilson.

Absent: Fairholm, Kleeman, Gestring, Iverson.

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

2. Minutes

a. August 26, 2019 Regular Meeting.

Moved by Commissioner Manning to adopt August 26, 2019 regular meeting minutes as printed, seconded by Commissioner Wilson. Motion carried 5-0.

3. Declaration of Conflict of Interest

Commissioner Muenster noted that he owns investment property.

Commissioner Forseth noted that he owns investment property.

4. Adoption of the Agenda

Moved by Commissioner Tuve to adopt the agenda as published, seconded by Commissioner Manning. Motion carried 5-0.

5. Visitors to be Heard

None.

6. Public Hearing

None.

7. Old Business

None.

8. New Business

a. Presentation to the Public of the Draft of the Proposed Amendments to the City's Zoning Ordinance.

Dominguez, City Engineer, started presentation regarding the draft of the proposed amendments to the City's Zoning Ordinance. Dominguez gave a brief history from the adoption of the first zoning ordinance to present. He explained that the purpose of periodically revisiting the ordinance is to keep it current as times change. Additionally, Dominguez discussed the major proposed changes to the ordinance.

Commissioner Muenster asked if additional discussion would occur regarding the single-family attached dwellings within the R-1

Residential district. In specific, Commissioner Muenster wanted to verify that a public meeting in which the Commission would make a formal recommendation to the Council would occur. Domínguez explained that the goal of this meeting was to allow public comment, and create discussion on the topics. The actual codification process would commence at a later meeting with a public hearing regarding all of the proposed amendments. Discussion followed.

Commissioner Muenster asked if the items would be subject to referral by petition. Domínguez explained that if the ordinance is adopted the entire ordinance, or items within the ordinance, can be referred to a vote. The petition would have to be turned in to the City no later than 20-days after the publication of the approved ordinance.

Mr. Marty Gilbertson (419 Park Lane) asked if garages count as a parking spot to meet off-street parking requirements. Domínguez explained that if the garages meet certain criteria they could count for the required parking for single-family detached or attached dwellings, but not for multiple-family dwellings.

Mr. Gilbertson stated that parking will always be the deciding factor when developing property and asked the Commission why the off-street parking requirements were in place. Commissioner Forseth explained that the off-street parking requirements are in place to relieve parking pressure off the street and move the parked vehicles into the developer's property. Discussion followed. Mr. Gilbertson stated that he believes that the on-street parking is only an issue during the day and not at night. Discussion followed.

Mr. Gilbertson stated that he is trying to maximize space when he develops property. Domínguez stated that we have two competing issues where the developer tries to maximize the space for development while the City tries to protect public safety by removing development generated street parking to off-street.

Mr. Gilbertson asked if off-premise parking would be allowed. Domínguez stated, that without researching the item, he believes that off-premise parking is allowed as a conditional use within the district. Domínguez was unsure of any requirements at the time. Discussion followed.

Commissioner Manning asked if a developer would be allowed to have an agreement with the City stating that a garage within a multiple-family dwelling unit will only be used by the tenants and not for any other use. Domínguez stated that for that such an item would need to go through the Council as a variance request. Discussion followed.

Mr. Gilbertson asked if the construction of residential dwellings will still be a conditional use within the Neighborhood Commercial district. Mr. Gilbertson also asked if the Commission is planning on removing, or drastically changing the Neighborhood Commercial district

to change residential uses to permitted and commercial uses as conditional. Domínguez stated that at this time the Commission was not making any of his mentioned changes to the ordinance. Domínguez also stated that Mr. Gilbertson can approach the Commission, or the Council, with his proposal to change the Neighborhood Commercial district. Discussion followed.

- b. Review City Council's Request to Expound on Proposed Changes to Sections 155.031 R-1 Residential district, 155.033 R-3 Residential district, and to 155.095 Conditional Use Permits.

Domínguez stated that the draft of all of the proposed changes was presented to the City Council at their noon meeting on September 16th. The Council is asking the Commission for additional information on four items to help the Council understand why the changes are being proposed made, and what the changes are trying to achieve. The four items that the Council requested additional information on are:

1. Moving single-family attached dwellings from conditional-uses to permitted uses in the R-1 Residential district with the intent of having no new construction after December 31, 2019.
2. Increasing the rear yard setbacks for multiple-family dwellings in the R-3 Residential district from 10-feet to 25-feet.
3. Increasing the maximum height of multiple-family dwellings in the R-3 Residential district from 45-feet to 70-feet.
4. Replacing the 'The Planning Commission shall impose such conditions as are appropriate and necessary to ensure compliance with the Comprehensive Plan and protect health, safety, and general welfare in the issuance of the conditional use permit' with 'The Planning Commission shall impose such conditions as are appropriate and necessary to ensure compliance with the Comprehensive Plan and the impact of the conditional use upon neighboring land and the public for the particular location in the issuance of the conditional use permit.'

Purdy, Assistant City Manager, stated that there will be a noon City Council meeting on September 30th. At this meeting the Council will discuss the additional information provided by the Commission. The Commission is invited to attend the meeting and discuss the items. Commissioner Iverson will be attending.

Domínguez elaborated on each of the items.

On item 1, Commissioner Manning stated that he does not agree with the proposed changed and would like townhomes to remain as conditional uses within the R-1 Residential district. He does not see an issue with having townhomes in the R-1 Residential district.

Commissioner Muenster stated that the Commission should be allowed to review plans during the review of a conditional use permit and use the information to arrive at a conclusion.

Based on the direction of the conversation Domínguez asked if there are any proponents of the item presented to the Council willing to discuss why the item was changed, and what the purpose of the change was. Commissioner Muenster asked who started the discussion at the February 11 meeting regarding the removal of townhomes. Commissioner Manning stated that Commissioner Fairholm started the conversation due to concerns with townhomes being sprinkled throughout the R-1 Residential district and the difference in dwelling styles (detached vs. attached). Commissioner Muenster stated that the townhomes built along Mickelson Avenue are attractive and a credit to the neighborhood and should be allowed. Discussion followed.

Commissioner Wilson stated that he agrees with Commissioners Muenster and Manning with keeping townhomes as a conditional use within the R-1 Residential district. Discussion followed.

Commissioner Tuve stated that the proposed language was a compromise that would protect the existing structures, but not allow new construction. Discussion followed.

Mr. Rich Holland (902 Ridgecrest) stated that, hypothetically speaking, if his neighbors decided to build townhomes he would be strongly opposed to them since that is not what the original intent of the neighborhood was. Mr. Holland asked if the proposed change would prohibit this from happening. Domínguez stated that the proposed change would not allow this to happen as long as the building permits for the townhomes was requested after December 31, 2019. Discussion followed. Commissioner Wilson could not conceptualize how to put more than two townhomes together.

Commissioner Forseth commented that this item could be brought up to a vote no matter which way the Council voted. Domínguez stated that he will be reporting to the Council that there is a large difference of opinion between the Commission regarding this item. Discussion followed.

On item 2, Commissioner Wilson stated that the 25-foot rear yard setback is a reasonable requirement for emergency access and other reasons. All other commissioners agreed with Commissioner Wilson's statement.

Commissioner Muenster stated that he did not see a substantial difference between the language being proposed for Item 4 and the existing language. Domínguez stated that the intent was never to take the ability of the Commission from placing conditions, but to prevent the Commission from asking inappropriate questions and basing a decision on the discussion created by said questions. Discussion followed.

Ms. Caitlin Collier (917 Eastgate) stated that the reasons not to change item 4 is also to allow for the public to state their opinions

regarding the subject being discussed. The more opinions given the better the result that the Commission can arrive too. Discussion followed.

Commissioner Forseth asked what the wishes of the Commission was regarding item 4, Commissioner Muenster stated that if the change helped Staff to assist the Commission in leading meetings that he does not object to the proposed change. All other commissioners agreed with the proposed changes to the language.

On item 3, Commissioner Manning stated that he did not see any issues with changing the height. Domínguez stated that a developer did come to discuss this item, in conjunction with item 2. The developer was concerned that the changes would force residential development to rise due to the setback getting larger and the height increasing. All Commissioners agreed with the proposed changes to the language. Commissioner Tuve stated that this may cause an issue with future construction if the neighbors see the height blocking the sun, air or view. Discussion followed.

9. Staff Reports

Anderson Street: contractor started the cement treatment of the subgrade. Once the treatment is done in the south side, the contractor will move all of the millings and treat the north side. The completion date is still the end of October.

Elm Street: Contractor is waiting on test results for the aggregate being used. Completion expected approximately within one month.

Dakota and Alumni: This project is associate with USD. USD's contractor is completing a water main connection for the Dome project. The dates were chosen by USD.

Commissioner Wilson asked about the work occurring at Polaris. Domínguez stated that to our knowledge the material used for compaction is being sold. At this point no building permit has been requested by Polaris.

10. Adjourn

Moved by Commissioner Muenster to adjourn, seconded by Commissioner Tuve. Motion carried 5-0. Chairman Iverson declared the meeting adjourned at 6:41 p.m.