

Unapproved Minutes

Vermillion Planning Commission

Monday, February 8, 2021 Joint Planning Commission Meeting with Clay County

The joint meeting of the Vermillion Planning and Zoning Commission and Clay County Planning Commission was called to order in the Council Chambers at City Hall on February 8, 2021 at 5:30 p.m.

1. Roll Call

City Planning and Zoning Commissioners Present: Fairholm (in person), Fitzgerald (in person), Forseth (teleconference), Gestring (in person), Heggstad (teleconference), Mrozla (in person), Tuve (in person), Wilson (in person), Iverson (in person).

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

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

County Planning Commissioners Absent: Prentice

County Staff present: Drew Gunderson, Clay County Zoning Administrator

2. Minutes

- a. November 23, 2020 Regular Meeting.

Moved by Commissioner Fairholm to adopt November 23, 2020 meeting minutes, seconded by Fitzgerald. Motion carried 9-0, (Fairholm - Yes, Fitzgerald - Yes, Forseth - Yes, Gestring - Yes, Heggstad - Yes, Mrozla - Yes, Tuve - Yes, Wilson - Yes, Iverson - Yes).

3. Declaration of Conflict of Interest

Forseth noted that he owns investment property.

4. Adoption of the Agenda

Moved by Tuve to adopt the agenda as printed, seconded by Wilson. Motion carried 9-0, (Fairholm - Yes, Fitzgerald - Yes, Forseth - Yes, Gestring - Yes, Heggstad - Yes, Mrozla - Yes, Tuve - Yes, Wilson - Yes, Iverson - Yes).

5. Visitors to be Heard

None

6. Public Hearings

- a. Continuation of discussion requesting to rezone the east 26 1/3 rods of the SE ¼ of the SE ¼, 17-92-51, except Lot H6 thereof, Fairview Township, Clay County, South Dakota, from A-1: Agricultural District to RR: Rural Residential District. (The land requested to be rezoned is located in the northwest corner of East Main Street and 466th Avenue.)

Commissioner Iverson stated that this item was tabled at the October 26, 2020 meeting, and that prior to continuing discussion a motion needed to be made to put the item back on the table. Moved by Wilson

to remove item from table and begin discussion, seconded by Mrozla. Motion carried 9-0, (Fairholm - Yes, Fitzgerald - Yes, Forseth - Yes, Gestring - Yes, Heggstad - Yes, Mrozla - Yes, Tuve - Yes, Wilson - Yes, Iverson - Yes).

José Domínguez, City Engineer, stated that the County received a petition to rezone the aforementioned property (approximately 13.5 acres) from A-1: Agriculture District to RR: Rural Residential District to allow for development of residential lots. Domínguez stated that the item was discussed at the October 26, 2020 joint meeting with the County's Planning Commission. At that meeting the County's Commission recommended the County Commissioners not approve the rezone. The City's Planning Commission voted to table the item for further discussion at a later time. Domínguez informed the Commission that the County Commissioners considered the rezone at their November 24, 2020 meeting, and again at their January 12, 2021 meeting. At the last meeting the County Commission approved the rezone to advance to the second reading. Domínguez stated that Staff recommended approval of the rezone.

Iverson opened the floor for public comment.

Commissioner Fairholm asked Domínguez how many residential lots would be platted and if they would be served by City utilities. Domínguez answered that the exhibit provided with the application showed four residential lots, and that the City would not provide utilities to any of the lots.

Moved by Wilson to recommend that the City Council approve the rezone of the east 26 1/3 rods of the SE ¼ of the SE ¼, 17-92-51, except Lot H6 thereof, Fairview Township, Clay County, South Dakota, from A-1: Agricultural District to RR: Rural Residential District, seconded by Gestring. Motion carried 8-1 (Fairholm - No, Fitzgerald - Yes, Forseth - Yes, Gestring - Yes, Heggstad - Yes, Mrozla - Yes, Tuve - Yes, Wilson - Yes, Iverson - Yes).

- b. Request for a Conditional Use Request for a Conditional Use Permit to construct a manufactured home on Lot 8, Block 5, Seiler's Second Addition in the SW ¼, S12, T92N, R52W, 5th P.M., Clay County, South Dakota.

Domínguez stated that the County received an application for a conditional use to place a manufactured home in the subdivision along Princeton Street north of the bypass on January 20, 2021. The location is within the City and County's joint jurisdictional zoning area. Domínguez provided background regarding the current ordinance for the Joint Jurisdiction Zoning Area (JJZA), adopted in 2013, explaining that the document allows the City to have a say in existing, and proposed, land uses in an area that would directly affect the City's growth. Domínguez stated that the applicant is

intending to move a mobile home into the lot, build a shed, and then a single-family detached home. No timeframe was given by the applicant on the construction of the shed or the single-family detached home.

Dominguez explained that the JJZA zoning ordinance had four criteria that needed to be considered by the Planning Commission when considering items. The first criteria asks the Commission to consider the effect of the proposed use on adjacent properties, and notes that the proposed use should be generally compatible with the adjacent uses. Dominguez stated that the proposed and existing uses are similar in that they are residential. However, the type of construction is much different. Dominguez explained that single-family detached homes are built using the International Building Code (IBC), while mobile home are built using the HUD Manufactured Home Construction and Safety Standards (HUD). The IBC standards are stricter and meant for permanent construction. Dominguez also stated that this would be the only mobile home in the area, and that the area is almost completely developed with single-family detached homes. Dominguez stated that the second criteria ask for the Commission to consider any measures needed to ensure that the proposed use does not alter the general character of the area. Dominguez stated that in the event that the proposed use stays in the location permanently there are no measures that would make the proposed use conform to the general character of the area. The third criteria to be considered is the effects of noise, odor, traffic, air and water pollution, and other negative factors. Dominguez stated that there are no negative factors (besides general compatibility) associated with the proposed used. Dominguez stated that the fourth, and final criteria, asks if the proposed use will adversely affect the public. Dominguez stated that there is a high probability that the proposed use will negatively affect the neighborhood due to the differing residential styles (i.e. mobile home vs. ranch style houses), and the different building codes used during construction (i.e. IBC vs. HUD).

Dominguez also stated that it was not known if the applicant contacted the area's road district. The road district is in charge of the roads in the area and would need to extend the Purdue Street to provide access to the lot where the mobile home would be placed.

Dominguez stated that Staff recommends not granting the conditional use based on the dissimilarities in the styles and construction standards followed.

Iverson opened the floor for public comment.

Dominguez stated that a couple of letters were received from people that would not be able to attend the meeting. Dominguez read the letters from Mr. Jon Carey and Ms. Valerie Shostrom (1832 Creighton Avenue). Ms. Carey and Ms. Shostrom requested that the conditional use not be granted. The second letter was from Mr. Todd Christensen

and Ms. Gail Christensen (1913 DePaul Avenue). Mr. and Ms. Christensen asked that that the conditional use be denied.

Mr. Craig Sorensen (1913 Creighton Avenue) stated that he was concerned with no timeframe given by the applicant on the construction of the shed or the home, and that if the item were to pass that a time limit should be considered by the commissions.

Mr. Norm Kaufman (1805 DePaul Avenue) stated that he lives across from the lot were the proposed mobile home would be placed. Mr. Kaufman is concerned with property values declining if the use is allowed, and possible difficulties denying future mobile homes in the area if this one was allowed.

Mr. Mike Heine (240 Purdue Street) stated that he lives to the west of the lot were the proposed mobile home would be placed. Mr. Heine shares the same concerns previously mentioned.

Mr. Shawn Fick (1930 DePaul Avenue) stated that he also shares the same concerns previously mentioned.

Ms. Charlene Schaefer (1914 DePaul Avenue) stated that the covenants for the area that do not allow mobile homes to be placed in the neighborhood should be followed. Ms. Schaefer also shared the same concerns previously mentioned.

Commissioner Gestring asked Dominguez if the covenants needed to be followed when making a decision. Dominguez stated that the ordinance and the covenants are two different things. The commissions should base their decision on the process provided for in the ordinance, and not on the covenants. The covenants are a contract between the property owners in the area, and not between the governing bodies and the public.

Discussion followed.

Moved by Tuve to deny the conditional use permit to construct a manufactured home on Lot 8, Block 5, Seiler's Second Addition in the SW $\frac{1}{4}$, S12, T92N, R52W, 5th P.M., Clay County, South Dakota, seconded by Wilson. Motion to deny carried 9-0 (Fairholm - Yes, Fitzgerald - Yes, Forseth - Yes, Gestring - Yes, Heggstad - Yes, Mrozla - Yes, Tuve - Yes, Wilson - Yes, Iverson - Yes).

Iverson recessed the meeting at 5:55 p.m. on February 8, 2021 and asked to reconvene in the Large Upstairs Conference Room in City Hall at 6:05 p.m. on February 8, 2021.

- c. Request for a Conditional Use Permit to construct single-family attached homes on Lots 6A, and 6B Block 6, Bliss Pointe Addition to the City of Vermillion.

Dominguez stated that a conditional use permit was received requesting a conditional use to construct two single-family attached dwellings on Rockwell Trail. The proposed construction is in Area B of the Bliss Pointe PDD and is intended for low to medium-density single-family residential uses. Dominguez noted that the design has also been approved by the Bliss Pointe Architectural Review Committee.

Dominguez explained that this item was previously discussed, and approved, by the Commission at the December 10, 2018 meeting. However, due to the fact that the applicant did not start working on the approved conditional use within a year of approval, the conditional use expires. Dominguez outlined the criteria for review. Dominguez stated that the applicable criteria have been met by the applicant. Dominguez recommended that the conditional use should be granted without conditions.

Iverson opened the floor for public comment.

Moved by Wilson to grant the conditional use permit to construct single-family attached homes on Lots 6A, and 6B Block 6, Bliss Pointe Addition to the City of Vermillion, seconded by Mrozla. Motion carried 9-0 (Fairholm - Yes, Fitzgerald - Yes, Forseth - Yes, Gestring - Yes, Heggstad - Yes, Mrozla - Yes, Tuve - Yes, Wilson - Yes, Iverson - Yes).

- d. Amending Title XV, Chapter 155, Section 155.058 (E), Bliss Pointe Planned Development District, to Amend the Lot and Yard Regulations for Single-Family Detached Dwellings by reducing the Lot Area from 6,500 to 5,400 square feet, reducing the Frontage from 50 to 44 feet, and reducing the Building Line from 65 to 44 feet.

Dominguez stated that on December 3, 2020 the City received an application from the Vermillion Chamber and Development Company (VCDC) to amend the current Bliss Pointe PDD. The application requested that the Lot and Yard Regulations for single-family detached dwellings be changed by reducing the lot area from 6,500 to 5,400 square feet, reducing the frontage from 50 to 44 feet, and reducing the building line from 65 to 44 feet.

Dominguez explained that the item was published, posted, and noticed mailed as required by statute and ordinance.

Dominguez further stated that one of the original intents of Bliss Pointe was to increase the housing stock in the community. This requires that the VCDC offer a wide variety of housing styles. Reducing the lot and yard regulations for single-family detached dwellings would allow for the construction of less expensive, quality housing. Dominguez stated he believed the change would allow for a larger range of housing in the development. Referring to the exhibits provided by the applicant, Dominguez explained that the proposed

amendments would mainly affect the center block of Bliss Pointe phase two. Dominguez also stated that the exhibits provided by the VCDC are intended to help the Commission visualize the development with the narrower lots on the center block. The Commission is not approving the lot layout presented in the exhibits. At this time Dominguez further explained that for the layout of the center block to be approved, the preliminary plat would have to be amended, and the final plat would need to be approved.

Dominguez stated that staff recommends that the Commission recommend approval of the ordinance amendments to the City Council.

Iverson opened the floor for public comment.

Mr. Brandon Wiemers (1409 Cornell) stated that the proposed amendment would allow for lots that are too small. Mr. Wiemers also stated that the size of the lots will not necessarily allow for an affordable house to be constructed, but rather for a smaller expensive house. Mr. Wiemers also stated once residents pay an HOA fee it will be further less affordable.

Ms. Tricia Unterbrunner (320 Joplin) stated that new construction should not have detached garages as shown on the exhibit.

Mr. Nate Welch (President of VCDC, 2 E Main) stated that the proposed amendments would allow the VCDC more flexibility in meeting the needs of the community by being able to offer different style of housing. The smaller lots would fit with individuals that want smaller dwellings, and less outside maintenance.

Commissioner Fairholm asked Dominguez if the preliminary plat for phase two had already been approved. Dominguez responded that it had, but that the approval preliminary plat showed a different layout for the center block. Fairholm asked if the proposed zoning amendment affected all of Bliss Pointe, or just phase 2, and if the larger lots could be split into smaller lots. Dominguez answered that the proposed amendment would be for the entirety of Bliss Pointe, and that larger lots could be combined and split into the smaller lots. Dominguez noted that this was unlikely to happen in phase one, as there are few lots left that could be combined and split into smaller lots.

Fairholm expressed concerns that the proposed plan did not meet one of the original intents of Bliss Pointe, which was affordable housing. Fairholm also stated that he was concerned with the safety of the public with houses backing against Stanford Street, as well as the aesthetics of those same houses viewed from Stanford Street.

Moved by Fairholm to recommend adoption of the ordinance amendments as presented and that a 5-foot berm be placed on the backyards of houses backing against Stanford Street. Discussion followed.

Commissioner Mrozla expressed concern with how a berm would look along Stanford Street.

Commissioner Wilson also expressed concerns with the looks of a berm. Wilson also mentioned that a barrier of some form should be necessary since the backyards would back to a street, and a bike trail.

Iverson asked what the price difference would be between a house built on a 65-foot lot versus one built on a 44-foot lot. Mr. Welch stated that a typical cost for a house was around \$200 per square foot, and that the cost would vary depending on the size wanted by the owner. Mr. Welch explained that a 1,000 square foot house in a 44-foot lot would cost approximately \$200,000, and that a 1,500 square foot house in a 65-foot lot would cost approximately \$300,000. Discussion followed.

Mr. Tanner Mart (Mart Brothers Construction, 1102 317th Street) stated that these lots might not be for all owners as some of the items frequently requested might not fit in a smaller lot (e.g. three car garages, large main floors, large backyards, etc..). Discussion followed.

Mr. Anthony Nelson (438 Prentis) stated that his family is considering purchasing a lot in Bliss Pointe and that he is concerned if the proposed amendments would affect future house prices. Mr. Nelson also expressed concerns with a future TIF being able to pay for the improvements if the lots were reduced in size.

Fairholm stated that he is still concerned with affordable housing for young professionals moving to, or staying in, Vermillion.

Fairholm restated his prior motion to recommend adoption of the ordinance amendments as presented and that a 5-foot berm be placed on the backyards of houses backing against Stanford Street, seconded by Wilson.

Commissioner Gestring suggested that a different buffer should be considered since a 5-foot berm would occupy a large part of the backyard. Fairholm amended his motion to replace "5-foot berm" with "a natural barrier for purposes of aesthetics and safety", Wilson agreed with the amendment to the original motion. Motion carried 6-2 (Fairholm - Yes, Fitzgerald - No, Forseth - Yes, Gestring - Yes, Heggestad - Yes, Mrozla - Abstain, Tuve - Yes, Wilson - Yes, Iverson - No).

Fairholm requested that the meeting minutes reflect his disappointment on the lack of affordable housing in phase two, and that additional and more creative work should be done by the VCDC to improve the design of the development before the idea is presented again. Fairholm also stated that it was bad practice for projects to be in the bid process before approval.

7. Old Business

None

8. New Business

None

9. Staff Report

Dominguez stated that the City and the County committee met to discuss the goals, objectives and policies for the Comprehensive Plan for the Joint Jurisdictional Area.

Dominguez stated that the City's project along Hwy. 50 that was bid with the DOT came in slightly over the engineer's estimate. However, there are sufficient funds in the budget to accommodate construction cost.

Purdy noted that the Council approved the Downtown Streetscape project to go out to bid. The bids are due March 4th.

10. Adjourn

Moved by Fairholm to adjourn, seconded by Tuve. Motion carried 9-0 (Fairholm - Yes, Fitzgerald - Yes, Forseth - Yes, Gestring - Yes, Heggstad - Yes, Mrozla - Yes, Tuve - Yes, Wilson - Yes, Iverson - Yes). Iverson declared the meeting adjourned at 7:16 p.m.