

Unapproved Minutes

Vermillion Planning and Zoning Commission

Monday, March 22, 2021 Regular Planning and Zoning Commission Meeting

The regular meeting of the Vermillion Planning and Zoning Commission was called to order in the Large Upstairs Conference Room at City Hall on March 22, 2021 at 5:30 p.m.

1. Roll Call

City Planning and Zoning Commissioners Present: Fairholm (in person), Fitzgerald (in person), Gestring (in person, 5:32 p.m.), Heggstad (teleconference), Mrozla (in person), Tuve (in person), Wilson (in person), Iverson (in person).

City Planning and Zoning Commissioners Absent: Forseth

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

2. Minutes

a. March 8, 2021 City Planning and Zoning Commission Meeting.

Moved by Commissioner Fairholm to adopt March 8, 2021 meeting minutes, seconded by Wilson. Motion carried 7-0, (Fairholm - Yes, Fitzgerald - Yes, Heggstad - Yes, Mrozla - Yes, Tuve - Yes, Wilson - Yes, Iverson - Yes).

3. Declaration of Conflict of Interest

None

4. Adoption of the Agenda

Moved by Tuve to adopt the agenda as printed, seconded by Fairholm. Motion carried 8-0, (Fairholm - Yes, Fitzgerald - Yes, Gestring - Yes, Heggstad - Yes, Mrozla - Yes, Tuve - Yes, Wilson - Yes, Iverson - Yes).

5. Visitors to be Heard

None

6. Public Hearings

a. Request for a Conditional Use Permit to construct a multiple-family dwelling structure on Lots 6 and 7, Block 47, Snyders Addition, City of Vermillion, Clay County, South Dakota.

Dominguez stated that a conditional use permit (CUP) was received requesting a conditional use to construct a multiple-family structure with eight one-bedroom dwellings at 202 North Dakota Street. The location is within the NC Neighborhood Commercial zoning district which allows multiple-family structures as a conditional use.

Dominguez outlined the process explaining the Planning and Zoning Commission (Commission) is the body to grant a CUP, and that the City Council acts as the body of appeal should anyone feel aggrieved by the conditions set by the Commission. Dominguez noted that the Commission

may place conditions that are necessary to ensure compliance with the Comprehensive Plan and protect health, safety, and general welfare. Referring to the site plans Dominguez explained that the criteria to be considered by the Commission have been met. Dominguez also noted that the applicant will be requesting for two variances from the City Council. One variance will be for the reduction of the required off-street parking from 16 to 12 parking stalls. The second variance will be for the reduction of the East Cedar Street front yard setback from 30-feet to 24-feet. Staff recommended that the conditional use be granted with the condition that a multiple-family structure be constructed not to exceed eight single bedroom dwellings and that the off-street parking be as required by the current ordinance, or as determined by the City Council through the variance process.

Chairman Iverson opened the floor for public comment.

Commissioner Wilson asked the applicant, Mr. Marty Gilbertson (419 Park Lane), if the apartment building would have more than one entrance. Mr. Gilbertson said that the building would have two entrances, one from the east and a second from the west. Mr. Gilbertson explained that the drawing which was included only showed one entrance due to the fact that it had not been complete when submitted with the application.

Commissioner Tuve expressed concerns with the variance being requested from the City Council regarding the reduction in off-street parking. Mr. Gilbertson stated that he has owned the building for several years and typically sees vehicles parked along East Cedar Street when USD is in session (i.e. during the school year and during the day). Ms. Teresa Gilbertson (419 Park Lane) stated that if necessary they may have to issue parking stickers to tenants. Ms. Gilbertson stated that they have a similar program for a different location that is close to campus to avoid non-residents from parking in the apartment's parking lot.

Mr. Gilbertson stated that over the years they have received many requests for single bedroom apartments. Mr. Gilbertson believes that that these apartments will meet a need in the community.

Commissioner Mrozla asked how many people could live in a single-bedroom apartment dwelling unit. Dominguez explained that a maximum of four unrelated people could live in an apartment and that there are no maximums for families.

Discussion followed.

Commissioner Heggstad moved to approve the conditional use with the condition that a multiple-family structure be constructed not to exceed eight single bedroom dwellings and that the off-street parking be as required by the current ordinance, or as determined by the City Council through the variance process, seconded by Mrozla. Motion carried 6-2, (Fairholm - Yes, Fitzgerald - Yes, Gestring - No, Heggstad - Yes, Mrozla - Yes, Tuve - No, Wilson - Yes, Iverson - Yes).

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 5, and Lots 1 - 8 in Block 6, and Lots 1 - 5 in Block 7, and Lots 1 - 4 in Block 8, All of Bliss Pointe Addition, and addition to the City of Vermillion, Clay County, South Dakota

Dominguez explained that Banner Associates submitted a revised preliminary plat on behalf of the owner, the Vermillion Chamber and Development Company (VCDC). Dominguez further explained that the revised preliminary plat proposes to subdivide the area into 54-residential lots. Dominguez also stated that the current preliminary plat was approved on August 24, 2020, and that it divided the area into 47-residential lots. Additionally, Dominguez explained that the proposed preliminary plat for the most part complies with all code provisions. However, the only issue is the fact that some of the proposed single-family detached lots are too small based on the existing zoning ordinance. Dominguez explained that the Council did approve an ordinance recently that would make the smaller lots compliant. However, the ordinance approved by the Council will not be effective until April 1, 2021.

Dominguez also stated that besides the size of the lots, the other difference between the current and the proposed preliminary plat is the proposed public alley in the center area. Dominguez further explained that the City Council has expressed a strong desire to construct a public alley in the center area as opposed to a private street. Dominguez stated that the City Council was made aware of the Commission had already denied a public alley. Dominguez explained that the proposed preliminary plat includes a 30-foot right-of-way for the alley. This is greater than the 20-foot right-of-way required. The additional width will allow for a wider driving surface (i.e. 20-feet vs. 16-feet), and for more greenspace to store snow during the winter.

Dominguez stated that the preliminary plat is being brought to the Commission with a public alley according to the wishes of the City Council. Staff still believes that the alleys will increase cost of construction and maintenance. Dominguez recommended that the preliminary plat be approved with the condition that the final plat is not acted on by the Council until after Ordinance 1430 becomes effective.

Discussion followed.

Commissioner Fairholm stated that he still did not agree with the construction of the alley. Fairholm also asked how the fence issue was resolved. Dominguez responded that the City Council asked the VCDC to address the fencing issues along Stanford Street in the covenants for the area, and that the fence was not included in the recent ordinance amendment for Bliss Pointe PDD.

Commissioner Wilson shared concerns regarding the appearance of the fence along Stanford Street. Mr. Nate Welch (VCDC) stated that the covenants will address the looks of the fence. Mr. Welch also stated that the VCDC is also concerned with the fence as they too want the development to be attractive to the community.

Discussion followed.

Commissioner Gestring moved to approve the preliminary plat with the condition that the final plat is not acted on by the Council until after Ordinance 1430 becomes effective, seconded by Heggstad. Motion carried 6-2, (Fairholm - No, Fitzgerald - Yes, Gestring - Yes, Heggstad - Yes, Mrozla - Yes, Tuve - Yes, Wilson - Yes, Iverson - No).

- b. Final Plat of Lots 6 - 19 in Block 3, Lots 12 - 19 in Block 4, Lots 7 - 21 in Block 5, and Lots 1 - 8 in Block 6, and Lots 1 - 5 in Block 7, and Lots 1 - 4 in Block 8, All of Bliss Pointe Addition, and addition to the City of Vermillion, Clay County, South Dakota

Dominguez explained that Banner Associates submitted a final plat on behalf of the owner, VCDC. The area to be final platted consists of roughly 15-acres. The area is roughly bordered by Joplin Street, Stanford Street, Slate Road, and Rockwell Trail. Dominguez also stated that the Commission has considered two preliminary plats for this area. The first was approved on August 24, 2020 and the second preliminary plat was discussed at the last agenda item. Additionally, Dominguez stated that the Commission has also considered two final plats for this area. The first was discussed at the September 14, 2020 meeting and it separated the land to be developed from the land below the bluff. The second final plat was considered on March 8, 2021. The second final plat created all of the blocks and dedicated all of the right-of-ways. Dominguez stated that the VCDC did not file the final plat at the courthouse after it was considered on March 8, 2021.

Dominguez further explained that the final plat being considered is consistent with the preliminary plat discussed in the previous agenda item. The plat includes all of the lots, including the small ones in the center area, and the 30-foot right-of-way for the alleys to be located in the center area. Dominguez also stated that the VCDC will be required to request two variances; one for the additional width of

the alley right-of-way (i.e. 20-feet to 30-feet), and for the additional width of the driving surface (i.e. 16-feet to 20-feet).

Dominguez recommended that the Commission recommend approval of the final plat as presented.

Discussion followed.

Commissioner Mrozla reiterated that the fence issue along Stanford Street was still one of his concerns along with how houses built along Stanford Street be situated (i.e. his preference is that the front yards and garages face Zitkala-Sa Trail as opposed to Stanford Street).

Commissioner Tuve moved to recommend approval of the final plat as presented, seconded by Gestring. Motion carried 6-2, (Fairholm - No, Fitzgerald - Yes, Gestring - Yes, Heggstad - Yes, Mrozla - Yes, Tuve - Yes, Wilson - Yes, Iverson - No).

9. Staff Report

Dominguez stated that the joint committee consisting of County Planning Commissioners and staff, and members of the City's Commission and staff (Commissioner Fitzgerald, Commissioner Wilson, James Purdy (Assistant City Manager), and Jose Dominguez (City Engineer)) has been meeting to work together on the comprehensive plan for the joint jurisdiction area. The joint committee has been working on the goals, objectives, and policies for the comprehensive plan, on current uses in the joint jurisdiction area, and on the boundary of the joint jurisdiction area. Dominguez stated that at a later time both full Commission's will meet jointly to discuss the proposals made by the committee.

10. Adjourn

Moved by Fitzgerald to adjourn, seconded by Tuve. Motion carried 8-0, (Fairholm - Yes, Fitzgerald - Yes, Gestring - Yes, Heggstad - Yes, Mrozla - Yes, Tuve - Yes, Wilson - Yes, Iverson - Yes). Iverson declared the meeting adjourned at 7:01 p.m.