



City of Vermillion Planning & Zoning Commission Agenda

5:30 p.m. Regular Meeting
Monday, February 13, 2023
City Council Chambers

City Hall, 25 Center Street, Vermillion, SD 57069

1. **Roll Call**
2. **Minutes**
 - a. January 9, 2023
3. **Declaration of Conflict of Interests**
4. **Adoption of the Agenda**
5. **Visitors to Be Heard**
6. **Public Hearings**
 - a. Amending Title XV, Chapter 155, Section 155.058, Bliss Pointe Planned Development District (C) Amending Description by Removing Mention of “low to medium density” and “medium to high density residential uses,” (E) Adding a new Section that Creates a new Area for Multiple-Family Unit Dwellings, (F) Lot and Yard Regulations, remove rows containing “Multiple-Family Dwelling Units (between 33 and 48 bedrooms per lot)” and “Multiple-Family Dwelling Units (over 48 bedrooms per lot).”
7. **Old Business**
8. **New Business**
9. **Staff Reports**
10. **Adjourn**

WELCOME TO YOUR PLANNING COMMISSION MEETING

If you wish to participate in the discussion, the meeting provides several opportunities. After the minutes are approved, the Chairperson will ask if any visitors wish to be heard. Any item not on the agenda may be discussed. During the discussion of agenda topics, anyone may comment. The Chairperson will recognize you if you raise your hand. Please introduce yourself with your name and address when addressing the Planning and Zoning Commission. Discussion occurs before motions are made and seconded. Discussion also occurs after the motion is seconded and before the vote. You may participate each time if you wish. Your suggestions and ideas are welcome. The best decisions are made when everyone participates and provides information.

Meeting Assistance: The City of Vermillion fully subscribes to the provisions of the Americans with Disabilities Act of 1990. If you desire to attend this public meeting and are in need of special accommodation, please notify the City Manager's Office at 677-7050 at least 3 working days prior to the meeting so appropriate auxiliary aids and services can be made available.

Unapproved Minutes
Vermillion Planning and Zoning Commission
Monday, January 9, 2023 Regular Planning and Zoning Commission Meeting

The regular meeting of the Vermillion Planning and Zoning Commission was called to order in the Powell Conference Room at City Hall on January 9, 2023 at 5:30 p.m.

1. Roll Call

City Planning and Zoning Commissioners Present: O'Kelley, Gestring, Fitzgerald, Tuve, Forseth, Merrigan, Steele
City Planning and Zoning Commissioners Absent: Heggstad, Wilson
City Staff present: José Domínguez, City Engineer; Kalin Bird, Building Official

2. Minutes

a. December 12, 2022 Joint Planning and Zoning Commission Meeting.

Moved by Commissioner Merrigan to adopt the December 12th meeting minutes as published, seconded by O'Kelley. Motion carried 7-0.

3. Declaration of Conflict of Interest

Forseth noted that he owns investment property in lower Vermillion.

4. Adoption of the Agenda

Moved by Tuve to adopt the agenda as published, seconded by Gestring. Motion carried 7-0.

5. Visitors to be Heard

None

6. Public Hearings

a. Request for a Conditional Use Permit to Construct and Operate a Motor Vehicle Service Station at 1134 Princeton Street, Legally known as Lot 4C, Block 6, Erickson Addition, City of Vermillion, Clay County, South Dakota.

Dominguez presented the agenda memo from the City's Planning and Zoning Commission packet. The conditional use application being considered is for the construction and operation of a motor vehicle service station within the GB General Business district. The Commission is allowed by ordinance to consider and review conditional use applications. As part of the review the Commission needs to consider certain criteria set forth in section 155.095. Dominguez read each criteria and Staff's recommendation for each. Dominguez recommended that the conditional use permit be granted without any conditions.

Forseth opened the floor to public comment.

Mr. Scott Kolbinger, from KLJ Engineering and representing the applicant, and Mr. Jim Peterson, President and CEO of the VCDC, gave a brief history

of the company and what possible services would be offered at the location. Discussion followed.

Moved by Gestring to grant the conditional use to construct and operate a motor vehicle service station at 1134 Princeton Street without any conditions, seconded by Steele. Motion carried 7-0.

7. Old Business

None.

8. New Business

None

9. Staff Report

Staff reported that the Jefferson Street storm sewer improvements, the improvements to Lions, Prentis and Cotton Park will be out to bid during the first quarter of 2023. Dominguez also reported that a meeting with the County regarding amendments to the JJZA will occur towards the end of the month. Discussion followed.

10. Adjourn

Moved by Gestring to adjourn, seconded by Steele. Motion carried 7-0, Forseth declared the meeting adjourned at 5:45 p.m.

Planning & Zoning Commission Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: February 13, 2023

Subject: Amending Title XV, Chapter 155, Section 155.058, Bliss Pointe Planned Development District (C) Amending Description by Removing Mention of “low to medium density” and “medium to high density residential uses,” (E) Adding a new Section that Creates a new Area in for Multiple-Family Unit Dwellings, (F) Lot and Yard Regulations, remove rows containing “Multiple-Family Dwelling Units (between 33 and 48 bedrooms per lot)” and “Multiple-Family Dwelling Units (over 48 bedrooms per lot)”

Presenter: Jose Dominguez

Background: In 2013, the Vermillion Chamber and Development Company (VCDC) led a drive to create the Bliss Pointe Planned Development District (Bliss Pointe). The need for creating Bliss Pointe came about due to a shortage of housing in the community. The VCDC purchased approximately 30 acres to provide housing options.

For ease of construction, Bliss Pointe was divided into two phases. The first phase consisted of all the ‘bluff’ lots, the cul-de-sac, and other internal lots. At the time, the idea was to use the development of phase one to fund the second phase, which would consist of higher density residential development. Currently, most of phase one has been developed, and construction of houses has begun in phase two.

The proposed amendment requested by the VCDC would convert a small area in Bliss Pointe from commercial uses to multi-family dwelling uses.

After the VCDC gathered the required number of signatures for the meeting to occur, the City published a notice in the Plain Talk advertising today’s meeting. Additionally, the City posted signs on the property and mailed notices to owners within 250 feet of the affected property.

Discussion: One of the original intents of Bliss Pointe was to increase the housing stock in the community and offer a buffer of light commercial uses from the corner of West Main

and Stanford Streets. The original plan would have allowed a mix of residential uses ranging from single-family detached dwellings to multi-family dwelling complexes.

It's important to note that the original zoning ordinance for Bliss Pointe included multi-family uses in Area C (e.g. the location of phase two). This was the case from the adoption of the ordinance in 2013 up to 2020 when the zoning ordinance for Bliss Pointe was amended by removing the multi-family use from Area C. At the time of the removal, the perception in the community was that there were enough multi-family dwellings due to the recent construction of the apartment complexes on North Dakota Street and Cottage Avenue. However, in 2021 several organizations in the community started the process to complete a City wide housing study. The results of the study were made public in 2022. One of the items discussed in the study is the need for additional housing. The study specifically made a point to note that more multi-family lots were needed in the City.

The proposed amendment requested by the VCDC would convert part of the area for light commercial uses into multi-family dwelling uses. This parcel is located at the southwest corner of Rockwell Trail and Stanford Street. The zoning amendment would create a new zoning area that would allow for the multi-family dwelling uses. The amendment would also set several standards that would have to be met prior to a building permit being issued. These are: minimum lot size of 30,000-square feet, require a privacy fence along lot line next to lighter residential uses, off-street parking cannot be in the front yard, the building plans would have to be reviewed and approved by Bliss Pointe's Architectural Review Committee prior to review of the Final Development Plan by the City's Planning and Zoning Commission, and the building must meet the architectural requirements set in the Bliss Pointe covenants for phase one. These criteria are proposed to ensure that construction in the area is like the other residences in the development.

Compliance with Comprehensive Plan: The City's 2035 Comprehensive Plan has, in part, the following goals and objectives to consider:

- Provide a variety of housing types that allow people to live in Vermillion at any state in their life and income (pg. 13).
- Facilitate the location, character, and phasing of residential growth and development (pg. 13).
- Create and maintain neighborhoods that are safe, healthy, livable, and compatible with adjacent land uses (pg. 13 and 48).
- Address the density, affordability, and type requirements for housing. (pg. 13)
- Allow for a supply of housing styles, sizes, and prices that encourage people of all ages to live in Vermillion (pg. 48).
- Focus new development within existing City limits areas (pg. 67).

Conclusion/Recommendations: Staff recommends that the Commission recommend approval of the proposed amendments to the City Council. The VCDC is trying to provide for a wider variety of housing in the development. At the same time, the VCDC's goal will also help the community increase the number of multi-family lots available for development.

Print

Application to Petition for Zone Change - Submission #5275

Date Submitted: 1/25/2023

TO THE HONORABLE MAYOR AND THE CITY COUNCIL OF THE CITY OF VERMILLION, SOUTH DAKOTA

1) As authorized by §155.101 of the City of Vermillion Zoning Ordinance (I) (we):

First Name*

Vermillion Area Chamber & Development Company

Last Name*

Jim Peterson

Address*

2 East Main Suite 101

City*

Vermillion

State*

South Dakota

Zip Code*

57069

Phone Number*

6056245571

Email Address*

jim@vermillionchamber.com

Is there an additional applicant?*

No

First Name*

Last Name *

Address*

City*

State*

Zip Code*

Phone Number*

6056245571

Email Address*

Hereby petition to rezone property owned by:

First Name*

Vermillion Area Chamber & Development Company

Last Name*

Jim Peterson

Address*

2 East Main Suite 101

City*

Vermillion

State*

South Dakota

Zip Code*

57069

From the current classification*

GB - General Business

to the proposed classification*

R3 - Residential - High Density

2) The legal description of the part of the property to be rezoned is (include only the description of the land proposed to be rezoned. You may need to have a surveyor draft this description):*

Lot 11 Block 6 Bliss Point Addition

Parcel Identification Number (PIN)*

15093-00600-110-00

3) The proposed change is to facilitate the use of the land for (be specific-list all proposed uses):*

Dwelling Multiple family units

4) Please address the following criteria as best as you can. These are the "standards for rezoning" which will be addressed at the public hearing.

A. In detail, explain what public facilities and services serve the proposed development at present, or how they will be provided.*

Currently has water, sewer, electric and gas

B. Explain how the provision for these facilities will not be an unreasonable burden to local government.*

Land was zoned commercial and rezoning multi family. There is housing need and do not believe commercial office will be built on property Infastructure in place Utilities in place

C. What have you done to determine that the land is suitable for the development proposed?*

Talked with city/builders/realtors There is need additional housing in Vermillion

D. Explain what will have to be done so the development will not cause unreasonable air and water pollution, soil erosion or adverse effects on rare or irreplaceable natural areas.*

There is housing development in area. This is clear lot.

E. Explain any potential for conflict with existing land uses in the area. *

Existing housing in the area

F. Demonstrate the need of the proposed development at this location.*

There is not demand commercial use for this lot. There is need for additional housing and multi housing in vermillion This was validated by recently completed Housing Study completed.

G. What is the availability of alternative locations? Be specific.*

This is clear buildable lot.

H. If cropland is being consumed by this Zone Change, what is the productivity of the agricultural lands involved?*

N/A

I. If cropland is being consumed by this Zone Change, explain how the proposed development will be located to minimize the amount of agricultural land converted.*

N/A

5. Before any changes to the zoning ordinance will be considered, the applicant is responsible to obtain written consent from the owners of 45% of the aggregate area who have the right to protest against the proposed change. Upon receipt of this form, the Zoning Administrator shall prepare the petitions necessary for the Applicant to obtain said written consent. No public hearing will be scheduled until the petitions are filed with the City.

6. Planning and Zoning Commission recommendation: The Zoning Administrator shall set the date, time, and place for a Planning and Zoning Commission public hearing. The Zoning Administrator shall post a sign of the public hearing on the property affected by a change of zone no less than 7 days prior to the scheduled public hearing. The notice shall be published in a legal newspaper of the city once, not less than 10 days prior to the public hearing. Any person may appear in person or by agent or attorney. Minutes of the public hearing shall be recorded and kept in the records of the City Council. The Planning and Zoning Commission shall either recommend or not recommend approval of the amendment to the City Council.

7. City Council action: The Zoning Administrator shall set the date, time, and place for a City Council public hearing. The Zoning Administrator shall post a sign of the public hearing on the property affected by a change of zone no less than 7 days prior to the scheduled public hearing. Any person may appear in person or by agent or attorney. Minutes of the public hearing shall be recorded and kept in the records of the City Council. The City Council shall either approve or not approve the ordinance describing the proposed amendment or change of zone to these zoning regulations, in accordance with standard procedures for reading, approval, publication, and effective date. When a proposed amendment or change of zone is approved by the City Council, the amendment shall take effect 20 days after publication, unless the referendum shall have been invoked.

Electronic Signature Agreement*

By checking the "I agree" box below, you agree and acknowledge that 1) your application will not be signed in the sense of a traditional paper document, 2) by signing in this alternate manner, you authorize your electronic signature to be valid and binding upon you to the same force and effect as a handwritten signature, and 3) you may still be required to provide a traditional signature at a later date.

I agree.

Petitioner's Electronic Signature*

James R. Peterson on behalf of Vermillion Area Chamber & Development Company

Electronic Signature Agreement*

By checking the "I agree" box below, you agree and acknowledge that 1) your application will not be signed in the sense of a traditional paper document, 2) by signing in this alternate manner, you authorize your electronic signature to be valid and binding upon you to the same force and effect as a handwritten signature, and 3) you may still be required to provide a traditional signature at a later date.

I agree.

Owner's Electronic Signature

James R. Peterson on behalf of Vermillion Area Chamber & Development Company

(if different)

Acknowledgement of Fees*

By checking the "I acknowledge" box, you acknowledge that a \$150 fee must be submitted prior to the preparation of the petitions. Once the signed petitions have been filed with the City, the Zoning Administrator will schedule a Public Hearing.

I acknowledge.

FAILURE OF THE APPLICANT OR AGENT TO APPEAR AT THE HEARING WILL CAUSE THE COMMITTEE TO DENY THIS APPLICATION.

FOR OFFICE USE ONLY

Date Fee Received:

§ 155.058 BLISS POINTE PLANNED DEVELOPMENT DISTRICT.

(A) *Area A (low-density, single-family detached residential uses).* All city ordinances apply to the Planned Development District identified as Area A except for those modified below.

<i>Permitted Uses</i>	<i>Applicable Standards</i>
Dwelling, single-family detached	§§ 155.070, 155.072, 155.076, 155.077
Day care, group	A safe pickup and drop off area must be provided for the children. All applicable dwelling standards apply.
Neighborhood utility facility	§ 155.070
Public park areas	§ 155.070
Accessory building or use	§§ 155.071, 155.082(A) (see definition)

(B) *Area B (low to medium-density, single-family residential uses).* All city ordinances apply to the Planned Development District identified as Area A except for those modified below.

<i>Permitted Uses</i>	<i>Applicable Standards</i>
Area A permitted uses	See Area A permitted uses

<i>Conditional Uses</i>	<i>Applicable Standards</i>
Dwelling, single-family attached	§§ 155.070, 155.072, 155.076, 155.077
Dwelling, multiple-family (maximum of 2 dwelling units per lot)	§§ 155.070, 155.072, 155.076, 155.077

(C) *Area C (~~low to medium density, single-family residential uses, medium to high density residential uses~~).* All city ordinances apply to the Planned Development District identified as Area C except for those modified below.

<i>Permitted Uses</i>	<i>Applicable Standards</i>
Dwelling, single-family detached	§§ 155.070, 155.072, 155.076, 155.077
Dwelling, single-family attached	§§ 155.070, 155.072, 155.076, 155.077

Day care, center	Adequate and safe playground area with fence 4 feet high.
Neighborhood utility facility	§ 155.070
Public park areas	§ 155.070
Accessory building or use	§§ 155.071, 155.082(A) (see definition)

(D) *Area D (light commercial uses).* All city ordinances apply to the Planned Development District identified as Area D except for those modified below.

<i>Permitted Uses</i>	<i>Applicable Standards</i>
Retail services and trade	§§ 155.070, 155.072, 155.076, 155.077
Offices, non-commercial, non-construction and non-industrial	§§ 155.070, 155.072, 155.076, 155.077
Personal Service	§§ 155.070, 155.072, 155.076, 155.077
Hospital	§§ 155.070, 155.072, 155.076, 155.077
Day care, center	§§ 155.070, 155.072, 155.076, 155.077
Accessory building or use	§§ 155.070, 155.072, 155.076, 155.077

<i>Conditional Uses</i>	<i>Applicable Standards</i>
Motor vehicle sales, display, and rental	§§ 155.070, 155.072, 155.076, 155.077 Subject to screening of all outdoor storage of parts from view. No more than 10 vehicles displayed outside of any structure within lot.

(E) *Area E (high density residential uses).* All city ordinances apply to the Planned Development District identified as Area E except for those modified below.

<u><i>Permitted Uses</i></u>	<u><i>Applicable Standards</i></u>
<u>Dwelling, multiple-family units</u>	<u> §§ 155.070, 155.072, 155.076, 155.077 Subject to screening by privacy fence or landscaping on side abutting Area B. Off-street parking not allowed in front yard. Building plan shall be reviewed, and approved, by the Architectural Review Committee (as created in the “Declaration of Restrictions and Protective Covenants and Conditions for Bliss Pointe”, January 31, 2014) prior to Final Development Plan review by the Planning and Zoning Commission. Building shall meet the “Exterior Walls and</u>

Roof Lengths” requirements in Article IV of the “Declaration of Restrictions and Protective Covenants and Conditions for Bliss Pointe”, January 31, 2014.

(EF) *Lot and yard regulations.* All measurements shall be taken from the lot line to the building line (see definitions). Values listed are minimums, unless otherwise stated.

	<i>Lot Area</i>	<i>Frontage</i>	<i>Building Line</i>	<i>Front Yard</i>	<i>Side Yard</i>	<i>Rear Yard</i>	<i>Maximum Height</i>
Dwelling, single-family detached	5,400 square feet	44 feet	44 feet	25 feet See (3)	8 feet See (2)	25 feet See (8)	35 feet
Dwelling, single-family attached, See (4)	2,500 square feet	25 feet	25 feet	25 feet See (3)	0 or 8 feet on non-party wall side	25 feet	35 feet
Dwelling, multiple-family (maximum of two dwelling units per lot)	7,500 square feet	50 feet	75 feet	25 feet	8 feet	25 feet	35 feet
Dwelling, multiple-family units (maximum of 32 bedrooms per lot, number of bedrooms per dwelling unit cannot exceed 4)	7,500 30,000 square feet	50 feet	60 feet	30 feet See (5)	10 feet See (1)	10 feet	35 feet
Dwelling, multiple family units (between 33 and 48 bedrooms per lot, number of bedrooms per dwelling unit cannot exceed 4)	20,000 square feet	50 feet	70 feet	30 feet See (5)	10 feet See (1)	10 feet	45 feet
Dwelling, multiple family units (over 48 bedrooms per lot, number of bedrooms per dwelling unit cannot exceed 4)	30,000 square feet	50 feet	85 feet	30 feet See (5)	10 feet See (1)	10 feet	45 feet
Area D uses	NA	101 or more feet	50 feet	25 feet See (2)	5 feet See (2), (6)	5 feet See (7)	45 feet
All other uses	7,500 square feet	50 feet	75 feet	30 feet	10 feet	25 feet	45 feet

Exceptions:

- (1) The side yard will be required to be increased by 10 feet when the building is 3 stories in height or more.
- (2) There shall be a required front yard on each street side of a double frontage lot. There shall be a required front yard on each street side of a corner lot.
- (3) See also adjustments to yard regulations (§ 155.082) for other specific exceptions.
- (4) Every two units shall be staggered.
- (5) More than one building per lot may be constructed.

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| <p>(6) A side yard of 15 feet shall be required where a lot is adjacent to or abuts a residential district.</p> <p>(7) A rear yard of 20 feet shall be required where a lot is adjacent or abuts a residential district.</p> <p>(8) The rear yard may be reduced to 20 feet for lots 9,000 square feet or less.</p> |
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| ~~(FG)~~ *Property re-division.* All future property re-division shall require a re-platting of the affected parcels. The Planned Development District may require an amendment on property re-division.

