



**City of Vermillion Planning &
Zoning Commission Agenda**

5:30 p.m. Regular Meeting

Monday, February 14, 2022

Powell Conference Room

City Hall, 25 Center Street, Vermillion, SD 57069

1. **Roll Call**
2. **Minutes**
 - a. January 24, 2022
3. **Declaration of Conflict of Interests**
4. **Adoption of the Agenda**
5. **Visitors to Be Heard**
6. **Public Hearings**
7. **Old Business**
8. **New Business**
 - a. Informational Meeting to Discuss Possible Amendment to Zoning Ordinance, Section 155.037 GB General Business District.
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 accommodations, 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 24, 2022 Joint Planning and Zoning Commission Meeting

The joint meeting of the Vermillion Planning and Zoning Commission and the Clay County Planning Commission was called to order in the Council Chamber at City Hall on January 24, 2022 at 5:30 p.m.

1. Roll Call

City Planning and Zoning Commissioners Present: Fairholm, Fitzgerald, Forseth, Gestring, Merrigan, Steele, Tuve, Wilson.

City Planning and Zoning Commissioners Absent: Heggstad

City Staff present: José Domínguez, City Engineer; Stone Conley, Assistant City Manager

2. Minutes

a. December 27, 2021 Joint Planning and Zoning Commission Meeting.

Moved by Commissioner Gestring to adopt the December 27, 2021 meeting minutes, seconded by Fitzgerald. Motion carried 8-0.

3. Declaration of Conflict of Interest

Forseth noted that he owns investment property in Vermillion.

4. Adoption of the Agenda

Moved by Tuve to adopt the agenda as published, seconded by Wilson. Motion carried 8-0.

5. Visitors to be Heard

None.

6. Public Hearings

a. Ordinance 1456 to amend Title XV, Land Usage; Chapter 155 Zoning Regulations; Section 155.026 rezoning a portion of Lot E of Lot 1 in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 18-92-51, 5th P.M., City of Vermillion, Clay County, South Dakota from the R-4 Manufactured Housing District to the R-2 Residential District.

Dominguez presented the agenda memo from the City's Planning and Zoning Commission packet for the rezone of the parcel from R-4 Manufactured Housing District to the R-2 Residential District. Dominguez stated that the applicant is in the process of replatting the area to be rezoned and that prior to the rezone being approved the area will be replatted. Staff recommended the area to be rezoned from the R-4 Manufactured Housing District to the R-2 Residential District.

Forseth opened the floor to public comment.

A resident of the Plum Vista Mobile home park asked if the rezoned would have a negative effect on the trailer court. Dominguez replied that

rezoning the existing duplex will not negatively affect the remaining portions of the trailer court.

Mr. Gary Marshall (1719 E. Main), owner of a neighboring property asked if the rezoning would negatively impact properties outside of the trailer court. Dominguez stated that the rezone should not negatively impact adjacent properties since the use, and building, are existing.

Discussion followed.

Moved by Gestring to recommend that the City Council approve the proposed rezoning as recommended by Staff, seconded by Wilson. Motion carried 8-0.

- b. Ordinance 1454 to amend the 2012 Joint Zoning Regulations for Clay County and the City of Vermillion by Amending Chapter 6 LI: Light Industrial District, Purpose; Section 6.02 Conditional Uses; and Section 6.02 Applicable Standards.

Dominguez presented the agenda memo from the City's Planning and Zoning Commission packet for the amendment of the LI: Light Industrial District. The amendments being proposed would add "grain terminal/grain processing" and "agribusiness" to the conditional uses and reword the purpose of the district to better describe the uses not allowed. Staff recommended that the proposed amendments to the LI: Light Industrial district be approved.

Forseth opened the floor to public comment.

Mr. Kevin Myron (1919 W. Cherry) gave a brief history of the existing use at the Ag Opportunities property on the west edge of the City limits. Mr. Myron stated that he is in favor of the proposed amendment.

Commissioner Fairholm asked for a point of order and stated clarified that the item for discussion is a zoning amendment to all the LI: Light Industrial district and not a rezone of Mr. Myron's property.

Mr. Scott Schemp (1800 Vonnice) asked the Commission to clarify if the item for discussion was the rezoning of 1919 W. Cherry or an amendment to the LI: Light Industrial District uses. Dominguez stated that the discussion item was the amendment to the zoning district and that a rezone would happen later.

Discussion followed.

Moved by Merrigan to recommend that the City Council approve the proposed amendments to the LI: Light Industrial district in the Joint Zoning Regulations for Clay County and the City of Vermillion, seconded by Tuve. Motion carried 8-0.

- c. Ordinance 1455 to amend the 2012 Joint Zoning Regulations for Clay County and the City of Vermillion by Amending Chapter 3 A-1: Agricultural District; Section 3.02 Conditional Uses; and Section 3.02 Applicable Standards.

Dominguez presented the agenda memo from the City's Planning and Zoning Commission packet for the amendment of the A-1: Agricultural District. The amendments being proposed would add "telecommunications tower" to the conditional uses. Staff recommended that the proposed amendment to the A-1: Agricultural district be approved.

Forseth opened the floor to public comment.

Discussion followed.

Moved by Tuve to recommend that the City Council approve the proposed amendment to the A-1: Agricultural district in the Joint Zoning Regulations for Clay County and the City of Vermillion, seconded by Steele. Motion carried 8-0.

7. Old Business

None.

8. New Business

None

9. Staff Report

None

10. Adjourn

Moved by Fitzgerald to adjourn, seconded by Fairholm. Motion carried 8-0, Forseth declared the meeting adjourned at 6:02 p.m.

Planning & Zoning Commission Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: February 14, 2022

Subject: Informational meeting to discuss possible amendments to zoning ordinance, section 155.037 GB General Business District.

Presenter: Jose Dominguez

Background: In November 2021, the City received a request for the construction of a kennel within the GB General Business district. After reviewing the zoning ordinance to ensure that the use was allowed, it was discovered that “kennels” are not allowed within General Business zoning district as a stand-alone use. The only way a “kennel” is allowed is in conjunction with veterinary clinics.

Discussion: The current Zoning Ordinance was adopted in 2019. This zoning ordinance amended the 2008 zoning ordinance. The 2008 ordinance included “kennels” as a conditional use in the GB General Business district. The original use had required that “kennels” be no closer than 1,000-feet to residential uses. The distance was reduced in 2012 from 1,000-feet to 150-feet. The latest adoption of the zoning ordinance does not include “kennels” as a stand-alone use. Staff was not able to find any reference regarding the removal of the use within any Commission or City Council minutes.

Through discussions with the individual who would like to construct a kennel, it was agreed that Staff would bring up the item to the Commission. The Commission could then direct Staff to commence a city initiated zoning amendment placing “kennel” as a conditional use within the GB General Business district. If the zoning ordinance is amended as proposed, anyone desiring to open a kennel in the GB General Business zoning district would need to apply for a conditional use permit. This process would be considered by the Commission and allow for public comment. This is similar to what was required prior to the zoning ordinance amendment completed in 2019.

Compliance with Comprehensive Plan: The City's comprehensive plan has a few goals and objectives that pertain to this item:

- Pg. 14 – Provide attractive, inviting, quality retail shopping, and commercial services that are convenient to the existing and future Vermillion residents and visitors.
- Pg. 14 – Provide a wide range of goods and services for Vermillion residents and visitors.

Conclusion/Recommendations: The item presented is for discussion only; no recommendation to the governing body is required. However, Staff would like to know if the Commission believes that Staff should continue with the proposed change to the GB General Business district as a City initiated amendment.

If the Commission believes a City initiated amendment is appropriate, Staff will set a future meeting to discuss the actual amendment. At that meeting the Commission would make a recommendation to the Council.