



City of Vermillion Planning & Zoning Commission Agenda

5:30 p.m. Regular Meeting

Monday, February 28, 2022

Powell Conference Room

City Hall, 25 Center Street, Vermillion, SD 57069

1. **Roll Call**

2. **Minutes**

a. February 14, 2022

3. **Declaration of Conflict of Interests**

4. **Adoption of the Agenda**

5. **Visitors to Be Heard**

6. **Public Hearings**

- a. Ordinance 1457 – Amending Title XV, Land Usage, Chapter 155, Zoning Regulations, Section 155.008, Definitions, Amend the Term “Kennel”.
- b. Ordinance 1459 – Amending Title XV, Land Usage, Chapter 155, Zoning Regulations, Section 155.037, GB General Business District, (B) Conditional Uses, to Include “Kennel” as a Conditional Use.
- c. Ordinance 1458 – Amending Title XV, Land Usage, Chapter 155, Zoning Regulations, Section 155.039, GI General Industrial District, (B) Conditional Uses, to Include “Kennel” as a Conditional Use.

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 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, February 14, 2022 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 February 14, 2022 at 5:30 p.m.

1. Roll Call

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

City Planning and Zoning Commissioners Absent: Gestring, Wilson

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

2. Minutes

a. January 24, 2022 Joint Planning and Zoning Commission Meeting.

Fairholm requested that the fourth paragraph from the bottom of page 2 of 3 be to say "...point of order to clarify...".

Moved by Commissioner Merrigan to adopt the January 24, 2022 meeting minutes with the proposed amendment, seconded by Tuve. Motion carried 7-0.

3. Declaration of Conflict of Interest

Forseth noted that he owns investment property in Vermillion.

4. Adoption of the Agenda

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

5. Visitors to be Heard

None.

6. Public Hearings

None

7. Old Business

None.

8. New Business

a. Informational meeting to discuss possible amendment to Zoning Ordinance, Section 155.037 GB General Business District.

Dominguez presented to the agenda memo from the City's Planning and Zoning Commission packet regarding a possible amendment to the City's Zoning Ordinance. The amendment would be centered on creating a new use within the GB General Business district for kennels. The new use would be a conditional use. Dominguez also stated that he had a received an email from Ms. Michelle Maloney (2822 Cherokee Ct.) in support of a

future amendment to the ordinance allowing kennels. Staff asked direction from the Commission to see if the amendment should be City initiated.

Forseth opened the floor to public comment.

Mr. Hazen Bye (2625 N University Rd.) stated that he believed there is a need for kennels and "doggie day cares" in the community, and that this amendment would provide for these services.

Discussion followed.

Moved by Merrigan directing Staff to start the Zoning Ordinance amendments to allow "kennels" as a conditional use in the GB General Business and GI General Industrial districts, seconded by Fitzgerald. Motion carried 7-0.

9. Staff Report
Slurry Seal

10. Adjourn

Moved by Tuve to adjourn, seconded by Steele. Motion carried 7-0, Forseth declared the meeting adjourned at 5:56 p.m.

Planning and Zoning Commission Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: February 28, 2022

Subject: Ordinance 1457 – Amending Title XV, Land Usage, Chapter 155, Zoning Regulations, Section 155.008, Definitions, Amend the Term “Kennel”.

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.

At the February 14th Commission meeting, Staff was directed to commence a City initiated zoning amendment. This zoning amendment would modify the definition of the word “kennel” and would place “kennels” as conditional uses in the GI General Industrial and GB General Business districts.

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.

Staff is proposing to amend the definition of “kennel” to include a maximum number of days for an animal to stay at the location. The amount of time proposed is like that found in the definition of “small animal veterinarian” which allows for kenneling of animals. The length of time proposed is a maximum of one month.

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: Staff recommends that the Commission consider the zoning ordinance amendment and make a recommendation to the City Council. Staff recommends adoption of the amendment to the definition.

PROPOSED ORDINANCE 1454

AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE XV, LAND USAGE, CHAPTER 155, ZONING REGULATIONS, SECTION 155.008, DEFINITIONS, AMEND THE TERM “KENNEL”.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that the following section of Chapter 155 be amended by adding to the following verbiage to the existing definition of “KENNEL”. All other portions of section 155.008 will remain as they are. Following is the amendment:

§155.008 DEFINITIONS.

Kennel. Any premise, or portion thereof, where dogs, cats, and other household pets are maintained, boarded, bred, or cared for, in return for remuneration, or are kept for the purpose of sale. Animals may be kept for a month at a time.

Dated at Vermillion, South Dakota this 21st day of March, 2022

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
Kelsey Collier-Wise, Mayor

ATTEST:

BY _____
Katie E. Redden, Finance Officer

First Reading: March 7, 2022
Second Reading: March 21, 2022
Published: April 1, 2022
Effective: April 21, 2022

Planning and Zoning Commission Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: February 28, 2022

Subject: Ordinance 1459 – Amending Title XV, Land Usage, Chapter 155, Zoning Regulations, Section 155.037, GB General Business District, (B) Conditional Uses, to include “Kennel” as a Conditional Use.

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.

At the February 14th Commission meeting, Staff was directed to commence a City initiated zoning amendment. This zoning amendment would modify the definition of the word “kennel” and would place “kennels” as conditional uses in the GI General Industrial and GB General Business districts.

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.

This amendment is Staff’s attempt to place kennels as a conditional use in the GB General Business district. Besides allowing kennels as conditional uses, the amendment will also require that kennels be at least 150-feet away from residential districts. This would be measured from building to building. It should also be noted that “Small Animal

Veterinarians” are also a conditional use within the General Business district. This use also includes kenneling and they also have the same distance restriction.

On a later agenda item being discussed Staff will be asking the Commission to consider placing “Kennel” use as a conditional use in the GI General Industrial district. If both amendments are adopted by the City Council, the available locations to start a kenneling business will be greatly increased.

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: Staff recommends that the Commission consider the zoning ordinance amendment and make a recommendation to the City Council. Staff recommends adoption of the amendment to the GB General Business district by including “Kennel” as a conditional use.

PROPOSED ORDINANCE 1459

AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE XV, LAND USAGE, CHAPTER 155, ZONING REGULATIONS, SECTION 155.037, GB GENERAL BUSINESS DISTRICT, (B) CONDITIONAL USES, TO INCLUDE “KENNEL” AS A CONDITIONAL USE.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that the following section of Chapter 155 be amended by including the “Kennel” use as a conditional use. All other portions of section 155.037 (B) will remain as they are. Following is the amendment:

§155.039 GI GENERAL INDUSTRIAL DISTRICT

(B) CONDITIONAL USES.

Conditional Use	Applicable Standards
Kennel	Located 150 feet from residential district area. (measured from the closest point of the outside walls of both structures) §§ 155.070, 155.072, 155.073, 155.077, 155.095(A)

Dated at Vermillion, South Dakota this 21st day of March, 2022

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
Kelsey Collier-Wise, Mayor

ATTEST:

BY _____
Katie E. Redden, Finance Officer

First Reading: March 7, 2022
Second Reading: March 21, 2022
Published: April 1, 2022
Effective: April 21, 2022

Planning and Zoning Commission Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: February 28, 2022

Subject: Ordinance 1458 – Amending Title XV, Land Usage, Chapter 155, Zoning Regulations, Section 155.039, GI General Industrial District, (B) Conditional Uses, to include “Kennel” as a Conditional Use.

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.

At the February 14th Commission meeting, Staff was directed to commence a City initiated zoning amendment. This zoning amendment would modify the definition of the word “kennel” and would place “kennels” as conditional uses in the GI General Industrial and GB General Business districts.

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.

This amendment is Staff’s attempt to place kennels as a conditional use in the GI General Industrial district. Placing the use in this district, in addition to the GB General Business district, will increase the location where a possible kenneling business may start. Besides allowing kennels as conditional uses, the amendment will also require that kennels be at

least 150-feet away from residential districts. This would be measured from building to building.

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: Staff recommends that the Commission consider the zoning ordinance amendment and make a recommendation to the City Council. Staff recommends adoption of the amendment to the GI General Industrial district by including "Kennel" as a conditional use.

PROPOSED ORDINANCE 1458

AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE XV, LAND USAGE, CHAPTER 155, ZONING REGULATIONS, SECTION 155.039, GI GENERAL INDUSTRIAL DISTRICT, (B) CONDITIONAL USES, TO INCLUDE “KENNEL” AS A CONDITIONAL USE.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that the following section of Chapter 155 be amended by including the “Kennel” use as a conditional use. All other portions of section 155.039 (B) will remain as they are. Following is the amendment:

§155.039 GI GENERAL INDUSTRIAL DISTRICT

(B) CONDITIONAL USES.

Conditional Use	Applicable Standards
Kennel	Located 150 feet from residential district area. (measured from the closest point of the outside walls of both structures) §§ 155.070, 155.072, 155.073, 155.077, 155.095(A)

Dated at Vermillion, South Dakota this 21st day of March, 2022

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
Kelsey Collier-Wise, Mayor

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