



City of Vermillion Planning & Zoning Commission Agenda

5:30 p.m. Regular Meeting

Monday, March 14, 2022

Powell Conference Room

City Hall, 25 Center Street, Vermillion, SD 57069

1. **Roll Call**
2. **Minutes**
 - a. February 28, 2022
3. **Declaration of Conflict of Interests**
4. **Adoption of the Agenda**
5. **Visitors to Be Heard**
6. **Public Hearings**
 - a. Request for a Conditional Use Permit to construct single-family attached homes on Lots 8 and 9, Block 6, Bliss Pointe Addition, City of Vermillion, Clay County, South Dakota.
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 28, 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 28, 2022 at 5:30 p.m.

1. Roll Call

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

City Planning and Zoning Commissioners Absent: Gestring

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

2. Minutes

a. February 14, 2022 Joint Planning and Zoning Commission Meeting.

Moved by Commissioner Fitzgerald to adopt the February 14, 2022 meeting minutes as published, seconded by Wilson. 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 Merrigan. Motion carried 8-0.

5. Visitors to be Heard

None.

6. Public Hearings

a. Ordinance 1457 - Amending Title XV, Land Usage, Chapter 155, Zoning Regulations, Section 155.008, Definitions, Amend the Term "Kennel".

Dominguez presented to the Commission the agenda memo from the City's Planning and Zoning Commission packet regarding a possible amendment to the Zoning Ordinance. The amendment proposed would amend the definition of "kennel" by adding a limit to the time an animal could be housed at the location. The limit proposed by Staff was identical to the one found under "small animal veterinarian" of no more than one month. Staff recommended that the Commission recommend the Council approve the ordinance amendment.

Forseth opened the floor to public comment.

Fitzgerald proposed that the length of time being proposed be clarified by stating a length of time. Discussion followed.

Moved by Fitzgerald to recommend that the Council approve the amendment as proposed by the Commission with the change reading "Animals may be

kept for a maximum of 30-days at a time.", seconded by Tuve. Motion carried 8-0.

- 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.

Dominguez presented to the Commission the agenda memo from the City's Planning and Zoning Commission packet regarding a possible amendment to the Zoning Ordinance. The amendment proposed would include "kennel" as conditional use in the GB General Business district with the criteria that the kennel must be at least 150-feet away from a residential building located in a residentially zoned district. Staff recommended that the Commission recommend the Council approve the ordinance amendment.

Forseth opened the floor to public comment.

Moved by Heggstad to recommend to the Council approval of the proposed amendment as presented by Staff, seconded by Steele. Motion carried 8-0.

- 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.

Dominguez presented to the Commission the agenda memo from the City's Planning and Zoning Commission packet regarding a possible amendment to the Zoning Ordinance. The amendment proposed would include "kennel" as conditional use in the GI General Industrial district with the criteria that the kennel must be at least 150-feet away from a residential building located in a residentially zoned district. Staff recommended that the Commission recommend the Council approve the ordinance amendment.

Forseth opened the floor to public comment.

Moved by Tuve to recommend to the Council approval of the proposed amendment as presented by Staff, seconded by Steele. Motion carried 8-0.

7. Old Business

None.

8. New Business

None

9. Staff Report

Street maintenance projects and sidewalk along east side of Prentis Park.

10. Adjourn

Moved by Fitzgerald to adjourn, seconded by Fairholm. Motion carried 8-0, Forseth declared the meeting adjourned at 5:40 p.m.

Planning and Zoning Commission Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: March 14, 2022

Subject: Request for a Conditional Use Permit to construct single-family attached homes on Lots 8 and 9, Block 6, Bliss Pointe Addition, City of Vermillion, Clay County, South Dakota

Presenter: Jose Dominguez

Background: Mart Brothers Inc., applied for a Conditional Use Permit to construct two townhouses on Rockwell Trail. The townhomes would be constructed on Area B of the Bliss Pointe Planned Development District which allows single-family attached dwellings (townhouses) as a conditional use. Area B of the Bliss Pointe PDD is intended for low to medium-density single-family residential uses.

Discussion: The site plan shows that on lots 8 and 9 of Block 6, Mart Brothers Inc., is seeking to construct two townhouses. The design conforms to the City standards.

CRITERIA	STAFF COMMENTS AND RECOMMENDATIONS
Ensure ingress and egress to the property	<p>Due to the configuration of the townhouses in the lots one driveway will be granted to be shared by both townhouses. Rockwell Trail is a local street.</p> <p>As such, the ordinance allows 1 access point per frontages less than 200-feet in length. The access point would need to be at least 40-feet from the right-of-way line of any crossing street. Because the garages are less than 16-feet from each other the access is shared. The maximum width of the shared access point is 48-feet.</p>
Review and, if necessary, place conditions to ensure vehicular and pedestrian safety	No conditions are necessary. Will be similar to most single-family residential uses.

Ensure Off-street parking and loading	<p>The Code requires that each townhouse provide two off-street parking stalls. The area directly in front of the garage meets this requirement.</p> <p>Section 155.072 allows for off-street parking associated with townhouses to be constructed within the required front yard.</p>
Ensure that a refuse area is provided. (location of refuse area)	Not applicable
Ensure that development has appropriate fire protection	Not applicable
Ensure screening and buffering	<p>No screening is necessary by the applicant.</p> <p>A privacy fence has been installed by the south property owner due to the fact that their property is a commercial use.</p>
Ensure that the proposed exterior lighting complies with City requirements	Not applicable
Ensure that all setbacks are being met	Proposed construction will occur within the buildable area.
Review and, if necessary, place conditions to ensure general compatibility	The proposed construction will be compatible with all existing, and future, neighbors with the exception of the south neighbor.
Review and, if necessary, place conditions to ensure use meets the goals and objectives of the comprehensive plan	No additional conditions are necessary as the proposed use meets with several goals and objectives.

Compliance with Comprehensive Plan: The City's Comprehensive Plan has several sections that address development within the community. The following goals and objectives may apply in this instance:

- Provide a variety of housing types that allow people to live in Vermillion at any stage of 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) (pg. 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)
- Maintain the appearance of Vermillion's neighborhoods, streets, and commercial districts (pg. 48)
- Focus new development within existing City limits areas (pg. 67)
- Encourage development within existing sanitary sewer and drainage basins (pg. 67)
- Encourage compact and contiguous urban growth within corporate limits (pg. 67)

Conclusion/Recommendations: The Planning Commission is asked to take public comment and grant, grant with conditions, or deny the Conditional-Use Permit application. Staff recommends granting the conditional-use with no conditions.

Jose Dominguez

From: noreply@civicplus.com
Sent: Wednesday, February 23, 2022 2:15 PM
To: Vermillion; Jose Dominguez; Stone Conley
Subject: Online Form Submittal: Petition for Conditional Use Permit

Petition for Conditional Use Permit

THE PLANNING COMMISSION REQUEST THE FOLLOWING:

(1) APPLICANT MUST COMPLETE THE ENTIRE APPLICATION, OTHERWISE APPLICATION WILL NOT BE PRESENTED TO THE PLANNING COMMISSION FOR CONSIDERATION.

(2) APPLICANT MUST EITHER CHECK A BOX OR ANSWER EACH QUESTION. IF THE ANSWER TO THE QUESTION IS NOT KNOWN, WRITE 'UNKNOWN' AS THE ANSWER TO THE QUESTION.

1. Petitioner Information

Name	Nick Mart
Email Address	nick@martbrothersconstruction.com
Address	1102 317th St
City	VERMILLION
State	SD
Zip Code	57069-3707
Phone Number	6057602809
Fax Number	n/a

(Section Break)

2. What is the proposed use? Build twin home

3. Information on Property Applying for Conditional-Use Permit

Address of Property	1210-1214 Rockwell Trail
Legal Description	Lot 84 LOT 9 BLK 6 BLISS POINTE ADDITION
Current Zoning District	R-1 Residential District PDD

If you selected PDD - Planned Development District, enter the name of the district. Otherwise enter 'N/A.'

~~N/A~~ Bliss Pointe PDD

(Section Break)

4. Information on Adjoining Properties

Describe the neighborhood where the Conditional-Use Permit is being sought. Build new construction twin home directly across street from and next to twin homes.

Adjacent uses to proposed conditional-use (check all that apply):

NORTH	Single-Family Attached
EAST	Vacant
SOUTH	Vacant
WEST	Single-Family Attached

(Section Break)

5. Standards for Conditional Use Permit

Please address the following criteria. These standards will be addressed at the public hearing.

A. How will the property and structures be accessed from the street?	From north side of property on new concrete driveway off Rockwell Trail
B. Where will the access points from the street be located?	north side of property
C. How wide will the access points be?	30 feet
D. How will the traffic (both vehicles and pedestrians) flow within the property?	East and West, no traffic within property
E. Where will the off-street parking and loading areas be located?	north side
F. How many off-street parking stalls and loading areas are being proposed?	four

G. Where will refuse and service areas be located on the property?	adjacent to structure
H. What is the availability of utilities in the area? Will they need to be installed or modified to service the property?	Present, easement will need to be vacated
I. Is screening and/or buffering being proposed? If so, what will it be, and where will it be constructed?	No
J. Are any signs proposed for the property? If so, describe the signs being proposed (size and lighting).	No
K. Will the signs be compatible with neighboring properties?	N/A
L. How will the signs affect the surrounding areas?	N/A
M. Are there any required yards and other open spaces?	N/A
N. What is the general compatibility with the adjoining properties and other properties in the zoning district in which such use is to be located?	Matching compatibility
O. Will you be requesting a variance from the City Council?	No
Upload any plans or diagrams	Rockwell Plan Townhouse 2-23-22.pdf
(Section Break)	
Acknowledgement of Fees	I acknowledge.

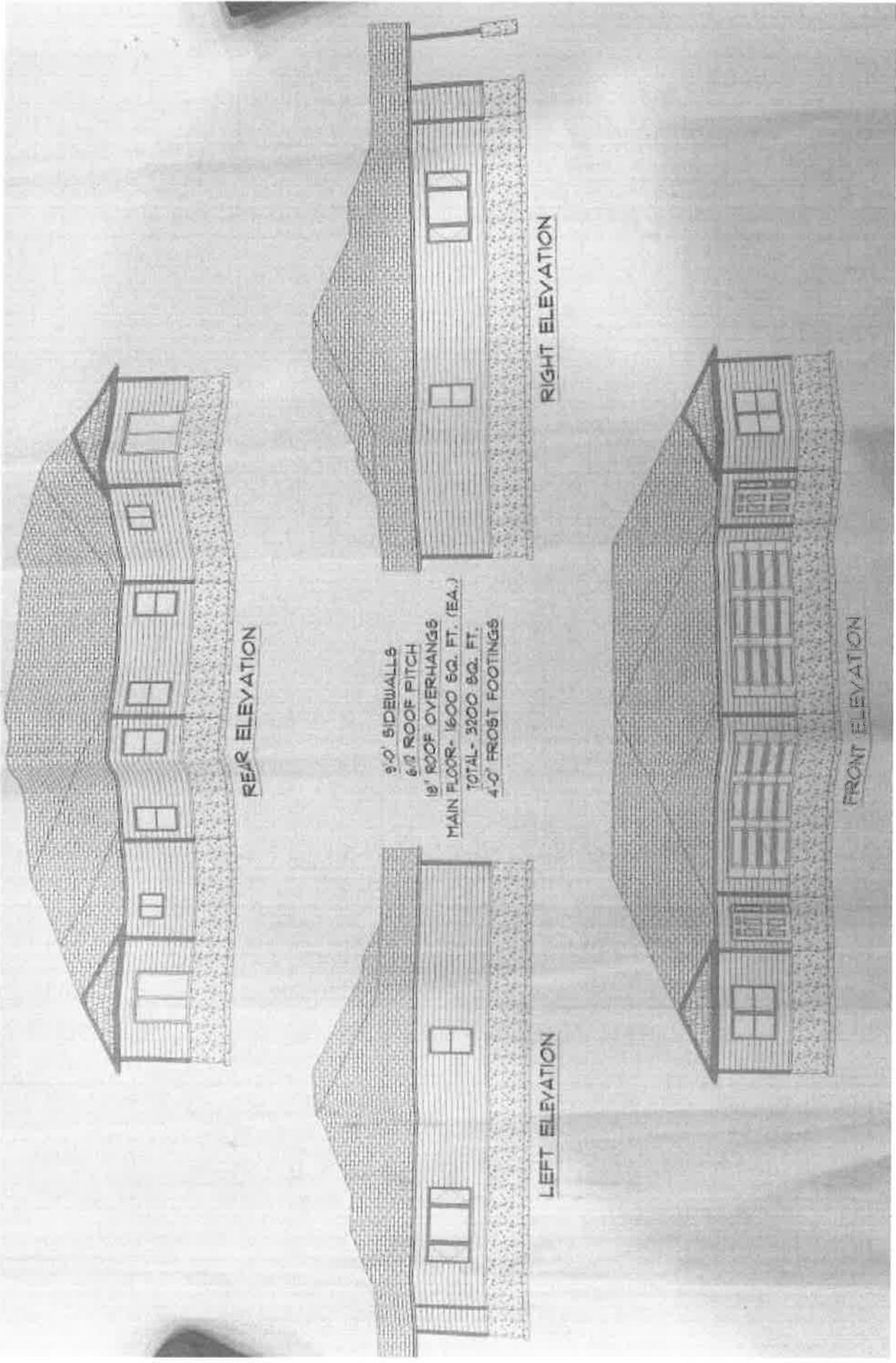
Electronic Signature Agreement I agree.

Electronic Signature Nick Mart

Date: 2/23/2022

Once submitted, Staff will verify that everything has been filled out correctly. Afterwards, you will be contacted to inform you of when your Petition for Conditional Use Permit will come before the Planning Commission. It is highly recommended that you attend this meeting.

Email not displaying correctly? [View it in your browser.](#)



Tom and Carol Geu
1308 Rockwell Trail
Vermillion, SD 57069

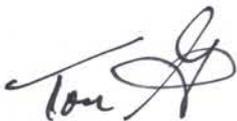
March 7, 2022

City of Vermillion
Zoning Administrator
25 Center Street
Vermillion, SD 57069

Dear Members of the Vermillion Planning and Zoning Commission,

We are sorry we are not able to attend your hearing on March 14, 2022 concerning the application by Nick Mart on behalf of Mart Brothers Construction, Inc. for a Conditional Use Permit to construct a single-family attached dwelling structure at 1210 and 1214 Rockwell Trail (Lots 8 and 9, Block 6, Bliss Pointe Addition, City of Vermillion, Clay County, South Dakota). We fully support this application and applaud Mart Brothers Construction for continuing to enhance our neighborhood, supply much needed housing in Vermillion, and invest in our community.

Sincerely,



Tom Geu



Carol Geu