



## City of Vermillion Planning & Zoning Commission Agenda

5:30 p.m. Regular Meeting

Monday, August 22, 2022

Powell Conference Room

City Hall, 25 Center Street, Vermillion, SD 57069

1. **Roll Call**

2. **Minutes**

a. July 25, 2022

3. **Declaration of Conflict of Interests**

4. **Adoption of the Agenda**

5. **Visitors to Be Heard**

6. **Public Hearings**

a. Ordinance 1471 – Amending the City of Vermillion Code of Ordinances Title XV, Land Usage; Chapter 155, Zoning Regulations; by amending the definitions of “Boarding House (or Lodging House, Rooming House)” and the definition of “Motel (or Hotel, Motor Lodge, Motor Court, Tourist Court)” in Section 155.008, Definitions; and amending the Applicable Standards in Section 155.036 (A), CB Central Business District; and amending the General Conditions of section 155.072 (A), Off-Street Parking.

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, July 27, 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 July 25, 2022 at 5:30 p.m.

1. Roll Call

City Planning and Zoning Commissioners Present: O'Kelley, Fitzgerald, Forseth, Gestring, Heggstad, Merrigan, Tuve, Wilson  
City Planning and Zoning Commissioners Absent: Steele  
City Staff present: José Domínguez, City Engineer; Stone Conley, Assistant to the City Manager

2. Minutes

a. May 23, 2022 Joint Planning and Zoning Commission Meeting.

Moved by Commissioner Heggstad to adopt the May 23, 2022 meeting minutes as published, seconded by Fitzgerald. Motion carried 8-0.

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 Wilson. Motion carried 8-0.

5. Visitors to be Heard

Commissioner Forseth introduced the new member of the Commission, Mr. Kevin O'Kelley and asked the rest of the Commission and Staff to introduce themselves.

6. Public Hearings

a. Ordinance 1468 - to amend Title XV, Land Usage; Chapter 155 Zoning Regulations; Section 155.026 rezoning Lot 3A, Block 18, Original Town; and, Lots 7, 8, and E ½ of Lot 9, Block 8, Van Meters Addition; City of Vermillion, Clay County, South Dakota from the R-2 Residential District to the LI-Light Industrial District.

Dominguez presented to the Commission the agenda memo from the City's Planning and Zoning Commission packet. The area being proposed to be rezoned is part of the R-2 Residential District in lower Vermillion located close to the intersections of 12<sup>th</sup> and 8<sup>th</sup> Streets. The applicant is requesting that the two lots be rezoned from the R-2 Residential District to the LI-Light Industrial District.

Forseth opened the floor to public comment.

Mr. Tim Schwasinger, owner of the property being rezoned, further described the areas that were being considered. Discussion followed.

Moved by Gestring to recommend that the Council approve ordinance 1468 as presented, seconded by O'Kelley. Motion carried 8-0.

7. Old Business

None.

8. New Business

None

9. Staff Report

Staff reported on the Miscellaneous Concrete Project and the Slurry Seal Project. Discussion followed.

10. Adjourn

Moved by Heggstad to adjourn, seconded by Merrigan. Motion carried 8-0, Forseth declared the meeting adjourned at 5:52 p.m.

## *Planning & Zoning Commission Agenda Memo*

**From:** Jose Dominguez, City Engineer

**Meeting:** August 22, 2022

**Subject:** Ordinance 1471 – Amending the City of Vermillion Code of Ordinances Title XV, Land Usage; Chapter 155, Zoning Regulations; by amending the definitions of “Boarding House (or Lodging House, Rooming House)” and the definition of “Motel (or Hotel, Motor Lodge, Motor Court, Tourist Court)” in Section 155.008, Definitions; and amending the Applicable Standards in Section 155.036 (A), CB Central Business District; and amending the General Conditions of section 155.072 (A), Off-Street Parking

**Presenter:** Jose Dominguez

**Background:** The City received a request to amend certain sections of the Zoning Ordinance to facilitate lodging uses in the CB - Central Business District. These types of uses are already allowed within this district; however, they are excluded from first floor use.

The petition is from Ms. Hailie Warren and Mr. Dante Warren. The Warren’s are owners of property in the CB district. They are in the process of remodeling the building into a wine bar/lounge, event center, and possibly a single occupancy lodging accommodation. The property being remodeled is a single-story building. Except for the lodging use, all of the other uses are allowed within the CB district. The lodging use is allowed; however, it cannot be located within the first floor of the building.

The sections being considered for amendment are 155.008 Definitions, 155.036 CB Central Business District, and 155.072 Off-Street Parking.

Besides rezoning requests, the City’s current petition found online does not consider the possibility of the public requesting the text of the zoning ordinance to be amended. Typically, amendments to the zoning ordinance are City initiated and take

additional time due to an informational meeting with the Commission prior to consideration of any amendments to the ordinance. Regardless, the applicant has met all the statutory and City requirements needed for the consideration of the proposed amendments to the text of the zoning ordinance.

**Discussion:** The Warren's are requesting that the zoning ordinance's section 155.036 CB Central Business District be amended to allow for the lodging use on the first floor in the CB district. The proposed changes would maintain the building's front for commercial/business use and make it more difficult for any lodging uses be turned into residences (homeowner occupied or rentals).

Additionally, Staff is proposing to also modify the definitions of "Boarding House" and "Motel". The modifications would clarify what is considered a boarding house or a motel.

Another modification to the zoning ordinance would be Staff's proposal to section 155.072 Off-Street Parking. The amendments to this section would remove the confusion in subsection (A) regarding the CB - Central Business district by clearly stating that most of the uses in this district are exempt from the off-street parking requirements. However, the proposed amendments would codify Staff's policy requiring off-street parking for residential uses and lodging. This policy has been enforced since the adoption of the 2008 zoning ordinance.

**Compliance with Comprehensive Plan:** The 2035 Comprehensive Plan is primarily geared towards planning for future development of the community. The requested amendments would allow for additional commercial uses within the City. These amendments have a strong connection to different goals set out in the 2035 Comprehensive Plan.

**Conclusion/Recommendations:** The Planning Commission is asked to hold a public hearing and recommend approval or denial of the amendments to the zoning ordinance. Staff recommends approval of the amendments. The proposal would ease the requirements set on lodgings in the CB district by allowing them on the first floor of buildings while still maintaining the side of the building seen from the street for commercial/business use.

The City Council will consider the proposed amendments the September 6<sup>th</sup> meeting.

## Jose Dominguez

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**From:** Warren, Hailie A <  
**Sent:** Monday, August 8, 2022 12:08 PM  
**To:** Jose Dominguez  
**Subject:** Proposed Changes to CB District

Good Morning Jose!

I am writing this email to request an amendment of a current city ordinance in order to continue building a local business my husband and I are passionately pursuing.

My husband Dante and I are both USD Alumni who returned to the area 4 years ago. When we returned to town it was under the agreement that Vermillion is where we want to be long term and getting involved in this community and helping it continue to grow and evolve is something we care a lot about.

When we found 14 Market, the business idea I had been working on for over a year immediately came to life.

So here's the vision: **The W Social House...**

**The front portion of the main building...** a wine bar/lounge, or as I call it – the Social House! This space will serve unique refreshments and appetizers that are as aesthetically pleasing as they are delicious.

**The current gravel parking lot...** a patio positioned and designed for the perfect private event, a community celebration or even just the spot to lounge outdoors during good weather months.

**The current warehouse...** an event venue that will host university events, weddings, showers, celebrations and even our own pop-up restaurants bringing a variety of cuisines to our Vermillion community.

Lastly, the space that I am hoping can be supported, my boarding house or single occupancy motel located at **the back of the main building**. This space would be a two bedroom, lux amenity that can be utilized by those renting our event space such as bridal parties and even our guest chefs visiting from out of town. It would also be rentable to the public. This space would have a living area, full bathroom and two bedrooms. We would exclude having a full kitchen, as this space is not a long term rental.

As the ordinance is currently written, I am unable to accomplish my vision for our lodging space as it requires these units be on the second floor.

I have worked with some of the members over at the city to discuss what might work to have these requirements adjusted and we have come up with the following for consideration:

<p>Subject to the residence being constructed above the first floor or in rear half of the building first floor. The front of the building (front is the side that is addressed from) is only for commercial use. If in first floor, no full kitchens are allowed, only a sink, microwave and sm refrigerator. §§ <u>155.070</u>, <u>155.072</u>, <u>155.077</u></p>
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Exceptions:

#1 A 20-foot landscaped area shall be required between an abutting residential district boundary line and any structure, access drive, parking lot, or other accessory use when not separated by a street or alley.

#2 See also adjustments to yard regulations (§ 155.082) for other exceptions.

**§ 155.072 OFF-STREET PARKING.**

*(A) General conditions.*

(1) No parking spaces are permitted in the required front yard in any district, except as follows:

(a) Single-family detached dwellings, single-family attached dwellings and multiple-family dwellings (maximum of 2 dwelling units) are permitted to provide off-street parking on driveways constructed according to city standards.

(b) Multiple-family dwellings (more than 2 dwelling units) located in the R-3 zoning district may provide no more than 25% of the required area for parking in the required front yard.

(c) Commercial uses located in the NRC, , GB, NC, GI and HI districts may provide required parking in the required front yard.

(2) Parking spaces may be permitted in any required rear yard.

(3) All parking spaces shall be connected to a public street or alley.

(4) Except in conjunction with a legal nonconforming business, it is unlawful for any person to park, store, leave, or permit the parking, storing or leaving of any commercial vehicle with a gross vehicle weight rating (GVWR) of over 13,000 pounds in a NRC, R-1, R-2, R-3 or R-4 Zoning District, unless the vehicle is parked in connection with the performance of a service. The transferring of refuse from a smaller satellite vehicle to a large packer garbage truck is prohibited.

(5) All parking, loading, and maneuvering and drive areas thereto shall be hard surfaced with asphalt or concrete.

(6) The parking requirements in this section are only applicable for residential uses, motels and boarding houses in the CB Central Business District. All other uses in the CB Central Business District are exempt from the parking requirements in this section.

(7) Off-street parking shall be located on the same zoning lot as the principal use served. However, parking required in the CB Central Business District only needs to be within the same zoning district.

I feel strongly that these adjustments will only benefit the downtown Vermillion area allowing business owners to optimize their spaces if desired, providing more accommodations for out of town visitors and continue to enhance the energy and offerings our incredible Main Street already boasts.

I genuinely appreciate your consideration and hope that those involved in making this decision will see the vision and agree on the enhanced Vermillion experience this could create.

Thank you!

Hailie Warren

**Hailie Warren**

**PROPOSED ORDINANCE 1471**

**AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE XV, LAND USAGE; CHAPTER 155, ZONING REGULATIONS; BY AMENDING THE DEFINITIONS OF “BOARDING HOUSE (OR LODGING HOUSE, ROOMING HOUSE)” AND THE DEFINITION OF “MOTEL (OR HOTEL, MOTOR LODGE, MOTOR COURT, TOURIST COURT)” IN SECTION 155.008, DEFINITIONS; AND AMENDING THE APPLICABLE STANDARDS IN SECTION 155.036 (A), CB CENTRAL BUSINESS DISTRICT; AND AMENDING THE GENERAL CONDITIONS OF SECTION 155.072 (A), OFF-STREET PARKING.**

**BE IT ORDAINED**, by the Governing Body of the City of Vermillion, South Dakota and it is hereby ordained by authority of the same that Chapter 155 be amended as set forth below:

**§ 155.008 DEFINITIONS.**

**BOARDINGHOUSE (OR LODGING HOUSE, ROOMING HOUSE).** A building, other than a hotel or apartment hotel, where for compensation and by prearrangement for definite periods, lodging, meals, or lodging and meals are provided for ~~3-10~~ or ~~more-less~~ persons. See **BED AND BREAKFAST ESTABLISHMENT**.

**MOTEL (or HOTEL, MOTOR LODGE, MOTOR COURT, TOURIST COURT).** An establishment consisting of a group of living or sleeping accommodations with each sleeping unit having a bathroom and closet space, located on a single zoning lot, and designed for use by transient automobile tourists. The establishment shall furnish customary services such as maid service and laundering of linen, and the use and upkeep of furniture. Less than 50% of the living and sleeping accommodations are occupied or designed for occupancy by persons other than transient automobile tourists. Parking spaces are located in the lot, and are designed, used or intended wholly or in part for the accommodation of guests. Establishment shall have the capacity to accommodate more than 10 occupants.

**§ 155.036 CB CENTRAL BUSINESS DISTRICT.**

(A) Permitted Uses.

<b>Permitted Use</b>	<b>Applicable Standards</b>
Boarding house	Subject to the residence being constructed above the first floor <u>or in the rear half of the building's first floor. The front of the building (front is the side that the building is addressed from) is only for commercial use. If in the first floor, no full kitchens are allowed, only a sink, microwave, and small refrigerator.</u> §§ 155.070, 155.072, 155.077

## § 155.072 OFF-STREET PARKING.

(A) General Conditions.

(1) No parking spaces are permitted in the required front yard in any district, except as follows:

(a) Single-family detached dwellings, single-family attached dwellings and multiple-family dwellings (maximum of 2 dwelling units) are permitted to provide off-street parking on driveways constructed according to city standards.

(b) Multiple-family dwellings (more than 2 dwelling units) located in the R-3 zoning district may provide no more than 25% of the required area for parking in the required front yard.

(c) Commercial uses located in the NRC, ~~CB~~, GB, NC, GI and HI districts may provide required parking in the required front yard.

(2) Parking spaces may be permitted in any required rear yard.

(3) All parking spaces shall be connected to a public street or alley.

(4) Except in conjunction with a legal nonconforming business, it is unlawful for any person to park, store, leave, or permit the parking, storing or leaving of any commercial vehicle with a gross vehicle weight rating (GVWR) of over 13,000 pounds in a NRC, R-1, R-2, R-3 or R-4 Zoning District, unless the vehicle is parked in connection with the performance of a service. The transferring of refuse from a smaller satellite vehicle to a large packer garbage truck is prohibited.

(5) All parking, loading, and maneuvering and drive areas thereto shall be hard surfaced with asphalt or concrete.

(6) The parking requirements in this section ~~shall not be applicable to property~~ are only applicable for residential uses, motels and boarding houses in the CB Central Business District. All other uses in the CB Central Business District are exempt from the parking requirements in this section.

(7) Off-street parking shall be located on the same zoning lot as the principal use served. Parking required in the CB Central Business District only needs to be within the same zoning district.

Dated at Vermillion, South Dakota this 19<sup>th</sup> day of September, 2022.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

BY \_\_\_\_\_  
Jonathan D. Cole, Mayor

ATTEST:

BY \_\_\_\_\_  
Katie E. Redden, Finance Officer

First Reading: September 6, 2022

Second Reading: September 19, 2022

Published: September 30, 2022

Effective: October 20, 2022

DRAFT