



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

5:30 p.m. Regular Meeting

Monday, September 26, 2022

Powell Conference Room

City Hall, 25 Center Street, Vermillion, SD 57069

1. Roll Call

2. Minutes

- a. August 22, 2022 and August 29, 2022 meeting minutes.

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 Operate a Kennel at 1322 East Cherry Street, Legally Known as Lot B & Lot E-7 SE ¼ SW ¼ NE ¼ 18-92-51; and Exc Lots 5 & 6, Brooks Industrial Park 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, August 22, 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 August 22, 2022 at 5:30 p.m.

1. Roll Call

City Planning and Zoning Commissioners Present: O'Kelley, Fitzgerald, Forseth, Gestring, Heggstad, Merrigan (5:34 p.m.), Wilson, Steele

City Planning and Zoning Commissioners Absent: Tuve

City Staff present: José Domínguez, City Engineer; Stone Conely, Assistant to the City Manager

2. Minutes

a. July 25, 2022 Regular Planning and Zoning Commission Meeting.

Moved by Commissioner Heggstad to adopt the July 25, 2022 meeting minutes as published, seconded by Gestring. 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 Gestring to adopt the agenda as published, seconded by O'Kelley. Motion carried 7-0.

5. Visitors to be Heard

None

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.

Dominguez presented to the Commission the agenda memo from the City's Planning and Zoning Commission packet. The proposed amendments would change sections 155.008, 155.036 and 155.072 of the zoning ordinance. The proposed changes would remove some of the restrictions placed on boarding houses in the CB Central Business District allowing them in the rear of buildings in the first floor, modify the definitions so that they are in line with State requirements, and codify Staff's policy regarding off-street parking in the CB Central Business District.

Dominguez presented a possible development in the downtown area that would benefit from the proposed changes.

Forseth opened the floor to public comment.

Commissioner Heggstad and O'Kelley asked why there are restrictions in the CB Central Business district excluding residential uses from the first floor. Commissioner Forseth explained that he was involved in the process and that downtown business owners wanted to maintain the first floor for business uses. Discussion followed.

Commissioner Fitzgerald suggested that "small refrigerator" be defined by placing a size. Discussion followed.

Moved by Fitzgerald to recommend that the Council approve ordinance 1469 as presented with a better description of what a "small refrigerator" is, seconded by Heggstad. Motion carried 8-0.

7. Old Business

None.

8. New Business

None

9. Staff Report

Staff reported on the Chip Seal and Slurry Seal Projects. Discussion followed.

10. Adjourn

Moved by Merrigan to adjourn, seconded by Heggstad. Motion carried 8-0, Forseth declared the meeting adjourned at 5:56 p.m.

Unapproved Minutes
Vermillion Planning and Zoning Commission
Monday, August 29, 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 City Council Chambers at City Hall on August 29, 2022 at 5:30 p.m.

1. Roll Call

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

City Planning and Zoning Commissioners Absent: Heggstad

City Staff present: José Domínguez, City Engineer

2. Minutes

None

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 O'Kelley. Motion carried 8-0.

5. Visitors to be Heard

None

6. Public Hearings

None

7. Old Business

None.

8. New Business

a. Election of Officers - Vice Chair

Dominguez stated that with the replacement of Commissioner Fairholm the office of Vice-Chair was vacated. The Bylaws require that the position be filled at the next meeting. The position should be filled with an elected commissioner from those nominated by the body.

Commissioner Tuve nominated Commissioner Gestring to become Vice-Chair. No other nominations. Gestring was elected 8-0 for the office of Vice-Chair.

- b. Informational Meeting to Discuss Possible Amendments to Sections in Chapter 2, District and Boundaries; Chapter 6, LI: Light Industrial District; Chapter 14, Amendments and Change of Zones; and Chapter 19, Definitions of the Joint Zoning Regulations for Clay County and the City of Vermillion.

Dominguez presented to the Commissions the agenda memo from the City's Planning and Zoning Commission packet. The proposed changes would be to Chapter 2, 6, 14, and 19 of the JJZA zoning ordinance. The governing bodies asked Staff to bring up changes for future consideration at a joint meeting held on June 1st. Discussion followed.

County and City staff will work together to complete the following changes:

- Chapter 2 - will be amended to better describe what occurs when land enters the JJZA. The amendment will have a table showing into what zoning district something zoned in the County enters as when coming into the JJZA's jurisdiction.
- Chapter 6 - no changes
- Chapter 14 - the proposed changes were acceptable. The section addressing notifications will be modified to require notices be mailed to affected property owners when a government initiated rezoning occurs.
- Chapter 19 - the definitions of "agriculture", "frozen food locker", and "mini-warehouse" will be refined.

Once the changes to Chapter 14 are completed Staff will present those to the Commissions to start the process of amending the JJZA zoning ordinance. The other three chapters will be amended once the changes to Chapter 14 are effective.

- c. Appointment of City and County Planning and Zoning Commission Members to Joint Committee to Discuss Goals, Objectives, and Policies for the JJZA Comprehensive Plan.

Dominguez presented to the Commissions the agenda memo from the City's Planning and Zoning Commission packet. Dominguez asked for the City's Commission to appoint two members to be part of joint committee made off County and City Planning Commissioners, members of the County and City governing body, and County and City staff. The committee would review the JJZA comprehensive plan and proposed changes to the Commissions. SECOG will also assist with the meetings. Discussion followed.

Commissioner Merrigan and O'Kelley volunteered to be part of the committee. Commissioner Wilson will serve as the alternate.

- d. Set dates for the Joint Committee to work with SECOG on the JJZA Comprehensive Plan.

Dominguez presented to the Commissions the agenda memo from the City's Planning and Zoning Commission packet. Dominguez asked the Commission to set dates for the meetings. Dominguez recommended that two meetings be held per month with the meetings occurring on the first and third Tuesdays of the month. Additionally, Dominguez recommended that the meetings be from 330pm to 430pm. Discussion followed.

The Commissioners that volunteered to be in the committee agreed with the dates and times. The dates and times will be discussed with the governing bodies.

9. Staff Report
None

10. Adjourn

Moved by Merrigan to adjourn, seconded by Gestring. Motion carried 8-0,
Forseth declared the meeting adjourned at 6:24 p.m.

Planning and Zoning Commission

Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: September 26, 2022

Subject: Request for a Conditional Use Permit to Operate a Kennel at 1322 East Cherry Street, Legally Known as Lot B & Lot E-7 SE ¼ SW ¼ NE ¼ 18-92-51; and Exc Lots 5 & 6, Brooks Industrial Park Addition, City of Vermillion, Clay County, South Dakota

Presenter: Jose Dominguez

Background: Mr. Russell Jensen applied for a Conditional Use Permit to operate a kennel facility at the existing building located at 1322 East Cherry Street. The area is zoned GB - General Business which allows for kennels as a conditional use.

The properties to the north, east, west, and south are all zoned GB – General Business.

Discussion: Based on City ordinance, a kennel is allowed with an approved conditional use permit in the GB - General Business district. Specifically for this use, the zoning ordinance also requires that the kennel be located at least 150-feet away from any residential used building.

The City’s current process for conditional uses follows the Code of Ordinances section 155.095. The City’s ordinance sets the Commission as the body that grants CUPs. The City Council acts as the body of appeal if the applicant feels aggrieved by conditions set by the Commission. The Commission reviews each permit for the following items:

CRITERIA	STAFF COMMENTS AND RECOMMENDATIONS
Ensure ingress and egress to the property	The current access for the existing building will be utilized. There are now two driveway cuts – on the west and east side of the buildings. The east driveway will lead to a concrete/gravel parking access road that will provide access to parking areas, the rest of the building, and to the rear property.

	<p>The proposed access is sufficient and meets ordinance requirements.</p>
<p>Review and, if necessary, place conditions to ensure vehicular and pedestrian safety</p>	<p>No conditions are necessary.</p> <p>The applicant will be providing a sidewalk along the off-street parking to the front of the building.</p>
<p>Ensure Off-street parking and loading</p>	<p>The proposed use is considered a type of retail or service establishment. The ordinance requires that these uses provide at least 1 off-street parking spot per 300-square feet of floor area. Based on the information provided in the application, the entire building is approximately 37,000-square feet. This means that they are required to provide 124-parking spots.</p> <p>The applicant has requested a variance on the parking requirements. Variances are considered by the Board of Adjustment. In this instance the applicant will be requesting that the off-street parking be reduced to 18-parking spots. This would account for five employees and 13-spots for customers dropping-off/picking-up dogs during the day.</p> <p>Staff believes that some of the areas in the existing building should not be the considered when estimating the off-street parking required. For example, the kennel area will be a maximum of 13,000-square feet. This space would require 44-parking spots. However, besides the five employees, the kennel will only require off-street parking when dogs are being dropped-off or picked-up. Similarly, the storage area accounts for 24,000-square feet (or 80-parking spots). The storage area will be used for personal storage and not as a commercial use.</p>
<p>Ensure that a refuse area is provided. (location of refuse area)</p>	<p>The applicant will be providing a refuse area on the east side of the building.</p>

Ensure that development has appropriate fire protection	The applicant and the City's Code Enforcement Department will work together to ensure that the new building meets all required fire protection.
Ensure screening and buffering	As mentioned previously, the zoning ordinance requires that the applicant locate the building at least 150-feet away from a residential use. In this instance, the building is more than 150-feet from the closest residential uses on North Norbeck Street south of East Cherry Street or on the northeast corner of North Norbeck and East Cherry Streets. No additional buffers or screening is required by ordinance.
Ensure that the proposed exterior lighting complies with City requirements	The applicant and the City's Code Enforcement Department will work together to ensure that any new lights meet the ordinance requirements.
Ensure that all setbacks are being met	The existing building is within all the required setbacks.
Review and, if necessary, place conditions to ensure general compatibility	The proposed use is commercial and is generally compatible with all the neighbors. However, some of the existing, or future, specific uses allowed in the district may find a kennel as an inappropriate 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.

Conclusion/Recommendations: The Planning and Zoning 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 without any conditions.

From: noreply@civicplus.com
Sent: Tuesday, July 5, 2022 11:23 AM
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	Rusty Jensen
Email Address	mrfarmers@hotmail.com
Address	509 Poplar Ave.
City	Vermillion
State	SD
Zip Code	57069
Phone Number	6056709163
Fax Number	<i>Field not completed.</i>

(Section Break)

2. What is the proposed use? Kenneling & dog daycare

3. Information on Property Applying for Conditional-Use Permit

Address of Property	1322 E. Cherry St.
Legal Description	LOT B, LOT E-1 & LOT E-7 EXC W 47.09 OF N 211.3 OF E-1 SE 1/4 SW 1 /4 NE 1/4 18-92-51 & EXC LOTS 5 & 6 BROOKS INDUSTRIAL PARK ADDN

Current Zoning District GB - General Business District

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

n/a

(Section Break)

4. Information on Adjoining Properties

Describe the neighborhood commercial
where the Conditional-Use
Permit is being sought.

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

NORTH	Commercial
EAST	Commercial
SOUTH	Commercial
WEST	Commercial

(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? | Most access will be from the gravel road that is an easement between 1322 E Cherry & Clay Union Electric. |
| B. Where will the access points from the street be located? | same easement |
| C. How wide will the access points be? | 24 feet |
| D. How will the traffic (both vehicles and pedestrians) flow within the property? | from parking spots back to easement road |
| E. Where will the off-street parking and loading areas be located? | on east & front of building |

F. How many off-street parking stalls and loading areas are being proposed?	12 to 18 parking spots, if we are granted a variance
G. Where will refuse and service areas be located on the property?	on east side of building
H. What is the availability of utilities in the area? Will they need to be installed or modified to service the property?	will not need to be modified.. It is serviced by Clay Union Electric
I. Is screening and/or buffering being proposed? If so, what will it be, and where will it be constructed?	not planned
J. Are any signs proposed for the property? If so, describe the signs being proposed (size and lighting).	there is an existing lighted sign that will be redone for proposed business.
K. Will the signs be compatible with neighboring properties?	yes
L. How will the signs affect the surrounding areas?	it is currently conforming for the business districe
M. Are there any required yards and other open spaces?	there will be a small fenced in area for outdoor dog play space.
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?	should be complatable
O. Will you be requesting a variance from the City Council?	Yes
Describe the variance that will be requested.	We will be asking for a reduced number of parking spots for the business.

Upload any plans or diagrams *Field not completed.*

Acknowledgement of Fees I acknowledge.

Electronic Signature Agreement I agree.

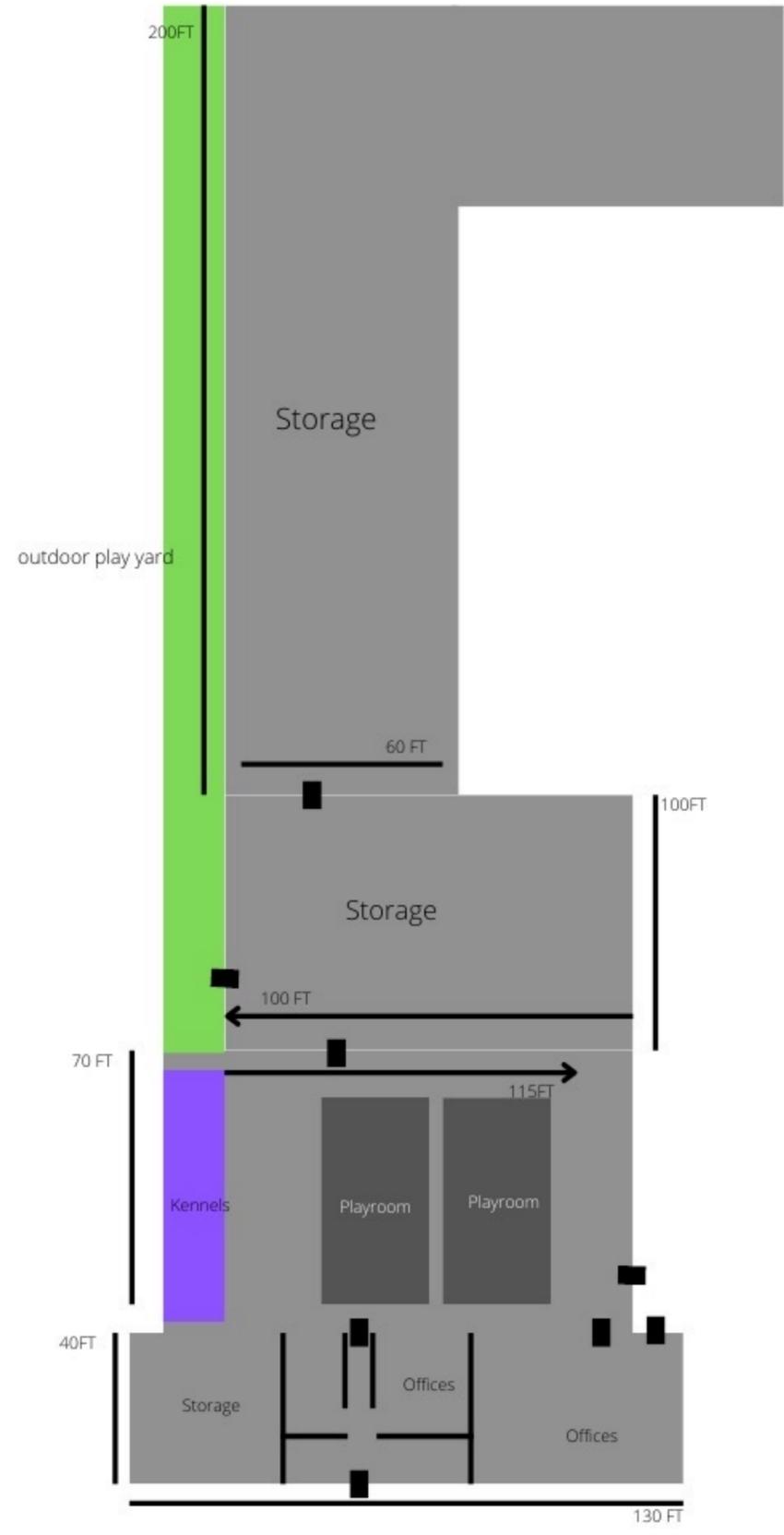
Electronic Signature Russell E. Jensen

Date: 7/5/2022

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.](#)

Exhibit Submitted with Building Permit Application



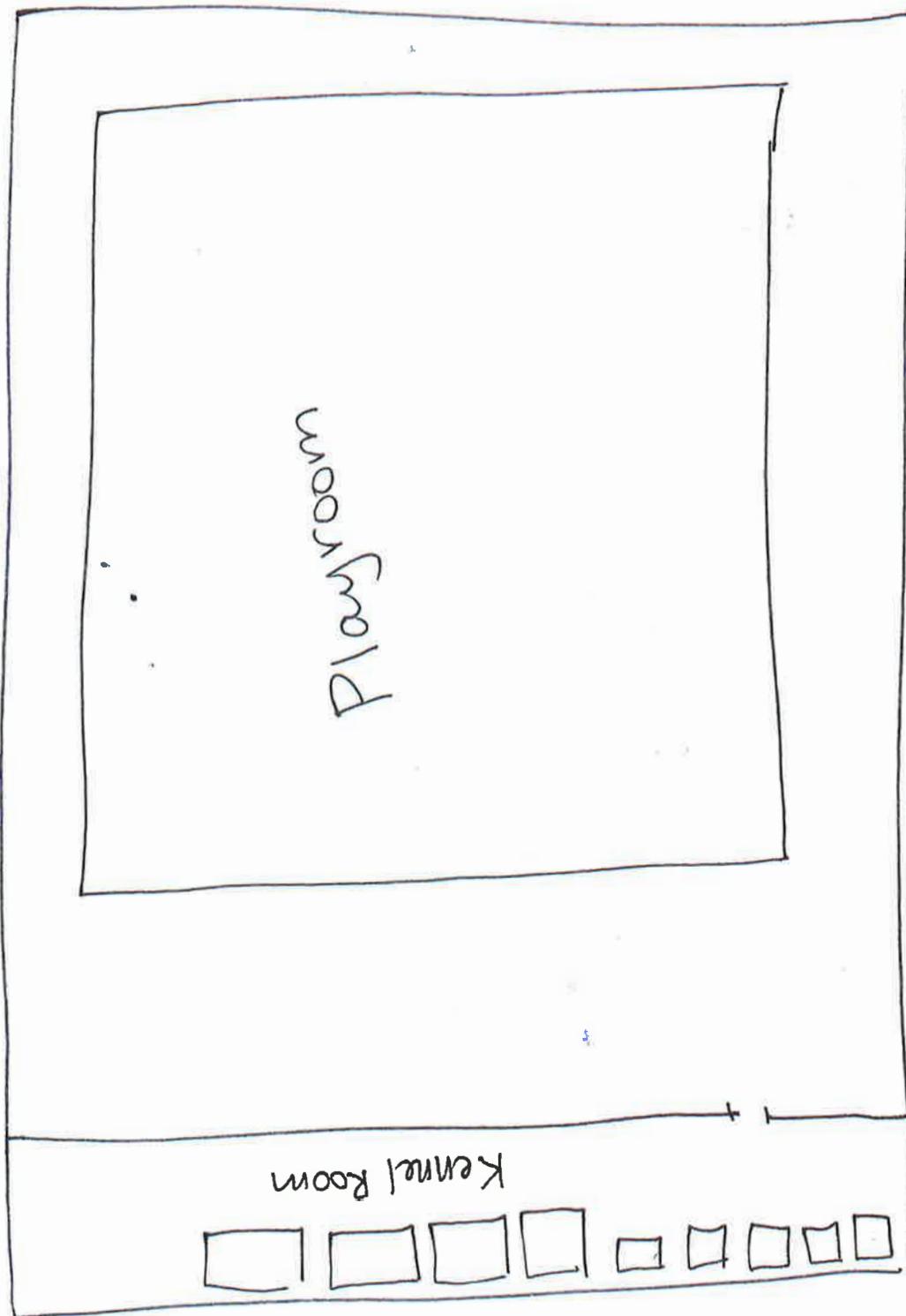


Storage



Daycare & Office

Exhibit submitted with Application

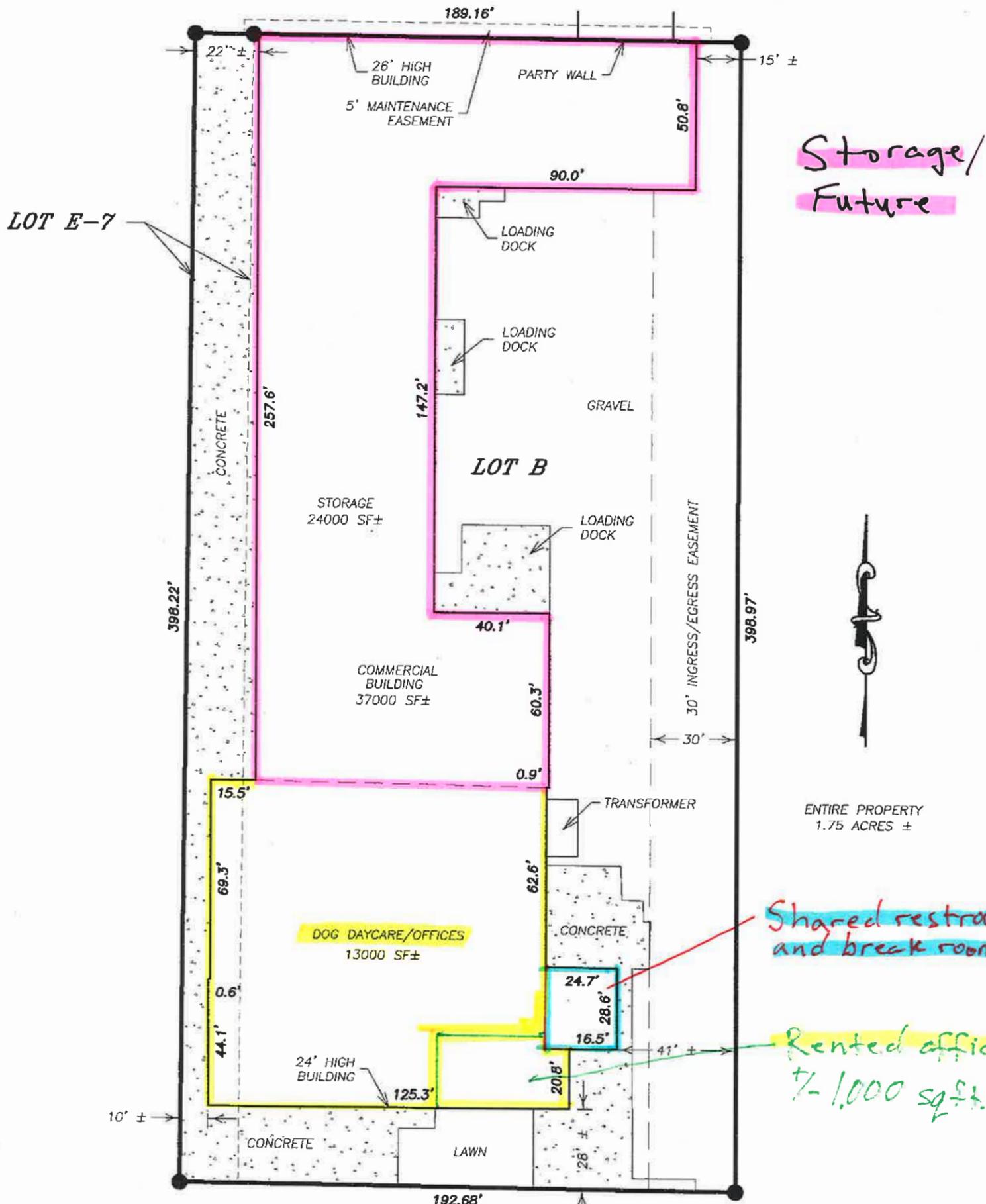


offices to be configured

Exhibit Submitted with Application

SITE PLAN

1322 E CHERRY ST. DOG DAYCARE-OFFICES-STORAGE

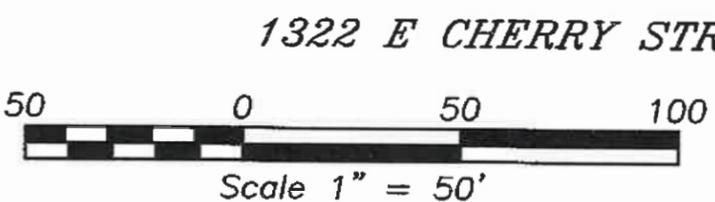


Storage/
Future

Shared restrooms
and break room

Rented office
7-1,000 sqft.

ENTIRE PROPERTY
1.75 ACRES ±



- LEGEND:**
- FD. MONUMENT
 - (R) RECORD DISTANCE
 - (M) MEASURED DISTANCE

DRAWN BY:
JCB

CHECKED BY:
JLB

DATE:
8-11-2022

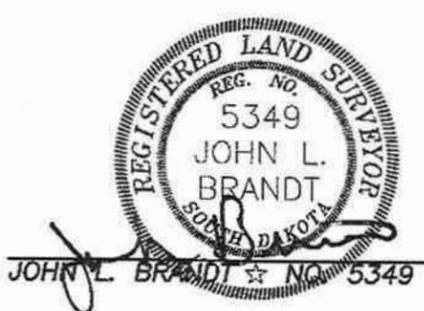
PROJ. NO.:
22285

LEGAL DESCRIPTION

LOT B, LOT E-1 & LOT E-7 EXCEPT THE W 47.09 FEET OF THE NORTH 211.3 FEET OF LOT E-1 IN THE SE¼ OF THE SW¼ OF THE NE¼ OF SECTION 18, T92N, R51W OF THE 5TH P.M., CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA, EXCEPT LOTS 5 & 6, BROOKS INDUSTRIAL PARK ADDITION.

SURVEYORS CERTIFICATE:

I, JOHN L. BRANDT, A REGISTERED LAND SURVEYOR UNDER THE LAWS OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT THIS IS A TRUE REPRESENTATION OF THE ABOVE DESCRIBED REAL PROPERTY.



PREPARED BY:

**BRANDT
LAND
SURVEYING**

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