



City of Vermillion Planning and Zoning Commission Agenda

5:30 p.m. Regular Meeting

Monday, September 28, 2020

City Council Chambers

City Hall, 25 Center Street, Vermillion, SD 57069

Virtual Meeting Available (see instructions below)

For virtual meeting:

1. Go to www.zoom.com
2. Click 'Join a Meeting' on upper right hand of Zoom screen
3. Enter meeting ID: 8930 4070 4929
4. Enter passcode: 378158

1. Roll Call

2. Minutes

- a. September 14, 2020 Regular Meeting

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, and operate, motor vehicle sales, display, and rental at Lot 1, Block 1, Cottage Place Addition, City of Vermillion, Clay County, South Dakota.
- b. Recommendation on creation of Tax Increment District #7 for Outlot A, 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 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 Commission
Monday, September 14, 2020 Planning and Zoning Commission Regular Meeting

The Vermillion Planning and Zoning Commission was called to order in the Upstairs Large Conference Room at City Hall (and through teleconference) on September 14, 2020 at 5:30 p.m.

1. Roll Call

Planning and Zoning Commissioners Present: Fairholm (in person), Fitzgerald (teleconference), Forseth (teleconference), Heggstad (teleconference), Mrozla (in person), Tuve (teleconference), Wilson (in person), Iverson (in person)

Planning and Zoning Commissioners Absent: Gestring.

City Staff present: José Domínguez, City Engineer (in person); James Purdy, Assistant City Manager (in person)

2. Minutes

a. August 24, 2020 Joint Meeting.

Moved by Fairholm to adopt both minutes as printed, seconded by Mrozla. Motion carried 8-0, (Fairholm - Yes, Fitzgerald - Yes, Forseth - Yes, Heggstad - Yes, Mrozla - Yes, Tuve - Yes, Wilson - Yes, Iverson - Yes).

3. Declaration of Conflict of Interest

Forseth noted that he owns investment property in the community.

4. Adoption of the Agenda

Moved by Forseth to adopt the agenda as printed, seconded by Wilson. Motion carried 8-0, (Fairholm - Yes, Fitzgerald - Yes, Forseth - Yes, Heggstad - Yes, Mrozla - Yes, Tuve - Yes, Wilson - Yes, Iverson - Yes).

5. Visitors to be Heard

None

6. Public Hearings

None

7. Old Business

None

8. New Business

a. Final Plat of Lots 1A and 2A, Block 7, Brooks Industrial Park Addition, City of Vermillion, Clay County, South Dakota
Jose Dominguez, City Engineer, explained that Banner Associates submitted a final plat on behalf of the owner, AMS Building Systems, LLC. The area to be final platted consists roughly of 9.3-acres. The area is located on the south side of SD Highway 50 Bypass and directly west of Commerce Street. The area would be split into two lots. Dominguez further explained that the final plat meets all of the code requirements. All of the easements and the street right-of-way will be dedicated. Dominguez recommended that the Commission recommend approval

of the final plat to the City Council. The Council would be considering the item at their September 21st meeting.

Moved by Forseth to recommend the Council approve the plat, seconded by Tuve. Motion carried 8-0, (Fairholm - Yes, Fitzgerald - Yes, Forseth - Yes, Heggstad - Yes, Mrozla - Yes, Tuve - Yes, Wilson - Yes, Iverson - Yes).

- b. Final Plat of Outlot A, Bliss Pointe Addition, City of Vermillion, Clay County, South Dakota.

Jose Dominguez, City Engineer, explained that Banner Associates submitted a final plat on behalf of the owner, Vermillion Chamber and Development Company. The area to be final platted consists roughly of 15-acres. The area is roughly bordered by Joplin Street on the west, Stanford Street on the east, Slate Road on the north and Rockwell Trail on the south. Dominguez further stated that with the exception of no utility easements being dedicated with this plat, all other code requirements are met. Dominguez explained that at this time no utility easements will be required since another plat further subdividing the outlot into blocks and lots will be required. Dominguez recommended that the Commission recommend approval of the final plat to the City Council. The Council would be considering the item at their September 21st meeting.

Moved by Wilson to recommend the Council approve the plat, seconded by Forseth. Motion carried 8-0, (Fairholm - Yes, Fitzgerald - Yes, Forseth - Yes, Heggstad - Yes, Mrozla - Yes, Tuve - Yes, Wilson - Yes, Iverson - Yes).

9. Staff Report

None

10. Adjourn

Moved by Forseth to adjourn, seconded by Fairholm. Motion carried 8-0, (Fairholm - Yes, Fitzgerald - Yes, Forseth - Yes, Heggstad - Yes, Mrozla - Yes, Tuve - Yes, Wilson - Yes, Iverson - Yes). Iverson declared the meeting adjourned at 5:47 p.m.



Planning & Zoning Commission Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: September 28, 2020

Subject: Request for a Conditional Use Permit to construct, and operate, motor vehicle sales, display, and rental at Lot 1, Block 1, Cottage Place Addition, City of Vermillion, Clay County, South Dakota

Presenter: Jose Dominguez

Background: The City received an application from AMS Building Systems, LLC on behalf of Mr. Troy Gregoire, the owner, for a Conditional Use permit (CUP) to construct, and operate, a motor vehicle sales, display, and rental business within the property owned by the applicant at 50 West Cherry Street. The building would occupy the western third of the lot fronting Cherry Street.

The proposed use would be located within the Cottage Place Planned Development District. Motor vehicle sales, display, and rentals are allowed within the district; however, a CUP is required.

The applicants submitted documents supporting their request for the approval of the CUP.

Discussion: There are three items that guide the City through the decision making process regarding a CUP. These are the Vermillion 2035 Comprehensive Plan, the City's Code of Ordinances, and SDCL 11-4-4.1.

Statute 11-4-4.1 states that "The approving authority shall consider the stated criteria (in the ordinance), the objectives of the comprehensive plan, and the purpose of the zoning ordinance and its relevant zoning districts when making a decision to approve or disapprove a conditional use request." This statute requires that the City consider the City's ordinance and comprehensive plan when making a decision regarding conditional uses.

The City's current process for conditional uses follows the Code of Ordinances section 155.095. The City's ordinance sets the Planning and Zoning Commission as the body that

grants CUPs. The City Council acts as the body of appeal if the applicant feels aggrieved by the decision or conditions set by the Planning and Zoning Commission.

The Planning and Zoning Commission may place conditions that “are appropriate and necessary to ensure compliance with the Comprehensive Plan and protect health, safety, and general welfare...” Unless otherwise specified in the ordinance, the Planning and Zoning Commission reviews each permit for the following items:

CRITERIA	STAFF COMMENTS AND RECOMMENDATIONS
Ensure that the ingress and egress to the property is as required by Section 154.14 (E)	<p>The applicant is proposing to utilize the existing entrance from West Cherry Street to the development. This access is approximately 25-feet wide.</p> <p>City Ordinance 154.14 states that driveways in business districts cannot exceed 36-feet in width.</p>
Review and, if necessary, place conditions to ensure automotive and pedestrian safety, traffic flow and control, and access in case of fire or catastrophe within the development.	The internal roads in the development are at no point narrower than 24-feet. These roads are wide enough for two way vehicular traffic.
Ensure that off-street parking and loading areas are as required by Sections 155.072 and 155.073.	<p>The applicant is proposing to have four off-street parking spots in front of the building.</p> <p>City Ordinance Sections 155.072 and 155.073 does not have a ‘motor vehicle sales’ use. The closest use is a ‘retail sales establishment’. When situations like this arise Staff requires that the applicant provide a parking spot for each of the employees and some customers. Once the business is operational, Staff inspects the property to ensure that there is enough parking for the use.</p>
Ensure that refuse areas are provided for within the development.	The applicant will place the dumpster next to the building.
Ensure that developments have appropriate fire protection (fire hydrants, fire suppression systems, etc...)	There is an existing fire hydrant approximately 200-feet east of the proposed building location. No additional fire suppression systems are required by ordinance.

<p>Ensure that screening and buffering within reference to type, dimensions and character complies with Section 155.077 or any requirements within the zoning district where the development will occur.</p>	<p>The applicant is not considering installing any buffers or screens.</p> <p>The PDD requires that outside storage of parts be screened. The applicant will not be storing parts outside, so no screening is required. Additionally, the PDD requires that commercial uses be screened/buffered from residential uses. At this point there are not residential uses adjacent to the proposed business, so no screening/buffering is required. There is a possibility that a residential use may be constructed in the future to the south of the proposed business.</p>
<p>Ensure that the proposed exterior lighting complies with Section 155.077.</p>	<p>The City ordinance section 155.077 requires that any business within 150-feet of residential uses, or zoned areas follow lighting standards that would decrease the effects of light pollution.</p>
<p>Ensure that all of the setbacks are being met for the development as set within the respective zoning districts.</p>	<p>The property is bounded on the west, east, and south by existing developments. The property abuts West Cherry Street on the north. As such, City ordinance requires a 15-foot front yard setback from the north property line, a 10-foot rear yard setback from the south property line, and 5-foot side yard setbacks from the east and west property lines.</p> <p>All of the setbacks are being met.</p>
<p>Review and, if necessary, place conditions to ensure general compatibility with adjoining properties and other property in the zoning district in which such use is to be located.</p>	<p>The proposed use is adjacent to residential uses to the east (approximately 200-feet), the county's 4-H grounds to the west, residential uses to the south (175-feet), and businesses to the north (225-feet). Some of those businesses to the north are similar uses to proposed business. Additionally, the 4-H grounds have been used in past years to display vehicles for the car dealerships on the north side of West Cherry Street.</p> <p>Staff believes that the proposed use will not be detrimental to the neighboring properties. This is especially true since the proposed use will be at least 200-feet away from any residential use, and the other adjacent uses are similar in nature.</p>

<p>Review and, if necessary, place conditions to ensure that the conditional use meets the goals and objectives of the most recently adopted comprehensive plan.</p>	<p>Staff believes that no additional conditions need to be placed to ensure that the CUP meets the goals and objectives of the 2035 Comprehensive Plan.</p>
--	---

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

- Provide attractive, inviting, quality retail shopping, and commercial services that are convenient to existing and future Vermillion residents and visitors. (pg. 14)
- Provide a wide range of goods and services for Vermillion residents and visitors. (pg. 14)
- Business retention and expansion (pg. 39)
- Visitor and tourism development (pg. 39)
- Maintain neighborhoods that are safe, healthy, livable, and compatible with adjacent land uses (pg. 13 and pg. 48)
- Continue to encourage a high standard of property maintenance (pg. 48)

Conclusion/Recommendations: The Commission is asked to take public comment and either grant, grant with conditions, or deny the conditional use permit application. Staff recommends granting the conditional use with no conditions as the proposed use fits within the existing zoning district, and that no issues are expected regarding health, safety, and general welfare.

Jose Dominguez

From: noreply@civicplus.com
Sent: Tuesday, September 15, 2020 10:25 AM
To: Marty Washington; Jose Dominguez; James Purdy
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 Troy Gregoire
Email Address sales@qmotor.com
Address 401 W. Cherry
City Vermillion
State SD
Zip Code 57069
Phone Number 16056245585
Fax Number *Field not completed.*

(Section Break)

2. What is the proposed use? motor vehicle sales, display and rental

3. Information on Property Applying for Conditional-Use Permit

Address of Property 50 W. cherry St
Legal Description lot 1,bik 1, cottage place addn
Current Zoning District PDD - Planned Development District

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

Cottage place PDD

(Section Break)

4. Information on Adjoining Properties

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

Rental twin homes, Auto sales are across the street/
manufacturing/pharmacy

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

NORTH	Commercial
EAST	Single-Family Detached
SOUTH	Multi-Family
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? Through an existing shared use approach
- B. Where will the access points from the street be located? from the existing shared use approach
- C. How wide will the access points be? the existing approach is 40 feet wide
- D. How will the traffic (both vehicles and pedestrians) flow within the property? both directions
- E. Where will the off-street parking and loading areas be located? With in the PDD

F. How many off-street parking stalls and loading areas are being proposed?	4
G. Where will refuse and service areas be located on the property?	against the building
H. What is the availability of utilities in the area? Will they need to be installed or modified to service the property?	Utilities within the PDD will be extended
I. Is screening and/or buffering being proposed? If so, what will it be, and where will it be constructed?	Parts not to be stored out side.
J. Are any signs proposed for the property? If so, describe the signs being proposed (size and lighting).	Not at this time
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?	15' front, 10' rear, and 5' side
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?	similar
Upload any plans or diagrams	Troy Gregoire Shop 9-1-20.pdf

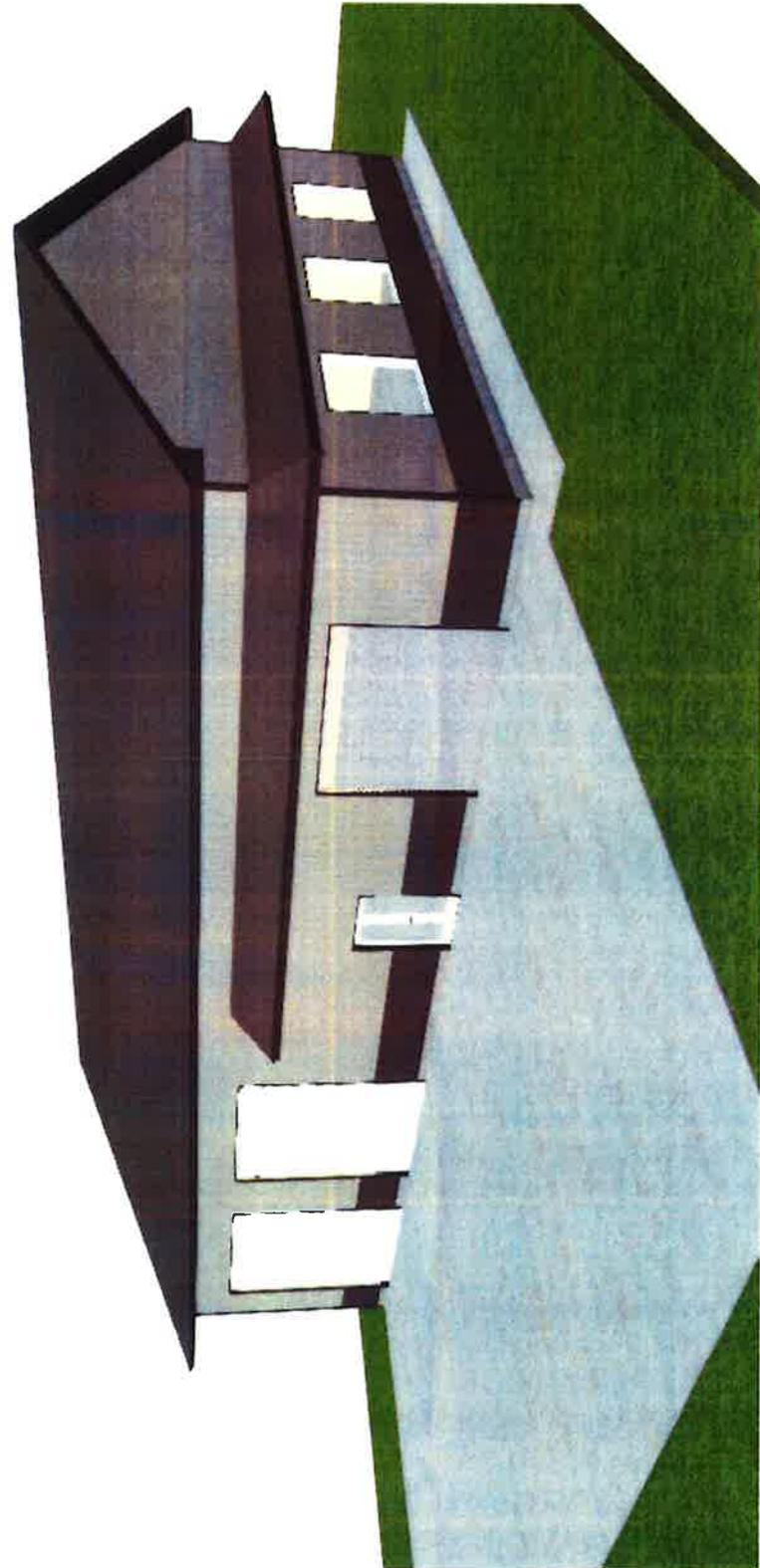
Acknowledgement of Fees I acknowledge.

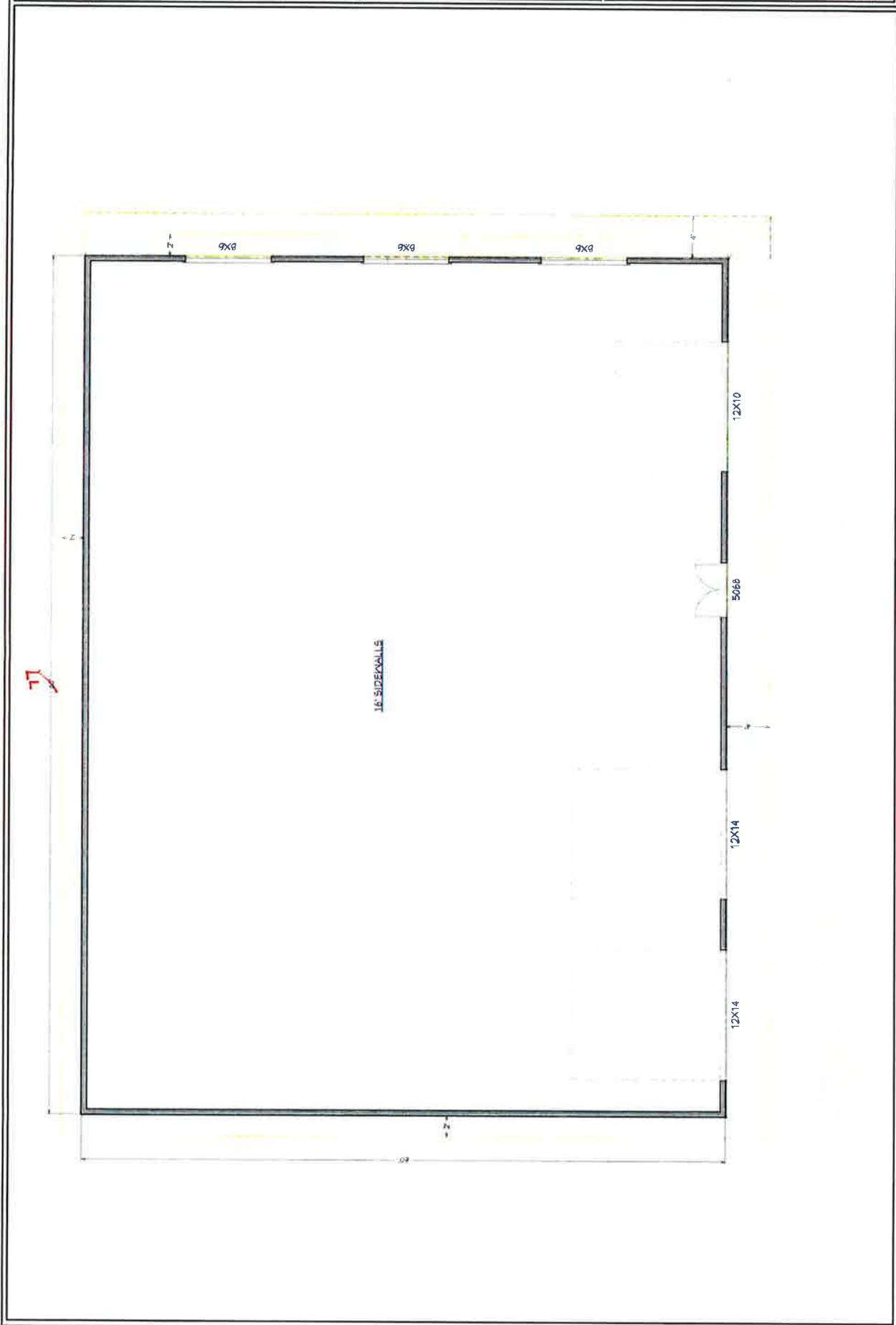
Electronic Signature Agreement I agree.

Electronic Signature Nick Slattery AMS Building Systems

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.](#)



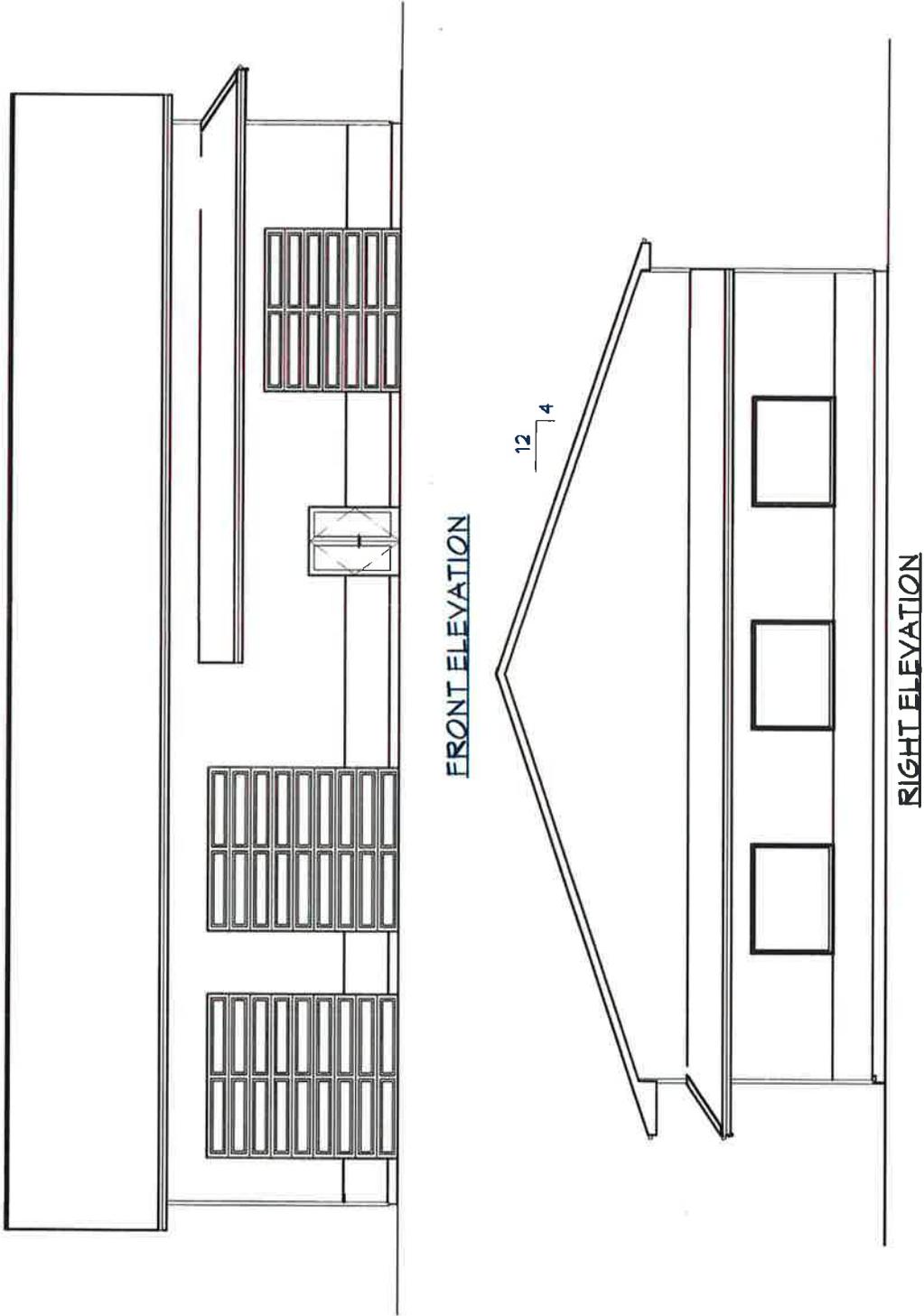


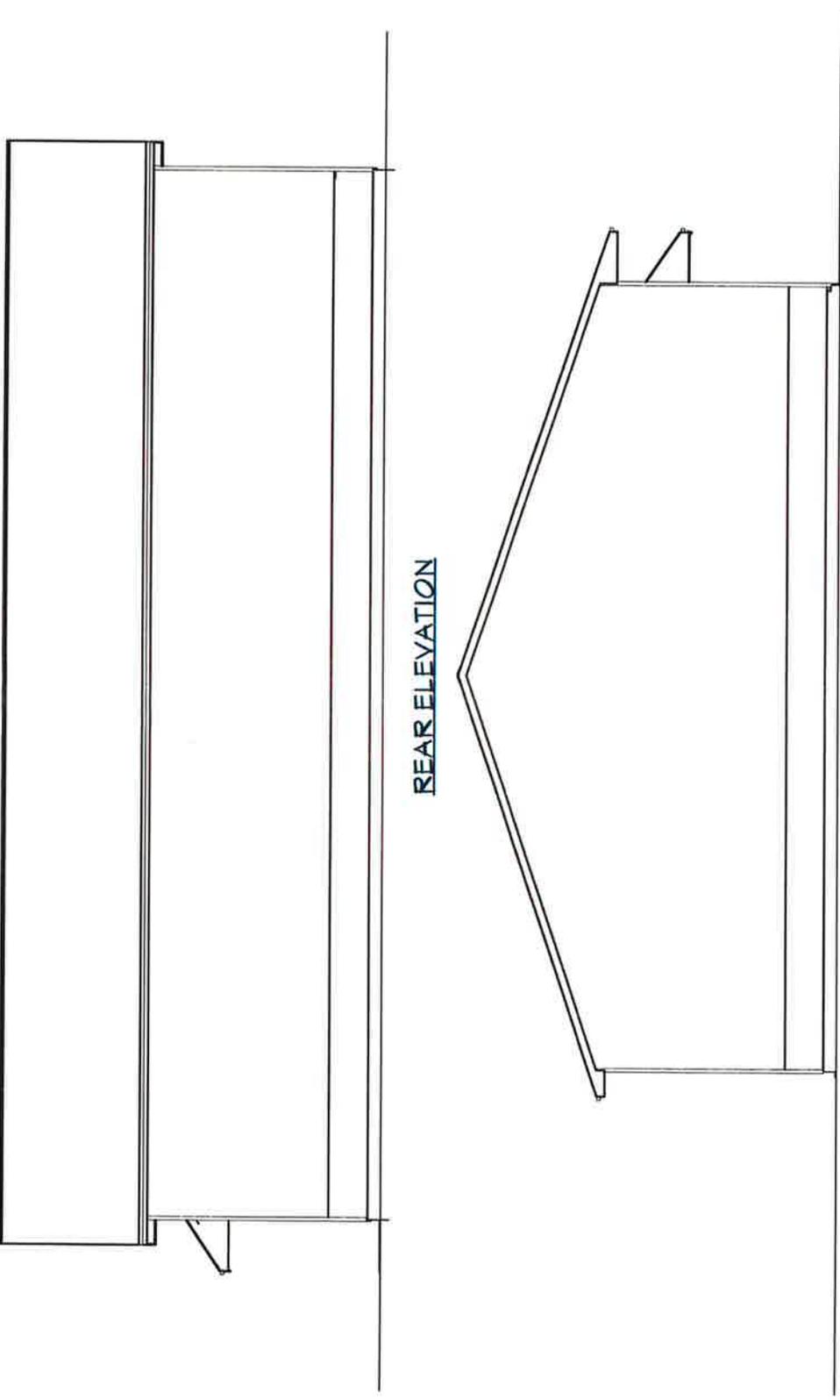


1401 E. Hwy 50 #1 Vermillion, SD
(603) 670-9715
brnna.ams@gmail.com

GREGOIRE SHOP

3





REAR ELEVATION

LEFT ELEVATION





Planning & Zoning Commission Agenda Memo

From: Jose Dominguez, City Engineer
Meeting: September 28, 2020
Subject: Recommendation on creation of Tax Increment District #7 for Outlot A, Bliss Pointe Addition, City of Vermillion, Clay County, South Dakota.
Presenter: Jose Dominguez

Background: In order to avoid a lack of buildable single-family residential lots the Vermillion Chamber and Development Company (VCDC) has been going through great lengths to develop land. The VCDC is planning on developing roughly 15-acres between Stanford and Joplin Streets, and Rockwell Trail and Slate Street. This would be the second phase of the Bliss Pointe development which was constructed in 2014.

In order to assist with development costs, the City is creating a tax increment district.

Discussion: The first step in the process is a public hearing before the Commission. The hearing was advertised and notices sent to the Vermillion School District Board, to the Clay County Commission, and Vermillion Basin Water Development District. Following are the State statutes dealing with this:

11-9-3. Planning commission hearing on creation of district--Notice. The planning commission shall hold a hearing at which interested parties are afforded a reasonable opportunity to express views on the proposed creation of a district and the district's proposed boundaries. Notice of the hearing shall be published once, not less than ten nor more than thirty days before the date of the hearing in a legal newspaper having a general circulation in the redevelopment area of the municipality. Before publication, a copy of the notice shall be sent by first class mail to the chief executive officer of each local governmental entity having the power to levy taxes on property located within the proposed district and to the school board of any school district that has property located within the proposed district

11-9-4. Recommendation by planning commission for creation of district--Designation of boundaries. The planning commission shall designate the boundaries of a district that the planning commission recommends be created. The planning commission shall submit the recommendation to the governing body.

The legal description for the proposed district would be:

Outlot A, Bliss Pointe Addition, City of Vermillion, Clay County, South Dakota

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

- Provide a variety of housing styles (pg. 13)
- Facilitate residential growth and development (pg. 13)
- Address the density, affordability, and requirements for housing (pg. 13)
- Allow for a varied supply of housing styles (pg. 48)
- Focus growth within City limits (pg. 67)

Conclusion/Recommendations: Staff recommends the Commission take public comments on the proposed tax increment district and forward a recommendation of approval to the City Council.

KN

