



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

5:30 p.m. Joint Meeting with

Clay County Planning Commission

Monday, January 30, 2023

Powell Conference Room

City Hall, 25 Center Street, Vermillion, SD 57069

1. **Roll Call**
2. **Minutes**
 - a. January 9, 2023
3. **Declaration of Conflict of Interests**
4. **Adoption of the Agenda**
5. **Visitors to Be Heard**
6. **Joint Public Hearings**
 - a. Ordinance 1479 – Amending the 2012 Joint Zoning Regulations for Clay County and the City of Vermillion by Amending Chapter 14 Amendments and Change of Zone; Section 14.03 Hearing by Planning Commissions; and Section 14.04 Hearing by Board of County Commissioners and City Council.
7. **Joint New Business**
8. **Joint Old Business**
9. **City Public Hearings**
10. **City Old Business**
11. **City New Business**
12. **City Staff Reports**
13. **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, January 9, 2023 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 January 9, 2023 at 5:30 p.m.

1. Roll Call

City Planning and Zoning Commissioners Present: O'Kelley, Gestring, Fitzgerald, Tuve, Forseth, Merrigan, Steele
City Planning and Zoning Commissioners Absent: Heggstad, Wilson
City Staff present: José Domínguez, City Engineer; Kalin Bird, Building Official

2. Minutes

a. December 12, 2022 Joint Planning and Zoning Commission Meeting.

Moved by Commissioner Merrigan to adopt the December 12th meeting minutes as published, seconded by O'Kelley. 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 Tuve to adopt the agenda as published, seconded by Gestring. Motion carried 7-0.

5. Visitors to be Heard

None

6. Public Hearings

a. Request for a Conditional Use Permit to Construct and Operate a Motor Vehicle Service Station at 1134 Princeton Street, Legally known as Lot 4C, Block 6, Erickson Addition, City of Vermillion, Clay County, South Dakota.

Dominguez presented the agenda memo from the City's Planning and Zoning Commission packet. The conditional use application being considered is for the construction and operation of a motor vehicle service station within the GB General Business district. The Commission is allowed by ordinance to consider and review conditional use applications. As part of the review the Commission needs to consider certain criteria set forth in section 155.095. Dominguez read each criteria and Staff's recommendation for each. Dominguez recommended that the conditional use permit be granted without any conditions.

Forseth opened the floor to public comment.

Mr. Scott Kolbinger, from KLJ Engineering and representing the applicant, and Mr. Jim Peterson, President and CEO of the VCDC, gave a brief history

of the company and what possible services would be offered at the location. Discussion followed.

Moved by Gestring to grant the conditional use to construct and operate a motor vehicle service station at 1134 Princeton Street without any conditions, seconded by Steele. Motion carried 7-0.

7. Old Business

None.

8. New Business

None

9. Staff Report

Staff reported that the Jefferson Street storm sewer improvements, the improvements to Lions, Prentis and Cotton Park will be out to bid during the first quarter of 2023. Dominguez also reported that a meeting with the County regarding amendments to the JJZA will occur towards the end of the month. Discussion followed.

10. Adjourn

Moved by Gestring to adjourn, seconded by Steele. Motion carried 7-0, Forseth declared the meeting adjourned at 5:45 p.m.

Planning & Zoning Commission Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: January 30, 2023

Subject: Ordinance 1479 – Amending the 2012 Joint Zoning Regulations for Clay County and the City of Vermillion by Amending Chapter 14 Amendments and Change of Zone; Section 14.03 Hearing by Planning Commissions; and Section 14.04 Hearing by Board of County Commissioners and City Council.

Presenter: Jose Dominguez

Background: The City and the County governing bodies met June 1st to discuss how to improve the Joint Zoning agreement between the City and the County. At the conclusion of that meeting, the governing bodies asked staff to bring forward amendments to improve the process for rezoning and possible amendments to the LI: Light Industrial District.

The City and County Planning and Zoning Commissions met jointly to discuss possible amendments to the zoning ordinance on August 29th and November 28th. Possible changes to chapters 2, 6, 14, and 19 were discussed at those meetings.

Discussion: The Joint Jurisdictional Zoning Area (JJZA) was adopted by the County and the City in 2012. The ordinance was created with the intent to allow the County and the City to each have a say in existing and proposed land uses in an area that would directly impact the City's growth. The JJZA tries to maintain the rural characteristics of the surrounding area, while allowing for some light development. The ordinance's intent, based on the adopted comprehensive plan for the JJZA, is to direct development towards areas within City limits or areas that can be annexed by the City and serviced with municipal infrastructure.

The proposed amendments would make ALL meetings joint rather than both governing bodies meeting separately for the first reading of an ordinance and then jointly for the second reading of the ordinance. Additionally, the proposed amendment would require notification to affected property owners regarding ALL change of zone requests in the JJZA, including requests initiated by government agencies.

Compliance with Comprehensive Plan: The existing comprehensive plan for the JJZA encourages growth to occur within City limits or in areas that are easily annexed. Although the proposed amendments do not directly address these goals, it does take into consideration the adjoining property owners (residents inside or outside the City) by giving them a voice when development occurs adjacent to their property. This additional voice in the conversations may help the City and the County agree on uses that will affect the growth of the City.

Conclusion/Recommendations: The Commission is asked to take public comment and recommend to the City Council to either approve or deny the zoning amendment. City Staff recommends that the proposed amendment be approved.

PROPOSED ORDINANCE 1479

AN ORDINANCE AMENDING THE 2012 JOINT ZONING REGULATIONS FOR CLAY COUNTY AND THE CITY OF VERMILLION, CHAPTER 14 AMENDMENTS AND CHANGE OF ZONE; SECTION 14.03 HEARING BY PLANNING COMMISSIONS; AND SECTION 14.04 HEARING BY BOARD OF COUNTY COMMISSIONERS AND CITY COUNCIL.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that Chapter 14: Amendments and Change of Zone; Section 14.03 Hearing by Planning Commissions be amended to include language setting the notification requirements when a change of zone is initiated; and Section 14.04 Hearing by Board of County Commissioners and City Council be amended to include language making all public hearings to be conducted jointly between the City Council and the Board of County Commissioners. All other portions of Chapter 14: Amendments and Change of Zone will remain as they are. Following is the amendment:

14.03 Hearing by Planning Commissions

Upon the filing of an application for a request of zoning district classification change, the Clay County Zoning Administrator shall set a date for a public hearing, at which time and place the County and City Planning Commissions shall meet jointly to consider the zoning classification changes. Said public hearing shall comply with the provisions of SDCL Chapters 11-2, 11-4 and 11-6.

A. Signs. A sign(s) to be provided by the Clay County Zoning Administrator shall be posted on the property at least seven days prior to the scheduled hearing.

A-B. The applicant must notify adjoining property owners of record by registered or certified mail at least 10 days before the public hearing by the Planning Commissions. If the change of zone is initiated by either the City or the County the property owner(s) shall be notified in the same manner.

B-C. Recommendations from Planning Commissions. The County and City Planning Commissions shall, respectively, make a recommendation to the Board of County Commissioners and City Council on those applications for zoning district classification changes which have been considered and all other amendments to these regulations.

14.04 Hearing by Board of County Commissioners and City Council

The Board of County Commissioners and the City Council shall jointly conduct ~~a-all~~ public hearings for all readings of an ordinance to act on all applications which have been processed and forwarded to them for public hearings as provided in these regulations. The County Auditor shall cause to be published ~~a-all~~ notices of the time and place when and where all persons interested shall be given a full, fair, and complete hearing. Said public hearing shall comply with the provisions of SDCL Chapters 11-2, 11-4 and 11-6.

A. Supplementary Notice. Supplementary to the published notice, a sign(s) to be provided by

the Clay County Zoning Administrator shall be posted on the property at least seven days prior to the scheduled hearing.

- B. Hearing. Upon the day of ~~any such~~ public hearing, the Board of County Commissioners and the City Council shall review the decisions and recommendations of their respective Planning Commissions on all applications coming before them as provided in these regulations. At the final reading. The Board of County Commissioners and the City Council must each vote in favor of the proposed action before any changes or modifications are made in the regulations, restrictions, or zoning map.
- C. Reapplication. No application requesting a zoning district classification change on any property whose application includes any such property either entirely or substantially the same as that which has been denied by the Board of County Commissioners and City Council, shall again be considered by the Planning Commissions before the expiration of six months from the date of the final action of the Board of County Commissioners and City Council.

Dated at Vermillion, South Dakota this X day of Month, 2023.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
Jonathan D. Cole, Mayor

ATTEST:

BY _____
Katie E. Redden, Finance Officer

First Reading: To be determined
Second Reading: To be determined
Published: To be determined
Effective: To be determined