



## City of Vermillion Planning & Zoning Commission Agenda

5:30 p.m. Regular Meeting

Monday, April 10, 2023

Powell Conference Room

City Hall, 25 Center Street, Vermillion, SD 57069

1. **Roll Call**
2. **Minutes**
  - a. March 27, 2023
3. **Declaration of Conflict of Interests**
4. **Adoption of the Agenda**
5. **Visitors to Be Heard**
6. **Public Hearings**
7. **Old Business**
8. **New Business**
  - a. Discussion on Boundary for the Joint Jurisdictional Zoning Area to Give Direction to Committee Working with Clay County on Amendments to the JJZA Comprehensive Plan.
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 accommodation, 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, March 27, 2023 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 Powell Conference Room at City Hall on March 27, 2023 at 5:30 p.m.

1. Roll Call

City Planning and Zoning Commissioners Present: O'Kelley, Forseth, Fairholm, Steele, Tuve.

City Planning and Zoning Commissioners Absent: Merrigan, Heggestad, Wilson, Fitzgerald

City Staff present: José Domínguez, City Engineer; Kalin Bird, Building Official

2. Minutes

Moved by Commissioner Steele to adopt the February 27, 2023 meeting minutes as published, seconded by O'Kelley. Motion carried 5-0.

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 Steel. Motion carried 5-0.

5. Visitors to be Heard

Dominguez introduced the new Planning and Zoning Commission member, Dr. Matt Fairholm. Dominguez stated that Dr. Fairholm is replacing Commissioner Gestring since his departure from the Commission.

6. Joint Public Hearings

- a. Ordinance 1481 - Amending the 2012 Joint Zoning Regulations for Clay County and the City of Vermillion by Amending Chapter 2 Districts and Boundaries; Section 2.07 Classification of Land Coming Within the Joint Zoning Jurisdiction.

Dominguez stated that the County and the City had been working on several amendments to the JJZA zoning ordinance. These amendments had been discussed during informational meetings on August 29<sup>th</sup> and November 28<sup>th</sup>, 2022. The amendment being considered was discussed at those meetings. Dominguez further explained that the proposed amendment would create a table that specifies the zoning district a property enters when coming into the JJZA. This would only affect property that is directly affected when the JJZA's boundary is expanded. Dominguez recommended that the Commission recommend approval of ordinance 1481 as presented by Staff.

Forseth opened the floor to public comment.

Moved by O'Kelley to recommend the Council adopt ordinance 1481 as presented, seconded by Tuve. Motion carried 5-0.

- b. Ordinance 1482 - - Amending the 2012 Joint Zoning Regulations for Clay County and the City of Vermillion by Amending Chapter 6 Light Industrial District; Section 6.01 Permitted Uses; and Section 6.02 Conditional Uses.

Dominguez stated that the County and the City had been working on several amendments to the JJZA zoning ordinance. These amendments had been discussed during informational meetings on August 29<sup>th</sup> and November 28<sup>th</sup>, 2022. The amendment being considered was discussed at those meetings. Dominguez further explained that the proposed amendment would move uses that may be seen as offensive by adjoining residential uses from "permitted" to "conditional". Moving the uses into the conditional use category would require having a public hearing for the proposed use. This would allow the public to comment on the proposed use and, if necessary, for the Planning Commissions to place conditions on the proposed use. Dominguez also explained that only two uses are being recommended for removal. These are "Billboard Signs" and "Storage Facility". Dominguez stated that these two uses are covered in other parts of the Code. Dominguez recommended that the Commission recommend approval of ordinance 1482 as presented by Staff.

Forseth opened the floor to public comment.

County Commissioner Gilbertson expressed concern with the lack of criteria for the Commissions when considering conditional uses. Discussion followed.

Moved by Tuve to recommend the Council adopt ordinance 1482 as presented, seconded by Fairholm. Motion carried 5-0.

- c. Ordinance 1483 - Amending the 2012 Joint Zoning Regulations for Clay County and the City of Vermillion by Amending Chapter 19 Definitions; Section 19.02 Definitions.

Dominguez stated that the County and the City had been working on several amendments to the JJZA zoning ordinance. These amendments had been discussed during informational meetings on August 29<sup>th</sup> and November 28<sup>th</sup>, 2022. The amendment being considered was discussed at those meetings. Dominguez further explained that the proposed amendment would add definitions for uses found in the LI: Light Industrial district that are currently not defined. These are: frozen food locker, grain processing, lumberyard, mini-warehouse, and truck repair, sales, and service. Additionally, the definition for agriculture, concentrated animal feeding-operation, farm implement dealer, and storage facility are being modified to better describe their intent. Dominguez recommended that the Commission recommend approval of ordinance 1483 as presented by Staff.

Forseth opened the floor to public comment.

Commissioner Fairholm asked if the proposed definitions are similar to those used in the City. Dominguez responded that for the most part they were the same with the exception of the definition for "agriculture".

Fairholm recommended that the definitions used in the JJZA and the City be the same. Discussion followed.

Moved by Steele to recommend the Council adopt ordinance 1483 as presented, seconded by O'Kelley. Motion carried 5-0.

7. Joint New Business

None

8. Joint Old Business

None

9. City Public Hearings

None

10. City Old Business

- a. Election of Officers - Vice Chair.

Dominguez stated that due to the vacancy created by the departure of Commissioner Keith Gestring the Commission's Vice Chair position was now opened. Dominguez recommended that the Commission elect a Vice-Chair to fill the open position.

Forseth opened the floor to nominations.

O'Kelley nominated himself.

No other nominations were offered.

Forseth called for vote on the only nomination and received a 5-0 vote in favor of appointing Commissioner O'Kelley as the Vice Chair.

11. City New Business

None

12. Staff Report

Dominguez spoke about the following projects: Prentis and Cotton Park Shelters, Lions Park Renovations, Prentis Park Outfield Renovations.

13. Adjourn

Moved by O'Kelley to adjourn, seconded by Steele. Motion carried 5-0, Forseth declared the meeting adjourned at 5:54 p.m.

# *Planning & Zoning Commission Agenda Memo*

**From:** Jose Dominguez, City Engineer

**Meeting:** April 10, 2023

**Subject:** Discussion on Boundary for the Joint Jurisdictional Zoning Area to Give Direction to Committee Working with Clay County on Amendments to the JJZA Comprehensive Plan.

**Presenter:** Jose Dominguez

**Background:** On June 1, 2022, the City and County governing bodies met to discuss how to improve the Joint Zoning agreement between the City and County. Part of the discussion centered on possible amendments to the JJZA ordinance and on creating a small group to discuss possible changes to the JJZA Comprehensive Plan. The small group would consist of planning commission members, members of the governing bodies, and staff.

The City and County have already completed one of the four amendments to the zoning ordinance. The other three amendments will be considered by the governing bodies in May. Regarding the small group, the City and County have met six times since February 2023 to discuss the JJZA Comprehensive Plan.

**Discussion:** When discussing changes to the JJZA Comprehensive Plan one of the items that has been brought up several times is the boundary of the JJZA. This item has been discussed by the small group at three of the six meetings. At the last meeting held on March 30<sup>th</sup>, it was agreed that the City and County groups should discuss the items and bring recommendations on what the boundary should be. The recommendations would then be presented to the entire small group for discussion.

It is important to note that the current JJZA zoning ordinance states “In the event of an annexation, the joint City/County Planning Commissions and governing bodies shall reconsider the area encompassed in the joint jurisdictional area. The intent of this Section of the Chapter is that the joint City/County Planning Commissions and the governing bodies shall act to maintain an area of joint jurisdiction which would equal that which existed prior to the annexation.” Due to this statement, Staff believes that the boundary should change to reflect the annexed area. However, the ordinance is not specific about

the direction the boundary should grow and what annexations should be considered for the change of the boundary.

**Compliance with Comprehensive Plan:** Although not required by law, a comprehensive plan should be updated periodically. As a rule, comprehensive plans have a lifespan. The intention of having a lifespan for the comprehensive plan is that as time passes the area discussed in the document may experience enough change (e.g., social, economic, governing body policies, etc....) for the plan to be updated. A comprehensive plan essentially sets the goals, and expectations, of the governing entities for certain areas. As time passes, these goals and expectations may change, so the document would need to be updated to reflect these changes.

**Conclusion/Recommendations:** Staff recommends that the boundary affecting the JJZA be discussed and that the City's delegates to the small group be directed on what to do regarding the boundary.

It should be noted that this discussion is intended to give direction to the City's small group. The City's recommendation will be discussed with the entirety of the small group (e.g., the County) at which point both entities will agree on what the boundary should look like. This agreed upon boundary from the small group will still have to be discussed, in the future, by City and County's Planning Commissions and both of the governing bodies. The City cannot make a unilateral decision on the boundary and needs to discuss this with the County.