



City of Vermillion Planning & Zoning Commission Agenda

5:30 p.m. Regular Meeting

Monday, June 12, 2023

Powell Conference Room

City Hall, 25 Center Street, Vermillion, SD 57069

1. **Roll Call**
2. **Minutes**
 - a. May 22, 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. Final Plat Lot 8A and 8B, Block 7, Erickson Addition, City of Vermillion, Clay County, South Dakota.
 - b. 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, May 22, 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 Council Chambers at City Hall on May 22, 2023 at 5:30 p.m.

1. Roll Call

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

City Planning and Zoning Commissioners Absent: Merrigan, Steele, Wilson
City Staff present: José Domínguez, City Engineer; Kalin Bird, Building Official; Jack Baustian, Asst. to the City Manager

2. Minutes

Moved by Commissioner Tuve to adopt the May 8, 2023 meeting minutes as published, seconded by O'Kelley. Motion carried 6-0.

3. Declaration of Conflict of Interest

Forseth noted that he owns investment property in Vermillion.

4. Adoption of the Agenda

Moved by O'Kelley to adopt the agenda as published, seconded by Fitzgerald. Motion carried 6-0.

5. Visitors to be Heard

None

6. Joint Public Hearings

- a. Request for a Conditional Use Permit to construct an accessory structure on Lot 4, Block 3, Seiler's Second Addition in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 12, Township 92 North, Range 52 West of the 5th Prime Meridian, Clay County, South Dakota.

Dominguez stated that the County and the City had received a conditional use permit application on April 25, 2023 from the owner of the property, Mr. Tony Pick. The owner wants to construct an accessory structure on his property. The property is currently zoned RR: Rural Residential and accessory structures are allowed as a conditional use within this district. Dominguez explained that the JJZA regulations allow for the Commissions to award conditional uses after considering the criteria outlined in the ordinance. Dominguez recommended that the Commission grant the conditional use without any conditions.

Forseth opened the floor to public comment.

Mr. Tony Pick (1817 Creighton) stated that he wanted to build the structure to store large items that do not fit in his garage. Discussion followed.

Moved by Fitzgerald to grant the conditional use without any conditions, seconded by O'Kelley. Motion carried 6-0.

7. Joint New Business

None

8. Joint Old Business

None

9. City Public Hearings

- a. Request for a Conditional Use Permit to construct and operate a Fraternity on Lot 20, 21, and 22, Block 10, Bigelows University Addition, City of Vermillion, Clay County, South Dakota.

Dominguez presented to the Commission the agenda memo from the City's Planning and Zoning Commission packet. Dominguez explained that the conditional use application being considered is for the construction and operation of a fraternity at 327 North Pine Street. The Commission is allowed by ordinance to consider and review conditional use applications. Dominguez explained that as part of the review, the Commission needs to consider certain criteria set forth in section 155.095 of the Code of Ordinances. Dominguez recommended that the conditional use permit be granted with the condition that the property be replatted prior to occupancy being granted.

Forseth opened the floor to public comment.

Mr. Brandon Wilsey (8112 E. Roughlock, Sioux Falls) briefly outlined the project and answered questions regarding the proposed construction schedule. Discussion followed.

Moved by Heggstad to grant the conditional use with the condition that the property be replatted prior to occupancy being granted, seconded by O'Kelley. Motion carried 6-0.

10. City Old Business

None

11. City New Business

None

12. Staff Report

Dominguez spoke about the Slurry Seal project starting on May 23rd and finishing on May 26th.

13. Adjourn

Moved by Fitzgerald to adjourn, seconded by Fairholm. Motion carried 6-0, Forseth declared the meeting adjourned at 5:45 p.m.

Planning and Zoning Commission Agenda Memo

From: Jack Baustian, Assistant to the City Manager

Meeting: June 12, 2023

Subject: Final Plat of Lots 8A and 8B in Block 7 Erickson Addition to the City of Vermillion, Clay County, South Dakota

Presenter: Jack Baustian

Background: The Vermillion Chamber and Development Company (VCDC) has submitted a final plat for the property they own on Block 7 in the existing Erickson Addition. The area to be final platted consists of roughly 6.1 acres. The area is currently platted as Lot 8 and is located in the southwest corner of the intersection between Princeton and Bower Streets. The owner is re-platting this area into two lots (2.4 acres and 3.7 acres).

Discussion: Staff has reviewed the final plat and finds that it complies with most of the code provisions. The only item not meeting code provisions is that the applicant will be dedicating a utility easement along all property lines, except on the shared property line. Additionally, the applicant is also dedicating a drainage easement on the south end of Lot 8A.

Lot 8B currently houses one building with two businesses. The original plat for these lots included enough land for the expansion of this existing building, but after consideration, the VCDC has decided not to expand the building and offer the vacant area (the new Lot 8A) for future development.

Compliance with Comprehensive Plan: The comprehensive plan has several actions that address development within the community. There are many goals and objectives that may apply in this instance such as:

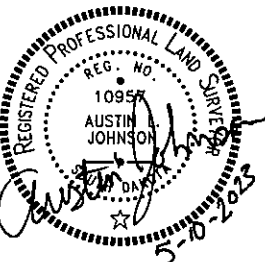
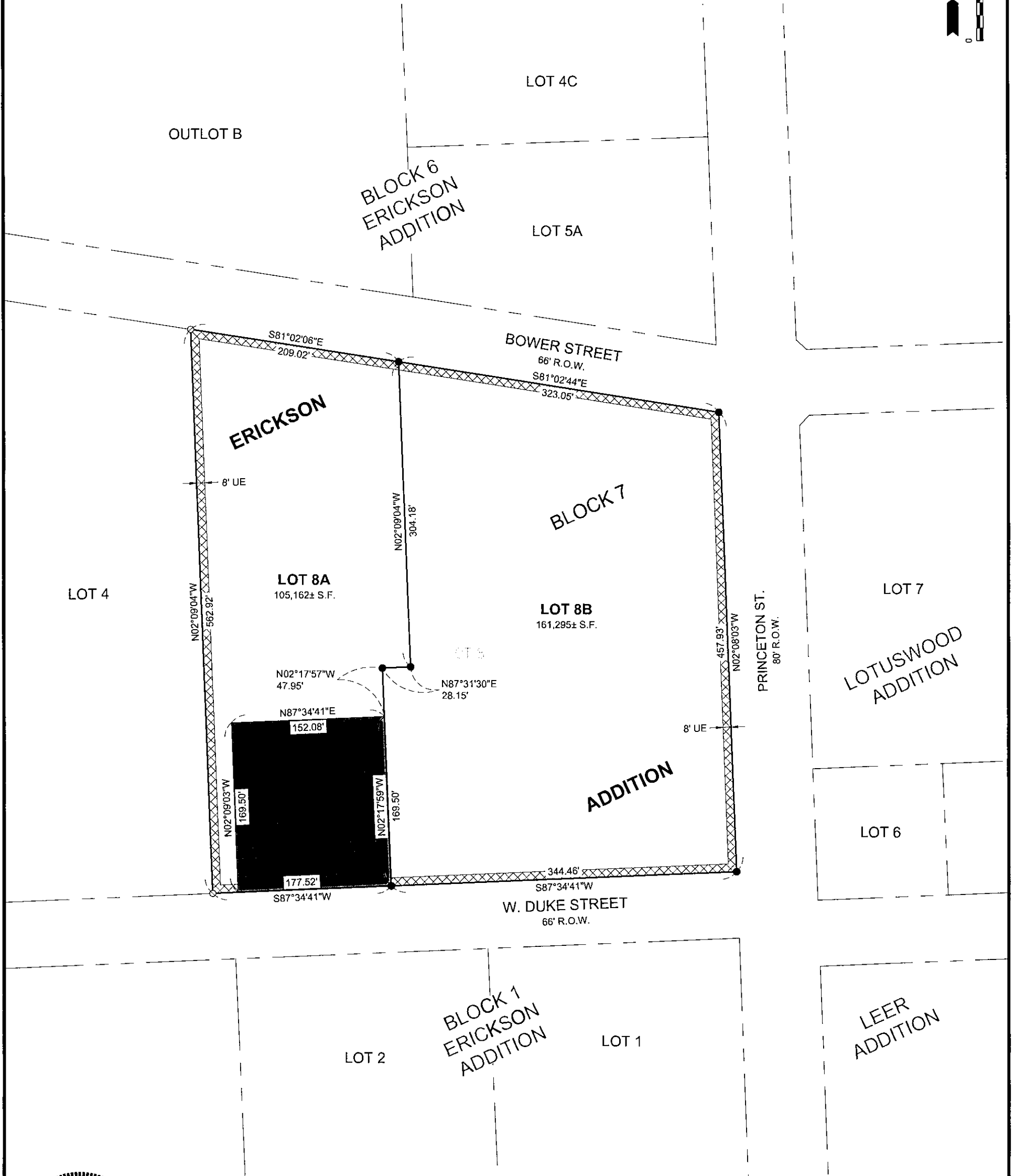
- Provide diverse employment opportunities for current and future Vermillion residents (pg. 15)
- Retain existing businesses and allow for expansion opportunities (pg. 15)

Conclusion/Recommendations: Staff finds that the final plat meets most of the ordinance requirements and recommends approval of the final plat. The plat will be considered by the City Council at their June 20th meeting.

PLAT OF
LOTS 8A & 8B IN BLOCK 7 OF ERICKSON ADDITION
AN ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA

VACATION NOTICE

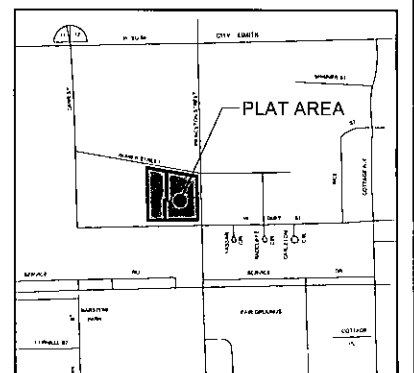
THIS PLAT WILL VACATE "LOT 8" AS SHOWN IN THE PLAT OF "LOT 8 OF BLOCK 7 OF ERICKSON ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA". FILED IN BOOK 8 ON PAGE 50 THEREOF.



PREPARED BY:
BANNER ASSOCIATES, INC.
10 AUSTIN ST. STE. 101,
VERMILLION, SD 57069
(605) 692-6342

LEGEND

- MONUMENT FOUND
- SET 5/8" REBAR W/CAP UNLESS NOTED
- DRAINAGE EASEMENT
- ▨ EXISTING 8' UTILITY EASEMENT



VICINITY MAP

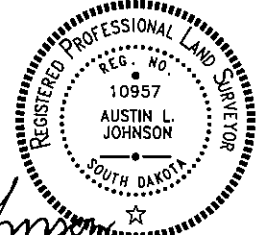
SURVEYOR'S CERTIFICATE

I, AUSTIN L. JOHNSON, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT I DID, ON OR BEFORE MARCH 2023, AT THE REQUEST OF THE OWNER(S) LISTED HEREON, SURVEY A PORTION OF THAT PARCEL OF LAND DESCRIBED AS LOT 8 OF BLOCK 7 OF ERICKSON ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA AND PLATTED THE SAME AS SHOWN ON THE ABOVE PLAT.

THE SAME SHALL HEREAFTER BE KNOWN AND DESCRIBED AS LOTS 8A & 8B IN BLOCK 7 OF ERICKSON ADDITION, AN ADDITION TO THE CITY OF VERMILLION, COUNTY, SOUTH DAKOTA.

I HAVE SURVEYED THE TRACT OF LAND SHOWN, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, SAID PLAT IS AN ACCURATE REPRESENTATION OF SAID SURVEY.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL THIS 10TH DAY OF MAY, 20 23.



Austin Johnson
AUSTIN L. JOHNSON PROFESSIONAL LAND SURVEYOR
REGISTRATION NO. 9924

OWNER'S CERTIFICATE

WE, VERMILLION CHAMBER AND DEVELOPMENT CORPORATION, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF A PORTION OF THE LAND INCLUDED IN THE ABOVE PLAT AND THAT THE PLAT HAS BEEN MADE AT MY REQUEST AND IN ACCORDANCE WITH MY INSTRUCTIONS FOR THE PURPOSES INDICATED HEREIN.

WE, VERMILLION CHAMBER AND DEVELOPMENT CORPORATION, CERTIFY THAT SAID PLAT WAS MADE AT OUR REQUEST AND DIRECTION FOR THE PURPOSE OF LOCATING, MARKING, AND PLATTING THE SAME, AND THAT SAID PROPERTY IS FREE OF ALL ENCUMBRANCES. WE ALSO CERTIFY THAT DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION, AND EROSION AND SEDIMENT CONTROL REGULATIONS. IT IS FURTHER PROVIDED THAT ANY STREETS, ROADS, ALLEYS, AND/OR OTHER EASEMENTS SHOWN ON THIS PLAT ARE HEREBY, OR HAVE BEEN PREVIOUSLY, DEDICATED FOR THE PURPOSE INDICATED THEREON.

WE, VERMILLION CHAMBER AND DEVELOPMENT CORPORATION, CERTIFY THAT THIS PLAT WILL NOT PLACE ANY EXISTING LOT OR BUILDING IN VIOLATION OF ANY APPLICABLE ORDINANCE, CODE, REGULATION, LAW INCLUDING BUT NOT LIMITED TO ZONING, BUILDING, SUBDIVISION, AND FLOOD PREVENTION.

PURSUANT TO SDCL 11-3-20.1, I FURTHER CERTIFY THAT THIS PLATTING OF SAID DESCRIBED LOTS 8A & 8B IN BLOCK 7 OF ERICKSON ADDITION, AN ADDITION TO THE CITY OF VERMILLION, COUNTY, SOUTH DAKOTA, DOES HEREBY VACATE THE FOLLOWING PLATTING:

"LOT 8" AS SHOWN IN THE PLAT OF LOT 8 OF BLOCK 7 OF ERICKSON ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA ON FILE AT THE REGISTER OF DEEDS OFFICE IN PLAT BOOK 8 PAGE 50, SAID PLAT OR PART THEREOF, HEREBY VACATED, BEING SITUATED WITHIN DESCRIBED LOTS 8A & 8B IN BLOCK 7 OF ERICKSON ADDITION, AN ADDITION TO THE CITY OF VERMILLION, COUNTY, SOUTH DAKOTA, AS SURVEYED.

IN WITNESS WHEREOF, I HAVE SET MY HAND THE 17th DAY OF May, 20 23.

Jim Peterson
JIM PETERSON, PRESIDENT AND C.E.O.
VERMILLION CHAMBER AND DEVELOPMENT CORPORATION

ACKNOWLEDGMENT OF OWNER

STATE OF SOUTH DAKOTA)
COUNTY OF Clay)SS

ON THIS DAY, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, WITHIN AND FOR THE STATE AND COUNTY AFORESAID, PERSONALLY APPEARED JIM PETERSON ACKNOWLEDGED THAT HE, AS OWNER, BEING AUTHORIZED SO TO DO, EXECUTED THE FOREGOING OWNER'S CERTIFICATE FOR THE PURPOSE THEREIN CONTAINED.

IN WITNESS MY HAND AND SEAL THIS 17 DAY OF May, 20 23.

Kittany Defong
NOTARY PUBLIC
MY COMMISSION EXPIRES May 11, 2024

VERMILLION CITY COUNCIL RESOLUTION

WHEREAS, IT APPEARS THAT THE OWNER(S) THEREOF HAS/HAVE CAUSED A PLAT TO BE MADE OF THE FOLLOWING DESCRIBED REAL PROPERTY: PLAT OF LOTS 8A & 8B IN BLOCK 7 OF ERICKSON ADDITION, AN ADDITION TO THE CITY OF VERMILLION, COUNTY, SOUTH DAKOTA.

BE IT RESOLVED, THAT THE ATTACHED AND FOREGOING PLAT HAS BEEN SUBMITTED TO AND A REPORT AND RECOMMENDATION HEREON, MADE BY THE VERMILLION PLANNING COMMISSION TO THE VERMILLION CITY COUNCIL AND HAS RECOMMENDED APPROVAL.

BE IT FURTHER RESOLVED, THAT THE ATTACHED AND FOREGOING PLAT HAS BEEN SUBMITTED TO THE GOVERNING BODY OF THE CITY OF VERMILLION, WHICH HAS EXAMINED THE SAME; THAT IT APPEARS THE SYSTEM OF STREETS AND ALLEYS SET FORTH THEREIN CONFORMS TO THE SYSTEM OF STREETS AND ALLEYS OF VERMILLION; THAT ALL TAXES AND SPECIAL ASSESSMENTS, IF ANY, UPON THE TRACT OR SUBDIVISION HAVE BEEN FULLY PAID; THAT SUCH PLAT AND SURVEY THEREOF HAVE BEEN EXECUTED ACCORDING TO LAW; THE SAME IS HEREBY ACCORDINGLY APPROVED. DATED THIS _____ DAY OF _____, 20 ____.

MAYOR, CITY OF VERMILLION, SOUTH DAKOTA

I, THE UNDERSIGNED FINANCE OFFICER OF THE CITY OF VERMILLION, DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE COPY OF THE RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF VERMILLION, SOUTH DAKOTA, ON THIS _____ DAY OF _____, 20 ____.

FINANCE OFFICER
CITY OF VERMILLION

COUNTY TREASURER CERTIFICATE

I, THE COUNTY TREASURER FOR CLAY COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY OF THE PROPERTY INCLUDED IN THE ABOVE PLAT, AS SHOWN BY THE RECORDS OF MY OFFICE, HAVE BEEN PAID IN FULL.

DATED THIS _____ day of _____, 20 ____.

TREASURER, CLAY COUNTY

DIRECTOR OF EQUALIZATION CERTIFICATE

I, THE DIRECTOR OF EQUALIZATION FOR CLAY COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT A COPY OF THE ABOVE PLAT HAS BEEN RECEIVED BY MY OFFICE.

DATED THIS _____ day of _____, 20 ____.

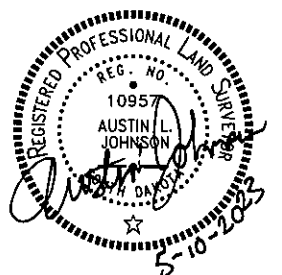
DIRECTOR OF EQUALIZATION, CLAY COUNTY

REGISTER OF DEEDS CERTIFICATE

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF _____)

FILED FOR RECORD THIS _____ DAY OF _____, 20____, AT _____ O'CLOCK _____, AND RECORDED IN BOOK _____ OF PLATS ON PAGE _____.

REGISTER OF DEEDS, CLAY COUNTY



Planning & Zoning Commission Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: June 12, 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 second reading for the other three amendments will be considered by the governing bodies on June 20th. Regarding the small group, the City and County have met six times since February 2023 to discuss the JJZA Comprehensive Plan.

The Commission met on April 4th and on May 8th and gave direction to the City's delegates working with the County on possible amendments to the JJZA Comprehensive Plan.

Discussion: The committee working on the possible changes to the JJZA Comprehensive Plan met on May 4th and discussed possible amendments to the boundary of the JJZA. At this meeting the group agreed on several shared goals and presented options for the JJZA boundary. The County's proposals reduced the boundary of the JJZA to something less than the current boundary, while the City's proposals looked to extend the boundary to the eastern County line.

The committee discussing the JJZA Comprehensive Plan met again on May 25th to continue the discussion regarding the boundary. After discussion it was agreed on a boundary that is like the existing boundary with the exception that the southern and western boundary were reduced. At the May 8th meeting the Commission directed the City's delegates not to

decrease the boundary to less than the existing one and that the boundary should be increased by the annexed areas. The discussed boundary at the meeting reduced the area from approximately 13,460-acres to 11,950-acres. Since the objectives of the Commission were not met, Staff is bringing the discussed boundary to see if this is acceptable or if additional conversations need to be had with the County's delegates. It should also be noted that besides Staff, the meeting was only attended by two out of the four City delegates.

As stated at a previous meeting, Staff believes that at the very least the boundary should be increased to reflect the annexed areas. The current JJZA zoning ordinance allows for the boundary to change when annexations occur. Part of the ordinance states, "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."

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 governing bodies. The City cannot make a unilateral decision on the boundary and needs to discuss this with the County.