



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

5:30 p.m. Regular Meeting

Monday, June 28, 2021

Powell Conference Room

City Hall, 25 Center Street, Vermillion, SD 57069

1. **Roll Call**
2. **Minutes**
 - a. May 17, 2021 Special Meeting, and June 15, 2021 Special Meeting
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 of Lots 1, 2 and 3 of AMS Industrial Park Addition, City of Vermillion, Clay County, South Dakota.
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, May 17, 2021 Special Planning and Zoning Commission Meeting

The special meeting of the Vermillion Planning and Zoning Commission was called to order in the Powell Conference Room at City Hall on May 17, 2021 at 5:00 p.m.

1. Roll Call

City Planning and Zoning Commissioners Present: Fairholm (in person), Fitzgerald (in person), Forseth (in person), Heggstad (5:01 p.m.) (in person), Tuve (in person), Wilson (in person), Iverson (in person).
City Planning and Zoning Commissioners Absent: Gestring, Mrozla
City Staff present: José Domínguez, City Engineer; James Purdy, Assistant City Manager

2. Minutes

a. May 10, 2021 City Planning and Zoning Commission Meeting.

Moved by Commissioner Fairholm to adopt the May 10, 2021 meeting minutes, seconded by Tuve. 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 Forseth to adopt the agenda as printed, seconded by Wilson. Motion carried 6-0.

5. Visitors to be Heard

None

6. Public Hearings

a. Ordinance 1434, Amending Title XV Land Usage to Add Chapter 158 Entitled Medical Cannabis Establishments to the City of Vermillion Code of Ordinances.

Dominguez explained that in November 2020 South Dakota voters approved an initiated measure allowing for medical marijuana within the state. The laws regulating this use would take effect in July 1, 2021. Dominguez stated that in order to comply with the new statute the City needs to have regulation to accommodate the new uses.

Dominguez stated that a draft of this ordinance was reviewed by the Commission at the May 10th meeting. At that meeting the Commission recommended removing the medical cannabis dispensaries from the NC-Neighborhood Commercial (NC) and CB-Central Business Districts (CB). Staff removed the use from the NC districts, but left in the CB district for further consideration after City Council discussions eluded to the fact that the use should be allowed in the CB district.

Additionally, Dominguez stated that Staff is proposing a similar approach as those used by the City to regulate alcohol use. That is, having zoning ordinances regulating the location of the use, and also having a permitting process that would regulate the actual use. The Commission only reviews the zoning portion. Dominguez further explained that the City Council would be considering the first reading of this ordinance at the Council meeting later in the day. Dominguez recommended that the Commission recommend the City Council adoption of the zoning amendment.

Iverson opened the floor for public comments.

Commissioner Fairholm expressed concerns with comparing dispensaries with pharmacies, and if dispensaries should be allowed in the CB district. Moved by Fairholm to recommend adoption of the ordinance with the removal of the CB-Central Business district from sections 158.07(A) and (B), seconded by Tuve. Motion carried 4-3.

7. Old Business

None

8. New Business

None

9. Staff Report

None

10. Adjourn

Moved by Forseth to adjourn, seconded by Fairholm. Motion carried 7-0, Iverson declared the meeting adjourned at 5:21 p.m.

Unapproved Minutes

Vermillion Planning and Zoning Commission

Tuesday, June 15, 2021 Special Planning and Zoning Commission Meeting

The special joint meeting of the Vermillion Planning and Zoning Commission was called to order with the Vermillion City Council and the Clay County Commissioners in the City Council Chambers at City Hall on June 15, 2021 at 9:30 p.m. The Clay County Zoning Commission met concurrently.

1. Roll Call

City Planning and Zoning Commissioners Present: Fitzgerald, Forseth, Heggestad, Tuve, Wilson, Iverson.

City Planning and Zoning Commissioners Absent: Fairholm, Gestring, Mrozla

City Staff present: John Prescott, City Manager; Mike Carlson, Finance Officer; Katie Redden, Accountant;

2. Minutes

a. No Previous Minutes were adopted.

3. Declaration of Conflict

Forseth noted that he owns commercial property in Vermillion.

4. Adoption of the Agenda

Moved by Forseth to adopt the agenda as printed, seconded by Wilson. Motion carried 6-0.

5. Visitors to be Heard

None

6. Public Hearings

None

7. Old Business

None

8. New Business

a. First Reading of Ordinance 1437- A Temporary Ordinance Regarding the Issuance of Local Medical Cannabis Establishment Permits and/or Licenses in the Joint Jurisdictional Zoning Area.

Drew Gunderson, Clay County Zoning Administrator, presented the Agenda Memo from the City Planning and Zoning Commission packet on the First reading of Ordinance 1437- Medical Cannabis regulations in the Joint Jurisdictional Zoning area. Gunderson shared that the ordinance would pause the Joint Jurisdictional Zoning Area from enacting regulations until the state has promulgated their rules.

Gunderson recommended that the Planning and Zoning Commission approve the first reading of Ordinance 1437.

Moved by Forseth to approve the first reading of Ordinance 1437 as presented, seconded by Wilson. Motion carried 6-0.

9. Staff Report

None

10. Adjourn

Moved by Tuve to adjourn, seconded by Wilson. Motion carried 6-0, Iverson declared the meeting adjourned at 9:38 a.m.

Planning & Zoning Commission Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: June 28, 2021

Subject: Final Plat of Lots 1, 2 and 3 of AMS Industrial Park Addition, City of Vermillion, Clay County, South Dakota.

Presenter: Jose Dominguez

Background: On June 22, 2021 Banner Associates submitted a final plat on behalf of the owner, AMS Building Systems, LLC (AMS). The area to be platted in is roughly 53.2-acres in size, and it will be divided into three lots. The lots will vary in size from 24 to 12.3-acres. The area is bordered by farm fields on the west and north, a homestead on the east, and two small industrial developments on the south side.

The Commission approved the preliminary plat for this area at the May 10, 2021 meeting. There have been no substantial changes between the preliminary and final plats.

Discussion: The area being final platted is intended to function as an industrial park. The proposed lot sizes will accommodate future industrial development. The area being final platted was annexed into the City on May 26, 2021. When property is annexed it is automatically placed in the NRC-Natural Resource Conservation District. This is the strictest zoning district within the City. Currently, the City is working with the developer to rezone Lot 3 into the HI-Heavy Industry District, which is similar to the surrounding land within City limits. The remaining lots will stay in the NRC zoning district until the developer is sure of the proposed uses.

Staff reviewed the final plat and finds that it complies with code provisions; all of the lots have sufficient frontage, are sized to accommodate industrial development, necessary street right-of-way is being dedicated, and the utilities easements are also being created.

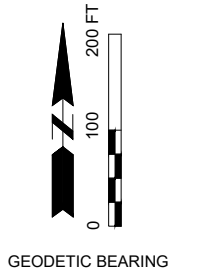
The City has started the planning process for improvements on 317th Street from Norbeck Street to Jefferson Street and on Jefferson Street from SD Hwy. 50 to the north edge of the preliminary plat. Additionally, the development will require that the City

install a new sanitary sewer lift station to serve this development and future developments in the area. In conjunction with the sewer lift station, the City will also be installing water and sanitary sewer mains to serve the area.

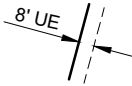
Compliance with Comprehensive Plan: The Comprehensive Plan encourages investment in the community. In particular, it has as goals to: provide diverse employment opportunities, retain existing businesses and allow for expansion opportunities, establish an infrastructure system that facilitates future development, and direct new growth into designated future growth areas.

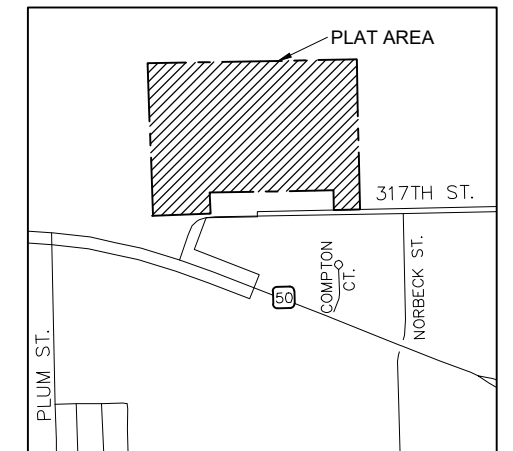
Conclusion/Recommendations: Staff recommends that the Commission recommends the City Council approve the final plat.

PLAT OF LOTS 1, 2 AND 3 OF AMS INDUSTRIAL PARK ADDITION AN ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA

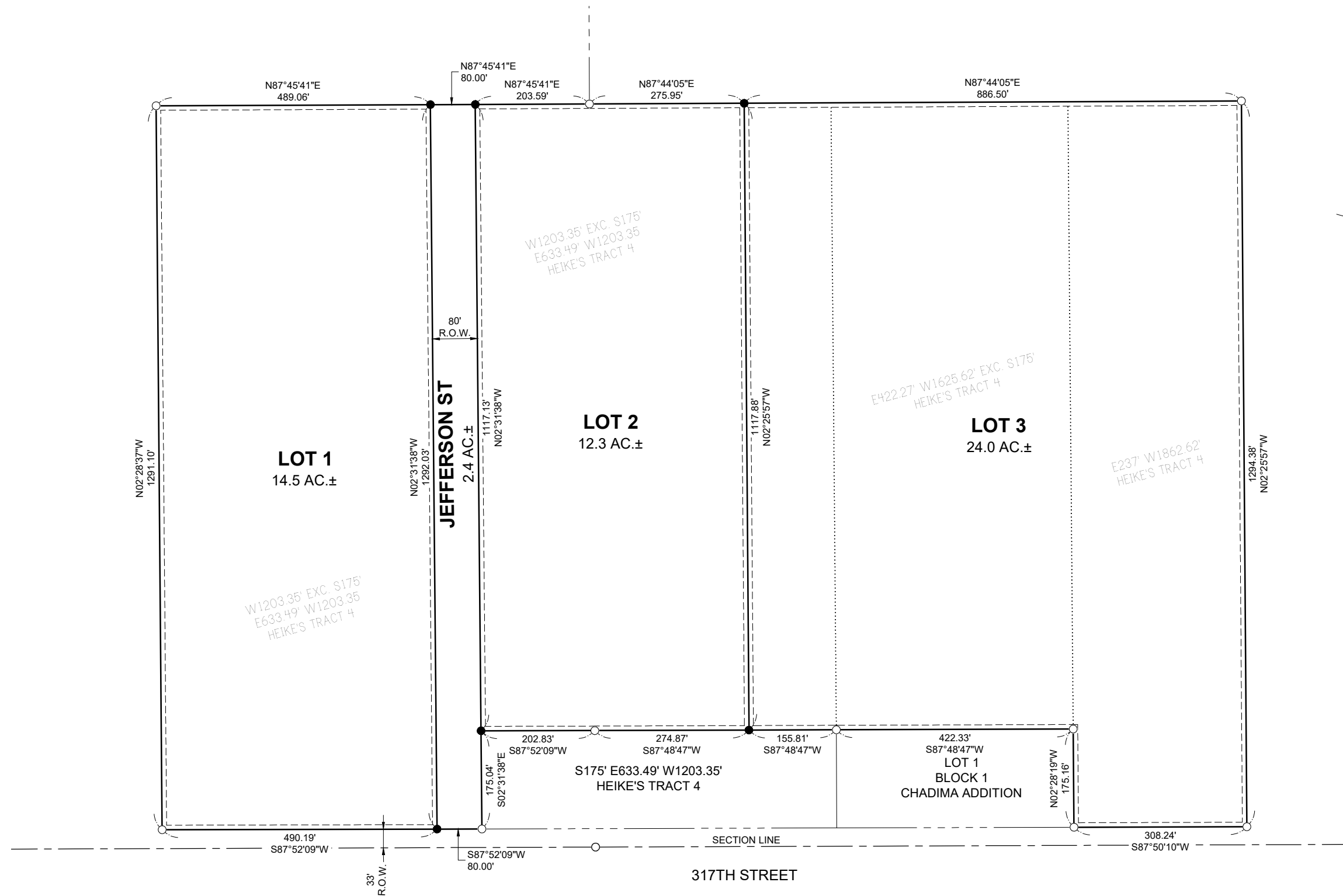


LEGEND

- MONUMENT SET THIS SURVEY
(5/8" REBAR WITH STAMPED PLASTIC CAP)
- MONUMENT FOUND
-  8' UE
UTILITY EASEMENT
(8' FROM PROPERTY UNLESS SPECIFIED OTHERWISE)



VICINITY MAP



PREPARED BY:
 BANNER ASSOCIATES, INC.
 VERMILLION, SOUTH DAKOTA
 TEL. (TOLL FREE): 1-855-323-6342
 JUNE 2021

SURVEYOR'S CERTIFICATE

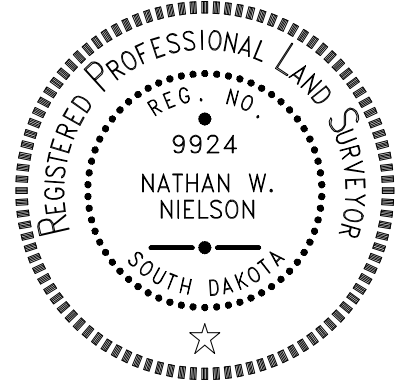
23524-00

I, Nathan W. Nielson, a Professional Land Surveyor in the State of South Dakota, do hereby certify that I did, on or before June 16, 2021, at the request of the owner(s) listed hereon, survey a portion of that parcels of land described as the WEST 1203.35', EXCEPT THE SOUTH 175' OF THE EAST 633.49' OF THE WEST 1203.35 OF HEIKE'S TRACT 4; THE EAST 422.27' OF THE WEST 1625.62', EXCEPT THE SOUTH 175' OF HEIKE'S TRACT 4; AND THE EAST 237' OF THE WEST 1862.62' OF HEIKE'S TRACT 4; ALL IN SECTION 7-T92N-R51W OF THE 5TH P.M., CLAY COUNTY, SOUTH DAKOTA, and platted the same as shown on the above plat.

The same shall hereafter be known and described as **LOTS 1, 2 AND 3 OF AMS INDUSTRIAL PARK ADDITION, AN ADDITION TO THE CITY OF VERMILLION, CLAY 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 set my hand and seal the _____ DAY OF _____, 20 _____.



Nathan W. Nielson
Professional Land Surveyor
Registration No. 9924

Banner Associates, Inc.
14 W. Main St. Suite A
Vermillion, South Dakota 57069
Telephone 1-855-323-6342

CERTIFICATE OF OWNER

We, **AMS BUILDING SYSTEMS, LLC.**, 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, **AMS BUILDING SYSTEMS, LLC.**, 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, **AMS BUILDING SYSTEMS, LLC.**, 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.

IN WITNESS WHEREOF, I have set my hand the _____ DAY OF _____, 20 _____.

RANDY SIBSON, PRESIDENT
AMS BUILDING SYSTEMS, LLC.

STATE OF _____ }
COUNTY OF _____ } SS

On the _____ day of _____, 20____, before the undersigned officer, personally appeared **RANDY SIBSON, PRESIDENT OF AMS BUILDING SYSTEMS, LLC.**, known to me or satisfactorily proven to be the person(s) whose name are subscribed to the within instrument and acknowledged that he/she executed the same for the purposes therein contained.

IN WITNESS WHEREOF I have hereunto set my hand and official seal this _____ day of _____, 20 _____.

Notary Public My Commission Expires

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 1, 2 AND 3 OF AMS INDUSTRIAL PARK ADDITION, AN ADDITION TO THE CITY OF VERMILLION, CLAY 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

CERTIFICATE OF COUNTY TREASURER

The undersigned, County Treasurer of Clay County, South Dakota, hereby certifies that all taxes that are liens upon the land included in the above plat, as shown by the records of this office, have been fully paid. Dated this _____ day of _____, 20 ____.

Treasurer, Clay County, South Dakota

CERTIFICATE OF DIRECTOR OF EQUALIZATION

The undersigned, Director or Equalization of Clay County, South Dakota, hereby certifies that I have received a copy of the foregoing plat. Dated this _____ day of _____, 20 ____.

Director of Equalization, Clay County, South Dakota

CERTIFICATE OF REGISTER OF DEEDS

Filed for record this _____ day of _____, 20____, _____ o'clock ____ M, and recorded in Book _____ of Plats, on page _____.

Register of Deeds, Clay County, SD