



City of Vermillion Council Agenda

5:00 p.m. Joint Meeting with
Clay County Commission
Tuesday, July 5, 2022
City Council Chambers
25 Center Street

1. Roll Call

2. Adoption of the Agenda

3. Visitors to be Heard

4. Public Hearings

- a. Second Reading of Ordinance 1465 to Rezone Lot 1 (Except Terminal Grain Tract 1 of said Lot 1), and Lots 2, 3, & 4 of Alber's Subdivision, being an official replat of Lot 2 of Lot A in the SW ¼ NW ¼, and Lot 2 of Lot A in the NW ¼ SW ¼); and Terminal Grain Track 1 of previously platted Lot 1 of Alber's Subdivision; and Terminal Grain Track 2 of previously platted Lot A in the N ½ NW ¼, all in 14-92-52, West of the 5th P.M., Clay County, South Dakota, from the A-1: Agricultural District to the LI: Light Industrial District

5. Adjourn

Access the City Council Agenda on the web – www.vermillion.us

Addressing the Council: Persons addressing the Council shall use the microphone at the podium. Please raise your hand to be recognized, go to the podium, and state your name and address.

a. Items Not on the Agenda Members of the public may speak under Visitors to Be Heard on any topic NOT on the agenda. Remarks are limited to 5 minutes and no decision will be made at this time.

b. Agenda Items: Public testimony will be taken at the beginning of each agenda item, after the subject has been announced by the Mayor and explained by staff. Any citizen who wishes may speak one time for 5 minutes on each agenda item. Public testimony will then be closed and the topic will be given to the governing body for possible action. At this point, only City Council members and staff may discuss the current agenda item unless a Council member moves to allow another person to speak and there is unanimous consent from the Council. Questions from Council members, however, may be directed to staff or a member of the public through the presiding officer at any time.

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 need 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.

Council Meetings: City Council regular meetings are held the first and third Monday of each month at 7:00 p.m. If a meeting falls on a City holiday, the meeting will be scheduled for the following Tuesday. The City Council typically has a Special Meeting on the first and third Monday of each month at Noon.

Live Broadcasts of Council Meetings on Cable Channel: Regular City Council meetings are broadcast live on Cable Channel 3

Vermillion City Council's Values and Vision

This community values its people, its services, its vitality and growth, and its quality of life and sees itself reinforcing and promoting these ideals to a consistently increasing populace.

Council Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: July 5, 2022

Subject: Second Reading of Ordinance 1465 to Rezone Lot 1 (Except Terminal Grain Tract 1 of said Lot 1), and Lots 2, 3, & 4 of Alber's Subdivision, being an official replat of Lot 2 of Lot A in the SW ¼ NW ¼, and Lot 2 of Lot A in the NW ¼ SW ¼); and Terminal Grain Track 1 of previously platted Lot 1 of Alber's Subdivision; and Terminal Grain Track 2 of previously platted Lot A in the N ½ NW ¼, all in 14-92-52, West of the 5th P.M., Clay County, South Dakota, from the A-1: Agricultural District to the LI: Light Industrial District

Presenter: Jose Dominguez

Background: The County received a petition to rezone approximately 43.1 acres east of the Vermillion River between the SD Hwy. 50 Bypass and West Cherry Street. The applicant is requesting that the land be rezoned from the A-1: Agricultural District to LI: Light Industrial District. The applicant states that the intent of the rezoning request is to continue using the property as he has with the existing grain elevator and rail spurs.

The applicant previously requested that the area be rezoned from A-1: Agricultural District to the HI: Heavy Industrial district. After the joint Planning and Zoning Commission meeting, and the first reading of the ordinance by each individual governing body, the applicant removed the request from further consideration. Since the applicant removed the item and no official decision was made, the applicant is allowed to reapply to rezone his property.

Discussion: The original ordinance for 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 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 that was adopted

by the County and the City, is to direct development towards areas within City limits or areas that can be annexed by the City and serviced with municipal infrastructure.

Prior to the JJZA, the City exercised extraterritorial zoning outside of the City limits. As such, parts of the area being considered today were zoned in the Light Industrial zoning district. This district allowed agricultural uses and light manufacturing uses.

The applicant is trying to resolve three issues. First, the existing use as a “grain elevator” is not specifically listed in the current A-1: Agricultural district; second, the existing A-1: Agricultural zoning does not allow as many possible uses as the previous extraterritorial zoning of Light Industrial; and third, the applicant would like the areas zoned industrial prior to 2012 to be rezoned to an industrial district.

Staff has the following observations that the City Council should consider when making their decision:

1. In 1989, the owners at the time requested that Lots 1 and 2 of Alber’s Subdivision and all the NW ¼ NW ¼ except the East 490.3-feet of 14-92-52 be rezoned from agriculture to industrial district. After much discussion between the applicant, adjacent property owners, the City, and the County, it was agreed that the east portion of Lots 1 and 2 would remain in the agriculture district and not be rezoned industrial. The governing bodies agreed with the concerns of adjacent residential owners about the possibility of “future industrial type buildings.”
2. Current access to SD Hwy. 50 for Terminal Grain Tract 2 is through an easement leading to Over Drive. This easement is between two private entities and the City has no control over the use of the easement. However, the City does have control over access to Over Drive.
3. The area east of Terminal Grain Tract 2 has changed from farm fields to residential uses.
4. The area being considered for rezoning is described in the JJZA comprehensive plan for either commercial or residential use and not for industrial use.

The current rezoning request was considered at a joint meeting of the City and County Planning and Zoning Commissions on April 25, 2022. At that time, the City’s Planning and Zoning Commission voted 5-2 in favor of rezoning the area as requested by the applicant. At this meeting, the neighbors that spoke were concerned with the possible negative effects on their property if the area was rezoned to light industrial and the possible use of the easement for business related traffic associated with light industrial use. It should

be noted that the neighbors that spoke were not opposed to the current use of the property, but rather with the unknowns associated with future possible uses if the area is zoned light industrial.

The City Council held the first reading of the ordinance on May 6th. After considering public comments and three motions, the Council moved that the request be amended to only rezone Lot 1 (Except Terminal Grain Tract 1 of said Lot 1), and Lots 2, 3, & 4 of Alber's Subdivision, being an official replat of Lot 2 of Lot A in the SW ¼ NW ¼, and Lot 2 of Lot A in the NW ¼ SW ¼); and Terminal Grain Track 1 of previously platted Lot 1 of Alber's Subdivision; all in 14-92-52, West of the 5th P.M., Clay County, South Dakota. This motion was approved by a vote of 4-3. This would allow for the rezoning of most of the area with buildings and infrastructure. The remaining portion could be rezoned later depending on the proposed use.

The Clay County Board of Commissioners considered this item at their May 31st meeting. At that time, the Board of Commissioners moved that the rezoning be considered at the second reading.

Financial Consideration: Due to the fact that the County is the administrator of the zoning ordinance within the JJZA, they collected the rezoning application fee.

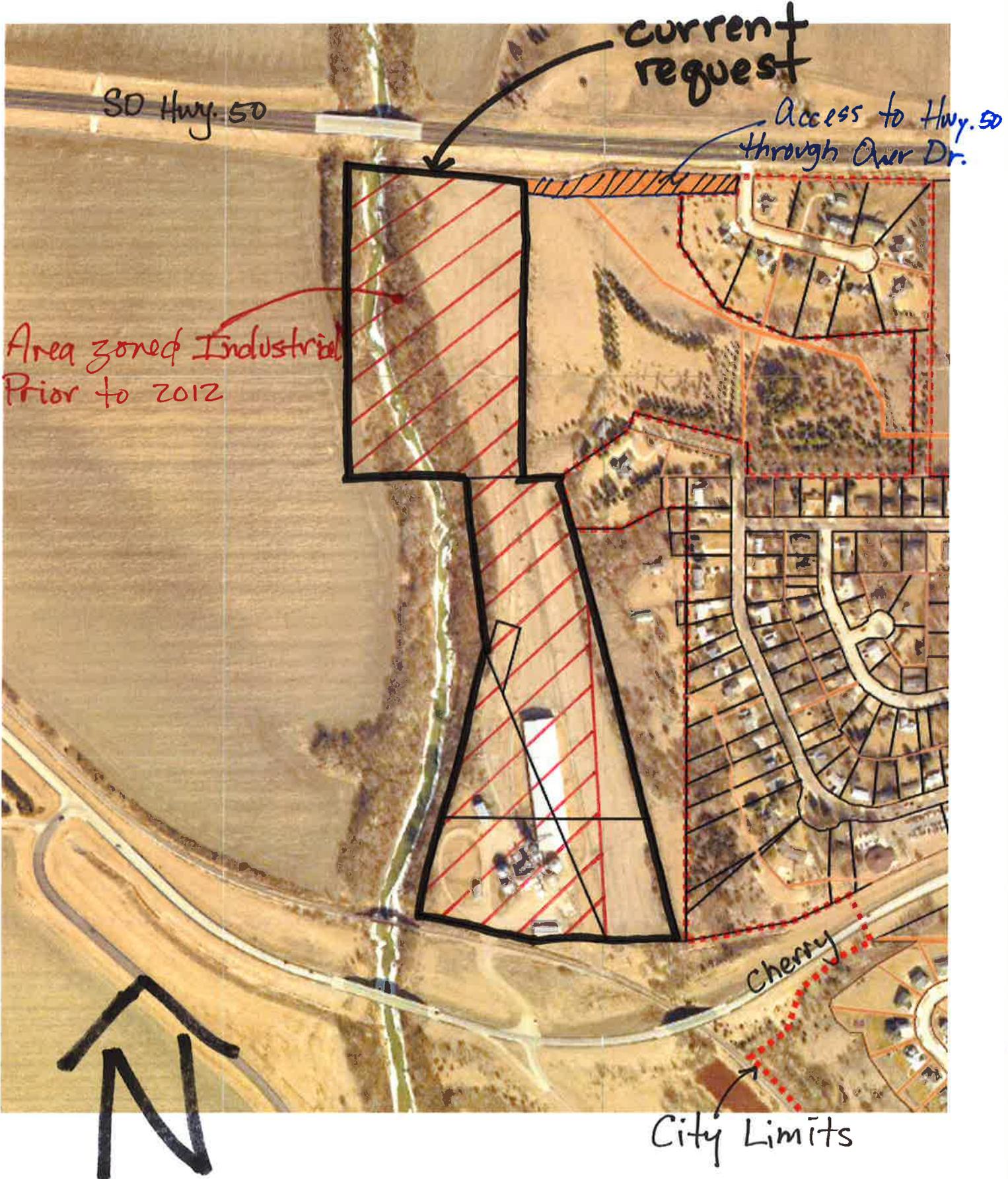
Conclusion/Recommendations: The City Council is asked to take public comment and consider the second reading of the zone change petition.

The process for adoption of the amendments requires that they be considered at a joint public hearing with the County and City Planning and Zoning Commissions. As noted, this step has been completed for this item. Following the joint public hearing, the respective recommendations are taken to the individual governing bodies. Due to this being an ordinance amendment, the governing bodies will conduct two meetings or readings to consider the ordinance. The first reading of the ordinance is conducted separately, and the second reading is a joint meeting of the two governing bodies. For the ordinance to be adopted, both bodies need to agree and vote on an identical motion independently.

Since the results of the first readings differ between the City and County there are four different paths possible:

1. If the City's ordinance is amended to agree with the County's ordinance, an additional joint meeting will need to occur. This is due to fact that the City's ordinance would change significantly between the two readings. Except for minor unsubstantial changes, any significant changes require an additional meeting. This additional meeting could happen after 5-days of this meeting. Depending on quorum, the meeting could happen as soon as next week.

2. If the County amends their ordinance to agree with the City's ordinance, no additional meeting is required, and the item could be approved at tonight's meeting.
3. If neither of the Governing Bodies act to amend their ordinance, the item could be tabled to a different date to allow for additional discussion.
4. If neither of the Governing Bodies act to amend their ordinance, the item could be denied by identical independent motions.



current request

SD Hwy. 50

Access to Hwy. 50 through Over Dr.

Area zoned Industrial Prior to 2012

Cherry

City Limits



Clay County Joint Jurisdiction Rezoning Petition

File Number	22-028
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Application Fee - \$175

Applicant is: Owner Agent/Contractor

Section 1: Applicant/Owner/Contact Information			
	Applicant	Owner	Contractor
Name	Myron, Kevin	Ag Opportunities Inc	
Address	1919 W Cherry St Vermillion SD 57069	PO Box 473 Vermillion, SD 57069	
Phone			
E-mail			

Section 2: Property Information	
Street Address	1919 W Cherry St Vermillion, SD 57069
Legal Description	See Below
Parcel ID	11700-09252-140-00, 11700-09252-143-03, 11700-09252-140-02, 11000-09252-142-07

Section 3: Zoning District/Land Use of Adjacent Property			
A-1 Agricultural	North	A-1 Agricultural	East
NA	South	LI Light Industrial	West

Section 4: Reason for Rezoning Petition
Rezoned to LI: Light Industrial District for a Grain Terminal/Grain Processing facility.

Note for ZA: Add page numbering and/or list of exhibits to application to tie all documents together.

Clay County Joint Jurisdiction Rezoning Petition

Section 4: Continued

Legal Description:

Lot 1(Except Terminal Grain Tract 1 of said Lot 1), and Lots 2, 3, &4 of Alber's Subdivision, being an official replat of Lot 2 of Lot A in the Southwest Quarter of the Northwest Quarter (SW1/4NW1/4), and Lot 2 of Lot A in the Northwest Quarter of the Southwest Quarter (NW1/4SW1/4); Terminal Grain Tract 1 of previously platted Lot 1 of Alber's Subdivision; and Terminal Grain Tract 2 of previously platted Lot A in the North Half of the Northwest Quarter (N1/2NW1/4), all in section Fourteen (14), Township Ninety-Two (92) North, Range Fifty-Two (52), West of the 5th P.M., Clay County, South Dakota, according to the recorded plat thereof, subject to reservations, restrictions and easements of record, if any.

As taken from Deed 72-566, 06/04/2003

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.

I, the undersigned, do hereby affirm: the above statements are true and correct and agree to comply with the provisions of the regulations of Joint Jurisdiction Clay County.

Applicant's Signature

[Handwritten Signature]
Ag Opp Sec/Treas

Date

3/29/22

Note for ZA: Add page numbering and/or list of exhibits to application to tie all documents together.

CLAY COUNTY
211 W MAIN SUITE 201
VERMILLION SD 57069

OFFICIAL RECEIPT#

68673

DATE: 3/29/22
RECEIVED FROM: AG OPPORTUNITIES
CHECK#: 37653

KEYED BY: BY
DELIVERED BY: DREW

---FOR---

PETITION TO CHANGE ZONING ORD
FILE # 22028
JT JURISDICTION REZONING PETIT

GL#
10100R3461200

AMOUNT
175.00

RIVER

STREET

I-1

* 730

730

I-1

VERMILLION

R-1

B-1

R-2

I-0

766

R-2

I-0

883

CORNELL

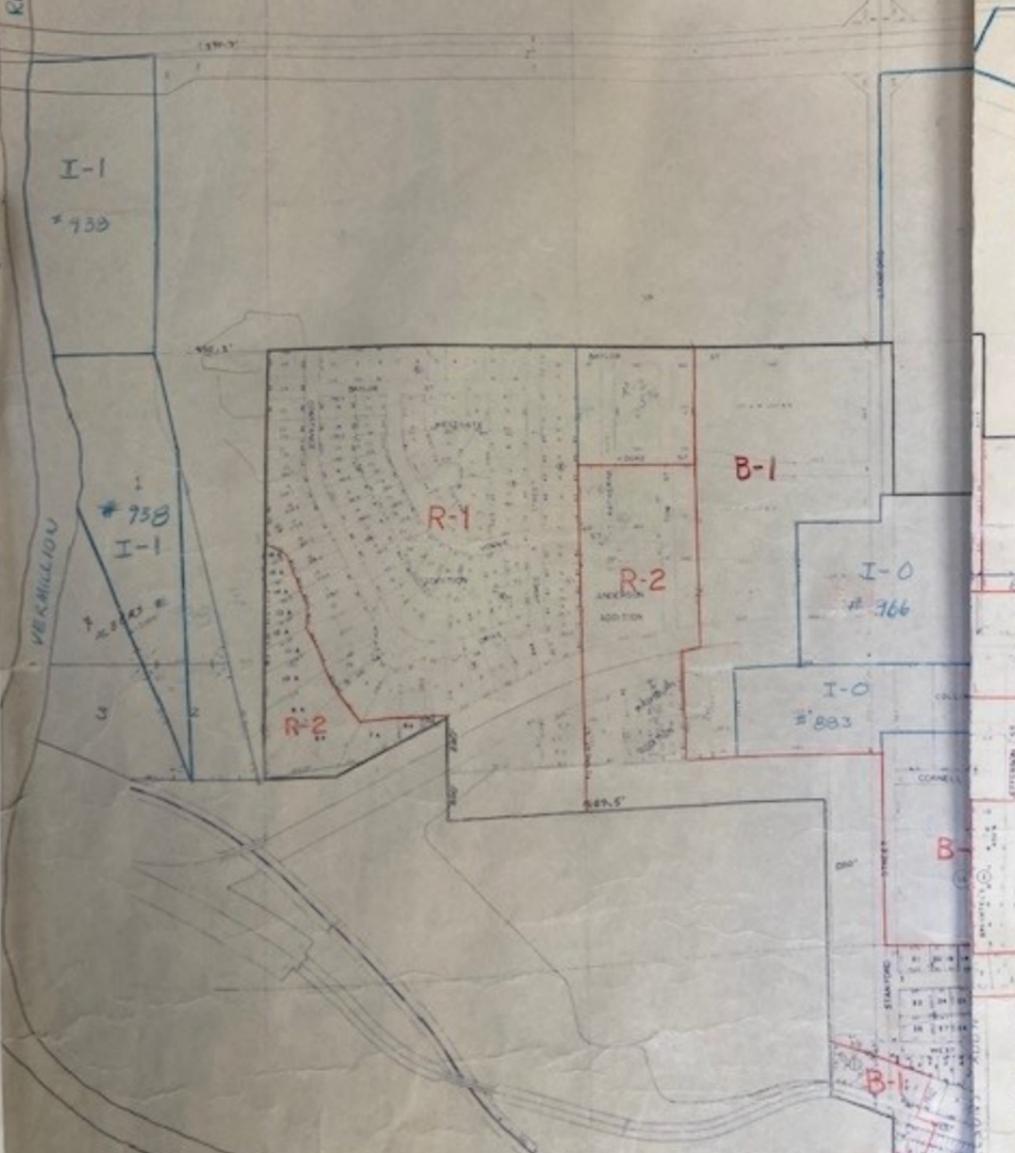
B

STANTON

B

ATFORD

ATFORD



ORDINANCE 1465

AMENDING APPENDIX A, 2012 JOINT ZONING REGULATIONS FOR CLAY COUNTY AND THE CITY OF VERMILLION, CHAPTER 2, SECTION 2.03(A) ZONING MAP, BY REMOVING CERTAIN REAL PROPERTY FROM THE A-1 AGRICULTURAL DISTRICT AND INCLUDING IT IN THE LI LIGHT INDUSTRIAL DISTRICT

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that Section 2.03(A) is hereby amended as follows:

That Lot 1 (Except Terminal Grain Tract 1 of said Lot 1), and Lots 2, 3, & 4 of Alber's Subdivision, being an official replat of Lot 2 of Lot A in the SW ¼ NW ¼, and Lot 2 of Lot A in the NW ¼ SW ¼); and Terminal Grain Track 1 of previously platted Lot 1 of Alber's Subdivision; all in 14-92-52, West of the 5th P.M., Clay County, South Dakota, is removed from the A-1 Agricultural District and is included in the LI Light Industrial District, and that the official zoning map referred to in Section 2.03(A) of the 2012 Joint Zoning Regulations for Clay County and the City of Vermillion, is amended to include such land in such zone.

Dated at Vermillion, South Dakota this 5th day of July, 2022.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
Kelsey Collier-Wise, Mayor

ATTEST:

BY _____
Katie E. Redden, Finance Officer

First Reading: May 6, 2022
Second Reading: July 5, 2022
Published: July 15, 2022
Effective: August 4, 2022