

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.