

Unapproved Minutes  
Vermillion Planning Commission  
Monday, April 8, 2019 Special Joint Planning Commission Meeting with  
Clay County

The special joint meeting of the Vermillion Planning Commission and Clay County Planning Commission was called to order in the City Council Chambers at City Hall on April 8, 2019 at 5:30 p.m.

1. Roll Call

Present: Fairholm, Kleeman (left at 6:45), Gestring, Manning, Muenster, Wilson (left at 6:36), Iverson.

Absent: Forseth, Tuve.

Staff present: José Domínguez, City Engineer; James Purdy, Assistant City Manager

Others present: Cynthia Aiden, Clay County Zoning Administrator; Clay County Planning Commissioners: Bottolfson; Hubert; Mockler; Gilbertson.

2. Minutes

a. March 25, 2019 Regular Meeting.

Moved by Commissioner Gestring to adopt March 25, 2019 regular meeting minutes as printed, seconded by Commissioner Wilson. Motion carried 7-0.

3. Declaration of Conflict of Interest

Commissioner Muenster noted that he owns investment property.

4. Adoption of the Agenda

Moved by Commissioner Kleeman to adopt the agenda as printed, seconded by Commissioner Muenster. Motion carried 7-0.

5. Visitors to be Heard

None.

6. Public Hearing

a. A request for a Conditional Use Permit (CUP) for a single-family dwelling for Bret & Kim Johnson for property located at 210 Broken Spur, Vermillion, which is described as Tract D of Ranchette #1 E Ranch Estates, Section 20, Fairview Township, Clay County, South Dakota.

Cynthia Aiden, Clay County Zoning Administrator, reported that Mr. Bret Johnson filed an application for a CUP for the construction of a single-family dwelling to be located in an area zoned A-1 Agricultural District on March 19, 2019 and all applicable fees were paid on March 20, 2019. She noted the following criteria the commissioners are required to consider when making their decision:

- IMPACT ON ADJACENT PROPERTY: The proposed residential use is consistent with other properties within the district.

- CONSISTENCY WITH GENERAL CHARACTER OF NEIGHBORHOOD: The proposed single-family dwelling is consistent with other properties within the neighborhood.
- AFFECTS OF NOISE, ODOR, TRAFFIC, POLLUTION etc...: None anticipated.
- ADVERSELY AFFECT PUBLIC: None.
- VISIBILITY AT INTERSECTIONS AND DRIVEWAYS: Applicant will comply with all setback requirements.
- OFF-STREET PARKING: N/A
- ON-PREMISE SIGNS: N/A

Mrs. Aiden noted that following review of the application, Staff recommend approval of the CUP.

Commissioner Iverson opened the floor for public comment. None.

Moved by Commissioner Forseth to approve the Conditional Use Permit for a single-family dwelling for Bret & Kim Johnson for property located at 210 Broken Spur, Vermillion, which is described as Tract D of Ranchette #1 E Ranch Estates, Section 20, Fairview Township, Clay County, South Dakota). Seconded by Commissioner Wilson. Motion passed 7-0.

Clay County Planning Commission voted unanimously to approve the CUP for 210 Broken Spur, Vermillion.

b. A proposal to rezone certain areas from A1: Agriculture to RR: Rural Residential. The properties proposed for rezoning are located in Fairview Township, Sections 15, 20 and 21.

Mrs. Aiden explained that the proposed rezone is the second half of the rezone process that began in Fall 2018. At that time, Rolling Hills Estates, Seilers Subdivision and old bridge and Deer Run Road areas were considered. The current proposed rezones include parcels within the Chaussee Subdivision, Valley View Court, Fairview Estates, Ranch Estates, and other properties as requested. All properties proposed have already been platted as part of subdivisions. In some areas farming is occurring, however, the majority of the uses within the proposed rezones are residential in nature. The farming will not be affected by the proposed rezone. The intent of the rezone is to eliminate the necessity of the CUP process for new single-family dwellings in an area that is clearly residential. The parcels should have been rezoned at the time the subdivision was created.

Commissioner Iverson opened the floor for public comment.

Craig Myron, 5011 Vahalla Place, Vermillion, SD is not in favor of his property being changed due to his belief that it will increase property

taxes. Commissioner Iverson explained that while property taxes may increase for a number of reasons, it would not be due to the rezoning process. Mrs. Aiden noted that the Clay County Director of Equalization as assured her on several occasions, that rezones do not impact property taxes. She continued by explaining that any platted parcel that has an existing house cannot have another. She made the point that the only real change would be that the few parcels that have not been improved or had houses built on them, will be able to apply for a building permit without going through the CUP process. She assured Mr. Myron that he could continue to utilize his land as he is now. The rezone is from agriculture to rural-residential, not an urban use.

Commissioner Fairholm expressed concern about rezoning the property that is contiguous with the City of Vermillion without ensuring protection for the City in terms of residents using City services without being connected to City utilities. Should annexation of the property take place in the future, extending City utilities becomes a complex issue. Referring to a map, Mr. Domínguez, City Engineer, noted that the City has a water line just outside of City limits as an interconnect with Clay Rural Water. Clay Rural Water purchase water from the City at that location and distributes as necessary. Additionally, a sanitary sewer line is already extended in that area with the idea of extending it when there is future development on lots on the north side of Main Street in the area that are within City Limits. Developer's Agreements are in place with those property owners, but there is no intention of development there at this time.

Chad Peterson, Auburn Court off of Hillside, expressed concern about the potential to build more houses within the area stating he didn't believe there would be enough space to comply with zoning regulations. Mrs. Aiden reiterated that there is one housing eligibility per lot.

Moved by Commissioner Manning to rezone certain areas from A1: Agriculture to RR: Rural Residential. The properties proposed for rezoning are located in Fairview Township, Sections 15, 20 and 21. Seconded by Commissioner Manning. Motion passed 6-1 (Fairholm).

Clay County Planning Commission voted unanimously to rezone the aforementioned area. Clay County Planning Commission adjourned and exited.

## 7. Old Business

a. Discussion on Amendments to Zoning Ordinance - Sections 155.055 Country Side Planned Unit Development, 155.056 Coyote Village Planned Development District, 155.057 Cottage Place Planned Development District, 155.058 Bliss Pointe Planned Development District, 155.059 Community Oriented Healthcare Planned Development District, 155.060

Spady Planned Development District, and 155.061 Dakota Commons Planned Development District. (comments from Commission).

Discussion was moved to item 8.a in New Business since all of the proposed amendments would be discussed with that item.

#### 8. New Business

a. Discussion on Amendments to Zoning Ordinance Covering the Definitions, Natural Resource Conservation District, Residential District, Commercial District, Industrial District, and Planned Development District Sections of the Zoning Ordinance (Specifically, Sections 155.008 Definitions, 155.030 NRC Natural Resource Conservation District, 155.031 R-1 Residential District, 155.032 R-2 Residential District, 155.033 R-3 Residential District, 155.034 R-4 Residential District, 155.035 CB Central Business District, 155.036 GB General Business District, 155.037 NC Neighborhood Commercial District, 155.038 GI General Industrial District, 155.039 HI Heavy Industrial District, 155.055 Country Side Planned Unit Development, 155.056 Coyote Village Planned Development District, 155.057 Cottage Place Planned Development District, 155.058 Bliss Pointe Planned Development District, 155.059 Community Oriented Healthcare Planned Development District, 155.060 Spady Planned Development District, and 155.061 Dakota Commons Planned Development District).

Dominguez reviewed the schedule to complete the amendments to the Zoning Ordinance and stated that this was the meeting were the draft on the definitions, residential, commercial, industrial and other districts was going to be reviewed.

Commissioner Wilson asked for the definitions to awning/canopy and motel be amended, and that the definition of church be replaced with that of place of worship. Discussion followed. Commissioners concurred with Commissioner Wilson's recommendations.

Commissioner Fairholm asked that the definition for rendering, slaughterhouse and stockyards be removed, and that the uses be removed from the ordinance. Also, that 'butcher shop' be added to the uses in the definition of 'Retail Services and Trade'. Discussion followed. Commissioners concurred with Commissioner Fairholm's recommendations.

Commissioner Fairholm asked that the maximum height for multiple-family dwellings in the R-3 Residential Districts be increased from 45-feet to 75-feet. Dominguez commented that if this would be done, that the Commissioners also consider increasing the size of the side yards from 10-feet to 15-feet. The increase would increase the green space between buildings. Discussion followed. Commissioners concurred with Commissioner Fairholm's recommendations.

Commissioner Fairholm asked that the verbiage under applicable standards in the GB - General Business district for 'Veterinarian, Small Animal' and 'Kennel' be made the same. Fairholm suggested using the verbiage under 'Kennel. Discussion followed. Commissioners concurred with Commissioner Fairholm's recommendations.

Mr. Rich Holland, 902 Ridgecrest, asked if all of the areas and distances under the Lot and yard regulations of each of the districts was a minimum or a maximum. Discussion followed. Commissioner Iverson recommended that a sentence stating 'Values listed are minimums, unless otherwise stated.' be added to Lot and yard regulations of each district. Commissioners concurred with Commissioner Iverson's recommendations.

Several typographical errors were also brought up during the discussion with all of the Commissioners concurring with the typographical corrections.

After each of the districts, and definition section, was reviewed Dominguez stated that there would be a public meeting to discuss the draft just finalized with the public. This meeting would be occurring on May 13<sup>th</sup>.

#### 9. Staff Report

Next meeting will be April 22, 2019 to consider a Conditional Use Permit for a telecommunications tower on Market Street.

#### 10. Adjourn

Moved by Commissioner Muenster to adjourn, seconded by Commissioner Gestring. Motion carried 5-0. Commissioner Iverson declared the meeting adjourned at 7:12 p.m.