

Unapproved Minutes
Vermillion Planning and Zoning Commission
Monday, April 11, 2022 Regular Planning and Zoning Commission Meeting

The regular meeting of the Vermillion Planning and Zoning Commission was called to order in the Powell Conference Room at City Hall on April 11, 2022 at 5:30 p.m.

1. Roll Call

City Planning and Zoning Commissioners Present: Fairholm, Fitzgerald, Forseth, Gestring, Heggstad, Merrigan, Tuve.

City Planning and Zoning Commissioners Absent: Steele, Wilson

City Staff present: José Domínguez, City Engineer; Kalin Bird, Building Official

2. Minutes

a. March 28, 2022 Regular Planning and Zoning Commission Meeting.

Moved by Commissioner Heggstad to adopt the March 28, 2022 meeting minutes as published, seconded by Fitzgerald. Motion carried 7-0.

3. Declaration of Conflict of Interest

Forseth noted that he owns investment property in lower Vermillion and that he would be abstaining from voting on items 6b and 6c.

4. Adoption of the Agenda

Moved by Tuve to adopt the agenda as published, seconded by Gestring. Motion carried 7-0.

5. Visitors to be Heard

None.

6. Public Hearings

a. Request for a Conditional Use Permit to Operate a Medical Cannabis Cultivation Facility at 828 North Crawford Street, Legally known as the North 94-feet of Lot 2G Directly Adjacent to Lot 2F, Block 1, Brooks Industrial Park, City of Vermillion, Clay County, South Dakota.

Dominguez presented to the Commission the agenda memo from the City's Planning and Zoning Commission packet regarding the requested conditional use permit for the cultivation of medical cannabis at 828 North Crawford Street. Dominguez read all of Staff's comments in response to the items considered by the Commission when reviewing conditional use permits. Staff recommended that the conditional use permit for the cultivation of medical cannabis at 828 North Crawford Street be granted without any conditions.

Forseth opened the floor to public comment.

Mr. Eldon Nygaard (applicant) gave a brief history of the industrial/commercial uses that have taken place at this location since the early 90's and explained why he wants to start a medical cannabis cultivation business at this location.

Mr. Jeff Church (826 North Crawford Street) stated that he is concerned with traffic to the possible cultivation business blocking the driveway to his house. Mr. Nygaard responded by saying that a different driveway would be used to access the business and that the employees will also be directed to use the other driveway. Mr. Nygaard also reminded the Commission that the use will be for cultivation and that the only traffic will be the employees. The facility is not opened to the public.

Commissioner Fairholm asked if it is typical for an access point to be shared between different zoning districts. Dominguez stated that this is not typical, but that there are other instances within the community.

Discussion followed.

Moved by Heggstad to grant the conditional use permit for the operation of a medical cannabis cultivation facility at 828 North Crawford Street, legally known as the North 94-feet of Lot 2G directly adjacent to lot 2F, Block 1, Brooks Industrial Park, City of Vermillion, Clay County, South Dakota, with out any conditions, seconded by Merrigan. Motion carried 6-1.

- b. Ordinance 1463 - Amending Title XV, Land Usage; Chapter 155, Zoning Regulations; Adding Section 155.041 Entitled LI - Light Industrial Zoning District to the City of Vermillion Code of Ordinances.

Dominguez presented to the Commission the agenda memo from the City's Planning and Zoning Commission packet. The new district being proposed would serve as a buffer between more industrial districts and commercial/residential districts. The district would share most of the uses with the light industrial district in the Joint Jurisdiction Zoning Area (JJZA). This would make it easier for any future annexations since the City would have a zoning district that fits with the one in the JJZA. Additionally, the new district would also have an exception that removes the rear-yard setback requirements on properties that share a rear-yard with the railroad right-of-way. Dominguez also stated that the main difference between the GI-General Industrial district and the new LI-Light Industrial district is that the majority of uses that would be considered offensive in the GI district would require a conditional use permit in the LI district. This would allow the public an opportunity to voice any concerns and

for the Commission to place any conditions. Dominguez recommended that the Commission recommend that the Council approve ordinance 1463 as presented by Staff.

Forseth opened the floor to public comment.

Mr. Bob Richardson (507 W Broadway) asked if the Commission knew of plans at 725 W Broadway and 806 W Broadway, and if the new zoning district would have a negative impact on those properties. Commissioner Forseth responded by saying that he is unaware of any plans at those locations.

Discussion followed.

Moved by Tuve to recommend that the Council approve ordinance 1463 as presented, seconded by Heggstad. Motion carried 6-0 (Forseth abstained since he owns property that may be impacted by the adoption of the ordinance).

c. Ordinance 1464 - Amending Title XV, Chapter 155; Section 155.026 to Rezone Parts of Land Adjacent to the Railroad in Lower Vermillion Adjacent to West Street, Chestnut Street, Broadway Street, Amber Street, 12th Street, Luxemburg Street, Austin Street, and Bloomingdale Street from the GI - General Industrial District to the LI - Light Industrial District.

Dominguez presented to the Commission the agenda memo from the City's Planning and Zoning Commission packet. The area being proposed to be rezoned is the GI-General Industrial district in lower Vermillion. Most of this area is adjacent to the railroad and has proven difficult to develop due to setback constraints. Additionally, the new LI-Light Industrial district would also be a better neighbor with the adjacent residential uses since many uses require a conditional use permit. This would also allow the public to attend a public hearing and comment on the proposed use, and for the Commission to place any required conditions. Dominguez recommended that the Commission recommend that the Council approve ordinance 1464 as presented by Staff. Dominguez also stated that Staff will recommend to the Council that the ordinance not be made effective until June 6th. This would allow enough time for ordinance 1463 to become effective.

Forseth opened the floor to public comment.

Commissioner Fairholm raised concerns about possible increase in industrial development east of 12th Street if the area is rezoned. This may create more concerns with the residential properties since residential and industrial uses would be directly adjacent to each other. Discussion followed.

Commissioner Fitzgerald asked how the public was notified of the rezone. Dominguez explained that the notice was published on the newspaper as required by statute and that the notice was also placed on the City's website. Discussion followed.

Moved by Heggstad to recommend that the Council approve ordinance 1464 as presented and to make the Council aware that the lack of public notification may become an issue with this and future City initiated zoning amendments, seconded by Tuve. Motion carried 4-2 (Forseth abstained since he owns property that may be impacted by the adoption of the ordinance).

7. Old Business

None.

8. New Business

None

9. Staff Report

Staff reported that multiple projects are out to bid.

Staff also presented to the Commission a list with all of the Commissioner's emails. Staff asked that the Commission refrain from discussing agenda items through emails, and to refrain from sending group emails that will require a response from the group.

10. Adjourn

Moved by Gestring to adjourn, seconded by Fitzgerald. Motion carried 7-0, Forseth declared the meeting adjourned at 6:33 p.m.