

Unapproved Minutes
Vermillion Planning and Zoning Commission
Monday, April 25, 2022 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 City Council Chambers at City Hall on April 25, 2022 at 5:30 p.m.

1. Roll Call

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

City Planning and Zoning Commissioners Absent: Wilson, Gestring

City Staff present: José Domínguez, City Engineer; Stone Conley, Assistant to the City Manager; John Prescott, City Manager.

2. Minutes

a. April 11, 2022 Regular City Planning and Zoning Commission Meeting.

Moved by Commissioner Merrigan to adopt the April 11, 2022 meeting minutes, seconded by Heggstad. Motion carried 7-0.

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 Fitzgerald. Motion carried 7-0.

5. Visitors to be Heard

None.

6. Public Hearings

a. Ordinance 1465 to amend the 2012 Joint Zoning Regulations for Clay County and the City of Vermillion by Amending Chapter 2, Section 2.03(A) Zoning Map, by Removing 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 $\frac{1}{4}$ NW $\frac{1}{4}$, and Lot 2 of Lot A in the NW $\frac{1}{4}$ SW $\frac{1}{4}$); 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 $\frac{1}{2}$ NW $\frac{1}{4}$, all in 14-92-52, West of the 5th P.M., Clay County, South Dakota, from the A-1: Agricultural District and Including it in the LI: Light Industrial District.

Dominguez presented the agenda memo from the City's Planning and Zoning Commission packet for discussion regarding the possible rezoning of a parcel of land from the A-1 district to the LI district. Discussion followed regarding the uses being proposed on these lots and whether the uses would be permitted.

Forseth opened the floor to public comment.

Kevin Myron, co-owner of AG Operations and applicant requesting the rezoning, discussed the zoning history of the property and the reason current rezone request.

Terrence Brady, 1882 Constance Drive, spoke to the commission. He stated that he supported the parcel remaining in the A-1: Agricultural District. He stated it should be left alone, as it would negatively affect his living situation. He believes that leaving it A-1 would be the best decision for his neighborhood.

Kelly Parson, 1330 Over Drive, is concerned with the current easement running next to her street. She believes the easement, if used as a truck access, would negatively impact their neighborhood. She states that she chose her property based on the adjoining parcel owned by Kevin Myron being classified as an A-1 district. She asked what the intentions of the easement were. Parson believes that the river nearby is the reason the parcel was zoned agricultural to begin with. She would like it to remain the same.

Cheryl O'Connor, 1932 Oscar Howe Drive, would like for the zoning to remain A-1. She believes that the assets of all neighbors and herself would be greatly impacted if the zoning changed to LI. O'Connor states that she believes that the western portion of town would be negatively affected if the zoning is changed. She says no one has minded the grain elevator but would mind more aggressive industry impacting the area. O'Connor believes it will affect more citizens than just her neighbors if this zone changes.

Terrence Brady, stated that he is concerned what could happen later if the area is rezoned. He stated that once it is changed, it is done forever. He worries about items such as processing plants or recycling sites could come next with the rezone. He stated he would like for his home to remain valuable in the future.

Craig Myron, co-owner of AG Operations, discussed the history again of the issue alongside the rezoning. He stated that no negative businesses would move in due to the city's decision of businesses allowed in Vermillion.

Kelly Parson stated that she spoke with him. She stated that she and her neighbors are not concerned with the grain elevator, but the other LI businesses that could move in. She again stated that it is dangerous to have a truck access near their neighborhood due to families.

Kevin Myron stated there are no intentions of this being utilized as a truck entry.

Motion by Tuve to accept the rezone of the land as described, seconded by Steele. Motion carried 5-2.

- b. Request for a Conditional Use Permit to construct a new Telecommunications Tower for APEX Towers LLC at a Location Approximately 1,600-feet SE of the Intersection of North Crawford Road and East Cherry Street (Part of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 17-92-51, Clay County, South Dakota).

Conley presented to the commission a request for a Conditional Use Permit to construct a new Telecommunications Tower. He stated that this tower would be on behalf of APEX Towers LLC. This tower would be located 1,600 feet Southeast of the intersection of Crawford Road and E. Cherry Street. Conley stated that there are four pieces of criteria to consider regarding a C.U.P. First would be the impact of the adjacent properties; second would be steps are taken to ensure that the character of the neighborhood is not altered; third being the effects of noise, odor, traffic, air, or water pollution; with fourth being that the use shall not adversely affect the public. This tower does not pose any issue stated at this time, based on this Administration recommended that the Planning and Zoning Commission take public comment and grant with conditions, or deny the Conditional-Use Permit application. Conley stated that staff recommended granting the conditional use without any conditions.

Forseth opened the floor to public comment. Discussion followed.

Motion by Merrigan, seconded by Fitzgerald to grant the C.U.P. to Apex Towers LLC for their construction of a cell tower at the location described above. Motion carried 7-0

7. Old Business

None.

8. New Business

None.

9. Staff Report

None

10. Adjourn

Moved by Merrigan to adjourn, seconded by Tuve. Motion carried 7-0, Forseth declared the meeting adjourned at 6:40 p.m.