



## City of Vermillion Planning & Zoning Commission Agenda

5:30 p.m. Regular Meeting

Monday, November 8, 2021

City Council Chambers

City Hall, 25 Center Street, Vermillion, SD 57069

1. **Roll Call**

2. **Minutes**

- a. August 9, 2021 Regular Meeting

3. **Declaration of Conflict of Interests**

4. **Adoption of the Agenda**

5. **Visitors to Be Heard**

6. **Public Hearings**

- a. Ordinance 1447 - Amending Title XV, Chapter 155, Section 155.026, Adoption of Official Zoning Map, Rezoning NW ¼ SW ¼ 13-92-52 Exc. Holiday Village Addition, Miscellaneous, City of Vermillion, Clay County, South Dakota from the NRC Nature Resource Conservation District to the R-2 Residential District.
- b. Ordinance 1445 - Amending Title XV, Chapter 155, Section 155.058, Definitions, Removing and Replacing the term “Public Service Facility” with a new definition.
- c. Ordinance 1446 - Amending Title XV, Chapter 155, Section 155.039, GI General Industrial District, to allow for “Public Service Facility” as a Conditional Use.

7. **Old Business**

8. **New Business**

9. **Staff Reports**

10. **Adjourn**

### **WELCOME TO YOUR PLANNING COMMISSION MEETING**

If you wish to participate in the discussion, the meeting provides several opportunities. After the minutes are approved, the Chairperson will ask if any visitors wish to be heard. Any item not on the agenda may be discussed. During the discussion of agenda topics, anyone may comment. The Chairperson will recognize you if you raise your hand. Please introduce yourself with your name and address when addressing the Planning and Zoning Commission. Discussion occurs before motions are made and seconded. Discussion also occurs after the motion is seconded and before the vote. You may participate each time if you wish. Your suggestions and ideas are welcome. The best decisions are made when everyone participates and provides information.

**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 are in need of 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.

Unapproved Minutes  
Vermillion Planning and Zoning Commission  
Monday, August 9, 2021 Regular Planning and Zoning Commission Meeting

The regular meeting of the Vermillion Planning and Zoning Commission was called to order in the City Council Chambers at City Hall on August 9, 2021 at 5:30 p.m.

1. Roll Call

City Planning and Zoning Commissioners Present: Fairholm, Fitzgerald, Forseth, Gestring, Heggestad, Merrigan, Mrozla, Tuve, Wilson.

City Planning and Zoning Commissioners Absent: None

City Staff present: José Domínguez, City Engineer

2. Minutes

- a. July 12, 2021 Regular City Planning and Zoning Commission Meeting.

Commissioner Fitzgerald asked for the spelling of her name to be corrected. Moved by Commissioner Tuve to adopt the July 12, 2021 meeting minutes as amended, seconded by Wilson. Motion carried 9-0.

3. Declaration of Conflict of Interest

Forseth noted that he owns investment property in Vermillion.

4. Adoption of the Agenda

Dominguez asked that item 5.b be moved to "Staff Reports". Moved by Fairholm to adopt the agenda as amended, seconded by Mrozla. Motion carried 9-0.

5. Visitors to be Heard

- a. Introduction of New Planning and Zoning Commission Member, Mr. Greg Merrigan.

Commissioner Forseth introduced Commissioner Merrigan as the new Commission member.

6. Public Hearings

None

7. Old Business

None

8. New Business

- a. Nomination and Election of Chair and Vice Chair.

Dominguez explained that typically officers are elected when the Council reorganizes. In this occasion the Commission is being asked to elect new officers since the recent vacancy was the Chair of the Commission.

Commissioner Forseth asked for nominations for the Chair.

Commissioner Fairholm nominated Forseth for Chair, seconded by Tuve. No other nominations for Chair were made. Motion carried 9-0.

Forseth asked for nominations for the Vice Chair.

Forseth nominated Fairholm for Vice Chair, seconded by Tuve. No other nominations for Vice Chair were made. Motion carried 9-0.

b. Review of Committee Appointments.

Forseth explained that currently the Commission has one active committee that works with County's Planning Commission representatives on items related to amending the Joint Jurisdiction's Comprehensive Plan. Forseth also stated that since the discussions with the County will be restarting soon this was an opportunity for the Commission to reassign members to the committee. Forseth further stated that Commissioners Fitzgerald and Wilson are the current delegates with Fairholm serving as the alternate.

Fitzgerald stated that she is able to continue serving in her capacity, but is willing to step down if others want to participate.

Wilson stated that he is also able to continue serving in his capacity, but that he also was very involved with the recent County bond election as an opponent of the proposed bond.

After discussion the Commission chose to maintain the current members in the committee.

9. Staff Report

Dominguez introduced Mr. Kalin Knief to the Commission. Mr. Knief is the new Building Official and department head of the Code Compliance Department.

Dominguez explained the progress on the following City projects: Hwy. 50 paving and drainage project, Downtown Streetscape, and Industry Street paving.

10. Adjourn

Moved by Fairholm to adjourn, seconded by Gestring. Motion carried 9-0, Iverson declared the meeting adjourned at 5:52 p.m.

# *Planning and Zoning Commission Agenda Memo*

**From:** Jose Dominguez, City Engineer

**Meeting:** November 8, 2021

**Subject:** Ordinance 1447 – Amending Title XV, Land Usage, Chapter 155, Zoning Regulations, Section 155.026, Adoption of Official Zoning Map, Rezoning NW ¼ SW ¼ 13-92-52 Exc. Holiday Village Addition, Miscellaneous, City of Vermillion, Clay County, South Dakota from the NRC Nature Resource Conservation District to the R-2 Residential District.

**Presenter:** Jose Dominguez

**Background:** City Staff is asking to rezone the area that includes Barstow Park and the Vermillion Middle School from the NRC Nature Resource Conservation to the R-2 Residential district. The City contacted the Vermillion School District (School District) and received a letter of support from the School District for the proposed rezone.

Due to the fact that this rezone was initiated by the City, there are no requirements to collect signatures from the neighboring properties, pay the rezoning fee, or for the property being rezoned to be posted. However, the City did post the property since it is one large tract of land.

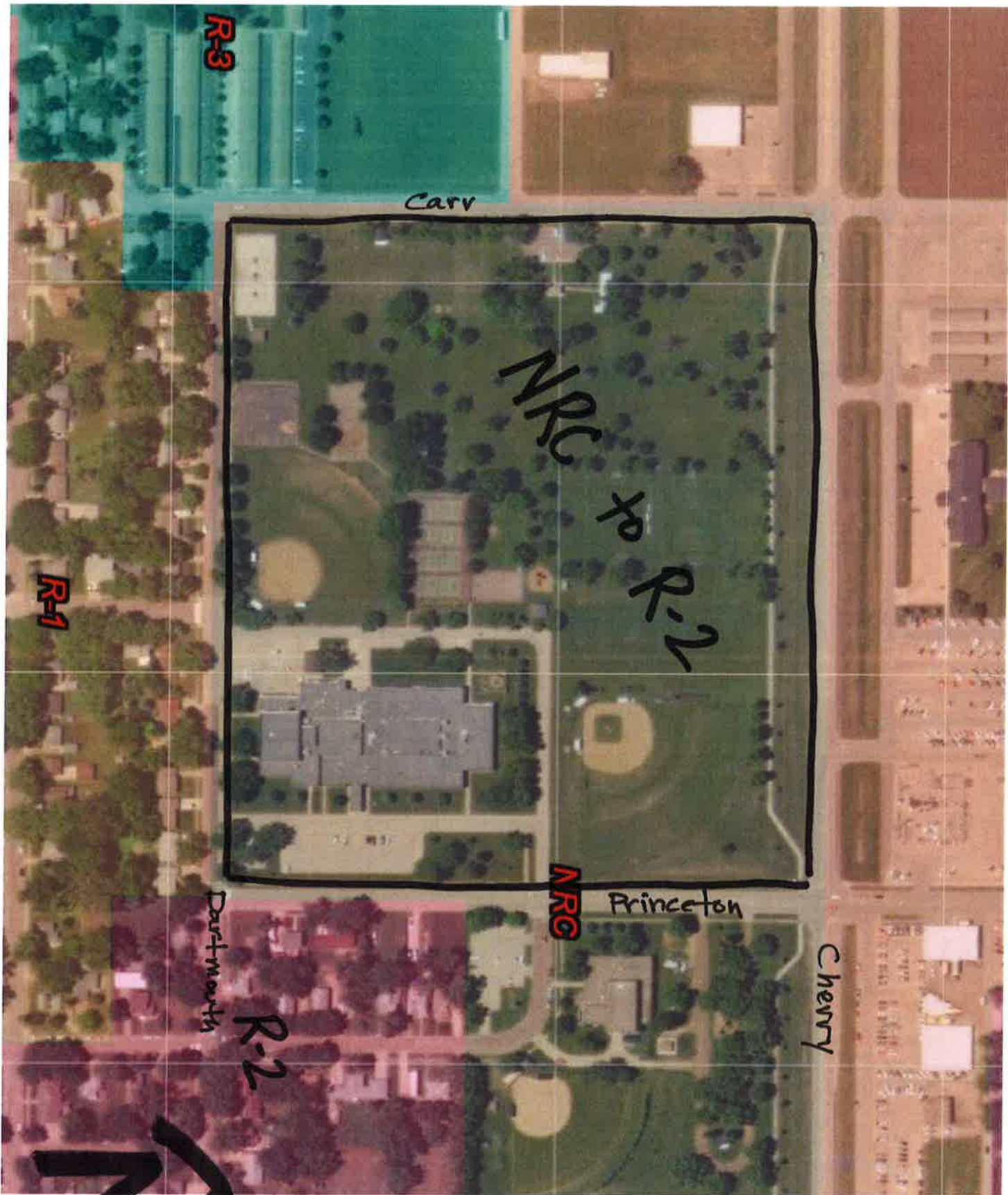
**Discussion:** The property being considered has been zoned NRC since the adoption of the 2008 zoning ordinance. Prior to that, the area had been zoned residential. Currently the area being considered for a rezone (Barstow Park) is the only School District property not within a residential district. This means that the Vermillion Middle School, which is in Barstow park, is zoned NRC. The NRC district, although it allows for parks, does not allow schools. All other School District properties are either in the R-1 (Jolley Elementary, and the Vermillion High School) or the R-2 (Austin Elementary) residential districts. These districts allow for parks and schools.

Rezoning Barstow Park residential would put this property in a similar situation as the rest of the School District's properties. Besides making the existing Middle School a

conforming use, it would allow the School District to construct a future school on their property.

**Compliance with Comprehensive Plan:** The 2035 Comprehensive Plan is primarily geared towards planning for future development of the community. The rezone before the Planning Commission would allow an important community partner to utilize their property for the betterment of the City. This rezone would allow the School District to construct a school and thus maintaining, if not improving, the quality of life in the community. Additionally, the Comprehensive Plan has as a goal to direct new development within existing areas in the City limits.

**Conclusion/Recommendations:** Staff recommends that the Commission consider the zoning ordinance amendment and make a recommendation to the City Council. Staff's recommends adoption of the rezone of the property from NRC Nature Resource Conversation district to the R-2 Residential district.



R-3

Carv

NRC to R-2

R-1

NRC

Princeton

Cherry

Dartmouth

R-2

N

**PROPOSED ORDINANCE 1447**

**AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE XV LAND USAGE; CHAPTER 155, ZONING REGULATIONS; SECTION 155.026, ADOPTION OF OFFICIAL ZONING MAP, REZONING NW ¼ SW ¼ 13-92-52 EXC. HOLIDAY VILLAGE ADDITION, MISCELLANEOUS, CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA FROM THE NRC NATURAL RESOURCE CONSERVATION DISTRICT TO THE R-2 RESIDENTIAL DISTRICT.**

**BE IT ORDAINED**, by the Governing Body of the City of Vermillion, South Dakota that the Code of Ordinances Section 155.026, Adoption of Official Zoning Map, be amended as follows:

That NW ¼ SW ¼ 13-92-52 Exc. Holiday Village Addition, Miscellaneous, City of Vermillion, Clay County, South Dakota be hereby excluded from the NRC Natural Resource Conservation District and included in the R-2 Residential District.

Dated at Vermillion, South Dakota this 6<sup>th</sup> day of December, 2021

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

BY \_\_\_\_\_  
Kelsey Collier-Wise, Mayor

ATTEST:

BY \_\_\_\_\_  
Katie E. Redden, Finance Officer

First Reading: November 15, 2021  
Second Reading: December 6, 2021  
Published: December 17, 2021  
Effective: January 7, 2022



# *Planning and Zoning Commission Agenda Memo*

**From:** Jose Dominguez, City Engineer

**Meeting:** November 8, 2021

**Subject:** Ordinance 1445 – Amending Title XV, Land Usage, Chapter 155, Zoning Regulations, Section 155.008, Definitions, Remove and Replace the Term “Public Service Facility” with a New Definition

**Presenter:** Jose Dominguez

**Background:** The City’s most recent zoning ordinance was adopted by the City Council in December 2019. This was a major amendment which completely replaced the 2008 zoning ordinance with an updated version.

With the ongoing discussions within the community regarding the possible construction of a new jail, Staff reviewed the zoning ordinance to ensure that the use would be allowed in the City.

**Discussion:** The term “jail” is not individually listed in the zoning ordinance. However, Staff believes that the use of a “jail” could be included within the “Public Service Facility” use. A “Public Service Facility” includes government facilities that provide an essential public purpose or service (i.e. police station, judicial court, fire station, ambulance service, transit or transportation transfer station). However, the definition currently excludes “facilities for incarcerated persons”.

In order to facilitate the possible future construction of a jail in Vermillion, Staff is proposing to amend the current definition of “Public Service Facility” to include law enforcement facilities that may, or may not, house incarcerated persons. The definition would require that a jail be constructed in conjunction with a law enforcement facility and not as a standalone use.

Currently the “Public Service Facility” use is allowed as a permitted use within the Central Business and General Business zoning districts and as a conditional use within the R-1, R-T, R-2, and R-3 Residential zoning districts.



Amending the definition would, at the very least, allow the jail to be reconstructed in the same location and open up other parts of the City for the construction of a jail.

**Compliance with Comprehensive Plan:** The City's 2035 Comprehensive Plan asks that the City consider providing "high quality public services that maintain the quality of life for Vermillion." Amending this definition would allow for a place to incarcerate persons to be constructed; thus maintaining a similar quality of life and possibly improving it in the future.

**Conclusion/Recommendations:** Staff recommends that the Commission consider the zoning ordinance amendment and make a recommendation to the City Council. Staff recommends adoption of the amendment to the definition.

**PROPOSED ORDINANCE 1445**

**AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE XV, LAND USAGE, CHAPTER 155, ZONING REGULATIONS, SECTION 155.008, DEFINITIONS, REMOVE AND REPLACE THE TERM “PUBLIC SERVICE FACILITY” WITH A NEW DEFINITION.**

**BE IT ORDAINED**, by the Governing Body of the City of Vermillion, South Dakota that the following section of Chapter 155 be amended by removing and replacing the definition of “Public Service Facility.” All other portions of section 155.008 will remain as they are. Following is the amendment:

**§155.008 DEFINITIONS.**

**Public Service Facility.** Government facilities and uses that provide an essential public purpose or service including, but not limited to, a ~~police station~~law enforcement facility with or without the ability to house incarcerated persons, judicial court, fire station, ambulance service, transit or transportation transfer station, or office, but not including public utility or treatment stations, maintenance facilities, or sanitary landfills~~or facilities for incarcerated persons~~.

Dated at Vermillion, South Dakota this 6<sup>th</sup> day of December, 2021

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

BY \_\_\_\_\_  
Kelsey Collier-Wise, Mayor

ATTEST:

BY \_\_\_\_\_  
Katie E. Redden, Finance Officer

First Reading: November 15, 2021  
Second Reading: December 6, 2021  
Published: December 17, 2021  
Effective: January 7, 2022

# *Planning and Zoning Commission Agenda Memo*

**From:** Jose Dominguez, City Engineer

**Meeting:** November 8, 2021

**Subject:** Ordinance 1446 – Amending Title XV, Land Usage, Chapter 155, Zoning Regulations, Section 155.039, GI General Industrial District, (B) Conditional Uses, to include “Public Service Facility” as a Conditional Use.

**Presenter:** Jose Dominguez

**Background:** The City’s most recent zoning ordinance was adopted by the City Council in December 2019. This was a major amendment which completely replaced the 2008 zoning ordinance with an updated version.

With the ongoing discussions within the community regarding the possible construction of a new jail, Staff reviewed the zoning ordinance to ensure that the use would be allowed throughout the City.

**Discussion:** In the previous agenda item, it was mentioned that a “Public Service Facility” use is currently allowed as a permitted use within the Central Business and General Business zoning districts and as a conditional use within the R-1, R-T, R-2, and R-3 Residential zoning districts. This amendment would add the use as a conditional use in the GI General Industrial district. Including this use as a conditional use would allow the City to consider the placement of a new facility in relation to the surrounding uses and also allow for the public to voice any concerns.

Including this use within this district opens up additional land for the possible construction of government facilities that provide essential services to the community. These services may include law enforcement centers, ambulance services, transit transfer stations, courts, etc...

**Compliance with Comprehensive Plan:** The City’s 2035 Comprehensive Plan asks that the City consider providing “high quality public services that maintain the quality of life for Vermillion.” Including the use as a conditional use within the GI General Industrial

district gives more flexibility to governmental entities in where to locate future facilities to provide public services. This will maintain, and possibly improve, the community's quality of life.

**Conclusion/Recommendations:** Staff recommends that the Commission consider the zoning ordinance amendment and make a recommendation to the City Council. Staff recommends adoption of the amendment to the GI General Industrial district by including "Public Service Facility" as a conditional use.

**PROPOSED ORDINANCE 1446**

**AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE XV, LAND USAGE, CHAPTER 155, ZONING REGULATIONS, SECTION 155.039, GI GENERAL INDUSTRIAL DISTRICT, (B) CONDITIONAL USES, TO INCLUDE “PUBLIC SERVICE FACILITY” AS A CONDITIONAL USE.**

**BE IT ORDAINED**, by the Governing Body of the City of Vermillion, South Dakota that the following section of Chapter 155 be amended by including the “Public Service Facility” use as a conditional use. All other portions of section 155.039 (B) will remain as they are. Following is the amendment:

**§155.039 GI GENERAL INDUSTRIAL DISTRICT**

**(B) CONDITIONAL USES.**

<b>Conditional Use</b>	<b>Applicable Standards</b>
Public Service Facility	One of the principal frontages shall abut upon an arterial or collector street as defined by the City’s major street plan map.  §§ 155.070, 155.073, 155.095(A)

Dated at Vermillion, South Dakota this 6<sup>th</sup> day of December, 2021

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

BY \_\_\_\_\_  
Kelsey Collier-Wise, Mayor

ATTEST:

BY \_\_\_\_\_  
Katie E. Redden, Finance Officer

First Reading: November 15, 2021  
Second Reading: December 6, 2021  
Published: December 17, 2021  
Effective: January 7, 2022