



**City of Vermillion Planning &
Zoning Commission Agenda**

5:30 p.m. Regular Meeting

Monday, December 13, 2021

Powell Conference Room

City Hall, 25 Center Street, Vermillion, SD 57069

1. **Roll Call**
2. **Minutes**
 - a. November 22, 2021
3. **Declaration of Conflict of Interests**
4. **Adoption of the Agenda**
5. **Visitors to Be Heard**
6. **Public Hearings**
 - a. Request for a Conditional Use Permit to Operate a Medical Cannabis Establishment Consisting of Cultivation, Manufacturing, and Dispensary Facilities on Track B, Lot 6, Block 1, Brooks Industrial Park, City of Vermillion, Clay County, South Dakota.
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, November 22, 2021 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 November 22, 2021 at 5:30 p.m.

1. Roll Call

City Planning and Zoning Commissioners Present: Fairholm, Fitzgerald, Forseth, Gestring, Heggstad (5:32 p.m.), Merrigan, Tuve, Wilson.

City Planning and Zoning Commissioners Absent: None

City Staff present: José Domínguez, City Engineer; Stone Conley, City Management Assistant

2. Minutes

a. November 8, 2021 Regular City Planning and Zoning Commission Meeting; and November 16, 2021 Joint City and County Planning and Zoning Commission Meeting.

Moved by Commissioner Tuve to adopt the November 8, 2021 and the November 16, 2021 meeting minutes, seconded by Gestring. 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 Merrigan to adopt the agenda as published, seconded by Wilson. Motion carried 8-0.

5. Visitors to be Heard

None

6. Public Hearings

a. Ordinance 1450 to Rezone Lot 1, Block 1, Bliss 2nd Addition, City of Vermillion, Clay County, South Dakota from NRC Natural Resource Conservation District to the GB General Business District.

Dominguez presented the agenda memo from the Planning and Zoning Commission packet on the request to rezone Lot 1, Block 1, Bliss 2nd Addition, from the NRC district to the GB district.

Dominguez explained that the Commission should take public comments and then make a recommendation to the City Council on the matter. The City Council will be meeting on December 6th to consider this item.

Forseth opened the floor to public comment.

Mr. Eldon Nygaard (1500 West Main Street and the owner of the property being considered for rezone) recently became aware of his property's current zoning. Mr. Nygaard explained that his request was to ensure

that the current uses were legal, and appropriate, in relation to the allowable land uses. Additionally, being zoned correctly would allow Mr. Nygaard to rebuild the existing facilities if something happened to the business.

Mr. Troy Gregoire (1324 West Main) stated that he is in favor of the rezone but is concerned with the ability of having a "campground" in the property if the rezone occurred. Dominguez stated that although a "campground" is an allowable use, it would require Mr. Nygaard to apply for a conditional-use permit. Conditional uses are considered by the Commission and could be denied, approved, or approved with conditions. The result is based on how the proposed/requested use affect the public (immediate neighbors and the public at-large). Mr. Nygaard also stated that he does not intent to have a "campground" in the location since it does not fit the business plan for Valiant Vineyards.

Ms. Julie Heine (816 E 320st), owner of the vacant residential lot next to the property being considered, stated that she is also concerned with the possibility of having a "campground" as a neighbor. Mr. Nygaard stated again that he has no intentions of running a "campground" from this location and that there are currently many options for motor homes in the community.

Discussion followed.

Moved by Fairholm to recommend that the City Council rezone Lot 1, Block 1, Bliss 2nd Addition, City of Vermillion, Clay County, South Dakota from NRC Natural Resource Conservation District to the GB General Business District, seconded by Wilson. Motion carried 8-0.

- b. Ordinance 1449 to amend the City of Vermillion Code of Ordinances Title XV: Land Usage; Section 158: Medical Cannabis Establishments clarifying Section 158.02 Definitions.

Conley presented the agenda memo from the Planning and Zoning Commission packet on the request to amend the definition section in section 158 of the Zoning Ordinance by differentiating between the existing use of "Medical Cannabis Establishment or 'Establishment'" and "Medical Cannabis Establishment".

Conley explained that the issue becomes apparent when a definition for a "medical cannabis dispensary" is not found in the ordinance. Conley stated that this definition is crucial since it is one of the four uses allowed by statute. The others being "cannabis cultivation facility", "cannabis product manufacturing facility", and a "cannabis testing facility". Conley further explained that each of those uses could be done separately, but when combined the facility becomes a "medical cannabis establishment".

Conley further stated that the Commission should take public comments and then make a recommendation to the City Council on the matter. The City Council will be meeting on December 6th to consider this item.

Forseth opened the floor to public comment. Discussion followed.

Moved by Heggestad to recommend that the City Council approve the proposed changes to the definitions as present by Staff, seconded by Tuve. Motion carried 8-0.

7. Old Business

None

8. New Business

None

9. Staff Report

Dominguez discussed the progress on the Hwy. 50 drainage project, the Downtown Streetscape, and Bliss Pointe Phase 2.

Additionally, Dominguez explained what the next step following the joint City and County Planning Commission meeting from November 16th regarding the Ag Opportunity rezone request would be the first reading of the ordinance by the City Council. Dominguez stated that this meeting would happen on December 6th. Discussion followed. The Commission requested if Staff would make a presentation in the future regarding how zoning was handled outside of City limits between the City and County from 1968 to the present.

10. Adjourn

Moved by Fairholm to adjourn, seconded by Gestring. Motion carried 8-0, Forseth declared the meeting adjourned at 6:33 p.m.

Planning Commission Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: December 13, 2021

Subject: Request for a Conditional Use Permit to Operate a Medical Cannabis Establishment Consisting of a Cultivation, Manufacturing, and Dispensary Facilities on Track B, Lot 6, Block 1, Brooks Industrial Park, City of Vermillion, Clay County, South Dakota

Presenter: Jose Dominguez

Background: Ms. Rebecca Engquist-Schroeder applied for a Conditional Use Permit to operate a medical cannabis establishment consisting of a cultivation, manufacturing, and dispensary facilities at 907 North Norbeck Street. The area is zoned GI General Industrial which allows for medical cannabis establishments as a conditional use.

All neighboring properties are zoned GI General Industrial.

Discussion: The applicant did not submit a site plan since, besides the driveway, no other exterior changes are proposed. The applicant has already received a license from the City to operate a cultivation facility for calendar year 2022. However, the license is conditional on the conditional use permit being granted.

Based on our ordinance, a “medical cannabis establishment” can be composed of two or more medical cannabis facilities. In this case, the applicant will have an establishment with a cultivation, manufacturing, and dispensary facility. Based on our ordinance, a “medical cannabis establishment” is allowed, but it needs to follow the strictest process within the ordinance to operate or be built. In this instance, that process would be the conditional-use process for “agribusiness”; which is what a cultivation facility would follow.

The City’s current process for conditional uses follows the Code of Ordinances section 155.095. The City’s ordinance sets the Commission as the body that grants CUPs. The

City Council acts as the body of appeal if the applicant feels aggrieved by conditions set by the Commission. The Commission reviews each permit for the following items:

CRITERIA	STAFF COMMENTS AND RECOMMENDATIONS
Ensure ingress and egress to the property	There is a dedicated ingress/egress easement for this parcel. The applicant has already completed a curb cut on North Norbeck Street, along with a gravel driveway. The applicant will pave the driveway in 2022.
Review and, if necessary, place conditions to ensure vehicular and pedestrian safety	No conditions are necessary.
Ensure off-street parking and loading	<p>The lot where the use will be located already has a paved parking lot with 104 parking stalls.</p> <p>Based on the proposed uses the applicant will be required to provide the following number of off-street parking:</p> <p>Cultivation – will have 4 employees – requires one space per two employees. Will require 2 off-street parking spots.</p> <p>Manufacturing – will have 4 employees – requires one space per two employees. Will require 2 off-street parking spots.</p> <p>Dispensary – will have around 3,600-square feet – requires 1 space per 300 square feet of floor area. Will require 12 off-street parking spots.</p> <p>Total spaces required will be 16 off-street parking spots.</p>
Ensure that a refuse area is provided. (location of refuse area)	There already is a refuse area in the location.
Ensure that development has appropriate fire protection	The internal renovations being performed will be completed as required by the building and fire code.

Ensure screening and buffering	No screening is necessary by the applicant as all of the neighboring properties are also zoned GI General Industrial.
Ensure that the proposed exterior lighting complies with City requirements	Not applicable
Ensure that all setbacks are being met	All the setbacks are being met. There is no proposed construction occurring outside of the existing building.
Review and, if necessary, place conditions to ensure general compatibility	Staff does not propose any conditions to ensure general compatibility since all the neighboring properties are also zoned GI General Industrial
Review and, if necessary, place conditions to ensure use meets the goals and objectives of the comprehensive plan	No additional conditions are necessary as the proposed use meets with several goals and objectives.

Compliance with Comprehensive Plan: The City’s Comprehensive Plan has several sections that address development within the community.

Conclusion/Recommendations: The Planning Commission is asked to take public comment and grant, grant with conditions, or deny the Conditional-Use Permit application. Staff recommends granting the conditional-use without any conditions.

Jose Dominguez

From: Stone Conley
Sent: Thursday, December 9, 2021 2:17 PM
To: Jose Dominguez
Subject: FW: Online Form Submittal: Petition for Conditional Use Permit

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Monday, November 22, 2021 2:26 PM
To: Vermillion <Vermillion@cityofvermillion.com>; Jose Dominguez <Josed@cityofvermillion.com>; Stone Conley <stonec@cityofvermillion.com>
Subject: Online Form Submittal: Petition for Conditional Use Permit

Petition for Conditional Use Permit

THE PLANNING COMMISSION REQUEST THE FOLLOWING:

(1) APPLICANT MUST COMPLETE THE ENTIRE APPLICATION, OTHERWISE APPLICATION WILL NOT BE PRESENTED TO THE PLANNING COMMISSION FOR CONSIDERATION.

(2) APPLICANT MUST EITHER CHECK A BOX OR ANSWER EACH QUESTION. IF THE ANSWER TO THE QUESTION IS NOT KNOWN, WRITE 'UNKNOWN' AS THE ANSWER TO THE QUESTION.

1. Petitioner Information

Name	Rebecca Engquist-Schroeder
Email Address	bekki@dngsd.com
Address	46618 311th Street
City	Vermillion
State	SD
Zip Code	57069
Phone Number	6052999925
Fax Number	<i>Field not completed.</i>

Section Break

2. What is the proposed use?	Cultivation, Manufacturing and Dispensary Medical Cannabis
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3. Information on Property Applying for Conditional-Use Permit

Address of Property	907 N Norbeck Street
Legal Description	Tract B Lot 6 Block 1 Brooks Industrial Park
Current Zoning District	GI - General Industrial District
If you selected PDD - Planned Development District, enter the name of the district. Otherwise enter 'N/A.'	n/a

(Section Break)

4. Information on Adjoining Properties

Describe the neighborhood where the Conditional-Use Permit is being sought.	907 N Norbeck is located along highway 50 across from MASABA, to the East of Midwest Ready Mix, to the North of Redi-Towing and North-West of the Missouri Valley Recycling Center. 907 N Norbeck is directly next to Flex Screen which powder coats and manufactures metal flex screens.
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Adjacent uses to proposed conditional-use (check all that apply):

NORTH	Industrial
EAST	Industrial
SOUTH	Industrial
WEST	Industrial

(Section Break)

5. Standards for Conditional Use Permit

Please address the following criteria. These standards will be addressed at the public hearing.

A. How will the property and structures be accessed from the street?	We have put in a driveway via our ingress to avoid the loading dock/driveway/storage unit the Flex Screen building uses.
B. Where will the access points from the street be located?	Across from Midwest Ready Mix, to the North of Redi-Towing is our driveway. It is rock now and will be paved in the Spring of 2022.
C. How wide will the access points be?	21'

D. How will the traffic (both vehicles and pedestrians) flow within the property?	The driveway meets City requirements to the parking lot located at 907 N Norbeck Street. Pedestrian access is via the driveway and road as there is no sidewalk along N Norbeck beyond the residential area.
E. Where will the off-street parking and loading areas be located?	There is a parking lot to the south, adjacent to the the building. ADA compliant parking, 20+ parking spaces.
F. How many off-street parking stalls and loading areas are being proposed?	The parking lot already exists. We will be adding one loading area and removing 2 parking spots to do so.
G. Where will refuse and service areas be located on the property?	There is a fenced in area that is gated where dumpsters are stored. This is in the NE corner of the parking lot.
H. What is the availability of utilities in the area? Will they need to be installed or modified to service the property?	There is 3-phase on the property and we do not need to modify. Water and Sanitary Sewer is existing and does not require modification.
I. Is screening and/or buffering being proposed? If so, what will it be, and where will it be constructed?	No screening or buffering required. We will have EcoSorb air filters once cultivation and manufacturing begins.
J. Are any signs proposed for the property? If so, describe the signs being proposed (size and lighting).	Yes, there will be a sign on the building, as well as one along the driveway to delineate between Flex Screens parking/loading/storage yard and our driveway. The lighting is LED.
K. Will the signs be compatible with neighboring properties?	Yes, to the degree the other properties have lit signs. They will be less industrial looking and more upscale looking per say. The signs will match our branding, which is found at dakotaturalgrowers.com
L. How will the signs affect the surrounding areas?	There should be no affects on the surrounding areas, and the traffic facing signs will meet City Code.
M. Are there any required yards and other open spaces?	N/A
N. What is the general compatibility with the adjoining properties and other properties in the	Dakota Natural Growers, Inc. is believed to be compatible with adjoining properties as it is located in one building so there is significantly less diversion/security risks, we have our own driveway and parking lot which helps with accessibility and

zoning district in which such use is to be located? safety. The towing company has fencing all around their property and we have some nice green space between us and the recycling center.

O. Will you be requesting a variance from the City Council? No

Upload any plans or diagrams [Beacon - Clay County, SD - Parcel Report 15120-00100-060-03.pdf](#)

(Section Break)

Acknowledgement of Fees I acknowledge.

Electronic Signature Agreement I agree.

Electronic Signature Rebecca Engquist-Schroeder

Date: 11/22/2021

Once submitted, Staff will verify that everything has been filled out correctly. Afterwards, you will be contacted to inform you of when your Petition for Conditional Use Permit will come before the Planning Commission. It is highly recommended that you attend this meeting.

Email not displaying correctly? [View it in your browser.](#)

