



## City of Vermillion Planning & Zoning Commission Agenda

5:30 p.m. Joint Meeting with  
Clay County Planning Commission  
Monday, December 27, 2021  
Powell Conference Room  
City Hall, 25 Center Street, Vermillion, SD 57069

1. **Roll Call**
2. **Minutes**
  - a. December 13, 2021
3. **Declaration of Conflict of Interests**
4. **Adoption of the Agenda**
5. **Visitors to Be Heard**
6. **Public Hearings**
7. **Old Business**
8. **New Business**
  - a. Informational Meeting to Discuss Possible Amendments to Sections in Chapter 3 A-1: Agricultural District and Chapter 6 LI: Light Industrial District of the Joint Zoning Regulations for Clay County and the City of Vermillion.
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, December 13, 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 December 13, 2021 at 5:30 p.m.

1. Roll Call

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

City Planning and Zoning Commissioners Absent: None

City Staff present: José Domínguez, City Engineer

2. Minutes

a. November 22, 2021 Regular City Planning and Zoning Commission Meeting.

Moved by Commissioner Heggstad to adopt the November 22, 2021 meeting minutes, seconded by Wilson. Motion carried 8-0.

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 Gestring. Motion carried 8-0.

5. Visitors to be Heard

None.

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.

Dominguez presented the agenda memo from the Planning and Zoning Commission packet on the request for a conditional use permit to operate a medical cannabis establishment at 907 North Norbeck Street. Dominguez stated that applicant's request needs to be reviewed and the criteria found in the section 155.095 of the Code of Ordinances should be considered.

Dominguez further explained that the Commission should take public comments and grant, grant with conditions, or deny the conditional use permit application. Dominguez recommended that the conditional use permit be granted without conditions.

Forseth opened the floor to public comment.

Commissioner Gestring asked what the process was for growing medical cannabis. Ms. Bekki Engquist-Schroeder (applicant) explained that the cannabis is grown from seed in small grow rooms. The process from planting to harvest takes between 45 and 75 days.

Commissioner Forseth asked the applicant when the facility would be open to the public. Ms. Engquist-Schroeder stated they plan to be open in 90 to 120 days.

Commissioner Forseth further asked who would be able to purchase items from the location. Ms. Engquist-Schroeder stated that anyone with the South Dakota medical card would be able to purchase medical cannabis.

Commissioner Gestring inquired what type of record keeping was required by the State. Ms. Engquist-Schroeder responded that they will be using a tracking software required by the State. Mr. Josh Woods (Ms. Engquist-Schroeder, business partner) stated that the tracking software would track all the sales and maintain a record of the person the item was sold too. This is to ensure that an individual is not sold more items than allowed by law by different vendors. Additionally, Mr. Woods stated that the medicinal cannabis would be tested numerous times at different times of the process. Discussion followed.

Moved by Merrigan to grant the conditional use permit to operate a medical cannabis establishment consisting of cultivation, manufacturing, and dispensary facilities at 907 North Norbeck Street, seconded by Wilson. 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 the future slurry seal project.

10. Adjourn

Moved by Gestring to adjourn, seconded by Wilson. Motion carried 8-0, Forseth declared the meeting adjourned at 5:58 p.m.

## *Planning & Zoning Commission Agenda Memo*

**From:** Jose Dominguez, City Engineer

**Meeting:** December 27, 2021

**Subject:** Informational meeting to discuss possible amendments to sections in chapter 3 A-1: Agricultural District and chapter 6 LI: Light Industrial District of the Joint Zoning Regulations for Clay County and the City of Vermillion.

**Presenter:** Jose Dominguez

**Background:** Recently, the County and City received a petition from a property owner to rezone a parcel from the A-1: Agricultural District to the HI: Heavy Industrial District. The request was to make the existing grain elevator use conforming. This use had been in existence at that location since the late 60's.

Although the rezone request was removed by the applicant, the County and the City were willing to consider amendments to the zoning ordinance to allow the existing use within the LI: Light Industrial District (LI District) and to consider rezoning the applicant's parcel into the LI District. The applicant's property was zoned light industrial prior to the 2012 adoption of the Joint Zoning Regulations for Clay County and the City of Vermillion (JJZA).

**Discussion:** The Joint Jurisdictional Zoning Area (JJZA) was adopted by the County and the City in 2012. The ordinance was created with the intent to allow the County and the City to have a say in existing and proposed land uses in an area that would directly impact the City's growth. The JJZA tries to maintain the rural characteristics of the surrounding area, while allowing for some light development. The ordinance's intent, based on the adopted comprehensive plan for the JJZA, is to direct development towards areas within City limits, or areas that can be annexed by the City and serviced with municipal infrastructure.

At a future meeting, Staff will be presenting amendments to two different chapters of the JJZA and a rezoning of a tract of land commonly referred to as the Ag. Opps. property.

The first amendment proposed by Staff would be to Chapter 6 LI: Light Industrial District. After discussions with County Staff, it was agreed to amend the chapter by including “grain terminal/grain processing” and “agribusiness” as conditional uses. Additionally, the word “persistent” would be added to the district description at the beginning of the chapter. The addition of the word is intended to better describe the type of businesses placed in this district. The word would define the customer as those that do not visit the establishment persistently or frequently.

Related to the amendment to chapter 6 LI: Light Industrial District, Staff would also be presenting the rezoning of land currently owned by the Vermillion Fertilizer & Grain Elevator Inc. (Ag. Opps.). This land is addressed as 1919 West Cherry Street and contains Lots 1 through 4, Albers Subdivision; Terminal Grain Tract 1, Albers Subdivision; and Terminal Grain Tract 2, 14-92-52. Staff would propose to rezone all or a portion of the land owned by Ag. Opps. from A-1: Agricultural District to the LI: Light Industrial District. The rezoning proposed would allow additional light industrial uses within the parcel. The proposed uses would be similar to those that were allowed in the parcel prior to the 2012 adoption of the JJZA.

The second amendment proposed to the JJZA would be to Chapter 3 A-1: Agricultural District. The proposed amendment to the chapter would include “telecommunications tower” as a conditional use. Staff believes that the exclusion of this use from this district in the original adoption of the JJZA was in error since another similar use is already found in the chapter (e.g., “broadcast tower”).

It should be noted that City Staff had proposed additional changes to these two chapters in addition to changes to Chapter 19 Definitions. The changes proposed by City Staff would have further modified the LI: Light Industrial District by making most of the uses that could be offensive to neighbors conditional uses. Additionally, several definitions would have been added to better describe the uses. The changes proposed from City Staff to the A-1: Agricultural district would have been similar to what is being proposed; with the exception that “grain terminal” would have replaced “agribusiness” as a conditional use. This was proposed to make the JJZA ordinance comparable to the County’s zoning ordinance.

**Compliance with Comprehensive Plan:** The comprehensive plan adopted by the City and the County for the JJZA has a few items that affects decisions made within the JJZA. In this instance, the largest hurdle is the fact that the Future Land Use Map shows the area along the Bypass as commercial use and residential uses everywhere else (pg. 12). Additionally, the comprehensive plan also states that “rezoning requests (and other development approvals) for land uses not consistent with the Future Land Use Map (map 4), except for previously established and approved land uses, should not be considered until

the Comprehensive Plan has been amended, as necessary, to provide for such land uses.” City Staff believes that in this instance, the use was established (the grain elevator has been in existence since the late 60’s) and any approved land uses with the rezone would be consistent with the previous zoning prior to the 2012 adoption of the JJZA.

**Conclusion/Recommendations:** The items being presented are for discussion only and no recommendations to the governing bodies are required. However, the City and County Staff would like guidance from the Planning Commissions for any changes that may be required to fine tune the amendments.

The process for adoption of the amendments will require that they be considered at a joint public hearing with the County and City Planning and Zoning Commissions. After this meeting, the respective recommendations will be taken to the individual governing bodies. Due to this being an ordinance amendment, the governing bodies will conduct two meetings. The first meeting will be conducted separately and the second one will be a joint meeting. This is a similar sequence followed for the adoption of the original ordinance, and for most of the ordinance amendments after 2012. The only difference to other adoptions will be the fact that the second (joint) meeting between the governing bodies will need to occur regardless of the results of the first meeting.

**ORDINANCE #2022-X**

**ORDINANCE #2022-X, AN ORDINANCE AMENDING THE 2013 REVISED JOINT ZONING REGULATIONS FOR CLAY COUNTY AND THE CITY OF VERMILLION**

AN ORDINANCE OF CLAY COUNTY, SOUTH DAKOTA, AMENDING ORDINANCE NO. 2013-04, BEING THE 2013 REVISED JOINT ZONING REGULATIONS FOR CLAY COUNTY AND THE CITY OF VERMILLION BY AMENDING CHAPTER 3 A-1: AGRICULTURAL DISTRICT SECTION 3.02 CONDITIONAL USES & APPLICABLE STANDARDS.

**BE IT ORDAINED BY THE COUNTY COMMISSION OF CLAY COUNTY, SOUTH DAKOTA AS FOLLOWS:**

*Section 1. That the following conditional use be added to Section 3.02 A-1: Agricultural District of the Revised Joint Zoning Regulations for Clay County and the City of Vermillion is hereby amended to include the following:*

Telecommunications Tower

*Section 2. That the following Applicable Standards be added to Section 3.02 A-1: Agricultural District of the Revised Joint Zoning Regulations for Clay County and the City of Vermillion is hereby amended to include the following:*

Telecommunications Tower: 11.01, 11.03, 11.05, 11.08, 16.01

Adopted by majority vote of the Clay County Board of Commissioners in regular session  
this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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County Commission Chairperson

Attest:

(seal)

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Carrie Crum  
County Auditor

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Adoption: \_\_\_\_\_

Published: \_\_\_\_\_

## ORDINANCE #2022-X

### **ORDINANCE #2022-X, AN ORDINANCE AMENDING THE 2013 REVISED JOINT ZONING REGULATIONS FOR CLAY COUNTY AND THE CITY OF VERMILLION**

AN ORDINANCE OF CLAY COUNTY, SOUTH DAKOTA, AMENDING ORDINANCE NO. 2013-04, BEING THE 2013 REVISED JOINT ZONING REGULATIONS FOR CLAY COUNTY AND THE CITY OF VERMILLION BY AMENDING CHAPTER 6 SECTION 6.02 CONDITIONAL USES, AMENDING CHAPTER 6 SECTION 6.02 APPLICABLE STANDARDS AND CHAPTER 6 LI: LIGHT INDUSTRIAL DISTRICT, PURPOSE.

#### **BE IT ORDAINED BY THE COUNTY COMMISSION OF CLAY COUNTY, SOUTH DAKOTA AS FOLLOWS:**

*Section 1. That the Purpose of Chapter 6 2013 of the Revised Joint Zoning Regulations for Clay County and the City of Vermillion is hereby amended to include the following:*

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#### **LI: LIGHT INDUSTRIAL DISTRICT**

The purpose of this district is to provide for a number of light manufacturing, wholesale, warehousing and service uses in an attractive industrial park like setting. These uses do not depend on **persistent** & frequent personal visits from customers or clients and do not include residences, apartments or commercial uses which are primarily retail in nature. It is the intent of this district to provide high amenity industrial development along the major roads, while allowing for slightly heavier development in the interior of the industrial areas. The LI Light Industrial District, where permitted, shall generally be located where provisions can be made to adequately handle the sewage disposal, where the value of the land for agricultural use is marginal, and where the water supply, roads and emergency services are easily and economically available.

*Section 2. That the following uses be added to Section 6.02 LI: Light Industrial District Conditional Uses of the 2013 Revised Joint Zoning Regulations for Clay County and the City of Vermillion:*

Grain Terminal/Grain Processing  
Agribusiness

*Section 3. That the following Applicable Standards be added to Section 6.02 Conditional Uses of the 2013 Revised Joint Zoning Regulations for Clay County and the City of Vermillion:*

Grain Terminal/Grain Processing, 11.01, 11.03, 11.04, 11.05, 16.01

Agribusiness, 11.01, 11.03, 11.04, 11.05, 16.01

Adopted by majority vote of the Clay County Board of Commissioners in regular session  
this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

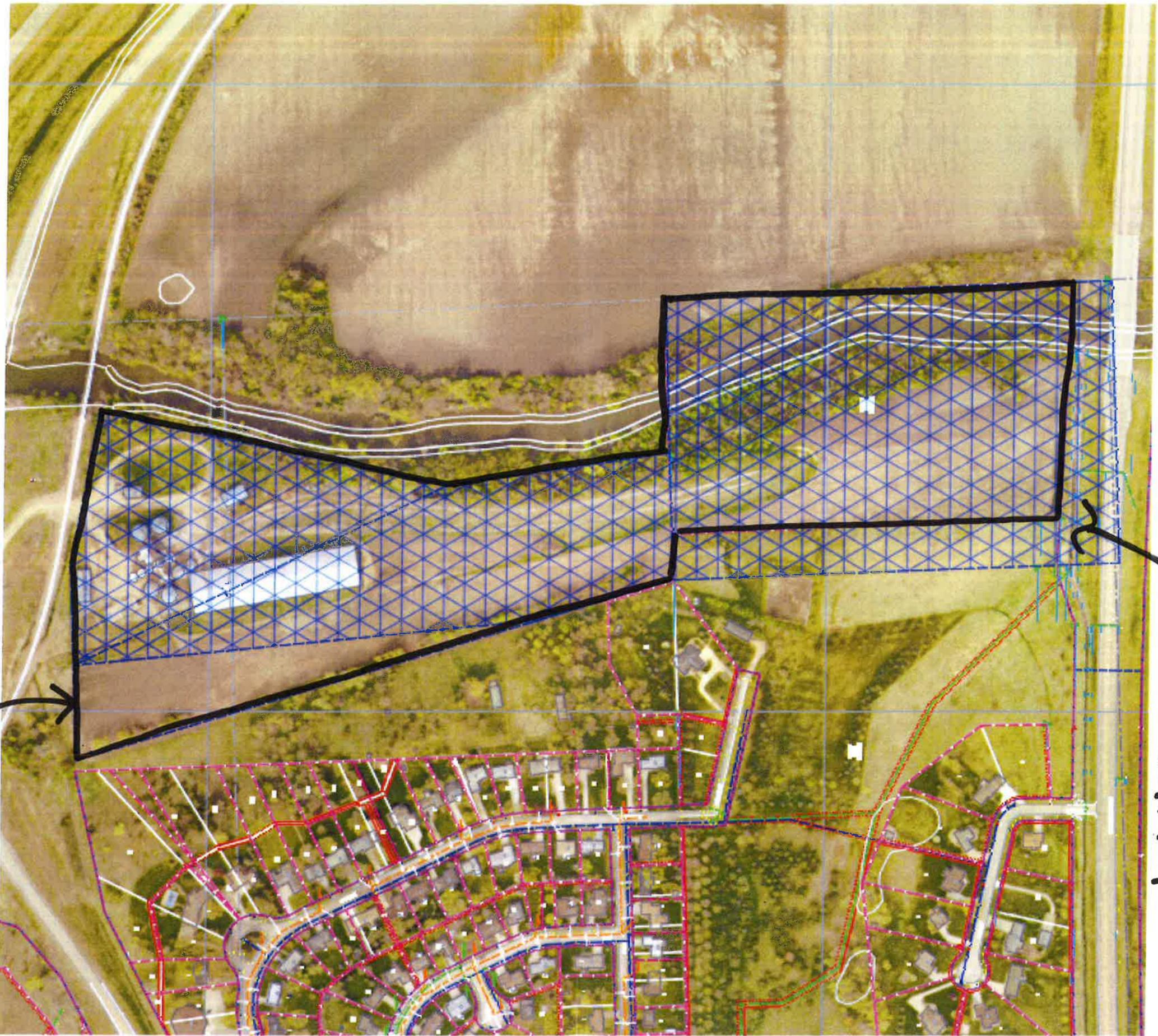
\_\_\_\_\_  
County Commission Chairperson

Attest:

(seal)

\_\_\_\_\_  
Carrie Crum  
County Auditor

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Adoption: \_\_\_\_\_  
Published: \_\_\_\_\_



Ag. Opps.  
Property

Hatch is what  
was zoned light  
industrial.