

Unapproved Minutes

Vermillion Planning and Zoning Commission

Monday, November 8, 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 8, 2021 at 5:30 p.m.

1. Roll Call

City Planning and Zoning Commissioners Present: Fairholm, Fitzgerald, Forseth, Gestring, Heggestad (5:35 p.m.), Merrigan, Mrozla, Tuve, Wilson.

City Planning and Zoning Commissioners Absent: None

City Staff present: José Domínguez, City Engineer

2. Minutes

a. August 9, 2021 Regular City Planning and Zoning Commission Meeting.

Moved by Commissioner Fairholm to adopt the August 9, 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 Wilson. Motion carried 8-0.

5. Visitors to be Heard

Mr. Rich Holland (902 Ridgecrest and City Council member) stated that the City Council had recently approved a variance for a property along the railroad. The variance approved reduced the setback to zero along the property line adjacent to the railroad. Without this variance the owner would have only had 10-feet of buildable space. He would like the Commission to consider a zoning amendment previously discussed by the Commission at an information meeting that would eliminate setback requirements along property lines adjacent to the railroad right-of-ways. Dominguez stated that Staff will be bringing this item to the Commission and to the Council for consideration before the end of the year.

6. Public Hearings

a. Ordinance 1447 - Amending Title XV, Chapter 155, Section 155.026, Adoption of Official Zoning Map, Rezoning NW $\frac{1}{4}$ SW $\frac{1}{4}$ 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.

Dominguez stated that the area in question is known as Barstow Park and it includes the Vermillion Middle School. The area is bounded by

West Cherry Street on the north, Princeton Street on the east, Carr Street on the west and West Dartmouth Street on the south. Dominguez further explained that prior to the 2008 zoning ordinance amendment the area had been zoned residential, and that district allowed for the uses of parks and schools. With the adoption of the 2008 zoning ordinance the property was rezoned NRC. This district allows for parks but not for schools. Dominguez also stated that rezoning the area to R-2 would allow for the school to use the land for construction of future schools, for the City to continue using the park, and for the existing middle school to be considered an allowable use. Dominguez recommended that the Commission recommend the City Council approval of the rezone.

Forseth opened the floor to public comments.

Mr. Damon Alvey, Vermillion School District superintendent, stated that that the School District is in support of the rezone.

Fairholm asked if the park areas being affected by the proposed school will be relocated to other parks. Mr. Alvey stated that the School District has been discussing the possible effects to the park with the City and that some of the lost items will be relocated to other parks/locations.

Fairholm asked if the area could be developed after if it is rezoned residential. Dominguez stated that yes it could. Mr. Alvey also stated that the School District does not have any interest in developing the area.

Moved by Tuve to recommend that the City Council rezone the NW $\frac{1}{4}$ SW $\frac{1}{4}$ 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, seconded by Gestring. Motion carried 9-0.

b. Ordinance 1445 - Amending Title XV, Chapter 155, Section 155.008, Definitions, Removing and Replacing the term "Public Service Facility" with a New Definition.

Dominguez explained that with the discussions occurring in the community regarding the possible construction of a new jail, City Staff decided to review the current ordinance to ensure that the possible construction would be allowed in the City. Dominguez stated that the use of a "jail" is not mentioned in the zoning ordinance as a use. The use that would more than likely include a "jail" would be a "Public Service Facility"; however, that use specifically prohibits "facilities for incarcerated persons". Dominguez further explained that amending the current definition for "Public Service Facility" to

allow for law enforcement facilities with the option of housing incarcerated persons would allow for a jail to be built in the City as long as it is attached to a law enforcement facility. Dominguez recommended that the Commission recommend to the City Council adoption of the zoning ordinance amendment.

Forseth opened the floor to public comment.

Fairholm stated that he has concerns with the proposed definition, and allowing the new uses to be constructed in the R-1 Residential district. Fairholm explained that a law enforcement facility without the ability to house incarcerated persons might be acceptable in the R-1 Residential district, but that a similar facility with the ability to house incarcerated persons might create additional traffic and negatively impact a low density residential district. Discussion followed.

Moved by Fairholm to recommend that the City Council does not approve the definition as proposed by Staff and that the ordinance be amended by redefining "Public Service Facility" to only allow law enforcement facilities without the ability to house incarcerated persons along with the other possible uses included in the definition; and, to include a new definition for a "Law Enforcement Facility with the Ability to House Incarcerated Persons" as a new use. Further, the new use would be allowed as a permitted use within the CB Central and GB General Business districts, and as a conditional use in the R-T, R-2, and R-3 Residential districts, seconded by Fitzgerald. Motion carried 9-0.

- 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.

Dominguez stated that this item works in conjunction with the previous item discussed by the Commission. This item would allow the "Public Service Facility" as a conditional use within the GI General Industrial district. Allowing this to occur would increase the options within the City for a new jail to be constructed. Dominguez explained that due to the motion on the previous item, the new recommendation from Staff would be to still allow a "Public Service Facility" as a conditional use, and to also allow for a "Law Enforcement Facility with the Ability to House Incarcerated Persons" to also be included as a conditional use.

Forseth opened the floor to public comment.

Moved by Fairholm to recommend that the City Council adopt the proposed changes with the amendment that a new use be included for

"Law Enforcement Facility with the Ability to House Incarcerated Persons" as a conditional use, seconded by Heggstad. Motion carried 9-0.

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 provided the Commission with the County Commission minutes for the October 26th and November 2nd meetings. Dominguez stated that the intent of providing the minutes was to forewarn the Commission about the discussions being had by the County regarding the future JJZA discussion item to be considered on November 16th.

10. Adjourn

Moved by Mrozla to adjourn, seconded by Merrigan. Motion carried 9-0, Forseth declared the meeting adjourned at 6:32 p.m.