

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.