



## City of Vermillion Planning Commission Agenda

5:30 pm Regular Meeting

Monday, January 10, 2011

City Hall

Large Conference Room – 2<sup>nd</sup> Floor

25 Center Street

Vermillion, SD 57069

1. **Roll Call**
2. **Minutes**
  - a. December 13, 2010 Regular Meeting.
3. **Adoption of the Agenda**
4. **Visitors To Be Heard**
5. **Public Hearings**
  - a. Petition to exclude from the R-2 Residential District and include in the R-3 Residential district Outlot C and the S. 20 feet adjacent thereto of the Mehlhaf Addition to the City of Vermillion, located in the 1300 Block of East Clark Street.
  - b. City of Vermillion Major Street Plan.
6. **Old Business**
7. **New Business**
8. **Staff Reports**
9. **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 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 Commission  
Monday December 13, 2010 Regular Meeting

The regular meeting of the Vermillion Planning Commission was called to order in the conference room at City Hall on November 22, 2010 at 5:30 p.m.

1. Roll Call

Present: Fairholm, Flanagan, Forseth, Gruhn, Howe, Muenster, Reasoner, Tuve, and Iverson. All members present.

Also present were Farrel Christensen, Building Official, José Dominguez, City Engineer, Jim McCulloch, City Attorney, Andy Colvin, Assistant to the City Manager, and Darby Ganschow, USD Representative.

2. Minutes

a. November 22, 2010 Regular Meeting.

Moved by Tuve to approve the November 22, 2010 regular meeting minutes with the correction to add City Attorney Jim McCulloch as being present, seconded by Howe. Motion carried 9-0.

3. Adoption of the Agenda

Moved by Fairholm to adopt the agenda as printed, seconded by Forseth. Motion carried 9-0.

4. Visitors to be Heard

5. Public Hearing

a. Parking Variance for 117 Forest Avenue

Andy Colvin presented the item to the Planning Commission, reporting that Rebecca Terk, owner of 117 Forest Avenue, desires to register her home as a rental but is unable to meet the minimum parking requirements. Andy noted that at the last meeting questions were raised about the size of the second bedroom and if the home would qualify for an exemption from the ordinance. Andy reported that staff measured the second bedroom finding that it does meet the minimum size requirements under the rental housing code; therefore, the requirement for the property to have two off-street parking spaces is applicable. Andy also reported that if the Planning Commission desires to grant the variance, staff's recommendation would be to approve the variance based on the financial hardship of maintaining two residences, with the variance expiring once the hardship no longer exists. Discussion followed.

Moved by Howe to grant the parking variance as long as the financial hardship exists and will expire if the property sells, is no longer listed for sale, if the owner returns to Vermillion, or on May 31<sup>st</sup>, 2012, whichever is sooner, and with the condition that the variance will

not transfer to any buyer of the property except for 45 days after sale to permit time for existing tenants to vacate the property, seconded by Muenster. Motion carried 8-1.

6. Old Business

7. New Business

a. Education Session - Results of Comprehensive Plan Community Survey.

Andy Colvin, Assistant to the City Manager, stated that, as part of the update to the Comprehensive Plan, a community survey was conducted. Andy stated that a random survey was sent to 341 households in the city, of which over 100 have been returned. Andy reviewed the survey results with the Planning Commission and answered questions.

b. Education Session - Long Range Planning Process for the Missouri National Recreational River, Anne Doherty-Stephan, NPS.

Anne Doherty-Stephan presented an update on the Long Range Interpretive Planning process for the Missouri National Recreational River. Anne provided a PowerPoint presentation and answered questions.

8. Staff Reports

Andy Colvin informed the Planning Commission that a Major Street Plan for Vermillion will be presented to the Planning Commission at a public hearing in January.

9. Adjourn

Moved by Howe to adjourn, seconded by Forseth. Motion carried 9-0.

Chairman Iverson declared the meeting adjourned 7:02 p.m.



# *Planning Commission Agenda Memo*

***From:*** Farrel Christensen

***Meeting:*** January 10, 2011

***Subject*** Zone Change

***Presenter:*** Farrel Christensen

**Background:** This summer Duane Mehlhaf constructed two four-unit apartment buildings on the 1300 Block of East Clark Street. Dr. Mehlhaf wishes to construct additional apartments to the east of the existing buildings. The area south of Clark street is currently zoned R-2 Residential. Four-unit apartment buildings are the maximum allowed in the R-2 district. Dr. Mehlhaf has submitted a request to change the zoning of the parcel to the east of the new apartments from R-2 to R-3, a higher density residential district that allows apartment buildings with more than four units.

Dr. Mehlhaf has indicated his intentions to construct either additional four-unit apartments similar to the new ones built within the last year, or an eight-unit building. Dr. Mehlhaf has also indicated that the primary reason for the zone change is to follow the less restrictive setback requirements found in the R-3 district and save money in development costs.

**Discussion:** The Comprehensive Plan future land use map shows the undeveloped land south of East Clark Street to be low to medium density residential east to Crawford Road and south to Main Street. The north side of East Clark is designated to be multi-family residential. Additionally, when the Planning Commission and City Council revised the City zoning map, Clark Street was considered a reasonable dividing line between low density and high density residential uses.

Dr. Mehlhaf owns property on the north side of Clark (north of the existing buildings) that is already zoned R-3. His justification to rezone based on the

expense of developing two R-2 lots versus one R-3 lot is irrelevant since he does have R-3 ground available right now, but is choosing not to develop it. Instead, Dr. Mehlhaf is asking the City Council and Planning Commission to make a broad change to accommodate his needs.

**Compliance with Comprehensive Plan:** As stated above, the zone change would be in violation of the Comprehensive Plan. The City needs to ensure availability of land for low to medium density residential development in the future. A change of zoning would allow high-density residential uses as well as provide justification to rezone additional land to the south and east. A zoning map of the area is included in your packets.

**Conclusion/Recommendations:** Staff does not see how a change of zoning such as the one requested by Dr. Mehlhaf will benefit the community. The Comprehensive Plan clearly indicates low to medium density residential development for the area south of Clark Street. In a unique community like Vermillion it is important to provide for a balance of low, medium and high density residential development. Dr. Mehlhaf's financial concerns would be solved by building on the north side of Clark Street, where he already owns land zoned R-3. Staff recommendation is to deny the zone change.

# PETITION FOR ZONE CHANGE

TO THE HONORABLE MAYOR AND THE CITY COUNCIL OF THE CITY OF VERMILLION, SOUTH DAKOTA

1. As authorized by § 155.101 of the City of Vermillion Zoning Ordinance (I) (we) (Name & Address):

Duane and Jeanne Mehlhaf  
1300 E. Clark St.

Hereby petition to rezone property owned by (Name & Address): Duane Mehlhaf  
1300 E. Clark St.

From the classification R-2, \_\_\_\_\_ to R-3, \_\_\_\_\_.

2. The legal description of that part of the property to be rezoned is (include only the description of the land proposed to be rezoned. You may need to have a surveyor draft this description):

Outlot C and the S. 20' adjacent thereto of the  
Mehlhaf Addition

Parcel Identification Number (PIN): \_\_\_\_\_

3. The proposed change is to facilitate the use of the land for (be specific-list all proposed uses):

Apartments

4. Please address the following criteria as best as you can. These are the "standards for rezoning" which will be addressed at the public hearing. (Use additional sheets if necessary).

A. In detail, explain what public facilities and services serve the proposed development at present, or how they will be provided. All utilities are up to property boundary.

B. Explain how the provision for these facilities will not be an unreasonable burden to local government.

No Burden expected.

C. What have you done to determine that the land is suitable for the development proposed?

We have worked with Farrell Christensen on design layouts.  
Property is bordered by R-2 and R-3.

D. Explain what will have to be done so the development will not cause unreasonable air and water pollution, soil erosion or adverse effects on rare or irreplaceable natural areas. N/A

E. Explain any potential for conflict with existing land uses in the area. None

(OVER)

F. Demonstrate the need of the proposed development at this location. See attached letter.

G. What is the availability of alternative locations? Be specific. N/A

H. If cropland is being consumed by this Zone Change, what is the productivity of the agricultural lands involved? Thirty bales of grass hay was harvested this year on this location.

I. If cropland is being consumed by this zone change, explain how the proposed development will be located to minimize the amount of agricultural land converted. It borders proposed street.

5. Planning Commission recommendation, The Zoning Administrator shall set the date, time and place for a Planning Commission public hearing. The Zoning Administrator shall post a sign of the public hearing on the property affected by a change of zone no less than 7 days prior to the scheduled public hearing. The notice shall be published in a legal newspaper of the city once not less than 10 days prior to the public hearing. Any person may appear in person, or by agent or attorney. Minutes of the public hearing shall be recorded and kept in the records of the City Council. The Planning Commission shall either recommend or not recommend approval of the amendment to the City Council.

6. City Council action, The Zoning Administrator shall set the date, time and place for a City Council public hearing. The Zoning Administrator shall post a sign of the public hearing on the property affected by a change of zone no less than 7 days prior to the scheduled public hearing. Any person may appear in person, or by agent or attorney. Minutes of the public hearing shall be recorded and kept in the records of the City Council. The City Council shall either approve or not approve the ordinance describing the proposed amendment or change of zone to these zoning regulations, in accordance with standard procedures for reading, approval, publication and effective date. When a proposed amendment or change of zone is approved by the City Council, the amendment shall take effect 20 days after publication, unless the referendum shall have been invoked.

7. Petitioner's Signature *Duane M. Kelly* Phone 624 8805 Date 12-20-10

8. Owner's Signature \_\_\_\_\_ Phone 202-1007 Date 12-20-10  
(If different)

Date Fee Received: 12/23/10 Fee \$50.00 PAYABLE TO the City of Vermillion

**FAILURE OF THE APPLICANT OR HIS AGENT TO APPEAR AT THE HEARING WILL CAUSE THE COMMITTEE TO DENY THIS APPLICATION.**

We are requesting a zoning change from R2 to R3 on this particular parcel, due to the size and unique dimensions of the lot. Our first preference is to build an 8-plex apartment. In order to do this, we need it to be zoned R3.

Our next preference, would be to construct two 4-plexes. However, this being zoned R2 creates a few problems. First, the platting would be expensive and complicated: needing a maze of zigzag lines to accommodate each building with stand-alone features (parking spaces, 50-50 split of the driveway, up to eight property pins per lot). Second, are all of the extra costs having this platted as two lots. These costs include twice as many tapping fees, twice as many electrical hookup fees, twice as many appraisal costs preconstruction, twice as many appraisal costs post construction, increased property taxes being two lots instead of 1, twice as many banking fees, twice as many title insurance fees, and twice as many closing cost fees.

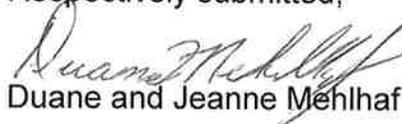
This being a corner lot also comes with twice as much frontage development costs, as well as intersection costs. We are aware that the intersection and the Norbeck street expenses would probably not be initial costs, but they will be eventual costs. Being platted as one lot rather than two lots will also create a more equitable distribution of street costs to the property. If this property would be forced to be platted as two individual lots, the East property would be absorbing 75 percent of the street costs, while the West lot would always be absorbing 25 percent of the street costs. This would complicate mortgage matters as well as resale matters.

Developing this parcel as 2 separate lots instead of 1 would increase development costs so significantly plus the fact that this is a corner lot makes development marginally feasible.

Last, we have no intentions of building anything taller than a two-story building on this property or anything larger than an 8-plex apartment building due to a lack of parking spaces that would be required for the larger buildings.

We appreciate your consideration on this matter.

Respectively submitted,

  
Duane and Jeanne Mehlhaf



## NOTICE OF HEARINGS

**NOTICE IS HEREBY GIVEN** that the Planning Commission of the City of Vermillion, South Dakota, will meet at 5:30 p.m. on Monday, the 10<sup>th</sup> day of January 10, 2011, in the 2<sup>nd</sup> floor Meeting Room at 25 Center Street in the City of Vermillion, at which time the said Planning Commission will hear, consider and act upon a recommendation for the following;

A Petition to amend the Zoning Ordinance of the City of Vermillion From R-2 Medium density Residential District to R-3 High density Residential District for the following described real property, viz.

Outlet C and the S. 20 feet adjacent thereto of the Mehlhaf Addition located in the 1300 block of E Clark Street

**NOTICE IS HEREBY GIVEN** that the Governing Body of the City of Vermillion, South Dakota, will meet at 7:00 p.m. on Monday, the 17<sup>th</sup> day of January, 2011 in the City Council Chambers at 25 Center Street in the City of Vermillion, at which time the said Governing Body will hear, consider and act upon the following:

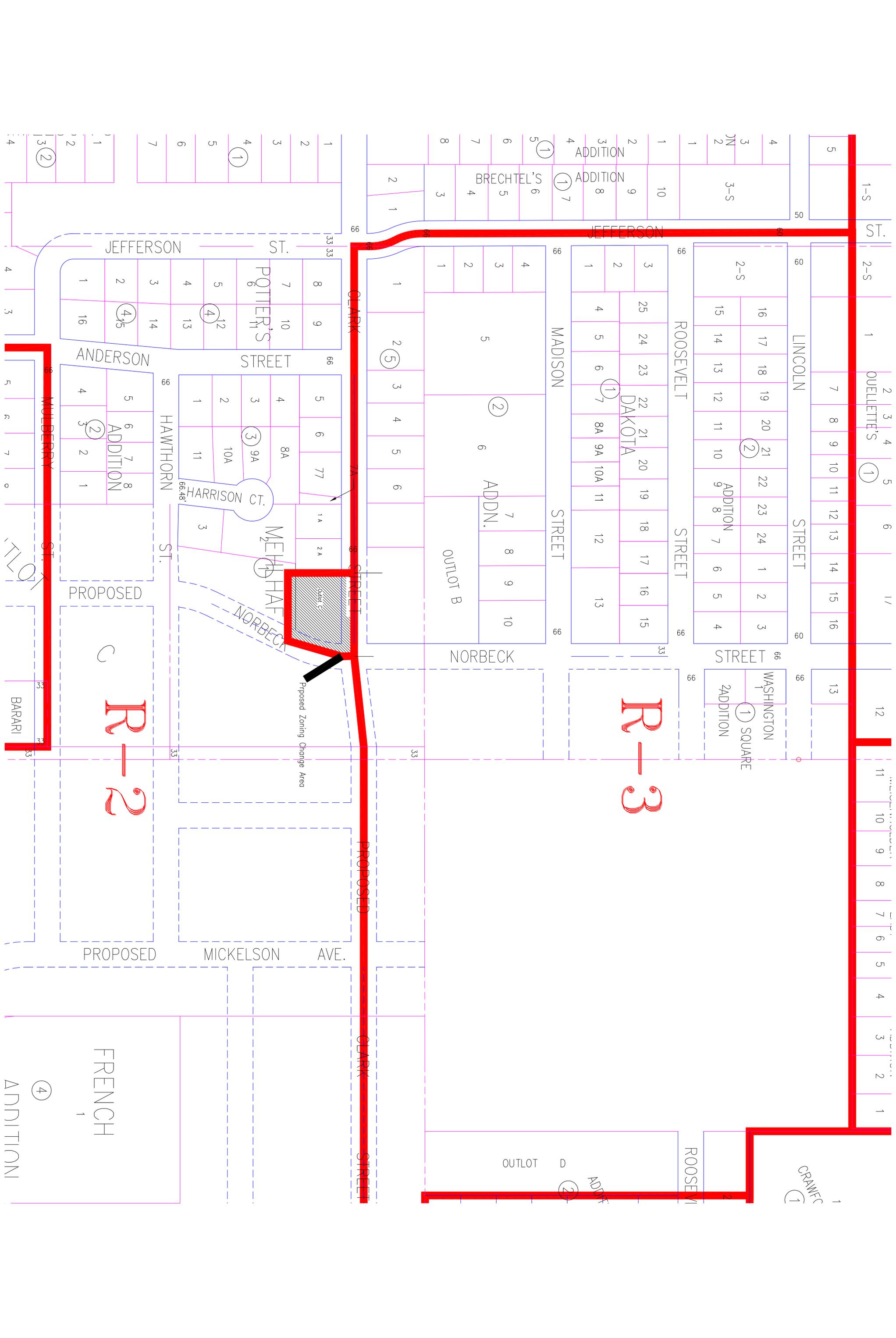
A Petition to amend the Zoning Ordinance of the City of Vermillion From R-2 Medium density Residential District to R-3 High density Residential District for the following described real property, viz.

Outlet C and the S. 20 feet adjacent thereto of the Mehlhaf Addition located in the 1300 block of E Clark Street.

Notice is further given that at the times and places aforesaid any person may appear and be heard upon all matters pertaining to the said zone change and that at said time and place the Governing Body Will consider and decide whether or not this ordinance change should be approved.

Farrel Christensen, City Building Inspector

Publish: December 31, 2010



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# *Planning Commission Agenda Memo*

**From:** Jose Dominguez, City Engineer

**Meeting:** January 10, 2011

**Subject** Adoption of Major Street Plan

**Presenter:** Jose Dominguez

**Background:** The Major Street Plan is a document that shows where the City is planning on constructing new roads or extending existing roads. As such, the plan needs to be updated every so often to show any new needs that arise through the planning process.

In addition, the Major Street Plan is required by State statute. The State requires such plan be filed with the County Register of Deeds. Once the plan is filed, the statute grants the municipality platting jurisdiction a maximum of three-miles from its corporate limits, or as far as the Major Street Plan goes, whichever is less.

**Discussion:** The plan proposed by Staff shows all future arterial and collector streets. Any possible structures (bridges or large culverts) are also shown. Portions of the plan were derived from the 2004 Vermillion Transportation Study. In this study, the consultant recommended extending or constructing several streets. Said streets are listed below:

- Coyote Street (minor arterial from Carr Street to 466<sup>th</sup> Avenue)
- Carr Street (major collector from South Dakota Highway 50 to Coyote Street)
- Princeton Street (minor arterial from South Dakota Highway 50 to Coyote Street)
- Dakota Street (minor arterial from South Dakota Highway 50 to Coyote Street)
- University Street (major collector from South Dakota Highway 50 to Coyote Street)
- Jefferson Street (major collector from Duke Street to Coyote Street)

- Crawford Street (minor arterial from Cherry Street to Coyote Street)
- 466<sup>th</sup> Avenue (minor arterial from South Dakota Highway 50 to Coyote Street)
- 317<sup>th</sup> Street (major collector from Jefferson Street to 466<sup>th</sup> Avenue)
- Clark Street (major collector from Norbeck Street 466<sup>th</sup> Avenue)

The streets recommended on the study were further reviewed and updated to include the area of land within the Future Land Use Plan and any other area that could affect the City.

**Compliance with Comprehensive Plan:** One of the main objectives of the Comprehensive Plan was to ‘provide a sound and logical basis for City growth management’. The Major Street Plan presented achieves this by delineating streets that are in areas of possible annexation. Also, by adopting the Major Street Plan the City would retain platting jurisdiction outside of the City limits to ensure all proposed developments take the City’s transportation needs into consideration. This again would provide the City another form of growth management in areas for slated for future annexation.

**Conclusion/Recommendations:** The Planning Commission is asked to review and make a recommendation to the City Council on the adoption of the Major Street Plan.

