



**Special Meeting Agenda
City Council/County Commission**

5:00 p.m. Special Meeting
Tuesday, November 20, 2012
City Council Chambers
25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Adoption of Agenda**
3. **Public Hearings**
 - a. First Reading of Ordinance No. 1290 – Amending Appendix A, the 2012 Joint Zoning Regulations for Clay County and the City Of Vermillion, Chapter 2, Section 2.03(A), by excluding from the A-1 Agricultural District and including in the RR Rural Residential District Lot 1 of Parcel A, N. ½ SE ¼, 15-92-52, Vermillion Township, Clay County, South Dakota, addressed as 46171 Timber Road.
4. **Adjourn**

Access the City Council Agenda on the web – www.vermillion.us

Addressing the Council: Persons addressing the Council shall use the microphone at the podium. Please state your name and address. Presentations are limited to 5 minutes. For those who do not appear on the agenda, no decision is to be expected at this time.

Meeting Assistance: If you require assistance, alternative formats and/or accessible locations consistent with the Americans with Disabilities Act, please contact the City Manager's Office at 677-7050 at least 3 working days prior to the meeting.

Council Meetings: City Council regular meetings are held the first and third Monday of each month at 7:00 p.m. If a meeting falls on a City holiday, the meeting will be scheduled for the following Tuesday.

Live Broadcasts of Council Meetings On Cable Channel: Regular City Council meetings are broadcast live on Cable Channel 3.

As a courtesy to others, we ask that cellular phones and pagers be turned off during the meeting.





Council Agenda Memo

From: Andy Colvin, Assistant City Manager

Meeting: November 20, 2012

Subject: First Reading of Ordinance No. 1290 – Amending Appendix A, the 2012 Joint Zoning Regulations for Clay County and the City Of Vermillion, Chapter 2, Section 2.03(A), by excluding from the A-1 Agricultural District and including in the RR Rural Residential District Lot 1 of Parcel A, N. ½ SE ¼, 15-92-52, Vermillion Township, Clay County, South Dakota, addressed as 46171 Timber Road.

Presenter: Cynthia Aden, Clay County Zoning Administrator

Background: Richard Jahn, owner of property located at 46171 Timber Road, submitted a petition to rezone his property from Agricultural to Rural Residential. Mr. Jahn plans to split his property into two 1-acre lots in order construct a new home on one of the lots, while renting the existing home. 1-acre lots are only permitted in the Agricultural district if they are platted lots of record; therefore, the only way for Mr. Jahn to split his property is to rezone to Rural Residential. This is the first petition to rezone that has been submitted under the Joint Jurisdictional Zoning Ordinance. The City and County Governing Bodies consider the petition jointly.

Discussion: As this is the first zone change under the recently adopted joint zoning regulations, staff looked at the proposal according to the discussions held during its development. A committee composed of city and county elected officials and planning commissioners developed the regulations with the assistance of staff and SECOG. During those discussions, a major concern from the County was to avoid scattered development on the fringe areas of the City; instead promoting development that can easily be annexed and served by the City. This concern was echoed by City officials as well. The ordinance was drafted with the understanding that some existing properties are already platted for more dense development, which is why single family homes are permitted on lots of record.

The zone change should be considered carefully as it may set a precedent for future changes. Overall, the petition to rezone is for a small area, 2 acres in size.

A few items for consideration include:

- The existence of a long-term plan for development. In the absence of a plan, this could be considered a spot-zone, creating a small island of residential in the middle of A-1. In addition, the parcel is located adjacent to zoned industrial land with access to rail.
- Similar rezone petitions may be submitted in the future, relying on this particular application as a precedent.
- Access and utilities. From the application, it appears Mr. Jahn has a plan to address water and sewer issues as well as road access.

The City and County Planning Commission's considered the zone change on October 9th. The City Planning Commission forwarded a recommendation to deny the zone change. The County Planning Commission forwarded a recommendation to approve the change. In order for the change to take effect, a vote in favor of the change would need to be approved by both the City Council and County Commission.

Compliance with Comprehensive Plan: The Comprehensive Plan specifies that development should be encouraged in areas adjacent to the City where utilities can be provided easily. It is not currently feasible for the City to serve Mr. Jahn's property at this time.

Conclusion/Recommendations: The City and County Governing Bodies are asked to take public comment and grant or deny the zone change petition. It is the responsibility of the applicant to demonstrate the need for a rezone. Staff would propose an alternate to Mr. Jahn's request by amending the ordinance to permit smaller developments via a conditional use permit. Such a change would require a separate hearing and ordinance.

Richard Jahn
Petition to Re-Zone Property

I am requesting that my property be re-zoned to Rural Residential. I intend to split my property into two (2) one-acre lots. I will then build a new home on the new lot and rent the existing home.

I understand that the property is located within the Joint Jurisdiction of Clay County and the City of Vermillion and that re-zoning requires the approval of both the City and County Planning Commissions and the approval of the Clay County Commission and the Vermillion City Council.

If the zoning change is granted, I will develop the property as stated below:

1. Sewage Disposal – I understand that the property is located in the Aquifer Protection Overlay (APO) Zone B. I will contract a state-licensed septic installer to install the septic system for the new home to make sure all requirements are met for APO Zone B.
2. Water Supply – I will connect to the existing rural water system.
3. Road Access – I will build a new road access for the new home if required. I will work with the Clay County Highway Department to build the drive according to their specifications.
4. Emergency Services – I will contact the Clay County Zoning Administrator to obtain a new E911 address so the new home is properly identified for emergency services.


Richard Jahn

9/7/12
Date

CLAY COUNTY REZONING PETITION

REZONING PETITION - 55-1	Petition Fee - \$150 ^{\$175}
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SECTION 1: APPLICANT/OWNER INFORMATION

	APPLICANT INFORMATION	OWNER INFORMATION	
NAME	Richard R. Jahn	Same	
ADDRESS	46171 Timber Rd.		
TELEPHONE	605-677-8695		
FAX			
EMAIL	rich.andrea.jahn@gmail.com		

SECTION 2: PROPERTY INFORMATION

STREET ADDRESS	46171 Timber Rd.		
LEGAL DESCRIPTION	Lot 1 of parcel A, N. Half S.E. 1/4, 15-92-52		
TOWNSHIP NAME & SECTION #	Uermillion Twp. Sec # 15	ZONING DISTRICT	Ag

SECTION 3: ZONING DISTRICT/LAND USE OF ADJACENT PROPERTY

North	Ag	South	Ag
East	Ag	West	Ag

SECTION 4: REASON FOR REZONING PETITION

To build another residence for Primary home + rent out current resident.
Request zone change to rural residential

Signature	Richard R. Jahn
Date	8/14/12

The applicant may be required to provide additional information and/or records.

ORDINANCE NO. 1290

AN ORDINANCE AMENDING APPENDIX A, 2012 JOINT ZONING REGULATIONS FOR CLAY COUNTY AND THE CITY OF VERMILLION, CHAPTER 2, SECTION 2.03(A) ZONING MAP, BY REZONING CERTAIN REAL PROPERTY FROM THE A-1, AGRICULTURAL DISTRICT, DISTRICT TO THE RR, RURAL RESIDENTIAL DISTRICT

BE IT ORDAINED, BY THE GOVERNING BODY OF VERMILLION, SOUTH DAKOTA:

That Section 2.03(A) is hereby amended as follows:

Lot 1 of Parcel A, N. ½ SE ¼, 15-92-52, Vermillion Township, Clay County, South Dakota, addressed as 46171 Timber Road, is hereby rezoned from the A-1 Agricultural District to the RR Rural Residential District, and the official zoning map referred to in Section 2.03(A) of the 2012 Joint Zoning Regulations for Clay County and the City Of Vermillion, is amended to include such land in the RR Rural Residential District.

Dated at Vermillion, South Dakota this 3rd day of December, 2012.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

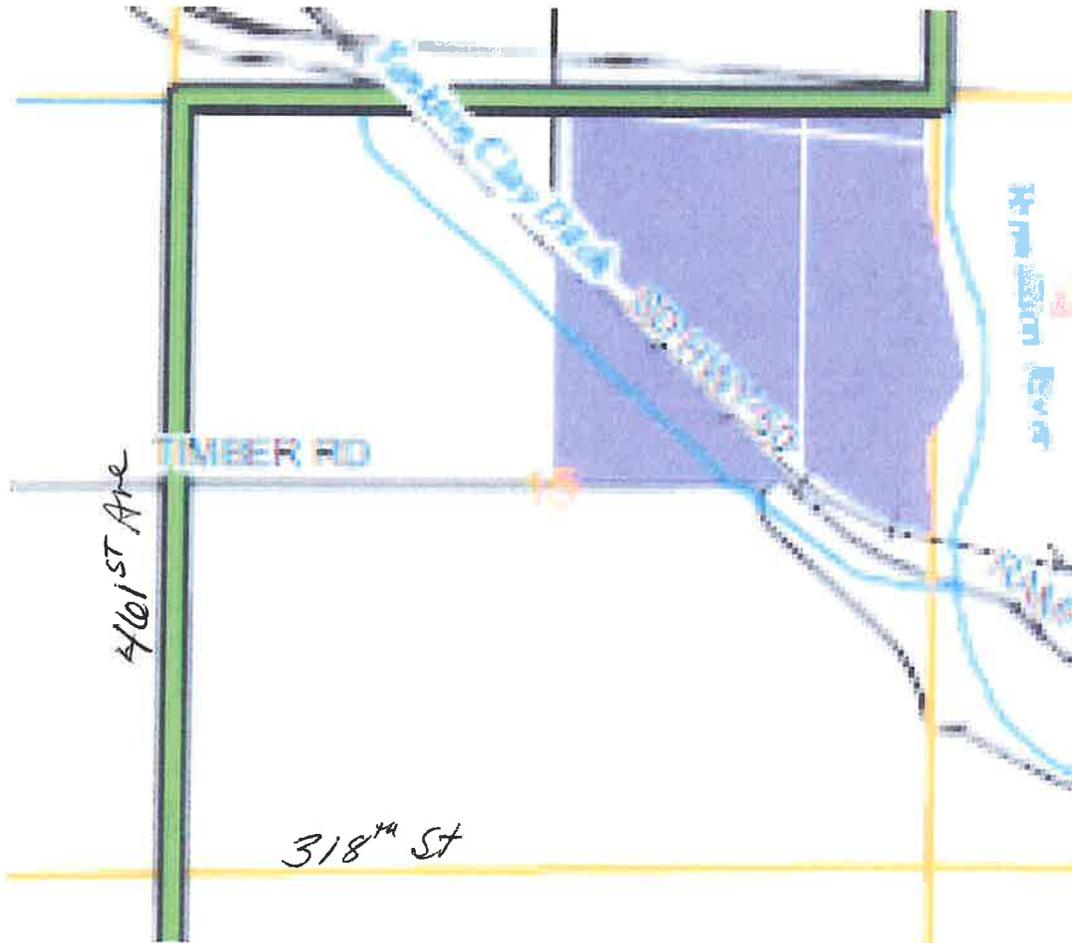
John E. (Jack) Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Officer

First Reading: November 20, 2012
Second Reading: December 3, 2012
Publication: December 14, 2012
Effective Date: January 3, 2012

Richard Jahn Re-Zoning Petition
Section 15, Vermillion Township



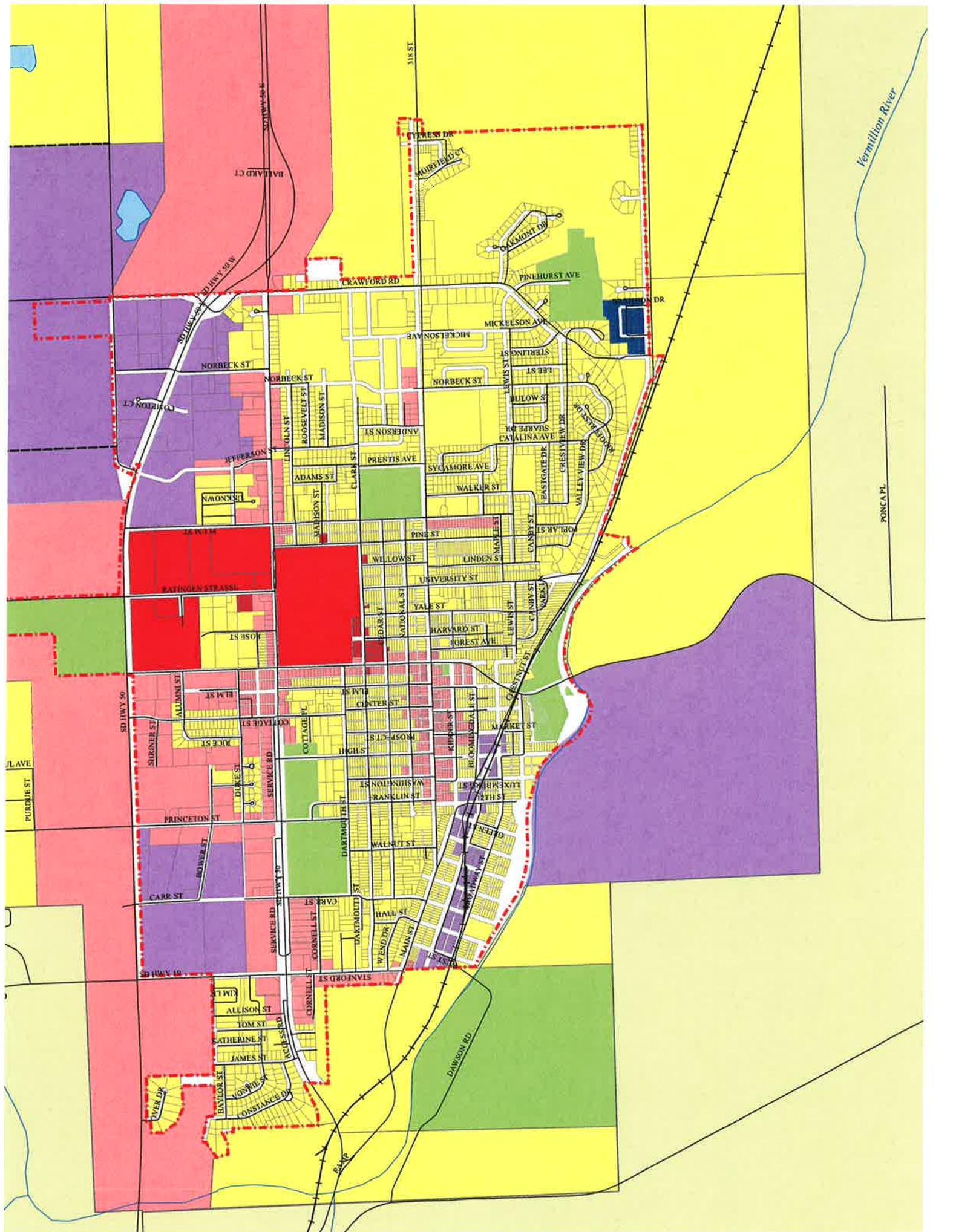
Jahn, Richard

GO

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42°47'10.89"N 96°58'11.60"W elev. 1150 ft





Vermillion River

POMCA PL

PLAVE
PURDUE ST

SD HWY 50

ST HWY 50

318 ST

DAWSON RD

RAMP

30 HWY 50 W

30 HWY

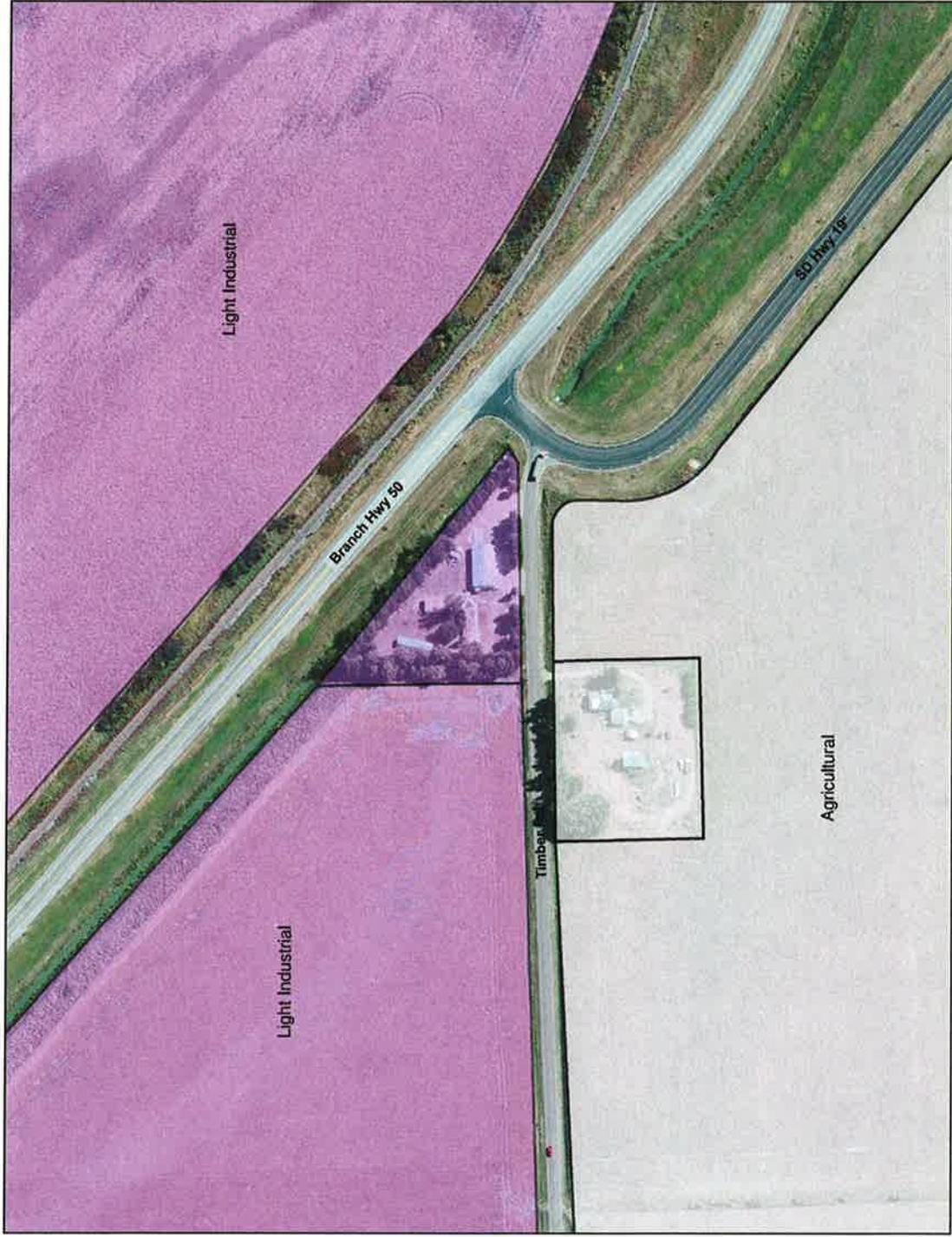


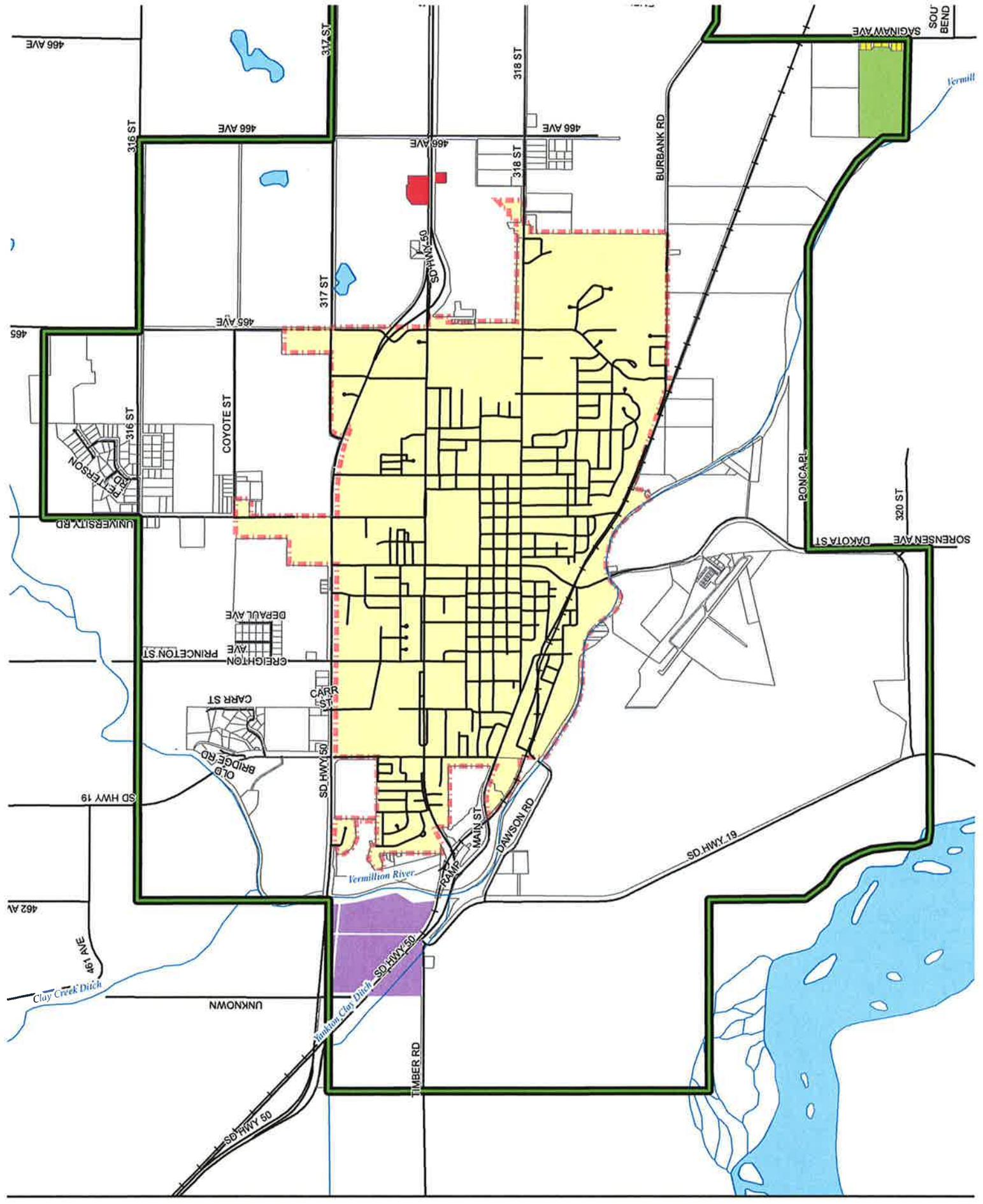
Clay County and City of Vermillion Joint Jurisdictional Area



Legend

	Agricultural
	Light_Industrial





million
3

nservation

2