



**City of Vermillion  
Planning Commission Agenda**

5:30 pm Regular Meeting

Monday, December 12, 2011

City Hall

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

25 Center Street

Vermillion, SD 57069

**1. Roll Call**

**2. Minutes**

- a. November 28, 2011.

**3. Adoption of the Agenda**

**4. Visitors To Be Heard**

**5. Public Hearings**

- a. Petition for Rezoning - Lots 2, 3, and 4, Block 1, Bliss Second Addition to the City of Vermillion, Clay County, South Dakota from the NRC Natural Resource Conservation District to the R-1 Residential District.

**6. Old Business**

**7. New Business**

- a. Discussion Item – Amendments to the NC Neighborhood Commercial district: to add certain business uses as permitted uses and exempt single-family dwellings from various nonconforming use provisions.

**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 November 28, 2011 Regular Meeting

The regular meeting of the Vermillion Planning Commission was called to order in the City Council Chambers at City Hall on November 28, 2011 at 6:30 p.m. The Clay County Commission was also present for a joint public hearing to make a recommendation on the proposed Joint Zoning Regulations for Clay County and the City of Vermillion.

1. Roll Call

Present: Forseth, Gruhn, Howe, Manning, Muenster, Tuve, and Iverson.  
Absent: Fairholm and Reasoner.

Also present were Andy Colvin, Assistant to the City Manager, Jose Dominguez, City Engineer and Toby Brown, SECOG.

2. Minutes

a. September November 14, 2011 Regular Meeting.

Moved by Forseth to approve the November 14, 2011 Regular Meeting Minutes, seconded by Muenster. Motion carried 7-0.

3. Adoption of the Agenda

Moved by Howe to adopt the agenda as printed, seconded by Tuve. Motion carried 7-0.

4. Visitors to be Heard

5. Public Hearing

a. Joint Zoning Regulations for the Joint Jurisdictional Area of Clay County and the City of Vermillion.

Toby Brown, SECOG planner, provided a background on the Joint Jurisdictional Ordinance. Toby reported that the City currently exercises extraterritorial zoning control under a separate ordinance and, as such, is responsible for all zoning matters. Toby reported that the proposed regulations provide for a joint process whereby the City and County both exercise control, with the County Zoning Administrator being the primary administrative official.

Muenster requested clarification on the party responsible for Building Inspections within the joint area. Toby reported that the County will adopt the City's building code and the City will be responsible for inspections under a joint powers agreement.

Chairman Iverson stated that this was a public hearing and asked if anyone in the audience wished to speak on the proposed zoning regulations.

John Walker, 603 S. Norbeck, expressed concern that his property located outside of the City is designated NRC, which will prohibit their current use of the property. Toby clarified that when the City's zoning was converted, the area in question was changed by mistake. Toby reported that the area will be in the agricultural district.

Rich Walker, 16 W. Cedar, requested clarification and asked to know what the NRC district means, but that it is not an issue since the area will be zoned for agriculture.

Howe requested clarification on why some residential areas are zoned and some are not. Toby reported that the areas cited as Rural Residential are currently zoned under the City's extraterritorial ordinance.

Moved by Tuve to recommend approval of the Joint Zoning Regulations to the City Council, seconded by Muenster. Motion carried 7-0.

Andy reported that the proposed regulations will go before the City Council for first reading on December 19<sup>th</sup>, with joint adoption tentatively scheduled for January 10<sup>th</sup>.

6. Old Business

7. New Business

8. Staff Reports

9. Adjourn

Moved by Forseth to adjourn, seconded by Howe. Motion carried 7-0.

Chairman Iverson declared the meeting adjourned 7:00 p.m.



# *Planning Commission Agenda Memo*

**From:** José L. Domínguez, City Engineer

**Meeting:** December 12, 2011

**Subject:** Zone Change – Lots 2, 3 and 4, Block 1, Bliss Second Addition

**Presenter:** José L. Domínguez

**Background:** City staff received a petition to rezone the recently annexed land south of West Main Street and between Mart Auto Body and Valiant Vineyards. When land is annexed by the City, the zoning ordinance provides that it automatically comes in as a Natural Resource Conservation (NRC) District, the most restrictive district in terms of development. The NRC district provides for farm dwellings and prohibits more dense residential development. The property owners submitted a petition to rezone from NRC to R-1, single family residential. All property owners impacted by the zone change have signed the petition.

**Discussion:** Staff accepted the petition and scheduled the public hearings with the Planning Commission and City Council. The applicants are requesting that the zoning district change from the NRC District to the R-1 District. This change would allow for single family dwellings to be constructed.

It should be noted that construction of a single-family home has begun on lot 4. The owner signed a developer's agreement that construction is allowed to begin pending approval of the Planning Commission and City Council.

**Compliance with the Comprehensive Plan:** The Future Land Use map designates this area as residential.

**Conclusion/Recommendations:** All of the property owners have signed the petition for the proposed change. Staff is not aware of any concerns from the public. The Planning Commission is required to take public comment at the hearing and make a recommendation to the City Council. Staff recommends approval of the proposed change.

REZONING APPLICATION—ZONING MAP CHANGE

City of Vermillion  
25 Center Street  
Vermillion, SD 57069  
PH.605-677-7050 FAX 605-677-5461  
<http://www.vermillion.us>

PETITIONER: same as owner (Bliss) PH. \_\_\_\_\_

ADDRESS: \_\_\_\_\_

OWNER: Paul Bliss / Paul Bliss PH. 605-624-3932

ADDRESS: 1200 W. MAIN Vermillion

OWNER: Jamie D. Beers PH. 605-624-3932

ADDRESS: 1200 W. MAIN Vermillion

OWNER: Joanne R. Frudel PH. 605-624-6432 Lot 4

ADDRESS: 31288 SD Hwy 19 57069

OWNER: \_\_\_\_\_ PH. \_\_\_\_\_

ADDRESS: \_\_\_\_\_

OWNER: \_\_\_\_\_ PH. \_\_\_\_\_

ADDRESS: \_\_\_\_\_

(Please attach additional sheets if necessary)

**PROPERTY INFORMATION** (Please attach additional sheets if necessary)

REQUESTED CHANGE OF ZONING IS FROM NRC TO R1

LOCATION: \_\_\_\_\_

LEGAL DESCRIPTION:  
lots 2-4 (Frudel = 4)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

EXISTING LAND USE: Ag PROPOSED LAND USE: residential

SURROUNDING ZONING: NORTH Ag 60 SOUTH Ag EAST R2 WEST Ag

UTILITIES (YES/NO): Yes IF YES, WHICH UTILITIES: already served

**WE THE OWNERS, APPLICANTS, OR AUTHORIZED AGENTS, ACKNOWLEDGE: That the information contained in this application is true and correct to the best of our knowledge; that we have read and received a copy of this application form concerning this matter; that we authorize the City of Vermillion staff and designees to enter onto and inspect the above-described property, and to post the required notices on the above-described property in accordance with the Vermillion Zoning Regulations.**

APPLICANT/AGENT SIGNATURE

*Jeanne R. Frudel*

DATE

*11/15/11*

OWNER SIGNATURE(S)

DATE

*Janice G. Bliss*  
*Paul Bliss*

*11/1/11*

*11/1/11*

*Jeanne R. Frudel*

*11/15/11*

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FOR OFFICE USE ONLY	DATE: <i>11 / 16 / 11</i>
BUILDING OFFICIAL: <i>[Signature]</i>	
HEARING SCHEDULE:	
PLANNING COMMISSION	<i>12 / 12 / 11</i>
CITY COUNCIL	<i>12 / 19 / 11</i>

