



**City of Vermillion
Planning Commission Agenda**

5:30 p.m. Regular Meeting
Monday, March 14, 2016
Large Conference Room – 2nd Floor
City Hall
25 Center Street
Vermillion, SD 57069

1. Roll Call

2. Minutes

- a. January 25, 2016 Regular Meeting.

3. Adoption of the Agenda

4. Visitors To Be Heard

5. Public Hearings

- a. Request for a Conditional Use Permit to construct a single-family home at 2909 Pettersen Road, legally described as Lot 13A, Rolling Hills Estates Second Addition, SW1/4, Section 6, T92N, R51W, 5th PM, Vermillion Township, Clay County, South Dakota. (Joint item with Clay County Planning Commission)

6. Old Business

7. New Business

8. 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, January 25, 2016 Regular Meeting

The regular meeting of the Vermillion Planning Commission was called to order by Chairman Iverson in the Large Conference Room at City Hall on January 25, 2016 at 5:30 p.m.

1. Roll Call

Present: Forseth, Jones, Muenster, Oehler, Tuve and Iverson.
Absent: Fairholm, Gruhn and Manning.

Staff present: Andrew Colvin, Assistant City Manager, Farrel Christensen, Building Official and Jose Dominguez, City Engineer.

2. Minutes

a. October 26, 2015 Regular Meeting.

Moved by Jones to approve the October 26, 2015 Regular Meeting Minutes, seconded by Oehler. Motion carried 6-0.

3. Adoption of the Agenda

Moved by Tuve to adopt the agenda, seconded by Forseth. Motion carried 6-0.

4. Visitors to be Heard

5. Public Hearing

a. Petition for conditional use permit for a Gas Dispensing Station in the General Business District for property located on Lot 2, Block 6, Erickson Addition to the City of Vermillion (southwest corner of SD Highway 50 and Princeton Street).

Chairman Iverson opened the public hearing.

Andy Colvin reported that an application was received from Casey's General Stores for a conditional use permit to operate a gas dispensing on Princeton Street near the intersection with SD Highway 50. Andy stated that the permit is for the gas dispensing portion of the business. Andy also reported that staff have reviewed the project plans and have no concerns with the proposal.

Muenster inquired about the measures taken to prevent leaks in the underground fuel tanks. Jared Sergeant, Casey's General Stores Real Estate Division, stated that the tanks are installed according to industry standards and has electronic processes in place to detect any loss of fuel. In addition the tanks are double walled fiberglass to prevent contamination.

Gruhn arrived at 5:36 p.m.

Forseth inquired about trucks being able to fill up with diesel fuel. Jared reported that the new store will provide some diesel fuel, similar to the other location in Vermillion. Jared also stated that the canopy at the new location will be larger to accommodate vehicles. Discussion followed.

Moved by Forseth to grant the Conditional Use Permit, seconded by Oehler. Motion carried 7-0.

b. Zoning Ordinance Amendment to Section 155.008, Definitions, and Section 155.071, Accessory Uses and Structures, to provide definitions and regulations for constructing and maintaining a chicken coop for the keeping or housing of chickens as permitted by ordinance.

Chairman Iverson opened the public hearing.

Andy Colvin provided a background on the backyard chickens discussion at the council level. Andy reported that one step in the process to permit backyard chickens is to allow coops as an accessory structure under the zoning ordinance, which would provide for permitting and other site standards.

Justin McGregor, 807 Cottage, informed the Planning Commission that he had chickens until the City told him to get rid of them. Mr. McGregor stated that it is reasonable to permit backyard chickens, but that the proposed regulations considered by the City Council would be very strict and be difficult for interested people to keep chickens.

Andy stated that the question before the Planning Commission is whether to permit coops as an accessory structure, and that the animal section of code will need to be amended to provide for the regulation of backyard chickens.

Christine Ahmed inquired about the location of chicken coops. Farrel stated that the coops would need to be at least 150 feet from a residence other than the one on the property. Christine stated that it is best to build coops close to a dwelling.

Bob Oehler inquired about transferring ownership of property and consent for backyard chickens. Andy reported that the issue will be addressed by the City Council on advice of the City Attorney.

Moved by Forseth to recommend denial of the zoning ordinance amendment to the City Council, seconded by Tuve.

Muenster inquired about putting forth a substitute motion. Andy stated that action needs to be taken on the existing motion, but

that the motion could be amended if the person who made the motion wishes. Forseth stated that he would like to see what happens with the existing motion.

Chairman Iverson requested a roll-call vote on the motion to deny the zoning ordinance amendment. Voting yes: Forseth, Oehler, Tuve and Iverson. Voting no: Gruhn, Jones and Muenster. Motion carried 4-3.

c. Petition to rezone the E 264' of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Exc. E 33' and Exc. Mehlhaf Addition and Exc. the S 270' of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ from R-2 medium density Residential District to R-3 high density Residential District.

Chairman Iverson opened the public hearing.

Jose Dominguez presented the proposed zone change to the Planning Commission, stating that Duane Mehlhaf desires to rezone a described portion of his land from R-2 to R-3 high density zoning. Jose provided a number of concerns with the zone change, including the capacity of the Prentis lift station, the fact that Clark Street has been the dividing line between high and medium-density residential development, the Planning Commission previously denied the zone change in 2011 and Mr. Mehlhaf preliminary platted the property to include single-family development in 2007, with no indication of high density development. Jose stated that staff considers preliminary and final plans when studying current and future infrastructure needs.

Paula Nelson, 438 Prentis, inquired about the Prentis lift station issue and whether additional flow would cause issues for property owners. Jose stated that multi-family development puts extra pressure on a lift station and can lead to sewer backups if the lift station is not sized for the development.

Chairman Iverson indicated he would support keeping Clark Street as the dividing line between high and medium/low density development.

Duane Mehlhaf thanked the Planning Commission for their time and indicated that he is pro-development and has invested a lot of money to provide housing in the community. Mr. Mehlhaf stated that, economically, 4-plexes and single family homes will not work based on the infrastructure costs for corner property. Mr. Mehlhaf stated that he is sensitive to property owners on Anderson Street and would not build apartments west of Norbeck.

Discussion and questions followed on the proposed zone change and lift station issues.

Moved by Forseth to recommend denial of the zone change to the City Council.

Mr. Mehlhaf requested that the Planning Commission table the issue to explore withdrawing his petition in order to avoid a denial. Mr. Mehlhaf stated that he would like to withdraw his petition to rezone at this time.

Since the petitioner withdrew his request, Planning Commission took no action and the matter will not go before the City Council for consideration.

6. Old Business

7. New Business

8. Adjourn

Moved by Forseth to adjourn, seconded by Tuve. Motion carried 7-0. Iverson declared the meeting adjourned at 6:40 p.m.

Planning Commission Agenda Memo

From: Andy Colvin, Assistant City Manager

Meeting: March 14, 2016

Subject: Conditional Use Permit Application to Construct a New Single-Family Dwelling at 2909 Pettersen Road (Joint Jurisdictional Zoning Area)

Presenter: Cynthia Aden, Clay County Zoning Administrator

Background: Mart Brothers Construction submitted an application for a conditional use permit to build a new single-family home at 2909 Pettersen Road. The area is currently zoned Agricultural. Single-family dwellings are only permitted via a conditional use on lots of record.

Discussion: Chapter 16 stipulates that the following criteria must be addressed prior to granting a conditional use permit:

- A. *Impact of the proposed use on adjacent properties:* From staff's review, it does not appear that the construction of a new home would negatively impact the surrounding properties. The area where the home will be constructed is a residential subdivision and will be surrounded by other single-family homes.
- B. *Measures shall be taken to ensure that the proposed use does not alter the general character of the neighborhood:* As noted above, the home will be constructed in a residential subdivision and will not alter the character of the neighborhood.
- C. *The effects of noise, odor, traffic, air and water pollution, and other negative factors:* The proposed use is for a single-family home and will not create issues with noise, pollution or traffic.
- D. *The proposed use shall not adversely affect the public:* The proposed use will not affect the public.

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 the Pettersen development with utilities. However, the lots have already been approved and are suitable for residential development.

Conclusion/Recommendations: The City and County Planning Commissions are asked to take public comment and grant or deny the conditional use permit application. It is the

5. Public Hearings; item a

responsibility of the applicant to demonstrate compliance with the ordinance. Based on the criteria listed in the ordinance, staff would recommend approval of the conditional use permit.

216-01

CONDITIONAL USE APPLICATION NUMBER	Application Fee - \$100
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SECTION 1: APPLICANT/OWNER/CONTACT INFORMATION

	APPLICANT INFORMATION	OWNER INFORMATION	
NAME	Mart Brothers Const	Same	
ADDRESS	623 Sharpe Dr, Vermillion		
TELEPHONE	670-8806		
FAX			
EMAIL			

SECTION 2: PROPERTY INFORMATION

STREET ADDRESS	2909 Pettersen Rd		
LEGAL DESCRIPTION	Lot 13A Rolling hills Est 2nd Addn 6-92-51		
TOWNSHIP NAME & SECTION #	Vermillion 6	ZONING DISTRICT	AG

SECTION 3: SITE PLAN INFORMATION

Applicant must submit a plan of the lot or property with the following information:

- Location of all existing and proposed buildings or additions; dimensions of all buildings; distance from all buildings to the property lines at the closest points; North arrow; building height; dimensions of property lines; right-of-way easements; name and location of adjacent streets, waterways or other public places.
- If applicable, also show name of project or business; parking lots or spaces; screening; landscaped setback and trees.

SECTION 4: STATEMENT OF CONDITIONAL USE DESIRED

Residential house

Signature	<i>Chris Mart</i>
Date	2-17-16

NOTE: The Zoning Office may require plans to be prepared by a registered engineer or land surveyor. The applicant may be required to provide additional information and/or records.



Overview



Legend

-  Corporate Limits
-  PLS Townships
-  Parcels
-  Roads

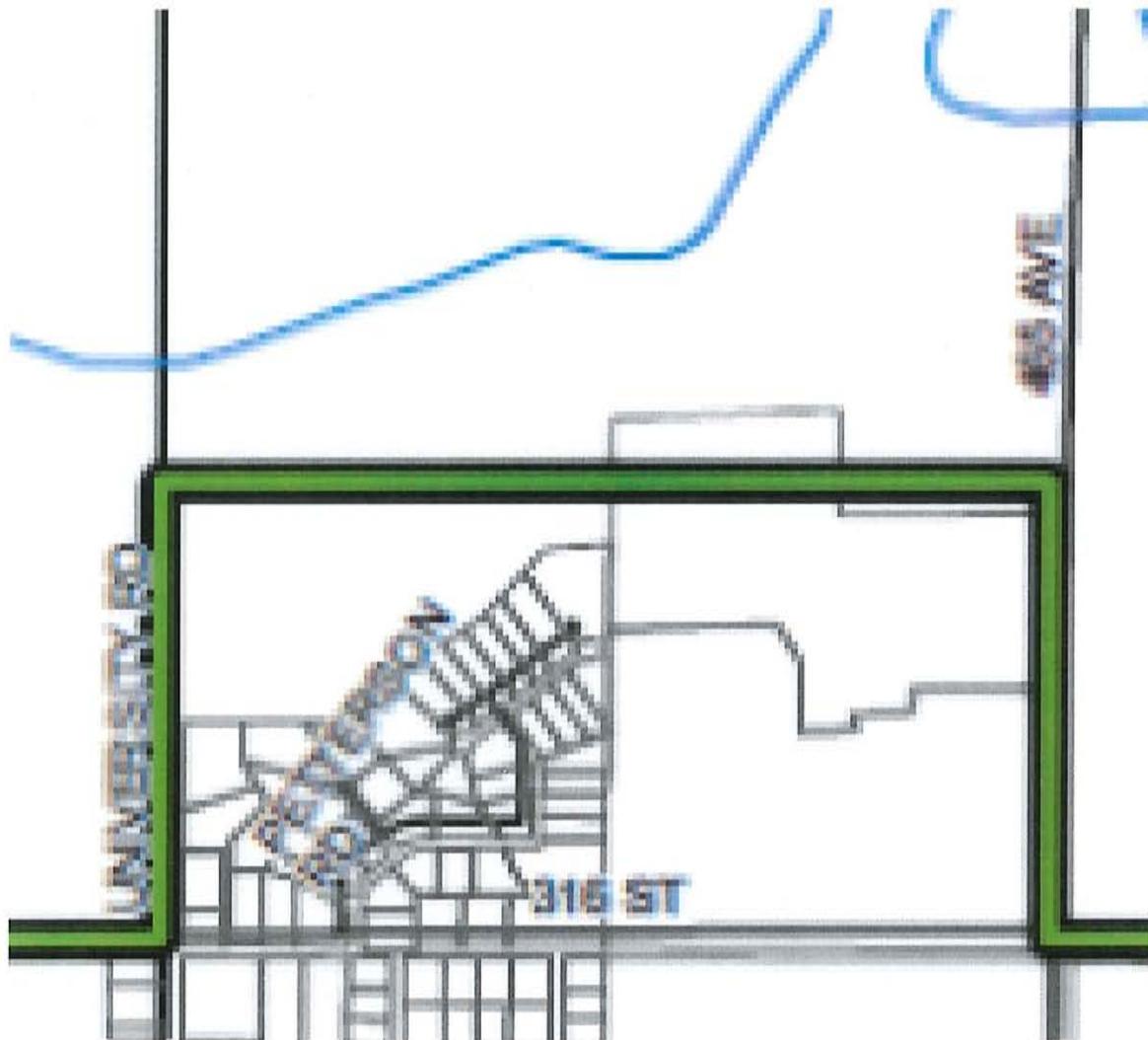
Parcel ID	11101-09251-063-13	Alternate ID	130061418	Owner Address	MART BROTHERS CONSTURCTION INC
Sec/Twp/Rng	06-092-51	Class	FARM		623 SHARPE
Property Address	2909 PETTERSEN RD	Acreage	1.02		VERMILLION SD 57069-
District	VERMILLION TWP - VERMILLION SCH				
Brief Tax Description	LOT 13A ROLLING HILLS EST 2ND ADDN 6-92-51 VERMILLION TWP				
	(Note: Not to be used on legal documents)				

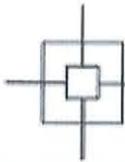
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Date created: 3/2/2016
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 Developed by
 The Schneider Corporation

Mart Brothers Conditional Use
Excerpt from zoning map
No zoning issues noted





State Bank
of Alcester

Experience how *great* banking can be
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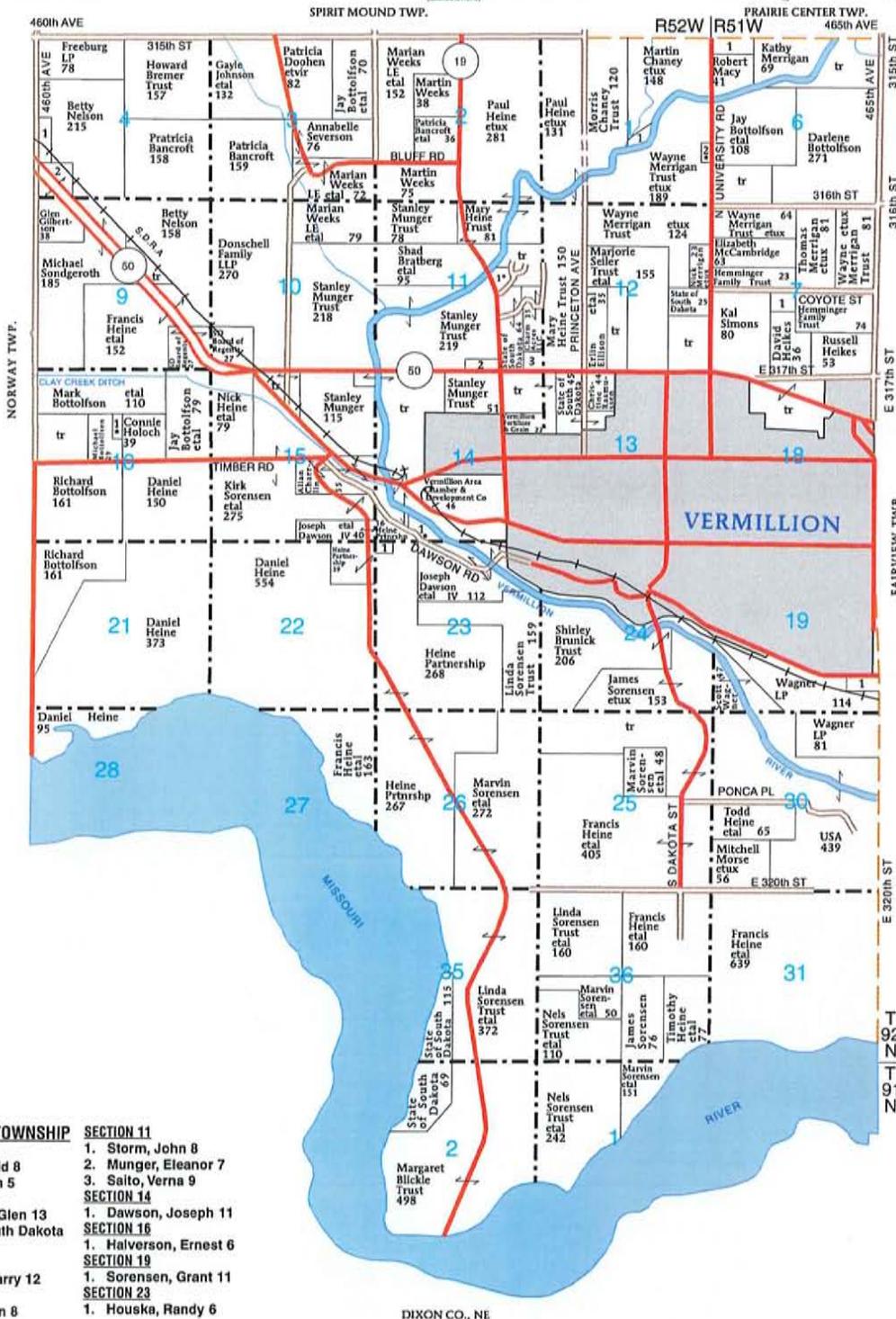
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190 Iowa, Alcester, SD

T-91-92-N

VERMILLION PLAT

R-51-52-W



VERMILLION TOWNSHIP

SECTION 11

- 1. Frazee, David 8
- 2. Berkout, Jan 5

SECTION 4

- 1. Gilbertson, Glen 13
- 2. State of South Dakota 12

SECTION 6

- 1. Scholten, Harry 12

SECTION 7

- 1. Waage, Brian 8

SECTION 11

- 1. Storm, John 8
- 2. Munger, Eleanor 7
- 3. Saito, Verna 9

SECTION 14

- 1. Dawson, Joseph 11

SECTION 16

- 1. Halverson, Ernest 6

SECTION 19

- 1. Sorensen, Grant 11

SECTION 23

- 1. Houska, Randy 6