



City of Vermillion
Planning Commission Agenda
5:30 p.m. Regular Meeting
Monday, April 8, 2013
Large Conference Room – 2nd Floor
City Hall
25 Center Street
Vermillion, SD 57069

1. **Roll Call**

2. **Minutes**

- a. March 11, 2013 Regular Meeting.

3. **Adoption of the Agenda**

4. **Visitors To Be Heard**

5. **Public Hearings**

- a. Consideration and Recommendation of a Resolution Creating a Tax Increment District on Lots 1, 2 & 3, Block 7, Erickson Addition to the City of Vermillion.
- b. Zoning Map Amendment (Rezone) - Rezoning Lot 3, Block 7, Erickson Addition to the City of Vermillion, Clay County, South Dakota from GI General Industrial to GB General Business.

6. **Old Business**

7. **New Business**

- a. Lot 8 of Block 7 of Erickson Addition to the City of Vermillion, Clay County, South Dakota

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 March 11, 2013 Regular Meeting

The regular meeting of the Vermillion Planning Commission was called to order in the City Council Chambers at City Hall on March 11, 2013 at 5:30 p.m.

1. Roll Call

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

Staff present: José Dominguez, City Engineer and Andy Colvin, Assistant City Manager.

2. Minutes

a. February 11, 2013 Regular Meeting.

Moved by Muenstere to approve the February 11, 2013 Regular Meeting Minutes, seconded by Fairholm. Motion carried 8-0.

3. Adoption of the Agenda

Moved by Tuve to adopt the agenda as printed, seconded by Gruhn. Motion carried 8-0.

4. Visitors to be Heard

5. Public Hearing

a. Zoning Ordinance Amendment - Amending section § 155.057 Countryside Planned Unit Development District, subsection (B) Area B (1) permitted uses and (3) Lot and yard regulations, of the 2008 Revised Ordinances of the City of Vermillion, South Dakota, permitting Multiple family Dwellings and establishing Lot and Yard regulations for dwellings with 3 to 8 units, dwellings with 9 to 12 units and dwellings with over 12 units.

Andy Colvin reported that Dave Hertz has submitted a proposal to amend the Countryside Planned Development District in order to permit multi-family housing. The area includes three lots. The Planning Commission opened the hearing for public comment. Matt Heard, 1518 Brandon Drive, inquired about the need for multi-family housing. Steve Howe stated that there is a need for all types of housing in Vermillion. Doug Robinson, 1514 Brandon Drive, asked if the lots could be split into smaller residential lots. Dave Hertz stated that due to the depth of the lots a batter use of the property would be townhomes or apartments. Dan Bird, 1524 Brandon Drive, inquired about utility capabilities. Jose Dominguez stated that the lots are suitable for single or multi-family uses. Neighboring property owners expressed concern about the potential height of apartment complexes. The Planning Commission discussed the possibility of reducing the maximum height for multi-family uses.

Moved by Gruhn to recommend approval of the amendment with that addition of a 35-foot height limitation, seconded by Tuve. Motion carried 8-0.

6. Old Business

7. New Business

8. Adjourn

Moved by Fairholm to adjourn, seconded by Forseth. Motion carried 8-0.

Chairman Iverson declared the meeting adjourned 6:03 p.m.

Planning Commission Agenda Memo

From: Andrew Colvin, Assistant City Manager

Meeting: April 8, 2013

Subject: Recommendation on Creation of Tax Increment District for Lots 1, 2 and 3 Block 7, Erickson Addition

Presenter: Andrew Colvin

Background: The Vermillion Area Chamber and Development Company is planning to construct a building for Eagle Creek Software. The building will be located within the Riverbend Business Park at the corner of Princeton and Bower Streets. In order to assist with development costs, the city is creating a tax increment district for site development costs.

Discussion: The first step in the process is a public hearing before the Planning Commission. The hearing was advertised and notice was sent to the School Board and County Commission as required by statute. The state laws on this are as follows:

11-9-3. Planning commission hearing on creation of district--Notice. In order to implement the provisions of this chapter, the planning commission shall hold a hearing at which interested parties are afforded a reasonable opportunity to express their views on the proposed creation of a tax incremental district and its proposed boundaries. Notice of the hearing shall be published once, not less than ten nor more than thirty days prior to the date of the hearing in a legal newspaper having a general circulation in the redevelopment area of the municipality. Prior to publication, a copy of the notice shall be sent by first class mail to the chief executive officer of all local governmental entities having the power to levy taxes on property located within the proposed district and to the school board of any school district which has property located within the proposed district.

11-9-4. Recommendation by planning commission for creation of district--Designation of boundaries. In order to implement the provisions of this chapter, the planning commission shall designate the boundaries of a tax incremental district recommended by it to be created and submit the recommendation to the governing body.

The Planning Commission will be considering a zone change for lot 3 and a replat later on the agenda. Lot 3 is currently zoned General Industrial. Office uses are permitted in

both the General Business and General Industrial Districts; however, a rezone will ensure consistency throughout the site. The replat will combine lots 1-3 into one lot.

The legal description of the proposed district is as follows:

Lots 1, 2 and 3, Block 7, Erickson Addition to the City of Vermillion Clay County, South Dakota.

Enclosed are maps of the area listed in the notice of public hearing.

Compliance with Comprehensive Plan: The Comprehensive Plan calls for the development of undeveloped ground within the City. In addition, the project will be bringing new jobs to the community. Both of these will be accomplished by creating a tax increment district.

Conclusion/Recommendations: Staff recommend the Planning Commission take public comment on the proposed TID and forward a recommendation of approval to the City Council via the attached resolution.

RECOMMENDATION BY PLANNING COMMISSION
FOR THE CREATION OF A TAX INCREMENTAL
DISTRICT AND DESIGNATION OF THE
BOUNDARIES

WHEREAS, a Public Hearing was published in the legal newspaper for April 8, 2013 and notice of such hearing was sent to the President of the School Board and Chairman of the County Commissioners; and

WHEREAS, the Planning Commission held a Public Hearing on April 8, 2013 to receive public comment on the creation of a proposed tax incremental district; and

WHEREAS, the Planning Commission reviewed the proposed boundaries for the creation of a tax incremental district;

NOW THEREFORE BE IT RESOLVED that the Planning Commission recommends to the Vermillion City Council the creation of the tax incremental district with the following boundaries:

Lots 1, 2 and 3, Block 7, Erickson Addition to the City of Vermillion, Clay County, South Dakota.

Dated at Vermillion, South Dakota this 8th day of April, 2013.

FOR THE VERMILLION
PLANNING COMMISSION

Robert Iverson, Chairman

ATTEST:

Andrew Colvin, Secretary

Planning Commission Agenda Memo

From: Andrew Colvin, Assistant City Manager

Meeting: April 8, 2013

Subject: Proposed Zone Change from GI General Industrial to GB General Business for Lot 3, Block 7, Erickson Addition to the City of Vermillion

Presenter: Andrew Colvin

Background: The Planning Commission previously considered the creation of a Tax Increment District for Lots 1-3, Block 7, Erickson Addition to the City of Vermillion. In order to keep a consistent zoning district throughout the entire property, a rezone is necessary for Lot 3.

Discussion: Office uses are permitted in both the Industrial and General business districts, which means this zone change is more of a house-keeping item for consistency. Enclosed is a map of the area and notice of public hearing.

Compliance with Comprehensive Plan: The zone change is consistent with the goals of the comprehensive plan.

Conclusion/Recommendations: Staff recommends the Planning Commission take public comment on the zone change and forward a recommendation of approval to the City Council.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Vermillion Planning Commission will meet at 5:30 p.m. on Monday, the 8th day of April, 2013, in the large conference room at City Hall, located 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 exclude from GI General Industrial District and include the GB General Business District the real property described as follows:

Lot 3 of Block 7, Erickson Addition to the City of Vermillion, Clay County, South Dakota.

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. The hearing is open to all interested parties. Information regarding accessibility for the disabled may be obtained by calling the Office of the City Manager at 677-7050. Anyone unable to attend may submit written comments prior to the hearing.

Publish: March 22, 2013

Published once at the approximate cost of \$_____

Council Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: April 8, 2013

Subject: Final Plat of Lot 8, Block 7, Erickson Addition to the City of Vermillion, Clay County, South Dakota

Presenter: Jose Dominguez

Background: Banner Associates has submitted a final plat for Lot 8, Block 7 on behalf of the owner. The area to be final platted is roughly 6.12-acres in area and is bordered on the north by Bower Street, on the east by Princeton Avenue and on the south by West Duke Street. The proposed plat will create one lot. This lot is planned for a general-business use.

Discussion: Staff reviewed the final plat and find that it complies with all code provisions. The applicant will also be dedicating all of the required utility easements around the lot.

Since this is a replat of three existing lots (Lots 1, 2 and 3 of Block 7) all of the existing internal utility easements will need to be vacated. The applicant has contacted the utilities in the area. All of the utilities have replied saying that they are not occupying the easements.

Conclusion/Recommendations: Staff finds that the final plat meets all of the ordinance requirements and recommends approval of the final plat. The plat will be considered by the City Council on April 15, 2013.

PLAT OF LOT 8 OF BLOCK 7 OF ERICKSON ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA


 GRID BEARING
 SCALE: 1" = 100'

VACATION NOTICE:
 THIS PLAT SHALL VACATE LOTS 1, 2 AND 3 OF BLOCK 7; ERICKSON ADDITION, AS PLATTED IN THE PLAT OF BLOCK 4; LOTS 2-5 & OUTLOT B, BLOCK 6; & LOTS 1-7, BLOCK 7; ERICKSON ADDITION, TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA, FILED ON JUNE 20, 2008 IN BOOK 7 OF PLATS ON PAGE 589 THEREOF.



VICINITY MAP

LEGEND

- MONUMENT SET THIS SURVEY (5/8" REBAR WITH STAMPED PLASTIC CAP)
- MONUMENT FOUND
- ~~~~~ PROPERTY LINE VACATED BY THIS PLAT
- ////// EXISTING 8' UTILITY EASEMENT NOT VACATED BY THIS PLAT
- - - - - EXISTING 8' UTILITY EASEMENT TO BE VACATED BY THIS PLAT



PREPARED BY:
 BANNER ASSOCIATES, INC.
 VERMILLION, SOUTH DAKOTA
 (605) 624-6342
 MARCH 2013

PLAT OF LOT 8 OF BLOCK 7 OF ERICKSON ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA

SURVEYOR'S CERTIFICATE

I, Nathan W. Nielson, Registered Land Surveyor in the State of South Dakota, do hereby certify that at the direction of VERMILLION CHAMBER OF COMMERCE AND DEVELOPMENT COMPANY, have surveyed and re-platted a tract of land in: LOTS 1, 2 AND 3 OF BLOCK 7; ERICKSON ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA.

This tract of land shall hereafter be known as LOT 8 OF BLOCK 7 OF ERICKSON ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA.

I certify that the locations and dimensions as shown on the plat are true and correct to the best of my knowledge, information and belief and that monuments were set at the corners so indicated. Said survey was surveyed and platted by me or under my direct personal supervision, following generally accepted Professional Standards for Surveying and Platting in the State of South Dakota.

IN WITNESS WHEREOF, I have set my hand and seal the _____ DAY OF _____, 20 _____.

Nathan W. Nielson
Registered Land Surveyor
Registration No. 9924
Banner Associates, Inc.
14 W. Main St., Suite A
Vermillion, South Dakota 57069
Telephone (605) 624-6342

CERTIFICATE OF OWNER

We, VERMILLION CHAMBER OF COMMERCE AND DEVELOPMENT COMPANY, do hereby certify that we are the owners of all land included in the above plat and that the plat has been made at my request and in accordance with my Instructions for the purposes indicated herein.

We, VERMILLION CHAMBER OF COMMERCE AND DEVELOPMENT COMPANY, certify that said plat was made at our request and direction for the purpose of locating, marking, and platting the same, and that said property is free of all encumbrances. We also certify that development of this land shall conform to all existing applicable zoning, subdivision, and erosion and sediment control regulations. It is further provided that any streets, roads, alleys, and/or other easements shown on this plat are hereby, or have been previously, dedicated for the purpose indicated thereon.

We, VERMILLION CHAMBER OF COMMERCE AND DEVELOPMENT COMPANY, certify that this replat will not place any existing lot or building in violation of any applicable ordinance, code, regulation, law including but not limited to zoning, building, subdivision, and flood prevention.

Pursuant to SDCL 11-3-20.1, We further certify that this platting of said described LOT 8 OF BLOCK 7 OF ERICKSON ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA does hereby vacate the following platting:

LOTS 1, 2 AND 3 OF BLOCK 7; ERICKSON ADDITION, AS PLATTED IN THE PLAT OF BLOCK 4; LOTS 2-5 & OUTLOT B, BLOCK 6; & LOTS 1-7, BLOCK 7; ERICKSON ADDITION, TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA, FILED ON JUNE 20, 2008 IN BOOK 7 OF PLATS ON PAGE 589 THEREOF.

IN WITNESS WHEREOF, I have set my hand the _____ DAY OF _____, 20 _____.

GERALD TRACY, PRESIDENT
VERMILLION CHAMBER OF COMMERCE & DEVELOPMENT COMPANY

STATE OF _____ }
COUNTY OF _____ } SS

On the _____ day of _____, 20____, before the undersigned officer, personally appeared GERALD TRACY, PRESIDENT, VERMILLION CHAMBER OF COMMERCE AND DEVELOPMENT COMPANY, known to me or satisfactorily proven to be the person(s) whose name are subscribed to the within instrument and acknowledged that he/she executed the same for the purposes therein contained.

IN WITNESS WHEREOF I have hereunto set my hand and official seal this _____ day of _____, 20____.

Notary Public My Commission Expires _____

VERMILLION CITY COUNCIL RESOLUTION

WHEREAS, it appears that the owner(s) thereof has/have caused a plat to be made of the following described real property: Plat of LOT 8 OF BLOCK 7 OF ERICKSON ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA.

BE IT RESOLVED, that the attached and foregoing plat has been submitted to and a report and recommendation hereon, made by the Vermillion Planning Commission to the Vermillion City Council and has recommended approval.

BE IT FURTHER RESOLVED, that the attached and foregoing plat has been submitted to the Governing Body of the City of Vermillion, which has examined the same; that it appears the system of streets and alleys set forth therein conforms to the system of streets and alleys of Vermillion; that all taxes and special assessments, if any, upon the tract or subdivision have been fully paid; that such plat and survey thereof have been executed according to law; the same is hereby accordingly approved, Dated this _____ day of _____, 20____.

Mayor, City of Vermillion, South Dakota

I, the undersigned Finance Officer of the City of Vermillion, South Dakota, do hereby certify that the within and foregoing is a true copy of the resolution passed by the City Council of the City of Vermillion, South Dakota on this _____ day of _____, 20____.

Finance Officer, City of Vermillion, South Dakota

CERTIFICATE OF COUNTY TREASURER

The undersigned, County Treasurer of Clay County, South Dakota, hereby certifies that all taxes that are liens upon the land included in the above plat, as shown by the records of this office, have been fully paid. Dated this _____ day of _____, 20____.

Treasurer, Clay County, South Dakota

CERTIFICATE OF DIRECTOR OF EQUALIZATION

The undersigned, Director of Equalization of Clay County, South Dakota, hereby certifies that I have received a copy of the foregoing plat. Dated this _____ day of _____, 20____.

Director of Equalization, Clay County, South Dakota

CERTIFICATE OF REGISTER OF DEEDS

Filed for record this _____ day of _____, 20____, _____ o'clock _____ M, and recorded in Book _____ of Plats, on page _____.

Register of Deeds, Clay County, SD

PREPARED BY:
BANNER ASSOCIATES, INC.
VERMILLION, SOUTH DAKOTA
(605) 624-6342
MARCH 2013