



**City of Vermillion**  
**Planning Commission Agenda**  
5:30 pm Regular Meeting  
**Regular and Joint Session with**  
**Clay county Planning Commission**  
Monday, July 23, 2012  
City Hall  
Large Conference Room  
25 Center Street  
Vermillion, SD 57069

**1. Roll Call**

**2. Minutes**

- a. May 29, 2012 Regular Meeting.

**3. Adoption of the Agenda**

**4. Visitors To Be Heard**

**5. Public Hearings**

- a. Conditional Use Permit for a Single-Family Dwelling for Annar Pettersen for Property Located at 2817 Pettersen Court, Vermillion, South Dakota, which is Lot 8B, Rolling Hills Estates Second Addition, SW1/4, Section 6, T92N, R51W, 5<sup>th</sup> PM, Vermillion Township, Clay County, South Dakota.

**6. Old Business**

**7. New Business**

- a. Election of Officers – Chair.  
b. Election of Officers – Vice Chair.

**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  
Tuesday May 29, 2012 Regular Meeting

The regular meeting of the Vermillion Planning Commission was called to order in the conference room at City Hall on May 29, 2012 at 5:30 p.m.

1. Roll Call

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

Also present were José Dominguez, City Engineer and Andy Colvin, Assistant City Manager. As this was a Joint Meeting with the clay County Planning Commission, Cynthia Aden, Clay County Zoning Administrator was also present.

2. Minutes

a. May 14, 2012 Regular Meeting.

Moved by Reasoner to approve the May 14, 2012 Regular Meeting Minutes, seconded by Tuve. Motion carried 6-0.

3. Adoption of the Agenda

Moved by Tuve to adopt the agenda as printed, seconded by Muenster. Motion carried 6-0.

4. Visitors to be Heard

5. Public Hearing

a. Application for Conditional Use Permit to enlarge or extend an existing nonconforming use located at 2630 East Highway 50, Vermillion, SD 57069 (Joint Jurisdictional Zoning Area).

Cynthia Aden presented the application for conditional use to both boards. Cynthia stated that a special permit is required by the Joint Jurisdictional Zoning Ordinance since the current use is nonconforming. Cynthia stated that the permit will authorize the extension of a deck on an existing house and will not substantially modify the use of the property. Brief discussion followed.

Moved by Muenster to approve the conditional use permit application, seconded by Howe. Motion carried 6-0.

b. Proposed Ordinance 1279 Zoning Amendment - Amending Title 15 Chapter 155 Sections 155.031, R-1 Residential District, (A) Permitted Uses and (C) Lot and Yard Regulations to add Single Family Attached (townhouse) Dwellings as a Permitted Use and add regulations for Building Lines and Frontage.

Andy Colvin reported that staff have been developing an ordinance to permit townhomes within the R-1 zoning district. Andy stated that the 2008 revision removed them from the single family district in order to promote single-family neighborhoods. Andy further stated that staff were approached by a property owner desiring to develop their property, with the initial construction of townhomes. Andy reported that the proposed amendment provides townhomes as a permitted use and reviewed some potential items to consider. Andy stated that townhomes can alter the look of a neighborhood and increase traffic due to density increases. However, Andy also stated that townhomes offer additional flexibility and variety, as well as an affordable option for housing.

Discussion followed on the amendment, with the Planning Commission exploring options to mitigate potential impacts on single family neighborhoods. The option of requiring a conditional use permit for the construction of townhomes in the R-1 District was proposed as an alternative.

Moved by Manning to recommend approval of the amendment with the change to move townhomes from the permitted use category to the conditional use category, seconded by Tuve. Motion carried 6-0.

c. Proposed Ordinance 1280 Zoning Amendment - Amending Title 15 Chapter 155 Sections 155.036, GB General Business District, (B) Conditional Uses, to modify the distance requirements for Veterinary Clinics and Kennels.

Andy presented the amendment, reporting that staff were recently contacted with questions about the distance kennels must be from residential uses. Andy stated that current ordinance requires a 1,000-foot buffer between kennels and residential uses, which effectively eliminates them from locating in the city, with the exception of industrial districts. Andy further reported that staff researched other cities and found that 150 feet seemed to be the standard. Andy also stated that kennels are a conditional use and that the Planning Commission can require additional distance or other conditions when granting a permit. Brief discussion followed.

Moved by Howe to recommend approval of the amendment to the City Council, seconded by Manning, Motion carried 6-0.

d. Proposed Ordinance 1281 Zoning Amendment - Amending Title 15 Chapter 155 Sections 155.034 (C), R-4 Manufactured Housing District Lot and Yard Regulations, 155.035 (C), CB Central Business District Lot and Yard Regulations, 155.036 (C), GB General Business District Lot and Yard Regulations 155.038 (C), GI General Industrial District Lot and Yard Regulations and 155.039 (C), Hi Heavy Industrial District Lot and Yard Regulations, to add regulations for Building Lines and Frontage.

Andy presented the amendment and reported that the ordinance will clean up the Zoning Ordinance tables and make them consistent with recent amendments to add building line and frontage categories to Lot and Yard Regulations. Brief discussion followed.

Moved by Muenster to recommend approval of the amendment to the City Council, seconded by Reasoner. Motion carried 6-0.

## 6. Old Business

## 7. New Business

a. Preliminary Plat of Lot 3, Block 1, Park Avenue Addition.

Jose reported that Gillen Land Surveying has submitted a preliminary plat on behalf of the owners of Park Avenue Addition, which is located in the joint Jurisdictional Area. Jose stated that once platted, the owner intends to annex the property into the city. The plat reflects all of the required easements.

Moved by Tuve to approve the final plat, seconded by Muenster. Motion carried 6-0.

b. Final Plat of Lot 3, Block 4 of Brooks Industrial Park Addition.

Jose reported that the VCDC has submitted a final plat for vacant land within the Brooks Industrial Park. Jose stated that a preliminary plat was approved on May 14<sup>th</sup> that encompassed approximately 17 acres. The final plat includes one lot, with the rest being platted as development takes place.

Steve Howe, VCDC Director, stated that the purpose of developing the land is to have land available for future industrial development and uses which may not be desirable in other, similar-zoned areas.

Moved by Muenster to approve the final plat, seconded by Reasoner. Motion carried 5-0 with Howe abstaining.

8. Staff Reports

9. Adjourn

Moved by Howe to adjourn, seconded by Manning. Motion carried 6-0.

Chairman Iverson declared the meeting adjourned 6:25 p.m.



# *Council Agenda Memo*

**From:** Andy Colvin, Assistant City Manager

**Meeting:** July 23, 2012

**Subject:** Conditional Use Permit Application to Construct a New Single-Family Dwelling at 2817 Pettersen Ct. (Joint Jurisdictional Zoning Area)

**Presenter:** Cynthia Aden, Clay County Zoning Administrator

**Background:** Annar Pettersen, owner of property located at 2817 Pettersen Court, submitted an application for a conditional use permit to build a new single-family home. 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 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.

**CLAY COUNTY CONDITIONAL USE PERMIT**

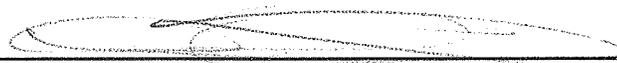
<b>CONDITIONAL USE APPLICATION NUMBER</b> JJ-02	<b>Application Fee - \$100</b>
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<b>SECTION 1: APPLICANT/OWNER/CONTACT INFORMATION</b>			
	APPLICANT INFORMATION	OWNER INFORMATION	
<b>NAME</b>	Annar Pettersen	same	Parcel # 11101-09251-003-18
<b>ADDRESS</b>	1721 Baylor St Vermillion 57069		
<b>TELEPHONE</b>	605-670-1852		
<b>FAX</b>			
<b>EMAIL</b>			

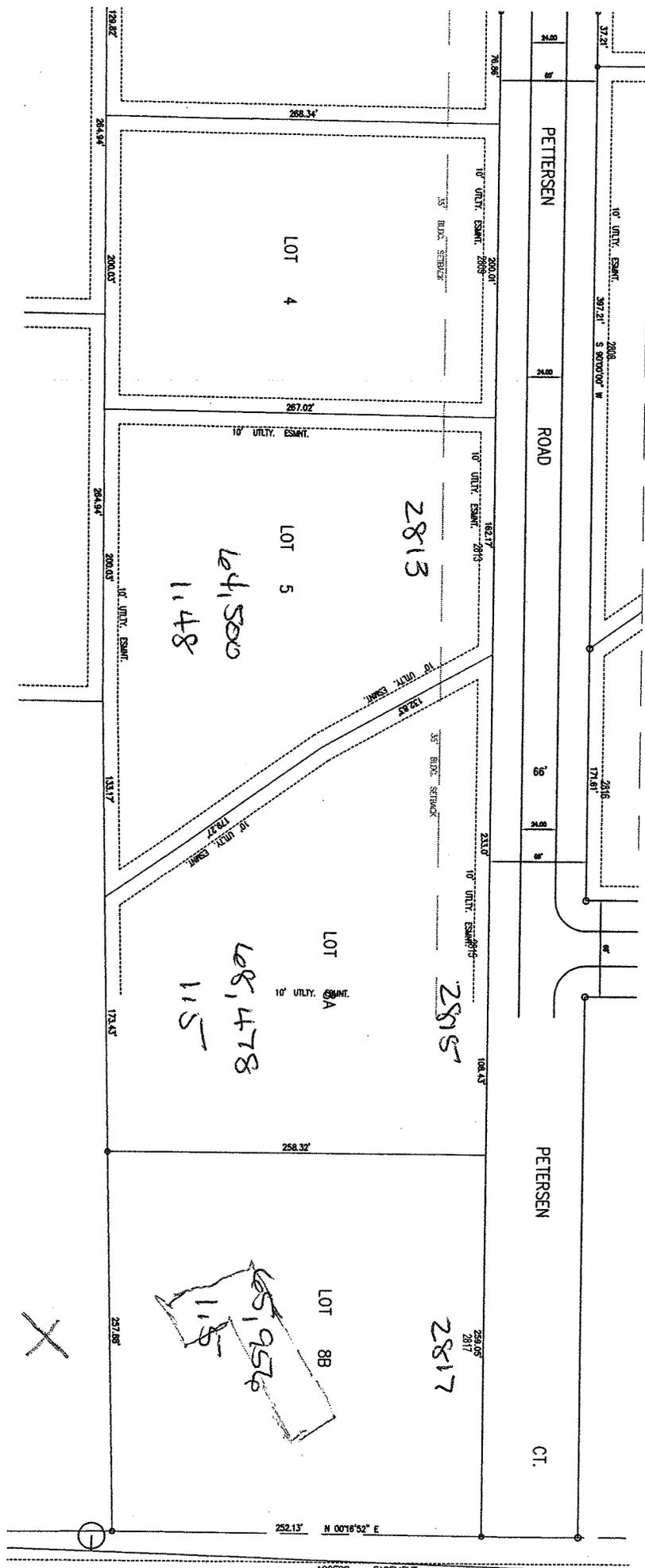
<b>SECTION 2: PROPERTY INFORMATION</b>			
<b>STREET ADDRESS</b>	2817 Pettersen Rd, Vermillion SD 57069		
<b>LEGAL DESCRIPTION</b>	Lot 8B, Rolling Hills Estates Second Add'n, SW 1/4, Section 6 T92N R51W		
<b>TOWNSHIP NAME &amp; SECTION #</b>	Vermillion - 6	<b>ZONING DISTRICT</b>	A-1

<b>SECTION 3: SITE PLAN INFORMATION</b>
<p>Applicant must submit a plan of the lot or property with the following information:</p> <ul style="list-style-type: none"> <li>- 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.</li> <li>- If applicable, also show name of project or business; parking lots or spaces; screening; landscaped setback and trees.</li> </ul>

<b>SECTION 4: STATEMENT OF CONDITIONAL USE DESIRED</b>
<p>Single-family dwelling within the A-1: Agricultural District</p>

<b>Signature</b>	
<b>Date</b>	6-27-12

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.



252.13' N 00°16'32" E

ACCESS EASEMENT

PETERSEN

ROAD

PETERSEN

CT.

LOT 4

LOT 5

LOT 8A

LOT 8B

2813

2815

2817

64,500  
11.48

68,478  
11.5

65,957  
11.8

X

10' UTILITY EASEMENT  
387.21' S 80°00'00" W

171.61'

10' UTILITY EASEMENT  
200.00'

10' UTILITY EASEMENT  
182.27'

10' UTILITY EASEMENT  
233.0'

259.05'  
2817'

35' BLOCK SETBACK

35' BLOCK SETBACK

10' UTILITY EASEMENT

200.00'

208.03'

133.17'

173.43'

257.88'

268.34'

267.02'

132.84'

258.32'

78.85'

37.21'

284.54'

284.54'

284.54'

133.17'

173.43'

257.88'

252.13'



# *Planning Commission Agenda Memo*

***From:*** Andy Colvin, Assistant City Manager

***Meeting:*** July 23, 2012

***Subject:*** Election of Officers

***Presenter:*** Bob Iverson

**Background:** In accordance with the adopted by-laws, the Planning Commission shall elect, from among its members, a Chair and Vice-Chair as follows:

Section 1. The annual election of officers shall take place at the first regular meeting following the City Council organizational meeting.

Section 2. Nominations shall be made from the floor at the annual Planning Commission organizational meeting and election of the officers specified in Article 4 shall follow immediately thereafter.

Section 3. A candidate receiving a majority vote of those present shall be declared elected, and shall serve for one year or until his/her successor shall take office.

Section 4. Vacancies in office shall be filled immediately by regular election procedure.

Bob Iverson and Don Forseth, respectively, have served as Chair and Vice-Chair.

**Discussion:** These positions are necessary to conduct business. The terms for these positions are for a two-year period as there is not a City Council election until 2014.

**Financial Consideration:** None

**Conclusion/Recommendations:** The Planning Commission needs to elect a Chair and Vice Chair from amongst the members.

**CONDITIONAL USE HEARING DECISION**  
**For the Joint Jurisdiction Area of Clay County and the City of Vermillion**

APPLICANT(S)	Annar Pettersen
DATE OF HEARING	July 23, 2012

Ordinance 16.01 (F) requires consideration of certain items for a Conditional Use Permit.

1. The impact of the proposed use on adjacent properties shall be a major consideration. The proposed use should be generally compatible with adjacent properties and other properties in the district.	The proposed use is compatible with other properties in the district.
2. Measures shall be taken to ensure that the proposed use does not alter the general character of the area or neighborhood.	The proposed use will not alter the general character of the area.
3. The effects of noise, odor, traffic, air and water pollution, and other negative factors shall be eliminated or controlled through the use of screening, setbacks, orientation or other measures.	N/A
4. The proposed use shall not adversely affect the public.	The proposed use will not adversely affect the public.

Additional Conditions (if any)	
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**FINDINGS**

The Clay County Planning Commission is empowered by Zoning Ordinance to grant or deny the requested conditional use.

The Clay County Planning Commission finds the requested conditional use is \_\_\_\_\_consistent  
 \_\_\_\_\_inconsistent with the intent of the Zoning Ordinance.

The Clay County Planning Commission hereby \_\_\_\_\_grants \_\_\_\_\_denies the Conditional Use Permit.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
 Clay County Planning Commission Chairperson

NOTE: A Conditional Use Permit shall remain valid only as long as the applicant complies with the terms and conditions. A Conditional Use Permit shall expire by limitation if the building, work or use authorized is not commenced within one (1) year from the date of approval.

3.02 Conditional Uses

Conditional Uses	Applicable Standards
<b>Single-Family Dwelling</b>	11.01, 11.03, 11.05, 16.01 Not within an identified floodplain area. <u>Each quarter-quarter section shall have three building eligibilities.</u> Exceptions: 1) The replacement of any dwelling with another dwelling shall be permitted. 2) <u>Any lot of record as defined by this Ordinance shall be considered buildable provided all remaining ordinance provisions are met.</u>

**CLAY COUNTY CONDITIONAL USE PERMIT**

<b>CONDITIONAL USE APPLICATION NUMBER</b> <i>JJ-02</i>	<b>Application Fee - \$100</b>
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**SECTION 1: APPLICANT/OWNER/CONTACT INFORMATION**

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<b>ADDRESS</b>	<i>1721 Baylor St Vermillion 57069</i>		
<b>TELEPHONE</b>	<i>605-670-1852</i>		
<b>FAX</b>			
<b>EMAIL</b>			

**SECTION 2: PROPERTY INFORMATION**

<b>STREET ADDRESS</b>	<i>2817 Pettersen Rd, Vermillion SD 57069</i>		
<b>LEGAL DESCRIPTION</b>	<i>Lot 8B, Rolling Hills Estates Second Add'n, SW 1/4, Section 6 T92N R51W</i>		
<b>TOWNSHIP NAME &amp; SECTION #</b>	<i>Vermillion - 6</i>	<b>ZONING DISTRICT</b>	<i>A-1</i>

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- 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**

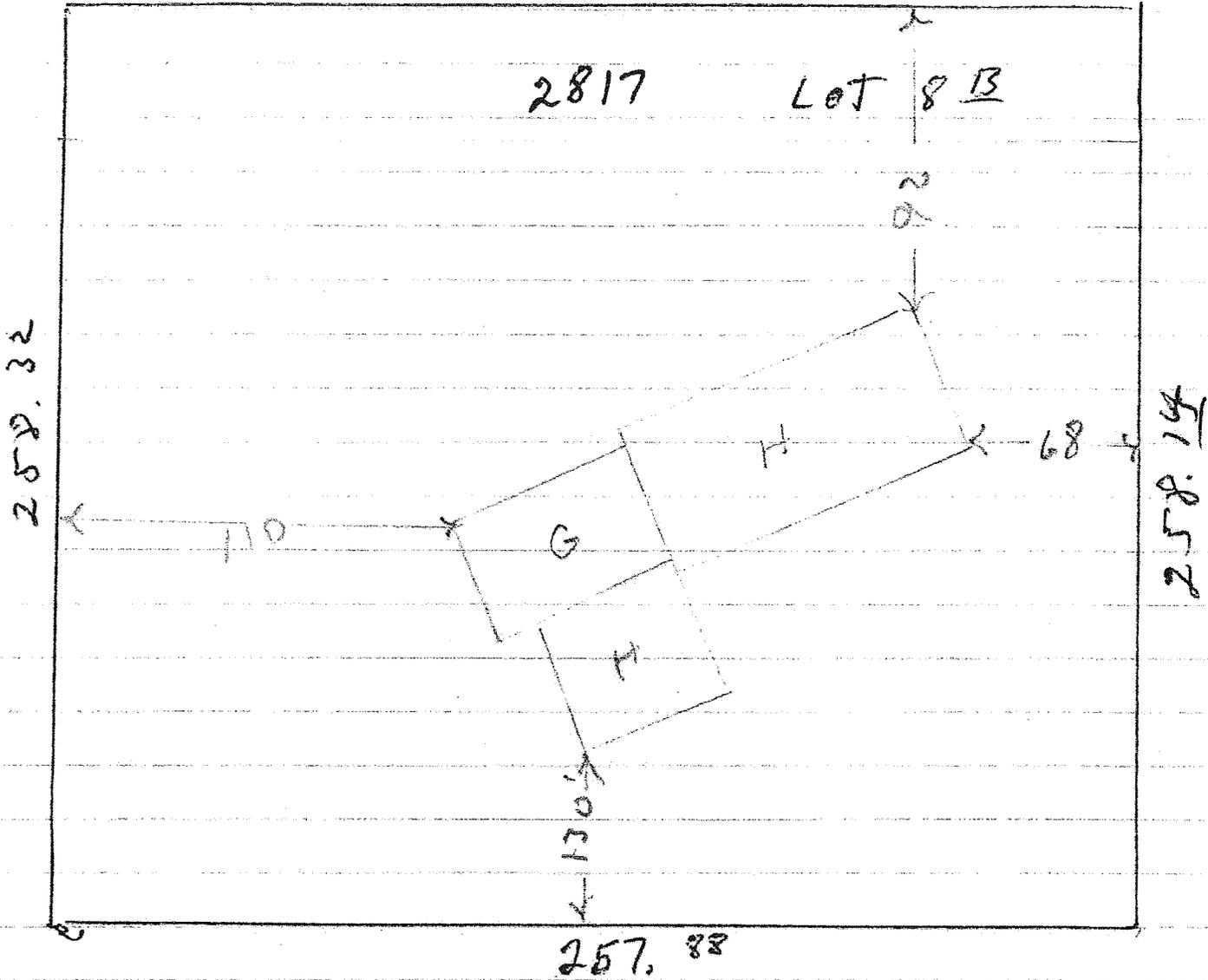
*Single-family dwelling within the A-1: Agricultural District*

<b>Signature</b>	
<b>Date</b>	<i>6-27-12</i>

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.



259.05

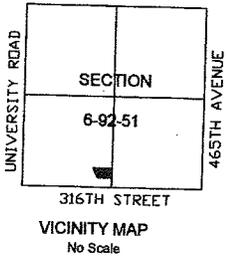


Lot 8 B 2<sup>nd</sup> add

Rolling H. L's AdT.

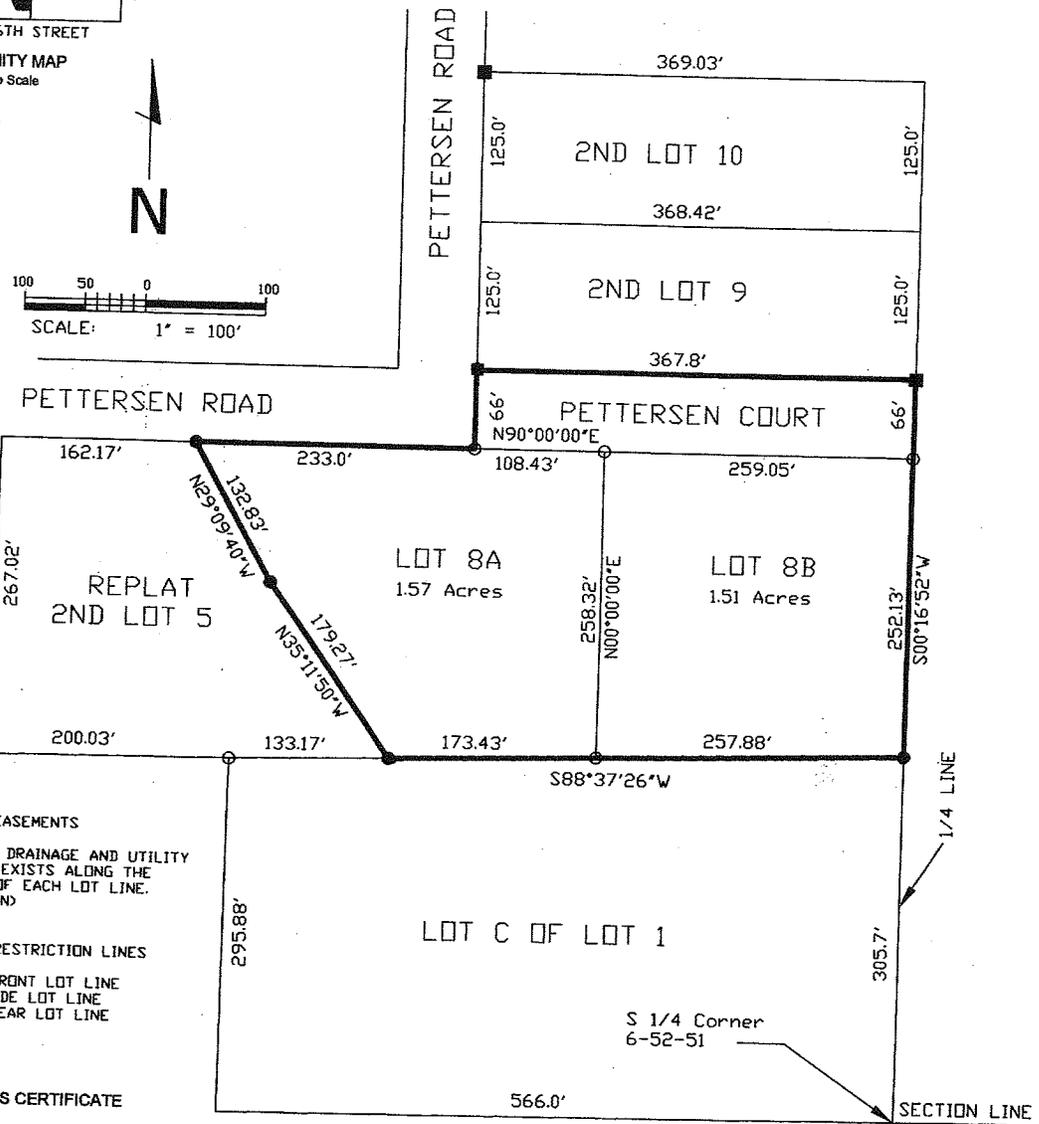
ANNAR PEITZERSEN, CONST.  
1721 BAYLOR ST  
VERMILION, SD 57069

# PLAT OF LOTS 8A & 8B, ROLLING HILLS ESTATES SECOND ADDITION IN THE SW 1/4 SECTION 6, T92N, R51W OF THE 5TH P.M., CLAY COUNTY, SOUTH DAKOTA



- LEGEND**
- DENOTES IRON CORNER FOUND
  - DENOTES IRON CORNER FOUND WITH CAP SDRLS 5801 KLM
  - DENOTES IRON CORNER SET W/YELLOW CAP "GILLEN 1342"

PREPARED BY  
 JOSEPH W. GILLEN, PE & LS  
 616 STERLING STREET  
 VERMILLION, SD 57069  
 (605) 824 2067



**NOTE OF EASEMENTS**  
 A 10 FOOT DRAINAGE AND UTILITY EASEMENT EXISTS ALONG THE INTERIOR OF EACH LOT LINE. (NOT SHOWN)

**BUILDING RESTRICTION LINES**  
 35 FOOT FRONT LOT LINE  
 10 FOOT SIDE LOT LINE  
 25 FOOT REAR LOT LINE

**SURVEYORS CERTIFICATE**

I, Joseph W. Gillen, Registered Land Surveyor in the State of South Dakota, do hereby certify that at the direction of the owner, have surveyed and Replatted Lot 8, Rolling Hills Estates Second Addition in the SW 1/4 Section 6, T92N, R51W of the 5th P.M., Clay County, South Dakota.

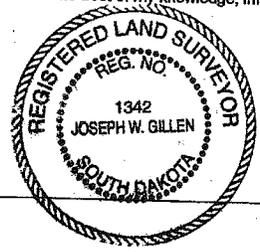
This part shall hereafter be known as Lots 8A & 8B, Rolling Hills Estates Second Addition in the SW 1/4 Section 6, T92N, R51W of the 5th P.M., Clay County, South Dakota.

I certify that the locations and dimensions as shown on the above plat are true and correct to the best of my knowledge, information and belief and that iron stakes were set at the corners so indicated.

In witness whereof I have set my hand and seal this 27th day of August, 2007

*Joseph W. Gillen*  
 Registered Land Surveyor

Seal





Petterson  
Lot Location

# VERMILLION TWP

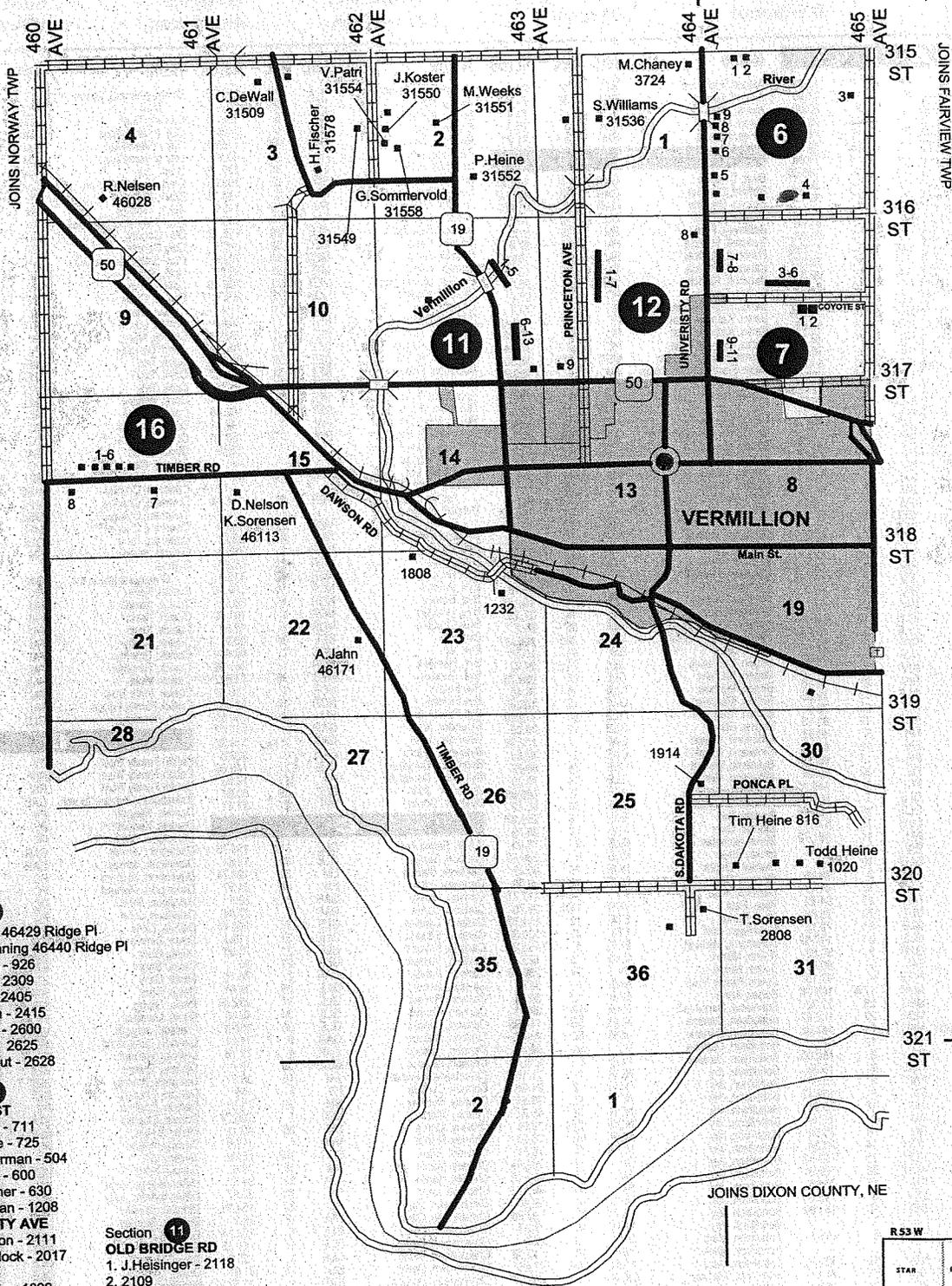


T 92 & 91 N

RESIDENT

R 52 & 51 W

JOINS SPIRIT MOUND TWP



- Section 6**
1. E. Miller - 46429 Ridge Pl
  2. P&K Manning 46440 Ridge Pl
  3. J.Jensen - 926
  4. C.Clark - 2309
  5. J.Reed - 2405
  6. G.Nelson - 2415
  7. D.Russo - 2600
  8. A.Clark - 2625
  9. J.Berkhout - 2628

- Section 7**  
**COYOTE ST**
1. T.Laitala - 711
  2. B.Waage - 725
  3. J.Zimmerman - 504
  4. H.Moser - 600
  5. C.Thatcher - 630
  6. T.Merrigan - 1208

- Section 11**  
**UNIVERSITY AVE**
7. A.Johnson - 2111
  8. R.Wheelock - 2017
  9. 1909
  10. S.Redlin - 1829
  11. K.Simons - 1421

- Section 11**  
**OLD BRIDGE RD**
1. J.Heisinger - 2118
  2. 2109
  3. R.McBride - 2102
  4. M.Gilbertson - 2021
  5. C.Campbell - 1919
- DEERFIELD TRAIL**
6. C.Robinson - 1121
  7. T.Basom - 1103
  8. P.Wingen - 1103
  9. C.Bock - 1017
  10. K.Bliss - 1009
  11. R.Brown - 937
  13. J.Thomson - 915
  12. 912

- Section 12**  
**PRINCENTON AVE**
1. J.Pasualucci - 2507
  2. J.Swallow - 2523
  3. J.Seiler - 2427
  4. M.Mock - 2411
  5. G.Reeves - 1909
  6. B.J.Brady - 1829
  7. R.Jensen - 1735
  8. N.Merrigan - 2224 University Ave
  9. R.Dehner - 825

- Section 16**
1. T.Kober - 46004
  2. W.Myron - 46008
  3. R.Johnson - 46020
  4. E.Halverson - 46044
  5. D.Struckman - 46048
  6. D.Holoch - 46068
  7. D.Heine - 46067
  8. M.Bottolfson - 46003

R53 W	R52 W	R51 W	
STAR	RIVERSIDE	GLENWOOD	N 56.1
BETHEL	PLEASANT VALLEY	GARFIELD	N 56.1
MECKLING	SPIRIT MOUND	PRAIRIE CENTER	N 56.1
NORWAY	VERMILLION	FAIRVIEW	N 56.1

LAND OWNER AND RURAL RESIDENT MAPS