



**City of Vermillion  
Planning Commission Agenda**

5:30 pm Regular Meeting

Monday, September 12, 2011

City Hall

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

25 Center Street

Vermillion, SD 57069

1. **Roll Call**
2. **Minutes**
  - a. July 25, 2011.
3. **Adoption of the Agenda**
4. **Visitors To Be Heard**
5. **Public Hearings**
  - a. Conditional Use Permit to allow General Manufacturing at 1212 Norbeck St., legally described as Lot 1, Block 3, Brooks Industrial Park.
  - b. Petition to re-zone Lots 7 & 8, Block 1, Potters Addition, from NC Neighborhood Commercial to R-2 Residential.
  - c. Adoption of the Vermillion 2000 – 2020 Comprehensive Plan for the Joint City of Vermillion and Clay County planning area.
6. **Old Business**
7. **New Business**
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 July 25, 2011 Regular Meeting

The regular meeting of the Vermillion Planning Commission was called to order in the conference room at City Hall on June 25, 2011 at 5:30 p.m.

1. Roll Call

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

Also present were José Dominguez, City Engineer and Andy Colvin, Assistant to the City Manager.

2. Minutes

a. June 27, 2011 Regular Meeting.

Moved by Gruhn to approve the May 23, 2011 Regular Meeting Minutes, seconded by Reasoner. Motion carried 5-0.

3. Adoption of the Agenda

Moved by Forseth to adopt the agenda as printed, seconded by Tuve. Motion carried 5-0.

4. Visitors to be Heard

5. Public Hearing

6. Old Business

7. New Business

a. Final Plat of Lots 1 through 5, and R1, Block 1 of Bliss Second Addition.

José reported that McLaury Engineering has submitted a plat to subdivide approximately twenty (20) acres into five (5) residential lots along West Main Street. José reported that the proper easements have been obtained and the plat meets ordinance requirements. José also noted that the plat was first presented to the engineer's office prior to the adoption of the revised subdivision regulations, thus, the plat falls under the previous ordinance.

The Planning Commission inquired about the proposed zoning of the land once annexed into City limits and whether farming activities can continue. Staff reported that current uses will be allowed once annexed and zoned residential, which includes crops.

Moved by Manning to recommend approval of the plat to the City Council, seconded by Tuve. Motion carried 5-0.

8. Adjourn

Moved by Forseth to adjourn, seconded by Manning. Motion carried 5-0.

Chairman Iverson declared the meeting adjourned 5:41 p.m.



## *Council Agenda Memo*

**From:** Farrel Christensen, Building Official

**Meeting:** September 12, 2011

**Subject:** Conditional Use Permit Application – 1212 Norbeck (PEM Building)

**Presenter:** Farrel Christensen

**Background:** The Vermillion Area Chamber and Development Co. has submitted an application for a Conditional Use Permit to allow manufacturing in the PEM building. A company that manufactures modular structures has signed a lease with Cortrust Bank to occupy the property. The activities taking place in the building are related to the company's commercial operations, not residential.

**Discussion:** The property is located within the Brooks Industrial Park and is zoned HI Heavy Industrial. The City Zoning Ordinance requires all manufacturing uses to go through the conditional use process prior to being authorized.

(Note: This summer the City Council amended the zoning code authorizing the Planning Commission to approve all conditional use permits. The Planning Commission's decision is final unless an appeal is filed, in which case the appeal would go to the City Council to consider the conditional use permit application)

The proposed use is compatible with the adjacent uses. MASABA Mining Equipment is located to the east, Johnson Feed Inc. (ABC Bussing and Truck Service) is located to the west, and Midwest Ready Mix is located to the south.

The company is looking to employ 30 employees during the first year of operation. Parking, ingress and egress are sufficient with no changes planned, other than the addition of an overhead door on the east side. Any signs for the property will require a permit from the City.

**Compliance with Comprehensive Plan:** The Comprehensive Plan specifies that the City should encourage development within the undeveloped areas inside City limits. Granting a conditional use permit in this case will permit additional manufacturing in the Brooks Industrial Park. The former PEM building was designed for this type of use.

**Conclusion/Recommendations:** The Planning Commission is asked to take public comment and grant or deny the conditional use permit application. The permit, if granted, cannot be transferred to subsequent owners or users of the building in the future. The use seems to fit well in the area and will expand the employment and economic base of the community. Staff recommends approval of the conditional use permit for 1212 Norbeck to allow the manufacturing of modular structures.

## PETITION FOR CONDITIONAL USE PERMIT

TO THE HONORABLE CHAIRMAN OF THE PLANNING COMMISSION AND THE MEMBERS OF THE CITY PLANNING COMMISSION OF THE CITY OF VERMILLION, SOUTH DAKOTA

1. As authorized by § 155.095 of the City of Vermillion Zoning Ordinance (I) (we) (Name & Address):  
**Vermillion Area Chamber and Development Co.**  
**116 Market St.**  
**Vermillion, SD**

Hereby request a conditional use permit for the property owned by (Name & Address):

**Cortrust Bank**  
**100 East Havens**  
**Mitchell, SD 57301-4026**  
**(605) 996-7775**

2. The legal description of that part of the property where the conditional use permit will be established:

**1212 N. Norbeck**  
**Vermillion, SD**  
**Lot 1 Blk 3 Brooks Industrial Park.**

Parcel Identification Number (PIN): **130037198**

3. The current zoning

**HI (Heavy Industrial), requesting conditional use for General Manufacturing to produce commercial, modular structures in an indoor environment.**

4. Please address the following criteria as best as you can. These are the "standards for conditional use permits that will be addressed at the public hearing. (Use additional sheets if necessary).

- A. Ingress and egress to property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

**Ingress and egress to the property will not change from current approved use. There will be an additional overhead door installed on the east side of the structure which will feed to an existing parking lot and will not change traffic patterns to existing streets. This door addition will not have any impact on the current ingress and egress patterns for pedestrians or vehicles, nor will this change access for emergency vehicles.**

- B. Off-street parking and loading areas where required;

**There are no planned changes to the off-street parking from the current approved use. The facility currently has space for 50 vehicles for an estimated 30 employees in year one of operation. If growth of employees requires additional parking, there is sufficient land to the north of the existing parking areas to meet needs. See section 4 (A.) for a description of loading area changes.**

- C. Refuse and service areas, with particular reference to 1. & 2. above;

**There will be no changes to refuse and service areas from the current approved use.**

D. Utilities, with reference to locations, availability, and compatibility;

Current utilities are suitable for the proposed use and there are no anticipated changes from the current approved use.

E. Screening and buffering with reference to type, dimensions and character;

Screening and buffering requirements are not indicated in the ordinance for the proposed conditional use of General Manufacturing.

F. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with other properties in the district;

Specific signage has not been designed; however the company will file appropriate sign permits if necessary and comply with community signage requirements. There are no planned changes to exterior lighting from the current approved use.

G. Required yards and other open space;

There are no planned changes to the required yard and other open spaces from the current approved use.

H. General compatibility with adjoining properties and other property in the zoning district in which such use is to be located;

Manufacturing of modular structures will be compatible with the current Industrial use in area (i.e., Masaba Mining Equipment to the east separated by storage units, ABC Bussing and Truck Service to the west, and Midwest Ready Mix to the south)

5. The Zoning Administrator shall set the date, time and place for a public hearing to be held by the Planning Commission of the City of Vermillion. The Zoning Administrator shall notify the landowner by mail, and shall post notices of the public hearing at the city office and on the property affected by the proposed conditional use permit no less than 7 days prior to the scheduled public hearing. No less than 10 days before the public hearing, the Zoning Administrator shall publish notice of the public hearing in a legal newspaper of the city.

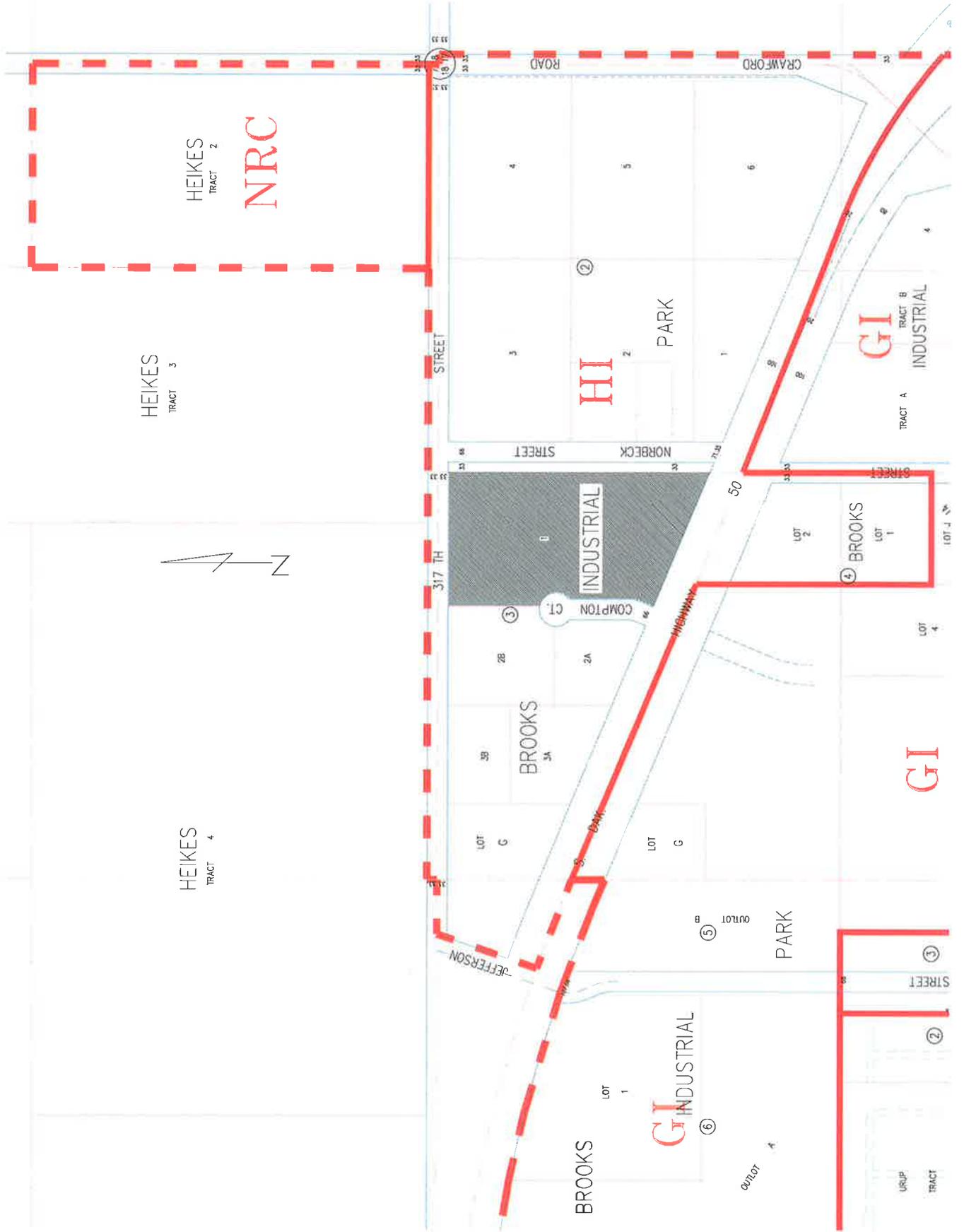
6. A conditional use permit shall automatically expire if the primary use for which it was granted has ceased for a period of 2 years or more; or, the primary use proposed under the conditional use permit has not been undertaken and completed according to the terms and conditions of the conditional use permit within 2 years of the approval of the conditional use permit.

7. Petitioner's Signature At Home Phone 624-5571 Date 8/26/11

8. Owner's Signature Corinast Bank Miller V.P. Phone 444-4034 Date 8-29-2011  
(If different)

Date Fee Received: 8/29/11 Fee \$100 ~~\$30.00~~ PAYABLE TO the City of Vermillion

**FAILURE OF THE APPLICANT OR HIS AGENT TO APPEAR AT THE HEARING WILL CAUSE THE COMMITTEE TO DENY THIS APPLICATION.**



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NRC

HEIKES TRACT 3

HEIKES TRACT 4

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TRACT A  
TRACT B

GI

INDUSTRIAL

BROOKS  
LOT 1

BROOKS  
LOT 1  
LOT 2

GI INDUSTRIAL  
LOT 1

URUP TRACT

317 TH STREET

STREET

NORBECK STREET

COMPTON CT.

BROOKS

LOT C

JEFFERSON STREET

LOT G

OUTLOT A

OUTLOT B

STREET

ROAD

PARK

INDUSTRIAL

BROOKS

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OUTLOT B

GI INDUSTRIAL

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## *Council Agenda Memo*

**From:** Farrel Christensen, Building Official

**Meeting:** September 12, 2011

**Subject:** Lots 7 & 8 Block 1 Potters Addition

**Presenter:** Farrel Christensen

**Background:** Bob Hanson & Kolly Fostvedt recently inquired about building a duplex on two lots along Mulberry Street. While reviewing the proposed project, staff was unable to approve the preliminary plan under the current zoning of NC (Neighborhood Commercial) that prohibits residential uses.

**Discussion:** The lots in the proposed plan are not on Main Street but located north of Hanson Funeral Home on Mulberry Street. The lot to the west of the proposed site is used as a parking lot for a church, on the east side is a vacant lot and across the street are single family homes. The intent of the existing NC district is to provide for developing and redeveloping areas located at the edge of residential developments, adjacent to the major streets that serve the area. It is the intent of this district to provide for a well-integrated service area, providing convenience of goods and personal services to primarily serve residents within 1 mile of the development.

Although the lots along E. Main Street seem to fit the NC district well, with a funeral home and two clinics already in place, the lots on Mulberry Street are only needed in the district for uses that require a great deal of depth. Mr. Hanson does not need the additional depth for the funeral home and believes the proposed duplex would be a good fit on Mulberry Street and in the R-2 district. Staff has reviewed the Comprehensive Plan and visited the site and feel the change would not be contrary to the public interest or the Comprehensive Plan. The proposed district is directly adjacent to an existing R-2 district to the north.

**Compliance with Comprehensive Plan:** The Comprehensive Plan specifies that the City should encourage development within the undeveloped areas inside City

limits. Changing the zoning to R-2 will enable to property owner to develop the property, fulfilling this goal.

**Conclusion/Recommendations:** The Planning Commission is asked to take public comment and make a recommendation to the City Council. The change seems to fit well in the neighborhood and will provide needed development within the City. Staff recommends approval.

**PETITION FOR ZONE CHANGE**

TO THE HONORABLE MAYOR AND THE CITY COUNCIL OF THE CITY OF VERMILLION, SOUTH DAKOTA

1. As authorized by § 155.101 of the City of Vermillion Zoning Ordinance (I),(we) (Name & Address):

Robert Hansen + William C. Hansen  
2028 Augusta Dr. Verm. SD PO Box 101 Irene, SD

Hereby petition to rezone property owned by **Hanson Funeral Home Inc**

57037

From the classification **NC to R-2**

2. The legal description of that part of the property to be rezoned is: **Lots 7 & 8 Blk 1 Potters Addition**  
Parcel Identification Number: **15580-00100-070-00**

3. The proposed change is to facilitate the use of the land for (be specific-list all proposed uses):

to build residential housing.

4. Please address the following criteria as best as you can. These are the "standards for rezoning" which will be addressed at the public hearing. (Use additional sheets if necessary).

A. In detail, explain what public facilities and services serve the proposed development at present, or how they will be provided.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. Explain how the provision for these facilities will not be an unreasonable burden to local government.

These lots are currently across from residential homes.

C. What have you done to determine that the land is suitable for the development proposed?

It is currently across the street from residential homes.

D. Explain what will have to be done so the development will not cause unreasonable air and water pollution, soil erosion or adverse effects on rare or irreplaceable natural areas.

If homes are built on these lots, all city codes will be followed (ex. sidewalks, etc...)

E. Explain any potential for conflict with existing land uses in the area.

We don't foresee any conflict building homes in residential area.

(OVER)

F. Demonstrate the need of the proposed development at this location. To continue residential in this area

G. What is the availability of alternative locations? Be specific. Not looking for locations - we currently own this land.

H. If cropland is being consumed by this Zone Change, what is the productivity of the agricultural lands involved?  
N/A

I. If cropland is being consumed by this zone change, explain how the proposed development will be located to minimize the amount of agricultural land converted. N/A

5. Planning Commission recommendation, The Zoning Administrator shall set the date, time and place for a Planning Commission public hearing. The Zoning Administrator shall post a sign of the public hearing on the property affected by a change of zone no less than 7 days prior to the scheduled public hearing. The notice shall be published in a legal newspaper of the city once not less than 10 days prior to the public hearing. Any person may appear in person, or by agent or attorney. Minutes of the public hearing shall be recorded and kept in the records of the City Council. The Planning Commission shall either recommend or not recommend approval of the amendment to the City Council.

6. City Council action, The Zoning Administrator shall set the date, time and place for a City Council public hearing. The Zoning Administrator shall post a sign of the public hearing on the property affected by a change of zone no less than 7 days prior to the scheduled public hearing. Any person may appear in person, or by agent or attorney. Minutes of the public hearing shall be recorded and kept in the records of the City Council. The City Council shall either approve or not approve the ordinance describing the proposed amendment or change of zone to these zoning regulations, in accordance with standard procedures for reading, approval, publication and effective date. When a proposed amendment or change of zone is approved by the City Council, the amendment shall take effect 20 days after publication, unless the referendum shall have been invoked.

7. Petitioner's Signature \_\_\_\_\_ Phone \_\_\_\_\_ Date \_\_\_\_\_

8. Owner's Signature Robert Heenan Phone 624-2829 Date 7/27/11  
(If different)

Date Fee Received: \_\_\_\_\_ Fee \$50.00 PAYABLE TO the City of Vermillion

**FAILURE OF THE APPLICANT OR HIS AGENT TO APPEAR AT THE HEARING WILL CAUSE THE COMMITTEE TO DENY THIS APPLICATION.**



R-2

NRC

HOSPITAL

R-2

HIGH SCHOOL  
ADDITION



R-2

NRC

HOSPITAL

R-2

HIGH SCHOOL  
ADDITION



# *Planning Commission Agenda Memo*

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

**Meeting:** September 12, 2011

**Subject** Comprehensive Plan Adoption

**Presenter:** Toby Brown, Planner, Southeastern Council of Governments

**Background:** With the upcoming proposal to adopt the Joint Jurisdictional Ordinance, the City Council and Planning Commission amended the Comprehensive Plan to adopt a future land use map. The amendment was necessary to comply with state law since a Comprehensive Plan is necessary for any joint jurisdictional agreements between cities and counties. The City's Comprehensive Plan previously had no provision for land use categories outside of City limits since the plan focused more on infill. The future land use map will serve as a guide for the Planning Commission and City Council to make policy decisions within the joint jurisdictional area. Since there are no defined use categories in the area currently, it would be difficult to consider and justify zone change requests within the proposed joint jurisdictional area.

**Discussion:** The City's Comprehensive Plan will serve as the plan for the joint jurisdictional area in compliance with state law. Both the City and Clay County need to adopt the plan for the joint jurisdictional area at a joint meeting. The City Council and County Commission will adopt the same document, after which time the process to adopt the joint jurisdictional ordinance will begin.

**Conclusion/Recommendations:** Toby Brown will be present on Monday to facilitate discussion between the City and County Planning Commissions. Adoption of the plan does not recognize or adopt a joint jurisdictional zoning ordinance or map—these items will be adopted by the City and County via ordinance in the coming months.