



**City of Vermillion
Planning Commission Agenda**

5:30 p.m. Regular Meeting
Monday, July 14, 2014
City Hall – Large Conference Room
25 Center Street
Vermillion, SD 57069

1. Roll Call

2. Minutes

- a. June 23, 2014 Regular Meeting.

3. Adoption of the Agenda

4. Visitors To Be Heard

5. Public Hearings

- a. Application from Brookings Municipal Utilities d/b/a Swiftel Communications for a Conditional Use Permit to construct a Telecommunications Tower at (approximately) 604 High Street, Vermillion, Clay County, South Dakota.
- b. Zone Change petition to exclude from R-1 Residential District and include in the R-2 Residential District the following described real property, viz. The S 49' of Lot 3 and all of Lots 4,8,9 & 10 Blk 1 Russo 1st Addition and Lots 1,2,3,4,5,6,9,10,11,12,13 & 14 Blk 1 Urup's Addition.

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 June 23, 2014 Regular Meeting

The regular meeting of the Vermillion Planning Commission was called to order by Vice-Chairman Forseth in the Large Conference Room at City Hall on June 23, 2014 at 5:30 p.m.

1. Roll Call

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

Staff present: Jose Dominguez, City Engineer and Toby Bown, SECOG.

2. Minutes

a. June 9, 2014 Regular Meeting.

Moved by Holland to approve the June 9, 2014 Regular Meeting Minutes, seconded by Jones. Motion carried 7-0.

3. Adoption of the Agenda

Moved by Muenster to adopt the agenda, seconded by Tuve. Motion carried 7-0.

4. Visitors to be Heard

a. Clay County Historic Preservation Commission - June 19th Informational Meeting.

Ted Muenster reported that over 40 people showed up to the informational meeting. Muenster also noted that there was discussion of possibly forming a neighborhood association with both historic districts. The possibility of overlay zoning was also discussed.

Rich Holland announced that this will be his last meeting as a member of the Planning Commission as he will begin his term as an Alderman on July 7th. The rest of the members wished him luck and thanked him for his service.

5. Public Hearing

6. Old Business

7. New Business

a. 2035 Comprehensive Plan Work Session

Toby Brown was present to continue reviewing the chapters of the Comprehensive Plan. The Planning Commission expressed the importance of having Department Heads review the various chapters and offer input. In addition, it was suggested that the document should "sell" Vermillion as a community, which means the introduction is critical to the document. Discussion followed on the Comprehensive Plan and the various quality of life and recreational amenities to include in the Comprehensive Plan.

The Planning Commission also discussed the concept of overlay zoning districts for specific areas, such as historical districts. Toby Brown informed the group about how they have worked in Sioux Falls and Minnehaha County.

8. Adjourn

Moved by Tuve to adjourn, seconded by Jones. Motion carried 7-0.

Forseth declared the meeting adjourned at 6:50 p.m.

Planning Commission Agenda Memo

From: Andy Colvin, Assistant city Manager

Meeting: July 14, 2014

Subject: Application from Brookings Municipal Utilities d/b/a Swiftel Communications for a Conditional Use Permit to construct a Telecommunications Tower at (approximately) 604 High Street, Vermillion, Clay County, South Dakota

Presenter: Andy Colvin
Curt Kabris (Technical & Network Operations Manager, Swiftel)

Background: Swiftel Communications, a division of Brookings Municipal Utilities, currently leases space on the Market Street Water Tower for their wireless communications antennas. Since the City's plans are to abandon and demolish the Market Street Tower once the new tower north of the Service Center is complete, Swiftel must find a new location for their communications facilities.

Discussion: Swiftel first inquired about constructing a new tower in the location of the Market Street Water Tower once it is demolished. However, this location is too close to residential uses to reasonably obtain a variance and the use is not permitted in residential districts. New wireless communications towers are a conditional use in the NRC and Industrial Districts. Residential and business districts require them to be on existing support structures and do not permit the construction of new towers.

Swiftel contacted City staff to find a new location for a tower. A number of sites were explored. The most ideal location would be at the current site downtown, but as indicated earlier new towers are not permitted anywhere but within the GI, HI and NRC districts, even as a conditional use. The new water tower on the north side of town was explored, but the location would not reach the southern portion of the community. Additionally, co-locating on the Verizon tower was looked at, but the height of that tower is not sufficient. After a site visit with Swiftel staff, the best location appears to be within the fairgrounds, which is owned by the City and leased to the County, who then leases the property to the Fair Board. Swiftel would need to enter into a lease agreement with the City, similar to

the current one that references the water tower. Locating the tower on the fairgrounds property would minimize neighborhood impact and provide sufficient screening by trees and other buildings. City staff sent letters to the Fair Board, Clay County Commission and County Auditor notifying them of the proposed project and hearings.

The proposed monopole tower is 140 feet tall and will look similar to the tower northwest of the Best Western Vermillion Inn on W. Cherry Street. The application packet submitted by Swiftel provides a number of exhibits to give you an idea of what the tower will look like. It should be noted that the proposed location would be suitable for a scoreboard since it would be in proximity to the softball fields south of the derby arena. Swiftel has expressed willingness to allow the City to utilize the tower for lighting or other purposes as part of the lease agreement, so there would be a public benefit having the tower in the proposed location.

Swiftel will also need to obtain a variance from the City Council since the height and minimum distance from another tower do not meet ordinance requirements. The hearing for the variance is scheduled for July 21st. Ordinance requires a minimum of ½ mile from an existing tower, 300 feet from a residential district and no more than 100 feet in height. The tower meets the required distance from residential uses, but is proposed to be 140 feet in height and is just over a quarter mile away from another tower. The City Council is able to vary height and distance at a public hearing. The height would make it more attractive for other companies to co-locate on the tower, which may reduce the number of future towers in the community.

Compliance with Comprehensive Plan: Communications facilities are similar to utilities, meaning they are incidental to, and grow along with, population. Therefore, the Comprehensive Plan does not specifically address wireless communications.

Conclusion/Recommendations: The Planning Commission is asked to take public comment and grant or deny the conditional use permit application. Approval of the Conditional Use Permit should be conditional upon obtaining a variance from the City Council. As part of the approval, the Planning Commission could also make a recommendation to the City Council for the variance as well. Approval of the CUP would show the Planning Commission is supportive of the project.



Conditional Use Permit Request

For

140' Telecommunication Monopole Tower

PETITION FOR CONDITIONAL USE PERMIT

1. PETITIONER

NAME: Swiftel Communications

ADDRESS: 415 4th St., Brookings, SD 57006

PHONE: 605 697-8298 - Justin Borns

605 697-8282 - Cindy Grimsley

2. PROPERTY INFORMATION (Please attach additional sheets if necessary)

Legal Description: See Attached

Zoning District: NRC

Address: See Attached

Adjacent Zoning:

North: GB South: R-2 East: PDD West: GB/R-3

Will utilities be installed and/or modified? Yes If yes, which utilities: See Attached

3. STANDARDS FOR CONDITIONAL USE PERMIT

Please address the following criteria. These standards will be addressed at the public hearing. Please attach 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.

Swiftel Communications will look to obtain a 10' Ingress and Egress easement originating from High Street to the proposed tower site.

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

During normal maintenance our technician will park along High Street.

C. Refuse and service areas, with particular reference to the property location.

N/A

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

See Attached

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

The perimeter fence for the Demolition Derby Track will provide some screening.

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.

Swiftel will abide with all FAA requirements for lighting. Tower shelter will have an outside light by door. The tower will be capable of installing lighting for the adjacent softball field.

G. Required yards and other open space.

N/A

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

The tower can provide the opportunity for lighting the adjacent softball field. In addition to providing lighting to the adjacent softball field, this proposed location is also adjacent to several light poles surrounding the property area.

[Handwritten Signature] ON BEHALF OF
Signature of Petitioner SWIFTEL COMMUNICATIONS

Signature of Owner (If Different)

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

FOR OFFICE USE ONLY	DATE: ____ / ____ / ____
FEE RECEIVED: YES NO	
BUILDING OFFICIAL: _____	
HEARING SCHEDULE: ____ / ____ / ____	

CITY OF VERMILLION SOUTH DAKOTA

PETITION FOR CONDITIONAL USE PERMIT

Petitioner Name:

Brookings Municipal Utilities dba Swiftel Communications

Property Information:

Legal Description: For 25 x 25 Space:

THE NORTH 25 FEET OF THE SOUTH 314.50 FEET OF THE WEST 25 FEET OF THE EAST 599 FEET OF THE N ½ NE ¼ SW ¼ SECTION 13, TOWNSHIP 92 NORTH, RANGE 52 WEST OF THE 5TH P.M., VERMILLION, CLAY COUNTY, SOUTH DAKOTA.

(located near the southwest corner of the Clay County Fairgrounds Demolition Derby Arena)

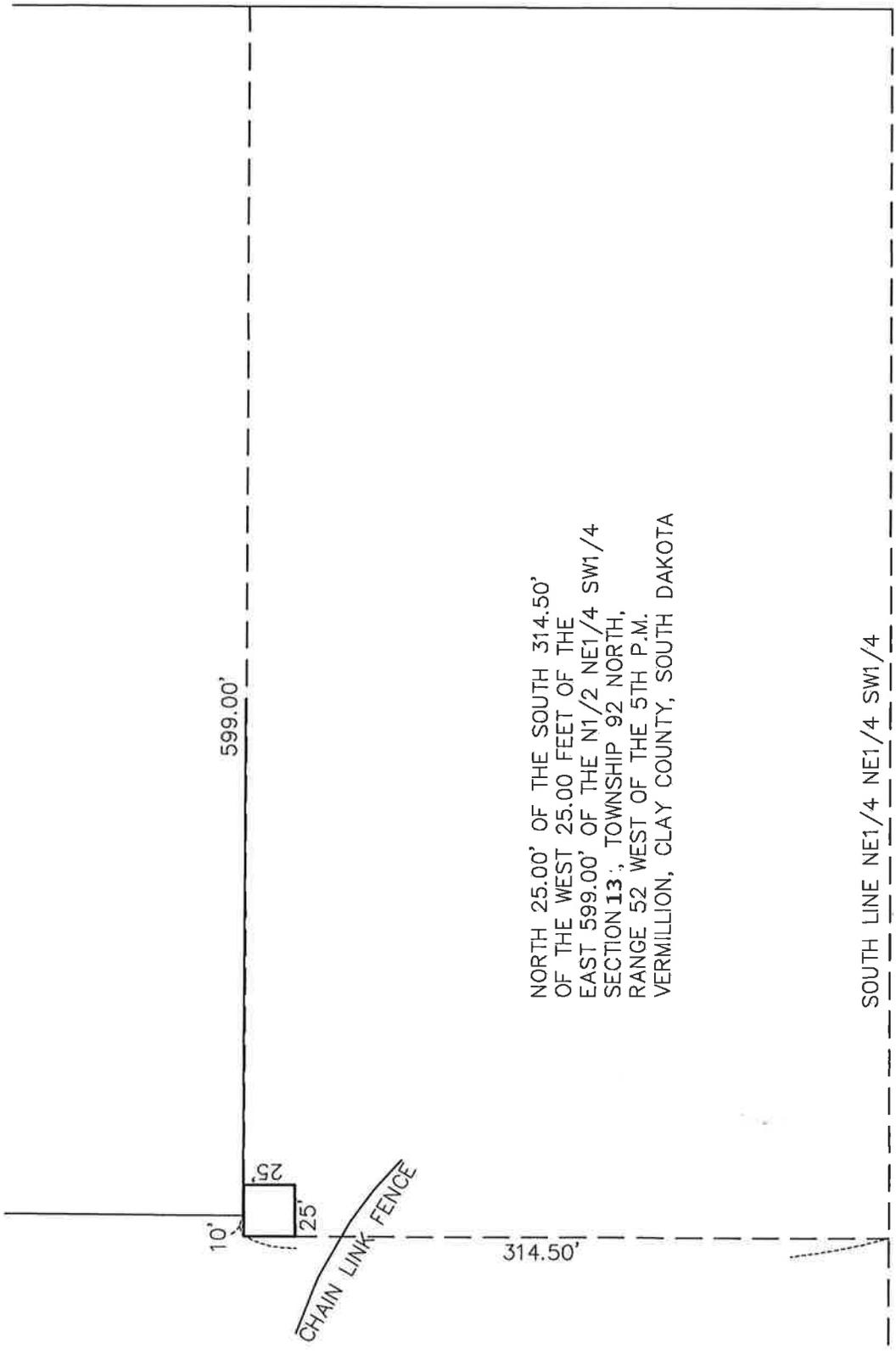
Address: 604 High Street, Vermillion, Clay County, South Dakota

Utilities: Swiftel Communications will acquire a 200 amp electric service from Vermillion Light and Power. SDN Communications will install a fiber optic cable to provide service to the tower site.

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

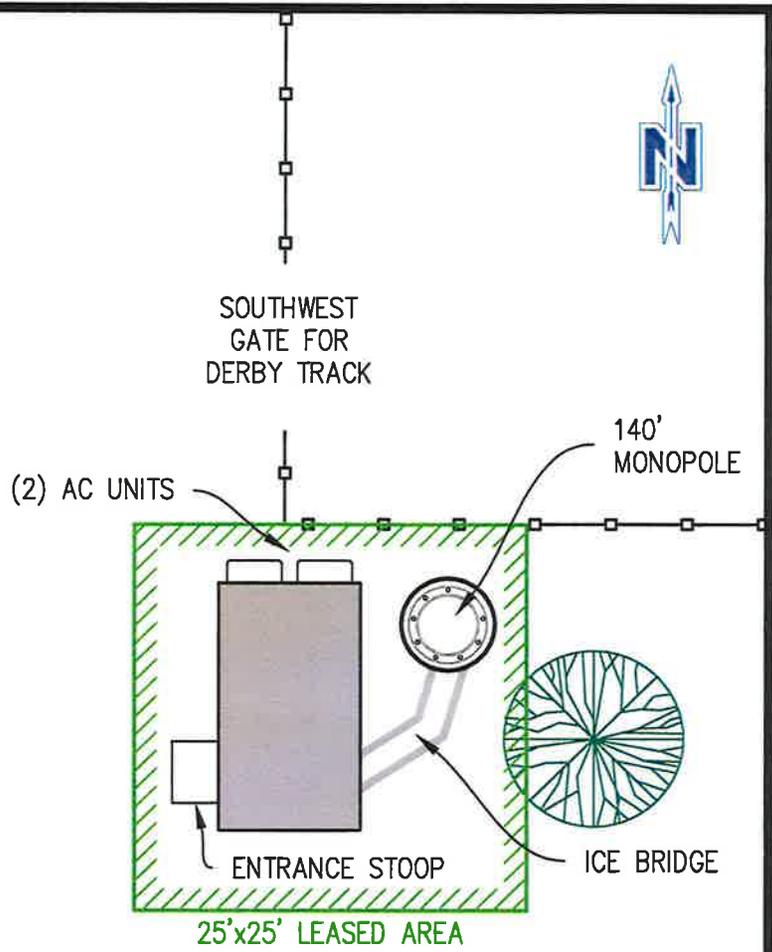
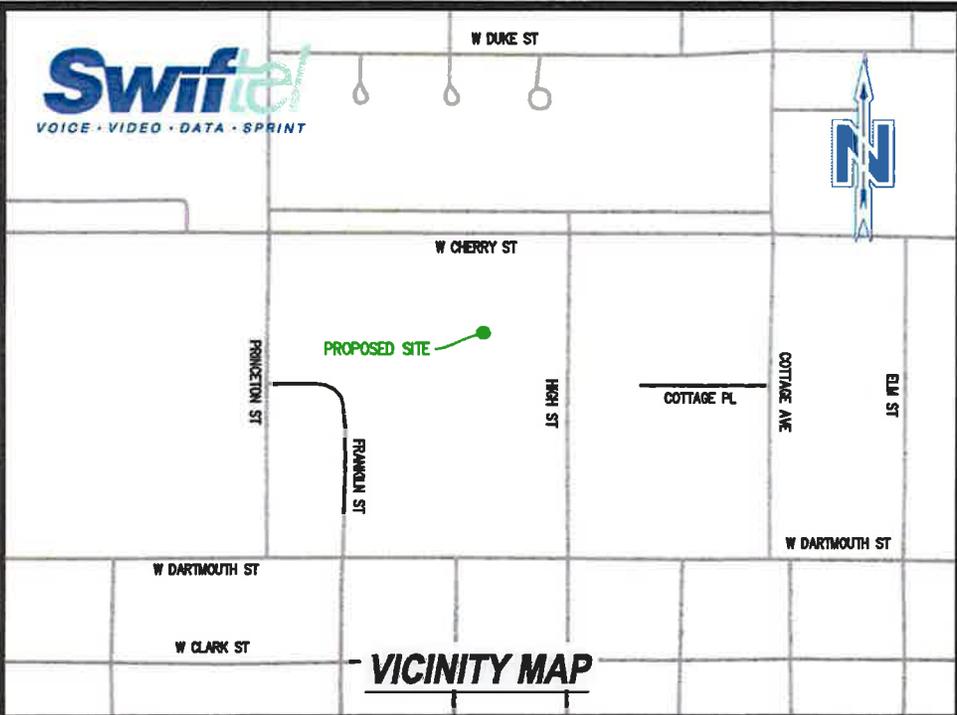
Vermillion Light and Power has an existing transformer along the north side of the Demolition Derby Track. They will install electrical cable from their transformer west and south along the perimeter of the fence to the tower shelter.

SDN Communications has fiber optic cable approximately one block west of the tower site. They will install fiber optic cable along the south side of West Cherry Street. They will turn and go south along the west side of the Demolition Derby fence to the tower shelter.



NORTH 25.00' OF THE SOUTH 314.50'
OF THE WEST 25.00 FEET OF THE
EAST 599.00' OF THE N1/2 NE1/4 SW1/4
SECTION 13, TOWNSHIP 92 NORTH,
RANGE 52 WEST OF THE 5TH P.M.
VERMILLION, CLAY COUNTY, SOUTH DAKOTA

SOUTH LINE NE1/4 NE1/4 SW1/4





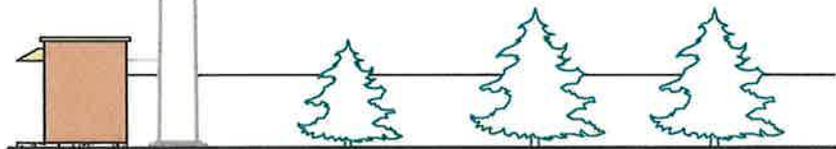
PROPOSED 140' MONOPOLE
Vermillion Lions Park Site

City of Vermillion Tower
604 High St
Vermillion, SD 57069

THE NORTH 25 FEET OF THE SOUTH
314.50 FEET OF THE WEST 25 FEET OF
THE EAST 599 FEET OF THE N ½ NE ¼ SW
¼ SECTION 13, TOWNSHIP 92 NORTH,
RANGE 52 WEST OF THE 5TH P.M.

VERMILLION, CLAY COUNTY, SOUTH
DAKOTA

42°47'08.74" N
96°56'14.53" W



SOUTH ELEVATION



06.12.2014 11:08



06.12.2014 13:01



06.12.2014 13:08

Planning Commission Agenda Memo

From: Farrel Christensen, Building Official

Meeting: July 14, 2014

Subject: Zone Change petition to exclude from R-1 Residential District and include in the R-2 Residential District the following described real property, viz. the S 49' of Lot 3 and all of Lots 4,8,9 & 10 Blk 1 Russo 1st Addition and Lots 1,2,3,4,5,6,9,10,11,12,13 & 14 Blk 1 Urup's Addition

Presenter: Farrel Christensen

Background: In the summer of 2013 Harlowe Hatle, the owner of 225 Sycamore Avenue came to the City with a request to covert the existing laundry attached to the apartment building at 225 Sycamore Avenue into an additional rental unit. After reviewing the request it was noted that the existing structure was located in the R-1 zoning district, which does not permit multiple-family rental units as an allowed use. The 4-plexes and other multi-family structures in this area are currently non-conforming (grandfathered); therefore, no significant improvements can be made except those that will bring the property into compliance. It was initially suggested that the comprehensive rezoning of the City in 2008 changed the zoning district, boundaries and regulations for the Sycamore Street apartments. However, this is not the case.

The apartment buildings were constructed in the early 1960s (pre-1965). The first official zoning ordinance the City adopted wasn't until 1966. As early as 1974, the properties were zoned R-1 single family, which prohibited multi-family dwellings. The 1982 City Zoning Map also reflected R-1 zoning for the Sycamore Avenue apartments, which also made them non-conforming. In other words, the properties have been zoned single-family residential and thus non-conforming since at least 1974, and from that time until now no additional units could be added. It also means that if any of the existing structures should be destroyed by any means to the extent of more than 50% of its replacement cost, such nonconforming use shall not be allowed to continue. The Hatle family purchased the Sycamore Avenue apartments as early as 1993.

After being denied a permit to convert the existing laundry, the owners started collecting signatures to petition the City Council for a zone Change to R-2, which permits multi-family dwellings up to 4 units (4-plex). When requesting a change of zoning, ordinance requires applicants to file the written consent of the owners of 45% of the aggregate area having the right of protest against the change. The applicants have filed property owner consent forms in excess of the minimum required and are now eligible to proceed with the zone change request.

Discussion: Due to the size and nature of the proposed area, and the area's proximity to existing R-2 districts, spot zoning is not an issue. Spot zoning is where a zoning change request singles out and reclassifies a relatively small tract of land owned by a single person and surrounded by a much larger area uniformly zoned in another, less-compatible category. If approved, the zone change would have little impact on the existing structures or the neighborhood without significant changes to the buildings and/or lots. The proposed the R-2 zoning district limits multiple-family units to no more than one building per lot and 4 units per building. Ordinance also requires one parking space per bedroom.

Many of the existing buildings will remain non-conforming due to the arrangement of buildings on the lots and the lack of off street parking, but if destroyed or significantly damaged would be allowed to be rebuilt. The zone change would not allow the laundry to be converted to an additional dwelling unit due to the limit of one structure and 4 units per lot. Even though the laundry can't be converted and not all buildings are totally conforming under the proposed district regulations, it does allow current and future owners to rebuild should structures be damaged or destroyed. This is a very important consideration when applying for insurance, financing or property transfers. Many of the buildings do have the ability to become conforming structures if lot lines were re-platted to separate buildings on individual lots and parking increased.

Current Arrangement of Sycamore Avenue Apartments

West side of Sycamore

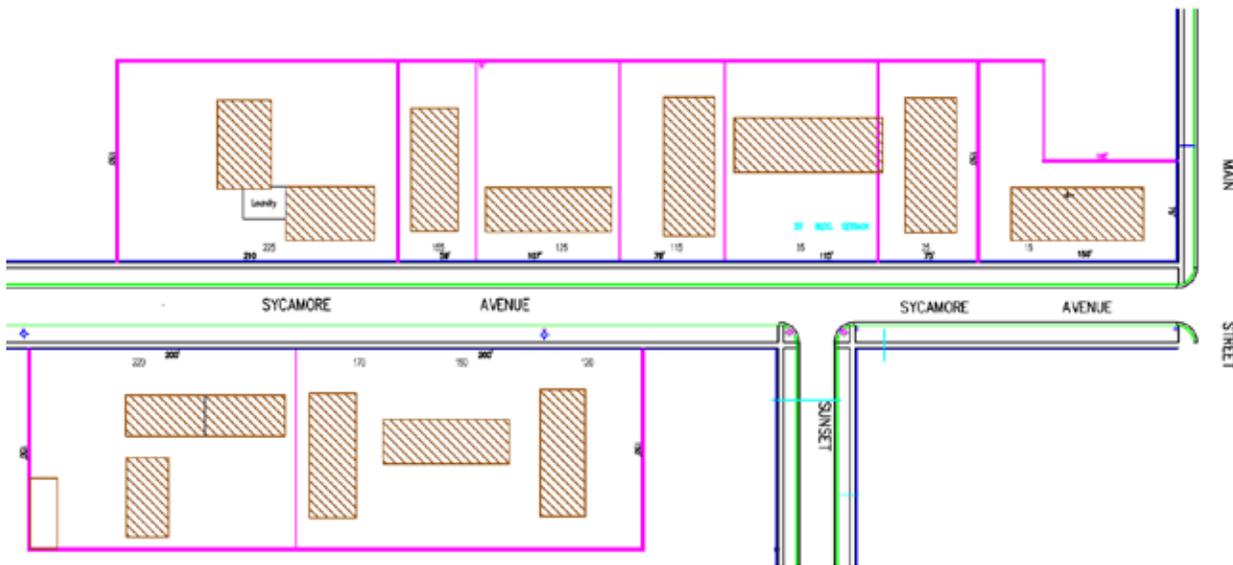
Address	Owner	Units	# of Buildings	Legal	Width/Area
15 Sycamore	Wayne Knutson	4 Units	1 Single Story building	Lot 4 & S 29' of 3 Blk 1 Russos	75/150 14,850 sq ft
25 Sycamore	Hatle Investments	4 Units	1 Single Story building	Lot 8 Blk 1 Russos	75 wide 11,250 sq ft
35 Sycamore	Hatle Investments	4 Units	1 Single Story building	Lot 9 & N 40 of Lot 10 Blk1 Russos	115 wide 17,250 sq ft
115 Sycamore	Hatle Investments	4 Units	1 Single Story building	S 35' of Lot 10 Blk 1 Russo &N 44' of Lot 1 Blk 1 Urups	79 wide 11,850 sq ft

5. Public Hearings; item b

125 Sycamore	Ralph & Marian Ferry	4 Units	1 Single Story building	S 26' of Lot 1 & all of Lot 2 & N 11 of lot 3 Blk 1 Urups	107 wide 16,050 sq ft
155 Sycamore	Ralph & Marian Ferry	4 Units	1 Single Story building	S 59' of Lot 3 Blk 1 Urups	59 wide 8,850 sq ft
225 Sycamore	Hatle Investments	8 Units	2 two Story buildings	Lot 4,5 &6 Blk 1 Urups	210 wide 31,500 sq ft

East Side of Sycamore

Address	Owner	Units	# of Buildings	Legal	Width/Area
120 Sycamore	Ralph & Marian Ferry	24 Units	3 single story buildings	Lots 9,10 & N 20' of Lot 12 Urups	260 wide 39,000 sq ft
220 Sycamore	Douglas Ferry Etal	12 Units	2 two Story buildings	S 60' of 12 & all of Lots 13 & 14 Blk 1 Urups	200 Wide 30,000 sq ft



Compliance with Comprehensive Plan: The Comprehensive Plan’s Future Land Use Map calls for this area to be residential, but it does not specify the density.

Conclusion/Recommendations: Because the petitioners obtained the required number of signatures it appears that there is neighborhood support for the proposed change. Additionally, it does not appear that the current uses will change accept to come into full compliance with the R-2 District, making future impacts to the neighborhood consistent with what exists presently. It should be noted that the 8, 12 and 24-plex will still be nonconforming since the R-2 districts limits density to no more than 4 dwelling units.

July 9, 2014

Planning Committee

City Council Members

Re: Sycamore Street Rezoning

I am writing to express my opposition to the rezoning of apartments on Sycamore Street. The neighborhood currently has enough congestion with the hospital and park as well as rental units.

The hospital has parking lots but still there are many employees and visitors who park on streets around the hospital. I would assume this will only get worse as they remodel/re-build. (Not to mention the many vehicles that congregate in the area when a helicopter is present!)

Prentis Park currently has parking along streets adjacent to this area. There are a few events that really increase the parking requirements in that area. I am not sure what the end result of the changes to the swimming pool will mean for parking in that area in the future also.

I really have nothing against the current apartments. They are fine as they are. However – I do not want a two or three story building being built instead of what is currently there. More units would increase the parking, noise, etc.

Furthermore, I wonder if the letters that came out last year about this confused some people in the neighborhood. I know that I had one neighbor ask about it as the letters were on City letterhead. I believe this made them think that the City wanted the rezoning. (Basically, I'm not sure that all who signed the petition fully understood that there could be larger apartments built in the place of the existing ones. I felt this was down-played in letters from the owners.)

We have had an issue recently with renters from down the block walking home from the bar and literally walking over our car. A neighbor had an item stolen from their yard that resulted from a party in the area. *When you are transient to a neighborhood you have less invested in being a good neighbor.*

Sincerely,



Valarie Hower

12 S. Walker Street

