



City of Vermillion Planning Commission Agenda

5:30 pm Regular Meeting

Monday, May 14, 2012

City Hall

Large Conference Room – 2nd Floor

25 Center Street

Vermillion, SD 57069

1. **Roll Call**
2. **Minutes**
 - a. April 23, 2012 Regular Meeting.
3. **Adoption of the Agenda**
4. **Visitors To Be Heard**
5. **Public Hearings**
6. **Old Business**
7. **New Business**
 - a. Final Plat of Cottage Place Addition
 - b. Preliminary Plat of Lot 3, Block 4 and Lots 1, 2 and Outlot C, Block 5 of Brooks Industrial Park Addition
 - c. Preliminary Plat of Lot 1, Solomon's Addition in the NE ¼ of the NE ¼ of Section 15, T92N, R51W of the 5th P.M., Clay County, South Dakota
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 April 23, 2012 Regular Meeting

The regular meeting of the Vermillion Planning Commission was called to order in the conference room at City Hall on April 23, 2012 at 5:30 p.m.

1. Roll Call

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

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

2. Minutes

a. March 12, 2012 Regular Meeting.

Moved by Fairholm to approve the March 12, 2012 Regular Meeting Minutes, seconded by Tuve. Motion carried 6-0.

3. Adoption of the Agenda

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

4. Visitors to be Heard

5. Public Hearing

a. Zoning Ordinance Amendment - Amending Section 155.008, Definitions, 155.032, R-2 Residential District and 155.033, R-3 Residential District to change dwelling definitions and add a definition and regulations for building lines.

Jose reported that City staff have been working on a plan to permit garage spaces to count towards meeting minimum parking requirements in rental dwellings. The current regulations are in place because code staff found that garages were being used for storage instead of tenant parking. Jose stated that two amendments were required, the first to clarify dwelling definitions and regulations and the second to specify when garage spaces will count. Discussion followed on the first amendment. Forseth asked for clarification on the distinction between a duplex and a townhouse. Jose reported that a townhouse is a single attached dwelling contained on an individual lot and a duplex could be two dwellings on one lot. The Planning Commission asked for clarification on requiring townhomes to be staggered. Jose reported that staggering is desirable to avoid a solid line of homes, which may not be aesthetically desirable. Fairholm suggested that it may be a good idea to define staggered, setting a minimum and a maximum. Staff were directed to look at options from other communities to set a minimum and a maximum limit for staggering.

Moved by Tuve to recommend approval of the amendment, seconded by Gruhn. Motion carried 6-0.

b. Zoning Ordinance Amendment - Amending Section 155.072, Off-Street Parking, modifying parking requirements for dwellings.

Jose reported that the amendment will create specific criteria for when garage spaces will count towards meeting the minimum parking requirements. Jose stated that in, order to be counted, a garage must have direct access from the garage to the dwelling, the garage stall must be at least 10 feet by 20 feet long, and the property owner will ensure the garage space will not be used for any other purpose.

Gruhn inquired as to how this amendment will impact single-family homes being rented. Jose reported that many single family homes are already able to meet the minimum parking requirement without the garage. Fairholm stated that he lives in an area of town where access is directly off of an alley, where there is little space other than the garage to park. Fairholm asked why there is a requirement for garages to be attached in order to count towards minimum parking requirements. Farrel stated that in his experience if a garage is attached with direct access, it is more likely to be used as a garage instead of for storage. Gruhn asked why staff is bringing this forth if the current regulations have worked for the past several years. Howe stated that city regulations on parking are too restrictive and are a barrier to development and redevelopment. Farrel stated that in most cases developers are willing and able to meet the current parking regulations, but that there also may be a way for some garage spaces to count. Discussion followed on permitting all garage spaces to count using the definition of attached garage in the building code. Farrel stated that the building code considers garages built within ten feet of the primary structure to be considered attached and that the minimum stall size is also addressed by the building code. Howe suggested that since the building code takes care of many of the criteria, citing them in ordinance is unnecessary. Howe also stated that it is up to property owners to decide how to use their property and would be in favor of permitting garage spaces to count without the criteria suggested by staff.

Moved by Howe to adopt the amendment with the removal of language requiring direct access, minimum size and the requirement that owners must ensure garage spaces are being used for parking, seconded by Tuve. Motion carried 6-0.

c. Zoning Ordinance Amendment - Amending Section 155.08, Definitions, and Section 155.037, Neighborhood Commercial District, to add a definition for office uses and add permitted commercial uses and conditional residential and commercial uses.

Andy reported that the amendment is a follow up to a previous meeting where a resident expressed concern about refinancing a mortgage on a residential dwelling in the Neighborhood Commercial District. Andy stated that the amendment was drafted to permit residential dwellings and some commercial uses as conditional uses. The Planning Commission inquired whether staff have spoken with any financial institutions on whether the proposed change will help with refinancing activities. Andy stated that the problem lies with third party underwriters and appraisals as opposed to banks. Andy stated that the proposed amendment will permit residential uses as conditional uses. Andy also stated that the amendment will provide for restaurant uses without alcohol licenses as a permitted use. Restaurants with an alcohol license would be required to obtain a conditional use permit. Discussion followed on the proposed amendment. Darby Ganschow, USD representative, stated that

requiring restaurants with alcohol licenses to obtain a conditional use permit would allow the university to offer comments on alcohol establishments close to campus. Howe expressed concern that parking and traffic may also become an issue for commercial uses, primarily restaurants, since on-site parking would only be available via the alley. After some discussion, it was the consensus of the members to move any restaurant to the conditional use category to allow oversight on whether a location is suitable for a restaurant.

Moved by Fairholm to approve the amendment with the change of removing reference to alcohol licenses and requiring all restaurants to obtain a conditional use permit, seconded by Reasoner. Motion carried 6-0.

6. Old Business

7. New Business

a. Preliminary Plat of Cottage Place Addition.

Jose reported that Banner Associates has submitted a preliminary plat on behalf of the owners of Cottage Place Planned Development District. Jose stated that the plat includes all of the required easements and will subdivide the property into eight lots.

Fairholm expressed concern about the roadway going through an existing home and that the width of the street is insufficient off of Cottage. Jose clarified that once the road is put in the structure will need to be moved or demolished and that the entire right-of-way is thirty-three feet off of Cottage, but only a portion of it is reflected on the plat. Reasoner stated that the Cottage Place District was not good for the neighborhood because of the proposed storage and commercial uses. Jose stated that the plat is consistent with the approved district regulations and is only preliminary. If major changes to lots are planned, an additional preliminary plat would be required.

Moved by Howe to approve the preliminary plat, seconded by Gruhn. Motion carried 4-2.

b. Presentation from Tom Reasoner - AIA's 10 Principles of Livable Communities.

Tom Reasoner gave a presentation on the American Institute of Architects' 10 Principles of Livable Communities.

8. Staff Reports

9. Adjourn

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

Vice-Chair Forseth declared the meeting adjourned 8:07 p.m.



Planning Commission Agenda Memo

From: Jose Dominguez, City Engineer
Meeting: May 14, 2012
Subject Final Plat of Cottage Place Addition
Presenter: Jose Dominguez

Background: Banner and Associates has submitted a final plat on behalf of the owners of Cottage Place PDD. The area to be platted is roughly 5.1-acres in area and is bordered in the north by East Cherry Street and on the east by Cottage Avenue. The proposed plat will subdivide the area into 8-lots.

Discussion: Staff reviewed the final plat and find that it complies with all code provisions. The preliminary plat for the same addition was approved by the Planning Commission on the April 23, 2012 meeting. No changes have been made to the plat since the preliminary was approved. The applicant will also be dedicating all of the required 8-foot utility easements around the lots.

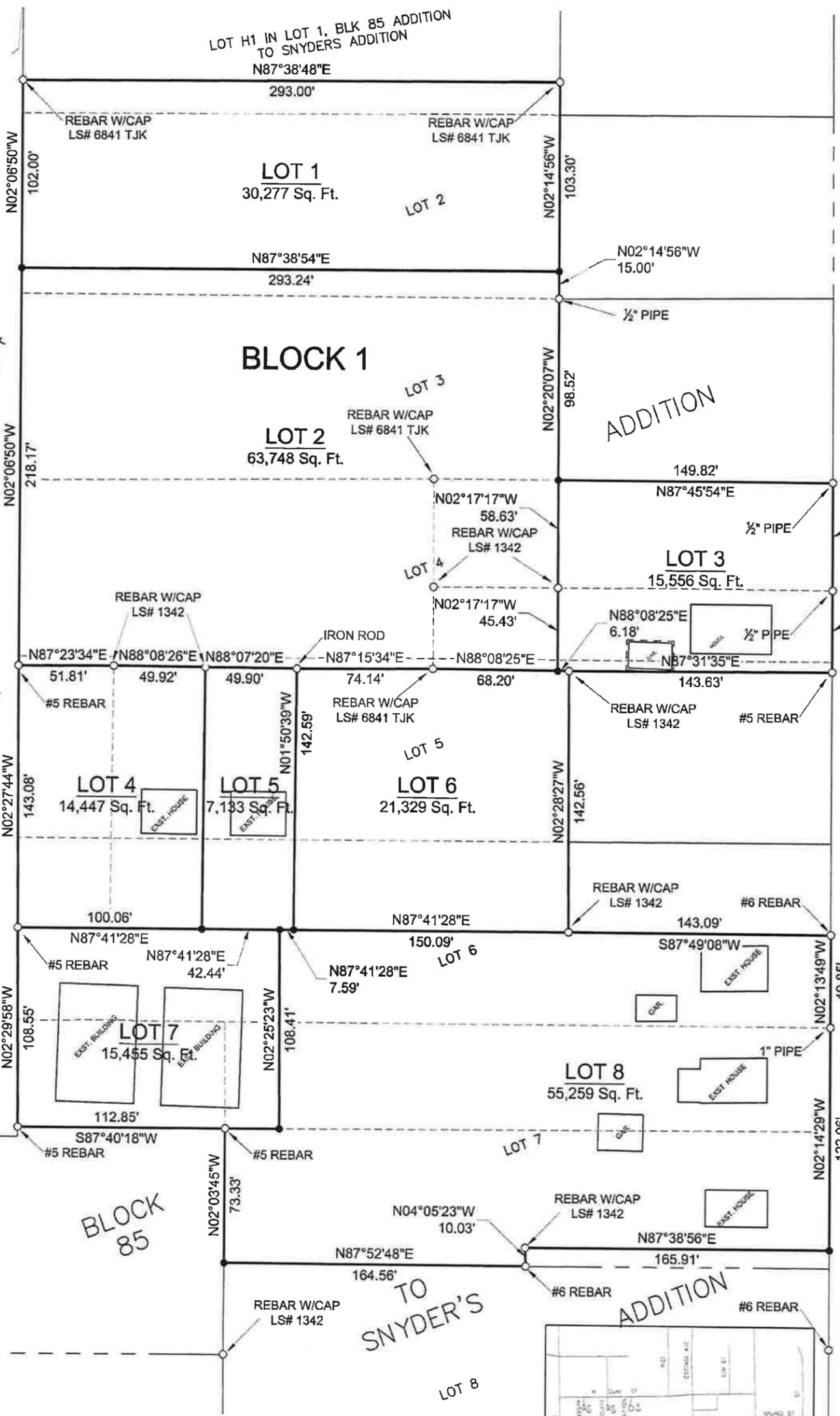
Conclusion/Recommendations: Staff finds that the final plat meets all of the ordinance requirements and recommends that the plat be recommended to the City Council for approval. The plat will be presented to the Council at their May 21, 2012 meeting.

PLAT OF LOTS 1, 2, 3, 4, 5, 6, 7, AND 8 IN BLOCK 1 OF COTTAGE PLACE ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA



N 1/2 OF
NE 1/4 OF
SW 1/4

SECT. 13,
T92N, R52W,
5TH P.M.



COTTAGE AVENUE

COTTAGE AVENUE

LEGEND

- MONUMENT SET THIS SURVEY
5/8" REBAR WITH STAMPED
PLASTIC CAP
- MONUMENT FOUND
- LOT LINE VACATED THIS PLAT

PREPARED BY:
BANNER ASSOCIATES, INC.
VERMILLION, SOUTH DAKOTA
(605) 624-6342
MAY 2012
SHEET 1 OF 4

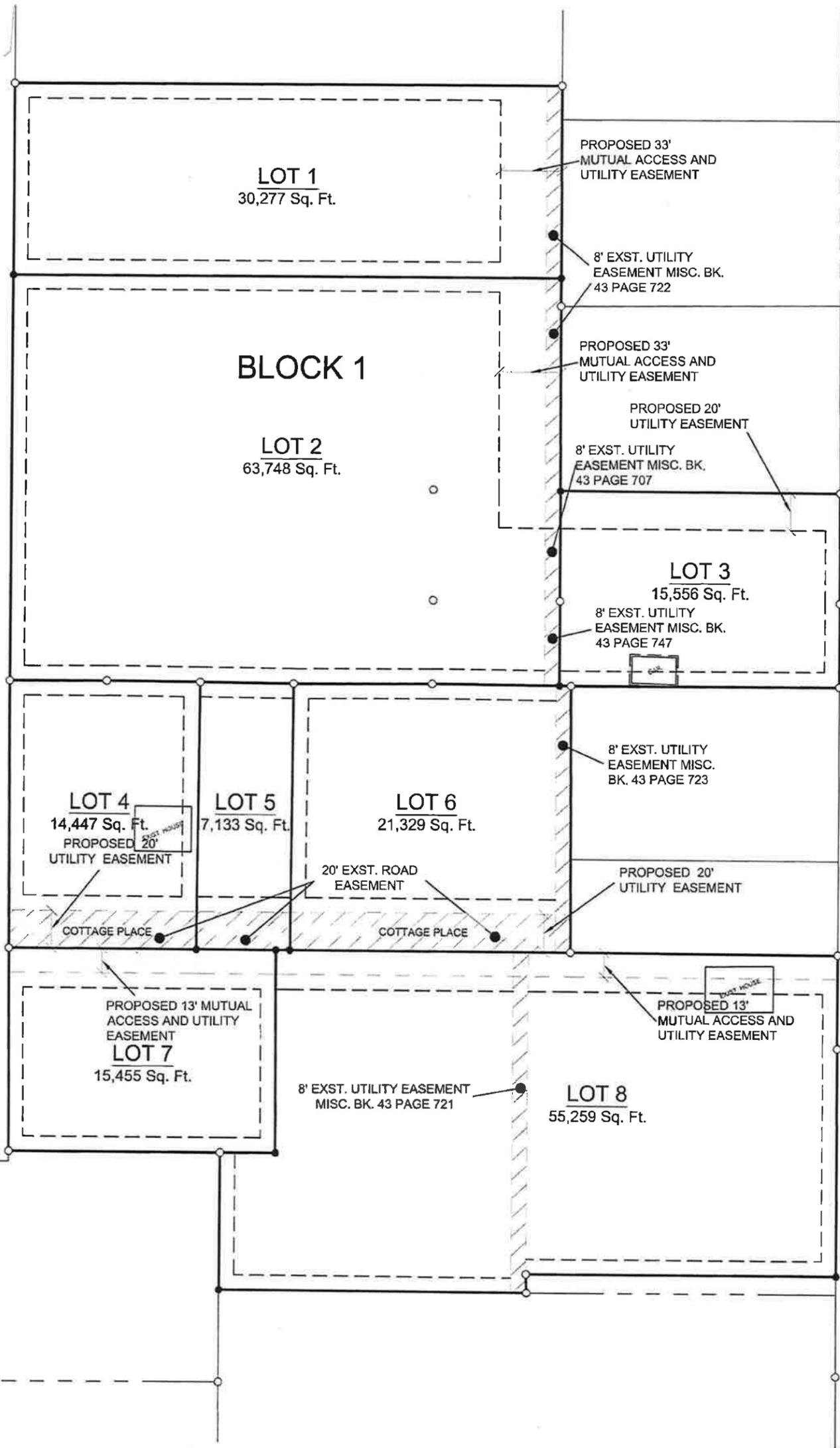


VICINITY MAP

PLAT OF LOTS 1, 2, 3, 4, 5, 6, 7, AND 8 IN BLOCK 1 OF COTTAGE PLACE ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA

EASEMENT DETAIL

GRID BEARING
SCALE: 1" = 60'



LEGEND

-  EXISTING EASEMENT AS NOTED
-  PROPOSED 8' PERIMETER UTILITY EASEMENT UNLESS NOTED

PREPARED BY:
BANNER ASSOCIATES, INC.
VERMILLION, SOUTH DAKOTA
(605) 624-6342
MAY 2012

PLAT OF LOTS 1, 2, 3, 4, 5, 6, 7, AND 8 IN BLOCK 1 OF COTTAGE PLACE ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA

SURVEYOR'S CERTIFICATE

I, Nathan W. Nielson, Registered Land Surveyor, do hereby certify that at the direction of TROY GREGOIRE, THREE SISTERS, LLC, LARRY L. & TRUDY L. ANTHOFER, AND SPRUCEWOOD PROPERTIES, L.L.C., have surveyed and platted a tract of land in: WEST 293 FEET OF LOT 1 EXCEPT H-1, AND WEST 293 FEET OF LOTS 2 & 3, AND WEST 225 FEET OF LOT 4 & WEST 225 FEET OF NORTH 5 FEET OF LOT 5, AND EAST 218 FEET OF NORTH 59 FEET OF LOT 4, AND EAST 218 FEET OF SOUTH 40 FEET OF LOT 4 & EAST 218 FEET OF NORTH 5 FEET OF LOT 5, AND WEST 150 FEET OF SOUTH 94 FEET OF EAST 293 FEET OF LOT 5 & WEST 150 FEET OF NORTH 49 FEET OF EAST 293 FEET OF LOT 6 SUBJECT TO 20 FOOT ROAD EASEMENT ALONG SOUTH SIDE THEREOF, AND WEST 50 FEET OF SOUTH 94 FEET OF LOT 5 & WEST 50 FEET OF NORTH 49 FEET OF LOT 6 SUBJECT TO 20 FOOT ROAD EASEMENT ALONG SOUTH SIDE THEREOF, AND EAST 50 FEET OF WEST 150 FEET OF SOUTH 94 FEET OF LOT 5 & EAST 50 FEET OF WEST 150 FEET OF NORTH 49 FEET OF LOT 6 SUBJECT TO 20 FOOT ROAD EASEMENT ALONG SOUTH SIDE THEREOF, AND SOUTH 50 FEET OF WEST 100 FEET OF SOUTH 94 FEET OF LOT 5 & EAST 50 FEET OF WEST 100 FEET OF NORTH 49 FEET OF LOT 6 SUBJECT TO 20 FOOT ROAD EASEMENT ALONG SOUTH SIDE THEREOF, AND SOUTH 50 FEET OF LOT 6, AND NORTH 58 FEET OF LOT 7, AND SOUTH 74 FEET EXCEPT SOUTH 10 FEET OF EAST 165 FEET OF LOT 7, AND NORTH 58 FEET OF EAST 113 OF LOT 14, ALL IN BLOCK 85, ADDITION TO SNYDER'S ADDITION TO CITY OF VERMILLION all located in the NW 1/4 OF THE SE 1/4 OF SECTION 13 TOWNSHIP 92 NORTH RANGE 52 WEST OF THE 5TH P.M., CLAY COUNTY, SOUTH DAKOTA.

This tract of land shall hereafter be known as LOTS 1, 2, 3, 4, 5, 6, 7, AND 8 IN BLOCK 1 OF COTTAGE PLACE ADDITION TO THE CITY OF VERMILLION, located in the NW 1/4 OF THE SE 1/4 OF SECTION 13 TOWNSHIP 92 NORTH RANGE 52 WEST OF THE 5TH P.M., 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

I, TROY GREGOIRE, do hereby certify that I am the absolute and unqualified owner of the real estate hereafter described as LOTS 1, 2, AND 6 IN BLOCK 1 OF COTTAGE PLACE ADDITION TO THE CITY OF VERMILLION, located in the NW 1/4 OF THE SE 1/4 OF SECTION 13 TOWNSHIP 92 NORTH RANGE 52 WEST OF THE 5TH P.M., CLAY COUNTY, SOUTH DAKOTA.

I, THREE SISTERS, LLC, TROY GREGOIRE, AUTHORIZED SIGNATORY, do hereby certify that I am the absolute and unqualified owner of the real estate hereafter described as LOT 3 IN BLOCK 1 OF COTTAGE PLACE ADDITION TO THE CITY OF VERMILLION, located in the NW 1/4 OF THE SE 1/4 OF SECTION 13 TOWNSHIP 92 NORTH RANGE 52 WEST OF THE 5TH P.M., CLAY COUNTY, SOUTH DAKOTA.

We, LARRY L. ANTHOFER AND TRUDY L. ANTHOFER, do hereby certify that we are the absolute and unqualified owners of the real estate hereafter described as LOT 5 IN BLOCK 1 OF COTTAGE PLACE ADDITION TO THE CITY OF VERMILLION, located in the NW 1/4 OF THE SE 1/4 OF SECTION 13 TOWNSHIP 92 NORTH RANGE 52 WEST OF THE 5TH P.M., CLAY COUNTY, SOUTH DAKOTA.

I, SPRUCEWOOD PROPERTIES, L.L.C., MICHAEL D. MANNING, AUTHORIZED SIGNATORY, do hereby certify that I am the absolute and unqualified owner of the real estate hereafter described as LOTS 4, 7, AND 8 IN BLOCK 1 OF COTTAGE PLACE ADDITION TO THE CITY OF VERMILLION, located in the NW 1/4 OF THE SE 1/4 OF SECTION 13 TOWNSHIP 92 NORTH RANGE 52 WEST OF THE 5TH P.M., CLAY COUNTY, SOUTH DAKOTA.

All of the above owners 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, except as shown in Lots 3, 4, & 8. All of the above owners also certify that development of this land shall conform to all existing applicable zoning, subdivision, erosion and sediment control regulations. All of the above owners hereby grant easements as shown, for utilities and mutual access, their construction and maintenance forever, including access easement into Lot 2 for purposes of creating frontage for granting of building permit.

I, TROY GREGOIRE, THREE SISTERS, LLC, LARRY L. & TRUDY L. ANTHOFER, AND SPRUCEWOOD PROPERTIES, L.L.C., do hereby 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 LOTS 1, 2, 3, 4, 5, 6, 7, AND 8 IN BLOCK 1 OF COTTAGE PLACE ADDITION TO THE CITY OF VERMILLION does hereby vacate the following platting:

WEST 293 FEET OF LOT 1 EXCEPT H-1, AND WEST 293 FEET OF LOTS 2 & 3, AND WEST 225 FEET OF LOT 4 & WEST 225 FEET OF NORTH 5 FEET OF LOT 5, AND EAST 218 FEET OF NORTH 59 FEET OF LOT 4, AND EAST 218 FEET OF SOUTH 40 FEET OF LOT 4 & EAST 218 FEET OF NORTH 5 FEET OF LOT 5, AND WEST 150 FEET OF SOUTH 94 FEET OF EAST 293 FEET OF LOT 5 & WEST 150 FEET OF NORTH 49 FEET OF EAST 293 FEET OF LOT 6 SUBJECT TO 20 FOOT ROAD EASEMENT ALONG SOUTH SIDE THEREOF, AND WEST 50 FEET OF SOUTH 94 FEET OF LOT 5 & WEST 50 FEET OF NORTH 49 FEET OF LOT 6 SUBJECT TO 20 FOOT ROAD EASEMENT ALONG SOUTH SIDE THEREOF, AND EAST 50 FEET OF WEST 150 FEET OF SOUTH 94 FEET OF LOT 5 & EAST 50 FEET OF WEST 150 FEET OF NORTH 49 FEET OF LOT 6 SUBJECT TO 20 FOOT ROAD EASEMENT ALONG SOUTH SIDE THEREOF, AND SOUTH 50 FEET OF WEST 100 FEET OF SOUTH 94 FEET OF LOT 5 & EAST 50 FEET OF WEST 100 FEET OF NORTH 49 FEET OF LOT 6 SUBJECT TO 20 FOOT ROAD EASEMENT ALONG SOUTH SIDE THEREOF, AND SOUTH 50 FEET OF LOT 6, AND NORTH 58 FEET OF LOT 7, AND SOUTH 74 FEET EXCEPT SOUTH 10 FEET OF EAST 165 FEET OF LOT 7, AND NORTH 58 FEET OF EAST 113 OF LOT 14, ALL IN BLOCK 85, ADDITION TO SNYDER'S ADDITION TO CITY OF VERMILLION on file at the Register of Deeds office in Deed Book A Page 406 and referenced in Plat Book 2 Page 131, said plat or part thereof, hereby vacated, being situated within described LOTS 1, 2, 3, 4, 5, 6, 7, AND 8 IN BLOCK 1 OF COTTAGE PLACE ADDITION TO THE CITY OF VERMILLION as surveyed.

MUTUAL ACCESS EASEMENT ADDITION TO OWNER'S CERTIFICATE

I further grant and certify that the mutual access easement shown in the plat is hereby created as a perpetual common unobstructed access in favor of the lots abutting on it. The easement is for vehicular and pedestrian travel over the roadway for the purpose of access to the abutting property and for City personnel involved in any City function. The Owner, their lessees and assignees, shall maintain the easement area. They shall, at their expense, keep the easement area in good repair and maintenance and clear of snow and other obstructions. No improvement of any kind may be erected within the easement area which might interfere in any way with the proper maintenance, use, repair, reconstruction, and patrolling of the mutual access easement. This covenant shall run with the land and shall remain in effect until such street, or road, is accepted for public declaration. The owner's their lessees and assignees, further agree that the City will not accept public declaration unless and until it is compliant with the City standards, providing adequate rights-of-way with requiring variance for setbacks.

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

STATE OF _____
COUNTY OF _____ { SS

TROY GREGOIRE

On the _____ day of _____, 20_____, before the undersigned officer, personally appeared TROY GREGOIRE, known to me or satisfactorily proven to be the person(s) whose name are subscribed to the within instrument and acknowledged that he 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

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

STATE OF _____
COUNTY OF _____ { SS

TROY GREGOIRE, AUTHORIZED SIGNATORY, THREE SISTERS, LLC

On the _____ day of _____, 20_____, before the undersigned officer, personally appeared TROY GREGOIRE, AUTHORIZED SIGNATORY OF THREE SISTERS, LLC, known to me or satisfactorily proven to be the person(s) whose name are subscribed to the within instrument and acknowledged that he 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

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

STATE OF _____
COUNTY OF _____ { SS

LARRY L. ANTHOFER

TRUDY L. ANTHOFER

On the _____ day of _____, 20_____, before the undersigned officer, personally appeared LARRY L. ANTHOFER & TRUDY L. ANTHOFER, known to me or satisfactorily proven to be the person(s) whose name are subscribed to the within instrument and acknowledged that they 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

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

STATE OF _____
COUNTY OF _____ { SS

MICHAEL D. MANNING, AUTHORIZED SIGNATORY, SPRUCEWOOD PROPERTIES, L.L.C.

On the _____ day of _____, 20_____, before the undersigned officer, personally appeared MICHAEL D. MANNING, AUTHORIZED SIGNATORY OF SPRUCEWOOD PROPERTIES, L.L.C., known to me or satisfactorily proven to be the person(s) whose name are subscribed to the within instrument and acknowledged that he 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

PREPARED BY:
BANNER ASSOCIATES, INC.
VERMILLION, SOUTH DAKOTA
(605) 624-6342
MAY 2012

PLAT OF LOTS 1, 2, 3, 4, 5, 6, 7, AND 8 IN BLOCK 1 OF COTTAGE PLACE ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA

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 LOTS 1, 2, 3, 4, 5, 6, 7, AND 8 IN BLOCK 1 OF COTTAGE PLACE ADDITION TO THE CITY OF VERMILLION, in the NW 1/4 OF THE SE 1/4 OF SECTION 13 TOWNSHIP 92 NORTH RANGE 52 WEST of the 5th P.M., 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

STATE OF SOUTH DAKOTA
COUNTY OF CLAY

{ SS

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

SHEET 4 OF 4

PREPARED BY:
BANNER ASSOCIATES, INC.
VERMILLION, SOUTH DAKOTA
(605) 624-6342
MAY 2012



Planning Commission Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: May 14, 2012

Subject Preliminary Plat of Lot 3 in Block 4 and Lots 1, 2 and Outlot C in Block 5 of Brooks Industrial Park Addition

Presenter: Jose Dominguez

Background: Banner and Associates has submitted a preliminary plat on behalf of the VCDC. The area to be platted is roughly 17-acres in area and is bordered on the north by SD Hwy. 50 and on the west by the future Jefferson Street. The proposed plat will subdivide the area into 4-lots, with one of them being an outlot.

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 lots. In addition, the applicant will dedicate the necessary land for the dedication of Compton Street and for a shared use path. One of the goals of the Comprehensive Plan is to focus on developing undeveloped areas within City limits. The plat is the first step in the process to develop vacant land for industrial and commercial uses.

Conclusion/Recommendations: Staff finds that the preliminary plat meets all of the ordinance requirements approval.

PRELIMINARY PLAT OF LOT 3 IN BLOCK 4 AND LOTS 1, 2, AND OUTLOT C IN BLOCK 5 OF BROOKS INDUSTRIAL PARK ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA

SURVEYOR'S CERTIFICATE

I, Nathan W. Nielson, Registered Land Surveyor, do hereby certify that at the direction of VERMILLION CHAMBER & DEVELOPMENT COMPANY, have surveyed and platted a tract of land in: NW 1/4 OF NE 1/4 SOUTH OF SD HWY 50 EXCEPT LOT G AND EAST 363 FEET, AND LOT G IN NW 1/4 OF NE 1/4 SOUTH OF SD HWY 50 all located in the NW 1/4 OF THE NE 1/4 OF SECTION 18 TOWNSHIP 92 NORTH RANGE 51 WEST OF THE 5TH P.M., CLAY COUNTY, SOUTH DAKOTA, and OUTLOT B, BLOCK 5, BROOKS INDUSTRIAL PARK ADDITION TO THE CITY OF VERMILLION located in the NE 1/4 OF THE NW 1/4 OF SECTION 18 TOWNSHIP 92 NORTH RANGE 51 WEST OF THE 5TH P.M., CLAY COUNTY, SOUTH DAKOTA.

This tract of land shall hereafter be known as LOT 3 IN BLOCK 4 AND LOTS 1, 2, AND OUTLOT C IN BLOCK 5 OF BROOKS INDUSTRIAL PARK ADDITION TO THE CITY OF VERMILLION, located in the NW 1/4 OF THE NE 1/4 AND NE 1/4 OF THE NW 1/4 OF SECTION 18 TOWNSHIP 92 NORTH RANGE 51 WEST OF THE 5TH P.M., 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

I, VERMILLION CHAMBER & DEVELOPMENT COMPANY, Paul Preister, President, do hereby certify that I am the absolute and unqualified owner of the real estate hereafter described as LOT 3 IN BLOCK 4 AND LOTS 1, 2, AND OUTLOT C IN BLOCK 5 OF BROOKS INDUSTRIAL PARK ADDITION TO THE CITY OF VERMILLION, located in the NW 1/4 OF THE NE 1/4 AND NE 1/4 OF THE NW 1/4 OF SECTION 18 TOWNSHIP 92 NORTH RANGE 51 WEST OF THE 5TH P.M., CLAY COUNTY, SOUTH DAKOTA.

I certify that said plat was made at my request and direction for the purpose of locating, marking, and platting the same, and that said property is free of all encumbrances. I also certify that development of this land shall conform to all existing applicable zoning, subdivision, erosion and sediment control regulations. I hereby dedicate Compton Street as shown to the public for public use forever. I also hereby grant to the public use a thirty-three (33) foot easement on the south edge of Lot 2 and Outlot C in Block 5 as shown on the Plat for street right-of-way purposes in the future. Said thirty-three (33) foot easement on the south edge of Lot 2 and Outlot C in Block 5 as shown on the Plat for street right-of-way purposes, shall run with the land until an additional 33' of right-of-way can be obtained on the south side of Compton Street. I hereby certify that I, or our successors in interest, will dedicate and convey by appropriate deed of conveyance said easement to the public use forever unless condition of easement termination is met. I also hereby grant easements as shown, for utilities and shared use, their construction and maintenance forever.

I, VERMILLION CHAMBER & DEVELOPMENT COMPANY, do hereby 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, I further certify that this platting of said described LOT 3 IN BLOCK 4 AND LOTS 1, 2, AND OUTLOT C IN BLOCK 5 OF BROOKS INDUSTRIAL PARK ADDITION TO THE CITY OF VERMILLION does hereby vacate the following platting:

OUTLOT B, BLOCK 5, BROOKS INDUSTRIAL PARK ADDITION TO THE CITY OF VERMILLION on file at the Register of Deeds office in Plat Book 7 Page 607 and THAT PART OF LOT G IN NW 1/4 OF NE 1/4 SOUTH OF SD HWY 50 OF SECTION 18 TOWNSHIP 92 NORTH RANGE 51 WEST OF THE 5TH P.M., CLAY COUNTY, SOUTH DAKOTA on file at the Register of Deeds office in Plat Book 4 Page 232 and referenced in Plat Book H1 Pages 108 said plat or part thereof, hereby vacated, being situated within described LOT 3 IN BLOCK 4 AND LOTS 1, 2, AND OUTLOT C IN BLOCK 5 OF BROOKS INDUSTRIAL PARK ADDITION TO THE CITY OF VERMILLION as surveyed.

STATE OF _____
COUNTY OF _____ { SS

PAUL PREISTER, PRESIDENT, VERMILLION CHAMBER & DEVELOPMENT COMPANY

On the _____ day of _____, 20____, before the undersigned officer, personally appeared PAUL PREISTER, PRESIDENT, VERMILLION CHAMBER & 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 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

CITY PLANNING COMMISSION

BE IT RESOLVED, by the City of Vermillion, South Dakota, Planning Commission that the above preliminary plat of LOT 3 IN BLOCK 4 AND LOTS 1, 2, AND OUTLOT C IN BLOCK 5 OF BROOKS INDUSTRIAL PARK ADDITION TO THE CITY OF VERMILLION, located in the NW 1/4 OF THE NE 1/4 AND NE 1/4 OF THE NW 1/4 OF SECTION 18 TOWNSHIP 92 NORTH RANGE 51 WEST OF THE 5TH P.M., CLAY COUNTY, SOUTH DAKOTA be and the same is hereby approved. Approval of the preliminary plat indicates approval of the development concept only, and it does not constitute an acceptance or approval of the subdivision plan or final plat. Therefore, no building permits shall be issued based upon approval of the preliminary plat. Dated this _____ day of _____, 20____.

Chairman, City of Vermillion Planning Commission

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 3 IN BLOCK 4 AND LOTS 1, 2, AND OUTLOT C IN BLOCK 5 OF BROOKS INDUSTRIAL PARK ADDITION TO THE CITY OF VERMILLION, located in the NW 1/4 OF THE NE 1/4 AND NE 1/4 OF THE NW 1/4 OF SECTION 18 TOWNSHIP 92 NORTH RANGE 51 WEST OF THE 5TH P.M., 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

STATE OF SOUTH DAKOTA
COUNTY OF CLAY { SS

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



Planning Commission Agenda Memo

From: Jose Dominguez, City Engineer
Meeting: May 14, 2012
Subject Preliminary Plat of Lot 1, Solomon's Addition
Presenter: Jose Dominguez

Background: Brandt Land Surveying has submitted a preliminary plat on behalf of the owner of Solomon Addition, which is located within the Joint Jurisdictional Area. The area to be platted is in the northeast quarter of section 15-92-51. The lot will be 2.0-acres in area and is bordered in the east by 468th Avenue. The proposed plat will subdivide the area into 1-lot.

Discussion: Staff reviewed the preliminary plat and find that it complies with all code provisions. The applicant will also be dedicating all of the required 8-foot utility easements around the lot.

Conclusion/Recommendations: Staff finds that the preliminary plat meets all of the ordinance requirements and approval.

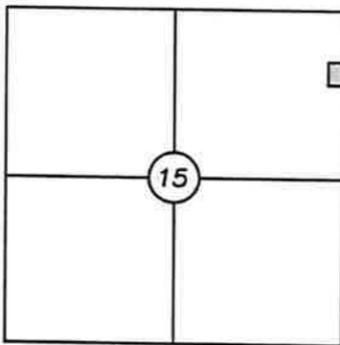
PRELIMINARY PLAT OF LOT 1, SOLOMON'S ADDITION IN THE NE1/4 OF THE NE1/4 OF SECTION 15, T92N, R51W OF THE 5TH P.M., CLAY COUNTY, SOUTH DAKOTA.

LEGEND

- SET 5/8" REBAR WITH L.S. CAP STAMPED "R.L.S. 5349"
- FOUND 1/2" REBAR
- ⊕ FOUND IRON PIPE
- × CALCULATED CORNER
- 8' UTILITY EASEMENT

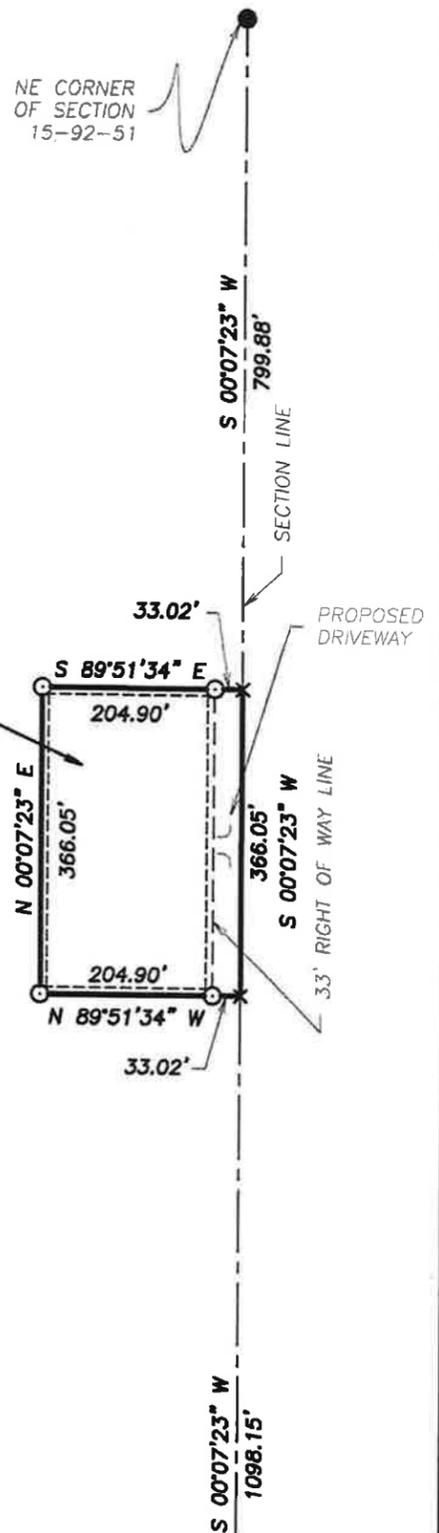


NE CORNER OF SECTION 15-92-51



LOCATION (N.T.S.)

LOT 1
2.00 ACRES ±
OF WHICH 0.28 ACRES ±
IS BEING USED AS R.O.W.



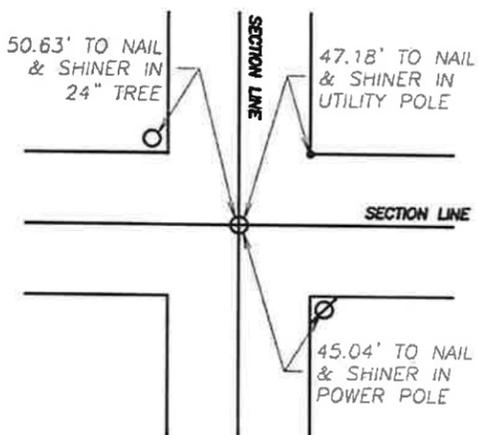
468TH AVENUE

JOB NO. 12110

PAGE 1 OF 2

MONUMENT RECORD (NOT TO SCALE)

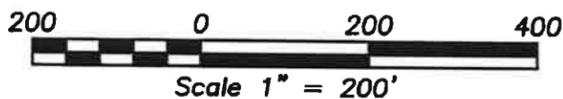
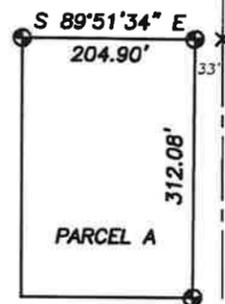
NE COR 15-92-51



COMMENTS:
FOUND 1/2" REBAR

NOTE:
BASIS OF BEARING
BY GPS OBSERVATION

PREPARED BY:
BRANDT LAND SURVEYING
1202 WILLOWDALE ROAD
YANKTON, SD 57078
(605) 665-8455



PRELIMINARY PLAT OF LOT 1, SOLOMON'S ADDITION IN THE NE1/4 OF THE NE1/4 OF SECTION 15, T92N, R51W OF THE 5TH P.M., CLAY COUNTY, SOUTH DAKOTA.

SURVEYOR'S CERTIFICATE

I, JOHN L. BRANDT, A REGISTERED LAND SURVEYOR UNDER THE LAWS OF SOUTH DAKOTA, HAVE AT THE DIRECTION OF THE OWNER, MADE A SURVEY AND PLAT OF LOT 1, SOLOMON'S ADDITION, IN THE NE1/4 OF THE NE1/4 OF SECTION 15, T92N, R51W OF THE 5TH P.M., CLAY COUNTY, SOUTH DAKOTA. I HAVE SET IRON REBAR AS SHOWN AND SAID SURVEY AND PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED THIS 10TH DAY OF MAY, 2012.



JOHN L. BRANDT ☆ REG. NO. 5349

OWNER'S CERTIFICATE

I, ROBERT L. SOLOMON, DO HEREBY CERTIFY THAT I AM THE OWNER OF THE ABOVE DESCRIBED REAL PROPERTY AND THAT THE ABOVE SURVEY AND PLAT WAS MADE AT MY REQUEST AND UNDER MY DIRECTION FOR THE PURPOSE OF TRANSFER, AND I FURTHER CERTIFY THAT THE DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS.

DATED THIS _____ DAY OF _____, 20____.

ROBERT L. SOLOMON

STATE OF _____
COUNTY OF _____

ON THIS _____ DAY OF _____, 20____, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED ROBERT L. SOLOMON KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR PURPOSES THEREIN CONTAINED.

MY COMMISSION EXPIRES _____ NOTARY PUBLIC

COUNTY PLANNING COMMISSION RESOLUTION

BE IT RESOLVED BY THE CLAY COUNTY, SOUTH DAKOTA, PLANNING COMMISSION THAT THE ABOVE SURVEY AND PLAT IS HEREBY APPROVED THIS _____ DAY OF _____, 20____.

CHAIRPERSON, CLAY COUNTY PLANNING COMMISSION

CITY OF VERMILLION PLANNING AND ZONING

BE IT RESOLVED BY THE CITY OF VERMILLION PLANNING AND ZONING BOARD THAT THE ABOVE SURVEY AND PLAT IS HEREBY APPROVED THIS _____ DAY OF _____, 20____.

CHAIRPERSON, CITY OF VERMILLION PLANNING AND ZONING

RESOLUTION OF APPROVAL

WHEREAS IT APPEARS THAT THE OWNER THEREOF HAVE CAUSED A PLAT TO BE MADE OF THE ABOVE DESCRIBED REAL PROPERTY.

BE IT RESOLVED THAT THE ATTACHED AND FOREGOING PLAT HAS BEEN SUBMITTED TO AND A REPORT AND RECOMMENDATIONS THEREON MADE BY THE VERMILLION PLANNING COMMISSION TO THE CITY COUNCIL OF VERMILLION AND HAS RECOMMENDED APPROVAL.

BE IT ALSO RESOLVED THAT ACCESS SHALL BE GRANTED TO THE LOT IN ACCORDANCE WITH THE CITY OF VERMILLION STREET ACCESS AND DRIVEWAY APPROACH POLICY, WHICH REQUIRES AN APPLICATION PERMIT.

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, AND IT APPEARS THAT THE SYSTEM OF STREETS AND ALLEYS SET FORTH THEREIN CONFORMS TO THE SYSTEM OF STREETS AND ALLEYS OF VERMILLION AND THAT ALL TAXES AND SPECIAL ASSESSMENTS, IF ANY, UPON THE TRACT OR SUBDIVISION HAVE BEEN FULLY PAID AND THAT SUCH PLAT AND SURVEY THEREOF HAVE BEEN EXECUTED ACCORDING TO LAW, AND THE SAME IS HEREBY ACCORDINGLY APPROVED.

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, VERMILLION, SOUTH DAKOTA

STATE OF SOUTH DAKOTA COUNTY OF CLAY

APPROVAL OF HIGHWAY AUTHORITY

THE LOCATION OF THE EXISTING OR PROPOSED ACCESS ROADS ABUTTING THE COUNTY OR STATE HIGHWAY AS SHOWN HEREON, IS HEREBY APPROVED. ANY CHANGE IN THE LOCATION OF THE EXISTING OR PROPOSED ACCESS SHALL REQUIRE ADDITIONAL APPROVAL.

HIGHWAY AUTHORITY: _____

COUNTY TREASURER'S CERTIFICATE

I, THE UNDERSIGNED, COUNTY TREASURER FOR CLAY COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY LAND INCLUDED IN THE ABOVE AND FOREGOING PLAT, AS SHOWN BY THE RECORDS OF MY OFFICE ON THE _____ DAY OF _____, 20____, HAVE BEEN PAID IN FULL.

COUNTY TREASURER

DIRECTOR OF EQUALIZATION

I, THE UNDERSIGNED, COUNTY DIRECTOR OF EQUALIZATION FOR CLAY COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT A COPY OF THE ABOVE PLAT HAS BEEN FILED AT MY OFFICE.

DIRECTOR OF EQUALIZATION

REGISTER OF DEEDS

FILED FOR RECORD THIS _____ DAY OF _____, 20____, AT _____ O'CLOCK _____ M., AND RECORDED IN BOOK _____ OF PLATS ON PAGE _____.

JOB NO. 12110

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REGISTER OF DEEDS