



**City of Vermillion
Planning Commission Agenda
5:30 pm Regular Meeting
Regular and Joint Session with
Clay county Planning Commission
Tuesday, October 9, 2012
City Hall
Large Conference Room
25 Center Street
Vermillion, SD 57069**

1. **Roll Call**
2. **Minutes**
 - a. September 24, 2012 Regular Meeting.
3. **Adoption of the Agenda**
4. **Visitors To Be Heard**
5. **Public Hearings**
 - a. A request to re-zone land from Agriculture to Rural Residential for property located at 46171 Timber Road, Vermillion, South Dakota, which is Lot 1 of Parcel A, N1/2, SE1/4, 15-92-52, Vermillion Township, Clay County, South Dakota.
6. **Old Business**
7. **New Business**
 - a. Final Development Plan Lot 6 Blk 1 Cottage Place Addition.
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 September 24, 2012 Regular Meeting

The regular meeting of the Vermillion Planning Commission was called to order in the conference room at City Hall on September 24, 2012 at 5:30 p.m.

1. Roll Call

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

Also present was José Dominguez, City Engineer, Farrel Christensen, Building Official and Andy Colvin, Assistant City Manager.

2. Minutes

a. August 13, 2012 Regular Meeting.

Moved by Muenster to approve the August 13, 2012 Regular Meeting Minutes, seconded by Manning. Motion carried 8-0.

3. Adoption of the Agenda

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

4. Visitors to be Heard

5. Public Hearing

a. Application for Conditional Use Permit to construct five single-family attached (townhouse) dwellings for lots 9-13, Block 2, French Addition to the City of Vermillion.

Farrel Christensen reported that Matt Mulheron submitted an application for a conditional use permit to construct five townhomes on Norbeck Street within the R-1 district. Farrel stated that the application and plan meets ordinance requirements and will fit within the neighborhood.

Reasoner inquired about the suitability of French Drive for future townhomes, which could create traffic issues around the school. Staff reported that future townhomes would also need a conditional use permit and that the Planning Commission would be able to consider traffic and other concerns on a case by case basis.

Fairholm clarified that French Drive will not be paved at this time. Jose reported that a developer's agreement will be signed that provides for the paving of French Drive if future development takes place.

Moved by Forseth to approve the conditional use permit conditional upon approval of the plat by the Planning Commission and City Council, seconded by Muenster. Motion carried 8-0.

6. Old Business

7. New Business

a. Final Plat of Lots 9-13, Block 2, French Addition to the City of Vermillion.

Jose reported that Brandt Land Surveying has submitted a final plat on behalf of the owner. The area to be platted is roughly 0.72-acres in area and is bordered on the north by the proposed French Drive and on the west by the Norbeck Street. Jose stated that the intent of the plat will be to subdivide the area into 5 lots planned for townhouses. The applicant will also be dedicating all of the required utility easements and land for the proposed French Drive. Brief discussion followed on the construction schedule and building plans for the lots.

Moved by Tuve to approve the preliminary plat, seconded by Gruhn. Motion carried 8-0.

8. Staff Reports

Andy informed the Planning Commission that there will be a joint city/county public hearing on October 9th for a proposed zone change in the joint jurisdictional area.

9. Adjourn

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

Chairman Iverson declared the meeting adjourned 5:45 p.m.



Council Agenda Memo

From: Andy Colvin, Assistant City Manager

Meeting: October 9, 2012

Subject: A request to re-zone land from Agriculture to Rural Residential for property located at 46171 Timber Road, Vermillion, South Dakota, which is Lot 1 of Parcel A, N1/2, SE1/4, 15-92-52, Vermillion Township, Clay County, South Dakota.

Presenter: Cynthia Aden, Clay County Zoning Administrator

Background: Richard Jahn, owner of property located at 46171 Timber Road, submitted a petition to rezone his property from Agricultural to Rural Residential. Mr. Jahn plans to split his property into two 1-acre lots in order to construct a new home on one of the lots, while renting the existing home. 1-acre lots are only permitted in the Agricultural district if they are platted lots of record; therefore, the only way for Mr. Jahn to split his property is to rezone to Rural Residential. This is the first petition to rezone that has been submitted under the Joint Jurisdictional Zoning Ordinance. The City and County Planning Commissions consider the petition jointly and each shall forward a recommendation to the respective governing bodies.

Discussion: As this is the first zone change under the recently adopted joint zoning regulations, staff looked at the proposal according to the discussions held during its development. A committee composed of city and county elected officials and planning commissioners developed the regulations with the assistance of staff and SECOG. During those discussions, a major concern from the County was to avoid scattered development on the fringe areas of the City; instead promoting development that can easily be annexed and served by the City. This concern was echoed by City officials as well. The ordinance was drafted with the understanding that some existing properties are already platted for more dense development, which is why single family homes are permitted on lots of record. The zone change before the Planning Commission should be considered carefully as it will set a precedent for future changes. Overall, the petition to rezone is for a small area, 2 acres in size.

A few items the Planning Commission may want to consider include:

- The existence of a long-term plan for development. In the absence of a plan, this could be considered a spot-zone, creating a small island of residential in the middle of AG.
- Similar rezone petitions may be submitted in the future, relying on this particular application as a precedent.
- Access and utilities. From the application, it appears Mr. Jahn has a plan to address water and sewer issues as well as road access.

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 Mr. Jahn's property at this time.

Conclusion/Recommendations: The City and County Planning Commissions are asked to take public comment and grant or deny the zone change petition. It is the responsibility of the applicant to demonstrate the need for a rezone.

Richard Jahn
Petition to Re-Zone Property

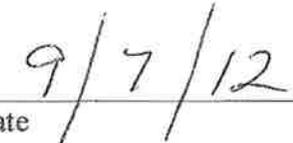
I am requesting that my property be re-zoned to Rural Residential. I intend to split my property into two (2) one-acre lots. I will then build a new home on the new lot and rent the existing home.

I understand that the property is located within the Joint Jurisdiction of Clay County and the City of Vermillion and that re-zoning requires the approval of both the City and County Planning Commissions and the approval of the Clay County Commission and the Vermillion City Council.

If the zoning change is granted, I will develop the property as stated below:

1. Sewage Disposal – I understand that the property is located in the Aquifer Protection Overlay (APO) Zone B. I will contract a state-licensed septic installer to install the septic system for the new home to make sure all requirements are met for APO Zone B.
2. Water Supply – I will connect to the existing rural water system.
3. Road Access – I will build a new road access for the new home if required. I will work with the Clay County Highway Department to build the drive according to their specifications.
4. Emergency Services – I will contact the Clay County Zoning Administrator to obtain a new E911 address so the new home is properly identified for emergency services.


Richard Jahn


Date

CLAY COUNTY REZONING PETITION

REZONING PETITION - 55-1	Petition Fee - \$150 ^{\$175}
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SECTION 1: APPLICANT/OWNER INFORMATION

	APPLICANT INFORMATION	OWNER INFORMATION	
NAME	Richard R. Jahn	Same	
ADDRESS	46171 Timber Rd.		
TELEPHONE	605-677-8695		
FAX			
EMAIL	rich.andrea.jahn@gmail.com		

SECTION 2: PROPERTY INFORMATION

STREET ADDRESS	46171 Timber Rd.		
LEGAL DESCRIPTION	Lot 1 of parcel A, N. Half S.E. 1/4, 15-92-52		
TOWNSHIP NAME & SECTION #	Uermillion Twp. Sec # 15	ZONING DISTRICT	Ag

SECTION 3: ZONING DISTRICT/LAND USE OF ADJACENT PROPERTY

	North	Ag		South	Ag
	East	Ag		West	Ag

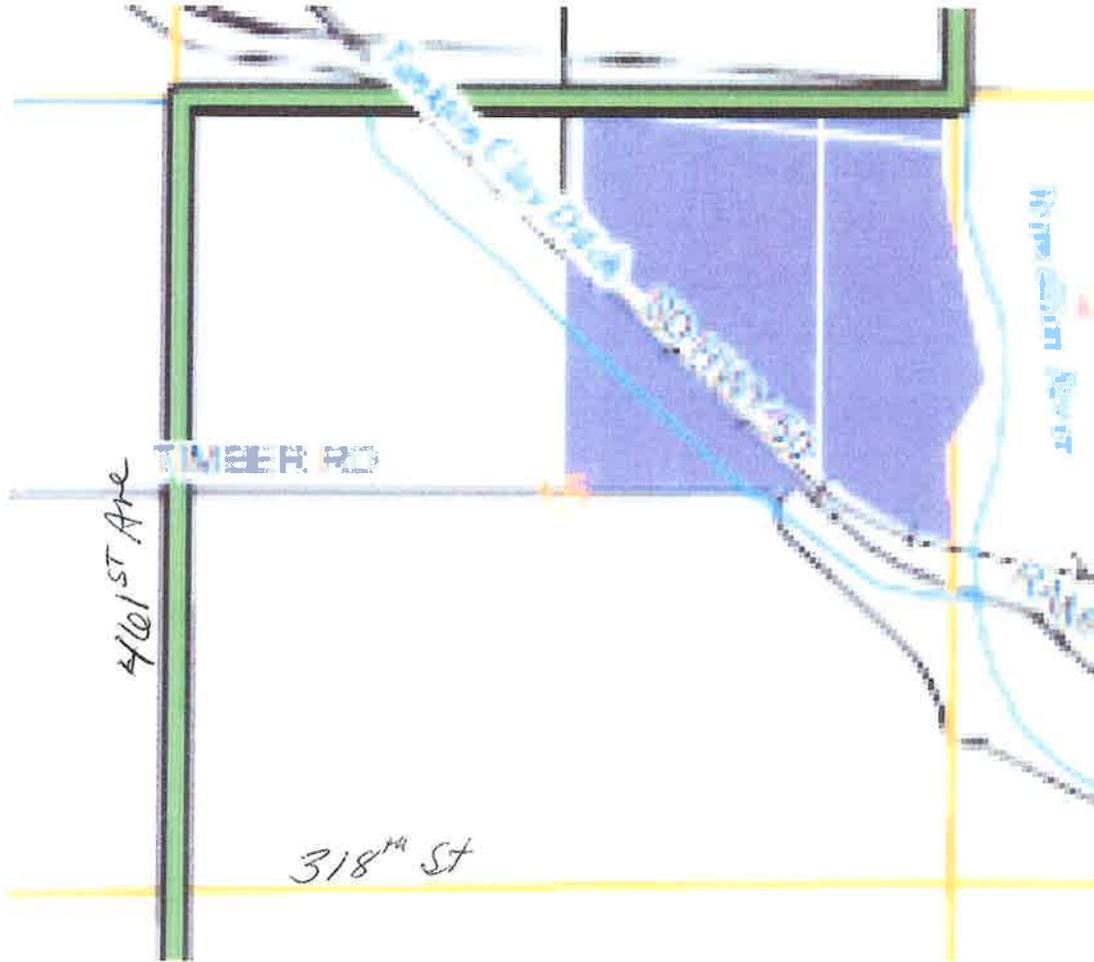
SECTION 4: REASON FOR REZONING PETITION

To build another residence for Primary home + rent out current resident.
Request zone change to rural residential

Signature	Richard R. Jahn
Date	8/14/12

The applicant may be required to provide additional information and/or records.

Richard Jahn Re-Zoning Petition
Section 15, Vermillion Township



Jahn, Richard

GO

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42°47'10.89" N, 96°58'11.60" W elev. 1150 ft.





Planning Commission Agenda Memo

From: Farrel Christensen

Meeting: October 9, 2012

Subject: Final Development Plan Lot 6 Blk 1 Cottage Place Addition

Presenter: Farrel Christensen

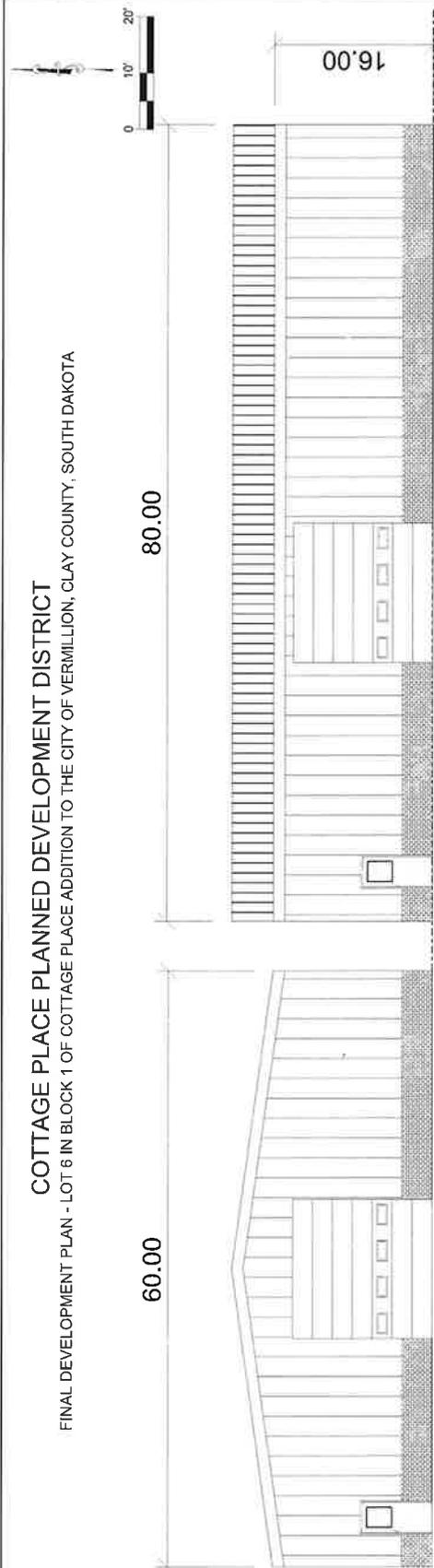
Background: Banner Associates Inc. has submitted a final development plan for a portion on behalf of the owner, Mr. Troy Gregoire. This lot is part of the Cottage Place Planned Development District and approval is required prior to construction on any lots in the Planned Development Zoning District.

Discussion: The proposed structure is designed for warehouse use and fits within the allowable uses established in the Initial Development Plan. The plan shows all required items listed in the FDP with the exception of sidewalks that will be installed and located when the street is constructed. All other development standards shall be the same as those set forth in the traditional zoning districts and addressed during the building permit process.

Compliance with Comprehensive Plan: The Comprehensive Plan calls for developing existing areas within the City. Mr. Gregoire's plan would accomplish this goal.

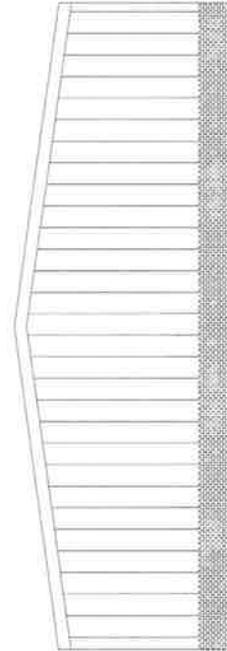
Conclusion/Recommendations: Staff recommends approval of the Final Development Plan.

COTTAGE PLACE PLANNED DEVELOPMENT DISTRICT
 FINAL DEVELOPMENT PLAN - LOT 6 IN BLOCK 1 OF COTTAGE PLACE ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA



SOUTH ELEVATION

WEST ELEVATION

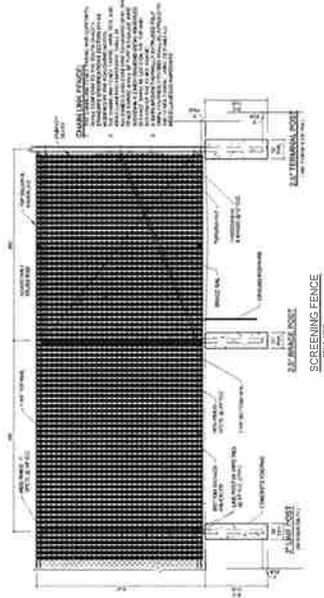


NORTH ELEVATION



EAST ELEVATION

BUILDING ELEVATIONS
 NTS



BANNER
 Consulting Engineers & Architects
 14 N. Main St., Suite A
 Vermillion, South Dakota 57059
 605-824-8342
 www.bannerassoc.com

PROJECT TITLE:
 COTTAGE PLACE PLANNED DEVELOPMENT DISTRICT

FOR REVIEW ONLY
 NOT FOR CONSTRUCTION

PROJECT LOCATION:
 VERMILLION
 SOUTH DAKOTA

REV.	DATE	DESCRIPTION

DRAWN BY: L.W.
 CHECKED BY: L.W.
 JOB NO.: 21700-002
 DATE: OCTOBER 2012

SHEET TITLE:
 FINAL DEVELOPMENT PLAN LOT 6

SHEET NO.: 3/3