



**City of Vermillion**  
**Planning Commission Agenda**  
5:30 pm Regular Meeting  
Monday, January 25, 2016  
City Hall - Large Conference Room  
25 Center Street  
Vermillion, SD 57069

1. **Roll Call**

2. **Minutes**

- a. October 26, 2015 Regular Meeting.

3. **Adoption of the Agenda**

4. **Visitors To Be Heard**

5. **Public Hearings**

- a. Petition for conditional use permit for a Gas Dispensing Station in the General Business District for property located on Lot 2, Block 4 and Lot 2, Block 6, Erickson Addition (southwest corner of SD Highway 50 and Princeton Street).
- b. Zoning Ordinance Amendment to Section 155.008, Definitions, and Section 155.071, Accessory Uses and Structures, to provide definitions and regulations for constructing and maintaining a chicken coop for the keeping or housing of chickens as permitted by ordinance.
- c. Petition to rezone the E 264' of the NE ¼ SW ¼ SE ¼ Exc. E 33' and Exc. Mehlhaf Addition and Exc. the S 270' of the NE ¼ SW ¼ SE ¼ from R-2 medium density Residential District to R-3 high density Residential District.

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, October 26, 2015 Regular Meeting

The regular meeting of the Vermillion Planning Commission was called to order by Chairman Iverson in the Large Conference Room at City Hall on October 26, 2015 at 5:30 p.m. The Clay County Planning Commission was also present in joint session.

1. Roll Call

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

Staff present: Andrew Colvin, Assistant City Manager, Farrel Christensen, Building Official and Jose Dominguez, City Engineer.

2. Minutes

a. September 28, 2015, Regular Meeting.

Moved by Manning to approve the September 28, 2015 Regular Meeting Minutes, seconded by Jones. Motion carried 7-0.

3. Adoption of the Agenda

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

4. Visitors to be Heard

5. Public Hearing

a. A request to re-zone land from Agriculture to Commercial for property legally described as the North 205' of the South 248' of the East 246' of the SE ¼ of the SE ¼, Section 11, Township 92N, Range 52W of the 5<sup>th</sup> P.M. Vermillion Township, Clay County, South Dakota.

Cindy Aden, Clay County Zoning Administrator, presented the petition for rezoning to the City and County Planning Commissions. Cindy reported that the new owners of the described property would like to change the zoning to commercial in order to have flexibility in the use of the property. The Planning Commission opened the hearing for public input.

Bob Dehner, 825 West Highway 50, stated that he is opposed to the zone change to commercial. Mr. Dehner stated that people who live in the area have invested money into their homes and allowing commercial uses nearby would impact the values.

Barry Hulse, 621 West Highway 50, also spoke against the zone change and suggested it remain agricultural because of the residences.

Forseth asked about access and easements. Jose stated that since Carr is a section line, access is not an issue.

Clarene Meins, owner of the property, stated that she purchased the property with an events center in mind, but has not developed a specific plan.

Marty Gilbertson stated that the future land use map designates the area as commercial all along highway 50. Mr. Gilbertson asked if this means we have to zone the property. Andy Colvin stated that the future land use map is only a guide for future decisions and that a conflict would arise if, for instance, someone wanted to zone the area residential. Andy stated that leaving the zoning as is does not violate the adopted plans for the area. Discussion followed.

Moved by Manning to recommend denial of the petition, seconded by Jones. Motion carried 7-0.

The Clay County Planning Commission also voted unanimously to recommend denial of the zone change.

6. Old Business

7. New Business

8. Adjourn

Moved by Forseth to adjourn, seconded by Jones. Motion carried 7-0. Iverson declared the meeting adjourned at 6:10 p.m.

# *Planning Commission Agenda Memo*

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

**Meeting:** January 25, 2016

**Subject:** Application from Casey's General Stores for a Conditional Use Permit to operate a Gas Dispensing Station on Lot 2, Block 6, Erickson Addition (southwest corner of SD Highway 50 and Princeton Street)

**Presenter:** Andy Colvin

**Background:** Casey's General Stores, Inc. submitted an application to operate a gas dispensing station on Lot 2 Block 6, Erickson Addition (southwest corner of SD Highway 50 and Princeton Street), located west of Wal-Mart. The new business will be a standard Casey's General Store, similar to the one located at Jefferson and Cherry Street. The zoning ordinance requires a Conditional Use Permit to operate a gas dispensing station in the GB District.

**Discussion:** The proposed use will be located in the River Bend Business Park, which is owned by the Vermillion Area Chamber and Development Company. Casey's and the VCDC are in the process of finalizing a sale agreement for Lot 2, Block 6 and Lot 2, Block 4. However, the dispensing stations will be located on Lot 2, Block 6 only.

Convenience stores are a permitted use in the GB district; therefore, the conditional use permit is for the gas dispensing portion of the business. The application and a map of the area are included for your review. A representative from Casey's will be present at the meeting to address questions.

**Compliance with Comprehensive Plan:** The plan for the proposed use will add a business along a major entrance to the community. The Comprehensive Plan encourages infill development. The proposed use fits well within the plan.

**Conclusion/Recommendations:** The Planning Commission is asked to take public comment and grant or deny the conditional use permit application. Staff recommends approval of the conditional use permit.



## CASEY'S GENERAL STORES, INC.

---

P.O. Box 3001 • One Convenience Blvd., Ankeny, Iowa 50021-8045 • 515-965-6100

December 29, 2015

City of Vermillion  
Attn: Andy Colvin  
25 Center Street  
Vermillion, SD 57069

RE: Hwy 50 & Princeton Street  
Vermillion, SD

Dear Andy,

Enclosed, please find the completed Petition for Conditional Use Permit for the proposed Casey's General Store in Vermillion. I have also enclosed check number 2706688 in the amount of \$100.00 for the Conditional Use Permit application fee. Please confirm your receipt of the petition and check, and advise when the public hearing will be held. Casey's will have a representative at the meeting to field any question in regards to the proposal. Please contact me with any questions.

Sincerely,

Katie DeRouchey  
Real Estate/Store Development

Enclosure

**CITY OF VERMILLION  
PETITION FOR CONDITIONAL USE PERMIT**

**PETITIONER**

NAME: Casey's Retail Company  
ADDRESS: One Convenience Blvd, Ankeny, IA 50021  
PHONE: 515-93-3829

**1. PROPERTY INFORMATION (Please attach additional sheets if necessary)**

Parcel Identification Number (PIN): 15295-00400-020-00; 15295-00600-020-00  
Current Zoning Designation: General Business, General Industrial  
Proposed Zoning Designation: General Business  
Location: SW corner of Hwy 50 & Princeton Street  
Legal Description: Lot 2, Block 4 and Lot 2, Block 6, Erickson Addition to the City of Vermillion, Clay County, South Dakota.  
Existing Land Use: vacant Proposed Land Use: Convenience store with gasoline sales  
Adjacent Zoning:  
North: N/A South: GB East: GB West: GI  
Utilities (Yes/No): Yes If yes, which utilities: Water, gas, storm sewer, sanitary sewer, electric power

**2. 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.

Proposal for two full approaches on Princeton Street, construction of convenience store with canopy and 6 pumps.  
65' between building and pumps to allow for maneuverability throughout the parking area

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

Proposal includes 16 parking spaces, in addition to the 12 parking spaces provided at the pumps. Loading zone along the north side of the building.

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

See plans.

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

Utilities are located along Princeton Street, with the exception of the gas line that runs between Lot 2 Block 4 and Lot 2 Block 6. The location of utilities do not interfere with the proposed plan and are compatible for the proposed development.

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

See plans.

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.

The location of the pylon sign is shown on the site plan. The proposed size of the signage for the store is shown on the sign packet. Proposed exterior lighting is shown on the lighting plan.

G. Required yards and other open space.

Lot size: 72,081 sq. ft. +/- Impervious surface: 34,940 sq. ft. +/- Open space: 48%

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

Adjoining properties and other properties within the same zoning district area compatible with this use. Casey's will make the best use of the property and will be consistent with the commercial use in General Business and General Industrial areas.

*Katli DeRouchey, agent for Casey's Retail Company*

Signature of Petitioner

*[Signature]*  
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: 12/31/15
FEE RECEIVED: YES NO	
BUILDING OFFICIAL: <i>[Signature]</i>	
HEARING SCHEDULE: 1/25/16	

An aerial photograph of a residential development. A large, rectangular lot on the left side of the image is outlined in red and labeled "1302 Princeton". The lot is currently undeveloped, showing a brown, textured ground surface. To the right of the lot is a paved road with a median. Further right is a large parking lot filled with numerous cars and several semi-trucks. To the right of the parking lot is a multi-story apartment building with a tan facade and many windows. The overall scene is a mix of undeveloped land, infrastructure, and existing residential buildings.

1302 Princeton

# *Planning Commission Agenda Memo*

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

**Meeting:** January 25, 2016

**Subject:** Discussion on allowing backyard chickens in Vermillion

**Presenter:** Andy Colvin

**Background:** In a February council meeting of last year, a request was made by a resident to allow chickens within Vermillion City limits. Later that month, the City Council Policies and Procedures Committee discussed the issue and decided to poll residents via the city's website. The results showed that 46% were in favor of permitting backyard chickens, while 53% stated they were against it. With the results of the poll in mind, the committee decided to send the issue on to the City Council. In June of 2015, city administration presented information on backyard chickens to the City Council at a noon meeting. A discussion on backyard chickens was held at another noon Council meeting on January 18<sup>th</sup>.

At the January 18<sup>th</sup> meeting, staff outlined the proposed changes to different sections of City code with regard to allowing backyard chickens. The suggested changes would allow residents to keep up to four hens in a separate coop on the rear or side of the property. The coop would have to meet city regulations on area and height, and that structure would have to be accompanied by an attached run or exercise yard. The language also states that the owner of the chickens must have the approval of his or her adjacent neighbors.

**Discussion:** The amendment before the Planning Commission would define chicken coops as an accessory building under the zoning ordinance, which is the only portion of the chicken issue that the Planning Commission must act on. The animal section of City code will need to be amended to permit backyard chickens.

The zoning amendment is relatively simple and is meant to ensure coops that are constructed to house chickens are following the same size and area rules as other structures, such as garden and storage sheds.

**Compliance with Comprehensive Plan:** The proposed amendment falls outside of the Comprehensive Plan and is more of an administrative policy issue.

**Conclusion/Recommendations:** The Planning Commission is asked to review the proposed ordinance dealing with backyard chickens and make a recommendation to approve or deny the amendment to the City Council.

## Jennifer Olson

---

**To:** Christopher Pruitt  
**Subject:** RE: 2015 Poll on legalization of egg-laying hens

-----Original Message-----

From: Christopher Pruitt [<mailto:christopher.pruitt@outlook.com>]  
Sent: Thursday, March 12, 2015 12:37 AM  
To: Vermillion  
Subject: 2015 Poll on legalization of egg-laying hens

Dear City Council Representative,

I would like to take a brief moment to express my opinion on the recent poll for consideration of allowing Vermillion city residents to own egg-laying hens.

Baby chickens cost an average of 1-5 dollars and can be purchased at many retail locations, this includes Runnings and TSC. The cost is minimal but my concern develops from an understanding of livestock and their upkeep. The cost of properly maintaining a group of hens and their coop is beyond most citizens. The hens may cost a small sum of. money but the most important factor to remember is that they require constant upkeep. They must be fed twice daily along with watering. The coop must be cleaned at least weekly and the peak for egg-laying hens comes near the summer. A fertile and healthy hen may lay up to one or two eggs a day in the peak season (the summer). Throughout the winter months this may decrease or the hens may not lay any eggs.

The issue occurs when the hens are improperly taken care of. Providing a safe and healthy environment for the hens should take priority of having eggs for the summer months. I strongly believe that the residents of Vermillion would embrace the ideal of having fresh available produce. Yet, when the upkeep exceeds the capability of the average resident, what happens? The community as a whole will suffer through malice towards the young chickens and improper maintenance will lead to an increase in predators in the city limits,

Vermillion suffers a population of felines that has grown tremendously in the wild. This comes through college students and residents being unable to take care of their pets for whatever reason that is applicable. Please understand that as one problems rages onward with lack of an animal control unit, the solution is not to let more animals and creatures prosper in this environment while several other species are struggling and suffering.

Please know that I have rallied friends, family, coworkers, and residents to vote against this action. Your online poll should reflect this as my support grows. If the idea makes itself present in city legislature for a vote I will bring my support there as well.

Sincerely,

A concerned citizen

Dear Asst City Mngr Andrew Colvin and the Vermillion Planning Commission,

I am a new permanent resident of the City of Vermillion I purchased my home in December of 2015 in residential zoning. At my old residence I kept a large garden and though the location was a very rural town I was restricted from keeping chickens due to presumed nuisance. After much research on the topic of urban chickens, and debunking most if not all presumption of nuisance, I am very excited at the prospect of keeping a few chickens in my backyard. Chickens make great pets, provide organic fertilizer, pets control, companionship, learning opportunities for our youth, and of course eggs.

A quote from the Angus Leader concerning chickens in Sioux Falls “It just goes to show you can raise chickens in town without creating problems for the neighborhood. It’s what most major cities are doing,” -Wyatt Urlacher Feb. 3, 2014.

Sioux Falls, a much more urban and populated environment, allows its residence to keep up to six chickens, but no roosters, without permit, those wanting more than six birds need a special permit and the blessing of all neighbors within 100 feet. I find it hostilely authoritarian that Vermillion, a city whose population is much more connected to farm agriculture and relatedly possesses one of the most renowned farmers markets of the area, is proposing more restrictions than our very urban northern counterparts. Progress is being made by this amendment but not enough.

I agree with strict adherence to adequate management, inspection, and permits but not oppressive quantities in the state that boasts to be in the top 5 freest in the United States. Happy and safe neighborhoods and chickens should be the priority of this amendment to which I send my full encouragement and support.

Please make available the contents of this letter, if applicable, to the attendees of the Vermillion Planning Commission’s January 25, 2016 public hearing along with my information.

Thank you,

Nicholas Parks  
[Nicholas.parks@usd.edu](mailto:Nicholas.parks@usd.edu)  
712-574-7028  
112 Washington St  
Vermillion, SD 57069

## *Planning Commission Agenda Memo*

**From:** Jose Dominguez, City Engineer

**Meeting:** January 25, 2016

**Subject** Petition to rezone the E 264' of the NE ¼ SW ¼ SE ¼ Exc. E 33' and Exc. Mehlhaf Addition and Exc. the S 270' of the NE ¼ SW ¼ SE ¼ from R-2 medium density Residential District to R-3 high density Residential District

**Presenter:** Jose Dominguez

**Background:** Since 2010 Mr. Duane Mehlhaf has been constructing apartments along East Clark Street. Duane currently owns six apartment buildings. Four of the six are south of East Clark Street within the R-2 medium density residential district. The other two buildings are on the north side of East Clark Street and fall within the R-3 high density residential district.

Duane wishes to construct additional apartments to the south of East Clark Street and east of North Norbeck Street. This area is currently zoned R-2 medium density residential. Four-unit apartment buildings are the maximum allowed in the R-2 district. Duane has submitted a request to change the zoning of the parcel to the south of East Clark Street from R-2 to R-3, a higher density residential district that allows apartment buildings with more than four units.

**Discussion:** Staff has several concerns with the proposed zone change. First of all the existing sanitary sewer lift station servicing this area is already functioning at its capacity. The City is in the process of upsizing the lift station pumps and wet well to accommodate any future development. Additionally, the City will have to upsize the gravity mains from the intersection of Prentis and Clark Street west to Plum Street and then south to East Main Street. This gravity main will have to be upsized to handle the proposed development in the lift stations service area. Changing the zoning to a more dense development at this time will negatively affect the existing lift station and may invalidate any future upgrades that we may do to the lift station.

Secondly, when the Planning Commission and the City Council revised the City zoning map, Clark Street was considered a reasonable dividing line between medium density and high density residential uses. Staff also believes that this dividing line also offers a

reasonable buffer between the high density and low density residential uses found south of Main Street. By moving the dividing line south of Clark Street the buffer will be diminished and the residential options in the adjoining zones may be reduced to those that better match a higher density zone (i.e. in the medium density zone you might see more four-plexes rather than houses, while in the low density zone you might run into townhomes rather than houses).

Thirdly, Duane approached the City's Planning Commission early in 2011 and requested that the southwest corner of Clark and Norbeck Street be rezoned from R-2 to R-3. At the time the Planning Commission unanimously recommended to the City Council to deny the request. Duane removed the request from the City Council's agenda and eventually built two four plexes. The request was denied due to the fact that the Planning Commission believed that Clark Street was a good dividing line for the R-3 and R-2 zones. The Planning Commission also took into consideration the large amount of undeveloped R-3 land north of Clark Street (roughly 26-acres).

Lastly, in 2007 Duane submitted a preliminary plat for the property that he owned at the time. This property included the area that he is currently trying to rezone. The preliminary plat submitted by Duane shows the entire area as single family. When the preliminary plat was filed with the City the zoning in this area only allowed single family homes and duplexes. No apartments were allowed in 2007. Staff realizes that the zoning requirements changed when the new zoning ordinance was approved in 2008; however, the Staff also uses the preliminary plat as a planning document. This document allows Staff to plan for road construction, utility extensions or improvements, and other services. Not following the preliminary plat has already negatively affected the City's utilities (lift station is under capacity) and may possibly negatively affect the adjoining land uses.

**Compliance with Comprehensive Plan:** The City needs to ensure availability of land for low to medium density residential development in the future. A change of zoning would allow high-density residential uses as well as provide justification to rezone additional land to the south and east. A zoning map of the area is included in your packets.

**Conclusion/Recommendations:** Staff does not see how a change of zoning such as the one requested by Duane will benefit the community. The zoning map clearly indicates low to medium density residential development for the area south of Clark Street, which has traditionally been a dividing line. In a unique community like Vermillion it is important to provide for a balance of low, medium and high density residential development. Similar to Duane's request in 2011, he is asking the City Council and Planning Commission to make broad changes that may negatively impact the City in future years to accommodate his current needs. Staff recommends not recommending a zone change to the City Council.

