



City of Vermillion
Planning Commission Agenda
12.15 pm Special Meeting
Tuesday, February 9, 2016
City Hall - Large Conference Room
25 Center Street
Vermillion, SD 57069

1. Roll Call

2. Adoption of the Agenda

3. Public Hearings

- a. Request for Conditional Use Permit to construct townhomes on Lot 3, Block 1 and Lot 2, Block 4 of French East Addition to the City of Vermillion.

4. New Business

- a. Final Plat of Lots 3A, 3B and 4A in Block 1; Lot 2A and 2B in Block 4, and a portion of Janklow Court in Outlot B of French East Addition to the City of Vermillion, Clay County, South Dakota.

5. 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.

Planning Commission Agenda Memo

From: Andy Colvin, Assistant City Manager

Meeting: February 9, 2016

Subject: Request for Conditional Use Permit to construct townhomes on Lot 3, Block 1 and Lot 2, Block 4 of French East Addition to the City of Vermillion

Presenter: Andy Colvin

Background: Brown Wegher Construction has submitted an application for a Conditional Use Permit to construct four townhomes at on Mickelson Drive in the French East Addition. The zoning ordinance requires a conditional use permit to construct townhomes within the R-1 residential district.

Discussion: The property is located within the French East Addition and is zoned R-1 residential. Much of the neighborhood is currently undeveloped and composed of single family homes.

The owners intend to subdivide the two lots into four in order to accommodate the townhomes. The final plat will be considered under new business later on the agenda. The plat will also be considered by the City Council at their next6 regular meeting.

Compliance with Comprehensive Plan: The Comprehensive Plan specifies that the City should encourage development within the undeveloped areas inside City limits. Granting a conditional use permit will provide additional housing in the community and infill according to the goals of the Comprehensive Plan.

Conclusion/Recommendations: The Planning Commission is asked to take public comment and grant or deny the conditional use permit application. The use seems to fit well in the area. Staff recommends approval of the conditional use permit conditional upon approval of the final plat by the City Council.



PETITION FOR CONDITIONAL USE PERMIT

1. PETITIONER

NAME: Brown Wegher Construction
ADDRESS: 125 Gateway Blvd. N. Sioux City, SD 57049
PHONE: 605.232.4000

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

Legal Description: Lot 3 Block 1
Zoning District: R1
Address: Mickelson Dr., Vermillion SD, 57069
Adjacent Zoning:

North: _____ South: _____ East: x West: _____

Will utilities be installed and/or modified? yes If yes, which utilities: water/sewer/electric/gas

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.
Please see attached site plan showing the layout of a townhome on this lot.

B. Off-street parking and loading areas where required.
Please see attached site plan.

C. Refuse and service areas, with particular reference to the property location.
Please see attached site plan. Within the City limits.

D. Utilities, with reference to locations, availability, and compatibility.
Please see attached site plan. All utilities are available at this time.

E. Screening and buffering with reference to type, dimensions and character.
Please see attached site plan.

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.

Please see attached site plan. There will not be any permanent signage on the property, only signs listing the contact information for builder and sales agents listing and advertising the property for sale.

G. Required yards and other open space.

Please see attached site plan. This will conform with all residential property requirements.

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

The homes will be ranch homes with an adjoining wall built as townhomes. These are similar to many homes within the area built in a similar manner.

Signature of Petitioner

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: ____ / ____ / ____	

SURVEYORS NOTES

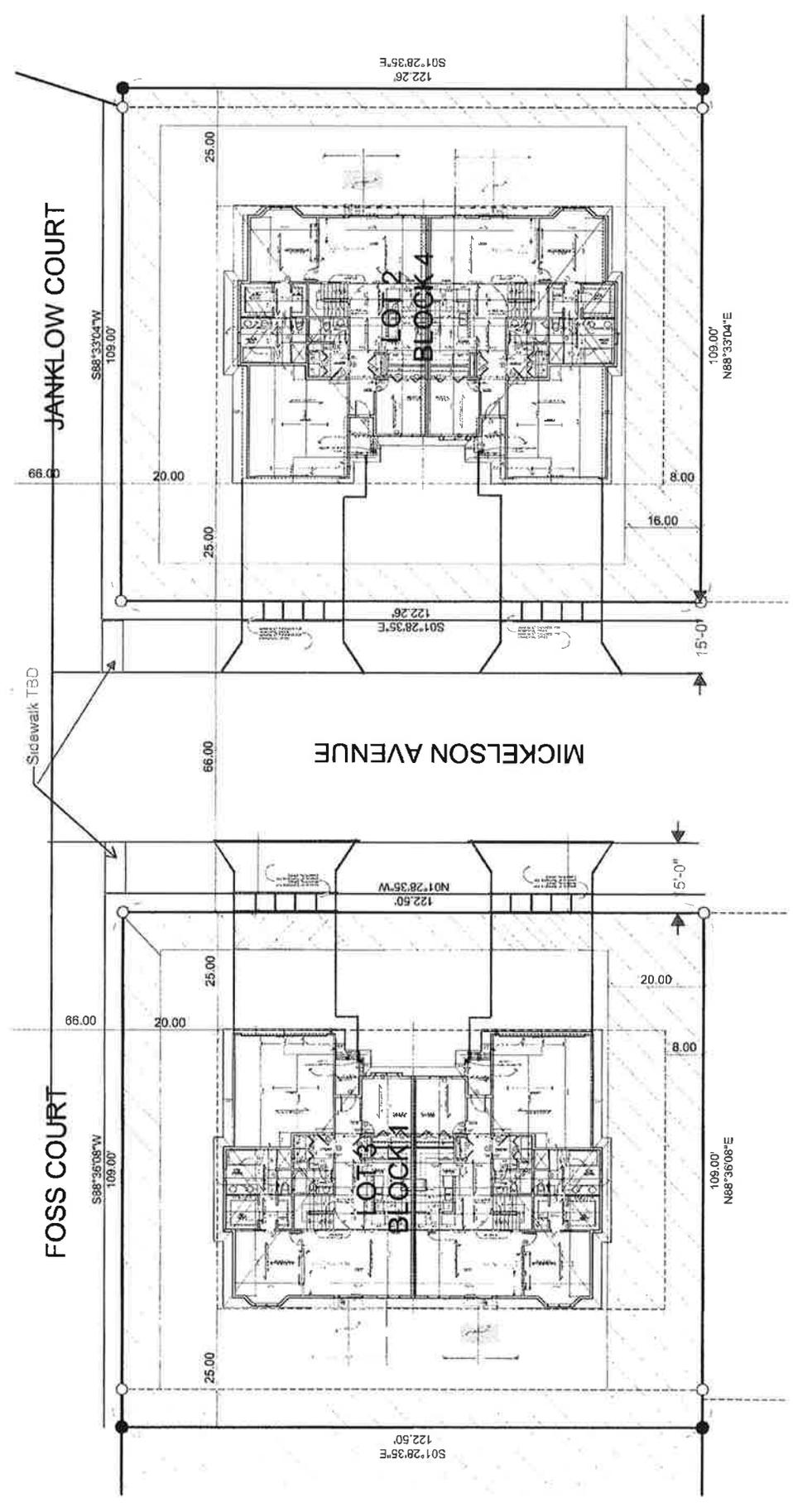
- NOTE 1 -- ALL LOTS CONTAIN AN 8' PERIMETER UTILITY EASEMENT.
- NOTE 2 -- ADDITIONAL WIDTH STORM SEWER DRAINAGE EASEMENT AS SHOWN BELOW.
- NOTE 3 -- SETBACKS SHOWN ARE CONSISTENT WITH R2 ZONING REQUIREMENTS. PROPERTY IS CURRENTLY ZONED R1

LOT 3 IN BLOCK 1 AND LOT 2 IN BLOCK 4, OF FRENCH EAST ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA

LEGEND

- MONUMENT SET THIS SURVEY 5/8" REBAR WITH STAMPED PLASTIC CAP #9924
- MONUMENT FOUND
- ▭ STORM SEWER DRAINAGE AND UTILITY EASEMENT

GRID BEARING
SCALE: 1" = 20'



PETITION FOR CONDITIONAL USE PERMIT

1. PETITIONER

NAME: ~~Matthew Jorgensen~~ *Brown Weghev Construction.*

ADDRESS: 1318 Crestview, Vermillion, SD 57049

PHONE: 605.659.4269

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

Legal Description: Lot 2 Block 4

Zoning District: R1

Address: Mickelson Dr., Vermillion SD, 57069

Adjacent Zoning:

North: _____ South: _____ East: x West: _____

Will utilities be installed and/or modified? yes If yes, which utilities: water/sewer/electric/gas

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.

Please see attached site plan showing the layout of a townhome on this lot.

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

Please see attached site plan.

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

Please see attached site plan. Within the City limits.

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

Please see attached site plan. All utilities are available at this time.

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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.

Please see attached site plan. There will not be any permanent signage on the property, only signs listing the contact information for builder and sales agents listing and advertising the property for sale.

G. Required yards and other open space.

Please see attached site plan. This will conform with all residential property requirements.

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

The homes will be ranch homes with an adjoining wall built as townhomes. These are similar to many homes within the area built in a similar manner.

Signature of Petitioner

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: ____ / ____ / ____	

SURVEYORS NOTES

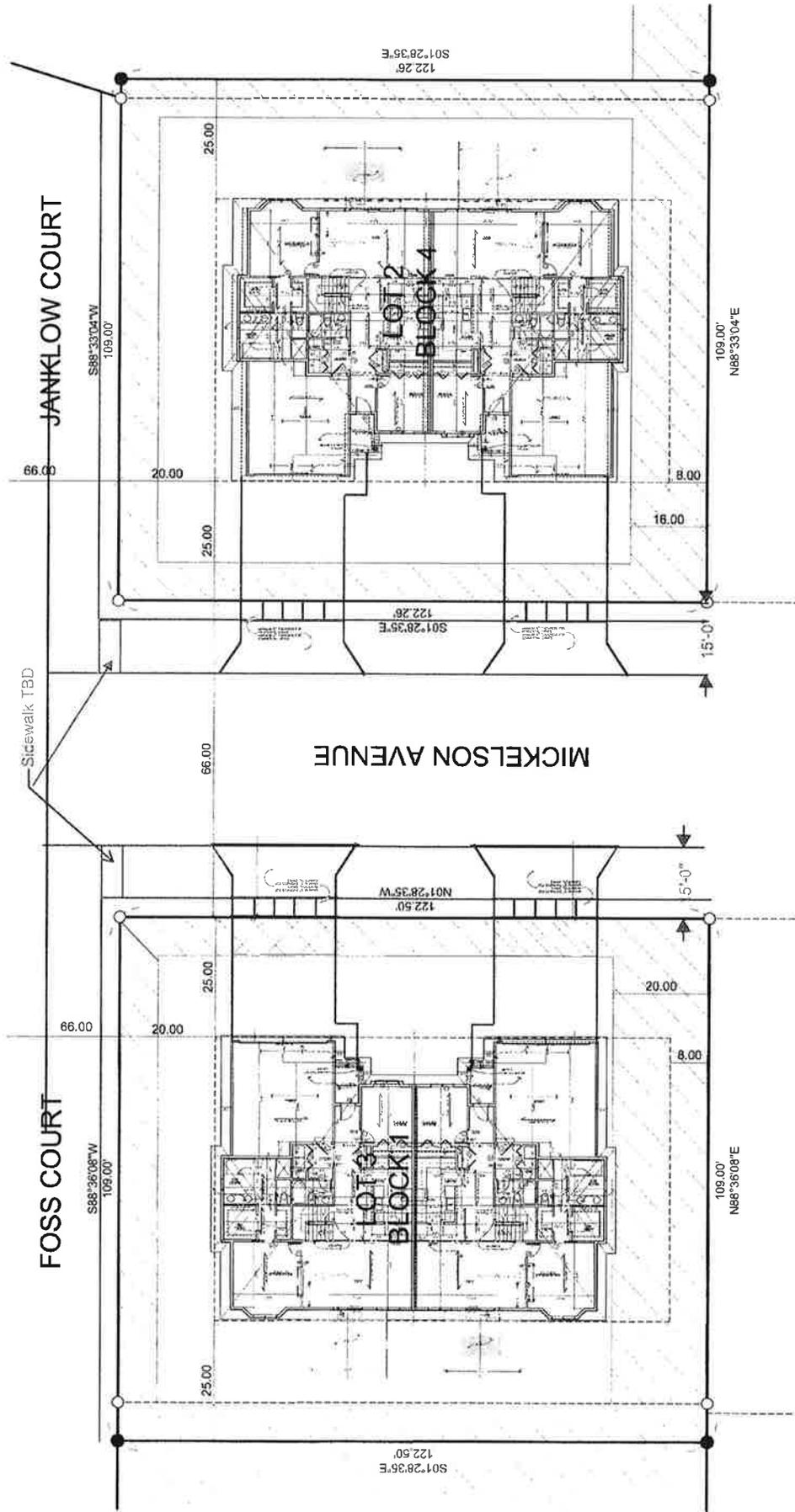
- NOTE 1 -- ALL LOTS CONTAIN AN 8' PERIMETER UTILITY EASEMENT.
- NOTE 2 -- ADDITIONAL WIDTH STORM SEWER DRAINAGE EASEMENT AS SHOWN BELOW.
- NOTE 3 -- SETBACKS SHOWN ARE CONSISTENT WITH R2 ZONING REQUIREMENTS. PROPERTY IS CURRENTLY ZONED R1

LOT 3 IN BLOCK 1 AND LOT 2 IN BLOCK 4, OF FRENCH EAST ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA

LEGEND

- MONUMENT SET THIS SURVEY 5/6" REBAR WITH STAMPED PLASTIC CAP #8924
- MONUMENT FOUND
- ▭ STORM SEWER DRAINAGE AND UTILITY EASEMENT

GRID BEARING
SCALE: 1" = 20'



Planning Commission Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: February 9, 2016

Subject: Final Plat of Lots 3A, 3B and 4A in Block 1; Lot 2A and 2B in Block 4, and a portion of Janklow Court in Outlot B of French East Addition to the City of Vermillion, Clay County, South Dakota

Presenter: Jose Dominguez

Background: Banner Associates has submitted a final plat for a portion of French East Addition. The area to be final platted is roughly 0.84-acres in area. This is a replat of Lots 3 & 4 of Block 1; and, Lot 2 of Block 4 into townhome lots. A small portion of Janklow Court will also be platted at the same time.

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 developer will also be platting the required drainage easements.

Compliance with Comprehensive Plan: The Comprehensive Plan specifies that the City should encourage development within the undeveloped areas inside City limits. Granting approval of the final plat will provide additional housing in the community and infill according to the goals of the Comprehensive Plan.

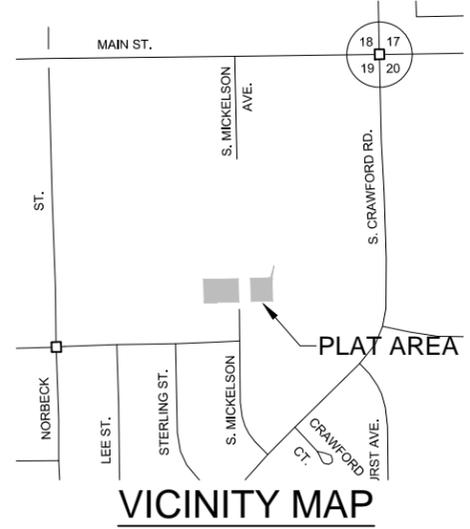
Conclusion/Recommendations: Staff finds that the final plat meets all of the ordinance requirements and recommends approval of the final plat. The Final Plat will be considered by the City Council on February 16th.

PLAT OF

LOTS 3A, 3B AND 4A IN BLOCK 1; LOTS 2A AND 2B IN BLOCK 4, AND A PORTION OF JANKLOW COURT IN OUTLOT B OF FRENCH EAST ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA

GRID BEARING
SCALE: 1" = 100'

DAHL TRACT 1



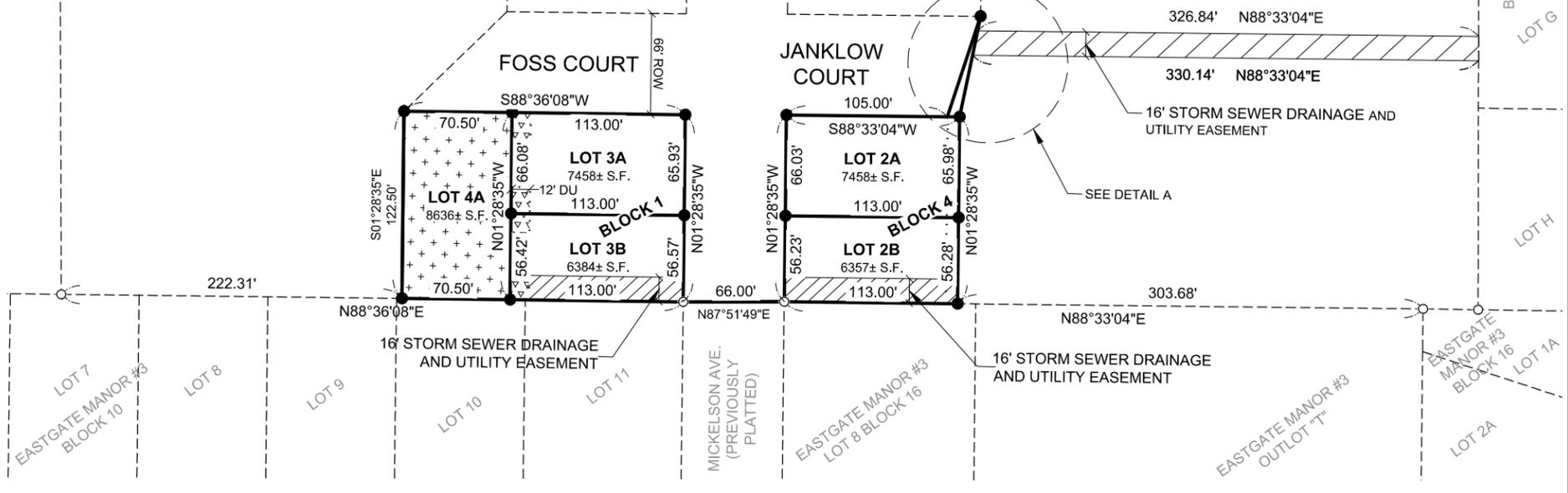
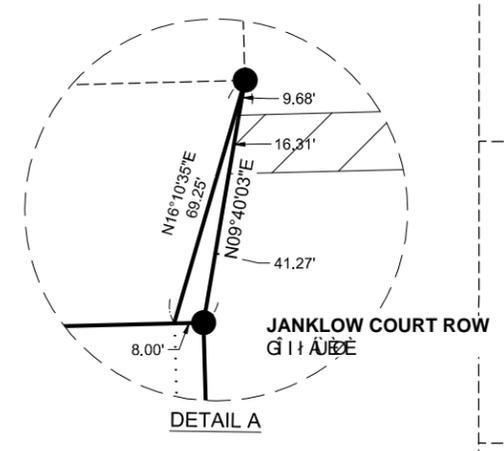
SEE NOTE #3 FOR LEGAL DESCRIPTION



FRENCH

EAST

ADDITION



VACATION NOTICE

THIS PLAT SHALL VACATE LOTS 3-4 IN BLOCK 1, LOT 2 IN BLOCK 4 AND PORTION OF OUTLOT B OF FRENCH EAST ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA PLAT BOOK 8 PAGE 61.

PREPARED BY:

BANNER ASSOCIATES, INC.
VERMILLION, SOUTH DAKOTA
(855) 323-6342
JANUARY 2016

LEGEND

- MONUMENT SET THIS SURVEY 5/8" REBAR WITH STAMPED PLASTIC CAP #9924
- MONUMENT FOUND
- ▨ STORM SEWER DRAINAGE AND UTILITY EASEMENT
- ▽▽▽ DRAINAGE AND UTILITY EASEMENT (DU)
- + + + STORM SEWER DRAINAGE EASEMENT

SURVEYORS NOTES

- NOTE 1 -- ALL LOTS CONTAIN AN 8' PERIMETER UTILITY EASEMENT.
- NOTE 2 -- ADDITIONAL WIDTH STORM SEWER DRAINAGE EASEMENT AS SHOWN ABOVE.
- NOTE 3 -- THE WEST 6 RODS OF THE NE1/4 OF THE NE1/4 AND THE EAST 26 RODS OF THE NW1/4 OF THE NE1/4 EXCEPT 33' OF SECTION LINE ROW ON THE NORTH THEREOF, AND EXCEPT FRENCH'S TRACT 1 AND FRENCH'S TRACT 2 THEREOF, IN SECTION 19, T92N, R51W OF THE 5TH P.M., CITY OF VERMILLION, CLAY COUNTY, SD.

SURVEYOR'S CERTIFICATE

I, Nathan W. Nielson, Registered Land Surveyor in the State of South Dakota, do hereby certify that at the direction of FRENCH INVESTMENTS, L.L.C., AND MATTHEW JORGENSEN, have surveyed and re-platted a tract of land in: LOTS 3-4 IN BLOCK 1, LOT 2 IN BLOCK 4 AND A PORTION OF OUTLOT B IN FRENCH EAST ADDITION ALL IN THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA.

This tract of land shall hereafter be known as LOTS 3A, 3B AND 4A IN BLOCK 1; LOTS 2A AND 2B IN BLOCK 4, AND A PORTION OF JANKLOW COURT IN OUTLOT B OF FRENCH EAST ADDITION TO THE CITY OF VERMILLION, 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
Tel. (Toll Free): 1-855-323-6342

CERTIFICATE OF OWNER

We, FRENCH INVESTMENTS, L.L.C., AND MATTHEW JORGENSEN, do hereby certify that we are the owners of all land included in the above plat and that the plat has been made at my request and in accordance with my instructions for the purposes indicated herein.

We, FRENCH INVESTMENTS, L.L.C., AND MATTHEW JORGENSEN, 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. We also certify that development of this land shall conform to all existing applicable zoning, subdivision, and erosion and sediment control regulations. It is further provided that any streets, roads, alleys, and/or other easements shown on this plat are hereby, or have been previously, dedicated for the purpose indicated thereon.

We, FRENCH INVESTMENTS, L.L.C., AND MATTHEW JORGENSEN, 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.

We, FRENCH INVESTMENTS, L.L.C., AND MATTHEW JORGENSEN, our successors and/or assigns, or other entity other than the City of Vermillion are responsible for maintenance and upkeep of drainage easements and facilities, are responsible for the construction of sidewalks and for their maintenance along drainage easements fronting public right-of ways, and shall not erect any structures, fences, or alter the elevations within the drainage easements without prior approval from the City of Vermillion. This addition to owner's certificate is binding upon subdivision owners, successors and assigns, and is intended as a covenant to run with the land.

Pursuant to SDCL 11-3-20.1, we further certify that this platting of said described LOTS 3A, 3B AND 4A IN BLOCK 1; LOTS 2A AND 2B IN BLOCK 4, AND A PORTION OF JANKLOW COURT IN OUTLOT B OF FRENCH EAST ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA does hereby vacate a portion of the following platting:

LOTS 3-4 IN BLOCK 1, LOT 2 IN BLOCK 4 AND PORTION OF OUTLOT B OF FRENCH EAST ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA on file at the Register of Deeds office in Plat Book 8 Page 61, said plat or part thereof, hereby vacated, being situated within described LOTS 3A, 3B AND 4A IN BLOCK 1; LOTS 2A AND 2B IN BLOCK 4, AND A PORTION OF JANKLOW COURT IN OUTLOT B OF FRENCH EAST ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA as surveyed.

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

SUSAN M. FRENCH, AUTHORIZED SIGNATORY

STATE OF _____
COUNTY OF _____ { SS

MATTHEW JORGENSEN

On the ____ day of _____, 20____, before the undersigned officer, personally appeared SUSAN M. FRENCH, AUTHORIZED SIGNATORIES OF FRENCH INVESTMENTS, 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 ____.

STATE OF _____
COUNTY OF _____ { SS

Notary Public My Commission Expires

On the ____ day of _____, 20____, before the undersigned officer, personally appeared MATTHEW JORGENSEN, 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

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 3A, 3B AND 4A IN BLOCK 1; LOTS 2A AND 2B IN BLOCK 4, AND A PORTION OF JANKLOW COURT IN OUTLOT B OF FRENCH EAST ADDITION TO THE CITY OF VERMILLION, 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 or 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

CERTIFICATE OF REGISTER OF DEEDS

Filed for record this _____ day of _____, 20____, _____ o'clock ____ M, and recorded in Book _____ of Plats, on page _____.

PREPARED BY:
BANNER ASSOCIATES, INC.
VERMILLION, SOUTH DAKOTA
(855) 323-6342
JANUARY 2016

Register of Deeds, Clay County, SD