



**City of Vermillion  
Planning & Zoning Commission Agenda**

5:30 p.m. Special Joint Meeting  
Tuesday, January 29, 2019  
City Council Chambers – 2<sup>nd</sup> Floor  
City Hall  
25 Center Street  
Vermillion, SD 57069

**1. Roll Call**

**2. Minutes**

- a. None. Minutes of the January 28, 2019 Regular Meeting will be approved at the next Regular Meeting of the Vermillion Planning & Zoning Commission.

**3. Adoption of the Agenda**

**4. Visitors to Be Heard**

**5. Public Hearings**

- a. Request for a Conditional Use Permit for a single-family dwelling for Mart Brothers for property described as Tract A of Ranchette #1 of East Ranch Estates, a subdivision of part of NE ¼ of S20-T92N-R51W, 5<sup>th</sup> P.M., Clay County, South Dakota (Joint item with Clay County Planning Commission)

**6. Old Business**

**7. New Business**

**8. Adjourn**

**WELCOME TO YOUR PLANNING & ZONING 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 & Zoning Commission*

## *Agenda Memo*

**From:** James Purdy, Assistant City Manager

**Meeting:** January 29, 2019

**Subject:** Request for a Conditional Use Permit for a single-family dwelling for Curt Surrell for property located Vermillion, South Dakota, which is Tract F of Ranchette #1 E Ranch Estates, Section 20, T92N, R51W, 5<sup>th</sup> PM, Fairview Township, Clay County, South Dakota.

**Presenter:** James Purdy

**Background:** Planning and zoning in the Joint Jurisdictional Area are subject to oversight by the Planning Commissions of both Clay County and the City of Vermillion. Section 16.01 of the Joint Zoning Regulations governs this process.

An Applicant seeking a Conditional Use Permit must file with the Clay County Zoning Administrator the required application, provide information on the site plan, and pay a filing fee. The Clay County Zoning Administrator will then set a date for a public hearing where the County and City Planning Commissions will meet jointly to consider the Conditional Use Permit. If both Commissions grant the CUP, the decision is considered final unless an appeal is filed. If the Commissions do not both agree to grant the CUP, the permit is deemed denied. Any appeal is considered during a joint meeting of the Clay County Commission and the Vermillion City Council.

Section 16.01(F) of the Joint Zoning Regulations for Clay County and the City of Vermillion state that considerations to be taken into account when considering a Conditional Use Permit are:

- 1. The impact of the proposed use on adjacent properties shall be a major consideration. The proposed use should be generally compatible with adjacent properties and other properties in the district.*
- 2. Measures shall be taken to ensure that the proposed use does not alter the general character of the area or neighborhood.*
- 3. The effects of noise, odor, traffic, air and water pollution, and other negative factors shall be eliminated or controlled through the use of screening, setbacks, orientation or other measures.*
- 4. The proposed use shall not adversely affect the public.*

**Discussion:** As required by the Joint Zoning Regulations, Curt Surrell filed an application for a Conditional Use Permit on January 4, 2019 to construct a single-family dwelling at 2833 Corral Lane. The Clay County Zoning Administrator then scheduled a public hearing and provided the required notifications for the hearing.

The property is zoned A-1 (Agricultural District). Section 3.02 of the Joint Zoning Regulations sets a limit on the number of residential buildings in each quarter-quarter section in the A-1 District, but the building site is a lot of record and as such is exempt from this rule. Per 3.02, a Single-Family Dwelling in the A-1 District is also subject to the following Applicable Standards:

- 11.01 – Visibility at Intersections and Driveways
- 11.03 – Off-street Parking
- 11.05 – On-Premise Signs
- 16.01 – Conditional Uses

Section 16.01 governs the process of granting a Conditional Use Permit and was covered previously in this memo. Compliance with sections 11.01, 11.03, and 11.05 would best be addressed by the Clay County Zoning Administrator when granting a Building Permit.

**Compliance with Comprehensive Plan:** The 2035 Comprehensive Plan designated this lot location as *Residential* in the “Future Land Use” map (p.19). The construction of a single-family dwelling supports the goal to “provide a variety of housing types that allow people to live in Vermillion at any stage in their life and income” (p.13).

**Conclusion/Recommendations:** Staff recommends approval of the proposed Conditional Use Permit to construct a single-family dwelling.

CLAY COUNTY CONDITIONAL USE APPLICATION

CONDITIONAL USE APPLICATION NUMBER <i>2019-01</i>	Application Fee - \$100
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**SECTION 1: APPLICANT/OWNER/CONTACT INFORMATION**

	APPLICANT INFORMATION	OWNER INFORMATION	
NAME	<i>Curt Surrell</i>	<i>Curt Surrell</i>	
ADDRESS	<i>PO Box 62 Vermillion</i>		
TELEPHONE	<i>605-670-0679</i>	<i>605-670-0679</i>	
FAX			
EMAIL	<i>BurbankCurt14@gmail.com</i>		

**SECTION 2: PROPERTY INFORMATION**

STREET ADDRESS			
LEGAL DESCRIPTION	<i>Tract F of Ranchette #1 East Ranch Estates, A subdivision of NE 1/4 of Section 20 Township 92 North, Range 5 West of the 5th P.M. CLAY County S.D.</i>		
TOWNSHIP NAME & SECTION #	<i>Fairview section 20</i>	ZONING DISTRICT	<i>AG</i>

**SECTION 3: SITE PLAN INFORMATION**

Applicant must submit a plan of the lot or property with the following information:

- Location of all existing and proposed buildings or additions; dimensions of all buildings; distance from all buildings to the property lines at the closest points; North arrow; building height; dimensions of property lines; right-of-way easements; name and location of adjacent streets, waterways or other public places.
- If applicable, also show name of project or business; parking lots or spaces; screening; landscaped setback and trees.

**SECTION 4: STATEMENT OF CONDITIONAL USE DESIRED**

*To Live in single Family Dwelling, move house onto Foundation.*

Signature	<i>Curt Surrell</i>
Date	<i>1-4-19</i>

NOTE: The Zoning Office may require plans to be prepared by a registered engineer or land surveyor. The applicant may be required to provide additional information and/or records.



Overview



Legend

- Corporate Limits
- PLS Townships
- Parcels
- Roads

<b>Parcel ID</b>	12500-00000-000-06	<b>Alternate ID</b>	130031185	<b>Owner Address</b>	TURNER EXCAVATION & PROPERTY MAN
<b>Sec/Twp/Rng</b>	20-092-51	<b>Class</b>	FARM		CD-GERALDINE A TURNER
<b>Property Address</b>		<b>Acreage</b>	1.11		31449 UNIVERSITY RD
					VERMILLION SD 57069-
<b>District</b>	FAIRVIEW TWP - VERMILLION SCH				
<b>Brief Tax Description</b>	TRACT F OF RANCHETTE #1 E RANCH ESTATES-FAIRVIEW TWP				
	<i>(Note: Not to be used on legal documents)</i>				

The records or data in this Website may not accurately represent the actual conditions as they exist today. Any decisions made using this data should be field verified. Clay County makes no warranties, expressed or implied, as to the accuracy or use of the Data.

Date created: 1/4/2019  
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Developed by **Schneider**  
 GEOSPATIAL

Curt Surrell Conditional Use  
Excerpt from Zoning Map  
No zoning issues noted



