



City of Vermillion Planning and Zoning Commission Agenda

5:30 p.m. Regular Meeting

Tuesday, May 26, 2020

Virtual Only Meeting (see link below)

<https://us02web.zoom.us/j/kcF9AdNhg9>

Vermillion, SD 57069

1. **Roll Call**
2. **Minutes**
 - a. February 24, 2020 Regular Meeting.
3. **Declaration of Conflict of Interests**
4. **Adoption of the Agenda**
5. **Visitors to Be Heard**
6. **Public Hearings**
7. **Old Business**
8. **New Business**
 - a. Final plat of McHenry Street right-of-way; Lot 3B in Block 6; Lot 4C in Block 6; and Lot 6B in Block 6; all of Erickson Addition, an addition to the City of Vermillion, Clay County, South Dakota.
9. **Staff Reports**
10. **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, February 24, 2020 Joint Planning Commission Meeting with Clay
County

The joint meeting of the Vermillion Planning and Zoning Commission and Clay County Planning Commission was called to order in the Council Chambers at City Hall on February 24, 2020 at 5:30 p.m.

1. Roll Call

City Planning and Zoning Commissioners Present: Fairholm, Forseth, Tuve, Wilson (speaker phone), Iverson.

City Planning and Zoning Commissioners Absent: Kleeman, Manning, Gestring, Muenster

City Staff present: José Domínguez, City Engineer; James Purdy, Assistant City Manager

County Planning Commissioners Present: Bottolfson, Prentice, Mockler, Gilbertson, Hubert.

County Planning Commissioners Absent: None

County Staff present: Drew Gunderson, Clay County Zoning Administrator

2. Minutes

a. January 27, 2020 Joint Meeting.

Moved by Commissioner Fairholm to adopt January 27, 2020 joint meeting minutes, seconded by Tuve. Motion carried 5-0, (Fairholm - Yes, Forseth - Yes, Tuve - Yes, Wilson - Yes, Iverson - Yes).

3. Declaration of Conflict of Interest

Forseth noted that he owns investment property.

4. Adoption of the Agenda

Moved by Tuve to adopt the agenda as printed, seconded by Forseth. Motion carried 5-0, (Fairholm - Yes, Forseth - Yes, Tuve - Yes, Wilson - Yes, Iverson - Yes).

5. Visitors to be Heard

Dominguez stated that Commissioner Mike Manning resigned from the City's Planning and Zoning Commission.

Dominguez stated that five of the City's Commissioners (Forseth, Manning, Muenster, Tuve, and Wilson) are up for reappointment this year. Staff will be notifying the Commissioner's in May. The Council would make the appointments at their first meeting in July.

6. Public Hearings

a. Request for a Conditional Use Permit to Construct, and Operate, a Campground (RV park with nine RV sites) at Lot B-1 Replat of Lot B EXC W 135-feet of Lot B-1 SW $\frac{1}{4}$ NE $\frac{1}{4}$ 14-92-52, and Lot A-1 and Lot A-3 Replat of Lot A-2 SW $\frac{1}{4}$ NE $\frac{1}{4}$ 14-92-52, Miscellaneous, City of Vermillion, Clay County, South Dakota.

Jose Dominguez, City Engineer, stated that the City received an application from Circle 13 LLC for a Conditional Use permit to construct, and operate, a campground consisting of nine RV parking spots within the property owned by the applicant at 1313 West Cherry Street. The campground would occupy part of the parcel where the existing motel sits. Dominguez also stated that the proposed campground would be located within the GB-General Business zoning district, and that campgrounds are allowed as a conditional use within that district.

Dominguez stated that SDCL 11-4-4.1 requires that the City consider the City's zoning ordinance and comprehensive plan when making a decision regarding conditional uses. Section 155.095 of the City's Code of Ordinances lays out the process that needs to be followed by the City when considering a conditional use permit.

Dominguez recommended that the Commission take public comment and either grant, grant with conditions, or deny the conditional use permit application. Dominguez recommended granting the conditional use with no conditions, as the proposed use fits within the existing zoning district; the proposed use matches with the future uses proposed in the City's comprehensive plan Future Land Use map; and because no issues are expected regarding health, safety, and general welfare.

Iverson opened the floor for public comment.

Forseth asked Dominguez how the proposed RV site would affect the City's RV parking sites on Lions Park. Dominguez responded that the proposed RV sites will not negatively impact the City's sites.

Fairholm asked Dominguez if the Code has a length of stay requirement. Dominguez stated that the Code does have a length of stay and that it is approximately 3-months.

Fairholm asked Dominguez if all of the access to the RV sites would be off the internal roads, or if they could also be accessed off Allison Street. Dominguez stated that the plan is to have access off the internal roadways, but that the sites might also be accessed (or exited) off Allison Street. Regardless, the circulation within the RV campground would not change.

Forseth moved to grant the conditional use permit without any conditions. Seconded by Tuve. Commission voted as follows: Fairholm - Yes, Forseth - Yes, Tuve - Yes, Wilson - Yes, Iverson - Yes. Motion carried 5 to 0.

Iverson moved to recess until the County's Planning Commission arrives at 5:40 p.m.

Iverson moved to come out of recess at 6:14 p.m.

7. Old Business

None

8. New Business

a. Discussion with Clay County Planning Commission to Discuss the Draft of Chapter 1: Introduction of the Proposed Comprehensive Plan for the Joint Jurisdictional Zoning Area.

Jose Dominguez, City Engineer, explained that at the joint meeting on January 27, City and County staff were directed to develop a schedule with the goal of having a final comprehensive plan for the joint jurisdictional zoning area ready to be presented to the respective governing bodies within roughly a year's time. Staff was also directed to work with the South Eastern Council of Governments (SECOG) when developing the drafts to be presented to the Commissions. The meeting dates in the schedule serve as a guide, and can be moved depending on how the process to develop the plan is going.

Dominguez stated that the draft of Chapter 1: Introduction addresses the basics of the proposed comprehensive plan. This chapter would provide the reader with the intent of the document and what to expect. Dominguez also stated that there are three sections in this chapter that need to be considered more thoroughly by the Commissions. Those sections are the Vision section, the Public Involvement section, and the Area of Planning Jurisdiction.

Dominguez also mentioned that the City's Commission needs to consider the City's 2035 Comprehensive Plan when developing the new comprehensive plan for the joint jurisdictional zoning area.

Dominguez recommended that the City's Commission review the draft of Chapter 1 provided by SECOG.

Drew Gunderson, Clay County Zoning Administrator, mentioned that some of the dates will have to be changed due to spring planting, or fall harvest. Commissioner Hubert also mentioned that the March 9th meeting might not be possible for several commissioners due to other conflicts. Dominguez stated that the dates can be moved to accommodate any conflicts.

Fairholm asked how the Vision section was supposed to be developed. Dominguez replied that the intent was that the Commissions would discuss the item and develop the verbiage for the section. Dominguez offered that the City's and County's staff can develop bullet points to aid in the Commission's development of the Vision statement.

Commissioner Bottolfson asked if it would be possible for City and County staff to discuss the items that will be presented to the Commissions prior to the meeting. This would hopefully speed up the discussion process. Dominguez stated that he has no issues discussing items with Gunderson before the meetings with the Commissions.

9. Staff Report

None

10. Adjourn

Moved by Forseth to adjourn, seconded by Fairholm. Motion carried 5-0 (Fairholm - Yes, Forseth - Yes, Tuve - Yes, Wilson - Yes, Iverson - Yes). Iverson declared the meeting adjourned at 6:26 p.m.

Planning Commission Memo

From: Jose Dominguez, City Engineer

Meeting: May 26, 2020

Subject Final Plat of McHenry Street Right-of-Way; Lot 3B in Block 6; Lot 4C in Block 6; and Lot 6B in Block 6; all in Erickson Addition, an Addition to the City of Vermillion, Clay County, South Dakota

Presenter: Jose Dominguez

Background: Banner Associates has submitted a final plat on behalf of the owners. The area to be replatted consists of roughly 9.79-acres. The area is located west of Princeton Street, north of Bower Street, west of Carr Street and south of SD Hwy. 50. The area will be accessed through a new street being dedicated. This new street will be called McHenry Street.

Discussion: Staff has reviewed the final plat and finds that it complies with all code provisions. The applicant will also be dedicating all of the required utility easements around the lots.

When originally platted, Erickson Addition was made of larger lots. With all of the recent replatting creating smaller lots Lot 6B was essentially landlocked. The dedication of McHenry Street will create an access point for the lot.

Compliance with Comprehensive Plan: The comprehensive plan has several sections that address development within the community. There are many goals and objectives that may apply in this instance such as:

- Provide diverse employment opportunities for current and future Vermillion residents (pg. 15)
- Retain existing businesses and allow for expansion opportunities (pg. 15)

Conclusion/Recommendations: Staff finds that the final plat meets all of the ordinance requirements, and recommends approval of the final plat. The plat will be considered by the City Council at a future meeting.

**PLAT OF
 MCHENRY STREET RIGHT OF WAY;
 LOT 3B IN BLOCK 6; LOT 4C IN
 BLOCK 6; AND LOT 6B IN BLOCK 6;
 ALL OF ERICKSON ADDITION, AN
 ADDITION TO THE CITY OF
 VERMILLION, CLAY COUNTY,
 SOUTH DAKOTA**

VACATION NOTICE

THIS PLAT SHALL VACATE LOT 3, BLOCK 6; AND A PORTION OF OUTLOT B, BLOCK 6; ERICKSON ADDITION, TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA FILED IN BOOK 7 OF PLATS ON PAGE 589 THEREIN.

VACATION NOTICE

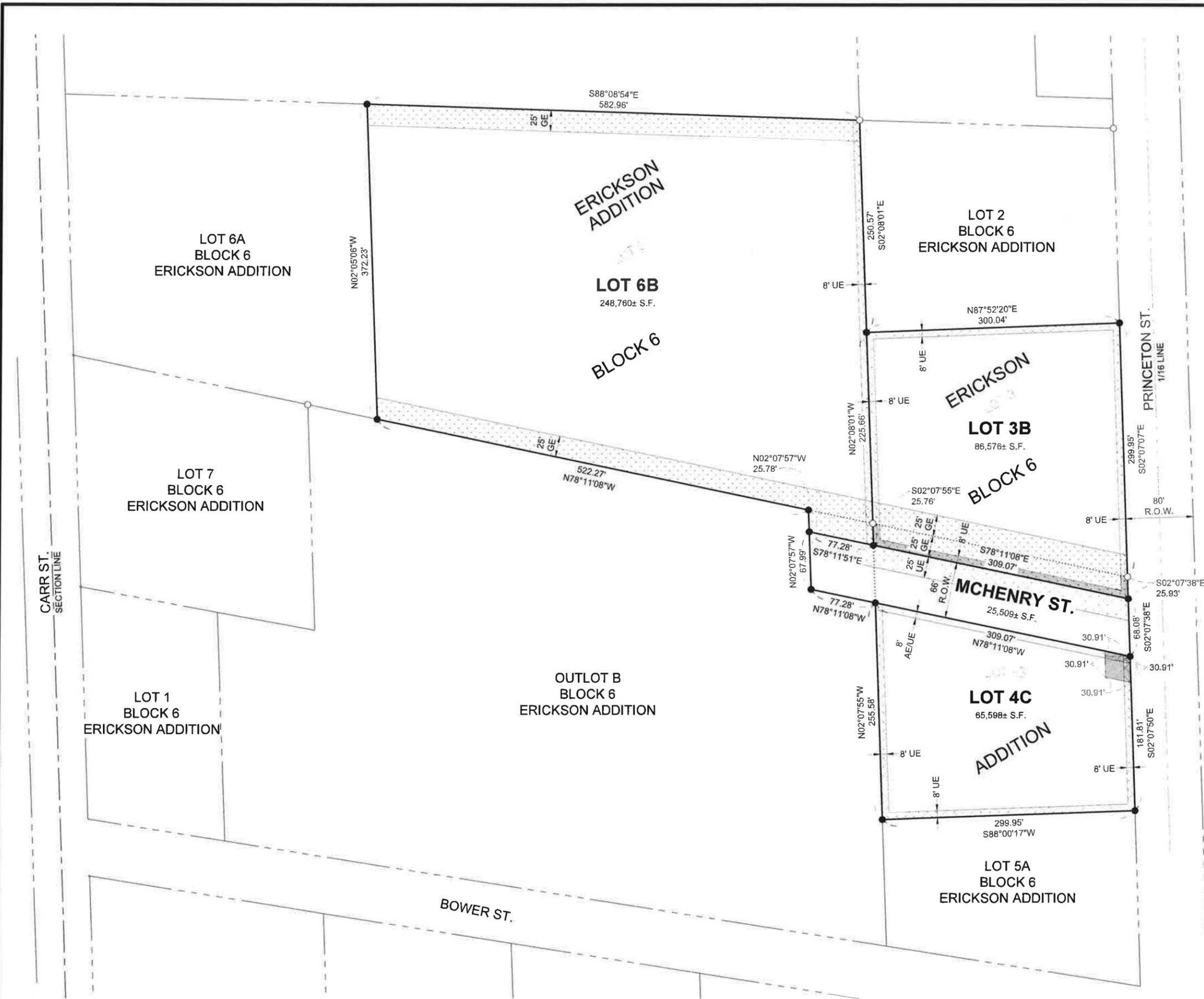
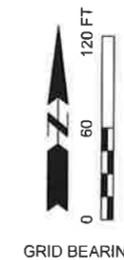
THIS PLAT SHALL VACATE LOT 4B OF BLOCK 6 IN ERICKSON ADDITION, TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA FILED IN BOOK 8 OF PLATS ON PAGE 167 THEREIN.

VACATION NOTICE

THIS PLAT SHALL VACATE THE REMAINING PORTION OF LOT 6 OF BLOCK 6 IN ERICKSON ADDITION, TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA FILED IN BOOK 7 OF PLATS ON PAGE 611 THEREIN.

LEGEND

- MONUMENT SET THIS SURVEY (5/8" REBAR WITH STAMPED PLASTIC CAP)
- MONUMENT FOUND
- [Pattern] EXIST. GAS EASEMENT (GE)
- [Pattern] EXIST. UTILITY EASEMENT (UE)
- [Pattern] NEW UTILITY EASEMENT (UE)
- [Pattern] NEW ACCESS/UTILITY EASEMENT (AE/UE)
- PROPERTY LINE VACATED BY THIS PLAT



PREPARED BY:
 BANNER ASSOCIATES, INC.
 VERMILLION, SOUTH DAKOTA
 TEL. (TOLL FREE): 1-855-323-6342
 MAY 2020

SURVEYOR'S CERTIFICATE

I, Nathan W. Nielson, a Professional Land Surveyor in the State of South Dakota, do hereby certify that I did, on or before **May 19, 2020**, at the request of the owner(s) listed hereon, survey a portion of those parcels of land described as **LOT 3 IN BLOCK 6 OF ERICKSON ADDITION, AN ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA; LOT 4B IN BLOCK 6 OF ERICKSON ADDITION, AN ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA; OUTLOT 6 IN BLOCK 6 OF ERICKSON ADDITION, AN ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA; OUTLOT B IN BLOCK 6 OF ERICKSON ADDITION, AN ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA; AND LOT 6 IN BLOCK 6 OF ERICKSON ADDITION, AN ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA** and platted a portion of the same as shown on the above plat.

The same shall hereafter be known and described as **MCHENRY STREET RIGHT OF WAY, LOT 3B IN BLOCK 6; LOT 4C IN BLOCK 6; AND LOT 6B IN BLOCK 6; ALL OF ERICKSON ADDITION, AN ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA.**

I have surveyed the tract of land shown, and to the best of my knowledge and belief, said plat is an accurate representation of said survey.

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, **VERMILLION CHAMBER OF COMMERCE AND DEVELOPMENT COMPANY**, do hereby certify that we are the owners of **LOT 3B, BLOCK 6; LOT 4C, BLOCK 6; AND LOT 6, BLOCK 6; ALL OF ERICKSON ADDITION**, 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, **VERMILLION CHAMBER OF COMMERCE AND DEVELOPMENT COMPANY**, 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, **VERMILLION CHAMBER OF COMMERCE AND DEVELOPMENT COMPANY**, certify that this plat 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, **VERMILLION CHAMBER OF COMMERCE AND DEVELOPMENT COMPANY**, further certify that this plat shall vacate **LOT 3, BLOCK 6; AND A PORTION OF OUTLOT B, BLOCK 6; ERICKSON ADDITION, TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA FILED IN BOOK 7 OF PLATS ON PAGE 589 THEREIN.**

We, **VERMILLION CHAMBER OF COMMERCE AND DEVELOPMENT COMPANY**, further certify that this plat shall vacate **LOT 4B OF BLOCK 6 IN ERICKSON ADDITION FILED IN BOOK 8 OF PLATS ON PAGE 167 THEREIN.**

We, **VERMILLION CHAMBER OF COMMERCE AND DEVELOPMENT COMPANY**, further certify that this plat shall vacate **THE REMAINING PORTION OF LOT 6 OF BLOCK 6 IN ERICKSON ADDITION, TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA FILED IN BOOK 7 OF PLATS ON PAGE 611 THEREIN.**

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

NATHAN WELCH, PRESIDENT AND C.E.O.
VERMILLION CHAMBER OF COMMERCE & DEVELOPMENT COMPANY

STATE OF _____ }
COUNTY OF _____ } SS

On the _____ day of _____, 20____, before the undersigned officer, personally appeared **NATHAN WELCH, PRESIDENT AND C.E.O., VERMILLION CHAMBER OF COMMERCE AND 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/she 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 _____

CERTIFICATE OF OWNER

We, **JR&R II, LLC**, do hereby certify that we are the owners of **OUTLOT B, BLOCK 6 OF ERICKSON ADDITION** 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, **JR&R II, LLC**, 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, **JR&R II, LLC**, certify that this plat 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, **JR&R II, LLC**, further certify that this plat shall vacate **LOT 3, BLOCK 6; AND A PORTION OF OUTLOT B, BLOCK 6; ERICKSON ADDITION, TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA FILED IN BOOK 7 OF PLATS ON PAGE 589 THEREIN.**

We, **JR&R II, LLC**, further certify that this plat shall vacate **LOT 4B OF BLOCK 6 IN ERICKSON ADDITION FILED IN BOOK 8 OF PLATS ON PAGE 167 THEREIN.**

We, **JR&R II, LLC**, further certify that this plat shall vacate **THE REMAINING PORTION OF LOT 6 OF BLOCK 6 IN ERICKSON ADDITION, TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA FILED IN BOOK 7 OF PLATS ON PAGE 611 THEREIN.**

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

DAN HERRMANN, CHIEF OPERATING OFFICER
JR&R II, LLC

STATE OF _____ }
COUNTY OF _____ } SS

On the _____ day of _____, 20____, before the undersigned officer, personally appeared **DAN HERRMANN, CHIEF OPERATING OFFICER, JR&R II, LLC**, known to me or satisfactorily proven to be the person(s) whose name are subscribed to the within instrument and acknowledged that he/she 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 MCHENRY STREET RIGHT OF WAY; LOT 3B IN BLOCK 6; LOT 4C IN BLOCK 6; AND LOT 6B IN BLOCK 6; ALL OF ERICKSON ADDITION, AN 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.

Treasurer, Clay County, South Dakota

Dated this ____ day of _____, 20__.

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.

Director of Equalization, Clay County, South Dakota

Dated this ____ day of _____, 20__.

CERTIFICATE OF 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

