



**City of Vermillion**  
**Planning Commission Agenda**  
5:30 p.m. Regular Meeting  
Tuesday, October 15, 2019  
Large Conference Room – 2<sup>nd</sup> Floor  
City Hall  
25 Center Street  
Vermillion, SD 57069

1. **Roll Call**
2. **Minutes**
  - a. September 23, 2019 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 Lots 1 and 2 in Block 7 Brooks Industrial Park Addition to the City of Vermillion, Clay County, South Dakota.
  - b. Preliminary Plat of Anderson Tract 2 in the N ½ of the SE ¼ Section 17-T92N-R51W of the 5<sup>th</sup> P.M., 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.

## *Planning Commission Memo*

**From:** Jose Dominguez, City Engineer

**Meeting:** October 15, 2019

**Subject** Final Plat of Lots 1 and 2 in Block 7 Brooks Industrial Park 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 owner. The area to be final platted consists of roughly 9.3-acres. The area is located on the south side of SD Highway 50 Bypass directly west of Commerce Street. The owner is platting this area into two lots (4.9-acres and 4.4-acres).

**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 lot.

It should be noted that the large 66-foot easement bisecting Lot 1 and 2 could be turned into a public right-of-way and used to construct a public road. Access to the properties off this easement will not be granted until the right-of-way is acquired by the City.

**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.

# PRELIMINARY PLAT OF LOTS 1 AND 2 IN BLOCK 7 BROOKS INDUSTRIAL PARK ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA

### VACATION NOTICE

THIS PLAT SHALL VACATE THE PORTION OF OUTLOT G AS SHOWN HEREON, AS RECORDED IN THE PLAT OF LOT G IN THE NW1/4 OF THE NE1/4 OF SECTION 18, TOWNSHIP 92 NORTH, RANGE 51 WEST, OF THE 5TH P.M. IN CLAY COUNTY, SOUTH DAKOTA, FILED ON SEPTEMBER 30, 1966 IN BOOK 4 OF PLATS, PAGE 232.

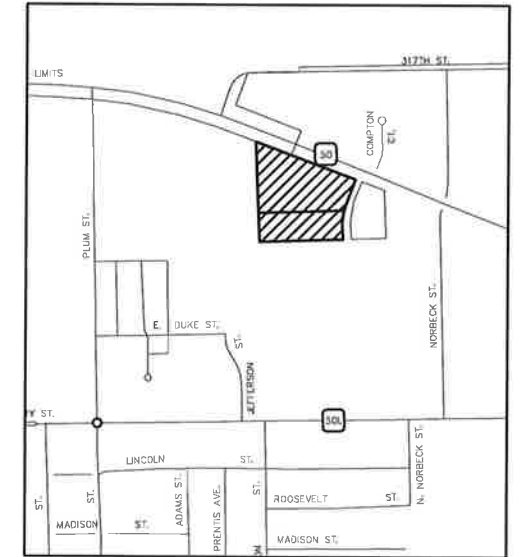
### CURVE TABLE

CURVE #	ARC LENGTH	RADIUS	CHORD LENGTH	CHORD BEARING
C1	118.82'	459.11'	118.49'	S13°06'22"W
C2	261.70'	78.00'	155.11'	S5°52'51"W

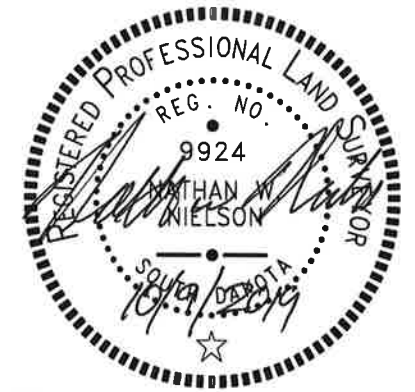
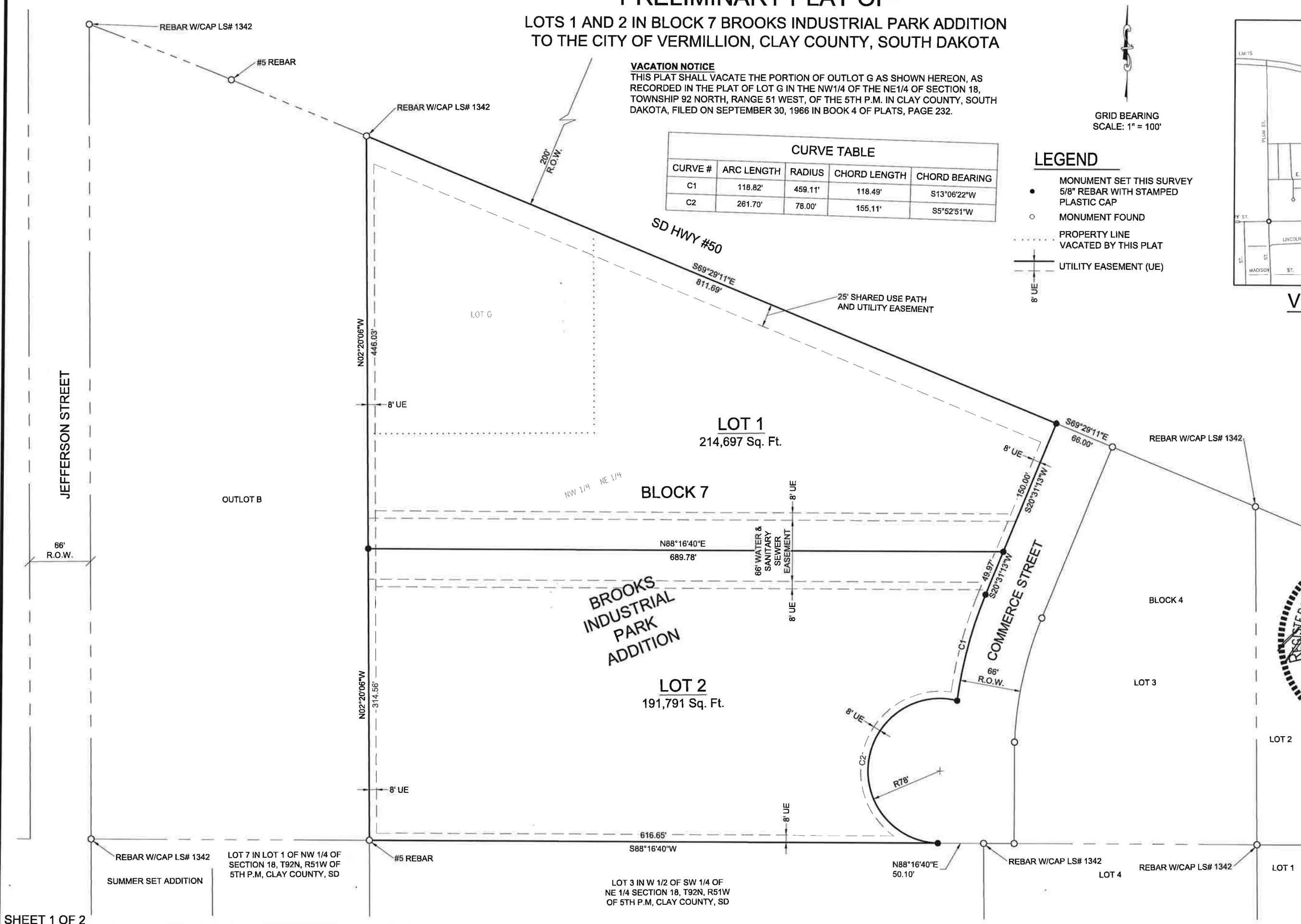
### LEGEND

- MONUMENT SET THIS SURVEY  
5/8" REBAR WITH STAMPED PLASTIC CAP
- MONUMENT FOUND
- PROPERTY LINE VACATED BY THIS PLAT
- UTILITY EASEMENT (UE)

GRID BEARING  
SCALE: 1" = 100'



VICINITY MAP



PREPARED BY:  
BANNER ASSOCIATES, INC.  
VERMILLION, SOUTH DAKOTA  
TOLL FREE: 1 855 323-6342  
OCTOBER 2019

PRELIMINARY PLAT OF
LOTS 1 AND 2 IN BLOCK 7 OF BROOKS INDUSTRIAL PARK ADDITION
TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA

SURVEYOR'S CERTIFICATE

I, Nathan W. Nielson, Registered Land Surveyor, do hereby certify that at the direction of VERMILLION CHAMBER & DEVELOPMENT COMPANY, have surveyed and platted a tract of land in: LOT G IN THE NW 1/4 OF THE NE 1/4 AND A PORTION OF THE NW 1/4 OF THE NE 1/4 OF SECTION 18 TOWNSHIP 92 NORTH RANGE 51 WEST OF THE 5TH P.M., CLAY COUNTY, SOUTH DAKOTA.

This tract of land shall hereafter be known as LOTS 1 AND 2 IN BLOCK 7 OF BROOKS INDUSTRIAL PARK ADDITION TO THE CITY OF VERMILLION, located in the NW 1/4 OF THE NE 1/4 OF SECTION 18 TOWNSHIP 92 NORTH RANGE 51 WEST OF THE 5TH P.M., 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 9th DAY OF OCTOBER, 2019.

Nathan W. Nielson
Registered Land Surveyor
Registration No. 9924
Banner Associates, Inc.
14 W. Main St., Suite A
Vermillion, South Dakota 57069
Telephone (605) 624-6342

CERTIFICATE OF OWNER

We, VERMILLION CHAMBER OF COMMERCE AND DEVELOPMENT COMPANY, do hereby certify that we are the absolute and unqualified owner of the real estate hereafter described as LOTS 1 AND 2 IN BLOCK 7 OF BROOKS INDUSTRIAL PARK ADDITION TO THE CITY OF VERMILLION, located in the NW 1/4 OF THE NE 1/4 OF SECTION 18 TOWNSHIP 92 NORTH RANGE 51 WEST OF THE 5TH P.M., CLAY COUNTY, SOUTH DAKOTA.

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, erosion and sediment control regulations. We hereby grant easements as shown, for utilities and shared use path, their construction and maintenance forever.

We VERMILLION CHAMBER OF COMMERCE AND DEVELOPMENT COMPANY, do hereby 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.

Pursuant to SDCL 11-3-20.1, we further certify that this platting of said described LOTS 1 AND 2 IN BLOCK 7 OF BROOKS INDUSTRIAL PARK ADDITION TO THE CITY OF VERMILLION does hereby vacate the following plattings:

THAT PART OF LOT G IN NW 1/4 OF NE 1/4 SOUTH OF SD HWY 50 OF SECTION 18 TOWNSHIP 92 NORTH RANGE 51 WEST OF THE 5TH P.M., CLAY COUNTY, SOUTH DAKOTA on file at the Register of Deeds office in Plat Book 4 Page 232 and referenced in Plat Book H1 Pages 108 said plat or part thereof, hereby vacated, being situated within described LOT 1 IN BLOCK 7 OF BROOKS INDUSTRIAL PARK ADDITION TO THE CITY OF VERMILLION as surveyed.

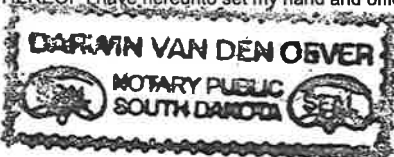
IN WITNESS WHEREOF, I have set my hand the 10th DAY OF October, 2019.

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

STATE OF South Dakota
COUNTY OF Clay SS

On the 10th day of October, 2019, before the undersigned officer, personally appeared NATHAN WELCH, PRESIDENT AND C.E.O., VERMILLION CHAMBER & 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 executed the same for the purposes therein contained.

IN WITNESS WHEREOF I have hereunto set my hand and official seal this 10th day of October, 2019.



Notary Public
My Commission Expires 9/20/20

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 1 AND 2 IN BLOCK 7 OF BROOKS INDUSTRIAL PARK ADDITION TO THE CITY OF VERMILLION, located in the NW 1/4 OF THE NE 1/4 OF SECTION 18 TOWNSHIP 92 NORTH RANGE 51 WEST OF THE 5TH P.M., 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 of 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

STATE OF SOUTH DAKOTA
COUNTY OF CLAY { SS

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

## *Planning Commission Memo*

**From:** Jose Dominguez, City Engineer

**Meeting:** October 15, 2019

**Subject** Preliminary Plat of Anderson Tract 2 in the N ½ of the SE ¼ Section 17-T92N-R51W of the 5<sup>th</sup> P.M., Clay County, South Dakota.

**Presenter:** Jose Dominguez

**Background:** Banner Associates has submitted a preliminary plat on behalf of the owner. The area to be preliminarily platted consists of 23 acres. The area is located on the south side of SD Highway 50 Bypass directly west of 466<sup>th</sup> Avenue.

There are no structures located within the area to be preliminarily platted. The closest structure is a commercial use close to 100-feet west (New 2 You Consignments).

**Discussion:** The area in question is within the Joint Jurisdictional Zoning Area and is zoned A-1 Agricultural. This zone is intended to provide space for agricultural uses, while minimizing residential uses within the district. At this point the proposed use of the property is for an agribusiness selling chemicals with agricultural uses. This is a conditional use in the district, and it is expected to be discussed at the October 28<sup>th</sup> meeting. The October 28<sup>th</sup> meeting would be a joint meeting with the County's Planning Commission.

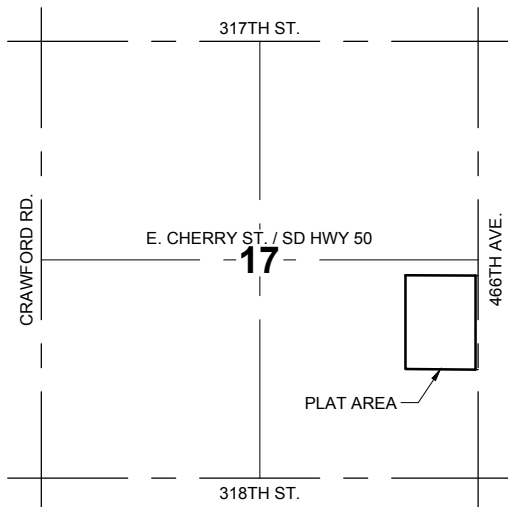
The proposed preliminary plat shows how the owner is planning on developing the land. This preliminary plat is used by Staff for planning purposes to ensure that utilities and transportation infrastructure are planned for in the future use of the area.

**Compliance with Comprehensive Plan:** As mentioned previously, the area to be preliminarily platted is within the Joint Jurisdictional Zoning Area. This area is not clearly covered in the City's Comprehensive Plan. The area is designated in the City's Future Land Use map for future residential and commercial use. In the City, an agribusiness use is currently not an allowed use within these two zoning designations (residential or commercial). This use is only allowed in industrial districts as a conditional use. Regardless, if we apply the goals and objectives of the Urban Reserve section the Comprehensive Plan would:

1. Require the City to work with Clay county to enhance development that is mutually beneficial
2. Require that the City prevent premature expansion of urban services
3. Require that the City ensure orderly and well-planned expansion of future urban services
4. Require that the City maintains the rural lifestyle and character of the area until such time as urban development is planned (at which point it should be annexed into the City)

**Conclusion/Recommendations:** Staff finds that the preliminary plat meets all of the ordinance requirements and recommends approval of the preliminary plat. Final plats within the Joint Jurisdiction Zoning Area are not reviewed by the City's Planning Commission. Instead, they are reviewed by the County's Planning Commission. The County's Planning Commission will then make a recommendation to the City Council who would vote to approve the final plat. The County's Planning Commission will review the plat at the joint meeting on October 28<sup>th</sup>, with the City Council reviewing the final plat on November 4<sup>th</sup>.

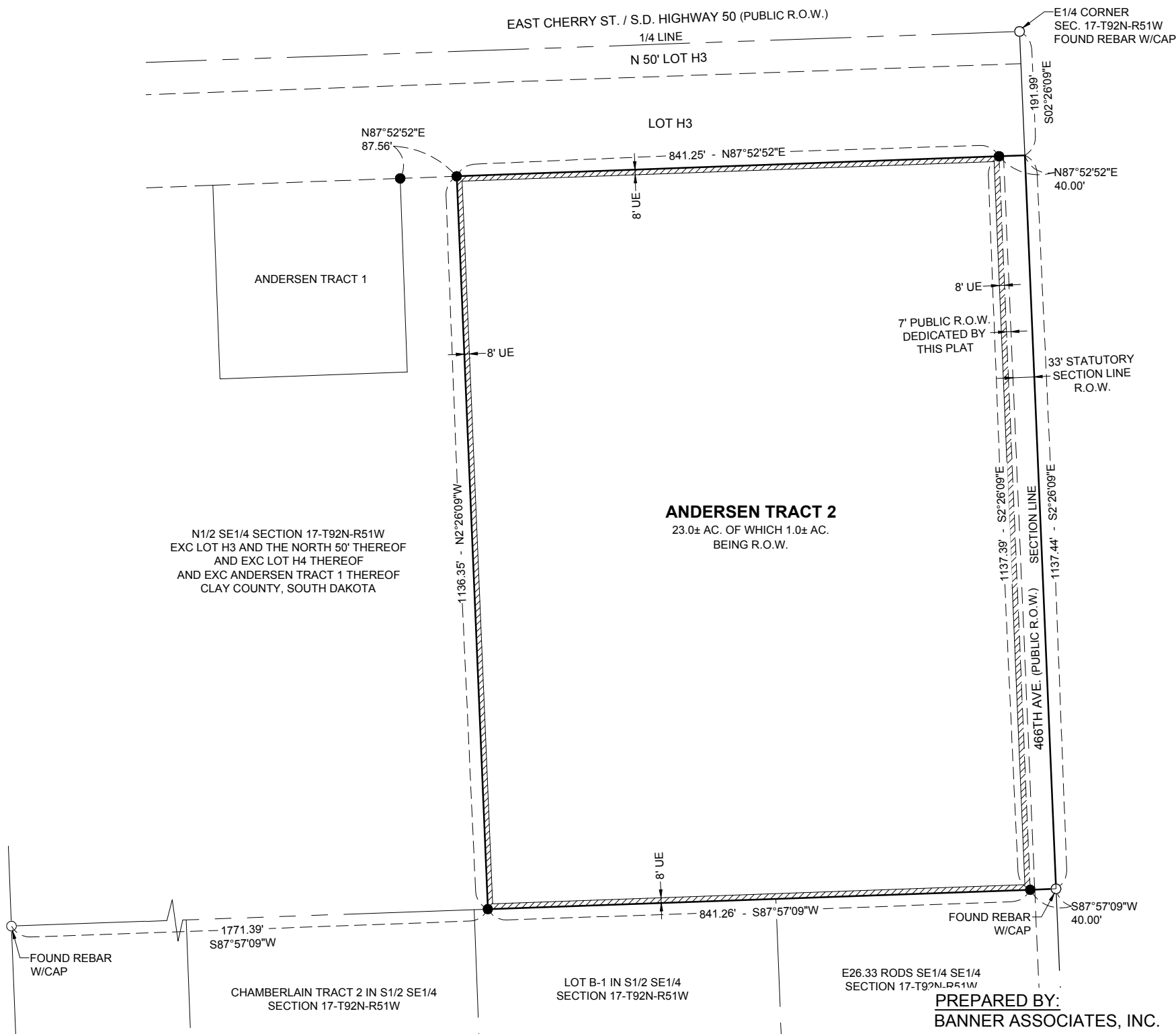
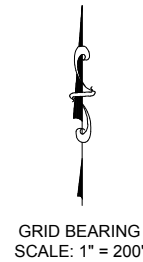
# PRELIMINARY PLAT OF ANDERSEN TRACT 2 IN THE N1/2 OF THE SE1/4 OF SECTION 17-T92N-R51W OF THE 5TH P.M., CLAY COUNTY, SOUTH DAKOTA



**VICINITY MAP**  
SEC. 17-T92N-R51W

**LEGEND**

- MONUMENT SET THIS SURVEY (5/8" REBAR WITH STAMPED PLASTIC CAP)
- MONUMENT FOUND
- ▨ UTILITY EASEMENT (UE) CREATED BY THIS PLAT



**PREPARED BY:**  
BANNER ASSOCIATES, INC.  
14 W. MAIN ST. SUITE A  
VERMILLION, SD 57069  
TEL. (TOLL FREE): 1-855-323-6342  
OCTOBER 2019

**SURVEYOR'S CERTIFICATE**

I, Nathan W. Nielson a Registered Professional Land Surveyor in the State of South Dakota, do hereby certify that at the direction of **Max L. Andersen and Linda K. Andersen**, I did survey a portion of the **N1/2 of the SE1/4 of Section 17-T92N-R51W of the 5th P.M., Clay County, South Dakota**, and platted a portion of said Section into "**ANDERSEN TRACT 2 IN THE N1/2 OF THE SE1/4 OF SECTION 17-T92N-R51W OF THE 5TH P.M., CLAY COUNTY, SOUTH DAKOTA**", 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 HEREUNTO SET MY HAND AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

