

CITY of YANKTON
PLANNING COMMISSION MEETING MINUTES
for
Monday, August 10th, 2020

The meeting was called to order at 5:33 PM by Planning Commission Chairman Steve Pier.

This meeting was conducted via technology; with public comment available via phone, email and YouTube live stream chat. There were staff and technology in the meeting room to allow live public comments if people attended.

ROLL CALL:

Present: Bruce Viau, Deb Specht, Warren Erickson, Mike Healy, Mark Mooney, Lynn Peterson, Steve Pier, City Commission Liaison, Dave Carda, ETJ Member Michael Welch.

Unable to attend: Brad Wenande.

ETJ Member Dean Christensen joined meeting at time noted in meeting minutes.

Chairman Pier called for the consideration of the July 13th, 2020 meeting minutes.

MINUTES – July 13th, 2020

MOTION – It was moved by Commissioner Viau and seconded by Commissioner Erickson to approve the minutes from July 13th, 2020.,

VOTE – Voting “Aye” – all members present. Voting “Nay” – none.

MOTION – PASSED

CONSENT ITEMS:

Chairman Pier moved on to Consent Items to establish the next regular meeting as the date for a public hearing to consider a Rezoning from I-1 Industrial to B-3 Central Business on Block 69, Lower Yankton Addition to the City of Yankton, South Dakota. Drotzmann Construction, LLC owner. Address, South side of the 600 Block of E. 4th Street.

MOTION - It was moved by Commissioner Money and seconded by Commissioner Healy to establish the next regular meeting as the date for a public hearing to consider a Rezoning from I-1 Industrial to B-3 Central Business on Block 69, Lower Yankton Addition to the City of Yankton, South Dakota. Drotzmann Construction, LLC owner. Address, South side of the 600 Block of E. 4th Street.

VOTE – Voting “Aye” – members Erickson, Viau, Healy, Mooney, Peterson and Pier. Voting “Nay” – none. Abstained – Deb Specht.

MOTION – PASSED

Chairman Pier continued on with Consent Items to establish the next regular meeting as the date for a public hearing to consider Conditional Use Permit for a self-storage facility in a B-2 Highway Business on Outlots 19A, 20 and 20A, Moderegger Outlots in the City of Yankton, South Dakota. Michael Hacecky, owner. Address, 803 Ferdig Ave.

MOTION - It was moved by Commissioner Erickson and seconded by Commissioner Peterson to establish the next regular meeting as the date for a public hearing to consider Conditional Use Permit for a self-storage facility in a B-2 Highway Business on Outlots 19A, 20 and 20A, Moderegger Outlots in the City of Yankton, South Dakota. Michael Hacecky, owner. Address, 803 Ferdig Ave.

VOTE – Voting “Aye” – all members present. Voting “Nay” – none.

MOTION – PASSED

Chairman Pier continued on with Consent Items to establish the next regular meeting as the date for a public hearing to consider a Rezoning from B-2 Highway Business to R-4 Multiple Family Residential and R-2 Single Family Residential on that portion of the following property lying south of 25th Street. The East Half of the Southeast Quarter except the East 700' in Section 2 and the 23rd Street and West City Limits Road right-of-way adjacent to the described property and extending east to the current City of Yankton corporate limits (right-of-way located in Sections 2, 11 and 12), all in Township 93 North, Range 56 West of the 5th Principal Meridian Yankton County, South Dakota. Yankton Development Enterprises, LLC., Kelly Nielson, President, owner. Location, Southern part of Phase 2, Westbrook Estates.

MOTION - It was moved by Commissioner Viau and seconded by Commissioner Erickson to establish the next regular meeting as the date for a public hearing to consider a Rezoning from B-2 Highway Business to R-4 Multiple Family Residential and R-2 Single Family Residential on that portion of the following property lying south of 25th Street. The East Half of the Southeast Quarter except the East 700' in Section 2 and the 23rd Street and West City Limits Road right-of-way adjacent to the described property and extending east to the current City of Yankton corporate limits (right-of-way located in Sections 2, 11 and 12), all in Township 93 North, Range 56 West of the 5th Principal Meridian Yankton County, South Dakota. Yankton Development Enterprises, LLC., Kelly Nielson, President, owner. Location, Southern part of Phase 2, Westbrook Estates

VOTE – Voting “Aye” – all members present. Voting “Nay” – none.

MOTION – PASSED

ETJ Member Dean Christensen joined the meeting at 5:44PM.

OLD BUSINESS:

Chairman Pier moved on to Old Business to hold a public hearing to consider an extraterritorial jurisdiction Conditional Use Permit for additional height on a tower on the E 1/2 of the SW 1/4, Section 11, T93N, R56W of the 5th P.M., Yankton County, South Dakota. Powder River Development Services, LLC, applicant. Address, 2000 SD Hwy 314.

Dave Mingo said the City has received an Extraterritorial Jurisdiction Conditional Use Permit application for a 20-foot addition/extension on an existing 300-foot-tall communications tower. Staff has received and reviewed a complete plan of the proposal. Mingo stated that the City of Yankton has worked hard to promote coordination and colocation of providers in an effort to reduce the number of towers needed to serve the City and surrounding area. The proposal provides additional opportunities for colocation. Federal regulations stipulate that a City cannot prohibit the installation of wireless facilities. However, we do have the ability to direct their development in certain ways.

Staff has not received any contacts from neighboring property owners subsequent to the publication and mailing of required notices.

Specific items to consider were included in the action sheet associated with the request.

Staff recommends approval of the proposed request.

MOTION - It was moved by Commissioner Erickson and seconded by Commissioner Specht to recommend approval of an extraterritorial jurisdiction Conditional Use Permit for additional height on a tower on the E 1/2 of the SW 1/4, Section 11, T93N, R56W of the 5th P.M., Yankton County, South Dakota. Powder River Development Services, LLC, applicant. Address, 2000 SD Hwy 314.
VOTE – Voting “Aye” – all members present. Voting “Nay” – none.

MOTION – PASSED

HEARING SCHEDULE:

August 24th, 2020: The City Commission considers a resolution and makes the final decision.

ETJ Member Dean Christensen left the meeting at 5:53PM.

Chairman Pier continued on with Old Business to hold a public hearing to consider an amendment to an adjacent Conditional Use Permit for a self-storage facility on the North half of Lot 9, except the south 20 feet, Block 1, Airport Acres addition, City and County of Yankton. WDM Properties, LLC, applicant. Address, 3010 Piper Street.

Dave Mingo said the applicant is requesting an amendment to a recently issued Conditional Use Permit for a self-storage facility. The amendment would expand the project area to include the above legal description which is south of the previously issued permit location. Attachments are representative of what the requested project may look like. Final site planning details and storm water management design details will likely shift some of the eventual improvements on the site.

Specific items to consider were included in the action sheet associated with the request.

All appropriate mailings and publications have occurred. Staff has not been contacted by any adjoining property owners subsequent to the required mailing and publication of the hearing notice.

Staff recommends approval of the amendment request with the time limit waiver. Although not required by ordinance, we also strongly recommend that the applicant consider a "good neighbor" approach to addressing visibility to the property from the east of the project. Privacy slats, and I or a planting of coniferous trees would accomplish a great deal in regards to neighborhood aesthetics regarding current occupancies.

MOTION - It was moved by Commissioner Erickson and seconded by Commissioner Healy to recommend approval of an amendment to an adjacent Conditional Use Permit for a self-storage facility on the North half of Lot 9, except the south 20 feet, Block 1, Airport Acres addition, City and County of Yankton. WDM Properties, LLC, applicant. Address, 3010 Piper Street.

VOTE – Voting “Aye” – Healy, Erickson, Specht, Viau, Peterson and Pier. Voting “Nay” – none. Abstained – Mooney.

MOTION – PASSED

HEARING SCHEDULE:

August 24th, 2020: The City Commission considers a resolution and makes the final decision.

Chairman Pier continued on with Old Business to hold a public hearing to consider a Rezoning from R-2 Single Family Residential to B-2 Highway Business on The part of the Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4), Section Two (2), Township Ninety-three (93) North, Range Fifty-six (56) West of the 5th PM, lying Northeast of the present right of way of the Chicago, Milwaukee, and St. Paul Railroad Company, now known as Chicago, Milwaukee, St. Paul and Pacific Railroad Company, consisting of a triangular parcel, EXCEPT Lot H-1 as platted in Book S9, page 56, Yankton County, South Dakota, less highways and roads. JTG Properties, LLC, owner. Address, 3007 West City Limits Road.

Dave Mingo stated the applicant has submitted the required petition to initiate governing body consideration of the proposed rezoning. This property is a triangle shaped parcel of land southwest of the intersection of 31st Street and West City Limits Road. The owners are requesting that the land be rezoned in order to provide for new commercial occupancies. The site is zoned residential as a holdover from the transition process from the extraterritorial jurisdiction into the city limits.

Specific items to consider were included in the action sheet associated with the request.

It is staff's opinion that the proposal is an extension of existing uses to the east that are compatible with other adjacent occupancies. The lot is not practically suitable for residential development because of its shape and proximity to principal arterial streets.

All appropriate publications and notifications have been completed to date. There have been no comments received.

Staff recommends that the proposed rezoning be approved.

MOTION - It was moved by Commissioner Mooney and seconded by Commissioner Erickson to recommend approval of a rezoning from R-2 Single Family Residential to B-2 Highway Business on The part of the Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4), Section Two (2), Township Ninety-three (93) North, Range Fifty-six (56) West of the 5th PM, lying Northeast of the present right of way of the Chicago, Milwaukee, and St. Paul Railroad Company, now known as Chicago, Milwaukee, St. Paul and Pacific Railroad Company, consisting of a triangular parcel, EXCEPT Lot H-1 as platted in Book S9, page 56, Yankton County, South Dakota, less highways and roads. JTG Properties, LLC, owner. Address, 3007 West City Limits Road

VOTE – Voting “Aye” – all members present. Voting “Nay” – none. Voting “Abstained” – Peterson and Pier.

MOTION – PASSED

HEARING SCHEDULE:

August 24th, 2020: The City Commission establishes a hearing date.

Chairman Pier continued on with Old Business to hold a public hearing to consider a Conditional Use Permit for a self-storage facility in a B-2 Highway Business on The part of the Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4), Section Two (2), Township Ninety-three (93) North, Range Fifty-six (56) West of the 5th PM, lying Northeast of the present right of way of the Chicago, Milwaukee, and St. Paul Railroad Company, now known as Chicago, Milwaukee, St. Paul and Pacific Railroad Company, consisting of a triangular parcel, EXCEPT Lot H-1 as platted in Book S9, page 56, Yankton County, South Dakota, less highways and roads. JTG Properties, LLC, owner. Address, 3007 West City Limits Road.

Dave Mingo said the applicant is requesting a Conditional Use Permit for a self-storage facility. Self-storage facilities as defined by the City of Yankton Zoning Ordinance No. 711 are allowed in B-2 Highway Business Districts under certain conditions.

Specific items to consider were included in the action sheet associated with the request.

All appropriate mailings and publications have occurred. Staff has not been contacted by any adjoining property owners subsequent to the required mailing and publication of the hearing notice.

Staff recommends approval of the request. Although not required by ordinance, we also strongly recommend that the applicant consider the aesthetics of the development as it is adjacent to one of Yankton's main points of entry.

MOTION - It was moved by Commissioner Erickson and seconded by Commissioner Mooney to approve a Public hearing to consider a Conditional Use Permit for a self-storage facility in a B-2 Highway Business on The part of the Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4), Section Two (2), Township Ninety-three (93) North, Range Fifty-six (56) West of the 5th PM, lying Northeast of the present right of way of the Chicago, Milwaukee, and St. Paul Railroad Company, now known as Chicago, Milwaukee, St. Paul and Pacific Railroad Company, consisting of a triangular parcel, EXCEPT Lot H-1 as platted in Book S9, page 56, Yankton County, South Dakota, less highways and roads. JTG Properties, LLC, owner. Address, 3007 West City Limits Road.

VOTE – Voting “Aye” – all members present. Voting “Nay” – none. Voting “Abstained” – Peterson and Pier.

MOTION – PASSED

HEARING SCHEDULE:

September 14th, 2020: The City Commission considers a resolution and makes the final decision.

NEW BUSINESS:

Chairman Pier moved on to New Business to discuss a plat review of Lots 1, 2, 3, 4, 5, 6, and 7 in Block 10 Westbrook Estates in Tract 1 of Law Addition in the Southeast Quarter of Section 2, Township 93 North, Range 56 West of the 5th Principal Meridian, City of Yankton, Yankton County, South Dakota. Yankton Development Enterprises, LLC., Kelly Nielson, President, owner.

Address, south side of the 1600 Block of W. 25th Street.

Dave Mingo said the proposed plat and previously approved associated Developer's Agreement meet the requirements of the City's Subdivision Ordinance and Zoning Ordinance. This plat represents the portion of Westbrook Phase 2 that is located south of 25th Street. Phase 2 will eventually extend south almost all the way to 23rd Street.

Staff recommends approval of the plat.

MOTION: It was moved by Commissioner Healy and seconded by Commissioner Peterson to recommend approval of a plat of Lots 1, 2, 3, 4, 5, 6, and 7 in Block 10 Westbrook Estates in Tract 1 of Law Addition in the Southeast Quarter of Section 2, Township 93 North, Range 56 West of the 5th Principal Meridian, City of Yankton, Yankton County, South Dakota. Yankton Development Enterprises, LLC., Kelly Nielson, President, owner. Address, south side of the 1600 Block of W. 25th Street.

VOTE – Voting “Aye” – all members present. Voting “Nay” – none.

MOTION – PASSED

HEARING SCHEDULE:

August 24th, 2020: The City Commission reviews the plat and makes a final decision.

Commissioner Deb Specht left the meeting at 6:22PM

OTHER BUSINESS:

Chairman Pier moved on to Other Business to discuss the July 2020 Building Permit Report. The total, year to date valuation at the end of July 202 was \$20,747,228.50. For comparison, the total, year to date valuation at the end of July, 2019 was \$28,654,284.80.

ADJOURNMENT

MOTION – It was moved by Commissioner Peterson and seconded by Commissioner Erickson to adjourn at 6:27PM.

VOTE – Voting “Aye” – all members present. Voting “Nay” – none.

MOTION – PASSED

Respectfully submitted,



Dave Mingo, Secretary