

CITY of YANKTON
PLANNING COMMISSION MEETING MINUTES
for
Monday, September 14th, 2020

The meeting was called to order at 5:31 PM by Planning Commission Chairman Steve Pier.

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

ROLL CALL:

Present: Brad Wenande, Deb Specht, Mark Mooney, Lynn Peterson and Steve Pier,

Unable to attend: Bruce Viau, Mike Healy, Warren Erickson, ETJ Member Michael Welch and City Commission Liaison, Dave Carda.

Chairman Pier called for the consideration of the August 10th, 2020 meeting minutes.

MINUTES – August 10th, 2020

20-50 **MOTION** – It was moved by Commissioner Specht and seconded by Commissioner Mooney to approve the minutes from August 10th, 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 R-4 Multiple Family Residential, to B-2 Highway Business on Lot 1 of Outlot C of Moderegger Outlots; and the East 370 feet of Lot 10 of Tucker’s 3rd Addition and Parcel B in the NW 1/4 of Section 17, T93N, R55 as measured on the line dividing said two parcels all being in the City and County of Yankton, South Dakota. Joseph and Roberta Kleinschmit, owners. Address, West side of the 1000 Block of Ferdig Avenue.

20-51 **MOTION** – It was moved by Commissioner Wenande and seconded by Commissioner Peterson to establish the next regular meeting as the date for a public hearing to consider a rezoning from R-4 Multiple Family Residential, to B-2 Highway Business on Lot 1 of Outlot C of Moderegger Outlots; and the East 370 feet of Lot 10 of Tucker’s 3rd Addition and Parcel B in the NW 1/4 of Section 17, T93N, R55 as measured on the line dividing said two parcels all being in the City and County of Yankton, South Dakota. Joseph and Roberta Kleinschmit, owners. Address, West side of the 1000 Block of Ferdig Avenue.

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

MOTION – PASSED

OLD BUSINESS:

Chairman Pier moved on to Old Business to hold a public hearing 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.

Dave Mingo stated the proposed rezoning constitutes another step in the incremental land use changes in downtown Yankton. In accordance with the provisions set for forth in the City’s adopted Comprehensive Plan it is prudent to move forward with another rezoning of downtown area land from I-1 Industrial to B-3 Central Business.

Mingo confirmed the proposed new zoning classification, B-3 Central Business, is the same as what covers a majority of Yankton’s downtown area. The B-3 designation allows for the development of downtown commercial and residential mixed use occupancies. It does not permit any continuation of the industrial type of uses that were historically on the property.

Mingo continued on to state that the land uses adjacent to the area would be permitted to continue operations as they currently do. The Comprehensive Plan clearly indicates that it would be in the community’s best interest to work toward the conversion of zoning to promote compatible land uses in the area. Staff has received several contacts subsequent to sending out the notification. Those contacts were all basic questions about what the rezoning means. There were no contacts in opposition to the proposed change. Staff recommends approval of the proposed rezoning.

20-52 **MOTION** – It was moved by Commissioner Wenande and seconded by Commissioner Mooney to recommend approval of the proposed 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” – Wenande, Mooney, Peterson and Pier. Voting “Nay” – none. “Abstained” – Deb Specht

MOTION – PASSED

Hearing Schedule:

September 28th, 2020: The City Commission establishes October 12, 2020 as the date for a public hearing.

October 12th, 2020: The City Commission holds a public hearing.

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 Outlots 19A, 20 and 20A, Moderegger Outlots in the City of Yankton, South Dakota. Michael Hacecky Rentals, LLC, owner. Address, 803 Ferdig Ave.

Dave Mingo stated 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.

Mingo confirmed the proposal meets all of the applicable area and setback provisions. Self-storage facilities are required to be configured so that the doors of the building(s) do not face, or are screened, from adjacent residentially zoned property. There is residential property to the west of the site. Based on these conditions, unscreened access doors cannot face to the west. Additionally, any lighting on the site is not permitted to spill onto adjacent residential occupancies. The site design must also ensure that storm water drainage does not exceed historic runoff levels unless it is properly detained.

Staff has not been contacted prior to the meeting by any adjoining property owners subsequent to publishing and mailing the notice of hearing. John Ballert, the neighbor to the west of the site appeared and made comments for the Planning Commission's consideration. He was not opposed to the project, he just wanted clarification on some issues and wanted to make sure that the site was well maintained in the future.

20-53 **MOTION** – It was moved by Commissioner Mooney and seconded by Commissioner Peterson to recommend approval of a Conditional Use Permit for a self-storage facility in a B-2 Highway Business District on Outlots 19A, 20 and 20A, Moderegger Outlots in the City of Yankton, South Dakota. Michael Hacecky Rentals, LLC, owner

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

MOTION – PASSED

Hearing Schedule:

September 28th, 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 B-2 Highway Business to R-3 Two Family Residential, future Blocks 10 and 11, Westbrook Estates and from B-2 Hwy Business to R-4 Multiple Family, that area lying east of future Colton Avenue. All in 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, 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, South side of the 1600 Block of W. 25th Street.

Dave Mingo said the Yankton Development Enterprises, LLC, the owner is requesting a rezoning to establish appropriate zoning districts for the southern portion of Phase 2 of Westbrook Estates. The zoning as depicted in the proposal was preliminarily agreed upon by the City and developer as a part of the original Westbrook Estates plan submittal and approvals associated with Phase 1. Zoning change requests for the area south of what is identified by the red outlined area are not included in this request. Approval of the proposed rezoning is recommended for the following reason: The proposed zoning districts are in general conformance with the residential vision for the area set forth in the City of Yankton's Comprehensive Plan. The existing B-2 Highway Business zoning is a remnant of the former extraterritorial zoning jurisdiction in the area.

Staff has received several contacts about the proposal subsequent to sending out the required mailing and publishing the notice for the Planning Commission hearing. Those comments were not specific to the proposed rezoning. Inquiries were about no-zoning topics.

Staff recommends approval of the proposed rezoning.

20-54 **MOTION:** It was moved by Commissioner Wenande and seconded by Commissioner Specht to recommend approval of a rezoning from B-2 Highway Business to R-3 Two Family Residential, future Blocks 10 and 11, Westbrook Estates and from B-2 Hwy Business to R-4 Multiple Family, that area lying east of future Colton Avenue. All in 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, 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, South side of the 1600 Block of W. 25th Street.

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

MOTION – PASSED

ADJOURN SINE DIE:

20-55 **MOTION:** It was moved by Commissioner Peterson and seconded by Commissioner Wenande to Adjourn Sine Die at 5:58PM.

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

MOTION – PASSED

ROLL CALL:

Present: Brad Wenande, Deb Specht, Mark Mooney, Lynn Peterson, Steve Pier, Evie Sime and Sean Wamble.

Unable to attend: Warren Erickson, Mike Healy, ETJ Member Michael Welch

Community Development Director, Dave Mingo welcomed incoming and returning Planning Commission members and asked for nominations for Chair of the 2020 – 2021 Planning Commission.

NOMINATIONS FOR CHAIR:

20-56 **MOTION:** It was moved by Commissioner Peterson and seconded by Commissioner Wenande to nominate Steve Pier for Chair.

VOTE: Voting “Aye” – all members present. Voting “Nay” – None.

MOTION – PASSED

NOMINATIONS FOR VICE CHAIR:

20-57 **MOTION:** It was moved by Commissioner Specht and seconded by Commissioner Wamble to nominate Brad Wenande for Vice Chairman.

VOTE: Voting “Aye” – all members present. Voting “Nay” – None.

MOTION – PASSED

OTHER BUSINESS:

Chairman Pier moved on to Other Business to discuss the August, 2020 Building Permit Report. The total, year to date valuation at the end of August 2020 was \$27,992,429.98. For comparison, the total, year to date valuation at the end of August, 2019 was \$34,026,942.60.

ADJOURNMENT

20-58 **MOTION** – It was moved by Commissioner Peterson and seconded by Commissioner Wenande to adjourn at 6:20PM.

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

MOTION – PASSED

Respectfully submitted,

A handwritten signature in blue ink that reads "Dave Mingo". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Dave Mingo, Secretary