

**CITY of YANKTON**  
**PLANNING COMMISSION MEETING MINUTES**  
for  
**Monday, June 8th, 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 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: Deb Specht, Bruce Viau, Warren Erickson, Mike Healy, Mark Mooney, Lynn Peterson, Steve Pier, and City Commission Liaison, Dave Carda.

Unable to attend: Brad Wenande and ETJ Member Michael Welch.

Chairman Pier called for the consideration of the May 11th, 2020 meeting minutes.

**MINUTES – May 11th, 2020**

20-22 **MOTION** – It was moved by Commissioner Specht and seconded by Commissioner Healy to approve the minutes from May 11th, 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 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.

20-23 **MOTION** – It was moved by Commissioner Viau and seconded by Commissioner Healy to establish the next regular meeting as the date for 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.

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

**MOTION – PASSED**

**OLD BUSINESS:**

Chairman Pier moved on to Old Business to discuss a Public hearing to consider a rezoning request from I-1 Industrial to R-4 Multiple Family Residential on the N 1/2, N 1/2, E 1/2, NE 1/4, SE 1/4 except Marne Creek Lot #21 and except the S 176’ of the E 100’ and the S 1 2 of the adjacent vacated 18th Street, City and County of Yankton, South Dakota. Gary Hawerlander, owner. Address, 1900 Locust Street.

Dave Mingo said this is a landowner rezoning request. The owner circulated a petition and gathered the required number of signatures to be able to submit a formal request. The current zoning district designation, I-1 Industrial, is a holdover from a time when industrial activities occurred on properties within a few blocks. Those activities have substantially transitioned to retail and high density residential.

Mingo continued and said that the site is severely development restricted by designated flood areas. Therefore, the higher elevation, developable portions of the property are best suited for smaller lot occupancies configured in a manner that reduces the flooding threat. The current industrial designation prohibits such types of development. The property is adjacent to B-2 Highway Business district zones that are commonly adjacent to R-4 Multiple Family districts. The site is large enough at 3.6 acres that consideration of this request would not be viewed as a single, small lot, spot zoning (reference the attached map).

If this action is approved, the property owner will be able to develop residential occupancies that meet all applicable ordinance requirements. Land uses adjacent to the area would be permitted to continue operations as they currently exist. The appropriate public notice was published and the owners of 29 parcels were individually notified by first class mail prior to this public hearing. Staff has not received any contacts subsequent to the mailing.

Staff recommends approval of the proposed rezoning.

20-24 **MOTION** – It was moved by Commissioner Erickson and seconded by Commissioner Specht to recommend approval of the rezoning request from I-1 Industrial to R-4 Multiple Family Residential on the N 1/2, N 1/2, E 1/2, NE 1/4, SE 1/4 except Marne Creek Lot #21 and except the S 176’ of the E 100’ and the S 1 2 of the adjacent vacated 18th Street, City and County of Yankton, South Dakota. Gary Hawerlander, owner.

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

**MOTION – PASSED**

**HEARING SCHEDULE:**

**June 22, 2020:** City Commission establishes July 13th, 2020 as the date for a public hearing.

**NEW BUSINESS:**

Chairman Pier moved on to New Business to discuss a Plat review of Lot 6A, in Outlot 5 of Hillcrest East Addition of the City and County of Yankton, South Dakota. James Valley Homeowners Association, owner. Location, between 2212 and 2214 Valley Road.

Dave Mingo stated the proposed plat carves out a thin strip of land from a drainage basin area in Hillcrest East Addition. The purpose for the plat is twofold:

1. It allows the transfer of the land to the adjoining property owner to the south. This is a mutually agreed upon transaction that will allow the owner of 2212 Valley Road the ability to reconstruct! improve the retaining wall. The current wall is comprised of rock riprap and vegetation and is failing. The new owner will replace it with an engineered concrete structure that is less susceptible to damage in high water events. City engineering staff have reviewed plans and determined that the project constitutes the

repair and maintenance of the existing drainage improvements and is not a change in the function of the drainage way.

2. The transfer will also provide the owner of 2212 Valley Road the ability to add a stall onto their garage by transferring an area large enough to meet setback requirements. City staff is fundamentally in favor of having an individual private owner be responsible for maintenance of a retaining wall like this when possible. It is more practical and easier to work with an individual owner rather than an association that may or may not be active at any given point in time.

If approved, the parcel will be tied by deed restriction to the adjacent lot to the south.

Staff recommends approval of the proposed plat.

20-25 **MOTION** – It was moved by Commissioner Erickson and seconded by Commissioner Mooney to recommend approval of the plat of Lot 6A, in Outlot 5 of Hillcrest East Addition of the City and County of Yankton, South Dakota. James Valley Homeowners Association, owner. Location, between 2212 and 2214 Valley Road **VOTE** – Voting “Aye” – all members present. Voting “Nay” – none.

**MOTION – PASSED**

**HEARING SCHEDULE:**

**June 22, 2020:** City Commission reviews the preliminary plat and makes final decision.

**OTHER BUSINESS:**

Chairman Pier moved on to Other Business to discuss the May, 2020 Building Permit Report. The total, year to date valuation at the end of May was \$12,734,102.50. For comparison, the total, year to date valuation at the end of May, 2019 was \$15,913,995.80

**ADJOURNMENT**

20-26 **MOTION** – It was moved by Commissioner Erickson and seconded by Commissioner Viau to adjourn at 5:59PM.

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

**MOTION – PASSED**

Respectfully submitted,



Dave Mingo, Secretary