

CITY of YANKTON
PLANNING COMMISSION MEETING MINUTES
for
Monday, July 13th, 2020

The meeting was called to order at 5:31 PM by Planning Commission Vice Chairman Brad Wenande.

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, Warren Erickson, Mike Healy, Mark Mooney, Brad Wenande, City Commission Liaison, Dave Carda, ETJ Member Michael Welch.

Unable to attend: Deb Specht, Lynn Peterson and Steve Pier.

Also in attendance: Amy Leon, City Manager.

Vice Chairman Wenande called for the consideration of the June 8th, 2020 meeting minutes.

MINUTES – June 8th, 2020

20-27 **MOTION** – It was moved by Commissioner Erickson and seconded by Commissioner Mooney to approve the minutes from June 8th, 2020,

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

MOTION – PASSED

CONSENT ITEMS:

Vice Chairman Wenande 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.

20-28 **MOTION** – It was moved by Commissioner Erickson 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

Vice Chairman Wenande continued on with Consent Items to establish the next regular meeting as the date for 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. OK Properties, owner and WDM Properties, LLC, applicant. Address, 3010 Piper Street.

20-29 **MOTION** – It was moved by Commissioner Healy and seconded by Commissioner Viau to establish the next regular meeting as the date for 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. OK Properties, owner and WDM Properties, LLC, applicant. Address, 3010 Piper Street.

VOTE – Voting “Aye” – Commissioners Viau, Erickson, Healy and Wenande. Voting “Nay” – none. Abstained – Commissioner Mooney.

MOTION – PASSED

Vice Chairman Wenande continued on with Consent Items to establish the next regular meeting as the date for 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.

20-30 **MOTION** – It was moved by Commissioner Erickson and seconded by Commissioner Healy to establish the next regular meeting as the date for 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.

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

MOTION – PASSED

Vice Chairman Wenande continued on with Consent Items to establish the next regular meeting as the date for 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.

- 20-31 **MOTION** – It was moved by Commissioner Erickson and seconded by Commissioner Mooney to establish the next regular meeting as the date for 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.
MOTION – PASSED

OLD BUSINESS:

Vice Chairman Wenande moved on to Old Business to discuss 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. Applicant delayed until August.

Dave Mingo said the applicant has requested that we delay consideration of their proposed request as they make some adjustments. As you know, the Planning Commission had already stated a date for a public hearing. The applicants request for delay came in prior to the publication and mailings, so staff did not follow through with those actions. However, since the date was established by action, we feel it is best to acknowledge the situation by opening the hearing, providing a brief explanation and then closing the hearing with no action.

NEW BUSINESS:

Vice Chairman Wenande moved on to New Business to discuss the review of the draft Five Year Capital Improvement Plan. City Manager, Amy Leon, presented the draft CIP and invited questions from Planning Commission members. Commission members has several questions which were answered by City Manager Leon.

- 20-32 **MOTION** – It was moved by Commissioner Viau and seconded by Commissioner Erickson to recommend approval the draft Capital Improvement Plan (CIP) “as is”.
VOTE – Voting “Aye” – all members present. Voting “Nay” – none.
MOTION – PASSED

Vice Chairman Wenande continued on with New Business to discuss a Plat review of lots 7, 8, 9, 10, 11, and 12 in Block 8 of 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, west side of the 2500 Block of Trevor Ave.

Dave Mingo said the proposed plan and previously approved associated Developer’s Agreement meet the requirements of the City’s Subdivision Ordinance and Zoning Ordinance. This plat

represents six (6) of the planned thirty (30) new single family lots in Phase II of the Westbrook Estates Subdivision. The phase does not require consideration of any “Provisions Specific to this Subdivision.” It will consist of a standard R-2 single family development. Staff recommends approval of the plat.

20-33 **MOTION** – It was moved by Commissioner Healy and seconded by Commissioner Viau to recommend approval of the Plat of lots 7, 8, 9, 10, 11, and 12 in Block 8 of 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, west side of the 2500 Block of Trevor Ave.

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

MOTION – PASSED

HEARING SCHEDULE:

July 27, 2020: City Commission reviews the plat and makes a final decision.

Vice Chairman Wenande continued on with New Business to discuss a Plat review of Lots 5A and 5B, Block 3, Westbrook Estates being a Replat of Lot 5 except the north 0.6 feet of Lot 5, Block 2, Westbrook Estates located in the East 700 feet of the East Half of the Southeast Quarter, except the South 560 feet and less R.O.W. thereof, Section 2, Township 93 North, Range 56 West of the 5th Principal Meridian, City of Yankton, South Dakota. Johanneson Contracting, Inc., owner. Address 2508 and 2510 Dorian Drive.

Dave Mingo stated the proposed plat divides an existing lot in a way that allows individual ownership of separate units in a duplex. The structure has been constructed with the code requirements associated with a common wall in mind. All adjacent infrastructure is accounted for. The primary focus in this type of plat review is the design of the utility connections. Each unit will have a separate water and sanitary sewer connection, which meets the City requirements for a subdivision like this. Staff recommends approval of the proposed plat.

20-34 **MOTION** – It was moved by Commissioner Erickson and seconded by Commissioner Mooney to recommend approval of the Plat of lots 5A and 5B, Block 3, Westbrook Estates being a Replat of Lot 5 except the north 0.6 feet of Lot 5, Block 2, Westbrook Estates located in the East 700 feet of the East Half of the Southeast Quarter, except the South 560 feet and less R.O.W. thereof, Section 2, Township 93 North, Range 56 West of the 5th Principal Meridian, City of Yankton, South Dakota. Johanneson Contracting, Inc., owner. Address 2508 and 2510 Dorian Drive.

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

MOTION – PASSED

HEARING SCHEDULE:

July 27, 2020: City Commission reviews the plat and makes a final decision.

Vice Chairman Wenande continued on with New Business to discuss a Plat review of Tract 1A and Replat of Tract 2 of Block 3, Missouri View Addition in the N1/2 of the NE1/4, Section 15,

Township 93 North, Range 56 West of the 5th P.M., in Yankton County, South Dakota. David and Mary Ellen Kline, owners. Address, 2603 W. 11th Street.

Dave Mingo stated the location of the proposed plat is in the City's three mile plating jurisdiction. This allows the City to require the dedication of right-of-way along the extension of the planned street grid. The proposed plat is located in a previously approved subdivision with identified right-of-way corridors serving as the primary access to the property. This plat better identifies the section line right-of-way in Tract 1 and adjust the west property line of Tract 2. All other previously dedicated right-of-way meet the requirements of the City's review process for the location. The plat is not adjacent to the City's corporate limits, so the Subdivision Ordinance requirements do not apply.

The proposal will be subject to county platting and land use approval requirements as it moves forward through that process. Staff recommends approval of the proposed plat.

20-35 **MOTION** – It was moved by Commissioner Mooney and seconded by Commissioner Erickson to recommend approval of the Plat of Tract 1A and Replat of Tract 2 of Block 3, Missouri View Addition in the N1/2 of the NE1/4, Section 15, Township 93 North, Range 56 West of the 5th P.M., in Yankton County, South Dakota. David and Mary Ellen Kline, owners. Address, 2603 W. 11th Street.

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

MOTION – PASSED

HEARING SCHEDULE:

July 27, 2020: City Commission reviews the plat and makes a final decision.

Vice Chairman Wenande continued on with New Business to discuss a Plat review of Lots 28 and 29, Crestview Homes Subdivision, in the NE 1/4 of Section 21, T93N, R56W of the 5th P.M., Yankton County, South Dakota. Matthew Christensen, Managing Member, White Crane Estates, L.L.C., owner. Address, 302 and 304 Lilac Lane.

Dave Mingo stated the location of the proposed plat is also in the City's three mile plating jurisdiction. This allows the City to require the dedication of right-of-way along the extension of the planned street grid. The proposed plat is located in a previously approved subdivision with identified right-of-way corridors serving as the primary access to the property. This plat better identifies the section line right-of-way in Tract 1 and adjust the west property line of Tract 2. All other previously dedicated right-of-way meet the requirements of the City's review process for the location. The plat is not adjacent to the City's corporate limits, so the Subdivision Ordinance requirements do not apply. The proposal will be subject to county platting and land use approval requirements as it moves forward through that process. Staff recommends approval of the proposed plat.

20-36 **MOTION** – It was moved by Commissioner Erickson and seconded by Commissioner Healy to recommend approval of the Plat of Lots 28 and 29, Crestview Homes Subdivision, in the NE 1/4

of Section 21, T93N, R56W of the 5th P.M., Yankton County, South Dakota. Matthew Christensen, Managing Member, White Crane Estates, L.L.C., owner. Address, 302 and 304 Lilac Lane.

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

MOTION – PASSED

HEARING SCHEDULE:

July 27, 2020: City Commission reviews the plat and makes a final decision.

Vice Chairman Wenande continued on with New Business to discuss a Plat review of Lots 53 and 54, Crestview Homes Subdivision, in the NE 1/4 of Section 21, T93N, R56W of the 5th P.M., Yankton County, South Dakota. Matthew Christensen, Managing Member, White Crane Estates, L.L.C., owner. Address, 302 and 304 Tulip Lane

Dave Mingo stated the location of the proposed plat is also in the City’s three mile plating jurisdiction. This allows the City to require the dedication of right-of-way along the extension of the planned street grid. The proposed plat is located in a previously approved subdivision with identified right-of-way corridors serving as the primary access to the property. This plat better identifies the section line right-of-way in Tract 1 and adjust the west property line of Tract 2. All other previously dedicated right-of-way meet the requirements of the City’s review process for the location. The plat is not adjacent to the City’s corporate limits, so the Subdivision Ordinance requirements do not apply. The proposal will be subject to county platting and land use approval requirements as it moves forward through that process.

Staff recommends approval of the proposed plat.

20-37 **MOTION** – It was moved by Commissioner Viau and seconded by Commissioner Erickson to recommend approval of the Plat of Lots 53 and 54, Crestview Homes Subdivision, in the NE 1/4 of Section 21, T93N, R56W of the 5th P.M., Yankton County, South Dakota. Matthew Christensen, Managing Member, White Crane Estates, L.L.C., owner. Address, 302 and 304 Tulip Lane

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

MOTION – PASSED

HEARING SCHEDULE:

July 27, 2020: City Commission reviews the plat and makes a final decision.

Vice Chairman Wenande continued on with New Business to discuss a Plat review of Tract 4A, DJ’s Addition, being Accretion Property Lying south of Tract 4, DJ’s Addition, Section 16, T93N, R55W, of the 5th P.M., Yankton County, South Dakota. Darlene M. Jensen, owner. Address, 700 Block of East Side Drive.

Dave Mingo stated the proposed plat does not impact the extension of the City’s street grid system. However, there is no purpose for a right-of-way dedication because of the topography and proximity of the Missouri River and state line. The lot is not adjacent to the City’s corporate limits

so the full requirements of the Subdivision Ordinance do not apply.

This plat creates a lot the does not meet the current zoning requirements of Yankton County. The applicant will be required to address that issue through separate action as part of the County review of the plat. Staff recommends approval of the proposed plat.

20-38 **MOTION** – It was moved by Commissioner Viau and seconded by Commissioner Erickson to recommend approval of the Plat of Tract 4A, DJ’s Addition, being Accretion Property Lying south of Tract 4, DJ’s Addition, Section 16, T93N, R55W, of the 5th P.M., Yankton County, South Dakota. Darlene M. Jensen, owner. Address, 700 Block of East Side Drive.

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

MOTION – PASSED

HEARING SCHEDULE:

July 27, 2020: City Commission reviews the plat and makes a final decision.

OTHER BUSINESS:

Vice Chairman Wenande moved on to Other Business to discuss the June, 2020 Building Permit Report. The total, year to date valuation at the end of June 2020 was \$14,286,579.50. For comparison, the total, year to date valuation at the end of June, 2019 was \$22,578,286.00.

ADJOURNMENT

20-39 **MOTION** – It was moved by Commissioner Erickson and seconded by Commissioner Healy to adjourn at 6:23PM.

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

MOTION – PASSED

Respectfully submitted,



Dave Mingo, Secretary