

**CITY of YANKTON**  
**PLANNING COMMISSION MEETING MINUTES**  
for  
**Monday, November 9th, 2020**

The meeting was called to order at 5:44PM 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, Mike Healy, Lynn Peterson, Evie Sime, Warren Erickson, Marc Mooney, City Commission Liaison, Dave Carda, ETJ Member Michael Welch, and Chairman Steve Pier,

Unable to attend: Deb Specht and Sean Wamble.

Chairman Pier called for the consideration of the October 12th, 2020 meeting minutes.

20-64 **MINUTES** – October 12th, 2020

**MOTION** – It was moved by Commissioner Peterson and seconded by Commissioner Sime to approve the minutes from October 12th, 2020.

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

**MOTION – PASSED**

**CONSENT ITEMS:**

NONE

**OLD BUSINESS:**

Chairman Pier moved on to Old Business to hold a public hearing to consider a Conditional Use Permit for a self-storage facility in a B-2 Highway Business District on Lot 1, and the North 113.5 feet of Lot 3, 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, R55W 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.

Dave Mingo stated the Action on this item is subject to the required prerequisite approval of the associated rezoning by the City Commission. 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.

The proposal meets all of the applicable area and setback and building position provisions. The careful placement of lights and the use of shields will need to occur to make certain that light does not spill onto area residential properties. The site design must also ensure that storm water drainage does not exceed historic runoff levels. Storm water detention will be necessary.

Staff has not been contacted by any adjoining property owners as of the time this memorandum was prepared. Staff recommends approval of the Conditional Use Permit request subject to the prerequisite City Commission approval of the rezoning.

20-65 **MOTION** – It was moved by Commissioner Wenande and seconded by Commissioner Erickson to recommend approval of a Conditional Use Permit for a self-storage facility in a B-2 Highway Business District on Lot 1, and the North 113.5 feet of Lot 3, 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, R55W 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.

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

**MOTION – PASSED**

**HEARING SCHEDULE:**

November 9th, 2020: The City Commission considers a resolution and makes the final decision.

**NEW BUSINESS:**

Chairman Pier moved on to New Business to discuss a request for a variance from the City’s Sign Ordinance in a B-2 Highway Business District for the placement of two banners in locations not permitted by the ordinance on Block 2 of K-Mart Addition in the City of Yankton at 2320 Broadway Avenue. Unclaimed Freight Furniture, occupant. William Hinks and Tamera Wallenstein, owners.

Dave Mingo stated The variance request is for the placement of what is defined as a “banner” in the City of Yankton Code of Ordinances at a location on the property that the ordinance does not permit. Other common terms for the specific type of banner being proposed is a “whip” or “feather” banner. Banners are regulated as temporary signs and therefore, allowed without a permit as long as they are placed appropriately within two feet of the principle permitted structure on the site.

This request does not constitute the relief of a hardship that approaches confiscation of the use of property. Not having met the criteria for a site specific “hardship” would mean that granting the proposed variance would be a subjective action and could leave the City in a vulnerable position related to the same activity at other locations.

Staff has been contacted by neighboring property owners and their written comments are included in the packet.

Staff recommendation: In this case, there is no documentable hardship meeting the definitions in City Code or South Dakota Codified Law so staff recommends denying the variance request.

20-66 **MOTION:** It was moved by Commissioner Peterson and seconded by Commissioner Wenande to recommend denying the request for a variance from the City’s Sign Ordinance in a B-2 Highway Business District for the placement of two banners in locations not permitted by the ordinance on

Block 2 of K-Mart Addition in the City of Yankton at 2320 Broadway Avenue. Unclaimed Freight Furniture, occupant.

**VOTE:** Voting “Aye” to recommend denying the request – all members present. Voting “Nay”- None.

**MOTION TO RECOMMEND DENYING THE VARIANCE REQUEST - PASSED**  
**HEARING SCHEDULE:**

December 14th, 2020: Zoning Board of Adjustment hears testimony and makes final decision. Granting of a variance requires a vote of a least two-thirds of the Board of Adjustment.

Chairman Pier continued on with New Business to discuss a plat review of a Replat of Block 69, Lower Yankton including the vacated north/south alley lying within said Block 69, and including Parcel A of Block 69, Lower Yankton, and including Parcel B of Block 69, Lower Yankton, all in the City and County of Yankton, South Dakota, hereafter to be known as: St. Joe’s Corner and Lots RL-1, RL-2 and RL-3, St. Joe’s Corner, City and County of Yankton, South Dakota. Location, south side of the 600 block of E. 4th Street. Debra M. Specht and Daniel L. Specht, members of Mona’s, LLC, owner.

Dave Mingo stated the proposed land, being fronted on all sides by completed infrastructure, meets the requirements of the City’s Subdivision Ordinance and Zoning Ordinance. This plat represents the first portion of the St, Joe’s Development on what was formerly known as Block 69 of Lower Yankton. Subsequent phases will identify yet to be determined commercial and possibly residential development.

Staff recommends approval of the plat.

20-67 **MOTION:** It was moved by Commissioner Mooney and seconded by Commissioner Healy recommend approval of a plat review of a Replat of Block 69, Lower Yankton including the vacated north/south alley lying within said Block 69, and including Parcel A of Block 69, Lower Yankton, and including Parcel B of Block 69, Lower Yankton, all in the City and County of Yankton, South Dakota, hereafter to be known as: St. Joe’s Corner and Lots RL-1, RL-2 and RL-3, St. Joe’s Corner, City and County of Yankton, South Dakota. Location, south side of the 600 block of E. 4th Street.

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

**MOTION – PASSED**

**MEETING SCHEDULE:**

November 23rd, 2020: City Commission reviews the plat and makes final decision.

Chairman Pier continued on with New Business to discuss a plat review of a Replat of Lot A of Lot 3, Parcel 1 of Lot B of Lot 3 and Lot A of Lot 4, Whiting’s Subdivision, City and County of Yankton, South Dakota, and a Replat of Lot 5, East Industrial Park, City and County of Yankton, South Dakota, hereafter to be known as: Lots 1 and 2, Van Gerpen’s Addition, City and County of Yankton, South Dakota. Address, 1701 Whiting Drive. Merrill W. Van Gerpen and Sandy Van Gerpen, owners.

Dave Mingo stated the proposed plat reconfigures the dividing line between two existing lots. The reconfiguration better aligns the properties in a manner that fits the angle of Whiting Drive and the surrounding parcels. The existing house is located on the proposed Lot 1 while Lot 2 will be available for development. All applicable infrastructure improvements will be required as a part of any future development of the site.

The attached plat is missing the needed five-foot utility easement along the Whiting Street right-of-way corridor.

Staff recommends approval of the proposed plat contingent upon the addition of the above mentioned utility easement prior to the City signing the plat.

20-68 **MOTION:** It was moved by Commissioner Wenande and seconded by Commissioner Erickson recommend approval of a plat review of Replat of Lot A of Lot 3, Parcel 1 of Lot B of Lot 3 and Lot A of Lot 4, Whiting's Subdivision, City and County of Yankton, South Dakota, and a Replat of Lot 5, East Industrial Park, City and County of Yankton, South Dakota, hereafter to be known as: Lots 1 and 2, Van Gerpen's Addition, City and County of Yankton, South Dakota. Address, 1701 Whiting Drive contingent upon the addition of the above mentioned utility easement prior to the City signing the plat.

**VOTE:** Voting "Aye" – all members present. Voting "Nay" – None.

**MOTION – PASSED**

**MEETING SCHEDULE:**

November 23rd, 2020: City Commission reviews the plat and makes final decision.

Chairman Pier continued on with New Business to discuss a plat review of Lots 1A, 2A, and 3A of Hagemann Addition in the NE 1/4 of the NE 1/4 and Government Lot 1 of Section 17, T93N, R55W of the 5th P.M., City and County of Yankton, South Dakota. Location, west side of the 800 – 1,000 Blocks of Bill Baggs Road. National Field Archery Association, Yankton Missouri River Kampground, LLC and Longbow, LLLP, owners.

Dave Mingo stated that the owners are working to shift property lines to locations that better match the land uses and occupancies in the field. For example, one adjusted property line will associate some rows of trees with the land use that benefits from it. The original Developer's Agreement addresses the necessary future infrastructure and access considerations.

Staff recommends approval of the proposed plat.

20-69 **MOTION:** It was moved by Commissioner Wenande and seconded by Commissioner Peterson recommend approval of a plat review of Lots 1A, 2A, and 3A of Hagemann Addition in the NE 1/4 of the NE 1/4 and Government Lot 1 of Section 17, T93N, R55W of the 5th P.M., City and County of Yankton, South Dakota. Location, west side of the 800 – 1,000 Blocks of Bill Baggs Road. National Field Archery Association, Yankton Missouri River Kampground, LLC and Longbow,

LLLP, owners, contingent upon investigation of the easement location along the previous property line.

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

**MOTION – PASSED**

**MEETING SCHEDULE:**

November 23rd, 2020: City Commission reviews the plat and makes final decision.

Chairman Pier continued on with New Business to discuss a plat review of Lots 16, 17, 19 and 20, Whitetail Run, in the NE 1/4 of the SE 1/4 of Section 16, T93N, R56W of the 5th P.M., Yankton County, South Dakota; and a Replat of Lot 7, hereafter to be known as Lot 6, Whitetail Run, in the NE 1/4 of the SE 1/4 of Section 16, T93N, R56W of the 5th P.M., Yankton County, South Dakota. Location, Whitetail Run development on the west side of the 400 – 600 Blocks of Deer Boulevard. Dennis L, Christensen, President, Deerfield Truck and Equipment Company, owner.

Dave Mingo stated the proposed plat formalizes the legal descriptions and boundaries of four previously planned, but unplatted, parcels in the Whitetail Run Subdivision. It also renames an additional lot. The location is within the City’s three mile plating jurisdiction allowing the City to require the dedication of right-of-way along the extension of the planned street grid. In the area that this plat is located, dedications would include right-of-way corridors along sections lines, quarter lines and sixteenth lines or as previously planned in the subdivision. The proposal will be subject to county platting and land use / zoning approval requirements as it moves forward through that process.

Staff recommends approval of the proposed plat.

20-70 **MOTION:** It was moved by Commissioner Erickson and seconded by Commissioner Wenande recommend approval of a plat review of Lots 16, 17, 19 and 20, Whitetail Run, in the NE 1/4 of the SE 1/4 of Section 16, T93N, R56W of the 5th P.M., Yankton County, South Dakota; and a Replat of Lot 7, hereafter to be known as Lot 6, Whitetail Run, in the NE 1/4 of the SE 1/4 of Section 16, T93N, R56W of the 5th P.M., Yankton County, South Dakota. Location, Whitetail Run development on the west side of the 400 – 600 Blocks of Deer Boulevard. Dennis L, Christensen, President, Deerfield Truck and Equipment Company, owner.

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

**MOTION – PASSED**

**MEETING SCHEDULE:**

November 23rd, 2020: City Commission reviews the plat and makes final decision.

Chairman Pier continued on with New Business to discuss a plat review of Lot 18, Whitetail Run, in the NE 1/4 of the SE 1/4 of Section 16, T93N, R56W of the 5th P.M., Yankton County, South Dakota. Location, Whitetail Run development on the west side of the 400 Block of Deer Boulevard. Dennis L, Christensen, President, Deerfield Truck and Equipment Company, owner.

The comments from consideration of the prior plat apply to this one also.

Staff recommends approval of the proposed plat.

20-71 **MOTION:** It was moved by Commissioner Sime and seconded by Commissioner Healy to recommend approval of a plat review of Lot 18, Whitetail Run, in the NE 1/4 of the SE 1/4 of Section 16, T93N, R56W of the 5th P.M., Yankton County, South Dakota. Location, Whitetail Run development on the west side of the 400 Block of Deer Boulevard. Dennis L, Christensen, President, Deerfield Truck and Equipment Company, owner.

**VOTE:** Voting "Aye" – all members present. Voting "Nay" – None.

**MOTION – PASSED**

**MEETING SCHEDULE:**

November 23rd, 2020: City Commission reviews the plat and makes final decision

**OTHER BUSINESS:**

Chairman Pier moved on to Other Business to discuss the October, 2020 Building Permit Report. The total, year to date valuation at the end of October 2020 was \$30,696,393.23. For comparison, the total, year to date valuation at the end of October 2019 was \$36,714,187.53.

**ADJOURNMENT**

20-72 **MOTION** – It was moved by Commissioner Wenande and seconded by Commissioner Erickson to adjourn at 6:32PM.

**VOTE** – Voting "Aye" – all members present. Voting "Nay" – none.

**MOTION – PASSED**

Respectfully submitted,



Dave Mingo, Secretary