

Yankton County Planning Commission  
July 10, 2018

The monthly meeting of the Yankton County Planning Commission was called to order by Chairperson Michael Welsh at 7:00 p.m. on July 10, 2018.

Members present at call to order: Kettering, Koenigs, Kretsinger, Bodenstedt, Gudahl, Becker, Guthmiller, Williams and Welch.

Members absent:

This was the time and place to review and approve the minutes from June 12, 2018.

Action 71018A: Moved by Kettering, second by Becker to approve the June 12, 2018 as written.

By voice vote, all members present voted aye.

Motion carried.

Planning Commission chairman, Mike Welch, explained the public comment period implemented on July 1, 2018. The session will be provided at the meeting. Please sign the speaker sheet in the back of the room prior to speaking.

This was the time and place for discussion regarding application from James Larson. Applicant is requesting a variance of Minimum Yard Requirement on a side yard from seventy-five (75) foot to twenty-five (25) foot to build an accessory structure in an Agriculture District (AG) in Yankton County. Said property is legally described as Tract 3, West Jim River Division, NW1/4, NW1/4, S33-T94N-R55W, hereinafter referred to as Mission Hill North Township, County of Yankton, State of South Dakota. The E911 address is 3616 SW Jim River Road, Yankton, SD.

James Larson stated the proposed structure will be 40 X 60 accessory structure with sixteen (16) foot sidewalls. The structure will align with the existing driveway. The structure will have a bathroom facilities and require a septic system. The hardship is existing driveway, underground utilities and above ground utilities present on the property.

Mr. Welch requested any proponents of the variance to present their statements. No proponents were present.

Mr. Welch requested any opponents of the variance to present their statements. No opponents were present.

Mr. Welch ended public comment and requested commission discussion.

The Planning Commission discussed the application and confirmed sufficient hardship is present and other requirements are compliant.

No other comments, positive or negative, were received by the Zoning Administrator or presented at the public hearing.

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VARIANCE

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Article 18, Section 1807

FINDINGS OF FACT

Applicant: James Larsen

Parcel Number: 06.033.400.315

Legal description: Tract 3, West James River S/D, NW1/4, NW1/4, S33-T94N-R55W

Physical Address: 3616 SW Jim River Road, Yankton, SD

1. No such variance shall be recommended for approval by the Planning Commission unless it finds:
  - A. The strict application of the ordinance would produce undue hardship; The applicant is requesting the variance to properly provide storage space for small farm supplies. The area has underground utilities and aboveground utilities which limit building area. The site also has an existing driveway which is to be aligned with the proposed structure.
  - B. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity; The hardship can be shared by other properties in the district, but it will be an undue hardship.
  - C. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the grant of the variance; The granting of a variance will not be of substantial detriment to adjacent property nor the character of the district.
  - D. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposed of convenience, profit, and caprice. No convenience, profit or caprice was shown.
2. No variance shall be recommended for approval unless the Planning Commission finds the condition or situation of the property concerning or the intended use of the property concerned, or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment of this ordinance. The requested variance is not recurring sufficiently to provide remedy with a zoning amendment.
3. A recommendation of approval concerning a variance from the terms of this ordinance shall not be founded by the Planning Commission unless and until:
  - A. A written application for a variance is submitted demonstrating that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings, in the same district; The property is limited by underground utilities and aboveground utilities and an existing driveway from SW Jim River Road.
  - B. The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance; Previous variances of minimum yard requirement have been granted in Yankton County.

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- C. The special conditions and circumstances do not result from the actions of the applicant; The special conditions and circumstances are not result of the applicant.
- D. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structure, or buildings in the same district. Variance requests of this type (minimum yard requirement) have been approved by the Planning Commission.
4. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance. No nonconforming uses of neighboring lands, structures, or buildings in this district, and no permitted or nonconforming use of lands, structures, or buildings in other districts were considered.
5. Notice of public hearing shall be given, as in Section 1803 (3-5). The applicant mailed letters of notification to property owners within a one-half mile radius of the proposed variance on May 31, 2018 (supported by affidavit), a legal notice was published on June 2, 2018 in the Yankton Daily Press and Dakotan and a notification sign was placed on the property on June 4, 2018.
6. The public hearing shall be held. Any party may appear in person or by agent or by attorney. A public hearing was held at 7:05 pm on July 10, 2018. James Larson stated the proposed structure will be 40 X 60 accessory structure with sixteen (16) foot sidewalls. The structure will align with the existing driveway. The structure will have a bathroom facilities and require a septic system. The hardship is existing driveway, underground utilities and above ground utilities present on the property.  
Mr. Welch requested any proponents of the variance to present their statements. No proponents were present.  
Mr. Welch requested any opponents of the variance to present their statements. No opponents were present.  
Mr. Welch ended public comment and requested commission discussion.  
The Planning Commission discussed the application and confirmed sufficient hardship is present and other requirements are compliant.  
No other comments, positive or negative, were received by the Zoning Administrator or presented at the public hearing.
7. The Planning Commission shall make findings that the requirements of this Section have been met by the applicant for a variance; the Commission shall further make a finding that the reasons set forth in the application justify the recommendations of granting the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; the Planning Commission shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare. The Planning Commission further finds that the reasons set forth in the application and hearing satisfy all requirements for this variance request
8. In recommending approval of any variance, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this ordinance. The Planning Commission approves this request.
9. Under no circumstances shall the Planning Commission recommend granting a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any

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use expressly or by implication prohibited by the terms of this ordinance in said district. The variance request of Minimum Yard Requirement is approved.

Action 71018B: Moved by Williams, second by Gudahl to recommend approval of the Variance, pursuant to Article 18, Section 1807 of the Yankton County Zoning Ordinance, based on Finding of Facts dated July 10, 2018, of Variance of Minimum Yard Requirement on a side yard from seventy-five (75) foot to twenty-five (25) foot to build an accessory structure in an Agriculture District (AG) in Yankton County. Said property is legally described as Tract 3, West Jim River Division, NW1/4, NW1/4, S33-T94N-R55W, hereinafter referred to as Mission Hill North Township, County of Yankton, State of South Dakota. The E911 address is 3616 SW Jim River Road, Yankton, SD.

By roll call vote, all members present voted aye.

Motion carried

This was the time and place for discussion regarding application from Leonel Herrera. Applicant is requesting a variance of Maximum Accessory Structure Size from 1,200 sq.ft. with twelve (12) foot sidewalls to build a forty (40) foot X sixty (60) foot with eighteen (18) foot sidewalls (2,400 sq.ft.) accessory structure in a Moderate Density Rural Residential District (R-2) in Yankton County. Said property is legally described as Lot L-1 & NW1/4, NE1/4, exc Lot L-2, NW1/4, NE1/4 & exc N660', NW1/4, NE1/4, S24-T94N-R54W, hereinafter referred to as Volin Township, County of Yankton, State of South Dakota. The E911 address is 45166 Bluff Road, Volin, SD.

Nick Slattery, representing Leonel Herrera, stated the variance is for an accessory structure built in December, 2017. A building permit was issued with the intent to have storage / living area type structure (shouse). All storage will be personal, no rentals. The owner, Mr. Herrera, passed away in January and Mrs. Herrera is not going to complete the project. The hardship is a deceased applicant unable to complete the building. All other zoning requirements are compliant.

No other comments, positive or negative, were received by the Zoning Administrator or presented at the public hearing.

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VARIANCE

Article 18, Section 1807

FINDINGS OF FACT

Applicant: Leonel Herrera

Parcel Number: 02.024.200.105

Legal description: Lot L-1 & NW1/4, NE1/4, exc Lot L-2, NW1/4, NE1/4 & exc N660', NW1/2, NE1/4, S24-T94-R54W

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Physical Address: 45166 Bluff Road, Volin, SD

1. No such variance shall be recommended for approval by the Planning Commission unless it finds:
  - A. The strict application of the ordinance would produce undue hardship; The applicant is deceased and the structure will not be completed as a SF Dwelling / Storage structure (shouse).
  - B. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity; The hardship is not shared by other properties in the district.
  - C. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the grant of the variance; The granting of a variance will not be of substantial detriment to adjacent property nor the character of the district.
  - D. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposed of convenience, profit, and caprice. No convenience, profit or caprice was shown.
2. No variance shall be recommended for approval unless the Planning Commission finds the condition or situation of the property concerning or the intended use of the property concerned, or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment of this ordinance. The requested variance may be recurring but this type of hardship is beyond the applicant's control.
3. A recommendation of approval concerning a variance from the terms of this ordinance shall not be founded by the Planning Commission unless and until:
  - A. A written application for a variance is submitted demonstrating that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings, in the same district; The property is demonstrating special conditions or circumstances with size and location and is not applicable to other lands, structures, or buildings in the same district.
  - B. The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance; Previous variances of maximum accessory structure size requirement have been granted in Yankton County.
  - C. The special conditions and circumstances do not result from the actions of the applicant; The special conditions and circumstances are not a result of the applicant.
  - D. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structure, or buildings in the same district. Variance requests of this type (maximum accessory structure size requirement) have been previously approved by the Planning Commission.
4. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance. No nonconforming uses of neighboring lands, structures, or buildings in this district, and no permitted or nonconforming use of lands, structures, or buildings in other districts were considered.

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5. Notice of public hearing shall be given, as in Section 1803 (3-5). The applicant mailed letters of notification to property owners within a one-quarter mile radius of the proposed variance on May 28, 2018 (supported by affidavit), a legal notice was published on June 2, 2018 in the Yankton Daily Press and Dakotan and a notification sign was placed on the property on June 4, 2018.
6. The public hearing shall be held. Any party may appear in person or by agent or by attorney. A public hearing was held at 7:15 pm on July 10, 2018. Nick Slattery, representing Leonel Herrera, stated the variance is for an accessory structure built in December, 2017. A building permit was issued with the intent to have storage / living area type structure (shouse). All storage will be personal, no rentals. The owner, Mr. Herrera, passed away in January and Mrs. Herrera is not going to complete the project. The hardship is a deceased applicant unable to complete the building. All other zoning requirements are compliant. No other comments, positive or negative, were received by the Zoning Administrator or presented at the public hearing.
7. The Planning Commission shall make findings that the requirements of this Section have been met by the applicant for a variance; the Commission shall further make a finding that the reasons set forth in the application justify the recommendations of granting the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; the Planning Commission shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare. The Planning Commission further finds that the reasons set forth in the application and hearing satisfy all requirements for this variance request.
8. In recommending approval of any variance, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this ordinance. The Planning Commission approves this request.
9. Under no circumstances shall the Planning Commission recommend granting a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district. The variance request of Maximum Accessory Structure Size Requirement is approved.

Action 71018C: Moved by Bodenstedt, second by Gudahl to recommend approval of the Variance, pursuant to Article 18, Section 1807 of the Yankton County Zoning Ordinance, based on Finding of Facts dated July 10, 2018, of Maximum Accessory Structure Size from 1,200 sq.ft. with twelve (12) foot sidewalls to build a forty (40) foot X sixty (60) foot with eighteen (18) foot sidewalls (2,400 sq.ft.) accessory structure in a Moderate Density Rural Residential District (R-2) in Yankton County. Said property is legally described as Lot L-1 & NW1/4, NE1/4, exc Lot L-2, NW1/4, NE1/4 & exc N660', NW1/4, NE1/4, S24-T94N-R54W, hereinafter referred to as Volin Township, County of Yankton, State of South Dakota. The E911 address is 45166 Bluff Road, Volin, SD.

By roll call vote, all members present voted aye.

Motion carried

This was the time and place for discussion regarding application from Karl Schenk. Applicant is requesting a rezone from Agriculture District (AG) to Planned Unit Development District (PUD) in Yankton County. Said property is legally described as NW1/4, S16-T93N-R57W and N1/2,

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SW1/4, & S1/2, SW1/4, exc Tract B-233, S16-T93N-R57W and S1/2, SE1/4, S16-T93N-R57W, hereinafter referred at as Ziskov South Township, County of Yankton, State of South Dakota. The E911 address is TBA 430<sup>th</sup> Avenue, Tabor, SD.

Pat Garrity, Zoning Administrator, introduced the rezone request to the Planning Commission. Mr. Garrity stated the request to a Planned Unit Development (PUD) zoning district is a good decision because the public costs are reduced due to infrastructure, access concerns and covenant restrictions all meet or exceed the regulations in Yankton County Zoning Ordinance #16 and Subdivision Ordinance #20. The Planned Unit Development (PUD) proposal has a strong declaration of covenants and conditions document which is adopted and attached to the Planned Unit Development (PUD) files for any future procedures and enforcement issues. The Zoning Administrator recommended the Planned Unit Development (PUD) District over the Low Density Rural Residential District (R-1) because the property is bordered by the Missouri River to the south And Boy Scout Camp to the west.

Ross Den Herder, representing Karl Schenk, stated the request for a rezone is to establish a subdivision in Ziskov South Township. The applicant has completed the requirements for the application as provided by our application checklist. The request meets or exceeds all requirements for a rezone request. Mr. Den Herder stated the past Planned Unit Development (PUD) Deerfield Estates now has a \$4.1 million dollar taxable valuation and another development, Marina Dell Estates, has a \$13 million dollar taxable valuation.

Planning Commission chairman, Mike Welch, requested proponents for the rezone request. No proponents were present.

Mr. Welch requested opponents for the rezone request. Barry Schloss, representing the BSA Boy Scout Camp, wanted to understand the development process. Pat Garrity, Zoning Administrator, stated the Subdivision Ordinance is regulating the activities and each proposed lot in the preliminary plan. Any changes in the preliminary plan will require the public hearing process.

John Schneider, a neighbor land owner, stated his opinion the access road to the proposed development is on his property. Mr. Schneider is willing to offer access through his property if the development offers access to the river area for his personal use. After a brief discussion from the Planning Commission about this statement, the Zoning Administrator stated the issue has been discussed prior to the hearing. The applicant has produced documents to show ownership and access rights. The title insurance company for the property has confirmed it has provided appropriate coverage for the property. The documents were provided by Mr. Den Herder to the Planning Commission.

Mr. Welch concluded the public comment period and the Planning Commission discussed the application and determined all the requirements are compliant for a recommendation of approval. No other comments, positive or negative, were received by the Zoning Administrator or presented at the public hearing.

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REZONING  
Article 18, Section 1809

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FINDINGS OF FACT

Applicant: Karl Schenk

Parcel Number: 13.016.400.600 & 13.016.300.100 & 13.016.200.200

Legal description: NW1/4, S16-T93N-R57W and N1/2, SW1/4, & S1/2, SW1/4, exc Tract B-233, S16-T93N-R57W and S1/2, SE1/4, S16-T93N-R57W

Physical Address: TAB 430<sup>th</sup> Avenue, Tabor, SD

The Planning Commission shall have the power to hear and make recommendations, in accordance with provisions of this Ordinance, on requests for a change in zoning. A petition for a change in zoning will not be acted upon until:

1. All documents required for application for said request have been satisfactorily completed and all required fees have been paid in full.  
Karl Schenk filed the rezoning request on June 21, 2018. Fees were paid by Karl Schenk.
2. The individual petitioner provides a completed change in zone request. Said request must clearly state:
  - A. Special conditions and circumstances exist which require the land to be rezoned;  
The property is Agriculture District and the proposed use is residential with the applicant subdividing the property.
  - B. The special conditions and circumstances do not result from the actions of the applicant;  
The property is adjacent to the Missouri River and offers potential residential development.
  - C. The granting of the change in zoning will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structure, or buildings in the area.  
The applicant will not confer special privileges.
3. Notice of public hearing shall be given, as in Section 1803 (3-5).  
The applicant mailed letters of notification to property owners within a one-half mile radius of the proposed rezone on June 28, 2018, 10 days prior to the Planning Commission hearing as supported by the affidavit. Legal notification was published on June 30, 2018. The property was posted on July 2, 2018.
4. The public hearing shall be held. Any party may appear in person or by agent or attorney.  
A public hearing was held at 7:25 p.m. on July 10, 2018 in the Yankton County Government Center. Pat Garrity, Zoning Administrator, introduced the rezone request to the Planning Commission. Mr. Garrity stated the request to a Planned Unit Development District (PUD) is a good decision because the public costs are reduced due to infrastructure, access concerns and covenant restrictions all meet or exceed the regulations in Yankton County Zoning

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Ordinance #16 and Subdivision Ordinance #20. The Planned Unit Development (PUD) proposal has a strong declaration of covenants and conditions document which is adopted and attached to the Planned Unit Development District (PUD) files for any future procedures and enforcement issues. The Zoning Administrator recommended the Planned Unit Development District (PUD) over the Low Density Rural Residential District (R-1) because the property is bordered by the Missouri River to the south And Boy Scout Camp to the west.

Ross Den Herder, representing Karl Schenk, stated the request for a rezone is to establish a subdivision in Ziskov South Township. The applicant has completed the requirements for the application as provided by our application checklist. The request meets or exceeds all requirements for a rezone request. Mr. Den Herder stated the past Planned Unit Development (PUD) Deerfield Estates now has a \$4.1 million dollar taxable valuation and another development, Marina Dell Estates, has a \$13 million dollar taxable valuation.

Planning Commission chairman, Mike Welch, requested proponents for the rezone request. No proponents were present.

Mr. Welch requested opponents for the rezone request. Barry Schloss, representing the BSA Boy Scout Camp, wanted to understand the development process. Pat Garrity, Zoning Administrator, stated the Subdivision Ordinance is regulating the activities and each proposed lot in the preliminary plan. Any changes in the preliminary plan will require the public hearing process.

John Schneider, a neighbor land owner, stated his opinion the access road to the proposed development is on his property. Mr. Schneider is willing to offer access through his property if the development offers access to the river area for his personal use. After a brief discussion from the Planning Commission about this statement, the Zoning Administrator stated the issue has been discussed prior to the hearing. The applicant has produced documents to show ownership and access rights. The title insurance company for the property has confirmed it has provided appropriate coverage for the property. The documents were provided by Mr. Den Herder to the Planning Commission.

Mr. Welch concluded the public comment period and the Planning Commission discussed the application and determined all the requirements are compliant for a recommendation of approval.

No other comments, positive or negative, were received by the Zoning Administrator or presented at the public hearing.

5. The Planning Commission shall make findings that the requirements of this Section have been met by the applicant for a change in zone, to include:
  - A. The reasons set forth in the application justify a recommendation to approve the change in zone:  
Karl Schenk proposal to rezone the property to acknowledge the subdivision of the property.
  - B. The change in zone will make possible the reasonable use of the land, building, or structure:  
The property will benefit from the rezone to facilitate reasonable use of the property.
  - C. A recommendation to grant the change in zone will be in harmony with the general purpose and intent of this ordinance:  
The Planning Commission finds that the change in zone, in its proposed use, would be in harmony with the general purpose and intent of the zoning ordinance.

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- D. A recommendation of approval will not be injurious to the neighborhood, or otherwise detrimental to the public welfare as presented and testified to by the applicant.  
The Planning Commission finds that the proposed use will involve uses, activities, process, materials, equipment, and conditions that will be beneficial to the progress of Yankton County.
6. No change in zone shall be recommended for approval unless the Planning Commission finds that the condition, situation, or the intended use of the property concerned is unique, required, or necessary as to make reasonably practicable the amendment or change in zone.  
The Planning Commission finds that the proposed uses of the property are sufficiently unique in its scope and intended use and approves this application.
7. Before any petition for rezoning is recommended for approval, the Planning Commission shall make written findings certifying compliance with:
- A. The Comprehensive Plan;  
The proposed project does provide for orderly, efficient, and economic development (Comprehensive Plan p.138 & 139).
- B. Specific rules governing land uses:  
The proposal will meet all rules governing land uses as proposed.
- C. Zoning district regulations:  
The Planning Commission finds that Planned Unit Development District (PUD) regulations will be met.
- D. Satisfactory provision and arrangement has been made concerning the following, where applicable:
1. Certification of compliance with all ordinances and regulations regarding licensing and zoning, health, plumbing, electrical, building, fire prevention, and all other applicable ordinances and regulations; All codes and other ordinances have been met by the applicant in all proposed activities for a Planned Unit Development District (PUD).
  2. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe; The Planning Commission finds that ingress/egress to the property will be designed as not to create traffic congestion or interference with traffic or surrounding thoroughfares. Supporting documents provide sufficient access authority.
  3. Off right-of-way parking and loading areas where required; with particular attention to the items in (A) above and the economic, noise, glare or odor effects of the amendment or rezone on adjoining properties and properties generally in the district; The Planning Commission finds that the applicant has provided a plan for adjoining properties or properties generally in the district.
  4. Refuse and service areas, with particular reference to the items in (A) and (B) above; All refuse and service areas will be provided and in proper working condition / service as shown in the site plan.
  5. Utilities, with reference to locations, availability, and compatibility; The applicant has on site power and water utility service.

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6. Screening and buffering with reference to type, dimensions, and character; The Planning Commission finds that buffering is sufficient.
7. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district; All signage must meet requirements in YC Zoning Ordinance Article 14.
8. Required yards and other open spaces; The yards and open spaces are currently meeting requirements.
9. General compatibility with adjacent properties and other property in the district. The Planning Commission finds that the proposed use is compatible with adjacent properties.

In recommending approval of any petition for a change in zone, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this ordinance.

1. Based upon the above findings for a rezone from Agriculture District (AG) to Planned Unit Development District (PUD), the Planning Commission makes the following recommendation(s):
  - A. Approve the applicant a Rezone from Agriculture District (AG) to Planned Unit Development District (PUD).

Action 71018D: Moved by Kettering, second by Becker to recommend approval of the Rezone, pursuant to Article 18, Section 1809 of the Yankton County Zoning Ordinance, based on Finding of Facts dated July 10, 2018, a rezone from Agriculture District (AG) to Planned Unit Development District (PUD) in Yankton County. Said property is legally described as NW1/4, S16-T93N-R57W and N1/2, SW1/4, & S1/2, SW1/4, exc Tract B-233, S16-T93N-R57W and S1/2, SE1/4, S16-T93N-R57W, hereinafter referred at as Ziskov South Township, County of Yankton, State of South Dakota. The E911 address is TBA 430<sup>th</sup> Avenue, Tabor, SD.

By roll call vote, all members present voted aye.

Motion carried

This was the time and place for discussion with Karl Schenk. Applicant is submitting a preliminary plan for Planning Commission consideration under Subdivision Ordinance Article 4, Section 402. Said property is legally described as NW1/4, S16-T93N-R57W and N1/2, SW1/4, & S1/2, SW1/4, exc Tract B-233, S16-T93N-R57W and S1/2, SE1/4, S16-T93N-R57W, hereinafter referred at as Ziskov South Township, County of Yankton, State of South Dakota. The E911 address is TBA 430th Avenue, Tabor, SD.

Ross Den Herder, representing Karl Schenk, discussed the preliminary plan for the proposed PUD District. The plan shows fifteen (15) lots with various acres. The plan shows the required infrastructure, access and utilities. The development will plat lots from this plan when lots are purchased. Any changes to the lots from the preliminary plan will require public hearing process. No other comments, positive or negative, were received by the Zoning Administrator or presented at the public hearing.

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PRELIMINARY PLAT  
Article 4, Section 402

FINDINGS OF FACT

**PRELIMINARY PLAN**

**Section 401 Information Required**

Whenever a preliminary plan is proposed, the developer shall submit a plan at standard, defined scale no smaller than 8 ½" X 11" and no larger than 15" X 26". The preliminary plan shall be submitted to the Planning Department and shall contain the following:

A) Preliminary Subdivision Plan

1) The name of the proposed subdivision and location by quarter section, section, township and range. Subdivision names shall not duplicate, be the same spelling, or alike in pronunciation with any existing subdivision located in the same section, unless it is an extension of or adjoining an existing subdivision. All subdivision names shall be subject to approval by the Zoning Administrator.

*The preliminary plat has all requested information.*

2) The names of all adjacent subdivisions and their platting pattern. Adjoining unplatted land shall be labeled as such.

*The preliminary plat has all requested information.*

3) The correct legal description. Notations stating acreage, scale, and north arrow.

*The preliminary plat has all requested information.*

4) The owner, developer, and surveyor's names and telephone numbers.

*The preliminary plat has all requested information.*

5) Vicinity map, showing locations of the preliminary plan and surrounding property.

*The preliminary plat has all requested information.*

6) Exterior boundaries of the proposed subdivision referenced to a corner marker of the U.S. Public Land Survey, corner marker of adjacent subdivision or existing survey plat and the total acreage encompassed thereby.

*The preliminary plat has all requested information.*

7) The location and width of all proposed and existing road rights-of-way, existing structures, easements, railroad rights-of-way, standard survey notations, topography and aerial maps/photographs.

*The preliminary plat has all requested information.*

8) Existing contours at vertical intervals not greater than ten feet. A lesser interval may

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be required in those cases where the character or topography of the land is difficult to determine.

The preliminary plat has all requested information.

9) A systematic lot and block numbering pattern, lot lines and road names.

The preliminary plat has all requested information.

10) The dimensions and acreage of all lots.

The preliminary plat has all requested information.

B) Other Preliminary Plans.

Generally, the following plans shall be submitted in conjunction with the preliminary plan:

1) Preliminary Drainage and Grading. The existing drainage pattern for the area should be generally shown along with any proposed cut and fill operations which would alter the existing drainage patterns.

The preliminary plat has all requested information.

2) Erosion Control. In any proposed subdivision in which an area greater than five acres will be disturbed, or in areas where topographic features are such that erosion, siltation or temporary runoff problems may occur, a site plan shall be required showing how these problems will be resolved.

The preliminary plat has all requested information.

3) Wastewater and Septic System. All unconventional septic systems will provide specific details as required by South Dakota Codified Law (chapter 34A-2) and South Dakota Administrative Rules (chapter 74:53:01).

The preliminary plat has all requested information.

**Section 402 Approval of Preliminary Plan**

After the preliminary plan has been recommended for approval or disapproval by the Planning Commission, it shall be kept on file in the office of the Zoning Administrator. Approval of the preliminary plan shall indicate approval of the development concept only, and it does not constitute an acceptance or approval of the subdivision plan; therefore, no zoning or building permits shall be issued based on the approval of the preliminary plan.

All final plats will follow the preliminary plat as recommended for approval. Any changes from the preliminary plat to the final plat must have County Commission approval. All final plats will be subject to County Commission approval.

Action 71018E: Moved by Kettering, second by Gudahl to recommend approval of the Preliminary Plat, pursuant to Article 4, Section 402 of the Yankton County Subdivision Ordinance, based on Finding of Facts dated July 10, 2018, a preliminary plat for Lake Forest Estates, Planned Unit Development District (PUD) in Yankton County. Said property is legally described as NW1/4, S16-T93N-R57W and N1/2, SW1/4, & S1/2, SW1/4, exc Tract B-233, S16-T93N-R57W and S1/2,

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SE1/4, S16-T93N-R57W, hereinafter referred to as Ziskov South Township, County of Yankton, State of South Dakota. The E911 address is TBA 430<sup>th</sup> Avenue, Tabor, SD.

By roll call vote, all members present voted aye.

Motion carried

Public comment period. No public comment.

Action 71018F: Moved by Kettering, seconded by Gudahl for adjournment.

By voice vote, all members present voted aye.

Motion carried.

**The next meeting of the Yankton County Planning Commission will be held at 7:00 P.M. Tuesday, August 14, 2018.**

Respectfully submitted:  
Patrick Garrity AICP  
Zoning Administrator