

Memorandum #09-33



To: Doug Russell, City Manager
From: Dave Mingo, AICP Community Development Director
Subject: Planning Commission Action Number 09-07 / Resolution #09-07
Date: February 17, 2009

CONDITIONAL USE REQUEST

ACTION NUMBER: 09-07

E.T.J. MEMBER ACTION REQUIRED: No

APPLICANT / OWNER: Yankton Public School District

ADDRESS / LOCATION: 815 Locust Street

PROPERTY DESCRIPTION: Parcel in the NE 1/4, NE ¼, 13-93-56, City and County of Yankton, SD.

ZONING DISTRICT: A-1 Agricultural

PREVIOUS ACTION: Approved Conditional Use Permit for a parking lot expansion in 2004.

COMMENTS: The project description on the attached map does a good job of explaining the proposal. The applicant is requesting a Conditional Use Permit for an addition to the school building. The proposed addition would be located on the north side of the existing structure and will include the reconfiguration of a parking facility (please reference the attached drawing). The proposed project is intended to provide additional space for the school's current enrollment and address ADA issues.

The proposed location meets all setback requirements and is configured in such a manner that it will have very little impact on surrounding residential uses. The proposal maintains the school's current compliance with parking regulations.

In researching the proposed project the school district discovered that the fence of an adjacent homeowner was located on school property. School District officials have reached an agreement with the homeowner to move the fence as a part of the project.

Staff received two phone contacts related to the proposed project subsequent to the required publication and mailing prior to the Planning Commission meeting. Both callers were adjacent residents. They do not have any issues with the project as designed.

The staff recommends approval of the request.

HEARING SCHEDULE:

- January 12, 2009: The Planning Commission established February 9, 2009 as the date for public hearing on the proposed request.
- February 9, 2009: Planning Commission conducts hearing and makes a recommendation to the City Commission.
- February 23, 2009: City Commission considers resolution and makes final decision.

Planning Commission results: The Planning Commission recommended approval of the proposed request.

Post meeting staff note: There was a gentleman (Mr. Bauer) at the Planning Commission meeting that lives to the northwest of Lincoln School. He stated that there was an alley for him and others living west to drive across to enter their back yards. He stated that the alley was along the property line between the school district land and their lots. As a follow-up to the Planning Commission meeting, City staff contacted the school district to double check that they had completed the appropriate survey work prior to this request. The School District's surveyors have done a considerable amount of work verifying the boundaries of the school property. Chuck Turner brought in the survey and supporting documentation associated with the project. It is clear that the District's project is on their property. It is also clear that there was not any record of public right-of-way along the property line. There is evidence of a strip of land adjacent to the McGovern property that the City owned at one time along with the entire site that Lincoln School sits on (Foerster's Park). That strip was not a right-of-way.

Based on a follow-up site visit, it is evident that nobody could have driven in the corridor even if it had existed at some point in the past. There are mature trees and other obstacles along the line. It appears that any neighbor that has accessed their back yard from the south has been driving across the school yard.

RESOLUTION #09-07
Conditional Use

WHEREAS, the Yankton Public School District is the owner of a Parcel in the NE 1/4, NE ¼, 13-93-56, City and County of Yankton, South Dakota; and,

WHEREAS, the above described property is zoned A-1 Agricultural which allows conditional uses under the City of Yankton's Zoning Ordinance No. 711 as amended; and,

WHEREAS, this conditional use request is necessary for an expansion of the existing school facility on the site and such proposed expanded use has been reviewed and recommended for approval by a vote of the City Planning Commission.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the City of Yankton, South Dakota hereby approves a conditional use permit for the expansion of Lincoln School as defined in the associated plans on file in the Community Development Department and accordance with all applicable ordinances and regulations on the above described property.

Adopted:

Daniel L. Specht, Mayor

ATTEST:

Al Viereck, Finance Officer

