

CITY of YANKTON
PLANNING COMMISSION MEETING MINUTES
for
February 9, 2009

The meeting was called to order at 5:30 p.m. by Chairman Pier

ROLL CALL:

Present – Mike Healy, Nick Schade, Bob Pulscher, Brad Wenande, Mike Lemon, Bruce Viau, Michael Welch, City Commissioner Charlie Gross, and Steve Pier.

Absent – Cory Nelson

Note: Diane Steckelberg arrives during the meeting at the point indicated in the minutes below.

Chairman Pier asked for approval of the January 12, 2009, regular meeting minutes.

09-05 **MINUTES** – January 12, 2009

MOTION – It was moved by Commissioner Wenande and seconded by Commissioner Schade to approve the January 12, 2009, meeting minutes.

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

MOTION – PASSED

Chairman Pier adjusted the agenda at this time to accommodate an expected guest on the Tax Increment District issue.

Chairman Pier read the description of the following Action Item to consider a Conditional Use Permit for an elementary school addition (Stewart School) in an agricultural district on Block 2, North Elm’s Addition to the City of Yankton. Address, 208 W. 21st Street. Yankton Public School District, owner. Mr. Mingo advised that schools and parks are typically zoned agricultural. The project would be required to go through the permit process even if the land was zoned residential. Information in the packet indicates that the proposed project is not in expectation of an increased enrollment at the school. Staff recommends approval.

09-06 **MOTION** – It was moved by Commissioner Pulscher and seconded by Commissioner Healy to approve the Conditional Use Permit for an elementary school addition (Stewart School) in an agricultural district on Block 2, North Elm’s Addition to the City of Yankton. Address, 208 W. 21st Street. Yankton Public School District, owner.

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

MOTION – PASSED

Chairman Pier read the description of the following Action Item to consider a Conditional Use Permit for an elementary school addition (Lincoln School) in an agricultural district on “Lincoln School Parcels” / Parcel in the NE ¼, NE ¼, 13-93-56. Address, 815 Locust Street. Yankton Public School District, owner Mr. Mingo advised that this is a similar request to the Stewart School project. Again, the proposed project is not in expectation of an increased enrollment at the school. (Diane Steckelberg arrives)

Mr. Sean McGovern (913 Locust) is the occupant on Lot 15 north of the parking lot and with the project, the car headlights will be closer to his home. Mr. Mingo advised that he spoke with Mr. Turner from Yankton School District who advised that he is addressing the matter with the homeowner. Staff recommends approval.

Mr. Turner advised that the parking stalls face north – east of the house structure. He has discussed placing plastic slats in the fence to help deflect the lights.

Jim Bowers (701 W 10th) advised that he uses the existing school parking lot to access the back of his property. He said there is an alley there and if the school does this project, he would not have access any more. He said this is a major concern for him and another neighbor to the west.

Mr. McGovern advised that he wanted to have the Board see the person that was involved in the situation; Mr. Turner has talked with him; currently the McGovern’s fence is 12 feet onto the school property. Commissioner Pulscher asked about the vacation of the alleyway. Mr. Mingo advised that he does not have the documentation in front of him, but believes it was completed and that there is no alley. Commissioner Healy asked about tabling the matter until it can be confirmed. Mr. Turner advised that bid opening is next week. Commissioner Lemon advised if the alleyway was vacated then the right-of-way would have been divided equally.

09-07 **MOTION** – It was moved by Commissioner Lemon and seconded by Commissioner Viau to approve the Conditional Use Permit for an elementary school addition (Lincoln School) in an agricultural district on “Lincoln School Parcels” / Parcel in the NE ¼, NE ¼, 13-93-56. Address, 815 Locust Street. Yankton Public School District, owner subject to checking the status of vacated alley and the Yankton Public School Districting working with Sean McGovern on the fence/light adjustments on the intrusion of his home.
VOTE – Voting “Aye” – all members present. Voting “Nay” – none.
MOTION – PASSED

Chairman Pier read the description of the following item to consider the boundaries and name for the proposed Tax Increment District Number Four in the City of Yankton, South Dakota located on Government Lot 2 Except Parcels, Lots 4, 2A and 3A Airport Addition, Lot H1 of Government Lot 2, Lot H1 of Government Lot 1, Lot H2 of Government Lot 1 and Lot H1 of Lot 3 Airport Addition all in the SW 1/4, 31-94-55; and Lot 1A Airport Addition and Lot H1 in Government Lot 1 in the NW ¼, 31-94-55; and Wilson Road ROW in 31-94-55. Address, 3400 Broadway Avenue. JGJ 1976 Partnership, Yankton Area Progressive Growth, GAMCO, Inc. and the City of Yankton, owners.

Mr. Mingo advised that the proposed TID will be north of Northtown Motors – east to Douglas Avenue and south of Wilson Trailer. The action for the Planning Commission is to name the district, establish the boundaries, establish the criteria under which the district is eligible; and make a recommendation on the plan.

Jeff Dozier from Kessinger-Hunter advised the Board that his company is interested in developing 33 acres at a cost of \$32 million. Ten acres will be used for a “big box” and the remaining will be restaurants and stores. His company has done these types of TID’s before in similar size communities: Chillicothe, Missouri and Mustang, Oklahoma. He encouraged the Board to contact either of these communities to discuss the TIF situation with them. Todd Meierhenry, attorney representing the City of Yankton, explained the South Dakota law regarding TIF. He explained the framework needed to create a TID and the process needed to start one.

Commissioner Lemon requested confirmation on the owners of the development. There was a discussion regarding transfer of the property – from the landowners to the developers - from landowners to YAPG to developers – from landowners to City to YAPG to developers. Todd Meierhenry advised that the Attorney General has made an interpretation that it should be landowners to developers. Mr. Dozier was asked if he had an agreement from a home improvement company at this time. He advised that he does not, but he has had talks with all three. He will go back to them if this gets approved. He has completed deals both ways – without TID started and with it started. Commissioner Schade asked if the Save-U-More property was considered? Mr. Dozier advised that it was not big enough? The building is only 40,000 sq feet and there is not room on the site for additional development.

ETJ Commissioner Welch was concerned about the creation of a possible new facility when there are tenants moving out of the mall and what that might do for the mall facility. Commissioner Pulscher had several questions about timing/scope/costs of the project. Attorney Meierhenry advised that the five-year time limit starts once the district is created. Commissioner Lemon asked about the findings of blight and if there has been loss of revenue for the school. Attorney Meierhenry advised that there have been instances where communities start a TID for a project that it not necessarily retail driven, for example, Brookings did one for an overpass project. (Commissioner Pulscher steps out) In regards to the loss of revenue for a school he is not aware of any. (Commissioner Pulscher returns) Commissioner Viau is concerned about the buffer zone for the neighbors. Mr. Dozier advised that is why the detention pond was placed where it is. Mr. Mingo advised that this area is zoned Highway Commercial. Attorney Meierhenry advised that Brookings did have an increase of their sales tax throughout the community as a result of their home improvement center TID.

- 09-08 **MOTION** – It was moved by Commissioner Pulsher and seconded by Commissioner Viau to recommend approval of the Tax Increment District Number Four based on the following:

The City published a Notice of Hearing at which interested parties were afforded a reasonable opportunity to express their views on the proposed creation of a Tax Incremental District on real property consisting of the following parcels:

District Legal Description:

Government Lot 2 Except Parcels, Lots 4, 2A and 3A Airport Addition, Lot H1 of Government Lot 2, Lot H1 of Government Lot 1, Lot H2 of Government Lot 1 and Lot H1 of Lot 3 Airport Addition all in the SW 1/4, 31-94-55; and Lot 1A Airport Addition and Lot H1 in Government Lot 1 in the NW ¼, 31-94-55; and Wilson Road ROW in 31-94-55. (the “District”).

The notice was published in the official newspaper in the City, not less than ten (10) nor more than thirty (30) days from the date of the hearing; and

A copy of the Notice was sent prior to publication by first-class mail to the Chief Executive Officers of the following taxing entities:

Yankton County

Yankton School District

James River Water Development District

A hearing was held on the Ninth day of February 2009, and all interested parties were allowed a reasonable opportunity to be heard on the proposed creation of the Tax Incremental District; and

A proposed project plan has been developed for the proposed District upon which the Planning Commission may make a recommendation to the City Commission.

VOTE – Voting “Aye” – Healy, Viau, Wenande, Schade, Pulscher, Steckelberg, Pier Voting “Nay” – Lemon.

MOTION – PASSED

Chairman Pier read the description of the following Conditional Use Permit for a daycare facility in a residential district on Lot 3, Block 7, Fox Run Subdivision in the City of Yankton, South Dakota. Address, 2604 Mulligan Drive. Robin Wagner, owner. Mr. Mingo advised that the applicant has requested a waiver of the fencing requirement until June 1, 2009. Staff has not been contacted by any neighbors concerning the CUP request. Staff recommends approval. (Commissioner Pulscher steps out)

- 09-09 **MOTION** – It was moved by Commissioner Lemon and seconded by Commissioner Schade to approve the Conditional Use Permit for a daycare facility in a residential district on Lot 3, Block 7, Fox Run Subdivision in the City of Yankton, South Dakota. Address, 2604 Mulligan Drive. Robin Wagner, owner.

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

MOTION – PASSED

Chairman Pier read the description of the following Conditional Use Permit for a daycare facility in a residential district on the S 29’ of Lot 3 and all of Lot 4, Block 74, Todd’s Addition to the City of Yankton, South Dakota. Address, 710 Walnut Street. Mary McHenry, owner. Staff has not been contacted by any neighbors concerning the CUP request. Staff recommends approval.

- 09-10 **MOTION** – It was moved by Commissioner Lemon and seconded by Commissioner Viau to approve the Conditional Use Permit for a daycare facility in a residential district on the S 29’ of Lot 3 and all of Lot 4, Block 74, Todd’s Addition to the City of Yankton, South Dakota. Address, 710 Walnut Street. Mary McHenry, owner

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

MOTION – PASSED

Chairman Pier read the description of the following Plat review of Lots 1, 2, 3, 4, & 5, North Sliver Subdivision, Lot H1 and Lot H7, in the South Half of the Northeast Quarter of Section 17, Township 93 North, Range 56 West, of the 5th Principle Meridian, Yankton County, South Dakota. Address, 5100 Block of West Eighth Street. United States of America, owner. Mr. Mingo advised that

the right-of-way dedication requirements have been met. It is within the three mile jurisdiction of the City. Staff recommends approval.

- 09-11 **MOTION** – It was moved by Commissioner Lemon and seconded by Commissioner Healy to approve the Plat review of Lots 1, 2, 3, 4, & 5, North Sliver Subdivision, Lot H1 and Lot H7, in the South Half of the Northeast Quarter of Section 17, Township 93 North, Range 56 West, of the 5th Principle Meridian, Yankton County, South Dakota. Address, 5100 Block of West Eighth Street. United States of America, owner.
VOTE – Voting “Aye” – all members present. Voting “Nay” – none.
MOTION – PASSED

Chairman Pier read the description of the following Plat review of Tract 1 of River Ridge Subdivision, located in the West Half of the Southwest Quarter (W ½ SW ¼), Section 4 (4), Township Ninety-three (93) North, Range Fifty-five (55) West, of the 5th P.M., Yankton County, South Dakota. Address, east side of the 2600 Block of SW Jim River Road. Timothy A. Kotalik and Laura L. Kotalik, owners. Mr. Mingo advised that this is within the three mile jurisdiction of the City. This plat is to separate a parcel with a dwelling from a larger tract. Staff recommends approval.

- 09-12 **MOTION** – It was moved by Commissioner Steckelberg and seconded by Commissioner Schade to approve the Plat review of Tract 1 of River Ridge Subdivision, located in the West Half of the Southwest Quarter (W ½ SW ¼), Section 4 (4), Township Ninety-three (93) North, Range Fifty-five (55) West, of the 5th P.M., Yankton County, South Dakota. Address, east side of the 2600 Block of SW Jim River Road. Timothy A. Kotalik and Laura L. Kotalik, owners.
VOTE – Voting “Aye” – all members present. Voting “Nay” – none.
MOTION – PASSED

The Board took a short recess to move to another meeting room. The meeting was reconvened.

Other business: Mr. Mingo advised that there were no previous action status updates to report. The TransCanada / Keystone Pipeline project is moving forward. The crews should be arriving in April. The Mayor was on the radio on Monday with a report. There will be a large number of employees being brought in, and there will also be some jobs for local employees also. Local housing, hotels, and campgrounds will be utilized. At this time, the NuStar property is what they are looking at for their headquarters. There is a Chamber of Commerce taskforce that has been working on this project.

Mr. Mingo discussed the Building Report, which is up from last year, not including the fire station.

09-13 **ADJOURNMENT**

MOTION – It was moved by Commissioner Viau and seconded by Commissioner Healy to adjourn at 7:21 p.m.

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

MOTION – PASSED

Respectfully submitted,

Dave Mingo
Secretary