

Planning and Zoning Meeting – Regular Meeting May 12, 2026

Planning & Zoning Chairman Tony Randall called the meeting to order at 7:00pm at Hartford City Hall with the following planning and zoning members present: Mark Anderson, Tim Graham, Stacey Kutil, Keely Espinoza, and Brad Miles. Joe Whealy was absent with notice. City Administrator Teresa Sidel, Building Inspector/Code Enforcer Kyle Christensen, Building Inspector Paul Clarke, and City Engineer Michael Redenbaugh were also present, along with six people from the public.

Approve Agenda: A motion was made by Anderson, second by Kutil to approve the agenda as set – all voted yes, motion carried.

Approval of the Minutes: The April 14, 2026, regular meeting minutes were reviewed. A motion was made by Kutil, second by Espinoza to approve the April 14, 2026, meeting minutes – all voted yes, motion carried.

Public Comments on Non-Agenda Items: None

Hearings/Petitions/Applications:

- **7:05 Zoning Variance Hearing for Lot 20, Block 4 of Turtle Creek Drive – Exemption Request for Driveway Width:** The city has received a variance application from Corey Leisinger for Lot 20, Block 4 of Turtle Creek Highlands Addition. This is a newly platted lot at the SE corner of Turtle Creek Drive and Dortoka Ave on the east side of the development. According to the plans, the front of the house will face Turtle Creek Drive and there is 139.95 feet of linear footage on the front. The owner has filed a variance application to allow a 50 foot driveway to the street. City ordinance allows for a maximum driveway width of 36 feet within the city’s boulevard area from the back of curb to the sidewalk. On the residence side of the sidewalk, the width can be the full width of the driveway. Per city ordinance, Mr. Leisinger can have a 50 foot driveway down to his sidewalk and then it would have to taper to 36 feet. Mr. Leisinger is asking for a variance to allow the driveway width of 50 feet to the street. The applicant was present to discuss his request. He noted that this land was originally 2 lots that was platted into one so there is more square footage and linear footage for his property, by allowing a 50 foot driveway verses 2 driveways it will be less curb cuts, and the owner believes there is a safety concern with having a tapered driveway that requires additional maneuvering. Staff noted that the restricted driveway widths allow more area/capacity snow storage, allows more permeable surface for storm water absorption and drainage, and allows more area for on-street parking. The Board held discussion on the criteria for variances and noted that it must be an unnecessary hardship that where, in the absence of a variance, an owner can make no feasible or reasonable use of the property and convenience, loss of profit, financial limitation, or self-imposed hardship shall not be considered as grounds for approving. It was the consensus of the Board that the applicant did not meet the variance criteria. A motion was made by Graham, second by Miles to deny the variance request – Randall voted no, with all others voting yes. The variance request was denied.
- **Development Variance Request for Turtle Creek Highlands – Variance from Municipal Ordinance 9.07 (Floodplain Damage Prevention) and Variance from Design Standards to allow a Temporary Roadway:** The city has received a variance application from Sam Assam for his Turtle Creek Highland Development. Mr. Assam and his engineer, Eric Willadsen were present to discuss with the Board. As Mr. Assam moves into Phase 2 of his development there is one major design issue that needs to be addressed – the road connection of Chelona Ave to Highway 38. This road connection is within the city’s floodway and city’s municipal ordinance does not allow any encroachment, including fill, within the floodway unless it is shown that these improvements will not increase the flood levels during a 100-year flood event. This would require hydrologic and hydraulic analyses, along with FEMA permitting that could take 6-12 months.

Design Standard Variance: As the development continues to see more housing, the international fire code states that residential developments must have a second access if there are over 30 housing units. The Turtle Creek Development already has 26 units, with 4 more waiting to be permitted with only once access. A second access will be needed sooner than later so Mr. Assam would like the city to provide a variance from our design standards to allow him to construct a temporary gravel roadway from Keha Street east to 465th Ave., allowing a second access until the connection of Chelona Ave to Highway 38 can be completed. The Board discussed conditions with Mr. Assam if the temporary roadway is allowed. A motion was made by Miles, second by Espinoza, to allow a temporary gravel roadway as long as the developer goes into an agreement that would state all maintenance will be the developers responsibility, that the developer has until January 1, 2027 to submit his CLOMR application to FEMA, he has one year from FEMA approval to construct the roadway connection, and if the conditions are not met, the city will deny occupancy on any future structures – all voted yes, motion carried. The Board also asked the developer to leave the access open to the public unless issues arise that would require restriction to just emergency services.

Floodplain Ordinance Variance: The developer will have to get FEMA permitting to construct the intersection of Chelona Ave and Highway 38 within the floodway. If approved by FEMA, city standards do not allow any water to inundate the roadway. Since this would be a collector street and not an arterial street, Mr. Assam would like the city to consider the Sioux Falls standard that would allow inundation of water on the roadway up to 18 inches during a 100 year flood event. Basically, the difference is that to build to the city standards would result in a substantial cost increase for the developer but

if the city allows water to inundate the roadway, the city could be looking at future maintenance expense and access issues during any flood events. City Engineers recommend denial of the variance in order to prolong the life of the road. There was discussion between the Board, the Developer, and the Engineers. A motion was made by Kutil, second by Graham to postpone the variance until the next meeting in order to allow the city engineer to gather additional information – Espinoza, Miles, and Anderson voted no, with Graham, Kutil, and Randall voted yes – motion failed due to tie vote. No action taken on this item, this will be placed on next agenda.

New Business:

- A motion was made by Espinoza, second by Miles to postpone the three new business agenda items – Discuss Accessory Building Regulations, Discuss Campground Regulations, and Review Significant Changes in the 2024 International Building Codes until the next regular Planning and Zoning meeting - all voted yes, motion carried.

Updates:

- **Building Inspector Update:** Building Inspector Paul Clarke was present to update the Board on open permits and address any questions. His April building permit report was provided in the Board packet. Clarke noted that there are currently 7 open single-family permits and 2 twin home permits. Clarke also gave an update on commercial projects. An update on the residence along Mundt Avenue was provided – the owner would like to demo the existing home and move forward with a new build.
- **Building Inspector/Code Enforcer Update:** Kyle Christensen was present to update the Board on recent code enforcement issues. His April code enforcement report was provided in the Board packet. Items addressed this past month include pet licensing, rubbish/junk, inoperable vehicles, and parking on grass. The Board asked him to address a dumpster along 2nd street that is on the city boulevard.
- **City Administrator Update:**
 - **Project Updates**
 - Western Ave Expansion: All 3 phases of the road are complete. Some minor punch list items still need to be addressed such as seeding, sidewalks, dirt work, etc.
 - WRRF –Substantial completion has been achieved on the project and the city is treating all our wastewater through the new plant. The city continues to work with ISG and Rice Lake on equipment startups, updates to the SCADA system and testing. The start of the sludge press is scheduled for later this month. The city continues to advertise for a plant operator.
 - TA Grant – ISG has received state approval to move forward on this project. ISG is surveying the land so design work can begin. Because of the Federal grant, actual construction will not be until 2027.
 - Kelley Ave Drainage Study – ISG conducted a study of this area due to the poor drainage concerns. Current drainage conditions and 3 possible alternatives for improvements were reviewed by the city council. A meeting with the property owners was held on 4/21 to discuss the options. ISG is now working on some concept plans for further discussion.
 - Other Projects: All on-going developments have been provided with an updated punch list to be completed from the city.
 - **Other Updates:**
 - The city is advertising for a full-time wastewater plant operator and summer rec positions. All other summer positions have been filled.
 - The city submitted a grant application to the SD GFP for a future trail to run from 12th Street north to the Sports Complex. Grant awards are expected later this summer.
 - The City Council approved the preliminary plans for 38 North Development contingent that engineer comments are addressed. Discussions will continue with the city on long-term maintenance on detention ponds.
 - Progress continues on the EPA study for regionalization. We hope to have the study completed in 6-8 months.
 - American's 250th is this year. Plans are underway to combine a celebration with the Chamber Block Party in July.
 - A meeting was held to discuss the Assam TIF request. The developer plans to revise his request and resubmit.
 - Paving has started in the Neilson and Windor developments.

Adjournment: A motion was made by Espinoza, second by Miles to adjourn at 9:22pm – all voted yes, motion carried.

Minutes recorded by City Administrator, Teresa Sidel.

I, the undersigned, Teresa Sidel, City Administrator, in and for the City of Hartford, South Dakota, do hereby certify that the above and foregoing is a true and correct copy of the minutes which are on file at Hartford City Hall.

Teresa Sidel, City Administrator