

Planning and Zoning Meeting – Regular Meeting May 28, 2024

Planning & Zoning Member Mark Anderson called the meeting to order at 7:00pm at Hartford City Hall with the following planning and zoning members present: Tim Graham, Stacey Kutil, and Michelle Kilbourn. Tony Randall, Brad Miles, and Troy Jackson were absent with notice. Also present was City Administrator Teresa Sidel, City Attorney Tom Frieberg, Building Inspector/Code Enforcer Kyle Christensen, and Building Inspector Paul Clarke. There was no one from the public present.

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

Approval of the Minutes: The May 14, 2024, regular meeting minutes were reviewed. A motion was made by Kutil, second by Graham to approve the May 14, 2024, regular meeting minutes – all voted yes, motion carried.

Public Comments: None

Hearings/Petitions/Applications:

- **7:05 Public Hearing – Consider Revocation of CUP for 101 W Hwy 38:** Ryan Grossman of Grossman Properties owns the lot at 101 W Hwy 38, which is zoned community commercial. Mr. Grossman rented the property to Byron Rivas in August of 2021 to open a car dealership. It came to the city’s attention that Mr. Rivas was not only selling vehicles but doing vehicle repairs on the premises. A motor vehicle repair facility is allowed in a CC zoned district but does require a conditional use permit. A CUP application was submitted and went before the P&Z Board on 9/13/22 for review. At the CUP hearing on 9/13/22, the renters, Byron & Mitze Rivas, were present and noted that they purchase vehicles, do minor repairs on them to get them ready for sale, and then put them up for sale. There was discussion about concerns for inoperable vehicles and property maintenance at that time. The Board approved the CUP with the following conditions:
 1. No unlicensed or non-road worthy vehicles outside of the building
 2. No parts, tools, or repair equipment outside of the building
 3. All repair work must be conducted within the building
 4. All used oil storage must be properly stored inside the building
 5. If the property receives more than 2 violations with the city within 6 months, the CUP will be revoked

Since the original approval of the CUP, the city has received complaints about the property and after investigation of the premises, the code enforcer found the property is in violation of condition #2 and #3. A courtesy letter was sent to Mr. Rivas on 4/13/23 addressing these violations. Then the first violation letter was sent on 5/23/23 and a second violation letter was sent on 9/26/23. Since the 9/26/23 letter was Mr. Rivas’ second violation within six months, a Notice of Hearing for October 30, 2023. Mr. Grossman was not present at the hearing but the renters, Byron & Mitze Rivas, were in attendance to address questions from the Board. Ultimately, the Board agreed to allow the continued use of the property if the conditions of the CUP are followed. An agreement was signed by both parties on 11/20/23 agreeing to the conditions. Since that date, the city code enforcer has documented additional possible violations, and this public hearing was set to consider revocation of the CUP.

The Board opened the public hearing at 7:05pm on 5/28/24. The city’s code enforcer presented pictures to the Board of alleged violation of the CUP for 101 W Hwy 38. It is the code enforcer’s option that the property is primarily being used for repair/salvage of vehicles verses a car lot. After review of the documentation presented and discussion of the Board, it was the consensus that the property is in violation of their CUP. A motion was made by Kutil, second by Kilbourn to revoke the conditional use permit for 101 W Hwy 38 for past and current violation effect June 30, 2024 – all voted yes, motion carried. Notice will be drafted by the city attorney and sent to the owner and renter.

Old Business:

- **Review Proposed Updates to Hartford’s Design Standards, Supplemental Specifications, and Subdivision Regulations:** The city engineers and staff have been reviewing our current design standards, along with our supplemental specification and our current sub-division regulations. The design standards and supplemental specifications were last reviewed in 2021 and our sub-division regulations were previously adopted in 2018, with an amendment in 2020. With the growth of the city and ever-changing development world, we try to review these documents every 3-5 years. ISG provided a summary of proposed changes to all three of these documents – Design Standards, Supplemental Specifications, and Subdivision Regulations. These proposed changes were reviewed with the Board on 4/30/24. One of the biggest discussion items was the park fee requirement on new developments – ISG and staff have discussed this requirement twice since 4/30 and are still working out a plan to present to the board on 6/11. The Board was asked for input on the proposed regulations change – the consensus was in favor of the proposed changes per ISG recommendation. Additional discussion will be held at the Board’s 6/11 meeting.
- **Review Proposed Ordinance Changes for Shouses:** On April 30th, the P&Z Board had a discussion on regulations for shouses, tiny homes and storage containers homes. Currently, the city does not have specific regulations that address these non-typical types of housing. All housing would have to follow the IRC regulation, the city’s zoning regulations, and our

design standards for single-family and multi-family dwellings. At this time, shouses are an allowed use in the city if they follow our current regulations for residential structures. The Board did discuss adopting additional regulations that would place specific regulations on shouses regarding such things as construction, square footage, area, and facilities required. A proposed draft ordinance was reviewed by the Board. The proposed ordinance would still allow shouses but as a conditional use in residential districts and it would set forth some minimum requirements for this type of structure. The lot requirements for shouses would still need to follow our current requirements for area, setbacks, and height. After review by the Board, it was determined that section 5 was not needed, and section 7 should be reworded. A new draft with proposed changes will be reviewed by the Board at their 6/11 meeting.

- **Review Proposed Ordinance Changes for Tiny Homes:** Currently, the city does not have specific regulations that address tiny home construction. All housing would have to follow the IRC regulation, the city's zoning regulations, and our design standards for single-family and multi-family dwellings. At this time, tiny homes are an allowed use in the city if they follow our current regulations for residential structures. The Board previously discussed adopting additional regulations that would place specific regulations on tiny homes and only allow under a specialized development. The Board reviewed a proposed ordinance that would still allow tiny homes but only as a conditional use in residential districts as a pocket neighborhood. It would set forth building minimum requirements for this type of structure, requires them to be on permanent foundations, and the developer must establish an HOA for maintenance of common areas and establish common areas and detention ponds. The international building codes also have requirements for tiny homes and those must be followed – the IRC requires tiny homes to have a minimum of 400sf. The lot requirements for tiny homes would be different than a regular lot and are defined within the proposed ordinance. After Board review and discussion, a change to section 2a was proposed. A new draft with the proposed change will be reviewed by the Board at their 6/11 meeting.

Updates:

- **Building Inspector Update:** Building Inspector Paul Clarke provided the Board with an update on building permits. There are currently 17 single family homes under construction, and 2 twin homes. Clarke also gave a recap of current commercial permits that are still open or being worked on.
- **Building Inspector/Code Enforcer Update:** Kyle Christensen was present to provide his report, along with an update on code enforcement to the Board. Current code violations being addressed by the city include junk and nuisance, tall grass/weeds, prohibited parking, and yard debris in city right-of-way. Christensen also gave an update on 2 properties with on-going code violations.
- **City Administrator Update:**
 - Project Updates
 - Hwy 38 Project – Still waiting to close on our loan and bid the project – hope to have this completed in June.
 - WRRF – Work continues to progress on this project.
 - 12th/Oaks Project – The council awarded the bid to the low-bidder, Alliance Construction. A preconstruction meeting is being planned for May 30th.
 - Western Ave Expansion – Funding options are still being evaluated for this project.
 - A copy of the city's updated CIP was provided to the Board.
 - The city council is working on the Mayor's Sidewalk Initiative. They did approve moving forward with a TAP grant application for additional sidewalks/routes to school.
 - The city is continuing to work with area partners for regionalization of our future wastewater facility.
 - Minnehaha County will be conducting a traffic study along Western Avenue from Mickelson Road to Hwy 130.

Adjournment: A motion was made by Kutil, second by Graham to adjourn at 8:29pm – 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 is on file at Hartford City Hall.

Teresa Sidel, City Administrator