

Planning and Zoning Meeting – Regular Meeting September 13, 2022

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, Michelle Kilbourn, Troy Jackson, and Brad Miles. City Administrator Teresa Sidel and Building Inspector/Code Enforcer Kyle Christensen were present, along with 4 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 August 9, 2022, regular meeting minutes were reviewed. A motion was made by Miles, second by Kilbourn to approve the August 9, 2022, regular meeting minutes – all voted yes, motion carried.

Hearings/Petitions/Applications:

- **7:05 Conditional Use Hearing – 101 W Hwy 38:** Ryan Grossman of Grossman Properties owns the lot at 101 W Hwy 38. This lot is located on the SW corner of Hwy 38 and Main Avenue and is zoned community commercial. For many years the lot has operated on and off as a car dealership, which is a permitted use in a CC zoned district. Mr. Grossman rented the property to Byron Rivas in August of 2021. Mr. Rivas brings in vehicles for resale but now does minor repairs at the location. A motor vehicle repair facility is allowed in a CC zoned district but does require a conditional use permit. A conditional use application was submitted to the city to allow a vehicle dealership, along with onsite repairs. Byron & Mitze Rivas addressed the Board. They stated that when a vehicle is purchased for resale, they do minor repairs such as oil changes, tire repairs, headlights, bumpers, etc. – it was noted that they are not doing any major repairs or painting at this location. When the CUP was turned into the city by Mr. Rivas, he noted that he purchases vehicles, does minor repairs on them to get them ready to sale, and then puts them up for sale. Items discussed included inoperable vehicles on the property, disrepair of the fence on the south side, and property maintenance. Scott Yount, who lives just to the south of the property noted concerns with oil on premise, fence issues and unkept property. It was noted that the fence issues and the property maintenance such as mowing and weeding are ultimately the responsibility of the property owner and the city will address these items with the owner. It was also noted that the code enforcer will work with the tenant to remove the inoperable vehicles in a timely manner. A motion was made by Graham, second by Anderson to approve the a conditional use permit for 101 W Hwy 38 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 violation with the city within 6 months, the CUP will be revoked – all voted yes, motion carried.
- **7:15 Public Hearing – Consider Petition to Vacate a portion of N Ruud Lane:** In 2007 the city received and approved preliminary plans for the Western Meadows Addition Development – a residential development. The preliminary plans showed Ruud Lane running north and south through their development with a northern connection to Mickelson Road to provide an access point to the development through Opal Lane and Mickelson Road. Since that time, W Diamond Trail was placed, and another connection was made to the development. In 2020, the developers of Western Meadows Addition came before the city council with a request to amend their preliminary plan. They requested to eliminate the Ruud Lane connection to Mickelson Road that lies north of Opal Lane since this connection was no longer needed as an access point to their development – the city council was in agreement. A vacation petition was submitted to the city in June for this right-of-way vacation and is in proper form. The city is agreeable to vacate the right-of-way, but city engineers want to ensure we maintain drainage and utility easements within this area. Staff is recommending vacating the Ruud Lane right-of-way north of Opal Lane with the condition that the city maintains a 20’ drainage easement along the centerline of Ruud Lane and a 10’ utility easement adjacent to the drainage easement, and another 20’ drainage easement centered on the storm sewer outlet per engineer recommendation. A motion was made by Miles, second by Jackson to approve the right-of-way vacation of Ruud Lane between W Opal Lane and Mickelson Road but retain the drainage easement and utility easements submitted by the city engineers – all voted yes, motion carried.
- **7:25 Public Hearing – Consider Amendments to the Zoning Regulations for Commercial Building Standards:** In May, the city’s Chamber and Economic Development Director, Amy Farr, asked the Board to consider implementing design standards into our zoning regulations for commercial buildings to regulate their appearance. Currently the city only has building standards for single-family and multi-family dwellings. The city does not have any building standards for commercial properties. Our CEDD would like to see some standards in place to make our commercial property more aesthetically pleasing. City staff reviewed standards adopted by other municipalities and a draft of proposed regulations was presented to the Board in August. Discussion was held regarding which properties should be subject to the new standards if adopted – it was the consensus of the Board to have all commercial and central business zoned properties subject to any new standards. Ordinance #735 was presented to the Board for review. If approved, it would set building standards for commercial buildings in central business zones and commercial zones throughout the city. A motion was made by Graham, second by Kutil to approve ordinance #735 as presented and sent to the city council with a recommendation of approval – all voted yes, motion carried.

Updates:

- **Building Inspector Update:** Building Inspector Paul Clarke was unable to attend the meeting but provide his August

building permit report for Board review.

- **Building Inspector/Code Enforcer Update:** Kyle Christensen was present and gave the Board an update on code enforcement issues that he is addressing within the city at this time. Recent violations include: 3 parking on grass issues, 13 tall grass/weed complaints (most of which have been abated), 3 no pet licenses, and 1 abandoned vehicle.
- **City Administrator Update:**
 - The city has adopted the Community Development plan drafted by ISG. This plan will be referenced as we move forward with our review of the city's Comprehensive Plan.
 - The Western Ave Industrial Sewer Main Project is substantially complete. The project is substantially completed and a walk-through with the state was held on 7/20. Contractor still needs to address punch list items before final payment is made and the project closed.
 - 6th/Mundt St project is going well. Phase one is substantially complete, underground work continues on phase 2, and removals are beginning on phase 3. Project deadline is mid-October.
 - FEMA Storm Shelter - The city has directed ISG to submit an amended layout and updated cost estimate to FEMA to review. Hopefully they will approve any changes and cost increase so we can secure a higher grant amount.
 - Bike Trail – The city is still trying to work through easement issues on the NE side of the proposed trail.
 - Water Tower Painting - Maguire Iron was awarded the contract to paint the city's water tower this summer. Work is planned to begin the week of September 12th.
 - The city council has approved a new logo and tagline for the city. Henkinshultz will be providing us with various logo formats and a media release so we can implement.
 - The DOT is planning to do a corridor study along Highway 38 from Hwy 19 by Humboldt to Marion Road by Sioux Falls. HR Green has been the engineering firm selected to complete this study.

Adjournment: A motion was made by Kilbourn second by Kutil to adjourn at 7:52pm – 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