

## **Planning and Zoning Meeting – Regular Meeting September 26, 2017**

President Rick Freemark called the meeting to order at 7:00 p.m. at Hartford City Hall with the following planning and zoning members present: Bob Bender, Matt Cain, Eric Bartmann, Stephanie Olson-Voth, Tony Randall and John McMahon. City Administrator Teresa Sidel, Building and Code Enforcer Paul Clarke and Chamber and Economic Development Director Jesse Fonkert were also present.

**Approve Agenda:** A motion was made by Bartmann, second by Olson-Voth to approve the agenda as set – all voted yes, motion carried.

**Approve Minutes of September 12, 2017 Regular Meeting:** The September 12, 2017 meeting minutes were reviewed. A motion was made by Bartmann, second by Cain to approve the September 12, 2017 regular meeting minutes – all voted yes, motion carried.

Chamber and Economic Development Director, Jesse Fonkert, gave the Board an update on the Community Information Night that was held on Monday, September 25<sup>th</sup>. The night was focused on providing information to the community and encouragement of volunteers. Attendees were offered a free meal and information was presented by the school, city and various volunteers groups.

### **Hearings/Petitions/Applications:**

- **7:05 Public Hearing – Change of Use for 107 S Eastern Unit #3:** Alex Espinoza has submitted a Change of Use Application (2017-8-22.1) for 107 S Eastern Avenue Unit 3 (east unit) to allow a small engine repair facility. Mr. Espinoza erected a storage unit on this property in 2014. Since that time the use of this unit has changed and Mr. Espinoza is requesting a change of use for this unit from storage to small engine repair facility. President Freemark opened the public hearing and asked for input regarding the change of use. Owner, Alex Espinoza, was a proponent for the change of use and asked the Board to consider this request. Questions from the Board were addressed by Mr. Espinoza and the unit lessee Mr. Brueggeman. Sue Deters and Jackie McMartin approached the Board with questions and concerns regarding traffic, noise and outside storage. The Board indicated that their concerns could be addressed with a conditional use permit if the change of use is allowed. A motion was made by Randall, second by McMahon to approve the change of use for 107 S Eastern Avenue, Unit #3 from storage to small engine repair facility – all voted yes, motion carried.  
**Conditional Use Hearing for 107 S Eastern Unit #3:** Upon approval of the Change of Use for 107 S Eastern Avenue Unit 3, the Board immediately followed with review of the Conditional Use Application for this unit. The conditional use process allows the Board to place conditions upon the property that must be adhered to by the owner and any lessee. Board Member Randall suggested conditions regarding days and times of operation, outside storage and parking. Mark Monahan, Jackie McMartin, Bev Skyberg-Taylor all addressed the Board with questions and comments regarding the suggested conditions. A motion was made by Randall, second by Bartmann to approve Conditional Use Permit (2017-8-22.1) with the following conditions: Business Hours will be 7am to 6pm Monday through Friday and 7am to 12pm on Saturdays; Overhead doors cannot be left open from 6pm to 7am; No vehicles or equipment can be parked outside from 8pm to 7am; No business parking on Railroad Street or Eastern Avenue; and No outside storage – all voted yes, motion carried. The business can continue in Unit #3 under these conditions and a sign permit must be secured before signage is placed.
- **7:20 Public Hearing – Change of Use for 107 S Eastern Unit #2:** Alex Espinoza has submitted a Change of Use Application (2017-8-22.2) for 107 S Eastern Avenue Unit 2 (middle unit) to allow a semi-truck and trailer repair facility. President Freemark opened the public hearing and asked for input regarding the change of use. Owner, Alex Espinoza, was a proponent for the change of use stating Railroad Street was a truck route, surrounding properties were zoned commercial and the business has a significant impact on the economy. Sue Deters, Bev Skyberg-Taylor, and Jackie McMartin all approached the Board with concerns regarding safety, noise, limited space for large tractors and trailers, and parking issues. Mark Monahan had concerns regarding doing work for customers as a business within the area and not just work on the lessee's equipment. He also asked the Board to consider future ramification of allowing this type of business in a building originally designated as storage. The Board held discussion. A motion was made by Bartmann, second by Cain to deny the change of use due to the wording on the application that included the parking and maintenance of semi-trailers – all voted yes, motion carried. The change of use was denied as presented to the Board. Additional discussion was held as to if the occupant can storage and maintain just his equipment in the units and not use it for commercial purposes. A motion was made by Randall, second by Olson-Voth to allow the storage and maintenance of semi tractors owned by the lessee of the unit – Bartmann, Olson-Voth and Randall voted yes, with Bender, Cain, McMahon and Freemark voting no – motion failed. Unit #2 will continue to be used as a storage unit and only allow personal storage with no repairs.

**Conditional Use Hearing for 107 S Eastern Unit #2:** Due to the failure of the Change of Use for 107 S Eastern Unit #2, a conditional use hearing was not held for this property.

- **7:40 Public Hearing – Proposed Harford Comprehensive Plan:** The Planning and Zoning Board has been working with city staff and SECOG to review the city’s current Comprehensive Plan. A proposed updated to the city’s 2017-2037 Comprehensive Plan was presented to the Board for final review and public comments were allowed. With no input from the public, a motion was made by Randall, second by Cain to recommend approval of the 2017-2037 Comprehensive Plan update to the City Council – all voted yes, motion carried.
- **7:50 Public Hearing – Rezone of the N 685’ of Lot 1, Swenson Addition to the City of Hartford:** The City of Hartford has submitted an application to rezone the N 685’ of Lot 1, Swenson Addition to the City of Hartford in the W1/2 of the NW ¼, Township 102 N, Range 51W of the 5<sup>th</sup> P.M., Minnehaha County, SD from Natural Resource Conservation District to Light Industrial (approximately 20 acres). President Freemark opened the hearing to allow for public input. Mayor Menning addressed the Board and gave a background of the proposed rezoning and fielded questions from the Board and public. Kari Borns, Cathy Jatton, Matt Evens, Tim Goehring and Jessica Evens all addressed the Board with questions and concerns regarding the soccer fields that exist within this area. All noted that there are 200 plus kids that utilize the existing soccer fields at the sports complex and they are worried that the rezone may jeopardize these two existing fields if the land was sold to a business and there was no plan in place to re-locate them. They asked the Board to considering denying the rezone until these field can be relocated and useable. It was noted that the existing soccer field can be used and maintained until a time when the land is sold. It was also noted by the Board that this is just a rezoning hearing and the job of the Planning and Zoning Board is to consider if the land of the proposed rezone is consistent with zoning for that area. Issues regarding the relocation of the soccer field and funding of this need to be addressed by the City Council. A motion was made by Bartmann, second by Randall to recommend approval to the City Council for the rezoning of the N 685’ of Lot 1, Swenson Addition to the City of Hartford in the W1/2 of the NW ¼, Township 102 N, Range 51W of the 5<sup>th</sup> P.M., Minnehaha County, SD from Natural Resource Conservation District to Light Industrial – Cain voted no, with all others voting yes, motion carried. After the vote, Frank Gurnick with Dakota Alliance Soccer addressed the Board with questions and thanked the Board and public for their openness to debate and discuss the issue of future soccer fields.

**Updates:**

- **Code Enforcement/Building Inspector Update:** Building Inspector and Code Enforcer Paul Clarke was present to address the Board. Clarke noted that there are currently 7 single-family homes under construction, with 4 multi-family properties in various stages of construction. Clarke is also addressing various code enforcement issues at the present time. Sidel informed the Board that the city has hired a new code enforcer. Lance VanMoer will begin his duties on October 2<sup>nd</sup> and will take over complaints regarding code violations. Clarke will continue to address all building inspections and building code violations.
- **City Administrator Update:** City Administrator Teresa Sidel gave the Board an update on the Mickelson Road Project and the Mike Franken Trail Project. The Board will begin work on reviewing and amending the city’s current sub-division regulations are their upcoming meetings.

**Adjournment:** A motion was made by Bartmann, second by Cain to adjourn at 9:10 p.m. – 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.

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Teresa Sidel, City Administrator