

Planning and Zoning Meeting – Regular Meeting December 10, 2024

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, Michelle Kilbourn, Troy Jackson and Brad Miles. City Administrator Teresa Sidel, Building Inspector/Code Enforcer Kyle Christensen, and Building Inspector Paul Clarke were also present. There were four people from the public present.

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

Approval of the Minutes: The November 26, 2024, regular meeting minutes were reviewed. A motion was made by Kutil, second by Anderson to approve the November 26, 2024, regular meeting minutes – Graham voted not, with all others voting yes, motion carried.

Public Comments: None

Hearings/Petitions/Applications:

A motion was made by Kutil, second by Jackson, to adjourn as the Planning and Zoning Board and reconvene as the Board of Appeals – all voted yes, motion carried.

Review Condemnation of 200 N Main Avenue: Currently, the property at 200 N Main Ave is under a condemnation order by the city for several code and health violations. The owner, Levi Binkerd, would like to bring the structure up to code so the condemnation can be lifted and the property can be habitable again. The Planning and Zoning Board has agreed to hold off on any action on the condemnation until December 2024 in order to give Mr. Binkerd time to make the necessary code improvements. A timeline for code correction was agreed upon. As off the November 26th, 2024 meeting, all code violations were corrected except for mold being present. Mr. Binkerd took step to remediate the mold – installing hepa filters and spraying with chemicals to kill the mold. The premise was re-tested, and the mold test came back as acceptable. To date, all code violations have been corrected on the property and all criteria on the timeline were met. A motion was made by Kilbourn, second by Kutil to remove the condemnation on the property located at 200 N Main Ave – all voted yes, motion carried. The condemnation has been lifted by the city.

A motion was made by Jackson, second by Kilbourn, to adjourn as the Board of Appeals and reconvene as the Planning and Zoning Board – all voted yes, motion carried.

New Business:

- **Review/Approve County Plat for Tract 1 of Nelson’s 2nd Addition:** A plat for Tract 1 of Nelson’s 2nd Addition has been presented to the city for review and approval. This parcel is not currently within the city limits but is within the city’s platting jurisdiction (growth area) so it must be approved by the city Planning & Zoning Board and City Council before it can be submitted to the county for approval. This plat is for property that is currently owned by Brad and Kristin Nelson and lays about 1 ½ miles SW of the city. The property owners currently have their home on the property, and they are actually platting this into a larger parcel in order to get the tax classification of ag land. ISG has reviewed the plat, and it conforms to our regulations. Per city subdivision regulations, a pre-annexation agreement must be received by the city in order to approve any platting or re-platting of land within the city’s platting jurisdiction – to date this agreement has not been returned to the city. A motion was made by Graham, second by Anderson, to approve the plat for Tract 1 of Nelson’s 2nd Addition contingent that a signed pre-annexation agreement is received by the city – all voted yes, motion carried.
- **Review/Nielson Construction Proposal for Western Meadows Development:** Kelly Nielson and Sandy Wolfswinkel of Nielson Construction were present to address the Board with a housing proposal. Nielson Construction owns 45 acres of land in the Western Meadows development They would like to move forward with starter housing but want to talk with the Board about lot changes that would help make these lots more affordable. The variance they are asking the Board to consider include:
 - Lot Area – Request 5,000sf min (current regulations is 7,500sf min)
 - Lot Width – Request is 50 ft min (current regulations is 66 ft for sing family and 55 ft for z lots)
 - Side Yard Setback – Request is for 5 ft min (current regulations is 7 ft for sing family and 5 ft for z lots)
 - Landscape Buffer to the south – 40 ft buffer along south lots (currently set at 60ft)
 - Rear Yard Access – Request rear yard access on 4 lots along south property (currently we do not allow any rear yard access)

The Board understands that allowing smaller lot sizes to accommodate the smaller home to attract a different price point

is a common practice and the city would like to offer various price points in housing to fill the various needs within the city. Discussion about variances for these changes was held. The Board did not feel that the developer could show a hardship in order to grant a variance. The Board would rather do a review of our current regulations to possibly allow various densities for residential development. The board has directed staff to present a possible ordinance change for their review. The landscape buffer reduction request would fall into a possible variance since this is a feature that is unique to this property. The rear yard access is something that the Board did not seem in favor of. It was the consensus of the Board to move forward with considering an ordinance change for our residential zoning and keep Mr. Nielson updated.

- **Discuss Rescheduling of the December 31, 2024 Regular Meeting:** The next regular P&Z meeting is on December 31, 2024 (New Year's Eve). It was the consensus of the Board to not meet on New Year's Eve. A motion was made by Jackson, second by Anderson, to move the next regular P&Z meeting to Monday, January 6, 2025, if there is business to conduct – Graham voted no, with all others voting yes, motion carried.

Updates:

- **Building Inspector Update:** Building Inspector Paul Clarke provided his November building inspection report and an update on open building permits within the city. There are currently 14 single family homes under construction. Clarke also gave a recap of current commercial permits that are still open or being addressed, including Par Tee Storage, MAC shops, and the West Central School project. He also noted that the church along Diamond Circle has been granted a temporary occupation permit till January 31, 2025 – at which time the property will be reinspected to ensure all plumbing regulations has been met.
- **Building Inspector/Code Enforcer Update:** Kyle Christensen provided his November report to the Board, along with an update on current code enforcement issues. Violations that he has addressed include – parking on grass and parking upon the city street longer than 72 hours. He is working with the sheriff's department to address any street parking violations.
- **City Administrator Update:**
 - **Project Updates**
 - Hwy 38 Project – The boring under Colton Road is done and the boring under Highway 38 is near completion. The causing size on Highway 38 needed to be upside.
 - WRRF – Work continues on the Aeromod structure and operations building. The UV structure has been completed and backfilled.
 - 12th/Oaks Project – The contractor needs to complete punch list items and final payout will not be done until next spring to ensure the seeding has taken hold.
 - Western Ave Expansion: The DOT is getting close to bidding the bridge beams.
 - **Park Plan:** The city council has accepted ISG's park plan proposal to develop a master park plan for the city. Work on this will begin this winter.
 - **Staffing Change:** Amy Farr and Wynne Hindt are no longer employed by the city.
 - **TIF:** An initial meeting has been set up for next week with a developer to discuss a 2nd TIF within the city.
 - **Meeting Attendance:** An attendance chart has been provided to the Board for review.

Adjournment: A motion was made by Kilbourn, second by Graham to adjourn at 7:54pm – 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