

**MINUTES**  
**PIERRE CITY PLANNING COMMISSION MEETING**  
**COMMISSION ROOM**  
**Monday, February 25, 2019 5:15 P.M.**

*Members present* were: Chair Dave Templeton, Emeline Hoblick, Terry Keller, and Laurie Sschultz participated by phone.

*Staff members present:* Sharon Pruess and John Childs.

*Guests present:* Jack Dokken, Dean Feiock and Danny Adams.

Chairperson Templeton called the meeting to order at 5:22 p.m. Commissioner Hoblick moved, seconded by Commissioner Keller to approve the minutes of the 11/26/18 meeting. Approval was unanimous.

First item on the agenda was a **Public Hearing-Request to rezone 2301 SD Highway 1804 from the One Family Residential District A to the Multiple Family Residential District. Petitioners – Jack & Beth Dokken.**

City Planner Sharon Pruess provided a summary of the proposal. Jack & Beth Dokken are proposing to rezone their single family residential property at 2301 SD Highway 1804 to multiple family residential. They are proposing to renovate their existing home into a duplex unit that can be rented. The Dokkens have submitted a petition signed by 13 of the 25 adjacent property owners. The Dokkens indicate that they plan to buy the property currently located at 2307 SD Hwy 1804. This property is two lots to the north of their existing residence and they plan to use this residence as their primary residence. The Pierre Acres Addition consists of approximately 24 lots on either side of Highway 1804. The Pierre Acres Addition is zoned One-Family Residential District A and consists of primarily rural residential homes. Figure 5.4 in the City's Comprehensive Plan shows the future land use of this area as residential. The City staff had a discussion with the petitioners advising that rezoning requests should include at a minimum one half block to a full block of property to avoid spot zoning. With a half block or one block of zoning the city streets and alleys can serve as a demarcation between zoning districts. The classic definition of "spot zoning" on the Planner's Web is the "process of singling out a small parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner of such property and to the detriment of the other owners." The city staff also advised that there is no multiple family zoning adjacent to or in close proximity to the Pierre Acres Addition. The closest multiple family zoning is approximately 1 mile to the south. The Pierre Acres Addition is surrounded by Agriculture zoning to the east, west and north and Local Business zoning to the south including AJ's Auto Repair. A public notice was printed in the paper and individual notices were sent to 25 adjacent property owners.

Pruess noted that a couple of property owners provided comments to the City of Pierre. Sam Adams from 2010 SD Highway 1804 called and spoke to another staff person. He said that he was opposed to the rezoning. He wants the neighborhood to remain single family. Dean Feiock from 2011 SD Highway 1804 called and said that his wife signed the petition. However, he indicated that she is not listed on the deed to the property and that her signature is invalid.

Jack Dokken said that his request allows them to build a different house to the north and keep the existing house to rent it out. This would allow them to convert their current property to the south to a revenue generating property. He said that the current footprint of his house will not change. They are not planning an addition and will have renters on the property instead. Their neighborhood, the Pierre Acres Addition, is a different area which is rural and spread out. The neighborhood is long and narrow. He said that he talked to as many neighbors as he could about his rezoning request. He said that he talked to Dean Feiock and he understands his concern that this property would be changed to multiple family and an apartment building could be built. Jack said that he is not making any changes to his plot and would be agreeable to some type of caveat to prevent an apartment building. He does not want to build an apartment building. He would accept a modification to his request to prevent an apartment building. He said that he did go through the City's Comprehensive Plan and his plan for his property falls in line with that plan. He said that his plan is to remodel the existing residence to a duplex for rent of both floors.

Commissioner Templeton noted that the City's Comprehensive Plan indicated this area will be residential. The plan helps the City meet its goals however he also wants to accommodate the neighbors. He understands the Dokken's plan as remodeling the basement and adding a second family in the lower level.

Dokken said his plan is to just put a kitchen in the basement of the existing residence.

Dean Feiock, 2011 SD Highway 1804, said that he has concerns about the rezoning. He said that Danny Adams is attending the meeting with him and Danny had a 4-acre lot across the highway to the east. He said that the lot has sold 3-4 times. When you crack the door open and allow multiple family zoning in this neighborhood then the rest of the property owners in the neighborhood will apply for the same thing. His concern is that the property owners of the vacant lots in the neighborhood will also want multiple family zoning. He said that the Dokken request for rezoning may set a precedent that will apply to the vacant lots.

Danny Adams, 2021 SD Highway 1804, said that he has a 4-acre lot in this neighborhood. He said that several other neighbors in this area including Phil DeGreef have tried to add units downstairs or tried to add additional residences to their existing lots and the City has shut them down. He added that Larry Hauge and Dennis Ottenbacher are at odds in the neighborhood over developing their properties. Danny also said that folks are having challenges with their drainfields in this area. He said that he just added 180' of new drainfield to his lot. Danny questioned whether this lot has enough drainfield to provide adequate service to two families.

Jack Dokken said that the drainfield for his property was redone in 2012/2013 for a 5-bedroom house and is adequate. He is not proposing to build any additional residences or buildings on the lot. He would like to maximize the value of his property and claims the comparisons being made are not valid. He added that the Feiock and Adams residence are much further south of his property.

Dean Feiock said the drainfield on the Dokken property is adequate for the existing single family use but will it still be adequate when a kitchen is added in the lower level and a second family is utilizing the septic system. His concern still is that if Dokken rezones his property to multiple family it opens the door for other neighbors to rezone their property to multiple family. Again he

is concerned about what will happen with the vacant lots in the neighborhood. He said that his wife signed the rezoning petition and he doesn't know what was said to her. Her understanding was that the Dokken family was going to rent out their house. It was not made clear that they would be converting their existing residence to a duplex and renting it out to more than one family. He asked if the City Planning Commission could guarantee that the vacant lots won't be rezoned to multiple family as well. He said that precedent will set this in motion. He is also concerned that Dokken family may sell the property after it is rezoned as the Adam's former neighboring property has changed hands 3-4 times in a few short years. Feiock said that multiple family zoning covers 2 to 100 units and wondered if the Dokken rezoning is approved, how many others? He added that water pressure in their neighborhood is also a concern.

Commissioner Keller said that he did not understand the opposition to 2 or 4-plexes. He said the City is limited growth wise and can only really grow to the north or to the east.

John Childs, City Engineer, said that the limitations on water pressure in this area are factual. The water service in this area operates off of the airport water pressure zone two and pressure is marginal. In the future the city could loop the water main into the Snake Butte Reservoir to improve water pressure. However, the city's water resources are going to be put toward water quality and a water treatment plant for the foreseeable future. Another limitation in this neighborhood is access. There are a large number of driveways off Highway 1804. An access permit is required from DOT for any change of use. DOT is trying to keep driveways to a minimum in this area and is trying to consolidate driveways where possible.

Danny Adams said that there is more and more traffic coming in to town off Highway 1804 and the traffic does not slow down as it nears town even though the speed limit is reduced. Rezoning lots in the neighborhood to multiple family will mean more wrecks and safety will decrease.

Commissioner Keller said that if another property owner requests a rezoning their proposal would be reviewed on an individual basis to analyze soils, utility services, access, parking and setbacks.

Commissioner Templeton said the difference in this request is that it is an existing building and you are going to have what you have now for buildings.

Danny Adams said that he had talked to at least 5 neighbors including Phil DeGreef and Curt Merriman who are opposed to the rezoning.

Commissioner Hoblick brought up the fact that this is one building. She also added that a recent finding from the Workforce Development Group was that our community needed more multiple family developments.

Commissioner Keller made a motion to recommend approval of the rezoning request for 2301 SD Highway 1804 or the South 91.75' of Lot 3, Pierre Acres Addition, from One Family Residential District A to the Multiple Family Residential District. Commissioner Schultz seconded the motion. The motion carried unanimously.

Item two on the agenda was a **Plat of Lot 1R & H3, of the E. ½ of Block 5, Original Plat, the former City Hall lot at 222 E. Dakota Avenue, Petitioner – City of Pierre.** The City of Pierre has the former city hall lot for sale. The city staff has identified a couple of issues that should be addressed prior to a sale. The west property boundary of the former city hall lot is located within the paved street of Highland Avenue. The current right-of-way along the west boundary of the lot needs to be expanded to include all of the paved street, the boulevard area and the sidewalk. All of the adjacent streets have 70'-80' of right-of-way and Highland Avenue currently only has 40' of right-of-way. The attached proposed plat expands the Highland Avenue right-of-way from 40' to 72' to include the full paved portion of the street, the boulevard area and the sidewalk. The plat does decrease the width of the lot by 32'. The former City hall lot was 450' X 145' or 65,250 sq. ft. The replat will reduce the size of the lot to 450' X 113' or approximately 51,000 sq. ft. In addition, there is a 12" storm sewer line that runs east and west across the lot that will require a utility easement. The plat facilitates some housekeeping items with the Highland Avenue right-of-way and utility easements. It is recommended that these items be taken care prior to the sale of the property.

Commissioner Schultz made a motion to recommend approval of the Plat of Lot 1R & H3 of the E. ½ of Block 5, Original Plat, the former City Hall Lot at 222 East Dakota Avenue. Commissioner Hoblick seconded the motion. The motion carried unanimously.

Commissioner Templeton opened the public comment period per SDCL 1-25-1. No one appeared to provide any public comments.

With no further new or old business Commissioner Keller moved to adjourn. Commissioner Schultz seconded the motion.

Chairperson Templeton declared the meeting adjourned at 6:17 PM.

*Minutes by Sharon Pruess.*