

**MINUTES**  
**PIERRE CITY PLANNING COMMISSION MEETING**  
**COMMISSION ROOM**  
**Thursday, April 18, 2019 5:15 P.M.**

*Members present* were: Chair Dave Templeton, Rick Dockter, Stacy Bartlett, Laurie Schultz, Emeline Hoblick, Bill Markley, and Terry Keller

*Staff members present:* Sharon Pruess, John Childs, Susan LaFave

*Guests present:* Richard Lenius, Lori Crowell, Emily Somsen, Gerri Kaufman, Tyler Haddix, John Strohman, Laura Clark, Meredith Lee, Jeff Gramm, Binyiam Belayneh, Jami Oakland, Janet Shafer, Henry Brinkman, Gina Salado, and Rowell Salado.

Chairperson Templeton called the meeting to order at 5:15 p.m. A review of the minutes from the 3/25/19 meeting showed no errors. Commissioner Shultz moved, seconded by Commissioner Dockter to approve the minutes of the 3/25/19 meeting. Approval was unanimous.

First item on the agenda was a **Public Hearing-Request to rezone Lots 1-17, Block 1, Flag Mountain Village Addition from the Local Business Zoning District to the Two Family Residential Zoning District. Petitioner – Richard Lenius.**

City Planner Sharon Pruess provided a summary of the request. The Village Drive Homeowner's Association has submitted a petition to rezone their existing 15 residential lots from Local Business to 2-family residential zoning. Their addition is currently zoned Local Business and was developed in 1994. The existing single family residential use is a nonconforming use in Local Business zoning. The city ordinance section on nonconforming uses does allow the use to continue although the use does not conform to the zoning district. The ordinance specifies that "any building damaged by fire or other causes to the extent of fifty (50) percent of its assessed value shall not be repaired or rebuilt unless it is in conformity with the regulations for the respective district." The property owners have indicated that this section of ordinance creates issues for financial institutions when they go to sell their properties. The property owners have petitioned to rezone the property from Local Business to two-family residential. They would like a permanent fix to their zoning issues. The two residences at the north end of the development are connected to each other by a common wall. They have requested two-family residential zoning as opposed to single family residential zoning to be sure to cover these 2 structures. This development was done as Planned Unit Development (P.U.D.) in 1994. However, a PUD document was never recorded with the Register of Deeds Office. A public notice was printed in the newspaper and individual notices were mailed to the 15 affected property owners as well as to 7 adjacent property owners. This addition has multiple family uses to the north and west, a vacant lot to the south and single family residential uses to the southwest. The city staff worked with the homeowner's association to expedite their request. This special meeting was scheduled to help accommodate a pending sale. Certified Mail notices of this meeting were sent to the 15 property owners and 7 adjacent property owners. One additional signature was received in favor after the meeting packets had been sent to the Planning Commissioners. The additional signature was from Robin Thorpe at 2801 Flag Mountain Drive. No one against the rezoning request has voiced concern to city staff prior to this meeting.

Richard Lenius added comment. He spoke of how he is trying to sell his property and ran into a problem and was unable to close on the sale due to the zoning. The bank would not lend to the

buyer because with the zoning as it is, insurance will not cover the price of the structure. He advised he was told that most likely everyone on Village Drive is currently insured improperly.

#### Public Comment on Request:

John Strohman, who has been President or an officer of the Village Drive Homeowner's Association, added comment. He said the homeowners of Village Drive have replaced streets, kept up their properties and have good communication. He appreciates the accommodation with the special meeting. He requested favorable approval of the rezoning request.

Gerri Kaufman added comment. He advised he was at the meeting on behalf of the property owner Emily Somsen at 105 Village Drive. He questioned when the PUD approved lots were zoned Local Business. Sharon answered that the date was unknown as the lots have been zoned Local Business dating back to 1994. He continued by commenting that he believed the intent of the lots was to be residential lots and not business lots.

As no one else indicated they would like to make comments, Chairperson Templeton declared the public comment period closed.

Commissioner Dockter asked if the rezoning negates the original PUD. Sharon answered if the request to rezone is approved, Two Family Residential will be what is shown on the city zoning map.

Sharon then explained the process moving forward. The City Planning Commission is a recommending body and any decision of the Planning Commission will need to be forwarded to the City Commission for final action. If the Planning Commission approves the request, the next action on the request will be taken at the May 7<sup>th</sup> City Commission meeting. The City Commission could do first reading of the rezoning ordinance at their meeting on April 23<sup>rd</sup> and then could schedule the public hearing on Tuesday, May 7<sup>th</sup>.

Commissioner Shultz made a motion to recommend approval of the request to rezone Lots 1-17, Block 1, Flag Mountain Village Addition from the Local Business zoning district to the Two Family Residential zoning district, seconded by Commissioner Keller. Approval was unanimous.

#### Old/New Business

Sharon mentioned the 4<sup>th</sup> Monday in May is Memorial Day and questioned if the regular meeting should be moved to the 3<sup>rd</sup> Monday instead. The May meeting is moved to Monday, May 20<sup>th</sup>. Sharon will keep the Planning Commissioners informed if there will be a need for the regularly scheduled meeting on April 29, 2019.

Public Comment Period per SDCL 1-25-1: No public comments.

With no further business, Commissioner Dockter moved to adjourn, seconded by Commissioner Hoblick. Approval to adjourn was unanimous.

Chairperson Templeton declared the meeting adjourned at 5:29 PM

*Minutes by Susan LaFave*