

**Yankton County Planning Commission**  
**Yankton County Board of Adjustment**

Applicant

Keith Eickoff – Conditional Use Permit

7/23/2021

**District type:** ☐ AG ☐ R1-Low ☒ R2-Moderate ☐ R3-High ☐ C-Comm.

☐ LC – Lakeside Commercial ☐ RT-Rural Transitional

CUP needed:

☐ Section 507 ☐ Section 607 ☒ Section 707 ☐ Section 807

☒ Section 1805 ☒ Section 1905

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**NOTE:**

**Conditional Use Permit**

Applicant is requesting a Conditional Use Permit for multifamily housing in a Moderate Residential District. Applicant wishes to build multiple multi-family units. Said property is legally described as Lot 1 Drake Subdivision in the Southwest Quarter (SW1/4) of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE 1/4 ), Section Seventeen (17), Township Ninety-three (93), Range Fifty-six (56) of the 5<sup>th</sup> P.M., Yankton County, South Dakota

PC: Article 18 Section 1805

BOA: Article 19 Section 1905

Planning Commission date:  
8/10/2021

Board of Adjustment date:  
9/7/2021

Time:

Time:

Permit Number: CUP-2021-52

## Yankton County

       Variance        X   Conditional Use             Rezoning

Owner: Drake Development LLC

Owners Address: P.O. Box 51 Yankton, SD 57078

Owners Phone: 402-841-2640

Applicants Name,  
if different from

Owner: Keith Eickhoff

Applicants

Address: 161 Sleepy Hollow Drive P.O. Box 352 Yankton, SD 57078

Job Address: Hwy 52 West of Clark Trail

Legal: LT 1 DRAKE S/D SW4 NW4 NE4

Section,

Township, Range: 17-93-56

Zoning

Classification: R2

Affected Zoning

Ordinance: Section 707, Section 1805 Section 7071905

Reason for

Request: Build 8 ranch style duplex condominiums

List Specific

Hardships:       

SCHEDULED FOR PLANNING COMMISSION ACTION (DATE): 8-10-2021

SCHEDULED FOR BOARD OF ADJUSTMENT ACTION (DATE):       

Application Fee: \$300.00 Check #: 1231 Receipt #:       

Signature: Keith Eickhoff Date: 07/23/2021  
Drake Development LLC

# Site Map



Parcel Number: 09.017.100.310

Site Description:



(Landowners)

CENTRAL TWP.

**UTICA TOWNSHIP****SECTION 1N**

1. Siebrandt, Jacob etux 5

**SECTION 2N**

1. Kralicek, Melissa 11

**SECTION 2S**

1. Holdahl, Robert etux 5

**SECTION 3N**

1. Grate, Leo etux 11

**SECTION 3S**

1. Holtzmann Family Trust

**SECTION 4N**

1. Nedved, Mark 7

**SECTION 4S**

1. Larson, Robert 8
1. Brandt Trust, Merle etal 11

3. Zimmerman, Steve 20

4. List Trust, Robert 18

**SECTION 5S**

1. Batcheller, Jay 8

**SECTION 6N**

1. Town of Utica 6

**SECTION 6S**

1. Maska, Leann 5
2. Olivier, Curtis etux 6
3. Loecker, Mark etux 5
4. Blaha, Jon etux 5

**SECTION 7N**

1. Anthony, Craig etux 10

**SECTION 7S**

1. Philips, Timothy etux 5

**SECTION 8N**

1. Christianson, David etux 6

2. Hughes, Scott etux 13

**SECTION 8S**

1. Fanta, Timothy etux 9

**SECTION 9S**

1. Rokahr, Steven 9

**SECTION 11S**

1. Heceky Trust, Terrance etux 11
2. Affordable Self Storage LLC 8

**SECTION 12N**

1. Marquardt Family LP 6

**SECTION 13N**

1. Cotton, Jeffrey etux 8

**SECTION 14S**

1. Yankton Medical Clinic PC 12

**SECTION 16N**

1. Anstine, Rodney etux 7

**SECTION 17N**

1. Schenkel, Darrell etux 8

**SECTION 17S**

2. Tacke, WM etux 13

**SECTION 18N**

1. Cap LE, Stanley etal 5

**SECTION 18S**

2. Cap, Robert etux 7

**SECTION 19**

1. Schenkel, Daniel etux 7

**SECTION 20N**

1. Yankton Co Sharpshooters Assn 12

**SECTION 20S**

2. Johnson, Michael etux 9

**SECTION 21N**

1. Kralicek, Frank etux 5

**SECTION 21S**

1. White Crane Estates LLC 18

**SECTION 22N**

1. Taggart, William etux 9

**SECTION 24**

1. Marquardt, Doug 13

2. Keller, Dallas etux 10

**SECTION 26**

1. Barnes, David etux 7

**SECTION 32**

1. Zimmerman Trust, Henry etal 12

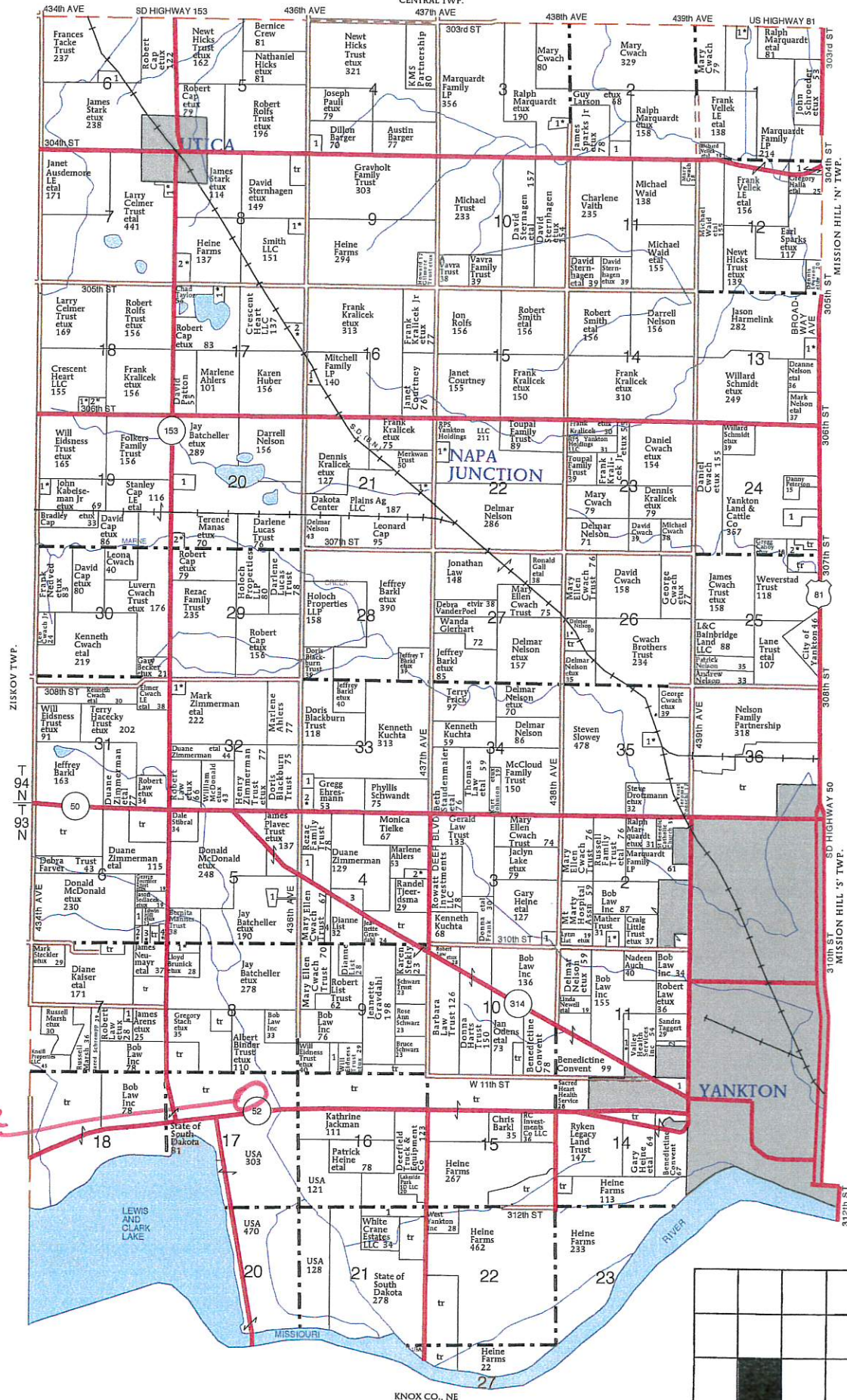
**SECTION 33**

1. Delozier, Darrik 6

2. Waddell, Edward etux 8

**SECTION 35**

1. Slowey, Steven etux 14



# FINDINGS OF FACT – CONDITIONAL USE PERMIT

Keith Eickoff– CUP-2021-52

Are the requirements of Section 1723 met? (signed by owner unless there is a binding purchase agreement then signed by applicant, Variance accompanied by building permit (if applicable), site plan included with building permit,	Yes	
Are the requirements of Section 1729 met? (all fees paid at time of application)	Yes	
Section 1805:		
1. Did you specifically cite, in the application, the section of the Ordinance under which the conditional use is sought and state the grounds on which it is requested	Applicant wishes to construct multiple Multifamily units in a Moderate Density Residential District per Article 7 Section 707	
2. Was notice of public hearing given per Section 1803 (3-5)?	Mailed – Published –	
3. Attend the public hearing		
4. Planning Commission: Make a recommendation to include:  a. Granting of conditional use; b. Granting with conditions; or c. Denial of conditional use		
5. Planning Commission must make written findings certifying compliance with specific rules including:		
a. Ingress and Egress to proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;		
b. Off right-of-way parking and loading areas where required; with particular attention to the items in (A) above and the economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district;		
c. Refuse and service areas, with particular reference to the items in (A) and (B) above;		
d. Utilities, with reference to locations, availability, and compatibility;		
e. Screening and buffering with reference to type, dimensions, and character;		
f. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect;		
g. Required yards and other open spaces; and		
h. General compatibility with adjacent properties and other property in the district and that the granting of the conditional use will not adversely affect the public interest.		



Variance, Conditional  
Use and Rezoning  
Application  
CUP-2021-52  
Applicant  
KEITH EICKHOFF  
Fees Paid  
\$300.00  
Created  
April 19, 2021

Number  
CUP-2021-  
52

09.017.100.310 | Drake  
Development LLC | Hwy 52  
West of Clark Trail, Yankton, SD,  
57078  
Submitted by keickhoff on  
4/19/2021



## Applicant

KEITH EICKHOFF

4028412640

keickhoff55@gmail.com

Parcel search Completed On 4/19/2021 2:12 PM EST by keickhoff



Maxar, Microsoft

Powered by Esri

ParcelID	Address	City	OwnerName	Acres
09.017.100.310			DRAKE DEVELOPMENT LLC (D)	0.000

Request Information Completed On 4/19/2021 2:20 PM EST by keickhoff

### Type of Request

Conditional Use

### Fee

\$300.00

### Reason for Request

Build 8 ranch style duplex condominiums

### List Specific Hardships

## Applicant Information

Are you the owner of the property?

Yes

Applicant Name

Keith Eickhoff

Applicant Address

161 Sleepy Hollow Drive P.O. Box 352 Yankton, SD 57078

Applicant Phone

402-841-2640

## Owner Information

Owner Name

Drake Development LLC

Owner Address

P.O. Box 51 Yankton, SD 57078

Owner Phone Number

402-841-2640

## Property Information

Parcel ID Number

09.017.100.310

Legal Description

LT 1 DRAKE S/D SW4 NW4 NE4

Site Address

Hwy 52 West of Clark Trail

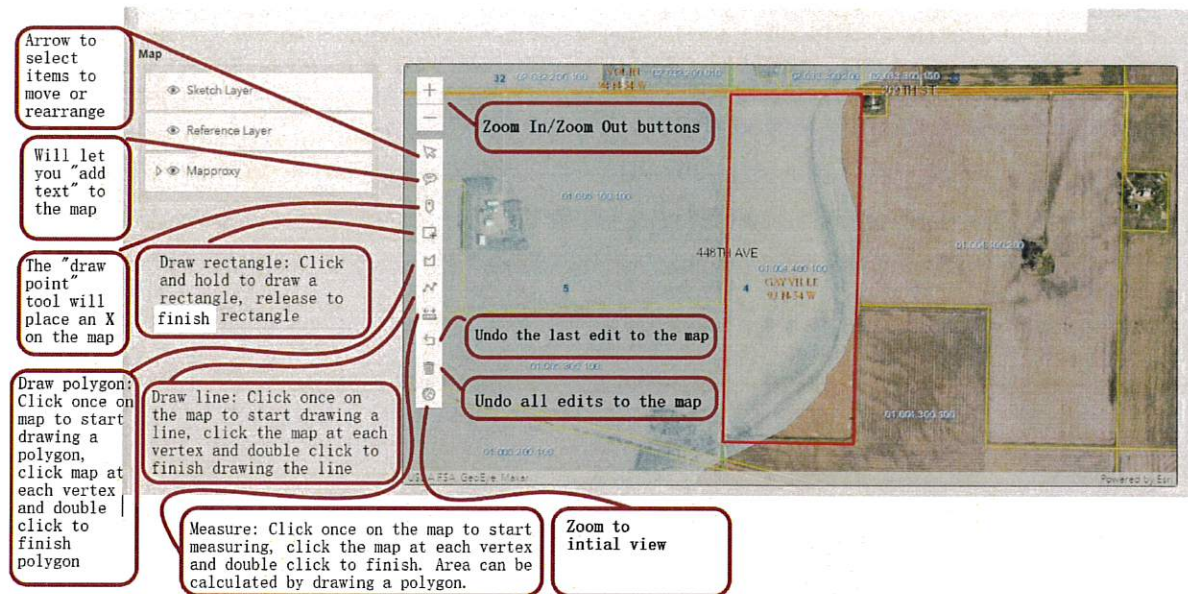
City

Yankton

Zip







Draft Building Permit Form Completed On 7/23/2021 1:26 PM EST by bconkling

Job Address

Legal Description of Construction Site

LT 1 DRAKE S/D SW4 NW4 NE4

Owner Name

DRAKE DEVELOPMENT LLC (D)

Owner Address

Owner Phone

Contractor

Contractor Mailing Address

Contractor Phone

Architect or Designer

Architect or Designer Mailing Address

Architect or Designer Phone

Type and Use of Building

Class of Work

Describe Work

Valuation of Work

\$

**Generate Draft Building Permit** Completed On 7/23/2021 1:26 PM EST by bconkling

[Generate Draft Building Permit](#)

**Submit** Completed On 7/23/2021 1:27 PM EST by bconkling

A notification sign shall be posted on the property upon which action is pending at least seven (7) days prior to the hearing date. Such signs shall be placed along all the property's road frontage so as to be visible from the road. If a property does not have a road frontage, then such signs shall be placed upon the closest available right-of-way and upon the property. Said signs shall not be less than one hundred and eighty seven (187) square inches in size. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearings.

Please pick the sign up from the zoning office on or before eight (8) days prior to the meeting.

**Applicant Agreement**

Please check the box to confirm you have read and agree to the notices above.

Signature



---

Date

7/23/2021

**Application Submitted Successfully** Completed On 7/23/2021 1:27 PM EST by bconkling

**Your application has been submitted for review. Thank you.**

Please click next at the bottom to continue. Thank you

**Planning Review** Completed On 7/23/2021 1:27 PM EST by bconkling

**Continue with application**

Continue

Describe what the applicant is requesting

**Planning Commission Code Reference**

Section 707

Section 1805

**Other Planning Commission Code Reference ⓘ**

**Board of Adjustment Code Reference**

Section 707

**Other Board of Adjustment Code Reference ⓘ**

1905

*Please confirm the zoning provided by the applicant. If zoning is incorrect, please enter the correct zoning. It is this field that is printed on the final form to avoid applicant/system error. The correct zoning must be entered.*

**Zoning Classification ⓘ**

R2

Wave Fee

**Notes ⓘ**

**Director Review** Completed On 7/23/2021 1:30 PM EST by gvetter

**Zoning Director Review**

Approve

**Payment** Completed On 7/23/2021 1:32 PM EST by bconkling

**Fees Paid**

[VIEW RECEIPT](#)

Fee Name	Recipient	Amount
Fee	Planning and Zoning	\$300.00

**Confirmation Data**

Payment Method	Check
Confirmation Number	1231
Amount Paid	\$300.00

## Planning Commission Meeting

### Planning Commission Meeting Date and Time

August 10th 2021, 7:20 pm CDT

### Letters to be mailed 10 days prior to the public meeting:

07/31/2021 7:20 PM

### Additional instructions for PC email

### Return the affidavit 8 days prior to the public meeting:

08/02/2021 7:20 PM

### Place your zoning action sign 7 days prior to the public meeting:

08/03/2021 7:20 PM

### Upload PC Mailing Labels

[Eickoff labels.pdf](#)

### Upload PC Affidavit of Mailing

[3 Mailing affidavit 1320.pdf](#)

### Upload PC Notification Letter

[Eickoff CUP NOT Letter.pdf](#)

### Upload PC Newspaper Publication

[Legals templatePC.pdf](#)

### Check box when ready to send notices

Send Notice

### Permit Number

CUP-2021-52

### Receipt Number

### Email Preview Completed On 7/26/2021 9:32 AM EST by bconkling

Please see the attached Notification Letter, address labels, and affidavit of mailing.



First Notification Letters are to be mailed pursuant to Section 1803(4). This is required to be completed 10 days prior to public hearing, which is 07/31/2021 7:20 PM.

Return the affidavit to me (email is fine) 7 days prior to the public meeting, by 08/02/2021 7:20 PM

Place your zoning action sign 7 days prior to the public meeting, by 08/03/2021 7:20 PM

If any information is incorrect, please let me know immediately.

PC App Form Completed On 7/26/2021 9:32 AM EST by boonkling

PC App Form

External Notes

## Documents

## Internal Notes

## Documents

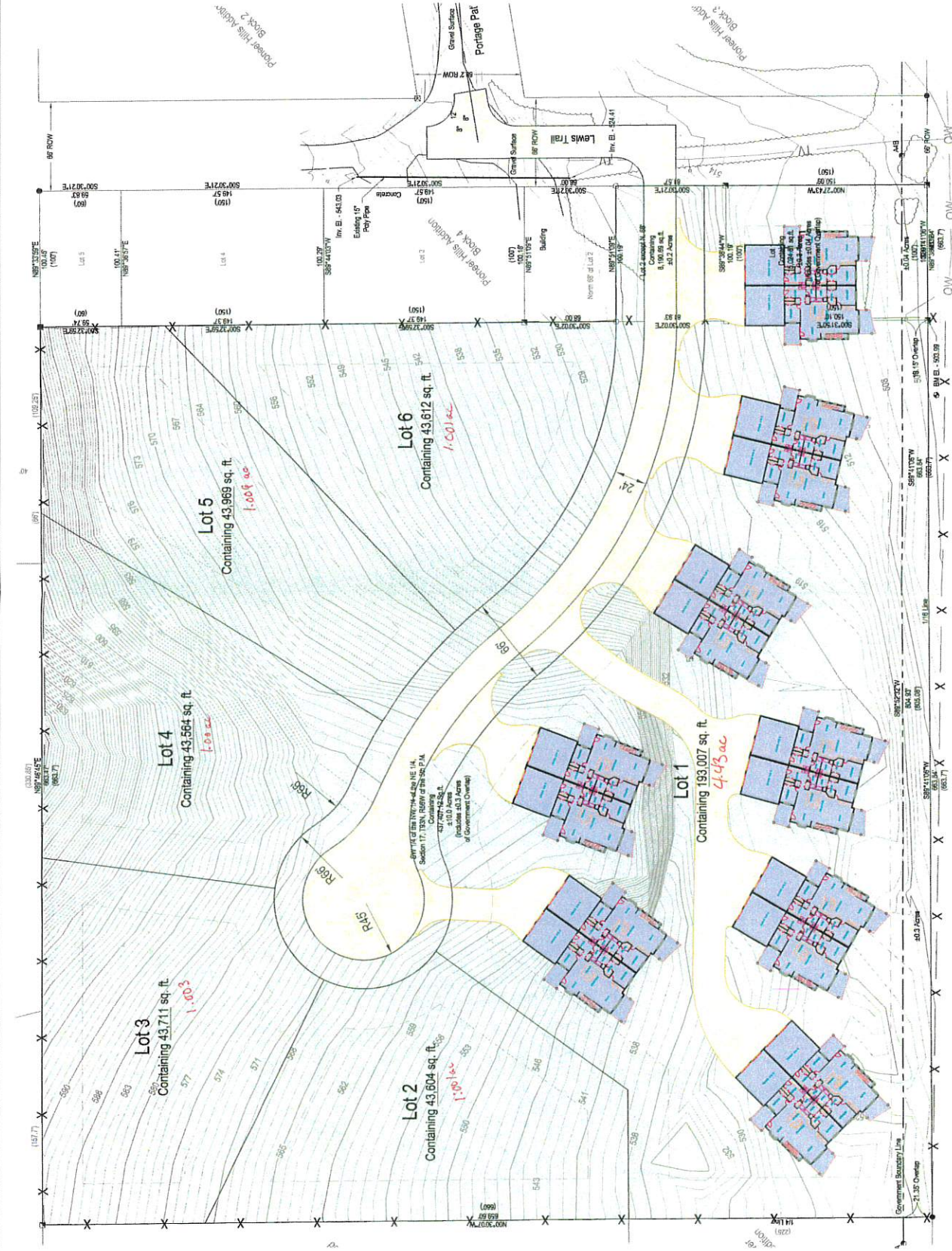
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# Proposed Condominium Layout for Drake Development Yankton County, South Dakota

SHEET NO.  
1  
OF  
1  
SHEETS

Project Name: Drake Development Yankton County, South Dakota	Drawn By: MEJ	Check By: CJM	Layout No.: 26-Jun-06
Drawn Date: 26-Jun-06	Drawn By: MEJ	Check By: CJM	Layout No.: 26-Jun-06

Prepared By:  
Coeur d'Alene & Associates  
Professional Engineers & Surveyors  
215 Walnut  
Yankton, South Dakota 57078  
605-665-0033  
Fax: 605-665-0033  
www.cdaa.com



Scale  
1 inch = 70 feet

AFFIDAVIT OF MAILING

I, Keith Eickhoff, hereby certify that on the 26 day of 26th July, 2021, I mailed by first class mail, postage prepaid, a true and correct copy of the Notice of Public Hearing to all owners of real property lying within a 1,320 feet radius of the proposed project to the most recent address of the recipient known to your Affiant.

A true and correct copy of the Notice of Public Hearing notification letters are attached as Exhibit #1 or #2.

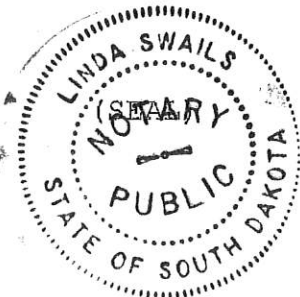
A true and correct copy of the mailing list for owners of real property is attached as Exhibit #1A or #2A.

Dated the 26 day of July, 2021.

Keith Eickhoff  
(Name)  
Affiant

Subscribed and sworn to before me this 26<sup>th</sup> day of July, 2021.

[Signature]  
Notary Public - South Dakota  
My commission expires: 03-13-2027



## NOTIFICATION

July 26, 2021

Keith Eickoff  
161 Sleepy Hollow Dr.  
Yankton, SD 57078

Dear Yankton County Property Owner:

The Yankton County Zoning Ordinance requires written notification describing a specific action be sent to the owners of real property lying within 1,320 feet of the property on which the below described action is proposed. The notice shall be given to each owner of record by depositing such notice in the United States Post Office not less than 10 days prior to the hearing date. Therefore, you are hereby notified. Please take a moment to review the notice of public hearing described below.

### NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, at 7:20 P.M. on the 10th day of August, 2021 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota.

Said hearing is to consider the following:

*Applicant is requesting a Conditional Use Permit for multifamily housing in a Moderate Density Residential District. Applicant wishes to build multiple multifamily units. Said property is legally described as Lot 1 Drake Subdivision in the Southwest Quarter (SW1/4) of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE 1/4 ), Section Seventeen (17), Township Ninety-three (93), Range Fifty-six (56) of the 5<sup>th</sup> P.M., Yankton County, South Dakota*

The application may be reviewed at the Zoning Administrators office, Yankton County Government Center, 321 West Third St., Yankton, S.D. or online at the Yankton County Website.

Sincerely,  
Keith Eickoff

Petitioner



BECKER, DUANE G (D)  
PO BOX 1103  
YANKTON SD 57078

BERKE, ROBIN R (D)  
103 MARINA BLUFFS CT #2B  
YANKTON SD 57078

BINDER, ALBERT J TRUST (D)  
169 CLARK TRL  
YANKTON SD 57078

BINDER, ALBERT TRUST (D)  
169 CLARK TRL  
YANKTON SD 57078

BLAALID, LISA J (D)  
122 WEST 3 ST  
YANKTON SD 57078

BLAALID, LISA J (D)  
43592 SD HWY 52  
YANKTON SD 57078

BLOM, COLE S (D)  
517 LOCUST ST  
YANKTON SD 57078

BURNS, DAVID (D)  
101 MARINA BLUFFS CT #2  
YANKTON SD 57078

CHANCE, TODD REVOCABLE TRUST (D)  
802 JASON WAY  
YANKTON SD 57078

CHAPMAN, ROBERT (D)  
112 SCENIC DR  
YANKTON SD 57078

D&D FAMILY LEGACY TRUST (D)  
7109 S HONORS DR  
SIOUX FALLS SD 57108

DEURMIER, DENNIS G (D)  
142 SCENIC DR  
YANKTON SD 57078

DJ'S PROPERTIES LLC (D)  
31110 WALLEYE DR #200  
YANKTON SD 57078

DOERING, HENRY (D)  
151 CLARK TRL  
YANKTON SD 57078

DORCEY, SUZANNE M REV TRUST (D)  
118 SCENIC DR  
YANKTON SD 57078

DRAKE DEVELOPMENT LLC (D)  
161 SLEEPY HOLLOW DR  
YANKTON SD 57078

DRAKE DEVELOPMENT LLC (D)  
PO BOX 51  
YANKTON SD 57078

EAST RIVER ELECTRIC POWER (D)  
PO BOX 227  
MADISON SD 57042

FRANKFORTER FAMILY REV TRUST (D)  
191 MARINA DELL CIR  
YANKTON SD 57078

FRYE, CURTIS (D)  
103 MARINA BLUFFS CT #2C  
YANKTON SD 57078

GB TRUST (D)  
101 MARINA BLUFFS CT #1  
YANKTON SD 57078

GOLDEN, RANDY (D)  
110 PRIMROSE LN  
YANKTON SD 57078

GOLDEN, RANDY S (D)  
110 PRIMROSE LN  
YANKTON SD 57078

GRECKEL, HARLAN (D)  
PO BOX 708  
YANKTON SD 57078

HARRIS, DWIGHT (D)  
124 MARINE DR  
YANKTON SD 57078

HARRIS, RONALD D (D)  
124 MARINE DR  
YANKTON SD 57078

HAYS, CHERIE R (D)  
108 LEWIS TRL  
YANKTON SD 57078

HIXSON, LARRY REV TRUST (D)  
101 MARINA BLUFFS CT #4  
YANKTON SD 57078

HUITINK, JUDITH ANN (D)  
467 N ROYAL TROON  
DAKOTA DUNES SD 57049

HUNT, MICHAEL B REV LIV TRUST (D)  
966 QUAIL HOLLOW CIR  
DAKOTA DUNES SD 57049

JOHNSON, J KELLY (D)  
105 MARINA BLUFFS CT #3F  
YANKTON SD 57078

JONES, BRAD (D)  
101 LEWIS TRL  
YANKTON SD 57078

JRD ENTERPRISES LLC (D)  
PO BOX 76  
YANKTON SD 57078

KABEISEMAN, WILLIAM J & ROSE E (D)  
1210 DOUGLAS AVE  
YANKTON SD 57078

KABEISEMAN, WILLIAM J (D)  
1210 DOUGLAS AVE  
YANKTON SD 57078

KRAUSE-SWIFT, ANNE (D)  
142 KATHERINE WAY  
YANKTON SD 57078

LAFFEY, FRANCIS D (D)  
120 CLARK TRL  
YANKTON SD 57078

LAMBERTZ, WILLIAM (D)  
101 WEST 25 ST  
YANKTON SD 57078

MARINA BLUFFS HOMEOWNERS ASSOC  
101 MARINA BLUFFS CRT #7  
YANKTON SD 57078

MARINA DELL ESTATES ROAD DISTR (D)  
142 KATHERINE WAY  
YANKTON SD 57078

MERTENS REAL ESTATE LLC (D)  
127 CRESTVIEW DR  
YANKTON SD 57078

ORTNER, STEVEN L (D)  
5045 330 ST  
DANBURY IA 51019

PERSINGER, JOHN PAUL REV TRUST (D)  
520 E PINEHURST TRL  
DAKOTA DUNES SD 57049

PERSINGER, JOHN T LIVING TRUST (D)  
PO BOX 1000  
YANKTON SD 57078

POESCHL, JEROME A REV LIV TRST (D)  
213 KATHERINE WAY  
YANKTON SD 57078

POSPISIL, DANIEL D (D)  
144 SCENIC DR  
YANKTON SD 57078

RABINE, BETH A (D)  
606 DAVIS MOUNTAIN CIR  
GEORGETOWN TX 78633

REDLINE PROPERTIES LLC (D)  
1798 PORTLAND BLVD  
SIOUX CITY IA 51106

RYAN, JAMES A (D)  
304 MARINA DELL AVE  
YANKTON SD 57078

SCHRAMM, HAROLD G (D)  
44003 300 ST  
UTICA SD 57067

SCHULZE FAMILY REVOCABLE TRUST (I  
964 PEBBLE BEACH DR  
DAKOTA DUNES SD 57049

SD DEPT OF GAME FISH & PARKS (D)  
523 EAST CAPITOL AVE  
PIERRE SD 57501

SD DEPT OF TRANSPORTATION (D)  
700 E BROADWAY AVE  
PIERRE SD 57501

STANDEN, ROBERT A JR (D)  
105 MARINA BLUFFS CT #3D  
YANKTON SD 57078

STIBRAL, CHARLES J (D)  
31110 WALLEYE DR #200  
YANKTON SD 57078

TIGER PROPERTIES LLC (D)  
1301 SANDPIPER DR  
BEATRICE NE 68310

UHING, ROBERT H (D)  
103 MARINA BLUFFS CT #2E  
YANKTON SD 57078

VELTKAMP, DON (D)  
325 MARINA DELL AVE  
YANKTON SD 57078

VILLA NORTH LLC (D)  
490 FIRETHORN TRL  
DAKOTA DUNES SD 57049

WAHL, JEFF REV TRUST (D)  
PO BOX 754  
YANKTON SD 57078

WALTER, SCOTT J (D)  
7212 MONROE CIR  
RALSTON NE 68127

WESTGARD, GARY A (D)  
101 MARINA BLUFFS CT #5  
YANKTON SD 57078

### **NOTICE OF PUBLIC HEARING**

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, at 7:05 P.M. on the 10<sup>th</sup> day of August, 2021 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Applicant is requesting a Conditional Use Permit to mine gravel from an Agriculture District (AG) per Article 5, Section 507. Said property is legally described as The Northeast Quarter (NE1/4) and Southeast Quarter (SE1/4), Section Eighteen (18), Township Ninety-Four (94) North, Range Fifty-Five (55) West of the 5<sup>th</sup> P.M., Yankton County, South Dakota

### **NOTICE OF PUBLIC HEARING**

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, at 7:10 P.M. on the 10<sup>th</sup> day of August, 2021 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Applicant is requesting to amend his Conditional Use Permit and for an accessory building in a Moderate Density Residential District (R2) that exceeds the maximum aggregate square footage of 2400 square feet per article 7 Section 707. Applicant wishes to build an accessory structure in a different location than was previously approved and is 1900 square feet (15,000 Square feet of accessory structures on site). Said property is legally described as Lot 4 of Block 3, Law Overlook Subdivision, in the Northeast Quarter (NE1/4) of Section Eighteen (18), Township Ninety-Three (93) North, Range Fifty-six (56) West of the 5<sup>th</sup> P.M., Yankton County, South Dakota. E911 address is 109 Welkom Dr., Yankton, South Dakota

### **NOTICE OF PUBLIC HEARING**

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, at 7:15 P.M. on the 10<sup>th</sup> day of August, 2021 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Applicant is requesting a Conditional Use Permit for an accessory building in a Moderate Density Residential

District that exceeds the maximum aggregate square footage of 2400 square feet and maximum sidewall height of 14 feet. Applicant wishes to build an accessory structure that is 2688 square feet with 16' sidewalls per Article 7, Section 707. Said property is legally described as Lot K and Lot L in the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4), Section Seven (7), Township Ninety-Three (93) North, Range Fifty-Six (56) West of the 5<sup>th</sup> P.M., Yankton County, South Dakota. E911 address is 108 Bird Dog Dr., Yankton, South Dakota

### **NOTICE OF PUBLIC HEARING**

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, at 7:20 P.M. on the 10<sup>th</sup> day of August, 2021 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Applicant is requesting a Conditional Use Permit for multifamily housing in a Moderate Density Residential District. Applicant wishes to build multiple multifamily units per Article 7 Section 707. Said property is legally described as Lot 1 Drake Subdivision in the Southwest Quarter (SW1/4) of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE1/4), Section Seventeen (17), Township Ninety-Three (93), Range Fifty-Six (56) West of the 5<sup>th</sup> P.M., Yankton County, South Dakota



# Yankton County, South Dakota

**Paid by**  
KEITH EICKHOFF  
keickhoff55@gmail.com

**Payment number**  
**Date paid**  
**Payment method**

## Receipt

1231  
July 23, 2021 01:32 PM  
Check

### \$300.00 paid on July 23, 2021

Variance, Conditional Use and Rezoning Application  
**Application ID:** CUP-2021-52

Description	Amount
Fee	\$300.00

# YANKTON COUNTY

APPLICATION #: \_\_\_\_\_

(Print or Type)

OWNER: Drake Development/Keith Erickoff

OWNER'S ADDRESS: PO Box 352, Hastings NE

OWNER'S DAYTIME PHONE #: 402-254-6677

DATE OF BUILDING PERMIT REQUEST: 7-17-06

DESCRIPTION OF BUILDING PERMIT: Eight 2 unit townhomes

REASON FOR BUILDING PERMIT DENIAL: \_\_\_\_\_

DATE OF DENIAL: \_\_\_\_\_

JOB ADDRESS: None assigned

LEGAL: SW1/4, NW1/4, NE1/4 (10.00 ac.)

TOWNSHIP: Adica (S) SECTION: 17

EXISTING USE OF PROPERTY: Vacant-

PRESENT ZONING CLASSIFICATION: Lakeside Commercial (LC)

PROPOSED ZONING CLASSIFICATION: Moderate Density (R2)

AFFECTED SECTION OF ZONING ORDINANCE: 707(6)

REASON FOR REQUEST: Rezone entire 10ac. parcel to one district.

LIST SPECIFIC HARDSHIPS: N/A

Applications will not be accepted nor acted upon until the following information has been provided by the applicant:

- A) Detailed Site Plan (Refer to handout)
- B) Location and Use of Adjacent Structures
- C) Application Fee(s)

SCHEDULED FOR PLANNING COMMISSION ACTION (Date): 8-8-06

SCHEDULED FOR BOARD OF ADJUSTMENT ACTION (Date): 9-5-06

\*TENTATIVE DATE (IF APPEALED): Final date announced at Planning Commission Meeting:

APPLICATION FEE: 150.00 CHECK #: 1010 RECEIPT #: 28803

<input type="checkbox"/> Variance Application
<input type="checkbox"/> Conditional Use Permit
<input checked="" type="checkbox"/> Rezoning Permit

The undersigned acknowledges/declares that all the facts and representations stated in this application are true and by signing, acknowledges the cost and the procedure for the processing of the application and certifies that the property described by the provided legal description, is not tax delinquent.

Drake Development 7/17/06  
Name of Applicant/Owner Date

Drake Development 7/17/06  
Signature of Applicant/Owner Date

# **YANKTON COUNTY PLANNING STAFF REPORT**

TO: Yankton County Commission  
FOR: August 22, 2006  
FROM: Tom Fiedler – Zoning Administrator  
SUBJECT: Keith Eickoff-Drake Development Company-Rezone

---

**BACKGROUND:** Mr. Eickoff was previously granted a Conditional Use Permit for the construction of eight 2 unit townhomes on the described property. Mr. Eickoff returns with a request to rezone the south half of his property from Lakeside Commercial to Moderate Density. This was a recommendation of the Planning Commission as it was their consensus that access from SD Highway 52 for a “business” operation would not be granted by the Corp of Engineers.

---

**RECOMMENDATION:** The Planning Commission recommends approval of the rezoning from Lakeside Commercial (LC) to Moderate Density Rural Residential (R2) for property legally described as the SW4, NW4, NE4 of 17-93-56.


The following conditions shall still apply to the Conditional Use Permit:

1. The applicant shall obtain from the South Dakota Department of Environment and Natural Resources the proper permit for the installation of septic systems designed to handle the occupancy load of the townhomes;
2. Downward lighting shall be installed on all outdoor lighting;
3. There shall be a road maintenance agreement; and,
4. Any plan deviation shall first be brought to the Zoning Administrator and then to the Planning Commission.

Francis Laffey did speak to the problem of dust during construction.

This recommendation was passed by a 9-0 vote of the Planning Commission.

Should the County Commission grant the rezone request please use Section 2203 (1-8) of the Zoning Ordinance when forming your motion.



Tom Fiedler  
Zoning Administrator

**Note:** Attached are reduced versions of maps and diagrams submitted by the applicant. The accuracy of the information in these drawings is the responsibility of the applicant, and verification of the accuracy by Planning Staff is not always possible. The original and full-scale maps and drawings are available for public viewing at the Zoning Administrators office.

## **PLANNED UNIT DEVELOPMENT OR REQUEST FOR REZONING APPLICATION CHECKLIST**

This checklist is intended to assist applicants with the required information required for Planned Unit Development or Rezoning applications. This is a guide and does not supercede or overrule any section or part of the Yankton County Zoning Ordinance. Due to the variety of applications, not all items may be applicable to each request. Applicants are required to present the following documentation to the Zoning Administrator on the date assigned for placement on the Planning or County Commission's agenda for consideration.

- ☐ Proposed Development Encompasses a Minimum of Five (5) Acres (PUD'S)
- ☒ Proposed Development's Uniqueness in Nature to other Properties
- ☒ Proof of Need or Undue Hardship
- ☒ Building Permit Completed Pursuant to Sections 1721 and 1723
- ☒ Owner(s) and/or Applicant(s) Identified (Person, LLP, LLC, Corporation, etc.)
- ☒ List of Co-applicant(s) to Include Officers at a Minimum
- ☒ Documentation of Co-applicants Approval of Request
- ☒ Owner(s), Applicant(s), and/or Officer(s) Address(s)
- ☒ Owner(s), Applicant(s), and/or Officer(s) Telephone Number(s)
- ☒ Legal Description of Property to be Considered
- ☒ Location of Development in Relation to Regional Landmarks
- ☒ Driving Directions to Property
- ☒ Current Zoning Classification
- ☒ Exact Description of Proposed Change
- ☒ Site Plan Completed Pursuant to Sections 1305 (PUD) and 1723
- ☒ Property History Overview
- ☐ A Detailed Narrative Addressing Special or Unique Concerns of the Property
- ☐ Acquisition Date
- ☐ Detailed Description of Proposed Construction Activities to include:
  - ☐ Drawings
  - ☒ Architectural Renderings
  - ☒ Photographs
  - ☒ Floor Plans
  - ☐ Scale Models
  - ☒ Landscaping Plan
- ☒ List of Current Infrastructure on Property (Water, Sewer, Electric, Phone, Roads)
- ☐ Relation and Compatibility of the Proposed PUD to Surrounding Properties
- ☐ Soil Compatibility to Include Building Suitability and Percolation Tests
- ☒ Maps illustrating Drainage, Topography, Parcels, Soils, and Accessibility
- ☒ Ingress and Egress Points, Public and Private
- ☒ Locations of Existing or Proposed Roads, Drives, Easements, and Right-of-Ways
- ☒ Copies of Covenants, Final and as to be Recorded (No Working Drafts)
- ☐ Agreement to Execute an Agricultural Use Covenant as Provided or Approved.
- ☐ Comprehension of the PUD Process as Detailed Within Article 13
- ☒ Comprehension of the REZONING Process as Detailed Within Article 22
- ☒ 20 (twenty) copies of the proposal.

**Please note that the applicant must attend all meetings concerning the requested zoning change and may be required to submit additional information at any time throughout the processes to ensure a full and fair hearing of the facts.**



## Yankton County Planning Recommendation

The Yankton County Planning Commission recommends that the following be approved / denied by the Yankton County Commission acting as the Board of Adjustment.

Applicant: Keith Gickoff  
Address: \_\_\_\_\_  
Hearing date: 8-8-06  
Description: Rezone LC to R2 (10ac $\pm$ )

Action 8806G: Moved by Harper, seconded by Quatier, to recommend approval of the rezoning from Lakeside Commercial (LC) to Moderate Density Rural Residential (R2), per Section 1809 (1-7) of the Yankton County Zoning Ordinance, for property legally described as the SW1/4, NW1/4 of Section 17-T93N-R56W (10 acres) of Yankton County.

By roll call vote all members voted aye.

Absent  
Amy Freeburg Y N AB

Kristi Schultz Y N AB

Bill Tamisiea Y N AB

Absent  
Butch Becker Y N AB

Allen Sinclair Y N AB

Dale Hoxeng Y N AB

Todd Quatier Y N AB

Absent  
Scott Pospishil Y N AB

Dennis Michael Y N AB

Marlin LaCroix Y N AB

Absent  
Joyce Franklin Y N AB

John Harper Y N AB

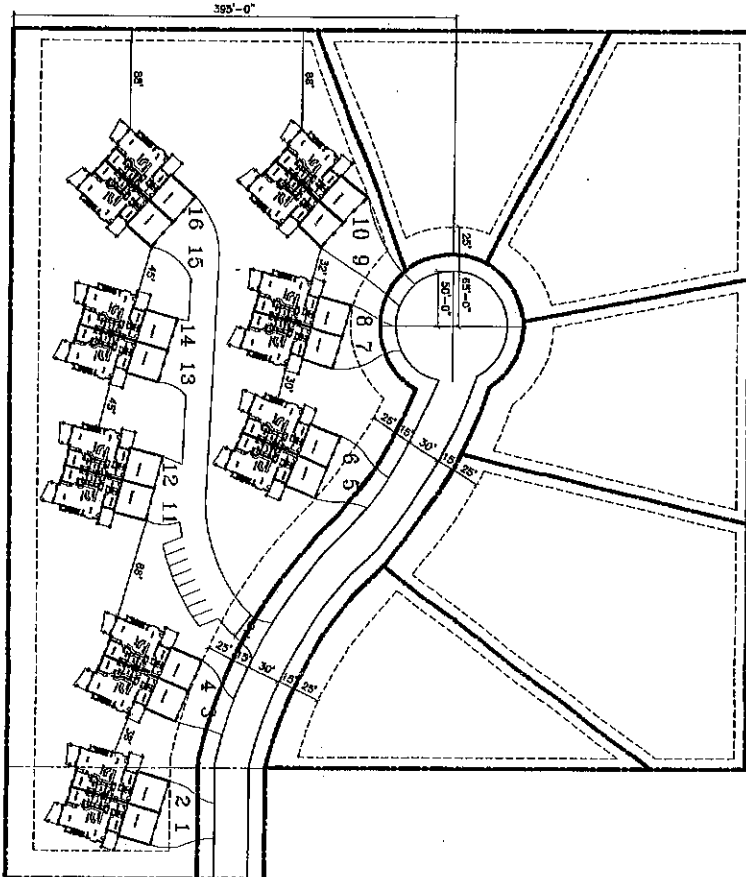
Steve Fejfar Y N AB

Motion: Harper

Second: Quatier

Prepared By  
Planning Staff

**FYI**



GENERAL SITE PLAN  
SCALE: 1" = 50'-0"



**NOT TO SCALE**

THIS DOCUMENT IS AN INSTRUMENT OF SERVICE PREPARED FOR THE CLIENT AND THE ARCHITECT SHALL BE THE AUTHOR OF THIS DOCUMENT. THE ARCHITECT SHALL RETAIN ALL RIGHTS AND STATUTORY AND OTHER RESERVED RIGHTS, INCLUDING COPYRIGHTS. THIS DOCUMENT SHALL NOT BE USED BY THE CLIENT, CONTRACTOR, OR OTHER ASSOCIATED WITH THIS PROJECT FOR MARKETING OR ALTERNATIVE FOR DESIGN CHANGES OR FOR COMPLETION OF THIS PROJECT BY OTHERS EXCEPT BY AGREEMENT IN WRITING AND APPROPRIATE COMPENSATION. THIS DOCUMENT SHALL NOT BE REPRODUCED, COPIED, OR USED IN ANY WAY WITHOUT WRITTEN PERMISSION FROM VISSER ARCHITECTS.

PROJECT TITLE  
YANKTON CONDOMINIUMS  
YANKTON, SOUTH DAKOTA

SHEET TITLE  
GENERAL SITE PLAN

PROJ. NO.  
08216

DATE  
22 JUN 06

DESIGNED BY  
RLN

**VISSER ARCHITECTS**

305 West 67th Street Sioux Falls, SD 57108 605-338-3062 FAX 605-338-3068











## YANKTON COUNTY PLANNING

---

Zoning Administrator  
PO Box 1076  
Yankton, SD 57078  
605-260-4445

### MEMO

**To: Yankton County Planning Commission**

**Date: 6-28-06**

**RE: Keith Eickoff d.b.a. Drake Development LLC**

After speaking to District III concerning the "boundaries" of the Lakeside Commercial District and Moderate Residential District along SD Highway 52, and the proposed townhomes and single family residences development from Drake Development, it has come to my attention that this development sets within the boundaries of both the Moderate Density and Lakeside Commercial. My office is not authorized, (Section 407 (7) of the Zoning Ordinance), to determine the boundaries of these districts.

Therefore, after speaking to the applicant, and Mark Johnson of Eisenbraun and Associates, the original rezone request has now been changed to a Conditional Use and Variance requests. I have also informed the applicant that due to the completeness of the supporting documentation when it was originally thought that a Rezoning would needed, the Planning Commission should be able to make a determination as to the worthiness of the application in its decisions for a Conditional Use and Variance recommendations.

Should you have any questions regarding the above, prior to the meeting of June 11, please do not hesitate to call me.



Tom



LAING, TERRY & SUSAN  
2713 GEORGIA AVE  
BELLEVUE, NE 68147

& BECKER, DUANE G. KOHOUTEK,  
GLORIA B.  
P.O. BOX 1103  
YANKTON, SD 57078

& MERRIGAN, MEL CENA LIGHT,  
CHARLES E. III & J  
1815 HARDWOOD VIEW DRIVE  
BIRMINGHAM AL 35242

POESCHL, JEROME & ROSEMAR  
213 KATHERINE WAY  
YANKTON, SD 57078

GRATZFELD LIVING TRUST  
108 LEWIS TRAIL  
YANKTON, SD 57078

JEANNE M. LAFFEY, FRANCIS D. &  
120 CLARK TRAIL  
YANKTON, SD 57078

JARVIS, TERESA  
3025 MCDONALD STREET  
SIOUX CITY, IA 51104

EICKOFF, KEITH  
PO BOX 352  
HARTINGTON, NE 68739

JONES, BRAD  
101 LEWIS TRAIL  
YANKTON, SD 57078

HARRIS, RONALD D.  
124 MARINE DRIVE  
YANKTON, SD 57078

SD DEPT OF TRANSPORTATION  
700 E BROADWAY  
PIERRE, SD 57501

RONAL HARRIS, DWIGHT, LOIS &  
125 MARINE DRIVE  
YANKTON, SD 57078

GOLDEN, RANDY S & CAROLYN  
144 SCENIC DRIVE  
YANKTON, SD 57078

DON DERROY II KRAUSE-SWIFT, ANNE  
&  
142 KATHERINE WAY  
YANKTON, SD 57078

MASKA, RICHARD D & CLAUDI  
304 MARINA DELL AVENUE  
YANKTON, SD 57078

SWIFT, DON D II & ANNE K  
142 KATHERINE WAY  
YANKTON SD 57078

HUNT, MICHAEL B.  
966 QUAIL HOLLOW CRL  
DAKOTA DUNES SD 57049

POESCHL, JEROME & ROSEMAR  
213 KATHERINE WAY  
YANKTON, SD 57078

MASKA, RICHARD & CLAUDIA  
304 MARINA DEL AVENUE  
YANKTON, SD 57078

GALVIN CHAPMAN CHAPMAN,  
ROBERT C & LAURA  
PO BOX 1016  
YANKTON, SD 57078

TRUST BINDER, ALBERT & VIRGINI  
503 EAST 12TH STREET  
YANKTON, SD 57078

TRUST BINDER, ALBERT & VIRGINIA  
503 EAST 12TH STREET  
YANKTON, SD 57078

KRAUSE-SWIFT, ANN SWIFT, DON  
DEROY &  
142 KATHERINE WAY  
YANKTON, SD 57078

DON DERROY II KRAUSE-SWIFT, ANI  
&  
142 KATHERINE WAY  
YANKTON, SD 57078

%KABEISEMAN, WILLIAM  
KABEISEMAN, JOHN R. ETAL  
142 SCENIC DRIVE  
YANKTON, SD 57078

PALMER, BRENDA K. & GARY  
P.O. BOX 65  
YANKTON, SD 57078

DJ'S PROPERTIES, LLC  
31110 WALLEYE DRIVE #200  
YANKTON, SD 57078

CFD DJ PROPERTIES, LLC LARSON,  
MERLE J & VIRGINI  
31110 WALLEYE DRIVE #200  
YANKTON, SD 57078

STATE OF SOUTH DAKOTA  
523 E. CAPITOL STREET  
PIERRE SD 57501

KABEISEMAN, LEONA M.  
43520 SD HIGHWAY 52  
YANKTON, SD 57078

DJ'S PROPERTIES, LLC  
31110 WALLEYE DR #200  
YANKTON, SD 57078

KOLDEN, WAYNE M & SHELLIE  
43582 SD HWY 52  
YANKTON, SD 57078

KRISTIN M. STIBRAL, CHARLES J. &  
31110 WALLEYE DRIVE #200  
YANKTON, SD 57078

DJ'S PROPERTIES, LLC  
31110 WALLEYE DR #200  
YANKTON SD 57078

DJ'S PROPERTIES LLC  
31110 WALLEYE DR #200  
YANKTON, SD 57078

BLOM, GARY & CASEY  
115 PIKE STREET  
YANKTON, SD 57078

%KABEISEMAN, WILLIAM  
KABEISEMAN, JOHN R ETAL  
142 SCENIC DRIVE  
YANKTON SD 57078

BLOM, JOSHUA J & COLE S  
407 GREEN ST  
YANKTON SD 57078

GOLDEN, RANDY S & CAROLYN  
144 SCENIC DRIVE  
YANKTON, SD 57078

121 SE 1ST STREET EAST RIVER  
ELECTRIC POWER  
P.O. DRAWER E  
MADISON, SD 57042

# YANKTON COUNTY

APPLICATION #: \_\_\_\_\_

(Print or Type)

OWNER: Keith Kickoff

OWNER'S ADDRESS: PO Box 352 Hartington, NE

OWNER'S DAYTIME PHONE #: 402-254-6677

DATE OF BUILDING PERMIT REQUEST: 7-17-06

DESCRIPTION OF BUILDING PERMIT: 8, 2 unit Townhomes

REASON FOR BUILDING PERMIT DENIAL: \_\_\_\_\_

DATE OF DENIAL: \_\_\_\_\_

JOB ADDRESS: None assigned

LEGAL: SW4, NW4, NE4 10.00 ac

TOWNSHIP: Utica (S)

SECTION: 17

EXISTING USE OF PROPERTY: Vacant C

PRESENT ZONING CLASSIFICATION: Lakeside Commercial & Moderate Density

PROPOSED ZONING CLASSIFICATION: \_\_\_\_\_

AFFECTED SECTION OF ZONING ORDINANCE: 1107(6) & 707(6)

REASON FOR REQUEST: Conditional Use Permit required prior to construction

LIST SPECIFIC HARDSHIPS: \_\_\_\_\_

Applications will not be accepted nor acted upon until the following information has been provided by the applicant:

- A) Detailed Site Plan (Refer to handout)
- B) Location and Use of Adjacent Structures
- C) Application Fee(s)

SCHEDULED FOR PLANNING COMMISSION ACTION (Date): \_\_\_\_\_

SCHEDULED FOR BOARD OF ADJUSTMENT ACTION (Date): \_\_\_\_\_

\*TENTATIVE DATE (IF APPEALED): Final date announced at Planning Commission Meeting:

APPLICATION FEE: 100.00 CHECK #: 1009 RECEIPT #: 8803

<input type="checkbox"/>	Variance Application
<input checked="" type="checkbox"/>	Conditional Use Permit
<input type="checkbox"/>	Rezoning Permit

The undersigned acknowledges/declares that all the facts and representations stated in this application are true and by signing, acknowledges the cost and the procedure for the processing of the application and certifies that the property described by the provided legal description, is not tax delinquent.

Drayce Devopnet

Name of Applicant/Owner

Date

7/17/06

Signature of Applicant/Owner

Date

7/17/06

## CONDITIONAL USE APPLICATION CHECKLIST

This checklist is intended to assist applicants with the required information for a Conditional Use Request application. This is a guide and does not supercede or overrule any section of the Yankton County Zoning Ordinance. Due to the variety of applications, not all items may be applicable to each request. Applicants are required to present the following documentation to the Zoning Administrator on the date assigned for placement on the Planning Commission's or Board of Adjustment's agenda for consideration.

- ☒ Building Permit Application Completed Pursuant to Section 1723
- ☒ Site Plan Completed Pursuant to Section 1723
  - ☒ Site Plan Shows Property Lines
  - ☒ Site Plan Shows Road Right of Ways
  - ☒ Site Plan Shows Other Structures and Their Location(s)
  - ☒ Site Plan Shows the Driveway or Ingress and Egress.
  - ☒ Site Plan Shows measurements from the proposed structure to the road right of way line and from the other property lines
  - ☒ Site Plan Shows Adjacent Property Owners
  - ☒ Site Plan Shows the Location of All Utilities
  - ☒ Site Plan Shows the Location of Any Septic System
  - ☒ Site Plan Shows Rural Water Easement and The Location of the Water Line and Any Valve Box
  - ☒ Site Plan Shows a Drainage Plan for Water Runoff
  - ☒ Site Plan Has a North Arrow
  - ☐ Site Plan Shows Topography
  - ☒ Site Plan Is Drawn to Scale
- ☒ Conditional Use Request Form Completed
- ☒ All Fees Are Paid Pursuant to Section 1729
- ☒ Specifically Cite Section of Ordinance Under Which Conditional Use is Sought?
- ☒ Stated the Grounds On Which the Request is Sought?
- ☒ First Notification Letters Mailed Pursuant to Section 1803
- ☒ Second Notification Letters Mailed Pursuant to Section 1803
- ☒ Notification Letters Approved by Zoning Administrator
- ☒ 20 Copies of the entire proposal

The holder of a Conditional Use Permit shall provide reasonable information to the Zoning Administrator, upon request, to show his compliance with the terms and conditions of the Permit. After such information is provided, the Zoning Administrator may conduct an inspection of the facility, following the procedures outlined in Section 1701 and Section 1703 of the Yankton County Zoning Ordinance. Additional information shall be provided to the Zoning Administrator at his request, if reasonably related to the purpose and intent of the Conditional Use Permit, the intent of the Board in approving the Permit, or if such information is in the public interest.

Any delay in providing such information, or a refusal to provide such information is grounds for the suspension or revocation of the Conditional Use Permit.

Drake Development LLC  
Applicant Signature

7/17/06  
Date

Please note that the applicant must attend all meetings concerning the requested zoning change and may be required to submit additional information at any time throughout the processes to ensure a full and fair hearing of the facts.

Conditional Use and/or Building Permit's expire 180 days from date of issue if construction has not begun.



## Yankton County Planning Recommendation

The Yankton County Planning Commission recommends that the following be approved / denied by the Yankton County Commission acting as the Board of Adjustment.

Applicant: Keith Eckhoff  
Address: \_\_\_\_\_  
Hearing date: 7-11-06  
Description: Conditional Use

Action 71106H: Moved by Michael, seconded by Becker per Section 1805 (1-5) of the Yankton County Zoning Ordinance, to recommend approval of a Conditional Use Permit to allow for the construction of two family homes for property legally described as the SW1/4, NW1/4, NE1/4 (10.00 ac.) of Section 17-T93N-R56W of Yankton County, with the following conditions:

1. The applicant shall obtain from the South Dakota Department of Environment and Natural Resources the proper permit for the installation of septic systems designed to handle the occupancy load of the townhomes;
2. Downward lighting shall be installed on all outdoor lighting;
3. There shall be a road maintenance agreement; and,
4. Any plan deviation shall first be brought to the Zoning Administrator and then to the Planning Commission.

By roll call vote all members voted aye.

Amy Freeburg Y N AB

Kristi Schultz Y N AB

Bill Tamsiea Y N AB

Butch Becker Y N AB

Allen Sinclair Y N AB

Dale Hoxeng Y N AB

Todd Quatier Y N AB

Absent

Scott Pospishil Y N AB

Dennis Michael Y N AB

Marlin LaCroix Y N AB

Joyce Franklin Y N AB

John Harper Y N AB

Steve Fejfar Y N AB

Motion: Michael

Second: Becker



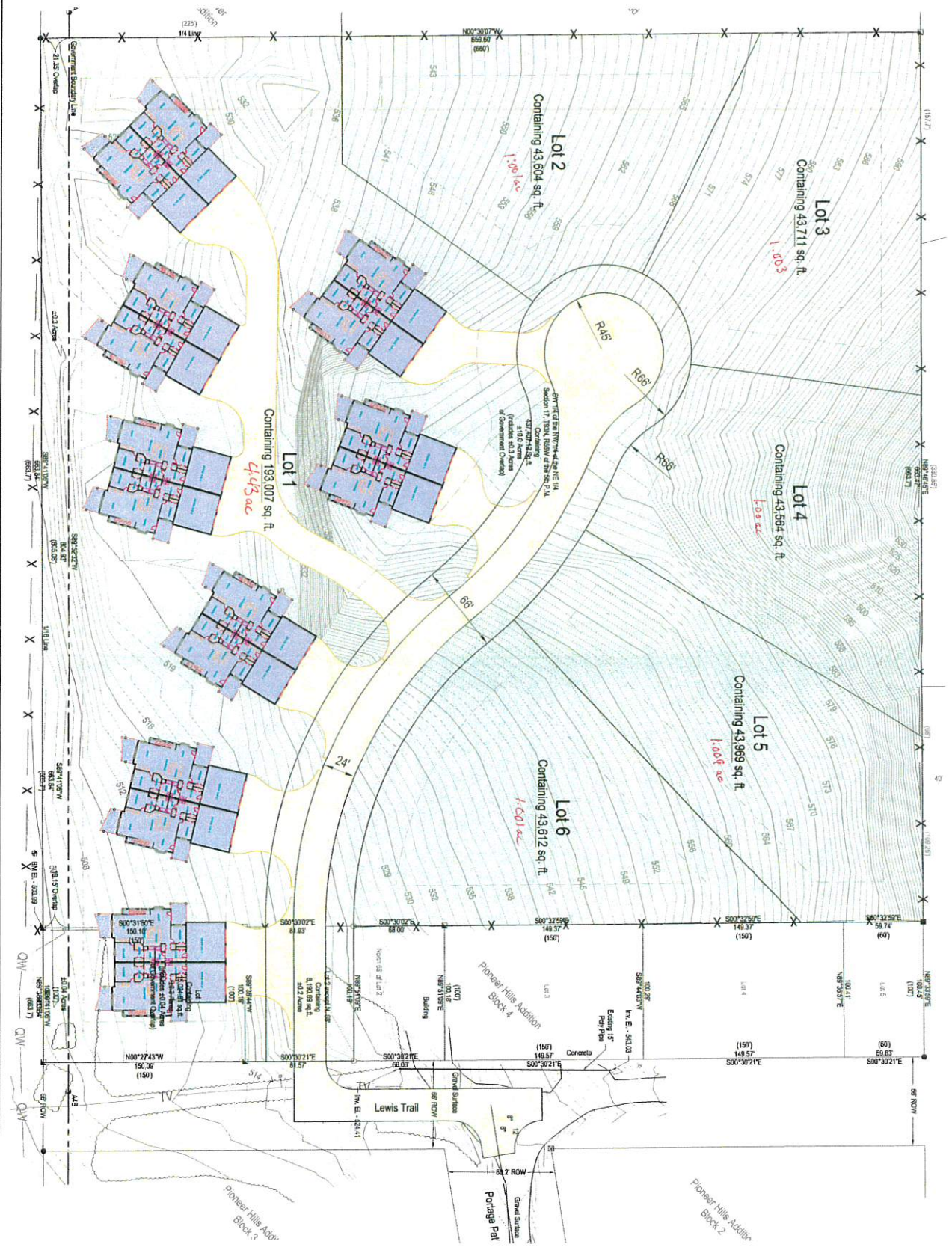
Parcel 09.017.100.300 Tax District 09633Y File 2006-ASSESSOR FILE  
Name EICKOFF, KEITH Deed or Contract  
Address 1 Bank Code  
Address 2 PO BOX 352 Misc 1 2 3 YF 4  
Address 3 HARTINGTON, NE Tax Bill Number 23126.0  
Zip Code 68739 Address # 5380 Inquiry City/Twp 09  
Inquiry location: House # Street  
Township# 93 Range# 56 Section# 17 Quarter# NE  
Addition# Block# Lot#

Prop Class	NACC	NACC2				Acres
Assd Value	201,000	30,808				Total 231,808
Equal Value	184,317	28,251				Total 212,568

Tax Freeze Applied Y or N Comments  
Non-Taxable Property -> Code Value Acres  
Front Footage/Acres -> Type Number Type Number  
Special/Drainage -> Type Number Last changed 11/10/2005 X  
Section-Twp-Range 17-93-56 Market Area  
Legal Desc 1 SW4 NW4 NE4 (10.00 A) Legal Desc 2  
Legal Desc 3 Legal Desc 4  
Extended - Deed 0 Cont 0 Mail 0 Legal 0 Soil Survey 0 Special Assmt 0  
This Activity I Add, Chg, Del, Inq, Name, Hist, S(addr) Next Parcel 09.017.100.300  
Next Activity I or -> Names N Legals N Soil Survey N Special Assmt N



Scale  
1 inch = 70 feet

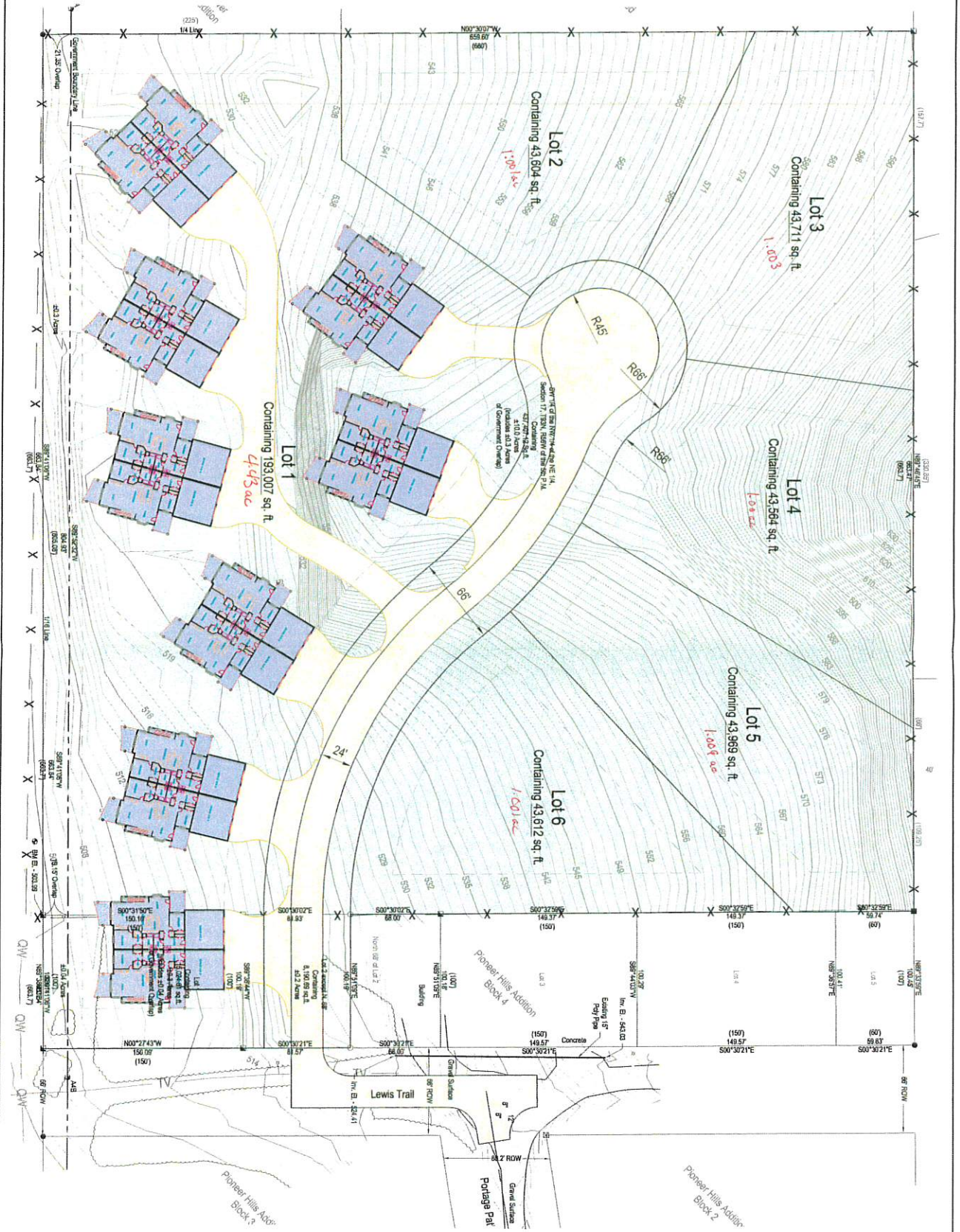


SHEET NO. 1 OF 1 SHEETS	<p>Proposed Condominium Layout for Drake Development Yankton County, South Dakota</p>	<p>Project Name: Drake Development Yankton County, South Dakota</p> <p>Sheat Name: Proposed Condominium Layout</p> <p>Drawn By: MEJ</p> <p>Proj. No.: Y05183.P01</p>	<p>Prepared By: Eisenbraun &amp; Associates Professional Engineers &amp; Surveyors</p> <p>215 Walnut Yankton, South Dakota 57078</p> <p>055-665-8092 FAX 055-665-0323 www.aeweb.com</p>
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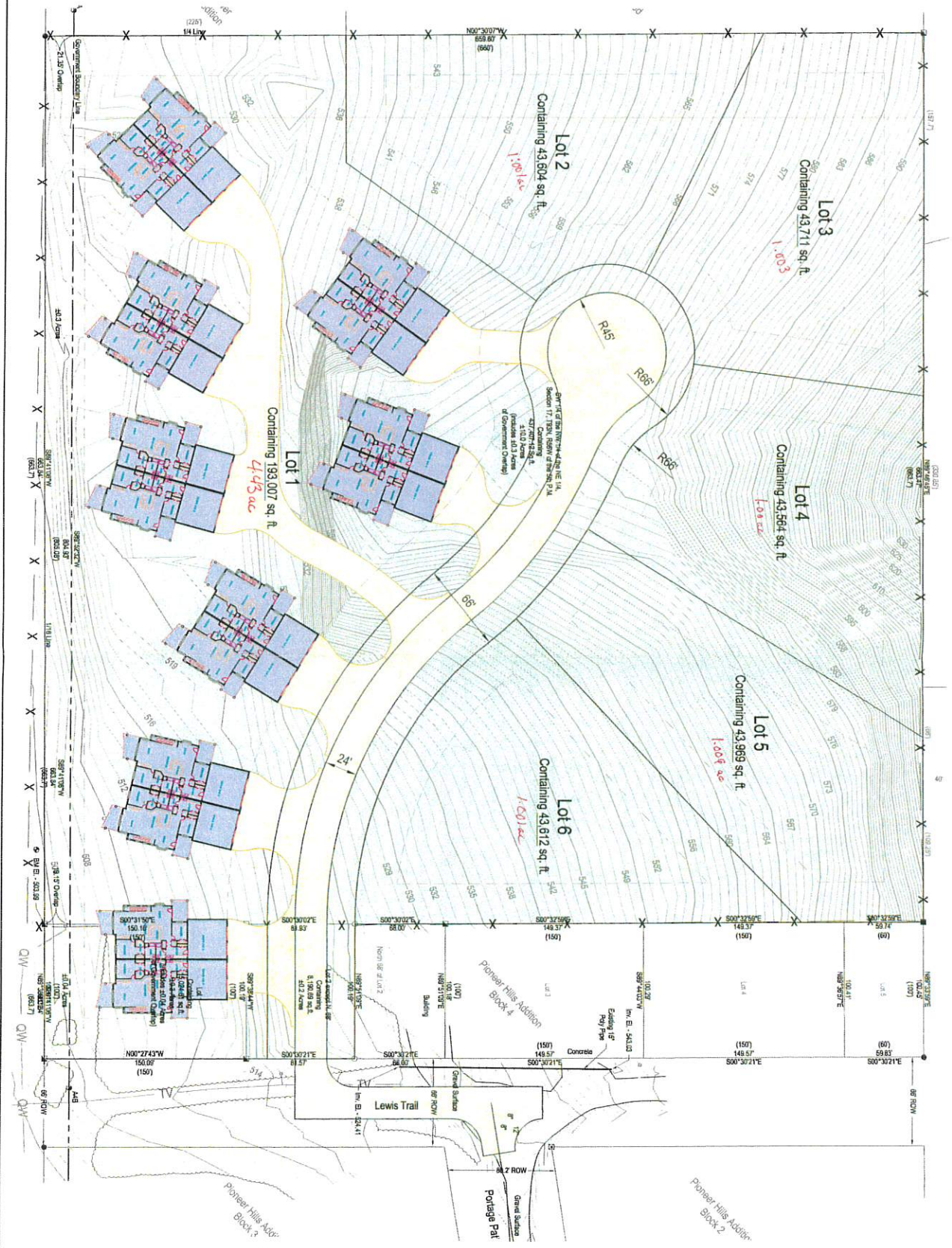
Scale  
1 inch = 70 feet



SHEET NO. 1 OF 1 SHEETS	<p>Proposed Condominium Layout for Drake Development Yankton County, South Dakota</p>	<p>Project Name: Drake Development Yankton County, South Dakota</p> <p>Sheet Name: Proposed Condominium Layout</p> <p>Drawn By: MEJ Checked By: CJW Date: 26-Jun-06</p> <p>Proj. No.: Y05183.P01 Dwg. No.: Alt. Layout</p>	<p>Prepared By: <i>Eisenbraun &amp; Associates</i> Professional Engineers &amp; Surveyors</p> <p>215 Walnut Yankton, South Dakota 57078</p> <p>605-665-8092 FAX 605-665-0523 www.eisenbraun.com</p>
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Scale  
1 inch = 70 feet



**Proposed Condominium Layout for  
Drake Development  
Yankton County, South Dakota**

Project Name:  
**Drake Development  
Yankton County, South Dakota**

Sheet Name:  
**Proposed Condominium Layout**

Drawn By: **MEJ** Checked By: **CJW** Date: **26-Jun-06**

Proj. No.: **Y05183.P01** Div. No.: **All. Layout** Layout No.:

Prepared By

**Eisenbraun & Associates**  
Professional Engineers & Surveyors

215 Walnut  
Yankton, South Dakota 57078  
605-665-0032  
FAX 605-665-0823  
www.eisenbraun.com

SHEET NO.  
**1**  
OF  
**1**  
SHEETS

**Tom Fiedler**

---

**From:** Tom Fiedler  
**Sent:** Wednesday, July 11, 2007 8:48 AM  
**To:** 'Keith Eickhoff'  
**Subject:** RE: project

Keith,

I am extending your permit for an additional 180 days from today's date or, January 7, 2008. Please keep me informed of any problems or circumstances may delay your project so that I can determine if a further extension is needed.

Tom Fiedler  
 Zoning Administrator  
 Yankton County Planning & Zoning  
 321 West 3rd St. - PO Box 1076  
 Yankton, S.D. 57078  
 605-260-4445

**This message (including attachments) is protected by 18 USC Sec. 2510-21. Unauthorized usage is subject to statutory sanctions.**

---

**From:** Keith Eickhoff [mailto:keickhoff@hartel.net]  
**Sent:** Monday, July 09, 2007 1:55 PM  
**To:** Tom Fiedler  
**Subject:** Re: project

Tom

I am meeting with the grading and water contractors tomorrow afternoon I will give a construction schedule wednesday am  
 Thanks Keith

----- Original Message -----

**From:** [Tom Fiedler](#)  
**To:** [Keith Eickhoff](#)  
**Sent:** Monday, July 09, 2007 1:51 PM  
**Subject:** RE: project

Keith:

The Conditional Use Permit for your s/div was granted by Yankton County on Sept 9, 2006 and expired on February 9, 2007 ( 180 days) unless due diligence has taken place. I have the authority to extend the permit but I need to know what time frame you now expect to be able to start construction.

Tom

**Action 06302Z:** A motion was made by Bienert and seconded by Jensen to approve a



**Conditional Use Permit, with Conditions, for Keith Eickhoff – Drake Development Company as follows:**

**Keith Eickhoff – Drake Development Company, PO Box 352, Hartington, NE**

**LEGAL DESCRIPTION (Physical Location):** SW4 NW4 NE4, Section 17, Township 93N, Range 56W

1. Planning Commission recommends approval 11-0
2. Granting of conditional use will bring property into compliance with Yankton County Zoning Ordinance, conditional use will not confer on the applicant any special privilege
3. No nonconforming lands, structures or buildings were considered grounds for this recommendation
4. Use of applicants' property is allowed by the Yankton County Zoning Ordinance and in the district
5. Recommendation/condition – The applicant shall obtain from the South Dakota Department of Environment and Natural Resources the proper permit for the installation of septic systems designed to handle the occupancy load of the town homes;
6. Recommendation/condition – Downward lighting shall be installed on all outdoor lighting.
7. Recommendation/condition – There shall be a road maintenance agreement; and,
8. Any plan deviation shall first be brought to the Zoning Administrator and then to the Planning Commission
9. Approval is per Section 1905, paragraphs 1 through 6, Yankton County Zoning Ordinance

Voting Aye: Bienert, Jensen, Hunhoff, Johnson, Sinclair,   Nay: None   Motion carried 5-0.

Tom Fiedler  
Zoning Administrator  
Yankton County Planning & Zoning  
321 West 3rd St. - PO Box 1076  
Yankton, S.D. 57078  
605-260-4445

**This message (including attachments) is protected by 18 USC Sec. 2510-21. Unauthorized usage is subject to statutory sanctions.**

---

**From:** Keith Eickhoff [mailto:keickhoff@hartel.net]  
**Sent:** Monday, July 09, 2007 1:16 PM  
**To:** Tom Fiedler  
**Subject:** project

Tom  
If all goes according to plan we are going to start grading, I have applied for and received my SWD permit from Pierre. Is there anything else I need from you before starting

7/11/2007

Thanks Keith

7/11/2007

## LEGAL/PUBLIC NOTICE RECEIPT

Copy for the official NOTICE OF AMENDMENT ADOPTION  
(proceedings, notice, etc.)

of YANKTON COUNTY AUDITOR was received from  
(governmental unit)

TOM FIEDLER on 09/06/06  
(submitting officer) (date received)

It will publish on: 09/08/06  
(publication date(s))

Legal Department  
Yankton Daily Press & Dakotan  
PO Box 56  
Yankton, SD 57078  
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as requested and complainant was notified Blue Horizon has complied with the terms of their conditional use.

**Action 06299H:** A motion was made by Hunhoff and seconded by Bienert to approve a right-of-way application by David Hacecky for water line occupancy of NE Jim River Road, in Sections 4 & 5-94-55.

Voting Aye: All    Nay: None    Motion carried.

**Action 06300H:** A motion was made by Johnson and seconded by Jensen to adopt Resolution 8106, releasing temporary easements as enumerated in said Resolution, for Project P 6366(1), PCEMS 004S (Whiting Drive/Old Highway 50) per SD Department of Transportation.

Voting Aye: All    Nay: None    Motion carried.  
(Documents on file in County Auditor's office)

**Action 06301C:** A motion was made by Jensen and seconded by Johnson to recess the regular session of the Board and convene as a Board of Adjustment.

Voting Aye: All    Nay: None    Motion carried.

**Action 06302Z:** A motion was made by Bienert and seconded by Jensen to approve a **Conditional Use Permit, with Conditions, for Keith Eickoff – Drake Development Company** as follows:

**Keith Eickoff – Drake Development Company, PO Box 352, Hartington, NE**

**LEGAL DESCRIPTION (Physical Location):** SW4 NW4 NE4, Section 17, Township 93N, Range 56W

1. Planning Commission recommends approval 11-0
2. Granting of conditional use will bring property into compliance with Yankton County Zoning Ordinance, conditional use will not confer on the applicant any special privilege
3. No nonconforming lands, structures or buildings were considered grounds for this recommendation
4. Use of applicants' property is allowed by the Yankton County Zoning Ordinance and in the district
5. Recommendation/condition – The applicant shall obtain from the South Dakota Department of Environment and Natural Resources the proper permit for the installation of septic systems designed to handle the occupancy load of the town homes;
6. Recommendation/condition – Downward lighting shall be installed on all outdoor lighting.
7. Recommendation/condition – There shall be a road maintenance agreement; and,
8. Any plan deviation shall first be brought to the Zoning Administrator and then to the Planning Commission
9. Approval is per Section 1905, paragraphs 1 through 6, Yankton County Zoning Ordinance

Voting Aye: Bienert, Jensen, Hunhoff, Johnson, Sinclair,    Nay: None    Motion carried 5-0.

## **Proposed P.U.D. and Request for Zoning Change for Drake Development**

- I Proposed Development Encompasses a Minimum of five (5) acres
  - A) Yes property encompasses 10.3 acres
- II Proposed Developments Uniqueness in Nature to other properties
  - A) There are two main factors that make this property unique. The first being that there is no highway access, the only access is through the residential area directly to the east via Clark Trail, Portage Drive and Lewis Trail. The second factor being the contour of the property including the large bluff in the center does not suit it for commercial development. Also the land being adjacent to the Lewis and Clark Lake area lends itself well to resort and second homes with association maintained common areas that allows the owners leisure time while there, and guarantees the property will be maintained while away.
- III Proof of Need or Undue Hardship
  - A) In order for the Homeowners Association to work we need at least 21 units, including the single family homes. Too few units will make the monetary burden of upkeep such as landscaping, snow removal and road maintenance too expensive for the remaining number of association members.
- IV Building Permit
  - A) See attached
- V Owners and Applicants Identified
  - A) Drake Development LLC, a South Dakota Limited Liability Corporation
- VI List of Co-applicants
  - A) Keith Eickhoff 25652 Highway 84, Hartington, NE 68739  
Phone: 402-254-6677  
Roger Eickhoff 28564 Mission Drive, Menifee, California 92584  
Phone: 751-672-3335  
Don Eickhoff 25362 Monte Verde, Laguna Niguel, California 92677  
Phone: 949-495-7178
- VII Documentation of Co-applicants Approval of Request
  - A) See attached



- VIII Legal Description of Property to be considered  
A) SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , Section 17, T93N, R56W of the 5<sup>th</sup> P.M. & Lots 1 and 2, except the North Sixty-eight feet of said Lot 2, Block 4, Pioneer Hills Addition, Yankton County, South Dakota  
Total area is 10.34 acres
- IX Location of Development In Relation to Regional Landmarks & Driving directions to Property  
A: Location: Proposed Development is  $\frac{1}{4}$  mile east of the intersection of Highway 52 and Gavins Point Dam Road. It is on the north side of Highway 52 across from the Pierson Ranch Recreation Area.  
  
B: Driving directions: From City of Yankton take Highway 52 west about 4 miles After passing Clark Trail, property is  $\frac{1}{4}$  mile west on the north side of road.
- X Current Zoning Classification and description of proposed change  
A: Property is currently zoned lakeside commercial. Asking for rezoning to residential, wish to develop 16 town homes on Lot 1, Lots 2, 3, 4, 5 and 6 are to be single family homes on lots exceeding one acre.
- XI Site Plan  
See attachments and pictures
- XII Property History Overview:  
A: The property had been undeveloped until about 10 years ago, when a go cart track was built on the south end. The business failed, the property has since been the subject of property liens, related to that business failure as well as of another failed venture of the former owner. The past few years the property has been vacant, has grown up in weeds and has become a dump site for some, accumulating trash abandoned cars and equipment. Approving this application will be a huge improvement to the appearance of a highly visible area adjoining the Lewis and Clark Recreational Area. See pictures marked current site.
- XIII Detailed Narrative Addressing Special or Unique Concerns of the Property  
A: As was addressed earlier under item II, this property of has no highway access. It is the only sizeable property in the area without access to the highway. The Army Corp of Engineers has repeatedly stated that under no circumstances will a right of way for access be granted. Again as stated in Item II the only access is through the residential area to the east via Clark Trail, therefore the property does not lend itself to commercial development.

- XIV Acquisition Date  
A: Property was purchased by Drake Development on October 28, 2005
- XV Detailed Description of Proposed Construction Activities  
A: A private road entering off of Lewis trail and ending in a cul-de-sac will service eight (8) duplex, or two family town houses on Lot 1. The units will be constructed within the restrictions of the covenants accompanying this application, to assure that all local and State building codes are adhered to. The final construction will be an attractive addition and an asset, to a now vacant lot in a highly visible area. Lots 2, 3, 4, 5 and 6 all exceeding one acre in size will be developed for single family homes, once again within the constraints of the covenants included with the application.
- XVI List of Current Infrastructure on Property  
A: Water: B-Y Water has a 6" line on the north side of Highway 52 running adjacent to the property, there is also another 6" line ¼ mile to the west parallel to the north boundary of the development. And a 3" line to one-quarter mile to the northwest  
B: Electric: B-Y Electric has a substation adjacent to the property and has indicated no problem in supplying power to the development.  
C: Sewer: Preliminary percolation tests show the soil to be well suited for a conventional drain field system. See attached test results from American Technical Services of Sioux Falls.  
D: Roads: Access to the property will be off of Highway 52 via Clark Trail, Portage Boulevard and Lewis Trail
- XVII Relation and Compatibility of the Proposed PUD to Surrounding Properties  
A: The only property access will be via Portage Road, which is a residential development comprised of lot sizes that are one third to one half acre. These houses directly adjoin the property to the east. With similar residences bordering on two sides, the new development will not only be compatible, but will be a great improvement in appearance to the surroundings. See attached map of adjoining development
- XVIII Soil Compatibility to include Building Suitability and Percolation Tests  
See attached report from American Testing
- XIX Maps Illustrating Drainage Topography, Parcels, Soils and Accessibility  
See Attached
- XX Ingress and Egress Points, Public and Private  
A: The only ingress/egress point will be a private dead end road maintained by the Home Owners Association entering off of Lewis Trail, a previously undeveloped plated roadway.