

September 12, 2023

# AGENDA

YANKTON COUNTY PLANNING COMMISSION

- Cheri Loest
- Cathy Weiss
- Don Kettering

- Dennis Michael
- Chris Barkl
- Dan Clark

- Lauren Nelson

## 7:00 P.M.

Call Meeting to Order

Roll Call

Approve Minutes from previous meetings

Items to be added to Agenda

Approval of Agenda

Conflict of Interest Declarations

## 7:05 P.M.

### Yankton Land and Cattle – Rezone

Applicant is requesting to rezone a parcel in a Rural Transitional District (RT) to Commercial District (C) per Article 18 Section 1809 and Article 20 Section 2003. Said property is legally described as Lot 4 in the NE1/4 of the SE1/4 of Section 24, Township 94 North, Range 56 West of the 5th Principal Meridian, Yankton County, South Dakota. Containing 130,375 SQ.FT. (2.99 Acres) More or less (**Utica North**)

## 7:10 P.M.

### American Tower Corp. – Conditional Use Permit

Applicant is requesting a Conditional Use Permit to co-locate a new wireless carrier on an existing tower in an Agricultural District per Article 25 Section 2503. Said property is legally described as the West half (W1/2) of the Southwest Quarter (SW1/4) excepting Parcel A and the North 150 feet of the South 776.5 feet of the West 370.5 feet and Tract 2 Lucas Addition in the Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4) AND excepting Tract one (1) Lucas Addition Lot Four (4) in the Southwest Quarter (SW1/4) of the Southwest Quarter (1/4), All in Section Thirty-one (31), Township Ninety-six (96) North, Range Fifty-five (55) west of the 5<sup>th</sup> P.M., Yankton County, South Dakota. E911 address is 29654 US HWY 81, Irene, SD (**Mayfield**)

## 7:15 P.M.

### Plats

**Yankton Land and Cattle** - Plat of Lot 4 in the NE1/4 of the SE1/4 of Section 24, Township 94 North, Range 56 West of the 5th Principal Meridian, Yankton County, South Dakota. Containing 130,375 SQ.FT. (2.99 Acres) More or less (**Utica North**)

**Staudenmaier** – Replat of Lot 38, block 4, Sunrise Addition in the SW1/4 of the SW1/4 of Section 10, T93N, R55 W of the 5th P.M., Yankton County, South Dakota (**Mission Hill South**)

**James Cwach Revocable Trust** - Plat of Tract 1, Brandon Cwach’s Addition, in the NW1/4 of the NW1/4 of Section 25, T94N, R56W of the 5th P.M., Yankton County, South Dakota (**Utica North**)

**Jorgensen** - Plat of Tyler Jorgensen Addition, in the NE1/4 of the SE1/4 of Section 35, T95N, R56W of the 5th P.M., Yankton County, South Dakota (**Central**)

**7:20 P.M.**

**Article 29 discussion**

**7:25 P.M**

**Public Comment**

MEETING (ENTITY): PLANNING COMMISSION REGULAR OR SPECIAL MEETING: Regular  
DATE: 8/8/2023 TIME: 7PM LOCATION: COMMISSION CHAMBERS

STAFF ATTENDANCE: Conkling/Vetter

ROLL  BARKL  LOEST  KETTERING  MICHAEL  NELSON  WEISS  CLARK

CALL:

APPROVAL OF MINUTES: MOTION BY: Loest SECOND BY: Nelson

PLANNING:  BARKL  LOEST  KETTERING  MICHAEL  NELSON  WEISS  CLARK

APPROVAL OF AGENDA: MOTION BY: Loest SECOND BY: Kettering

PLANNING:  BARKL  LOEST  KETTERING  MICHAEL  NELSON  WEISS  CLARK

**Removed Cwach Plat and Jorgensen Plat from agenda – Motion to approve amended agenda-  
Passed 7-0**

AGENDA ITEM: **Daugherty - Rezone**

ADDRESS/LEGAL: Jackman Tract A, in the South Half of the Northwest Quarter (S1/2NW1/4) Section 16,  
Township 93 North, Range 56 West of the 5<sup>th</sup> P.M., Yankton County, S.D., as per plat recorded in  
Book S19, Page 382, less highways and roads.

COMMENTS: **Rick Daugherty - applicant**

---

MOTION: **Approve as presented  
Passed 7-0**

---

APPROVAL: MOTION BY: Kettering SECOND BY: Michael

PLANNING:  BARKL  LOEST  KETTERING  MICHAEL  NELSON  WEISS  CLARK

AGENDA ITEM: **Ferris - Rezone**

ADDRESS/LEGAL: The West 23 Rods, South 14 Rods, in the Southwest Quarter (SW1/4) excluding Lot H-2, in Section  
18, Township 94 North, Range 55 West of the 5<sup>th</sup> P.M., Yankton County, South Dakota. E911  
address is 44006 306<sup>th</sup> St, Yankton, South Dakota

COMMENTS: **Alan Ferris - applicant**

---

MOTION: **Approve based on Findings of Facts  
Passed 7-0**

---

APPROVAL: MOTION BY: Loest SECOND BY: Kettering

PLANNING:  BARKL  LOEST  KETTERING  MICHAEL  NELSON  WEISS  CLARK

AGENDA ITEM: **White – Conditional Use Permit**  
ADDRESS/LEGAL: Lot 1, Metz-Peterson Addition, in the N1/2 of the NE1/4 of Section 15, T93N, R56W of the 5<sup>th</sup>P.M., Yankton County, South Dakota

COMMENTS: **Milton White - applicant**

MOTION: **Approve based on Findings of Facts  
Passed 7-0**

APPROVAL: MOTION BY: Loest SECOND BY: Nelson  
PLANNING:  BARKL  LOEST  KETTERING  MICHAEL  NELSON  WEISS  CLARK

AGENDA ITEM: **Svendsen - Plat**  
ADDRESS/LEGAL: Plat of Tract 1, Svendsen Addition, in the NE1/4 of the NW1/4 of Section 2, T94N, R55W of the 5<sup>th</sup> P.M., Yankton County, South Dakota (Mission Hill North)

COMMENTS: none

MOTION: **Approve as presented  
Passed 7-0**

APPROVAL: MOTION BY: Michael SECOND BY: Loest  
PLANNING:  BARKL  LOEST  KETTERING  MICHAEL  NELSON  WEISS  CLARK

AGENDA ITEM: **Blackburn - Plat**  
ADDRESS/LEGAL: A Replat of Lot 9, Lakeview Terrace, in the SE1/4 of the NW1/4 and in the NE1/4 of the SW1/4 and a portion of the SE1/4 of the NW1/4 all in Section 18, T93N, R56W of the 5<sup>th</sup> P.M., Yankton County, South Dakota, Hereafter to be known as; Lot 9A and Lot 9B, Lakeview Terrace, in the SE1/4 of the NW1/4 and in the NE1/4 of the SW1/4 of Section 18, T93N, R56W of the 5<sup>th</sup> P.M., Yankton County, South Dakota

COMMENTS: John Blackburn - applicant

MOTION: **Approve as presented  
Passed 7-0**

APPROVAL: MOTION BY: Michael SECOND BY: Kettering  
PLANNING:  BARKL  LOEST  KETTERING  MICHAEL  NELSON  WEISS  CLARK

AGENDA ITEM: Discussion - Definitions and Article 5  
ADDRESS/LEGAL: \_\_\_\_\_  
COMMENTS: None

MOTION: **No Action Taken**

APPROVAL: MOTION BY: \_\_\_\_\_ SECOND BY: \_\_\_\_\_  
PLANNING:  BARKL  LOEST  KETTERING  MICHAEL  NELSON  WEISS  CLARK

AGENDA ITEM: Public Comment  
ADDRESS/LEGAL: \_\_\_\_\_  
COMMENTS: None

MOTION: **Adjourn  
Passed 7-0**

APPROVAL: MOTION BY: Michael SECOND BY: Kettering  
PLANNING:  BARKL  LOEST  KETTERING  MICHAEL  NELSON  WEISS  CLARK

AGENDA ITEM: \_\_\_\_\_  
ADDRESS/LEGAL: \_\_\_\_\_  
COMMENTS: \_\_\_\_\_

MOTION: \_\_\_\_\_

APPROVAL: MOTION BY: \_\_\_\_\_ SECOND BY: \_\_\_\_\_  
PLANNING:  BARKL  LOEST  KETTERING  MICHAEL  NELSON  WEISS  CLARK

AGENDA ITEM: \_\_\_\_\_  
ADDRESS/LEGAL: \_\_\_\_\_

COMMENTS: \_\_\_\_\_

MOTION: \_\_\_\_\_

APPROVAL: MOTION BY: \_\_\_\_\_ SECOND BY: \_\_\_\_\_  
PLANNING:  BARKL  LOEST  KETTERING  MICHAEL  NELSON  WEISS  CLARK

AGENDA ITEM: \_\_\_\_\_

ADDRESS/LEGAL: \_\_\_\_\_

COMMENTS: \_\_\_\_\_

MOTION: \_\_\_\_\_

APPROVAL: MOTION BY: \_\_\_\_\_ SECOND BY: \_\_\_\_\_  
PLANNING:  BARKL  LOEST  KETTERING  MICHAEL  NELSON  WEISS  CLARK

AGENDA ITEM: \_\_\_\_\_

ADDRESS/LEGAL: \_\_\_\_\_

COMMENTS: \_\_\_\_\_

MOTION: \_\_\_\_\_

APPROVAL: MOTION BY: \_\_\_\_\_ SECOND BY: \_\_\_\_\_  
PLANNING:  BARKL  LOEST  KETTERING  MICHAEL  NELSON  WEISS  CLARK

AGENDA ITEM: \_\_\_\_\_

ADDRESS/LEGAL: \_\_\_\_\_

COMMENTS: \_\_\_\_\_

MOTION:

---

APPROVAL:

MOTION BY: \_\_\_\_\_

SECOND BY: \_\_\_\_\_

PLANNING:

BARKL  LOEST  KETTERING  MICHAEL  NELSON  WEISS  CLARK

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

Applicant

**Yankton Land and Cattle – Rezone**

---

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

LC – Lakeside Commercial  RT-Rural Transitional

Variance needed:

Section 513  Section 607  Section 705  Section 1709  Section 1723

Section 1809

---

**NOTE:**

Applicant is requesting to rezone a parcel in a Rural Transitional District (RT) to Commercial District (C) per Article 18 Section 1809 and Article 20 Section 2003. Said property is legally described as Lot 4 in the NE1/4 of the SE1/4 of Section 24, Township 94 North, Range 56 West of the 5th Principal Meridian, Yankton County, South Dakota. Containing 130,375 SQ.FT. (2.99 Acres) More or less

PC: Article 18 Section 1809

BOA: Article 20 Section 2003

Planning Commission date: 9/12/2023

Time: 7:05 P.M.

Board of Adjustment date: 10/3/2023, 10/17/2023

Time: 6:30 P.M.



Permit Number: REZ-2023-97

### Yankton County

         Variance               Conditional Use        X   Rezoning

Owner: Yankton Land & Company

Owners Address: 30651 US HWY 81 N, YANKTON, SD, 57078

Owners Phone: (605) 665-2999  
Applicants Name, if different from

Owner: Yankton Land & Company

Applicants Address: 30651 US HWY 81 N, YANKTON, SD, 57078

Job Address: 30651 US HWY 81

Legal: Lot 4 in the NE1/4 of the SE1/4 of Section 24, Township 94 North, Range  
Section,  
Township, Range: 24-94-56

Zoning Classification: DZ RT/AG

Affected Zoning Ordinance: 18091809 and 2003

Reason for Request: Selling 2.99 acres and rezoning to Commercial to be more conforming with surrounding properties

List Specific Hardships: \_\_\_\_\_

SCHEDULED FOR PLANNING COMMISSION ACTION (DATE): 09/12/2023 7:05 AM CDT

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

Application Fee: \$450.00      Check #: 232302064      Receipt #: \_\_\_\_\_

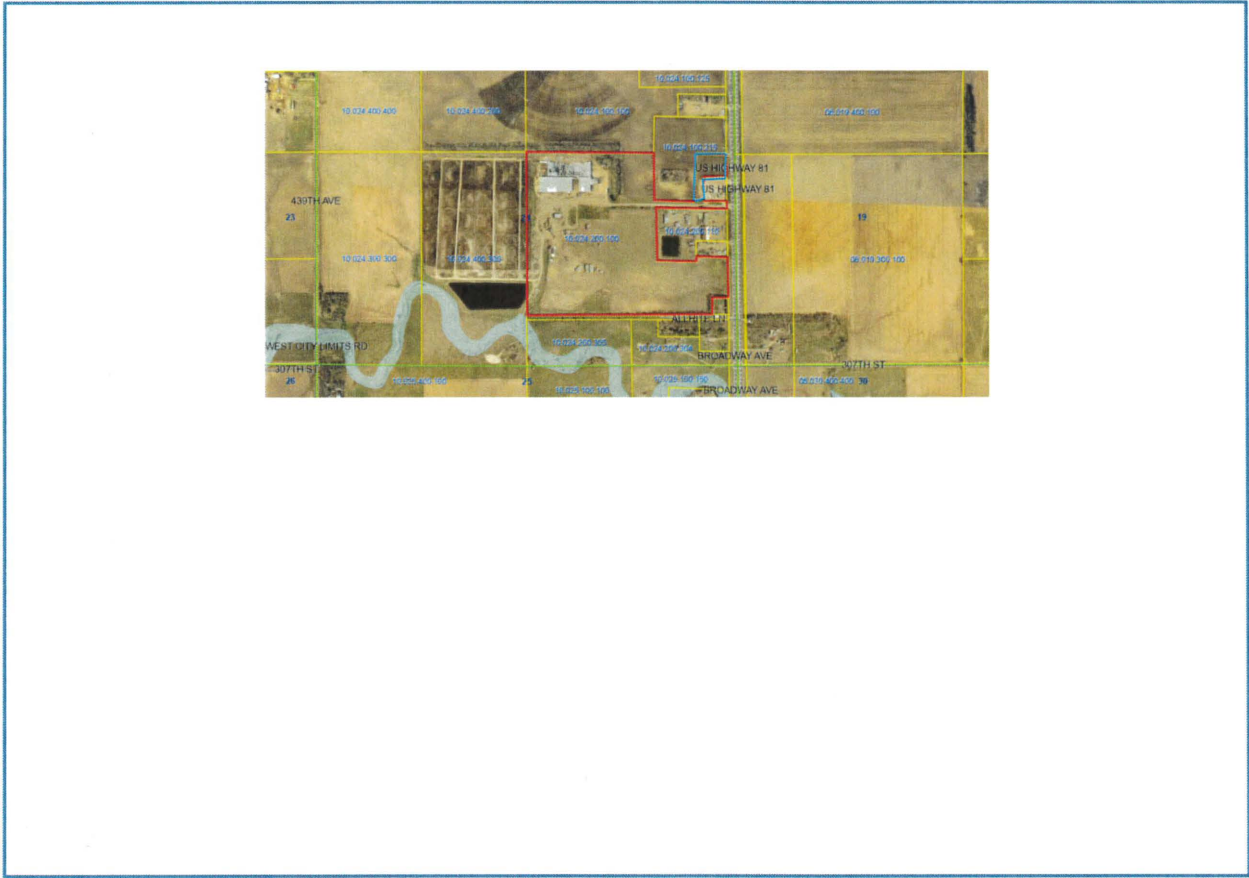
*Mandi Stevens - Attorney*

Date: \_\_\_\_\_

Signature: Yankton Land & Company

07/25/2023

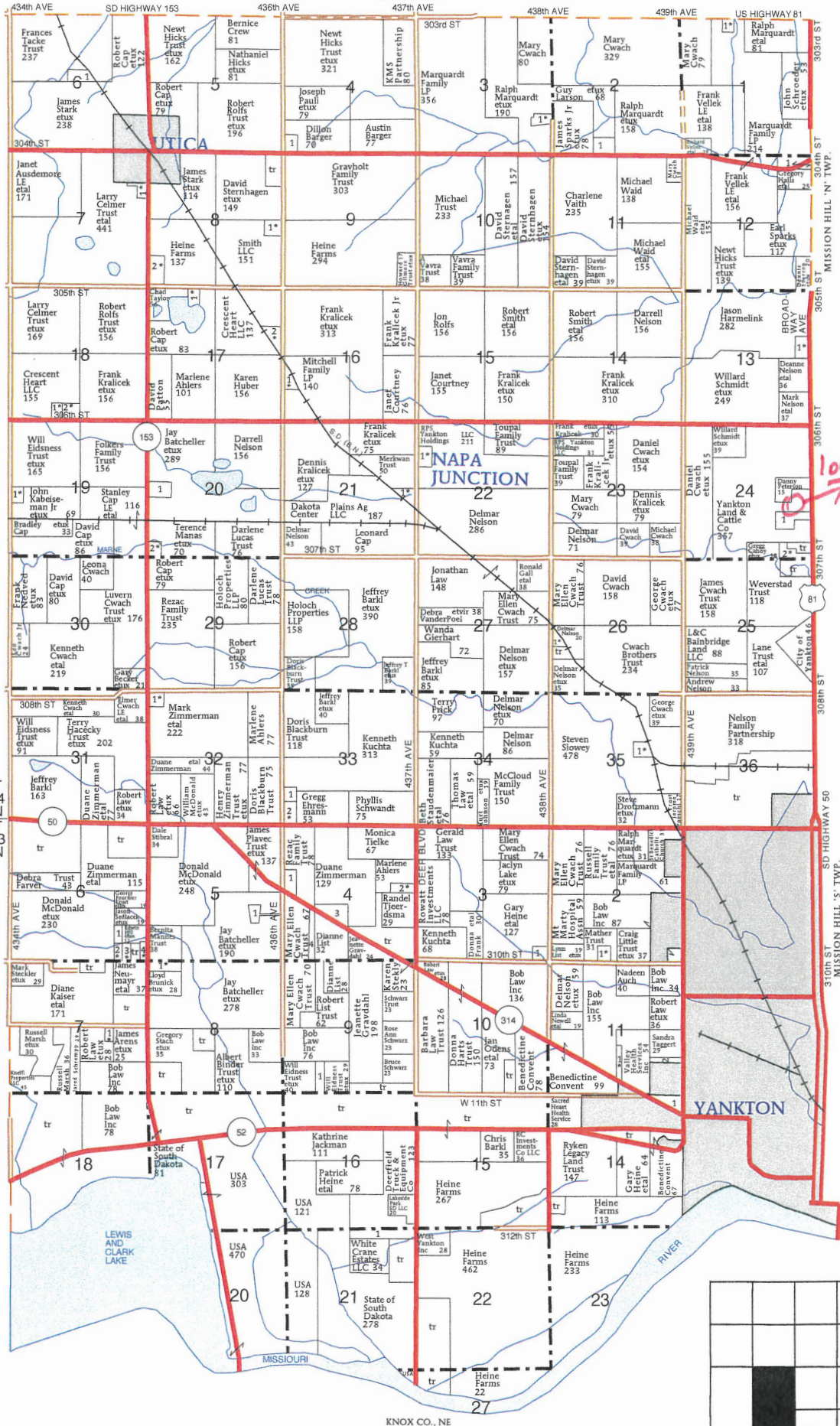
# Site Map



Parcel Number: 10.024.200.100

Site Description:

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 7

SECTION 4N

- 1. Nedved, Mark 7

SECTION 4S

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

SECTION 5N

- 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
- 2. Tacke, WM etux 13

SECTION 18N

- 1. Cap LE, Stanley etal 5
- 2. Cap, Robert etux 7

SECTION 19

- 1. Schenkel, Daniel etux 7

SECTION 20N

- 1. Yankton Co Sharpshooters Assn 12
- 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 – REZONE**

**Yankton Land and Cattle– REZ-2023-97**

Are the requirements of Section 1723 met?	Yes
Are the requirements of Section 1729 met? (all fees paid at time of application)	Yes
Section 1805:	
1. All documents required for application for said request have been satisfactorily completed and all required fees have been paid in full.	
2. The individual petitioner provides a completed amendment or change in zone request. Said request must clearly state:  a. Special conditions and circumstances exist which require the land to be rezoned;  b. The special conditions and circumstances do not result from the actions of the applicant; and  c. The granting of the amendment or change in zoning will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structure, or buildings in the area.	
3. Notice of public hearing shall be given, as in Section 1803 (3-5).	
4. The public hearing shall be held. Any party may appear in person or by agent or attorney.	
5. The Planning Commission shall make findings that the requirements of this Section have been met by the applicant for an amendment or change in zone, to include:  a. The reasons set forth in the application justify a recommendation to approve the amendment or change in zone;	
b. The amendment or change in zone will make possible the reasonable use of the land, building, or structure;	
c. A recommendation to grant the amendment or change in zone will be in harmony with the general purpose and intent of this ordinance; and	

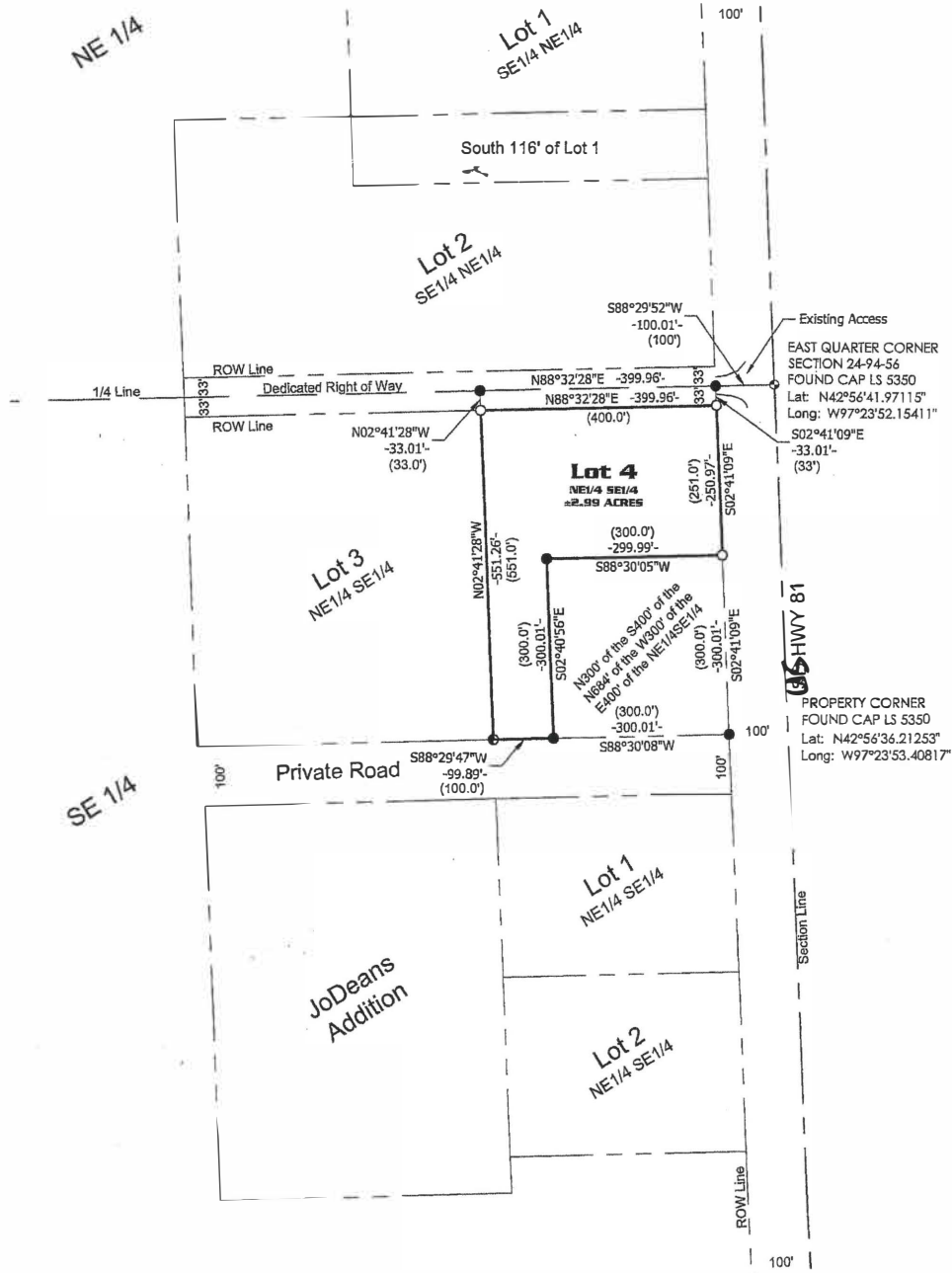
<p>d. A recommendation of approval will not be injurious to the neighborhood, or otherwise detrimental to the public welfare as presented and testified to by the applicant.</p>	
<p>6. No petition for amendment or change in zone shall be recommended for approval unless the Planning Commission finds that the condition, situation or the intended use of the property concerned is unique, required, or necessary as to make reasonably practicable the amendment or change in zone.</p>	
<p>7. Before any amendment or petition for rezoning is recommended for approval, the Planning Commission shall make written findings certifying compliance with:</p> <ul style="list-style-type: none"> <li>a. The Comprehensive Plan;</li> <li>b. Specific rules governing land uses;</li> <li>c. Zoning district regulations; and</li> <li>d. Satisfactory provision and arrangement has been made concerning the following, where applicable:</li> </ul>	
<ul style="list-style-type: none"> <li>1. Certification of compliance with all ordinances and regulations regarding licensing and zoning, health, plumbing, electrical, building, fire prevention, and all other applicable ordinances and regulations;</li> <li>2. Ingress and egress to property and 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;</li> <li>3. 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 amendment or rezone on adjoining properties and properties generally in the district;</li> <li>4. Refuse and service areas, with particular reference to the items in (A) and (B) above;</li> <li>5. Utilities, with reference to locations, availability,</li> </ul>	

<p>and compatibility;</p> <ol style="list-style-type: none"> <li>6. Screening and buffering with reference to type, dimensions, and character;</li> <li>7. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district;</li> <li>8. Required yards and other open spaces; and</li> <li>9. General compatibility with adjacent properties and other property in the district.</li> </ol>	
<ol style="list-style-type: none"> <li>8. In recommending approval of any petition for amendment or change in zone, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this ordinance.</li> </ol>	

PLAT OF  
**LOT 4**

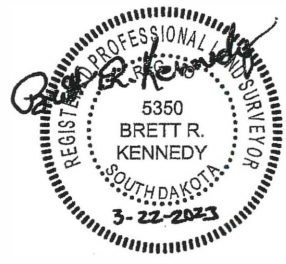
IN THE NE1/4 OF THE SE1/4 OF SECTION 24, TOWNSHIP 94 NORTH, RANGE 56 WEST  
OF THE 5TH PRINCIPAL MERIDIAN, YANKTON COUNTY, SOUTH DAKOTA.

CONTAINING 130,375 SQ.FT. (2.99 ACRES) MORE OR LESS



- LEGEND**
- Set 5/8" x 18" Rebar Stamped "KENNEDY 5350"
  - Found 3/4" Pipe
  - Found Cap "KENNEDY 5350"
  - Section Corner As Noted
- (400.0') Record Dimension from deed or plat

This survey was performed without the benefit of a Title Report and does not purport to show easements of record, if any.



**LOT 4 IN THE NE1/4 OF THE SE1/4**  
SECTION 24, T94N, R56W  
YANKTON COUNTY, SOUTH DAKOTA



SURVEYOR'S CERTIFICATE

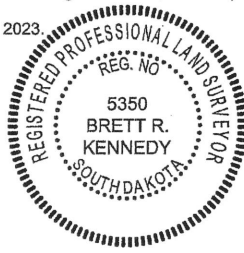
I, Brett R. Kennedy, a Registered Land Surveyor in the State of South Dakota, do hereby certify that at the request of the owner, and under their direction, did on or prior to March 21, 2023 I have surveyed the NE1/4 of the SE1/4 of Section 24, Township 94 North, Range 56 West of the 5th P.M., Yankton County, South Dakota, with area and dimensions as shown on the plat:

A portion shall hereafter be known and described as **LOT 4 IN THE NE1/4 OF THE SE1/4 OF SECTION 24, T94N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA.**

I also hereby certify that this plat is to the best of my knowledge and belief, in all respects, a true description of said property.

I have executed this document this 22nd day of March, 2023.

  
Brett R. Kennedy, LS 5350



OWNER'S CERTIFICATE

I, the undersigned, hereby certify that Yankton Land & Cattle Company, a South Dakota Corporation is the absolute and unqualified owner of the land included in this plat being entitled:

**LOT 4 IN THE NE1/4 OF THE SE1/4 OF SECTION 24, T94N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA,** that the plat has been made at our request and under our direction, for the purpose of defining and describing the property as shown by this plat, that the development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations, and I hereby dedicate to the public, for public use forever as such, the right-of-ways and easements, as shown and marked on this plat.

In witness whereof I have hereunto set my hand this \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Yankton Land & Cattle Company, a South Dakota Corporation

By \_\_\_\_\_

Title \_\_\_\_\_

CORPORATION ACKNOWLEDGEMENT

STATE OF \_\_\_\_\_ )  
   ) SS  
COUNTY OF \_\_\_\_\_ )

Be it remembered that on this \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ before me the undersigned, a Notary Public within and for the county and state aforesaid, personally appeared \_\_\_\_\_, of Yankton Land & Cattle Company, a South Dakota Corporation, known to me to be the person who is described in and who executed the within and foregoing instrument and certificate and acknowledged to me that he executed the same.

My commission expires \_\_\_\_\_.

\_\_\_\_\_ Seal

Notary Public, \_\_\_\_\_ County, South Dakota

CERTIFICATE OF STREET AUTHORITY

The location of existing access roads abutting or approaches entering the State/County/Township/City Road, is hereby approved. Any changes in the existing access shall require additional approval.

Approved this \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
State/County/Township/City Road Authority



COUNTY PLANNING COMMISSION APPROVAL

Approval of the final plan of **LOT 4 IN THE NE1/4 OF THE SE1/4 OF SECTION 24, T94N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA**, is hereby granted by the Yankton County Planning Commission on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
Chair, County Planning Commission  
Yankton County, South Dakota

COUNTY COMMISSION APPROVAL

I hereby certify that the final plan of **LOT 4 IN THE NE1/4 OF THE SE1/4 OF SECTION 24, T94N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA** was duly submitted to the Yankton County Board of County Commissioners, and that after due consideration the Board approved said final plan at its meeting held on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
Chairman, County Commission Yankton County, South Dakota

COUNTY AUDITOR CERTIFICATE

I do hereby certify that the above certificate of approval is true and correct including the signature thereon.

Dated this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
County Auditor  
Yankton County, South Dakota

DIRECTOR OF EQUALIZATION

I, the undersigned, County Director of Equalization for Yankton County, South Dakota, do hereby certify that a copy of the above Plat has been filed at my office.

Dated this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
Director of Equalization  
Yankton County

CERTIFICATE OF COUNTY TREASURER

I, the undersigned, County Treasurer for Yankton County, South Dakota, do hereby certify that all taxes which are liens upon any land included in the above and foregoing plat as shown by the records of my office have been fully paid.

Dated this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
Treasurer  
Yankton County

CERTIFICATE OF REGISTER OF DEEDS

STATE OF \_\_\_\_\_ )  
  ) SS  
COUNTY OF \_\_\_\_\_ )

Filed for record this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_ o'clock \_\_\_\_ M. and recorded in Book \_\_\_\_\_ of Plats on page \_\_\_\_\_ therein.

\_\_\_\_\_  
Register of Deeds  
Yankton County

3 OF 3

REVISION SCHEDULE  
EXTENSION  
DATE  
18 PROJECT #: 23044

**LOT 4 IN THE NE1/4 OF THE SE1/4**  
**SECTION 24, T94N, R56W**  
**YANKTON COUNTY, SOUTH DAKOTA**



Variance, Conditional Use and Rezoning Application REZ-2023-97  
 Applicant Tanner Fitzgerald  
 Fees Paid \$450.00  
 Created July 25, 2023

Number REZ-2023-97

10.024.200.100 | Yankton Land & Company | 30651 US HWY 81, YANKTON, SD, 57078  
 Submitted by lawyersasst1 on 7/25/2023



## Applicant

Tanner Fitzgerald

(605) 665-5550

lawyersasst1@gmail.com

Parcel search Completed On 7/25/2023 2:13 PM EST by Anonymous



Maxar Powered by Esri

ParcelID	Address	City	OwnerName	Acres
10.024.200.100	30651 US HWY 81	YANKTON	YANKTON LAND & CATTLE COMPANY (D)	94.910

Draft Building Permit Completed On 7/25/2023 2:33 PM EST by lawyersasst1

Upload Draft Building Permit

Submit Completed On 7/25/2023 2:42 PM EST by lawyersasst1

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

Wanda Stevens - Attorney

---

Date

7/25/2023

Application Submitted Successfully Completed On 7/25/2023 2:48 PM EST by lawyersasst1

Your application has been submitted for review. Thank you.

Please click next at the bottom to continue. Thank you

Request Information Completed On 7/25/2023 2:48 PM EST by bconkling

Type of Request

Rezoning

Fee

\$450.00

Reason for Request

Selling 2.99 acres and rezoning to Commercial to be more conforming with surrounding properties

List Specific Hardships

## Applicant Information

Are you the owner of the property?

Yes

Applicant Name

Yankton Land & Company

Applicant Address

30651 US HWY 81 N, YANKTON, SD, 57078

Applicant Phone

(605) 665-2999

## Owner Information

Owner Name

**Owner Address**

30651 US HWY 81 N, YANKTON, SD, 57078

**Owner Phone Number**

(605) 665-2999

## Property Information

**Parcel ID Number**

10.024.200.100

**Legal Description**

Lot 4 in the NE1/4 of the SE1/4 of Section 24, Township 94 North, Range 56 West of the 5th Principal Meridian, Yankton County, South D

**Site Address**

30651 US HWY 81

**City**

YANKTON

**Zip**

57078

**Section-Township-Range**

24-94-56

**Zoning District**

DZ

**Zoning Description**

DZ

**Existing Use of Property**

**Site Plan** Completed On 7/25/2023 2:49 PM EST by bconkling

**Map - Mark the location of structures and other necessary information.**

- Sketch Layer +
- Reference Layer -
- Mapproxy



Maxar, Microsoft

Powered by Esri

Describe the location and use of adjacent structures

Upload Site Plan and/or additional plans and documents

[yankton cattle plat.pdf](#)

Map

- Sketch Layer
- Reference Layer
- Mapproxy

Arrow to select items to move or rearrange

Will let you "add text" to the map

The "draw point" tool will place an X on the map

Draw rectangle: Click and hold to draw a rectangle, release to finish rectangle

Draw polygon: Click once on map to start drawing a polygon, click map at each vertex and double click to finish polygon

Draw line: Click once on the map to start drawing a line, click the map at each vertex and double click to finish drawing the line

Measure: Click once on the map to start measuring, click the map at each vertex and double click to finish. Area can be calculated by drawing a polygon.

Zoom In/Zoom Out buttons

Undo the last edit to the map

Undo all edits to the map

Zoom to initial view

Planning Review Completed On 7/25/2023 2:53 PM EST by bconkling

Continue with application

Continue

Describe what the applicant is requesting

Applicant is requesting to rezone 2.99 acres from RT?AG to Commercial for the purpose of sale and to make it conforming with minimum lot size and surrounding properties

Planning Commission Code Reference

**Other Planning Commission Code Reference ⓘ**

1809

**Board of Adjustment Code Reference**

**Other Board of Adjustment Code Reference ⓘ**

1809 and 2003

*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 ⓘ**

DZ RT/AG

**Wave Fee**

**Notes ⓘ**

**Director Review** Completed On 7/25/2023 2:54 PM EST by gvetter

**Zoning Director Review**

Approve

**Payment** Completed On 7/25/2023 3:10 PM EST by lawyersasst1

**Fees Paid**

[VIEW RECEIPT](#)

Fee Name	Recipient	Amount
Fee	Planning and Zoning	\$450.00

**Confirmation Data**

Payment Method	Online
Confirmation Number	232302064
Amount Paid	\$450.00

**PC Prep** Completed On 7/25/2023 3:30 PM EST by bconkling

**Planning Commission Meeting**

**Planning Commission Meeting Date and Time**

September 12th 2023, 7:05 am CDT

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

09/02/2023 7:05 AM

**Additional instructions for PC email**

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

09/04/2023 7:05 AM

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

09/05/2023 7:05 AM

**Date to send email to applicant**

08/28/2023

**Upload PC Mailing Labels**

[Yankton Land and Cattle Labels.pdf](#)

**Upload PC Affidavit of Mailing**

[3 Mailing affidavit 1320.pdf](#)

**Upload PC Notification Letter**

[Notification Letter rezone.pdf](#)

**Upload PC Newspaper Publication**

[Legals 9-12-2023.pdf](#)

**Permit Number**

REZ-2023-97

**Receipt Number**

**PC App Form** Completed On 7/25/2023 3:30 PM EST by bconkling

[PC App Form](#)

**External Notes**

**Documents**

**Internal Notes**

Documents



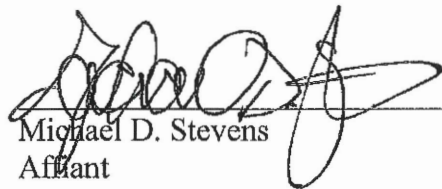
AFFIDAVIT OF MAILING

I, Michael D. Stevens, hereby certify that on the 30<sup>th</sup> day of August, 2023, 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

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

Dated this 30<sup>th</sup> day of August, 2023.

  
Michael D. Stevens  
Affiant

Subscribed and sworn to before me this 30<sup>th</sup> day of August, 2023.

  
Notary Public – South Dakota  
My commission expires: 2/17/2028



# NOTIFICATION

August 28, 2023

Applicant:  
Yankton Land and Cattle  
30651 US HWY 81  
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 1320 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 7:05 P.M. on the 12th day of September, 2023 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 to rezone a parcel in a Rural Transitional District (RT) to Commercial District (C) per Article 18 Section 1809 and Article 20 Section 2003. Said property is legally described as Lot 4 in the NE1/4 of the SE1/4 of Section 24, Township 94 North, Range 56 West of the 5th Principal Meridian, Yankton County, South Dakota. Containing 130,375 SQ.FT. (2.99 Acres) More or less*

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,  
Yankton Land and Cattle  
Petitioner

ARENS, ADAM JOSEPH (D)  
4604 BROADWAY AVE  
YANKTON SD 57078

ARENS, SAMUEL ANDREW (C)  
402 PRAIRIE HILLS DR  
YANKTON SD 57078

CAHOY, GREGG S (D)  
117 MULLIGAN DR  
YANKTON SD 57078

CWACH, DANIEL (D)  
30627 439 AVE  
YANKTON SD 57078

CWACH, JAMES REV TRUST (D)  
4600 WEST CITY LIMITS RD  
YANKTON SD 57078

DOUBLE T TRUCK STOP LLC (D)  
30649 US HWY 81  
YANKTON SD 57078

FERRIS, ALAN R (D)  
44006 306 ST  
YANKTON SD 57078

KELLER, DALLAS J (D)  
30699 US HWY 81  
YANKTON SD 57078

MARQUARDT, DOUG (D)  
1314 GOLF VIEW LN  
YANKTON SD 57078

MARQUARDT, RALPH (D)  
PO BOX 1040  
YANKTON SD 57078

MARQUARDT, RALPH J (D)  
PO BOX 1040  
YANKTON SD 57078

MARTS, LUCAS (D)  
30627 US HWY 81  
YANKTON SD 57078

NELSON AG HOLDINGS LLC (D)  
44023 306 ST  
YANKTON SD 57078

NELSON, CHRIS (D)  
30693 US HWY 81  
YANKTON SD 57078

NELSON, CHRIS (D)  
NELSON, TERESA  
30693 US HWY 81  
YANKTON SD 57078

NELSON, ELLA E (D)  
44023 306 ST  
YANKTON SD 57078

NELSON, MARK E (D)  
30698 US HWY 81  
YANKTON SD 57078

SCHMIDT, WILLARD G (D)  
43970 306 ST  
YANKTON SD 57078

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

SLOWEY FAMILY PROTECTION TRUST (D)  
507 LOCUST ST  
YANKTON SD 57078

WEVERSTAD REVOCABLE TRUST (D)  
2810 DOUGLAS AVE  
YANKTON SD 57078

WOEHL, TOBY S (D)  
4517 BROADWAY AVE  
YANKTON SD 57078

YANKTON LAND & CATTLE COMPANY (C)  
PO BOX 774  
YANKTON SD 57078

# Yankton County, South Dakota

# Receipt

**Paid by**  
Tanner Fitzgerald  
lawyersasst1@gmail.com

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

232302064  
July 25, 2023 03:10 PM  
Online

## \$450.00 paid on July 25, 2023

Variance, Conditional Use and Rezoning Application

Application ID: REZ-2023-97

Description	Amount
Fee	\$450.00