

MINUTES
JOINT MEETING LINCOLN COUNTY and SIOUX FALLS PLANNING COMMISSIONS
7:00 pm April 13, 2011

Commissioners' Room - Lincoln County Courthouse

A joint meeting of Lincoln County and Sioux Falls Planning Commissions was held on April 13, 2011 at 7:00 pm in the Commissioner's Room of the Lincoln County Court House.

ROLL CALL

Lincoln County Planning Commission members present were: June Nusz, Darrel Sogn, Ron Larson, Craig Andersen, Chad Nelson, and Dave Gillespie. Also present was new Board member Ron Albers District #4 who is replacing retiring Dick Portz.

Sioux Falls Planning Commission members present were: Lynette Olson, Steve Gaspar, Ken Dunlap, Meredith Larson and new Board member Nick Sershen.

Staff Present: Lincoln County: Paul Aslesen, Laurie Lundquist and Gregg Thompson
Sioux Falls: David Loveland

Vice-Chair Ken Dunlap for the City of Sioux Falls chaired the meeting
Lincoln County Planning Chair Craig Andersen chaired for the County

ITEM 1. APPROVAL OF MINUTES – January 12, 2011 MEETING-A motion was made for the City by M. Larson and seconded by Gaspar to approve the minutes of January 12, 2011, the same motion was made for the County by Nusz and seconded by R. Larson. The motions were unanimous.

ITEM 2. APPROVAL OF AGENDA ITEMS – April 13, 2011- A motion was made for the City by Sershen to approve the agenda, the motion was seconded by Olson. The same motion was made for the County by Gillespie and seconded by Sogn. The motions were unanimous.

ITEM 3. Revised Zoning Ordinance - JJ-11-REZ-001: Rezoning from the "C" Commercial District to "I-1" Light Industrial District

Legal Description – Mueller's 2nd Addition - Lot 1, Block 1; Lots 1-4 and 9-12, Block 2; Lots 1-5, 6E, 6G, 6H, 7A, 8, and 9, Block 4; Lots 1, 2, 3B, 4B, 5-7, and 8A, Block 5;

Mueller's 1st Addition- Tracts 1-5, 6B, 6E, 6F, 6G, and 6H in Lot 3A; Tract A, C, and D in Lot 7; and Lots 4-6, 10A, 11, 12, 13A, 13B, 14 and 15; and

Mueller's 4th Addition - Lots 1 and 2; Tracts 1A and 1B; and Lot 8B

General Information

Location - SE1/4 of Section 19, Township 100, Range 50 Lincoln County, South Dakota

Petitioner – Paul Aslesen

Present Zoning – "C" Commercial District

Existing Land Use – Mixed "I-1" Light Industrial and "C" Commercial

Parcel Size – Reference legal description above

Report by: Paul Aslesen, Lincoln County Planning and Zoning

This is a request to rezone property from the “C” Commercial District to the I-1 Light Industrial District. The property is located in the Southeast Quarter of Section 19, Township 100 Range 50 and encompasses portions of Mueller’s First, Second and Fourth Additions. This commercial subdivision contains many different uses of a commercial nature and a light industrial nature.

Staff Analysis:

The advantages of amending the current district from the “C” Commercial to the I-1 Light Industrial include the following:

1. Many, if not all, current non-conforming uses would be in compliance with zoning regulations.
2. Current conforming uses would not be negatively affected.
3. The I-1 District would give the property owner/user more flexibility by providing a wider assortment of uses.
4. “Spot Rezoning”, commonly considered the antithesis of planned zoning, would not create incompatible uses.
5. Eliminates the confusion as to what district/uses are available in an area.

Recommendation:

Staff believes that this rezoning is in compliance with the adopted Comprehensive Plan which is intended to guide the growth and development of the area. Staff recommends approval of the rezoning from “C” Commercial to the “I-1” Light Industrial District.

Public comments: Several members of the public spoke in regard to the rezoning petition. Several of those were just asking for clarification of the effect on their property holdings and future uses. One person spoke in opposition as a property owner adjacent to the development. He felt that it would cause his property value to drop and be less desirable for development if this area was all zoned “I-1” Light Industrial.

Action: Following further discussion a motion to recommend approval of Rezoning petition JJ-11-REZ-001 to the respective elected bodies was made for the City by Gaspar and seconded by Sershen. The same motion was made by Nusz and seconded by R. Larson for the County. The motions were unanimous.

ITEM 4. CONDITIONAL USE #JJ-CUP-002 in the “A-1”, Agricultural District to allow a landscape nursery, with retail sales on the premises.

Legal Description – W 412.5’ of E 825’ of S 1210’ SE ¼ SW ¼, Section 21-Township 100-Range 50, Lincoln County

Location – 47238 271st Street, Sioux Falls (east of S. Louise Ave., north side of 101st Street)

Petitioner/Owner— Rick Foster

General Information

Present Zoning: “AG” Agricultural District

Existing Land Use: Wholesale Nursery

Parcel Size: 11.44 Acres

Report by: David Loveland, City of Sioux Falls

The petitioner’s request for a Conditional Use for this parcel is in compliance with Article 3 of the Joint Zoning Regulations for Lincoln County and the City of Sioux Falls.

Article 19/19.07 of the Joint Zoning Regulations for Lincoln County and the City of Sioux Falls provides four (4) criteria for consideration of a Conditional Use Permit application.

A.) The impact of the proposed use on adjacent properties shall be a major consideration. The proposed use should be generally compatible with adjacent properties and other properties in the district.

Comments: The subject property has residential neighbors immediately adjacent to the subject property on the east and west. Given that the applicant currently operates a nursery with no record of violations or complaints; and that the subject property and use is currently grandfathered into the legal status, no additional impacts are anticipated.

B.) Measures shall be taken to ensure that the proposed use does not alter the general character of the area or neighborhood.

Comment: The applicant is proposing to extend the living screen/tree belt along the east property line to minimize potential visual impacts to the east property. In addition, the applicant is proposing to construct a berm and tree planting area on the south property line against County Highway 106. No changes or additions to the existing landscaping along the west property line are proposed.

The nursery use on this property has existed for several years, and is operating under a legal grandfathered status. The applicant is requesting the Conditional Use Permit in order to be at full legal status which will allow the proposed alterations if approved by the Planning Commissions.

As noted above, no record of complaints or violations have been received by the Lincoln County Planning Department, and the proposed alterations will not be of such magnitude as to change the nature of the current impacts.

C.) The effects of noise, odor, traffic, air and water pollution, and other negative factors shall be eliminated or controlled through the use of screening, setbacks, and orientation.

Comment: It is anticipated that the proposed use will provide no more or less of an impact than that which has previously existed on site. Additional screening has been proposed in areas of the site that may have alterations from current conditions.

The applicant has been advised to speak with both neighboring property owners in order to advise them of the application and plans. The applicant should be prepared to address the outcome of those discussions at the Planning Commission meeting.

D.) The proposed use shall not adversely affect the public.

Comment: It is anticipated that the proposed use and location will not cause traffic issues or other public detriments, although the applicant has been advised to discuss the plans with the Lincoln County Highway Department to discuss any improvements or changes that may be necessary.

Additional Information:

The subject property, while within the Joint Jurisdiction boundary of Lincoln County and the City of Sioux Falls, lies outside the anticipated growth area as determined by the Shape Sioux Falls

2035 Comprehensive Plan and the anticipated capital program for installation of urban utility and infrastructure services.

Recommendation:

Because the proposed land use is allowed and is compatible with other uses in this existing subdivision, staff recommends approval of the Conditional Use Permit with the following stipulation:

1. The applicant shall be prepared to upgrade the site to City of Sioux Falls site and zoning standards in the event of future annexation. The City standards that will apply are those that are in effect at the time of annexation.
2. An approved mitigation plan for any hazardous chemical, pesticide, and fertilizer storage or dispersal shall be submitted to the Lincoln County Planning & Zoning Department prior to the activity being conducted on the subject property.

Action: Following discussion a motion was made for the City by M. Larson and seconded by Olson to approve Conditional Use Permit 11-JJ-CUP-002. The motion was unanimous. The same motion was made by Gillespie and seconded by Albers for the County.

Motion was questioned by Nusz whether to include staff recommended stipulations.

The motion was amended by Gillespie to approve with staff recommended stipulations and seconded by Albers for the County. The motion was then amended by Larson for the City to include staff recommended stipulations and seconded by Olson. The amended motions were unanimous.

Conditional Use Permit 11-JJ-CUP-002 Approved

Adjourn: A motion to adjourn was made for the City by Gaspar and seconded by M. Larson. The same motion was made for the County by Nusz and seconded by Sogn. The motions were unanimous.

Respectfully submitted by:
Laurie Lundquist
Deputy Director
Lincoln County Planning and Zoning