

Minutes
LINCOLN COUNTY PLANNING AND ZONING COMMISSION
December 19, 2011

7:00 p.m. Regular Meeting, Commission Room
Lincoln County Courthouse

ROLL CALL The regular meeting of the Lincoln County Planning and Zoning Commission was brought to order on December 19, 2011 at 7:00 p.m. by Vice Chair Chad Nelson with members June Nusz, Darrel Sogn, Ron Larson, Ron Albers and County Commissioner Jim Schmidt in attendance at the Lincoln County Courthouse, Commissioner's Meeting Room, 104 N Main, Canton, SD 57013.
Craig Andersen-Absent

Staff members present were Paul Aslesen-Director Planning and Zoning, Laurie Lundquist-Deputy Director, Gregg Thompson-Compliance Officer, Jon Peters-GIS, Kevin Goff- Clark Engineering

ITEM 1. APPROVAL OF AGENDA – A motion was made by Nusz to approve the agenda for December 19, 2011 with the rescheduling of item 1 under Additional Items. The motion was seconded by Albers. Motion was unanimous.

ITEM 2. APPROVAL OF MINUTES – A motion was made by Albers and seconded by Larson to approve the minutes of November 21, 2011 as written. Motion was unanimous.

ITEM 3. VARIANCE- None

ITEM 4. REZONE – 11-REZ-002 Scheduled time is 7:30 pm. For the purpose of rezoning the property from Rural Residential to Commercial for a parking lot/storage area with privacy fence. Tabled from the November 21, 2011 meeting.

Action: A motion was made by Albers to remove from the table. The motion was seconded by Sogn. Motion was unanimous.

Legal Description: Lot 15, Block 1 Smith's 2nd Addition in the Southeast quarter (SE1/4) of Section 31, Township 100, Range 50 Lincoln County South Dakota

Location: 47028 Smith's Circle, Harrisburg, South Dakota

Petitioner/Owner: Steve Ballenger

General Information

Present Zoning: Residential

Existing Land Use: Residential

Parcel Size: 1 Acre

Staff Recommendation/Comments:

The petitioned parcel is located in what is known as Smith's 2nd Addition. This addition is unique in its nature and its overall make up. Presently, parcels/lots have been designated for Commercial Development, Residential Development and some light industrial development or uses. It appears that this development may have been an attempt by the then County Commissioners to formulate a Planned Development. No residential structures are located on the petitioned lot and the lot abuts a current commercial business which needs more space for storage and parking. It can be argued that this is the best use of the property and is in compliance with The Lincoln County Comprehensive Plan. Staff encourages the Planning and Zoning Commission to recommend rezoning the parcel known as lot 15 to the "C" Commercial District.

Action: Following extensive discussion with input from community members, the petitioner, county staff and planning commission members; a motion was made by Larson and seconded by Sogn to close the public hearing. Motion was unanimous.

County Commissioner Schmidt requested to be recused from the pending discussion and vote since the petition would be going to the County Commission.

Action: Larson motioned that this Planning Commission recommend to the County Board of Commissioners that the subject property be rezoned from the Rural Residential District to the Commercial District. The motion was seconded by Nusz for discussion.

Albers recommends that the petitioner get the culverts and grading done next spring as soon as possible. Nusz also recommends the grading and culvert work get done and recommended to the petitioner and other members of the subdivision present, to develop a road district. You will thank yourselves for a road district.

Upon request of Chairperson Nelson, the vote on the motion was taken with the results unanimously in support of the stated motion.

ITEM 5. CONDITIONAL USE PERMIT #11-CUP- 0039 For the purpose of operating a contractor's shop-Traffic Control Business- office, shop and yard.

Legal Description: Tract 2 Smith's Addition (except Lot H-1) SE1/4 of Section 31, Township 100N, Range 50W, Lincoln County, South Dakota

Location: NW corner of Lincoln Co Hwy 110 & Kenworth Place

Petitioner/Owner: Lonnie Heibult/Brad Meyer presented by Eric Willadsen

General Information

Present Zoning: "C" Commercial

Existing Land Use: "C" Commercial

Parcel Size: 4 Acres +-

Report By: Paul Aslesen

Please reference item K, Article 6.04 Conditional Uses on page 16 of the Lincoln County Zoning Ordinance. The petitioner's business involves traffic control rentals, sales, service, and pavement markings.

Staff Analysis:

- 1. The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values in the immediate vicinity.**
No negative effect is anticipated by the petitioned use. Uses already permitted include warehousing, service orientated businesses, contractor shops, and other uses of a commercial nature. Property values should be enhanced by businesses that exhibit excellent management practices which are anticipated by this applicant.
- 2. The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.**
No negative effect is anticipated. Vacant and structure occupied lots will be utilized which will have a positive effect on the continued growth of this development.
- 3. That utilities, access roads, drainage and/or other necessary facilities are provided.**
Development has appropriate infrastructure and utilities either in place or available. An engineered site plan is to be provided for any new structures to insure drainage requirements are met. Septic Systems are to be in accordance with state and county requirements for commercial development.
- 4. That the off-street parking and loading requirements are met.**
Article 15 requirements, reference page 81, are to be shown on site plan and complied with.
- 5. That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.**
County provisions for appropriate signage is referenced at Article 16, on-premise signs, page 85.

Recommendation:

Staff recommends approval with adherence to the various ordinance driven requirements which will be illustrated by an engineered site plan. Ordinance provisions will be subject to compliance inspections as will the site plan.

Action: A motion was made by Nusz to approve 11-CUP-036 with a suggestion to add some trees for landscape and to adhere to the applicable Lincoln County Ordinances.. The motion was seconded by Sogn. Motion was unanimous.

ITEM 6. CONDITIONAL USE PERMIT #11-CUP-040 for the purpose of operating a Contractor's shop for a landscape business and storage of equipment.

Legal Description: Lot 2, Block 2, La Valley Business Park, Northwest quarter (NW1/4) Section 5, Township 99, Range 50 in Lincoln County, South Dakota

Location: 47120 Homefield Place, Harrisburg, South Dakota

Petitioner/Owner: Tony Williams/Dennis Klinghagen

General Information

Present Zoning: "C" Commercial

Existing Land Use: "A" Agriculture

Parcel Size: 1.03 Acres

Report By: Paul Aslesen

The petitioner has requested that Lincoln County grant a Conditional Use for a landscaping business with major emphasis on business equipment storage. Petitioned property is zoned accordingly. Please reference item K. of 6.04 Conditional Uses page 16 of Lincoln County Zoning Ordinance.

Staff Analysis:

- 1. The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values in the immediate vicinity.**
This is the type of business that the subdivision was designed for and should have a positive effect on existing and future growth. Property values are not anticipated to be lowered by this use.
- 2. The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.**
The petitioned use will utilize lot space that is impacted by flood way and flood plain areas. With appropriate adherence to FEMA guidelines, structures and on site use will improve the development and create better development of the subdivision.
- 3. That utilities, access roads, drainage and/or other necessary facilities are provided.**
Site plan revision has been requested to enhance the use of the property. Drainage and roads are a concern and need to be addressed. Staff is waiting for the site plan and will provide ASAP.
- 4. That the off-street parking and loading requirements are met.**
Article 15 requirements, reference page 81, are to be followed. Site plan is to illustrate this and be complied with.
- 5. That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.**
No negative nuisance factors are anticipated.

Recommendation: *Staff recommends approval with adherence to the required site plan, ordinance provisions and FEMA guidelines.*

Action: A motion was made by Schmidt to approve 11-CUP-040 with the stipulation that the final site plan be approved by the Planning Director. The motion was seconded by Nusz. Motion was unanimous.

ITEM 7. Conditional Use Review Petitions:

- 1. 06-CUP-048 Gravel Extraction in the** South one-half (S1/2) Southeast quarter (SE1/4) except 1.25 Acre road in Section 8, Township 98N, Range 51 W. **Date and time set for Jan. 17, 2012 at 7:30 P.M.**
- 2. 09-CUP-015 Major Home Occupancy** Abbas Tract 1 in the East one-half (E1/2) Southeast Quarter (SE1/4) of Section 15, Township 98 N, Range 50W. **Date and time set for Jan. 17, 2012 at 7:45 P.M.**

ADDITIONAL ITEMS:

- 1. Informational meeting on Surety Bonds, reference Article 12.07, Rock, Sand and Gravel Extraction, page 62 Operator Surety, at 8:00 presented by Travis Gusso, Attorney-In-Fact of North American Specialty Insurance Company.** Rescheduled to January 17, 2012 regular meeting.

Action: A motion was made by Sogn to adjourn; the motion was seconded by Albers and was unanimous.

Respectfully submitted by:

Laurie Lundquist

Deputy Director

Lincoln County Planning & Zoning