

MINUTES
LINCOLN COUNTY PLANNING AND ZONING COMMISSION
February 16, 2010
Workshop 6:00 PM
7:00 pm Regular Meeting, Commission Room
Lincoln County Courthouse

ROLL CALL

The regular meeting of Lincoln County Planning and Zoning Commission was brought to order on February 16, 2010 at 7:00 P.M. by Chairwomen June Nusz with members Chuck Molstad-alternate, Darrel Sogn, Dick Portz, Chad Nelson, Ron Larson and County Commissioner Jason Melcher reporting for duty at the Lincoln County Courthouse, Commissioner's Meeting Room, 104 N Main Street, Canton, SD 57013.

Craig Andersen was absent-family emergency

Staff members present were Paul Aslesen-Director Planning and Zoning, Laurie Powell-Deputy Director

ITEM 1. APPROVAL OF AGENDA –A motion was made by Nelson and seconded by Melcher to approve the agenda for February 16, 2010. The motion was unanimous.

ITEM 2. APPROVAL OF MINUTES – A motion was made by Melcher and seconded by Sogn to approve the minutes of January 19, 2010. The motion was unanimous.

ITEM 3. CONDITIONAL USE PERMIT – 10-CUP-003 For the purpose of obtaining a dealer license for internet sale of cars purchased at auction. Storage will be in a 40 x 100 building. There will be no more than 2 or 3 cars at one time.

Legal Description: Van Beek's Addition-Tract 2, E1/2NE1/4 of Section 31, Township 97, Range 49, Lincoln County, South Dakota

Location: 29006 477th Ave

Petitioner/Owner: Kevin Decker/ DLC. Inc.-Leonard Decker

General Information

Present Zoning: Agriculture

Existing Land Use: Agriculture

Parcel Size: 1.66 Acres

Report By: Paul Aslesen

Staff Analysis:

Staff considers this requested use to be located in an Agriculture District and identified by ordinance as Article 3.00 A-1 Agricultural District. Please reference 3.04 Conditional Uses listed as BB. Major home Occupation in conformance with Sections 12.0302 and 12.0303 on page 8 and Major Home Occupation on page 52.

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 adverse effect is anticipated with the imposed stipulations listed within the Class 1, Major Home Occupation identified on page 52.

2. The effect upon the normal and orderly development and improvement of surrounding vacant property for r uses predominant in the area.

No adverse effect is anticipated with the imposed stipulations listed within the class 1, Major Home Occupation identified on page 52.

3. That utilities, access roads, drainage and/or other necessary facilities are provided.

No new utilities, roads and or other infrastructure needs are required.

4. That the off-street parking and loading requirements are met.

Parcel size is large enough to accommodate the limited number of employees and deliveries in accordance with stipulations listed for a Class 1 Major Home Occupation on page 53.

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.

The factors listed should not be present in this type of home occupation.

Recommendation:

Staff recognizes this request as a request for a Major Home Occupation and further identifies the use as a Class one. The following stipulations are required to permit this classification:

1. The occupation shall be conducted entirely within a dwelling and/or accessory building and clearly incidental to the use of the structure for residential purposes.
2. The occupation shall be operated by a member of the family residing in the dwelling.
3. Employees of the occupation shall be limited to residents of the dwelling and up to two (2) non-resident employees, not to exceed four (4) employees on site.
4. In addition to the dwelling, up to 2000 square feet of accessory building space may be used for the occupation.
5. The occupation shall not create noise which, when measured off the property, exceeds 60 decibels between the hours of 8:00 a.m. and 6:00 p.m. The occupation shall not create noise which is detectable to the normal sensory perception off the property between the hours of 6:00 p.m. and 8:00 a.m. These off the property noise standards shall not apply to public and railroad rights-of-way.
6. The occupation shall not create vibration, glare, fumes, odor, or electrical interference detectable to the normal senses off the property.
7. No outside storage, display of goods or merchandise, or external evidence of the occupation shall occur except as outlined in this section.
8. A non-illuminated nameplate not exceeding two square feet in area may be placed on the dwelling or accessory building. Additionally, one non-illuminated sign not exceeding four

square feet in area may be located along the driveway for the occupation. No off premise signs shall be used.

9. The occupation shall not generate more than 10 visits per day from clients or customers averaged over a period of seven (7) consecutive days.
10. There shall be only limited and incidental sale of products conducted on the premise.
11. The number of deliveries generated by the occupation shall not significantly affect the character of the area. Delivery vehicles shall be limited to auto, pick up, or typical delivery service truck.

Action:

A motion was made by Nelson to approve the request with the additional stipulation that there be no more than five (5) cars at any one time for sale. The motion was seconded by Molstad. The motion was unanimous.

ITEM 4. CONDITIONAL USE PERMIT – 10-CUP-004 For the purpose of constructing a warehouse addition over 25,000 square feet.

Legal Description: W 1653' of SW1/4 Lying S of RY *Ex Tract "U1", Lot B & C* Includes Tract 2* Ex H-1 & 3, Section 15, Township 98, Range 49, Lincoln County, South Dakota

Location: 47520 5th St, Canton, SD 57013

Petitioner/Owner: Vyron Hoff for Adams Thermal

General Information

Present Zoning: General Industrial

Existing Land Use: General Industrial

Parcel Size: Approximately 21 Acres

Report By: Paul Aslesen

Staff Analysis:

Article 8 I-2 General Industrial District identifies the requirement for a Conditional Use Permit for a

building over 25,000 square feet. Please reference page 20, item 8.03 A3 Permitted Special Uses and

Article 19, Conditional Use Permits located on page 95.

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.**
The previously permitted use will be enhanced by the warehouse addition with no adverse effect anticipated.

2. **The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.**
The additional space provided by this request will allow continued orderly development and improvement to the petitioner's area and abutting properties.

3. **That utilities, access roads, drainage and/or other necessary facilities are provided.**
Current facilities and infrastructure are adequate for this use.
4. **That the off-street parking and loading requirements are met.**
The applied use will have no effect on current parking and loading requirements.
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.**
Warehousing of a product should not add to any of the factors listed above.

Recommendation:

Staff recommendation is to approve this application. Site plan has been provided. Staff requests a signed engineered plan be provided to the county for review with approval prior to the issuing of a building permit.

Action:

A motion was made by Portz to approve a 43,000 square foot addition with the suggested stipulation. The motion was seconded by Melcher. Motion was unanimous.

Election of officers:

A motion was made by Portz to retain June Nusz in the position of chairperson. The motion was seconded by Sogn and the motion was unanimous.

A motion was made by Molstad to retain Craig Andersen in the position of vice chairperson. The motion was seconded by Portz and the motion was unanimous.

A motion was made by Nelson to adjourn the meeting, the motion was seconded by Sogn. The motion was unanimous.

ADDITIONAL ITEMS:

1. Work shop on Ordinance for Temporary Uses 6:00 pm, February 16, 2010
2. Comprehensive Plan Focus group, 6:30 pm, February 18, 2010-reminder
3. Election of officers for 2010

Respectfully submitted by:

Laurie Powell

Deputy Director

Lincoln County Planning & Zoning