

MINUTES
LINCOLN COUNTY PLANNING AND ZONING COMMISSION

January 19, 2010

6:00 PM Workshop

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 January 19, 2010 at 7:00 P.M. by Chairwomen June Nusz with members Craig Andersen, Chuck Molstad, Darrel Sogn, Chad Nelson and County Commissioner Jason Melcher reporting for duty at the Lincoln County Courthouse, Planning & Zoning Office, Suite 220, 104 N Main Street, Canton, SD 57013.

Dick Portz was absent.

Staff members present were Paul Aslesen-Director Planning and Zoning, Laurie Powell-Deputy Director and Gregg Thompson-Compliance Officer.

ITEM 1. APPROVAL OF AGENDA – January 19, 2010 A motion was made by Andersen and seconded by Sogn to approve the agenda for January 19, 2010. The motion was unanimous.

ITEM 2. APPROVAL OF MINUTES – December 22, 2009 A motion was made by Andersen and seconded by Sogn to approve the minutes of December 22, 2010. The motion was unanimous.

ITEM 3. CONDITIONAL USE PERMIT – 10-CUP-001 For the purpose of building a hobby garage larger than 1500 square feet.

Legal Description: Lot 3 Tower Estates in the NW1/4 of Section 6, Township 99, Range 50, Lincoln County, South Dakota

Location: 47022 Teri Lane, Tea, SD 57064

Petitioner/Owner: Kevin Wheeler was represented by Terry Mark.

General Information

Present Zoning: Ag

Existing Land Use: Residential

Parcel Size: 1 Acre

Report By: Paul Aslesen

Staff Analysis:

Lincoln County Ordinances identify the need for the utilization of a Conditional Use for an accessory building over 1500 square feet. Reference 12.06 (D) on page 59. Although this subdivision is currently in an Agriculture District, ordinance provisions pertaining to accessory buildings apply. There are more than (4) homes in the subdivision.

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.

COMMENT:

The impact of the proposed use on adjacent properties is a major factor to be considered. The applicant has complied with the required notification process and this office has not received any response from notified neighbors. Other immediate property owners have constructed accessory buildings similar in size. No negative effect is anticipated on either property values or existing uses.

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

COMMENT:

No negative effect is anticipated. Continued growth will not be impacted by approval of this use as

Residential lots are not available in the immediate area. Any other growth possibilities may be in area of commercial or light industrial based on the close proximity to the interstate.

- 3. That utilities, access roads, drainage and/or other necessary facilities are provided.**
Current infrastructure and the improvement of or addition to should not have a negative impact.

- 4. That the off-street parking and loading requirements are met.**
Not applicable.

- 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.**
Use of the proposed structure as defined by the applicant should not create or contribute to conditions that may generate a nuisance.

Recommendation:

Staff recommends approval with the following suggested stipulations: A building site plan showing compliance with ordinance set backs is a requirement of the impending building permit. All easements, right of ways, property lines are required to be shown and the structure shall not occupy more than (30) percent of the rear yard.

Terry Mark spoke for Mr. Wheeler in his absence. He plans to build a 42 x 64 building. He stated that Mr. Wheeler's intent is purely for personal hobby and storage use. He has no intention of starting a business on his property.

A motion was made by Melcher to approve with suggested stipulations. The motion was seconded by Andersen. Motion was unanimous.

ITEM 4. CONDITIONAL USE PERMIT – 10-CUP-002 For the purpose of operating a body shop.

Legal Description: Clark's Add, Lot A of Tract 1, SW1/4 SW1/4, Section 5, Township 98, Range 50, Lincoln County, South Dakota

Location: 47102 280th St, Worthing, SD 57077

Petitioner/Owner: Terry Karn

General Information

Present Zoning: I-1 Light Industrial

Existing Land Use: Industrial

Parcel Size: 3.13 Acres

Report By: Paul Aslesen

Staff Analysis:

The parcel under consideration is zoned appropriately for this type of use. Uses located in this addition include those of a light industrial or commercial nature. Staff has been advised that this use will be completely housed inside of existing structures and that the business will have a positive effect on the area.

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.**

COMMENT:

Current permitted uses are of a like nature and no compatibility issues are anticipated. General area does not meet comprehensive plans for residential development. Property values should be enhanced by compatible uses and no negative effect is anticipated.

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

COMMENT:

The normal and orderly development of this area should not be affected in a negative way.

The prior use of this parcel centered on the providing of electrical service to the area and the

storage of related items. The new use has the potential for development and improvement of the

area as other compatible businesses may be attracted to the area.

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

The previous use of the parcel required and provided the above items.

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

Parcel size generates compliance with off street 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.**

The applied use and the current zoning are compatible. Failure to control listed offensive

items may result in a nuisance and may also create problems for employees. Property owner has advised staff that no outside work will be tolerated and that no outside storage will be allowed.

Recommendation:

Staff recommends approval of application 10-CUP-002 for an Auto Body Shop as defined by Article 6.04 item e (Conditional Uses). Also reference Article 7.04 e. (Conditional Uses) in a Light Industrial District.

Staff is in agreement to property owner's request to not allow any outside storage or related work that might generate a nuisance or have a negative effect on potential development of this area. Signage must meet the ordinance requirements. Staff advises that the City of Worthing, SD has been advised of this application and time and place of hearing. City Administration has advised the County that the establishment of a new business usually has a positive motivating effect on city growth and agrees with the county's suggested stipulation(s).

A motion to approve with suggested stipulations was made by Molstad and seconded by Nelson. The motion was unanimous.

ITEM 5. PLATS

A. Lot 14A of Baker Park Estates in Sections 11 and 14, Township 100N, Range 49W, 5th PM, Lincoln County, South Dakota

A motion to approve the plat was made by Nelson and seconded by Melcher. The motion was unanimous.

ADDITIONAL ITEMS:

1. Work shop on Ordinance for Temporary Uses 6:00 pm January 19, 2010

Reminder: Planning Commission elections take place at the February 16, 2010 meeting.

The motion to adjourn was made by Andersen and seconded by Sogn. The motion was unanimous.

Respectfully submitted by:
Laurie Powell
Deputy Director
Lincoln County Planning & Zoning