

MINUTES
LINCOLN COUNTY PLANNING AND ZONING COMMISSION

March 15, 2010

Workshop 6:00 PM

7:00 pm Regular Meeting, Commission Room
Lincoln County Courthouse

The workshop for Temporary Use was brought to order on March 15, 2010 at 6:00 pm by Chairwomen June Nusz with members Darrel Sogn, Craig Andersen, Ron Larson and County Commissioner Jason Melcher reporting for duty at the Lincoln County Courthouse, Commissioner's Meeting Room, 104 N Main, Canton, SD 57013.

Dick Portz was absent. Chad Nelson came at 6:30 pm.

Staff members present were Paul Aslesen-Director Planning and Zoning, Laurie Powell-Deputy Director, Gregg Thompson-Compliance, John Peters-GIS, Toby Brown -SECOG

After discussion and a review of past workshops on the Temporary Use Ordinance a decision was made to present the revised version to the public. A motion was made by Larson and seconded by Andersen to hold a public hearing on April 19, 2010 at 6:00 pm. The motion was unanimous

ROLL CALL

The regular meeting of Lincoln County Planning and Zoning Commission was brought to order on March 15, 2010 at 7:00 P.M. by Chairwomen June Nusz with members Darrel Sogn, Craig Andersen, 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.

ITEM 1. APPROVAL OF AGENDA – March 15, 2010 A motion was made by Nelson and seconded by Sogn to approve the agenda for March 15, 2010. The motion was unanimous.

ITEM 2. APPROVAL OF MINUTES – February 16, 2010 A motion was made by Melcher to approve the minutes of February 16, 2010, the motion was seconded by Andersen. The motion was unanimous.

ITEM 3. CONDITIONAL USE PERMIT – 10-CUP-005 For the purpose of operating a motor vehicle sales business, internet sales to wholesale dealers, motor vehicles, motorcycles, campers, boats and RV's.

Legal Description: Lot 7, Block 2 of the Hagedorn Industrial Park Addition SE1/4 – Lot 7 – Block 2, Section 25, Township 100, Range 51 Lincoln County, South Dakota

Location: 46975 Mindy Street, Tea, SD 57064

Petitioner/Owner: Jay Van Essen-Summit Auto Group Inc.

General Information

Present Zoning: "C" Commercial

Existing Land Use: "C" Commercial

Parcel Size: One (1) Acre

Report By: Paul Aslesen

Staff Analysis:

Please reference the Lincoln County Zoning Ordinance page 16, Article 6.04 Conditional Uses, item C Equipment sales, display and repair and item D. Motor vehicle sales, display, service and rental.

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 this petitioned use. Uses already permitted include warehousing,

Business's providing services, contractor shops, and uses similar to the petitioned use.

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. Business will be using an approved existing structure.

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

Infrastructure is available.

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

County provisions for loading and parking need to be adhered to and can be referenced at Article 15

on page 81. Copy can be furnished by staff or downloaded from

www.lincolncountysd.org.

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.

Copy can be furnished by staff or downloaded from www.lincolncountysd.org.

Recommendation:

Staff recommends approval with adherence to the provisions provided by the staff review.

Action: A motion was made by Nelson and seconded by Melcher to approve the petition with stipulations on loading and parking-reference Article 15, page 81 of 2009 Lincoln County Zoning Ordinance and signage-reference Article 16 On Premise Signs, page 85. The motion was unanimous.

ITEM 4. CONDITIONAL USE PERMIT – 10-CUP-006 For the purpose of building an accessory building over 1500 square feet. (2400 square feet) Reference 12.06 of 2009 Lincoln County Ordinance, Item D Accessory buildings, page 59.

Legal Description: Kich's Addition, Lot 6, Section 1, Township 99, Range 51, Lincoln County, South Dakota

Location: 46959 273rd St, Tea, SD 57064

Petitioner/Owner: Robert E Brenner

General Information

Present Zoning: Ag with Residential Use

Existing Land Use: Residential

Parcel Size: 1.12 Acres

Report By: Paul Aslesen

Item Tabled: The petitioner called and requested that the petition be tabled. A motion was made by Andersen and seconded by Nelson to table the item because petitioner was out of town and had no representation and site plan was not provided. The motion was unanimous.

ITEM 5. CONDITIONAL USE PERMIT – 10-CUP-007 For the purpose of Home Occupancy business-Class 1, conducting a gunsmith business in home shop. Plans to obtain Federal Fire Arms License, (possibly class three (3) license, may also build suppressers).

Legal Description: Rasmussen Tract 1, an addition in Govt Lot 2 of the SW1/4 of Section 19, Township 96, Range 49, Lincoln County, South Dakota

Location: 29484 476th Ave, Beresford, SD 57004

Petitioner/Owner: Tyler Rasmussen

General Information

Present Zoning: Agriculture

Existing Land Use: Residential

Parcel Size: 8 ½ Acres

Report By: Paul Aslesen

Based on the applicant's purpose, as indicated on the application, staff believes that a Major Home Occupation as referenced by 12.0302 will cover the use. Please reference page 52 and 53.

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.**
Reference CLASS 1 requirements on page 52 and 53.
- 2. The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.**
Reference considerations listed for a CLASS 1 on page 52 and 53.
- 3. That utilities, access roads, drainage and/or other necessary facilities are provided.**
This use will not require any additional infrastructure or facilities.
- 4. That the off-street parking and loading requirements are met.**
This use is limited to the need for off-street parking and loading requirements. Ref page 52 and 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.**
Reference page 52 and 53 for considerations dealing with the above factors.

Recommendation:

Staff recommends approval with compliance to the considerations listed for a Class 1 Major Home Occupation listed below.

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.

A motion was made by Andersen and seconded by Sogn to approve the petition with compliance to the considerations listed above for a Class 1 Major Home Occupation. The motion was unanimous.

ITEM 6. PLATS

- A. Tract 1 of Lier's Addition in the Northeast quarter (NE1/4) of Section 28, Township 98 North, Range 49 West of the 5th Principal Meridian, Lincoln County, South Dakota

A motion was made by Andersen and seconded by Sogn to approve the plat, the motion was unanimous.

ADJOURN: A motion was made by Melcher to adjourn the meeting; the motion was seconded by Andersen. The motion was unanimous.

ADDITIONAL ITEMS:

1. Work shop on Ordinance for Temporary Uses 6:00 pm, March, 2010
2. Comprehensive Plan Focus group, 6:30 pm, March 18, 2010

Respectfully submitted by:

Laurie Powell

Deputy Director

Lincoln County Planning & Zoning