

MINUTES
LINCOLN COUNTY PLANNING AND ZONING COMMISSION
May 16, 2011

7:00 pm 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 May 16, 2011 at 7:00 pm by Chairman Craig Andersen with members June Nusz, Chad Nelson, Darrel Sogn, Ron Larson, Ron Albers and County Commissioner Dave Gillespie in attendance at the Lincoln County Courthouse, Commissioner's Meeting Room, 104 N Main, Canton, SD 57013.

Staff member present was Paul Aslesen-Director Planning and Zoning

ITEM 1. APPROVAL OF AGENDA – A motion was made by Nelson and seconded by Nusz to approve the agenda of May 16, 2011. The motion was unanimous.

ITEM 2. APPROVAL OF MINUTES – A motion was made by Larson and seconded by Nusz to approve the minutes of April 18, 2011. The motion was unanimous.

ITEM 3. “DEVELOPER’S TIF” – Plan recommendation was presented by Tom Frieberg for City of Canton and Canton Development Addition. A motion was made by Nusz and seconded by Larson to recommend the “Developer’s TIF Plan recommendation for City of Canton and Canton Development Addition” to the Lincoln County Commissioners. The motion was unanimous.

ITEM 4. REZONE – 11-REZ-001 Scheduled time is 7:30 pm. For the purpose of rezoning the property from Commercial to Rural Residential

Legal Description: Smith’s 2nd Addition, Lot 5, Block 3, SE1/4, Section 31, Township 100, Range 50 Lincoln County, South Dakota

Location: 47089 Smith’s Circle

Petitioner/Owner: Greg and Michelle Krueger

General Information

Present Zoning: “Commercial”

Existing Land Use: “Rural Residential”

Parcel Size: 1.02 Acres

Action: Following some discussion of the original plan for this subdivision a motion was made by Albers and seconded by Gillespie to recommend approval of the rezoning petition to the County Commission. The motion was unanimous.

ITEM 5. CONDITIONAL USE PERMIT #11-CUP-010 For the purpose of retail sales and storage of fireworks

Legal Description: S264.8’ of Lot 1, Block 1, Smith’s 3rd Addition in the SE1/4 of Section 31, Township 100, Range 50, Lincoln County, South Dakota

Location: 47076 Kenworth Place

Petitioner/Owner: Cameron Starr/Interstate Properties LLC-Brad Meyer

General Information

Present Zoning: “I-1” Light Industrial

Existing Land Use: “I-1” Light Industrial

Parcel Size: 1.78 Acres

Report By: Paul Aslesen

Please reference Article 7 I-1 Light Industrial District, Conditional Uses 7.04 item E. Page 19 and item 6.04 (H) Fireworks Sales on page 16.

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.**

The applied for use will be housed in an existing structure located in a light industrial district. Zoned area includes other compatible uses such as motor vehicle sales, service businesses, custom touch type home sales, trailer and vehicle accessory sales and public storage facilities. The applied for use should have a positive effect on the area and the economy of Lincoln County.

- 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 with the occupation of an existing structure.

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

Utilities, access roads and other facilities are in place. Approach to the site is off of Kenworth Place.

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

Site has established parking and loading areas. Lot size is large enough to accommodate more parking than ordinance requirements. Applicant should check with abutting property owners for over flow customers.

- 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.**

Activities associated with this activity should not constitute a nuisance.

Recommendation:

Staff recommends approval of this site for the activities defined in the application. Based on the nature of the use and storage of the product, applicant is reminded to be in compliance with any state and federal requirements for the operation. Applicant is reminded to notify fire protection providers and the local 911 of the storage of the hazardous materials.

Action: A motion was made by Sogn and seconded by Nelson to approve conditional use permit 11-CUP-010. The motion was unanimous.

ITEM 6. CONDITIONAL USE PERMIT 11-CUP-011 For the purpose of operating an auto repair shop

Legal Description: Smith's Addition –SE1/4 Subdivision of Tract 3 Lot 3 & S 80.2' of Lot 4, in Section 31, Township 100, Range 50, Harrisburg, South Dakota

Location: 27277 Ironworks Ave, Harrisburg, SD

Petitioner/Owner: Nick Cable

General Information

Present Zoning: "I-1" Industrial

Existing Land Use: "I-1" Industrial

Parcel Size: 1.54 Acres

Report By: Paul Aslesen

An auto body shop is a use authorized in a Commercial District by the Lincoln County Zoning Ordinance with possible stipulations or conditions. Please review the following staff analysis and staff recommendations for the use. Reference page 16 for conditional uses in a Commercial District.

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.**

Applicant's site located in Smith's Addition is zoned for this use. Subdivision has a variety of uses located in the immediate area to include public storage buildings, vehicle repair and maintenance, equipment display and sales, and repairable vehicles for sale. No negative effect is anticipated on the current uses or the property values of abutting parcels.

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

A positive effect is expected from this use. Abutting parcels are developed with like uses providing commercial and light industrial uses. Having businesses occupy vacant structures provides the potential for the subdivision to continue growth and prosperity.

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

All utilities are in and access is from Kenworth Place. No new structures are anticipated so current drainage facilities should suffice.

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

The applicants unapproved site plan indicates ample room for parking and loading on this shared parcel.

- 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 nuisance generating issues are anticipated.

Recommendation:

Staff recommends approval with the following stipulations: 1. Site plan needs to be provided, approved and then followed. 2. No unsecured storage of parts, components, or non-end items 3. No storage of unlicensed or junk vehicles.

Action: A motion was made by Gillespie and seconded by Larson to approve with the following stipulations:

1. Site plan needs to be provided, approved and then followed.
2. No unsecured storage of parts, components, or non-end items.
3. No storage of unlicensed or junk vehicles
4. Fence to be erected within 120 days on (3) three sides of the property
5. Limit the number of cars to 20 prior to the fence going up.

The motion was unanimous.

ITEM 7. CONDITIONAL USE PERMIT #11-CUP-012 For the purpose of operating a contractor's shop

Legal Description: RMS Addition in Sky Haven Heights, Lot A, Lot 1 in the Northwest Quarter (NW1/4) of Section 30, Township 100, Range 50, Lincoln County, South Dakota

Location: 47012 Airport Place, Tea, South Dakota

Petitioner/Owner: Kent Tompkins/Rex Gulickson

General Information

Present Zoning: Commercial

Existing Land Use: Residential

Parcel Size: 14,113 Square feet

Report By: Paul Aslesen

Please reference page 16 Conditional Uses for a Commercial District.

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.**
The RMS Addition has a variety of like businesses located in the immediate vicinity. No negative effect is anticipated on the current uses and or the value of the abutting properties.

- 2. The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.**
A positive effect is expected from this use as the use will provide a service for other property owners and users as well as the general public. The applied for use will use existing structures thus keeping the area filled and improved.

- 3. That utilities, access roads, drainage and/or other necessary facilities are provided.**
All utilities and facilities are in place and being used. Holding tank for septic is anticipated in the future and should be located to provide easy hook up to City of Tea's septic system.

- 4. That the off-street parking and loading requirements are met.**
Parking and loading requirements are in compliance with ordinance 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.**
This use should not produce any nuisance based on noise, dust and the other items listed with attention to the area by the applicant.

Recommendation:

Staff recommends approval with the following stipulations: **1. No outside storage of building materials and supplies, unless secured properly. 2. Site plan for parking is to be followed. 3. No stockpiling of dirt, sand, gravel or rubble. 4. No storage of unlicensed or inoperable vehicles or trailers.**

Action: A motion was made by Nusz and seconded by Gillespie to approve with staff recommended stipulations listed above. The motion was unanimous.

ITEM 8. CONDITIONAL USE PERMIT #11-CUP-013 For the purpose of operating an auto body shop, repair of motor vehicles- cars, trucks, motorcycles.

Legal Description: Lot 3A in Tallgrass Park Addition SW1/4 Section 32, Township 100, Range 50, Lincoln County, South Dakota

Location: 47105 Tallgrass Circle

Petitioner/Owner: Jesse Javers

General Information

Present Zoning: Commercial

Existing Land Use: Commercial

Parcel Size: 1.45 Acres

Report By: Paul Aslesen

Please reference the commercial/light industrial uses listed in the Lincoln County Ordinances.

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.**

The Tallgrass Circle Addition is a new commercial subdivision with one other like business located in the immediate area. There are light industrial and commercial businesses located across the road and in established closely located subdivisions. This business/use should not have a negative effect on other uses or property values.

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

The subdivision has been zoned commercial and has been platted to provide for orderly development and growth. No negative effect is anticipated from the applied for use. Applicant has provided a site plan showing the layout of the building and ground work which indicates the planting of grass and some other improvements to include fencing and concrete pads.

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

This is a rural commercial subdivision and will need individual septic systems. Use is located on an internal lot which will need access from the existing main arterial road known as Tallgrass Circle. The applicant is required to work with the developer to make sure proper culverts are utilized and proper width of approach is utilized. Subdivision has been engineered and preliminary plans have been approved.

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

Site plan indicates parking compliance and the lot space is provided for loading. Site plan also indicates potential signage placement area.

- 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.**

Uses of this nature have the potential of creating offensive odors, fumes and noise from activities associated with the repair of auto bodies. Applicant can control this by taking and utilizing appropriate measures. Applicant is responsible for adhering to environmental laws in the construction and utilization of the proposed structure. With proper control and attention to detail, no nuisance issues should be prevalent.

Recommendation:

Staff recommends approval with the following stipulations: 1. No outside accumulation of junk, inoperable vehicles, or unlicensed vehicles 2. No offensive odor, fumes, noise that would constitute a nuisance. 3. Site plan to be followed. 4. Drainage plans to be followed in accordance with the approved preliminary plan/flood plain administrative rules. 5. Structure to be in compliance with established flood plain requirements (Nine-Mile Creek).

Action: A motion was made by Larson and seconded by Albers to approve with the staff recommended stipulations listed above. Motion was unanimous.

ITEM 9. Plats

- A. Plat of Lot A in the Northwest Quarter of the Southwest Quarter of Section 5, Township 98North, Range 49 west of the 5th PM, Lincoln County, South Dakota**
- B. Plat of Tract 1 in government Lot 4 of Section 3, Township 96 North, Range 49 West of the 5th PM, Lincoln County, South Dakota**

C. Plat of Tract 1 in the Southwest Quarter of Section 34, Township 97 North, Range 49 West of the 5th PM, Lincoln County, South Dakota

Action: A motion was made by Nelson and seconded by Nusz to approve plats A, B, and C. The motion was unanimous.

ADDITIONAL ITEMS:

1. Amendment to Conditional Use Permit 11-CUP-009-Barry Thomson-Ultimate Storage previously approved by the Planning and Zoning Commission on April 18.

Requested amendments are listed as follows:

- a. Change the applicants name to Storage Properties LLC, a South Dakota Limited Liability Company.**
- b. Revise the application to show that approval is now needed for tracts (29 and 30), instead of (30, 31, and 32). Applicant will come back for official approval when developing track 31 and 32.**
- c. Revise the application to note that the entrance gate has been moved down to track 29.**

A revised set of building plans is included and a revised site plan has been sent to City of Tea for approval.

Action: A motion was made by Albers and seconded by Sogn to approve the requested amendments to Conditional Use Permit 11-CUP-009. The motion was unanimous.

Action: A motion was made by Sogn and seconded by Nelson to adjourn the meeting. The motion was unanimous.

Respectfully submitted by:

Laurie Lundquist

Deputy Director

Lincoln County Planning & Zoning