

MINUTES
LINCOLN COUNTY PLANNING AND ZONING COMMISSION
May 17, 2010

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 17, 2010 at 7:00 pm by Chairwomen June Nusz with members Chad Nelson, Ron Larson, Darrel Sogn, Craig Andersen 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.

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

ITEM 1. APPROVAL OF AGENDA – A motion was made by Andersen and seconded by Larson to approve the agenda for May 17, 2010. The motion was unanimous.

ITEM 2. APPROVAL OF MINUTES – A motion was made by Nelson to approve the minutes of April 19, 2010 with a correction to Item 7. The motion was seconded by Sogn and the motion was unanimous.

ITEM 3. CONDITIONAL USE PERMIT – 10-CUP-014 For the purpose of a home occupancy business. Buying, selling and refurbishing RV's. Refurbish for private clients. Possibly 4 units per year

Legal Description: NE1/4NE1/4 Section 16, Township 100, Range 51 Lincoln County, South Dakota

Location: 46683 269th St, Sioux Falls, SD

Petitioner/Owner: John A Koch

General Information

Present Zoning: Ag

Existing Land Use: Ag/ Residential Use

Parcel Size: 40 Acres

Report By: Paul Aslesen

Staff has determined that the petitioned use, to include buying, selling, and the refurbishing of Recreational Vehicles for private clients meets the criteria of Article 12.0302 Major Home Occupation. The site is in a low density residential setting.

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.**
See recommendation.
- 2. The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.**
See recommendation.
- 3. That utilities, access roads, drainage and/or other necessary facilities are provided.**
See recommendation
- 4. That the off-street parking and loading requirements are met.**
See recommendation

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.

See recommendation

Recommendation:

Staff recommends approval with stipulations for Class 1 Home Occupancy listed below.

12.0302 Major Home Occupation.

It is recognized that home occupations which exceed the requirements of Section 12.0301 may be appropriate in a low density residential setting or if associated with an agricultural use. For the purpose of this ordinance, such uses are classified as either a Class 1 or Class 2 major home occupation, and shall be evaluated giving consideration to the following criteria:

A. Class 1:

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 to approve was made by Andersen and seconded by Melcher. The motion was unanimous.

ITEM 4. CONDITIONAL USE PERMIT – 10-CUP-015 For the purpose of building a pole building for private storage over 1500 square feet. (2560 sq ft)

Legal Description: Country View Estates N1/2SE1/4- Lot 18 Section 22, Township 100, Range 51, Lincoln County, South Dakota

Location: 46781 Valerie Place, Tea, SD 57064

Petitioner/Owner: Timothy Byrd

General Information

Present Zoning: Rural Residential

Existing Land Use: Residential

Parcel Size: 3.54 Acres

Report By: Paul Aslesen

Please reference Article 12.06 Accessory Buildings and Uses. pages 58 and 59 and also the provisions of Article 19, Conditional Use Permit, page 95 and specifically, Article 19.09 Conditional Use Criteria of the Lincoln County Ordinance. This site is located in a residential area.

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.**
It is not uncommon to see existing buildings of the size requested by the petitioner in this subdivision.
* (3) three at 2400 sq feet and (1) one at 2520 sq feet*
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 upon the remaining development of this subdivision. Lot sizes are of a size large enough to provide for accessory buildings of this size and provide space for additional septic drain field areas.
3. **That utilities, access roads, drainage and/or other necessary facilities are provided.**
Facilities are provided.
4. **That the off-street parking and loading requirements are met.**
Requirements are met.
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 nuisances are anticipated or expected.

Recommendation:

Staff recommends approval of the petitioned use as long as set back distances and site requirements are met.

Action:

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

ITEM 5. CONDITIONAL USE PERMIT #10-CUP-016 For the purpose of operating a light manufacturing business- snow blowers & other products to be determined.

Legal Description: Kerslake 2nd Addition, Lot 4, Block 3, Section 24, Township 100, Range 51, Lincoln County, South Dakota

Location: 27065 Kerslake Place

Petitioner/Owner: Charles Mehlhof

General Information

Present Zoning: "C" Commercial

Existing Land Use: Commercial

Parcel Size: 1.447 Acres

Report By: Paul Aslesen

A change in uses for the 1995 Lincoln County Ordinance provides for light manufacturing in a commercial district which has now been enhanced by the 2009 Lincoln County Ordinance which provides for a Light Industrial District which identifies light manufacturing as a use. Expansion of the petitioner's business to an adjacent lot is now requested. *Reference Conditional Use Permit 08-CUP-014 approved March 17, 2008 for light manufacturing.*

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 Kerslake Subdivision was developed for uses of the commercial and light manufacturing nature. Various businesses and companies have located there for those purposes. The petitioner's business will enhance the area and should have a positive effect on other properties values and uses.

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

No negative effects are anticipated on orderly development and improvement as the petitioned use is compatible with existing uses and is compatible with other zoning districts in the area.

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

Infrastructure is provided along with utilities, access roads, drainage plans and other facilities.

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

Requirements are met.

- 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.**

All work to be done inside which should control any nuisances. Lighting will be designed to provide security but not constitute a nuisance.

Recommendation:

Staff recommends approval of the use with the following suggested stipulation(s) 1. Any outdoor storage of non-end items or easily pilfered items be secured by an approved method.

Action: A motion to approve the petition with stipulation listed was made by Melcher and seconded by Sogn. The motion was unanimous.

ITEM 11. PLATS

- A. Lot 1 in Block 1 and Lot 6 in Block 2 of Arthur Estates an addition in the West half (W1/2) of the Northeast Quarter (NE1/4) of Section 32, Township 100 North, Range 50 Lincoln County, South Dakota
- B. Tract 1 and Tract 2 of Koedam's Addition in the East Half (E1/2) of Government Lot 2 in the Northeast Quarter (NE1/4) of Section 1, Township 98, Range 50 Lincoln County, South Dakota
- C. Tract 1 of Hessaa's Addition in the Southeast Quarter (SE1/4) of Section 2, Township 99, Range 49, Lincoln County, South Dakota
- D. Tract 4 in VanVoorst's Addition in the Northeast Quarter(NE1/4) of the Northeast (NE1/4) of Section 14, Township 99, Range 49, Lincoln County, South Dakota
- E. Tract 1A of Slack's Addition in the East Half (E1/2) of Section 2, Township 99, Range 49 Lincoln County, South Dakota

Action: A motion to approve the plats was made by Andersen and seconded by Larson. The motion was unanimous.

ADDITIONAL ITEMS:

1. Comprehensive Plan Focus Group-May 20, 2010 6:30 pm, Commissioner's Room
2. Reminder Joint Jurisdiction June 9, 2010, 7:00 pm Commissioner's Room

There being no further business, the motion to adjourn was made by Nelson and seconded by Andersen. The motion was unanimous.

Respectfully submitted by:

Laurie Powell

Deputy Director

Lincoln County Planning & Zoning