

MINUTES
LINCOLN COUNTY PLANNING AND ZONING COMMISSION
November 15, 2010
6:00 pm Workshop
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 November 15, 2010 at 7:00 pm by Chairwomen June Nusz with members Ron Larson, Darrel Sogn, Craig Andersen, Chad Nelson and County Commissioner Jason Melcher in attendance 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, Greg Thompson-Compliance Officer, Toby Brown-SECOG

ITEM 1. APPROVAL OF AGENDA – A motion to approve the November 15, 2010 agenda was made by Andersen and seconded by Larson. The motion was unanimous.

ITEM 2. APPROVAL OF MINUTES – A motion to approve the minutes of October 18, 2010 was made by Nelson and seconded by Melcher. The motion was unanimous.

ITEM 3. CONDITIONAL USE PERMIT #10- CUP-034 For the purpose of operating a Home occupancy pet grooming business. 12.0301 Minor Home Occupation

Legal Description: W135' of S325' of E1/2NE1/4, Section 13, Township 96, Range 48, Lincoln County, South Dakota

Location: 48776 Jones St, Hudson, SD 57034

Petitioner/Owner: Becky VanNoort

General Information

Present Zoning: "A-1" Agriculture

Existing Land Use: "A-1" Agriculture

Parcel Size: 1 Acre

Report By: Paul Aslesen

Please reference the requirements for a minor home occupation on page 51.

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 Minor Home Occupation should have very little effect on the use of or the value of property in the immediate vicinity.
2. **The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.**
The requested use is located in an A-1 District with the city of Hudson's residential development in close vicinity. Any new development or improvements will be under the same predominant conditions. No negative effect is anticipated.

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

All necessary utilities and facilities are provided.

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

The use does create a need for designated parking. Space is available on the farmstead. No loading requirements are anticipated.

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 issues are anticipated.

Recommendation:

Staff recommends approval with the understanding that the Minor Home Occupation standards as listed below are adhered to. This Conditional Use does not give the applicant the authority to develop and or maintain a kennel or boarding activity at this site.

- 1. The occupation shall be conducted entirely within a dwelling and clearly incidental to the use of the structure for residential purposes.*
- 2. There shall be no change in the outside appearance of the dwelling or any visible evidence of the conduct of the occupation.*
- 3. Only residents of the dwelling shall be employed by or participate in the occupation.*
- 4. The storage of equipment, vehicles, or supplies associated with the occupation shall not occur outside the dwelling. Accessory buildings or structures shall not be used for storage.*
- 5. There shall be no display of products visible in any manner when viewed from outside the dwelling.*
- 6. No advertising or display signs shall be permitted other than a nameplate attached to the dwelling. The nameplate shall not be illuminated and shall not be more than two square feet in area. No off premise signs shall be used.*
- 7. The occupation shall not require internal alterations or involve construction features not customary in a dwelling. External alterations intended to create a separate entrance or other feature exclusively for the occupation is prohibited.*
- 8. There shall be only limited and incidental sale of products conducted on the premise.*
- 9. The occupation shall not generate more than four (4) visits per day from clients or customers averaged over a period of seven (7) consecutive days.*
- 10. The occupation shall not result in additional off-street parking spaces for clients or customers.*
- 11. Toxic, explosive, flammable, combustible, corrosive, radioactive or other restricted materials are prohibited.*
- 12. No equipment or process shall be used in the occupation which creates noise, vibration, glare, fumes, or odor detectable to the normal senses off the property.*
- 13. No equipment or process shall be used in the occupation which creates visual or audible electrical interference in any radio or television receiver or causes fluctuations in line voltage off the property.*

14. *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 Larson and seconded by Sogn to approve with stipulations that Minor Home Occupation standards, listed above, are adhered to. The motion was unanimous.

ITEM 4. CONDITIONAL USE PERMIT – 10-CUP-035 For the purpose of operating a contractors shop for painting of equipment and vehicles and installation of bedliners.

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

Location: 27050 S Katie Rd., Suite 400, Tea, SD 57064

Petitioner/Owner: Todd Peterson/Charles Melhaf

General Information

Present Zoning: "C" Commercial

Existing Land Use: "C" Commercial

Parcel Size: 1.716 Acres

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 Kerslake Subdivision 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 users and the general public. The applied for use will utilize 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.
- 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.**
All painting will be conducted inside the provided structures. No outside storage will be conducted and no nuisance issues are anticipated.

Recommendation:

Staff recommends approval.

Action: A motion was made by Nelson and seconded by Melcher to approve Conditional Use Permit #10-CUP-035. Motion was unanimous.

ITEM 5. CONDITIONAL USE PERMIT – 10-CUP-036 For the purpose of constructing an accessory building over 1500 square feet. Proposed building is 2400 square feet.

Legal Description: Tract 2, Sanchez Addition NE1/4, Section 25, Township 100, Range 50, Lincoln County, South Dakota

Location: 47583 271st Street, Harrisburg, SD

Petitioner/Owner: Jeff Boer

General Information

Present Zoning: "RR" Rural Residential

Existing Land Use: "RR" Rural Residential

Parcel Size: 3.05 Acres

Report By: Paul Aslesen

Please reference page 59 D2. In all residential Districts the total area of accessory buildings shall not exceed 1500 square feet unless a conditional use has been approved.

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 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 no negative response has been received. There are accessory buildings of similar size in the immediate area. No negative effect is anticipated toward current use or property values.
- 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 continued growth will not be impacted by approval of this use as residential rezoning is not expected in this area.
- 3. That utilities, access roads, drainage and/or other necessary facilities are provided.**
The applied for use will be located on a residential acreage that will have utilities and all other facilities provided.
- 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.**
This use should not generate any nuisance conditions.

Recommendation:

Staff recommends approval with the following stipulations: site plan providing set back distances, property lines etc.

Action: A motion was made by Larson and seconded by Nelson to approve with stipulation of a site plan showing set back distances, property lines, etc. Motion was unanimous.

ITEM 6. CONDITIONAL USE PERMIT – 10-CUP-037 For the purpose of construction and operation of a twin screen drive-in movie theater. Future additions may include mini-golf and a maze.

Legal Description: A portion of W730' of N1090' *Ex N26.5 Rds of W 18 Rds & Ex Lot H-2* NW1/4

Section 33, Township 100, Range 51, Lincoln County, South Dakota

Location: SE quadrant of SD Hwy 17 and 272nd St

Petitioner/Owner: Richard Peters

General Information

Present Zoning: Commercial/Agriculture

Existing Land Use: Agriculture

Parcel Size: Approximately 7 Acres

Report By: Paul Aslesen

Please reference page 7 conditional uses in the A-1 Agriculture District item L Private Outdoor Recreation Facility and also reference page 16 conditional uses in the Commercial District item S. Commercial recreation facility.

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 area surrounding this site includes a commercial storage site, a commercial site used for a taxidermy business, a residential subdivision, and ag land used for crop production. The applied for use will create more traffic for the general area throughout the week with major increase anticipated on Saturdays. Any negative effects are not anticipated for the residential subdivision with appropriate control and location of the screens. Property owners may have their property value enhanced as additional commercialization takes place along this major road.

- 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 as the anticipated demand is for commercial use and not residential use.

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

Applicants' site plan (supplement) provides utility access road availability, drainage measures and surface preparation information. The only infrastructure available is 272 St. and highway 17. Applicant has plans for providing required utilities, facilities for water/septic, access roads and buffers to control noise and light.

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

Parking will be dependant on space available. Site plan should be provided.

- 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.**

Some noise, dust and fumes will be generated by traffic but with the hard ball surface for traffic no nuisance is anticipated from traffic. Sound and fugitive lighting will have to be controlled as per site plan.

Recommendation:

Staff recommends approval with the following stipulations:

- 1. A plan for the removal of the screens and the facility be provided to the county.*
- 2. A review of the use be brought to the Lincoln County Planning and Zoning Board after one year or sooner if complaints are provided to the county.*

Speaking in opposition: Several abutting land owners as well as members of the community expressed their concerns about traffic, drainage, garbage, septic and a landscape buffer.

After further discussion by the Board a motion was made by Sogn to defer Conditional Use Permit 10-CUP-037 until the January 2011 meeting to give the applicant ample time to address the issues presented by members of the community. The motion was seconded by Larson. Motion was unanimous.

ITEM 7. PLATS

- A. Tracts A & B of Tesmer Addition in the South Half of the Southeast Quarter Quarter of Section 14, Township 100, Range 51, Lincoln County, South Dakota

- B. Tract 1A and 1B of Burgers Addition in the Northwest Quarter of Section 34, Township 100, Range 49, Lincoln County, South Dakota

ADDITIONAL ITEMS:

Workshop at 6:00 pm on Comprehensive plan.

Please check your schedules for conflicts for December 20, 2010 scheduled meeting

ADDITIONAL ITEMS:

Public Hearing at 6:00 pm on Comprehensive plan.

Respectfully submitted by:

Laurie Powell

Deputy Director

Lincoln County Planning & Zoning