

MINUTES
LINCOLN COUNTY PLANNING AND ZONING COMMISSION
October 17, 2011

7:00 p.m. 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 October 17, 2011 at 7:00 p.m. by Chairman Craig Andersen with members June Nusz, 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.
Chad Nelson-Absent

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

ITEM 1. APPROVAL OF AGENDA – A motion was made by Sogn and seconded by Albers to approve the agenda for October 17, 2011. The motion was unanimous.

ITEM 2. APPROVAL OF MINUTES – A motion was made by Larson and seconded by Gillespie to approve the minutes of September 19, 2011 as written. The motion was unanimous.

ITEM 3. CONDITIONAL USE PERMIT #11-CUP- 029 For the purpose of engineering, design, and fabrication of sheet metal and other non-metallic goods.

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

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

Petitioner/Owner: Steve Newman & David Pullen/CDC Properties

General Information

Present Zoning: "C" Commercial

Existing Land Use: "C" Commercial

Parcel Size: 1.716 Acres

Report By: Paul Aslesen

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.

Previously approved conditional use permits for the area include contractor's shops, equipment display and sales, storage areas, light manufacturing and service oriented businesses. The applied for use is an appropriate use at this location and should not have a negative effect on the use or value of other 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.

This subdivision continues to develop with uses that are commercial and light industrial which has been the intent of the development. The applied for use should not have a negative effect.

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

The applied for use will utilize an existing structure that has access, approved drainage and necessary facilities.

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

The site is large enough to accommodate off street parking and loading requirements as required by Lincoln County Ordinances.

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.

Light manufacturing does have the possibility of generating some nuisance factors but none which should create problems.

Recommendation: Staff recommends approval.

Action: A motion was made by Nusz to approve 11-CUP-029; the motion was seconded by Albers. Motion was unanimous.

ITEM 4. CONDITIONAL USE PERMIT #11-CUP- 030 For the purpose of light manufacturing, snow blowers and custom manufacturing.

Legal Description: Lot 5 Block 3 Kerslake 2nd Addition, Section 24, Township 100, Range 51

Location: 27067 Kerslake Place, Tea, SD 57064

Petitioner/Owner: Teamco Inc/CDC Properties

General Information

Present Zoning: "C" Commercial

Existing Land Use: "C" Commercial

Parcel Size: 1.618 Acres

Report By: Paul Aslesen

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.**

Uses in the Kerslake Addition include light manufacturing, service oriented businesses, contractor shops, storage buildings and lots, equipment displays, and warehousing. The applied for use is a continuation of an existing business at a different parcel in close proximity to the current location. No negative effects are anticipated.

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

There should be a continued positive effect to the development of this commercial/light industrial area. No negative effect is anticipated. The development by this applicant is serving as an excellent example of property maintenance, up keep and use.

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

Site plan has been approved and appropriate facilities are either present or being installed.

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

Ordinance requirements are being complied with.

- 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 have been of concern or complaint from the previous location/site and none are anticipated at the new location.

Recommendation: Staff recommends approval.

Action: A motion was made by Sogn to approve 11-CUP-030; the motion was seconded by Larson. The motion was unanimous.

ITEM 5. CONDITIONAL USE PERMIT #11-CUP- 031 For the purpose of a Daycare in their home.

Legal Description: Sunrise Add SW ¼ NW ¼ Lot 3 Block 3. Section 1, Township 99, Range 51

Location: 46910 Daggett Place, Lennox, SD 57039

Petitioner/Owner: Anna Person/ Bryan Person

General Information

Present Zoning: "RR" Rural Residential

Existing Land Use: "RR" Rural Residential

Parcel Size: Lot size 150' x 291.85'

Report By: Paul Aslesen

Please reference page 116, definitions and the RR District on page 10 4.04C. Day Care Center

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 wishes to operate a day care facility out of her family home with a limitation of (6) six children under age fourteen. Included in that count would be the providers own children. The use should not have a negative effect on property values or the enjoyment of other property. Staff has not been advised as to the hours of operation and recommends clarity be requested by the planning board on this as this could be an issue for the neighbors.

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 this type of use is common in residential areas.

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

Residential development is in place with roads, access, drainage and facilities.

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

The parking and or loading needs for this use are very limited in nature.

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 additional traffic is expected based on the nature of the use but no nuisance issues are expected.

Recommendation:

Staff recommends approval of this use as an accessory use of the property. Clarity of the hours of operation is requested.

Petitioner stated hours would be Monday through Friday, 6:30 am to 5:30 pm.

Action: A motion was made by Gillespie to approve 11-CUP-031; motion was seconded by Albers. The motion was unanimous.

ITEM6. CONDITIONAL USE PERMIT #11-CUP- 032 For the purpose of a Ag-horse boarding (Stable).

Legal Description: N ½ of SE ¼ Section 6, Township 99, Range 50.

Location: 471st Avenue

Petitioner/Owner: Elizabeth J Janson

General Information:

Present Zoning: Agriculture

Existing Land Use: Agriculture

Parcel Size: 49.45 Acres

Report By: Paul Aslesen

Reference page 7, item 3.04 (H) Stable and page 127 item #168 which provides definition.

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 should not have a negative effect on uses or values. Abutting land is currently in crop production with limited farms and residential acreages. Homes in the immediate area should not be negatively impacted by this type of use.

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

The area with current uses should be able to continue as is with little or no negative impact on growth or improvement.

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

Site will require an approach from the township road and a road to the facilities. Rural water lines are available and a wastewater management system is being formulated to handle the uses needs.

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

Parcel size is large enough to accommodate Lincoln County requirements for loading and parking. Site plan illustrates ample parking 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.

Traffic on the gravel township road will increase with car and pickup traffic which may create dust issues. Appropriate measures may be needed to provide dust control. No other nuisance factors are anticipated as this is a ag use located in an agriculture district.

Recommendation:

Staff recommends approval with the following stipulation(s):

1. Provide dust control when needed.
2. Clarify the times of operation

Petitioner stated that hours would be 24-7 due to the occupations of clients and consideration of their free time.

Action: A motion was made by Nusz to approve 11-CUP-032 with suggested stipulations. The motion was seconded by Sogn. Motion was unanimous.

ITEM 7. CONDITIONAL USE PERMIT #11-CUP- 033 For the purpose of furniture recycle- material recovery facility.

Legal Description: SE ¼ Hagedoorn Industrial Park Lot 3 Block 4 Section 25, Township 100, Range 51.

Location: 46963 Monty Street, Tea, SD 57064

Petitioner/Owner: Travis Hewitt

General Information:

Present Zoning: "C" Commercial

Existing Land Use: "C" Commercial

Parcel Size: 1 Acre

Report By: Paul Aslesen

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 Hagedorn Industrial Park addition has been developed with an assortment of light industrial and commercial uses. Zoning of this area also permits light industrial and commercial uses. The applied for use is a mixture of commercial and light industrial as it calls for the storage of a product, the recovery of product components and the preparation of the components for transport to other facilities. The use is "Green" in nature and must be housed in order to remain profitable. This use will be utilizing an existing building and should not have an adverse effect on property values or 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 as this use will be conducted inside an existing structure.

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

Indicated items are accomplished with tentative plans for municipal main lines.

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

Parking and loading areas are designated and will be 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.**

None of the above factors will be present or be at a level which would constitute a nuisance.

Recommendation: Staff recommends approval with stipulation(s): 1. No outside storage of accepted or generated items is allowed.

Action: A motion was made by Albers to approve 11-CUP-033 with suggested stipulation. The motion was seconded by Larson. Motion was unanimous.

ITEM 8. CONDITIONAL USE PERMIT #11-CUP-034 For the purpose of constructing a 14,000 square foot cold storage building.

Legal Description: Lot 1B Block 5, Kerslake Addition, S1/2 of Section 24, Township 100, Range 51, Lincoln County, South Dakota

Location: 27093 Katie Rd, Tea, South Dakota

Petitioner/Owner: Michael Poppens

General Information

Present Zoning: Commercial

Existing Land Use: Commercial

Parcel Size: 67,442 Sq. ft.

Report By:

Paul H. Aslesen

Staff Analysis:

Property owner/applicant is requesting a structure over the allowed square footage by Lincoln County Ordinance 10,000 square foot and requested 14,000 square foot.

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 numerous parcels with structures over 10,000 square feet in size with uses ranging from commercial storage, equipment display, service oriented businesses along with light manufacturing. The structure of this size should not have a negative impact on property values or current uses.

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

Positive effects of this structure are expected and should aid and assist the continued development and improvement of any vacant lots in the development.

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

The provided site plan/utility plan provides for the necessary facilities. Access to the parcel is from Katie Road and will be shared with lot 1C. Structure will be utilizing holding tank.

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

Site plan indicates set back distances for the building and will allow for loading and parking spaces.

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 offensive factors are identified.

Recommendation:

Staff recommends approval with stipulation(s): 1. Building plan is to be engineered by licensed engineer and built as is.

Action: A motion was made by Gillespie to approve 11-CUP-034 with suggested stipulation. The motion was seconded by Albers. Motion was unanimous.

Adjourn: A motion was made by Larson and seconded by Nusz to adjourn the meeting. The motion was unanimous.

ADDITIONAL ITEMS:

Respectfully submitted by:

Laurie Lundquist

Deputy Director

Lincoln County Planning & Zoning