

MINUTES
LINCOLN COUNTY PLANNING AND ZONING COMMISSION

October 18, 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 October 18, 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, Toby Brown-SECOG

ITEM 1. APPROVAL OF AGENDA –A motion to approve the agenda of October 18, 2010 with the addition of Item 6-C was made by Andersen. The motion was seconded by Larson. The motion was unanimous.

ITEM 2. APPROVAL OF MINUTES – A motion was made by Sogn and seconded by Melcher to approve the minutes of September 20, 2010 as written. The motion was unanimous.

ITEM 3. CONDITIONAL USE PERMIT – 10-CUP-031 For the purpose of operating a Major Home Occupation – Class 1, Storage of mobile disc jockey company equipment. Drivers are required to report to residence.

Legal Description: Country View Estates, N1/2 S1/2 Lot 11, Section 22, Township 100, Range 51, Lincoln County, South Dakota

Location: 46755 Joslyn St, Tea, SD 57064

Petitioner/Owner: Jeremy Brech

General Information

Present Zoning: Rural Residential

Existing Land Use: Rural Residential

Parcel Size: 2 Acres

Report By: Paul Aslesen

Lincoln County Planning and Zoning awarded a Conditional Use Permit to the applicant for a structure over 1500 square feet. At the time of application for this permit, staff noticed a home occupancy use being conducted at the applicant's residential site. The applicant is now requesting a Major Home Occupation based on Article 12.0302 on page 52.

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.**

A class one home occupation will be allowed in a low density residential setting which is a characteristic of this subdivision. Because of the nature of this use, very little negative effect is anticipated. Applicant indicates that weekend traffic will increase as his business is providing disc jockey activities and that his

employees will be securing transportation from the approved accessory building and then returning later in the evening or early morning.

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

Very little effect upon the normal and orderly development and improvement of any existing vacant property is anticipated. The activity involves the movement of van type vehicles from the accessory building to areas outside the subdivision area and the return of same.

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

No extra facilities are needed and established roads and drainage methods will not be adversely affected.

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

Parking of vehicles inside the accessory building will be required. No signature effect will be allowed and the esthetic qualities of the area will be protected.

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.

Noise may be an issue when vehicles are returned or gotten from the site. No other nuisance factors are anticipated.

Recommendation:

Staff recommends approval for the current use but directs 1. The applicant is to secure a site within a commercial area for any expansion of this portion of his business. 2. All vehicles must be stored within the accessory building and all maintenance must be done inside the building or off site at an appropriate business. 3. Applicant is reminded that neighbors are not to be disturbed in any way by the petitioned activity.

Action:

A motion was made by Nelson to approve the request with stipulations listed as well as Stipulations of 12.0302 Major Home Occupation Class 1. The motion was seconded by Melcher. The motion was unanimous.

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.

The motion was unanimous.

ITEM 4. CONDITIONAL USE PERMIT – 10-CUP-032 For the purpose of an equipment sales & repair business and motor vehicle sales, display, service and repair of classic cars.

Legal Description: Lot 2, Block 5 Kerslake 2nd Addition, Section 24, Township 100, Range 51, Lincoln County, South Dakota

Location: 27091 Katie Road, Tea, South Dakota

Petitioner/Owner: Dewayne Keiper/Plains Commerce Bank

General Information

Present Zoning: "C" Commercial

Existing Land Use: "C" Commercial

Parcel Size: 1.25 Acres

Report By: Paul Aslesen

Applicant is requesting a use allowed by Lincoln County Ordinances. The site is located in a commercial area as demonstrated by contactor businesses, storage areas and buildings, and service oriented businesses.

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.**
No negative effect is anticipated to abutting property uses or values. The parcel/structure is vacant at this time and would be enhanced by a productive business or use. Benefits to this area include revenues and taxes for the 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 in the overall development and improvement of the area. When parcels and structures are left vacant and not used, destructive events can take place which impacts abutting property owners.
- 3. That utilities, access roads, drainage and/or other necessary facilities are provided.**
All development facilities are in place to include utilities, access roads and appropriate drainage requirements.

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

Five parking spaces as a minimum for display of for sale equipment/vehicles must be maintained along with the Lincoln County Ordinance requirement for parking and loading.

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 is expected but nothing that will constitute a nuisance. Some increase of traffic is expected and wanted. No nuisance issues are expected from this type of use.

Recommendation:

Staff recommends approval with the following recommendation: 1. No outside storage of pilferable items unless properly secured.

Action:

A motion was made by Andersen to approve with staff recommended stipulation and the motion was seconded by Larson. The motion was unanimous.

ITEM 5. CONDITIONAL USE PERMIT #09-CUP-033 For the purpose of transferring single family housing eligibilities. (2) eligibilities

Legal Description:

Location: 472nd Avenue and 274th Street

Petitioner/Owner: Pederson Ag, LLC/ Evelyn Pederson

General Information

Present Zoning: Agriculture

Existing Land Use: Agriculture

Parcel Size: 151.9 ac

Report By: Paul Aslesen

Applicant would like to transfer (2) two residential building eligibilities. The transfer of building eligibilities requires an action by the Lincoln County Planning Commission.

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.

No negative effect is anticipated with the transfer of the residential eligibilities. Property values usually are not impacted negatively by the transfer of eligibilities as the land is owned presently by the same person. Remaining portion of the land is to be retained in the production of agriculture products.

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

It is believed that new residences will be a product of this transfer activity and will have some impact on agriculture uses.

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

Access to the building sites will be determined by the property owner when legal description is given to the parcels utilizing the single family eligibilities. Driveway permits need to be obtained and demonstrated prior to building permits being issued. Staff is advised that water is in the area but availability has not been determined at this time. Appropriate wastewater systems will be utilized depending on perk testing.

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

Single family residences do not normally require much parking or loading areas.

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 should be created by residential use.

Recommendation:

Staff recommends approval. Request is in conformance with Lincoln County Ordinances. The following conditions are recommended: 1. The lots shall be platted and a right to farm notice needs to be filed on the deed of the lots prior to the issuing of a building permit. 2. Written approval for a driveway access shall be obtained from the appropriate township.

Action:

A motion was made by Larson to approve with staff recommended stipulations. The motion was seconded by Andersen and was unanimous.

ITEM 6. PLATS

- A. **Tract 1 and Tract 2 of Oltmanns Addition in the W1/2 of the SW1/4 of Section 21, Township 99 North, Range 50 West of the Principal Meridian, Lincoln County, South Dakota**

- B. **Pederson Tract 1 in the North Half of the Southeast Quarter and the Northeast quarter of the Southwest quarter of Section 8, Township 99 north, Range 50 West of the 5th P.M., Lincoln County, South Dakota for the purpose of transfer.**

- C. **Tract 1 and Tract 2 of White's Addition in Government Lot 1 and the S1/2 of Government Lot 2 of the NW1/4 of Section 18, Township 100 North, Range 51 West of the 5th P.M., Lincoln County, South Dakota for the purpose of separating building site from remaining land.**

Action:

A motion to approve the plats was made by Melcher and was seconded by Sogn. The motion was unanimous.

ADDITIONAL ITEMS:

Workshop 6:00 pm on Comprehensive plan.

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

Respectfully submitted by:

Laurie Powell

Deputy Director

Lincoln County Planning & Zoning