

MINUTES
LINCOLN COUNTY PLANNING AND ZONING COMMISSION
October 19, 2009

7:00 pm Regular Meeting, Commission Room
Lincoln County Courthouse

The regular meeting of Lincoln County Planning and Zoning Commission was brought to order at 7:00 pm by Chairwomen June Nusz with members Darrel Sogn, Chuck Molstad, Chad Nelson and County Commissioner Jason Melcher reporting for duty at the Lincoln County Courthouse, Commissioners Room, 104 N Main Street, Canton, SD 57013.

Staff members present were Paul Aslesen-Director Planning and Zoning, Laurie Powell-Deputy Director and Jon Peters-GIS.

ITEM 1. APPROVAL OF AGENDA – A motion was made by Sogn to amend the agenda to table Item #4 09-CUP-023 at the request of petitioner. The motion was seconded by Nelson. The motion was unanimous.

ITEM 2. APPROVAL OF MINUTES – A motion was made by Nelson and seconded by Melcher to approve the minutes of

September 21. The motion was unanimous.

A motion was made by Nelson and seconded by Sogn to approve the minutes of the October 5, 2009 Special Meeting; the motion was unanimous.

A motion was made by Molstad to move to Board of Adjustment to consider variance 09-VAR-001. The motion was seconded by Melcher. The motion was unanimous.

ITEM 3. VARIANCE #09-VAR-001 The Petitioner is asking for a variance in set-back distance.

Legal Description: Lease Site M-2, a tract 2800 square feet in airport tract 1-A of Skyhaven Heights, NW1/4 Section 30, Township 100, Range 50 Lincoln County, South Dakota

Location: Site M-2

Petitioner/Owner: Joe Darst Jr.

General Information

Present Zoning: "Commercial"

Existing Land Use: "Commercial"

Parcel Size: 2800 Square feet

Staff Review: Please review Article 21: Zoning Board of Adjustment.

Petitioner stated that a variance is needed in order for the site to be large enough to build a hanger that will accommodate 2 planes.

A motion was made by Molstad and seconded by Sogn to approve the request for variance in set-back. The motion was unanimous.

A motion was made by Nelson and seconded by Melcher to move from Board of Adjustment. The motion was unanimous.

ITEM 4. CONDITIONAL USE PERMIT #09-CUP-023 The purpose is to operate a Repossession and Towing business with Temporary Storage

Legal Description: Tract 2A of Income Addition in the NW14 of Section 25, Township 100, Range 51 Lincoln County, South Dakota

Location: 46923-271st Street, Tea, SD 57064

Petitioner/Owner: Douglas Putnam

General Information

Present Zoning: "C" Commercial
Existing Land Use: Commercial
Parcel Size: 5 Acres

Report By: Paul Aslesen

A letter was received from the petitioner requesting that this CUP be tabled until he receives final approval of a site-plan from the City of Tea.

A motion was made by Melcher and seconded by Nelson to table Conditional Use Permit #09-CUP-023 until final approval of the site-plan is received from City of Tea. The motion was unanimous.

ITEM 5. CONDITIONAL USE PERMIT #09-CUP-026 The purpose is to operate a Home Occupancy taxidermy business in an existing accessory building on his property.

Legal Description: Tract 1 Verhey Addition NE1/4 NW1/4 Section 3, Township 99, Range 51, Lincoln County, South Dakota

Location: 46741-273rd St, Tea, SD 57064

Petitioner/Owner: Darren Bahnson

General Information

Present Zoning: Ag
Existing Land Use: Residential
Parcel Size: 1.49 Ac

Report By: Paul Aslesen

Staff Analysis:

Please reference Article 12.0303 Major Home Occupation

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.**
Petitioner will be installing a holding tank to accommodate his use.
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 the stipulations listed for a Class 1 Major Home Occupation as per 12.0302 Major Home Occupations.

A motion to approve with stipulations was made by Nelson and seconded by Sogn. The motion was unanimous.

Stipulations:

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.
12. One (1) year review of CUP

ITEM 6. CONDITIONAL USE PERMIT #09-CUP-027 The purpose is to construct a siding contractors shop with two (2) rental spaces.

Legal Description: Lot 4 Block 4 of Hagedorn Industrial Park Addition SE1/4, Section 25, Township 100, Range 51, Lincoln County, South Dakota

Location: 46959 Monty Street, Tea, SD 57064

Petitioner/Owner: Thomas Wipf

General Information

Present Zoning: I-1 Light Industrial

Existing Land Use: Ag

Parcel Size: .92 Ac

Report By: Paul Aslesen

Please reference item 6.04 K Conditional Uses of the "C" District and item 7.04E; Conditional Uses in the I1 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.**

No negative effects are anticipated as this area contains similar and like uses. Normally, more development of the correct nature will enhance property values.

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

Enhancement of this industrial development should take place with each approved use. No negative effect is anticipated. Petitioner is aware of existing covenants and has requested approval from the City of Tea for the site plan.

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

Facilities and roads are available or provided. Engineered Site Plan is provided.

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

Lot size and development plans allow for parking and loading requirements to be in compliance with County requirements. Site plan 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.**

Utilization of Best Management Techniques as defined by Lincoln County Ordinances will help reduce or eliminate the possibility of nuisances. No negative effects are anticipated.

Recommendation:

Staff recommends approval with the following suggested stipulations:

1. *All non-end item storage must be secured by either building or appropriate fence.*
2. *Lighting should enhance security but not contribute as a nuisance.*

A motion was made by Molstad to **approve** with recommended stipulations as well as developer requested stipulation.

The motion was seconded by Sogn. The motion was unanimous. Stipulations are as listed:

1. All non-end item storage must be secured by either building or appropriate fence.
2. Lighting should enhance security but not contribute as a nuisance.
3. Developer requested stipulation is that garbage receptacles be installed and fenced.

ITEM 7. CONDITIONAL USE PERMIT #09-CUP-028 The purpose is to operate a repairable car lot.

Legal Description: Clarks Addition Lot A of Tr1- SW1/4SW1/4, Section 5, Township 98, Range 50, Lincoln County, South Dakota

Location: 47102 280th Street

Petitioner/Owner: Ken Hillman/Southeastern Electric Cooperative, Inc, Brad Schardin, Gen. Mgr

General Information

Present Zoning: I-1 Light Industrial

Existing Land Use: Industrial

Parcel Size: 3.13 Acres

Report By: Paul Aslesen

Reference 6.04D AND E. and 7.04E.

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.**

Site was previously used as an equipment/repair shop for a power utility company and has a county owned transfer station as a neighboring use. No negative effect to the site is anticipated, if the use as

indicated is followed. Allowing the use to become more of a salvage yard environment will not be in compliance with the zoned district.

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

Future development of this site is not anticipated in the near future but because of the close proximity to the interstate the petitioned use must adhere to best management standards. Site is also one of the first uses exposed to the public as they exit off of the interstate and travel to Worthing, SD, petitioner should work to enhance the area and position the area for growth possibilities.

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

Necessary facilities utilities, roads and drainage are provided.

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

Site design for previous use provides for parking and loading that is in compliance with county 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.

Inside storage and display of restorable s will eliminate any visual nuisance.

Recommendation:

Staff recommends approval of this use with the following suggested stipulations:

1. *Display be limited to indoor use.*
2. *Signage to be in compliance with county requirements.*
3. *Any outside storage should be secured by county approved fence.*
4. *Use must meet environmental requirements of South Dakota DENR*
5. *Appropriate trees to be used to screen Southwest portion of storage area*
6. *1 year review*

*A motion to **approve** with stipulations listed was made by Melcher and seconded by Nelson. The motion was unanimous.*

ITEM 8. CONDITIONAL USE PERMIT #09-CUP-029 The purpose is to operate a group daycare/group home.

Legal Description: N 509' of W1329' of Lot 1 and 2 of the SW1/4 and the E280.10' of the W1029.10' of the S254' of Lot 2 of the NW1/4 of Section 7, Township 96, Range 48, and the S254' of the W749' of Lot 2 of the NW1/4 Section 7, Township 96, Range 48, Lincoln County, South Dakota

Location: 29244 482nd Avenue, Hudson, SD 57034

Petitioner/Owner: Kaia L Kloster/ Todd S. and Kaia L. Kloster

General Information

Present Zoning: Ag

Existing Land Use: Ag

Parcel Size: 22+ Acres

Report By: Paul Aslesen

Please reference 3.04D

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 petitioned use is not anticipated to create any negative effect on current 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.**
No negative effect is anticipated as other uses are ag related.
3. **That utilities, access roads, drainage and/or other necessary facilities are provided.**
Use has generated a need for additional septic facilities. Petitioner has contracted with appropriate providers to accomplish this.
4. **That the off-street parking and loading requirements are met.**
Use will not compromise the parking and loading 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.**
No nuisance contributors are expected from this use.

Recommendation:

Staff recommends approval with the following suggested stipulations:

1. *Petitioner should provide county with any certificates of training which supports this use.*
2. *Be knowledgeable of and in compliance with any applicable State requirements.*

A motion to **approve** was made by Sogn and seconded by Molstad. The motion was unanimous.

ITEM 7. PLATS

- A. Tract E of Grand Prairie 2nd Amendment Wetland Easement in the Southwest quarter of the southeast quarter of Section 5, Township 99, Range 50, Lincoln County, South Dakota

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

ADDITIONAL ITEMS:

1. Sam Trebilcock- Discussion of Sioux Falls Comprehensive Plan
2. Grant Hustad – Prairie Lake Estates update-Presenters were not in attendance.
3. Land Use-Pederson Trust-Life Light
4. Mileage payment discussion concerning onsite visits-decision to pay mileage for site visits.

Respectfully submitted by:

Laurie Powell

Deputy Director

Lincoln County Planning & Zoning