

Lincoln County Planning and Zoning
April 16th, 2007 Minutes
7:00 p.m. at the Lincoln County Extension Office

The Lincoln County Planning and Zoning Commission met at 7:00p.m. on Monday April 16th, 2007 at the Lincoln County Extension Office, 200 East 5th Street, Canton, SD.

Meeting brought to order by Chairman Molstad with members McClung, Evanson, Andersen, Nusz, and Weeldreyer reporting for duty.

Item: **Agenda:** Motion to approve agenda by Evanson, 2nd by Andersen. The motion passed unanimously.

a) **Minutes:** Motion to approve minutes by Andersen, 2nd by Evanson. The motion passed unanimously.

b) **Zoning Initiatives/Hearings: None**

c) **Rezoning Petitions: None**

d) **Rezoning Hearings:**

1) **07-REZ-002** Petitioner is Michael Poppens to rezone from "A" Ag Public Use District to "R" Rural Residential District at a legal description of the SW1/4 of Section 22 Township 99 Range 51. General address of intersection 467th Avenue and 277th Street. Date/Time set at 7:30p.m. on April 16th, 2007. A motion to table, due to request by City of Lennox and petitioner, until May 21st, 2007 was made by Nusz, 2nd by Andersen. The motion passed unanimously. Additional comments from Evanson that the rezoning was not compatible with the Lincoln County Comprehensive Plan.

2) **07-REZ-003** Petitioner is Wade Backman & Paul Johnson to rezone from "A" Ag Public Use District to "R" Rural Residential District for one additional building eligibility at a legal description of Tract 1 of Meiers Addition in the S1/2 of the SW1/4 of Section 27, Township 100, Range 49. General address of 27184 479th Avenue, Harrisburg, SD. Date/Time set at 8:00p.m. on April 16th, 2007. Motion to recommend rezoning for one additional building eligibility was made by Nusz, 2nd by McClung. The motion passed unanimously.

e) **Conditional Use Permit Applications:**

1) **07-CUP-007** Petitioner is Randy Henderson to operate a 500 animal unit Class D confinement at a legal description of the S1/2 of Gov't Lots 1 & 2 of the NW1/4 of Section 31, Township 96, Range 51. "A" Ag Public Use District. General address of 29628 464th Avenue, Centerville, SD. Having met all criteria for a Class D operation a motion was made by Andersen, 2nd by Evanson to approve. The motion passed unanimously.

2) **07-CUP-008** Petitioner is Brian Knutson for Knutson Metalwork's to operate a manufacturing, light industrial, and fabrication shop at a legal description of Tract B of Lot 1 in Block 4 of Kerslake Addition in the W1/2 of the SE1/4 of Section 24, Township 100, Range 51. "C" Commercial District. General address of 46960 100th Street, Tea, SD. A motion was made by Evanson, 2nd by McClung to approve. The motion passed unanimously.

3) **07-CUP-009** Petitioner is John Schutte to transfer two (2) building eligibilities in the NW1/4 except .42acres Road & Lot H-1 & Rikandsrud Tracts of Section 9, Township 98, Range 49. "A" Ag Public Use District. General address of 280th Street and SD Hwy 11, Canton, SD. A motion was made by Nusz, 2nd by McClung to approve. The motion passed unanimously.

4) **07-CUP-010** Petitioner is Allen Bolte to operate a car lot and detail shop at a legal description of Tract 2 of Smith's Addition of the SE1/4 ex. Lot H-1 & the N292.34' of Section 31, Township 100, Range 50. "C" Commercial District. General address of

27296 Ironworks Avenue, Harrisburg, SD. A motion was made by Nusz, 2nd by Weeldreyer to approve. The motion passed unanimously.

- 5) **07-CUP-011** Petitioner is Kurt Donelan for East River Electric to construct a self supporting tower/antenna to be located inside existing sub station at a legal description of the E300' of the S250' of the SE1/4 of the SE1/4 of Section 34, Township 96, Range 49. "A" Ag Public Use District. General address of 29697 480th Avenue, Alcester, SD. A motion was made by Nusz, 2nd by Andersen to approve. The motion passed unanimously.
 - 6) **07-CUP-012** Petitioner is Kurt Donelan for East River Electric to construct a self supporting tower/antenna to be located inside existing sub station at a legal description of Tract "U1" in the SW1/4 of Section 15, Township 98, Range 49. "A" Ag Public Use District. General address of 28182 479th Street, Canton, SD. A motion was made by Nusz, 2nd by Evanson to approve. The motion passed unanimously.
 - 7) **07-CUP-013** Petitioner is Leon Thompson to transfer a building eligibility from the SE1/4 of the SE1/4 to Anderson Tract 2 of the SE1/4 of Section 18, Township 96, Range 50. "A" Ag Public Use District. General address of 294th Street, Beresford, SD. A motion was made by Andersen, 2nd by Nusz to approve. The motion passed unanimously.
 - 8) **07-CUP-014** Petitioner is Mark Wehde to construct and operate a contractors shop and yard at a legal description of Lot 11 of Block 1 of Smith's Addition in the SE1/4 of Section 31, Township 100, Range 50. "C" Commercial District. General address of 47038 Smith Circle, Harrisburg, SD. A motion was made by Weeldreyer, 2nd by Andersen to approve with stipulations. The motion passed unanimously.
 - a) Any outside storage will be in-closed with fence.
 - b) Any signage will follow the Zoning Ordinance.
 - c) Landscaping
 - d) Security Lights
 - e) Responsible for maintenance of drainage.
 - 9) **07-CUP-015** Petitioner is Dale and Myra Zomer to operate a home occupancy business at a legal description of Tract 1 of Huizenga Farms Addition in the SW1/4 of Section 2, Township 99, Range 50. "A" Ag Public Use District. General address of 47426 274th Street, Harrisburg, SD. A motion was made by Evanson, 2nd by Nusz to approve with stipulations. The motion passed unanimously.
 - a) If modular is not used for business it needs to be removed.
 - b) Section 1107
 - 10) **07-CUP-016** Petitioner is Rick Halstead to construct and operate a contractors shop at a legal description of Lot 12 of Block 1 of Smith's 2nd Addition in the SE1/4 of Section 31, Township 100, Range 50. "C" Commercial District. General address of 47034 Smith Circle, Harrisburg, SD. A motion was made by Nusz, 2nd by Andersen to approve with stipulations. The motion passed unanimously.
 - a) Any outside storage will be in-closed with fence.
 - b) Any signage will follow the Zoning Ordinance.
 - c) Landscaping
 - d) Security Lights
 - e) Responsible for maintenance of drainage.
- f) **Conditional Use Revocation Petitions:**
- 1) **04-CUP-078** Orrin & Sharon Oliver (Excavation/Contractors yard) at a legal description of Lot 4 & 6 of Block 3 of Hagedorn Industrial Park Addition of the SE1/4 of Section 25, Township 100, Range 51. A motion was made by Andersen, 2nd by Evanson to set date/time for hearing for May 21st, 2007 at 8:00pm. The motion passed unanimously.
- g) **Conditional Use Revocation Hearing:**

- 1) **04-CUP-099** Leonard Decker (Home Occupancy Business) at a legal description of lot 1A of tract 1 of Van Beek's addition in the E1/2NE1/4 of Section 31, Township 97, Range 49. Tabled until the April 16th, 2007 meeting. A motion was made by Andersen, 2nd by Evanson to take off the table. The motion passed unanimously. A motion was made by Andersen, 2nd by Nusz to revise CUP to remove Home Occupancy and allow continuation of use with no new expansion of buildings and a request for a buffer of trees. The motion passed unanimously.
- 2) **99-CUP-002** Steve M. Ballard (Home Occupancy Business) at a legal description of Lot 4 Block 2 of Highland Meadows of Hanson's Tract 2 in the NE1/4 of Section 24, Township 100, Range 50. A motion by McClung, 2nd by Evanson was made to grant petitioner 30 days to comply with stipulations stated on original Conditional Use Permit. The motion passed unanimously.
- 3) **04-CUP-074** John Rosenberg (Contractor Shop) at a legal description of Lot 6 Block 5 of Mueller's 2nd Addition in the SE1/4 of Section 19, Township 100, Range 50. Hearing date set for April 16th, 2007 at 8:45p.m. A motion was made by Evanson, 2nd by McClung to table and set date and time for May 21st, 2007 at 8:30p.m.. The motion passed unanimously. Tabled because there was no representation.

h) **Site Plan Review: None**

i) **Variance:** A motion was made by Nusz, 2nd by Andersen to move to Board of Adjustment. The motion passed unanimously.

- 1) **07-VAR-001** Petitioner is Mike Frasch requesting a 16' setback instead of the 20' required by Ordinance at a legal description of Frog's Place in the N1/2 of the NE1/4 of Section 23, Township 99, Range 51. "A" Ag Public Use District. General address of 46872 276th Street, Lennox, SD. A motion was made by Evanson, 2nd by McClung to table due to request from petitioner. The motion passed unanimously.
- 2) **07-VAR-002** Petitioner is Jerry & Mary Ellen Heirigs requesting an 11' setback instead of the 20' required by Ordinance at a legal description of Tract A of Lot 1 of Block 1 of Kerslake 2nd Addition of Section 24, Township 100, Range 51. "C" Commercial District. General address of 46947 100th Street, Tea, SD. A motion was made by Nusz, 2nd by Andersen to approve variance. The motion passed unanimously.

A motion was made by Evanson, 2nd by McClung to move out of Board of Adjustment. The motion passed unanimously.

j) **Preliminary Plans: None**

k) **Plats:** Motion to approve Plats 1-3 with 4 being dropped by Andersen, 2nd by Weedreyer. The motion passed unanimously.

- 1) Tract 6 of Mettler's Addition in the NE1/4 of Section 23, Township 97, Range 49.
- 2) Twedt Tract 1 an addition in the SW1/4 of the NW1/4 & NW1/4 of the SW1/4 of Section 14, Township 96, Range 49.
- 3) Tract 1 – 4 of Graves Addition in the NW1/4 of Section 29, Township 99, Range 50.
- 4) Tract 4 & 5 of Rikansrud Addition in the NW1/4 of Section 9, Township 98, Range 49.

Additional Items:

A motion to adjourn was made by Andersen, 2nd by Evanson. The motion passed unanimously.