

Lincoln County Planning and Zoning
August 20th, 2007 Minutes
7:00 p.m. at the Lincoln County Extension Office

The Lincoln County Planning and Zoning Commission met at 7:00pm on Monday August 20th, 2007 at the Lincoln County Extension Office, 200 East 5th Street, Canton, SD.

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

Item: **Agenda:** A motion was made by Andersen, 2nd by Portz to approve the agenda. The motion passed unanimously.

a) **Minutes:** A motion was made by Nusz, 2nd by Weeldreyer to approve the minutes. The motion passed unanimously.

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

c) **Rezoning Petitions:**

1) **07-REZ-006** Petitioner is Bernie Punt for Siouxland Energy & Livestock Coop to rezone from "A" Ag Public Use District to "I" Industrial District for a ethanol loading area on to rail cars at a legal description of approximately 31 acres in the NE1/4 and SE1/4 of Section 24, Township 96, Range 48. General address directly south of Hudson. A motion was made by Andersen, 2nd by McClung to set date/time for September 17, 2007 at 7:30pm. The motion passed unanimously.

d) **Rezoning Hearings:**

1) **07-REZ-005** Petitioner is Eric Willadsen to rezone from "A" Ag Public Use District to "C" Commercial District at a legal description of Gov't Lots 1 & 2 of the NW1/4 of Section 19, Township 100, Range 50. General address of SE corner of 85th Street & Sundowner Avenue. Date/time for August 20th, 2007 at 7:30p.m. With several concerns from neighbors a motion was made by McClung, 2nd by Andersen to recommend rezoning to the County Commissioners. The motion passed with Weeldreyer opposed.

e) **Conditional Use Permit Applications:**

1) **07-CUP-021** Petitioner is Jim Van Beek for Pork Plus LLC. to construct and operate a 2200 head Class C Confinement at a legal description of the NE1/4 of Section 33, Township 97, Range 51. "A" Ag Public Use District. General address of the corner of 290th Street and 467th Avenue. A motion was made by Andersen, 2nd by Portz to take off the table. The motion passed unanimously. After extensive discussion a motion was made by Andersen, 2nd by Portz to approve the petition. The motion passed with Weeldreyer opposed.

2) **07-CUP-029** Petitioner is Daniels Construction Inc representing Cattail Properties to operate a Construction Company at a legal description of Tract 3 of D&L Industrial Addition in the SW1/4 of Section 24, Township 100, Range 51. "C" Commercial District. General address of 46926 Austin Street, Tea, SD. A motion was made by Nusz, 2nd by Andersen to take off the table. The motion passed unanimously. A motion was made by Portz, 2nd by Andersen to approve to approve the petition. The motion passed unanimously.

3) **07-CUP-030** Petitioner is Daniels Construction for Triple R. Paving to operate a Concrete Contractors shop at a legal description of Lot 7A of Block 5 of Kerslake 2nd Addition in the S1/2 of Section 24, Township 100, Range 51. "C" Commercial District. General address of 27069 Katie Road, Tea, SD. A motion was made by McClung, 2nd by Portz to take off the table. The motion passed unanimously. A motion was made by Portz, 2nd by McClung to approve the petition. The motion passed unanimously.

4) **07-CUP-032** Petitioner is CHS/Eastern Farmers Coop to move a 30,000 gallon Propane tank from 417 E 4th Street Lennox, SD to a legal description of Lots 1 & 2 of the SW1/4 except 1.46 acres State & H-2 of Section 6, Township 98, Range 50. "A" Ag Public Use District. General

address of 47014 SD Hwy 44, Worthing, SD. A motion was made by Andersen, 2nd by McClung to take off the table. The motion passed unanimously. A motion was made by McClung, 2nd by Portz to approve petition. The motion passed unanimously.

- 5) **07-CUP-033** Petitioner is CHS/Eastern Farmers Coop to move an 11,800 gallon and a 12,000 gallon Propane tank from Canton, SD to a legal description of Lots 1 & 2 of the SW1/4 except 1.46 acres State & H-2 of Section 6, Township 98, Range 50. "A" Ag Public Use District. General address of 47014 SD Hwy 44, Worthing, SD. A motion was made by Weeldreyer, 2nd by McClung to take off the table. The motion was approved unanimously. A motion was made by Evanson, 2nd by Hoffman to approve petition with stipulation. The motion passed unanimously.
 - a) 6' commercial grade fence.
- 6) **07-CUP-036** Petitioner is Mike Brown for B-Green Inc to operate a landscaping business at a legal description of Tract 10 of D & L Industrial Addition of the SW1/4 of Section 24, Township 100, Range 51. "C" Commercial District. General address of 46919 Cody Trail, Tea, SD. A motion was made by Weeldreyer, 2nd by McClung to take off the table. The motion passed unanimously. A motion was made by Nusz, 2nd by McClung to approve the petition. The motion passed unanimously.
- 7) **07-CUP-037** Petitioner is Donnie Coffee to operate a Building contractor & Superior contractor business at a legal description of Tract 10 of D & L Industrial Addition of the SW1/4 of Section 24, Township 100, Range 51. "C" Commercial District. General address of 46919 Cody Trail, Tea, SD. A motion was made by McClung, 2nd by Portz to take off the table. The motion passed unanimously. A motion was made by McClung, 2nd by Portz to approve petition. The motion carried unanimously.
- 8) **07-CUP-039** Petitioner is Joe Fink to operate a rental storage business at a legal description of Lot 4 Blk 6 of Kerslake 2nd Addition in the S1/2 of Section 24, Township 100, Range 51. "C" Commercial District. General address of 27056 South Gayle Avenue, Tea, SD. A motion was made by Portz, 2nd by McClung to approve petition. The motion passed unanimously.
- 9) **07-CUP-040** Petitioner is Merlyn Rennich to transfer (2) building eligibilities from the W1/2 of Gov't Lots 1 & 2 of the NE1/4 of Section 3, Township 99, Range 49, (3) building eligibilities from Gov't Lots 1 & 2 of the NW1/4 of Section 3, Township 99, Range 49, and (1) building eligibility from Gov't Lots 1 & 2 of the NE1/4 of Section 4, Township 99, Range 49 all to the NE1/4 of Section 4, Township 99, Range 49. "A" Ag Public Use District. General address of 479th Ave south of County Hwy 110. A motion was made by Nusz, 2nd by McClung to approve petition. The motion carried unanimously.
- 10) **07-CUP-041** Petitioner is Gregory Schimkat to transfer a building eligibility from the SE1/4 of the SW1/4 to the SW1/4 of the SW1/4 both of Section 35, Township 97, Range 48. "A" Ag Public Use District. General address of five miles south of Fairview. A motion was made by Nusz, 2nd by McClung to approve petition. The motion passed unanimously.
- 11) **07-CUP-042** Petitioner is Bowes Construction Inc. to operate a mining and hotmix asphalt business at a legal description of the E1/2 of the NW1/4 except 29.15 acres Ry & 23.20 acre Pit of Section 23, Township 97, Range 48. "A" Ag Public Use District. General address of 28801 Beach Street, Fairview, SD. A motion was made by Weeldreyer, 2nd by Portz to approve petition with stipulation that state requirements be meet. The motion carried unanimously.
- 12) **07-CUP-043** Pulled.
- 13) **07-CUP-044** Petitioner is Pistol Enterprises Trust to move a house from 85th and Minnesota Avenue to a legal description of Merkle Tract 1 of the E1/2 of the NE1/4 of Section 8, Township 99, Range 50. "A" Ag Public Use District. General address of 27445 472nd Avenue, Harrisburg, SD. A motion was made by McClung, 2nd by Andersen to approve petition. The motion passed unanimously.
- 14) **07-CUP-045** Petitioner is Beth Stallman for A1 Portable Toilets to operate a shop and storage lot for trailers and portable toilets & related business items at a legal description of Lot 5 Block 3 of Lavalley Business Park of Section 5, Township 99, Range 50. "C" Commercial District.

General address of 27319 Lavalley Place, Harrisburg, SD. A motion was made by Nusz, 2nd by Andersen to approve petition with stipulations. The motion passed unanimously.

a) Opaque fence

b) Site Plan –with fence, lighting and landscaping.

15) **07-CUP-046** Petitioner is Interstate Properties, LLC to operate commercial storage units at a legal description of Lot 11 Verhey Addition in the S1/2 of Gov't Lots 1 & 2 of Section 31, Township 100, Range 50. "C" Commercial District. General address of Verhey Place, Tea, SD. A motion was made by Nusz, 2nd by McClung to approve petition. The motion passed unanimously.

16) **07-CUP-047** Petitioner is Darby Parsons to operate a trucking company at a legal description of Lot 2 of Southtown Addition in Gov't Lots 1 & 2 in the NW1/4 of Section 7, Township 98, Range 50. "C" Commercial District. General address of the southwest corner of Hwy 44 and I-29. A motion was made by Nusz, 2nd by McClung to approve with stipulation that final plan of subdivision must be approved. The motion carried unanimously.

f) **Conditional Use Revocation Petitions: None.**

g) **Conditional Use Revocation Hearing:**

1) Revocation Petition for 04-065 and 04-100. Date/Time set for August 20th, 2007 at 8:00p.m.

h) **Site Plan Review: None**

i) **Variance:**

1) **07-VAR-005** Petitioner is Dan Heinemann requesting a 6' setback instead of a 20' required by Ordinance at a legal description of Lot 23 of Hiawatha Hills in the E1/2 of the NE1/4 of Section 7, Township 98, Range 48. "R" Rural Residential District. General address of 48293 Arrowhead Place, Canton, SD. A motion was made by Nusz, 2nd by Andersen to move to a Board of Adjustment. The motion passed unanimously. A motion was made by McClung, 2nd by Portz to approve variance. The motion passed with Nusz and Weeldreyer opposed. A motion was made to move out of Board of Adjustment by Andersen, 2nd by Weeldreyer. The motion passed unanimously.

2) Lots 1-6 of Meadow Ridge 2nd Addition of Section 4, Township 99, Range 49. A motion was made by McClung, 2nd by Nusz to approve variance. The motion passed unanimously.

a) Cul-de-sac length extended.

b) 1 to 4 ditch depth.

c) 3 to 3 1/2 deep ditches.

j) **Preliminary Plans:**

1) Lots 1 -6 of Meadow Ridge 2nd Addition of Section 4, Township 99, Range 49. A motion was made by Andersen, 2nd by Portz. The motion carried unanimously.

k) **Plats:**

1) Tract 1 of Kennedy's Addition in the NE1/4 of Section 26, Township 96, Township 51.

2) Tract 1 & 2 of Six Hayes Addition in Gov't Lot 6 and the SE1/4 of the SW1/4 of Section 7, Township 100, Range 49.

3) Tract 3 & 1A of Hayes Addition of the SE1/4 of the SW1/4 in Section 7, Township 100, Range 49.

4) Tract 1 of Frankman Motors Addition in the SW1/4 of Section 9, Township 100, Range 49.

5) Tract 2 of Lufco Addition in Gov't Lot 1 and the S1/2 of Gov't Lot 2 of the NW1/4 of Section 18, Township 100, Range 51.

Additional Items:

1) Tiff District Hearing. Date/Time set for August 20th, 2007 at 7:20p.m.