

Lincoln County Planning and Zoning
January 22, 2008 Minutes
7:00 p.m. at the Lincoln County Extension Office

The Lincoln County Planning and Zoning Commission met at 7:00 pm on Tuesday January 22, 2008 at the Lincoln County Extension Office, 200 East 5th Street.

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

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

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

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

c) **Rezoning Petitions:**

1) **08-REZ-001** Petitioner is Eric Willadsen to rezone from "A" Ag Public Use District to "R" Rural Residential District at a legal description of the W1/2 of the NE1/4 of Section 32, Township 100, Range 50. General address of 272nd Street (West 472nd Avenue), Sioux Falls, SD. A motion was made by Hoffman, 2nd by Andersen to set Date/Time for February 19th, 2008 at 8:00pm. The motion passed unanimously.

d) **Rezoning Hearings:** None

e) **Conditional Use Permit Applications:**

1) **08-CUP-001** Petitioner is Nick Cable to operate a Auto Repair business at a legal description of the N146.18' & S146.16' of the N292.34' of Tract 2 of Smith's Addition in the SE1/4 of Section 31, Township 100, Range 50. "C" Commercial District. General address of 27285 Kenworth Place, Harrisburg, SD. A motion was made by Weeldreyer, 2nd by Andersen to approve with stipulations. The motion carried unanimously.

a) Signage must follow Ordinance

b) Security Lights

c) Outside storage must be fenced.

2) **08-CUP-002** Petitioner is Denny Lottman to operate a home occupancy business for a welding shop at a legal description of the S328.5' of the W663' of the SW1/4 of the NW1/4 of Section 23, Township 99, Range 49. "A" Ag Public Use District. General address of 27644 480th Avenue, Canton, SD. A motion was made by Evanson, 2nd by Hoffman to approve with stipulations. The motion carried unanimously.

(A). The home occupation, if within the "R" District, must be conducted within a dwelling, or if within any other district, within the dwelling and/or an accessory building.

(B). If conducted within a dwelling, the home occupation must be clearly incidental and secondary to the principal use of the dwelling for dwelling purposes.

(C). Only immediate members of the family residing on the premises may be employed in the home occupation.

(D). The entrance to the space devoted to such home occupation must be from within the building, if conducted within a dwelling (see Subsection A, above).

(E). If conducted wholly within a dwelling, there can be no evidence other than the nameplate referred to in (F), below, to indicate from the exterior that it is used in part for any purpose other than that of a dwelling.

(F). No home occupation conducted within a dwelling shall use a sign other than a nameplate on the building, non-illuminated and not exceeding four square feet in area. If conducted within an accessory building, the sign shall be non-illuminated and not exceeding eight square feet in area.

(G). No such home occupation conducted within a dwelling shall require substantial internal or external alterations to the building, or involve construction details not customarily found in a dwelling.

(H). No such home occupation shall involve the sale of merchandise, other than that substantially assembled, prepared, manufactured or finished on the premises.

(I). The home occupation does not rely on frequent or repetitive visits from clients or customers.

(J). The home occupation does not cause odor, dust, glare, noise, heat or vibration is discernible from the property line, and which would have a negative effect on adjacent properties.

- 3) **08-CUP-003** Petitioner is Ryan Harris to transfer a building eligibility from the SE1/4 of the NW1/4 to a parcel defined as the S300' of the N1148' of the W650' of the NW1/4 both of Section 29, Township 100, Range 49. "A" Ag Public Use District. General address of 27118 477th Avenue, Sioux Falls, SD. A motion was made by Hoffman, 2nd by Nusz to approve transfer. The motion passed unanimously.
 - 4) **08-CUP-004** Petitioner is Ric Morren to operate a Class D Animal Confinement at a legal description of the SW1/4 of Section 32, Township 97, Range 50. "A" Ag Public Use District. General address from the Viborg Exit (Exit 53) ¾ mile east, on the northside of the road, Beresford, SD. A motion was made by Weeldreyer, 2nd by Andersen to approve with stipulations. The motion passed unanimously.
 - a) Updated site plan provided before Building Permit issued.
 - b) Test Boring Locations/results and copy of engineered plans of structure.
 - c) Completed Nutrient Plan by May 1st, 2008
 - 5) **08-CUP-005** Petitioner is Kimberly A Carhart-Hepburn to operate a Lumber yard, Building Construction Center at a legal description of Lot 6 & 7 Block 5 of Hagedorn Industrial Park Addition in the SE1/4 of Section 25, Township 100, Range 50. "C" Commercial District. General address of 46975 & 46979 Monty Street, Tea, SD. A motion was made by Nusz, 2nd by Hoffman to approve with stipulation. The motion passed unanimously.
 - a) Must fulfill covenant requirements.
 - 6) **08-CUP-006** Petitioner is Pavel Stefanyuk to operate a light industrial business for millwork, parts and painting at a legal description of Tract 5 of Tallgrass Development Park of the SW1/4 of the SW1/4 of Section 32, Township 100, Range 50. "C" Commercial District. General address of 47104 Tallgrass Circle, Harrisburg, SD. A motion was made by Andersen, 2nd by Weeldreyer to approve with stipulations. The motion passed unanimously.
 - a) Engineered Site Plan
 - b) Must meet DENR requirements
 - c) Must fulfill covenant requirements.
 - d) Must follow Parking and Signage Ordinances.
 - e) Outside storage must be fenced.
 - f) Security Lights
- f) **Conditional Use Revocation Petitions:** None
- g) **Conditional Use Revocation Hearing:**

- 1) **06-CUP-081** Tract C of Lot C in VanWoudenberg's Addition in the SE1/4 of Section 16, Township 98, Range 49. Hearing time at 7:30pm. After discussion a motion was made by Evanson, 2nd by Weeldreyer to follow original conditions that stated a fence was needed for outside storage and so a time table of 6 months was given to either put up the fence or get rid of any outside storage. The motion passed unanimously.
 - 2) **06-CUP-048** S1/2 SE1/4 ex 1.25 acres RD of Section 8, Township 98, Range 51. Hearing time at 7:45 pm. A motion was made by Weeldreyer, 2nd by Evanson to approve a review in September 2009. The motion passed unanimously.
 - 3) **06-CUP-082** SE1/4 of Section 20, Township 98, Range 51. Hearing time at 8:00 pm. A motion was made by Evanson, 2nd by Hoffman to have a review in two years. The motion passed unanimously.
- h) **Site Plan Review:** None
 - i) **Variance:** None
 - j) **Preliminary Plans:** None
 - k) **Plats:** A motion was made by Hoffman, 2nd by Andersen to approve plats 2 thru 5 and removing number 1. The motion passed unanimously.
 - 1) Tract 1A of Albers Addition in the NW1/4 of the SW1/4 of Section 29, Township 100, Range 50.
 - 2) Lot A, Lot 2A, and Lot 3A of Meadow Ridge Second Addition in the NE1/4 of Section 4, Township 99, Range 49.
 - 3) Tract B of Wetland Easement in the N1/2 of the NE1/4 of Section 16, Township 99, Range 50.
 - 4) Tract C of Wetland Easement in the N1/2 of the NE1/4 of Section 16, Township 99, Range 50.
 - 5) Tract A of Wetland Easement in the N1/2 of the NE1/4 of Section 16, Township 99, Range 50.

Additional Items:

- 1) A motion was made by Andersen, 2nd by Hoffman to nominate June Nusz as Chairman. The motion passed unanimously.
- 2) A motion was made by Evanson, 2nd by Weeldreyer to nominate Craig Andersen as Vice Chairman. The motion passed unanimously.

A motion was made by Molstad, 2nd by Evanson to adjourn. The motion carried unanimously.