

MINUTES
Lincoln County Planning and Zoning
May 19, 2008
6:00 p.m. at the Lincoln County Courthouse

The Lincoln County Planning and Zoning Commission met at 7:00 pm on Monday, May 19, 2008 at the Lincoln County Courthouse, 104 N Main Street, Canton, SD 57004.

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

Item: **Agenda:**

- a) **Minutes:** A motion to approve the minutes from April 21, 2008 was made by Weeldreyer and 2nd by Andersen
- b) **Zoning Initiatives/Hearings:** None
- c) **Rezoning Petitions:**
 - 1) **08-REZ-006** Petitioner is Bret C. Merkle for the purpose of rezoning from "A" Agricultural to "RR" Rural Residential at a legal description of SE1/4 of Section 33, Township 100, Range 49, 48.9 Acres. General address of 27277 479th Ave, Harrisburg, SD 57032. Following a motion by Andersen, 2nd by Portz Date/Time for rezoning hearing was set for June 16, 2008 at 7:30 pm.
- d) **Rezoning Hearings:** None

A motion by Anderson and 2nd by Portz to move to a Board of Adjustment to consider Variances 08-VAR-001 and 08-VAR-002. Following consideration of both, a motion by Molstad and 2nd by Weeldreyer to leave Board of Adjustment.

e) **Conditional Use Permit Applications:**

- 1) **08-CUP-026** Petitioner is Michael R. Langford for Cumulus Broadcasting to extend an existing tower from 250' to 390' at a legal description of E400' of W433' of S380' of N1820' of Gov't Lot in SW1/4 of Section 19, Township 99, Range 50. "A" Agriculture District. General address of 27692 470th Avenue, Lennox SD 57039. A motion was made by Molstad, 2nd by Andersen to approve. Motion passed unanimously.
- 2) **08-CUP-027** Petitioner is Aaron Wohlleber for the purpose of manufacturing man made stone products at a legal description of TR 12 of D&L Industrial, SW1/4 Section 24, Township 100, Range 51. "C" Commercial District. General address of 46911 Cody Trail, Suite 5, Tea, SD 57064. A motion was made by Weeldreyer and 2nd by Portz to approve. Motion passed unanimously.
- 3) **08-CUP-028** Petitioner is G. Brad Eggebraaten with the purpose of establishing a contractors shop with an office and parking of concrete saw cutting equipment. Legal description of Lot 10 of Block 3 of Hagedorn Industrial Park 4th Addition. SE1/4, Section 25, Township 100, Range 51. "I" Industrial District. General address of 46956 Monty Street, Tea, SD 57064. A motion was made by Portz and 2nd by Molstad to approve with stipulation.
 - a.. Landscaping as presented on site planMotion passed unanimously.
- 4) **08-CUP-029** Petitioners are Amy Shields and Andy Schoeberl for the purpose of operating a kennel and dog training facility at a legal description of Schneiderman's Tract, SE1/4, NE1/4 Section 9, Township 99, Range 51. "A" Agricultural District. General address of 27435 467th Ave, Lennox, SD 57039. A motion by Molstad and 2nd by Andersen with stipulations as recommended by staff.

- a) An acceptable nutrient plan must be provided
- b) All state requirements for this use must be met and documentation provided to Lincoln County.
- c) Any negative impact on abutting property owners may be treated as a nuisance pending investigation by the authority from Lincoln County Nuisance Ordinance.

Motion passed unanimously.

- 5) **08-CUP-030** Petitioners are Dale and Susan Dachtler for the purpose of erecting storage units at a legal description of Lot 2, Block 6, Kerslake 2nd Addition, S1/2 of Section 24, Township 100, Range 51. General address of 27064 South Gayle Avenue. A motion by Weeldreyer and 2nd by Andersen to approve with stipulations.
 - a) Use must be approved by City of Tea
 - b) Type of structure must be approved by city of Tea
 - c) Outside storage must be secured.
 - d) Size of structure must be less than 10,000 square feet or an engineered plan must be provided.

Motion passed unanimously.

- 6) **08-CUP-031** Petitioner is Belen Madrigal for the purpose of operating an auto body and paint shop at a legal description of Lot 8 Verhey Addition, S1/2, SW1/4 of Section 31, Township 100, Range 50. "C" Commercial District. General address of 27285 Verhey Place, Tea, SD 57064. A motion by Portz and 2nd by Andersen to approve with stipulations
 - a) All EPA standards are to be complied with and documented with the County
 - b) No storage of salvage/junked bodies, etc
 - c) Any State of South Dakota directives and or administrative rules need to be complied with and documented with Lincoln County.
 - d) Any negative effects impacting abutting property owners will be investigated as per the Lincoln County Ordinances.

Motion passed unanimously.

- 7) **08-CUP-033** Petitioner is Shane and Teri Jo Olean for the purpose of establishing a kennel business-training-boarding and breeding at a legal description of E280' Schoffellman TR1, NW1/4 of NE1/4, Section 17, Township 100, Range 51. "A" Agricultural District. General address of 46573 269th Street, Sioux Falls, SD 57106. A motion by Portz and 2nd by Andersen to approve with stipulations.
 - a) An acceptable nutrient plan must be provided
 - b) All state requirements for this use must be met and documentation provided to Lincoln County.
 - c) Any negative impact on abutting property owners may be treated as a nuisance pending investigation by the authority from Lincoln County Nuisance Ordinance.

Motion passed unanimously.

- 8) **08-CUP-034** Petitioner is Julie Turner to transfer a building eligibility at a legal description in the E1/2 of the SE1/4 of Section 15, Township 99, Range 49. "A" Agricultural District. General address of 276th Street and 480th Ave., Harrisburg, SD 57032. A motion by Weeldreyer and 2nd by Portz to approve with stipulations.
 - a) Contingent on closing
 - b) Legal description must read as single parcel

Motion passed unanimously.

f) Conditional Use Petition Revocation/Review:

- 1) **05-CUP-074** Petitioner is Kris Huwe for Lot 7 of Verhey Addition in the S1/2 of Gov't Lots 1 & 2 of Section 31, Township 100, Range 50. Motion by Portz and 2nd by Andersen to approve the petition with stipulations

- a) 3 months to finish landscaping
- b) Project will be reviewed in 3 months; if landscaping is determined to be adequate the fence requirement will be removed

Motion passed unanimously

- 2) **07-CUP-065** Petitioner is Aleksey Gladush for NW1/4 TR 21 NW1/4 TR 22 Skyhaven Heights of Section 20, Township 100, Range 50. A motion by Weeldreyer and 2nd by Andersen to table the item-petitioner did not appear.

g) **Conditional Use Petition Hearing:**

- 1) **08-CUP-032** Petitioner is Darrel Sogn to establish a class "B" confinement for a beef operation at a legal description of NW1/4 of Section 16, Township 96, Range 49. "A" Agricultural District. General address of 47826 293rd Street, Hudson, SD 57034. Date/Time May 19, 2008, 8:00 pm. A motion by Andersen and 2nd by Portz to approve. Motion passed unanimously.

h) **Site Plan Review:** None

i) **Variance:**

- 1) **08-VAR-001** Petitioner is Michael R. Langford for Cumulus Broadcasting to request a tower height increase from 250' to 390' at a legal description of E400' of W433' of S380' of N1820' of Gov't Lot in SW1/4 of Section 19, Township 99, Range 50. "A" Agriculture District. General address of 27692 470th Avenue, Lennox, SD 57039. A motion by Portz and 2nd by Molstad to approve. Motion passed unanimously.
- 2) **08-VAR-002** Petitioner is Troy Kooima asking for a variance due to a narrow lot petitioner needs to build a new garage to within 10 feet of property line in order to align with existing driveway at a legal description of E425' of N154' NE1/4 SE1/4 of Section 24, Township 100, Range 50. "A" Agriculture District. General address of 27051 S. Southeastern Ave, Sioux Falls, SD 57018. A motion by Weeldreyer and 2nd by Portz to approve. Motion passed unanimously.

j) **Preliminary Plans:** None

k) **Plats:**

- 1) Spielman's Addition E1/2 NE1/4-TR 3 *Ex part of Lot C edges Mitigation Addition in Section 5, Township 99, Range 50. A motion by Molstad and 2nd by Andersen to approve. Motion passed unanimously.

Additional Items:

- 1) Date/Time for Public hearing for the 2008 revised Subdivision Ordinance **May 19, 2008, 6:00 to 7:00 pm.** Minutes are separate.

Respectfully submitted by:

Laurie Powell

Deputy

Lincoln County Planning & Zoning

***Support documentation on file**