

**Lincoln County Planning and Zoning**  
**May 21<sup>st</sup>, 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 May 21<sup>st</sup>, 2007 at the Lincoln County Extension Office, 200 East 5<sup>th</sup> Street, Canton, SD.

A motion was made by Weeldreyer, 2<sup>nd</sup> by Nusz to place Portz as Chairman for the evening. The motion passed unanimously.

Meeting brought to order by Chairman Portz with members Andersen, Nusz, and Weeldreyer present and reporting for duty. Member Molstad was late with prior notification to Planning and Zoning. Member Evanson was absent with prior notification to Planning and Zoning..

Item: **Agenda:** A motion was made by Nusz, 2<sup>nd</sup> by Weeldreyer to approve agenda. The motion carried unanimously.

- a) **Minutes:** A motion was made by Weeldreyer, 2<sup>nd</sup> by Andersen to approve the minutes. The motion carried 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 467<sup>th</sup> Avenue and 277<sup>th</sup> Street. Tabled until May 21<sup>st</sup>, 2007. A motion was made by Andersen, 2<sup>nd</sup> by Nusz to take off the table. The motion passed unanimously. A verbal phone request to the Planning and Zoning from the petitioner was provided to the Planning and Zoning Board. Petitioner requests to table until June because petitioner was planting crops. A motion was made by Andersen, 2<sup>nd</sup> by Weeldreyer to table until June 18<sup>th</sup>, 2007. The motion passed unanimously.
- e) **Conditional Use Permit Applications:**
  - 1) **07-CUP-017** Petitioner is Todd Wolthuis for DogHouse, Inc. to operate a lounge & casino at a legal description of Carlson Tract 2 in the SW1/4 of Section 31, Township 96, Range 50. "C" Commercial District. General address of 47018 SD Hwy 46, Beresford, SD. A motion was made by Nusz, 2<sup>nd</sup> Andersen to approve. The motion passed unanimously.
  - 2) **07-CUP-018** Petitioner is Jay Snyder for Snyder Sign & Awning to install a sign for the City of Tea at a legal description of Lot 1 of Income Addition in the NW1/4 of Section 25, Township 100, Range 51. "C" Commercial District. General address of 46923 271<sup>st</sup> Street, Tea. A motion was made by Weeldreyer, 2<sup>nd</sup> by Andersen to approve. The motion passed unanimously. Petitioner is to contact Tea City Hall for final approval of sign.
  - 3) **07-CUP-019** Petitioner is Craig Dittberner to transfer 1 building eligibility from the NW1/4 of Section 28 to the SW1/4 of Section 21, both of Township 99, Range 48. "A" Ag Public Use District. General address of 484<sup>th</sup> Avenue, Canton. Neighbors opposed to the transfer were heard. Neighbors testified that added more home sites to the transfer area would have a negative effect on property values because of a supposed lost of view to the river. Support for the transfer came from other testifiers. Discussion took place and a motion was made by Nusz, 2<sup>nd</sup> by Andersen to approve petition. The motion passed unanimously.

- 4) **07-CUP-020** Petitioner is Vern Stundahl to move a house to a legal description of the N538' of the W890' of the E1/2 of Govt. Lot 2 in the NW1/4 of Section 6, Township 98, Range 48. "A" Ag Public Use District. General address of 48239 279<sup>th</sup> Street, Canton, SD. A motion was made by Andersen, 2<sup>nd</sup> by Molstad to approve with stipulation. The motion passed unanimously.
    - a) Must get other eligibility and report it to P & Z Office.
  - 5) **07-CUP-022** Petitioner is Dwayne Pederson to move a building to a legal description of Lot 1 of the W1/2 of the SE1/4 of Section 18, Township 98, Range 50. "C" Commercial District. General address of 47072 US Hwy 18, Worthing, SD. A motion was made by Weeldreyer, 2<sup>nd</sup> by Molstad to approve with stipulations. The motion passed unanimously.
    - a) Security Lights
    - b) Landscaping
    - c) Letter from DOT approving accessibility
  - 6) **07-CUP-023** Petitioner is Kurt Donelan for East River Electric to construct a high voltage substation at a legal description of the NE1/4 of the NE1/4 of Section 29, Township 100, Range 49. "A" Ag Public Use District. General address of junction of SD Hwy 11 and 271<sup>st</sup> Street. A motion was made by Weeldreyer, 2<sup>nd</sup> by Andersen to table until June 18<sup>th</sup>, 2007 meeting. The motion passed unanimously. Tabled due to lack of representation.
  - 7) **07-CUP-024** Petitioner is Jason Lohr to operate a tree service shop and warehouse at a legal description of Lot 9 of D & L Industrial Park in Section 24, Township 100, Range 51. "C" Commercial District. General address of 27070 Duke Avenue, Tea. A motion was made by Weeldreyer, 2<sup>nd</sup> by Andersen to table until June 18<sup>th</sup>, 2007 meeting. The motion passed unanimously. Tabled due to lack of representation.
- f) **Conditional Use Revocation Petitions: None.**
- g) **Conditional Use Revocation Hearing:**
- 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. Date/Time set for May 21, 2007 at 8:00p.m. A motion was made by Nusz, 2<sup>nd</sup> by Weeldreyer to change CUP so that fence is removed from site plan turns the fence issue over to the Hagedorn Industrial Park Association to enforce and a stipulation that states that fence already up can not be removed. Discussion also indicated that the fence was a covenant requirement. The motion passed unanimously.
  - 2) **04-CUP-074** John Rosenberg (Contractor Shop) at a legal description of Lot 6 Block 5 of Mueller's 2<sup>nd</sup> Addition in the SE1/4 of Section 19, Township 100, Range 50. Tabled until May 21<sup>st</sup>, 2007 at 8:30p.m. A motion was made by Andersen, 2<sup>nd</sup> by Weeldreyer to take off the table. The motion passed unanimously. A motion was made by Nusz, 2<sup>nd</sup> by Andersen to allow 1 month to put up a fence on the north & south sides. The motion passed unanimously.
- h) **Site Plan Review: None**
- i) **Variance:** A motion was made by Molstad, 2<sup>nd</sup> by Andersen to move to a 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 276<sup>th</sup> Street, Lennox, SD. Tabled from April 16<sup>th</sup>, 2007 meeting. A motion was made by Nusz, 2<sup>nd</sup> by Andersen to take off the table. The motion passed unanimously. A motion was made by Weeldreyer, 2<sup>nd</sup> by Andersen to approve. The motion passed unanimously.
  - 2) **07-VAR-003** Petitioner is Richard Thornton requesting a 20' setback instead of the 30' required by Ordinance at a legal description of Lot 1 Block 3 of Morton's Addition in

the SE1/4 of Section 19, Township 100, Range 50. "C" Commercial District. General address of 47058 98<sup>th</sup> Street, Sioux Falls, SD. A motion was made by Andersen, 2<sup>nd</sup> by Molstad to approve. The motion passed unanimously.

A motion was made by Molstad, 2<sup>nd</sup> by Andersen to move out of Board of Adjustment. The motion passed unanimously.

j) **Preliminary Plans: None**

k) **Plats:** A motion was made by Andersen, 2<sup>nd</sup> by Molstad to approve plats 1-10. The motion passed unanimously.

- 1) Tract 1 of Heine's Addition in the NW1/4 of Section 35, Township 100, Range 50.
- 2) Lots 1-4 of Homestead Acres 3<sup>rd</sup> Addition in the NE/14 of Section 33, Township.
- 3) Tract 1 of Harris Addition in the N1/2 of the NE1/4 of Section 15, Township 99, Range 49.
- 4) Tract 1 of Bruce's Addition in the N1/2 of the SW1/4 of Section 22, Township 97, Range 48.
- 5) Tract A, Dawley Farm Village Wetland Easement of Tract 1 of Kolb's Addition.
- 6) Replat of Grand Prairie Wetland Easement of Tract 1 of Kolb's Addition in the NW1/4 of Section 4, Township 99, Range 50.
- 7) Tract A, Sonler Wetland Easement of Tract 1 of Kolb's Addition in the NW1/4 of Section 4, Township 99, Range 50.
- 8) Clay Tract 2 in the SW1/4 of the SE1/4 of Section 35, Township 96, Range 50.
- 9) Hammer Tract 1 an addition in the NW1/4 of the SW1/4 of Section 36, Township 98, Range 51.
- 10) Tract 1 of Klinghagen's Addition in the NW1/4 of Section 5, Township 99, Range 50.

**Additional Items:**

A motion was made by Andersen, 2<sup>nd</sup> by Weeldreyer to adjourn. The motion passed unanimously.