

**MINUTES**  
**LINCOLN COUNTY PLANNING AND ZONING COMMISSION**  
**September 20, 2010**

6:00 pm Workshop-Comprehensive Plan  
7:00 pm Regular Meeting, Commission Room  
Lincoln County Courthouse

**ROLL** The regular meeting of the Lincoln County Planning and Zoning Commission was brought to order on September 20, 2010 at 7:00 pm by Chairwomen June Nusz with members Ron Larson, Darrel Sogn, Dick Portz and County Commissioner Jason Melcher in attendance at the Lincoln County Courthouse, Commissioner's Meeting Room, 104 N Main, Canton, SD 57013.

Staff members present were Paul Aslesen-Director Planning and Zoning, Laurie Powell- Deputy Director, Jon Peters-GIS Toby Brown-SECOG

**ITEM 1. APPROVAL OF AGENDA** – The agenda of September 20, 2010 was amended with the withdrawal of Item 5 Conditional Use Permit 10-CUP-030. Planning and Zoning office has received of a letter requesting that the petition be withdrawn. A motion was made by Melcher to approve the revised Agenda and the motion was seconded by Portz. The motion was unanimous.

**ITEM 2. APPROVAL OF MINUTES** – A motion was made by Larson and seconded by Portz to approve the minutes of August 16, 2010 as written. The motion carried.

**ITEM 3. CONDITIONAL USE PERMIT – 10-CUP-028 For the purpose of constructing a meter building – pumping station 14' x 32'.**

**Legal Description:** SE1/4 SE1/4 Section 22, Township 99N, Range 51 W Lincoln County, South Dakota

**Location:** Corner of 277<sup>th</sup> St and 468<sup>th</sup> Avenue

**Petitioner/Owner:** Dan Zulkosky/Lewis & Clark Regional Water System

**General Information**

**Present Zoning:** Agriculture

**Existing Land Use:** Agriculture

**Parcel Size:** 100' x 100'

**Report By: Paul Aslesen**

*The property is zoned A-1 Agricultural District and Lincoln County Zoning Ordinance allows a water metering facility as a Conditional Use in this zoning district. The surrounding land uses are a mixture of residential and agricultural uses. The subject property is located in close proximity to the intersection of 277<sup>th</sup> Street and 468<sup>th</sup> Ave. Municipal growth necessitates the need for a more reliable source of water. The metering/pumping station is a needed part of the overall Lewis and Clark water system.*

**Staff Analysis:**

- 1. The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values in the immediate vicinity.**

*The site is located and allowed in an A-1 Agricultural District. The proposed use should not harm the property values in the area. The water system should enhance development and provide an abundant supply of water to both rural and city dwellers.*

**2. The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.**

*The proposed use is a public use and will be part of a water system that will supply water to hundreds of thousands of people in the region. The overall need is evident and the use is typical of any community. No adverse effect is anticipated.*

**3. That utilities, access roads, drainage and/or other necessary facilities are provided.**

*No basic utilities for employee welfare were identified by the applicant. Access to the site is gained from 277<sup>th</sup> Ave.*

**4. That the off-street parking and loading requirements are met.**

*Space is available for the limited amount of parking/loading that will occur at the site. Staff recommends two parking spaces.*

**5. That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.**

*No nuisance issues are anticipated as the concentration of noise, vibration, fumes or smell will be very small. Lighting should not be a problem based on the distances to neighbors and the very limited need for lighting at the site. Site needs to be properly maintained with proper weed and grass control.*

**Recommendation:**

*Staff recommends approval with the following stipulation:*

- 1. No outside storage of non-end items unless the site is properly fenced.*
- 2. Approach to the site off of 277<sup>th</sup> be approved by the township and a copy of the permit be provided to the county prior to a building permit being issued.*
- 3. Site is properly maintained with appropriate weed and grass control.*
- 4. A holding tank should be utilized for any wastewater.*

**Action:**

*A motion was made by Portz to approve Conditional Use Permit 10-028 with the staff suggested stipulations. The motion was seconded by Sogn. The motion carried.*

**ITEM 4. CONDITIONAL USE PERMIT – 10-CUP-029 For the purpose of an auction lot for motor vehicle sales, display, service & rental, as well as equipment sales, display & repair.**

**Legal Description:** Olsen Tract 1 NE1/4 NW1/4 Section 19, Township 98N, Range 50W, Lincoln County, South Dakota

**Location:** 47029 282<sup>nd</sup> St, Lennox, SD 57039

**Petitioner/Owner:** Ray and Cheryl Henry

**General Information**

**Present Zoning:** Commercial

**Existing Land Use:** Commercial

**Parcel Size:** 2 Acres

**Report By: Paul Aslesen**

*Applicant is requesting a use allowed by Lincoln County Ordinances as listed on page 16, items c and d. The site is located in a close proximity to Interstate 29 and is on property formerly used for the display and selling of damaged but repairable vehicles. Property is zoned commercial. Applicant intends to use an auction*

method of selling primarily construction equipment, trailers, trucks, cars, and shop equipment. Auctions would be scheduled for three times a year.

### **Staff Analysis:**

- 1. The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values in the immediate vicinity.**

*The site for the use is located in an area that has other commercial uses, along with industrial and agricultural uses. A sales barn complex, truck stop and a DOT shop and storage area demonstrate the various uses. No harm to property values is anticipated. Benefits to this area include revenues for local businesses generated by attendees at the auction and employees of the business.*

- 2. The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.**

*No negative effect to the orderly development and improvement of the area. Applicant indicates a three phase approach for the purpose of cleaning up the area, building ramps and loading docks, planting trees and shrubs, installation of privacy fence and procurement of more parking area. Presently, the parcel has been vacated. Applicants plan for the site should enhance the area.*

- 3. That utilities, access roads, drainage and/or other necessary facilities are provided.**

*The parcel has an existing structure on site which will provide for an office building. Porta potties, lunch wagons and garbage cans are intended to provide for customer and employee use. Parcel has existing drive ways/approaches which are wide enough to accommodate semi and large vehicle traffic along with vehicle/trailer combinations. Site was originally a truck stop/gas station.*

- 4. That the off-street parking and loading requirements are met.**

*Applicant has provided a detailed site plan that demonstrates the utilization of the entrances, the loading and parking and the general lay out of the land. Applicant has worked with planning staff to ensure county ordinances for parking and loading are complied with. As indicated by the applicant, additional parking area will be sought when the business expands.*

- 5. That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.**

*Some noise will be generated by the running of vehicle and equipment motors and activities. No concentration of diesel fumes/odor is neither anticipated nor any other nuisance generating items. Traffic flows will be increased by the proposed use. Anticipating this, the applicant will provide personnel to direct traffic, plus position signage to aid and assist the smooth transition of traffic and crowd control.*

### **Recommendation:**

*Staff recommends approval of this commercial use for the site located in a commercial district. Recommended stipulations are as follows:*

- 1. Applicant will be in adherence to the provided site plan.*
- 2. Applicant will follow the provided renovation time frames and renovation task list described for phases 1, 2 and 3.*
- 3. No outside storage of pilferable items unless properly secured.*
- 4. Banners and signage will be in compliance with Lincoln County Ordinances.*
- 5. Review of site plan and traffic control will be conducted with staff at the conclusion of the 1<sup>st</sup> event.*

**Action:** A motion was made by Melcher to approve Conditional Use Permit 10-CUP-029 with the staff recommended stipulations listed. The motion was seconded by Larson. The motion was unanimous.

**ITEM 5. CONDITIONAL USE PERMIT #10-CUP-030 For the purpose of transferring 2 single family building eligibilities. One to be transferred from the SE1/4 of the SE1/4 to the NE1/4 of the SE1/4 and one to be transferred from the NW1/4 of the SE1/4 to the NE1/4 of the SE1/4.**

**Legal Description:** SE1/4 of Section 31, Township 100N, Range 49W Lincoln County, South Dakota

**Location:** SE corner of Hwy 110 and 477<sup>th</sup> Avenue, Harrisburg, South Dakota

**Petitioner/Owner:** Robert Sproul

**General Information**

**Present Zoning:** Agriculture

**Existing Land Use:** Agriculture

**Parcel Size:** 151.97 Acres

**Report By: Paul Aslesen**

*Applicant would like to transfer two residential building eligibilities. The transfer of building eligibilities requires action by the County Planning Commission. Please reference page 8, item z.*

**Action:**

Agenda was amended with Item 5 Conditional Use Permit 10-CUP-030 being withdrawn by petitioner. The Planning and Zoning office has received a letter dated September 20, 2010, requesting that this petition be withdrawn. No action taken.

**ITEM 6. PLATS**

**A. Lot 1A in Van Deest Tract 1 an addition in the S1/2 of the SW1/4 of Section 18, Township 100N, Range 50 W Lincoln County, South Dakota**

**B. Dose's Tract No.1 in the Southwest quarter (SW1/4) of Section 19, Township 99 N, Range 50 W, Lincoln County, South Dakota**

A motion was made by Sogn and seconded by Melcher to approve the plats. The motion was unanimous.

A motion to adjourn was made by Larson and seconded by Portz. The motion was unanimous.

**ADDITIONAL ITEMS:**

1. 6:00 Workshop on Comprehensive Plan

**Respectfully submitted by:**

**Laurie Powell**

**Deputy Director**

**Lincoln County Planning & Zoning**