

MINUTES
LINCOLN COUNTY PLANNING AND ZONING COMMISSION
September 21, 2009

7:00 pm Regular Meeting, Commission Room
Lincoln County Courthouse

The regular meeting of Lincoln County Planning and Zoning Commission was brought to order at 7:00 pm by Chairwomen June Nusz with members Darrel Sogn, Chuck Molstad, Dick Portz, Chad Nelson and Craig Andersen reporting for duty at the Lincoln County Courthouse, Commissioners Room, 104 N Main Street, Canton, SD 57013.

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

ITEM 1. APPROVAL OF AGENDA – A motion was made by Sogn and seconded by Portz to approve the September 21, 2009 agenda. The motion was unanimous.

ITEM 2. APPROVAL OF MINUTES – A motion was made by Andersen and seconded by Nelson to approve the minutes of August 17, 2009. The motion was unanimous.

ITEM 3. CONDITIONAL USE PERMIT #09-CUP-021 The purpose is for the construction of a building over 10,000 square feet. Article 6.03 Item 3

Legal Description: Kerslake 2nd Addition Lot 4 Block 3 Section 24, Township 100, Range 51
Lincoln County, South Dakota
Location: 27065 Kerslake Place
Petitioner/Owner: Charles Melhaf

General Information

Present Zoning: "C" Commercial
Existing Land Use: Commercial
Parcel Size: 1.447 Ac

Report By: Paul Aslesen

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.
No negative effect anticipated.
2. The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
Use should enhance and add to the development.
3. That utilities, access roads, drainage and/or other necessary facilities are provided.

Site plan provided showing utilities, roads and drainage has been reviewed/approved by the City of Tea.

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

Approved site plan indicates proposed parking and loading areas.

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 major issues pertaining to nuisances are anticipated.

Recommendation: *Staff recommends approval with the following suggested stipulations:*

- 1. Building plans to be approved by a certified engineer registered with the state of South Dakota.*
- 2. An as built certification be provided by the petitioner's engineer.*
- 3. Petitioner will notify local fire department with updated information.*

Action: A motion was made by Andersen to approve with staff recommended stipulations and was seconded by Portz. The motion was unanimous.

ITEM 4. CONDITIONAL USE PERMIT #09-CUP-022 The purpose is to construct a 45' x 65' addition to existing building which will give a building size of 10,725 square feet.

Legal Description: Lot 8, Block 4 Mueller's Second addition Section 19, Township 100, Range 50, Lincoln County South Dakota

Location: 47061 Phillip Street, Sioux Falls, SD 57108

Petitioner/Owner: Scott Steinhaus

General Information

Present Zoning: "C" Commercial

Existing Land Use: Commercial

Parcel Size: 1 Acre

Report By: Paul Aslesen

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.

Abutting property owners have been notified and have not responded with any negative comments. No negative effect is anticipated.

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

No negative effect is anticipated with adherence to the proper set back distances to property lines and easements.

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

Prior to the issuing of a building permit any drainage issues should be defined and solutions determined by the petitioner.

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

Parking and loading requirements must comply with county ordinances.

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.

Petitioner indicated that all work will be done inside as will any storage.

Recommendation:

Staff recommends approval with suggested stipulations:

1. Item 4 parking and loading be in compliance with county ordinances
2. Building plans be approved by SD certified engineer.
3. Drainage determination must be completed by the petitioner and appropriate action be taken to ensure downstream protection. After discussion with Jon Peters-GIS the drainage stipulation was waived. This lot has already been developed and has a current drainage plan.

Action: A motion was made by Portz to approve with staff recommended stipulations and was seconded by

Sogn. The motion was unanimous.

ITEM 5. CONDITIONAL USE PERMIT #09-CUP-023 For the purpose of operating a Repossession and Towing business with temporary storage.

Legal Description: Tract 2A of Income Addition NW1/4 of Section 25, Township 100, Range 51

Lincoln County, South Dakota

Location: 46923 271st Street, Tea, SD 57064

Petitioner/Owner: Douglas Putnam

General Information

Present Zoning: "C" Commercial

Existing Land Use: Commercial

Parcel Size: 5 Acres

Report By: Paul Aslesen

Action: A request was made by the petitioner to table the request for Conditional Use until a later date.

A motion was made by Andersen and seconded by Portz to Table the request. The motion was unanimous.

ITEM 6. CONDITIONAL USE PERMIT #09-CUP-025 The purpose is to relocate an existing business, Bolte's Sunrise Sanitary Services Inc., from its present location and build a new shop.

Legal Description: Lot 3 of Southtown Addition in Section 7, Township 98, Range 50, Lincoln County, South Dakota

Location: Worthing exit West of Great Plains RV's
Petitioner/Owner: Melissa Nordman/Joe Hurley

Present Zoning: "C" Commercial
Existing Land Use: Agriculture
Parcel Size: 3.8 Acres

Report By: Paul Aslesen

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.**

Area is zoned properly for this use. Purpose is to provide a site for the large industrial dumpsters (roll offs) used at construction/business sites. Site will not be used for storage of any type of garbage or construction materials from job sites etc. No negative effect is anticipated in respect to current uses or property values.

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

The activity should be a plus for this area and should be a good fit with existing and potential uses.

Current uses involve trucks, RV's, trailers, and shops to perform clean up and maintenance work.

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

Subdivision has been engineered and will need to conform to approved plans for the platted lots.

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

Use needs to be in compliance with county parking and loading requirements. Site plan demonstrates available land for this activity.

- 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.**

Use should not constitute a nuisance.

Recommendation:

Recommend approval. Developer needs to complete infrastructure to the lot in compliance with approved plans for the subdivision before a building can be constructed.

A motion was made by Molstad and seconded by Portz. The motion was unanimous.

ITEM 7. PLATS

- A. Tract 1 of Hoffman Addition in the SW1/4 of the SW1/4 of Section 2, Township 98, Range 49 Lincoln County, South Dakota Purpose is to transfer and split property
- B. Lot No.2 in the NW1/4 of the SE1/4 of Section 12, Township 97, Range 49, Lincoln County, South Dakota Transfer of property
- C. Lot 1 in Block 4 of Arthur Estates an addition in the West Half of the Northeast Quarter (W1/2 NE1/4) of Section 32, Township 100, Range 50 Lincoln County, South Dakota Plat of residential subdivision lot
- D. Tracts 1 & 2 Mathison's Addition W1/2 SE1/4 in Gov't Lot 3 Section 36, Township 98, Range 49, Lincoln County, South Dakota Purpose is to sell a portion of the farm.
- E. Tracts 1, 2 and 3 in Esche's Second Addition in the W1/2 of the SW1/4 of Section 16, Township 98, Range 49, Lincoln County, South Dakota Purpose is to separate acreage from farmland.
- F. Tract 3A of Thormodsgaard's Addition in the Northwest quarter (NW1/4) of Section 33, Township 96, Range 49 Lincoln County, South Dakota Purpose is to transfer property

ADDITIONAL ITEMS:

- 1. Kaia Kloster Information on proposed plan to start a camp for under-privileged youth, seeking project advice.
- 2. Chris Kelley-Lion Energy-informational meeting on proposed Methane plant near Worthing, SD. Following a presentation by the Lion Energy team the floor was opened for questions by the Board and then from the public. An informal petition to stop construction of the Lion Energy Methane plant was presented to the Board by members of the Worthing community.
- 3. Mike Nadolski-Reviewed a Turner County Court Case for the Planning & Zoning Board

Respectfully submitted by:
Laurie Powell
Deputy Director
Lincoln County Planning & Zoning