ROLL CALL The regular meeting of the Lincoln County Planning and Zoning Commission was brought to order on December 22, 2014 at 7:00 p.m. by Vice-Chair Ron Albers with Darrel Sogn, Kelly Lieberg, Ron Larson, and Craig Andersen present in the Lincoln County Courthouse, Commissioners’ Meeting Room, 104 N Main, Canton, SD 57013.

Staff present were Director Paul Aslesen, Laurie Lundquist

Chad Nelson, Monty Derousseau and Commissioner Jim Schmidt were absent.

ITEM 1. APPROVAL OF AGENDA – A motion was made by Larson and seconded by Sogn to approve the Agenda for December 22, 2014. The motion was unanimous.

ITEM 2. APPROVAL OF MINUTES – A motion was made by Larson and seconded by Andersen to approve the Minutes of November 17, 2014 as written. The motion was unanimous.

ITEM 3. REZONE 14-REZ-010 – For the purpose of rezoning a parcel of land from “A-1” Agriculture to “I-1” Light Industrial for Light industrial uses.

Legal Description: Smeenk Tract 2 in the Southwest quarter of the Southwest quarter (SW1/4SW1/4) of Section 15, Township 99 North, Range 49 West of the 5th P.M., Lincoln County, South Dakota

Location: 47906 276th St, Harrisburg, South Dakota 57032

Petitioner/Owner: Douglas Tinklenberg

General Information

Present Zoning: “A-1” Agriculture
Existing Land Use: “C” Commercial
Parcel Size: 2 Acres

Presented by: Director Aslesen

Reference VIII. Planning Policy Framework, Lincoln County Comprehensive Plan, Specifically, item 4. Rural Commercial/Industrial Areas, #12. Reduce visual clutter and safety hazards by encouraging aesthetic standards and design requirements to maintain and improve the county’s visual appeal and image. The petitioner was encouraged to seek rezoning to promote compliance with the applicable zoning and the Lincoln County Comp Plan.

Recommendation:

Staff recommends approval of the zoning change. A Conditional Use Permit will be required by the petitioner to operate a contractor’s shop and storage yard.

Action: A motion to “Recommend to approve” rezoning petition 14-REZ-010 was made by Larson and seconded by Sogn. The motion was unanimous.

ITEM 4. REZONE 14-REZ-011 – For the purpose of rezoning a parcel of land from “I-1” Light Industrial to “A-1” Agriculture

Legal Description: Lot 9 of the Southeast quarter of the Southwest quarter (SE1/4SW1/4) of Section 32, Township 100 North, Range 50 West of the 5th P.M., Lincoln County, South Dakota

Location: 47138 273rd St, Harrisburg, South Dakota

Petitioner/Owner: Nielson Development, LLC

General Information

Present Zoning: “I-1” Light Industrial
Existing Land Use: Agriculture
Parcel Size: 24.76 Acres

Presented by: Director Aslesen
Lot 9 of the Wetlands Addition will not serve as buildable property for Nielsion Development LLC. Lot 9 will be dedicated to the use of wetlands and additional flood storage volume. The development of this lot will be permitted by the United States Corps of Engineers.

**Recommendation:**
Staff recommends approval to the change of zoning for Lot 9 of the Wetlands Addition located in the SE ¼ of the SW ¼ of Section 32, Township 100N, Range 50W from the “I-1” Light Industrial District to the “A-1” Agricultural District.

**Action:** A motion to “Recommend to approve” rezoning petition 14-REZ-011 was made by Sogn and seconded by Lieberg. The motion was unanimous.

**ITEM 5. REZONE 14-REZ-012 – For the purpose of rezoning a parcel of land from “A-1” Agriculture to “I-1” Light Industrial for light industrial uses.**

- **Legal Description:** E1/2N1/2NE1/4 *Ex Merkle Tract 1* in Section 15, Township 99 North, Range 50 West of the 5th P.M., Lincoln County, South Dakota
- **Location:** 27513 474th Ave, Harrisburg, South Dakota
- **Petitioner/Owner:** Bret Merkle/Pente Farms, LLC/A. J. Swanson

**General Information**
- **Present Zoning:** “A-1” Agriculture
- **Existing Land Use:** “A-1” Agriculture
- **Parcel Size:** 32 Acres

**Presented by:** Director Aslesen

The petitioned parcel lies just outside the Harrisburg, SD growth area and abuts a major arterial of State Highway 115 and is in close proximity to County Highway 116 (Klondike Road). In reference to the Lincoln County Comprehensive Plan, item 4. Rural Commercial/Industrial Areas, the petitioned zone could be located at major highway intersections for the purpose of providing convenient services to the citizens of Lincoln County and those that use the highway systems.

**Recommendation:**
Staff recommends approval of the change from an “A-1” Agricultural District to an “I-1” Light Industrial District.

Attorney for Pente Farms, A. J. Swanson asked that 2 acres be removed from the rezone petition to be retained as residential.

**Opponents:** Attorney for neighboring property owner testified that this is not the place for storage units, too far out from Harrisburg and not the correct zoning for the site. Such rezoning should have hard surface roads. The property has wetlands and a tiling issue. He asked that the rezoning be denied.

Another property owner testified that the land does not have proper drainage.

**Action:** A motion was made by Larson to “Recommend to Approve” rezoning petition 14-REZ-012 with a second by Andersen. The motion passed with a 4 to 1 vote. Sogn voting no. He did not feel comfortable voting yes without more information as to what will go there.

Recommendation will go to the County Commission with the “Recommendation to approve” with a 4 to 1 vote.

**ITEM 6. REZONE 14-CUP-013 For the purpose of rezoning a parcel of land from “A-1” Agriculture to “C” Commercial for commercial uses.**

- **Description:** Rollinger Tract 1 in the Northwest quarter (NW1/4) a replat of Tracts 21 through 27 of Casa del Rosa Subdivision in Section 31, Township 100 North, Range 50 West of the 5th P.M. in Lincoln County, South Dakota
- **Location:** 27246 470th Ave, Tea, South Dakota
- **Petitioner/Owner:** Amanda Masterson-Josh Nelson/Bob and Stephanie Lundin

**General Information**
- **Present Zoning:** “A-1” Agriculture
- **Existing Land Use:** “A-1” Agriculture
- **Parcel Size:** 10.3 Acres

**Presented by:** Director Aslesen
The petitioned parcel that is subject to the rezoning lies within the municipal growth area of the City of Tea, SD. Petitioner has been advised to contact and discuss this petition with the City of Tea, SD. Petitioner has been encouraged to have neighborhood meetings to discuss the exact uses when and if the area is rezoned to commercial. Staff has discussed the project with the City of Tea; concerns from the city of Tea include: 1. Utility placement and use. 2. Roads and infrastructure requirements. 3. City of Tea Comprehensive Plan compatibility. 4. Preliminary site plan showing buffers, parking and signage. City staff indicated their thoughts as per if it is a good thing for the city and the county and also expressed that they were not against it but not totally for it. Lincoln County staff review is of the understanding that the petitioner is asking for a change to the uses that are currently approved. Lincoln County is also aware of the concept of property rights and the right to rezone property. Lincoln County is also aware that many support activities will need to be accomplished if and when the rezoning is approved.

Recommendation:
Staff recommends approval of the change in district from the “A-1”, Agricultural District to the “C” Commercial District with approval from the City of Tea, SD as this area is within the growth area of the City of Tea.

Opponents: A number of neighboring property owners from the Casa Del Rosa subdivision spoke in opposition to rezoning the property. Their concerns included a negative effect on property values, drainage, and the close proximity to Nine Mile Creek and flooding issues, noise and traffic.
Ron Albers Vice-Chair stated that the township road is what it is but township can’t afford to do anything more. Ron is on the Delapre township board.

Action: Following discussion a motion was made by Larson to “recommend not to approve rezoning petition 14-REZ-013” based on the City of Tea Comprehensive plan. The motion was seconded by Lieberg. The motion was unanimous. Rezone petition 14-REZ-013 will move forward to the County Commission with the “recommendation to not approve” the rezoning.

ITEM 7. CONDITIONAL USE PERMIT 14-CUP-042 For the purpose of operating an auto body repair and restoration shop.

Legal Description: Lot 4, Tallgrass Circle, in the Southwest quarter of the Southwest quarter (SW1/4SW1/4) of Section 32, Township 100 North, Range 50 West of the 5th P.M., Lincoln County, SD
Location: 47104 Tallgrass Circle, Harrisburg, SD
Petitioner/Owner: Joe Foster/Joe Bozied

General Information
Present Zoning: “C” Commercial
Existing Land Use: “C” Commercial
Parcel Size: 1.52 Acres

Presented by: Director Aslesen
The petitioner would like to operate an auto body repair shop in an existing building located at 47104 Tallgrass Circle. This is part of an established commercial/light industrial zoned district that has like uses and also other service orientated businesses.

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 is anticipated as this use is a like use which has had no reported effect on property values or the enjoyment of the existing uses.
2. The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
   The petitioned use will utilize an existing structure with some fundamental changes to accommodate an auto body shop. The changes will be internal in nature and should not affect future development.
3. That utilities, access roads, drainage and/or other necessary facilities are provided.
   In place ready for use.
4. That the off-street parking and loading requirements are met.
   Requirements are met.
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.
   Good management, appropriate equipment, adherence to EPA requirements should eliminate any nuisance contributors.
**Recommendation:**
Staff recommends approval with the following stipulation(s): 1. **Adherence to Dept. of Environment requirements for safe operation of a paint booth.** 2. **No outside storage of junk equipment or vehicles, parts etc.** 3. **Maintain a well-kept business.**

**Action:** A motion was made by Larson to approve **14-CUP-042** with stipulations listed. The motion was seconded by Andersen. Motion was unanimous.

**Adjourn:** The motion to adjourn was made by Larson and seconded by Sogn. The motion was unanimous.

**Additional Items:**
1. **Toby Brown-SECOG- Ordinance Review Group 6:00 P.M.**

Respectfully submitted by:
Laurie Lundquist
Planning Specialist
Lincoln County Planning & Zoning