

MINUTES OF THE LINCOLN COUNTY PLANNING COMMISSION

November 19, 2018

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Darwin Sogn, Tyler Klatt, Ron Albers, Monty Derosseau, Jim Schmidt, Gary Pashby, and Stacey Namminga

STAFF PRESENT: Toby Brown, Joan Doss - County Planning

PUBLIC PRESENT (sign in sheet): Robert VanPeeren, Tony Ventura, & Geoff Ellerbroek.

1. CALL TO ORDER AND ROLL CALL

The regular meeting was brought to order on November 19, 2018 at 7:00pm in the Commission Meeting Room of the Lincoln County Courthouse by Chairman Derosseau.

2. APPROVAL OF OCTOBER 15, 2018 MINUTES

Pashby motioned to amend and approve the minutes by correcting the attendance from October 15, 2018, and was seconded by Schmidt. The motion passed unanimously (7-0).

3. APPROVAL OF AGENDA

Pashby motioned to approve the agenda, and was seconded by Klatt. The motion passed unanimously (7-0).

4. PUBLIC HEARINGS

- a. CONDITIONAL USE PERMIT / 18-CUP-041: Request for review and approval of a Conditional Use Permit to allow warehousing exceeding 20,000 square feet – requesting an additional 12,320 square feet. The property is legally described as W1653' of Southwest quarter (SW1/4) Lying South of Railroad Right-of-Way, except Lots B & C, and except tract U1 of Canton Development Corporation First Addition, of Section 15, Township 98 North, Range 49 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Applicant/Owner: Robert Van Peeren & Adam Kuper/Adams Holdings LLC

Location: 47920 5th West – Canton

Staff Analysis:

SITE DESCRIPTION AND PRESENT USE. The subject site is located in Canton Township. The site is at the intersection of US Hwy 18 and 470th Avenue. The property currently has approximately 283,000 square feet of mixed warehousing and manufacturing space. The building was originally built in the 1970s, and expanded a number of times through conditional use permits in 2004, 2006, 2008, and 2010.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The surrounding properties within Lincoln County's jurisdiction are zoned "C" Commercial and "A-1" Agricultural, and have similar commercial uses including contractor's shops and warehousing. The corporate limits of Canton are adjacent to the north and east.

PROJECT DESCRIPTION. The applicant is proposing to construct a 12,320 square foot Quonset storage building in the existing parking lot on the northern side of the property.

Staff Recommendation: Staff recommends APPROVAL for Conditional Use Permit 18-CUP-041 to allow construction of warehousing to exceed 20,000 square feet contingent upon the following conditions:

1. This permit allows for the construction of an 80' W x 154' L (12,230 square foot) warehousing building, in the general location as shown on the site plan submitted with the application.
2. The property shall be kept neat and orderly at all times.
3. The property owner shall not deposit any snow or improperly direct water onto neighboring properties.
4. The Planning Department reserves the right to enter and inspect the property at any time, after proper notice to the owner, to ensure that the property is in full compliance with the approved permit conditions and the Lincoln County Zoning Ordinance.
5. If at any time the use ceases to exist, or changes ownership, the owner shall notify Lincoln County Planning and Zoning.

If approved, the Lincoln County Planning Commission's approval would include the following findings of fact:

The Conditional Use Permit is generally in conformance with the Conditional Use Criteria in Section 19.09 of the Zoning Regulations for Lincoln County.

Public Comment:

Toby Brown presented the staff report. Robert Van Peeren noted they would use the building to clean up the property a bit.

Derousseau asked for public comment, hearing none, he closed the floor to public comment.

Discussion & Action:

Sogn motioned to approve the application with the recommended conditions, and was seconded by Albers. Pashby then motioned to amend Sogn's motion to include the finding of fact, and was seconded by Klatt. The motion passed unanimously (7-0). Schmidt then motioned to approve the application with the recommended conditions and finding of fact, and was seconded by Klatt. The motion passed unanimously (7-0)

Conditional Use 18-041 – Approved

- 5. OTHER MATTERS TO BE REVIEWED BY THE PLANNING COMMISISON - none**
- 6. OPEN DISCUSSION FOR ISSUES NOT ON THE AGENDA**
 - a. Correspondence received. None received.
 - b. Comments from Planning Commission members. Schmidt asked about Mike Matzen's CUP from last month. Toby confirmed it was appealed and would be going before the county board on November 27th.
 - c. Comments from the audience – none
- 7. REPORT OF LINCOLN COUNTY BOARD OF COMMISSIONERS' REPRESENTATION –**

Schmidt noted he wished there was a way to have the entire board view the more controversial sites.
- 8. NEW BUSINESS**
 - a. Setting public hearing dates – Toby updated the board about the progress at Summit Plumbing, and noted they are currently in compliance with the conditions aside from grass but will be installing sod in the spring due to the current time of the year. Geoff Ellerbroek also noted he will be installing a corner fence to screen the utility box as well. Toby concluded that staff does not recommend setting a public hearing to review the permit. Commission members agreed, and no hearing date was set.
 - b. Other new business – Judge John Pekas presented information about ex parte communications and the differences between quasi-judicial and non-quasi-judicial administrative decisions.
- 9. ADJOURNMENT**

Pashby motioned to adjourn at 8:10pm, and was seconded by Namminga. Motion passed unanimously (7-0).

Respectfully submitted,
Joan Doss
Planner