

MINUTES OF THE LINCOLN COUNTY PLANNING COMMISSION

December 17, 2018

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Darwin Sogn, Tyler Klatt, Ron Albers, Monty Derausseau, Stacey Namminga, and Jim Schmidt (left at 7:10)

STAFF PRESENT: Toby Brown, Joan Doss - County Planning

PUBLIC PRESENT (sign in sheet): Andy Jorgensen, Randy McCoy, Adam Spotanske, Tom Wipf, Tony Ventura.

1. CALL TO ORDER AND ROLL CALL

The regular meeting was brought to order on December 17, 2018 at 7:00pm in the Commission Meeting Room of the Lincoln County Courthouse by Chairman Derausseau.

2. APPROVAL OF NOVEMBER 19, 2018 MINUTES

Sogn motioned to approve the minutes and was seconded by Albers. The motion passed unanimously (6-0).

3. APPROVAL OF AGENDA

Albers motioned to approve the agenda and was seconded by Klatt. The motion passed unanimously (6-0).

4. PUBLIC HEARINGS

- a. CONDITIONAL USE PERMIT / 18-CUP-042: Request for review and approval of a Conditional Use Permit to allow equipment sales, display, and repair. The property is legally described as Lot 5 of Block 5 in the Hagedorn Industrial Park Addition in the Southeast quarter (SE1/4) of Section 25, Township 100 North, Range 51 West of the 5th Principal Meridian, Lincoln County, South Dakota.
Applicant/Owner: OHA Companies LLC Location: 46983 Monty Street - Tea

Staff Analysis:

Description of Proposal: The applicant is proposing to utilize the property for equipment sales, display, and repair. Primarily ATVs, Snowmobiles, and related equipment. No new structures are proposed.

Background: The property currently has a 4,000 sq. ft. storage building with an office that was constructed in 2002. In 2002, the Planning Commission approved a request for an electrical contractor on the subject property. That conditional use permit (02-032) stipulated that “no outside storage of materials or equipment unless within a solid enclosed fence area”.

Staff Recommendation: Staff recommends APPROVAL for Conditional Use Permit 18-CUP-042 to allow equipment sales, display, and repair warehousing, contingent upon the following conditions:

1. The approval is for the project as described per Conditional Use Permit 18-CUP-042 to allow equipment sales, display, and repair.
2. The property shall conform to all applicable regulations of the Lincoln County Zoning Ordinance and any other County, City, State and Federal Codes, ordinances, resolutions and laws.
3. Prior to any construction on-site, all appropriate permits must be secured.
4. The property shall be kept in a clean and orderly manner at all times.
5. All exterior lighting fixtures shall be shielded so as not to illuminate into adjoining properties.
6. The applicant shall not deposit any snow or improperly direct water onto neighboring properties so as to constitute a nuisance.
7. If at any time the business ceases to exist, changes ownership, or changes use, the owner shall notify County Planning Staff.
8. The Planning Department or designated official(s) 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 conditional use permit conditions, all applicable regulations of the Lincoln County Zoning Ordinance and any other County, City, State and Federal Codes, ordinances, resolutions and laws that may apply.

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 2009 Revised Zoning Ordinance for Lincoln County.

Public Comment:

Toby Brown presented the staff report. Adam Spotanske noted they would be selling new ATV type vehicles and would be storing them behind the gated fence.

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

Discussion & Action:

Klatt motioned to approve the application with the recommended conditions and was seconded by Sogn. The motion passed unanimously (6-0).

Conditional Use 18-042 – Approved

- b. CONDITIONAL USE PERMIT / 18-CUP-043: Request for review and approval of a Conditional Use Permit to allow a contractor’s shop and storage yard. The property is legally described as Lot 8 of Block 5 in the Hagedorn Industrial Park Addition in the Southeast quarter (SE1/4) of Section 25, Township 100 North, Range 51 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Applicant/Owner: Thomas Wipf/Ultimate Property Solutions Inc. Location: 27172 Linda Avenue - Tea

Staff Analysis:

Description of Proposal: The applicant is proposing to construct and operate a contractor’s shop and storage yard within the “I-1” Light Industrial zoning district.

Background: The site is located within the Hagedorn Industrial Park Addition. The property is currently vacant. The zoning ordinance requires a conditional use permit for a contractor’s shop and storage yard in the “I-1” Light Industrial zoning district.

Staff Recommendation: Staff recommends APPROVAL for Conditional Use Permit 18-CUP-043 to allow the operation of a contractor’s shop and storage yard contingent upon the following conditions:

1. The approval is for the project as described per Conditional Use Permit 18-CUP-043 to allow a contractor’s shop and storage yard.
2. The property shall conform to all applicable regulations of the Lincoln County Zoning Ordinance and any other County, City, State and Federal Codes, ordinances, resolutions and laws.
3. Prior to any construction on-site, all appropriate permits must be secured.
4. The property shall be kept in a clean and orderly manner at all times.
5. All exterior lighting fixtures shall be shielded so as not to illuminate into adjoining properties.
6. Equipment, trailers, and vehicles utilized for the contractor’s shop may be parked outside on the property, provided they are screened from view from adjacent property and streets.
7. The applicant shall not deposit any snow or improperly direct water onto neighboring properties so as to constitute a nuisance.
8. If at any time the business ceases to exist, changes ownership, or changes use, the owner shall notify County Planning Staff.
9. The Planning Department or designated official(s) 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 conditional use permit conditions, all applicable regulations of the Lincoln County Zoning Ordinance and any other County, City, State and Federal Codes, ordinances, resolutions and laws that may apply.

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 2009 Revised Zoning Ordinance for Lincoln County.

Public Comment:

Toby Brown presented the staff report. Tom Wipf noted that each bay would be heated, and that only the larger bays would have plumbing. Namminga asked if he was okay with the conditions, and he noted yes.

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

Discussion & Action:

Namminga motioned to approve the application with the recommended conditions and was seconded by Klatt. The motion passed unanimously (5-0)

Conditional Use 18-043 – Approved

- c. CONDITIONAL USE PERMIT / 18-CUP-044: Request for review and approval of a Conditional Use Permit to allow fireworks sales. The property is legally described as Tract 4A of Adrian’s Addition in the Northeast quarter (NE1/4), except Hensch Addition, in Section 33, Township 100 North, Range 50 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Applicant/Owner: Andy Jorgensen/Michael Hulshof Location: 27217 473rd Avenue – Sioux Falls

Staff Analysis:

Description of Proposal: The applicant is proposing to utilize a portion of the property for fireworks sales and distribution. The applicant stated that most sales will be conducted online and that he expects roughly 10

customers a day picking up orders throughout the sales period. The building used for sales and order pickup will be the larger storage building on the northern portion of the property. Customers would park in the open space in front of the building. When sales are not taking place, the fireworks will be stored in a semi-trailer on the property, which could also be moved off the property if the Planning Commission requires.

Background: The property currently has four storage type buildings that have previously been used for agricultural storage. The property does not have a building eligibility. A conditional use permit is required for fireworks sales within the "A-1" Agricultural zoning district.

Staff Recommendation: Staff recommends APPROVAL for Conditional Use Permit 18-CUP-044 to allow the sales of fireworks, contingent upon the following conditions:

1. The approval is for the project as described per Conditional Use Permit 18-CUP-044 to allow fireworks sales.
2. The business shall operate in accordance with South Dakota Codified Law Chapter 34.37
3. The property shall be kept in a clean and orderly manner at all times.
4. The property owner shall not deposit any snow or improperly direct water onto neighboring properties.
5. If at any time the use ceases to exist, or changes ownership, the owner shall notify County Planning Staff.
6. 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.

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 2009 Revised Zoning Ordinance for Lincoln County.

Public Comment:

Toby Brown presented the staff report. Andy Jorgensen noted he runs FireBros Fireworks in Sioux Falls and would like to begin selling during New Years. He also noted this would most likely be only for one year.

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

Discussion & Action:

Albers motioned to approve the application with the recommended conditions and was seconded by Sogn. The motion passed unanimously (5-0)

Conditional Use 18-044 – Approved

5. **OTHER MATTERS TO BE REVIEWED BY THE PLANNING COMMISSION - none**
6. **OPEN DISCUSSION FOR ISSUES NOT ON THE AGENDA**
 - a. Correspondence received. Each member received their correspondence in the mail.
 - b. Comments from Planning Commission members. None.
 - c. Comments from the audience – Tony Ventura noted he would like public comments moved to the beginning of meetings.
7. **REPORT OF LINCOLN COUNTY BOARD OF COMMISSIONERS' REPRESENTATION – None**
8. **NEW BUSINESS**
 - a. Setting public hearing dates. – Toby noted the letter that the members had received about 27277 Kenworth Avenue, and that staff had been investigating the issues prior to the correspondence and felt the Planning Commission should schedule a revocation hearing for 11-CUP-011 as soon as possible. The members agreed the hearing would be tentatively scheduled for January 8, 2019 at 7:00p.m.
 - b. Planning Commission work session. – Toby followed up from last month's presentation. He also asked for input regarding at-risk building permits. The members were ok with these permits since these had only been approved due to pending winter weather.
 - c. Other new business. - None

9. ADJOURNMENT

Albers motioned to adjourn at 7:45pm and was seconded by Klatt. Motion passed unanimously (5-0).

Respectfully submitted,
Joan Doss
Planner