

**MINUTES OF THE JOINT MEETING OF  
LINCOLN COUNTY & SIOUX FALLS PLANNING COMMISSIONS  
January 10, 2018**

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Gary Pashby, Ron Larson, Ron Albers, Darrel Sogn, and Dan King

CITY PLANNING COMMISSION MEMBERS PRESENT: Steve Gaspar, Sharon Chontos, Katherine Fiegen, Sean Ervin, and Kurt Johnson

STAFF PRESENT: Toby Brown & Joan Doss - County Planning                      Jason Bieber - City Planning

PUBLIC PRESENT (sign-in sheet): Micheal Verley.

The County Planning Commission was chaired by Gary Pashby who presided over the meeting. The City Planning Commission was chaired by Sean Ervin.

**1. CALL TO ORDER**

A joint meeting of the County and City Planning Commissions was held on January 10, 2018 at 7:00 p.m. in the Commission Meeting Room of the Lincoln County Courthouse. County Planning Commission Vice Chair Gary Pashby called the meeting to order at 7:00 p.m.

**2. APPROVAL OF NOVEMBER 7, 2017 MINUTES**

A motion was made for the County by Larson, and seconded by Albers, to approve the meeting minutes for November 8, 2017. The motion passed unanimously. Same motion was made for the City by Gaspar and seconded by Johnson. The motion passed unanimously.

**3. APPROVAL OF AGENDA**

A motion was made by the County by King and seconded by Albers to approve the meeting agenda. The motion passed unanimously. Same motion was made for the City by Johnson and seconded by Gaspar. The motion passed unanimously.

**4. CONDITIONAL USE PERMIT 18-JJCUP-001:** Request for review and approval of a Conditional Use Permit to operate a contractor's shop and storage yard. The property is zoned "I-1" Light Industrial District and is legally described as Mueller's Lot 5 in the Southeast quarter (SE1/4) of Section 19, Township 100 North, Range 50 West of the 5th Principal Meridian, Lincoln County, South Dakota.

*Petitioner/Owner: MV Enterprises LLC, Michael Verley      Location: 27091 Tallgrass Ave S – Sioux Falls*

**Staff Analysis:** Toby Brown

1. The property is a 1.78 acre lot that includes a metal shed, approximately 2,000 square feet. The petitioner is proposing to construct a 66' x 65' (4,290 square feet) addition onto the west side of the building. The property is zoned "I-1" Light Industrial. Staff has developed the following opinions for this proposal: The size of the proposed addition is in keeping with other buildings within the vicinity.
2. The proposed contractor's shop and storage yard is consistent with the minimum standards set forth in the Joint Zoning Regulations for Lincoln County and the City of Sioux Falls.
3. The proposed construction and land use will not substantially impair the appropriate use or development of adjacent property.
4. Offensive nuisances are unlikely during the proposed land use.

Section 19.07 of the Joint Zoning Regulations for Lincoln County and the City of Sioux Falls provides review criteria for conditional use permits. The following is a transcript of the applicant's responses to the standards.

**A. The impact of the proposed use on adjacent properties shall be a major consideration. The proposed use should be generally compatible with adjacent properties and other properties in the district.**

*Applicant's Response: The use is compatible with adjacent properties..*

**B. Measures shall be taken to ensure that the proposed use does not alter the general character of the area or neighborhood.**

*Applicant's Response: The use is compatible and won't negatively affect the character of the neighborhood.*

**C. The effects of noise, odor, traffic, air and water pollution, and other negative factors shall be eliminated or controlled through the use of screening, setbacks, and orientation.**

*Applicant's Response: All setbacks will meet standards, also have rows of existing trees.*

**D. The proposed use shall not adversely affect the public.**

*Staff's Response: As conditioned, at this time staff believes that the proposed conditional use will not be detrimental to the public health, safety, and welfare, nor will it pose a threat to surrounding properties or improvements.*

**Recommendation:** Staff recommends that the Planning Commissions approve the proposed Conditional Use Permit, subject to the following recommended Conditions of Approval and any modifications that result from the Planning Commissions' deliberations.

1. A building permit from Lincoln County is required prior to construction of the proposed building.
2. The property shall substantially adhere to the site plan submitted with the application.
3. No unscreened outdoor storage is permitted, and the property shall be neat and orderly at all times.
4. All exterior lighting fixtures shall be shielded so as not to illuminate into adjoining properties.
5. The applicant shall not deposit any snow or improperly direct water onto neighboring properties so as to constitute a nuisance.
6. If at any time the use ceases to exist, or changes ownership, the owner shall notify County Planning Staff.
7. 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 of approval and the Joint Zoning Regulations for Lincoln County and the City of Sioux Falls.

**Public Comment and Discussion:**

Toby Brown presented the staff report, and noted the parcel was previously a residential acreage, but the house was removed from the property a number of years ago.

Micheal Verley, the petitioner, this would be used for his business, and that he would be replacing the siding of the current building to match the addition. Albers asked if trees had been removed from the property. Micheal confirmed he removed a number of trees to allow for the addition, and that many of the trees were damaged in an ice storms years ago. Pashby asked if the current outside storage would be moved inside. Micheal noted he would move as much as the building would fit inside. Johnson asked if the petitioner was comfortable with the conditions. Micheal confirmed that he was.

Commissioner Pashby, seeing no public in attendance for comment, asked for any discussion from the board.

**Action:**

A motion was made for the County by Albers to approve the Conditional Use Permit #18-001 with the recommended conditions, and was seconded by Larson. The motion passed unanimously. The same motion was made for the City by Gaspar, and was seconded by Fiegen. The motion passed unanimously.

**Conditional Use Permit #18-001 – Approved**

**5. OTHER BUSINESS - none**

**6. ADJOURNMENT**

A motion was made for the County by Sogn, and was seconded by Albers to adjourn at 7:15pm. The motion passed unanimously. Same motion was made for the City by Gaspar, and was seconded by Fiegen. The motion passed unanimously.

*Respectfully submitted,*

*Joan Doss*

*County Planner*