

MINUTES OF THE LINCOLN COUNTY PLANNING COMMISSION

January 17, 2017

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Ron Albers, Monty Derausseau, Ron Larson, Dan King, Darwin Sogn, and Tyler Klatt.

STAFF PRESENT: Toby Brown and Joan Doss - County Planning

PUBLIC PRESENT (Sign-In Sheet): AJ Swanson, Chuck Larsgaard, Laurie Hirshrud, Lou Beal, Dave VanderWaal, Brent Henrikson, Shawna Henrikson, Eric VanderWaal, Darren Manthy, Sarah Manthy

The meeting was chaired by Ron Albers.

1. CALL TO ORDER AND ROLL CALL

The regular meeting of the Lincoln County Planning Commission was brought to order on January 17, 2017 at 7:00pm in the Commission Meeting Room of the Lincoln County Courthouse by Chairman Ron Albers.

2. APPROVAL OF DECEMBER 19, 2016 MINUTES

A motion to approve the December 19, 2016 minutes was made by Sogn and seconded by Larson. The motion passed unanimously.

3. APPROVAL OF AGENDA

A motion to approve the agenda was made by Klatt and seconded by Derausseau. The motion passed unanimously.

4. REZONING 16-REZ-007: Request for review and a recommendation of approval to rezone North Half (7.43 acres) of Lot 4 in Tract 1 of Kolb's Addition in the NW1/4 of Section 4, Township 99 North, Range 50 West from A-1 Agricultural District to C Commercial District.

Petitioner/Owner: Pente Farms LLC

Location: Intersection of 472nd Ave. and 273rd St. - Harrisburg

Staff Analysis:

The petitioner has submitted a request to rezone the north 7.43 acres of a 14.77-acre property from the A-1 Agricultural District to the C Commercial District. The petitioner indicated on the application that the purpose is to build or for sale for a Banquet Barn or other commercial purposes useful to the community.

- A. This request is to change the zone of approximately 7.43 acres from A-1 Agricultural to C Commercial.
- B. The site is within the municipal platting jurisdiction of the City of Harrisburg. Through the platting process, the City of Harrisburg will coordinate the proper planning and construction of street, utility and drainage systems on the site.
- C. The site is designated Agriculture Area on the Future Land Use Map and is within the City's recently adopted Major Street Plan/Municipal Platting Jurisdiction but is outside of the growth areas identified by the City's current Comprehensive Plan. For this reason, it is not identified as an Urban Expansion Area on the Lincoln County Future Land Use Map.
- D. The property is currently utilized for limited agricultural purposes, specifically a tree farm.
- E. Based upon the updated Harrisburg Major Street Plan and a corresponding Future Land Use/Growth Areas Map, the property would fall under the Urban Expansion Area.
- F. The proposed rezoning is at a high traffic intersection and use(s) will be developed in a nodal pattern.

Recommendation: Based upon the information and materials provided by the applicant and the staff analysis in the staff report, staff supports Rezoning 16-REZ-007. Therefore, staff recommends that the Planning Commission find that:

1. The proposed rezoning does promote implementation of the 2025 Comprehensive Plan.
2. The proposed rezoning is compatible with existing surrounding land uses and the land uses envisioned in the 2025 Comprehensive Plan.
3. The proposed rezoning does promote the purposes of the 2009 Revised Zoning Ordinance for Lincoln County as stated in Section 1.02.
4. The proposed rezoning request was distributed for comments to the City of Harrisburg and no comments were received at the time the Staff Report was completed.

Public Comment:

Toby Brown presented the staff report, and noted the petitioner has submitted an updated site plan that shows a proposed event center with sufficient screening on the east and south sides of the property. He also noted that Mike McMahon, Harrisburg's city planner, said that the Harrisburg Planning Commission recommends denial and that they cite it is premature development.

AJ Swanson, representing Pente Farms, addressed the commission about details of the application. Mr. Swanson noted the property has no long-term agricultural value due to being a high traffic area with high property values. Mr. Swanson also cited the Lincoln County Zoning Ordinance and noted a municipality can only have a distinct opinion on planning and zoning decisions if the city forms a joint planning commission with the county. He continued to say that the City of Harrisburg is effectively halting development on Hwy 110. Commissioner Albers asked if the commission had any questions for the applicant. Hearing none, Commissioner Albers asked for public comment in favor of the rezoning.

Bill Truman noted that he has lived in the area for 28 years and trusts that the petitioner will not degrade neighboring property values. He also noted that Harrisburg will take a long time to expand to this area, and that he has no qualms with the proposed rezoning.

Bret Merkle noted the neighbors knew at sometime in the future the intersection would be rezoned to commercial property. He wants to ensure the inevitable commercial development fits with the existing character. He noted the site plan included a stage, but it will be a gazebo for outdoor ceremonies.

Commissioner Albers asked for public comment opposed to the rezoning. Toby Brown read two items of correspondence the Planning and Zoning office received: and email from Dave VanderWaal and a letter from neighbors in the area.

Brent Hendrickson asked the commission for their opinion of the chances the property will look like the proposal. Commission Albers noted that they would need a building permit, and depending on the actual use, a Conditional Use Permit as well, so if the commission doesn't feel that the use fits the area, they could deny the permit. Brent noted he feels rezoning this parcel will create a slippery slope for further commercial development.

Dave VanderWaal noted that he feels there are better locations in the county for the proposed use, and that it is premature development.

Sara Manthy noted that she also feels that it is premature development and that there should be further studies into the traffic on the intersection.

Laurie Hirshrud expressed concern that the site plan keeps changing and that she feels the details of the proposal seem vague, including what will happen to the south half of the lot. She also feels that the intersection could not handle higher traffic flow.

Eric VanderWaal noted that the area has wetlands that should be brought into consideration before allowing further development.

Darren Manthy noted that Harrisburg is growing north, not to the west, which is why he feels its premature development.

AJ Swanson addressed the questions on concerns. He noted that change is coming one way or another due to the area's proximity to Sioux Falls. He also noted that the decision tonight was only the rezoning and that the land use would be addressed at a future conditional use permit hearing, which will evaluate the drainage and wetland issues that were brought up. He also mentioned that the current comprehensive plan predicts commercial use for the area and questioned why the commission would allow an auction business on VanderWaal's property if they would not allow commercial zoning at the intersection.

Commissioner Albers asked for additional public comment. Hearing none, he closed the floor to public testimony.

Discussion:

Klatt noted that the issues brought up in comments would be addressed later for a conditional use permit approval. Albers noted that eventually the intersection will get busier and become a major intersection.

Action:

A motion was made by Klatt and seconded by Larson to recommend approval of Rezoning Application 16-REZ-007. The motion passed 3-2-1, with Drousseau and Sogn dissenting, and King abstaining.

Rezoning #16-REZ-007 – Recommend Approval

5. **REZONING 17-REZ-001:** Request for review and a recommendation of approval to rezone Lot 3 in Block 2 of Hagedorn Industrial Park Addition in the NE1/4 of SE1/4 of Section 25, Township 100 North, Range 51 West from C Commercial to I-1 Light Industrial.

Petitioner: Jim Scherer
Property Owner: Pitt Properties
Location: 46991 Mindy St. – Tea

Staff Analysis:

The petitioner has submitted a request to rezone Lot 3 in Block 2, of Hagedorn Industrial Park Addition from the C Commercial District to the I-1 Light Industrial District. The petitioner indicated that the purpose for the rezone is to utilize the property for light manufacturing.

- A. This request is to change the zone of 1 acre from C Commercial to I-1 Light Industrial.
- B. The site is within the municipal platting jurisdiction of the City of Tea. The City of Tea will coordinate the proper planning and construction of street, utility and drainage systems for any further development on the site.
- C. The site is designated Urban Expansion Area on the Future Land Use Map and is designated Employment Center on the Tea Future Land Use Map.
- D. The proposed rezoning is compatible with surrounding land uses and any manufacturing uses will require a conditional use permit and site plan review.

Recommendation: Based upon the information and materials provided by the applicant and the staff analysis in the staff report, staff supports Rezoning 17-REZ-001. Therefore, staff recommends that the Planning Commission find that:

- 1. The proposed rezoning promotes implementation of the 2025 Comprehensive Plan.
- 2. The proposed rezoning is compatible with existing surrounding land uses or the land uses envisioned in the 2025 Comprehensive Plan.
- 3. The proposed rezoning promotes the purposes of the 2009 Revised Zoning Ordinance for Lincoln County as stated in Section 1.02.

4. The proposed rezoning request was distributed for comments to the City of Tea and no comments were received at the time the Staff Report was completed.

Public Comment:

Toby Brown presented the staff report, and mentioned that Kevin Nissen, Tea’s city planner, noted the city supports the rezoning application, and would in fact like to see the surrounding areas rezoned as well.

Kevin Mielke was available to answer questions about the application. Derosseau asked what type of operation would be at the location. Kevin noted that they would be a metal fabrication business.

Commissioner Albers asked for public comment. Hearing none, he closed the floor to public testimony.

Discussion:

None.

Action:

A motion was made by Derosseau and seconded by Sogn to recommend approval of Rezoning Application 17-REZ-001. The motion passed unanimously.

Rezoning #17-REZ-001 – Recommend Approval

6. **CONDITIONAL USE PERMIT 17-CUP-001:** Request for review and approval of a Conditional Use Permit to operate a driving range and teach golf lessons on the property legally described as Larsgaards Tract 2 in the SE1/4 of Section 20, Township 97 North, Range 48 West.

Petitioner/Owner: Charles & Brenda Larsgaard

Location: 28867 484th Ave. - Fairview

STAFF ANALYSIS:

The property is located at 28867 484th Avenue. The petitioner is proposing operating a golf driving range to teach one-on-one private lessons. The petitioner has noted he has used his property privately as a driving range for several years, but would know like to make it a formal operation to begin teaching lessons. The property is located in the A-1, Agricultural district zone. The A-1 zoning district allows for “driving ranges” through a conditional use process.

- 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.**

The site is within the A-1 Agricultural District. The site is a farmstead and is utilized by the owner for residential purposes and agricultural storage for the owner’s agricultural operations on surrounding properties. The surrounding properties are utilized for crop production.

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

A “golf course, golf driving range” is allowed by conditional use in the A-1 zoning district. The surrounding area is primarily agricultural crop production and scattered farmsteads so the proposed use should not have a significant impact on the general character of adjacent properties.

- 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.**

The proposed use is compatible with surrounding agricultural land uses and will not substantially produce excessive noise, odor, traffic, air and water pollution, or other negative factors.

STAFF RECOMMENDATION

Based upon the information and materials provided by the petitioner, it is the County Planning Staff’s opinion that overall the project generally meets the applicable standards and therefore, recommends the Planning Commission approve the request with the following conditions:

1. That the lot shall adhere to the site plan submitted on December 27, 2016.
2. A fence shall be installed along 484th Avenue.
3. Compliance with all state regulations for operating a business.
4. If at any time the business ceases to exist, the owner shall notify County Planning Staff.

Public Comment:

Toby Brown presented the staff report, and noted after speaking with the petitioner that he would suggest modifying condition #2 to add “if necessary.” If there are any issues in the future the petitioner would then be required to install a fence.

Charles Larsgaard noted that the driving range has been a work in progress since 2003 and would like to make it official to start teaching lessons and provide private tee time for the students to practice.

Commissioner Albers asked for public comments.

Winnie Peterson asked if there would be any lights during the nighttime or noise concerns. Charles noted that there would be no operation after dark, nor would there be any noise concerns. Seeing no other public comments, Commissioner Albers closed the floor to public testimony.

Discussion:

None

Action:

A motion was made by Larson and seconded by Sogn to approve Conditional Use Permit #17-001 with the recommended conditions as modified. The motion passed unanimously.

Conditional Use Permit #17-CUP-001 – Approved

7. OPEN DISCUSSION FOR ISSUES NOT ON THE AGENDA

- a. Correspondence received.
 - Toby Brown shared a draft of a transportation study from the City of Harrisburg. He also noted that he has invited the city to share the study with the commission once the report is finalized.
- b. Comments from Planning Commission members - NONE
- c. Comments from the audience.
 - Winnie Peterson, We-Care, noted that there was recently 13 docket items on the Public Utilities Commission website which appeared to be a larger wind farm that was broken apart to intentionally fall below specific size thresholds.

8. NEW BUSINESS - NONE

9. ADJOURNMENT

Motion to adjourn at 8:40pm was made by Larson and seconded by Sogn. The motion passed unanimously.

Respectfully submitted,
Joan Doss
Planner