

MINUTES
LINCOLN COUNTY PLANNING AND ZONING COMMISSION

January 19, 2016

7:00 P.M. Regular Meeting, Commissioners' Meeting Room
Lincoln County Courthouse

ROLL CALL The regular meeting of the Lincoln County Planning and Zoning Commission was brought to order on January 21, 2015 at 7:00 p.m. by Chairman Ron Albers. Darrel Sogn, Ron Larson, Monte Derausseau, Gary Pashby, Craig Andersen and County Commissioner Dan King were present in the Lincoln County Courthouse, Commissioners' Meeting Room, 104 N Main, Canton, SD 57013.

Staff present were Director Paul Aslesen and Laurie Lundquist

ITEM 1. APPROVAL OF ALTERNATES – A motion was made by Larson and second by Sogn to approve Craig Andersen as the alternate for District 3. The motion was unanimous.

ITEM 2. APPROVAL OF AGENDA – A motion was made by Larson and second by Pashby to approve the agenda of January 19, 2016 as written. The motion was unanimous.

ITEM 3. APPROVAL OF MINUTES – A motion was made by Pashby and second by Derausseau to approve the minutes of December 21, 2015 as written. The motion was unanimous.

Action: A motion was made by Andersen and second by Derausseau to take 15-REZ-011 of the table. The motion was unanimous.

ITEM 4. REZONE 15-REZ-011 – For the purpose of rezoning a parcel of land from "A-1" Agriculture District to "I-1" Light Industrial for plumbing contractor's shop and storage units. Tabled from December meeting.

Legal Description: Moir's Tract 2 & 2A in the East half of the Southeast quarter of the Southeast quarter in Section 27, Township 100 North, Range 50 West of the 5th P.M., Lincoln County, South Dakota

Location: Just west of the intersection of SD Hwy 115 and 272nd St., Harrisburg, SD

Petitioner/Owner: Geoff Ellerbroek

General Information

Present Zoning: "A-1" Agriculture

Existing Land Use: "A-1" Agriculture

Parcel Size: 1.79 acres

Presented by: Director Aslesen

The petitioned parcel is located in close proximity to areas that have similar zoning or uses. The petitioned site will have access to 272nd street which provides a short stretch of gravel leading to State Highway 115. The petitioner is desiring appropriate zoning to allow for a contractor's shop specializing in plumbing, heating, air conditioning etc., along with having storage units. The subject property is within the growth area of the city of Harrisburg, SD. City of Harrisburg provided a positive response to the rezone petition.

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.**
This abutting area has in the past been subjected to various businesses and commercial uses and has single family residential uses. The nature of the area and the close proximity to State Highway #115 demonstrates the potential for more commercial/light industrial uses in the future. Current uses, current property values may be impacted by the rezoning both in a positive nature and negative nature depending on the uses allowed by the rezoning.
- 2. The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.**
The development of the area is for all practical purposes dependent on the uses allowed or sponsored by the city of Harrisburg's Comprehensive Plan. Vacant properties, if located by the existing major arterials will be subjected to developmental pressures.
- 3. That utilities, access roads, drainage and/or other necessary facilities are provided.**
The petitioner will be required to adhere to all flood plain management requirements to include drainage as well as being in compliance with the appropriate road authorities for access/approaches.
- 4. That the off-street parking and loading requirements are met.**
Not applicable for the determination of rezoning but will be for a conditional use application.

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.

Not a consideration of the rezone.

Recommendation:

Staff recommends that a statement of approval be formulated by the Planning Commission and submitted to the Lincoln County Commission. Staff recommendation is based on the positive input from the City of Harrisburg, SD., current abutting uses of a commercial and light industrial nature, the close proximity to major arterials, and compliance with the Lincoln County Comprehensive Plan.

Action: Following a brief discussion and review of the history research on the property a motion was made by King to “recommend to approve 15-REZ-011” for rezoning to the County Commission. The motion was second by Pashby. The motion was unanimous.

ITEM 5. REZONE 16-REZ-001 – For the purpose of rezoning a parcel of land from “A-1” Agriculture to “RR” Rural Residential.

Legal Description: Northeast quarter (NE1/4) of Section 12, Township 99 North, Range 51 West of the 5th P.M., Lincoln County, South Dakota.

Location: 27427 470th Ave, Lennox, SD

Petitioner/Owner: Phillip Fett/LeRoy & Doris Fett

General Information

Present Zoning: “A-1” Agriculture

Existing Land Use: “A-1” Agriculture

Parcel Size: 160 Acres

Presented by: Director Aslesen

The petitioner wishes to rezone approximately 160 acres with the East boundary being 470th Ave. and the North boundary being along 274th street from the A-1 Agricultural District to the Rural Residential District with the vision of placing (49) forty nine single family residential lots/homes within the subdivision. The subdivision, currently known as “Fett Property”, will also feature a park area and a farmstead. The Notice of Hearing was accomplished the week of December 27, 2015 thru January 2, 2016 with no input received from the general public. Please reference the 2011 Amended Lincoln County Comprehensive Plan, specifically, chapter VIII Planning Policy Framework for the planning goals and policies of Lincoln County.

Recommendation:

Staff recommends approval of Rezone Petition 16-REZ-001 as the end result will be in compliance with the Lincoln County Comprehensive Plan. The petitioned site is outside the fringe areas of the nearest municipality and will not be subject to current annexation possibilities. The petitioned residential development is compatible with the policies of the Urban Expansion Areas. The petitioned site’s “Concept Plan” demonstrates the start of an orderly residential development that should provide single family home sites similar to established Lincoln County subdivisions.

Action: There was extensive discussion and input from neighboring property owners concerning roads, drainage, devalued existing properties, peace and quiet of the rural area, etc.

A motion was made by Larson to approve 16-REZ-001. The motion failed for lack of a second.

Amended motion by Pashby was a recommendation to deny 16-REZ-001. The motion was second by King. The motion passed with a rollcall vote of 5 yea and 2 nay. Larson-nay; Sogn-nay; Drousseau-yea; King-yea; Pashby-yea; Andersen-yea; Albers-yea. The motion passed. The petition will move on to the County Commission with the recommendation to deny the rezone.

ITEM 6. CONDITIONAL USE PERMIT 16-CUP-001 For the purpose of constructing an oversized accessory building in a residential use area. Specifically 3200 square feet which is 1,500 square feet greater than authorized.

Legal Description: Lot 2A Meadow Ridge 2nd Addition in the Northeast quarter (NE1/4) of Section 4, Township 99 North, Range 49 West of the 5th P.M., in Lincoln County, South Dakota.

Location: 47898 Prairie Circle, Harrisburg, SD

Petitioner/Owner: Brandon Spors

General Information

Present Zoning: “A-1” Agriculture

Existing Land Use: “RR” Rural Residential

Parcel Size: 5.57 Acres

Presented by: Director Aslesen

Because the proposed structure is over the authorized square footage, Planning Commission action is required. Please reference page 59, item 12.06 D-2 (4) homes/lots in the immediate area is the bases. The proposed structure is to be used for personal storage.

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.**

A staff review of the immediate area indicates average lot sizes of five or more acres which generates a need for acreage maintenance equipment and the storage of the same in this subdivision development. The land and structure property in the immediate area has substantial value which should be maintained or enhanced by appropriate storage buildings for referenced equipment and the boats/RV's and related equipment normally associated with subdivisions of this nature.

2. **The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.**

The petitioned property along with the abutting subdivision properties are developed for the most part. The proposed storage building should not have a negative effect on future development and should have a positive effect on improvement and upkeep of the area.

3. **That utilities, access roads, drainage and/or other necessary facilities are provided.**

Provided.

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.**

The awarding of the petitioned Conditional Use Permit for an oversize building to be used for personal storage will help the aesthetic qualities of the area and will control outside storage issues.

Recommendation:

Staff recommends approval of petition 16-CUP-001 with the following stipulations: 1. No outside storage of any equipment. 2. Building to be in compliance with ordinance requirements 3. Apply for a building permit. 4. Utilize the appropriate septic system.

Action: A motion was made by Derousseau and second by Andersen to approve 16-CUP-001 with stipulations listed. The motion was unanimous.

ITEM 7. CONDITIONAL USE PERMIT 16-CUP-002 For the purpose of constructing an oversized accessory building in a residential use area. Specifically 1,728 square feet which is 228 square feet greater than authorized.

Legal Description: West half of the Southeast quarter (W1/2SE1/4) in Section 2, Township 99North, Range 50 West of the 5th P.M., in Lincoln County, South Dakota

Location: 47458 274th St, Harrisburg, SD 57032

Petitioner/Owner: Rodney & Debra Hughes

General Information

Present Zoning: "A-1" Agriculture

Existing Land Use: "RR" Rural Residential

Parcel Size: 7.55 Acres

Presented by: Director Aslesen

Please reference page 59, item 12.06 D-2 which gives the bases for the Conditional Use Permitting process. The authorized size for accessory buildings in a rural residential area is 1,500 square feet.

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.**

A staff review of the immediate area indicates existing buildings of the petitioned size or larger which may indicate acceptance of oversize buildings. Property values can be enhanced by inside storage of maintenance equipment/personal use equipment because of the preservation of aesthetic qualities of the neighborhood.

2. **The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.**

No negative effect is anticipated.

3. **That utilities, access roads, drainage and/or other necessary facilities are provided.**

Provided.

4. **That the off-street parking and loading requirements are met.**

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.**

There is less possibilities of nuisance factors when the petitioned use is put into effect.

Recommendation:

Staff recommends approval of petition 16-CUP-002 with the following stipulation(s): 1. Building permit required. 2. No outside storage of any equipment. 3. Ordinance driven set back distances be complied with.

Action: A motion was made by Sogn to approve 16-CUP-002 with stipulations listed. The motion was second by Larson and was unanimous.

Adjourn: A motion was made by Sogn and second by Larson to adjourn the meeting. The motion was unanimous.

Additional Items:

1. none

Respectfully submitted by:

Laurie Lundquist

Planning Specialist

Lincoln County Planning & Zoning