

**MINUTES OF THE JOINT MEETING OF  
LINCOLN COUNTY & SIOUX FALLS PLANNING COMMISSIONS  
February 14, 2018**

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Gary Pashby, Dave Gillespie, Ron Larson, Tyler Klatt, Ron Albers, Darrel Sogn, and Darwin Sogn

CITY PLANNING COMMISSION MEMBERS PRESENT: Larry Lutke, Andi Anderson, Sharon Chontos, Nick Sershen, Kurt Johnson

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

PUBLIC PRESENT (sign-in sheet): Bob Vandendries, Frank McKoy, Jack Mills.

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

**1. CALL TO ORDER**

A joint meeting of the County and City Planning Commissions was held on February 14, 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 JANUARY 10, 2018 MINUTES**

A correction of the January meeting minutes was noted, correcting the meeting chair's name. A motion to approve this correction was made for the County by Klatt and seconded by Larson, and passed unanimously. The same motion was made for the City by Sershen and seconded by Chontos, and passed unanimously.

A motion was made for the County by Klatt, and seconded by Albers, to approve the corrected meeting minutes for January 10, 2018. The motion passed unanimously. Same motion was made for the City by Anderson and seconded by Chontos. The motion passed unanimously.

**3. APPROVAL OF AGENDA**

A motion was made by the County by Darwin Sogn and seconded by Ron Larson to approve the meeting agenda. The motion passed unanimously. Same motion was made for the City by Johnson and seconded by Sershen. The motion passed unanimously.

**4. CONDITIONAL USE PERMIT 18-JJCUP-002:** Request for review and approval of a Conditional Use Permit to operate a Contractor's Shop and Storage Yard. The property is legally described as Lot 5 of Albers Tract One in the Northeast quarter (NE1/4) of the Northeast Quarter (NE1/4) of Section 30, Township 100 North, Range 50 West of the 5th Principal Meridian, Lincoln County, South Dakota. The property is zoned "C" Commercial District

Petitioner/Owner: Frank McKoy Jr.                      Location: 27109 Independence Ave. – Sioux Falls

**Staff Analysis:** Toby Brown

The 61,229 square foot (1.41-acre) parcel is currently vacant. The petitioner is proposing to construct a 60' x 298' (17,880 square feet) building. The property is zoned "C" Commercial.

1. The proposed use is consistent and compatible with the surrounding Commercial zoning and land uses.
2. The proposed building is in character with this area.
3. The proposed building and use is consistent with the minimum standards set forth in the Joint Zoning Regulations for Lincoln County and the City of Sioux Falls.

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: It is compatible with this area because there are many similar buildings to the one I propose. I will also be installing a 170 sq. ft. sign advertising tenants.*

**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 area is all commercial and light industrial.*

**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: Yes*

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

*Staff's Response: The predominant use of the area is commercial. The protection of the public's health, safety and general welfare have been addressed through the required standards for this type of conditional use and in the conditions recommended.*

**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. The site must be substantially developed and maintained in conformance with the plans and specifications submitted to the county with the application dated January 12, 2018.
2. Any exterior lighting shall be directed downwards and shall not create any light glare or spillage onto adjacent property.
3. No unscreened outdoor storage is permitted, and the property shall be neat and orderly at all times.
4. Final grading and drainage plans shall be reviewed and approved by the Sioux Falls City Engineer prior to issuance of a building/zoning permit.
5. Obtain the appropriate building/zoning permits prior to building construction or signage placement on the site from the Lincoln County Planning and Zoning Department.
6. The conditional use permit will be periodically reviewed by the county to assure compliance with the permit and permit conditions.
7. The county and/or city may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
8. If at any time the use ceases to exist, or changes ownership, the owner shall notify the Lincoln County Planning and Zoning Department.

**Public Comment and Discussion:**

Toby Brown presented the staff report, and noted the proposal is consistent and compatible with the area and ordinance regulations. He also noted a neighbor had called with concerns about access, and explained this is a civil matter that the county nor city has any control over.

Frank McKoy, the petitioner, noted that once the building is built he will have a management company oversee the operation. He also noted the building will be similar to the one being built all over the county. The complex will be call the Tea Commercial Plaza.

Commissioner Pashby asked for public comment.

Jack Mills noted that he had talked with Toby, Jason, the project engineer, and the fire chief about concerns with this proposal. He noted he would be losing access to his building and noted that an easement was drawn up previously but was never filed. He also noted drainage concerns, and said he would like Frank to construct a new access for him next to the proposed detention pond. Albers asked if he could get access elsewhere. Jack noted there is access from 104<sup>th</sup> Street, but there is a gate and has numerous cars parked most of the time.

Dave Serck noted he was concerned about the fill that was placed on the property and how that would affect the drainage. He also asked where snow would be plowed.

Brad Vandendries noted concerns about the aesthetics of the outdoor storage and garbage blowing around.

Frank McKoy addressed the concerns and noted when he bought the land in 2010 he actually removed some dirt, and has not added any fill. He also showed a number of pictures of Jack Mills' property and questioned why people were concerned about the aesthetics when there was junk and cars parked everywhere on Jack's property. Klatt asked where he would pile the snow. Frank mentioned toward interstate of onto his property to the south that is only a seasonal fireworks business.

Seeing no further comments, Pashby closed the floor to the public and asked for discussion from the board.

Anderson noted that she was confident with the recommended conditions, and that concerns about drainage would be addressed.

Serchen noted they are a land use body, and he feels that this is a good location for the type of proposal.

**Action:**

A motion was made for the County by Klatt to approve the Conditional Use Permit #18-002 with the recommended conditions, and was seconded by Darwin Sogn. The motion passed unanimously. The same motion was made for the City by Anderson, and was seconded by Johnson. The motion passed unanimously.

**Conditional Use Permit #18-002 – Approved**

**5. OTHER BUSINESS - none**

**6. ADJOURNMENT**

A motion was made for the County by Klatt, and was seconded by Albers to adjourn at 7:50pm. The motion passed unanimously. Same motion was made for the City by Sershen, and was seconded by Anderson. The motion passed unanimously.

*Respectfully submitted,  
Joan Doss  
County Planner*