

MINUTES OF THE LINCOLN COUNTY PLANNING COMMISSION

February 19, 2019

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Stacey Namminga, Tyler Klatt, Ron Albers, Monty Derausseau, Gary Pashby, Tiffani Landeen, and Darrel Sogn

STAFF PRESENT: Toby Brown and Joan Doss - County Planning

PUBLIC PRESENT (sign in sheet): Ricky DeBoer, Jay DeBoer, Dick & Roxanne Peters, Tony Ventura, Don Abbas, Mike Pederson, Ernest Stratmeyer, Al Hoines, Mitch Peterson, Larry & Faith Kinkner, Paul & Glenadene Aamot, Lynn Hurley, and Amy Olson

1. CALL TO ORDER AND ROLL CALL

The regular meeting was brought to order on February 19, 2019 at 7:00pm in the Commission Meeting Room of the Lincoln County Courthouse by Chairman Derausseau.

2. APPROVAL OF JANUARY 22, 2019 MINUTES

Pashby motioned to approve the minutes and was seconded by Landeen. The motion passed unanimously (7-0).

3. APPROVAL OF AGENDA

Klatt motioned to approve the agenda and was seconded by Pashby. The motion passed unanimously (7-0).

4. PUBLIC HEARINGS

- a. REZONE / RZNE-0006-2019: Request for review and recommendation for approval to the Board of County Commissioners of a Rezoning from the "A-1" Agricultural District to the "RR" Rural Residential District. The property is legally described as Tract 2 of Peter's Addition in the Northwest quarter (NW1/4) of Section 33, Township 100 North, Range 51 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Applicant/Owner: Richard Peters Location: 500 ft south of 272nd Street and 466th Avenue – Tea

Staff Analysis:

Description: To consider rezoning approximately 10.84 acres from the "A-1" Agricultural zoning district to the "RR" Rural Residential zoning district in accordance with Section 20.01 of the 2009 Revised Zoning Ordinance for Lincoln County.

Background: The subject property is currently vacant and utilized for agricultural uses. The subject 10.84 acres was recently replatted from a larger tract that had a portion of the parcel rezoned to "C" Commercial in 2004. That portion of the property zoned "C" Commercial abuts the northern portion of the subject property and is currently vacant. The applicant submitted a concept plan with the application which proposes the construction of one single-family dwelling on the subject property. The applicant stated to staff that he intends to construct and own the single-family dwelling. Since the property does not have a building eligibility, the property needs to be zoned rural residential to allow the proposed use.

Staff Recommendation: Staff recommends **APPROVAL** of the zoning change from "A-1" Agricultural to "RR" Rural Residential for Tract 2 of Peter's Addition in the Northwest quarter (NW1/4) of Section 33, Township 100 North, Range 51 West of the 5th Principal Meridian, Lincoln County, South Dakota.

If recommended for approval, the recommendation would include the following findings of fact: The amendment is in conformance with the Comprehensive Plan. The amendment is not in conflict with any other official controls. The amendment will not be detrimental to the health, safety or general welfare.

Public Comment:

Toby Brown presented a summary of the staff report. Albers asked if there were any eligibilities left in the quarter section, and if this would set precedent for building more homes. Toby noted that there isn't an eligibility available and that staff would not have recommended approval if it wasn't abutting rural residential land.

Dick Peters noted that he plans to build a home for himself and work with the developer to the east for common access to the proposed subdivision.

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

Discussion & Action:

Pashby motioned to recommend approval of the application and was seconded by Landeen. The motion passed unanimously (7-0).

RZNE-0006-2019 – Recommended Approval

- b. CONDITIONAL USE PERMIT / USE-0004-2019: Request for review and approval of a Conditional Use Permit to allow retail with outside storage. The property is legally described as Tract 22 of Sky Haven Heights in the Northwest quarter (NW1/4) of Section 30, Township 100 North, Range 50 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Applicant/Owner: Todd Voss

Location: 27123 Skylane Drive – Sioux Falls

Staff Analysis:

Description: The applicant is proposing to utilize the property for retail with outdoor storage. The applicant stated that they propose to display prefabricated accessory storage type buildings.

Background: The property is currently vacant. The property owner also owns the property to the north, and plans on accessing this property from the neighboring lot. A conditional use permit is required for retail sales in the “C” Commercial zoning district when outdoor storage is proposed.

Staff Recommendation: Staff recommends **APPROVAL** of Conditional Use Permit USE-0004-2019 to allow retail sales and trade with outdoor storage contingent upon the following conditions:

1. The approval is for the project as described per Conditional Use Permit USE-0004-2019 to allow retail sales with outdoor storage in accordance to the site plan as approved by the City of Tea.
2. The property shall be kept in a clean and orderly manner at all times.
3. The property owner shall not deposit any snow or improperly direct water onto neighboring properties.
4. The height of structures, materials, and equipment on the property shall conform to FAA height regulations.
5. All parking and access areas shall be in constructed in conformance to Article 15 of the 2009 Revised Zoning Ordinance.
6. If at any time the use ceases to exist, or changes ownership, the owner shall notify County Planning Staff.
7. 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 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 presented a summary of the staff report. Klatt asked if the applicant owns the lot to the north where they would be accessing the lot. Toby confirmed that the applicant owns both parcels.

Amy Olson, business partner of Todd Voss, was available for questions. Monty asked if it would be internet-based sales. Ms. Olson confirmed that most sales are through social media.

Derousseau 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 Pashby. The motion passed unanimously (7-0).

USE-0004-2019 – Approved

- 5. OTHER MATTERS TO BE REVIEWED BY THE PLANNING COMMISSION - None**
- 6. OPEN DISCUSSION FOR ISSUES NOT ON THE AGENDA**
 - a. Correspondence received. – None
 - b. Comments from Planning Commission members. – None
 - c. Comments from the audience – None
- 7. REPORT OF LINCOLN COUNTY BOARD OF COMMISSIONERS’ REPRESENTATION –**
Landeen noted the county has hired a consultant to develop a jail feasibility study.
- 8. NEW BUSINESS**

- a. Setting public hearing dates. There will be no Planning Commission meeting in March, since no applications were received.
- b. Planning Commission Bylaws review. Namminga, Pashby, and Klatt met prior to this meeting and offered some suggested revisions. Staff will present a draft at the next Planning Commission meeting.
- c. Other new business. None.
- d. Election of Officers. Motion was made by Derosseau and seconded by Landeen to elect Monty Derosseau as chairman and Gary Pashby as vice-chairman. The motion passed unanimously (7-0). Motion was made by Pashby and seconded by Klatt to elect Ron Albers and Ron Larson as alternate commission members. The motion passed unanimously (7-0).

9. ADJOURNMENT

Namminga motioned to adjourn at 7:30pm and was seconded by Pashby. Motion passed unanimously (7-0).

Respectfully submitted,
Joan Doss
Planner