

MINUTES OF THE LINCOLN COUNTY PLANNING COMMISSION

February 21, 2017

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Ron Albers, Monty Derausseau, Gary Pashby, Jim Schmidt, Darwin Sogn, and Tyler Klatt

STAFF PRESENT: Toby Brown and Joan Doss - County Planning

PUBLIC PRESENT: Bill Hood, Matt Kissell, Chad Nelson, Chad Javers, James Lovett, Susan McDowell, Winnie Peterson, Cindy Thomas, Ned Horstad

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 February 21, 2017 at 7:00pm in the Commission Meeting Room of the Lincoln County Courthouse by Chairman Ron Albers.

2. APPROVAL OF JANUARY 17, 2017 MINUTES

A motion to approve the January 17, 2017 minutes was made by Derausseau and seconded by Klatt. The motion passed unanimously.

3. APPROVAL OF AGENDA

Toby Brown noted that Item 4 would be tabled until the next meeting due to notices not being sent. A motion to approve the amended agenda was made by Pashby and seconded by Sogn. The motion passed unanimously.

4. CONDITIONAL USE PERMIT 17-CUP-002: Removed from agenda until March meeting

5. CONDITIONAL USE PERMIT 17-CUP-003: Request for review and approval of a Conditional Use Permit to operate a contractor's shop and storage yard on the property legally described as Tract 1 of Cinkle's Addition, except Tom Sawyer Addition, in the NE1/4 of Section 34, Township 100 North, Range 50 West.

Petitioner: 605 Companies Inc.
Property Owner: Blue Diamond Properties LLC
Location: Southwest corner of the intersection of Hwy 115 and 272nd St

Staff Analysis:

The property is located at the southwest corner of the intersection of Hwy 115 and 272nd St. The petitioner is proposing to construct a 7-unit (13,314 total square feet) building for contractor's shops and storage yards. The property is located in the Planned Development zone as part of the Tom Sawyer Planned Development. The Tom Sawyer Planned Development allows for contractor's shops and storage yards as a conditional use.

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 Tom Sawyer Planned Development. The site is currently a vacant lot. Nearby properties host a variety of uses including commercial businesses, storage units, residential properties, agricultural production, and light industrial zoning. The property is directly west of the current Harrisburg corporate limits.

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

Contractor's shops and storage yards are allowed as a conditional use in the Tom Sawyer Planned Development. The surrounding area has a variety of existing uses in addition to some vacant land to the east. 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 land uses and will not substantially produce excessive noise, odor, traffic, air and water pollution, or other negative factors.

Recommendation: Based upon the analysis/findings listed in the staff report and the testimony heard, I move that the Planning Commission approve the proposed conditional use with the following conditions:

1. That the lot shall adhere to the site plan submitted on January 17, 2017.
2. A building permit from Lincoln County is required prior to construction of the proposed building.
3. Engineered building plans shall be required before building permit approval.
4. The building shall only be used for contractor's shops and storage yards. If the petitioner wishes to rent a unit for any other use than a contractor's shop and storage yard, the prospective tenant must file an application for a separate Conditional Use Permit.

Public Comment:

Toby Brown presented the staff report, and mentioned that the City of Harrisburg supports the land use, but would like the commission to add a condition to include voluntary annexation into the City of Harrisburg. Toby also noted that the office had not received any public comments.

Commissioner Schmidt asked about Harrisburg's jurisdiction on this parcel. Toby noted that it is within their growth area, and platting jurisdiction.

Pashby asked about staff's position on Harrisburg's request for annexation. Toby noted that he did not feel the county has the authority to enforce annexation, and would like to see that discussion happen between the landowner and the city.

Chad Nelson was available to answer questions about the application. Albers asked if there were any drainage issues on the parcel. Chad explained the drainage plan and noted that half of the water would drain toward the cull-du-sac of the development, and the other half would be diverted to the road ditch

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

Discussion:

Pashby noted that he would not want to include Harrisburg's proposed condition, and would leave annexation discussions up to the city.

Action:

A motion was made by Pashby and seconded by Sogn to recommend approval of Conditional Use 17-003 with staff recommended conditions. The motion passed unanimously.

Conditional Use Permit #17-CUP-003 – Approved

- 6. CONDITIONAL USE PERMIT 17-CUP-004:** Request for review and approval of a Conditional Use Permit to operate an auto body shop on the property legally described as Lot 9 in Block 5 of the Hagedorn Industrial Park in the SE ¼ of Section 25, Township 100 North, Range 51 West.

Petitioner/Owner: Chad Javers Construction
Location: 27176 Linda Ave - Tea

STAFF ANALYSIS:

The property is located at 27176 Linda Avenue in the Hagedorn Industrial Park Addition, and is in the I-1 Light Industrial zone. The petitioner is proposing to constructing and operating an automotive body shop (12,000 sq. ft.). Auto body shops are allowed as a conditional use in the Light Industrial zoning district.

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 I-1 Light Industrial Zoning District and is currently a vacant lot. Nearby properties are also zoned I-1 Light Industrial or C Commercial, with similar uses.

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

An automotive body shop business is allowed by conditional use in the I-1 Light Industrial zoning district. The surrounding area is vacant light industrial zoned land, so the proposed use should not have a significant impact on the general character of adjacent properties, or future development.

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 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 January 24, 2017.
2. A building permit from Lincoln County is required prior to construction of the proposed building.
3. The building shall only be used for an auto body shop.
4. Storage and disposal of all paints, chemicals, and waste shall conform to applicable State and Federal regulations.
5. If at any time the business ceases to exist, or changes ownership, the owner shall notify County Planning staff.

Public Comment:

Toby Brown presented the staff report, and noted since the City of Tea has not been able to approve the site plan yet, Condition #1 should be amended to say "That the lot shall adhere to the site plan submitted on January 24, 2017, or as approved by Tea." Tea has no objections to the land use.

Chad Javers presented the updated site plan which included parking and landscaping.

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

Discussion:

None

Action:

A motion was made by Derousseau and seconded by Klatt to approve Conditional Use Permit #17-004 with the recommended conditions as modified. The motion passed unanimously.

Conditional Use Permit #17-CUP-004 – Approved

7. OPEN DISCUSSION FOR ISSUES NOT ON THE AGENDA

- a. Correspondence received. NONE

- b. Comments from Planning Commission members – Toby asked the commission if they would like to have the meeting materials delivered by email. Members agreed this is a good idea.
- c. Comments from the audience.
 - Winnie Peterson, We-Care, noted she just read a report of over 100 jurisdictions that have recently increased WECS regulations, and would forward the report to the commission.

8. NEW BUSINESS

- a. Zoning Ordinance Amendment Discussion – Agricultural Events Center
Toby Brown noted that currently an events center land use would require rezoning the parcel to Commercial, but that opens the door for any type of permitted commercial use in the future. He also noted that this type of use is becoming more popular. Ned Horstad noted that he has a property between Sioux Falls and Harrisburg and has been looking at hosting a few weddings and events on his property for some time now, but was hoping there would be another way to allow flexibility so they wouldn't be stuck with commercial land if the operation ceases to exist. He also noted that for small operations, of maybe 12 events a year, commercial regulations such as paved parking areas would have too much of a financial burden to operate the part time business. Pashby asked how we would control for an events center to not turn into a bar. It was noted that bars and lounges would classify as a different conditional use.

9. ELECTIONS OF OFFICERS FOR 2017

For the position of Chairman: A motion was made by Pashby to nominate and elect Drousseau, and seconded by Schmidt. The motion passed unanimously.

For position of Vice Chairman: A motion was made by Drousseau to nominate and elect Pashby, and was seconded by Schmidt. The motion passed unanimously.

10. ADJOURNMENT

Motion to adjourn at 8:00pm was made by Drousseau and seconded by Sogn. The motion passed unanimously.

Respectfully submitted,
Joan Doss
Planner