

**MINUTES OF THE JOINT MEETING OF
LINCOLN COUNTY & SIOUX FALLS PLANNING COMMISSIONS
March 13, 2019**

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Ron Albers, Ron Larson, Gary Pashby, and Dave Gillespie

CITY PLANNING COMMISSION MEMBERS PRESENT: Steve Gaspar, John Paulson, Katie Johnson, Sharon Chontos, and Larry Luetke

STAFF PRESENT: Toby Brown & Jen Cleveland - County Planning Albert Schmidt - City Planning

PUBLIC PRESENT (sign-in sheet): Brittney & Nathan Bandstra

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 called to order by County Commissioner Pashby on March 13, 2019 at 7:00 p.m. in the Commission Meeting Room of the Lincoln County Courthouse.

2. APPROVAL OF FEBRUARY 14, 2019 MINUTES

A motion was made for the County by Albers, and seconded by Larson, to approve the meeting minutes February 13, 2019. The motion passed unanimously. Same motion was made for the City by Gaspar and seconded by Paulson. The motion passed unanimously.

3. APPROVAL OF AGENDA

Toby noted that item 4.b was withdrawn this afternoon. A motion was made by the County by Gillespie, and seconded by Larson to approve the meeting agenda. The motion passed unanimously. A motion to approve the agenda was made by the City by Gaspar and seconded by Johnson. The motion passed unanimously. A second motion by the city was made to revise the agenda removing item 4.b. The motion was made by Gaspar and seconded by Chontos. The motion passed unanimously.

4. NEW BUSINESS

- a. CONDITIONAL USE PERMIT / USE-0011-2019: Request for review and approval of a Conditional Use Permit proposing to allow a motor vehicle repair shop within Suite #105 of an existing contractor's shop. 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: Nathan Bandstra/Tea Commercial Plaza
Location: 27109 Independence Avenue, Suite #105 – Sioux Falls

Staff Analysis: Toby Brown

Description of Proposal: The applicant is proposing to operate a motor vehicle repair shop in the "C" Commercial zoning district.

Background: The property currently has a 7-unit, 17,880 sq. ft., building that was constructed in 2018. On February 14, 2018, the Planning Commissions jointly approved a conditional use permit to allow the structure to be utilized for Contractor's shop(s).

Recommendation: Staff recommends **APPROVAL** for Conditional Use Permit USE-0011-2019 to a motor vehicle repair shop in Suite 105

1. This approval is for the project described per Conditional Use Permit USE-0011-2019 to allow a motor vehicle repair shop.
2. This project shall conform to the conditions contained herein, all applicable regulations of the Joint Zoning Regulations for Lincoln County and the City of Sioux Falls and any other County, City, State and Federal Codes, ordinances, resolutions and laws that may apply.
3. Vehicle storage area shall meet the setback requirements of the Lincoln County Zoning Ordinance.
4. There shall be no hazardous waste runoff. Storage of hazardous waste shall comply with all applicable local, state and federal laws, rules, regulations and ordinances.

5. Only vehicles owned by the owner, employees, or customers awaiting service are allowed to be parked on site. Parking shall meet the requirements of Article 16 of this Ordinance.
6. The outdoor storage of motor vehicle parts is prohibited, unless the vehicle parts are stored in a screened area.
7. The outdoor storage of hazardous materials shall be prohibited.
8. The grounds and all structures shall be maintained in a clean and safe manner.
9. All exterior lighting fixtures shall be shielded so as not to illuminate into adjoining properties.
10. The applicant shall not deposit any snow or improperly direct water onto neighboring properties so as to constitute a nuisance.
11. If at any time the business ceases to exist, changes ownership, or changes use, the owner shall notify County Planning Staff.
12. The County Planning Department or designated official(s) 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 conditional use permit conditions of approval and the Joint Zoning Regulations for Lincoln County and the City of Sioux Falls.

If approved, the Lincoln County Planning Commission's approval and the City of Sioux Falls Planning Commission's approval would include the following findings of fact: The Conditional Use Permit is generally in conformance with the Conditional Use Criteria in Section 19.07 of the Joint Zoning Regulations for Lincoln County and the City of Sioux Falls.

Public Comment and Discussion:

Toby Brown presented the staff report, and noted the business would have about 5 vehicles per day. He also noted that condition number 3 should state the Joint Zoning Regulations for Lincoln County and the City of Sioux Falls instead of the Lincoln County Zoning Ordinance. Pashby asked if the recommended conditions are standard for this type of use. Toby confirmed that yes these are standard, and noted staff hopes to revise the ordinance and potentially make this a specially permitted use.

Nathan Bandstra was available for questions. Pashby asked about outdoor storage, and Mr. Bandstra noted it is important to him to keep the lot clean for the public. Albers asked what type of vehicles he would be repairing. Mr. Bandstra noted diesel pick-up trucks and cars, and would not be repairing semi-trucks.

Commissioner Pashby asked for public comment, hearing none he closed the floor.

Action:

A motion was made for the County by Albers to recommend approval with the 12 conditions, as revised, and findings, and was seconded by Larson. The motion passed unanimously (4-0). The same motion was made for the City by Chontos, and was seconded by Johnson. The motion passed unanimously (5-0).

USE-0011-2019 – Approved

5. **OTHER BUSINESS** - None
6. **OPPORTUNITY FOR PUBLIC COMMENT** – None
7. **ADJOURNMENT**

A motion was made for the County by Larson and seconded by Albers to adjourn at 7:19pm. The motion passed unanimously. Same motion was made for the City by Gaspar and was seconded by Johnson. The motion passed unanimously.

*Respectfully submitted,
Joan Doss - County Planner*