

# MINUTES OF THE LINCOLN COUNTY PLANNING COMMISSION

April 17, 2017

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

STAFF PRESENT: Toby Brown and Joan Doss - County Planning

PUBLIC PRESENT: Pam Osthus, Tanya Knutson, Randall Davidson, Ryan Vos, Bennett & Luella DeJong, Matt & Michelle Starr, AJ Swanson, Cindy Woolam, Ned & Bobbi Jo Horsted, Milton & Shirley Kosel, Tom Adamson, Stephanie Alt, Brent Bargmann, Greg Larson, Chris & Karen Johnson, Ted & Kay Moe, Dana Draissey, Dan Lemme, Doug Putnam, Joel Ingle, Troy Stenga, Winnie Peterson

The meeting was chaired by Monty Derausseau

## 1. CALL TO ORDER AND ROLL CALL

The regular meeting of the Lincoln County Planning Commission was brought to order on April 17, 2017 at 7:00pm in the Commission Meeting Room of the Lincoln County Courthouse by Chairman Derausseau.

## 2. APPROVAL OF MARCH 20, 2017 MINUTES

A motion to approve the March 20, 2017 minutes was made by Larson and seconded by Sogn. The motion passed unanimously.

## 3. APPROVAL OF AGENDA

A motion to table item 16-REZ-010 and 17-CUP-008 and subsequently approve the agenda was made by Albers and seconded by Pashby. The motion passed unanimously.

## 4. REZONING 16-REZ-010: Tabled

## 5. REZONING 17-REZ-003: Request for review and a recommendation of approval to rezone W1/2 \*Except H lots\* of Section 19, Township 100 North, Range 50 West of the 5th Principal Meridian, Lincoln County, South Dakota from A-1 Agricultural and C Commercial to PD Planned Development – Bakker Landing.

*Petitioner:* C-Lemme Companies, LLC

*Property Owner:* Sundowner Investments, LLC

*Location:* NW corner of 1-29 and Hwy 106 – Tea

### Staff Analysis:

The petitioner has submitted a request to rezone a 277-acre property from the A-1 Agricultural District and C Commercial District to the PD Planned Development District. The petitioner indicated on the application that the purpose was for development of a retail, interstate/highway commerce, and industrial development in a mixed-use concept.

- A. This request is to change the zone of approximately 277 acres from A-1 Agricultural and C Commercial District to PD Planned Development.
- B. The site is within the municipal platting jurisdiction of the City of Tea. Through the platting process, the City of Tea will coordinate the proper planning and construction of street, utility and drainage systems on the site.
- C. The site is designated Urban Expansion Area on the 2025 Lincoln County Future Land Use Map.
- D. The property is currently utilized for limited agricultural purposes, specifically crop production.
- E. The Planned Development District is intended to provide petitioners with flexibility from conventional zoning districts while at the same time increasing the public review of development proposals. Planned Developments outline proposed uses within the specific district and how development will occur. The guidelines for a planned development are to be agreed upon by the County and the petitioner.
- F. The project meets the objectives for a planned development.

G. The Bakker Landing Planned Development District would be as follows:

**10.0606 Bakker Landing Planned Development District.** The regulations set forth herein or elsewhere are based upon the 2009 Revised Zoning Ordinance for Lincoln County (Ordinance No. 09-04-05) and the City of Tea Zoning Regulations (Ordinance No. 154) or as amended are the district regulations in the Bakker Landing Planned Development District.

A. Subarea A.

1. Uses Permitted. A building or premises shall be permitted to be used for the following purposes. Permitted uses and conditional uses of the GB General Business District (City of Tea Zoning Regulations - Ordinance No. 154 or as amended).
2. Accessory Uses. Accessory uses and buildings permitted are those detached accessory buildings and uses customarily incident to any permitted in subsection A(1) above.
3. Parking Regulations. Parking shall be regulated in conformance with the provisions of the GB General Business District (City of Tea Zoning Regulations - Ordinance No. 154 or as amended).
4. Sign Regulations. Signs shall be regulated in conformance with the provisions of the GB General Business District (City of Tea Zoning Regulations - Ordinance No. 154 or as amended).
5. Density, Area, Yard and Height Regulations. The same requirements shall apply as the GB General Business District (City of Tea Zoning Regulations - Ordinance No. 154 or as amended).

B. Subarea B.

1. Uses Permitted. A building or premises shall be permitted to be used for the following purposes. Permitted uses and conditional uses of the GB General Business District, the LI Light Industrial District and the HI Heavy Industrial District (City of Tea Zoning Regulations - Ordinance No. 154 or as amended).
2. Accessory Uses. Accessory uses and buildings permitted are those detached accessory buildings and uses customarily incident to any permitted in subsection B(1) above.
3. Parking Regulations. Parking shall be regulated based on the use, as determined by Lincoln County Planning and Zoning staff, in conformance with the provisions of the GB General Business District, the LI Light Industrial District and the HI Heavy Industrial District (City of Tea Zoning Regulations - Ordinance No. 154 or as amended).
4. Sign Regulations. Signs shall be regulated based on the use, as determined by Lincoln County Planning and Zoning staff, in conformance with the provisions of the GB General Business District, the LI Light Industrial District and the HI Heavy Industrial District (City of Tea Zoning Regulations - Ordinance No. 154 or as amended).
5. Density, Area, Yard and Height Regulations. The same requirements based on the use, as determined by Lincoln County Planning and Zoning staff, shall apply as the GB General Business District, the LI Light Industrial District and the HI Heavy Industrial District (City of Tea Zoning Regulations - Ordinance No. 154 or as amended).

C. Subarea C.

1. Uses Permitted. A building or premises shall be permitted to be used for the following purposes. Permitted uses and conditional uses of the GB General Business District, the LI Light Industrial District and the HI Heavy Industrial District (City of Tea Zoning Regulations - Ordinance No. 154 or as amended).
2. Accessory Uses. Accessory uses and buildings permitted are those detached accessory buildings and uses customarily incident to any permitted in subsection C(1) above.
3. Parking Regulations. Parking shall be regulated based on the use, as determined by Lincoln County Planning and Zoning staff, in conformance with the provisions of the GB General Business District, the LI Light Industrial District and the HI Heavy Industrial District (City of Tea Zoning Regulations - Ordinance No. 154 or as amended).
4. Sign Regulations. Signs shall be regulated based on the use, as determined by Lincoln County Planning and Zoning staff, in conformance with the provisions of the GB General Business District, the LI Light

Industrial District and the HI Heavy Industrial District (City of Tea Zoning Regulations - Ordinance No. 154 or as amended).

5. Density, Area, Yard and Height Regulations. The same requirements based on the use, as determined by Lincoln County Planning and Zoning staff, shall apply as the GB General Business District, the LI Light Industrial District and the HI Heavy Industrial District (City of Tea Zoning Regulations - Ordinance No. 154 or as amended).

D. Subarea D.

1. Uses Permitted. A building or premises shall be permitted to be used for the following purposes. Permitted uses and conditional uses of the GB General Business District (City of Tea Zoning Regulations - Ordinance No. 154 or as amended).
2. Accessory Uses. Accessory uses and buildings permitted are those detached accessory buildings and uses customarily incident to any permitted in subsection D(1) above.
3. Parking Regulations. Parking shall be regulated in conformance with the provisions of the GB General Business District (City of Tea Zoning Regulations - Ordinance No. 154 or as amended).
4. Sign Regulations. Signs shall be regulated in conformance with the provisions of the GB General Business District (City of Tea Zoning Regulations - Ordinance No. 154 or as amended).
5. Density, Area, Yard and Height Regulations. The same requirements shall apply as the GB General Business District (City of Tea Zoning Regulations - Ordinance No. 154 or as amended).

E. Drainage/NRC Natural Resource Conservation District.

1. Uses Permitted. A building or premises shall be permitted to be used for the following purposes. Permitted uses and conditional uses of the NRC Natural Resource Conservation District (City of Tea Zoning Regulations - Ordinance No. 154 or as amended).
2. Accessory Uses. Accessory uses and buildings permitted are those detached accessory buildings and uses customarily incident to any permitted in subsection E(1) above.
3. Parking Regulations. Parking shall be regulated in conformance with the provisions of the NRC Natural Resource Conservation District (City of Tea Zoning Regulations - Ordinance No. 154 or as amended).
4. Sign Regulations. Signs shall be regulated in conformance with the provisions of the Natural Resource Conservation District (City of Tea Zoning Regulations - Ordinance No. 154 or as amended).
5. Density, Area, Yard and Height Regulations. The same requirements shall apply as the NRC Natural Resource Conservation District (City of Tea Zoning Regulations - Ordinance No. 154 or as amended).

**Staff Recommendation:** Based upon the information and materials provided by the applicant and the staff analysis in the staff report, staff supports Rezoning 17-REZ-003. Therefore, staff recommends that the Planning Commission find that:

1. The proposed rezoning does promote implementation of the 2025 Comprehensive Plan.
2. The proposed rezoning is compatible with existing surrounding land uses and the land uses envisioned in the 2025 Comprehensive Plan.
3. The proposed rezoning does promote the purposes of the 2009 Revised Zoning Ordinance for Lincoln County as stated in Section 1.02.

**Public Comment:**

Toby Brown presented the staff report and noted the City of Tea was involved in the application process and had no concerns about the proposal. Albers asked for clarification on the properties it would include, particularly the smaller property toward the middle of the section. Toby confirmed that the development would include the parcel in question.

Joel Ingle, representing C-Lemme Companies, explained the different subareas. Subarea A would include possibly hotels, retail, and restaurants. Subarea B would host corporate type facilities, manufacturing, or possibly lumberyard type businesses. Subarea C would be more employment type use. Subarea D would be a reflection of “A” once the 85<sup>th</sup> street interchange is completed. Joel continued to say that any siting and aesthetic concerns would be dealt with by developing covenants. Albers asked if the area for each subarea is set. Joel

noted there is some flexibility, but they would try their best to keep similar businesses and uses together. Albers asked about a potential timeframe. Joel noted Subarea A should see relatively rapid growth, but other areas may be a few years. Pashby asked about the relationship of the current property owner and C-Lemme Companies. Joel noted Sundowner Investments is the current landowner and C-Lemme Companies would be the developer.

Commissioner Derosseau asked for public comment.

Ryan Vos asked if Hwy 106 would be widened, and noted Hwy 106 already has a lot of traffic. Schmidt noted the county knows Hwy 106 is bad, they have tried finding funding for the project, but his hope is that after the 85<sup>th</sup> Street interchange project is complete there could be money left over.

Matt Starr noted he felt unsettled with the potential development surrounding his home on 85<sup>th</sup> Street, and wanted to know what would happen to the homeowners to the north. Derosseau noted they were only deciding on rezoning, and that rezoning does not affect homeowners' properties without their consent.

Doug Putnam noted concerns about drainage and road issues and wanted to know who would be responsible for paying for it. Derosseau explained the road issues and drainage have nothing to do with current application on hand which only determines the rezoning of the property. Pashby also noted that the Planning Commission has nothing to do with special assessments.

Troy Stenga voiced concern that the drainage issues with 9-Mile Creek should be addressed before any further development. He was also concerned that there was a lack of drainage plans in the presentation. Derosseau noted that drainage plans are not a requirement for rezoning.

Hearing no further comments, Derosseau closed the floor to the public.

**Discussion:**

None

**Action:**

A motion was made by Pashby, and seconded by Klatt to recommend approval of Rezoning 17-003. The motion passed 6-0-1, with Schmidt absent for the vote.

**Rezoning 17-REZ-003 – Recommend Approval**

- 6. REZONING 17-REZ-004:** Request for review and a recommendation of approval to rezone a portion of N565' W1002.27' of Gov Lot 2 in the SW1/4 of Section 19, Township 100 North, Range 49 West of the 5th Principal Meridian, Lincoln County, South Dakota from A-1 Agricultural to C-Commercial.

*Petitioner/Owner: Ned Horsted*

*Location: 27058 S Southeastern Ave – Sioux Falls*

**Staff Analysis:**

The petitioner has submitted a request to rezone a portion of a 13.01-acre property from the A-1 Agricultural District to the C Commercial District. The petitioner indicated on the application that the purpose is to utilize an existing structure on the property and surrounding land for a wedding/events center.

- A. This request is to change the zoning of a portion of 13.01 acres from A-1 Agricultural to C Commercial.
- B. The site is not within a municipal platting jurisdiction.
- C. The site is designated Agriculture Area on the Future Land Use Map.
- D. The property is currently utilized for limited agricultural purposes, specifically rural residential.
- E. Based upon the proposed updates to the Lincoln County and the City of Sioux Falls Joint Jurisdictional Planning and Zoning Area, the property would fall under the Joint Zoning Regulations.
- F. The proposed rezoning is near a high traffic intersection and use(s) will be developed in a nodal pattern.

**Staff Recommendation:** Based upon the information and materials provided by the applicant and the staff analysis in the staff report, staff supports Rezoning 17-REZ-004. Therefore, staff recommends that the Planning Commission find that:

1. The proposed rezoning does promote implementation of the 2025 Comprehensive Plan.
2. The proposed rezoning is compatible with existing surrounding land uses and the land uses envisioned in the 2025 Comprehensive Plan.
3. The proposed rezoning does promote the purposes of the 2009 Revised Zoning Ordinance for Lincoln County as stated in Section 1.02.

**Public Comment:**

Toby Brown presented the staff report, and noted the parcel currently has limited agricultural use. Toby also explained after talking with the county auditor there is no policy for approving malt beverage licenses in the agricultural district.

Ned Horsted, the petitioner, noted he would plan to have events in the barn, the northern building on the site plan, and the other buildings would continue to have normal use. Pashby asked if the parking would be on grass. Ned confirmed that he mows the strip of grass he notated for parking. Pashby asked if there were any neighbor concerns. Ned noted the neighbors he talked to did not have any concerns or complaints. Derosseau asked if having hard surfaced parking is a requirement in the commercial district. Toby noted it is required if the parking area comes off a hard surfaced road.

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

**Discussion:**

Sogn asked if Sioux Falls would be agreeable to the rezone since the property will be in the Joint Jurisdiction soon. Toby noted the rezoning would transition into the Joint Jurisdiction on the land use map.

Pashby asked if there was a reason to rezone a large portion. Toby noted he asked the petitioner to plan for future expansion to not repeat the lack of space the Canton Barn is experiencing.

Derosseau commented he felt this application was similar to application a few months ago and it didn't fit in.

**Action:**

A motion was made by Klatt and seconded by Larson to recommend approval Rezoning 17-004. The motion passed 6-1 with Derosseau dissenting.

**Rezoning 17-REZ-004 – Recommend Approval**

- 7. CONDITIONAL USE PERMIT 17-CUP-006:** Request for review and approval of a Conditional Use Permit to transfer a building eligibility from the NE1/4 of the NE1/4 of Section 12, Township 99 North, Range 49 West, to Swanson's Tract 4 of Government Lot 1 of Section 7, Township 99 North, Range 48 West of the 5th Principal Meridian, Lincoln County, South Dakota.

*Petitioner/Owner: AJ Swanson, Svensson Creek Farm LLC & R&P Swanson Irrevocable Trust*

*Location: Intersection of 274<sup>th</sup> St and 482<sup>nd</sup> Ave*

**Staff Analysis:**

The property is located at the intersection of 482nd Ave and 274th St, and is located in the Recreation Conservation zoning district. The petitioner is proposing to transfer 1 (one) building eligibility from the NE1/4 of the NE1/4 of Section 12 of Dayton Township to the adjacent property to the east, Swanson's Tract 4 in Section 7 of Dayton Township.

- 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 Response: "The proposed use will be residential, consistent with adjacent properties"

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

Applicant Response: "Not applicable."

**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 Response: "Not applicable."

**Staff Recommendation:** Based upon the findings listed in the staff report and the testimony heard, I move that the Planning Commission approve the proposed conditional use permit with the following condition:

1. A building permit from Lincoln County is required prior to any construction.

**Public Comment:**

Toby Brown presented the staff report. AJ Swanson noted Svensson Creek Farm owns both properties and the land has been in the family for generations and would like to build a house on the property.

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

**Discussion:**

None

**Action:**

A motion was made by Schmidt and seconded by Albers to approve Conditional Use Permit 17-006 with the conditions as recommended. The motion passed unanimously.

**Conditional Use Permit 17-CUP-006 - Approved**

**8. CONDITIONAL USE PERMIT 17-CUP-007:** Request for review and approval of a Conditional Use Permit to operate a metal fabrication business on the property legally described as Lot 3 of Block 2 of Hagedorn Industrial Park Addition in the Southeast quarter (SE1/4) of Section 25, Township 100 North, Range 51 West of the 5<sup>th</sup> Principal Meridian, Lincoln County, South Dakota.

*Petitioner: Empire Building Construction*  
*Property Owner: JS Crossroads Properties*  
*Location: 46991 Mindy St. - Tea*

**Staff Analysis:**

The property is located at 46991 Mindy St in Tea, and is within the Hagedorn Industrial Park subdivision. The petitioner is proposing operating a metal fabrication business on the property, which would include a 14,382 square foot addition onto the south side of the existing building.

**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 Response: "Yes, the neighbors are doing similar work"

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

Applicant Response: "This business is existing and their operators will not change"

Additional Staff Comments: The proposed addition is similar in size to nearby properties and shall not alter the general character of the neighborhood.

**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 Response: "None anticipated"

Additional Staff Comments: The proposed use will remain in the building, and will not substantially produce negative factors outside of the building.

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

1. The lot shall adhere to the site plan as approved by the City of Tea.

2. A building permit from Lincoln County is required prior to construction of the proposed building.
3. Engineered building plans shall be required prior to building permit approval.
4. There shall be no outside storage of materials or products.
5. If at any time the business ceases to exist, changes ownership, or changes use, the owner shall notify County Planning Staff.

**Public Comment:**

Toby Brown presented the staff report. Kevin Mielke, the petitioner, noted that the property owner is interested in expanding their business.

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

**Discussion:**

None

**Action:**

A motion was made by Sogn and seconded by Larson to approve Conditional Use Permit 17-007 with the conditions as recommended. The motion passed unanimously.

**Conditional Use Permit 17-CUP-007 - Approved**

**9. CONDITIONAL USE PERMIT 17-CUP-008: Tabled**

**10. OTHER MATTERS TO BE REVIEWED BY THE PLANNING COMMISISON**

Toby noted that staff are frustrated that two items were tabled tonight due to the applicant not sending the notices and would like to come up with a solution if this keeps occurring. Toby suggested having staff send the notices, which would require an ordinance change. Albers asked if the commission should act now to fix the problem, and Pashby agreed it could be resolved right away. Toby said he felt reserved to make this change because this is the one task we ask applicants to complete. Klatt suggested implementing a penalty fee. Toby recognized Klatt's suggestion and reiterated this doesn't need a solution immediately, but if this continues to happen it will need to be addressed in some way.

**11. OPEN DISCUSSION FOR ISSUES NOT ON THE AGENDA**

- a. Correspondence received – None
- b. Comments from Planning Commission members – None
- c. Comments from the audience - Derausseau recognized Winnie Peterson's attendance as the only public in attendance at this time, and asked if she had any comment, in which she responded no.

**12. REPORT OF LINCOLN COUNTY BOARD OF COMMISSIONERS' REPRESENTATION**

Commissioner Schmidt noted that the County Board is looking at 9-Mile Creek and have had one meeting so far pertaining to a study of the creek. The second meeting is set for the beginning of May. He also noted that last week the commissioners toured jails, he was not in attendance though. Lastly Schmidt noted that the board is coming to close on the wind energy ordinance and will hopefully vote on the setbacks soon.

**13. NEW BUSINESS - None**

**14. ADJOURNMENT**

Motion to adjourn at 8:25pm was made by Pashby and seconded by Larson. The motion passed unanimously.

Respectfully submitted,  
Joan Doss  
Planner