

**MINUTES OF THE
LINCOLN COUNTY PLANNING COMMISSION**
April 18, 2016

A meeting of the Planning Commission was held on April 18, 2016 at 7:00 p.m. in the Commission Meeting Room of the Lincoln County Courthouse.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Ron Albers, Monty Derosseau, Dan King, Tyler Klatt, Ron Larson, Gary Pashby and Darwin Sogn.

STAFF PRESENT:

Toby Brown and Clarice Paulson - County Planning

The meeting was chaired by Ron Albers.

1. ROLL CALL

The regular meeting of the Lincoln County Planning Commission was brought to order on April 18, 2016 at 7:00 p.m. by Chairman Ron Albers. Monty Derosseau, Dan King, Tyler Klatt, Ron Larson, Gary Pashby and Darwin Sogn were present.

2. APPROVAL OF MARCH 21, 2016 MINUTES

A motion was made by Derosseau and seconded by Larson to approve the meeting minutes from March 21, 2016. The motion passed unanimously.

3. APPROVAL OF AGENDA

A motion was made by Pashby and seconded by Sogn to approve the agenda. The motion passed unanimously.

- 4. REZONING 16-REZ-003:** To rezone NE1/4 SW1/4 & N 24.75' of W1/2 SW1/4 & S 24.75' of W1/2 NW1/4 *Ex Co Aud Lot H-1*, Section 35-T97-R48 from the A-1 Agricultural District to the PD Planned Development District.

General Information:

Petitioner: Van Beek Family Foundation
Property Owner: Brian Lerohl
Location: 29048 486th Avenue, Fairview
Present Zoning: "A-1" Agricultural
Existing Land Use: Agriculture
Parcel Size: 41.50 Acres

This would rezone from the A-1 Agricultural District to the PD Planned Development District.

Staff Report: Toby Brown

Staff Analysis:

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.

The petitioner has submitted a detailed narrative explaining future development, as well as a site plan depicting the future development. The petitioner is requesting the Van Beek Family Foundation Planned Development District on a 41.50 acre parcel, legally described as NE1/4 SW1/4 & N 24.75' of W1/2 SW1/4 & S 24.75' of W1/2 NW1/4 *Ex Co Aud Lot H-1*.

The petitioner is proposing a single sub-area based on the proposed use within the planned development. The single sub-area would allow an accessory building, the “Shedhouse”, to be constructed on the subject parcel. The accessory building will be constructed to house a museum, meeting room(s), sleeping quarters and general entertainment areas. The proposed accessory building will be approximately 23,000 sq. ft. The existing residence and an outbuilding on the property will be removed when no longer occupied. The petitioner is requesting to reserve the right to construct a single family residence after the removal of the existing home. The “Shedhouse” would be available to the public for hosting retreats, school field trips as well as tourists.

Recommendation: Staff recommended approval of Rezoning 16-003 to create the Van Beek Family Foundation Development District as follows:

The Van Beek Family Foundation Planned Development District would be as follows:

- A. Uses Permitted. A building or premises shall be permitted to be used for the following purposes:
 - 1. A maximum of one (1) single-family dwelling.
 - 2. Museum.
 - 3. Events Center with sleeping quarters.
 - 4. Agriculture.
- B. Accessory Uses. Accessory uses and buildings permitted are those buildings and uses customarily incident to a use allowed in the A-1 Agricultural District.
- C. Parking Regulations. Parking shall be regulated in conformance with the provisions of the A-1 Agricultural District.

- D. Sign Regulations. Signs shall be regulated in conformance with the provisions of the A-1 Agricultural District.
- E. Density, Area, Yard and Height Regulations. Density, area, yard and height shall be regulated in conformance with the provisions of the A-1 Agricultural District.

Public Testimony

Toby Brown of the County Planning Department presented the staff report.

Don Nelson, 6513 S. Jeffrey Avenue, identified himself as a representative of the petitioner and explained that Mr. Anden Van Beek is passionate about the area and giving back. One of his hobbies is taxidermy and his vision is to provide public space for display. The building will allow overnight stays for retreats. Brian Lerohl the current owner of the property will have use of his current residence on the property.

Commissioner Pashby asked Mr. Nelson how the property is being conveyed and Mr. Nelson indicated contract for deed.

Commissioner Pashby asked Mr. Nelson if this would be operated as a non-profit and Mr. Nelson indicated that it would be.

Commissioner Pashby asked Mr. Nelson how many people the facility could accommodate for overnight and Mr. Nelson indicated that it would be a couple of rooms.

Commissioner Pashby asked Mr. Nelson how many animals would be on display and Mr. Nelson indicated that it would be over 100 and they would be displayed by country and region.

Commissioner Sogn asked Mr. Nelson if there would be any more buildings and if there is any farmland and Mr. Nelson indicated no other building and the land is primarily grass and timber.

Dennis Boote, 48611 289th Street, asked when the building process was going to take place and how long would it take and Mr. Nelson responded one to five years to completely finish.

Commissioner Albers asked Mr. Nelson if there was a purchase agreement or signed contract and Mr. Nelson indicated that there was a basic agreement and will start the legal process upon getting approval.

Commissioner Albers asked for clarification that the seller would be living there but the Van Beek Family Foundation would have control of the property and Mr. Nelson indicated that was correct.

Action

Commissioner Derausseau made a motion to recommend approval of Rezoning 16-003 and seconded by Commissioner Larson. The motion passed unanimously.

Rezoning #16-003 – Recommend Approval

5. **CONDITIONAL USE PERMIT 16-CUP-003:** To exceed 1,500 sq. ft. of total accessory building area – requesting 4,800 sq. ft. on the property legally described as Tracts 1 & 2, Waldner’s Addition, NW1/4, Section 20, T100N, R51W.

General Information:

Petitioner: Thomas Waldner
Property Owner: Same
Location: Approximately 465th Avenue and 270th Street
Present Zoning: “A-1” Agricultural
Existing Land Use: Agriculture
Parcel Size: 8.84 Acres
This would allow 4,800 sq. ft. of total accessory building area.

Staff Report: Toby Brown

Staff Analysis:

The petitioner has applied for a Conditional Use Permit to exceed 1,500 square feet of total accessory building area. The property owner is requesting this conditional use permit for a 4,800 square foot accessory building. Accessory buildings can be found in the area that are considered large or of similar size.

A conditional use permit application is required by Section 12.06 (D) of the Lincoln County Zoning Ordinance which states:

In the A-1 and RC Districts, the total area of accessory buildings shall not exceed 1500 square feet when such buildings are located in a subdivision of more than four (4) lots unless a conditional use has been approved.

1. **The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values in the immediate vicinity.**
The proposed site for the structure meets all applicable setbacks and the placement of the structure should not significantly impact the neighboring properties. The construction of this accessory building should not impede on the enjoyment or use of the surrounding properties or affect property values.
2. **The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.**
The construction of the proposed accessory building should have no impact on further construction or development within the general area. The building will be used for the owner’s personal storage and no commercial or business activities will be allowed. This use will not affect the adjacent residential use or agricultural land in the area.
3. **That utilities, access roads, drainage and/or other necessary facilities are provided.**
Access to the proposed accessory building will be through a driveway to be located on 270th Street.

4. That the off-street parking and loading requirements are met.

The property has sufficient parking for all activities.

5. That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.

There should be no uses in the building which would constitute these types of nuisances.

Recommendation: Staff found that the proposed building size conforms to the general sizes of other accessory buildings in the area. Staff recommended approval of conditional use permit #16-003 with the following conditions:

1. The total accessory building square footage shall not exceed 4,800 square feet.
2. The building shall be used only for the petitioner's personal residential use. No commercial or business uses or storage shall be allowed.
3. A building permit is required.

Public Testimony

Toby Brown of the County Planning Department presented the staff report.

The petitioner, Thomas Waldner, spoke on behalf of the application. Mr. Waldner noted that the building will be used for personal storage.

Commissioner Albers asked the petitioner how tall the building would be and Mr. Waldner indicated the building would have 16 foot sidewalls.

Action

A motion was made by Commissioner Pashby and seconded by Commissioner Klatt to approve Conditional Use Permit #16-003 with recommended conditions. The motion passed unanimously.

Conditional Use Permit #16-003 – Approved

- 6. CONDITIONAL USE PERMIT 16-CUP-013:** To allow a Contractor's Shop and Storage Yard on the property legally described as Moirs Tr 2 & 2A, E1/2 SE1/4 SE1/4, Section 27-T100-R50.

General Information:

Petitioner: Geoff Ellerbroek/Summit Plumbing

Property Owner: Same

Location: Approximately SD Highway 115 and 272nd Street

Present Zoning: "I-1" Light Industrial

Existing Land Use: Agriculture

Parcel Size: 1.79 Acre

This would allow a contractor's shop and storage yard.

Staff Report: Toby Brown

Staff Analysis:

The petitioner has applied for a Conditional Use Permit for the purpose of contractor's shop and storage yard.

- 1. The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values in the immediate vicinity.**
Petitioned property is bordered to the east by a commercial use and rural residential property to the north and west. The requested use should not significantly impede on the enjoyment or use of the surrounding properties or affect property values.
- 2. The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.**
The proposed use is consistent with the types of uses found in light industrial districts.
- 3. That utilities, access roads, drainage and/or other necessary facilities are provided.**
Requirements for the property are the responsibility of the petitioner.
- 4. That the off-street parking and loading requirements are met.**
The Zoning Ordinance specifies two parking spaces for each three employees on the maximum shift, plus space to accommodate all trucks and other vehicles used in connection with the business.
- 5. That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.**
Nuisances consisting of dust, noise, and vibration should be expected in a light industrial development. The owner shall take measures to control the amount of these nuisances so that adjacent property owners are not affected.

Recommendation: Staff found that the proposed contractor's shop and storage yard is an appropriate use and is consistent with the types of uses found in light industrial districts. Staff recommended approval of conditional use permit #16-013 with the following conditions:

1. That no unlicensed vehicles, inoperable or partially dismantled vehicles or equipment, or parts shall accumulate on the property.
2. A building permit is required for the contractor's shop.

Public Testimony

Toby Brown of the County Planning Department presented the staff report.

The petitioner, Geoff Ellerbroek, spoke on behalf of the application. Mr. Ellerbroek noted that the priority is a plumbing shop but he might construct storage on the site in the future.

Commissioner Drousseau asked the petitioner where he would put storage and Mr. Ellerbroek indicated to the east of the proposed contractor's shop building.

Bardley Johnson, 27205 Spruce Place, indicated that he lived to the southwest of the petitioned property. He mentioned that according to the minutes of the meeting for the approval of the country meats there would be no more development in the area.

Gene Peska, 27202 Fountain Estates, indicated that Bob Devitt couldn't make it tonight to comment. Mr. Peska stated that when he was here a month ago the comment was made that they weren't here for a building permit but here for a rezoning. Mr. Peska commented that tonight's staff report says everything is allowed and it is an acceptable use. Mr. Peska also stated that there was an agreement with the approval of country meats. Mr. Peska further stated that he has nothing against Summit Plumbing but has concerns about future commercial development.

Mr. Ellerbroek stated that they will have trailers outside but not materials and if there needs to be a fence or shrubs he will install them and that if storage is approved down the road it will be secure.

Commissioner Albers asked Mr. Ellerbroek how tall the sidewalls would be on the building and Mr. Ellerbroek indicated 18 feet sidewalls and that the building is the maximum size for site plan.

Commissioner Drousseau asked Mr. Ellerbroek what type of building he was proposing and Mr. Ellerbroek indicated steel.

Commissioner Klatt asked Mr. Ellerbroek if there would be any customers at the building and Mr. Ellerbroek indicated no.

Mr. Ellerbroek stated that the proposed building would have four overhead doors.

Mr. Peska indicated a privacy fence six feet high would be appropriate. Mr. Ellerbroek indicated that would be acceptable.

Mr. Ellerbroek stated that only trailers would be outside.

Action

A motion was made by Commissioner King and seconded by Commissioner Klatt to approve Conditional Use Permit #16-013 with recommended conditions and the addition of a condition that a fence be installed if feasible or allowable because of the floodplain on property. The motion passed unanimously.

Conditional Use Permit #16-013 – Approved

- 7. CONDITIONAL USE PERMIT 16-CUP-014:** To allow a Contractor's Shop and Storage Yard on the property legally described as Hagedorn Ind Park Addition, Lot 16 Blk 3, SE1/4, Section 25-T100-R51.

General Information:

Petitioner: Jerad Rokusek
Property Owner: Donald E. Kuhle Trust
Location: 46950 Monty Street, Tea
Present Zoning: "I-1" Light Industrial
Existing Land Use: Light Industrial
Parcel Size: 0.92 Acres

This would allow a contractor's shop and storage yard.

Staff Report: Toby Brown

Staff Analysis:

The petitioner has applied for a Conditional Use Permit for the purpose of contractor's shop and storage yard.

1. The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values in the immediate vicinity.

This is a light industrial zoned area, so the proposed use will blend well and should not impact the use and enjoyment of the other properties in the area. This type of business will not impact property values in the immediate vicinity.

2. The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

The proposed use should be compatible with those types of uses that are predominant in the area. The proposed use is consistent with the types of uses found in light industrial districts.

3. That utilities, access roads, drainage and/or other necessary facilities are provided.

Access will be provided off of Monty Street via the existing driveway on the south side of the site. No extra utilities will be required to for this site.

4. That the off-street parking and loading requirements are met.

The Zoning Ordinance specifies two parking spaces for each three employees on the maximum shift, plus space to accommodate all trucks and other vehicles used in connection with the business.

5. That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.

Nuisances consisting of dust, noise, and vibration should be expected in a light industrial development. The owner shall take measures to control the amount of these nuisances so that adjacent property owners are not affected.

Recommendation: Staff found that the proposed contractor's shop and storage yard is an appropriate use and is consistent with the types of uses found in commercial districts. Staff recommended approval of conditional use permit #16-014 with the following condition:

1. That no unlicensed vehicles, inoperable or partially dismantled vehicles or equipment, or parts shall accumulate on the property.

Public Testimony

Toby Brown of the County Planning Department presented the staff report.

The petitioner, Jerad Rokusek, spoke on behalf of the application. Mr. Rokusek noted that he has three sanitation trucks that will be stored inside the building.

Action

A motion was made by Commissioner Pashby and seconded by Commissioner Derousseau to approve Conditional Use Permit #16-014 with recommended conditions. The motion passed unanimously.

Conditional Use Permit #16-014 – Approved

8. **CONDITIONAL USE PERMIT 16-CUP-015:** To allow Motor Vehicle Sales, Display, and Service on the property legally described as Hagedorn Ind Park Addition, Lot 16 Blk 3, SE1/4, Section 25-T100-R51.

General Information:

Petitioner: Jared Rokusek

Property Owner: Donald E. Kuhle Trust

Location: 46950 Monty Street, Tea

Present Zoning: "I-1" Light Industrial

Existing Land Use: Light Industrial

Parcel Size: 0.92 Acres

This would allow motor vehicle sales, display, and service.

Staff Report: Toby Brown

Staff Analysis:

The petitioner has applied for a Conditional Use Permit for the purpose of motor vehicle sales, display, service and rental.

1. **The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values in the immediate vicinity.**
There is little conflict between the use of the property for motor vehicle sales, display, service and rental with the surrounding uses. Neighboring uses include storage facilities and various repair shops and contractor yards.
2. **The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.**

The site is located in an established light industrial park. The land use of vehicle sales and service has little to no adverse effects on the use and development of nearby properties.

3. That utilities, access roads, drainage and/or other necessary facilities are provided.

Access will be provided off of Monty Street via the existing driveway on the south side of the site. No extra utilities will be required to for this site.

4. That the off-street parking and loading requirements are met.

The site plan includes parking spots for the display of vehicles as well as customers and employees.

5. That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.

No offensive nuisances shall be permitted at any time during operation of vehicle and equipment sales.

Recommendation: Staff found that the proposed motor vehicle sales conforms to the surrounding land uses and future development. Staff recommended approval of conditional use permit #16-015 with the following conditions:

1. That all vehicles and equipment for sale shall be fully operational.
2. No parking or display shall be allowed on Monty Street Right-of-Way at any time.

Public Testimony

Toby Brown of the County Planning Department presented the staff report.

The petitioner, Jerad Rokusek, spoke on behalf of the application. Mr. Rokusek noted that he intends to have approximately five to ten vehicles for sale.

Action

A motion was made by Commissioner Derausseau and seconded by Commissioner Pashby to approve Conditional Use Permit #16-015 with recommended conditions. The motion passed unanimously.

Conditional Use Permit #16-015 – Approved

9. OTHER BUSINESS

None.

10. ADJOURN

A motion was made by Pashby and seconded by King to adjourn the meeting. The motion passed unanimously.