

**MINUTES OF THE
LINCOLN COUNTY PLANNING COMMISSION
May 16, 2016**

A meeting of the Planning Commission was held on May 16, 2016 at 6:00 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 and Darwin Sogn.

STAFF PRESENT:

Toby Brown and Clarice Paulson - County Planning

The meeting was chaired by Ron Albers.

1. CALL TO ORDER

The regular meeting of the Lincoln County Planning Commission was brought to order on May 16, 2016 at 6:00 p.m. by Chairman Ron Albers.

2. APPROVAL OF APRIL 18, 2016 MINUTES AND MAY 2, 2016 MINUTES

A motion was made by Derosseau and seconded by Larson to approve the meeting minutes from April 18, 2016 and May 2, 2016. The motion passed unanimously.

3. APPROVAL OF AGENDA

A motion was made by Larson and second by Sogn to table Item 5 - Rezoning 16-REZ-005 at the petitioner's request and Item 8 - Conditional Use Permit 16-CUP-018 and approve the remainder of the agenda as written. The motion passed unanimously.

- 4. REZONING 16-REZ-004:** To rezone Lot 4 (Proposed Plat), Block 4, La Valley Business Park Addition, NW1/4, Section 5-T99N-R50W from the C Commercial District to the I-1 Light Industrial District.

General Information:

Petitioner: Jon Maras/Harrisburg RV and Boat Storage, LLC
Property Owner: Dennis Klinghagen
Location: Approximately 273rd Street and La Valley Place
Present Zoning: C Commercial
Existing Land Use: Agriculture
Parcel Size: 2.71 Acres

This would rezone from the C Commercial District to the I-1 Light Industrial District.

Staff Report: Toby Brown

Staff Analysis:

The property is located in the La Valley Business Park and is currently zoned C Commercial. The properties to the north, south and west are zoned commercial. The property to the east is zoned agricultural. There are no dwellings on the adjacent parcels.

The applicant indicated that he intends on constructing storage units in the proposed rezoning area. The applicant has submitted a general plan showing the proposed new storage units. Staff has included the plan for your review. A conditional use permit would be required if the storage units exceed 20,000 square feet.

The 2005-2025 Lincoln County Comprehensive encourages commercial/industrial areas at interstate highway interchanges and high traffic intersections. Such uses should be developed in a nodal pattern, as specified in Chapter VIII. Planning Policy Framework of the plan.

The Harrisburg/Tea Interchange has been developing into a significant commercial/industrial area. It is likely that commercial/industrial development will continue in this area. The subject property meets the criterion of the County's 2005-2025 Comprehensive Plan.

Recommendation: Staff recommends **approval** of Rezoning #16-04 to rezone the subject property from C Commercial District to I-1 Light Industrial District.

Public Testimony

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

The petitioner's brother, Matt Maras, spoke on behalf of the application.

Action

Commissioner Derausseau made a motion to recommend approval of Rezoning 16-004 and seconded by Commissioner Sogn. The motion passed unanimously.

Rezoning #16-004 – Recommend Approval

- 5. REZONING 16-REZ-005:** To rezone Tebben's, Tract 4, W1/2 SW1/4, Section 24-T100N-R50W from the A-1 Agricultural District to the I-1 Light Industrial District.

General Information:

Petitioner: Stacey & Randy Namminga/STAHRS Storage, LLC

Property Owner: Same

Location: Approximately 475th Avenue and 271st Street

Present Zoning: A-1 Agricultural

Existing Land Use: Agriculture

Parcel Size: 12.81 Acres

This would rezone from the A-1 Agricultural District to the I-1 Light Industrial District.

6. **CONDITIONAL USE PERMIT 16-CUP-016:** To exceed 20,000 sq. ft. of total warehouse building area – requesting 23,750 sq. ft. on the property legally described as Tract 26, Southwest Industrial Park, SE1/4, Section 24, T100N, R51W.

General Information:

Petitioner: Glenn Foster

Property Owner: Same

Location: Approximately 470th Avenue and 93rd Street

Present Zoning: I-1 Light Industrial

Existing Land Use: Agriculture

Parcel Size: 1.29 Acres

This would allow 23,750 sq. ft. of total warehouse building area.

Staff Report: Toby Brown

Staff Analysis:

The petitioner is requesting a conditional use permit to exceed 20,000 sq. ft. of total warehouse building area. The subject property is located in the Southwest Industrial Park and is to the northwest of the Tea exit off Interstate 29. The properties surrounding this parcel are zoned I-1 Light Industrial.

The site plan indicates that there will be two proposed buildings. The site plan also indicates that the petitioner will plant trees along the right-of-way to help screen the buildings from view.

- 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 plan indicates the proposed buildings meet all applicable setbacks and the placement of the buildings will not impact the neighboring properties. The construction of these buildings should not impede on the enjoyment or use of the surrounding properties or affect property values. The petitioned use is compatible with the uses already located in the Southwest Industrial Park. Utilization of a vacant lot should provide a positive effect to existing uses and property values.

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

This use will not affect the adjacent commercial/industrial uses. Buildings can be found in the area that are considered large or of similar size. The proposed buildings should have no impact on further construction or development within the general area.

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.

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 buildings in the area. Staff recommends **approval** of conditional use permit #16-016 with the following conditions:

1. The total warehouse building square footage shall not exceed 23,750 square feet.
2. That the lot shall adhere to the submitted site plan and application dated April 6, 2016.
3. A building permit is required.

Public Testimony

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

The petitioner, Glenn Foster, spoke on behalf of the application.

Action

A motion was made by Commissioner Klatt and seconded by Commissioner Larson to approve Conditional Use Permit #16-016 with recommended conditions. The motion passed unanimously.

Conditional Use Permit #16-016 – Approved

7. **CONDITIONAL USE PERMIT 16-CUP-017:** To exceed 1,500 sq. ft. of total accessory building area – requesting 4,608 sq. ft. additional on the property legally described as E 311’ of W 958’ of N 373’, NW1/4 NE1/4, Ex Lot H-1, Section 12, T98N, R51W.

General Information:

Petitioner: Keith Bittner

Property Owner: Same

Location: 46967 SD Hwy 44 - Lennox

Present Zoning: A-1 Agricultural

Existing Land Use: Residential

Parcel Size: 2.36 Acres

This would allow an additional 4,608 sq. ft. of total accessory building area.

Staff Report: Toby Brown

Staff Analysis:

The subject property is located approximately ¾ of a mile west of the Worthing exit off Interstate 29. The petitioner's property is 2.36 acres in size and is located in the A-1 Agricultural District. Adjacent properties that surround this site are zoned A-1 Agricultural and are mainly used as residential acreages and for agricultural farming operations. Other large accessory buildings can be found within the general vicinity.

The petitioner would like to construct a 4,608 square foot accessory building for personal storage and use. The parcel currently has two existing accessory structures that total 2,424 square feet.

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.

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.

Given the existence of other larger accessory buildings in the area, the construction of this structure should not impede on the enjoyment or use of the surrounding properties or affect property values. The proposed site for the structure meets all applicable setbacks and the placement of the structure should not negatively impact the neighboring properties.

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

The building can only be used as an accessory structure to the established residential use and no commercial or business activities are allowed. This use will not affect the adjacent residential uses or agricultural land in the area.

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.

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 recommends **approval** of conditional use permit #16-017 with the following conditions:

1. The total accessory building square footage shall not exceed 7,032 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, Keith Bittner, spoke on behalf of the application.

Commissioner Klatt asked the petitioner how tall the building would be and Mr. Bittner indicated 16 foot sidewalls.

Action

A motion was made by Commissioner Derousseau and seconded by Commissioner Sogn to approve Conditional Use Permit #16-017 with recommended conditions. The motion passed unanimously.

Conditional Use Permit #16-017 – Approved

8. **CONDITIONAL USE PERMIT 16-CUP-018:** To allow motor vehicle sales, display, and service on the property legally described as Lot 5, Block 4, Hagedorn Industrial Park Addition, SE1/4, Section 25-T100N-R51W.

General Information:

Petitioner: Ron Bruna

Property Owner: Tom Wipf

Location: 46957 Monty Street - Tea

Present Zoning: I-1 Light Industrial

Existing Land Use: Light Industrial

Parcel Size: 39,930 square feet

This would allow motor vehicle sales, display and service.

9. **OTHER BUSINESS:** Joint Special Session (6:00-7:00 p.m.) – Revisions to the 2009 Revised Lincoln County Zoning Ordinance – Discussion Item Only.
 - a. Planning Commission Revision Project - Background & Summary of Changes.
 - b. Concluding Remarks - Additional Comments/Questions & Answers.

Toby Brown of the County Planning Department presented the background and summary of changes.

There was much discussion amongst the Planning Commission and the Board of County Commissioners regarding revisions to the 2009 Revised Lincoln County Zoning Ordinance.

10. ADJOURN

A motion was made by Commissioner Klatt and seconded by Commissioner Sogn to adjourn the meeting. The motion passed unanimously.