

MINUTES OF THE LINCOLN COUNTY PLANNING COMMISSION

June 18, 2018

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Tyler Klatt, Ron Albers, Darrel Sogn, Monty Derousseau, Stacey Namminga, Jim Schmidt

STAFF PRESENT: Toby Brown, Joan Doss - County Planning

PUBLIC PRESENT (sign in sheet): Tom McKnelly, Ethan McKnelly, Daron Reaves, Dennis Klinghagen, Kenny Wiczorek, Cole Weller, Scott Terveen.

1. CALL TO ORDER AND ROLL CALL

The regular meeting was brought to order on June 18, 2018 at 7:00pm in the Commission Meeting Room of the Lincoln County Courthouse by Chairman Derousseau.

2. APPROVAL OF MAY 21, 2018 MINUTES

Klatt motioned to approve the minutes from May 21, 2018, and was seconded by Albers. The motion passed unanimously (6-0).

3. APPROVAL OF AGENDA

Albers motioned to approve the agenda, and was seconded by Schmidt. The motion passed unanimously (6-0).

4. PUBLIC HEARINGS

- a. REZONING / 18-REZ-001: Request for review and recommendation for approval to the Board of County Commissioners of a Rezoning from "A-1" Agricultural District to "C" Commercial District. The property is legally described as Lot 1A of Tempo Addition in the North half (N1/2) of the Southwest quarter (SW1/4) of Section 24, Township 100 North, Range 51 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Petitioner/Owner: A&T Rentals LLC

Location: Approx. 1/2 mile north of the intersection of 469th Avenue and 271st Street – Tea

Staff Analysis:

SITE DESCRIPTION AND PRESENT USE. The subject site is located in Delapre Township and is near the intersection of 469th Avenue and 271st Avenue. The subject site is currently utilized for limited agricultural uses.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. Commercial uses are located adjacent to the south. Agricultural uses are located adjacent to the north, west and east. The corporate limits of Tea are approximately a half mile to the south.

PROJECT DESCRIPTION. The applicant is proposing to construct a building to be utilized for a contractor's shop and storage yard on the property. The property owner also owns the property adjacent to the south which is utilized for a contractor's shop and storage yard for RBS sanitation. The existing zoning does not allow a contractor's shop and storage yard. Therefore, the applicant is requesting to rezone the property from A-1 to C, where a contractor's shop and storage yard would be allowed by conditional use.

Staff Recommendation: Recommend Approval of the application to rezone Lot 1A of Tempo Addition in the North half (N1/2) of the Southwest quarter (SW1/4) of Section 24, Township 100 North, Range 51 West from A-1 Agricultural District to C Commercial District.

Public Comment:

Toby Brown presented the staff report. Tom McKnelly, the petitioner, noted his business is growing and would like to expand in the current location.

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

Discussion & Action:

Schmidt motioned to recommend approval of the application, and was seconded by Klatt. There was no discussion. The motion passed unanimously (6-0).

Rezone 18-001 – Recommend Approval

- b. REZONING / 18-REZ-002: Request for review and recommendation for approval to the Board of County Commissioners of a Rezoning from "A-1" Agricultural District to "C" Commercial District. The property is legally described as the West 1325.57' (except the South 883.92 feet, Klinghagens's Tract 1, and La Valley Business Park Addition) of the Northwest quarter (NW1/4) of Section 5, Township 99 North, Range 50 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Petitioner/Owner: Dennis Klinghagen/Dennis and Valerie Klinghagen

Location: Approx. ½ mile west of the intersection of I-29 and 273rd Street - Harrisburg

Staff Analysis:

SITE DESCRIPTION AND PRESENT USE. The subject site is located in La Valley Township and is near the intersection of Interstate 29 and 273rd Street. The subject site is currently utilized for limited agricultural uses. **SURROUNDING PROPERTIES AND NEIGHBORHOOD.** Commercial uses are located adjacent to the north. Agricultural uses are located adjacent to the south, west and east. The corporate limits of Harrisburg are approximately two and a half miles to the west.

PROJECT DESCRIPTION. The applicant is proposing to subdivide and then sell lots for commercial uses as an expansion of the La Valley Business Park. The La Valley Business Park consists of commercial uses primarily warehousing and contractor's shops and storage yards. The existing zoning does not allow the landowner to subdivide the property for commercial uses. Therefore, the applicant is requesting to rezone the property from A-1 to C, where commercial uses would be allowed.

Staff Recommendation: Recommend Approval of the application to rezone West 1325.57' (except the South 883.92 feet, Klinghagens's Tract 1, and La Valley Business Park Addition) of the Northwest quarter (NW1/4) of Section 5, Township 99 North, Range 50 West from A-1 Agricultural District to C Commercial District:

Public Comment:

Toby Brown presented the staff report. Dennis Klinghagen, the petitioner, noted he is getting ready for future development even though he still has a few lots to sell from the original subdivision. Namminga asked about plans for paving the roads. Dennis noted he is working on gathering bids.

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

Discussion & Action:

Albers motioned to recommend approval of the application, and was seconded by Sogn. There was no discussion. The motion passed unanimously (6-0).

Rezone 18-002 – Recommend Approval

- c. **CONDITIONAL USE PERMIT / 18-CUP-019:** Request for review and approval of a Conditional Use Permit proposing to exceed 10,000 sq. ft. of total warehouse building area – requesting 5,000 sq. ft. for a total of 20,000 sq. ft. The property is legally described as Tract A of Lot E in Van Woudenberg's Addition in the Southeast quarter (SE1/4) of Section 16, Township 98 North, Range 49 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Petitioner/Owner: Kenny Wieczorek/G&K Supreme Auto Sales

Location: 28189 479th Avenue – Canton

Staff Analysis:

SITE DESCRIPTION AND PRESENT USE. The subject site is located in Canton Township and is within the Vanwoudenberg's commercial subdivision approximately 400 feet north of the intersection of US Hwy 18 and 479th Avenue. The site is currently used for rental storage units, and has three identical 5,000-square foot buildings. The zoning code requires a conditional use permit for warehousing over 10,000 square feet on a premise in the Commercial zoning district. This property should have been required to apply for a conditional use permit in 2014 when the third building was built.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The surrounding area consists of a variety of commercial and industrial land uses. The corporate limits of Canton are approximately 250 feet to the northeast of the subject site.

PROJECT DESCRIPTION. The applicant has proposed to construct a 5,000 sq. ft. building (50'W x 100'L) to be used as rental storage units. The plans submitted with the application notes that the building will be identical to the three existing buildings, and will be constructed to meet all setbacks.

Staff Recommendation: **Approve** the application to allow construction of an additional 5,000 square feet of warehouse building, subject to the following conditions:

1. This permit allows for the construction of a 50'W x 100'L (5,000 square foot) warehousing building, for a total of 20,000 square feet on the premise, in the general location as shown on the site plan submitted with the application.
2. A building permit from Lincoln County is required prior to construction of the proposed building.
3. No unscreened outside storage is permitted, and the property shall be kept neat and orderly at all times.

4. No businesses shall operate out the warehouse/mini-storage.
5. The applicant shall not deposit any snow or improperly direct water onto neighboring properties so as to constitute a nuisance.
6. The Planning Department 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 approved permit conditions and the 2009 Revised Zoning Ordinance for Lincoln County.
7. If at any time the use ceases to exist, or changes ownership, the owner shall notify the Lincoln County Planning and Zoning Department.

Public Comment:

Toby Brown presented the staff report, noted the site already exceeds the allowable 10,000 square feet and that the permit would bring the property into compliance. Kenny Wieczorek, the petitioner, noted he is simply wanting to expand to one more storage unit building.

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

Discussion & Action:

Klatt motioned to approve the application with the recommended conditions, and was seconded by Namminga. There was no discussion. The motion passed unanimously (6-0).

Conditional Use 18-CUP-019 – Approved

- d. CONDITIONAL USE PERMIT / 18-CUP-020: Request for review and approval of a Conditional Use Permit proposing to allow the construction and operation of a contractor’s shop and storage yard. The property is legally described as Tract B of Landmark Industrial Park Addition and a portion of Government Lot 1 in the of the Southwest quarter (SW1/4) of Section 30, Township 100 North, Range 50 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Applicant/Owner: Cole Weller/CB Bank LLC

Location: Approx. ½ mile south of the intersection of I-29 and 271st Street – Tea

Staff Analysis:

SITE DESCRIPTION AND PRESENT USE. The subject site is located in Delapre Township and is near the intersection of Interstate 29 and 271st Street. The property currently has two off-premise signs and is utilized for limited agricultural uses.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The site has commercial uses to the north, the Lincoln County Airport to the west and south, and Interstate 29 to the east. The corporate limits of Tea are approximately 1 mile to the west of the subject site.

PROJECT DESCRIPTION. The applicant is proposing to construct a 9,815 sq. ft. building on the property to be utilized as a contractor’s shop for Weller Bothers Landscaping.

Staff Recommendation: **Approve** the application to allow the operation of contractor’s shop and storage yard, subject to the following conditions:

1. The property shall be kept in a neat and orderly condition at all times.
2. Equipment, trailers and vehicles utilized for the contractor’s shop may be parked outside on the property, provided they are screened from view from adjacent property and streets.
3. Exterior lighting is allowed only for security purposes. Any exterior lighting shall be directed downwards and shall not create any light glare or spillage onto adjacent property.
4. The owner of the subject property shall ensure that employees park on the subject property.
5. The applicant shall not deposit any snow or improperly direct water onto neighboring properties so as to constitute a nuisance.
6. The Planning Department 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 approved permit conditions and the Lincoln County Zoning Ordinance.
7. If at any time the use ceases to exist, or changes ownership, the owner shall notify Lincoln County Planning and Zoning.

Public Comment:

Toby Brown presented the staff report. Klatt asked where the property access would be, Toby mentioned they also own the land abutting the road. Cole Weller, the petitioner, noted their business has outgrown their current location. He also noted there is a mutual access easement allowing them access to Parklane Drive.

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

Discussion & Action:

Namminga motioned to approve the application with the recommended conditions, and was seconded by Klatt. There was no discussion. The motion passed unanimously (6-0).

Conditional Use 18-CUP-020 – Approved

- e. CONDITIONAL USE PERMIT / 18-CUP-021: Request for review and approval of a Conditional Use Permit proposing to allow equipment, sales, display and repair. The property is legally described as the South half (S1/2) of Tract 1B of Southwest Industrial Park in the East half (E1/2) of the Southeast quarter (SE1/4) in Section 24, Township 100 North, Range 51 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Applicant/Owner: Sheehan Trailers/Rima R. Hanna Trust

Location: 27097 Sundowner Avenue – Sioux Falls

Staff Analysis:

SITE DESCRIPTION AND PRESENT USE. The subject site is located in Delapre Township and is within the Southwest Industrial Park subdivision at the intersection of South Sundowner Avenue and 271st Street. The site is currently vacant, but had previously been permitted for both auto body repair and motor vehicle sales and repair. The zoning code requires a conditional use permit in the I-1 Light Industrial district for any conditional use listed within the C-Commercial district – in this case, equipment sales, display and repair.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The surrounding area consists of a variety of commercial and industrial land uses. The corporate limits of Tea are approximately ¾ of a mile to the west of the subject site. The Lincoln County Airport is approximately 550 feet to the southeast.

PROJECT DESCRIPTION. The applicant has proposed to utilize the property for sales and display of new and used trailers. There will also be minor parts sales and service done at the site. The applicant also notes plans to move an existing 12' x 24' office building to the property.

Staff Recommendation: Approve the application to allow equipment sales, display and repair, subject to the following conditions:

1. A building/zoning permit from Lincoln County is required prior to placement of the proposed office building.
2. The primary entrance to the property shall be along South Sundowner Avenue.
3. There shall be no outside storage of inoperable vehicles and equipment and the property shall be kept neat and orderly at all times.
4. The applicant shall not deposit any snow or improperly direct water onto neighboring properties so as to constitute a nuisance.
5. The Lincoln County Planning and Zoning Department 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 approved permit conditions and the 2009 Revised Zoning Ordinance for Lincoln County.
6. If at any time the use ceases to exist, or changes ownership, the owner shall notify the Lincoln County Planning and Zoning Department.

Public Comment:

Toby Brown presented the staff report, and noted in the past this site has stored many items without a permit and this proposal should improve the appearance of the lot. He also noted the petitioner contacted the office to notify of his absence tonight.

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

Discussion & Action:

Klatt motioned to approve the application with the recommended conditions, and was seconded by Albers. There was no discussion. The motion passed 6-0.

Conditional Use 18-CUP-021 – Approved

- f. CONDITIONAL USE PERMIT / 18-CUP-023: Request for review and approval of a Conditional Use Permit to allow the operation of an auto body shop. The property is legally described as Tract 32 of Southwest Industrial Park in the Northeast quarter (NE1/4) of the Southeast quarter (SE1/4) of Section 24, Township 100 North, Range 51 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Applicant/Owner: Daron Reaves/Fair City Auto Sales LLC

Location: 27051 Sunrise Avenue – Sioux Falls

Staff Analysis:

SITE DESCRIPTION AND PRESENT USE. The subject site is located in Delapre Township and is within the Southwest Industrial Park subdivision. The property is located at the corner of 93rd Street and Sunrise Avenue. The site is currently permitted as a contractor's shop and storage yard. The zoning code requires a conditional use permit for auto body repair in the I-1 Light Industrial zoning district.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The surrounding area consists of a variety of industrial/commercial land uses. The corporate limits of Tea are approximately 4/5 of a mile to the southwest of the subject site.

PROJECT DESCRIPTION. The applicant has proposed to move his auto body business that is currently located at 27058 Sunset Boulevard to Unit #4 of the contractor's shop at this location. His business was previously permitted under permit number 15-CUP-020. There have not been any compliance issues with his operation.

Staff Recommendation: **Approve** the application to allow an auto body shop, subject to the following conditions:

1. There shall be no outside storage of inoperable or unlicensed vehicles and equipment.
2. There shall be no salvage operations, unless permitted through an additional Conditional Use Permit.
3. The applicant shall not deposit any snow or improperly direct water onto neighboring properties so as to constitute a nuisance.
4. The Lincoln County Planning and Zoning Department 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 approved permit conditions and the 2009 Revised Zoning Ordinance for Lincoln County.
5. If at any time the use ceases to exist, or changes ownership, the owner shall notify the Lincoln County Planning and Zoning Department.

Public Comment:

Toby Brown presented the staff report, and noted the petitioner has been working with the building inspector to confirm the correct construction for this type of business. Daron Reaves, the petitioner, noted his business is growing and needs more space that this location offers.

Derousseau asked for public comment, hearing none, he closed the floor to public comment.

Discussion & Action:

Schmidt motioned to approve the application with the recommended conditions, and was seconded by Namminga. The motion passed unanimously (6-0).

Conditional Use 18-CUP-023 – Approved

- g. PROPOSED TEXT AMENDMENT TO THE 2009 REVISED ZONING ORDINANCE FOR LINCOLN COUNTY: To amend Section 9.02, Permissive Uses, of Article 9, Recreation/Conservation District.

Staff Analysis: Toby Brown explained it seems to have been an oversight to not already allow neighborhood utilities to the Recreation/Conservation district, since it is allowed in every other zoning district.

Public Comment: Derousseau asked for public comment, hearing none, he closed the floor.

Discussion & Action: Klatt motioned to recommend approval of the amendment, and was seconded by Sogn. There was no discussion. The motion passed 5-0-1, with Schmidt abstaining from the vote.

Ordinance Amendment – Recommend Approval

5. OTHER MATTERS TO BE REVIEWED BY THE PLANNING COMMISISON

- a. CONDITIONAL USE PERMIT / 18-CUP-012: Request for review and approval of a Conditional Use Permit proposing to exceed 1,500 sq. ft. of total accessory building area – requesting 5,100 sq. ft. new and total. The property is legally described as Lots 14 and 15 of the Springdale Estates Addition in the North half (N1/2) of the Northwest quarter (NW1/4) of Section 26, Township 100 North, Range 50 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Applicant/Owner: Scott Terveen/Scott and Stacy Terveen

Location: 27112 Cardinal Place – Harrisburg

Staff Analysis:

SITE DESCRIPTION AND PRESENT USE. The subject site is a double lot that is located in Springdale Township and is within the Springdale Estates residential subdivision near the intersection of South Dakota

Highway 115 and 271st Street. The site is currently used for a single-family dwelling; with 5,402 square feet of finished space and a 1,397 square-foot attached garage. The zoning code requires a conditional use permit for accessory structures exceeding 1,500 square feet within the RR Rural Residential zoning district.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The surrounding area consists of single-family dwellings and existing agricultural crop production. The corporate limits of Harrisburg are approximately ¾ of a mile to the south of the subject site.

PROJECT DESCRIPTION. The applicant has proposed to construct a 5,100 square-foot accessory building (60'W x 85'L x 20'H) to be used as a personal indoor half-court basketball gymnasium and other personal storage. The site plan submitted with the application notes that there will be landscaping planted along the north, east and south side of the building in addition to landscaping along the frontage of Cardinal Street.

Staff Recommendation: Approve the application to allow construction of a 5,100 square foot accessory building, subject to the following conditions:

1. This permit allows for the construction of a 60'W x 85'L x 20'H (5,100 square foot) oversized accessory building, in the general location as shown on the site plan submitted with the application.
2. The total accessory building square footage shall not exceed 5,100 sq. ft. for any permitted structures.
3. A building permit from Lincoln County is required prior to construction of the proposed building.
4. The new accessory building shall not be used in conjunction with a business or commercial activity.
5. Landscaping shall be planted and maintained in accordance with the site plan submitted with the application.

Public Comment:

Toby Brown presented the staff report. Albers asked how close houses would be to the building. Toby estimated about 200 feet to the west and about 400 feet to the south. Scott Terveen, the applicant, noted that the building would house roughly 1,000 square feet of personal storage space and the rest would be a half-court basketball court. Namminga asked if there would be plumbing installed. Scott said there will only be electrical utilities.

Derousseau decided to reopen the floor for public comment.

Doug Vogel noted concern about the size and asked what is stopping others in the neighborhood to build large buildings. Scott followed up by noting he has a double lot, and most other properties would not be large enough to build an accessory this size.

Hearing no further comments, Derousseau closed the floor.

Discussion & Action:

Klatt motioned to approve the application with the recommended conditions, and was seconded by Namminga. Derousseau noted that since it is similar in size the house, and if he using similar construction materials as the house, there should not be any reason for concern. The motion passed 6-0.

Conditional Use 18-CUP-012 – Approved.

6. OPEN DISCUSSION FOR ISSUES NOT ON THE AGENDA

- a. Correspondence received. Toby passed out correspondence received since last meeting.
- b. Comments from Planning Commission members. Albers noted he is getting calls about traffic on Hwy 106. Schmidt said he believes the county needs to figure out how to increase funding for transportation.
- c. Comments from the audience - none

7. REPORT OF LINCOLN COUNTY BOARD OF COMMISSIONERS' REPRESENTATION – Schmidt noting that county budget meetings are coming up and invited members to come and watch the process.

8. NEW BUSINESS

- a. Setting public hearing dates - none
- a. Other new business - none

9. ADJOURNMENT

Sogn motioned to adjourn at 8:35pm, and was seconded by Namminga. Motion passed unanimously (6-0).

Respectfully submitted,
Joan Doss
Planner