

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

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

STAFF PRESENT:

Toby Brown and Clarice Paulson - County Planning

The meeting was chaired by Monty Derosseau.

1. CALL TO ORDER

The regular meeting of the Lincoln County Planning Commission was brought to order on July 18, 2016 at 7:00 p.m. in the Commission Meeting Room of the Lincoln County Courthouse by Chairman Monty Derosseau.

2. APPROVAL OF JUNE 20, 2016 MINUTES

A motion was made by Sogn and seconded by Klatt to approve the meeting minutes from June 20, 2016. The motion passed unanimously.

3. APPROVAL OF AGENDA

Staff stated that Item #8 was withdrawn by the applicant prior to the start of the meeting. A motion was made by Pashby and seconded by Larson to approve the agenda. The motion passed unanimously.

- 4. CONDITIONAL USE PERMIT 16-CUP-020:** To exceed 20,000 sq. ft. of total warehouse building area – requesting 65,675 sq. ft. on the property legally described as Lot 2, Wetland Addition, SE1/4 SW1/4, Section 32-T100N-R50W.

General Information:

Petitioner: Kelly Nielson/K.N. Construction
Property Owner: Same
Location: 47137 Wetland Place - Harrisburg
Present Zoning: I-1 Light Industrial
Existing Land Use: Agriculture
Parcel Size: 3.60 Acres

This would allow 65,675 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 warehouse building area. The subject property is located in the Wetland Addition and is to the east of the

Harrisburg/Tea exit off Interstate 29. The properties adjacent to this parcel are zoned I-1 Light Industrial. The site plan indicates that there will be three proposed buildings.

- 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.

- 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 uses. 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 recommends **approval** of conditional use permit #16-020 with the following conditions:

1. The total warehouse building square footage shall not exceed 65,675 square feet.
2. That the lot shall adhere to the submitted site plan and application dated May 6, 2016.
3. A building permit is required.

Public Testimony

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

Luella Dejong, 27280 471st Avenue, stated that she doesn't approve of or oppose the project. Mrs. Dejong asked if you can put up a building prior to obtaining approval. Mrs. Dejong also commented that this will drain into Nine Mile Creek and that is a problem. Mrs. Dejong further commented that water doesn't drain away. Chairman Derousseau commented to Mrs. Dejong that she needs to visit with the County Commissioners and Commissioner King commented that the Drainage Board would be convening in November. Mrs. Dejong requested that the County approve nothing that drains into Nine Mile Creek.

Discussion

None.

Action

A motion was made by Commissioner King and seconded by Commissioner Pashby to table Conditional Use Permit #16-020. The motion passed unanimously.

Conditional Use Permit #16-020 – Tabled

5. **CONDITIONAL USE PERMIT 16-CUP-024:** To exceed 20,000 sq. ft. of total warehouse building area – requesting 24,000 sq. ft. on the property legally described as Lot 16, Block 5, Hagedorn Industrial Park Addition, SE1/4, Section 25-T100N-R51W.

General Information:

Petitioner: Thomas Wipf
Property Owner: Same
Location: 46986 272nd Street - Tea
Present Zoning: I-1 Light Industrial
Existing Land Use: Agriculture
Parcel Size: 1.53 Acres

This would allow 24,000 sq. ft. of warehouse building area.

Staff Report: Toby Brown

Staff Analysis:

The petitioner is requesting a conditional use permit to exceed 20,000 sq. ft. of warehouse building area. The subject property is located in the Hagedorn Industrial Park and is to the west of the intersection of 272nd Street and 470th Avenue. The properties adjacent to this parcel are zoned I-1 Light Industrial. The site plan indicates that there will be one proposed 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.**

The site plan indicates that the proposed building meets all applicable setbacks and the placement of the building will not impact the neighboring properties. The construction of the building should not impede on the enjoyment or use of the surrounding properties or affect 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 uses. The proposed building 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 recommends **approval** of conditional use permit #16-024 with the following conditions:

1. The total warehouse building square footage shall not exceed 24,000 square feet.
2. That the lot shall adhere to the submitted site plan and application dated June 20, 2016.
3. A building permit is required.

Public Testimony

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

The petitioner, Thomas Wipf, spoke on behalf of the application. Mr. Wipf stated that he intends to subdivide the building into multiple contractor's shops.

Commissioner Pashby asked how the building would be separated and Mr. Wipf responded walls and exterior doors.

Discussion

None.

Action

A motion was made by Commissioner Pashby and seconded by Commissioner Klatt to approve Conditional Use Permit #16-024 with recommended conditions. The motion passed unanimously.

Conditional Use Permit #16-024 – Approved

6. **CONDITIONAL USE PERMIT 16-CUP-025:** To allow motor vehicle sales and service on the property legally described as Vanwoudenberg's Addition, Lot A, Section 16-T98N-R49W.

General Information:

Petitioner: Ward L. Miller
Property Owner: Tom Rutten
Location: 47862 U.S. Highway 18 - Canton
Present Zoning: C Commercial
Existing Land Use: Commercial
Parcel Size: 267,022.80 Square Feet

This would allow motor vehicle sales and service.

Staff Report: Toby Brown

Staff Analysis:

The petitioner is requesting a conditional use permit to operate a vehicle sales and service lot at 47862 U.S. Highway 18. The property adjacent to the west is zones A-1 Agricultural and the adjacent properties to the north and east are zoned C Commercial.

The site plan indicates that the business would occupy the outside space in front of the petitioners leased space in a building on the property.

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 is located along a major arterial street and on property primarily utilized for warehousing and office. The land use of vehicle sales and service has little to no adverse effects on the use and development of nearby properties.

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

There is little conflict between the use of the property for motor vehicle sales and service with the surrounding uses. Neighboring uses include warehousing and various repair shops and contractor yards.

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.

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

Recommendation: Staff found that the proposed vehicle sales and service conforms to the surrounding land uses and future development. Staff recommends **approval** of conditional use permit #16-025 with the following conditions:

1. That the lot shall adhere to the submitted site plan and application dated June 30, 2016.
2. No inoperable vehicles or equipment, parts, scrap or junk material shall be allowed on the property.

Public Testimony

Toby Brown of the County Planning Department presented the staff report. Mr. Brown stated that the petitioner will need to submit a change of use application to the South Dakota Department of Transportation. Mr. Brown stated that it would be a good idea to table the petition until such application has been submitted and reviewed. Mr. Brown stated that Mr. Miller was not in attendance.

A motion was made by Commissioner Pashby and seconded by Commissioner Klatt to table Conditional Use Permit #16-025. The motion passed unanimously.

Mr. Brown stated that Mr. Miller was now in attendance.

A motion was made by Commissioner Pashby and seconded by Commissioner Klatt to take from the table Conditional Use Permit #16-025. The motion passed unanimously.

The petitioner, Ward Miller, spoke on behalf of the application. Mr. Miller stated that he was moving his car lot from its current location off Interstate 29. Mr. Miller commented that he sells pickups, cars and skid loaders. Mr. Miller stated that he had not submitted the change of use application to the South Dakota Department of Transportation.

Discussion

None.

Action

A motion was made by Commissioner Pashby and seconded by Commissioner Klatt to table Conditional Use Permit #16-025. The motion passed unanimously.

Conditional Use Permit #16-025 – Tabled

- 7. CONDITIONAL USE PERMIT 16-CUP-026:** To allow a contractor's shop and storage yard on the property legally described as Southwest Industrial Park, SE1/4, Tract 23, Section 24-T100N-R51W.

General Information:

Petitioner: Chad Javers Construction Inc.
Property Owner: Same
Location: 46993 Sunset Boulevard – Sioux Falls
Present Zoning: I-1 Light Industrial
Existing Land Use: Agriculture
Parcel Size: 59,813 Square Feet

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

Staff Report: Toby Brown

Staff Analysis:

The petitioner is requesting a conditional use permit for the purpose of a contractor's shop. The subject property is located in the Southwest Industrial Park and is to the west of the Tea exit off Interstate 29. The adjacent parcels are zoned I-1 Light Industrial. The site plan indicates that there will be one proposed 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.

The site plan indicates the proposed building meets all applicable setbacks and the placement of the building will not impact the neighboring properties. This is an 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. 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 uses. The proposed building 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 recommends **approval** of conditional use permit #16-026 with the following conditions:

1. That no unlicensed vehicles, inoperable or partially dismantled vehicles or equipment, or parts shall accumulate on the property.
2. That the lot shall adhere to the submitted site plan and application dated July 1, 2016.
3. A building permit is required.

Public Testimony

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

Discussion

None.

Action

A motion was made by Commissioner Pashby and seconded by Commissioner Larson to approve Conditional Use Permit #16-026 with recommended conditions and conditioned on site plan approval by the City of Tea. The motion passed unanimously.

Conditional Use Permit #16-026 – Approved

8. **CONDITIONAL USE PERMIT 16-CUP-027:** To allow a private campground on the property legally described as French Addition, Tract 1, Lots 1 and 2, NW1/4, Section 19-T99N-R49W.

General Information:

Petitioner: Duane and Rhonda Niewenhuis
Property Owner: Same
Location: 27648 476th Avenue - Harrisburg
Present Zoning: A-1 Agricultural
Existing Land Use: Residential
Parcel Size: 6.21 Acres

This would allow a private campground.

Conditional Use Permit #16-027 – Withdrawn

9. **CONDITIONAL USE PERMIT 16-CUP-028:** To allow trailer sales, display and parts and accessory sales on the property legally described as Sky Haven Heights, Tract 40A, NW1/4, Section 30-T100N-R50W.

General Information:

Petitioner: MS Sales and Marketing LLC/Matt Steen DBA Sheehan Trailers
Property Owner: NB Golf LLC/Jim Koehn
Location: 27140 S. Parklane Drive - Sioux Falls
Present Zoning: C Commercial
Existing Land Use: Commercial
Parcel Size: 1.27 Acres

This would allow trailer sales, display and parts and accessory sales.

Staff Report: Toby Brown

Staff Analysis:

The petitioner is requesting a conditional use permit to operate trailer sales, display and parts accessory sales at 27140 S. Parklane Drive. The subject property is located in the Sky Haven Height Business Park. The properties surrounding this parcel are zoned C Commercial.

The site plan indicates that the business would occupy the southern area of the property facing Interstate 29.

- 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 is located in an established business park. The land use of trailer sales, display and parts and accessory sales has little to no adverse effects on the use and development of nearby properties.

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

There is little conflict between the use of the property for trailer sales, display and parts and accessory sales with the surrounding uses. Neighboring uses include similar type retail sales and warehousing.

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.

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

Recommendation: Staff found that the proposed vehicle sales and service conforms to the surrounding land uses and future development. Staff recommends **approval** of conditional use permit #16-028 with the following conditions:

1. That the lot shall adhere to the submitted site plan and application dated July 7, 2016.
2. No scrap or junk material shall be allowed on the property.
3. A building permit is required.

Public Testimony

Toby Brown of the County Planning Department presented the staff report. Mr. Brown commented that the site plan showed parking of trailers on right-of-way and this would block access and would not be allowed.

The petitioner, Matt Steen, spoke on behalf of the application. Mr. Steen stated that this would be a retail location for enclosed trailers and utility trailers.

Commissioner Deraussea asked the petitioner about the site plan showing the blocking of the right-of-way. Mr. Steen indicated that the display would be shifted and not located on the right-of-way.

Commissioner Pashby asked the petitioner about all of the intended uses listed on the application and Mr. Steen responded that he wanted to cover everything that would be occurring on the property.

Discussion

None.

Action

A motion was made by Commissioner Klatt and seconded by Commissioner Sogn to approve Conditional Use Permit #16-028 with recommended conditions and condition of no blocking right-of-way. The motion passed unanimously.

Conditional Use Permit #16-028 – Approved

10. OTHER BUSINESS - Text amendments to the 2009 Revised Lincoln County Zoning Ordinance - Discussion Item Only.

There was much discussion amongst the Planning Commission and staff in regards to proceeding with text amendments to the 2009 Revised Lincoln County Zoning Ordinance.

11. ADJOURN

Prior to adjournment the Chairman recognized those in attendance and asked if they had any comments.

Winnie Peterson discussed an article on FoxNews.com regarding other governmental entities that have rejected or restricted the development of wind-energy projects.

Rob Johnson, 314 11th Avenue NW – Aberdeen, stated that he agreed with the staff proposed zoning amendment process that would look at facts and address potential amendments in pieces.

Donald R. Klassen, 47174 275th Street, read a statement in opposition to windmill development in Lincoln County.

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