

MINUTES OF THE LINCOLN COUNTY PLANNING COMMISSION

July 20, 2020

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Erik Scott, Jerry Jongeling, Gary Pashby, Stacey Clay Namminga, and Wendi Hogan

STAFF PRESENT: Toby Brown & Joan Doss - County Planning

PUBLIC PRESENT: Larry Bramstedt, Myron Bramstedt, Dan Devine, Mathew Roach, Michael Waldner, June Shields, Gaylon Johnson, Norm Smeenk, Wayne Bramstedt, Brian Bramstedt, Randal & Mary Haberer, Todd Ramsey, Colisha Eichacker, Michelle Hurley, Kevin Wheeler, Jerry Schreurs, John Disbrow, Nancy and Jeff Kirstein, Kathy & Lennis Hahn.

1. CALL TO ORDER AND ROLL CALL

The regular meeting was called to order on July 20, 2020 at 6:30pm in the Commission Meeting Room of the Lincoln County Courthouse by Chairman Pashby.

2. APPROVAL OF JUNE 15, 2020 MINUTES

Namminga motioned to approve the minutes and was seconded by Hogan. Motion passed unanimously (5-0).

3. APPROVAL OF AGENDA

Namminga motioned to approve the agenda and seconded by Scott. The motion passed unanimously (5-0).

4. OPPORTUNITY FOR PUBLIC COMMENT NOT INVOLVING ITEMS ON THE AGENDA – No comments were presented.

5. PUBLIC HEARINGS –

- a. RZNE-0027-2020: Rezoning from the A-1 Agricultural zoning district to the C Commercial zoning district. The property is legally described as the North half (N1/2) of the Northwest quarter (NW1/4), except Lots H-1 and except North 211.5 feet of the East 412 feet, of Section 33, Township 100 North, Range 49 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Applicant/Owner: Pride Built Homes/Larry Lynn Bramstedt

Location: SE corner of the intersection of 272nd Street and South Dakota Highway 11 - Harrisburg

Staff Presentation:

Toby gave an overview of the application, and noted this would rezone 10 acres of an existing 75 acre parcel. He also noted this would conform to the City of Harrisburg's future land use map within their comprehensive plan and that Harrisburg would have subdivision authority.

Public Comment:

Matt Roach, the applicant, noted one of the lots would be for their business, and the rest would be developed as single unit contractor shops. He also noted they are currently working on a drainage plan for Harrisburg.

Pashby asked for public comment.

Larry Bramstedt noted tile already exists for site drainage, and that Highway 11 a good place for commercial development.

Myron Bramstedt also noted he was in favor of the application.

Norm Smeenk noted concern about water runoff.

Brian Bramstedt noted that Highway 11 is very busy, and that development would cause more traffic and accidents.

Hearing no further comments, Pashby closed the floor.

Discussion & Action: Namminga motioned to recommend approval and was seconded by Hogan. Jongeling noted this would change the entire area, and commercial land will likely expand beyond these 10 acres. Scott noted that the SD DOT will address traffic concerns with their permit. Motion passed unanimously (5-0)

- b. RZNE-0046-2020: Rezoning from the A-1 Agricultural zoning district to the RR Residential zoning district. The property is legally described as the Lot 5A of Tower Estates in the Northwest quarter (NW1/4) of Section 6, Township 99 North, Range 50 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Staff Presentation:

Toby gave an overview of the application and noted the property was recently platted by the city of Tea.

Public Comment:

Kevin Wheeler, applicant's representative, noted the rezoning would be used for one house, and that Tea doesn't have any issues with the development.

Pashby asked for public comment

Terry Mark noted he welcomes the new house in the area.

Hearing no further comments, Pashby closed the floor.

Discussion & Action: Scott motioned to recommend approval and was seconded by Jongeling. Motion passed unanimously (5-0).

- c. USE-0007-2020: Conditional Use Permit to allow warehousing to exceed 20,000 square feet on the premise – requesting 23,040 square feet. The property is legally described as Tract 9 of the Southwest Industrial Park in the East half (E1/2) 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: Jeff Shotkoski/Pearl Creek Investments LLC

Location: Approximately 300 feet north of intersection of 271st Street and Thomas Avenue - Tea

Staff Presentation:

Toby gave an overview of the application, noted the site is within the subdivision authority of Tea, and outlined the recommended conditions as follows:

1. The Conditional Use Permit (USE-0007-2020) is approved solely for the construction of 23,040 sq. ft. warehousing (self-service storage) on the property. Any expansion of the building or the property for warehousing shall be permitted only upon approval of a new Conditional Use Permit.
2. The property must be developed and maintained in substantial conformance with the site plan dated June 10, 2020 or as approved by the City of Tea.
3. All reasonable efforts shall be made to ensure the security of the buildings and the property.
4. No unscreened outdoor storage shall be allowed on the property.
5. Lighting shall be down shielded to prevent glare on adjacent properties.
6. A building permit is required before work to construct, enlarge, alter, repair, move, or demolish a building or structure, or to change the occupancy (use) of a building or structure.
7. A certificate of occupancy issued by the building official is required before the building or structure, or portion thereof, is used or occupied.

Public Comment:

Jeff Shotkoski, the applicant, noted that the lot would eventually be surfaced with asphalt, but he needs the gravel to settle.

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

Discussion & Action: Namminga motioned to approve with the recommended conditions and was seconded by Scott. Motion passed unanimously (5-0).

- d. USE-0042-2020: Conditional Use Permit to allow Class 1 Major Home Occupation. The property is legally described as the Lot 1 of Eichacker's Addition in the Southeast quarter of the Southwest quarter (SE1/4SW1/4) of Section 1, Township 99 North, Range 51 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Applicant/Owner: Michelle Hurley

Location: 46946 274th St - Lennox

Staff Presentation:

Toby gave an overview of the application. He then outlined the recommended conditions as follows:

1. The Conditional Use Permit (USE-0042-2020) is approved for the use of a Class 1 Major Home Occupation.
2. The property must be developed and maintained in substantial conformance with the site plan dated May 21, 2020.
3. No unscreened outdoor storage pertaining to the home occupation shall be allowed on the property.
4. The occupation shall conform to the regulations outlined with Section 12.0302(A) of the 2009 Revised

Zoning Ordinance for Class 1 Major Home Occupations.

Public Comment:

Colisha Eichacker, noted they are looking to expand their business space outside of the home. They receive normal UPS deliveries, and not anticipating any increase in traffic.

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

Discussion & Action: Jongeling motioned to approve with the recommended conditions and was seconded by Scott. Motion passed unanimously (5-0).

- e. USE-0045-2020: Conditional Use Permit to allow warehousing to exceed 10,000 square feet – requesting 16,000 square feet. The property is legally described as the Lot 1 of Block 4 in the La Valley Business Park Addition in the northwest quarter (NW1/4) of Section 5, Township 99 North, Range 50 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Applicant/Owner: Travis Waldner/Dennis Klinghagen

Location: Southeast corner of the intersection of LaValley Pl and Homefield Pl – Harrisburg

Staff Presentation:

Toby gave an overview of the application. He then outlined the recommended conditions as follows:

1. The Conditional Use Permit (USE-0045-2020) is approved for the use of a warehousing.
2. The property must be developed and maintained in substantial conformance with the site plan dated July 2020.
3. No unscreened outdoor storage shall be allowed on the property.
4. No businesses shall be operated out of the warehousing units.
5. Lighting shall be down shielded to prevent glare on adjacent properties.
6. A building permit and floodplain development permit is required before work has begun to construct the proposed warehousing building.
7. A certificate of occupancy issued by the building official is required before the building or structure, or portion thereof, is used or occupied.

Public Comment:

Michael Waldner, the applicant, noted the building would be mostly storing construction equipment, and 4 smaller units would be leased. Outside storage would include trailers.

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

Discussion & Action: Hogan motioned to approve with the recommended conditions and was seconded by Namminga. Motion passed unanimously (5-0).

- f. USE-0049-2020: Conditional Use Permit to allow a private outdoor recreation facility. The property is legally described as Tract 2C of Kroger’s Addition in the Northwest quarter of (NW1/4) of Section 28, Township 98 North, Range 51 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Applicant/Owner: Jeff and Nancy Kirstein

Location: 28318 466th Ave – Lennox

Staff Presentation:

Toby gave an overview of the application. He then outlined the recommended conditions as follows:

1. The Conditional Use Permit (USE-0049-2020) is approved for the use of a Private Outdoor Recreation Facility as described in the application dated June 19, 2020.
2. Conditional Use Permit No. USE-0049-2020 shall replace Conditional Use Permit No. USE-0019-2019.
3. The property must be developed and maintained in substantial conformance with the site plan dated June 22, 2020.
4. The recreation facility shall not create noise which is detectable off the property between the hours of 6:00 p.m. and 8:00 a.m.
5. Gravel surfacing shall be provided for the parking area.

Public Comment:

Nancy Kirstein, the applicant, noted they are looking at expanding their operation to include events like a pumpkin patch and classes. Pashby asked about other events, and Nancy and Jeff noted they would like to leave it open ended to the possibility of harvest festivals or wedding receptions. Nancy also questioned if the sound limit could be extended since 6pm would be restrictive.

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

Discussion & Action: Scott motioned to approve with the recommended conditions and an amendment to condition #4 to state between the hours of 11:00pm and 8:00am. The motion was seconded by Namminga. Jongeling noted this would be a great opportunity for the local economy. The motion passed unanimously (5-0).

6. OLD BUSINESS - None

7. OPEN DISCUSSION FOR COMMISSION MEMBERS FOR ISSUES NOT ON THE AGENDA

- a. Correspondence received. – None
- b. Comments from Planning Commission members. – None.

8. REPORT OF LINCOLN COUNTY BOARD OF COMMISSIONERS' REPRESENTATION – none

9. NEW BUSINESS

- a. Setting public hearing dates. There will be a Joint Jurisdiction and regular meeting in August.
- b. Zoning Ordinance Amendments. Discussion was held about moving Class C CAFOs back to a Conditional Use, instead of a permitted special use. Public hearing will be held in August.
- c. Other new business - None.

10. ADJOURNMENT

Namminga motioned to adjourn at 8:00pm and was seconded by Hogan. Motion passed unanimously (5-0).

Respectfully submitted, Joan Doss - Planner