

**Lincoln County Planning Commission
Meeting Minutes
April 15, 2024**

CALL TO ORDER AND ROLL CALL

The regular meeting of the Lincoln County Planning Commission was called to order by Chairperson Scott on April 15, 2024 at 6:30 p.m. in the Commissioner's Meeting Room of the Lincoln County Courthouse. Planning Commission members present were Marlene Sweeter, Jerry Jongeling, Todd Boots, Scott Green, Jim Schmidt, and Erik Scott. County staff present were Toby Brown and Noah Watson.

APPROVAL OF THE MEETING MINUTES

- 1) Commissioner Scott asked if there were any changes to the special meeting minutes from March 19, 2024. No one proposed any changes. A motion was made by Commissioner Green and seconded by Commissioner Jongeling to approve the meeting minutes from March 19, 2024. A voice vote was taken. Yeas: All. Nays: None. Motion carried.

APPROVAL OF THE MEETING AGENDA

Commissioner Scott asked for a motion to remove item #1 of new business and to approve the meeting agenda. A motion was made by Commissioner Schmidt and seconded by Commissioner Boots to approve the meeting agenda. A voice vote was taken. Yeas: All. Nays: None. Motion carried.

PUBLIC INPUT ON NON-AGENDA ITEMS

Commissioner Scott opened the floor for public input on non-agenda items. Hearing none, he closed the floor to public input on non-agenda items.

PUBLIC HEARINGS

- 1) **Application:** USE-0011-2024: Conditional use permit to allow motor vehicle sales and repair on the property legally described as Tract 18, Southwest Industrial Park, NE1/4 SE1/4, Section 24-T100N-R51W Delapre Township.
Applicant: Clint Spielman
Property Owner: Star, LLC
Location: 27055 Sunset Blvd, Suite 1

Toby Brown introduced the application and presented a brief summary of the staff report. Clint Spielman was present to speak and answer questions. Some questions were asked about how long the unit had been rented, outdoor storage, parking, and display of vehicles. Commissioner Scott opened the floor for public comment. Seeing none, Commissioner Scott closed the floor to public comment. A motion was made by Commissioner Green and seconded by Commissioner Jongeling to approve the application with the following conditions:

1. This conditional use permit for motor vehicle sales and repair shall only apply to Suite #1.
2. Before occupancy/operation, all development and construction is to substantially comply with the applicable lot requirements, parking, and signage.

3. All vehicle maintenance, service, or repair shall only take place inside the building.
4. No motor vehicles in disrepair or waiting to be repaired shall be stored outside.
5. No outside storage of equipment, parts, or materials shall be permitted.
6. All junk, debris, and other discarded items must be promptly removed from the site.
7. There shall be no indication of offensive noise, odor, smoke, dust or glare at or beyond the property line.
8. The permit holder is responsible for compliance with all Federal, State, and Local rules, regulations, and permitting requirements.

Deliberation was had amongst the Planning Commission. A roll call vote was taken. Yeas: Sweeter, Jongeling, Boots, Green, Schmidt, and Scott. Nays: None. Motion carried.

- 2) **Application:** USE-0014-2024: Conditional use permit to exceed 1,500 square feet of accessory building space (requesting 1,600 square feet) on the property legally described as Lot 14, Block 4, Arthur Estates, W1/2 NE1/4, Section 32-T100N-R50W Delapre Township.
Applicant: Jeremy Whittington
Property Owner: Brandon and Hayley Kruger
Location: 47151 Kings Circle

Toby Brown introduced the application and presented a brief summary of the staff report. Jeremy Whittington was present to speak and answer questions. Some questions were asked about the access/driveway and use of the structure. Commissioner Scott then opened the floor to public comment. Seeing none, Commissioner Scott closed the floor to public comment. A motion was made by Commissioner Jongeling and seconded by Commissioner Boots to approve the application with the following conditions:

1. Before occupancy/operation, all development and construction is to substantially comply with the applicable lot requirements, parking, and signage.
2. The accessory building shall only be used for the storage of personal property, and no commercial uses and commercial storage shall take place.
3. The accessory building may not be used for dwelling purposes.
4. There shall be no indication of offensive noise, odor, smoke, dust or glare at or beyond the property line.
5. The permit holder is responsible for compliance with all Federal, State, and Local rules, regulations, and permitting requirements.

Deliberation was had amongst the Planning Commission. A roll call vote was taken. Yeas: Sweeter, Jongeling, Boots, Green, Schmidt, and Scott. Nays: None. Motion carried.

- 3) **Application:** USE-0015-2024: Conditional use permit to transfer one (1) building eligibility from the property legally described as Tract 3, Petterson's Addition, Government Lots 1 and 2, Section 16-T99N-R48W Dayton Township to the property legally described as Tracts 4, 5, 6, and 7, Petterson's Addition, Government Lots 4 and

5, S1/2 SE1/4, Section 17-T99N-R48W Dayton Township.

Applicant: Craig Sorum

Property Owner: Omar F Petterson Trust Etal

Location: Sending Parcel - 099.49.56.A300

Receiving Parcel - 099.49.57.4000

Toby Brown introduced the application and presented a brief summary of the staff report. Craig Sorum was present to speak and answer questions. Commissioner Scott then opened the floor to public comment. Seeing none, Commissioner Scott closed the floor to public comment. A motion was made by Commissioner Jongeling and seconded by Commissioner Green to approve the application with the following conditions:

1. Before occupancy/operation, all development and construction are to substantially comply with the applicable lot requirements, parking, and signage.
2. Each building eligibility will require a minimum of one platted acre for development.
3. Access approval from the appropriate road authority shall be acquired prior to the development of any building eligibilities located on the parcel.
4. The permit holder is responsible for compliance with all Federal, State, and Local rules, regulations, and permitting requirements.

Deliberation was had amongst the Planning Commission. A roll call vote was taken. Yeas: Sweeter, Jongeling, Boots, Green, Schmidt, and Scott. Nays: None. Motion carried.

- 4) **Application:** USE-0016-2024: Conditional use permit to exceed 1,500 square feet of accessory building space (requesting 2,400 square feet) on the property legally described as Lot 1B, Tract 3, Larson's Addition, NW1/4, Section 36-T99N-R49W Dayton Township.

Applicant: Paul Serck

Property Owner: Brad and Camille VanVoorst

Location: 27828 481st Ave

Toby Brown introduced the application and presented a brief summary of the staff report. Paul Serck was present to speak and answer questions. Commissioner Scott then opened the floor to public comment. Seeing none, Commissioner Scott closed the floor to public comment. A motion was made by Commissioner Green and seconded by Commissioner Boots to approve the application with the following conditions:

1. Before occupancy/operation, all development and construction is to substantially comply with the applicable lot requirements, parking, and signage.
2. The accessory building shall only be used for the storage of personal property, and no commercial uses and commercial storage shall take place.
3. The accessory building may not be used for dwelling purposes.
4. There shall be no indication of offensive noise, odor, smoke, dust or glare at or beyond the property line.
5. The permit holder is responsible for compliance with all Federal, State, and Local rules, regulations, and permitting requirements.

Deliberation was had amongst the Planning Commission. A roll call vote was taken. Yeas: Sweeter, Jongeling, Boots, Green, Schmidt, and Scott. Nays: None. Motion carried.

- 5) **Application:** USE-0017-2024: Conditional use permit to exceed 1,500 square feet of accessory building space (requesting 2,032 square feet) on the property legally described as Lot A, Tract 1, Aspen Creek 2nd Addition, S1/2 NE1/4, Secdion 8-T99N-R49W Dayton Township.
Applicant: Justin Skogen
Property Owner: Steve and Angela Bomgaars
Location: 27427 SD Highway 11

Toby Brown introduced the application and presented a brief summary of the staff report. Justin Skogen was present to speak and answer questions. Justin Skogen explained the proposal to the Planning Commission. Some questions were asked regarding a business on site, the use of the structure, height of the structure, and driveway access. Commissioner Scott then opened the floor to public comment. Two letters in opposition to the proposal were read from Tony Rust, 47806 274th St, and Lynn Hurley, 27404 SD Highway 11. Seeing no additional comments, Commissioner Scott closed the floor to public comment. A motion was made by Commissioner Green and seconded by Commissioner Jongeling to approve the application with the following conditions:

1. Before occupancy/operation, all development and construction is to substantially comply with the applicable lot requirements, parking, and signage.
2. The accessory building shall only be used for the storage of personal property, and no commercial uses and commercial storage shall take place.
3. The accessory building may not be used for dwelling purposes.
4. There shall be no indication of offensive noise, odor, smoke, dust or glare at or beyond the property line.
5. The permit holder is responsible for compliance with all Federal, State, and Local rules, regulations, and permitting requirements.

Deliberation was had amongst the Planning Commission regarding the desire for the homeowners to be in attendance and tabling the motion. A motion was made by Commissioner Boots and Seconded by Commissioner Sweeter to table the item. A roll call vote was taken. Yeas: Sweeter, Jongeling, Boots, Green, Schmidt, and Scott. Nays: None. Motion carried.

- 6) **Application:** RZNE-0019-2024: To change the zone of the property legally described as Tract 1, Kwallek's Addition, NW1/4, Section 32-T100N-R50W Delapre Township from the "A-1" Agricultural District to the "I-1" Light Industrial District.
Applicant: Carlos Gutierrez
Property Owner: Dakota 1 Properties, LLC
Location: 47121 272nd St

Toby Brown introduced the application and presented a brief summary of the staff report. Questions were asked regarding how the rezone would affect the existing single-family dwelling. Carlos Gutierrez was present to speak and answer questions.

Carlos Gutierrez provided a presentation on the proposal. Some questions were asked about the existing structures on site and if anyone resides in the single-family dwelling. Commissioner Scott opened the floor to public comment. First, those in favor of the application were asked to come forward. Antonio Alcoverde, 47123 272nd St, spoke in favor of the application sharing support of the operation. Commissioner Scott then asked those in opposition to the application to come forward. Travis Dahle, 27212 471st; Greg Baete, 27196 471st Ave; Brandon Mclellan, 27218 Regal Ct; Shane Vogel, 27223 Regal Ct; Peter Gladush, 27214 471st St, Matthew Erickson, 27263 Regal Ct; Eric Bender, 27201 Regal Ct; spoke in opposition to the application sharing concerns with decreased land value, increased businesses, increased traffic, road conditions, times of operation, noise pollution, and light pollution, and setting a precedence. Hearing no additional comments, Commissioner Scott closed the floor to public comment. A motion was made by Commissioner Green and seconded by Commissioner Sweeter to recommend approval of the application to the Board of County Commissioners. Discussion was had amongst the board regarding the size of the structure, the location, spot zoning, traffic, and roads.

A roll call vote was taken. Yeas: None. Nays: Boots, Sweeter, Jongeling, Green, and Scott. Motion failed.

OLD BUSINESS

No old business was discussed.

NEW BUSINESS

- 1) Work Session: Presentation on Parliamentary Procedure.

Item was removed during agenda approval.

ADJOURNMENT

A motion was made by Commissioner Jongeling and seconded by Commissioner Boots to adjourn the meeting at 8:08 p.m. A voice vote was taken. Yeas: All. Nays: None. Motion carried.