

City of Sioux Falls Council/Lincoln

County Commission Joint Meeting

Agenda

Lincoln County Courthouse, Commissioner s Room - 1st Floor, Suite 120104 N.

Main St., Canton, SD 57013

MEETING OF Monday, May 23, 2011 at 7:00 PM

ROLL CALL

CITY COUNCIL

LINCOLN

COUNTY COMMISSION

Council Member Sue Aguilar
Dennis Weeldreyer

Commissioner

Council Member Kenny Anderson Jr.
Gillespie

Commissioner David

Council Member Vernon Brown
Long

Commissioner Dale

Council Member Jim Entenman
Melcher

Commissioner Jason

Council Member Michelle Erpenbach

Commissioner Jim Schmidt

Council Member Greg Jamison

Council Member Dean Karsky

Council Member Rex Rolfing

Mayor Mike T. Huether

PLEDGE OF ALLEGIENCE

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

INTRODUCTION AND ADOPTION OF ORDINANCES

1. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING APPENDIX F OF THE CODE OF ORDINANCES OF SAID CITY BY REZONING PROPERTY IN THE SOUTHEAST QUARTER (SE1/4) OF SECTION 19, TOWNSHIP 100, RANGE 50 FROM THE C, COMMERCIAL DISTRICT TO THE I-1, LIGHT INDUSTRIAL DISTRICT. (The Planning Commission recommends approval.)

ADJOURNMENT

Agenda Item: Not Assigned

Item ID: 58529

The following document(s) are public records obtained from the City of Sioux Falls.

1st Reading: _____
2nd Reading: _____
Date Adopted: _____
Date Published: _____
Effective Date: _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING APPENDIX F OF THE CODE OF ORDINANCES OF SAID CITY BY REZONING PROPERTY IN THE SOUTHEAST QUARTER (SE1/4) OF SECTION 19, TOWNSHIP 100, RANGE 50 FROM THE C, COMMERCIAL DISTRICT TO THE I-1, LIGHT INDUSTRIAL DISTRICT.

BE IT ORDAINED BY THE CITY OF SIOUX FALLS, SD:

Section 1. That the Revised Ordinances of Sioux Falls, SD, be amended by adding a section to Appendix f, Section 2.04, to read:

Section 2.04. Boundaries of districts, maps.

That Mueller’s 2nd Addition—Lot 1, Block 1; Lots 1-4 and 9-12, Block 2; Lots 1-5, 6E, 6G, 6H, 7A, 8, and 9, Block 4; Lots 1, 2, 3B, 4B, 5-7, and 8A, Block 5; Mueller’s 1st Addition—Tracts 1-5, 6B, 6E, 6F, 6G, and 6H in Lot 3A; Tracts A, C, and D in Lot 7; and Lots 4-6, 10A, 11, 12, 13A, 13B, 14, and 15; and Mueller’s 4th Addition—Lots 1 and 2; Tracts 1A and 1B; and Lot 8B in Lincoln County, South Dakota, is hereby rezoned from the C, Commercial District to the I-1, Light Industrial District and the use of district map on file with Appendix F, “Zoning Ordinance” is amended to include the within described property in the I-1, Light Industrial District.

Date adopted: _____.

Mayor

ATTEST:

City Clerk

Agenda Item: Not Assigned

Item ID: 58529

The following document(s) are public records obtained from the City of Sioux Falls.

MINUTES
JOINT MEETING LINCOLN COUNTY and SIOUX FALLS PLANNING COMMISSIONS
7:00 pm April 13, 2011

Commissioners' Room - Lincoln County Courthouse

A joint meeting of Lincoln County and Sioux Falls Planning Commissions was held on April 13, 2011 at 7:00 pm in the Commissioner's Room of the Lincoln County Court House.

ROLL CALL

Lincoln County Planning Commission members present were: June Nusz, Darrel Sogn, Ron Larson, Craig Andersen, Chad Nelson, and Dave Gillespie. Also present was new Board member Ron Albers District #4 who is replacing retiring Dick Portz.

Sioux Falls Planning Commission members present were: Lynette Olson, Steve Gaspar, Ken Dunlap, Meredith Larson and new Board member Nick Sershen.

Staff Present: Lincoln County: Paul Aslesen, Laurie Lundquist and Gregg Thompson
Sioux Falls: David Loveland

Vice-Chair Ken Dunlap for the City of Sioux Falls chaired the meeting
Lincoln County Planning Chair Craig Andersen chaired for the County

ITEM 1. APPROVAL OF MINUTES – January 12, 2011 MEETING-A motion was made for the City by M. Larson and seconded by Gaspar to approve the minutes of January 12, 2011, the same motion was made for the County by Nusz and seconded by R. Larson. The motions were unanimous.

ITEM 2. APPROVAL OF AGENDA ITEMS – April 13, 2011- A motion was made for the City by Sershen to approve the agenda, the motion was seconded by Olson. The same motion was made for the County by Gillespie and seconded by Sogn. The motions were unanimous.

ITEM 3. Revised Zoning Ordinance - JJ-11-REZ-001: Rezoning from the "C" Commercial District to "I-1" Light Industrial District

Legal Description – Mueller's 2nd Addition - Lot 1, Block 1; Lots 1-4 and 9-12, Block 2; Lots 1-5, 6E, 6G, 6H, 7A, 8, and 9, Block 4; Lots 1, 2, 3B, 4B, 5-7, and 8A, Block 5;

Mueller's 1st Addition- Tracts 1-5, 6B, 6E, 6F, 6G, and 6H in Lot 3A; Tract A, C, and D in Lot 7; and Lots 4-6, 10A, 11, 12, 13A, 13B, 14 and 15; and

Mueller's 4th Addition - Lots 1 and 2; Tracts 1A and 1B; and Lot 8B.

General Information

Location - SE1/4 of Section 19, Township 100, Range 50 Lincoln County, South Dakota

Petitioner – Paul Aslesen

Present Zoning – "C" Commercial District

Existing Land Use – Mixed "I-1Light Industrial and "C" Commercial

Parcel Size – Reference legal description above

Report by: Paul Aslesen, Lincoln County Planning and Zoning

This is a request to rezone property from the "C" Commercial District to the I-1 Light Industrial District. The property is located in the Southeast Quarter of Section 19, Township 100 Range 50 and encompasses portions of Mueller's First, Second and Fourth Additions. This commercial subdivision contains many different uses of a commercial nature and a light industrial nature.

Staff Analysis:

The advantages of amending the current district from the "C" Commercial to the I-1 Light Industrial include the following:

1. Many, if not all, current non-conforming uses would be in compliance with zoning regulations.
2. Current conforming uses would not be negatively affected.
3. The I-1 District would give the property owner/user more flexibility by providing a wider assortment of uses.
4. "Spot Rezoning", commonly considered the antithesis of planned zoning, would not create incompatible uses.
5. Eliminates the confusion as to what district/uses are available in an area.

Recommendation:

Staff believes that this rezoning is in compliance with the adopted Comprehensive Plan which is intended to guide the growth and development of the area. Staff recommends approval of the rezoning from "C" Commercial to the "I-1" Light Industrial District.

Public comments: Several members of the public spoke in regard to the rezoning petition. Several of those were just asking for clarification of the effect on their property holdings and future uses. One person spoke in opposition as a property owner adjacent to the development. He felt that it would cause his property value to drop and be less desirable for development if this area was all zoned "I-1" Light Industrial.

Action: Following further discussion a motion to recommend approval of Rezoning petition JJ-11-REZ-001 to the respective elected bodies was made for the City by Gaspar and seconded by Sershen. The same motion was made by Nusz and seconded by R. Larson for the County. The motions were unanimous.

ITEM 4. CONDITIONAL USE #JJ-CUP-002 in the "A-1", Agricultural District to allow a landscape nursery, with retail sales on the premises.

Legal Description – W 412.5' of E 825' of S 1210' SE ¼ SW ¼, Section 21-Township 100-Range 50, Lincoln County

Location – 47238 271st Street, Sioux Falls (east of S. Louise Ave., north side of 101st Street)

Petitioner/Owner— Rick Foster

General Information

Present Zoning: "AG" Agricultural District

Existing Land Use: Wholesale Nursery

Parcel Size: 11.44 Acres

Report by: David Loveland, City of Sioux Falls

The petitioner's request for a Conditional Use for this parcel is in compliance with Article 3 of the Joint Zoning Regulations for Lincoln County and the City of Sioux Falls.

Article 19/19.07 of the Joint Zoning Regulations for Lincoln County and the City of Sioux Falls provides four (4) criteria for consideration of a Conditional Use Permit application.

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.

Comments: The subject property has residential neighbors immediately adjacent to the subject property on the east and west. Given that the applicant currently operates a nursery with no record of violations or complaints; and that the subject property and use is currently grandfathered into the legal status, no additional impacts are anticipated.

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

Comment: The applicant is proposing to extend the living screen/tree belt along the east property line to minimize potential visual impacts to the east property. In addition, the applicant is proposing to construct a berm and tree planting area on the south property line against County Highway 106. No changes or additions to the existing landscaping along the west property line are proposed.

The nursery use on this property has existed for several years, and is operating under a legal grandfathered status. The applicant is requesting the Conditional Use Permit in order to be at full legal status which will allow the proposed alterations if approved by the Planning Commissions.

As noted above, no record of complaints or violations have been received by the Lincoln County Planning Department, and the proposed alterations will not be of such magnitude as to change the nature of the current impacts.

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.

Comment: It is anticipated that the proposed use will provide no more or less of an impact than that which has previously existed on site. Additional screening has been proposed in areas of the site that may have alterations from current conditions.

The applicant has been advised to speak with both neighboring property owners in order to advise them of the application and plans. The applicant should be prepared to address the outcome of those discussions at the Planning Commission meeting.

D.) The proposed use shall not adversely affect the public.

Comment: It is anticipated that the proposed use and location will not cause traffic issues or other public detriments, although the applicant has been advised to discuss the plans with the Lincoln County Highway Department to discuss any improvements or changes that may be necessary.

Additional Information:

The subject property, while within the Joint Jurisdiction boundary of Lincoln County and the City of Sioux Falls, lies outside the anticipated growth area as determined by the Shape Sioux Falls

2035 Comprehensive Plan and the anticipated capital program for installation of urban utility and infrastructure services.

Recommendation:

Because the proposed land use is allowed and is compatible with other uses in this existing subdivision, staff recommends approval of the Conditional Use Permit with the following stipulation:

1. The applicant shall be prepared to upgrade the site to City of Sioux Falls site and zoning standards in the event of future annexation. The City standards that will apply are those that are in effect at the time of annexation.
2. An approved mitigation plan for any hazardous chemical, pesticide, and fertilizer storage or dispersal shall be submitted to the Lincoln County Planning & Zoning Department prior to the activity being conducted on the subject property.

Action: Following discussion a motion was made for the City by M. Larson and seconded by Olson to approve Conditional Use Permit 11-JJ-CUP-002. The motion was unanimous. The same motion was made by Gillespie and seconded by Albers for the County.

Motion was questioned by Nusz whether to include staff recommended stipulations.

The motion was amended by Gillespie to approve with staff recommended stipulations and seconded by Albers for the County. The motion was then amended by Larson for the City to include staff recommended stipulations and seconded by Olson. The amended motions were unanimous.

Conditional Use Permit 11-JJ-CUP-002 Approved

Adjourn: A motion to adjourn was made for the City by Gaspar and seconded by M. Larson. The same motion was made for the County by Nusz and seconded by Sogn. The motions were unanimous.

Respectfully submitted by:
Laurie Lundquist
Deputy Director
Lincoln County Planning and Zoning

Agenda Item: Not Assigned
Item ID: 58529

The following document(s) are public records obtained from the
City of Sioux Falls.

AGENDA
JOINT MEETING LINCOLN COUNTY and SIOUX FALLS PLANNING COMMISSIONS
7:00 pm April 13, 2011

Commissioners' Room - Lincoln County Court House

REGULAR AGENDA ITEMS

The planning staff will present a brief report on each item. The petitioner will then be asked to come to the microphone and make a statement or answer questions. Anyone from the audience who wishes to address a particular agenda item shall be recognized by the chairperson, move to the microphone, identify themselves and state their address for the record. The Planning Commission will then discuss the matter further and take appropriate action.

ITEM 1. APPROVAL OF MINUTES – January 12, 2011 MEETING

ITEM 2. APPROVAL OF AGENDA ITEMS – April 13, 2011

ITEM 3. Revised Zoning Ordinance - JJ-11-REZ-001: Rezoning from the "C" Commercial District to "I-1" Light Industrial District

Legal Description – Mueller's 2nd Addition - Lot 1, Block 1; Lots 1-4 and 9-12, Block 2; Lots 1-5, 6E, 6G, 6H, 7A, 8, and 9, Block 4; Lots 1, 2, 3B, 4B, 5-7, and 8A, Block 5;

Mueller's 1st Addition- Tracts 1-5, 6B, 6E, 6F, 6G, and 6H in Lot 3A; Tract A, C, and D in Lot 7; and Lots 4-6, 10A, 11, 12, 13A, 13B, 14 and 15; and

Mueller's 4th Addition - Lots 1 and 2; Tracts 1A and 1B; and Lot 8B.

General Information

Location – NE1/4 of Section 19, Township 100, Range 50 Lincoln County, South Dakota

Petitioner – Paul Aslesen

Present Zoning – "C" Commercial District

Existing Land Use – Mixed "I-1" Light Industrial and "C" Commercial

Parcel Size – Reference legal description above

Report by: Paul Aslesen, Lincoln County Planning and Zoning

ITEM 4. CONDITIONAL USE #JJ-CUP-002 in the "A-1", Agricultural District to allow a landscape nursery, with retail sales on the premises.

Legal Description – W 412.5' of E 825' of S 1210' SE ¼ SW ¼ of Section 21-100-50, Lincoln County

Location – 47238 271st Street, Sioux Falls (east of S. Louise Ave., north side of 101st Street)

Petitioner/Owner – Rick Foster

General Information

Present Zoning - "AG" Agricultural District

Existing Land Use - Wholesale Nursery

Parcel Size - 11.44 Acres

Report by: David Loveland, City of Sioux Falls

Adjourn:

Note: Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Lincoln County Planning Office at 605-764-2938 by 10:00 am Friday preceding the meeting to make any necessary arrangements.

MINUTES
JOINT MEETING LINCOLN COUNTY and SIOUX FALLS PLANNING COMMISSIONS
7:00 pm November 10, 2010
Commissioners' Room - Lincoln County Court House

A joint meeting of Lincoln County and Sioux Falls Planning Commissions was held on November 10, 2010 at 7:00 pm in the Commissioner's Room of the Lincoln County Court House.

Lincoln County Planning Commission members present were: June Nusz, Darrel Sogn, Dick Portz, Ron Larson, and Commissioner Dave Gillespie. Commissioner Jason Melcher and Craig Andersen were absent.

Sioux Falls Planning Commission members present were: Pam Breidenbach, Kent Metzger, Steve Gaspar, Ken Dunlap.

Staff Present: Lincoln County: Paul Aslesen, Laurie Powell
Sioux Falls: Steve Randall

Lincoln County Planning Chair June Nusz brought the meeting to order at 7:00 pm.
Pam Breidenbach chaired for the City of Sioux Falls

ITEM 1. APPROVAL OF MINUTES – July 14, 2010 MEETING

A motion to approve the minutes of July 14, 2010 for the City was made by Gaspar and seconded by Metzger. A motion to approve for the County was made by Portz and seconded by Sogn. The motions were unanimous.

ITEM 2. APPROVAL OF AGENDA ITEMS – November 10, 2010

A motion to approve the agenda for November 10, 2010 was made by Metzger for the City and seconded by Gaspar. A motion to approve the agenda for the County was made by Larson and seconded by Portz. The motions were unanimous.

ITEM 3. Conditional Use #10-CUP-003-JJ – The purpose is to operate a repair shop, car sales & display, towing service, new/used tire sales, snow removal and storage of equipment.

Legal Description – Mueller's Tract 1 in Lot 3A SE1/4 Section 19, Township 100, Range 50 Lincoln County, South Dakota

Location – 27091 Mueller Place

Petitioner/Owner – Greg Schreck/A & M Enterprises

General Information

Present Zoning – "C" Commercial

Existing Land Use – "C" Commercial

Parcel Size – 1.37 Acres

Report By: Paul Aslesen

Staff Analysis:

The site is located at the southwest corner of 98th Street and Mueller Place. The property has been zoned commercial by Lincoln County as is property to the north, east and south of the site. Property to the west is zoned Light Industrial. Staff has met with the petitioner and discussed the above petitioned uses for a portion of the site located at 27091 Mueller Place and advised him to contact his neighbors for feedback pertaining to the applied for use.

- 1. The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values in the immediate vicinity.**
Previously approved conditional use permits for the area include contractor's shops, truck stops, equipment display and sales, storage areas, car/truck/trailer display and sales, and light manufacturing. The applied for use(s) is an appropriate use for this site.
- 2. The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.**

This area should continue to develop as a commercial and or light industrial node. Close proximity to the interstate system and the Sioux Falls City limits will enable this area to expand its light industrial/ commercial growth.

3. **That utilities, access roads, drainage and/or other necessary facilities are provided.**
Access to the site will be off of 98th Street which is a hard surfaced road. Currently, the applied for site is not hard surfaced as is characteristic of the majority of the developed sites in this area. As this is an existing site with existing structure, the site is in compliance with prior ordinance requirements but may be subject to additional requirements upon annexation. Petitioner was made aware of the need for holding tanks for commercial/industrial floor drain use. All other facilities are provided.
4. **That the off-street parking and loading requirements are met.**
A fenced area will be utilized for the displayed vehicles and indoor storage will be available for tires. The area is large enough to meet the needs for customer parking. The vehicles displayed for sale shall be operational and licensed.
5. **That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.**
The proposed use should not create nuisance issues if attention to detail is utilized. The applicant will need to insure that controls of offensive odor, fumes, dust, and other nuisance contributors are in place and maintained.

Recommendation:

Staffs found that the proposed use is consistent with the type of uses found in commercial or light industrial areas and recommends approval of conditional use permit 10-003-JJ with the following conditions:

1. *All outside storage of parts, materials and disabled or damaged vehicles shall be screened from the public view by a screening fence. The fence shall be color coordinated and have a minimum opacity of 90% maintained over the full height of the fence.*
2. *No scrap materials or dismantled vehicles shall accumulate on the property. Any waste containers, such as dumpsters, shall be screened from public view.*
3. *The vehicles displayed for sale shall be operational and licensed.*

Action:

A motion was made for the County by Portz to approve the petition with staff recommended stipulations with the addition of a one year review. The motion was seconded by Gillespie. The same motion was made for the City by Gaspar and seconded by Metzger. The motions were unanimous.

ITEM 4. Conditional Use# – 010-CUP-004-JJ The purpose is to construct a building over 1200 square feet. Existing building is approximately 1400 square feet, the addition will make it approximately 2300.

Legal Description – Marigold Meadows Addition W1/2 SW1/4 Tract 6, Section 21, Township 100, Range 50, Lincoln County, South Dakota

Location – 47208-271st Street, Sioux Falls, SD 57108

Petitioner/Owner – Rick Funge

General Information

Present Zoning – Agriculture

Existing Land Use – Residential

Parcel Size – 1.02 Acres

Report By: Paul Aslesen

Staff Analysis:

The Joint Zoning Ordinance for Lincoln County and the city of Sioux Falls regulates the size and location of accessory buildings in Section 15.07. In regard to the A-1 Zoning District, the Ordinance states:

In the A-1 and RC Districts, the total area of accessory buildings shall not exceed 1200 square feet when such buildings are located in a subdivision of more than four (4) lots unless a conditional use permit has been approved.

The applicant has applied for a conditional use permit to exceed 1200 square feet of accessory building area on his lot located at 47208-271st Street. There are a number of houses that line 271st (County Hwy 106) in the subdivision known as the Marigold

Meadows Addition. The applicant wishes to increase the size of his accessory building from 1400 sq. ft. to approximately 2300 sq. ft. which would provide personal storage space.

Properties within the Marigold Meadows Addition have accessory buildings of greater size than the applied for structure. Structure sizes within the addition include 2,448 sq. ft., 2880 sq. ft., and 2800 sq. ft.

Lot sizes within the addition are very uniform with acreages of slightly over one (1) acre being predominate.

1. **The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.**
Accessory buildings are a common structure in the rural area. This addition to an existing building should not impact neighboring property values.
2. **That utilities, access roads, drainage and/or other necessary facilities are provided.**
The requested size is lower than the standard that has been set for the neighborhood. The subdivided lots in the area have been developed and very little additional subdivision will be possible even with city services as the placement of the homes and accessory buildings will have a restrictive effect to continued growth. Site will use existing approach from 271st Street.
3. **That the off-street parking and loading requirements are met.**
This structure does not need additional parking/loading site specific space. The structure should provide inside storage for vehicles and equipment currently occupying space on site.
4. **That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.**
The use does not normally cause nuisance conditions and none are anticipated with the addition to the existing personal storage building.

Recommendation:

Staff recommends approval of the conditional use application as no negative effects are anticipated and the additional size will not change the existing landscape of the subdivision. Staff recommends:

1. The building will be used for personal residential storage and no commercial use or outdoor storage is allowed.
2. Determination of septic drain field be determined and an area for an additional drain field be identified.

ITEM 5. Adjourn

Note: Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Lincoln County Planning Office at 605-764-2938 by 10:00 am Friday preceding the meeting to make any necessary arrangements.

Agenda Item: Not Assigned

Item ID: 58529

The following document(s) are public records obtained from the City of Sioux Falls.

**STAFF REVIEW AGENDA
JOINT MEETING LINCOLN COUNTY and SIOUX FALLS PLANNING COMMISSIONS
7:00 pm April 13, 2011**

Commissioners' Room - Lincoln County Court House

REGULAR AGENDA ITEMS

The planning staff will present a brief report on each item. The petitioner will then be asked to come to the microphone and make a statement or answer questions. Anyone from the audience who wishes to address a particular agenda item shall be recognized by the chairperson, move to the microphone, identify themselves and state their address for the record. The Planning Commission will then discuss the matter further and take appropriate action.

ITEM 1. APPROVAL OF MINUTES – January 12, 2011 MEETING

ITEM 2. APPROVAL OF AGENDA ITEMS – April 13, 2011

ITEM 3. Revised Zoning Ordinance - JJ-11-REZ-001: Rezoning from the "C" Commercial District to "I-1" Light Industrial District

Legal Description – Mueller's 2nd Addition - Lot 1, Block 1; Lots 1-4 and 9-12, Block 2; Lots 1-5, 6E, 6G, 6H, 7A, 8, and 9, Block 4; Lots 1, 2, 3B, 4B, 5-7, and 8A, Block 5;

Mueller's 1st Addition- Tracts 1-5, 6B, 6E, 6F, 6G, and 6H in Lot 3A; Tract A, C, and D in Lot 7; and Lots 4-6, 10A, 11, 12, 13A, 13B, 14 and 15; and

Mueller's 4th Addition - Lots 1 and 2; Tracts 1A and 1B; and Lot 8B.

General Information

Location - SE1/4 of Section 19, Township 100, Range 50 Lincoln County, South Dakota

Petitioner – Paul Aslesen

Present Zoning – "C" Commercial District

Existing Land Use – Mixed "I-1" Light Industrial and "C" Commercial

Parcel Size – Reference legal description above

Report by: Paul Aslesen, Lincoln County Planning and Zoning

This is a request to rezone property from the "C" Commercial District to the I-1 Industrial District. The property is located in the Southeast Quarter of Section 19, Township 100 Range 50 and encompasses portions of Mueller's First, Second and Fourth Additions. This commercial subdivision contains many different uses of a commercial nature and a light industrial nature.

Staff Analysis:

The advantages of amending the current district from the "C" Commercial to the I-1 Light Industrial include the following:

1. Many, if not all, current non-conforming uses would be in compliance with zoning regulations.
2. Current conforming uses would not be negatively affected.
3. The I-1 District would give the property owner/user more flexibility by providing a wider assortment of uses.

4. "Spot Rezoning", commonly considered the antithesis of planned zoning, would not create incompatible uses.
5. Eliminates the confusion as to what district/uses are available in an area.

Recommendation:

Staff believes that this rezoning is in compliance with the adopted Comprehensive Plan which is intended to guide the growth and development of the area. Staff recommends approval of the rezoning from "C" Commercial to the "I-1" Light Industrial District.

ITEM 4. CONDITIONAL USE #JJ-CUP-002 in the "A-1", Agricultural District to allow a landscape nursery, with retail sales on the premises.

Legal Description – W 412.5' of E 825' of S 1210' SE ¼ SW ¼ Section 21-100-50, Lincoln County

Location – 47238 271st Street, Sioux Falls (east of S. Louise Ave., north side of 101st Street)

Petitioner/Owner— Rick Foster

General Information

Present Zoning: "AG" Agricultural District
Existing Land Use: Wholesale Nursery
Parcel Size: 11.44 Acres

Report by: David Loveland, City of Sioux Falls

The petitioner's request for a Conditional Use for this parcel is in compliance with Article 3 of the Joint Zoning Regulations for Lincoln County and the City of Sioux Falls.

Article 19/19.07 of the Joint Zoning Regulations for Lincoln County and the City of Sioux Falls provides four (4) criteria for consideration of a Conditional Use Permit application.

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.

Comments: The subject property has residential neighbors immediately adjacent to the subject property on the east and west. Given that the applicant currently operates a nursery with no record of violations or complaints; and that the subject property and use is currently grandfathered into the legal status, no additional impacts are anticipated.

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

Comment: The applicant is proposing to extend the living screen/tree belt along the east property line to minimize potential visual impacts to the east property. In addition, the applicant is proposing to construct a berm and tree planting area on the south property line against County Highway 106. No changes or additions to the existing landscaping along the west property line are proposed.

The nursery use on this property has existed for several years, and is operating under a legal grandfathered status. The applicant is requesting the Conditional Use Permit in order to be at

full legal status which will allow the proposed alterations if approved by the Planning Commissions.

As noted above, no record of complaints or violations have been received by the Lincoln County Planning Department, and the proposed alterations will not be of such magnitude as to change the nature of the current impacts.

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.

Comment: It is anticipated that the proposed use will provide no more or less of an impact than that which has previously existed on site. Additional screening has been proposed in areas of the site that may have alterations from current conditions.

The applicant has been advised to speak with both neighboring property owners in order to advise them of the application and plans. The applicant should be prepared to address the outcome of those discussions at the Planning Commission meeting.

D.) The proposed use shall not adversely affect the public.

Comment: It is anticipated that the proposed use and location will not cause traffic issues or other public detriments, although the applicant has been advised to discuss the plans with the Lincoln County Highway Department to discuss any improvements or changes that may be necessary.

Additional Information:

The subject property, while within the Joint Jurisdiction boundary of Lincoln County and the City of Sioux Falls, lies outside the anticipated growth area as determined by the Shape Sioux Falls 2035 Comprehensive Plan and the anticipated capital program for installation of urban utility and infrastructure services.

Recommendation:

Because the proposed land use is allowed and is compatible with other uses in this existing subdivision, staff recommends approval of the Conditional Use Permit with the following stipulation:

1. The applicant shall be prepared to upgrade the site to City of Sioux Falls site and zoning standards in the event of future annexation. The City standards that will apply are those that are in effect at the time of annexation.
2. An approved mitigation plan for any hazardous chemical, pesticide, and fertilizer storage or dispersal shall be submitted to the Lincoln County Planning & Zoning Department prior to the activity being conducted on the subject property

Adjourn:

Note: Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Lincoln County Planning Office at 605-764-2938 by 10:00 am Friday preceding the meeting to make any necessary arrangements.

\$50.00 Lincoln County
Sioux Falls Joint

CONDITIONAL USE PERMIT APPLICATION

Lincoln County
Office of Planning and Zoning
Courthouse, 104 North Main
Canton, SD 57013
Phone: 605-764-2938
Fax: 605-764-6624
Email: pandz@lincolncountysd.org

Petition No.:	<u>JJ-REZ-001</u>
Date:	<u>3-10-2011</u>
Filing Fee:	<u>250.00</u>
Receipt No.:	<u>082227</u>

We, the undersigned, do hereby petition for approval of a conditional use permit on the following described property and authorize representatives of Lincoln County to enter the property for inspection purposes.

Legal description (please print or type) W 412.5' OF E 225' OF S 1210'

SE 1/4 SW 1/4 - 21-10N-56-WET

Parcel Size 11.44 Acres

Address or General Location 4723rd 271st St Sioux Falls

Existing Zoning District Ag

Purpose: Nursing/Concierge Center Retail/Wholesale

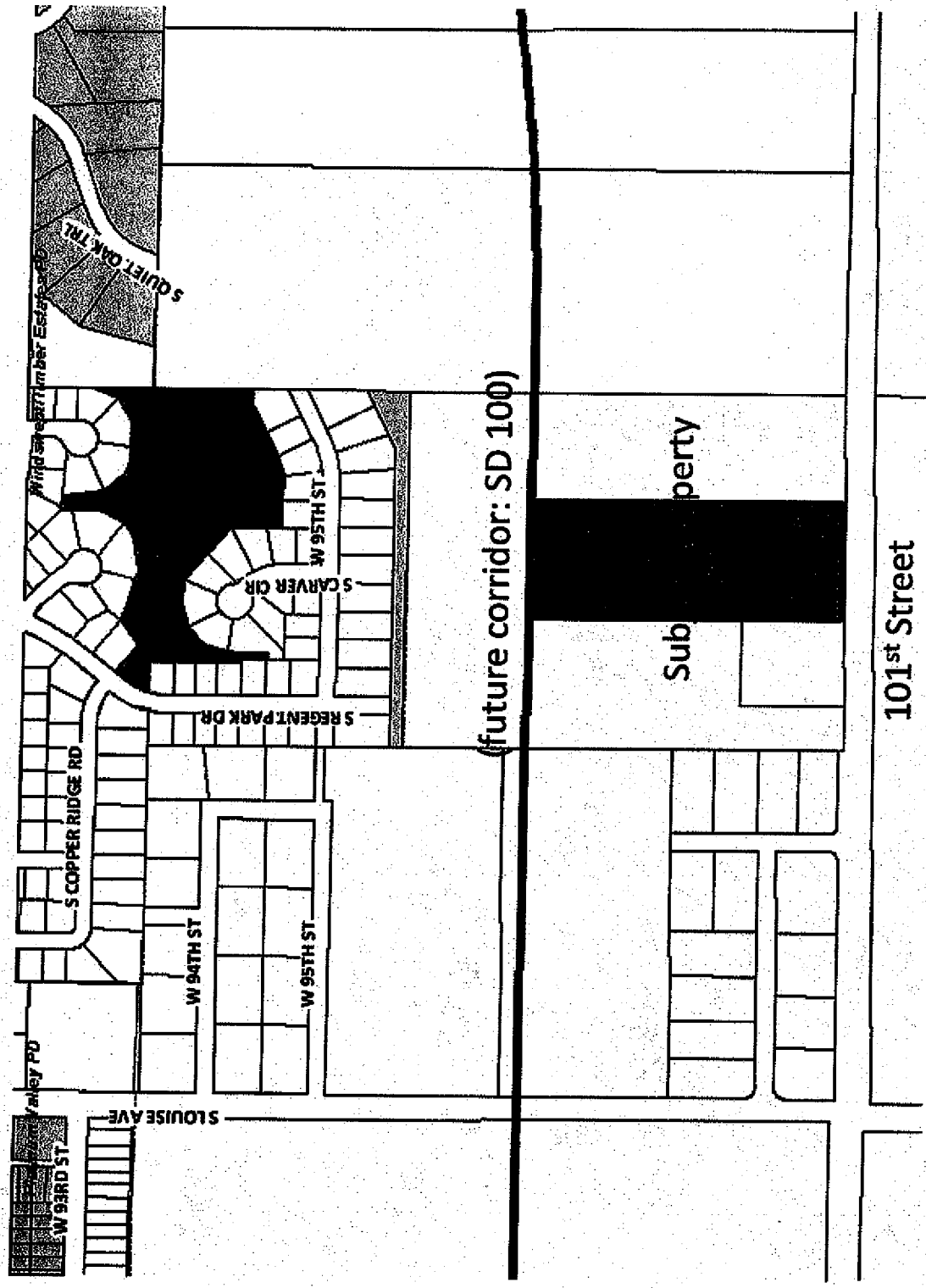
Petitioner (Print) Richard Foster
Signature [Signature]
Date 3-10-2011 Phone 605-346-1564
Address 7304 S. Redstone Ave
Sioux Falls SD 57108
City State Zip

Owner (Print) _____
If different than above
Signature _____
Date _____ Phone _____
Address _____
City State Zip

Office use only
Location _____
Checked By _____
Given Signs _____
Site Plan <input checked="" type="checkbox"/>
Add'l Reports _____
PC Date <u>7-13-2011</u>
PC Action: _____
CC Date _____
CC Action: _____
Effective Date _____
Purpose _____

Agenda Item: Not Assigned
Item ID: 58529

The following document(s) are public records obtained from the
City of Sioux Falls.



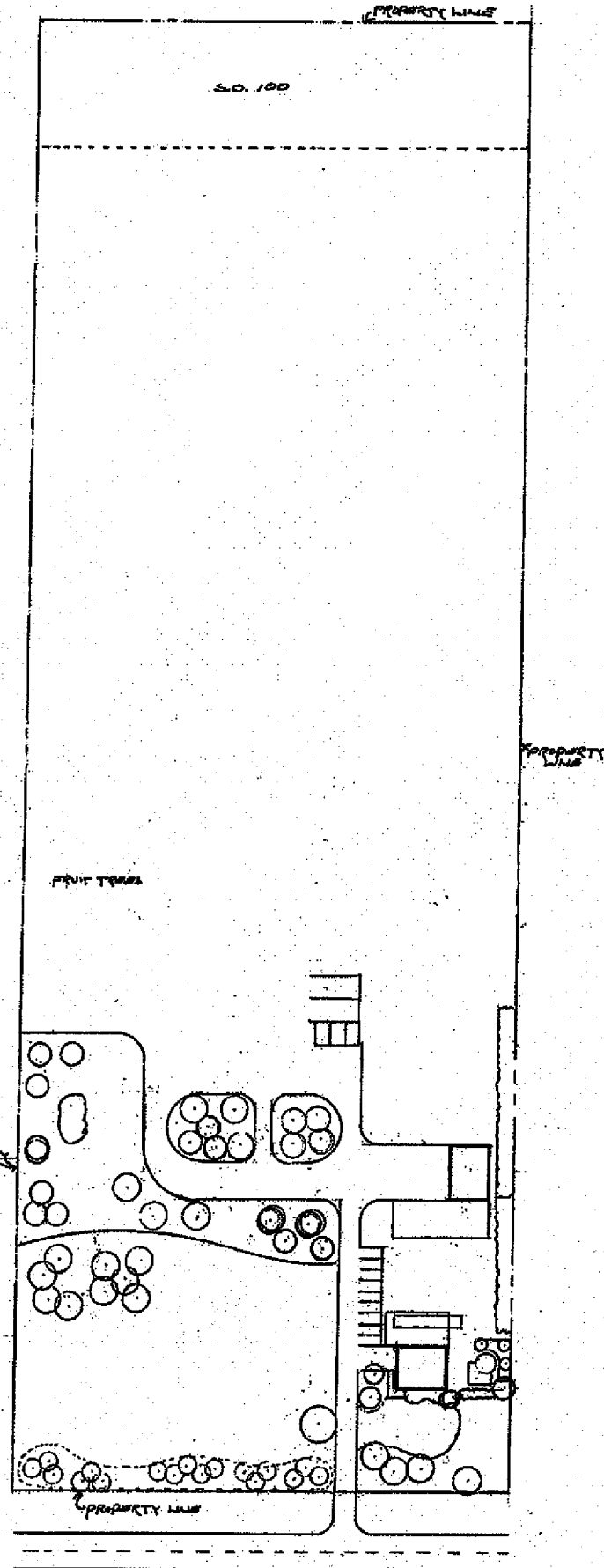
ITEM 4. CONDITIONAL USE #JJ-CUP-002: vicinity map



ITEM 4. CONDITIONAL USE #JJ-CUP-002: aerial photo

Site Plan
For
Nursery and Garden Center

47238 271st St.
Sioux Falls, South Dakota
By Rick Foster Owner



DRAWING 1 ENTIRE PROPERTY Scale: 1"=60'

Site Plan

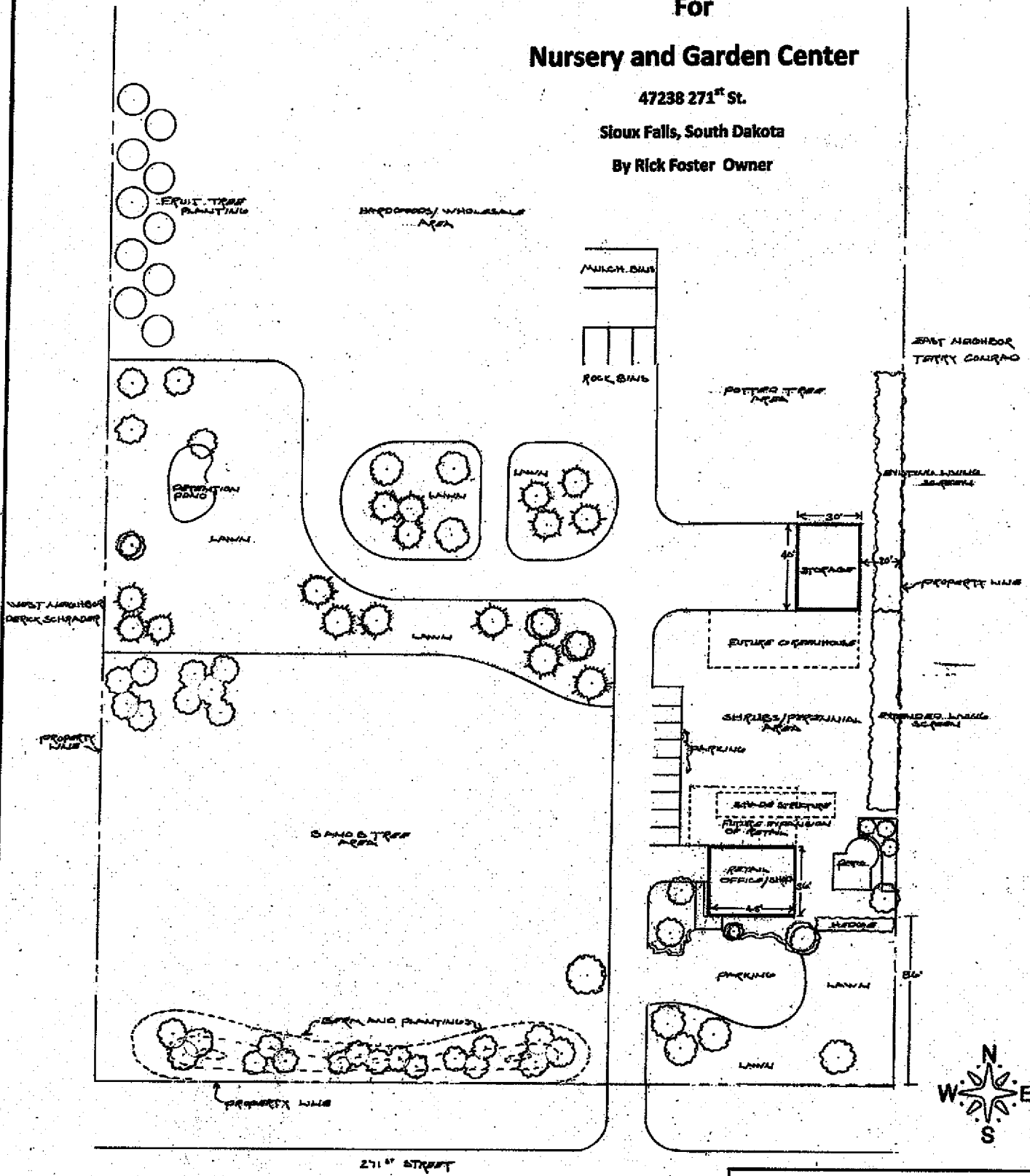
For

Nursery and Garden Center

47238 271st St.

Sioux Falls, South Dakota

By Rick Foster Owner



SOLID LINES INDICATE
 EXISTING STRUCTURES
 DASHED LINES INDICATE
 FUTURE OR PROPOSED STRUCTURES

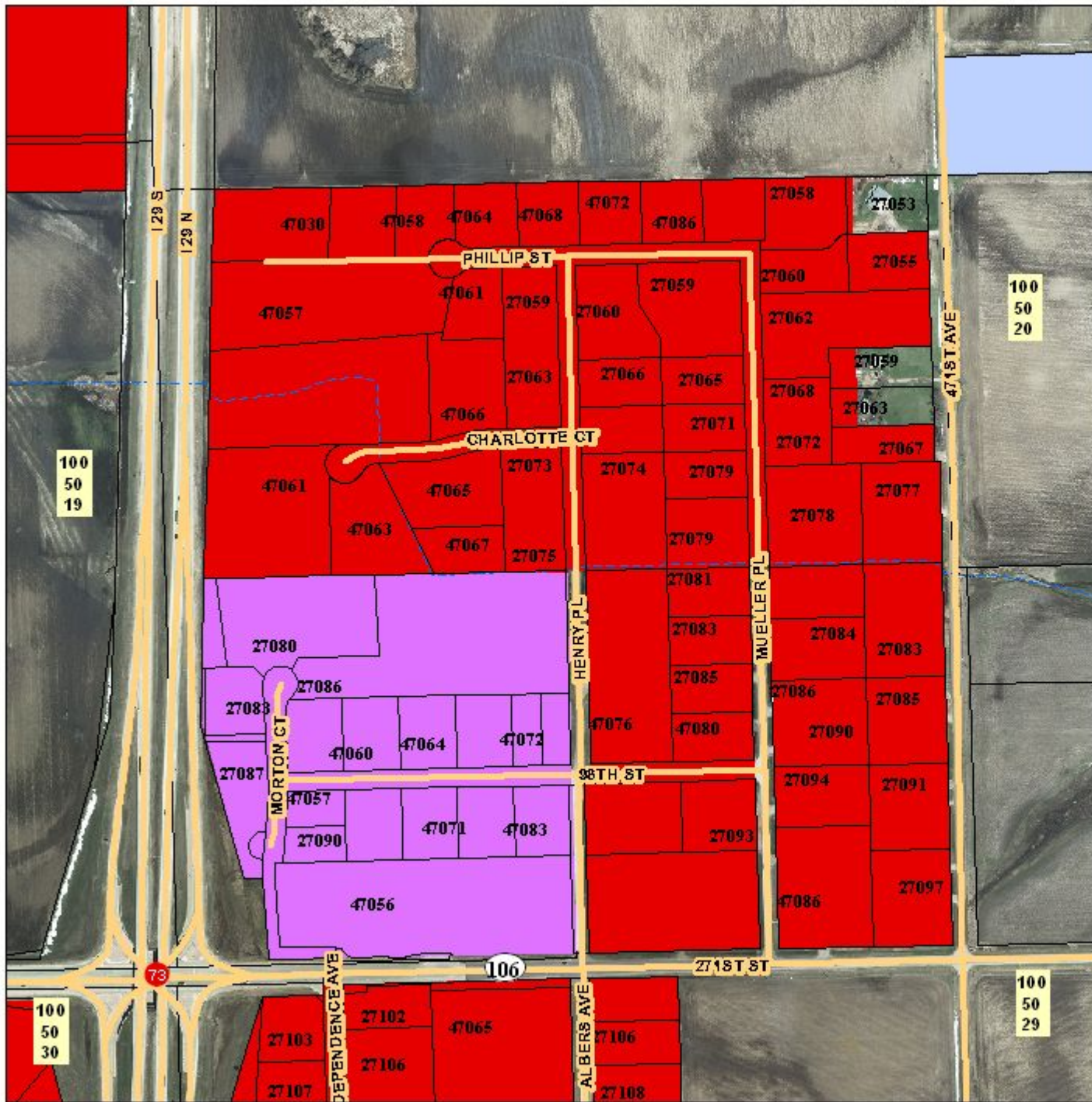
DRAWING 2 SOUTH 600 FT. OF PROPERTY Scale: 1"=30'

DATE:	APPROVED BY:	DRAWN BY:

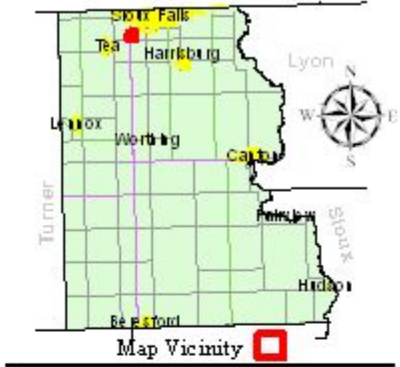
Agenda Item: Not Assigned

Item ID: 58529

The following document(s) are public records obtained from the City of Sioux Falls.



Lincoln County SD



Legend

- Road Centerline
- City Limits
- Parcels Lincoln
- Water Course**
 - Main Channel
 - Tributary
 - Local Collector
- Flood Plain**
 - Zone A
 - Zone AE
 - Floodway
- Zoning District**
 - C Commercial
 - I-1 Light Industrial
 - PD Planned Development
 - RR Rural Residential

2008 Aerial Photo

0 270 540 810 Feet

Geographic Information Services
Map Updated: