

MINUTES

REGULAR SCHEDULED MEETING

BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY AUGUST 16, 2022 - 7:00 P.M.

BROWN COUNTY COURTHOUSE ANNEX in the BASEMENT COMMUNITY ROOM

- I. **Call to Order:** The **Brown County Planning/Zoning Commission** meeting was called to order by Stan Beckler-Chairman.
- II. **Roll Call:** Members of the Brown County Planning/Zoning Commission present for roll call were David North-Vice Chairman, Darwin Bettmann, Dale Kurth, Patrick Keatts, James Meyers, County Commissioner Michael Gage, serving on this Board, Deputy States Attorney Ross Aldentaler and Stan Beckler- Chairman. Planning Technician Chris Anderson and Planning Director Scott Bader were present from the Planning/Zoning Department.
- III. **Minutes:** After discussion about previous months Minutes, North moved and Keatts seconded to approve the Minutes for the July 19, 2022, Planning/Zoning Commission meeting. All members voted aye; the motion carried.
- IV. **Old Business:**
 1. **Sign-up Sheet:** at door entrance on the table for anyone to speak on an Agenda Item.
 2. **Permits:** Anyone present that has submitted Zoning Board of Adjustment Items such as a Variance Petition or Conditional Use Petition (CUP) is still required to get their required PERMITS from the Zoning Office before starting their project if their request gets approved.
- V. **New Business: Planning/Zoning Commission as Zoning Board of Adjustment (BOA)**
 1. **Conditional Use Petition (CUP)** in a Heavy Industrial District (H-I) described as Lot 2, "Thorpe Second Subdivision" in the S1/2 of Section 16-T123N-R64W of the 5th P.M., Brown County, South Dakota (approx. 38442 133rd Street, Aberdeen Twp). Submitted by Terry Larson. In attendance for this item was Terry Larson and Allen Wellman (neighbor). Following discussion on FoF, Kurth moved, and North seconded to **approve the finding of facts** as presented. Also following discussion Kurth moved, and North seconded to **approve the conditional use petition (CUP)** to allow:
 - a. a maximum of 20 steel storage container units set in a straight line (N to S) along the west property line by the existing wood fence (minimum 100' front yard setback).
 - b. a small sign shall be installed a minimum of 50' back from property line with the *parcel address, name of the storage company and contact phone number* posted by the west entrance.
 - c. owner must provide lighting of the storage area.
 - d. all storage units must be painted the same color for aesthetics.
 - e. each *unit number* must be posted on the front of each container.
 - f. this conditional use petition (CUP) is approved for the *current owners only* with no transferring of ownership allowed without pre-approval of the Zoning Board of Adjustment (BOA), all members voting aye, motion carried.

2. **Variance to Building Setbacks** in an Agriculture Preservation District (AG-P) proposed to be rezoned to Mini-Agriculture District (M-AG) described as Lot 3, “Hagemann First Subdivision” in the SE1/4 of Section 26-T124N-R63W of the 5th P.M., Brown County, South Dakota (39296 129th Street, Ordway Twp). Submitted by Jeremy Walberg. In attendance for this item was Jeremy Walberg. Following discussion on FoF Meyers moved, and Bettmann seconded to **approve the finding of facts** as presented. Also following discussion Meyers moved, and Bettmann seconded to **approve the variance to building setbacks** to have a minimum south Front Yard Setback of 80’ from property line and a minimum east Front Yard Setback of 80’ from property line rather than the minimum 100’ setback required, all members voting aye, motion carried.
3. **Variance to Approach Separation Distance** in an Agriculture Preservation District (AG-P) described as Lot 1, “First Subdivision of Hanson’s Outlot 1” in the NE1/4 of Section 20-T126N-R62W of the 5th P.M., Brown County, South Dakota (11507 396th Avenue, Brainard Twp). Submitted by Grant Gilchrist. No one was in attendance for this item. Following discussion on FoF, North moved, and Keatts seconded to **approve the finding of facts** as presented. Also following discussion North moved, and Keatts seconded to **approve the variance to approach separation distance** to be a minimum of 440’ south of existing approach rather than the minimum of 500’ required, all members voting aye, motion carried.
4. **Variance to Approach Separation Distance** in an Agriculture Preservation District (AG-P) described as The SE1/4 of the SE1/4 of Section 7-T125N-R61W of the 5th P.M., Brown County, South Dakota (40096 120th Street, Columbia Twp). Submitted by Grant Gilchrist. No one was in attendance for this item. Following discussion on FoF, Kurth moved, and Gage seconded to **approve the finding of facts** as presented. Following discussion on the approach location. Kurth moved, and Gage seconded to **approve the variance to approach separation distance** to be a minimum of 115’ south from the existing approach rather than a minimum of 500’ as required; the existing north approach on the west side of highway is to be removed; the new approach is to be installed on the west side, straight across from the existing approach on the east side of highway, all members voting aye, motion carried.

VI. **Other Business:** None

*Completed as **Zoning Board of Adjustment (BOA)** & going to **Planning Commission***

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- I. **Old Business:** Amendment Discussion to Brown County Ordinance Title 4 for Chapters 4.22 through Chapter 4.29 for Administrative Rules and Enforcement are still Tabled until further notice, by the States Attorney Office.

II. **New Business: Planning Commission**

10. **Rezoning Petition** from Agriculture Preservation District (AG-P) to Lake Front Residential District (R-3) and Mini Agriculture District (M-AG) for properties described as Lots 1-17, “Bauer’s Fourth Addition” in the S1/2 of Section 7-T123N-R65W of the 5th P.M., Brown County, South Dakota (North Sunrise Drive & Ebby Lane-Mina Lake, Mercier Twp). Submitted by Nolan Ulmer. In attendance for this item was Nolan Ulmer. Following discussion, Meyers moved, North seconded to **recommend approval of the rezoning petition** for [Lots 1-9 & Lots 11-17 for Lake Front Residential District (R-3); Lot 10 for Mini Agriculture District (M-AG)] to the Board of County Commissioners, all members voting aye, motion carried.
11. **Rezoning Petition** from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) for a property described as Proposed Lot 1, “Howell-Lunzman Addition” in the SW1/4 of Section 29-T128N-R62W of the 5th P.M., Brown County, South Dakota (10464 395th Avenue, Liberty Twp). Submitted by Todd Lunzman. In attendance for this item was Todd Lunzman. Following discussion, North moved, Keatts seconded to **recommend approval of the rezoning petition** for Lot 1 to the Board of County Commissioners, all members voting aye, motion carried.
12. **Rezoning Petition** from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) for properties described as Proposed Lot 1, “Mark Thompson Second Addition” and Lot 1, “Mark Thompson Addition” both in the SE1/4 of Section 9-T128N-R61W of the 5th P.M., Brown County, South Dakota (403rd Avenue & 126th Street, Putney Twp.). Submitted by Mark Thompson. Following discussion, Kurth moved, Gage seconded to **recommend approval of the rezoning petition** for both of Lot 1’s listed above, to the Board of County Commissioners, all members voting aye, motion carried.
13. **Rezoning Petition** from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) for properties described as Lot 3, “Hagemann First Subdivision” and Lots 1 and 2, “Garrett’s Subdivision of Lot 1, Hagemann First Subdivision” in the SE1/4 of Section 26-T124N-R63W of the 5th P.M., Brown County, South Dakota (39296 129th Street and 12885 & 12887 393rd Avenue, Ordway Twp). Submitted by Jeremy Walberg. In attendance for this item was Jeremy Walberg. Following discussion, Gage moved, North seconded the motion to **recommend approval of the rezoning petition** for Lot 3, and Lots 1 & 2 as listed above, to the Board of Brown County Commissioners, all members voting aye, motion carried.
14. **Rezoning Petition** from Residential District (R-1) to Highway Commercial (HC) for properties described as Lot 1, “Ronnie’s Way Addition” and Lot 1, “Creekside Addition” both in the NW1/4 of Section 17-T123N-R63W of the 5th P.M., Brown County, South Dakota (2520 8th Avenue NE & 578 N Roosevelt Street, Aberdeen Twp). Submitted by Stacy Gossman. In attendance for this item was Stacy Gossman. Following discussion, Keatts moved, Meyers seconded the motion to **recommend approval of the rezoning petition** for both Lot 1’s as listed above to the Board of Brown County Commissioners, noting that there is floodplain and floodway regulations that need to be met for any future development on these two (2) lots, all members voting aye, motion carried.
15. **Rezoning Petition** from Agriculture Preservation (AG-P) to Mini-Agriculture District (M-AG) for a property described as Proposed Lot 1, “Whitman’s First Subdivision” in the N1/2 of the NE1/4 of Section 29-T123N-R62W of the 5th P.M., Brown County, South Dakota (134th Street

& 396th Avenue, Bath Twp). Submitted by Jim Whitman. In attendance for this item were neighbors Kristi and Bruce Geist. Following discussion, Meyers moved, Kurth seconded the motion to **recommend approval of the rezone petition** for Lot 1 as listed above, to the Board of Brown County Commissioners, all members voting aye, motion carried.

16. **Preliminary & Final Plat** for a property described as “Howell-Lunzman Addition” in the SW1/4 of Section 29-T128N-R62W of the 5th P.M., Brown County, South Dakota (10452 & 10464 395th Avenue, Liberty Twp). Submitted by Todd Lunzman. In attendance for this item was Todd Lunzman. Following discussion, North moved, Gage seconded the motion to **recommend approval of this Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.
17. **Preliminary & Final Plat** for a property described as “Mark Thompson Second Addition” in the SE1/4 of Section 9-T124N-R61W of the 5th P.M., Brown County, South Dakota (40294 126th Street, Putney Twp). Submitted by Mark Thompson. Following discussion, Meyers moved, Keatts seconded the motion to **recommend approval of this Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.
18. **Preliminary & Final Plat** for a property described as “BNB Second Richmond Lake Subdivision” in the NW1/4 of Section 25-T124N-R65W of the 5th P.M., Brown County, South Dakota (37911 Marquette Drive, Ravinia Twp) with a short segment of road right-of-way being dedicated for better access. Submitted by Lyle Biegler. Following discussion, North moved, Bettmann seconded the motion to **recommend approval of this Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.
19. **Preliminary & Final Plat** for a property described as “Whitman’s First Subdivision” in the N1/2 of the NE1/4 of Section 29-T123N-R62W of the 5th P.M., Brown County, South Dakota (13405 396th Avenue, Bath Twp). Submitted by Jim Whitman. Following discussion, North moved, Bettmann seconded the motion to **recommend approval of this Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.

III. **Other Business:** none

There being no further business before the Planning/Zoning Commission, Keatts moved and North seconded to adjourn, and all members voting aye, motion carried.

Submitted by: Planning Technician Chris Anderson and Planning Director Scott Bader.