

## PLANNING COMMISSION MINUTES

May 2, 2023

1. Chairman Haines called the meeting to order at 7:00 P.M.
2. Roll Call-quorum is met, simple majority vote required for all items.
  - Present: Bruce Haines, Steve Thiesse, Lewis Bainbridge, Dave Anderson, Ray Gosmire, Mike Bhaalid, Jeff Bathke, & Karen Wegleitner.
  - Absent: Chris Nebelsick.
  - Guests: Robert & Kayleen Lee, William Brummett, Phil & Andria Lee, Ray Trudeau, Frank Jackson, Wanda Kobes, Ralph Kiner, Pamela McKillip, Suzanne & Loren Skinner, Curt Wieczorek, Ken Schoenfelder, Scott Palmer, Chuck Mauszycki, & Brad Nesheim.
3. Consider the amended agenda. Agenda item #13 was added after the agenda was sent out.
  - Motion by Dave Anderson, seconded by Steve Thiesse, to approve the amended agenda. All members voted aye, motion carried.
4. Declare conflicts of interest. None.
5. Consider the previous minutes. Motion by Mike Bhaalid, seconded by Dave Anderson, to approve the April 4, 2023 proposed minutes. All members voted aye, motion carried.
6. Public input for items not on the agenda. Hearing none, the meeting continued.
7. Consider a Variance application requested by Custom Genetic Solutions of:
  - +/- 37', creating a setback of +/- 38' from the office on the North property line, where the minimum front yard setback is 75' in the Agricultural District.

This request is located in Lot A in the NE1/4 of Section 9, T 102N, R 61, W of the 5<sup>th</sup> P.M., Davison County, South Dakota. Deputy Administrator Wegleitner gave an explanation of the Variance Application. The applicant was present to answer questions.

**Discussion:** Curt Wieczorek from Custom Genetic Solutions explained they are adding 4 separate additions to the office building. The additions to the East will expand the office space, to the West the lab and the rest will be used for storage. The driveway to the West will be unusable due to the expansion and will be blocked off. There are no concerns with drainage on the West side of the addition.

The board questioned why they can't expand more to the East. Curt explained due to the number of trucks coming and going, expanding more to the East would complicate the traffic flow. This is also the parking area for the office/lab.

- Motion by Mike Bhaalid, seconded by Lewis Bainbridge, to recommend approval of the Variance Permit to the Board of Adjustment.

Roll call vote:

Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – aye, Nebelsick – absent, Bhaalid – aye, Anderson – aye, motion carried.

8. Consider a Conditional Use application to allow alcohol sales in the Agricultural Residential District, at the request of Lee Ranch Trucking, LLC dba Lee's Red Barn. This request is located in Lot A, less Lots A-1, A-2 & A-3 in the SE1/4 of Section 15, T 102N, R 60, W of the 5<sup>th</sup> P.M., Davison County, South Dakota. Deputy Administrator Wegleitner gave an explanation of the Conditional Use Application. The applicant was present to answer questions.

**Discussion:** Kayleen & Robert Lee explained their vision was to fix up the barn to host small family gatherings and a place for family to stay. They started selling produce for additional income to help with the cost of remodeling the barn. Customers have enjoyed

sitting on the porch and they want to provide beer and wine for them to enjoy and/or taste before purchasing. Kayleen explained they have no plans to open a bar or casino and have no intentions to host large events with loud music as they have limited space. They might host small events like birthday or anniversary parties. The hours will be limited and by appointment. Additional lights have been added to the barn and in the yard. A new septic system specific for the barn use was installed and there is parking for up to 84 vehicles. However, they do not intend to have events with that many vehicles.

Planning Commission Board Questions and Answers:

1. What type of alcohol license are you applying for? They are applying for a Wine & Cider License and Malt Beverage & South Dakota Farm Wine License. The licenses are only for wine and beer, no hard liquor.
2. Will you employ anyone? Kayleen Lee explained they will try and do it themselves. They have help from their son and daughter-in-law but might hire part-time help.
3. Do you need a Conditional Use Permit to apply for a license? Yes, no permit, no license.
4. Will you have signs and are there restrictions? Kayleen explained they may have a sign on their building and will advertise. In the future they might have a billboard. She expressed they will follow the Ordinance, which allows for a 100 SF sign on the building or in the yard.
5. Will you be purchasing locally? Kayleen explained they will purchase locally and from out of state.

Public Concerns/Questions:

Abutting and surrounding neighbors to the Lee's property addressed their concerns of noise, traffic, drunk drivers, accidents, business hours, and safety. Kayleen explained they have no intentions of throwing large parties and the barn has been insulated. They don't anticipate large groups or clusters of cars.

- Motion by Lewis Bainbridge, seconded by Steve Thiesse, to recommend approval of the Conditional Use to the Board of Adjustment.

Roll call vote:

Haines – aye, Thiesse – aye, Gosmire – nay, Bainbridge – aye, Nebelsick – absent, Blaalid – aye, Anderson – aye, motion carried.

9. Consider a Variance application requested by Brad Nesheim of:

- +/- 35', creating a setback of +/- 40' from the shed on the South property line, where the minimum front yard setback is 75' in the Agricultural District.

This request is located in SE1/4 of Section 35, T 101N, R 60, W of the 5<sup>th</sup> P.M., Davison County, South Dakota. Deputy Administrator Wegleitner gave an explanation of the Variance Application. The applicant was present to answer questions.

**Discussion:** Brad Nesheim explained the previous shed collapsed due to the weather. He is reusing the existing concrete and expanding the building size to accommodate the size of the equipment.

The board questioned why he can't expand more to the North. Brad explained he would like to add to his house and the septic system is to the North.

- Motion by Steve Thiesse, seconded by Ray Gosmire, to recommend approval of the Variance Permit to the Board of Adjustment.

Roll call vote:

Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – aye, Nebelsick – absent, Blaalid – aye, Anderson – aye, motion carried.

10. Consider a Variance application requested by Pam McKillip of:
- +/- 20.686 acres, creating a lot size of +/- 4.314 acres, where the minimum lot size is 25 acres for a residence in the Agricultural District.
  - +/- 21', creating a setback of +/- 54' from the house on the East property line, where the minimum front yard setback is 75' in the Agricultural District.
  - +/- 5', creating a setback of +/- 45' from the shed on the West property line, where the minimum rear yard setback is 50' in the Agricultural District.
  - +/- 30', creating a setback of +/- 20' from the shed on the South property line, where the minimum side yard setback is 50' in the Agricultural District.

This request is located in Lot A in the SE1/4 of Section 18, T 103N, R 62, W of the 5<sup>th</sup> P.M., Davison County, South Dakota. Deputy Administrator Wegleitner gave an explanation of the Variance Application. The applicant was present to answer questions.

**Discussion:** We received one call from a neighbor concerned about the proposed tract 2 being developed.

Ralph Kiner, Pam Mckillip's realtor, explained the North field is an alfalfa field. Pam was looking for a farmstead and not the farm ground. She has no use or equipment to maintain the alfalfa field. There is a buyer for the proposed tract 2. Ralph explained the buyer has no intention of developing the land. Could the land be developed in the future, yes, but so could the land across the road.

The board discussed how they don't like chopping up ag land and creating smaller lots. Was discussed if the land could be sold by measurements. The land could be but would not be able to receive a building permit on land described by measurements due to the Ordinance.

- Motion by Ray Gosmire, seconded by Steve Thiesse, to recommend approval of the Variance Permit to the Board of Adjustment.

Roll call vote:

Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – aye, Nebelsick – absent, Blaaid – aye, Anderson – nay, motion carried.

11. Consider a Plat of Tract 1 and Tract 2 of McKillip's Addition, in the SE1/4 of Section 18, T 103 N, R 62, West of the 5<sup>th</sup> P.M., Davison County, South Dakota, at the request of Pam McKillip. This request is located in Lot A in the SE1/4 of Section 18, T 103N, R 62, W of the 5<sup>th</sup> P.M., Davison County, South Dakota. Deputy Administrator Wegleitner gave an explanation of the Plat Proposal. The applicant was present to answer questions.

**Discussion:** No comments on the plat.

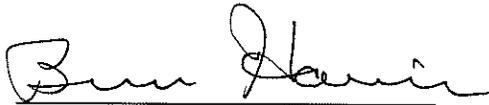
- Motion by Steve Thiesse, seconded by Lewis Bainbridge, to recommend approval of the Plat to the County Commissioners. Roll call vote:

Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – aye, Nebelsick – aye, Blaaid – aye, Anderson – aye, motion carried.

12. Consider a Plat of Lot 5 of North Maui's First Addition and Sara Avenue, a Subdivision of Lot 4 in the E1/2 of the W1/2 of Section 31, T 104 N, R 60, West of the 5<sup>th</sup> P.M., Davison County, South Dakota, at the request of Maui Farms, Inc. This request is located in Lot 4 in the E1/2 of the W1/2 of Section 31, T 104N, R 60, W of the 5<sup>th</sup> P.M., Davison County, South Dakota. Deputy Administrator Wegleitner gave an explanation of the Plat Proposal. The applicant was present to answer questions.

**Discussion:** Chuck Mauszycki explained the proposed Lot 5 is North of Maui Drive and is being sold. Rural water is available. Sara Avenue will be expanded, and will continue to the south with future development. The proposed parcel will follow City Ordinance due to being in the ETJ.

- Motion by Dave Anderson, seconded by Steve Thiesse, to recommend approval of the Plat to the County Commissioners. Roll call vote:  
Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – aye, Nebelsick – absent, Blaalid – aye, Anderson – aye, motion carried.
13. Consider a Plat of Tract 2 in the West 626.84 feet of Lot 5 of Crane’s Addition, in the SE1/4 of Section 34, T 103 N, R 60, West of the 5th P.M., Davison County, South Dakota, at the request of Ronald & Michele Riggs. This request is located in W.626.84’ of Lot 5 of Crane's Addition in the SE1/4 of Section 34, T 103N, R 60, W of the 5<sup>th</sup> P.M., Davison County, South Dakota. Deputy Administrator Wegleitner gave an explanation of the Plat Proposal. The applicant was not present to answer questions.  
**Discussion:** Ronald & Michele Riggs are platting out Tract 2 for a family member within the 3rd kinship to build a residence on. The proposed parcel will follow City Ordinance due to being in the ETJ.
- Motion by Ray Gosmire , seconded by Mike Blaalid, to recommend approval of the Plat to the County Commissioners. Roll call vote:  
Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – aye, Nebelsick – aye, Blaalid – aye, Anderson – aye, motion carried.
14. Additional Comments from the Group
- None
15. Set date and time for next meeting – June 6, 2023 @ 7:00 P.M.
16. At 9:05 P.M., a motion was made by Mike Blaalid, seconded by Lewis Bainbridge, to adjourn the meeting. All members voted aye, motion carried.



Bruce Haines  
Planning Commission Chairperson

*Karen Wegleitner*

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Karen Wegleitner  
Deputy Director of Planning & Zoning