

## PLANNING COMMISSION MINUTES

July 11, 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 Blaalid, Jeff Bathke, & Karen Wegleitner.
  - Absent: Chris Nebelsick.
  - Guests: Allen & Cody Jenks, Skyler Peterson, Lowell Langstraat, Larry Petrik, Dan & Mary Alexander, Greg Tilberg, Frank Baker, Scott & Alli Phillips, Abby Norrid, Ryan Buck, Lowell Titze, Renae & Branden Gades, Brian Nesheim, Linda James, Karen Lunn, Janet Driggs, Darrell Roth, Larry Schnabel, Steve & Kathie Frank, Penny Petersen, Michelle Hellman, Aaron Baas, Matt Bennett, Justin Bolle, Robert Ball, Drew Boyden, & Tim Neugebauer .
3. Consider the amended agenda. Item #10 changed the name on application from USA High School Clay Target League to Ethan High School Clay Target Team. Item #12 changed the lot size from 8 acres to 9 acres. Item #13 was Allen Jenks's plat added to the agenda.
  - Motion by Dave Anderson, seconded by Lewis Bainbridge, to approve the amended agenda. All members voted aye, motion carried.
4. Declare conflicts of interest. Mike Blaalid recused himself from item # 8.
5. Consider the previous minutes. Motion by Steve Thiesse, seconded by Dave Anderson, to approve the June 6, 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 Matt Bennett of:
  - +/- 10', creating a setback of +/- 15' from the north property line, where the minimum side yard setback is 25' in the Enemy Creek Development, according to the Conditional Use Permit approved on July 29, 2003.

This request is located in Lot 3 of Enemy Creek Estates & Enemy Creek Loop, a Subdivision in the NE1/4 and SE1/4 of the NW1/4 of Section 14, 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 Variance Application. The applicant was present to answer questions.

**Discussion:** Matt is requesting a variance to avoid building in the drainage way. He will use the existing driveway for access to the shed.

- Motion by Dave Anderson, 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.

8. Consider a conditional use application to operate a commercial trucking terminal to include towing, and a repair shop in the Agricultural Residential District, at the request of Outlaw Repair & Recovery, Inc. dba Petrik Sanitation, Inc.

This request is located in Lot K of W. & L. Addition in the NW1/4 of Section 25, T 103N, R 61, 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:** Planning & Zoning board member Mike Blaalid recused himself due to conflict of interest.

Our office received 7 calls from neighbors opposed of the application with complaints of noise from jake brakes and late night operations.

The board questioned the hours of operation, average number of tows per week, how many tow trucks, employees, & where will impound vehicles be stored. Lowell explained his hours will be from 9 a.m. to 5 p.m. but towing would be unknown. The number of tows per week would vary depending on the day and/or weather. Currently, he is averaging 1 to 2 per week and any impound vehicles will be stored inside. He has anywhere from small axel tow trucks to semi tow trucks. He has 6 employees.

Sixteen neighbors spoke against granting the Conditional Use Permit with their concerns. They have concerns about adding more traffic to an already busy highway. There are families with pets and young children with some of those children riding the bus. There are concerns of noise from jake brakes, towing vehicles all hours of the night, and the noise from the day-to-day operations of the business. Lights have shined in the windows of neighbors across the street from trucks being started in the morning and now will have the lights from tow trucks. They have had issues with flies and the wind blowing trash onto their properties. There are concerns about the view and turning into a junk yard decreasing their property values. Fears they will have trouble selling their houses when the time comes. They questioned if he was registered with Clearinghouse for random drug testing and addressed concerns of the complaints from Hanson County residents towards his business in Hanson County.

Lowell discussed how he can only control his trucks and if jake brakes are used he will address the issue and make sure it will never happen again. He confirmed he is enrolled with Clearinghouse for drug testing at Avera. Lowell is willing to install a privacy fence and/or add more trees. He is willing to do whatever is necessary. It was discussed he will not store vehicles. The longest any vehicle will be on his property is 15 to 30 days if impounded. Motion by Dave Anderson, seconded by Steve Thiesse, to recommend approval of the Conditional Use to the Board of Adjustment.

Roll call vote:

Haines – nay, Thiesse – nay, Gosmire – nay, Bainbridge – nay, Nebelsick – absent, Blaalid – recused, Anderson – nay, motion denied.

9. Consider a conditional use application to install an in-ground swimming pool in the Agricultural Residential District, at the request of Aaron Baas.

This request is located in Lot 1 of AJB Subdivision in the NE1/4 of Section 12, T 103N, R 60, W of the 5<sup>th</sup> P.M., Davison County, South Dakota. Deputy Adminstrator Wegleitner gave an explanation of the Conditional Use Application. The applicant was present to answer questions.

**Discussion:** The board addressed their concerns of neighbor children jumping in the pool and/or debris like corn stocks blowing into the pool, but their concerns were eased as Baas owns the surrounding land.

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 – aye, Bainbridge – aye, Nebelsick – absent,

Blaalid – aye, Anderson – aye, motion carried.

10. Consider a conditional use application to allow a shooting range for the Ethan High School Clay Target Team in the Agricultural District, at the request of Ethan High School Clay Target Team.

This request is located in SW1/4, except NW1/4 of the SW1/4 of Section 12, 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 Conditional Use Application. The applicant was present to answer questions.

**Discussion:** Applicant explained they are shooting in Parkston and would like a shooting range in Ethan for convenience. They are expecting 22 kids to participate. The shooting range would be used in daylight hours only and for practice. They may look at competitive shooting in the future. The surrounding shelterbelts make a great noise barrier and no complaints from neighbors.

Motion by Lewis Bainbridge, seconded by Mike Blaalid, to recommend approval of the Conditional Use to the Board of Adjustment.

Roll call vote:

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

11. Consider a plat of Lot A-2, a Subdivision of Lot A-1 of N. Boyden First Addition, a Subdivision of the SE1/4 of the NE1/4 of Section 23, T 103 N, R 60 W of the 5<sup>th</sup> P.M., Davison County, South Dakota, at the request of Drew Boyden.

This request is located in Lot A-1 of N. Boyden First Addition, a Subdivision of the SE1/4 of the NE1/4 of Section 23, 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 present to answer questions.

**Discussion:** The City approved of Boyden's plat. He is platting out the original farmstead.

- Motion by Steve Thiesse, seconded by Dave Anderson, 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.

12. Consider a variance application requested by Allen Jenks of:

- +/- 16 acres, creating a lot size of +/- 9 acres, where the minimum lot size is 25 acres for a residence in the Agricultural District.

This request is located in NE1/4 of Section 30, 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:** Allen Jenks is platting out 9 acres for his son to build a house on. They have plans of cleaning up the property and using the existing driveway. There will be no setback issues as they plan on building the house in compliance with our ordinance. Allen will be transferring ownership to a relative within the 3rd kinship.

- Motion by Mike Blaalid, 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, Blaalid – aye, Anderson – aye, motion carried.

13. Consider a plat of Tract 1 of Jenks First Addition in the NE1/4 of Section 30, T 102 N, R 61, West of the 5th P.M., Davison County, South Dakota, at the request of Allen Jenks. This request is located in NE1/4 of Section 30, 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 Plat Proposal. The applicant was present to answer questions.

**Discussion:** No concerns or comments on plat.

- Motion by Mike Bhaalid, seconded by Dave Anderson, to recommend approval of the Plat to the County Commissioners.

Roll call vote:


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

14. Additional Comments from the Group

- None

15. Set date and time for next meeting – August 1, 2023 @ 7:00 P.M.

16. At 9:20 P.M., a motion was made by Mike Bhaalid, seconded by Bruce Haines, 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