

**DEUEL COUNTY PLANNING COMMISSION BOARD
STAFF REPORT**

Tuesday – March 19, 2024– 11:15 a.m.

DEUEL COUNTY PLANNING & COMMISSION

ITEM #1 REZONE

Applicant/Owner: Douglas Troska

Property Description: Lot 2 Martins Addition in SE1/4 NE1/4 of Section Three (3), Township One Hundred Fourteen (114) North, Range Forty-Nine (49) West of the 5th P.M., Deuel County, South Dakota

Action Items –Rezone – (Article III Section 302)

Public Hearing by Planning Commission

Recommendation by Planning Commission for Ordinance 2022-01-03A

Zoning Designation: “AG” Agricultural District to “CI” Commercial/Industrial District

Request: for the change of zoning to “CI” Commercial/Industrial District from “AG” Agricultural District, for the above-described property

History/Issue(s):

Specifics of Request

1. Douglas Troska seeks the change of zoning to “CI” Commercial/Industrial District from “AG” Agricultural District, the above described (approximately) 5.73 acre parcel.
2. The subject parcel has an older pole shed built prior to 1996 per google earth.
3. The application includes a drawing for the area to be rezoned. The applicant indicated that the property (approximately 5.73 +/- acres) for development. Staff has met with the applicant and was told that the proposed development would be shop for a truck for maintenance. This would fall under in the Commercial/Industrial District under a CUP for terminals and freight warehouse. The applicant lives in town and has his own trucking business which contains 3 flatbed semis and the proposed shop would be for maintenance.
4. Deuel County Comprehensive Plan (Comp Plan):
 - A. Rezoning’s need to substantially meet the objectives, goals, and policies of the Comp Plan for both the type of use and the “Development Area” the proposal is located within.
 - B. Regarding Commercial Uses/Zoning:
 - The Boards need to determine whether failure to meet the following five (of 14) Commercial/Industrial Development Policies is sufficient reason to deny the rezoning request:
 - Commercial and Industrial development projects should take place in designated industrial parks or already developed highway locations.
 - Commercial and industrial developments which can be accommodated in an incorporated or unincorporated municipality shall be discouraged in the unincorporated areas of the county.
 - Municipal commercial districts should be protected and should not be diluted by a scattered pattern of commercial uses developed at random throughout the unincorporated areas of the county.
 - The Deuel County Planning Commission should encourage the redevelopment and reuse of existing business locations.
 - Discourage strip development along transportation arteries (highways), particularly those which serve as gateways to the municipalities.

C. Regarding Area of Development Stability:

- These policies are applicable because the property would be in the Area of Development Stability if not over the shallow aquifer.
- The Boards need to determine whether failure to meet the following 5 (of 15) Area of Development Stability Policies is sufficient reason to deny the rezoning request:
 - The premature development of agricultural land should be discouraged.
 - Promote development patterns which will avoid producing inflated agricultural land values.
 - When considering future land use decisions, the preservation of agricultural land should be of significance.
 - Limit rural developments to densities that do not exceed current service levels.
 - Only future development (residential, commercial, industrial, etc.) which cannot be accommodated in a community (incorporated or unincorporated) or in a Lake Park District, or sanitary sewer district should be encouraged in the unincorporated areas of the county that have appropriate infrastructure – roads, water sewer.

6. Staff Summary:

- **The question before the Board is NOT whether any certain use is appropriate at this property but whether ALL the uses allowed in the Commercial/Industrial District are appropriate at this property. The Board has rezoned properties in the Area of Development Stability which do not meet the goals referenced in 4.C before. However, in order to rezone this property, the Board needs to determine that this and all other uses listed in the Commercial/Industrial District DO NOT POTENTIALLY propose a threat or hardship and should be compatible with adjacent land uses.**

7. Staff recommendation:

- **The Board could approve for the change of zoning to “CI” Commercial/Industrial District from “AG” Agricultural District, on the above property on the basis that failure to meet 10 of 29 policies is insignificant in light of the 19 policies that ARE met; however, the Board should specifically address the prohibition on rezoning property with a potential pollution risk to establish policy moving forward for future requests. Staff recommends approval to change of zoning to “CI” Commercial/Industrial District from “AG” Agricultural District, the above described (approximately) 5.73 acre parcel.**
- **The Board could deny the request based on any of the 10 policies not met by this request.**