

**DEUEL COUNTY PLANNING COMMISSION BOARD  
STAFF REPORT**

**Monday – March 3, 2025– 10:00 a.m.**

**DEUEL COUNTY PLANNING & COMMISSION**

**ITEM #1 – AMEND THE ZONING ORDINANCE**

**Action Item: Amend the Ordinance – (Article II, Section Definitions)**

**Request by the Planning and Commission Board:**

To amend the Zoning Ordinance, specifically related to the addition of verbiage: *Contractor Shops and Yards may include the retail sales of real and personal property associated directly with Contractor Shops and Yards* in the definition of Contractor Shops and Yards in Article II, “Definitions”.

**History/Issue(s):**

This request stems from the need to clarify and expand the current definition of Contractor Shops and Yards within the Zoning Ordinance. The proposed amendment aims to include provisions for retail sales of items related to the operation of Contractor Shops and Yards. By doing so, businesses would gain greater flexibility in selling both real and personal property directly related to their operations.

**Specifics of Request:**

1. **Amendment of the Zoning Ordinance:** The request is to amend the definition of *Contractor Shops and Yards* to include the ability to sell real and personal property associated directly with such businesses.

**Proposed definition:**

*Contractor Shops and Yards: Those facilities to include structures and land areas where the outdoor storage of equipment and supplies used for various types of construction are stored. Examples of equipment and supplies include but are not limited to the following – road construction, building construction, gravel operations, and general contracting services. Contractor Shops and Yards may include the retail sales of real and personal property associated directly with the Contractor Shops and Yards.*

2. **Objective of the Amendment:**

This amendment would permit businesses classified as Contractor Shops and Yards to engage in the retail sale of materials and equipment directly related to their business operations. These materials may include construction equipment, tools, building supplies, modular homes, manufactured home sales, and other items supporting contractor services.

**Staff Summary:**

The question before the Board is whether this proposed amendment to the *Contractor Shops and Yards* definition is appropriate and reflects the needs of the businesses seeking to operate under this classification. Specifically, the amendment would allow retail sales of related materials and equipment, giving contractors increased operational flexibility, while still maintaining the primary focus on construction-related activities.

Staff recommends considering the benefits and potential impacts of this change to ensure it aligns with the overall zoning objectives and the county's vision for land use.

**Staff Recommendation:**

1. **Approve the amendment:**

The Board may pass a resolution recommending approval of Ordinance #B2022-01-09, with or without amendment, to the Board of County Commissioners. This recommendation would include the addition of the verbiage that allows *Contractor Shops and Yards may include the retail sales of real and personal property associated directly with the Contractor Shops and Yards.*

2. **Deny the amendment:**

Alternatively, the Board may choose to deny the resolution recommending approval of Ordinance #B2022-01-09, with or without amendment, to the Board of County Commissioners regarding the addition of this verbiage to the *Contractor Shops and Yards* definition in Article II.

**ITEM #2 REZONE**

**Applicants:** Dan McKay & Steve Kerkvliet

**Owners:** Dan McKay

**Property Description:** Blocks 4, 7, 10 and 11 South Rim Of The Hidewood Subdivision in SW1/4 (LY W I-29) of Section Twenty-Two (22), Township One Hundred Fourteen (114) North, Range Fifty (50) West of the 5th P.M., Deuel County, South Dakota

**Action Items –Rezone – (Article III Section 302)**

**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. Dan McKay & Steve Kerkvliet seek the change of zoning to “CI” Commercial/Industrial District from “AG” Agricultural District, the above described (approximately) 36.45 acres.

2. The subject parcel has been platted into different sized lots that are bare and is utilized for Agricultural District uses.

3. The application includes a illustrating the area to be rezoned. The subject parcel, approximately 36.45 acres, has been platted into different-sized lots and is currently used for agricultural purposes consistent with its current "AG" Agricultural zoning. The property is vacant, with no active commercial or industrial uses taking place on the site at this time. The property is intended to be sold to Steve Kerkvliet, who plans to develop it for a contractor's shop and yard specifically for

the installation, sale, and servicing of modular and manufactured homes. Staff has met with the proposed buyer and has been informed that the intended use is suited to the site due to its direct access to an interstate exit, providing excellent visibility for potential customers.

#### 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.**
- **The Board could deny the request based on any of the 10 policies not met by this request.**