

STAFF REPORT
January 24, 2023

APPLICATION FOR CONDITIONAL USE FOR A CEMENT PLANT

GENERAL INFORMATION:

PETITIONER	Westwood Colony
REQUEST	Application for Conditional Use for a cement plant
LEGAL DESCRIPTION	NW1/4 and the SW1/4 both of Section 22, T128N, R58W
CURRENT & SURROUNDING ZONING	Agricultural (Ag)
REPORTED BY	Erin Collins-Miles

GENERAL COMMENT: Westwood Colony has requested a Conditional Use from the Marshall County Zoning Ordinance for a cement plant on the properties described as the NW1/4 and the SW1/4 both of Section 22, T128N, R58W.

Per the Marshall County Zoning Ordinance, a cement plant is not considered a permitted use in the Agricultural District. Granting of this conditional use would bring the plant into compliance with the rules and regulations set forth by Marshall County.

REVIEW: There is already an existing cement plant in the Colony which is meant to be replaced by the proposed structure. The required road setback for buildings in the Ag district is 60' from the right-of-way line. Considering the span of the road (66'), the applicant would need to be no less than 93' from the center of the road. To meet requirements for when construction takes place in the coming months, the applicant has stated that they will be 100' from the center of the township road. As stated under 'Conditional Use,' the Ordinance shows that cement plants are included in this section and therefore would fall under Section 8.3, No. 14 of Title 8. No objections were received prior to the scheduled CU hearing.

MARSHALL COUNTY APPLICATION FOR CONDITIONAL USE

DATE: 12-5-2022

To: Marshall County Planning and Zoning Commission
PO Box 9
Britton, SD 57430

The undersigned do hereby request a conditional use from the Marshall County Zoning Ordinance as provided by Article 8 Section 8.3 for the purpose of Concrete plant

Legal Description: NW 1/4 Section 22, T128N, R58W (Colony)
+ SW 1/4, Section 22, T128N, R58W

Reason: Concrete plant not permitted in Ag district,
is listed under CU section 8.3

Westwood Hutterian Brethren, Inc.

Applicant's Name: Paul Stahl Phone: 605-954-2090

Address: 10332 421st Ave. Britton SD 57430

Applicant's Signature: Paul Stahl

Owner's Signature (if different than applicant): Paul Stahl

For Internal Office Use Only:

Date Received: 1/5/23 Fees (non-refundable): \$150.00 Paid: YES NO

Inspection Report: See staff report

will call me prior to laying foundation + footings
to approve setbacks - Spring

Date of Hearing by Planning and Zoning Commission: 1/24/23

Action taken by Planning and Zoning Commission: _____

Come Springtime we can put in an app for variance if needed- just want approval for concrete plant to know if it can happen/approved.

NOTICE OF HEARING - APPLICATION FOR CONDITIONAL USE FOR A CEMENT PLANT

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on January 24, 2023 at 9:00 a.m. at the Marshall County Courthouse Commissioners Chambers, concerning the following application for a Conditional Use from the Marshall County Zoning Ordinance.

Westwood Colony has requested a Conditional Use from the Marshall County Zoning Ordinance for a cement plant to be constructed on the properties described as the NW1/4 and the SW1/4 both of Section 22, T128N, R58W of the 5th P.M., Marshall County, South Dakota.

Erin Collins-Miles
Planning & Zoning Administrator

Published once at the approximate cost of

For publication: January 11, 2023

1T (Jan 11)
**NOTICE OF HEARING
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CONDITIONAL USE FOR A
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Erin Collins-Miles, Planning & Zoning Administrator
Published at an approximate cost of \$7.25 and can be viewed free of charge at www.sdpublicnotices.com.

MARSHALL COUNTY PLANNING & ZONING COMMISSION
P.O.BOX 9
BRITTON, SOUTH DAKOTA 57430
605.448.7540

January 6, 2023

Dear Property Owner,

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on January 24, 2023 at 9:00 a.m. at the Marshall County Courthouse Commissioners Chambers, concerning the following application for a Conditional Use from the Marshall County Zoning Ordinance.

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As an adjacent landowner, you are being notified of the hearing. If you have any questions, please contact my office. Any comments or concerns should be stated in writing and forwarded to my office or expressed at the scheduled hearing.

Sincerely,

Erin Collins-Miles

Erin Collins-Miles
Planning and Zoning Administrator

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Sincerely,

Erin Collins-Miles

Erin Collins-Miles
Planning and Zoning Administrator




Sent to the following adjacent landowners on 1/6/23:

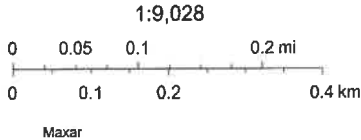
1. Donald Rust – 9712 124th Ave. SE Cogswell, ND 58017
2. Donald Jarrett – 41996 106th St. Britton, SD 57430
3. Mark Jarrett – 5038 Marquess Trl. Court N Lake Elmo, MN 55042
4. Newark SD LLLP c/o Boyce Law Firm, L.L.P. – 300 S Main Ave. Sioux Falls, SD 57117
5. Sunset Hutterian – 41632 109th St. Britton, SD 57430

Web AppBuilder for ArcGIS



12/5/2022, 3:45:09 PM

-  TOWNSHIPS
-  SECTIONS
-  PARCELS





Hamby, MN 56449

GENERAL CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL DIMENSIONS ON DRAWINGS WILL BE ASSUMED CORRECT. DRAWINGS ON PRECAST CONCRETE SHALL BE APPROVED OR REJECTED BY THE APPROVING PARTY. INFORMATION WHICH MUST BE PRESENT ON ALL DRAWINGS IS TO BE RETURNED TO THE CONTRACTOR WITH ALL DIMENSIONS AND NOTES. ITEMS, THE DRAWINGS RETURNED WILL BE CONSIDERED NOT APPROVED AND DELIVERY DELAY OF THIS MATERIAL WILL OCCUR.

Project Number: 220518
Date: _____
Issue Date: _____
Drawn By: _____
Checked By: _____
Scale: 1" = 80'-0"

BidSet

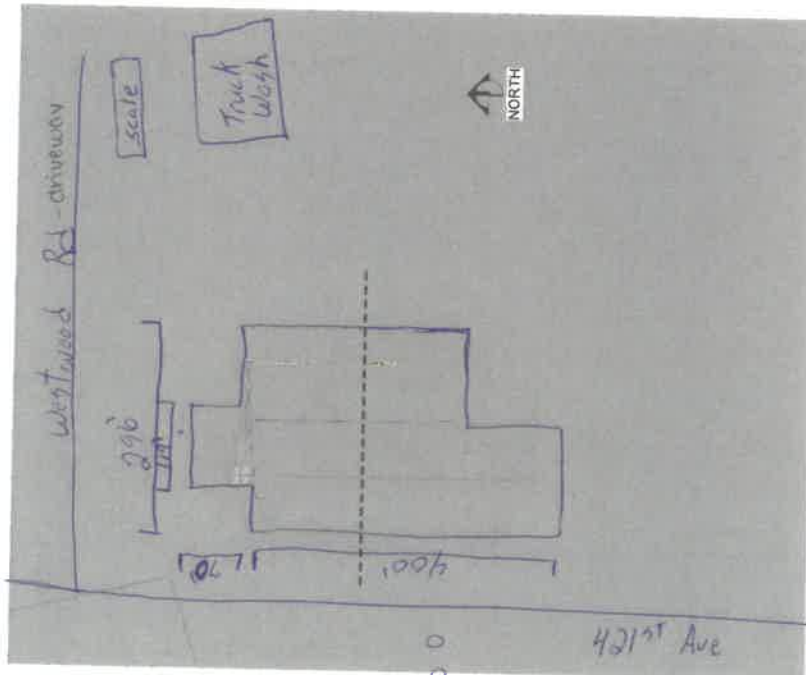
12/20/23 11:18:23 PM

Iso View 1

A100

Sheet Schedule

Sheet Number	Sheet Name	Sheet Issue Date
A100	Iso View 1	05/26/18
A101	Iso View 5	05/26/18
A111	Plan View - Ground Level - R1	05/26/18
A112	Plan View - Ground Level - R2	05/26/18
A113	Plan View - Mezz	05/26/18
A201	Elevations - North South	05/26/18
A202	Elevations - East	05/26/18
A203	Elevations - West	05/26/18
S301	Sections	05/27/18
S302	Sections	05/26/18
S303	Wall Sections	05/27/18
S304	Wall Sections	05/27/18
S401	Foundation - Notes/Details	06/19/18
S402	Foundation - Plan View	05/26/18
S501	Details	05/26/18
S601	Schedules/Quantities	05/26/18
S602	Schedules/Quantities	06/18/18



Scale 1" = 80'-0"



Hawley, MN 55349

GENERAL CONTRACTOR IS RESPONSIBLE FOR THE ACCURACY OF ALL DIMENSIONS ON APPROVED SHOP DRAWINGS WHICH MUST BE INDICATED AS SUCH. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND INFORMATION WHICH MUST BE INDICATED AS SUCH. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND INFORMATION WHICH MUST BE INDICATED AS SUCH. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND INFORMATION WHICH MUST BE INDICATED AS SUCH.

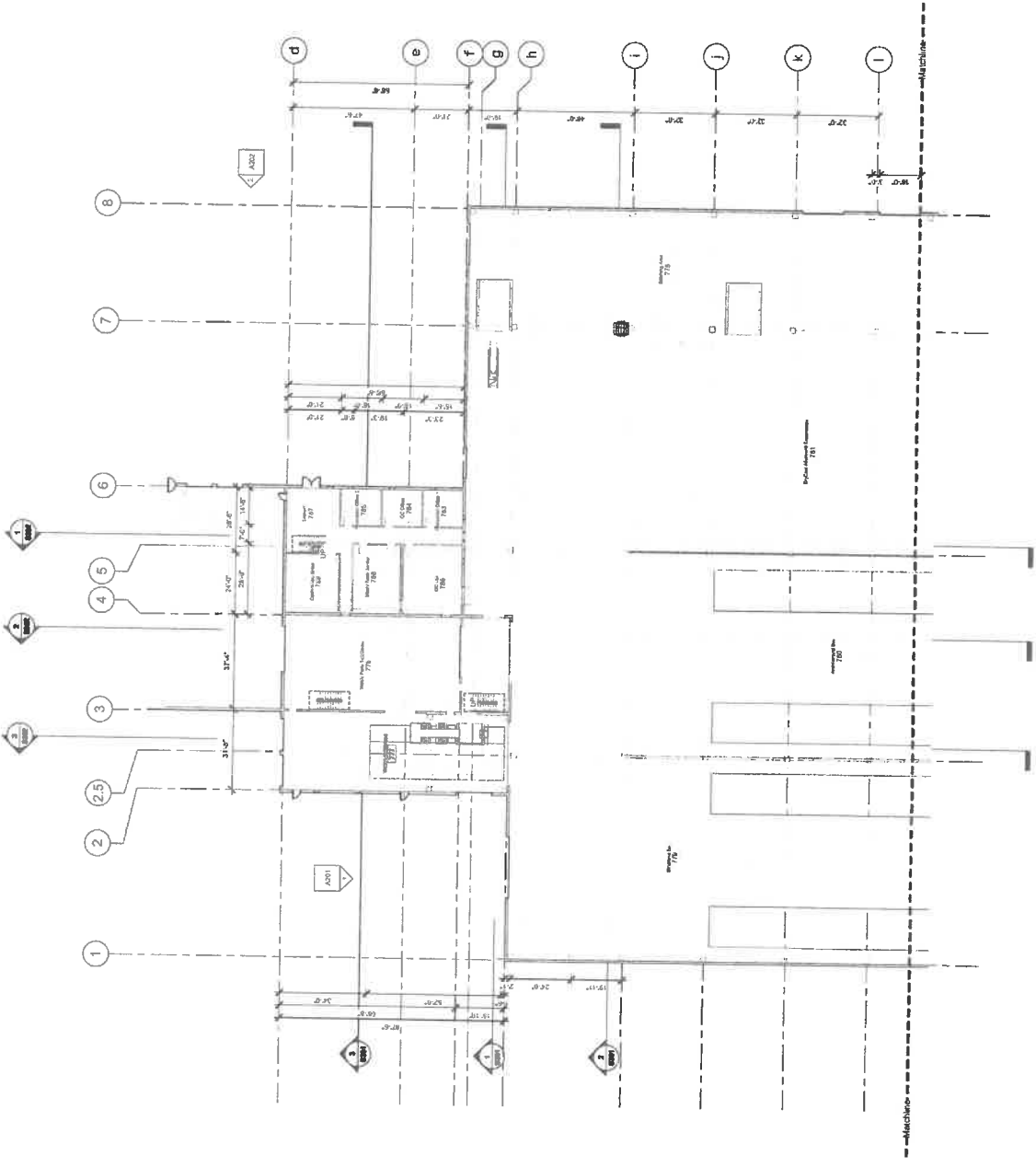
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Date	Issue Date
Drawn By	TP
Checked By	Checker
Scale	1" = 20'-0"

BidSet

1/22/2023 11:18:31 PM

Plan View - Ground Level - R1

A111



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Hawley, MN 56349

GENERAL CONTRACTOR IS RESPONSIBLE FOR BUILDING DIMENSIONS TO MATCH DIMENSIONS ON APPROVED SHOP DRAWINGS. ALL DIMENSIONS ASSUMED CORRECT UNLESS OTHERWISE NOTED. ALL INFORMATION WHICH MUST BE INDICATED ON DRAWINGS BY THE APPROVING PARTY, IS THE RESPONSIBILITY OF THE APPROVING PARTY. THE DRAWINGS RETURNED WILL BE CONSIDERED AS A PRODUCTION AND DELIVERY DELAY OF THIS MATERIAL WILL OCCUR.

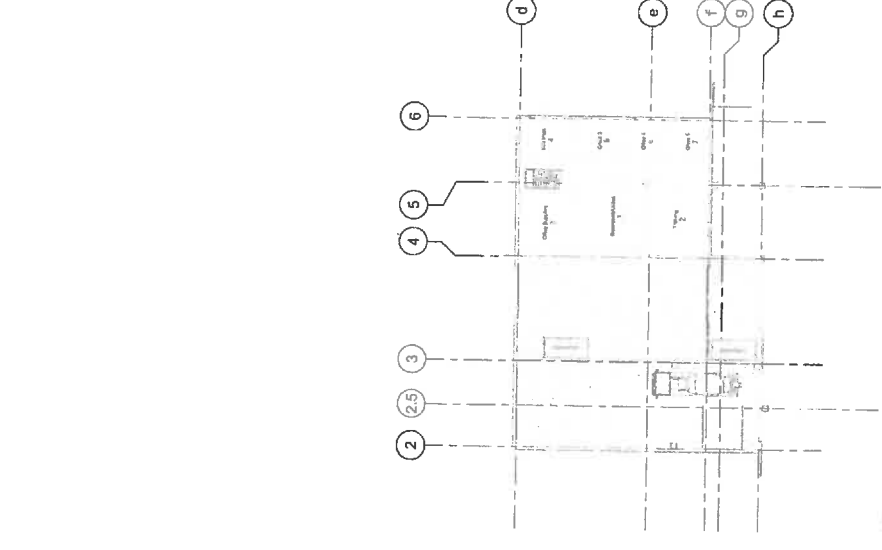
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Drawn By	TP
Checked By	Checker
Scale	As Indicated

BidSet

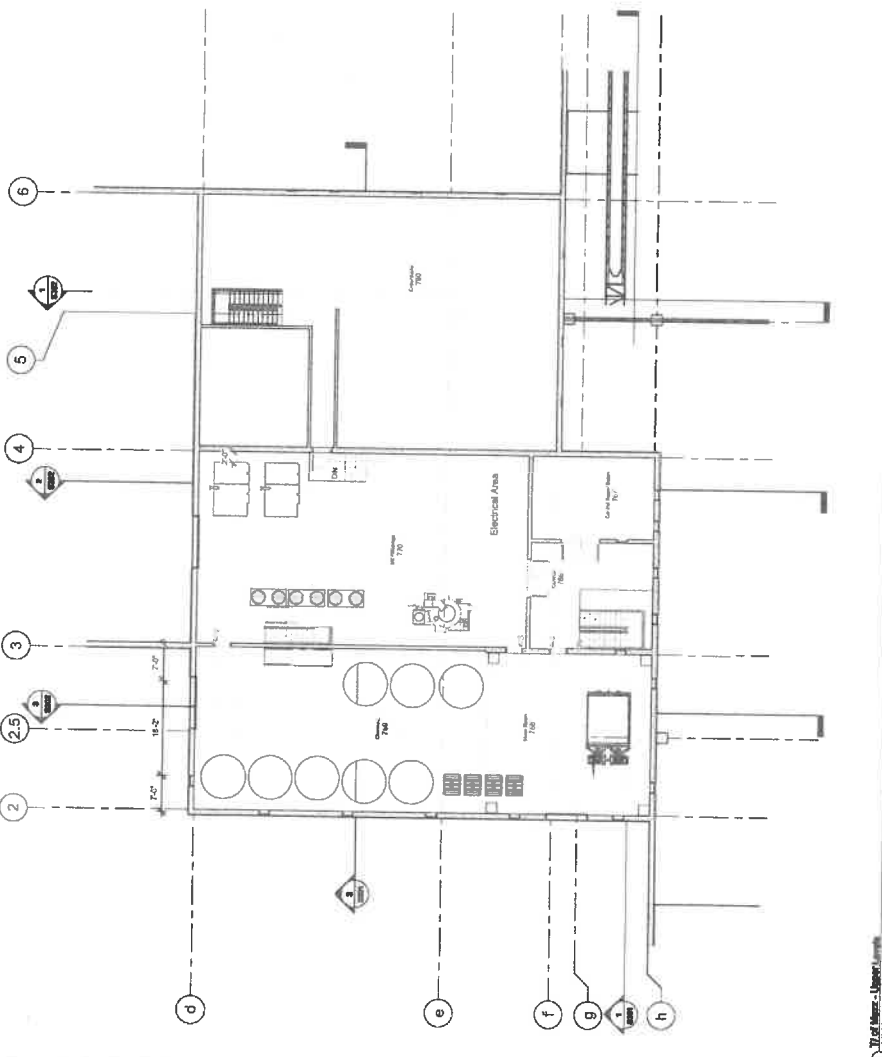
1/20/23 11:20:00 PM

Plan View - Mezz

A113



⑤ Mezz Level 2
1'-0"=1'-0"



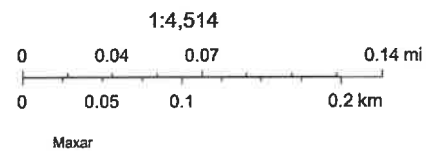
① First Floor - Mezz Level 1
1'-0"=1'-0"

MARSHALL COUNTY WEB VIEWER



1/19/2023, 11:38:26 AM

- TOWNSHIPS
- SECTIONS
- PARCELS







MARSHALL COUNTY WEB VIEWER



1/19/2023, 11:45:21 AM

ZONING

-  Agricultural District
-  TOWNSHIPS
-  SECTIONS
-  PARCELS

