



**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & DELL RAPIDS PLANNING COMMISSIONS
January 28, 2019**

A joint meeting of the County and City Planning Commissions was held on January 28, 2019 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Bonnie Duffy, Doug Ode, Mike Ralston, Ryan VanDerVliet, Adam Mohrhauser, and Jeff Barth

CITY PLANNING COMMISSION MEMBERS PRESENT: Roger Dearduff, Steve Hoff, Tom Ludens, and Tom Schwebach.

STAFF PRESENT:

Scott Anderson, Kevin Hoekman, and David Heinold - County Planning
Justin Weiland – City of Dell Rapids
Donna Kelly – Office of the State’s Attorney

Bonnie Duffy presided over the meeting. The meeting was called to order at 7:05 p.m. The Dell Rapids Planning Commission was chaired by Roger Dearduff.

CONSENT AGENDA

Bonnie Duffy read each item on the consent agenda, and Item 2 was removed from the consent agenda for review on the regular agenda.

ITEM 1. Approval of Minutes – September 24, 2018

A motion was made for the County by Commissioner Barth and seconded by Commissioner Ralston to approve the minutes for the September 24, 2018 meeting. The motion passed unanimously. Same motion was made for the City by Commissioner Schwebach and seconded by Commissioner Ludens to approve the minutes for the September 24, 2018 meeting. The motion passed unanimously.



REGULAR AGENDA

ITEM 2. CONDITIONAL USE PERMIT #19-02 to allow Outdoor Storage & Sales of Materials on the property legally described as Lot 1, Block 1, Dell Rapids Industrial Park Addition, SE1/4, Section 12-T104N-R50W.

Petitioner: Ed Wolles

Property Owner: same

Location: Southeast corner of Lindy Ave. & Industrial St. Intersection

Located approximately 2 miles west of Dell Rapids

Staff Report: Kevin Hoekman

General Information:

Legal Description – Lot 1, Block 1, Dell Rapids Industrial Park Addition, SE1/4, Section 12-T104N-R50W

Present Zoning – I1-Industrial

Existing Land Use – Vacant Lot

Parcel Size – 1 acre

Staff Report: Kevin Hoekman

Staff Analysis:

The subject property is located in the industrial park located northeast of the Dell Rapids Interstate exit off of I-29. The site has been vacant in the development until the property owner obtained materials during the recent road construction project on SD Highway 115. Staff was notified of the material storage through a complaint, and the petitioner has worked through the Planning Office to submit an application for a conditional use permit for the outdoor storage and sales of bulk materials.

It is staff's understanding through conversation with the petitioner that the majority of the material currently on the site will be used for personal purposes. The petitioner has expressed that there is more material there that what he can use and he will be selling some of it. The 2001 Revised Joint Zoning Ordinance for Minnehaha County and the City of Dell Rapids allows retails sails and services as a permitted special use as long as there is no outdoor storage. The proposed bulk materials storage and sales will take place entirely outside of an enclosed building which can be allowed through the conditional use permit process.

County planning staff visited the property to see how the materials storage has affected the surrounding properties. The bulk materials are stored in two large piles; one pile is crushed asphalt, and one pile is gravel. A driveway has been constructed on the north side of the property. The zoning ordinance allows crushed asphalt to be used for a driveway as an alternative to other hard surfacing types of concrete or asphalt. The site has no lighting on it which should limit operation times to daylight hours.



Conditional Use Permit Criteria:

1) The effect upon the use and enjoyment of other property in the surrounding area for the uses already permitted, and upon property values within the surrounding area.

Much of the surrounding uses in the industrial park are retail and service businesses. The bulk material will be different than what is currently permitted around the industrial park; however, the change in aesthetics should not significantly affect the surrounding properties. The state highway is built higher than the adjacent properties, and the raised street allows clear visibility of the existing businesses over the piles of materials. The use of the property for loading of trucks from time to time is not significantly different from other properties with large equipment usage.

2) The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

A few properties in the industrial park are vacant and ready for development. The proposed materials storage and sales will likely be a temporary use of the property until a more productive use is found for the site. Materials storage and sales is a normal use of industrial zoned property, and it will not likely negatively affect other industrial uses.

3) That utilities, access roads, drainage, and/or other necessary facilities are provided.

The property already has access from a paved road, and it will have crushed asphalt driveway. The use will not need any utilities on the site. No drainage plan has been submitted, and the large mounds may cause disruption of drainage flow or cause runoff onto adjacent properties. The planning commissions may consider requiring silt fence to contain potential runoff on the site. The petitioner should make an effort to prevent the excavation of materials that create pools of water on the site that may cause nuisance attraction of pests and varmints.

4) That the off-street parking and loading requirements are met.

The site has plenty of space to park vehicles and to load materials into trucks.

5) That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.

The proposed use of bulk material storage and sales has little potential to create nuisances. Simple conditions and best practices can mitigate many or all of these concerns. Efforts should be made to prevent the ponding of water when material is removed from the piles. Equipment should only be used during daylight hours as no lighting will be used on the site. The placement of a silt fence would assist in preventing materials from washing onto neighboring property or into the ditch.

Outdoor storage typically requires screen fencing. In this case, the piles of materials are so high and the raised highway would render a 6 foot high screen fence not very useful for screening. A condition can be placed on the permit to ensure that the petitioner does not begin to store other types of rubbish, litter, equipment, parts, or any manufactured items on the property.

Areas of materials storage often attract illegal dumping of debris and waste materials. Staff recommends that a "No Dumping" sign be placed at each driveway of the property to discourage illegal dumping.



6) Health, safety, general welfare of the public and the Comprehensive Plan.

The land use should not negatively impact the health, safety, or general welfare of the public. The site is within a developed industrial zoning district near an interstate exit.

Recommendation:

Minnehaha County planning staff recognizes the proposed use as compatible with the surrounding land uses, the ordinance, and the comprehensive plan. Staff recommends **approval** of Conditional Use Permit #19-02 with the following conditions:

1. This permit is for the bulk materials storage of gravels, stones, crushed asphalt, crushed concrete, and similar materials only.
2. No hazardous materials, litter, rubbish, garbage, equipment, vehicles, parts, manufactured items, or similar materials may be stored on the site.
3. A silt fence or other approved erosion control must be installed east of the materials storage. The erosion control device must be maintained in working condition at all times that materials is stored on the property.
4. That the Planning & Zoning Department reserves the right to enter and inspect the site, after proper notice to the owner, to ensure that the property is in full compliance with the conditional use permit conditions of approval and the Minnehaha County Zoning Ordinance.

Public Testimony

Kevin Hoekman, County Planning Staff, presented a brief summary of the report and recommendation for Conditional Use Permit #19-02.

Commissioner Ludens asked staff if the planning commission could consider adding a condition prohibiting dumping on the property. Staff responded that a no dumping sign could be added to the property.

Commissioner Dearduff asked if the petitioner can keep dumping asphalt on the property. Staff noted that the recommended conditions do allow for more materials to be added to the property.

Commissioner Schwebach clarified with staff that the height of the pile can be restricted in the conditions if the planning commissions want.

Ed Wolles, 47060 245th St. the petitioner, was present for questions.

Commissioner Schwebach asked the petitioner if he has any plans to use the asphalt from the pile. Mr. Wolles mentioned that he has no plans to use the asphalt.

Commissioner Dearduff asked the petitioner if he is bringing in more asphalt.

Commissioner Schwebach questioned that the petitioner would bring more if possible.



Commissioner Barth asked the petitioner if other people are dumping on the property. Mr. Wolles indicated that no one else is dumping on the property.

Commissioner Schwebach clarified with the petitioner that he would accept conditions for maintaining weeds and restricting the height of the pile.

Commissioner Ode asked the petitioner how much more could be added to the property. Mr. Wolles explained that the property is currently three-fourths full of the total area.

Commissioner Hoff clarified with staff that loading and unloading of materials would be limited to taking place on the property. Mr. Wolles noted that there is currently good space for loading on the property.

Daryl Springman, 47176 Industrial St., identified himself as the owner of Dell's Diesel Repair across the street to the north of the subject property. Mr. Springman read a portion of the industrial park covenants to the audience and planning commission. He continued to mention that the pile of asphalt is an eyesore to the area and a detriment to the future potential of the industrial park in attracting quality development with jobs.

Commissioner Schwebach asked Mr. Springman if he would have any objection to the petitioner cleaning everything up and then applying for a conditional use permit. Mr. Springman indicated that he would like the covenants to be followed and for the petitioner to put of a building and employ people on the property.

Commissioner Barth asked Mr. Springman if there would be an interim solution for removal of the pile. Mr. Springman mentioned that a he thinks that the pile can be removed within a reasonable timeframe.

Commissioner Duffy called for public testimony but there was no answer.

Commissioner Duffy closed the floor to public testimony.

Discussion

Commissioner Ralston asked staff if they enforce covenants and Scott Anderson explained that the County does not enforce covenants for individual developments.

Commissioner Schwebach asked if the planning commission could set a closing date for removal of the pile. Mr. Anderson explained that the planning commissions could set a sunset clause for the removal of the asphalt pile.

Commissioner Ludens asked the petitioner what an appropriate timeline would be to remove the pile. Mr. Wolles indicated that 3 or 4 years would be an ideal timeframe for removal of the pile.



Commissioner Dearduff asked the petitioner if he had always planned on using this lot and Mr. Wolles responded yes he had used approximately 15 percent of the material from the pile already.

There was additional discussion amongst the joint planning commissions regarding action on the conditional use permit. Commissioner Ludens suggested a sunset of February 1st 2021.

At the end of discussion, Commissioner Barth read the potential conditions to be added to the permit. The conditions to be added are:

5. No dumping sign must be placed on the property to help prevent outside dumping.
6. Weeds must be controlled and cleared from the property.
7. The materials storage and sales must cease by February 1, 2021.

ACTION

A motion was made for the County by Commissioner Barth and seconded by Commissioner Ode to approve Conditional Use Permit #19-02 with amended conditions. The motion passed unanimously. Same motion was made for the City by Commissioner Ludens and seconded by Commissioner Schwebach to approve Conditional Use Permit #19-02 with amended conditions. The motion passed unanimously.

Conditional Use Permit #19-02 – Approved with the following conditions

1. This permit is for the bulk materials storage of gravels, stones, crushed asphalt, crushed concrete, and similar materials only.
2. No hazardous materials, litter, rubbish, garbage, equipment, vehicles, parts, manufactured items, or similar materials may be stored on the site.
3. A silt fence or other approved erosion control must be installed east of the materials storage. The erosion control device must be maintained in working condition at all times that materials is stored on the property.
4. That the Planning & Zoning Department reserves the right to enter and inspect the site, after proper notice to the owner, to ensure that the property is in full compliance with the conditional use permit conditions of approval and the Minnehaha County Zoning Ordinance.
5. No dumping sign must be placed on the property to help prevent outside dumping.
6. Weeds must be controlled and cleared from the property.
7. The materials storage and sales must cease by February 1, 2021.



**MINNEHAHA COUNTY
PLANNING COMMISSION
MEETING MINUTES**

JANUARY 28, 2019

Old Business

None.

New Business

None.

Adjourn

Commissioner Schwebach motioned to adjourn for the city, and Commissioner Ludens seconded the motion. The motion passed unanimously. The same motion was made for the County by Commissioner Barth and seconded by Commissioner Randall. The motion passed unanimously. The Meeting was adjourned at 7:35 pm.