



**MINUTES OF THE  
MINNEHAHA COUNTY PLANNING COMMISSION**  
February 25, 2019

A meeting of the Planning Commission was held on February 25, 2019 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

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

**STAFF PRESENT:**

Scott Anderson, David Heinold, and Kevin Hoekman - County Planning  
Donna Kelly – States Attorney

Bonnie Duffy chaired the meeting and called the Minnehaha County Planning Commission meeting to order at 8:06 p.m.

**PUBLIC COMMENT.**

Commissioner Duffy opened the floor for public comment and nobody moved to speak.

**Consent Agenda**

Commissioner Duffy read each item of the consent agenda. Items 2 and 5 were requested to be moved to the regular agenda for discussion. Items 2 and 5 were moved to the regular agenda.

A motion was made to **approve** the consent agenda consisting of Items 1, 3, and 4 by Commissioner Barth and seconded by Commissioner Ode. The motion passed unanimously.

**ITEM 1. Approval of Minutes – January 28, 2019**

As part of the consent agenda, a motion was made by Commissioner Barth and seconded by Commissioner Ode to **approve** the meeting minutes from January 28, 2019. The motion passed unanimously.



**Consent Agenda**

**ITEM 3. CONDITIONAL USE PERMIT #19-09 to transfer one (1) building eligibility from Tract 3, Fisher’s Addn., SW1/4 to Tract 2, Fisher’s Addn. SW1/4; all in Section 19-T103N-R52W.**

Petitioner: H. Eugene Fisher

Property Owner: same

Location: 45434 254<sup>th</sup> St.

Located Approximately 4 miles northwest of Humboldt

Staff Report: Kevin Hoekman

**General Information:**

Legal Description – Tract 2, Fisher’s Addn., SW1/4, Section 19-T103N-R52W

Present Zoning – A-1 Agricultural District

Existing Land Use – Agriculture

Parcel Size – 27.72 Acres

**Staff Report:** Kevin Hoekman

**Staff Analysis:**

The petitioner is requesting to transfer one building eligibility from Tract 3 to Tract 2 of Fisher’s Addition in the SW1/4 of Section 19, Clear Lake Township. The proposed transfer location will be about a quarter mile from an existing cattle lot across the McCook County line.

Both the sending and receiving parcels of the subject request are located within a small, and spread out, subdivision in the southwest ¼ of the section. Three of the four building eligibilities within the ¼ section have already been used. Two transfers were previously approved to bring the eligibilities closer together over time. The parcels within the subdivision have been platted and replatted several times, and the last building eligibility remains in the SE quarter of SW quarter section (Tract 3 of Fisher’s Addition). The proposed transfer will move the eligibility west to a parcel where the driveway can access the township gravel road rather than the County Highway. This is an advantage over the current location because there is currently a dwelling located on Tract 3 already and much of the remaining land of Tract 3 (SE ¼ SW ¼) is a wetland. In addition the transfer will move the building eligibility farther away from a federally owned hunting land. The property owner does not own any other adjacent land in order to move the building eligibility further away from the existing CAFO.

**Conditional Use Permit Criteria:**

**1) The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values in the immediate vicinity.**

The proposed location for the moved building eligibility is located in an active agricultural zone. The proposed transfer will move the building eligibility further from public hunting ground; however, the transfer will move the eligibility closer to an acting CAFO located in McCook County. Other dwellings exist nearby the proposed development site, and the petitioner is aware



of the potential conflict. The owner of the CAFO in McCook County was sent notice of the public hearing for this CUP request as part of the regular required notices. A right-to-farm notice covenant is required for new residential dwellings to notify potential buyers to the realities of locating in an agricultural area.

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

The area around the subject property is located in low density agricultural area north of a county highway. All three of the other building eligibilities in the quarter section have been used. The area will likely continue as agriculture long into the future. Existing CAFOs may wish to expand in the future, and a cluster of residential dwellings may lead to opposition to such expansions. A right-to-farm notice covenant is required for any new residential dwelling to notify potential buyers to the realities of locating in an agricultural area. The transfer of the building eligibility do not increase the number of dwelling units allowed in the quarter section.

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

The applicant will have to make arraignments for any extension of utilities including waste water disposal. The property owner will also be required to obtain any applicable driveway permit from Clear Lake Township too. Since parcels are already subdivided, it is unlikely that the any new driveway will have to be shared.

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

Off-street parking requirements will be provided for once each single-family residence is constructed on the subject property.

**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 conditional use will not cause odor, fumes, dust, noise, vibrations or lighting in any amounts that would constitute a nuisance.

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

The proposed conditional use will have little to no effect on the health, safety and general welfare of the public. Placing building eligibilities in this location allows for residential uses to be clustered together as it is encouraged by the Envision 2035 Comprehensive Plan.

**Recommendation:**

Staff finds this conditional use permit request to be consistent with density zoning and the comprehensive plan. Staff recommends approval of Conditional Use Permit #19-09 with the following conditions:

1. A right-to-farm notice covenant shall be placed on the deed prior to the issuance of a building permit for the single family dwelling.



**Action**

As part of the consent agenda, a motion was made by Commissioner Barth to **approve** Conditional Use Permit #19-09 and seconded by Commissioner Ode. The motion passed unanimously.

**Conditional Use Permit #19-09 – Approved**



**ITEM 4. CONDITIONAL USE PERMIT #19-12 to allow a Private Campground on the property legally described as Lot 1, Tract B, Graff's Addition, NW1/4, Section 30-T102N-R47W.**

Petitioner: Joe Barber

Property Owner: same

Location: 26026 484<sup>th</sup> Ave.  
of Brandon

Located Approximately 1.5 miles northeast

Staff Report: David Heinold

**General Information:**

Legal Description – Lot 2, Tract B, Graff's Addition, NW1/4,  
Section 30-T102N-R47W

Present Zoning – A-1 Agricultural District

Existing Land Use – Agriculture

Parcel Size – 31.86 Acres

**Staff Report:** David Heinold

**Staff Analysis:**

The petitioner is requesting conditional use permit approval to allow a private campground to house a few people on a temporary basis that are working on the South Dakota State Highway 100 and Interstate 90 Interchange construction project. The written narrative describes that the applicant is requesting approval to park 4-5 camper, fish houses from April to November. The submitted site plan shows two proposed camping areas along with car parking spaces on the subject property. The property owner is supplying space in the existing accessory buildings for indoor parking as well as the storm shelter in the house if inclement weather.

On February 13, 2019, staff visited the property and inspected the proposed locations for the camping areas on land adjacent to the existing house. The petitioner has enough space in front of each of the accessory buildings for the requested number of camper, fish houses. The proposed use for temporary camping areas is appropriate for the surrounding agricultural area.

**Conditional Use Permit Criteria:**

**1) The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values in the immediate vicinity.**

The use of the property for temporary camping spots for eight months is unlikely to cause direct impacts as farmland is the predominant land use in the immediate vicinity. The property values in the immediate vicinity should not negatively impacted given that the proposed use is only intended to be a temporary use.



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

The immediate area is primarily agriculture. The petitioner has no plans to operate a long-term commercial campground open to the public. The proposed use is temporary for period of eight months during the road construction season. A condition may be added to the conditional use permit with an agreed upon end date on the temporary use.

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

Access is already provided via the main driveway off of County Highway 109. No other access is needed for the proposed use. The applicant included in the narrative that there is enough capacity in the existing septic system to accommodate the camper, fish houses for the requested timeframe. At a minimum, a fire extinguisher and first aid kit should be provided on the site for use by any of the guests in case of emergencies.

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

There is ample space for the temporary parking of the proposed vehicles associated with the camping areas. The accessory building may also be used for additional storage of vehicles.

**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 use of lighting should be designed to minimize potential impact to neighboring properties or right-of-ways. As the application specifically requests the use for only a temporary period, the petitioner does not propose any signage for the use. Any barbeque pits or fire pit areas should be located and constructed to control fire and prevent fire hazard.

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

The subject property is located in the Transition Area for the City of Brandon as identified by the Envision 2035 Comprehensive Plan. The Brandon 2035 Comprehensive Plan shows the area of the proposed use as industrial on the future land use map; however, the future growth is dependent upon landowner willingness for municipal annexation and/or development.

**Recommendation:**

Staff finds that the proposed use, due to the location and temporary nature of campground, can be made compatible with surrounding land uses through the application of limiting conditions. Staff recommends **approval** of Conditional Use Permit #19-12 with the following conditions:

1. The use shall be limited to five private camping units as designated by the site plan dated 1-31-2019.
2. No commercial food service shall be allowed on the site.
3. All onsite wastewater systems shall be constructed and operate in conformance with the Minnehaha County On-Site Wastewater Treatment Ordinance. No dumping of any wastewater shall be allowed at the site unless disposed into a properly sized and maintained wastewater system.
4. All outdoor lighting shall be of a full cutoff or fully-shielded design preventing direct spillage of light off the premises from any light source (bulb or reflector).



5. The temporary private campground shall cease operation and all camping units must be removed from the property by November 30, 2019.
6. A first aid kit and fire extinguisher shall be available at all times that the site is in use.
7. All barbeque locations or fire pits shall be constructed and site to minimize the danger of fire.
8. The County Planning Department reserves the right to enter and inspect the property at any time, provided prior notice is given to the property owner to ensure that the site is proper compliance with the 1990 Revised Zoning Ordinance for Minnehaha County.

**Action**

As part of the consent agenda, a motion was made by Commissioner Barth to **approve** Conditional Use Permit #19-12 and seconded by Commissioner Ode. The motion passed unanimously.

**Conditional Use Permit #19-12 – Approved**



**Regular Agenda**

ITEM 2. REZONING #19-01 to rezone from the I-1 Light Industrial District to the R-1 Residential District on the property legally described as Lots 1-6, Block 5, Rowena Original, Section 26,-T101N-R48W.

Petitioner: Deb Larson

Property Owner: same

Location: 48272 South Dakota State Highway 42

Located approximately 4 miles east of Sioux Falls

Staff Report: David Heinold

**General Information:**

Legal Description – Lots 1-6, Block 5, Rowena Original, Section 26-T101N-R48W

Present Zoning – I-1 Light Industrial District

Existing Land Use – Residential

Parcel Size – 1.53 Acres

**Staff Report:** David Heinold

**Staff Analysis:**

The applicant is requesting to rezone approximately 1.53 acres from the I-1 Light Industrial District to the R-1 Residential District to align the zoning of the property with the current use. Currently, the property owner maintains the existing house on Lots 4, 5, and 6 with the remaining Lots 1, 2, and 3 vacant. The proposed change of zoning would bring the property to match the residential zoning of adjacent land to the south and east. The land to the west is primarily zoned commercial and the property to the north is zoned light industrial.

The subject property is located within the Rural Service Area known as the unincorporated town of Rowena identified by the Envision 2035 Comprehensive Plan for Minnehaha County. Goal 5 states to support the orderly development of non-agricultural land uses. The result of this is to support development around rural service areas and intersections that are delineated on the land use map and are compatible with existing land uses.

On February 13, 2019, staff visited the property and determined that the proposed rezoning from I-1 Light Industrial District to the R-1 Residential District is appropriate for the immediate area. There is an existing house on one half of the subject property and the other half is vacant.

**Recommendation:**

Staff finds the proposed rezoning from the I-1 Light Industrial District to the R-1 Residential District is consistent with the goals and policies of the Envision 2035 Comprehensive Plan and recommends **approval** of Rezoning #19-01.





**Public Testimony**

David Heinold, County Planning Department, presented a brief overview of the staff report and recommendation.

Commissioner Barth asked staff where the convenience store is located on the map. Mr. Heinold pointed to the area kitty-corner to the south west of the subject property where the store is at.

Deb Larson, 48272 South Dakota State Highway 42, identified herself as the petitioner and asked for questions from the planning commission.

Commissioner Barth asked the petitioner if there have been any problems with the festivals at the antique shop. Mrs. Larson mentioned that they just bought the property on December 30 and she wasn't sure of the impact from the neighboring property.

Eric Willadsen, 902 S. Cleveland Ave., identified himself representing F&K Assam Family, LLC with obvious concerns over the proposed rezoning from light industrial to residential. Mr. Willadsen stated concerns with the bufferyard requirement in the Red Rock Corridor Overlay District Development Standards. He continued to mention that residential is not an appropriate use along the highway.

Deb Larson, 48272 SD Hwy. 42, stated that the lot has been residential for at least 30 years. She continued to mention that the original house was built around 1902. Mrs. Larson added that they intend to restore the house and keep it residential.

Commissioner Barth asked the petitioner how many driveways are on the property. Mrs. Larson explained that there is a half circle driveway off of Hwy. 42 and long driveway from Douglas Ave.

Mr. Willadsen reiterated that he doesn't believe that his client has a problem with the existing house. He continued to explain that the proposed rezoning to residential will affect surrounding commercial and industrial properties.

Commissioner Ralston asked staff if the house can stay on the property zoned light industrial.

Scott Anderson explained that the existing house is allowed to continue, but if it is completely removed then it would not be able to be fully replaced due to the current zoning. Mr. Anderson suggested to the planning commission to keep two of the six lots as light industrial as a buffer from adjacent properties to the residential lot.

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

Commissioner Duffy closed the floor to public testimony.

**Discussion**

Commissioner Randall questioned if the rezoning to residential would allow 6 houses.



Scott Anderson responded that there could only be one house because they would be required to have a septic system installed on at least an acre since there is no sanitary sewer capability.

Commissioner Barth added that he believes rezoning this property from industrial to residential is a mistake. Commissioner Barth asked staff how the proposed rezoning fits with the Red Rock Corridor Plan, Department of Transportation access management to the highway, and the lower speed limit through the unincorporated area of Rowena.

Scott Anderson explained that the property is located in an existing residential community and an approach permit from DOT would only be required for a change in use.

There was discussion among the planning commission regarding the existing use and driveways.

**Action**

A motion was made to **defer** Rezoning #19-01 until the March 25, 2019 Planning Commission meeting by Commissioner Barth and seconded by Commissioner Ode. The motion passed unanimously.

**Rezoning #19-01 – Deferred until March 25, 2019 Planning Commission meeting**



ITEM 5. REZONING #19-03 to rezone from the A-1 Agricultural District to I-1 Light Industrial District on the property legally described as The North 277' of the South 344' of the East 234' of the West Half of the Northeast Quarter (W1/2 NE1/4) and Tract 1 Ode's Second Addition of the Southwest Quarter of the Northeast Quarter (SW1/4 NE1/4); all in Section 32-T102N-R48W.

Petitioner: RKB Investments, LLC

Property Owner:

Location: 1600 W. Holly Blvd. Located Approximately 1.5 miles west of Brandon

Staff Report: David Heinold

**General Information:**

Legal Description – The North 277' of the South 344' of the East 234' of the West Half of the Northeast Quarter (W1/2 NE1/4) and Tract 1 Ode's Second Addition of the Southwest Quarter of the Northeast Quarter (SW1/4 NE1/4); all in Section 32-T102N-R48W.

Present Zoning – A-1 Agricultural District

Existing Land Use – Residential

Parcel Size – 2.85 Acres

**Staff Report:** David Heinold

**Staff Analysis:**

The applicant is requesting approval to rezone approximately 2.85 acres from the A-1 Agricultural District to I-1 Light Industrial District for future industrial development. Currently, the property has an existing house on Tract 1, Ode's Second Addition.

The subject property is located within the Transition Area as identified by the Envision 2035 Comprehensive Plan for Minnehaha County. Goal 4 states to promote the orderly development of unincorporated land that will likely be annexed into a municipality in both the short and long term. The result of this goal is to focus new growth and development within municipalities and areas adjacent to existing municipalities where infrastructure will be available. The subject property is located directly adjacent to the City of Brandon city limits to the west. The Comprehensive Plan for the City of Brandon shows a mix of light industrial and commercial north of Holly Blvd. in this area.

On February 13, 2019, staff visited the property and determined that the proposed rezoning from A-1 Agricultural District to the I-1 Light Industrial District is appropriate for the immediate area. There is an existing house on one half of the subject property and the other half is vacant.

**Recommendation:** Staff finds the proposed rezoning from the A-1 Agricultural District to the I-1 Light Industrial District is consistent with the goals and policies of the Envision 2035 Comprehensive Plan and recommends **approval** of Rezoning #19-03.



**Public Testimony**

David Heinold, County Planning Department, presented a brief overview of the staff report and recommendation for Rezoning #19-03.

Paul Ode, 1401 W. Creekside Dr., stated concerns regarding adding more traffic to Holly Boulevard between Heritage Road and Sandstone Avenue. He continued to mention that there was a discussion on this item at a prior meeting. Paul Ode indicated that he heard a presentation on a traffic study completed by the City that reinforces the traffic concern on Holly Blvd. He added that more driveways onto Holly Blvd. will cause a bigger issue with traffic.

Commissioner Barth questioned why the City of Brandon hasn't annexed the subject property.

Paul Ode added that he is not sure why the City hasn't annexed the property yet. He continued to mention that the traffic impact is a big issue with this change of use.

Commissioner Ralston explained that the planning commission is tasked with deciding whether the proposed zoning is appropriate for the immediate area.

Lee Schelling, identified as the representative for the property owner and explained that the lack of sewer connection at this time is a reason for delay in annexation.

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

Commissioner Duffy closed the floor to public testimony.

**Action**

A motion was made to **recommend approval** of Rezoning #19-03 with the staff recommended conditions by Commissioner Barth and seconded by Commissioner Ralston. The motion passed unanimously.

**Rezoning #19-03 – Approval Recommended**



**ITEM 6. REZONING #18-08 to rezone from the R1 Residential District to the C Commercial District on the property legally described as Lots 10 to 23 (Ex Rd) Block 5 Lyons Village Addition, Section 17-T103N-R50W.**

Petitioner: Dennis Hatle  
Property Owner: same  
Location: 327 1<sup>st</sup> Street, Lyons  
Staff Report: Kevin Hoekman

**General Information:**

Legal Description – Lots 10 to 23 (Ex Rd) Block 5 Lyons Village Addition, Section 17-T103N-R50W  
Present Zoning – R1 Residential  
Existing Land Use – vacant school building  
Parcel Size – Approximately 1.1 acres for the rezoning request

**Staff Report:** Kevin Hoekman

**Item Update Analysis:**

This Item was brought before the Planning Commission at the October 22<sup>nd</sup>, 2018 regular meeting. At the meeting, Planning Commissioners and neighboring property owners raised concerns regarding the condition of the property with unlicensed vehicles and junk located north of the former school building. The Planning Commission deferred action for the rezoning request with the intent to allow for time for clean up of the junk and excess vehicles. Staff has monitored the property and found little if any clean up has occurred. Brad Hatle, the property owner's son, expressed in a phone conversation that he has had trouble with a third party who owns several items on the property, he works 12 hours a day and does not feel that he has time to clear the property, and he does not feel that removing items from the property would benefit him when he intends on having the items there with his future commercial business.

The petitioner should be aware that many of the items on the property will not be allowed on the site because the items are considered as 'abandoned property' regardless of how the property is zoned. Therefore, the property will still be in violation of the public nuisance ordinance even after the property is rezoned if the public nuisance is not removed. Staff finds the abundance of items that are left haphazardly throughout the site meet the definition of Abandoned Property. Abandoned property is defined in the Public Nuisance Ordinance as:

- (1) *Abandoned property.* Any deteriorated, wrecked, dismantled, derelict, or inoperable property in unusable condition in its present state, and which has been left outside of an enclosed permanent structure. Without being so restricted this shall include deteriorated, wrecked, inoperative, dismantled or partially dismantled, or unlicensed motor vehicles, dilapidated or unregistered mobile homes, trailers, boats, machinery, refrigerators, washing machines or other appliances, plumbing fixtures, furniture, automotive parts, waste building materials, junk and any other similar articles in such condition.



The Petitioner and Planning Commission should be aware that once the property is zoned for commercial use, the petitioner will need to obtain a Conditional Use Permit (CUP) to allow for any sale of motor vehicles and to allow for outdoor storage. A CUP will not allow the petitioner to maintain items on the property that are considered a public nuisance. Conditions may be assigned with a CUP to mitigate issues with outdoor storage such as opaque fencing, and maintenance of the property.

Below is the Staff Analysis which is unchanged from the report provided for the October 22<sup>nd</sup> 2018 meeting. The staff recommendation for approval will not change because of reasons stated in the staff analysis. However, the property owner has shown a history of negligence of the property, and lack of initiative to work with the Planning Commission's request to clean the property and removed the public nuisance. The Planning Commission may determine that it is not in the best interest of the County to approve the rezoning request until the property is brought into compliance the Public Nuisance ordinance.

**Staff Analysis:**

The applicant is proposing to rezone approximately 1.1 acres of a 2.37 acre parcel from R1 Residential to C – Commercial zoning district. The property is one parcel which contains lots 1 through 32, all in the same block 5. The proposed rezoning would change the east lots which contain a former school building and associated parking area. The west lots are proposed to remain residential, and they contain mostly open grass area with scattered trees.

The petitioner has submitted a short narrative request to explain the future plans for the property. The primary requested use is for auto sales and service and to use the property for warehousing and storage. The petitioner and Planning Commission should be aware that a Conditional Use Permit will be required to use the property as requested even after the property is rezoned. The proposed uses are not allowed in any manner as the property is currently zoned.

The property is located on the north side of Lyons. Lyons is an unincorporated village which is composed primarily of residential properties on the east side of a set of railroad tracks and industrial to the west. The proposed property to be rezoned is located adjacent to residential zoning and uses to the south and west of the site. North of the property is a working farmstead not located within the village. East of the proposed property is a commercial zoned property which contains the former gymnasium of the former school building. This adjacent commercial property is primarily used for storage of trucks and parts for Rosenbauer fire truck manufacturing.

The portion of the property that is proposed for rezoning contains a former school building, a supporting garage, and an asphalt parking area. The outside facades of the buildings are deteriorating and in need of repair. A narrow grove of trees are located on the west side of the proposed rezoning area. The trees do provide some screening of the buildings and parking area.

The proposed rezoning is a result of active code enforcement for a public nuisance on the property. Staff was notified that numerous unlicensed and inoperable vehicles were located on



the property. After site inspections and letters, we became aware that the property was primarily being used for the storage of vehicles and equipment for future sales at another location. If the rezoning is approved, a Conditional Use Permit must still be obtained for outdoor storage, vehicles sales, or vehicle/equipment repair. Any conditions regarding the appearance or condition of the property would be placed on the future conditional use permit.

The Envision 2025 Comprehensive Plan recognizes Lyons as a Rural Service Area. The rezoning proposal generally meets the policies and objectives of the comprehensive plan. The site is located within of a Rural Service Area and adjacent to an existing commercial zoned property.

**Recommendation:** Staff recommends **approval** of Rezoning #18-08 to rezone the subject property from R1 Residential District to C Commercial District.

**Public Testimony**

Kevin Hoekman, County Planning Staff, presented a brief summary of the staff report and the staff recommendation. A portion of the report was an update regarding the Planning Commission's request for portions of the property to be cleaned up.

Commissioner Mohrhauser noted that the road is within township control, and that the trees along the south side of the road are likely in the right-of-way.

Brad Hatle, 1409 Jessica Avenue, spoke on behalf of the petitioner and as the person to use the property going forward. Mr. Hatle explained that he has only taken on the responsibility of the property since last fall, and that he wants to fix the place up to function for his business. He acknowledged that he has been working at his current location and can't find time to clean the site up. And he finished by stating that the items on the property should not stop the property from becoming commercial before he would even get a chance to use the property as desired.

Commissioner Barth explained that the property is basically a nuisance as it is now, and the county doesn't want more stuff in addition to what is there. Brad Hatle explained that the vehicles on the lot are there as an overflow for the current business and the lot has not been used as a retail lot. He desires to live out there and work on the property at the same time to make it better. Mr. Hatle provided a brief history of purchasing the property and cleaning much of it up until a tenant was using the property brought much of the junk on the property. Commissioner Ode asked for the name of the tenant who left the junk. Mr. Hatle responded that it was Caleb Huddle.

Bruce Mork, 200 1<sup>st</sup> Avenue, Lyons, introduced himself as a supervisor on the Lyons Township Board. He explained that the trees on the left of the image are in the middle of the right-of-way and the road could be widened if the trees were removed. Mr. Mork asked how the property became in such a condition when the township has been trying to do something about it for years. He noted that there was six weeks of nice weather since the meeting in October.



Harold Boar, 46608 252<sup>nd</sup> Street, explained that the town of Lyons has worked to keep the community clean on personal property and through taking care of the town park with donated time and materials. He stated that he did not want Lyons to be a dumping ground for landowners who live in Sioux Falls. Commissioner Barth asked how the school fell into the condition that it is. Mr. Boar explained that the school was condemned as a school building and vacated. Then kids and vandals have been to the building. The vehicles have been there only the last few years.

Wayne Boar, 401 1<sup>st</sup> Avenue, Lyons, clarified that his property is across the street from the property and it is zoned for residential and not commercial. He finished by stating that he would like to have a clean neighboring property.

Donley Fredrickson, 320 5<sup>th</sup> Street, Lyons, stated that he helped work in the park and keeps his personal property clean. He also had concern about outside land owners using property in Lyons as a dumping ground.

Brad Hatle spoke again that if the property is not zoned commercial, then he will have to consider selling the property. Two people who have expressed interest in buying the property may be worse at maintaining the property than he is.

Nobody else approached the podium to speak, so Chairperson Duffer closed the floor for discussion.

### **Discussion**

Commissioner Mohrhauser stated that he has had enough time to clean up the property. He also pointed out tracks in the snow from animals that could be living in the junk.

### **Action**

A motion was made to **recommend denial** of Rezoning #19-08 with the staff recommended conditions by Commissioner Mohrhauser and seconded by Commissioner VanDerVliet. The motion passed unanimously.

### **Rezoning #19-08 – Denial Recommended**





**Old Business**

Commissioner Bath commented that late running meetings are becoming a burden for the minimal compensation of the planning commissioners. He added that the meeting may go longer now that the City of Hartford wants to have joint jurisdiction. Scott Anderson explained his conversation with the City of Hartford at a City Council meeting.

**New Business**

Kevin Hoekman County Planning Department, presented an introduction regarding the sign ordinance.

**Adjourn**

A motion was made to **adjourn** by Commissioner Mohrhauser and seconded by Commissioner Ralston. The motion passed unanimously.

The meeting was **adjourned** at 9:18 pm.