



**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION
April 22, 2019**

A meeting of the Planning Commission was held on April 22, 2019 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Bonnie Duffy, Becky Randall, Adam Mohrhauser, 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 8:59 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.

Item 2 was requested to be moved to the regular agenda. Item 2 was moved to the regular agenda for discussion and action.

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

ITEM 1. Approval of Minutes – March 25, 2019

As part of the consent agenda, a motion was made by Commissioner Barth and seconded by Commissioner Ralston to approve the meeting minutes from March 25, 2019. The motion passed unanimously.



Consent Agenda

ITEM 3. CONDITIONAL USE PERMIT #19-19 to exceed 3,600 square feet of total accessory building area – requesting 3,964 sq. ft. on the property legally described as Annie’s Tract 1, Peterson Subd., Section 34-T103N-R49W.

Petitioner: Jonathon Palmlund

Property Owner: same

Location: 25527 475th Ave. Located approximately 4 miles north of Sioux Falls

Staff Report: David Heinold

General Information:

Legal Description – Annie’s Tract 1, Peterson Subd., Section 34-T103N-R49W

Present Zoning – A-1 Agricultural District

Existing Land Use – Residential

Parcel Size – 3.75 acres

Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting conditional use permit approval to allow 3,964 square feet of total accessory building area. The proposed accessory building will be used for personal use and storage. The subject property consists of approximately 3.75 acres used for residential purposes.

There are several properties within the immediate area that have accessory building sizes similar to the petitioner’s requested size. The property owner at 25539 475th Ave. has approximately 3,360 square feet of total accessory building area on the same size parcel as the subject property. The property at 25512 475th Ave. has approximately 4,460 square feet on 15.64 acres. Other properties in the immediate area have accessory building sizes ranging from 1,350 square feet to 2,034 square feet.

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.

There are several properties in the immediate vicinity with total accessory building sizes comparable to the petitioner’s request. The use of the proposed building addition for personal storage of household items and property maintenance equipment should not negatively affect the use of properties in the immediate vicinity.

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

The proposed placement of an accessory building should not negatively affect the normal and orderly development in the surrounding area. The future growth of surrounding vacant properties is determinant of the available building eligibilities.



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

The petitioner has not indicated a need to increase utilities or included any provisions for accommodating drainage facilities to manage the type, intensity, and flow of water from the proposed accessory building addition. The site plan shows that the building addition will be accessible via the existing driveway.

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

No off-street parking will be needed with the supplemental area for parking as a result of residential activities. No commercial or business parking will be allowed at any time.

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.

No offensive nuisances shall be permitted at any time during use of the proposed accessory structure. The use of lighting should be directed downward on to the property in order to prevent light pollution off site.

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

The proposed accessory building should have no effect on the health, safety, and general welfare of the public. The use of the accessory structure for private use and storage will create few problems to neighboring properties. The property is located within the area defined as the Agricultural Production Area in the Envision 2035 Comprehensive Plan, which sets forth the purpose to protect, preserve, and promote agricultural uses and the economic viability of farming operations in the rural area.

Recommendation:

Staff finds that the requested total accessory building area is relatively comparable to the existing accessory building sizes on similar properties in the surrounding area. Staff recommends **approval** of Conditional Use Permit #19-19 with the following conditions:

- 1.) That the total accessory building square footage shall not exceed 3,964 square feet.
- 2.) That a building permit is required prior to construction of the accessory structure.
- 3.) An inspection must be made of the proposed accessory structure to ensure that the total floor area of the structure does not exceed 3,150 square feet.
- 4.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.

Action

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

Conditional Use Permit #19-19 – Approved



ITEM 4. CONDITIONAL USE PERMIT #19-20 to allow Storage Units on the property legally described as Tracts 2 & 3 of Oyen's Addition in the W1/2 NE1/4 of Section 1-T103N-R50W.

Petitioner: Lance Warne/Performance Property Management

Property Owner: same

Location: 47165 250th St. Located approximately 2 miles west of Baltic

Staff Report: Kevin Hoekman

General Information:

Legal Description – Tracts 2 & 3 of Oyen's Addition in the W1/2 NE1/4 of Section 1-T103N-R50W

Present Zoning – C Commercial

Existing Land Use – Tract 2 – Auto Body Shop, Tract 3 - Vacant

Parcel Size – 4.02 acres

Staff Report: Kevin Hoekman

Staff Analysis:

The applicant is requesting a conditional use permit to allow for the construction of rental storage units. The proposed construction site will be located on the adjacent property east of Performance Paint and Body. The proposed site of the storage units is located on a recently rezoned parcel of land located along the county highway and east of the Baltic Interstate exit.

The applicant has provided a site plan and grading plans which have been included for your review. The proposed storage units would use the existing approach also used by Performance Paint and Body. The petitioner is working with the County Highway Department to try and use a new shared driveway which will enter between the body shop and the storage units. The proposed driveway to the storage unit will have to be paved, as the driveway comes off a paved County Highway. The site plan shows that the driveway is planned for hard surfacing. The building site is located on the top of a hill which slopes steeply toward the road, and the grading plan shows that water will be directed away from the road into a retention pond at the southwest corner of the property. The plan also shows that many of the trees are intended to remain on the property and slope.

In 2015 the petitioner applied for and received a Conditional Use Permit for a smaller storage unit project on the same tract as Performance Paint and Body. That project was not constructed and the Conditional Use Permit for that project is now expired.

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.

The proposed use will increase the traffic and use of the property, even if the increase is minimal. The addition of storage units should be a low impact land use where minimal mitigation of lighting impacts and drainage should prevent negative impact on surrounding



property. Grading the water away from the road may help the drainage for the closest residence.

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 interstate exit has existing commercial land uses. The Comprehensive Plan identifies interstate interchanges as an appropriate area for commercial and industrial development and growth. This proposed use should not slow or deter future commercial and industrial growth in the area. It is likely the end of the eastward expansion of commercial growth since the adjacent property to the east is used as an acreage site for a single family dwelling. The property to the south has one available building eligibility which would have access to 472nd Avenue (County Highway 133).

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

The facility will use the existing approved access onto the County Highway. The petitioner has stated that he would prefer a shared access between the two properties. A shared access will have to be approved by the County Highway Department. All necessary utilities must be extended by the property owner. The submitted plans include drainage and sediment control plans. Drainage will be directed to the west into a basin. Silt fence, wattles, and erosion fabric will be used during construction to prevent sediment from washing off the property. Vegetation should be kept on the slope to the greatest possible extent in order to low rainwater as it drains.

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

The buildings are spaced wide enough to allow for parking and loading between buildings. No permanently parked vehicles will be allowed as outdoor storage. The parking areas and driveways will be required to be hard surfaced in accordance with Minnehaha County Minimum Improvement and Maintenance Standards.

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 the property for storage units should not likely create offensive odor, fumes, dust, noise, or vibration outside of construction of the facility. Lighting, however, has been a common concern of similar storage units. Lighting should shielded and cutoff so that the light is directed downward onto the property and not allowed to spill off the site. No commercial businesses will be allowed to operate in the units, reducing the chances of any nuisance being caused by this facility.

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

It is unlikely that the requested expansion will create any additional health, safety or welfare concerns. This area is designated as a rural service area in the comprehensive plan. This designation allows for the development of commercial and industrial entities in the area.

Recommendation:

Staff recommends approval of CUP #19-20 with the following conditions:

- 1.) The building area shall adhere to the submitted site plan dated 3-24-19.



- 2.) The County Highway Department must approve any new or relocated driveway locations.
- 3.) No outside storage shall be allowed at any time.
- 4.) All signage shall conform with Article 16 of the Minnehaha County Zoning Ordinance and a sign permit must be obtained prior to placement of any signage.
- 5.) No commercial businesses shall be allowed to operate out of the storage units
- 6.) All driving and parking areas shall be hard surfaced to the standards of Minnehaha County Zoning Ordinance. The hard surface is required to be installed once all of the storage units are constructed or by October 1, 2020, whichever is sooner.
- 7.) All lights shall be cut-off and shielded to direct lights to prevent spillage of light off the property.
- 8.) All buildings must be engineered and plans must be stamped by a professional engineer and submitted to the Department of Planning and Zoning for review prior to issuing a building permit.
- 9.) Building permits are required for each building and for any signage.

Action

As part of the consent agenda, a motion was made by Commissioner Barth to **approve** Conditional Use Permit #19-20 and seconded by Commissioner Ralston. The motion passed unanimously.

Conditional Use Permit #19-20 – Approved



Regular Agenda

ITEM 2. CONDITIONAL USE PERMIT #19-17 to transfer one (1) building eligibility on the W1/2 SW1/4 (Ex. Ry & Ex. Tr. 1, Kjergaard's Addn.) & E1/2 SW1/4, N of Ry & Tract 1, Jacobson's Second Addn., From the NW1/4 SW1/4 to the SW1/4 SW1/4; all in Section 34-T101N-R47W.

Petitioner: Earl Grimmus

Property Owner: same

Location: Located approximately 7 miles east of Sioux Falls

Staff Report: Scott Anderson

General Information:

Legal Description – SW1/4 SW1/4; all in Section 34-T101N-R47W

Present Zoning – A1- Agriculture

Existing Land Use – vacant/cropland

Parcel Size – 40 acres

Staff Report: Scott Anderson

Staff Analysis: The applicant is requesting conditional use permit approval to transfer one building eligibility from the SW 1/4 of Section 34, Valley Spring Township to the SW 1/4 of the SW 1/4 of Section 20 of Valley Spring Township. The proposed location for the building eligibility transfer will be from cropland to cropland.

On April 4, 2019, staff visited the property and determined that the proposed location is appropriate for a single family dwelling. The attached questionnaire indicates that the building eligibility is being moved between crop producing parcels. There are no concentrated animal feeding operations within the immediate vicinity.

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.

A right-to-farm notice covenant should be required to notify potential buyers to the realities of locating in an agricultural area. The addition of residential land use should not negatively affect the nearby residences and farmland.

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

The approval of the building eligibility for a single family dwelling will not increase the number of dwelling units allowed in this section. The surrounding area is primarily agriculture with several acreages in the area.

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



The placement of the building eligibility will result in the construction of a single family dwelling with a separate driveway.

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

Off-street parking requirements will be provided for once a 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 otherwise constitute a nuisance.

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

The health, safety, general welfare of the public should not be significantly impacted by the placement of one single family dwelling with a building eligibility. The intent of the Envision 2035 Comprehensive Plan will be met under the requirements of density zoning.

Recommendation:

Staff finds this conditional use permit request to be consistent with density zoning and recommends **approval** of Conditional Use Permit #19-17 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.

Public Testimony

Scott Anderson, County Planning Director, presented a brief staff report and recommendation for Conditional Use Permit #19-17.

Jen Mulder, 48722 268th St., identified herself as the daughter of Roger & Dana Mulder that own the adjacent property from the location of the proposed building eligibility transfer. She stated concerns over the flow of water from the subject property and the applicant not doing what he says he will do with the property building eligibility transfer. She continued to mention concerns about a potential commercial business or animal feedlot.

Director Anderson explained that the applicant provided responses to the building eligibility questionnaire that is required to be submitted with the conditional use permit application. The questionnaire indicates that the proposed transfer is for a new house and can be a single family dwelling with only personal storage allowed on the property.

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

Commissioner Duffy closed the floor to public testimony.



Discussion

Commissioner Barth added that the planning commission should consider a deferral to next month to allow the applicant to attend the meeting for clarification of their plans.

Action

A motion was made by Commissioner Barth to **defer** Conditional Use Permit #19-17 and seconded by Commissioner Ode. The motion passed unanimously.

Conditional Use Permit #19-17 – Deferred until the May 20, 2019 Planning Commission



Old Business

Kevin Hoekman presented a brief presentation on the on-premise sign ordinance review. There was discussion amongst the planning commission members about the presentation.

New Business

Commissioner Barth commended his fellow planning commissioners and staff for the work that they have done for Minnehaha County.

Adjourn

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

The meeting was **adjourned** at 9:45 pm.