



**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION
February 24, 2020**

A meeting of the Planning Commission was held on February 24, 2020 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Bonnie Duffy, Becky Randall, Ryan VanDerVliet, Doug Ode, Mike Ralston, Adam Mohrhauser, 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 7:00 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 3, 4, and 5 were requested to be moved to the regular agenda

A motion was made to **approve** the consent agenda consisting of items 1 and 2 by Commissioner VanDerVliet and seconded by Commissioner Barth. The motion passed unanimously.

ITEM 1. Approval of Minutes – January 27, 2020

As part of the consent agenda, a motion was made by Commissioner VanDerVliet and seconded by Commissioner Barth to approve the meeting minutes from January 27, 2020. The motion passed unanimously.



Consent Agenda

ITEM 2. CONDITIONAL USE PERMIT #20-05 to allow RV Storage Units on the property legally described as Lot 1, Block 3, Brower 2nd Addition, SW1/4, Section 27-T102N-R51W.

Petitioner: Jon & Matt Maras

Property Owner: same

Location: Located approximately 0.5 mile south of Hartford

Staff Report: David Heinold

General Information:

Legal Description – Lot 1, Block 3, Brower 2nd Addition, SW1/4, Section 27-T102N-R51W

Present Zoning – I-1 Light Industrial District

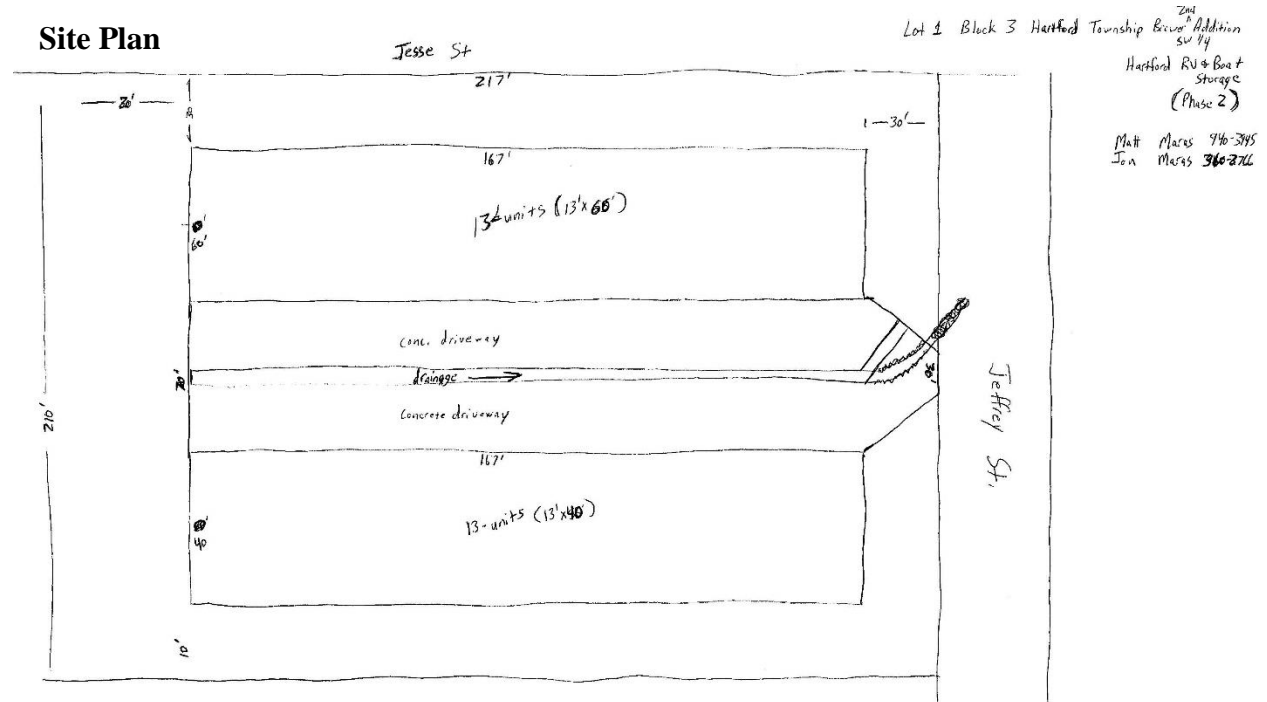
Existing Land Use – vacant

Parcel Size – 1 Acre

Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting conditional use permit approval to allow RV storage units on a one acre land parcel. The submitted site plan, below, shows a 60'x167' and a 40'x167' proposed RV storage unit buildings. Each building will have 13 separate units. The site plan shows the driveway access to the property will be off Jeffrey Street.





On February 11, 2020, staff inspected the subject property and determined the proposed use for recreational vehicle storage units is appropriate for the surrounding area. There is an existing RV storage unit facility to the immediate northwest of this site. On February 5, 2020, staff contacted the City of Hartford for review of the conditional use permit request. The City of Hartford Planning and Zoning Board has no issues with Conditional Use Permit #20-05 and support County staff recommendations.

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 use should not have a significant negative effect on the use and enjoyment of surrounding commercial land uses. The type of uses in the Brower Addition Industrial area consist of but are not limited to storage units, antique sales, contractor's shop, outdoor storage, and fuel storage. Several of the properties in the surrounding area have approved conditional use permits for the various uses.

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

Much of the land in the Brower Addition has already been developed except for a few remaining vacant lots in the Brower 2nd Addn. The placement of two storage unit buildings will not negatively affect the normal and orderly development for surrounding vacant properties. The proposed development of storage units will continue to enhance the attractiveness for locating commercial and industrial growth.

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

The site plan shows a driveway access from Jeffrey St. for the proposed storage unit buildings. The subject property is located in the Brower 2nd Addn., which has paved public roads. However, the Jeffrey St. entrance from County Highway 151 consists of a gravel driving surface. The condition of the road to the west of the subject property has been an issue in the past with drainage and road maintenance concerns. Since the property is adjacent to a hard surface road, the petitioner will have to pave the driveway to the proposed storage unit facility. The petitioner included a drainage system to control storm water runoff from the storage unit buildings.

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

The site plan shows a 70 foot wide driving surface in between the two storage unit buildings that will allow the necessary room to maneuver recreational vehicles and parking spaces in front of each unit.

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 is for storing recreational vehicles within the individual storage units. All lighting should be directed downward onto the property to prevent light pollution off site. The proposed use allows storage of recreational vehicles. Any uses that occur outside of the permitted uses must first obtain conditional use permit approval.



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

There should be no negative impact on the health, safety, general welfare of the public, and the Comprehensive Plan with the allowance of the proposed RV storage units. The subject property is located within the City of Hartford 2017-2037 Comprehensive Plan designated as future commercial and industrial use. The Envision 2035 Comprehensive Plan Future Land Use Map encourages commercial and industrial development in this area adjacent to one of the Interstate I-90 interchanges for easy access by the general public.

Recommendation:

Staff finds that the proposed RV storage units an appropriate use of the light industrial land at this site. Staff recommends **approval** of Conditional Use Permit #20-05 with the following conditions:

- 1.) The property shall adhere to the submitted site plan and narrative.
- 2.) No commercial businesses shall be allowed to operate within the storage units without obtaining proper approval from Minnehaha County Planning & Zoning.
- 3.) All driving and parking areas shall be hard surfaced to the standards of Minnehaha County Zoning Ordinance. The hard surface shall be installed by August 31, 2021.
- 4.) All outside lighting shall be of shoe-box style directing lights directly downward onto the property.
- 5.) Building permits are required for the storage units and for any signage.
- 6.) That the Planning & Zoning Department reserves the right to enter and inspect the storage unit facility at any time, 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.

Action

As part of the Consent Agenda, a motion was made to **approve** Conditional Use Permit #20-05 with staff recommended conditions by Commissioner VanDerVliet and seconded by Commissioner Barth. The motion passed unanimously.

Conditional Use Permit #20-05 – Approved



Regular Agenda

ITEM 3. CONDITIONAL USE PERMIT #20-06 to exceed 3,600 square feet of total accessory building area – requesting 16,092 sq. ft. on the property legally described as NW1/4 SW1/4 (Ex. H-2, H-3, & Ex. Tract 1 Marshall's Addn.), Section 7-T102M-R49W.

Petitioner: Dihl Grohs

Property Owner: same

Location: 25758 472nd Ave. - Located approximately 3.5 miles north of Sioux Falls

Staff Report: Scott Anderson

General Information:

Legal Description – NW1/4 SW1/4 (Ex. H-2, H-3, & Ex. Tract 1 Marshall's Addn.),
Section 7-T102M-R49W

Present Zoning – A1 Agriculture

Existing Land Use – farmstead

Parcel Size – 29.93 acres

Staff Report: Scott Anderson

Staff Analysis: The petitioner is requesting to exceed 3,600 square feet of total accessory building area. The petitioner is requesting 16,092 square feet of total accessory building area. According to the Minnehaha County Zoning Ordinance, Section 12.07 (D) limits the sizes of accessory structures to a total of 3,600 square feet in lots that are 3.1 acres or more.

The petitioner is requesting to construct a new 8,160 square foot accessory building for personal storage. There are other existing accessory structures on the property totaling 7,932 square feet. The applicant is proposing to construct a metal building that is 60 feet wide and 136 feet long. The applicant provided a schematic of the building, which is included for the Planning Commission's review. The applicant is proposing to locate the building near the southwest corner of the parcel. The applicant has not indicated a proposed setback for the building. The Zoning Ordinance requires a minimum of 50' from the property line along County Highway 133. There is a large shelter belt which blocks the view of the proposed new structure from the residence to the south.

There are several larger buildings in the area. The Renner Storage Units are located directly across County Highway 133 to the west. Other larger accessory buildings can be found along Kiwanis Avenue and County Highway 133.

The applicant is currently in violation of the Zoning Ordinance. A 12' by 24' structure has been moved onto the property without obtaining the required building permit first. Staff has sent the applicant five (5) notices to obtain the building permit starting in 2017 with the last letter sent out on January 10, 2020. Staff has discussed the violation with the applicant and he has indicated that the building will be removed. Staff indicated that if the building is not removed by March 2, 2020, staff will appeal this CUP to the County Commission for denial.



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 that have larger accessory buildings, so there should be no impact on the property values of surrounding properties. The building will only be used for the property owner's personal storage. The property is adjacent to an existing commercial area containing many storage units.

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

The accessory building may only be used for residential purposes, no commercial or business activities are allowed. Given the size of the other larger accessory structures in the immediate vicinity of the petitioner's property, the proposed new accessory structure would be congruent with the land composition.

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

The petitioner will be utilizing the existing driveway as access to the proposed accessory building and no further infrastructure will need to be provided.

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 proposed building size conforms to the general sizes of other accessory buildings in the area. Staff recommends **approval** of Conditional Use Permit #20-06 with the following conditions:

- 1.) That the total accessory building square footage shall not exceed 16,092 square feet.
- 2.) That the accessory building shall not exceed 35 feet in height.
- 3.) That a building inspection is required to determine that the new accessory building does not exceed 8,160 square feet measured from the outside perimeter.



- 4.) That the building shall be an accessory use to the continued use of the property as a residential lot.
- 5.) That only personal storage shall be allowed in the building and no commercial uses or commercial storage will be allowed at any time.
- 6.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 7.) That a building permit is required prior to construction of the accessory building.
- 8.) That the 12' x 24' accessory structured moved onto the property without a building permit be removed by March 2, 2020.
- 9.) That the Planning & Zoning Department reserves the right to enter and inspect the accessory building at any time, 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

Scott Anderson, county planning department, presented the staff report including the staff concern regarding an unpermitted accessory building on the property. Scott explained that he will return to the property on Monday March 2nd to see if the illegal shed is still on the property. If the shed is still on the property then county staff will appeal the item to the County Commission meeting. Commissioner Barth confirmed with staff that the petitioner is aware of the illegal building.

Commissioner Randall asked if condition #6 would limit the ag business that currently is located on the property. Scott Anderson responded that the Ag business is an allowed use in the zoning district and will continue to be allowed.

The petitioner was not present for comments.

Action

A motion was made by Commissioner Barth to **defer** Conditional Use Permit #20-06 to the March 23rd, 2020 Planning Commission meeting. The motion was seconded by Commissioner Randall. The motion passed unanimously.

Conditional Use Permit #20-06 - deferred to March 23rd, 2020 meeting



ITEM 4. CONDITIONAL USE PERMIT #20-07 to make one (1) building eligibility available on the property legally described as NE1/4 (Ex. N1/2 NW1/4 & Ex. Tract 1 Carpenters Addn.), Section 7-T102N-R48W.

Petitioner: Matthew Swartwout (Chuck Sutton Auctioneers)

Property Owner: Terry M. Carpenter

Location: Located approximately 5 miles northwest of Brandon

Staff Report: Kevin Hoekman

General Information:

Legal Description – NE1/4 (Ex. N1/2 NW1/4 & Ex. Tract 1 Carpenters Addn.),
Section 7-T102N-R48W

Present Zoning – A1 Agriculture

Existing Land Use – agricultural cropland

Parcel Size – 134 acres

Staff Report: Kevin Hoekman

Staff Analysis:

This subject property is located approximately 5 miles northwest of Brandon, and it is bordered by 257th Street and 479th Avenue. The 134 acre property has already had three building sites platted out of the northwest ¼ of the section, and this leaves the one remaining building eligibility which requires a conditional use permit to make it available for use. This proposed permit will make available the last remaining eligibility on the ¼ section.

The petitioner has submitted a site plan showing the proposed location for a new lot to be located on 257th Street and adjacent to the existing neighbor. This location is advantageous because it adds to the existing cluster of housing. The submitted questionnaire explains that the cluster will take minimal land out of production while maintaining the larger area open for agricultural production. The property owner recently sold another lot with a building form this parcel and a new dwelling is under construction on that lot now.

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 area around the proposed building eligibility site is primarily agricultural uses with residential acreages and farmsteads located along 257th Street and north on 479th Avenue. One additional building site will not likely change the character of the area since many eligibilities have already been developed in the few miles around the proposed site. No known CAFOs are located within a mile of the proposed building site.

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

The property is located about 5 miles away from Brandon and Sioux Falls, and therefore will not be affected by development pressure from either city. The area is fairly well developed by



residential acreages already, yet there will likely be more acreage development in the area in the future. As this is the last building eligibility on the ¼ section. Much of the land will now be permanently preserved for agricultural production as the density zoning intended.

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

The property owner will be required to extend any needed utilities to the property. The development of a residential acreage will likely not change overall patterns of drainage. The property owner will be responsible for getting a driveway permit for any new access to the proposed property.

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

Off street parking will be met at the time a dwelling is constructed on the 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.

A new residential acreage site should not create any offensive odor, fumes, dust, noise, vibration, and lighting. The property will have to be maintained to meet the public nuisance ordinance for Minnehaha County.

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

The health, safety, and general welfare of the public will not be negatively affected by the availability of the building eligibility. The Envision 2035 Comprehensive Plan includes planning to encourage the clustering of building eligibilities in order to preserve large tracts of land for agriculture.

Recommendation:

Staff finds this conditional use permit request to be consistent with density zoning and recommends **approval** of Conditional Use Permit #20-07 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

Kevin Hoekman, county planning department, presented the staff report and recommendation. Commissioner Mohrhauser confirmed with staff that this is the last building eligibility and previous eligibilities have been developed.

Terry Carpenter, the petitioner, was present for the hearing.

Matt Mueller, 47871 257th Street, asked for clarification of what a building eligibility is. He also clarified with staff that the plan is to have a lot platted on the north side of the property where he is the neighboring property owner.

Action



A motion was made by Commissioner Barth to **approve** Conditional Use Permit #20-07 with the staff recommended condition. The motion was seconded by Commissioner Ralston. The motion passed unanimously.

Conditional Use Permit #20-07 - Approved



ITEM 5. CONDITIONAL USE PERMIT #20-08 to Expand Existing Amusement and Recreation Facility to Allow Roller Coaster on the property legally described as E1/2 NW1/4 SE1/4 & NE1/4 SE1/4 (Ex. H-1 & Ex. Tract 1, Alvine’s Addn.), Section 36-T101N-R51W.

Petitioner: Francis D. Phillips, GM/President (Wild Water West Waterpark LTD)

Property Owner: same

Location: 26767 466th Ave.

Located approximately 3 miles west of Sioux Falls

Staff Report: David Heinold

General Information:

Legal Description – E1/2 NW1/4 SE1/4 & NE1/4 SE1/4 (Ex. H-1 & Ex. Tract 1, Alvine’s Addn.), Section 36-T101N-R51W.

Present Zoning – C Commercial & A-1 Agricultural Districts

Existing Land Use – Commercial Amusement and Recreation Facility

Parcel Size – Approximately 80 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting conditional use permit approval to allow a roller coaster at the existing Wild Water West Waterpark and Commercial Recreation Facility. The subject property already contains a variety of water and dry land activities on approximately 55.25 acres such as water slides, go karts, bumper boats, miniature golf, trap shooting, beach volleyball, and an outdoor amphitheater.



The site plan, above, shows the proposed roller coaster will be located south of the wave pool. The total height of the roller coaster will be 113 feet tall at the highest point. The existing slides reach a height of about 65 feet. The image, at left, shows the roller coaster location from the top of the slides tower.

On February 1, 2020, staff visited the property and viewed the site of the proposed roller coaster. The site is appropriate addition to the existing family amusement park and commercial recreation use.



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 existing family amusement park has been in operation for the past forty years and has evolved into what is currently seen on the subject property. The addition of a roller coaster may attract more people to the amusement facility, which will bring more concerns related to traffic and noise impact to neighboring properties. The written narrative submitted by the petitioner explains that the monorail design system allows for smooth operation contributing to no extra noise to the area. The general operation of the amusement park will bring noise accompanying such a use, but should not be at a level much different from the existing water park.

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

While this use is not identified as a specific conditional use within the A-1 Agricultural District, it is considered a recreational facility and similar to other recreational uses already allowed by conditional use permit. The surrounding land to the east is developed with about 50 one to two acre single family residential lots and to the south there are two permitted events buildings. The predominant land use among the surrounding properties is agricultural because it is likely to continue as primarily farm land through the duration of the 20-year planning horizon and beyond with the exception of the available building eligibilities for single family dwellings. The further expansion of the amusement park and commercial recreation facility should not negatively affect the normal and orderly development of surrounding vacant property.

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

The location of the amusement park and commercial recreation facility is along County Highway 145 that provides access to South Dakota State Highway 42 and County Highway 148. The existing facility utilizes on-site drainage for managing stormwater runoff. The applicant already has on-site utilities and necessary facilities for operation of an amusement park.

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

The petitioner already supplies a mixture of asphalt, gravel, and grass parking areas on approximately 25 acres of the entire amusement park area for visitors. The entire parking area could encompass about 3,000 vehicles including two-way drive aisles, which would be enough parking spaces to meet the minimum parking requirements in Section 15 of the 1990 Revised Zoning Ordinance for Minnehaha County.

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.

Applicant response: The petitioner states that monorail design system roller coaster allows for a smooth operation contributing no extra noise to the area. There should be no odor, fumes, or dust during the operation of the proposed roller coaster. The petitioner plans to utilize the same hours of operation as the existing water park from 11 am to 8 pm. The narrative states that there is no need for additional lighting. Staff recognizes that noise or vibration will result from



operation from the roller coaster and should be mitigated to prevent nuisances from occurring off site. The applicant has not included any plans for additional signage. Any proposed signs shall meet Article 16 of the County Zoning Ordinance.

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

Applicant Response: There will be security fencing around the perimeter of the roller coaster. In addition to the daily safety inspections by Wild Water West staff members, the manufacturer conducts semiannual inspections of the roller coaster.

The subject property is located just outside of the Transition Area as identified in the Envision 2035 Comprehensive Plan Future Land Use Map. Goal 5 of the Envision 2035 Comprehensive Plan states to support the orderly development of non-agricultural land uses. The result of this goal 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. The proposed roller coaster is compatible with the existing water park and surrounding commercial land uses. The amusement park is located about one-half mile from the intersection of two County Highways and the rural service area.

Recommendation:

Staff finds that the proposed use for a roller coaster addition to the existing amusement park and recreation facility meets the intent of the zoning ordinance and conforms to the goals of the Envision 2035 Comprehensive Plan. Staff recommends **approval** of Conditional Use Permit #20-08 with the following conditions:

- 1.) That Conditional Use Permit #20-08 shall allow one (1) roller coaster.
- 2.) The subject property shall adhere to the submitted site plan and narrative.
- 3.) The hours of operation for the roller coaster shall be from 11:00 am to 8:00 pm.
- 4.) That a set of plans certified by a registered professional engineer be submitted for review and approval prior to the building permit(s) being issued for the roller coaster.
- 5.) The applicant maintain a South Dakota Sales Tax License.
- 6.) The roller coaster perimeter should be enclosed with security fencing and a locking gate to prevent unauthorized access to the roller coaster track.
- 7.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundary.
- 8.) That the roller coaster meet all State and Federal safety requirements and inspections.
- 9.) That the Planning & Zoning Department reserves the right to enter and inspect the amusement park and recreation facility at any time, 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

David Heinold, County Planning Department, presented a brief summary of the staff report and recommendation for Conditional Use Permit #20-08.



Francis Phillips, 1700 S. Carter Pl., identified himself as the General Manager of Wild Water West and the applicant for the conditional use permit request.

Commissioner Barth asked if the petitioner has met with any of the neighbors around the site.

Mr. Phillips explained that they have only met with the owner of the Pump 'n' Pak, Curt Matzen about the proposed use.

Tim Medill, 26785 Country Acre Dr., identified himself as a neighboring property owner to the east and showed the location of his home on the projector screen. Mr. Medill stated concerns regarding sightlines, noise, and impacts to property values. He continued to mention that the existing water slides are 63 feet tall and the proposed roller coaster will be 110 feet.

Mr. Medill explained that noise will come from the people and the music at the amusement park. He continued to mention that the proposed roller coaster will add more people, which will add more noise to the amusement park. He also stated concerns about the parking lot always being full on a warm day. Mr. Medill stated concerns about traffic leaving the water park onto the highway.

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

Commissioner Barth called for the petitioner to respond to the concerns presented by Mr. Medill.

Mr. Phillips explained the reasons for the site they chose for the proposed roller coaster.

Commissioner Barth questioned where the roller coaster will be placed compared to the existing water slides.

Mr. Phillips explained that the roller coaster will be on the north side of the pond, which is well within the subject property. Mr. Phillips continued to mention the design features that will be utilized with the proposed facility.

Mr. Phillips explained that they take safety of their guests first and foremost. He also spoke to the concerns about noise and the number of people attending the amusement park.

Commissioner Randall questioned what way the roller coaster will climb up to the top.

Mr. Phillips explained that the roller coaster will plan to climb away from the homes to the east.

Commissioner Duffy called for public testimony. There was no answer for public testimony.

Commissioner Duffy closed the floor for public testimony.



Discussion

Commissioner Ralston mentioned that he appreciates the comments made at the public hearing and believes that this is an appropriate land use for the existing amusement facility.

Action

A motion was made by Commissioner Ralston to **approve** Conditional Use Permit #20-08 with the staff recommended conditions and seconded by Commissioner Mohrhauser. The motion passed unanimously.

Conditional Use Permit #20-08 - Approved



ITEM 6. REZONING #20-01 to rezone from the A-1 Agricultural District to the C Commercial District property legally described as S1/2 SE1/4 (EX TR 1,2,3,4,5,6 & 7 & EX N291 E150 S724 W483 SE1/4 SE1/4 & EX W333 NOT INCLUDING S433 SE1/4 SE1/4 & EX E159.15 NOT INCLUDING S433 (EX EGGERS ADDN) SW1/4 SE1/4, Section 9-T102N-R49W.

Petitioner: Sorum Holdings 2 (James Sorum)

Property Owner: Michael Eggers & Sorum, Sandra K. & Etal

Location: Located approximately 3.5 miles north of Sioux Falls

Staff Report: Kevin Hoekman

General Information:

Legal Description – S1/2 SE1/4 (EX TR 1,2,3,4,5,6 & 7 & EX N291 E150 S724 W483 SE1/4 SE1/4 & EX W333 NOT INCLUDING S433 SE1/4 SE1/4 & EX E159.15 NOT INCLUDING S433 (EX EGGERS ADDN) SW1/4 SE1/4, Section 9-T102N-R49W

Present Zoning – A1 - Agriculture

Existing Land Use – Agricultural Cropland

Parcel Size – 19.38 acres

Staff Report: Kevin Hoekman

Staff Analysis:

This parcel is located west of the intersection of SD Hwy 115 and CO Hwy 130, also known as Renner Corner which is the name of the convenience store northwest of the intersection. The petitioner has stated that the proposed rezoning will allow commercial development for the Renner area and specifically to expand the uses currently at the Renner Corner.

The petitioner submitted a sketch plan of the property. The sketch plan shows a possible layout of several lots and roads. The sketch plan includes nine commercial lots with possible road layouts on the property. The sketch plan is only a sketch and may not reflect the final development of the property. For example, the north and south road depicted in the sketch plan does not line well with either Renner Avenue or Lindbergh Avenue which travel south of the highway. The petitioner should be aware that a preliminary subdivision plan will be required to plat new lots on this property once it is rezoned. The County Highway department must approve access from CO Hwy 130, and SD DOT must approve any access from SD Hwy 115.

There are several aspects of the proposed rezoning that may be a concern for future development. Many of the concerns can be addressed by the petitioner and through ongoing permitting and review processes. First, the proposed rezoning would create a small island of dense residential use where an apartment complex would be surrounded by commercial development on all sides. Similarly, the property is adjacent to six single family residential properties. The high amount of residential property in the area increases potential for conflicting uses located adjacent to each other. The Planning Commission may reduce the requested area to a size and location to reduce impact. An example limit of rezoning extent would be to rezone the south 600 feet of the



described property. A 600 foot limitation would reduce adjacent residential conflict to the apartment building and one residential acreage site, and it will connect the proposed commercial district to an existing commercial zoned property at 25793 475th Avenue.

Another aspect of concern for the development of the property is a pending change in floodplain mapping by FEMA. FEMA and South Dakota Emergency Management have been working to update floodplain maps in many of the eastern counties in the state. New maps have been published online for people to view changes to the extent of the floodplain. The new maps show expanded floodplain covering nearly all of the parcel which is requested for rezoning. An interactive map for the proposal can be found at the following web address:

<https://www.arcgis.com/apps/MapJournal/index.html?appid=40c61c678064459881ab123661fc6024>

Development can occur in a floodplain, but Minnehaha County floodplain ordinance includes strict requirements to ensure that any new structure is reasonably safe from flooding. Requirements may include raising any structures or flood proofing commercial structures with engineered flood proofing materials. With commercial building standards, it may be more appropriate to allow commercial development than residential development of much of this site. Although the floodplain requirements are not currently in effect, staff greatly encourages the petitioner to engineer any future structure to meet the floodplain standards. Having a compliant building now will reduce problems for future property owners and for future expansions that will need to meet requirements.

Considering the limitations listed for the property, the area is designated a ½ mile rural service area within the Envision 2035 comprehensive plan. Rural service areas are designated as appropriate for limited convenience commercial development to support the rural portions of the county. The area is within the Renner Sanitary Sewer District which can request any development to be connected to sanitary sewer. The applicant will be required to work with the sewer district to determine availability and any connection requirements such as lift stations, engineering, and fees. Connecting to a sanitary system would be a better option than including an onsite wastewater system located in a future designated floodplain. Planning staff called the contact for the Renner Sanitary Sewer District but received no response by the time of this report being printed.

Recommendation: Staff recommends **approval** of Rezoning #20-01 to rezone the subject property from A-1 Agriculture District to C Commercial District.

Public Testimony

Kevin Hoekman, county planning department, presented the staff report and recommendation.

James Sorum, 3208 E 33rd Street, was present as the petitioner for the hearing. Commissioner Barth raised concern about flooding on the property, and he noted that floods are not getting smaller.



Priscilla Green, 25781 475th Avenue, began by pointing out her property as the north house along the highway. She was concerned about drainage of the creek that runs through the pasture north of the property. She has concerns about water backing up after new construction. Finally she raised concerns about not knowing what uses are planned for the property. Commissioner Barth asked Priscilla Green if she had a basement. She stated that she had a crawl space that sank after the flooding and that other houses did experience flooding.

Nancy Rasmusson, 25781 475th Avenue, explained her and her neighbor's experience with flooding last spring. She raised concern that any new construction on the property will make the flooding worse. In addition, the sewers are aging and in need of repair. Any new business or apartments will create noise and block the view from the rear of the houses. Finally she expressed concern for the property value of the house with new development.

Sheila Freed, 47487 258th Street, explained that the property looked like a lake during the flood. She also raised concern for increase in traffic generated by commercial use, and for the property values of the area.

Harold Ahlers 25703 Packard Lane, asked staff to explain what commercial activity can take place on the property. Kevin Hoekman of planning department described several permitted uses and that many uses will require further permitting as a conditional use permit.

James Sorum addressed some of the concerns that were stated. He began by describing that the property has been owned within the family for years and that they don't have any specific plans for the property at this time. Some ideas for commercial buildings would be an office space for a current tenant in another building and to expand some processing and packaging of meat products from the Renner Locker. He explained that he felt that new construction would have minimal if any affect the flooding issues.

Nancy Rasmusson, 25781 475th Avenue, stated that any new commercial development will displace water.

Commissioner Duffy called for others to speak, and she closed the floor for discussion.

Discussion

Commissioner Barth explained that he is not confident enough about the flooding to move forward with the project.

Commissioner Ode explained that he also has concerns that the area floods frequently.

Commissioners Randall and Mohrhauser reiterated that flooding is a concern for the area.

Action

A motion was made by Commissioner Barth to recommend **denial** of Rezoning #20-01. The motion was seconded by Commissioner Ralston. The motion passed unanimously.



Rezoning #20-01 - Recommended for Denial

Old Business

Scott Anderson, county planning department, shared that 2019 review materials were included in the planning commission packet.

New Business

Scott Anderson, county planning department, provided a brief on senate bill 157.

Commissioner Duffy raised discussion regarding the Hartford public meeting regarding a Hartford joint jurisdiction ordinance.

Adjourn

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

The meeting was **adjourned** at 8:23 pm.