

4/26/2016

THE MINNEHAHA COUNTY COMMISSION CONVENE IN A JOINT SESSION WITH THE SIOUX FALLS CITY COUNCIL AT 5:00 P.M., April 26, 2016 pursuant to adjournment on April 26, 2016.

Commissioners present were: Barth, Bender, Beninga, Heiberger, and Kelly. Also present was Cindy Jepsen, Commission Recorder.

City Council Members present: Anderson, Erickson, Erpenbach, Jamison, Karsky, Kiley, Rolfing, and Staggers.

Chairperson Heiberger called the meeting to order.

MOTION by Barth, seconded by Beninga, to approve the agenda. 5 ayes. The City Concurred.

#### CONDITIONAL USE PERMIT

Kevin Hoekman, Planner 1, Minnehaha County, gave a briefing on Conditional Use Permit (CUP) Application #16-13 to allow retail sales of fireworks on the combined properties legally described as W14 Acres (Ex. H-1 & Ex. Rocky Ridge Addition & Ex. Pt. in City Limits) NE¼ NW¼ and N431' W½, NW¼ (Ex. H-1 & Ex. Wittrock Trs. & Ex. W145' E345' N183' & Ex. Wittelm's 2<sup>nd</sup> Addn. & Ex. H-2); all in Section 22-T101N-R50W. The property is located at 8101 W. 12<sup>th</sup> Street. The petitioner is Andy Jorgensen. The subject property is owned by Daniel D. Aespoh & Richard Elmen, PTR. On March 28, 2016, the Joint Minnehaha County and Sioux Falls Planning Commissions denied CUP #16-13. The applicant submitted an appeal of that decision to the Minnehaha County Planning & Zoning Department on March 30, 2016. Andy Jorgenson, 1604 S. Williams Avenue, Sioux Falls, spoke regarding his application for CUP #16-13. No one spoke in opposition. Commissioner Heiberger read fifteen (15) conditions that were proposed by the Minnehaha County Planning staff to the Planning Commission if they were considering approval of the CUP. MOTION by Beninga, seconded by Barth, to approve CUP #16-13 with the following conditions: 1) The property shall adhere to the submitted site plan and site plan narrative. 2) No outside storage shall be allowed at any time. 3) The retail sales of fireworks must abide by all applicable SD laws and regulations. 4) The retail sales of fireworks may only be marketable for nine (9) days per calendar year. 5) All outdoor lights in use for the building or to illuminate the parking area shall be directed away from single family dwellings. 6) Building permits are required for all structural changes. 7) Temporary signs for the business are allowed to be placed no earlier than June 13<sup>th</sup> and must be taken down by July 10<sup>th</sup>. One temporary freestanding sign is allowed not to exceed 32 square feet. One temporary wall sign is allowed per building face not to exceed one square foot per linear foot of building frontage. 8) Flags that are used for advertising shall be located on the subject properties, not block the view of traffic entering or exiting the property, and shall only be placed during the regular nine (9) day selling period of June 27<sup>th</sup> through July 5<sup>th</sup>. 9) No parking or stacking of vehicles shall be allowed in the right-of-way at any time. 10) The hours of operation for the public will be between 8:00 am and 10:00 pm. Set up and tear down activities outside of the nine day sales period must take place between 8:00 am and 8:00 pm. 11) No storage of fireworks is allowed from August 1<sup>st</sup> to June 10<sup>th</sup>. 12) The existing structure shall be inspected for structural integrity by the Minnehaha County Building Inspector before June 1, 2016. 13) The driveway as indicated on the site plan shall be configured to have a minimum of 24 feet wide driving area. Gravel must be placed on the driveway and meet the minimum improvement and maintenance standards in article 16.04 of the ordinance from the shoulder of the road to 15 feet onto the property. 14) The operation will be allowed to operate under the conditions of this permit until August 1, 2017. The business owner will be required to obtain another conditional use permit before this date if they wish to continue operating at this location. 15) That the Planning & Zoning Department reserves the right to enter and inspect the fireworks stand 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. 5 ayes. The City concurred.

#### DISCUSSION

Scott Anderson, Planning & Zoning Director, reported representatives from Minnehaha County, Lincoln County,

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City of Sioux Falls, and South Eastern Council of Governments (SECOG) met on March 25, 2016 to discuss collaboration on selecting a vendor to meet the needs for aerial photography. Mark Cotter, City of Sioux Falls Office of Public Works, Dale Long Lincoln County Commissioner, and Lynn Keller Forbes spoke on various uses of aerial photography of each entity, and on possible funding sources. The group will meet again on May 9, 2016 to further discuss the issue.

MOTION by Barth, seconded by Bender, to adjourn. 5 ayes. The City concurred.

The Commission adjourned until 9:00 a.m. on Tuesday, May 3, 2016.

APPROVED BY THE COMMISSION:

Cindy Heiberger

Chairperson

ATTEST:

Cynthia Jepsen

Deputy County Auditor