



**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION
OCTOBER 26, 2020**

A meeting of the Planning Commission was held on OCTOBER 26, 2020 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building and in the Zoom Personal Meeting Room ID 728 439 8039.

David Heinold, County Planning Department, presented Zoom Meeting Room instructions on raising hands to speak on agenda items.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Commissioner Duffy called roll of members present to determine a quorum. Commissioners Bonnie Duffy, Becky Randall, Adam Mohrhauser, Doug Ode, Mike Ralston, and Jeff Barth responded present at the meeting.

STAFF PRESENT:

Scott Anderson, David Heinold, and Kevin Hoekman - County Planning
Drew DeGroot – States Attorney

Bonnie Duffy chaired the meeting and called the Minnehaha County Planning Commission meeting to order at 7:38 p.m.

PUBLIC COMMENT.

Commissioner Duffy opened the floor for public comment and nobody moved to speak or no hands were raised in the Zoom Personal Meeting Room.

ITEM 1. Approval of Minutes – September 28, 2020

Chair Duffy called for any comments or amendments to the minutes. Nobody raised any comments or amendments.

A motion was made by Commissioner Mohrhauser and seconded by Commissioner Barth to approve the meeting minutes from September 28, 2020. A roll call vote was taken, and the motion passed unanimously with 6 votes in favor of the motion and 0 votes against the motion.



ITEM 2. CONDITIONAL USE PERMIT #20-44 to exceed 3,600 square feet of total accessory building area – requesting 4,200 square feet on the property legally described as Tract 2, Grave’s Addition, SW1/4, Section 18-T101N-R51W.

Petitioner: Jay Olson

Property Owner: same

Location: 46026 265th St. Located Approximately 6 miles south of Hartford

Staff Report: David Heinold

General Information:

Legal Description – Tract 2, Grave’s 2nd Addition, SW1/4, Section 18-T101N-R51W

Present Zoning – A-1 Agricultural District

Existing Land Use – Residential

Parcel Size – 5.86 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting conditional use permit approval to allow 4,200 square feet of total accessory building area. The petitioner would like to construct a 15’x60’ lean-to addition on the west side of an existing 40’x60’ barn for the purpose of parking tractors under the lean-to structure. The site plan, at right, shows the existing building and proposed addition located to the northeast of the house. There was a 15’x60’ lean-to addition on the east side of the existing building recently permitted within the total accessory building area requirement; however, the petitioner is requesting to construct the same size lean-to on the west side of the building.

There are several accessory buildings that range in size from 1,664 square feet to 5,328 square feet on similar-sized lots. The property owner at 45982 265th St. has 5,328 sq. ft. of total accessory building area about a quarter mile west of the subject property. The property owner at 45991 265th St. has 2,386 sq. ft. on about 8.3 acres immediately to the south of the state highway from the largest size. The two roughly three-acre lots to the west of the subject property at 46020 265th St. and 26496 460th Ave. have 1,664 and 2,352 sq. ft. of total accessory building area, respectively.

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 is primarily agricultural with a few residential acreages in the immediate vicinity. There should be no significant effect on the use and enjoyment as well as property values of other property in the immediate vicinity for the existing residential uses. The addition of a 15’x60’ lean-to on an existing accessory building for personal storage should not affect the use of properties in the surrounding area.

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



The future growth of the surrounding area is dependent on development of existing building eligibilities. There are a few residential parcels that have been developed along 265th Street. The proposed 15'x60' lean-to addition on the existing pole building should not negatively affect the normal and orderly development of surrounding properties in the immediate vicinity. The requested accessory building area is comparable to the existing accessory buildings on similar parcels.

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

Access has already been provided to the existing accessory building for the proposed lean-to addition. 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.

There should be no effect on the health, safety, general welfare of the public and the Comprehensive Plan with the proposed accessory building addition. The intent of the Envision 2035 Comprehensive Plan to support orderly growth of non-agricultural land uses will be met. The proposed use of the accessory building is compatible with the existing accessory buildings in the surrounding area.

Recommendation:

Staff finds that the proposed accessory building size conforms to the general sizes of other accessory buildings in the area. Staff recommends **approval** of Conditional Use Permit #20-44 with the following conditions:

- 1.) That the total accessory building square footage shall not exceed 4,200 square feet.
- 2.) That the accessory building shall not exceed 35 feet in height.
- 3.) That the building shall be an accessory use to the continued use of the property as a residential lot.
- 4.) That only personal residential storage shall be allowed in the building and no commercial uses or commercial storage will be allowed at any time.
- 5.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 6.) That a building permit is required prior to construction of the accessory building.



Public Testimony

David Heinold, County Planning Department, presented a brief summary of the staff report and recommendation for the conditional use permit request.

Jay Olson, 46026 265th St., identified himself as the petitioner. There were no questions asked for the petitioner about the conditional use permit request.

Commissioner Duffy called for public testimony but no one moved to speak on the item.

No hands were raised in the Zoom Meeting Room.

Action

A motion was made by Commissioner Barth to **approve** Conditional Use Permit #20-44. The motion was seconded by Commissioner Randall. A roll call vote was taken, and the motion passed unanimously with 6 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #20-44 – Approved



ITEM 3. CONDITIONAL USE PERMIT #20-47 to allow Diesel Repair Shop Building on the property legally described as Tract 3, Wold Tracts (Ex. H-1), NW1/4 NW1/4, Section 27-T103N-R49W.

Petitioner: Ransom, LLC
 Property Owner: Bruce Vollan
 Location: 25406 475th Ave.
 Staff Report: David Heinold

Located Approximately 4 miles south of Baltic

General Information:

Legal Description – Tract 3, Wold Tracts (Ex. H-1), NW1/4 NW1/4, Section 27-T103N-R49W
 Present Zoning – C Commercial District
 Existing Land Use – Vacant
 Parcel Size – 1.29 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting conditional use permit approval to allow a diesel mechanic repair shop. The subject property is located immediately south of the area commonly referred to as Midway Corner. The narrative states that the hours of operation for the proposed use would typically be 8 am to 6 pm, Monday thru Friday. The site plan, at right, shows the location of the proposed diesel repair shop building and a future warehouse building. The applicant is proposing to construct a 100’x100’ warehouse-style building with a 12’x20’ office addition for the diesel mechanic repair shop.



The chart, below, indicates surrounding land uses and zoning adjacent to the subject property.

	Existing Land Use	Existing Zoning
North	Commercial	C Commercial District
South	Grassland	A-1 Agricultural District
East	Commercial	C Commercial District
West	Agriculture/Residential	R/C Recreation/Conservation District

On October 8, 2020, staff visited the site for the proposed diesel mechanic repair shop and determined the land use to be compatible with the existing auto repair shop to the north.



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 a few single family dwellings within the immediate vicinity of the subject property. There should be no significant negative effect upon the use and enjoyment of other property in the immediate vicinity of the proposed diesel repair shop. The property values will likely not be negatively affected by the addition of a diesel mechanic repair shop and warehouse building.

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

The subject property is located along South Dakota State Highway 115 and in close proximity to County Highway 122. The Envision 2035 Comprehensive Plan identifies the area as an area for commercial development at the intersection of a state and county highway. The proposed use should have no negative effect upon the normal and orderly development and improvement of surrounding agricultural land. The future development of surrounding vacant land is dependent on the availability of building eligibilities and/or landowner interest.

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

The subject property is located along South Dakota State Highway 115. The driveway will be required to be hard surfaced with the main access off the paved highway. The petitioner will need to obtain a Change of Use Permit from the South Dakota Department of Transportation for the driveway access for the proposed business. The submitted site plan depicts a drainage swale to the east of the proposed building and retaining wall around the south and east sides of nearly the entire property boundary. All other utilities and necessary facilities will be provided as a result of the expansion of the existing businesses to the north.

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

The site plan shows a 12'x20' office space that should allow for about two cars on the north side of the building. The zoning ordinance requires two parking spaces for each three employees on the maximum shift, plus space to accommodate all trucks and other vehicles used in connection with the diesel mechanic repair shop.

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 may periodically produce some noise and vibration due to traffic entering and exiting the property. The building is located within a commercial area and should not be out of line with noises typically found with the existing auto service and gas station. The owner(s) shall take measures to control the amount of these nuisances so that adjacent property owners are not affected. All outside lighting shall be fully cut-off and fully shielded with recessed lights that prohibit the spillage of light beyond the boundaries of the subject property.

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

The Envision 2035 Comprehensive Plan encourages commercial growth near existing rural service areas that are commonly found at major intersections of state and county highways. Rural service areas are generally small unincorporated centers of development that provide



various services and conveniences primarily for rural residents, agriculture, and light industries. Goal 5 of the Envision 2035 Comprehensive Plan states to support the orderly development of non-agricultural land uses. The result of this is supporting development around rural service areas and intersections that delineated on the future land use map and are compatible with existing land uses. There should be no negative effects upon the health, safety, general welfare of the public, and the Comprehensive Plan with the addition of the proposed diesel repair shop.

Recommendation:

Staff finds that the proposed diesel mechanic repair shop is appropriate for the existing rural service area and conforms to the goals and policies of the Envision 2035 Comprehensive Plan. Staff recommends **approval** of Conditional Use Permit #20-47 with the following conditions:

- 1) That the property shall adhere to the submitted site plan unless otherwise stated in the conditions that are outlined in this permit.
- 2) That the conditional use permit shall allow for a diesel mechanic repair business.
- 3) That all outside lighting shall be fully cut-off and fully shielded with recessed lights that prohibit the spillage of light beyond the boundaries of the subject property.
- 4) That Article 15.00 Parking & Loading Regulations shall require two (2) parking spaces for each three employees on the maximum shift, plus space to accommodate all trucks and other vehicles used in connection with the diesel mechanic repair shop.
- 5) All signage shall follow Article 16.00 On-Premise Signs. A building permit is required for the installation of any sign.
- 6) That all driveways, parking and loading/unloading areas shall be hard-surfaced. All hard surface areas shall be completed by June 30, 2021.
- 7) That the applicant shall submit Engineered Building and Foundation Plans for review by the Minnehaha County Building Inspector prior to obtaining a building permit.
- 8) That no outdoor storage shall be allowed on the premises.
- 9) That the septic system shall be enclosed by a fence to ensure that the system is not damaged by vehicle traffic or used for parking purposes.
- 10) That the applicant shall meet any regulations applicable International Fire Code and National Fire Protection Association.

Public Testimony

David Heinold, County Planning Department, presented a brief summary of the staff report and recommendation for the conditional use permit request.

Commissioner Ode asked if the proposed business will be open on Saturdays.

Todd Ibis, 1600 W. Wicklow Dr., mentioned that they will not be open on Saturdays.

Commissioner Mohrhauser asked about the existing building near the gas station.

Mr. Ibis explained that they have a need for a separate diesel repair shop and plan to keep the existing buildings.

Commissioner Mohrhauser asked if the proposed business will use the same access.



Todd Ibis explained that the diesel repair shop will use the state highway access, but they had to move the access to the future building due to topographical issues.

Commissioner Duffy called for public testimony but no one moved to speak on the item.

No hands were raised in the Zoom Meeting Room.

Action

A motion was made by Commissioner Barth to **approve** Conditional Use Permit #20-47. The motion was seconded by Commissioner Ode. A roll call vote was taken, and the motion passed unanimously with 6 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #20-47 – Approved



**MINNEHAHA COUNTY
PLANNING COMMISSION
MEETING MINUTES**

October 26, 2020

Old Business

None.

New Business

None.

Adjourn

A motion was made to **adjourn** by Commissioner Mohrhauser and seconded by Commissioner Ralston. a roll call vote was taken and the motion was approved unanimously. The meeting was **adjourned** at 7:56 p.m.