



**MINUTES OF THE  
MINNEHAHA COUNTY PLANNING COMMISSION  
October 25<sup>th</sup>, 2021**

A meeting of the Planning Commission was held on October 25<sup>th</sup>, 2021 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Commissioners Bonnie Duffy, Becky Randall, Adam Mohrhauser, Ryan VanDerVliet, Mike Ralston, and Jeff Barth were present at the meeting.

**STAFF PRESENT:**

Scott Anderson, Kevin Hoekman, Mason Steffen – County Planning  
Eric Bogue – States Attorney's Office

Bonnie Duffy chaired the meeting and called the Minnehaha County Planning Commission meeting to order at 7:17 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, and item 7 was requested to be moved to regular agenda.

A motion was made to approve the consent agenda consisting of Items 1, 2, 3, 4, 5, & 6 by Commissioner Randall and seconded by Commissioner Barth. The motion passed unanimously with 5 votes in favor of the motion and 0 votes against the motion.

**ITEM 1. Approval of Minutes – September 27<sup>th</sup>, 2021**

As part of the consent agenda, a motion was made by Commissioner Randall and seconded by Commissioner Barth to approve the meeting minutes from September 27<sup>th</sup>, 2021. The motion passed unanimously with 5 votes in favor of the motion and 0 votes against the motion.



**ITEM 2. REZONING #21-03 to rezone from the A-1 Agricultural District to the I-1 Light Industrial District on the property legally described as Tract 4 (Ex. H-1), SE¼; Section 22, T102N-R48W Brandon Township.**

Petitioner: Lance Hulzebos

Property Owner: Same

Location: 25981 482<sup>nd</sup> Avenue - Approximately ¾-mile north of I-90 along SD Highway 11

Staff Report: Scott Anderson

**General Information:**

Legal Description – Tract 4 (Ex. H-1), SE¼, Section 22, T102N-R48W Brandon Township

Present Zoning – A-1 Agricultural District

Existing Land Use – Residential Acreage

Parcel Size – 1.66 acres

**Staff Report:** Scott Anderson

**Staff Analysis:** The petitioner is requesting to rezone approximately 1.66 acres from the A-1 Agricultural District to the I-1 Light Industrial District to allow for future development. The subject property is located within the village of Corson. The adjacent land uses are industrial, mining, and agriculture. The existing residential house site is situated along South Dakota State Highway 11 and adjacent to the major BNSF Railroad line. The existing residence is not in a good location for residential development. It is located along a busy highway and rail line and adjacent to several industrial uses. The most recent traffic count along that portion of SD Highway 11 indicates an ADT of 7602, of which 342 were heavy trucks.

The Envision 2035 Comprehensive Plan encourages commercial and industrial development near the intersection of highways, along major corridors and sites able to access rail. The adjacent land to the west is an existing industrial complex, and to the east is a large sand and gravel mining operation. The land to the south of SD Highway 11 has several business and light industrial operations located along the highway in Corson.

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
North	Existing Residence	A-1 Agricultural District
South	RR Track and existing businesses	I1 – Light Industrial District
East	Sand & Gravel Mining	A-1 Agricultural District & I1 Light Industrial District
West	Midwest Railcar – industrial complex	I1 – Light Industrial District

On October 6, 2021, staff visited the subject property and determined that the proposed rezoning from the A-1 Agricultural District to the I-1 Light Industrial District is an appropriate change in accordance with the Envision 2035 Comprehensive Plan.



**Recommendation:** Staff finds that the proposed rezoning conforms to the goals and policies of the Envision 2035 Comprehensive Plan and recommends **approval** of Rezoning #21-03 to rezone the subject property from A-1 Agricultural District to I-1 Light Industrial District.

**Action**

As part of the consent agenda, a motion was made by Commissioner Randall and seconded by Commissioner Barth to approve Rezoning #21-03. The motion passed unanimously with 5 votes in favor of the motion and 0 votes against the motion.

**Rezoning #21-03 – Approval Recommended**



**ITEM 3. CONDITIONAL USE PERMIT #21-67 to make one (1) building eligibility available on the property legally described as Tract 1 Therkelsen Addition SE¼ Section 22 T101N-R52W Wellington Township.**

Petitioner: Thomas Therkelsen

Property Owner: Same

Location: Along 266<sup>th</sup> Street, approximately ¾-mile east of 457<sup>th</sup> Avenue

Staff Report: Mason Steffen

**General Information:**

Legal Description – Tract 1 Therkelsen Addition SE¼ Section 22 T101N-R52W

Present Zoning – A1 Agriculture

Existing Land Use – Cropland

Parcel Size – 12 acres

**Staff Report:** Mason Steffen

**Staff Analysis:** This building eligibility was placed on the recently platted parcel along 266<sup>th</sup> St. during the platting process, and was moved from the landlocked NW¼ SE¼ of Section 22 in Wellington Township. Any building eligibility that is landlocked requires a conditional use permit before it can be made available. So, since the building eligibility required a conditional use permit prior to being moved to the new parcel, a conditional use permit is still required to utilize the eligibility on this new parcel.

On October 7<sup>th</sup>, 2021, staff conducted a site visit of the subject property where the building eligibility would be made available. The property is located along 266<sup>th</sup> Street and is already serviced with a driveway onto the township road. There is a low density of residential dwellings around the property, and the additional use of this building eligibility should not affect agricultural production in the area. During the site visit, staff became aware that the petitioner was living in a camper on the property without the proper permits. It was explained to the petitioner that in order to live in a camper on the property during the construction of the single-family dwelling, they would be required to obtain a temporary use permit. The petitioner

explained to me that they will be moving into an apartment by the time this permit is processed, and that the camper will no longer be used as living quarters. So, no further action should be needed in regards to the camper.

**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 surrounding the building eligibility is primarily agricultural with a few scattered residential uses. The proposed dwelling will be located adjacent to other residential acreages. The additional residential use will not significantly affect the surrounding properties.



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

The agricultural use will likely remain predominant in the area for the foreseeable future. The use of a building eligibility in this location does not increase the current number of building eligibilities within this quarter section. The use of a building eligibility in this location would have little to no effect on the orderly development of the surrounding properties.

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

The petitioner will be required to supply all necessary utilities to the property. The property is already serviced with a driveway onto 266<sup>th</sup> Street, which will be used to access the property. A single-family dwelling will have minimal effect on the drainage of the area.

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

Two off-street parking spaces are required for a single-family residence. The off-street parking requirement will be met once a single-family dwelling is constructed.

**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.**

Single-family dwellings do not typically create odor, fumes, dust, noise, or vibration. The property will have to comply with the public nuisance ordinance.

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

Making this building eligibility available will have no effect on the health, safety, and general welfare of the public. The proposed location of the building eligibility is not on productive cropland, and is along a township road adjacent to existing residential dwellings.

**Recommendation:** Staff recommends **approval** of Conditional Use Permit #21-67 with the following condition:

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

**Action**

As part of the consent agenda, a motion was made by Commissioner Randall and seconded by Commissioner Barth to approve Conditional Use Permit #21-67 with staff recommended conditions. The motion passed unanimously with 5 votes in favor of the motion and 0 votes against the motion.

**Conditional Use Permit #21-67 – Approved**



**ITEM 4. CONDITIONAL USE PERMIT #21-68 to exceed 3,600 square feet of accessory building space (requesting 4,750 square feet) on the property legally described as the E637.93' SE¼ NE¼ (Ex. H-1 & Ex. S142') Section 15 T103N-R51W Grand Meadow Township.**

Petitioner: Ronald Knapp

Property Owner: Same

Location: 25247 464<sup>th</sup> Avenue, approximately 6 miles north of Hartford

Staff Report: Mason Steffen

**General Information:**

Legal Description – E637.93' SE¼ NE¼ (Ex. H-1 & Ex. S142') Section 15 T103N-R51W Grand Meadow Township

Present Zoning – A1 Agriculture

Existing Land Use – Residential Acreage

Parcel Size – 16.74 acres

**Staff Report:** Mason Steffen

**Staff Analysis:** In May of 2021, the petitioner received a building permit from the Planning & Zoning Office to replace a 16'x 24' cattle shed with a 10'x 20' residential accessory building. This was permitted through our office because the cattle shed existed prior to the zoning ordinance being adopted, and because the petitioner was replacing the shed with a smaller building. Furthermore, a condition was placed on the building permit that the cattle shed would need to be removed from the property before the final inspection of the new building would be completed. However, during one of the inspections for the new building, the petitioner explained to the county building inspector that he would like to keep both the cattle shed and the new accessory building. So, since this would be adding accessory building space to the property the petitioner is required to receive a conditional use permit to exceed the allowed 3,600 square feet of accessory building space on properties larger than 3.0 acres.

Currently on the property there are three accessory buildings: a 36'x 72' building, a 30'x 52' building, and the 16'x 24' cattle shed. By adding the 10'x 20' accessory building the total square footage of accessory buildings on the property will be 4,750 square feet. So, if the commission approves the request, the petitioner will be allowed to keep all of the current buildings and finish construction on the new 10'x 20' building. However, if the commission denies the request the petitioner would be required to remove the 16'x 24' cattle shed prior to the final inspection of the new accessory building.

On October 7<sup>th</sup>, 2021, staff conducted a site visit of the subject property and the surrounding area. The area surrounding the subject property is largely cropland with a few residential acreages. In addition, the total square footage of accessory buildings on the property is similar to the other properties in the area. Finally, having both the cattle shed and accessory building on the property should not affect the use and enjoyment of surrounding properties.



**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 should be no anticipated negative effect upon the use and enjoyment of the residential properties in the immediate vicinity. Property values in the area should also not be negatively impacted due to the personal use of the proposed accessory building.

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

The proposed site of the accessory building is located in an area surrounded by large lots of residential acreages and farmland. There should be no anticipated impacts to the normal and orderly development and improvement of the surrounding vacant farmland. The proposed size of the accessory building is generally compatible with other residential properties in the immediate vicinity.

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

The petitioner will be required to extend all required utilities to the structure. The proposed accessory building will be accessed by the existing driveway for the single-family dwelling on the property. The addition of an accessory building should not have any negative effects on the drainage of the surrounding area.

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

The proposed site of the accessory building is large enough to accommodate the off-street parking requirement. The new accessory building will also add additional storage to 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.**

No commercial business or storage will be allowed in the proposed accessory building at any time. Any public nuisance violations will be addressed upon the Planning Department receiving a complaint about the subject property. All outdoor lighting will need to be directed downward onto the property. Lighting must be designed to be fully-shielded and fully-cutoff to prevent light pollution off site.

**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 construction of the proposed accessory building. The proposed use will fit within the uses of other properties in the rural area.



**Recommendation:** Staff recommends **approval** of Conditional Use Permit #21-68 with the following conditions:

- 1) The building location shall adhere to the submitted site plan.
- 2) The total area of all accessory buildings may not exceed 4,750 square feet.
- 3) That the building shall be an accessory use to the continued use of the property as a residential lot.
- 4) That only personal 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 fully-cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 6) 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.

**Action**

As part of the consent agenda, a motion was made by Commissioner Randall and seconded by Commissioner Barth to approve Conditional Use Permit #21-68 with staff recommended conditions. The motion passed unanimously with 5 votes in favor of the motion and 0 votes against the motion.

**Conditional Use Permit #21-68 – Approved**



**ITEM 5. CONDITIONAL USE PERMIT #21-69 to transfer three (3) building eligibilities from the N264' (Ex. Lot H4) SW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> & the S1056' (Ex. Lots H2 & H3) SW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> & the SE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> (Ex. Part Lot H1) all in Section 7 T101N-R48W Split Rock Township to Lacey Tract 2 (Ex. Lots 1, U2R & U3 & Ex. Knochenmus Addition) SW<sup>1</sup>/<sub>4</sub> Section 5 T101N-R48W Split Rock Township.**

Petitioner: Roger Knochenmus

Property Owner: Same

Location: Along N Six Mile Road, approximately 1/4-mile north of Maple Street

Staff Report: Mason Steffen

**General Information:**

Legal Description – Lacey Tract 2 (Ex. Lots 1, U2R & U3 & Ex. Knochenmus Addition) SW<sup>1</sup>/<sub>4</sub> Section 5 T101N-R48W Split Rock Township.

Present Zoning – A1 Agriculture

Existing Land Use – Cropland

Parcel Size – 83.81 Acres

**Staff Report:** Mason Steffen

**Staff Analysis:** The current locations of the three building eligibilities is directly adjacent to annexed portions of the city of Sioux Falls within the joint jurisdiction. The proposed eligibility transfer would move the eligibilities further away from the city of Sioux Falls and out of the joint jurisdiction. In addition, the current location of the eligibilities is in an area that Sioux Falls has designated for future residential growth, so building eligibilities will be obsolete in this area within the near future. The proposed receiving parcel is located in a rapidly growing transition area between the city of Brandon and the city of Sioux Falls where residential growth continues to expand. So, the placement of three building eligibilities on one parcel will not impact future development, and will have minimal effect on agriculture due to this rapid residential growth.

On October 7<sup>th</sup>, 2021, staff conducted a site visit of the sending and receiving parcels for the building eligibilities. The sending parcels for the building eligibilities are cropland that has already been designated for future residential growth to the city of Sioux Falls, and the receiving parcel is pasture that will remain in the agricultural district into the near future. Finally, the petitioner has stated that he does not currently have any development plans for the building eligibilities, and that the purpose of the transfer is to move the eligibilities further from the city of Sioux Falls.

**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 surrounding the subject property has become increasingly residential in use, and this will likely continue for the foreseeable future. So, having three building eligibilities on one property will not affect the enjoyment and use of the surrounding properties. In addition, a right-



to-farm notice covenant should be required in order to notify potential owners to the realities of being located in an area that is still zoned for agriculture.

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

The properties are located in the transition area between the city of Sioux Falls and the rural county. The predominant use of agriculture in this area will likely not continue into the near future due to rapid residential development, so this cluster of building eligibilities will have little impact on the future development of the area.

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

The petitioner will be required to obtain all necessary utilities for the property. The petitioner will need to obtain the proper driveway permits before a single-family dwelling can be constructed. The future single-family dwellings will have minimal effect on the drainage in the area.

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

Two off-street parking spaces are required for each single-family dwelling. The off-street parking requirements will be provided for once the single-family dwellings are 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. The property will have to comply with the public nuisance ordinance.

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

The proposed conditional use will have a no effect on the health, safety and general welfare of the public. Placing these building eligibilities on this location will move them further away from annexed portions of the city of Sioux Falls, and allow for better development of this transitional area.

**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 #21-69 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 a single-family dwelling.
2. Applicable driveway permits must be obtained for the location of the driveways before a building permit is to be issued.



**Action**

As part of the consent agenda, a motion was made by Commissioner Randall and seconded by Commissioner Barth to approve Conditional Use Permit #21-69 with staff recommended conditions. The motion passed unanimously with 5 votes in favor of the motion and 0 votes against the motion.

**Conditional Use Permit #21-69 – Approved**



**ITEM 6. CONDITIONAL USE PERMIT #21-70 to allow an Electrical Substation in the NE¼ NE ¼ of Section 16 T102N-R48W Brandon Township on the proposed plat of (Tract 1 of Palisades Substation Addition).**

Petitioner: East River Electric Power Coop., Inc.

Property Owner: Eleanor Burkman

Location: Southwest corner of 258<sup>th</sup> Street and 481<sup>st</sup> Avenue

Staff Report: Scott Anderson

**General Information:**

Legal Description – NE¼ NE ¼ of Section 16 T102N-R48W Brandon Township on the proposed plat of (Tract 1 of Palisades Substation Addition).

Present Zoning – A1 Agriculture

Existing Land Use – Cropland

Parcel Size – 5.64 Acres

**Staff Report:** Scott Anderson

**Staff Analysis:** The applicant is requesting the conditional use permit to construct an electrical switching station with the capacity of 15 kV. At full capacity, the substation would be confined to a 225 by 75' fenced in area with a 22' by 36' enclosed utility building. The property is zoned A-I Agricultural District. Article 3.04(V) of the Minnehaha County Zoning Ordinance allows an electrical substation as a Conditional Use in this zoning district.

The surrounding land uses are mainly agricultural with a few residential farm acreages in the immediate vicinity. The property to the south, east and west all appear to be used for agricultural purposes. There is an existing farmstead located directly across the County Highway north of the subject property.

The applicant has provided a narrative of the proposed use that describes the electrical substation in more detail. The narrative also provides a timeline for the phased construction of the substation. A Copy of the narrative is attached for your review.

**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.**

Due to the existing residential development pattern and agricultural uses within the area, the proposed electrical substation should not have a negative effect upon the normal and orderly development and improvement of these properties for uses predominant in the area. The electrical substation will insure adequate electric service to present and future development in the area.

The site plan submitted by the applicant indicates landscaping consisting of Black Hills Spruce and Amur Maple trees. It appears that Black Hills Spruce and Amur Maple trees will be planted around the perimeter of the property. The site plan indicates that approximately 23 four-foot tall Black Hills Spruce and 44 Amur Maples will be used as screening. All landscaping shall be kept in a living state.



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

Due to the existing agricultural use on properties within the area and the buffer provided by the landscaping, the proposed electrical substation should not have a negative effect upon the normal and orderly development and improvement of these properties for uses predominant in the area. The applicant has indicated that the proposed substation will insure adequate electric service to present and future development in the area.

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

The subject property is located at the intersection of 258<sup>th</sup> Street (Co. Hwy 130) and 481<sup>st</sup> Avenue. The access will come off of 481<sup>st</sup> Avenue. It appears that the site utilizes natural drainage. The proposed substation will not use any water or produce any wastewater. A driveway/culvert permit will need to be obtained from Brandon Township.

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

The applicant has not indicated any off-street parking on the site plan submitted with the Condition Use application. Article 15 of the Zoning Ordinance does not specifically identify the parking requirements for an electrical substation. Staff recommends that two (2) off-street parking spaces be provided. An electrical substation typically does not generate any significant amounts of traffic. Each parking space should measure a minimum of nine (9) feet by eighteen (18) feet and be continually maintained in such a manner that no dust will result from the continuous use.

**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 permit may generate limited fumes, dust and noise. The applicant has indicated that the proposed substation will have lights for monitoring and maintaining the facility; however, the substation will not be continually lighted. The property's terrain and the surrounding agricultural uses limit the impact the proposed substation may have on surrounding properties.

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

Providing safe and reliable infrastructure is vital to the general welfare of the public. The proposed use is providing safety to the general public and promotes the concept of good planning.

The electrical substation will be providing a benefit to the community. With appropriate conditions of approval, any concerns can be mitigated. Staff's review indicates that the proposed Conditional Use is a use which is appropriate for this site. Staff recommends approval of

Conditional Use Permit #21-70 to be established and conducted in conformity with the Zoning Ordinance and the recommended conditions of approval.



**Recommendation:** Staff recommends **approval** of Conditional Use Permit #21-70 with the following conditions:

- 1) That the substation be entirely enclosed in a minimum eight (8) foot high fence, gated and locked.
- 2) That a minimum of two (2) off-street parking spaces (minimum of 9' x 18' in size) shall be provided, surfaced with gravel, concrete or asphalt, and be maintained in such a manner that no dust will result from the continuous use.
- 3) That all existing drainage ways be maintained and that erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water.
- 4) That the applicant shall adhere to the landscaping plan submitted with the application. All landscaping shall be maintained in a live state and all noxious weeds shall be controlled by the applicant. No Ash Trees shall be allowed in the landscaping plan.
- 5) That the applicant shall obtain a building permit prior to any construction commencing on the site.
- 6) That a Sign Permit shall be obtained prior to the installation of any sign.
- 7) That the applicant obtains and keeps current any required S.D. Public Utilities permits and meet all noise standards set by the Public Utilities Commission.

**Action**

As part of the consent agenda, a motion was made by Commissioner Randall and seconded by Commissioner Barth to approve Conditional Use Permit #21-70 with staff recommended conditions. The motion passed unanimously with 5 votes in favor of the motion and 0 votes against the motion.

**Conditional Use Permit #21-70 – Approved**



**ITEM 7. CONDITIONAL USE PERMIT #21-69 to allow Outdoor Commercial Storage on the property legally described as Tract 1 Funke’s Addition SE¼ Section 26 T101N-R48W Split Rock Township.**

Petitioner: Alex Halbach  
Property Owner: Rex Gulickson  
Location: Southwest corner of Rowena  
Staff Report: Kevin Hoekman

**General Information:**

Legal Description – Tract 1 Funke’s Addition SE¼ Section 26 T101N-R48W Split Rock Township  
Present Zoning – C – Commercial  
Existing Land Use – Cropland  
Parcel Size – 2.00 Acres

**Staff Report:** Kevin Hoekman

**Staff Analysis:**

The petitioner is requesting to have outdoor storage on the above site with lights and full surround fence with a gate. An outdoor storage yard requires approval of a conditional use permit in a commercial zoning district. The parcel is located on a gravel surfaced road which runs along the west side of Rowena between SD Highway 42 and 267<sup>th</sup> Street. The subject property is located within the Red Rock Corridor Overlay District which requires several increased development standards compared to the Zoning Ordinance at large.

The petitioner has submitted a brief narrative description of the project and a detailed site plan. The narrative explains that the property will be used for paid storage of boats, campers, trailers, and similar items. The property will be illuminated and have a fence surrounding all outdoor storage. The site plan indicates 77 parking spaces measuring 12 feet by 35 feet which line the perimeter of the property.

Since the property is located within the Red Rock Corridor Overlay District, several increased development standards will apply to the parcel. The enhanced standards primarily include increased buffer yards between properties and required tree plantings within the buffer yard. The standards are addressed in the current site plan. The proposed use of the property should be simple to arrange to meet the standards with administrative approval.

The first standard which will be required is that all lighting must be directed downward and fully cutoff. This will prevent light from glaring into neighboring properties.

As a commercial property in the Red Rock Corridor, a 30 feet wide buffer yard must be placed between the land use and the residential used property to the east of the site. The 30 feet buffer yard will be required to include 8 trees per 100 linear feet of property line. Since the property line on the east side of the parcel is approximately 140 feet long 12 trees must be placed in the buffer yard. the aerial imagery of the site shows that some trees may be existing on the property



now. These existing trees can act as the required planting as long as they meet the quantity requirement of 8 trees per 100 feet. Staff suggests that the proposed chain link fence include screening slates along the east side of the property to aid in the buffer of the residential and commercial use.

The Red Rock Corridor also requires a buffer yard of 15 feet between any new commercial development and any existing commercial development. This 15-foot buffer yard must be placed along the north side of the property line. Five trees must be planted for every 100 feet of buffer yard. since the north property line is just short of 500 feet long, 25 trees must be planted in the buffer yard.

**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.**

Outdoor storage is a low impact use and similar to what already exists in the area. Lighting should be limited to cut off fixtures and the slatted fence should prevent headlights from shining in neighboring residential uses.

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

Rowena has recently been expanding this sort of personal storage uses around the perimeter of the village. Residential uses will not likely expand in the area. And commercial uses will likely slowly continue to expand as more traffic travels SD Highway 42.

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

The property is accessed from Ledge Rock Avenue which is a grave road. The use will increase impermeable ground on the site through gravel or other surfacing materials. The slope of the land will direct water to the southwest and towards water ways to the west. The petitioner will be responsible to extend any needed utilities to the site.

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

Off street parking for the site is not applicable since the entire property will act as a parking lot for storage. Since the property is accessed from a gravel road, the surface of the outdoor storage may be gravel to comply with surfacing requirements.

**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.**

Fencing, buffer yards, and required tree plantings will reduce many potential nuisances of the site. Cutoff lighting must be used to prevent glare on neighboring properties.

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

Rowena is a rural service area within the comprehensive plan. Expanding commercial use is expected.



**Recommendation:** Staff recommends **approval** of Conditional Use Permit #21-71 with the following conditions:

- 1) This conditional use permit is to approve outdoor storage on the described property.
- 2) A revised site plan must be approved by Planning Staff to meet all requirements of the Red Rock Corridor Overlay District. The site plan must be approved prior to construction of the fence.
- 3) The fence along the east property line must include screening slats through the entire length.
- 4) All lighting must be fully cutoff and directed downward to prevent glare from spreading off the property.

**Public Testimony & Discussion**

Kevin Hoekman, of county planning staff, presented a brief summary of the staff report and recommendation.

Commissioner Randall asked Kevin where the access for the property would be located. Kevin explained that the access for the property would be located in the middle of the west property line, and that the petitioner would be required to maintain Ledge Rock Avenue from SD Highway 42 to this access because the township has not accepted Ledge Rock Avenue as a road.

Brain Smit, the petitioner's representative, was present and available for questions from the commissioners. He stated that he is a commercial real estate agent that is looking at potentially joining the business with the petitioner.

Commissioner Barth asked Mr. Smit about the proposed surface for the outdoor parking storage. Mr. Smit explained that the surface would be a semi-permeable crushed rock. Commissioner Barth then asked where the runoff from the property would go. Mr. Smit explained that all of the runoff from the property would run to the southwest corner of the property, and then enter a culvert under Ledge Rock Avenue into a grass drainage way.

Commissioner Randall asked if there was a culvert under the existing driveway, or if they planned to add a culvert. Brian Smit explained that the current access in the northwest corner of the property would not be used, and a new access would be created in the middle of the west property line with a culvert.

Commissioner Barth asked about the property to the north and what was taking place on those properties. Mr. Smit explained that one of the properties had storage units with additional outdoor storage, and the other property contained storage condos that were sold individually.

Brian Smit then explained that he had a conversation with the property owner to the east about there being a discrepancy of where the shared property line actually falls. He further explained that the petitioner is currently getting the property surveyed, which will hopefully resolve any issues with the property lines. Also, he stated that this discrepancy came from when the no longer existing Greenstone Avenue was vacated.



Rhonda Forshey, of 26673 Brownstone Ave, was present at the meeting and addressed the commissioners. Mrs. Forshey explained that the actual property line is supposed to be at a fence in the grove of trees on the east side of the subject property. She further explained that she had to deed 33 feet of her property to the existing storage facility when that was constructed.

Commissioner Randall asked Mrs. Forshey if her main concern was the property line discrepancy, and if she had any other issues with the request if this was resolved. Mrs. Forshey explained that if the property line issue was resolved and the screening slats were installed she would not have any further issues with the request.

RJ Wright, of 48198 267<sup>th</sup> Street, came to the podium to address his concerns with the request. Mr. Wright explained that he owns and leases most of the farmland to the west of Ledge Rock Avenue. He stated that his main concern is with the drainage in the area, and that ever since the existing storage buildings were constructed the runoff has caused the road to be covered in water several times. Also, he expressed his concerns that the township does not recognize Ledge Rock Avenue, and that everyone wants to use the road but no one wants to maintain the road. He finally explained that the ditch on the east side of Ledge Rock Avenue is silted in, and that more commercial development would cause more drainage issues in the area if the ditch was not addressed.

Commissioner Barth asked Mr. Wright if the ditches were cleaned out and culverts were installed would the area drain properly. Mr. Wright explained that he believes it could work if the ditches were cleaned out all the way to the culvert south of the subject property, where the water could drain under the road and into the waterway on the west side of Ledge Rock Avenue.

The drainage issues with Ledge Rock Avenue and the east line property line discrepancy were discussed in great length by the Commissioners, staff, and the audience. It was decided that no action could be taken on the item until the petitioner resolved these issues with the township and with the east side property owner.

**Action**

Commissioner Ralston made a motion to **defer** action on Conditional Use Permit #21-71 to the November 22<sup>nd</sup>, 2021 Planning Commission Meeting. The motion was seconded by Commissioner Barth. The motion passed unanimously with 5 votes in favor of the motion, and 0 votes against the motion.

**Conditional Use Permit #21-71 – Deferred to November 22<sup>nd</sup>, 2021**



**Old Business**

Commissioner Duffy commented on the county bus tour that took place on October 12<sup>th</sup>, 2021. Commissioner Duffy explained that she enjoyed the tour and that she liked seeing all of the new developments in the county

**New Business**

Scott Anderson, of county planning staff, presented a building eligibility sale program to the commissioners in order to receive their comments. The program would consist of building eligibilities that were lost to annexation or rezoning, and redistribute a select amount of them back into the county for development. The eligibilities would be sold by auction and the winning bidder would need to apply for a Conditional Use Permit in order to transfer the eligibility to their property.

**Adjourn**

A motion was made to **adjourn** by Commissioner Mohrhauser and seconded by Commissioner VanDerVliet. The motion was approved unanimously. The meeting was adjourned at 8:28 p.m.