



**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION
October 28, 2024**

A meeting of the Planning Commission was held on October 28, 2024 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, Doug Ode, Mike Ralston, Ryan VanDerVliet, and Joe Kippley.

STAFF PRESENT:

Kevin Hoekman and Mason Steffen – County Planning
Maggie Gillespie – States Attorney's Office

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 on the consent agenda and no items were requested to be moved to the regular agenda.

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

ITEM 1. Approval of Minutes – September 23, 2024

As part of the consent agenda, a motion was made by Commissioner Ralston and seconded by Commissioner Ode to **approve** the meeting minutes from September 23, 2024. The motion passed unanimously with 6 votes in favor of the motion and 0 votes against the motion.



Consent Agenda

ITEM 2. CONDITIONAL USE PERMIT #24-47 to allow a Garden Center on the property legally described as Tract 1 Beck's Addition SE¼ Section 13 T101N-R51W Wall Lake Township.

Petitioner: Schumacher Entities LLC.

Property Owner: Same

Location: Approximately 2 miles west of Sioux Falls, along 466th Avenue

Staff Report: Mason Steffen

General Information:

Legal Description – Tract 1 Beck's Addition SE¼ Section 13 T101N-R51W Wall Lake Township

Present Zoning – A1 Agricultural

Existing Land Use – Farmland

Parcel Size – 40.00 Acres

Staff Report: Mason Steffen

Staff Analysis: This request is to allow a garden center on the subject property, which is located approximately ½-mile north of the SD Highway 42 and 467th Avenue intersection. The submitted application indicates that a portion of the forty-acre property will be utilized for the garden center and this is shown to be on the eastern portion of the property. The site plan shows that there will be shelter belt trees and landscaping around the entire perimeter of the site, which will help to screen the business from neighboring properties. The site plan also includes plans for a 30' x 30' retail/office building, a 40' x 60' shop/storage building, and a 24' x 100' greenhouse. The rest of the site is dedicated to rows of planted trees, other planting locations, and parking spaces. The hours of operation for the garden center will generally be Monday to Friday 8am – 5pm, with expand hours during the spring the summer, and the submitted hours of operation have been added as a condition of approval. Finally, the site plan shows that a thirty-two square foot freestanding sign will be erected at the entrance of the site and this has been added as a condition of approval.

On October 10, 2024, staff conducted a site visit of the subject property and surrounding area. The subject property is located between two large farmsteads and these are the only neighbors within a half-mile of the site. The majority of the surrounding area is currently used as farmland and the use of the site as a garden center should not overly impact these uses. Finally, the intersection of SD Highway 42 and 467th Street, a half-mile to the south of the property, is an intersection of two major highways and provides the site with good access from the public.

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 property is surrounded by agricultural land with very few residences in close proximity to the site. The property will also be surrounded by trees that will screen the operation from the



surrounding properties. The operation may slightly increase the traffic on the township road, but the property is located only a half-mile north of SD Highway 42, which should help minimize the impact on the township road.

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 on the edge of the transition area as designated in the 2035 Envision Comprehensive Plan. The transition area will remain largely agricultural in use until municipal development occurs, and any residential development in the county will be limited by the available building eligibilities. Therefore, the proposed garden center operation should have a minimal impact on any development that occurs in the area for the foreseeable future.

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

The petitioner stated in the submitted narrative that the township has given preliminary approval for a driveway onto the site, and an access permit from the township will be required before operations begin on the property. Drainage on the property should not be overly impacted by the buildings and planting areas for this operation. Finally, if a bathroom is constructed within any of the buildings on the property, the petitioner will be required to install a commercial septic system to handle the wastewater from the bathroom.

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

According to Article 15.02 (U), of the 1990 Revised Zoning Ordinance, this type of operation should have at least one parking space for every 300 square feet of floor area. For this calculation, only the retail and shop buildings were included as floor area. Given the size of these buildings, the petitioner should provide at least eleven parking spaces on the property. The submitted site plan indicates that thirty-three parking spaces will be provided. Since the property is not zoned commercial, or accessed off of a paved highway, paved driveways and parking spaces will not be required within the site.

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 garden center should not create any offensive odors, fumes, dust, noise, or vibrations. The operation will be located within a half-mile of only two residences, and the site will be surrounded by shelter belt trees and other landscaping. These long setbacks and shelter belts will help reduce the potential for any nuisances from the site. Finally, any new lighting installed on the site will be required to be fully-shielded and cutoff, in order to avoid 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 overly impacted by this garden center operation. The site is located in an area with few neighbors, in close proximity to a highway, which will minimize the impact on the public. The property is located just outside of the joint jurisdictional area with Sioux Falls, and on the edge of the transition area of the 2035 Envision Comprehensive Plan. The transition area of the comprehensive plan specifically promotes greenhouse and nursery type production, which is the primary purpose of this garden center operation.



Recommendation: Staff recommends **approval** of Conditional Use Permit #24-47 with the following conditions:

- 1) That the property shall adhere to the submitted site plan.
- 2) The hours of operation for the garden center shall be limited to the hours listed on the submitted narrative
- 3) That no parking shall be allowed within the public right-of-way at any time.
- 4) That a minimum of eleven (11) off-street parking spaces shall be provided for the garden center.
- 5) That approval shall be obtained from the appropriate township for the location of a driveway before operations begin on the property.
- 6) That a building permit shall be required prior to the start of construction of any buildings or signage on the property.
- 7) That an address must be assigned to the property and an address sign shall be placed at the driveway prior to final occupancy of the buildings.
- 8) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 9) That the freestanding on-premise sign shall be permitted and shall not exceed 32 square feet in size. A building permit must be obtained prior to installation, and the sign may not be located within the right-of-way.
- 10) That the Planning & Zoning Department reserves the right to enter and inspect the site 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 Ralston and seconded by Commissioner Ode to **approve** Conditional Use Permit #24-47 with the staff recommended conditions. The motion passed unanimously with 6 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #24-47 – Approved



ITEM 3. CONDITIONAL USE PERMIT #24-48 to transfer one (1) building eligibility from the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9 to the NE $\frac{1}{4}$ NW $\frac{1}{4}$ within the W $\frac{1}{2}$ NW $\frac{1}{4}$ Including Tract 1 Grace's Addition & W $\frac{1}{2}$ SW $\frac{1}{4}$ & NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 10 all within T102N-R51W Hartford Township.

Petitioner: F. Michael & Geri Grace

Property Owner: Same

Location: Approximately 1-mile north of Hartford, along 463rd Avenue

Staff Report: Scott Anderson

General Information:

Legal Description – W $\frac{1}{2}$ NW $\frac{1}{4}$ Including Tract 1 Grace's Addition & W $\frac{1}{2}$ SW $\frac{1}{4}$ & NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 10 T102N-R51W Hartford Township

Present Zoning – A1 Agricultural

Existing Land Use – Cropland

Parcel Size – 197.64 Acres

Staff Report: Scott Anderson

Staff Analysis: The subject property is located approximately 1 mile north of Hartford. The petitioner is requesting to transfer one building eligibility from the NE $\frac{1}{4}$ of Section 9 to the NW $\frac{1}{4}$ of Section 10. Staff conducted a site visit on October 8, 2024 and observed that the area where the eligibility will be transferred to consists primarily of agricultural croplands. There were no animal feeding operations near the proposed transfer site.

The petitioner filled out the County questionnaire for transferring building eligibilities. The application narrative explains that the eligibility is being moved from productive cropland to a pasture area. Hartford has requested to review any zoning requests and issues located within their platting jurisdiction. The City of Hartford had no issues with this request.

Conditional Use Permit Criteria:

1) The effect upon the use and enjoyment of other property in the surrounding area for the uses already permitted, and upon property values within the surrounding area.

The transfer involves property located within an Agricultural Production area. Few residential acreages and farms are located within the area. Since the building site is located on a paved highway, no new dust will be created and the highway will easily absorb additional traffic.

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 within an Agricultural Production area. It is most likely that agricultural production will continue to be the primary land use going into the future. It is possible that new and growing animal confinement operations will be part of the future growth. The applicant should be aware of potential agricultural nuisances and a Right-to-Farm Notice Covenant will be required prior to the start of a new single-family dwelling. The proposed transfer will not increase density of potential dwellings in the area.



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

The property is already accessible from the county highway. The petitioner will be responsible for obtaining an access permit from Hartford Township for any new access or the change in use of any existing access. The applicant will also be responsible for extending any needed utilities such as water, electricity, and the construction of an on-site wastewater treatment.

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

Off street parking requirements will be met when a single-family dwelling is permitted.

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 subject property will be used as a site for a future single-family dwelling. All properties in the county must comply with the Public Nuisance ordinance. Neighbors concerned about a nuisance violation may contact the Planning and Zoning Office.

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

The proposed transfer will utilize an existing residential building eligibility. The transfer will be from one $\frac{1}{4}$ $\frac{1}{4}$ section to another $\frac{1}{4}$ $\frac{1}{4}$ section, and remaining land will stay in agricultural production.

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 #24-48 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.) That prior to approval of a building permit, the applicant will need to obtain an approach permit from Hartford Township for any new approach depending on which road the new approach is located.

Action

As part of the consent agenda, a motion was made by Commissioner Ralston and seconded by Commissioner Ode to **approve** Conditional Use Permit #24-48 with the staff recommended conditions. The motion passed unanimously with 6 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #24-48 – Approved



ITEM 4. REZONING #24-02 to rezone from the A-1 Agricultural District to the C Commercial District the property legally described as the W546.61' of the S356.16' of Tract 1 Johnson Tracts S½ SW¼ Section 7 T102N-R49W Mapleton Township.

Petitioner: Prairie Commercial Land & Cattle Co.

Property Owner: Same

Location: Approximately ¼-mile east of the Crooks/Renner exit, along 258th Street

Staff Report: Kevin Hoekman

General Information:

Legal Description – Tract 1 Johnson Tracts S½ SW¼ Section 7 T102N-R49W Mapleton Township

Present Zoning – A-1 Agricultural

Existing Land Use – Pasture

Parcel Size – 34.54 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

The petitioner is requesting to rezone the described parcel located approximately ¼ mile east of the Crooks/Renner interstate exit. The requested area is a small portion of a large lot on the north side of 258th Street. It is adjacent to another lot owned by the same company, and this adjacent lot is already zoned C-Commercial zoning district.

The petitioner includes a detailed site plan for review of the proposed rezoning. A future warehouse building is planned for the subject property. The petitioner should be aware that the C-Commercial zoning district has a limit of 10,000 square feet for a warehouse unless a conditional use permit is approved. A conditional use permit is also required for any outdoor storage of materials, equipment, or products. In addition, the driveway for the existing commercial property is depicted on the site plan for removal and replacement for one driveway between the two properties. The petitioner should be aware that relocating a driveway will require a permit from the County Highway Department prior to constructing the proposed driveway. Driveways and required parking areas within a commercial zoned property are required to be hard surfaced according to Article 15.04 (A).

The property is located east of the Crooks/Renner Exit off Interstate 29. The area is within a rural service area as depicted in the Envision 2035 Comprehensive Plan. The proposed rezoning area is adjacent to the existing commercial zoned property at 47230 258th Street. There are several residential acreages in the area. across 258th street is a large acreage with mature trees planted around the dwelling. Houses to the east are separated from the proposed rezoning area by an intermittent stream and a buffer area of land. One residential acreage is located to the west of the proposed rezoning area. the property addressed 47226 258th street is already sandwiched between storage units to the west and a commercial zoned property with a warehouse building. this rezoning request will not create significant change in use for the properties adjacent to the residential acreage at 47226 258th Street.



The subject property has an intermittent stream meandering through it. Much of the lot is low lying land the area being rezoned is some of the highest land on the property. The petitioner should be aware that FEMA is reviewing floodplain maps, and the preliminary floodplain maps indicate nearly the entire property will be added into the regulated floodplain. When the new maps are adopted, any structures or improvements on the property will require a floodplain development permit and must meet minimum floodplain development requirements.

Commercial zoned property is expected to be located within rural service areas. The comprehensive plan goal within the Growth Management chapter encourages the county to locate commercial uses at interstate highway interchanges and high traffic intersections to support highway users.

Recommendation: Staff finds that the proposed rezoning conforms to the goals and policies of the Envision 2035 Comprehensive Plan and recommends **approval** of Rezoning #24-02 to rezone the subject property from the A-1 Agricultural District to the C Commercial District.

Action

As part of the consent agenda, a motion was made by Commissioner Ralston and seconded by Commissioner Ode to recommend **approval** of Rezoning #24-02. The motion passed unanimously with 6 votes in favor of the motion and 0 votes against the motion.

Rezoning #24-02 – Approval Recommended



ITEM 5. CONDITIONAL USE PERMIT #24-49 to allow a Short-Term Rental on the property legally described as Tract 1 Schneekloth Addition NW¼ Section 32 T103N-R47W Palisade Township.

Petitioner: Aaron Oestreich

Property Owner: Sherri Treeby

Location: 48547 255th Street

Staff Report: Mason Steffen

General Information:

Legal Description – Tract 1 Schneekloth Addition NW¼ Section 32 T103N-R47W
Palisade Township

Present Zoning – A1 Agricultural

Existing Land Use – Residential Acreage

Parcel Size – 9.94 Acres

Staff Report: Mason Steffen

Staff Analysis: The petitioner is requesting to operate a short-term rental on the subject property. The Minnehaha County zoning ordinance requires a conditional use permit for all vacation home/short-term rentals and these operations must meet five requirements. The narrative for this operation states that the primary use of the property will be as a short, medium, and long-term rental. The narrative also mentions the property being utilized for weddings, church gatherings, and other various events. The petitioner should be aware that this property is not zoned to allow for an event facility. Additionally, utilizing the property as a private campground would require an additional conditional use permit beyond this short-term rental request. If the petitioner wishes to utilize the property for events, they would need to apply for a planned development district that would allow for a mix of different land uses on the property. Finally, the county Equalization records show that the log cabin dwelling on the property has two bedrooms, which will limit the occupancy of the short-term rental to a total of six guests.

On October 10, 2024, staff conducted site visit of the subject property and surrounding area. The subject property has established shelter belts around the entire perimeter that screen the property from neighbors. There is also an intermittent stream that flows through the south end of the property, but the property is not located within the designated 100-year floodplain. Finally, the property is located within a half-mile of Palisade State Park, and the proposed short-term rental should have a minimal impact on the surrounding area compared to the existing state park.

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 of a short-term rental should have minimal impact on the surrounding properties. The property is located only a half-mile off of a paved county highway, in an area surrounded by agricultural uses, so the proposed use as a short-term rental should not impact the continued use of the surrounding properties as agriculture.



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 in the agricultural production area of the county, and any development that occurs will be limited by the available building eligibilities. The property is also located within a half-mile of Palisades State Park, but the use of the dwelling on the property as a short-term rental will not impact any future development at the park.

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

The property already has access directly onto the township road. All other necessary utilities are provided on the site by the existing dwelling, and the drainage of the site will not be impacted by the use of the property as a short-term rental.

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

The petitioner will be required to provide at least two off-street parking spaces for the short-term rental, given that the dwelling has two bedrooms. The property is large enough to accommodate several off-street parking spaces to meet this requirement.

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.

This property has established shelter belts that will screen the site from the nearest neighbors, and help reduce concerns regarding noise and lighting nuisances from the short-term rental. Most short-term rental sites also allow the property owner to screen potential guests before approval is given to rent the property. Finally, the use of the property as a short-term rental will largely be the same as a typical single-family dwelling, so the property should not create any odor, fumes, dust, or vibration nuisances.

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

Since the proposed use is similar to that of an ordinary single-family dwelling, the effect on the public should be minimal. In order to protect the guests staying at the short-term rental, the house must have functioning smoke and carbon monoxide detectors, as required by the building code adopted by Minnehaha County. Additionally, the petitioner should maintain a list of all guests who stay at the short-term rental. This list shall be maintained and made available to law enforcement if needed.

Recommendation: Staff recommends **approval** of Conditional Use Permit #24-49 with the following conditions:

- 1) That this conditional use permit shall only allow for a short-term rental, as defined by Article 26.02 679A. of the 1990 Revised Zoning Ordinance for Minnehaha County.
- 2) That the dwelling must have functioning smoke and carbon monoxide detectors as required by the building code adopted by Minnehaha County.
- 3) That the proprietor shall maintain a guest list and make such list available at the request of law enforcement.
- 4) That all requirements of Article 12.17 Vacation Home Rental/Short Term Rental of the 1990 Revised Zoning Ordinance for Minnehaha County are followed at all times.



- 5) That no parking will be allowed within the right-of-way at any time.
- 6) That the Planning & Zoning Department reserves the right to enter and inspect the short-term rental 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 Ralston and seconded by Commissioner Ode to **approve** Conditional Use Permit #24-49 with the staff recommended conditions. The motion passed unanimously with 6 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #24-49 – Approved



Regular Agenda

ITEM 6. RECALL & REVIEW OF CONDITIONAL USE PERMIT #23-55 to allow Motor Vehicle Sales & Repair Shop on the property legally described as Tract 1A Preheim's Addition N½ Section 27 T101-R48W Split Rock Township.

Petitioner: Autobody Specialists

Property Owner: MJ Holdings 23 LLP

Location: 48132 Highway 42

Staff Report: Kevin Hoekman

General Information:

Legal Description – Tract 1A Preheim's Addition N½ Section 27 T101-R48W Split Rock Township

Present Zoning – I1 Light Industrial

Existing Land Use – Office Building

Parcel Size – 1.42 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

Conditional use permit #23-55 was approved in October of 2023 to allow motor vehicle sales and repair shop on the property. Staff had concerns at that time about potential dismantled vehicles, parts, and waste products becoming a nuisance, and many of the conditions of approval addressed these concerns. Planning staff received complaints in May of this year that the conditions of approval were not being met for CUP #23-55. When staff reviewed the property several conditions were not met. The property owner and the body-shop owner were notified of the violations on May 23, 2024 with a letter explaining what conditions of approval needed correction.

The owner of Autobody Specialists, Noel Antillon-Vazques, worked with staff over the summer to reduce several problem issues, but progress has stopped. It appears that dismantled vehicles have been moved to the two designated areas to the north and east of the building. It also appears the total number of dismantled vehicles is fewer than the required maximum of twenty. It is difficult to determine the operational status of vehicles along the west and south sides of the building. The petitioner has worked to resolve several of staff concerns over the summer, however, concerns still remain for the condition of the property.

The primary concern of planning staff is a violation go Condition #2 *All fluids and waste materials shall be stored in enclosed containers within a building and disposed of through a proper facility. No dumping or burning of waste fluids or materials will be allowed. No storage of hazardous waste will be allowed.* Many containers of various sizes filled with what appears to be oil or similar products are stored outside. Several of the barrels are visibly leaking with real potential hazard and environmental problems that happen with oil spills. The property has other debris and waste that could be considered a public nuisance. This includes a large pile of tires stacked on the north side of the building. These concerns are mainly kept out of public view in the designated storage areas, but hazards and nuisances cannot be part of the allowed storage.



At a recall and review hearing, the Planning Commission has the authority to amend, revise, delete or add conditions to the conditional permit. For review the approved conditions of approval for CUP #23-55 include:

- 1.) This permit is to allow the repair, auto bodywork for automotive vehicles, and for automotive sales on the property.
- 2.) All fluids and waste materials shall be stored in enclosed containers within a building and disposed of through a proper facility. No dumping or burning of waste fluids or materials will be allowed. No storage of hazardous waste will be allowed.
- 3.) All vehicle parts, equipment, packaging, and similar materials shall be stored inside the building or on the north or east sides of the building. All of this storage must be further back than the south wall of the building.
- 4.) All damaged, dismantled, or partially dismantled vehicles shall be stored inside the building or on the north or east sides of the building. All of this storage must be further back than the south wall of the building.
- 5.) A maximum of 20 damaged, dismantled, or partially dismantled vehicles shall be allowed on the property at any one time.
- 6.) Only full functional vehicles either licensed or displayed for sale can be stored south and west of the building.
- 7.) No parts salvaged from vehicles on site shall be sold directly to customers on or off-site.
- 8.) No vehicles shall be stacked one on top of another at any time.
- 9.) That all new or replacement outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 10.) That a building permit is required prior to construction of the any building, structure, or sign.
- 11.) An air quality construction permit must be obtained from the DENR for the use of any commercial paint booth.
- 12.) No loading or unloading shall take place in the right-of-way at any time.
- 13.) All trees on the south side of the property must be maintained in living condition. Any tree that dies must be replaced by another spruce tree a minimum of 6 feet tall the next growing season. An eight feet tall section of fence can also replace any dead trees.
- 14.) That the Planning & Zoning Department reserves the right to enter and inspect the property at any time, after proper notice to the owner or operator, to ensure that the property is in full compliance with the conditional use permit conditions of approval and Minnehaha County Zoning Ordinance.

Staff included several documents attached with this staff report for your review.

- A location map of the property.
- The Minutes from the October 23, 2023 meeting pertaining to CUP #23-55
- The petitioner submitted narrative for the CUP #23-55 request
- Letters sent to the petitioner and property owner regarding the CUP violations.
- Site plan with areas of allowed storage.

Neighbors within 500 feet of the subject property were notified by planning staff of the time and place of this public hearing.



Action:

This hearing is for recall and review. At a recall and review hearing, the Planning Commission has the authority to amend, revise, delete or add conditions to the conditional use permit. They also have the authority to revoke the conditional use permit for failure to comply with the terms, conditions, or requirements of the permit.

Public Testimony & Discussion

Kevin Hoekman, of county planning staff, presented the staff report and an overview of the history for this conditional use permit. Kevin explained that the property is now in compliance with the existing conditions of the conditional use permit, but proposed four additional conditions be added to the permit.

Noel Antillon, of 118 Skyline Drive, Valley Springs, SD, was present and available for questions from the commission. Commissioner Duffy asked the petitioner if he was aware of the additional conditions recommended by planning staff. Mr. Antillon stated that he was aware of the new conditions.

Commissioner Ralston asked the petitioner if they have any issue with the staff recommended conditions. Mr. Antillon stated that he agrees with the new conditions and does not have any issue with following these conditions.

Commissioner Ode commented that he has visited the property a few times recently, and that the portion of this operation visible to the public is fairly well kept. Commissioner Ode also commented that this property was permitted as an auto body shop, and the commission was aware when it was permitted that there would be dismantled vehicles on site. Finally, Commissioner Ode stated that he has no objections to this permit and is in favor of the additional conditions recommended by planning staff.

Action

A motion was made by Commissioner Ralston and seconded by Commissioner Ode to add four additional conditions to Conditional Use Permit #23-55. The motion passed unanimously with 6 votes in favor and 0 votes against the motion.

Conditional Use Permit #23-55 – Amended with the following conditions:

- 1.) This permit is to allow the repair, auto bodywork for automotive vehicles, and for automotive sales on the property.
- 2.) All fluids and waste materials shall be stored in enclosed containers within a building and disposed of through a proper facility. No dumping or burning of waste fluids or materials will be allowed. No storage of hazardous waste will be allowed.
- 3.) All vehicle parts, equipment, packaging, and similar materials shall be stored inside the building or on the north or east sides of the building. All of this storage must be further back than the south wall of the building.
- 4.) All damaged, dismantled, or partially dismantled vehicles shall be stored inside the building or on the north or east sides of the building. All of this storage must be further



- back than the south wall of the building.
- 5.) A maximum of 20 damaged, dismantled, or partially dismantled vehicles shall be allowed on the property at any one time.
 - 6.) Only full functional vehicles either licensed or displayed for sale can be stored south and west of the building.
 - 7.) No parts salvaged from vehicles on site shall be sold directly to customers on or off-site.
 - 8.) No vehicles shall be stacked one on top of another at any time.
 - 9.) That all new or replacement outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
 - 10.) That a building permit is required prior to construction of the any building, structure, or sign.
 - 11.) An air quality construction permit must be obtained from the DENR for the use of any commercial paint booth.
 - 12.) No loading or unloading shall take place in the right-of-way at any time.
 - 13.) All trees on the south side of the property must be maintained in living condition. Any tree that dies must be replaced by another spruce tree a minimum of 6 feet tall the next growing season. An eight feet tall section of fence can also replace any dead trees.
 - 14.) That the Planning & Zoning Department reserves the right to enter and inspect the property at any time, after proper notice to the owner or operator, to ensure that the property is in full compliance with the conditional use permit conditions of approval and Minnehaha County Zoning Ordinance.
 - 15.) No materials or waste unrelated to automotive work can be stored or disposed of on the property.
 - 16.) No barrels or any other container designed to contain fluids shall be stored outside.
 - 17.) All tires not attached to a vehicle shall be stored in an enclosed structure.
 - 18.) This permit shall be reviewed at the October 27, 2025 Planning Commission Meeting.



**MINNEHAHA COUNTY
PLANNING COMMISSION
MEETING MINUTES**

OCTOBER 28, 2024

Old Business

None.

New Business

Mason Steffen, of county planning staff, presented the commission with an update on the public engagement meetings for the Envision 2045 Comprehensive Plan. Mason explained that planning staff has been working to post flyers for the meetings on public bulletins throughout the county. He also explained that planning staff has created an advertisement for the meetings that will be run in the Brandon Valley Journal, the Dells City Journal, the Dakota Scout, and the Minnehaha Messenger in early November.

Adjourn

A motion was made to **adjourn** by Commissioner VanDerVliet and seconded by Commissioner Mohrhauser. The motion was approved unanimously. The meeting was adjourned at 7:22 p.m.