



**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION
April 28, 2025**

A meeting of the Planning Commission was held on April 28, 2025, 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, Mike Ralston, Ryan VanDerVliet, Adam Mohrhauser, Cindy Heiberger, and Joe Kippley.

STAFF PRESENT:

Scott Anderson, 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 7:46 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 Item 4 was requested to be moved to the regular agenda by planning staff.

A motion was made to **approve** the consent agenda consisting of Items 1, 2, 3, 5, 6, 7, & 8 by Commissioner Mohrhauser and seconded by Commissioner VanDerVliet. The motion passed unanimously with 6 votes in favor of the motion and 0 votes against the motion.

ITEM 1. Approval of Minutes – March 24, 2025

As part of the consent agenda, a motion was made by Commissioner Mohrhauser and seconded by Commissioner VanDerVliet to **approve** the meeting minutes from March 24, 2025. 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 #25-16 to exceed 10,000 square feet of Commercial Building Area (requesting 12,760 square feet) on the property legally described as the W772.8' N411.9' S½ Government Lot 2 SW¼ (Ex. H-3) Section 7 T102N-R49W Mapleton Township.

Petitioner: CNR Properties LLC.

Property Owner: Same

Location: 25782 472nd Avenue

Staff Report: Mason Steffen

General Information:

Legal Description – W772.8' N411.9' S½ Government Lot 2 SW¼ (Ex. H-3) Section 7 T102N-R49W Mapleton Township

Present Zoning – C Commercial

Existing Land Use – Outdoor Commercial Storage

Parcel Size – 4.97 Acres

Staff Report: Mason Steffen

Staff Analysis: The petitioner is requesting to build a warehouse that exceeds 10,000 square feet on the property, which requires a conditional use permit in the commercial zoning district. The property is located along County Highway 133 to the east of the Crooks/Renner exit off Interstate 29. The property was rezoned to commercial in February of 2024, and the petitioner obtained a conditional use permit in January of this year to allow outdoor storage on the site. The petitioner is now requesting to build a 12,760 square foot warehouse/office building for their excavation contracting business. Approximately 10,000 square feet of the building will be used for warehousing and the remaining portion of the structure will be used for offices.

On April 10, 2025, staff conducted a site visit of the property and surrounding area. The Crooks/Renner exit off I-29 has many existing commercial/industrial uses, but the neighboring property to the north of the subject property is a residential acreage. During the conditional use permit to allow outdoor storage on the property, the petitioner was required to plant trees along the north property line, and this condition will still be enforced by planning staff. Additionally, much of the site work has already been completed on the property, including the grading and hard surfacing of the driveway and parking lot. Finally, the uses along this portion of the Crooks/Renner exit are becoming more commercial, and allowing a contractor's shop with outdoor storage on the site will be a continuation of these commercial uses.

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 located within the commercial/industrial expansion area located at the Crooks/Renner exit off I-29. Most of the properties in the surrounding area have been developed for



commercial use, and most of the neighboring properties have large storage unit buildings. Additionally, the tree planting requirement along the north property line will minimize the impacts to the nearest residential property owner.

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

This area is heavily used for commercial/industrial uses, and the use of this lot for a contractor's shop with outdoor storage will be a continuation of these existing uses. Additionally, several vacant properties in the area have recently been rezoned to the commercial zoning district and this trend will likely continue in the future.

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

The operation has existing access onto the county highway. This access and the rest of the property have already been hard surfaced with crushed asphalt. The petitioner will be required to extend any other necessary utilities to the structure. The drainage on the property will largely be unchanged by the construction of the warehouse building, but there is a stormwater retention pond on the north side of the property.

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

The zoning ordinance has a general requirement for warehousing land uses to provide at least two parking spaces for every three employees on the maximum shift, and to accommodate space for trucks and other larger vehicles. This property is large enough to accommodate any truck traffic to the site for this operation. The maximum number of employees for this operation is not known, but the submitted site plan shows plans for several concrete pads around the building, which will provide more than enough parking spaces to meet the zoning 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.

Due to the outdoor storage on the site, lighting has the potential to be a nuisance to neighboring properties. However, lighting is also needed on the property to maintain the proper site visibility and for security. Therefore, any new lighting that is installed on the property should be designed to direct light so that it does not spill off the property. Most activities on the property will take place within the proposed building, which will limit the concern of other nuisances to the neighboring properties.

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

The subject property was recently rezoned to the commercial zoning district, and the use of the property as a contractor's shop with outdoor storage is adequate for a commercial site. It is also unlikely that the request will create any additional health, safety or welfare concerns. Finally, this area is designated as a rural service area in the Envision 2045 Comprehensive Plan, which specifically allows for the development of commercial and industrial uses.

Recommendation: Staff recommends **approval** of Conditional Use Permit #25-16 with the following conditions:



- 1) The property shall adhere to the submitted site plan.
- 2) A building permit is required prior to the construction of the building. Plans must be reviewed and approved by the Minnehaha County Building Inspector.
- 3) All parking and loading areas must be hard surfaced according to the requirements of Article 15.04 of the 1990 Revised Zoning Ordinance for Minnehaha County.
- 4) That a minimum of two off-street parking spaces per three employees on the maximum shift shall be provided on the site.
- 5) 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 Mohrhauser and seconded by Commissioner VanDerVliet to **approve** Conditional Use Permit #25-16 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 #25-16 – Approved



ITEM 3. CONDITIONAL USE PERMIT #25-18 to exceed 3,600 square feet of accessory building space (requesting 8,080 square feet) on the property legally described as Tract 5 Indian Hills Estates N½ Section 8 T101N-R48W Split Rock Township.

Petitioner: Michael Smith
Property Owner: Same
Location: 2208 N Indian Hills Trail
Staff Report: Mason Steffen

General Information:

Legal Description – Tract 5 Indian Hills Estates N½ Section 8 T101N-R48W Split Rock Township
Present Zoning – A-1 Agricultural
Existing Land Use – Residential Acreage
Parcel Size – 16.00 Acres

Staff Report: Mason Steffen

Staff Analysis: The subject property is located within the Indian Hills Estates Subdivision, which is a subdivision of approximately fifteen dwellings located between Sioux Falls and Brandon. The petitioner is requesting conditional use permit approval to allow 8,080 square feet of total detached accessory building space on the property. Currently, there is one 48' x 60' detached garage in the southwest corner of the property, and the petitioner is requesting to build a new 50' x 104' detached garage. This new detached garage will be in the northwest corner of the property and will make the total size of detached accessory buildings on the property 8,080 square feet.

On April 10, 2025, staff conducted a site visit of the subject property and the surrounding area. The lots within this subdivision range from five to twenty-five acres and this lot is one of the larger properties within the subdivision. Several other properties within this subdivision have large barns and detached garages, and many of these properties have also obtained conditional use permits for these buildings. Finally, the east portion of the property slopes significantly and therefore the proposed location of the new building is one of the only buildable locations on the property.

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 not be any anticipated negative effects 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. Finally, this proposed building will be several hundred feet from the neighboring residences and should not have an impact on 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 proposed site of the accessory building is in an area surrounded by other similar residential acreages and farmland. There should be no anticipated impacts to the normal and orderly development and improvement of the surrounding vacant farmland or residential acreages. Finally, the proposed size and use of the accessory building is generally compatible with the surrounding area, which consists of residential large lot acreages and farmland.

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

The petitioner will be required to extend all necessary utilities to the structure. The accessory building is planned to be accessed by the same driveway as the dwelling on the property. Finally, the addition of this accessory building on the property 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 subject property is large enough to accommodate the off-street parking requirement. Additionally, the proposed detached garage will add off-street parking and 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 shall be allowed in the proposed accessory building at any time. Any public nuisance violations will be addressed if the Planning Department receives a complaint about the subject property. All new outdoor lighting shall be directed downward onto the property. Lighting shall 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 generally fit within the uses of other properties in the rural area and conforms to the goals of the Envision 2045 Comprehensive Plan.

Recommendation: Staff recommends **approval** of Conditional Use Permit #25-18 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 8,080 square feet.
- 3) That the building shall continue to be an accessory use to the continued use of the property as a residential lot.
- 4) The building shall not to be used for commercial uses or as a dwelling at any time.
- 5) That any new 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.
- 7) That the Planning & Zoning Department reserves the right to enter and inspect the accessory building at any time, after proper notice of 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.



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As part of the consent agenda, a motion was made by Commissioner Mohrhauser and seconded by Commissioner VanDerVliet to **approve** Conditional Use Permit #25-18 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 #25-18 – Approved



ITEM 5. CONDITIONAL USE PERMIT #25-20 to transfer one (1) building eligibility from the NE¼ (Ex. H-1 & H-2) & N½ SE¼ (Ex. H-1 & Ex. Anson's Addition) Section 25 to the E400' S½ SW¼ (Ex. Whealy Tract 1 & Ex. H-1) Section 24 all within T103N-R48W Edison Township.

Petitioner: David Greenlee

Property Owner: Troy Dawley

Location: Approximately 1 mile west of Garretson

Staff Report: Scott Anderson

General Information:

Legal Description – E400' S½ SW¼ (Ex. Whealy Tract 1 & Ex. H-1) Section 24

T103N-R48W Edison Township

Present Zoning – A1 Agricultural

Existing Land Use – Vacant Winery

Parcel Size – 11.5 Acres

Staff Report: Scott Anderson

Staff Analysis: The building eligibility is currently located in the southwest quadrant of the intersection of SD Highway 11 and County Highway 109. The petitioner is requesting to move the building eligibility from this quarter to a recently created parcel located north of SD Highway 11. This would allow the property owner to utilize the tasting room of the Tucker's Walk Vineyard as a single family residence. The tasting room is no longer being utilized... Finally, the applicant has indicated that the existing driveway for the tasting room will be utilized for the dwelling.

On April 4, 2025, staff conducted a site visit of the subject properties and surrounding area. The property is near West Pipestone Creek, it is not located within the 100-year floodplain. Therefore, the receiving location is an adequate building site for a dwelling.

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.

A right-to-farm notice covenant should be required in order to notify the owner of the realities of being located in an agricultural area. The existing tasting room will be renovated into a residence, which should not impact the uses permitted by other properties in the area.

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

This transfer does not increase the number of building eligibilities within the area. Finally, the utilization of this building eligibility will have little impact on the orderly development of the surrounding properties.



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

There is an existing driveway to the tasting room which will be utilized for the renovation to a residence. All needed infrastructure in place.

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

Two off-street parking spaces are required for a single-family dwelling. The off-street parking requirement is being met now as there was guest parking for the tasting room.

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.

The proposed building eligibility transfer will have no anticipated effects on the health, safety and general welfare of the public. This building eligibility transfer will not increase the number of building eligibilities within the area, and will not convert existing farm ground into a non-agricultural use, which conforms to the goals of the 2045 Envision Comprehensive Plan.

Recommendation: Staff recommends **approval** of Conditional Use Permit #25-20 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.

Action

As part of the consent agenda, a motion was made by Commissioner Mohrhauser and seconded by Commissioner VanDerVliet to **approve** Conditional Use Permit #25-20 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 #25-20 – Approved



ITEM 6. CONDITIONAL USE PERMIT #25-21 to exceed 1,600 square feet of accessory building space (requesting 2,730 square feet) on the property legally described as Lot 1 Block 1 Country Villa Estates Addition Section 26 T101N-R51W Wall Lake Township.

Petitioner: Thomas Hanisch

Property Owner: Same

Location: 26694 Prairie Avenue

Staff Report: Kevin Hoekman

General Information:

Legal Description – Lot 1 Block 1 Country Villa Estates Addition Section 26 T101N-R51W Wall Lake Township

Present Zoning – RR Rural Residential

Existing Land Use – Residential Acreage

Parcel Size – 1.00 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

The petitioner is proposing to build a 30 feet by 40 feet accessory building on the subject property. Several small sheds and a 28 feet x 42 feet accessory building already exist on the property. The additional proposed building will bring the total accessory building space on the property to 2,730 square feet. A conditional use permit is required because the total accessory building space exceeds 1,600 square feet in area.

The property is a corner lot located at the intersection of Inca Drive and Prairie Avenue within the County Villa Estates Addition. The petitioner depicts the proposed building to be located south of the dwelling, and the accessory building will likely need an additional driveway. The existing accessory buildings are located north of the dwelling, and it is within close proximity to the existing garage. The three existing small sheds are in the back yard east of the house. The petitioner did not submit any narrative for the proposed land use.

Conditional Use Permit Criteria:

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

The property is located within a rural subdivision of many one acre residential properties. Many properties within the subdivision have attached garages, and a few detached garages and sheds are scattered throughout the development. This request will result in the first larger accessory building permit request in the subdivision. Other neighborhood property owners may request similar sized buildings in the future.

The largest of the existing accessory buildings on the subject property is located in close proximity to the attached garage of the dwelling. The close proximity makes the accessory building visually appear that it is attached. The proposed building itself is similar in size to other accessory buildings



in the area. The front yard is currently screened with shrubs and trees. The proposed building will only be for personal use.

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 a subdivision of residential acreages. The proposed accessory building will be used for personal storage and use. No business or business storage will be allowed in the accessory building at any time. Since this is the first larger accessory building request in the subdivision, it may lead to similar requests in the future for neighboring properties.

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

The property is a corner lot within a subdivision with gravel roads. The gravel roads are maintained by a road district. The petitioner will need to obtain any required approval from the road district prior to constructing any new access for the accessory building. Since the property is existing, all utilities needed for the accessory building can be extended from what is there. There are no plans to alter the drainage of the property.

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

The proposed accessory building will not increase the amount of required parking for 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.

An accessory building does not typically create nuisance odor, fumes, dust, noise, vibration, and lighting. The property will still need to comply with the public nuisance ordinance. In addition, staff recommends that no business or business storage is allowed to take place in the building. All new or replacement outdoor lighting should be directed downward and cutoff so that light does not glare onto neighboring properties.

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

The building will meet all of the required setbacks to property lines and buildings in the area. The proposed building generally conforms to the goals and policies of the 2045 Envision Comprehensive Plan. The proposed accessory building should not overly impact any future uses of the property.

Recommendation: Staff recommends **approval** of Conditional Use Permit #25-21 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 2,730 square feet.
- 3) That the building shall be an accessory use to the continued use of the property as a residential lot.
- 4) The building shall not to be used for commercial uses, storage, or as a residential dwelling at any time.
- 5) That any 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.



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- 6) That a building permit is required prior to construction of the accessory building.
- 7) 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 Mohrhauser and seconded by Commissioner VanDerVliet to **approve** Conditional Use Permit #25-21 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 #25-21 – Approved



ITEM 7. CONDITIONAL USE PERMIT #25-22 to exceed 3,600 square feet of accessory building space (requesting 5,060 square feet) on the property legally described as Tract 1 Haug's Addition SE¼ Section 2 T102N-R50W Benton Township.

Petitioner: Michael Runge

Property Owner: Same

Location: 47080 257th Street

Staff Report: Mason Steffen

General Information:

Legal Description – Tract 1 Haug's Addition SE¼ Section 2 T102N-R50W Benton Township

Present Zoning – A-1 Agricultural

Existing Land Use – Residential Acreage

Parcel Size – 10.00 Acres

Staff Report: Mason Steffen

Staff Analysis: The subject property is located ¼-mile east of Crooks, along 257th Street, and was approved earlier this year for a 50' x 70 detached accessory building. The petitioner is now requesting to build a 26' x 60' pool house on the property, which will make the total accessory building area 5,060 square feet. The pool house will be located to the southeast of the existing dwelling, which is over eight hundred feet to the north of the road.

On April 10, 2025, staff conducted a site visit of the property and surrounding area. This area directly east of Crooks is still largely agricultural in use with several large residential acreages. Additionally, the property directly to the south was approved in 2010 for 16,000 square feet of accessory building area, and the property to the east was approved in 2023 for 18,717 square feet of accessory building area. Therefore, given the existing uses and buildings in the surrounding area the proposed pool house will generally be compatible with these uses.

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 not be any anticipated negative effects upon the use and enjoyment of the residential properties in the immediate vicinity. This proposed building will be similar in size to several other buildings approved in the surrounding area, and therefore, property values in the area should 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 subject property is in an area east of Crooks that has several residential acreages, but the remaining land in the area is still dedicated to agricultural uses. Approval of this request on an existing residential acreage should not impact the normal and orderly development of the surrounding vacant farmland or residential acreages.



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

The petitioner will be required to extend all necessary utilities to the structure. The accessory building will be accessed by the same driveway as the current buildings on the property. The addition of another accessory building on the property 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 parking and 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 shall be allowed in the proposed accessory building at any time. Any public nuisance violations will be addressed if the Planning Department receives a complaint about the subject property. All new outdoor lighting shall be directed downward onto the property. Lighting shall 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 generally fit within the uses of other properties in the rural area and conforms to the goals of the Envision 2045 Comprehensive Plan.

Recommendation: Staff recommends **approval** of Conditional Use Permit #25-22 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 5,060 square feet.
- 3) That the building shall continue to be an accessory use to the continued use of the property as a residential lot.
- 4) The building shall not to be used for commercial uses or as a dwelling at any time.
- 5) That any new 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.
- 7) That the Planning & Zoning Department reserves the right to enter and inspect the accessory building at any time, after proper notice of 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 Mohrhauser and seconded by Commissioner VanDerVliet to **approve** Conditional Use Permit #25-22 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 #25-22 – Approved



ITEM 8. CONDITIONAL USE PERMIT #25-23 to exceed 3,600 square feet of accessory building space (requesting 6,517 square feet) on the property legally described as Lucas Addition (Ex. H-1 & H-2) SE¼ Section 10 T102N-R50W Benton Township.

Petitioner: Kevin Boysen

Property Owner: Same

Location: 25775 470th Avenue

Staff Report: Mason Steffen

General Information:

Legal Description – Lucas Addition (Ex. H-1 & H-2) SE¼ Section 10 T102N-R50W Benton Township

Present Zoning – A-1 Agricultural

Existing Land Use – Residential Acreage

Parcel Size – 17.45 Acres

Staff Report: Mason Steffen

Staff Analysis: The subject property is located ¼-mile south of Crooks, along 470th Avenue. The property currently has three detached accessory buildings, and one of these buildings will be removed for the construction of a new building. The two remaining buildings on the site are a 53' x 65' barn and a 16' x 24' barn. The petitioner is requesting to build a new 42' x 64' detached garage in the same general location on the property as an existing detached garage that will be removed. The building will be located directly to the north of the dwelling and will be approximately sixty feet from the east property line.

On April 10, 2025, staff conducted a site visit of the property and surrounding area. This area is mainly agricultural in use outside of this cluster of dwellings at the intersection of County Highway 130 & 137. Most of the other properties in this cluster of dwellings have detached accessory buildings, including two buildings that are similar in size to the proposed building. Finally, the proposed location of the detached garage is over a thousand feet from the nearest neighboring residence and has a shelter belt surrounding the area that will screen the building.

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 not be any anticipated negative effects 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. Finally, this proposed building will be over a thousand feet from the neighboring residences and should not have an impact on the surrounding area.

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



This area south of Crooks is still mainly dedicated to agricultural uses outside of this cluster of dwellings. Approval of this request should not impact the normal and orderly development and improvement of the surrounding vacant farmland or residential acreages.

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

The petitioner will be required to extend all necessary utilities to the structure. The accessory building will be accessed by the same driveway as the current buildings on the property. The addition of another accessory building on the property 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 parking and 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 shall be allowed in the proposed accessory building at any time. Any public nuisance violations will be addressed if the Planning Department receives a complaint about the subject property. All new outdoor lighting shall be directed downward onto the property. Lighting shall 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 generally fit within the uses of other properties in the rural area and conforms to the goals of the Envision 2045 Comprehensive Plan.

Recommendation: Staff recommends **approval** of Conditional Use Permit #25-23 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 6,517 square feet.
- 3) That the building shall continue to be an accessory use to the continued use of the property as a residential lot.
- 4) The building shall not to be used for commercial uses or as a dwelling at any time.
- 5) That any new 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.
- 7) That the Planning & Zoning Department reserves the right to enter and inspect the accessory building at any time, after proper notice of 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 Mohrhauser and seconded by Commissioner VanDerVliet to **approve** Conditional Use Permit #25-23 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 #25-23 – Approved



Regular Agenda

ITEM 4. CONDITIONAL USE PERMIT #25-19 to allow an Agricultural Related Operation (Agricultural Lime Storage & Shipping) on the property legally described as Tract 2A Swenson's Tracts NW¼ Section 35 T104N-R48W Logan Township.

Petitioner: Mark Jonas

Property Owner: Same

Location: 24944 482nd Avenue

Staff Report: Kevin Hoekman

General Information:

Legal Description – Tract 2A Swanson's Tracts NW¼ Section 35 T104N-R48W

Logan Township

Present Zoning – A-1 Agricultural

Existing Land Use – Residential Acreage

Parcel Size – 9.78 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

The applicant is requesting to place an agriculturally related operation on the property located approximately 4.5 miles northwest of Garretson. The operation will store and handle agricultural limestone on the property, and it will take place inside two large buildings and have areas of outdoor storage and outdoor parking of equipment. The land use is allowed with a conditional use permit as an agricultural related operation related to the handling, storage and shipping of farm products. The farm product for the business is agricultural lime. The petitioner explained within the narrative that this will not include lime sludge from water treatment plants that is regulated as a solid waste.

The property is located along County Highway 113 (482nd Ave.) and north of County Highway 114 (250th St.). It is the southern property of a row of three residential acreages near West Pipestone Creek. The area is mostly agricultural with other residential acreages nearby.

The petitioner submitted a building plan, site plans, and a narrative to support the application request. The proposed new building is indicated to be quite large with the primary storage area as 80 feet wide by 112 feet long. The size of the building is large enough that engineered plans will be required. Four garage doors are included on the west side of the building, and one door is planned for the east side. An area is indicated on the side of the building for a bathroom and office space. The applicant must be aware that it is not currently permissible to have more than one residential dwelling on a property, and this office space must stay as office space.

The site plan utilizes aerial photographs as a background. The petitioner used drawings from the County's Beacon website and MinnEmap to indicate where buildings and storage will be located. The existing building will be utilized as a repair and maintenance shop for business equipment. The proposed new building will be located further east towards the center of the property with an



extended driveway. Further east than the proposed building is depicted as a parking area for equipment and a storage pile for the lime product. The narrative explains the parking area will be used for trailer and equipment storage. The proposed parking improves the current conditions where equipment is stored close to the road.

It should be noted that the petitioner has been utilizing the property and existing accessory building for the business for some time. Trucks, trailers, and equipment are clearly visible from the road and aerial imagery. Staff received no known complaints from adjacent neighbors regarding the conditions of the property. If this CUP is approved, the Planning Commission has the ability to ensure compliance with the ordinance and conditions of approval. If the CUP is denied, staff will begin code enforcement process to remove the business from the property.

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 location of the property is within the agricultural production area. Several residential acreages are located nearby. The primary land use of the area is agricultural crop land and pasture along the creek. Most of the operation will take place behind the existing building and further from the road. The narrative describes that trees are being planted on the north side of the building and parking area to replace ash trees currently located along the stream bank.

The storage of lime has the potential to create nuisance dust on windy days. Staff received concerns regarding dust from lime piles that are already stored on the site. The nuisance and irritation of lime dust will likely affect the closest neighbors to the property to the north. Recommendations for reducing nuisance dust are further described in criteria #5 below.

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

The property is within an active agricultural area. Several residential acreages are also located in the area. There are several building eligibilities available for additional residential properties, but the site is a far distance from any municipality. The subject request will be to operate the proposed agricultural related operation on the same parcel as a single family dwelling. Significant changes to the area are unlikely for future development. The approval of the proposed agricultural related operation will likely not change how the agricultural area is developed. It may lead to similar requests for businesses and agricultural related operations from nearby properties.

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

The property is already developed with a single family dwelling and a large accessory building. A large portion of the driveway is hard surfaced from the road to the existing accessory building. A gravel driveway is already built to the back portion of the property where the proposed new building, parking area, and lime storage will be. The petitioner will be responsible for extending all needed utilities. A building permit and septic permit will be required for new construction. The proposed building will be required to provide engineered design drawing for review prior to



approval of the issuance of a building permit. Drainage will continue to flow from the site north to the West Pipestone Creek.

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

The property is large enough to contain all required parking. Much of the area will have loading and unloading area. No loading or unloading shall take place in the right-of-way.

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.

Planning staff has some concerns regarding nuisances from the proposed use. The property already has multiple semi-trucks and trailers parked near the road, and the large existing building with equipment appears more industrial than agricultural. Moving the trucks further back on the property will reduce the industrial appearance of the property. Other items such as tires and materials need to be placed indoors to prevent places for mosquitoes and rodents from breeding in them. Placing these items inside will also enhance the appearance of the property. Outdoor storage should be limited to equipment, vehicles, and agricultural lime. In addition, equipment, including trucks and trailers, should not be stored in front of the existing building. Moving equipment back will reduce the industrial appearance of property.

Any uncovered material storage runs the risk of creating dust. Staff received concern about dust from the storage piles on windy days. A neighboring property owner stated that lime piles have been piled on the property in the past and provided photos of dust blowing off of the lime piles. Wind blown lime can cause irritation to skin and eyes. Staff also has concerns regarding the close proximity of the lime storage to West Pipestone Creek because lime storage will be more permanent than spreading on a field once a year. Staff suggests that the best long term solution to blowing lime would be to cover the lime storage pile. This can be done using large sheets of plastic for silage or by constructing a hoop building tall enough to accommodate equipment.

With any new building in the county there is concern for lighting to cause glair onto neighboring property. All lighting on the new building shall be fully cutoff and directed downward to prevent glair. And new or replacement lighting on the existing building shall be the same.

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

This proposed agricultural related operation is similar to other land uses in the area. Another agricultural operation exists to the northeast of the property about one quarter mile away. The location of the property on a paved county highway will be able to absorb additional truck traffic. The driveway already includes a large paved area to prevent dirt and mud from being carried out onto the highway. The agricultural related operation will support local agricultural needs for the soil amendment.

The proposed land use has the appearance and operational similarities to industrial land uses not permitted in the A1-Agricultural zoning district. Staff suggests limiting the total number of employees allowed for the property in order to limit the scope of the operation to a manageable size in comparison to surrounding activities. If the operation needs to expand, the petitioner should search for an industrial zoned site.



Staff understands that the agricultural related operation has been operating at the property prior to this application. The petitioner should be aware that if this application for an agricultural related operation is denied, then the business will need to be removed from the property, and any required permits obtained for a new site.

Recommendation: Staff recommends **approval** of Conditional Use Permit #25-19 with the following conditions:

- 1) The agricultural related operation shall be secondary to the property being a residential site. If the dwelling is unoccupied by the petitioner or operator of the agricultural related operation, then the agricultural operation shall cease.
- 2) The agricultural related operation is approved for the shipping, storing, and handling of agricultural lime as defined as crushed limestone. No quick lime or lime used for water treatment shall be stored on the site.
- 3) All lime storage shall be covered. The petitioner shall submit plans for covering stored lime for approval by the Planning Director before June 27, 2025.
- 4) The agricultural related operation shall be limited to the existing building and the proposed 80 feet wide by 112 feet long building as depicted on the site plan.
- 5) Engineered stamped plans must be provided for review and approval by the County Chief Building Inspector prior to issuing a building permit.
- 6) The occupation shall have no more than five (5) employees, including residents of the property.
- 7) All outside storage shall be limited to operational equipment, trucks, trailers, and agricultural lime.
- 8) All outside storage shall be located as depicted on the site plan. No outdoor storage or parking shall be kept east of the eastmost accessory building.
- 9) All new and replacement outdoor lighting shall be directed downward and fully shielded and cutoff to prevent the spillage of light onto other properties.
- 10) Signage shall be limited by article 16.00 of the 1990 Revised Zoning Ordinance or Minnehaha County.
- 11) 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.

Public Testimony & Discussion

Kevin Hoekman, of county planning staff, presented the staff report and recommendation to the commission.

Mark Jonas, of 24944 482nd Avenue, Garretson, SD, was present and available for questions from the commission.

Commissioner Mohrhauser asked the petitioner what the timeframe for turnover of the lime would be on the property. Mr. Jonas explained that the lime is stockpiled on the property throughout the



year and then delivered to the fields in the Fall. Commissioner Mohrhauser asked how much lime is stockpiled on the property. The petitioner explained that six tons is the most that they have stockpiled because they try to deliver the lime directly to the farmers as often as possible. He also explained that covering the lime with a tarp would trap moisture and turn the product solid, which would render the lime useless.

Commissioner Heiberger asked the petitioner what they would recommend to prevent the blowing of the lime. Mr. Jonas stated that he had drawn up a site plan that would include a retaining wall to the north of the lime stockpile, and that he has planted many fully grown pine trees on the property that will also limit the blowing of the lime.

Commissioner Heiberger asked planning staff if the proposed retaining wall would meet the condition that the lime be covered. Kevin Hoekman explained that the commission would need to amend condition three in order to allow the retaining wall, and he also suggested that the commission set a height and length for the wall.

Action

A motion was made by Commissioner Heiberger and seconded by Commissioner Mohrhauser to **amend** condition three to require an 8-foot tall by 102-foot long retaining wall. The motion passed unanimously with 6 votes in favor and 0 votes against the motion.

A motion was made by Commissioner Heiberger and seconded by Commissioner Kippley to **amend** condition eight to change the words east and eastmost to west and westmost. The motion passed unanimously with 6 votes in favor and 0 votes against the motion.

A motion was made by Commissioner Ralston and seconded by Commissioner VanDerVliet to **approve** Conditional Use Permit #25-19 with the eleven amend conditions. The motion passed unanimously with 6 votes in favor and 0 votes against the motion.

Conditional Use Permit #25-19 – Approved with the following conditions:

- 1) The agricultural related operation shall be secondary to the property being a residential site. If the dwelling is unoccupied by the petitioner or operator of the agricultural related operation, then the agricultural operation shall cease.
- 2) The agricultural related operation is approved for the shipping, storing, and handling of agricultural lime as defined as crushed limestone. No quick lime or lime used for water treatment shall be stored on the site.
- 3) The property shall adhere to the wind screening plan submitted at the Planning Commission meeting on April 28, 2025. This shall include an 8-foot tall by 102-foot long retaining wall.
- 4) The agricultural related operation shall be limited to the existing building and the proposed 80 feet wide by 112 feet long building as depicted on the site plan.
- 5) Engineered stamped plans must be provided for review and approval by the County Chief Building Inspector prior to issuing a building permit.
- 6) The occupation shall have no more than five (5) employees, including residents of the property.



- 7) All outside storage shall be limited to operational equipment, trucks, trailers, and agricultural lime.
- 8) All outside storage shall be located as depicted on the site plan. No outdoor storage or parking shall be kept west of the westmost accessory building.
- 9) All new and replacement outdoor lighting shall be directed downward and fully shielded and cutoff to prevent the spillage of light onto other properties.
- 10) Signage shall be limited by article 16.00 of the 1990 Revised Zoning Ordinance or Minnehaha County.
- 11) 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.



**MINNEHAHA COUNTY
PLANNING COMMISSION
MEETING MINUTES**

APRIL 28, 2025

Old Business

None.

New Business

None.

Adjourn

A motion was made to **adjourn** by Commissioner VanDerVliet and seconded by Commissioner Heiberger. The motion was approved unanimously. The meeting was adjourned at 8:09 p.m.