



**JOINT MINNEHAHA COUNTY & CITY OF DELL RAPIDS
PLANNING COMMISSION
MEETING MINUTES**

JUNE 27th, 2022

**MINUTE OF THE JOINT MEETING
MINNEHAHA COUNTY & DELL RAPIDS PLANNING COMMISSIONS
June 27th, 2022**

A joint meeting of the County and City Planning Commission was held on June 27th, 2022 at 7:00 p.m. at Carnegie Town Hall, 235 W 10th Street, Sioux Falls, SD.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Bonnie Dufy, Becky Randall, Mike Ralston, Ryan VanDerVliet, Adam Mohrhauser, and Jeff Barth.

CITY PLANNING COMMISSION MEMBERS PRESENT: Tom Schwebach, Virgil Klein, Tom Ludens, and Ben Pierson.

STAFF PRESENT:

Scott Anderson, Kevin Hoekman, & Mason Steffen – County Planning
Justin Weiland – Dell Rapids Administrative Staff
Eric Bogue – Office of the State's Attorney

Bonnie Duffy presided over the meeting. The meeting was called to order at 7:00 p.m. The Dell Rapids Planning Commission was chaired by Tom Schwebach.

The floor was opened for items to be brought from the public which were not on the agenda. Nobody brought forward any items for public input.

ITEM 1. Approval of Minutes – August 23rd, 2021

A motion was made for the County by Commissioner Randall to amend the August 23rd, 2021 minutes to correct the motion for Dell Rapids Planning Commission for Zoning Text Amendment #21-03 to be seconded by Commission Klein and to approve the minutes. The motion to amend and approve the minutes was seconded by Commissioner Barth. The motion **passed** with 5 votes in favor and 0 votes against the motion.

The same motion was made for the city to amend the August 23rd, 2021 minutes to correct the motion for Dell Rapids Planning Commission for Zoning Text Amendment #21-03 to be seconded by Commission Klein and to approve the minutes by Commissioner Ludens. The motion to amend and approve was seconded by Commissioner Klein. The motion **passed** unanimously.



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ITEM 2. CONDITIONAL USE PERMIT #22-45 to allow an Automotive Sales & Repair Shop on the property legally described as Tract 1B (Ex. S250') Weelborg's Addition SE¼ Section 16 & the NE¼ Section 21 all in T104N-R49W Dell Rapids Township.

Petitioner: Rowdy Olson

Property Owner: Shawn Lensing

Location: 24690 475th Avenue

Staff Report: Kevin Hoekman

General Information:

Legal Description – Tract 1B (Ex. S250') Weelborg's Addition SE¼ Section 16 & the NE¼ Section 21 all in T104N-R49W Dell Rapids Township.

Present Zoning – I1 Light Industrial

Existing Land Use – Automotive Body Shop

Parcel Size – .53 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

This conditional use permit request is to allow automotive sales and repair services. The property is located in the industrial zoned area south of Dell Rapids along SD Highway 115. The properties to the north, south, and east are also zoned light industrial and have established industrial uses. Across the highway is a large lot residential subdivision.

The subject property has an existing warehouse/shop building with an overhead door access on the northwest side of the building. The driveway and parking area is surfaced with quartzite gravel because the building was constructed prior to hard surfacing requirements in the ordinance. A small area on the northeast side of the property is fenced in with an opaque wood fence.

The property has been used for several uses in the past. In 2000, the property was approved for motor vehicle sales. In 2004, a conditional use permit was approved for an automotive body shop. Most recently, the property was used for a welding shop and service company. The two conditional use permits have expired through inactivity of the use, and that is why a new conditional use permit is required.

The petitioner submitted the same site plan for the proposed automotive dealership as what was submitted for the CUP request in 2000. The plan shows cars lined up along the front of the property, with a 15 foot buffer from the front property line. A 15 foot buffer is required for all parking in the front yard by Article 15.01 (A) of the 2001 Revised Joint Zoning Ordinance for Minnehaha County and the City of Dell Rapids. It appears that this ordinance has not been followed through the years, and staff suggests a condition of approval to prevent any future violation of the 15 foot parking setback ordinance. This condition should be include required planting of grass or landscaping in the front 15 feet of the property.

The request for auto dealership and repair generally conforms to the existing nearby uses. To the



north of the property is the City of Dell Rapids maintenance shop with some area being used for outdoor storage. City staff noted that they have the ability to tow away any vehicles accidentally or intestinally parked or stored onto city owned land. For this reason, he petitioner should be aware of the property boundary. Staff from Dell Rapid and the County understand that the petitioner owns an automotive salvage operation in Moody County. This location is appropriate for automotive sales, but not auto salvage. County planning staff suggests a condition that all vehicles stored outside of the building shall be turn key operational, and must be able to run and move at any time. No inoperable vehicles shall be allowed to be stored outside of the building. The property has an area surrounded by an opaque fence. This area can be used for outdoor storage of parts and equipment. Outdoor storage should not be allowed to be stacked taller than the fence.

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 subject property is located within an industrial park along SD Highway 115. This is close to industrial development on the south side of city limits of Dell Rapids. The location along a busy highway makes the property highly visible for travelers. The high visibility would be desirable for display of vehicles, and it would make it a high priority for maintaining a good appearance by not having inoperable vehicles stored outside. The use will fit well with surrounding land uses and may even improve existing conditions of the area.

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

The industrial park where the subject property is largely developed. New development may come in the form of additions to existing uses or if the existing air strip behind the property is redeveloped. The property is also about a quarter mile south of the City of Dell Rapids. As the city grows, the property will be more likely available for annexation into city limits. The use of the property as an automotive dealership and repair shop should not negatively affect future growth of businesses, property, or annexation.

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

The property has an existing building with utilities. The use will not change drainage on the lot from how it is currently developed. Access to the property is available through a shared driveway on the south side of the property.

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

The property has an existing gravel parking lot. Since the property was developed before hard surfacing rules, the gravel parking can remain. The provided site plan indicates a front yard setback from parking of 15 feet. As discussed earlier in this report, the 15 feet setback is a requirement if the Zoning Ordinance. A condition should be required to meet the 15 feet setback 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.



Automotive sales and repair generally does not create odor, fumes, dust, noise, or vibration. Any new or replacement lighting should be directed downward to prevent glare. Any oil or automotive fluids must be stored inside to prevent spills and contamination of rainwater. As discussed earlier in this staff report, all vehicles must be turn key operable, and no inoperable vehicles shall be stored outside the building.

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

The proposed use of the property for automotive sales and repair should have reasonable conditions to prevent negative affects to public health, safety, and general welfare. Staff finds the recommended conditions adequate to ensure this result. The joint planning commissioner may add, amend, or remove any of the recommended conditions.

Recommendation: Staff recommends **approval** of Conditional Use Permit #22-45 with the following conditions:

- 1.) This permit is to allow sales and repair of automobiles 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.) No inoperable vehicles shall be stored outside at any time. All vehicles must be turn key operational and capable of driving on its own power.
- 4.) Any outdoor storage shall be kept within the area surrounded by the 6 feet high fence in the rear yard.
- 5.) No stacking or piling of outdoor storage shall be higher than 6 feet tall from the ground.
- 6.) 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.
- 7.) Parking and display of vehicles shall be setback a minimum of 15 feet from the front yard property line.
- 8.) The 15 feet required front yard parking setback must be planted with grass or landscaping before September 30th, 2022.
- 9.) No loading or unloading shall take place in the right-of-way at any time.
- 10.) A state dealership license must be maintained as long as vehicles sales continue on the property.
- 11.) The operator shall allow unrestricted entry, after proper notice to the owner or operator, during regular business hours for inspection by the state of South Dakota, Minnehaha County.

Public Testimony & Discussion

Kevin Hoekman, County planning staff, presented the staff report and recommendations.

Commissioner Pierson asked if the 15 feet setback is part of the ordinance or if it is for this project specifically. Kevin Hoekman responded that the 15 feet buffer is part of the ordinance and would need to take place regardless of the outcome of this permit request.



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Kara Cubick, 407 E 7th Street, explained that she is the mother-in-law to the applicant and worked with the business. She was present and available for questions. No questions were asked.

Action

A motion was made for the County Planning Commission by Commissioner Barth to **approve** Conditional Use Permit #22-45. The motion was seconded by Commissioner Ralston. The motion passed unanimously.

The same motion was made for the Dell Rapids Planning Commission by Commissioner Klein to approve Conditional Use Permit #22-45. The motion was seconded by Commissioner Pierson. The motion passed unanimously.

Conditional Use Permit #22-45 – Approved

Old Business

None

New Business

None

Adjourn

A motion was made to **adjourn** the joint planning meeting by Commissioner Randall and seconded by Commissioner Barth. The motion passed unanimously.

The same motion was made for the city by Commissioner Ludens and seconded by Commissioner Klein. The motion passed unanimously.

The meeting was **adjourned** at 7:15 p.m.