



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

SEPTEMBER 26, 2022

**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & DELL RAPIDS PLANNING COMMISSIONS
September 26th, 2022**

A joint meeting of the County and City Planning Commission was held on September 26th, 2022 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

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

CITY PLANNING COMMISSION MEMBERS PRESENT: Tom Schwebach, Virgil Klein, Tom Ludens, and Steve Hoff.

STAFF PRESENT:

Scott Anderson, Kevin Hoekman, & Mason Steffen – County Planning
Justin Weiland – Dell Rapids Administrative Staff
Maggie Gillespie – 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.

PUBLIC COMMENT.

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.

CONSENT AGENDA

Commissioner Duffy read each item on the consent agenda and Item 2 was requested to be moved to the regular agenda by Commissioner Schwebach.

ITEM 1. Approval of Minutes – June 27th, 2022

As part of the consent agenda, a motion was made for the county by Commissioner Mohrhauser and seconded by Commissioner Barth to **approve** the meeting minutes from June 27th, 2022. The motion passed unanimously with 6 votes in favor and 0 votes against the motion.

As part of the consent agenda, the same motion was made for the city by Commissioner Ludens and seconded by Commissioner Klein to **approve** the meeting minutes from June 27th, 2022. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.



Regular Agenda

ITEM 2. CONDITIONAL USE PERMIT #22-65 to allow Automotive Sales on the property legally described as Lots 2A & Lot 2 Klein's 1st Addition N½ NE¼ Section 13 T104N-R50W Burk Township.

Petitioner: Joel Mock

Property Owner: Ed Wolles

Location: 24605 Klein Avenue, located at the Dell Rapids exit on I-29

Staff Report: Kevin Hoekman

General Information:

Legal Description – Lots 2A & Lot 2 Klein's 1st Addition N½ NE¼ Section 13

T104N-R50W Burk Township

Present Zoning – C Commercial

Existing Land Use – Automotive Body Shop

Parcel Size – 1.26 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

This conditional use request is to allow automotive sales to accompany the existing permitted auto body repair shop. The property is located in a commercial zoned area on the southeast corner of the Dell Rapids Exit on I-29. The property immediate south of this request is a Billion Auto Sales location. Across South Dakota Highway 115 is an industrial park with various uses including a veterinarian service.

The subject property is already developed with buildings and parking area available for the existing auto body shop. A large storage building exists on the west side and the shop portion is on the east. A six foot tall fence screens views from the highway to the area between the two buildings. The submitted site plan indicates the center area as “in process vehicles.” This area will have some storage of partially dismantled vehicles. Staff recommends that outdoor storage is limited to this space, and limit the space with the quantity of vehicles in order to prevent visual eyesores for the public.

Staff has one concern with the proposed site plan and the current layout of the facility. The property is accessed from Klein Avenue, and nearly the entire east side of the property is composed of driveway access. The 2001 Revised Joint Zoning Ordinance for Minnehaha County and the City of Dell Rapids, Article 15.01, requires parking to have a minimum setback of 15 feet from the front property line. Staff recommends a physical barrier such as a curb and/or landscape island be placed in the center of the continuous driveway. The purpose of the barrier will be to indicate the location of the 15 feet setback and where cars should be allowed to be displayed for sale. This will also break up the continuous driveway so that the public will have a better understanding of where the road begins and driveways are located. Staff has put together a sketch site plan to better show expectations of the parking lot buffer.



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 property is located in an active commercial development. To the south is an automotive sales lot and north of the highway is a developed industrial and warehousing. Automotive sales at this location will complement the existing body shop on the property and is generally compatible with the surrounding land uses.

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

Much of the industrial park to the north is already developed. Two properties to the east of the site have not yet been developed. Automotive sales generally conforms with the area and conditions such as creating the required 15 feet buffer area for parking will help the property comply into the future.

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

The property is already developed and utilities and access is already present. Drainage will not change as a result of the proposed automotive sales.

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

The property has parking for customers and staff which is hard surfaced and a storage area on the south site which is covered with gravel. Other than the 15 feet buffer area, the parking complies with requirements of the zoning code.

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 expansion of use will not significantly change how the current property is used. Outdoor storage should continue to be screened and dismantled vehicles should be kept indoors and limited to the quantity of vehicles in the outside storage area. Staff recommends that the outdoor storage area in between the two building can hold a maximum of five inoperable vehicles. All inoperable or dismantled vehicles shall be stored in between the two buildings or inside a building.

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

The proposed expanded use of the property for automotive sales 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 commission may add, amend, or remove any of the recommended conditions.

Recommendation: Staff recommends **approval** of Conditional Use Permit #22-65 with the following conditions:

- 1.) This permit is to allow sales of automobiles on the property.
- 3.) Any inoperable or partially dismantled vehicles shall be stored inside a building or behind the fenced in area between the two buildings. A maximum of 5 inoperable or



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- partially dismantled vehicles shall be allowed to be stored outside.
- 4.) Any outdoor storage shall be kept within the area behind the six feet high fence and in between the two buildings.
 - 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 separated with a physical barrier such as curbs or landscaping to prevent vehicles from encroaching into the 15 feet setback.
 - 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 and Minnehaha County.

Public Testimony & Discussion

Kevin Hoekman, of county planning staff, presented on overview of the staff report and recommendation to the commission. Kevin also commented that the conditions listed in the staff report have an error, and that there are only ten conditions as opposed to the listed eleven. Finally, Kevin explained that this is because the numbering for the conditions skipped the number two and therefore the numbering is inaccurate.

Commissioner Schwebach stated that he sees the request as a continuation of an existing use and asked if there could be a simple barrier in the parking buffer zone. Commissioner Schwebach also commented that an additional physical barrier could cause issues with snow removal. Kevin Hoekman responded that a low curb stop could be used within the parking buffer area to prevent parking in this area. Commissioner Schwebach followed up to ask if the parking buffer area could be painted with yellow stripes in order to designate it as a no parking area. Kevin Hoekman stated that the commissioners would need to change the condition regarding the parking buffer area in order to allow painted lines, as opposed to a physical barrier.

Commissioner Klein commented that there has not been an issue in the past with parking in the parking buffer area, and that he sees this as a continuation of an existing use. Commissioner Klein then motioned to approve the conditional use permit with the updated condition allowing for painted lines in the parking buffer area.

Commissioner Duffy reminded the commissioners that it is a public hearing, and that they should allow for proponents and opponents to speak before voting on the item.

The petitioner, Joel Mock of 7500 S Bell Circle, Sioux Falls, SD, was present and available for questions from the commission. Mr. Mock stated that he finds the conditions of the permit acceptable. Commissioner Klein asked for Mr. Mock to clarify if the staff recommended conditions or the updated conditions presented by the commission were acceptable. Mr. Mock



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explained that the updated conditions allowing for painted lines within the parking buffer area are acceptable to him.

Action

A motion was made for the city by Commissioner Klein to **approve** Conditional Use Permit #22-65 with the updated conditions allowing for painted lines in the parking buffer area. The motioned was seconded by Commissioner Hoff. The motion passed with 4 votes in favor and 0 votes against the motion.

The same motion was made for the county by Commission Barth to **approve** Conditional Use Permit #22-65 with the updated conditions. The motion was seconded by Commissioner Ralston. The motion passed unanimously with 6 votes in favor and 0 votes against the motion.

Conditional Use Permit #22-65 – Approved with the following conditions:

- 1) This permit is to allow sales of automobiles on the property.
- 2) Any inoperable or partially dismantled vehicles shall be stored inside a building or behind the fenced in area between the two buildings. A maximum of 5 inoperable or partially dismantled vehicles shall be allowed to be stored outside.
- 3) Any outdoor storage shall be kept within the area behind the six feet high fence and in between the two buildings.
- 4) No stacking or piling of outdoor storage shall be higher than 6 feet tall from the ground.
- 5) 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.
- 6) Parking and display of vehicles shall be setback a minimum of 15 feet from the front yard property line.
- 7) The 15 feet required front yard parking setback must be designated and maintained with painted lines to prevent vehicles from encroaching into the 15 feet setback.
- 8) No loading or unloading shall take place in the right-of-way at any time.
- 9) A state dealership license must be maintained as long as vehicles sales continue on the property.
- 10) 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 and Minnehaha County.



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Old Business

None.

New Business

None.

Adjourn

A motion was made for the county to **adjourn** by Commissioner Barth and seconded by Commissioner Randall. The motion passed unanimously.

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

The meeting was **adjourned** at 7:13 p.m.