



**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION
May 22, 2023**

A meeting of the Planning Commission was held on May 22, 2023 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, Doug Ode, Ryan VanDerVliet, Mike Ralston, Adam Mohrhauser, and Joe Kippley.

STAFF PRESENT:

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

Bonnie Duffy chaired the meeting and called the Minnehaha County Planning Commission meeting to order at 8:30 p.m.

PUBLIC COMMENT

Commissioner Duffy opened the floor for public comment and members of the public were in attendance to address the commission.

Dean Sands, of 25531 486th Avenue, Garretson, SD, addressed the planning commission with his concerns regarding the Garretson Gun Club, and handed out a document to the commission regarding his concerns. Mr. Sands stated that over the years, several ricochets from the gun club have landed on or near his property, and that he has tried to work with the gun club to solve this issue in the past. However, since the problem keeps resurfacing he would like to see their conditional use permit recalled and reviewed, so that the gun range can be professionally reviewed to insure that bullets do not leave the property.

TJ Cameron, of 2821 E Daybreak Circle, Brandon, SD, stated to the commission that he is a member of the Garretson Gun Club, and that each member has a key card that controls access to the gun range. Mr. Cameron also commented that access to the gun range is limited to certain hours of the day, and if someone is at the gun range after these hours that would be illegal in his opinion.

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 Randall. The motion passed unanimously with 6 votes in favor and 0 votes against the motion.



**MINNEHAHA COUNTY
PLANNING COMMISSION
MEETING MINUTES**

MAY 22, 2023

ITEM 1. Approval of Minutes – April 24, 2023

As part of the consent agenda, a motion was made by Commissioner Ralston and seconded by Commissioner Randall to **approve** the meeting minutes from April 24, 2023. The motion passed unanimously with 6 votes in favor and 0 votes against the motion.



Consent Agenda

ITEM 2. CONDITIONAL USE PERMIT #23-18 to allow Temporary Fireworks Sales on the properties legally described as the W700' N825' (Ex. Johnson Tracts & Ex. A Tract 40 X 100' E of Johnson Tract 2 & H-1 & H-2 & S213' N824.5' E129' W204' NW¼ & Ex. Swenson Addition Lot 1 & Ex. Holden's Addition to Corson) and the S6' E37' Lot 1 Block 1 Holden's Addition to Corson Village & Swenson's Addition Lot 1 (Ex. H-1) NW¼ NW¼ all in Section 26 T102N-R48W Brandon Township.

Petitioner: Explosive Ventures LLC.

Property Owner: Quentin Johnson

Location: 26014 482nd Avenue

Staff Report: Mason Steffen

General Information:

Legal Description – W700' N825' (Ex. Johnson Tracts & Ex. A Tract 40 X 100' E of Johnson Tract 2 & H-1 & H-2 & S213' N824.5' E129' W204' NW¼ & Ex. Swenson Addition Lot 1 & Ex. Holden's Addition to Corson) and the S6' E37' Lot 1 Block 1 Holden's Addition to Corson Village & Swenson's Addition Lot 1 (Ex. H-1) NW¼ NW¼ all in Section 26 T102N-R48W Brandon Township

Present Zoning – A1 Agricultural

Existing Land Use – Farmstead

Parcel Size – 13.03 Acres

Staff Report: Mason Steffen

Staff Analysis: The subject property is located at the intersection of SD Highway 11 and 260th Street in Corson. Currently, the use of the property is as a farmstead and the petitioner is requesting conditional use permit approval to operate a temporary fireworks stand within a tent on the property. Therefore, approval of this request would allow for annual nine-day retail sales of fireworks from June 27 to July 5.

On May 4, 2023, staff conducted a site visit of the subject property and the surrounding area. The site plan indicates that fireworks will be sold from a tent located in the northwest portion of the property. There are several residential properties to the west of the state highway from this proposed operation, but the temporary increase in traffic and noise to this site should have a minimal impact compared to the existing state highway. The parking on the site will be located to the south of the tent, and the petitioner will be placing temporary promotional signs along SD Highway 11. Finally, given the temporary nature of this request, and the fact that it is on property adjacent to a state highway, the proposed temporary fireworks stand should not overly impact development in the area.

Conditional Use Permit Criteria:

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



Due to the limited timeframe for the firework sales, the proposed use should not have a negative effect on the enjoyment or property values of property in the immediate vicinity. The hours of operation will be limited from 8:00 a.m. to 12:00 a.m., which is consistent with several other firework sale operations approved by conditional use permits.

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

The surrounding properties are a mix of commercial/industrial uses, as well as residential uses, and the temporary nature of the proposed use should not have an impact on future development in the area. Additionally, the property is adjacent to a state highway, so any temporary increase in traffic to this site should not overly impact the surrounding residences.

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

Access to the site will be provided from an existing driveway off of 260th Street to the north of the proposed tent location. The site plan also shows that a dumpster and portable bathrooms will be provided to the west of the tent. Finally, the temporary infrastructure that will be put in place on this property every year will be minimal compared to the existing buildings on the property, and therefore the drainage on the site should not be impacted.

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

There are no specific parking requirements outline in the zoning ordinance for this type of use. However, the general requirement for unspecified nonresidential uses in the ordinance is one parking space for every 300 square feet of building area, so the petitioner would be required to provide at least eight off-street parking spaces. The site plan indicates that the parking for the temporary fireworks operation will be located to the south of the proposed tent location, and there is sufficient space on the property to handle this amount of parking.

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 temporary use should not create odor, fumes, dust, or vibration. Lighting should be directed away from the highway to prevent glare. Additionally, any signage placed on the property for this use will need to meet the regulations in the zoning ordinance, in order to limit any safety concerns. Finally, any public nuisance violations will be addressed upon the Planning Department receiving a complaint about the subject property.

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

The proposal is for a temporary use adjacent to a state highway on land that is in close proximity to other commercial/industrial uses. Therefore, the proposed temporary fireworks stand should not have a negative impact on the general welfare of the public, and will not conflict with the 2035 Envision Comprehensive Plan.

Recommendation: Staff recommends **approval** of Conditional Use Permit #23-18 with the following conditions:

- 1) The property shall adhere to the submitted site plan and narrative.
- 2) That no outside storage shall be allowed at any time.



- 3) The retail sale of fireworks shall abide by all applicable SD laws and regulations.
- 4) That the temporary retail sales of fireworks shall be allowed to operate annually between June 27th and July 5th.
- 5) That the hours of operation for the public shall be between 8:00 am and 12:00 am. Set up and tear down activities outside of the nine-day sales period must take place between 8:00 a.m. and 8:00 p.m.
- 6) Temporary signage for the operation must meet the requirements of Article 16.00 of the Revised Zoning Ordinance for Minnehaha County.
- 7) Temporary signs for the business are allowed to be placed no earlier than June 13th and must be taken down by July 10th.
- 8) That parking shall not be allowed within the public right-of-way at any time.
- 9) That all outdoor lighting shall be of a full-cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 10) That the Planning & Zoning Department reserves the right to enter and inspect the fireworks stand 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 Randall to **approve** Conditional Use Permit #23-18. The motion passed unanimously with 6 votes in favor and 0 votes against the motion.

Conditional Use Permit #23-18 – Approved



ITEM 3. CONDITIONAL USE PERMIT #23-19 to exceed 3,600 square feet of accessory building space (requesting 5,296 sqft.) on the property legally described as Lot A Tract 1 Whitcher's Addition NE¼ Section 17 T103N-R50W Lyons Township.

Petitioner: Justin Murphy

Property Owner: Same

Location: 25221 468th Avenue

Staff Report: Kevin Hoekman

General Information:

Legal Description – Lot A Tract 1 Whitcher's Addition NE¼ Section 17 T103N-R50W Lyons Township

Present Zoning – A1 Agricultural

Existing Land Use – Residential Acreage

Parcel Size – 5.69 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

The petitioner is requesting to build a 50 feet wide by 80 feet long shed exceeding the 3,600 square feet of accessory building space allowed on the property without a conditional use permit. This will be in addition to an existing structure on the property. The property is located east of Lyons where several parcels are platted out. A larger accessory building in a residential subdivision requires approval of a conditional use permit prior to construction.

The petitioner submitted a sketch site plan and sketch outline building plans to support the application. The site plan shows two existing detached accessory buildings exist on the property. One of the exiting buildings is crossed out since it blew down in recent storms. The other existing building is 1,296 square feet will remain on the site. The proposed new building will replace the blown down building with approximately 500 square feet more space than what was previously there. The proposed building will be brought closer to the road on the property. Photos from the site visit show that dirt work has already happened for the new location.

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 shed is shown to be located in the front yard of the property where there has been large driveway space. There will be no new driveways for the shed and it will be used for personal storage. The proposed shed increases the total accessory building area on the property by approximately 500 square feet. With these characteristics, the shed should not have a negative effect on existing uses.

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 an active agricultural production area with a few residential acreages located nearby. Many building eligibilities area used by the residential properties. Further



nonagricultural development in the area will be limited to the remaining building eligibilities. The large building will not likely change future development of ag or residential uses.

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

The property has an existing access onto 468th Avenue. Utilities exit on the developed property. The property owner will need to extend any utilities for the structure at the time of construction.

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

The property is used for a single family dwelling. There is already enough parking on the site for the land use.

5) That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.

The property owner must comply with all rules of the public nuisance ordinance. The CUP should limit the use of the shed to exclude commercial businesses and activities in order to prevent nuisance commercial uses. Lighting should be designed to prevent glare onto neighboring properties.

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

The proposed larger accessory building should not harm the health, safety, or general welfare of the public when conditions are applied.

The application and site plan is for a new 4,000 square foot building. The applicant should be aware that a building permit is still required prior to beginning construction.

Recommendation: Staff recommends **approval** of Conditional Use Permit #23-19 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 5,296 square feet.
- 3.) That the building shall be an accessory use to the continued use of the property as a residential lot. The building shall not be used for commercial purposes.
- 4.) The accessory building shall not be used as a dwelling.
- 5.) That all 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 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**

MAY 22, 2023

Action

As part of the consent agenda, a motion was made by Commissioner Ralston and seconded by Commissioner Randall to **approve** Conditional Use Permit #23-19. The motion passed unanimously with 6 votes in favor and 0 votes against the motion.

Conditional Use Permit #23-19 – Approved



ITEM 4. CONDITIONAL USE PERMIT #23-20 to transfer one (1) building eligibility from the NW $\frac{1}{4}$ SW $\frac{1}{4}$ to the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and to make one (1) building eligibility available in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ all in Section 5 T101N-R51W Wall Lake Township.

Petitioner: Orrin Geide

Property Owner: Same

Location: 46134 263rd Street

Staff Report: Scott Anderson

General Information:

Legal Description – SW $\frac{1}{4}$ Section 5 T101N-R51W Wall Lake Township

Present Zoning – A1 Agricultural

Existing Land Use – Residential Acreage & Farmland

Parcel Size – 160 Acres

Staff Report: Scott Anderson

Staff Analysis:

The property is located approximately 4 miles southwest of Hartford at the intersection of 461st Avenue and 263rd Street. The applicant is requesting to move one building eligibility to the southeast and locate it so it would access 263rd Street and to make one eligibility available. The area in which the building eligibilities are now located is used as cropland. The move would locate the building eligibilities near the applicant's residence and also closer to a buffalo confinement facility. The applicant stated they are moving the eligibilities to be closer to the road. 263rd Street is only 2 miles away from County Highway 151.

On May 1, 2023, staff conducted a site visit. There are several residences and a church located within 1 mile of the proposed location of the transfer.

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.

There are many residences located near the proposed site. A right-to-farm notice covenant should be required to notify potential buyers to the realities of locating in an agricultural area.

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

The transfer of the building eligibilities does not increase the number of dwelling units allowed in this section. The requested location for the eligibilities places them near other residentially used property. Access would have to be approved by the Wall Lake Township. The siting of 2 building eligibilities in this location would have little to no effect on the orderly development of the surrounding properties.



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

No other extra utilities or services will be required for this site to utilize the building eligibilities. It is likely that rural water and electricity are already located in the ditch. There is already an approach onto the proposed building site. Wall Lake Township will need to approve the location of any new driveways to be used for the new lots.

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

The off-street parking requirements will be provided for once a single-family residence is constructed on the subject property.

5) That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.

The proposed conditional use will not cause odor, fumes, dust, noise, vibrations or lighting in any amounts that would constitute a nuisance.

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

The proposed conditional use will have no effect on the health, safety and general welfare of the public. Placing the building eligibilities in this location will enhance the productivity of the rest of this quarter section and locate the building eligibilities in closer proximity of similar uses.

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 #23-20 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.
2. Approval from Wall Lake Township must be obtained for the location of any new driveway before a building permit is to be issued.

Action

As part of the consent agenda, a motion was made by Commissioner Ralston and seconded by Commissioner Randall to **approve** Conditional Use Permit #23-20. The motion passed unanimously with 6 votes in favor and 0 votes against the motion.

Conditional Use Permit #23-20 – Approved



ITEM 5. CONDITIONAL USE PERMIT #23-21 to expand the Mini Storage Facility on the property legally described as Tract 3 Oyen's Addition to include the property legally described as Tract 4 Oyen's Addition all in the W½ NE¼ Section 1 T103N-R50W Lyons Township.

Petitioner: Performance Property Management LLC.

Property Owner: Same

Location: Approximately 1.5 miles west of Baltic at the I-29 & 250th Street Intersection

Staff Report: Mason Steffen

General Information:

Legal Description – Tract 4 Oyen's Addition W½ NE¼ Section 1 T103N-R50W Lyons Township

Present Zoning – C Commercial

Existing Land Use – Mini Storage Units/Vacant Lot

Parcel Size – 12.91 Acres

Staff Report: Mason Steffen

Staff Analysis: The subject properties are located in the southwest corner of the Baltic exit off of Interstate 29. The existing storage unit facility on Tract 3 has been in operation since 2019, and Tract 4 was recently rezoned to C Commercial earlier this year in preparation for this expansion request. Finally, the submitted site plan shows the potential for five new storage unit buildings, with the two buildings on the east side being developed first, and the others allowing for future growth of the operation.

On May 4, 2023, staff conducted a site visit of the subject property and surrounding area. There are existing tree groves on the north and east sides of the subject property, which will help screen the storage buildings from the existing residential properties. Additionally, having direct access onto a paved county highway, adjacent to other commercial uses, will limit any traffic concerns that the new storage unit buildings may cause. This corner of the intersection also already consists of mostly commercial uses, so allowing the expansion of an existing commercial use onto this property will not overly impact the surrounding area. The petitioner has also stated that the elevation on the property will be changed, in order to better control drainage, and therefore a grading plan will be required prior to development. Finally, the Envision 2035 Comprehensive Plan designates the Baltic exit as a rural service area and encourages this type of development at this intersection.

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 expansion of the existing commercial use on an adjacent property should not overly impact the uses already permitted in the area. Most of the neighbors to this operation are existing commercial businesses, and the remaining residences to the east will be setback several



hundred feet from the proposed storage buildings. Finally, the elevation on this property will be reduced by several feet, which will help screen the buildings from the surrounding residences.

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

This area around the Baltic exit off of Interstate 29 is designated for future commercial/industrial growth. The expansion of the existing storage unit business onto this property will not impact other vacant property in the area, and will be consistent with the uses predominant in the area.

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

The existing operation to the north has access onto the county highway and this expansion will utilize this access. The petitioner will also be constructing a new driveway access between the existing property and the expansion property, which is shown on the submitted site plan.

Additionally, the petitioner will be required to extend all other necessary utilities to the new property, including a septic system for any potential sewage from the operation. Finally, the petitioner has stated in the narrative that the elevation on the east side of the property will be lowered by several feet, in order to direct a majority of the drainage from the operation to the west, and a grading plan will be required prior to development.

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

The buildings will need to be spaced wide enough to allow for temporary parking, and the subject property is large enough to allow for this temporary parking. In addition, no permanently parked vehicles will be allowed as outdoor storage. Finally, any parking areas and driveways will be required to be hard surfaced in accordance with Article 15.00 of the 1990 Revised Zoning Ordinance for Minnehaha County.

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.

Lighting and glare from this type of operation does have 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 of the property. The petitioner has stated that they will not be installing lights on the east side of building number one, which will help limit potential glare to the neighboring residential properties. Finally, commercial businesses will not be allowed to operate in the storage units, which will reduce the chances of any other types of nuisance being created by this facility.

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

It is unlikely that the requested expansion will create any additional health, safety or welfare concerns. Also, the proposed expansion property was rezoned to C Commercial earlier this year, specifically to allow for this use. Finally, this area is designated as a rural service area in the comprehensive plan, and rural service areas specifically allow for this type of commercial and industrial development.



Recommendation: Staff recommends **approval** of Conditional Use Permit #23-21 with the following conditions:

- 1) That the petitioner shall submit a site plan and grading plan for final approval by the Planning & Zoning Department before development can occur.
- 2) That no outside storage shall be allowed at any time.
- 3) That no commercial businesses shall be allowed to operate within the storage units.
- 4) That all driving and parking areas shall be hard surfaced in accordance with Article 15.00 of the 1990 Revised Zoning Ordinance for Minnehaha County.
- 5) That all outdoor lighting shall be designed to prevent direct spillage of light beyond the property boundaries.
- 6) That no lighting shall be installed on the east side of building number one, as indicated on the submitted site plan and narrative.
- 7) That building permits shall be required for each storage unit building and for any signage.
- 8) 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 Randall to **approve** Conditional Use Permit #23-21. The motion passed unanimously with 6 votes in favor and 0 votes against the motion.

Conditional Use Permit #23-21 – Approved



Old Business

Mason Steffen, of county planning staff, updated the planning commission regarding conditional use permit #23-14, which was heard at the planning commission meeting in April. Mr. Steffen explained that the item was appealed to the county commission, and was heard at their meeting on May 16th, 2023. At this meeting, the item was deferred until August 16th, 2023 in order to allow the petitioner more time to work with the city of Sioux Falls regarding the access onto the property.

New Business

Kevin Hoekman, of county planning staff, presented to the planning commission an overview of how the county currently regulates shipping containers, and what the potential options could be for new regulations. After the presentation, there was discussion between staff and the commission on how to move forward with this issue, and the consensus was that the planning commission would like to see shipping containers regulated as a structure. Finally, planning staff stated that they will begin working on a potential ordinance to regulate shipping containers and will present this ordinance to the planning commission at a later date.

Commissioner Randall commented that the public comments regarding the Garretson Gun Club reminded her of a similar situation with the Brandon Gun Club, and that with that issue the planning commission and planning staff were able to work with the owners to make the operation safer.

Commissioner Ralston stated that he is also concerned with this issue and that the Garretson Gun Club has admitted to bullets leaving the range, which he sees as an issue that the planning commission may have a responsibility to address.

Scott Anderson, the County Planning Director, explained to the planning commission the options for addressing the Garretson Gun Club complaint. Mr. Anderson explained that the planning office could send a letter to the property owners regarding the complaint, in order to try and work with them, or the planning commission could choose to recall and review the conditional use permit.

Commissioner Kippley commented that he would like planning staff to contact the owners of the Garretson Gun Club, so that they can hear their side of issue, before the planning commission takes any action on the conditional use permit.

Adjourn

A motion was made to **adjourn** by Commissioner VanDerVliet and seconded by Commissioner Randall. The motion was approved unanimously. The meeting was adjourned at 9:02 p.m.