



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

JUNE 26, 2023

**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & DELL RAPIDS PLANNING COMMISSIONS
June 26, 2023**

A joint meeting of the County and City Planning Commission was held on June 26, 2023 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Bonnie Dufy, Mike Ralston, Ryan VanDerVliet, Adam Mohrhauser, and Joe Kippley.

CITY PLANNING COMMISSION MEMBERS PRESENT: Tom Schwebach, Virgil Klein 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.

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 #3 was requested to be moved to the regular agenda by the City of Dell Rapids Planning Commission.

A motion was made for the County by Commissioner Mohrhauser and seconded by Commissioner VanDerVliet to approve the consent agenda consisting of Items 1 & 2. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.

The same motion was made for the City by Commissioner Hoff and seconded by Commissioner Klein to approve the consent agenda consisting of Items 1 & 2. The motion passed unanimously with 3 votes in favor and 0 votes against the motion.

ITEM 1. Approval of Minutes – September 26, 2022

A motion was made for the County by Commissioner Mohrhauser and seconded by Commissioner VanDerVliet to **approve** the meeting minutes from September 26, 2022. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.

The same motion was made for the City by Commissioner Hoff and seconded by Commissioner Klein to **approve** the meeting minutes from September 26, 2022. The motion passed unanimously with 3 votes in favor and 0 votes against the motion.



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Consent Agenda

ITEM 2. CONDITIONAL USE PERMIT #23-16 to allow a Contractor's Shop & Storage Yard on the property legally described as Lot 1 Tract 1 Pliska's Addition W½ SE¼ Section 12 T104N-R50W Burk Township.

Petitioner: Douglas Crosby

Property Owner: Buss Properties LLC.

Location: 47167 Lindy Circle

Staff Report: Kevin Hoekman

General Information:

Legal Description – Lot 1 Tract 1 Pliska's Addition W½ SE¼ Section 12 T104N-R50W Burk Township.

Present Zoning – C Commercial

Existing Land Use – Commercial Office Building and Seed Sales

Parcel Size – 3.35 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

This request is to allow a contractors shop and storage yard on the described property. The petitioner is planning to use the property for a mix of uses including processing aggregate for landscape use and utilizing space for contractor storage and warehousing. A contractor shop and storage yard is allowed in the C-Commercial zoning district with the approval of a conditional use permit.

The petitioner submitted a sketch plan of the property layout and a brief narrative describing what will take place on the site. Aggregate will be piled on the southeast corner of the property. A conveyor will move aggregate to the existing bins and building where workers will bag the aggregate for retail use and sale. The petitioner also plans to use space on the property for contractor storage. The narrative and site plan indicate additional warehouse space may be constructed in the future for indoor storage.

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 proposed use will take place on a commercial zoned lot in an area largely zoned for industrial uses. The west and south sides of the property are formed by the Interstate 29 on ramp and SD Highway 115. The property to the north is a vacant industrial lot, and the property to the east is a veterinarian clinic. Other properties in the area are a mix of industrial uses and manufacturing. A large car sales lot is located to the south of the state highway. The nearest dwelling is located to the northeast of the property; however, the dwelling is located within the industrial area of the park and it is an expanded non-conforming use. The owner of the dwelling should be aware of additional industrial type uses expanding in the area.



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The proposed use has some possible effects on neighboring properties. Handling aggregate will likely create dust, but the applicant explains that in the narrative that there will be a wash area to remove dust potential onto neighboring properties. The petitioner explained at the time of application that he expects that there will be multiple shifts per day during the peak production of the year. This will mean early starts and late finishing of work. The area is primarily industrial and commercial uses that will not be affected by long hours of operation.

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

Many parcels in the area have been developed except for the lot directly north of the site. The lot to the north is zoned for industrial use and the proposed use will not likely affect future development on the vacant parcel.

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

The property is already developed with an existing building and seed bins. Utilities are already present on the site. Drainage will not change with the planned development until new buildings are constructed in the future.

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

The parcel is large and capable of meeting parking requirements and handling all loading and unloading on the site. The pavement on Lindy Circle ends before the end of the circle so the property does not require hard surfacing at this time. No on-street loading and unloading shall be allowed at any time. No on-street parking by employees or customers is allowed either.

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 project will have aggregate, outdoor storage, and long hours of operation. The petitioner explained in the narrative that water will be used to reduce dust and most operations will take place within the building. The elevation of the property is lower than the highway and screening outdoor storage would not be effective over the raised highway and interstate on-ramp. The existing building and seed bins provide some screening from the neighboring vet clinic.

There will be a pile of aggregate on the property. The pile will be largely screened from view by the highways, but there should be a limit to the total allowed height of the aggregate pile. Staff is suggesting that the height of the aggregate pile be limited to 20 feet from the ground to keep the pile in relation to the neighboring highways.

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

The proposed use should have little negative impacts on the health, safety, and general welfare of the public. The petitioner explains that the coloring product used on the aggregate is non-toxic and does not need any special labeling or handling. The property is located within a rural service area of the comprehensive plan. Many industrial and commercial businesses already exist in the neighborhood.

Recommendation: Staff recommends **approval** of Conditional Use Permit #23-16 with the following conditions:



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- 1.) The facility shall conform to the submitted site plans. Any minor changes may be approved by the Planning Director at the Minnehaha County Planning Department. Major changes will require an amendment to this permit and a public hearing.
- 2.) Outdoor storage shall not include scrap metals, debris, unlicensed vehicles, inoperable vehicles, garbage, chemicals, or similar type items.
- 3.) No storage of regulated substances shall be allowed.
- 4.) Outdoor storage of aggregate shall not exceed 20 feet in height from the ground elevation.
- 5.) Building permits are required for all structures and any signage.
- 6.) Parking, loading, and unloading must take place on the property, and no parking, loading, or unloading may take place in the right of way.
- 7.) The Planning & Zoning Department reserves the right to enter and inspect the facility 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 Minnehaha County Zoning Ordinance.

Action

A motion was made for the County by Commissioner Mohrhauser and seconded by Commissioner VanDerVliet to **approve** Conditional Use Permit #23-16. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.

The same motion was made for the City by Commissioner Hoff and seconded by Commissioner Klein to **approve** Conditional Use Permit #23-16. The motion passed unanimously with 3 votes in favor and 0 votes against the motion.

Conditional Use Permit #23-16 – Approved



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Regular Agenda

ITEM 3. CONDITIONAL USE PERMIT #23-29 to allow Storage Units & Outdoor Storage on the properties legally described as Keneficks Subdivision Lot E of Lot 11 E½ and Lot D (Ex. Lot G) Subdivision Lot 11 Keneficks Subdivision all in Section 16 T104N-R49W Dell Rapids Township.

Petitioner: C & J Properties

Property Owner: Darlene Feehan

Location: 24665 S Garfield Avenue

Staff Report: Kevin Hoekman

General Information:

Legal Description – Keneficks Subdivision Lot E of Lot 11 E½ and Lot D (Ex. Lot G) Subdivision Lot 11 Keneficks Subdivision all in Section 16 T104N-R49W Dell Rapids Township.

Present Zoning – I-1 Light Industrial

Existing Land Use – Vacant Industrial Lot

Parcel Size – Approximately 4.04 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

The subject property is located south of Dell Rapids on Garfield Avenue. Most of the section of Garfield Avenue in front of the property is paved and maintained by the city. South of the parcel is gravel road maintained by Dell Rapids Township. The area around the parcel is mostly industrial with the exception of a line of residential acreages along the gravel section of the road.

The parcel is a portion of a former airstrip with a portion of the asphalt runway surface still in place. The petitioner submitted site plans for the proposed storage units. The property is proposed to be developed in phases. The first phase will include a building of approximately 40 smaller storage units in the northwest corner of the property. In addition, the existing asphalt runway is planned for outdoor storage of items such as recreational vehicles, boats, and similar items. The next phases will develop from west to east with larger units and larger buildings.

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 a developing industrial area. The land to the north, west and south of the property is industrial in the rural joint jurisdiction. The land across Garfield Avenue is industrial land annexed into the city of Dell Rapids. A line of about seven rural acreages extend southeast of the site on the east side of Garfield Avenue. The closes resident is across the southeast corner of the property. The proposed development will not likely affect the existing industrial uses in the area. Storage units generally do not create nuisances such as noise and dust, and mitigation of potential nuisances are discussed 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.

There are many vacant parcels and land yet to be developed along Garfield Avenue. Much of the land is zoned for industrial uses. The land to the southeast of the site including the residential acreages are zoned A1-Agriculture. The industrial areas are likely to continue to develop and increase in density and traffic. The Dell Rapids Comprehensive Plan includes the property as a future commercial land use with the land to the southeast of the site as future single-family development. The proposed storage units should conform to industrial and commercial uses. Residential uses will likely continue with the few acreage sites for some time until further residential properties develop to the east.

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

The petitioner will be required to obtain any necessary utilities. The Dell Rapids Comprehensive plan notes that utilities are present nearby, but the landowner will need to extend the utilities with their own funds. Storage units generally use few utilities such as water and sewer. Developing the site will increase storm water. Conditional use permits in the county rarely require storm water management as part of the approval, however storm water management can be a condition of approval as the property will likely be annexing into the city as the city continues to develop southward. Extra rooftops and hard surfacing will increase storm water runoff from the site.

Since the property is accessed from a hard surfaced road, the driveways and parking must be hard surfaced as well. Hard surfacing is a requirement of Article 15 of the joint zoning ordinance.

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

The property is large and customers of storage units often arrive at staggered times at staggered locations. Off street parking requirements will be met. No loading or unloading shall take place within 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.

Storage units do not typically produce offensive odor, fumes, noise, or vibrations. They can however, produce offensive lighting and have other visual impacts of negative sight lines. Outdoor storage has the greatest potential for unsightliness. The proposed plan shows that outdoor storage will be phased out as new buildings are constructed. Since outdoor storage is planned for temporary use while development continues, staff is not recommending any screening at this time. Lighting must be directed away from any property lines to prevent glare. All exterior lighting shall be cutoff design and directed downward to prevent glare from nearby residential uses.

Early in the notification process, a nearby resident expressed concern that the proposed use will create additional traffic and dust along the unpaved portion of Garfield Avenue. The nearby resident requested dust control for the township road. Currently, the property generates nearly zero traffic. Any new development on the property will increase traffic to the property; however, traffic from storage units will be minimal. In addition, the primary access for the property is from



the paved portion of Garfield Avenue. It would difficult to determine that new traffic for the storage units travels on the gravel portion of the road, or if new traffic is a result of other development in the area. Most traffic to and from the storage units will be personal vehicles with possible personal trailers, not commercial traffic with semi-truck trailers or similar large vehicles. The Joint Planning Commission may consider conditions such as dust control, but staff is not including a dust control condition within this recommendation.

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

The proposed storage units are industrial style development in an industrial area. The area is in a rural service area conducive for further growth of commercial and industrial land uses. The amount of utility required for storage units is low with no need for water or sewer connection.

Recommendation: Staff recommends **approval** of Conditional Use Permit #23-29 with the following conditions:

- 1) The property shall conform to the submitted site plan. The planning director can approve minimal changes; major amendments must obtain a new conditional use permit.
- 2) No commercial or human occupancy shall be allowed on the property in the storage units.
- 3) That all driving, parking, and storage areas shall be hard surfaced in accordance with Article 15.00 of the 2001 Revised Joint Zoning Ordinance for Minnehaha County and the City of Dell Rapids.
- 4) That all outdoor lighting shall be designed to prevent direct spillage of light beyond the property boundaries.
- 5) That building permits shall be required for each storage unit building and for any signage.
- 6) 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 2001 Revised Joint Zoning Ordinance for Minnehaha and the City of Dell Rapids.

Public Testimony & Discussion

Kevin Hoekman, of county planning staff, explained the staff report and recommendation to the planning commission. Kevin also explained that after discussion with city planning staff, it was determined that city staff would like to see a pre-annexation agreement with the city placed on this permit as a condition of approval.

Commissioner Hoff asked city planning staff to further explain this additional condition, given that the commission had only received the information earlier the same day. Justin Weiland, the City of Dell Rapids Administrator, explained to the commission that the pre-annexation agreement would be a document signed by the owners of the land stating that they would not block the annexation of the property in the future. Mr. Weiland also explained that the subject property is the only undeveloped lot within this industrial park that is adjacent to the south side of the city, so this property would be the logical place to begin annexing properties in the area. Mr. Weiland finally stated that the city believes that now, during this special permitting process, is the proper time to require a pre-annexation agreement so that problems do not arise in the future regarding annexation.



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Commissioner Hoff then asked city staff if there were any current plans to annex the property to the north of the subject property. Justin Weiland commented that currently there are no plans to annex these properties.

Commission Schwabach then asked city staff if they had talked to the applicant regarding the pre-annexation agreement and what the timeline for annexation would be in this area. City staff explained that they have been in contact with the petitioner, and that the timeline for future annexations would be determined based on available funding.

The petitioners, Cody Sundermann & Jamie Nielson, addressed the commission regarding their proposed operation. Mr. Sundermann explained the proposed phases for the operation and stated that the plan is to build the buildings from west to east on the property. Mr. Sundermann also explained that the buildings will be for cold storage, and will not need city services until future phases of the project, where at that time it would be their intention to annex into the city.

Commissioner Hoff asked the petitioners if they have any opposition to the additional condition for a pre-annexation agreement. The petitioners explained that they are okay with signing a pre-annexation agreement because they have no plans to block future annexation of the property, but that they are uneasy with signing the agreement without knowing the annexation fees.

Peter Deacon, of 24668 S Garfield Avenue, Dell Rapids, SD, came to the podium and addressed the commission with his concerns regarding the proposed operation. Mr. Deacon explained that S Garfield Avenue changes from an oil road to a gravel road directly in front of his property. Mr. Deacon also stated that semis and other industrial traffic use this gravel road as a bypass into the city, and that this operation will increase the traffic on this gravel portion of the road. Finally, Mr. Deacon stated that he is not against the proposed operation, but that he wants the commission to take action to protect the gravel road.

Commissioner Schwabach commented that the access to the operation will be on the paved portion of the road that is maintained by the city of Dell Rapids, and not on the gravel portion of the township road.

Commissioner Duffy also commented that the gravel portion of S Garfield Avenue would be maintained by Dell Rapids Township, and that it would be in the neighbor's interest to work with the township regarding the maintenance issue.

Eric Fiegen, a Dell Rapids Township Supervisor, stated to the commission that the subject property is taxable land for the township, since it has not been annexed, and that the township would have preferred to be notified of the request. Mr. Fiegen also commented that the township has concerns regarding traffic on the gravel road, and that they would like the commission to take that into consideration.

Commissioner Schwabach commented that most of traffic to the site will be coming from the city to north and will use the paved portion of S Garfield Avenue.



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Action

A motion was made for the County by Commissioner VanDerVliet to **approve** Conditional Use Permit #23-29 with the conditions recommended by staff and an additional seventh condition regarding a pre-annexation agreement. The motion was seconded by Commission Ralston. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.

The same motion was made for the City by Commissioner Klein to **approve** Conditional Use Permit #23-29 with the conditions recommended by staff and an additional seventh condition regarding a pre-annexation agreement. The motion was seconded by Commission Hoff. The motion passed unanimously with 3 votes in favor and 0 votes against the motion.

Conditional Use Permit #23-29 – Approved with the following conditions:

- 1) The property shall conform to the submitted site plan. The planning director can approve minimal changes; major amendments must obtain a new conditional use permit.
- 2) No commercial or human occupancy shall be allowed on the property in the storage units.
- 3) That all driving, parking, and storage areas shall be hard surfaced in accordance with Article 15.00 of the 2001 Revised Joint Zoning Ordinance for Minnehaha County and the City of Dell Rapids.
- 4) That all outdoor lighting shall be designed to prevent direct spillage of light beyond the property boundaries.
- 5) That building permits shall be required for each storage unit building and for any signage.
- 6) 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 2001 Revised Joint Zoning Ordinance for Minnehaha and the City of Dell Rapids.
- 7) The applicant must sign a pre-annexation agreement with the city of Dell Rapids prior to the issuance of a building permit or allowing any outdoor storage.



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Old Business

None.

New Business

None.

Adjourn

A motion was made for the County to **adjourn** by Commissioner VanDerVliet and seconded by Commissioner Mohrhauser. The motion passed unanimously.

The same motion was made for the City by Commissioner Klein and seconded by Commissioner Hoff. The motion passed unanimously.

The meeting was **adjourned** at 7:20 p.m.