



**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION
November 27, 2023**

A meeting of the Planning Commission was held on November 27, 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, Mike Ralston, Adam Mohrhauser, Ryan VanDerVliet and Joe Kippley.

STAFF PRESENT:

Scott Anderson, Kevin Hoekman, & 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 7:25 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 2 was requested to be moved to the regular agenda by a member of the public.

A motion was made to **approve** the consent agenda consisting of Items 1, 3, & 4 by Commissioner Ralston and seconded by Commissioner Mohrhauser. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.

ITEM 1. Approval of Minutes – October 23, 2023

As part of the consent agenda, a motion was made by Commissioner Ralston and seconded by Commissioner Mohrhauser to **approve** the meeting minutes from October 23, 2023. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.



Consent Agenda

ITEM 3. CONDITIONAL USE PERMIT #23-58 to exceed 3,600 square feet of accessory building area (requesting 7,080 square feet) on the property legally described as Tract 3 Carrette's Subdivision N½ NE¼ Section 36 T104-R49W Dell Rapids Township.

Petitioner: Chad Nesburg

Property Owner: Same

Location: 24923 478th Avenue

Staff Report: Mason Steffen

General Information:

Legal Description – Tract 3 Carrette's Subdivision N½ NE¼ Section 36 T104-R49W
Dell Rapids Township

Present Zoning – A1 Agricultural

Existing Land Use – Residential Acreage

Parcel Size – 5.56 Acres

Staff Report: Mason Steffen

Staff Analysis: The petitioner is requesting conditional use permit approval to allow for 7,080 square feet of residential accessory building area on the subject property. In October, the petitioner was approved for a 59' x 61' accessory building, which is less than the 3,600 square footage maximum for a property of this size. After this building permit was approved, the petitioner determined that they want to have a larger building, and are now requesting approval to allow for a 59' x 120' building. Therefore, this request would allow the petitioner to add a 59' x 59' addition onto their already approved 59' x 61' accessory building. The narrative submitted by the petitioner also included a reference to office space for their stump grinding operation being located within this accessory building. Planning staff has informed the petitioner that in order to operate a business out of this accessory building, they would need to apply and be approved for a Home Occupation permit. After discussion with the petitioner, they have elected to remove the office space from the accessory building, and a condition has been added to this permit prohibiting commercial uses within the building without a Home Occupation permit.

On November, 8, 2023, staff conducted a site visit of the subject property and the surrounding area. The property is located along 478th Avenue, near the intersection of 249th Street, and there are several similar sized acreages in immediate area. This proposed accessory building would be the largest in the immediate area, but the neighbor directly to the north does have a 40' x 80' accessory building. Finally, the predominant land use in this area is agricultural, and the proposed accessory building on an existing acreage should not impact the agricultural use of the surrounding land.

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 be no negative effects upon the use and enjoyment of residential properties in the immediate vicinity. The building will be setback over a hundred feet from the neighboring property lines, and the petitioner has planted shelter belt trees around the perimeter of the property that will eventually help screen the building. Property values in the immediate vicinity should also not be negatively impacted due to the personal use of the proposed accessory building addition.

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 located within a subdivision of multiple three to five acre lots. Most of the other land in the area is used for farm ground, and any future residential growth will be limited to the availability of existing building eligibilities. Therefore, the vacant land in the area will remain agricultural in use for the foreseeable future, and this proposed accessory building will not impact these uses.

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 accessed by the same driveway as the dwelling on the property. Finally, the accessory building should not have any overly negative effects on the drainage in the 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 proposed addition to the already approved 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 uses will be allowed in the proposed accessory building, unless the petitioner obtains a Home Occupation permit prior to the beginning of operations. Any public nuisance violations will be addressed upon the Planning Department receiving a complaint about the subject property. All outdoor lighting will need to be directed downward onto the property, and lighting must 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, general welfare of the public will not be negatively affected by the construction of the proposed accessory building addition for personal use and storage. The proposed use of the accessory building is compatible with the existing accessory buildings in the surrounding area, and conforms to the goals of the 2035 Envision Comprehensive Plan.

Recommendation: Staff recommends **approval** of Conditional Use Permit #23-58 with the following conditions:

- 1) That the total accessory building square footage shall not exceed 7,080 square feet.
- 2) That the building shall be an accessory use to the continued use of the property as a residential lot, and the building shall not to be used as a dwelling at any time.



- 3) That the petitioner shall be required to obtain a Home Occupation permit, prior to beginning any commercial uses within the accessory building. If a Home Occupation is not approved for this property then any commercial use of the accessory building shall not be allowed.
- 4) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 5) That a building permit shall be required prior to the construction of the addition to the accessory building.
- 6) 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 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 Mohrhauser to approve Conditional Use Permit #23-58. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.

Conditional Use Permit #23-58 – Approved



ITEM 4. CONDITIONAL USE PERMIT #23-59 to allow Motor Vehicle Sales on the property legally described as Lots 5 & 6 Block 4 Rowena Original Section 26 T101N-R48W Split Rock Township.

Petitioner: Mitchell Whitfield

Property Owner: F & K Assam Family LLC

Location: 48271 Highway 42

Staff Report: Kevin Hoekman

General Information:

Legal Description – Lots 5 & 6 Block 4 Rowena Original Section 26 T101N-R48W Split Rock Township

Present Zoning – C Commercial

Existing Land Use – Vacant Office Building

Parcel Size – .35 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

The petitioner is requesting to operate a motor vehicle sales establishment on the property at 48271 SD Hwy 42. The property is located in the approximate center of Rowena, and it is zoned C-Commercial. The property changed through many different commercial businesses over the years. It was a used car dealership in the past, but the permit for that use expired while other businesses filled the space. A conditional use permit is required for motor vehicle sales to take place on the property.

The petitioner submitted a narrative and site plan for the proposed motor vehicle sales lot. The narrative explains that the goal of the business is to utilize the existing amenities of the site and sell used cars. No garage is available on the site and vehicle repair is not included in the narrative as a component of the business. The stated hours of operation is Monday through Friday from 9:00 am to 6:00 pm. A new sign is described in the narrative to replace the existing one. The petitioner must be aware that a building permit is required to replace the sign. The replacement sign must be placed on the property and not in the right-of-way. The property is located within the Red Rock Corridor Overlay District which restricts signs to a maximum height of ten feet.

The petitioner included a detailed site plan with the application. The existing building and parking areas will be used with display cars lining the outside of the property. Customer and employee parking will be placed near the building. The parking lot is already surfaced with asphalt. The petitioner should be aware that the asphalt on the east side of the property extends into the right-of-way of Douglas Avenue. Vehicles should not be parked or displayed within the right-of-way.

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 zoned C-Commercial and has had numerous types of businesses over the years. The proposal will operate with typical business hours and not have any garage. The lack of garage removes much potential for concerns such as noise, pollution, or accumulation of broken down vehicles. The narrative states the intent of the business is to sell reliable preowned vehicles. Vehicles for sale should not include damaged or wrecked vehicles.

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 the approximate center of Rowena. Rowena is mostly developed with the neighboring vacant land owned by the same property owner of this parcel. Other commercial and industrial uses are located on nearby parcels mostly on the north side of the state highway. If the sale lot is successful it may lead to further commercial development in the area.

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

The property is already developed and no significant changes will be made to the building or site. Access can be made from the state highway and Douglas Avenue. No new utilities will be required.

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

The property has existing parking area surfaced with asphalt. The asphalt parking area meets parking requirement. The property is small, and it may be difficult to unload trucks used to transport vehicles for sale to the property. Loading and unloading vehicles in the right-of way is prohibited. The property owner may make arrangements with neighboring property owners or the adjacent property to provide loading and unloading space.

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 petitioner is utilizing an existing property for the sale of motor vehicles. Without any garage or repair facilities, nuisances such as odor, fumes, dust, noise, and vibration should not be created by the use. If lighting is used to illuminate the lot, lights should be cutoff and pointed away from neighboring uses.

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

The proposed use of the property for motor vehicle sales should have reasonable conditions to prevent negative affects to public health, safety, and general welfare and to meet the zoning ordinance. Staff finds the recommended conditions adequate to ensure this result.

Recommendation: Staff recommends **approval** of Conditional Use Permit #23-59 with the following conditions:

- 1.) This permit is to allow sales of motor vehicles on the property.
- 2.) A motor vehicles for sale shall be in working condition. No damaged or repairable vehicles shall be offered for sale.
- 3.) 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.
- 4.) Parking and display of vehicles shall meet required parking setbacks for the property.



- 5.) No loading or unloading shall take place in the right-of-way at any time.
- 6.) A state dealership license must be maintained as long as vehicles sales continue on the property.
- 7.) 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.

Action

As part of the consent agenda, a motion was made by Commissioner Ralston and seconded by Commissioner Mohrhauser to approve Conditional Use Permit #23-59. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.

Conditional Use Permit #23-59 – Approved



Regular Agenda

ITEM 2. REZONING #23-07 to rezone from the A-1 Agricultural District to the C Commercial District 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: Annette Krenke

Property Owner: Same

Location: 25782 472nd Avenue

Staff Report: Scott Anderson

General Information:

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

Present Zoning – A-1 Agricultural

Existing Land Use – Residential Acreage

Parcel Size – 4.97 Acres

Staff Report: Scott Anderson

Staff Analysis: Rezoning #23-07 is a request to rezone property from the A-1 Agricultural District to the C Commercial District. The property is located in the northeast corner of the I-29 and Hwy 130 interchange, commonly referred to as the Crooks exit. The area to be rezoned is just under 5 acres in size. This parcel contains one residence that uses the building eligibility. Rezoning the parcel to C Commercial will make the residence a non-conforming use, which will limit any future residential uses on the subject property.

There is commercial and industrial zoning located at this intersection. The proposed rezoning would expand the commercial development slightly to the north of the existing commercial storage units located on the property to the south.

The Minnehaha County Comprehensive Plan encourages commercial uses at interstate highway interchanges and high traffic intersections. Such uses should be developed in a nodal pattern and geared to the support of highway users. The subject property meets this criterion.

Access to the property is from Co. Highway 133. Any changes to that access will need to be approved by the County Highway Department. Because the access to the site is from a hard-surfaced road, the parking and driving portions of the lot are required to be hard surfaced.

Recommendation: Staff finds that the proposed rezoning conforms to the goals and policies of the Envision 2035 Comprehensive Plan and recommends **approval** of Rezoning #23-07 to rezone the subject property from the A-1 Agricultural District to the C Commercial District.

Public Testimony & Discussion

Scott Anderson, the County Planning Director, presented an overview of the staff report and recommendation to the commission.



The petitioner, Annette Krenke of 3905 Martindale Road, Sioux Falls, SD, was present and available for questions from the commission. Mrs. Krenke explained that her family has decided to sell the subject property because the existing house is in need of repairs and updates. Mrs. Krenke also stated that she is petitioning to change the zoning of this property to commercial in order to sell the property.

Stephen Wright, of 25772 472nd Avenue, Renner, SD, expressed his concerns with the proposed rezoning to the commission. Mr. Wright stated that allowing this property to be rezoned to commercial will have an impact on the value of his property directly to the north, and that he does not want to live next door to commercial uses.

Commissioner VanDerVliet stated that he believes this proposed rezoning will not impact the neighboring property values, and that there are already existing commercial uses in the area.

Commissioner Ralston commented that he understands the neighbor's fear of the unknown in regards to what commercial uses will be placed on this property, but that this is not the first property to be rezoned to commercial in this area.

Action

A motion was made by Commissioner VanDerVliet and seconded by Commissioner Ralston to recommend **approval** of Rezoning #23-07. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.

Rezoning #23-07 – Approval Recommended



Old Business

None.

New Business

Scott Anderson, the County Planning Director, explained that the Planning Department has begun the process of updating the 2035 Envision Comprehensive Plan, and that planning staff will be presenting two of the updated chapters to commission.

Mason Steffen, of county planning staff, provided an overview of the updates to the Population & Employment Analysis chapter of the comprehensive plan. The updated graphs that were presented included new population projections, new age distribution projections, new employment statistics, and new economic data for the county. The main highlight of these updates was to show that the population in the county is continuing to steadily increase and is projected to grow to almost 250,000 residents in the next twenty years. Finally, another highlight from this chapter was that the number of people living and working in the county has increased at approximately the same rate as the decrease of people commuting to the county for employment.

Kevin Hoekman, of county planning staff, presented an overview of the updates to the Existing Land Use Analysis chapter of the comprehensive plan. Kevin provided the commission with updated land use data for the county and highlighted the major changes from the previous comprehensive plan in 2015. He explained that since the last comprehensive plan the County Equalization Office has updated their land use codes, and so this caused several of the categories to change significantly even if the land use did not necessarily change. One other highlight from the land use data was that since the last comprehensive plan was adopted, the county has lost approximately 900 acres of land per year to annexations by cities. Kevin also highlighted several of the development trends that have taken place in the county over the last several years. These included the need for more agricultural workforce housing, the availability and use of residential building eligibilities, and the increasing proximity of existing commercial/industrial developments in the county to the city limits of several cities.

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 8:08 p.m.