



**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION
January 22, 2024**

A meeting of the Planning Commission was held on January 22, 2024 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, Mike Ralston, and Joe Kippley.

STAFF PRESENT:

Scott Anderson, Kevin Hoekman, and 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 7:00 p.m.

ITEM 1. Election of Officers for 2024

Commissioner Ode made a motion to nominate Bonnie Duffy for Chair and was seconded by Commissioner Ralston. The motion passed unanimously.

Commissioner Kippley made a motion to nominate Becky Randall for Vice-Chair and was seconded by Commissioner Ode. The motion passed unanimously.

Commissioner Kippley made a motion to recess the County Planning Commission and was seconded by Commissioner Ralston. The motion passed unanimously. The County Planning Commission meeting was **recessed** at 7:02 p.m.

Commissioner Duffy **reconvened** the County Planning Commission meeting at 9:00 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 planning staff requested that Item 3 be removed from the consent agenda.

A motion was made to **approve** the consent agenda consisting of Item 2 by Commissioner Ode and seconded by Commissioner Kippley. The motion passed unanimously with 4 votes in favor of the motion and 0 votes against the motion.



ITEM 2. Approval of Minutes – November 27, 2023

As part of the consent agenda, a motion was made by Commissioner Ode and seconded by Commissioner Kippley to **approve** the meeting minutes from November 27, 2023. The motion passed unanimously with 4 votes in favor of the motion and 0 votes against the motion.



Regular Agenda

ITEM 3. CONDITIONAL USE PERMIT #23-60 to allow Outdoor Industrial Storage and Mini-Storage Units on the property legally described as Tract 1 & 2 Mast's Addition NE¼ NE¼ Section 27 T102N-R48W Brandon Township.

Petitioner: Philip Mast

Property Owner: Same

Location: 1205 E Hemlock Boulevard

Staff Report: Kevin Hoekman

General Information:

Legal Description – Tract 1 & 2 Mast's Addition NE¼ NE¼ Section 27 T102N-R48W
Brandon Township

Present Zoning – I1 Light Industrial

Existing Land Use – Vacant Lot/Office Building

Parcel Size – 2.48 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

The petitioner is requesting to utilize his property for outdoor storage and mini-storage units. The stated intent is to begin with outdoor storage of items such as boats and campers. Phase II is planned for storage units to be constructed. Outdoor storage and mini-storage requires a conditional use permit in the I1-Industrial zoning district.

The property is located on the west side of Corson, in between the railroad tracks and the residential portion of the unincorporated community. The property currently has several buildings with contractor storage and a fence blocking the view of trailers and equipment. The south have of the property is vacant with grass ground cover.

The applicant submitted a site plan indicating angled parking for outdoor storage along the east and west property lines. A privacy fence is planned on the east side of the property to block sightlines of the property and headlights from directly shining into neighboring properties. Phase II of the plan replaces several existing buildings with storage units orientated with garage doors facing the center of the property. The wall side of the storage units is placed towards the neighboring properties to limit views of storage and vehicles coming in and out of the property. The side yard setbacks require the storage buildings to be placed 10 feet from neighboring uses. The south side of the property is planned for continued outdoor storage.

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.

This property is already zoned for light industrial land use. It is located on the edge of a residential development and provides some buffer from the neighboring railroad tracks. The proposed use is



similar to the current property use. An opaque fence will reduce potential nuisance headlights and unsightly storage. And the storage units facing away from the neighboring property should also help reduce conflicts with the nearest residential use. Mini storage and outdoor storage is a low impact land use compared to many other industrial land use possibilities.

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

The unincorporated town of Corson is largely built out and new development will be minimal to the east of the property. West of the property is first the rail road line and then a tank farm for asphalt storage. Across the street is more developed industrial land. In general, the surrounding land uses is not expected to change in the near future, and the proposed use will not affect future land uses more than the current land uses.

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

The property has access from Hemlock Boulevard on the north side. Two access located are likely through using existing driveways. Since the property is currently developed, utilities area already present, and it will be the applicants responsibility to extend any utilities to the new buildings and open storage space.

The current drainage pattern directs water to the west and south of the property away from the existing housing. Staff suggests that this drainage pattern is maintained to direct water towards the west of the site.

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

The property is large enough to accommodate parking and loading and unloading storage items.

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.

Typical concerns regarding storage units include nuisance lighting, dust, and traffic in the area. To control nuisance lighting, staff recommends a condition to have all outdoor lighting be required to be cut off design and directed downward. Required parking areas and driveways are required to be hard surfaced according to the ordinance. Screening fences and facing the storage building away from residences should remove much of the concerns regarding traffic to and from the property. Traffic will not move through the residential neighborhood.

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 #23-60 with the following conditions:

- 1.) The property shall adhere to the submitted site plans.
- 2.) Storage units are permitted for storage only. No commercial businesses shall be allowed



- to operate within the storage units.
- 3.) All driving and parking areas shall be hard surfaced to the standards of Minnehaha County Zoning Ordinance. The hard surface shall be installed by October 31, 2025, or within 6 months of construction of the storage units is complete, whichever comes first.
 - 4.) All outside lighting shall be of shoe-box style and fully cutoff directing lights directly downward onto the property.
 - 5.) No lighting is allowed on the east side of the storage unit building.
 - 6.) Building permits are required for the storage units and for any signage.
 - 7.) 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 1990 Revised Zoning Ordinance for Minnehaha County.

Public Testimony

Kevin Hoekman, of county planning staff, explained to the commission that he had made an error in the staff recommended conditions, and had not included a condition that requires a privacy fence on a portion of the east side of the property. Kevin then explained that the privacy fence is only needed on a portion of the east property line because the proposed storage buildings will act as a screen on the rest of this property line.

The petitioner, Philip Mast of 1205 E Hemlock Boulevard Brandon, SD, was present and available for questions from the commissioners. The commissioners had no questions for the petitioner at this time.

Kayla Dover, of 49197 Corson Street Brandon, SD, explained her concerns to the commission regarding the proposed storage buildings being located so close to her home. Ms. Dover stated that storage units could increase the theft and crime rate in the area, which will impact her property value and overall safety. She also inquired as to if the storage units will be accessed from the east via Corson Street, or if the only access will be from the highway to the north. Finally, Ms. Dover stated that since this property is not within Brandon city limits, the county sheriff is responsible for patrolling this area, and that this would lead to longer response times in the case of a crime.

Kevin Hoekman returned to the podium and further explained the site plan, which shows that the proposed layout of the buildings on the property would block access from Corson Street. He also stated that any major amendment to this site plan, such as the relocation of buildings, would require the petitioner to obtain a new conditional use permit. Kevin also stated that there is no requirement for a privacy fence to be placed around the entire property, and that the lighting on the property is required to be directed away from the neighboring residences.

Commissioner Randall asked for clarification on the privacy fence condition because it was her understanding this fence would be around the entire property and not only the east side. Philip Mast explained to the commission that there is already a fence along the south property line, and that the west property line is adjacent to a railroad service that does not want fences along their railroad.



Commissioner Ralston commented that he believes the questions from the neighbor have been adequately answered, specifically the question regarding access onto Corson Street.

Action

A motion was made by Commissioner Ralston and seconded by Commissioner Kippley to **approve** Conditional Use Permit #23-60 with the eight conditions recommended by staff, which included the additional privacy fence requirement. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.

Conditional Use Permit #23-60 – Approved with the following conditions:

- 1) The property shall adhere to the submitted site plans.
- 2) Storage units are permitted for storage only. No commercial businesses shall be allowed to operate within the storage units.
- 3) All driving and parking areas shall be hard surfaced to the standards of Minnehaha County Zoning Ordinance. The hard surface shall be installed by October 31, 2025, or within 6 months of construction of the storage units is complete, whichever comes first.
- 4) All outside lighting shall be of shoe-box style and fully cutoff directing lights directly downward onto the property.
- 5) No lighting is allowed on the east side of the storage unit building.
- 6) Building permits are required for the storage units and for any signage.
- 7) 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 1990 Revised Zoning Ordinance for Minnehaha County.
- 8) A six feet tall opaque fence must be erected along the east property line wherever the storage buildings do not function as a visual barrier.



Old Business

None.

New Business

Scott Anderson, the County Planning Director, explained to the commission that he would like to defer the discussion on density zoning to the February meeting. Scott explained that this will allow all the commissioners to be present at the discussion, and would also allow more time to discuss the issue in greater detail. Commissioners Kippley and Duffy stated that they agreed with Scott's decision to defer the discussion, and that it is important to obtain as much information as possible on this topic because it seems to be the main focus of the comprehensive plan update.

Scott Anderson, the County Planning Director, explained the proposed ordinance amendment to add Long-Term Leases or Rentals to the additional use section of the Minnehaha County Zoning Ordinance. Scott explained that on December 15th, 2023 a court decision by Judge Houwan determined that if short-term or long-term rentals are not defined in the zoning ordinance then they are not permitted. Therefore, Scott stated that he has been working with the State's Attorneys Office to address this issue. He further explained that the proposed ordinance amendment would specify in the zoning ordinance that Long-Term Leases or Rentals are permitted provided that the use is otherwise lawful.

A motion was made by Commissioner Ralston and seconded by Commissioner Kippley to authorize the planning department to publish notice of a public hearing on this ordinance amendment to be held on February 26, 2024. The motion passed unanimously.

Adjourn

A motion was made to **adjourn** by Commissioner Ode and seconded by Commissioner Randall. The motion was approved unanimously. The meeting was adjourned at 9:24 p.m.