

**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION**
February 27, 2012

A meeting of the Planning Commission was held on February 27, 2012 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Gerald Beninga, Bonnie Duffy, Mike Cypher, Susie O'Hara, Mark Rogen, Wayne Steinhauer, and Becky Randall.

STAFF PRESENT:

Scott Anderson, Pat Herman, and Dustin Powers - County Planning
Kersten Kappmeyer – Office of the State's Attorney

The meeting was chaired by Susie O'Hara.

CONSENT AGENDA

A motion was made by Randall and seconded by Beninga and **approve** Items 1, 2, and 5 of the consent agenda and move Item 6 to the regular agenda. Item 3 was withdrawn by the petitioner and Item 4 was deferred until the March 26, 2012 meeting. The motion passed unanimously.

ITEM 1. Approval of Minutes – January 23, 2012

A motion was made by Randall and seconded by Beninga to **approve** the minutes from January 23, 2012. The motion passed unanimously.

Deferred from January 23, 2012.

ITEM 2. REZONING #11-04 to allow a minor amendment to a Planned Development (PD).

Petitioner: Eric Willadsen

Owner: VFS, LLC

Location: SW corner of State Highway 42 & 481st Avenue

General Information

Legal Description – Tract 1 Jeanne's Addition NE ¼ & SE ¼ 28-T101N-R48W

Present Zoning – PD – Planned Development

Existing Land Use - Vacant

Parcel Size – 12.53

Staff Report: Pat Herman

Staff Analysis:

In the spring of 1996 the Perry Planned Development District was created in Split Rock Township. This unique development consists of land dedicated to residential, commercial, park and agricultural uses. Located west of State Hwy 11 and County Hwy 115, the area encompasses the Perry Nature Area, the Arboretum, and Iverson's Crossing Subdivision on the

north side of Hwy 42 and predominately agricultural and flood plain land south of the highway.

In the southwest corner of the Hwy 42/Hwy 11 intersection, a 11.4 acre tract was zoned for commercial use. Labeled as Subarea F, this area allows for commercial uses which are geared to serving passing motorists. The district regulations for Subarea F promote aesthetically attractive commercial development where screening and landscaping are used and outside storage is prohibited. The development at 57th St. and Cliff Ave. in Sioux Falls was given as an example of how this area should appear. The following zoning regulations apply to Subarea F.

SUBAREA F.

- 1) **USES PERMITTED.** A building or premises shall be permitted to be used for the following purposes:
 - a) Convenience store with gas dispensing.
 - b) Restaurant with drive-thru.
 - c) Bank with drive-thru.
 - d) Office. Personal services including barber shop, beauty salon, dry cleaning, coin-operated laundry, photographic and art studio, shoe repair.
 - f) Custom services including woodworking, and hobby and craftmaking.
 - g) Garden center, greenhouse and nursery.
 - f) Group day care, day care center.
 - g) Veterinarian clinic provided there is not outside kenneling of animals.
- 2) **ACCESSORY USES.** Accessory uses and buildings permitted are those accessory buildings and uses customarily incident to any use permitted in subsection E(1) above.
- 3) **PARKING REGULATIONS.** Parking shall be regulated in conformance with the provisions of Article 15.00.
- 4) **SIGN REGULATIONS.** Signs shall be regulated in conformance with the provisions of Article 16.00.
- 5) **YARD AND HEIGHT REGULATIONS.** The maximum height and minimum lot requirements shall be the same as the C zoning district.
- 6) **OTHER REGULATIONS.** Other regulations for Subarea F shall be:
 - a) All parking areas and driving lanes shall be hard surfaced.
 - b) Outdoor product display is prohibited.
 - c) Outdoor storage of parts, equipment, supplies or similar material is prohibited.
 - d) Outdoor trash dumpster areas shall be screened.
 - e) Off-premise signs are prohibited.
 - f) Shoebox style lighting shall be used when illuminating structures, including

canopies and parking areas. All lighting systems shall be designed to reduce glare and light trespass on to adjacent residential uses.

- g) Access and landscaping plans shall be submitted as part of the Final Development Plan.

This land is located in the Red Rock Corridor area in which future land use and development standards have been adopted by the county. The applicant is requesting a minor amendment to Subarea F 6) e) as underlined above. The applicant would like to allow a multi-tenant sign for a commercial center. The sign allowance would mimic the design standards as set by the Overlay District.

- e. Off-premise signage is prohibited in all cases except for:
 - (a). Multi-Tenant Signs in Commercial Centers:
 - (i). One multi-tenant sign shall be allowed within a commercial center to act as a directory for the businesses located within the commercial center.
 - a. The sign area shall not exceed 200 square feet.
 - b. The maximum height shall be 30 feet.
 - c. No part of the sign face or structure shall be located in or overlap into the required side or rear yard setbacks or public right-of-way.
 - d. The light from any illuminated sign shall be so shielded, shaded or directed so that the light intensity shall not adversely affect surrounding or facing premises or the safe vision of operators of vehicles on public roads.

Recommendation:

The request to amend the PD is consistent with the standards set forth in the Red Rock Corridor Overlay District. Staff recommended approval of Rezoning #11-04.

Action

A motion was made by Randall and seconded by Beninga to **approve** Rezoning #11-04. The motion passed unanimously.

REZONING #11-04 - APPROVED

Deferred from January 23, 2012.

ITEM 3. CONDITIONAL USE PERMIT #12-04 allow equipment sales and display.

Petitioner: HLJ Inc. Renner Equipment Corky Jackson

Property Owner: same

Location: 25768 Cottonwood Ave. I-29 Crooks exit

General Information

Legal Description – Lot 4 Block 4 of Haug's 2nd Addition SE ¼ of Section 12-T102N-R50W

Present Zoning – I-1 Light Industrial

Existing Land Use - Vacant

Parcel Size – 6.59 Acres

Staff Report: Ryan Streff

Staff Analysis

Staff recommended that this item be WITHDRAWN.

Action

A motion was made by Randall and seconded by Beninga to **withdraw** Conditional Use Permit #12-04. The motion passed unanimously.

CUP #12-04 - WITHDRAWN

Deferred from January 23, 2012.

ITEM 4. CONDITIONAL USE PERMIT #11-56 to allow a contractor storage yard for a landscaping business.

Petitioner: Chris Hood

Property Owner: Jason Klein

Location: West side of Rowena

General Information

Legal Description – Hood’s Addition Tract 1 Section 26-T101N-R48W

Present Zoning – C Commercial

Existing Land Use - Agricultural

Parcel Size – 2 Acres

Staff Report: Ryan Streff

Staff Analysis:

Staff recommended that this item be deferred to the March 26, 2012 meeting.

Action

A motion was made by Randall and seconded by Beninga to **defer** Conditional Use Permit #11-56. The motion passed unanimously.

CUP #11-56 - DEFERRED

ITEM 5. CONDITIONAL USE PERMIT #12-05 to allow a Class 2 Home Occupation.

Petitioner: Bryon Hahn

Property Owner: Darlene Hahn

Location: 25377 456th Avenue, 4 miles north of Humboldt

General Information

Legal Description – SE ¼ (Except H-1) Section 20-T103N-R52W

Present Zoning – A-1 Agricultural

Existing Land Use - Agricultural

Parcel Size – 159.28 Acres

Staff Report: Dustin Powers

Staff Analysis:

The subject property is located approximately 4 miles north of the Humboldt. The surrounding properties are zoned A-1 Agricultural and land uses in the area are all agricultural in nature.

The applicant is requesting to operate a Class 2 major home occupation. The proposed business would be an agricultural equipment assembly shop. The applicant would assemble agricultural equipment for area implement dealers. The occupation would be run from an accessory building that is 60' x 80' (4,800 sq. ft.) and their family home would be used for office purposes only. This occupation would be clearly secondary to the principal use of the land for agricultural purposes. The petitioner has indicated that there would be only one full-time employee (Bryon Hahn - Petitioner) starting out but may need to hire more help in the future. The petitioner has requested a 4' x 4' directional sign to put on their property at the intersection of 456th Avenue and County Highway 122.

Staff conducted a site visit on February 8, 2012. The property is located in a very rural area and away from other neighboring residences or farm sites. The subject property consists of a single family residence and several accessory buildings that are used for agricultural purposes.

The petitioners have also provided a written narrative explaining their personal backgrounds that tie them to the community and how the operation will work. A copy of the narrative is attached for your review.

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.

With proper management the proposed Class 2 major home occupation should not impact the other uses in the area, property values, or the enjoyment of properties in the vicinity.

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

The proposed use should not impact the agricultural nature of the surrounding properties. The applicant may not change the outside appearance of the accessory building or residence to indicate any business activity is being conducted on the property. The proposed occupation will have minimal impact on the development and improvement of any vacant properties in the area.

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

Access to the property is provided off of 456th Avenue which is a township roadway. The township road is graveled and in good condition for personal vehicles and large agricultural equipment. The applicant's driveway provides a shared access to the dwelling unit and the accessory building that will be occupied for the major home occupation. No new roads or driveways will be needed to access the site. All required utilities exist and are provided to the accessory building to be used for the occupation.

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

There is ample space on the property to meet all parking needs of the occupation. The applicant shall meet all of the parking requirements as outlined in Article 15 of Minnehaha County's Zoning Ordinance.

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.

There should be little additional noise or dust created from this use and no fumes, vibration, or lighting issues will constitute a nuisance. The applicant has indicated that the agricultural equipment assembly shop will be conducted on the property within the accessory building designated on the site plan for the occupation. The closest neighbors are over a ¼ mile from the petitioner's property so the minimal noise of ordinary shop tools should not affect adjacent property owners.

Recommendation

Staff recommended approval of Conditional Use Permit #12-05 to allow an agricultural assembly/repair shop as a Class 2 major home occupation with the following conditions:

- (1) The occupation shall be conducted in an agricultural building accessory to the dwelling which comprise the headquarters for the agricultural use, and such agricultural use is conducted on one or more parcels of land with a total area of at least one-half of a quarter section or equivalent area which must be contiguous to or in close proximity to the headquarters.
- (2) The occupation shall be clearly secondary to the principal use of the land for agricultural purposes. No alteration to any building shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a residential or agricultural use.
- (3) The owner or occupant of the dwelling shall be engaged in the occupation.
- (4) The occupation shall have no more than five (5) employees, including residents of the property.
- (5) The occupation shall be conducted within a completely enclosed building typical of farm buildings. Such building shall be located behind the dwelling, or shall be located at least 200 feet from the nearest road right-of-way.
- (6) All materials, supplies and products associated with the occupation shall be stored within a building or if open storage of materials or equipment is required it shall be concealed with appropriate screening or landscaping.
- (7) A non-illuminated nameplate not exceeding 2 square feet in area may be placed on

- the dwelling or agricultural building. Additionally, one non-illuminated sign not exceeding 4 square feet in area may be located along the driveway for the occupation and one 16 square foot sign may be located at the intersection of 456th Avenue and County Highway 122 on the subject property. No off premise signs shall be used.
- (8) The use shall cease operating when the property is no longer in conformance with Section 12.03.02 (B) (1).
 - (9) The applicant shall obtain and/or maintain a South Dakota State Sales Tax License as required by the Department of Revenue.
 - (10) That any outdoor lighting shall be of a full cutoff and fully shielded design that prevents the spillage of light beyond the boundaries of the subject property.
 - (11) That if dust becomes a nuisance the petitioner will apply a dust control agent from Hwy 122 (456th Ave) to the entrance of the property.
 - (12) The applicant shall meet all of the parking requirements as outlined in Article 15 of Minnehaha County's Zoning Ordinance.

Action

A motion was made by Randall and seconded by Beninga to **approve** Conditional Use Permit #12-05 with stated conditions. The motion passed unanimously.

CUP #12-05 - APPROVED

ITEM 6. CONDITIONAL USE PERMIT #12-06 to construct and operate a distribution electrical substation.

Petitioner: Ron Golden – East River Electric

Property Owner: Friessen Construction Company, Inc.

Location: 2 miles west of Sioux Falls

General Information

Legal Description – Tract 1 Friessen Addition S ½ SE ¼ Section 19-T101N-R50W

Present Zoning – A-1 Agricultural

Existing Land Use - Agricultural

Parcel Size – 5.33 Acres

Staff Report: Dustin Powers

Staff Analysis

The applicant is requesting the conditional use permit to construct electrical substation with the capacity of 115 kV. At full capacity, the substation would be confined to a 250' by 250' fenced-in area with a 16' by 24' enclosed utility building. The property is zoned A-1 Agricultural District. Article 3.04(V) of the Minnehaha County Zoning Ordinance allows an electrical substation as a conditional use in this zoning district.

Staff conducted a site visit on February 8, 2012. The surrounding land uses are mainly agricultural with a few residential farm acreages in the immediate vicinity and a residential subdivision ¾ of a mile north of the proposed location. The property to the north, south, east and west all appear to be used for agricultural purposes. East River indicated that they have met with the adjacent landowners the live near the proposed site and the people have not raised any objections to the proposed substation.

The applicant has provided a narrative of the proposed use that describes the electrical substation in more detail. The narrative also provides a timeline for the phased construction of the substation. A copy of the narrative is attached for your review.

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 existing residential development pattern and agricultural uses within the area, the proposed electrical substation should not have a negative effect upon the normal and orderly development and improvement of these properties for uses predominant in the area. The electrical substation will insure adequate electric service to present and future development in the area.

The site plan submitted by the applicant indicates landscaping consisting of Black Hills Spruce and Amur Maple trees. It appears that Black Hills Spruce and Amur Maple trees will be planted around the north, south, and west sides of the property and two (2) Black Hills Spruce trees will be planted on the east side of the property along 467th Avenue. All landscaping shall be kept in a living state.

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

Due to the existing agricultural use on properties within the area and the buffer provided by the landscaping and screening fence, the proposed electrical substation should not have a negative effect upon the normal and orderly development and improvement of these properties for uses predominant in the area. The applicant has indicated that the proposed substation will insure adequate electric service to present and future development in the area.

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

Access to the proposed electrical substation will be provided by 467th Avenue. It appears that the site utilizes natural drainage. The proposed substation will not use any water or produce any wastewater. A driveway/culvert permit will need to be obtained from Wayne Township.

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

The applicant has not indicated any off-street parking on the site plan submitted with the conditional use application. Article 15 of the Zoning Ordinance does not specifically identify the parking requirements for an electrical substation. Staff recommends that two (2) off-street parking spaces be provided. An electrical substation typically does not generate any significant amounts of traffic. Each parking space should measure a minimum of nine (9) feet by eighteen (18) feet and be continually maintained in such a manner that no dust will result from the continuous 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 proposed conditional use permit may generate limited fumes, dust and noise. The applicant has indicated that the proposed substation will have lights for monitoring and maintaining the facility; however, the substation will not be continually lighted. The property's terrain and the surrounding agricultural uses limit the impact the proposed substation may have on surrounding properties.

The electrical substation will be providing a benefit to the community. With appropriate conditions of approval, any concerns can be mitigated. Staff's review indicates that the proposed conditional use is appropriate for this site. Staff recommends approval of Conditional Use Permit #12-06 to be established and conducted in conformity with the Zoning Ordinance and the recommended conditions of approval.

Recommendation

Staff recommended approval of Conditional Use Permit #12-06 to allow an electrical substation up to 115 kV in the Agricultural District with the following conditions:

- 1) That the substation be entirely enclosed in a minimum eight (8) foot high fence, gated and locked.
- 2) That a minimum of two (2) off-street parking spaces (minimum of 9' x 18' in size) shall be provided, surfaced with gravel, concrete or asphalt, and be maintained in such a matter that no dust will result from the continuous use.

- 3) That if dust, mud/dirt, or other debris causes a nuisance to adjacent properties or is brought onto 467th Avenue all parking and driving areas will need to be hard surfaced.
- 4) That all existing drainage ways be maintained and that erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water.
- 5) That the applicant shall adhere to the landscaping plan that was received on January 26, 2012 and dated November 1, 2011. All landscaping shall be maintained in a live state and all noxious weeds shall be controlled by the applicant. No Ash Trees shall be allowed in the landscaping plan.
- 6) The applicant shall follow the proposed construction phases of the electrical substation as submitted to the Planning and Zoning Department.
- 7) That the applicant shall obtain a building permit prior to any construction commencing on the site.
- 8) That a sign permit shall be obtained prior to the installation of any sign.
- 9) That the applicant obtain and keep current any required S.D. Public Utilities permits and meet all noise standards set by the Public Utilities Commission.

Public Testimony

Don Josko, 26621 467th Avenue, stated that he has concerns with the landscaping of the proposed property and the effect of snow drifts that may occur on the roadway. He had concerns with security lights being on at all hours and dust creation as the facility will cause more traffic. Mr. Josko also was concerned with increasing numbers of lightning strikes in the area due to the transformers.

Ron Golden, East River Electric, stated that the security lights would only be turned on when they are working at night to fix an electrical outage. He stated that after construction of the substation, the site will only be visited twice a month for inspections. The only other time would be during an electrical outage. Mr. Golden stated that the substation is grounded so if it were to get struck by lightning it is designed to take it to the ground.

Mary Josko, 26621 467th Avenue, asked to hear more from the petitioner on the plans for soil contamination from oil spills.

Ron Golden, East River Electric, stated that they are required to submit an oil containment plan to the State of South Dakota for approval. They use a system that holds the oil within a concrete barrier under their transformers if a spill were to occur. Also they are using a non-contaminating oil that will prevent hazard to the environment in case of a spill.

Discussion

Commissioner Cypher stated that the construction traffic would be no different than if a single family house was being built on the property. He also stated that when you live in the country, snow is a problem and is your responsibility to get out.

Commissioner Randall wanted to know what the recommended setback for trees from the roadway was. Commissioner Cypher stated that the soil conservation district requires a 75'

setback for a shelter belt. Scott Anderson indicated that the Planning Department only regulates trees and shrubs at intersections to maintain visibility of on-coming traffic.

Action

A motion was made by Cypher and seconded by Steinhauer to **approve** Conditional Use Permit #12-06. The motion passed 6-0, Rogen abstained.

CUP #12-06 – APPROVED

Old Business

No Items.

New Business

Pat Herman gave a briefing on the Envision 2035 Comprehensive Plan.

County Commission Items

No Items.