

**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS
October 27, 2014**

A joint meeting of the County and City Planning Commissions was held on October 27, 2014 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Bonnie Duffy, Mike Cypher, Bill Even, and Mark Rogen.

CITY PLANNING COMMISSION MEMBERS PRESENT: Steve Gaspar, Larry Luetke, Sean Ervin, Denny Pierson, Andi Anderson, and Kurt Johnson.

STAFF PRESENT:

Scott Anderson, Kevin Hoekman, and David Heinold - County Planning
Diane de Koeyer – City Planning

The County Planning Commission Chair Mike Cypher presided over the meeting. The City Planning Commission was chaired by Andi Anderson.

CONSENT AGENDA

The consent agenda items were read by Commissioner Cypher and Item 2 was moved to the regular agenda by the petitioner. With one item on the consent agenda the minutes were approved as a single motion.

ITEM 1. Approval of Minutes – September 22, 2014

A motion was made for the City by Commissioner Gaspar and seconded by Commissioner Johnson to **approve** the meeting minutes for September 22, 2014. The motion passed unanimously. Same motion was made for the County by Commissioner Even and seconded by Commissioner Rogen to **approve** the meeting minutes for September 22, 2014. The motion passed unanimously.

REGULAR AGENDA

A motion was made for the City by Commissioner Gaspar and seconded by Commissioner Schmidt to **approve** the regular agenda. The motion passed unanimously. Same motion was made for the County by Commissioner Barth to **approve** the regular agenda and seconded by Commissioner Rogen.

ITEM 2. CONDITIONAL USE PERMIT #14-49 to allow a garden center with bulk landscape supplies on the property legally described as Bruns TRACT 1 SW ¼ 15-101-50, Section 15-T-101N-R50W.

Petitioner: Midwest Landscape Supply Inc.

Property Owner: Dave Gustaphson and Company Inc.

Location: 100 S Ellis Rd Approximately ¼ mile north of the intersection of
SD Highway 42 (12th Street) and Ellis Road

Staff Report: Kevin Hoekman

To allow a garden center with sales of bulk landscape supplies.

General Information:

Legal Description – Bruns TRACT 1 SW ¼ 15-101-50, Section 15-T-101N-R50W

Wayne Township

Present Zoning – A1- Agricultural

Existing Land Use – Staging ground for gravel quarry

Parcel Size – 4.82 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

The property is located approximately ¼ mile north of the W. 12th Street and Ellis Road Intersection. The site is located within an area that has been traditionally used for quarrying of gravel. Although gravel extraction is still present in the area, abandoned quarries that are filled with water are now common. The area is also experiencing a rapid expansion of residential housing with the Cherry Lake Research Addition within Sioux Falls City Limits located a short distance to the west of the site.

The site is currently used as a staging area for nearby construction and gravel extraction. The current land use is already industrial in type and includes the use of large machines and the storage of materials and rubble. The site has three existing structures and a foundation/concrete slab remaining from a former structure. The site is mostly covered with gravel from the previous operations, and this gravel allows for easy storage of materials.

The petitioner would like to operate a garden center with the sales of landscape supplies such as nursery stock, bulk mulch, bulk rock and fieldstone, and black dirt. The submitted site plan includes the utilization of all buildings and the concrete foundation for storage, loading, and sales. Additional construction would include a hoop house and a 70' x 10' scale to be located just north of the sales office. Bins made of concrete blocks would also be built for the storage of bulk materials such as landscape rock and gravel.

Before operation of the garden center and bulk materials sales, the petitioner stated that the site would be cleaned up and all rubble will be removed. Repairs will be done to existing buildings

as needed with a new holding tank to allow for bathrooms in the sales office. The driveway access on the south side of the site would be gated shut to allow only the one access. The operation of the site would include the use of small loaders and skid steers to load vehicles and other needed operations.

The hours of operation are listed as 7:00 am to 5:00 pm Monday through Friday and 8:00 am to 12:00 pm on Saturday. A 6 foot by 4 foot (24 square feet) sign is requested to display the company name, products sold, and the hours open to the public.

The site is located in both the 100 year flood plain of an unnamed tributary of Skunk Creek and a water source protection area. In addition the site is adjacent to Family Park and less than ¼ mile from existing residential lots. The submitted site plan proposes minimal new structures to the site, but loose materials such as mulch, dirt, and nursery stock has the potential to wash downstream in the event of a flood. The applicant will be required to meet all regulations for the 2011 Floodplain Management Ordinance for Minnehaha County.

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 site is located within an area that has a mix of land uses. To the east and west of the site are lakes formed from gravel excavation. To the north and northwest is a staging area for gravel excavation. To the south and southwest is vacant land that will likely be subdivided in the not so distant future. Because of the rapid growth and potential to the south of the site the site should be required to screen its operations from view of this developable area.

Family Park, which is a park located on the site of a former gravel pit and landfill, is located adjacent to the northeast of the subject site. The main parking and boat ramp area is located on the far side of the lake and across the tributary from this site. A driving path to access the south side of the lake does come close to the site, but the closest fishing dock is more than 500 feet away from the site. This distance provides a good buffer from any potential nuisances.

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

The site is located in a transition area that has active and vacant gravel quarries. The site is also has a fast growing residential development that is situated around the lakes that the vacated quarries have left behind. As the area will likely continue with many quarry operations into the future the presence of a quasi-industrial/retail use of this parcel is appropriate as the transition continues.

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

Access will be provided off of Ellis Road via the existing northern driveway. The south driveway will be gated shut so that no access will be allowed. Ellis Road is paved and truck traffic is already common because of nearby gravel quarries and other nearby industrial uses.

The additional traffic generated from retail and wholesale on this site may carry unwanted gravel and debris onto the roadway. To prevent this from happening, hard surfacing should be required for the driveway between Ellis Road and the proposed scale and the driving area around the sales office. No other new infrastructure is required.

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

The site plan includes parking spots for employees. No other designated parking is shown on the plan; however, the site is large enough for parking in many locations and the customers will likely be spaced throughout the parcel for loading and unloading of landscape supplies. No parking or loading shall take place in the Ellis Road Right of Way at any time.

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 offensive nuisances shall be permitted at any time during operation of the garden center and bulk materials. Limits to the hours of operation will be the best way to limit any offensive noises that may be present from the operations on site. The use of outdoor lighting should be directed downward on to the property in order to prevent light pollution off site.

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

The operation of the proposed land use will have a minimal effect on the health, safety and general welfare of the public; however, the site is partially located within the 100 year flood plain potentially creates a problem when flood waters rise. The site plan proposes minimal new structures to the site, but loose materials such as mulch, dirt, and nursery stock has the potential to wash downstream in the event of a flood. The applicant must meet all regulations for the 2011 Floodplain Management Ordinance for Minnehaha County. In complying with this ordinance the applicant must obtain a floodplain development permit.

Recommendation:

Staff finds that the proposed garden center with bulk landscape materials conforms to the surrounding land uses and future development. Staff recommends **approval** of Conditional Use Permit #14-49 with the following conditions:

- 1.) That the facility shall conform to the provided site plans.
- 2.) That the hours of operation be limited to 7:00 am to 5:00 pm on Monday through Friday and 8:00 am to 12:00 pm on Saturday.
- 3.) That a 90% opaque fence be used on the site to screen operations from view of nearby development. The fence will be required along the complete south property line, the southeast property line from the corner to the existing berm, and south west property line from the corner to the proposed entrance.
- 4.) That an on premise sign not exceed 24 square feet.
- 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 any building, structure, or sign.
- 7.) That all development within the 100 year flood plain must meet all applicable rules and regulations of the 2011 Floodplain Management Ordinance for Minnehaha County.

- 8.) That a Flood Plain Development Permit must be obtained.
- 9.) At a minimum, the following portions of the site be hard surfaced: the driveway between Ellis Road and the scale, a 20' wide driving lane around the sales office, and the employee parking area.
- 10.) That the Planning & Zoning Department reserves the right to enter and inspect the premises, 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.

PUBLIC TESTIMONY

Staff presented a brief summary report of the proposed Conditional Use Permit.

Darby Parsons 26546 North Shore Place spoke as a co-owner of Midwest Landscape Supply. He raised concerns about putting up a fence on the south side of the property. The concern he provided was of the low lying site that would make the fence useless in screening the operations. He then proposed a living screen because he felt that it would do a better job of screening. The additional height and density of spruce trees would allow for a more complete screen. He also noted that Jim Soukup requested that a living screen would be better than the fence.

City Commissioner Johnson asked if there was a standard for planting trees as a screen. Such as distance apart. Darby Parsons noted that the plan would to spread the trees enough that they do not crowd each other at mature size, and that they would likely use spruce trees for better coverage as a screen. Jodi Anfinson, the petitioner, joined the discussion and added that they would place the trees 15' on center as a staggered rows so that they would grow into each other in 7 to 8 years.

City Commissioner asked if the petitioner was in agreement to all other recommendations for conditions. Where the petitioner replied 'yes'.

Commissioner Cypher added a question if the petitioner would plant trees on all sides where the fence is required or just on the south side. Darby Parsons noted that all required sides would be planted.

City Commissioner Gasper clarified with a question that the only structure that is proposed is a hoop building.

Staff then clarified the location of the fence by pointing to the property lines on the provided site plan.

DISCUSSION

Each Planning commission briefly discussed the application amongst themselves.

ACTION

A motion was made to **approve** Conditional Use Permit #14-49 for the City by Commissioner Gaspar and seconded by Commissioner Pierson. Commissioner Johnson motioned to amend the motion to change condition 3 to allow evergreen trees to be planted in staggered rows at 15' on center in lieu of the required fence and along the same required property lines and seconded by Commissioner Ervin. The motion to amend the motion was passed unanimously. The motion as amended passed unanimously.

A motion was made for the County by Commissioner Rogen and seconded by Commissioner Randall to **approve** Conditional Use Permit #14-49 with the amendment to change condition 3 to allow evergreen trees to be planted in staggered rows at 15' on center in lieu of the required fence and along the same required property lines. The motion passed unanimously.

Old Business

None.

New Business

None.

Adjourn

A motion was made for the City by Commissioner Gaspar and seconded by Commissioner Pierson to **adjourn**. The motion passed unanimously.