



MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION
May 21, 2018

A meeting of the Planning Commission was held on May 21, 2018 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Bonnie Duffy, Becky Randall, Mike Ralston, Adam Mohrhauser, Doug Ode, and Jeff Barth.

STAFF PRESENT:

Scott Anderson, David Heinold, and Kevin Hoekman - County Planning
Donna Kelly – States Attorney

Bonnie Duffy chaired the meeting and called the Minnehaha County Planning Commission meeting to order at 7:26 p.m.

Consent Agenda

Commissioner Duffy read each item of the consent agenda, and Item 3 was requested to be removed from the consent agenda to the regular agenda for discussion.

A motion was made to **approve** the consent agenda consisting of Items 1 and 2 by Commissioner Barth and seconded by Commissioner Ode. The motion passed unanimously.

ITEM 1. Approval of Minutes – April 23, 2018

As part of the consent agenda, a motion was made by Commissioner Barth and seconded by Commissioner Ode to **approve** the meeting minutes from April 23, 2018. The motion passed unanimously.



use and has not received any concerns.

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 are already commercial, industrial, and mining uses that are more intensive than a Concrete Precast outdoor storage area expansion. On September 25, 2017, the property immediately adjacent to the east was approved by conditional use to allow a diesel repair and taxidermy shop on 6.47 acres. The property, 44624 South Dakota State Highway 38, also known as Buffalo Ridge has a mix of commercial and agricultural use for mainly tourist attraction. The remaining property to south and east is used for agricultural and mining, respectively. Industrial uses such as a concrete precast plant and outdoor storage area will have an impact on properties in the immediate vicinity. The surrounding property adjacent to the subject property for the expansion of an existing use is zoned primarily light industrial with the remainder of land either zoned A-1 Agricultural or R/C Recreation/Conservation Districts, respectively.

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

The Envision 2035 Comprehensive Plan identifies the area firmly within the Transition Area for the City of Hartford, which has a primary purpose of maintaining the rural landscape until eventual development of residential and/or municipal development. Commercial and industrial uses already primarily occupy the surrounding area. On May 20, 2013, the County Planning Commission approved hours of operation from 6AM to 9PM Monday to Saturday with Saturday hours ending at 6PM as there are residential uses within a half mile of the subject property. On April 30, 2018, county planning staff contacted the City of Hartford for comments on the staff report and conditional use permit application submittal documents.

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

Access to the subject property will be provided thru the existing outdoor storage on the lot located immediately adjacent to the west. The petitioner, certified registered professional engineer, submitted a Grading Plan that shows a detention pond analysis for pre- and post-development areas.

The Environmental Stewardship section of the Envision 2035 Comprehensive Plan implies:

That development should not be allowed prior to completion of a drainage plan which defines natural drainage corridors and identifies the number and location of detention facilities needed to accommodate additional runoff from impervious surfaces. The Plan encourages land developers to use natural areas for aesthetic, open space, hydrologic, and ecological purposes.

The submitted details for a detention pond describe the management of the type, amount, and intensity of water flow across the site. The entire parcel encompasses approximately 15 acres, which the property owner has shown on the site plan the outdoor storage area for a majority of



the site.

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

The Zoning Ordinance requires that the parking area should be big enough to accommodate two parking spaces for each three employees on maximum shift, plus space to accommodate trucks and other vehicles used in connection with proposed expansion of the existing outdoor storage area. The property owner does not intend on having any employee office space; however, Mr. Carlson owns approximately 26 acres of contiguous land and should have enough space for the number of employees on maximum shift if needed. The proposed warehouse building and outdoor storage area are planned to be used for storage of the existing concrete precast forms created on the adjacent property immediately to the west. There is adequate space to maneuver in-and-out of the driveway for delivery trucks.

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 use for expansion of the existing Concrete Precast outdoor storage area may present noise issues in general operating procedures, but should not be at a level as to constitute a public nuisance to surrounding property owners as compared to the uses already permitted in the area. The surrounding area consists primarily of vacant light industrial-zoned land with a few commercial businesses, mining operations, residential homes, and agricultural land. The proposed expansion of an existing use for outdoor storage should have a minimal effect on adjacent future commercial, industrial, and residential properties. Lighting should be directed downward onto the property to prevent light pollution off the site.

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

The Envision 2035 Comprehensive Plan encourages commercial and industrial development at this location. The subject property is zoned I-1 Light Industrial, which allows for permitted uses such as office, warehousing, and retail sales and trade. Furthermore, the addition of conditions to this permit allows planning staff a preferred method in insuring that the goals and policies of the Plan and intent of the Zoning Ordinance are upheld.

The proposed use will be located in an area identified as transition area in the Envision 2035 Comprehensive Plan. The primary goal of this area is to focus new growth and development within municipalities and areas adjacent to existing municipalities where infrastructure will be available. The immediate area is well served by transportation access to highways including Interstate 90 and proximity to municipal development. The proposed expansion of the existing permitted use is compatible with surrounding land uses and should not significantly affect the health, safety, and general welfare of the public.

In the Growth Management section of the Envision 2035 Comprehensive Plan,

Goal #2 aims to enhance communication and cooperation among the several governmental and quasi-governmental entities who have the potential to impact and influence development patterns. The result of this coordination among entities is a pattern of development in the transition areas that can be integrated into municipal



planning areas without the need for costly and inefficient public infrastructure expenditures.

Recommendation:

Staff finds that the proposed expansion of an existing permitted use is compatible with the zoning ordinance and Envision 2035 Comprehensive Plan. Staff recommends **approval** of Conditional Use Permit #18-25 with the following conditions:

1. The conditional use permit is for a Concrete Precast Plant and Outdoor Storage Area.
2. The property shall adhere to the submitted site plan dated April 20, 2018.
3. That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundary.
4. The hours of operation shall be Monday-Friday from 6AM to 9PM and Saturday from 6AM to 6PM.
5. All onsite wastewater systems shall be constructed and operated in conformance with state regulations and with the Minnehaha County On-Site Wastewater Treatment Ordinance. No dumping of any wastewater shall be allowed at the site unless disposed into a properly sized and maintained wastewater system.
6. That the Erosion Control and Grading Plan dated April 20, 2018 shall be implemented for all natural drainage to be maintained and erosion control measures on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water.
7. That the business operator shall obtain and maintain a South Dakota sales tax license.
8. That a set of plans certified by a registered professional engineer be submitted for review and approval prior to the building permit(s) being issued for all buildings.
9. That all signage shall be in conformance with Article 16.00 and 17.00 of the 1990 Revised Zoning Ordinance for Minnehaha County. A building permit is required for the installation of any signage.
10. That the Planning Department reserves the right to enter and inspect the concrete precast plant and outdoor storage area 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 Minnehaha County Zoning Ordinance.

Action

As part of the consent agenda, a motion was made by Commissioner Barth to **approve** Conditional Use Permit #18-25 and seconded by Commissioner Ode. The motion passed unanimously.

Conditional Use Permit #18-25 - Approved



Regular Agenda

ITEM 3. CONDITIONAL USE PERMIT #18-26 to allow Temporary Retail Sales of Fireworks on the property legally described as Tract 1, Safari Addition, SE1/4, SE1/4, Section 9-T102N-R49W.

Petitioner: Mike Denning

Property Owner: Sandy Sorum

Location: 25793 475th Ave.

Approximately 2.5 miles north of Sioux Falls

Falls

Staff Report: Kevin Hoekman

This would allow Temporary Retail Sales of Fireworks.

General Information:

Legal Description – Tract 1, Safari Addition, SE1/4, SE1/4, Section 9-T102N-R49W

Present Zoning – A1-Agricultural & C-Commercial

Existing Land Use – Vacant/parking

Parcel Size – 1.68 acres

Staff Report: Kevin Hoekman

Staff Analysis:

The subject site is located north of the Renner Corner gas station and the Safari Bar & Grill. The parcel is a vacant lot that is used as overflow parking for the bar and grill. The petitioner is requesting a 9 day temporary fireworks sales on the property. Temporary (9 day) fireworks sales are allowed in both C-Commercial & A-1 Agricultural zoning districts with a conditional use permit. The approval of this permit would allow the petitioner to have a fireworks stand in subsequent years, as long as the conditions of the permit are met and the use does not stop for more than one year.

This request is being made as a result of the petitioner acquiring the sales trailer formerly used by the Renner Lutheran Church at the Renner Corner. Mike Denning asked staff if there were any issues with using the trailer at the current location and it was discovered that the trailer was located too close to the road, and against the conditions of approval. This request is being made to move the operation to a site that will meet setbacks and parking requirements. The petitioner has submitted a simple site plan that shows the location of the semi-tractor trailer used for sales. A portable toilet is included in the site plan as well. And the existing gravel area of the overflow parking will be used for parking of vehicles. The site will use the existing driveway approach for the parking area.

Staff recognizes that many fireworks stands create common issues that should be considered when placing conditions on this proposed use. Signage and attention grabbing devices are necessary to advertise, and they also direct people safely to a business location. Too much signage or attention grabbing devices, like flags and pennants, may create visual clutter and distract drivers. Total signage for the temporary fireworks stand should be limited to a total of 64



square feet, which has been the typical sign allowance for fireworks sales. Pennants, flags, and stringers may be used only for the 9 day period of operating days for fireworks sales. The land use will likely include hours of operation into the night. The nighttime use of the property may lead to lights and traffic that can disturb neighbors. Any temporary lighting should be designed to prevent light from spilling onto neighboring property.

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 create a busy retail business for a limited time period. The parcel is located adjacent to an existing commercial use, but several residential uses are located adjacent and nearby. Lights and commotion may lead to nuisance complaints from those who live in the dwellings. The igniting of fireworks should be prohibited to avoid nuisance to neighbors and because of safety of the products on site. Much of the operations surrounding the fireworks stand will take place around the week before Independence Day. The limited duration of the use may lead to fewer complaints with the understanding of the temporary nature of fireworks sales.

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

The proposed fireworks sales is located adjacent to an existing commercial business. The site is also partially zoned for commercial use already. The lack of permanent structure will allow for easy transition to a permanent future use on the site. Many of the residential parcels in the area have already been developed which limits future development of residential uses too. The proposed use should have little to no effect on the future development in the area.

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

The site plan shows access to the site from an existing driveway. At the site visit, staff noticed that the driveway approach has asphalt pavement wide enough for one vehicle. The pavement ends abruptly and the shoulders dip considerably from the edges. The driveway is inadequate for long term commercial use. Minor corrections could be made to assist in traffic flow. Some gravel could be placed to fill in the voids around the driveway and to make it wide enough for traffic in and traffic out. Another plan may be to direct traffic around the neighboring property (which is owned by the same property owner) and have exiting traffic leave out the neighboring driveway to the south. Traffic flow may be busy at times, but the duration will be for a short period of time, 9 days.

The petitioner includes a generator on the site plan as well as pot-a-potty. The temporary sales will not significantly affect the drainage of the site.

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

The submitted site plan indicates 8 parking spaces. It is likely the site could hold more vehicles than that if needed. The trailer itself will likely hold all the product and avoid loading and unloading zones.



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 fireworks sales will create a busy temporary retail site. Fireworks should not be allowed to be discharged on the site, because the discharge of fireworks may create nuisance noise and hazards for the neighboring properties. If artificial light is brought to the site for night time sales, then the lighting should be directed away from residential uses.

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

The site is located near busy paved highway and commercial site. If applicable state laws are followed, the proposed fireworks sales should not create concerns for the health, safety, or general welfare of the public. As an area conducive for commercial uses, temporary fireworks sales should fit with the intent of the plan.

Recommendation:

Minnehaha County planning staff finds that the proposed use is compatible with the site and surrounding land uses. Staff recommends **approval** of Conditional Use Permit #18-26 with the following conditions:

- 1.) The property shall adhere to the submitted site plan.
- 2.) No outside storage shall be allowed at any time.
- 3.) The retail sales of fireworks must abide by all applicable SD laws and regulations.
- 4.) The retail sales of fireworks may only be marketable for nine (9) days per calendar year.
- 5.) All outdoor lights in use for the trailer or to illuminate the parking area shall be directed away from the single family dwellings.
- 6.) Temporary signs for the business are allowed to be placed no earlier than June 13th and must be taken down by July 10th. One temporary freestanding sign is allowed not to exceed 64 square feet and shall be placed on the subject property.
- 7.) Any flags, pennants, and similar attention grabbing devices shall not be located in the right-of-way, shall not block the view of traffic entering or exiting the property, and shall only be placed during the regular nine (9) day selling period of June 27th through July 5th.
- 8.) No parking or stacking of vehicles shall be allowed in the right-of-way at any time.
- 9.) The driveway access to the property must receive minimal improvements of level gravel shoulders to allow 24 feet of total driving width. Proper permits from the SD DOT must be acquired if required.
- 10.) The hours of operation for the public must not exceed 8:00 am to 12:00 am (midnight). Set up and tear down activities outside of the nine day sales period must take place between 8:00 am and 8:00 pm.
- 11.) No fireworks shall be stored on the site before June 10th or after July 31st.
- 12.) That the Planning & Zoning Department reserves the right to enter and inspect the fireworks stand 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 Minnehaha County Zoning Ordinance.



Public Testimony

Kevin Hoekman, County Planning, presented the staff report and recommendation for the conditional use permit request.

Commissioner Ode asked if there was a culvert underneath the driveway approach off of South Dakota State Highway 115.

Commissioner Randall asked about the hard surface requirement in the zoning ordinance.

Mr. Hoekman explained that there was recently a conditional use permit request for firework sales on W. 12th St. approved with a condition to install a gravel driveway approach for a temporary use.

Mike Denning, 6605 W. 52nd St., identified himself as the petitioner and owner of the Fireworks Store.

Commissioner Barth asked about security on the north side of the Safari Bar.

Mr. Denning explained that the fireworks storage will be locked up at night with padlocks.

Commissioner Barth asked about the previous location for the operation of fireworks sales.

Mr. Denning mentioned that the other location for fireworks sales did not meet the zoning ordinance requirements for setbacks from the front property line off of County Highway 130.

Commissioner Duffy asked about the driveway width.

Mr. Denning mentioned that he would fully comply with the conditions in accordance with the property owner.

Jim Quinn, 25789 475th Ave., identified himself as the property owner to the north of the subject property. Mr. Quinn indicated that he likes to go to sleep at 8 pm, but there is a lot of noise in the surrounding area presently. He continued to mention that there is no reason to have a fireworks stand open until midnight. Mr. Quinn added that there needs to be more presence from the sheriff's department. He also mentioned concerns over people lighting off fireworks everywhere.

Commissioner Barth asked Mr. Quinn if people drive across the grass then through his driveway.

Commissioner Barth also asked if it would be helpful to put up a fence across the property line.

Mr. Quinn explained that he doesn't want to see any accidents happening as a result of reckless driving due to the surrounding land uses being permitted.



Mike Denning explained that they can put up a fence, but cannot control the traffic from the Safari Bar outside of the limit on the number of days fireworks sales is allowed. Mr. Denning continued to mention that they can stop fireworks sales at 10 pm to attempt to address neighboring property owner concerns.

Commissioner Barth stated that he appreciates the concern for hours of operation and the addition of a fence.

Mr. Denning explained that if the fireworks sales doesn't go right, then they won't be back again next year at this location if permitted.

Commissioner Randall mentioned concerns over the hours of operation and the driveway surfacing posing issues of loose gravel onto the highway.

Commissioner Randall would like for the applicant to be required to hard surface the full driveway approach adjacent to the state highway in accordance with the zoning ordinance.

Commissioner Barth also presented concerns regarding the 24 foot wide driving surface.

Scott Anderson, County Planning Director, explained that the driveway surface will need to be hard surfaced as required by the zoning ordinance.

Commissioner Barth stated that he would like to change condition #10 for hours of operation from 8:00 am to 10:00 pm. He would also like to add a requirement to condition #13 for a fence along the north property line as well as reflective markers at the driveway visible from the road. Commissioner Barth also requested that condition #9 be revised to require a 24 foot wide by 30 foot long hard surface driveway. He continued to mention that he will be talking to the Sheriff about getting more presence at the Renner Corner.

Commissioner Duffy called for public testimony but there was no answer.

Commissioner Duffy closed the floor to public testimony.

Action

Commissioner Barth made a motion to **approve** Conditional Use Permit #18-26 and the motion was seconded by Commissioner Ralston.

Conditional Use Permit #18-26 – Approved



Old Business

None.

New Business

Scott Anderson, County Planning Director, informed the planning commission about the resignation of Paul Kostboth from the planning commission due to personal reasons. The County Planning Department will be working with the Commission Office to advertise for finding a replacement to fill the remainder of Paul Kostboth's current unexpired term among interested citizens. The volunteer position will be advertised and residents will be notified of this important opportunity to serve the County.

Adjourn

A motion was made to **adjourn** by Commissioner Barth and seconded by Commissioner Ode. The motion passed unanimously.

The meeting was **adjourned** at 8:06 pm.