

**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS
May 19, 2014**

A joint meeting of the County and City Planning Commissions was held on May 19, 2014 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

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

CITY PLANNING COMMISSION MEMBERS PRESENT: Nicholas Sershen, Sean Ervin, Denny Pierson, Andi Anderson, and Ken Dunlap.

STAFF PRESENT:

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

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

CONSENT AGENDA

A motion was made for the City by Commissioner Anderson and seconded by Commissioner Ervin to **approve** the consent agenda. The motion passed unanimously. Same motion was made for the County by Commissioner Rogen and seconded by Commissioner Barth to **approve** the consent agenda. The motion passed unanimously.

ITEM 1. Approval of Minutes – March 24, 2014

A motion was made for the City by Commissioner Anderson and seconded by Commissioner Ervin to **approve** the meeting minutes for March 24, 2014. The motion passed unanimously. Same motion was made for the County by Commissioner Rogen and seconded by Commissioner Barth to **approve** the meeting minutes for March 24, 2014. The motion passed unanimously.

ITEM 2. CONDITIONAL USE PERMIT #14-27 to allow retail sales of fireworks on the property legally described as N869.5' W433.6' E1753.6' & N393.8' E1320' S1/2 SE1/4, Section 21-T101N-R50W.

Petitioner: Mike Denning

Property Owner: Pine Knoll, Inc. (Don Boyd)

Location: 1405 S. Ellis Rd. located at the west edge of Sioux Falls

Staff Report: David Heinold

General Information

Legal Description – N869.5' W433.6' E1753.6' & N393.8' E1320.8' S1/2 SE1/4, Section 21-T101N-R50W

Present Zoning – A-1 Agricultural District

Existing Land Use – Residential

Parcel Size – 20.59 Acres

Staff Report: David Heinold

Staff Analysis:

The subject property is located on the property located at the southwest corner of Ellis Road and 266th Street. Currently, this property is in the A-1 Agricultural District. The proposed location for the temporary fireworks stand is directly adjacent to the future residential growth areas of Sioux Falls. The properties to the north, south, and west are zoned A-1 Agricultural with property to the east in the City of Sioux Falls.

The petitioner has applied for Conditional Use Permit #14-27 to allow annual nine-day retail sales of fireworks from June 27th to July 5th. Fireworks will be sold from a tent, trailer, or portable POD located near the northeast corner of the site and will not be allowed in the right-of-way of Ellis Rd. or 266th St. The parking on the site would be located in a parking area to the west of the proposed tent location with existing access off of 266th St. and Ellis Rd.

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 limited timeframe for the firework sales, the proposed use should not have a negative effect on the enjoyment or property values of property in the immediate vicinity. The hours of operation should be limited from 9:00 am to 10:30 pm, which is consistent with other firework sales approved by conditional use permit in this area.

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

The temporary nature of the proposed use should not have an impact on future development.

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

Access to the site will be provided via an existing driveway off of Ellis Rd. and 266th St. as shown on the submitted site plan.

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

There is ample parking available on this site to handle the traffic generated by this temporary land 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.

This temporary use should not create any of the nuisances listed above.

Recommendation:

Staff recommended **approval** of Conditional Use Permit #14-27 with the following conditions:

1. That the temporary retail sales of fireworks shall be allowed to operate annually between June 27th and July 5th.
2. That access shall be provided via an existing driveway off of Ellis Rd. and 266th St.
3. That the business shall be allowed to operate between the hours of 9:00 am and 10:30 pm.
4. That one site sign is permitted and shall not exceed 32 square feet in size. Two signs or banners are permitted on the proposed tent and shall not exceed 15 square feet. No other signs, banners or flags, with the exception of the American flag, shall be permitted in conjunction with the use.
5. That sign(s) shall not be placed on the property prior to June 23rd and shall be removed by July 8th of each year.
6. That fireworks shall be sold from a tent, trailer, or portable POD located at the site and placed near the northeast corner of the lot.
7. That parking shall not be allowed within the right-of-way of Ellis Rd. and 266th St. All parking shall be contained to the parking area as shown on the submitted site plan.
8. That all outdoor lighting shall be of a full-cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.

ACTION

A motion was made to **approve** Conditional Use Permit #14-27 for the City by Commissioner Anderson and seconded by Commissioner Ervin. The motion passed unanimously. Same motion was made for the County by Commissioner Rogen and seconded by Commissioner Barth to **approve**. The motion passed unanimously.

ITEM 3. CONDITIONAL USE PERMIT #14-28 to allow retail sales of fireworks on the property legally described as Lot 1A of Harr's Sub. of Tract 1, Pleasant View Acres in the N1/2 SE1/4 & S1/2 NE1/4, Section 19-T101N-R48W.

Petitioner: Mike Denning
Property Owner: Siox LLC (Matt Munce)
Location: 1001 S. Stoakes Ave.
Staff Report: David Heinold

General Information

Legal Description – Lot 1A of Harr's Sub. of Tract 1, Pleasant View Acres in the N1/2 SE1/4 & S1/2 NE1/4, Section 19-T101N-R48W
Present Zoning – Commercial
Existing Land Use – Commercial
Parcel Size – 1.20 Acres

Staff Report: David Heinold

Staff Analysis:

The subject property is located at the southwest corner of Arrowhead Parkway and Stoakes Avenue. Currently, this property is in the C Commercial District. The proposed location for the temporary fireworks stand will be located on the north part of the lot directly adjacent to Arrowhead Pkwy., or the South Dakota Highway 42 right-of-way. The properties to the east, west, and south are zoned C Commercial with property to the north in the City of Sioux Falls.

The petitioner has applied for Conditional Use Permit #14-28 to allow annual nine-day retail sales of fireworks from June 27th to July 5th. Fireworks will be sold from a tent, trailer, or portable POD located near the north part of the site and will not be allowed in the right-of-way of Arrowhead Pkwy, or SD Hwy. 42. The parking on the site would be located in a shared parking area with Uncle Ed's Specialty Meat Shop to the south of the proposed tent location with existing access off of Stoakes Ave.

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 limited timeframe for the firework sales, the proposed use should not have a negative effect on the enjoyment or property values of property in the immediate vicinity. The hours of operation should be limited from 9:00 am to 10:30 pm, which is consistent with other firework sales approved by conditional use permit in this area.

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

The temporary nature of the proposed use should not have an impact on future development.

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

Access to the site will be provided via an existing driveway off of Stoakes Ave. as shown on the submitted site plan.

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

There is ample parking available on this site to handle the traffic generated by this temporary land 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.

This temporary use should not create any of the nuisances listed above.

Recommendation:

Staff recommended **approval** of Conditional Use Permit #14-28 with the following conditions:

1. That the temporary retail sales of fireworks shall be allowed to operate annually between June 27th and July 5th.
2. That access shall be provided via an existing driveway off of Stoakes Ave.
3. That the business shall be allowed to operate between the hours of 9:00 am and 10:30 pm.
4. That one site sign is permitted and shall not exceed 32 square feet in size. Two signs or banners are permitted on the proposed tent and shall not exceed 15 square feet. No other signs, banners or flags, with the exception of the American flag, shall be permitted in conjunction with the use.
5. That sign(s) shall not be placed on the property prior to June 23rd and shall be removed by July 8th of each year.
6. That fireworks shall be sold from a tent, trailer, or portable POD located at the site and placed on the north part of the lot.
7. That parking shall not be allowed within the right-of-way of SD Hwy. 42 and Stoakes Ave. All parking shall be contained to the parking area as shown on the submitted site plan.
8. That all outdoor lighting shall be of a full-cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.

ACTION

A motion was made to **approve** Conditional Use Permit #14-28 for the City by Commissioner Anderson and seconded by Commissioner Ervin. The motion passed unanimously. Same motion was made for the County by Commissioner Rogen and seconded by Commissioner Barth to **approve**. The motion passed unanimously.

Regular Agenda

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

ITEM 4. ZONING ORDINANCE TEXT AMENDMENT #14-01 pertaining to conditional uses in the A-1 Agriculture District, C Commercial District, I-1 Light Industrial District, I-2 General Industrial District. RC Recreation/Conservation District; Additional Use Regulations and Definitions.

Petitioner: Planning Staff

Staff Report: Scott Anderson

Staff Report: Scott Anderson

Staff Analysis:

Staff is proposing an ordinance amendment that would add a section to Article 15 Additional Use Regulations for Solar Energy Conversion System (SECS). A SECS would then be allowed as a conditional use in the A-1 Agriculture District, C Commercial District, I-1 Light Industrial District, I-2 General Industrial District. RC Recreation/Conservation District and provide a new definition for “Solar Energy Conversion System (SECS)” in Section 24.02 Definitions.

Staff used much of the existing requirements for Wind Energy Conversion Systems to model the proposed ordinance amendment. This was done to attempt to keep a level playing field for each use.

A copy of the proposed Ordinance is attached for review. It provides the new definition for “Solar Energy Conversion System (SECS)”; provides the guideline and requirements for solar energy conversion systems into Article 15; and adds “Solar Energy Conversion System as a conditional use in the A-1, C, I-1, I-2 and RC Districts.

Recommendation: Staff recommended **approval** of the Joint Zoning Ordinance Text Amendment #14-01 adding “Solar energy conversion system in conformance with Article 15.09” to Article 3.04, 9.04, 11.04, 12.04 and 13.04 Conditional Uses; adding Article 15.09 Solar Energy Conversion System to Additional Use Regulations and adding “634. Solar Energy Conversion System (SECS)” to Section 24.02 Definitions.

PUBLIC TESTIMONY

Staff presented a brief summary of the proposed Text Amendment to the 2002 Revised Joint Zoning Ordinance for the City of Sioux Falls and Minnehaha County. Commissioner Ervin asked if there would be any reflection on the solar panels. Staff explained that the panels would not be completely glare free, but they would not cause significant harm to neighboring property owners. Commissioner Ervin asked if the ordinance should include a screening requirement and staff noted that it would not be necessary to require screening for Solar Energy Conversion Systems (SECS).

Commissioner Sershen asked what the setbacks need to be for these structures. Staff clarified

that the setback requirements would be the same as for commercial and residential buildings. Commissioner Pierson asked if there would be any thought of review on the amendment as time passes and staff noted that changes to reflect updates in the solar industry could be made as necessary through the standard text amendment process. Commissioner Sershen clarified that the topic of this hearing is to consider a Solar Energy Conversion Systems (SECS) Ordinance, not the individual proposal itself. Staff added that the applicant would have to submit a conditional use permit after the ordinance is passed and that it would have to include all of the elements described in the proposed ordinance.

Commissioner Dunlap asked if there was an efficiency in size for solar farms and staff noted that the representatives from Geronimo Energy will have a better idea of the size of these facilities.

Tena Rytel introduced both herself and Jordan Burmeister as representatives for Geronimo Energy and noted that these regulations will be important for the industry as they continue to develop plans for solar energy in the area. Jordan Burmeister, Geronimo Energy, mentioned that Geronimo was founded in 2004 primarily as a wind energy company, but has recently expanded operations to include solar energy as well. Mr. Burmeister added that the company can tie its' roots to the rural areas of the Midwest and that they have worked with the County on a Split Rock substation Transmission Line from a Rock County wind farm.

Ms. Rytel described a few of the technical details in conjunction with the elements of the proposed solar ordinance. She stated that there usually are less than 30 truckloads per day, with only one load over 80,000 pounds, for a construction period of 4-9 months; therefore, one can expect that the construction of a SECS would have a much lighter impact on the roads than that of a wind energy conversion system.

Ms. Rytel indicated that a chain link fence with barbed wire on top would be required for insurance and security purposes. She also explained that there is no need for concrete pylons because the steel posts for the solar panels are driven into the ground with minimal, if any, disturbance of the ground. She continued to mention that there could be the installation of properly maintained vegetation to help reduce surface runoff and provide wildlife habitat. She added that the surface of a solar panel is similar to that of a car windshield when it comes to severe weather.

Commissioner Cypher asked if the panels are actually a glass surface. Ms. Rytel explained that they are covered with a textured, anti-reflective safety glass surface to absorb as much solar energy as possible. Commissioner Sershen asked what kind of maintenance would be required and Tena mentioned that the larger the panel, the more maintenance required. She added that the panels are modular, so switching out a panel is considerably simple.

Commissioner Sershen asked if a substation would be required and about the noise generated from the solar farm. Ms. Rytel indicated that it would depend upon the size and that the systems are generally really quiet. Commissioner Pierson asked if the solar panels are only placed on leased land or if it is negotiated between property owners and Ms. Rytel indicated that it is the

landowner's choice. Commissioner Even asked for clarification on the type of screening and setbacks to the solar panels would be necessary without impeding on the capacity for energy generation. Tena stated that they do not like trees for screening purposes because the trees may grow too big, but the trees would need to be setback at least 100 feet from the solar panels. Commissioner Sershen asked if Geronimo was pleased with the proposed ordinance as a whole and they felt that it was very well put together.

ACTION

A motion was made to **approve** Zoning Ordinance Text Amendment #14-01 for the City by Commissioner Anderson and seconded by Commissioner Ervin. The motion passed unanimously. Same motion was made for the County by Commissioner Rogen and seconded by Commissioner Barth to **approve**. The motion passed unanimously.

Old Business

None.

New Business

None.

Adjourn

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