

**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & DELL RAPIDS PLANNING COMMISSIONS
May 23, 2016**

A joint meeting of the County and City Planning Commissions was held on May 23, 2016 at 7:10 p.m. in the Commission Room of the Minnehaha County Administration Building.

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

CITY PLANNING COMMISSION MEMBERS PRESENT: Roger Dearduff, Bob Lamberty, Rod Pierson, and Tom Schwebach.

STAFF PRESENT:

Scott Anderson, Kevin Hoekman, and David Heinold - County Planning
Sara Show – Office of the State’s Attorney
Justin Weiland – City of Dell Rapids

The County Planning Commission Chair Mike Cypher presided over the meeting. The meeting was called to order at 7:10 p.m. The City Planning Commission was chaired by Roger Dearduff.

CONSENT AGENDA

A motion was made for the City by Commissioner Schwebach and seconded by Commissioner Pierson to **approve** the consent agenda. The motion passed unanimously. Same motion was made for the County by Commissioner Barth and seconded by Commissioner Duffy to **approve** the consent agenda. The motion passed unanimously.

ITEM 1. Approval of Minutes – June 22, 2015

A motion was made for the City by Commissioner Schwebach and seconded by Commissioner Pierson to **approve** the meeting minutes for June 22, 2015. The motion passed unanimously. Same motion was made for the County by Commissioner Barth and seconded by Commissioner Duffy to **approve** the meeting minutes for June 22, 2015. The motion passed unanimously.

Regular Agenda

ITEM 2. CONDITIONAL USE PERMIT #16-032 to allow a Contractor's Shop & Storage Yard – Commercial Roofing Company on the property legally described as 4A in NE Corner, N1/2 Lot 11 (Ex. S160' W6' N460' E378') Kenefick's Subd. City of Dell Rapids, Kenefick's Subd., Section 16-T104N-R49W.

Petitioner: Jerry Bent

Property Owner: DMRJ Properties, LLC

Location: 24654 475th Ave. Immediately south of Dell Rapids

Staff Report: David Heinold

This would allow a Contractor's Shop & Storage Yard, Commercial Roofing Company.

General Information:

Legal Description – 4A in NE Corner, N1/2, Lot 11 (Ex. S160' W6' N460' E378') Kenefick's Subd. and N1/2 (Ex. S160') Lot 11 Lot A City of Dell Rapids, Kenefick's Subd., Section 16-T104N-R49W

Present Zoning – I-1 Light Industrial District

Existing Land Use – Commercial

Parcel Size – 4.49 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting conditional use permit approval to operate a Contractor's Shop and Storage Yard for an existing commercial roofing business. The hours of operation will be 5:00 am to 8:00 pm, Monday through Friday and an occasional Saturday and Sunday from 5:00 am to 6:00 pm. The narrative describes that there will be no outside activity after 8:00 pm.

The area on the north side of the building will dedicate about 50 parking spaces for clients, customers, and employees. There are seven employees of the commercial roofing business. The narrative describes that there is enough parking area around the building to accommodate trucks and other vehicles used for the proposed business.

Staff consulted with the City of Dell Rapids and they have presented concerns related to the current and potential septic systems for any additional development on the subject property. Specifically, Dell Rapids will invest significant resources in infrastructure improvements to allow sanitary sewer connection for the subject property and avoid future issues associated with development plans for the lot.

On May 10, 2016, staff visited the property and determined that the proposed use of the lot for a commercial roofing business is appropriate for the immediate area. The proposed use will be located in an existing industrial area that is experiencing future commercial and industrial growth.

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.

The industrial area on the south side of the City of Dell Rapids consists of a range in scale from storage units to miscellaneous contractor's shop and storage yards, so there should not be any impacts beyond the uses already occupying the area. The proposed use of the property for commercial roofing business with an outdoor storage area should not have a detrimental impact on property values in the immediate vicinity due to the relative similarity of neighboring uses.

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 encourages commercial and industrial uses to locate in existing rural service areas where access and services can be efficiently provided; therefore, the proposed use should have a positive impact on the normal and orderly development of surrounding vacant property for uses predominant in the area. The City of Dell Rapids has been actively encouraging landowners to annex into city limits with the recent improvements to the infrastructure adjacent to the subject property. At a minimum, the applicant will be required to hard surface the driving and parking areas since the proposed use will mainly be accessed from Quartzite St.

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

Access will be provided for the proposed building, storage yard, and parking area via the existing driveway approaches. Staff has reviewed the septic system permit to ensure that the proper provisions will be in place to allow continued function of the system. Since the existing building has been previously used for an event center and restaurant with bar, the current septic system was approved in 2010 by the South Dakota Department of Environmental and Natural Resources as required for all commercial land uses. No further utilities will be need to be provided.

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

The parking area should provide a large enough area with adequate space for cars and trucks to maneuver in-and-out of the driveway. The applicant has mentioned in the narrative that this area denoted on the site plan for parking and driving will be used as a staging area for vehicles if there is not available space inside the existing building.

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.

Staff does not foresee any issues with the proposed use for commercial roofing business to be located in the industrial area adjacent to the south side of Dell Rapids city limits that would otherwise constitute a nuisance for neighboring property owners and tenants. Any lighting on the property should be shoe-box style and direct light downward onto the property in order to prevent light pollution.

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

The proposed commercial roofing business should have no effect on the health, safety, and general welfare of the public. The use of the business for storage and warehousing will create few problems to neighboring properties. The subject property is located within the transition

area for the City of Dell Rapids identified by the Envision 2035 Comprehensive Plan, which recognizes that these areas have the primary purpose of maintaining the rural landscape until eventual residential development and/or municipal annexation. The proposed use of the building for a commercial roofing business should not affect the future growth of this area given the present use of the land and the immediate area for commercial and industrial development.

Recommendation:

Staff finds the proposed use, Commercial Roofing Business, to be an appropriate use for the I-1 Light Industrial District. Since the location for the proposed business is in an area of the county where commercial and industrial uses are encouraged to locate, there should be no nuisances caused by the proposed use. Staff recommends **approval** of Conditional Use Permit #16-32 with the following conditions:

- 1.) That CUP #16-32 shall allow the use of the property for Commercial Roofing Business.
- 2.) That all outdoor storage areas be screened with a minimum 90% opacity fence. No outdoor storage shall be permitted on or around the septic system drainfield.
- 3.) That no materials, parts, shingles, etc. shall be allowed outside of the fenced area.
- 4.) That a building permit is required prior to the construction of all storage buildings and for the installation of any signage.
- 5.) That all signage shall be in conformance with Article 16.00 and 17.00 of the 2001 Revised Joint Zoning Ordinance for Minnehaha County and the City of Dell Rapids.
- 6.) That all driveways, parking lots, and outdoor storage areas shall be in conformance with the requirements of Article 15.00 of the 2001 Revised Joint Zoning Ordinance for Minnehaha County and the City of Dell Rapids.
- 7.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundary.
- 8.) That the Planning & Zoning Department reserves the right to enter and inspect the roofing business 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

David Heinold, Planner I, presented a brief overview of the staff report and recommendation. Commissioner Even asked if the property was located in city limits and Mr. Heinold explained that it is located just outside of city limits on the south side of Dell Rapids. Commissioner Even questioned if there was any future annexation and Mr. Heinold confirmed that there is a private agreement between the current landowners for future annexation of the property.

Commissioner Dearduff explained that there are actually two parcels involved in the conditional use permit request. He continued to mention that the vacant piece of land adjacent to South Dakota Highway 115 should be required to hook up to municipal services if there any plans to develop this portion of the subject property. Commissioner Even asked if there was a timeline on the road improvements to Quartzite St. and it was confirmed that construction has already begun in the area.

Jerry Bent, 312 E. 6th St., identified himself as owner of J&P Roofing and presented concern that the condition requiring 90% opaque screening around the outdoor storage area seems unnecessary given that none of the other properties in the area have any screening. Commissioners Cypher and Dearduff explained that it is the requirement of the zoning ordinance to provide screening around any outdoor storage areas for conditional use permit requests.

Mr. Bent also questioned whether he was already in compliance with the hard surfacing requirement. Mr. Heinold explained that all parking and driving areas north of the fence will need to be hard surfaced in accordance with the zoning ordinance standard. He continued to mention that crushed concrete is not acceptable in accordance with the ordinance, but crushed asphalt is listed as one of the options for hard surfacing as long as it meets the steps set forth in the minimum maintenance and improvement standards for access adjacent to a paved road.

Justin Weiland, City Administrator for Dell Rapids, reiterated the point that Commissioner Dearduff made about the septic issue that city prefers no additional septic systems associated with any future development of the subject property. Mr. Weiland explained that the City is investing significant resources into providing water and sewer in the immediate area as well to the subject property and would like for the planning department to be cognizant of that fact to prevent any potential infrastructure problems in the future. Furthermore, the City of Dell Rapids requests that caution for any future development proposals be given full consideration by the planning department for provision of municipal prior to approval of building plans.

Dean Kommes, 24654 245th St., identified himself as the current owner of the restaurant and questioned the need to hard surface the driving and parking areas. Mr. Kommes explained that he believes that the current driving surface has already been approved as crushed concrete about six years ago.

Commissioner Cypher closed the floor to further public testimony.

DISCUSSION

Commissioner Barth indicated that he doesn't foresee any concerns regarding the condition for the screening requirement and Commissioner Cypher concurred that it is a requirement of the zoning ordinance. The planning commission acknowledge the fact that approval of the conditional use permit requirements must be in agreement with the city recommendation as well.

ACTION

A motion was made to **approve** of Conditional Use Permit #16-32 for the City by Commissioner Schwebach and seconded by Commissioner Pierson. The motion passed unanimously. Same motion was made to **approve** of Conditional Use Permit #16-32 for the County by Commissioner Barth and seconded by Commissioner Duffy. The motion passed unanimously.

Conditional Use Permit #16-32 – Approved

Old Business

None.

New Business

None.

Adjourn

A motion was made for the City to **adjourn** by Commissioner Schwebach and seconded by Commissioner Pierson. The same motion was made for the County to **adjourn** by Commission Barth and seconded by Commissioner Duffy. The motion passed unanimously.