



**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION
November 25, 2019**

A meeting of the Planning Commission was held on November 25, 2019 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Bonnie Duffy, Becky Randall, Adam Mohrhauser, Ryan VanDerVliet, Doug Ode, Mike Ralston, 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 7:00 p.m.

PUBLIC COMMENT.

Commissioner Duffy opened the floor for public comment and nobody moved to speak.

Consent Agenda

Commissioner Duffy read each item of the consent agenda.

There were no objections from members of public on any of the items listed on the consent agenda.

Commissioner Ode recused himself from action on the consent agenda items due to personal conflict and left the dias.

A motion was made to **approve** the consent agenda by Commissioner Randall and seconded by Commissioner Ralston. The motion passed 6-0 (Commissioner Ode abstained).

ITEM 1. Approval of Minutes – October 28, 2019

As part of the consent agenda, a motion was made by Commissioner Randall and seconded by Commissioner Ralston to approve the meeting minutes from October 28, 2019. The motion passed 6-0 (Commissioner Ode abstained).



ITEM 2. CONDITIONAL USE PERMIT #19-47 to transfer three (3) building eligibilities from the NW1/4 SW1/4, NE1/4 SW1/4, and SE1/4 SW1/4 to the SW1/4 SW1/4; all in Section 14-T103N-R51W.

Petitioner: Kasowski Family Farm LLC

Property Owner: same

Location: 46424 253rd St.

Located approximately 4.5 miles south of Colton

Staff Report: David Heinold

General Information:

Legal Description – SW1/4 SW1/4, Section 14-T101N-R51W

Present Zoning – A-1 Agricultural District

Existing Land Use – Agriculture

Parcel Size – 155.44 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting to transfer three building eligibilities to the southwest quarter quarter to preserve the current locations as agricultural land. The nearest concentrated animal feeding operation is located over one mile to the east of the proposed transfer of building eligibility site. There are a few cattle and hog buildings about a half mile to the south of the subject property.

On November 12, 2019, staff visited the site of the proposed transfer of building eligibilities and determined that the area is appropriate for the construction of up to three houses near the intersection of 251st Street and 464th Avenue. The existing building eligibility locations are mostly covered in the 100-year floodplain area of Colton Creek.

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.

The area is primarily agriculture with a few residential acreages in the immediate vicinity. There should be no negative effect on property values with the addition of three single family dwellings.

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

The predominant land use in the area is agriculture with a few residential acreages in the surrounding area. There should be no significant effect on the normal and orderly development of surrounding vacant property with the addition of three single family dwellings. The future growth and development of the surrounding area is determinant on the availability of building eligibilities. The proposed transfer locations will be closer to the road, preserves the existing farmland, and allows a more suitable development area out of the floodplain.



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

The petitioner has all of the necessary facilities provided, but will need to contact the appropriate governmental entity for approval of access driveways to the single family dwellings.

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

The parking requirements will be met as a result of the construction of the single family dwellings on the subject property. No parking is allowed in the road right-of-way.

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 will not cause odor, fumes, dust, noise, vibrations, or lighting in any amounts that would otherwise constitute a nuisance.

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

The health, safety, general welfare of the public should not be significantly impacted by the transfer of three building eligibilities. The proposed location of the building eligibilities will be outside of the 100-year floodplain. The intent of the Envision 2035 Comprehensive Plan will be met under the requirements of density zoning.

Recommendation:

Staff finds this conditional use permit request to be consistent with density zoning and recommends **approval** of Conditional Use Permit #19-47 with the following conditions:

1. A right-to-farm notice covenant shall be placed on each deed prior to the issuance of building permits for the single family dwellings.
2. That a driveway or culvert permit be obtained from the appropriate governmental entity prior to the issuance of building permits.

Action

As part of the Consent Agenda, a motion was made to **approve** Conditional Use Permit #19-47 with staff recommended conditions by Commissioner Ralston and seconded by Commissioner Ralston. The motion passed 6-0 (Commissioner Ode abstained).

Conditional Use Permit #19-47 – Approved



ITEM 3. REZONING #19-08 to rezone from the A-1 Agricultural District to the I-1 Light Industrial District on the property legally described as Tract A of Lot 2, & The West 800 Feet of Lot 2 (Ex. H-1, H-3, H-4, & H-5), SE1/4 NW1/4; all in Section 27-T101N-R48W.

Petitioner: Chris Lidel

Property Owner: Douglas K. Ode & Royalwood Farms

Location: 48127 SD Highway 42 Located approximately 3.5 miles east of Sioux Falls

Staff Report: David Heinold

General Information:

Legal Description – Tract A of Lot 2, & The West 800 Feet of Lot 2 (Ex. H-1, H-3, H-4, & H-5), SE1/4 NW1/4; all in Section 27-T101N-R48W.

Present Zoning – A-1 Agricultural District

Existing Land Use – Residential/Agriculture

Parcel Size – 9.24 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting to rezone approximately 9.24 acres from the A-1 Agricultural District to the I-1 Light Industrial District to allow a warehouse shop building. The subject property is located within the Red Rock Corridor Overlay District, which sets forth additional design and development considerations beyond the Zoning Ordinance. The adjacent land uses are commercial, mining, and agriculture. The existing residential house site is situated along South Dakota State Highway 42 and within a half mile of an existing gravel extraction area.

The Red Rock Corridor Plan identifies the subject property as the Iverson’s Crossing focus area, which is comprised of the largest mix of land uses such as agricultural, recreational, residential, and commercial. The Envision 2035 Comprehensive Plan encourages commercial and industrial development near the intersection of two paved highways. The adjacent land to the southeast is an existing gravel extraction mining operation. The land to the north of SD Hwy. 42 is used for commercial storage unit purposes and zoned I-1 Light Industrial District.

	Existing Land Use	Existing Zoning
North	Storage Units/Outdoor Storage	I-1 Light Industrial District
South	Agriculture/Pasture	A-1 Agricultural District
East	Agriculture/Pasture	A-1 Agricultural District
West	Rubble Dump	A-1 Agricultural District

On November 12, 2019, staff visited the subject property and determined that the proposed rezoning from the A-1 Agricultural District to the I-1 Light Industrial District is an appropriate change in accordance with the Red Rock Corridor Plan Future Land Use Map that guides future development along South Dakota State Highway 42 east of Sioux Falls city limits. The immediate area is already developed with existing commercial storage unit buildings, contractor



warehouses, a veterinary office, and gravel mining extraction site within a half mile of the subject property. The area is conducive to future development of commercial and industrial land uses located along a state highway with high volumes of traffic and proximity to a growing east side of Sioux Falls.

Recommendation:

Staff finds that the proposed rezoning conforms to the goals and policies of the Envision 2035 Comprehensive Plan and recommends **approval** of Rezoning #19-08 to rezone the subject property from A-1 Agricultural District to I-1 Light Industrial District.

Action

As part of the Consent Agenda, a motion was made to **recommend approval** of Rezoning #19-08 by Commissioner Randall and seconded by Commissioner Ralston. The motion passed 6-0 (Commissioner Ode abstained).

Rezoning #19-08 – Approval Recommended (6-0)



Commissioner Ode returned to the dias for the remainder of the meeting.

Old Business

Scott Anderson mentioned that the Planning Department sent out the annual garbage hauler renewal license and mining fees for unreclaimed land notices.

Kevin Hoekman mentioned that the Planning Department has a County Commission hearing date set for the 2018 IBC update to the existing building code requirements.

Mr. Anderson explained that there are two expiring planning commissioner appointments for both Doug Ode and Ryan VanDerVliet that will need to be filled before next year. There will be an advertised call for planning commissioner nominations from the public in the coming weeks.

Commissioner Barth added that the County Commission will elect a new Chair and mentioned that there may be a new liaison for the Planning Commission.

New Business

Scott Anderson mentioned that the planning commission meeting calendar is also being distributed to everyone, including the website. Mr. Anderson added that the County Commission recently approved Planning Commissioner allowances for meetings and increased the price for the recognition dinner.

Adjourn

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

The meeting was **adjourned** at 7:10 pm.