



**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION
October 22, 2018**

A meeting of the Planning Commission was held on October 22, 2018 at 7:05 p.m. in the Commission Room of the Minnehaha County Administration Building.

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

STAFF PRESENT:

Scott Anderson, David Heinold, and Kevin Hoekman - County Planning
Maggie Gillepsie – States Attorney

Bonnie Duffy chaired the meeting and called the Minnehaha County Planning Commission meeting to order at 7:05 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. Item 2 was removed to the Regular Agenda.

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

ITEM 1. Approval of Minutes – September 24, 2018

As part of the consent agenda, a motion was made by Commissioner Barth and seconded by Commissioner Randall to **approve** the meeting minutes from September 24, 2018. The motion passed unanimously.



Regular Agenda

ITEM 2. REZONING #18-08 to rezone from the R1 Residential District to the C Commercial District on the property legally described as Lots 10 to 23 (Ex Rd) Block 5 Lyons Village Addition, Section 17-T103N-R50W.

Petitioner: Dennis Hatle
Property Owner: same
Location: 327 1st Street, Lyons
Staff Report: Kevin Hoekman

This would rezone from the R1 Residential District to the C Commercial District.

General Information:

Legal Description – Lots 10 to 23 (Ex Rd) Block 5 Lyons Village Addition, Section 17-T103N-R50W
Present Zoning – R1 Residential
Existing Land Use – vacant school building
Parcel Size – Approximately 1.1 acres

Staff Report: Kevin Hoekman

Staff Analysis:

The applicant is proposing to rezone approximately 1.1 acres of a 2.37 acre parcel from R1 Residential to C – Commercial zoning district. The property is one parcel which contains lots 1 through 32, all in the same block 5. The proposed rezoning would change the east lots which contain a former school building and associated parking area. The west lots are proposed to remain residential, and they contain mostly open grass area with scattered trees.

The petitioner has submitted a short narrative request to explain the future plans for the property. The primary requested use is for auto sales and service and to use the property for warehousing and storage. The petitioner and Planning Commission should be aware that a Conditional Use Permit will be required to use the property as requested even after the property is rezoned. The proposed uses are not allowed in any manner as the property is currently zoned.

The property is located on the north side of Lyons. Lyons is an unincorporated village which is composed primarily of residential properties on the east side of a set of railroad tracks and industrial to the west. The proposed property to be rezoned is located adjacent to residential zoning and uses to the south and west of the site. North of the property is a working farmstead not located within the village. East of the proposed property is a commercial zoned property which contains the former gymnasium of the former school building. This adjacent commercial property is primarily used for storage of trucks and parts for Rosenbauer fire truck manufacturing.

The portion of the property that is proposed for rezoning contains a former school building, a supporting garage, and an asphalt parking area. The outside facades of the buildings are



deteriorating and in need of repair. A narrow grove of trees are located on the west side of the proposed rezoning area. The trees do provide some screening of the buildings and parking area.

The proposed rezoning is a result of active code enforcement for a public nuisance on the property. Staff was notified that numerous unlicensed and inoperable vehicles were located on the property. After site inspections and letters, we became aware that the property was primarily being used for the storage of vehicles and equipment for future sales at another location. If the rezoning is approved, a Conditional Use Permit must still be obtained for outdoor storage, vehicles sales, or vehicle/equipment repair. Any conditions regarding the appearance or condition of the property would be placed on the future conditional use permit.

The Envision 2025 Comprehensive Plan recognizes Lyons as a Rural Service Area. The rezoning proposal generally meets the policies and objectives of the comprehensive plan. The site is located within of a Rural Service Area and adjacent to an existing commercial zoned property.

Recommendation: Staff recommends **approval** of Rezoning #18-08 to rezone the subject property from R1 Residential District to C Commercial District.

Public Testimony

Kevin Hoekman, County Planning Staff, presented a brief overview of the staff report and recommendation for Rezoning #18-08.

Commissioner Mohrhauser asked about the condition of the old school building and if it was to be used. Staff noted that from the outside it appears to be stable but many windows are broken and not usable for heated uses.

Brad Hatle, 1409 N Jessica Ave., was present for questions on behalf of the petitioner. Brad Hatle is the son of the petitioner, and he will be the primary person to utilize the property going forward.

Commissioner Barth noted that code enforcement has been going on and the property still contains junk items. Brad Hatle responded that the property has improved, and the improvement is much better than how the property was when the property was purchased. He explained that vandalism is a problem, and the intent is to spend more time and potentially live on the property to prevent vandalism in the future.

Commissioner Ralston clarified with planning staff that this application is for a rezoning and that further permits will be required to obtain the desired auto sales and service.

Commissioner Mohrhauser asked if there were plans to utilize the existing school building. Brad Hatle responded that the plan is to use the building for warehousing of overstock items. The building has electricity but no water at the moment.



Harold Boar, 46608 252nd Street, stated that he has done business in Lyons for 40 years. He expressed concern for customers from across the country to seeing the junk of the property. He continued that rezoning the property will not likely get the property in better condition or possibly make the property worse.

Bonnie Glidewell, 2105 S Elmwood Avenue, noted that she owned property in Lyons. She asked several questions regarding mitigation and environmental concerns primarily regarding water and chemicals used in auto service. Planning Staff noted that this hearing is regarding the appropriate zoning for the land and the use on the land will be addressed in future permitting and public hearing for a conditional use permit for auto service and sales.

Commissioner Barth confirmed with staff that the property is zoned residential and two dwellings could be placed on the property as it is zoned now.

Commissioner Ralston asked staff if the nuisance complaint would continue after the decision of this permit. Staff explained that once a nuisance complaint is received, staff will present options to the property owner to mitigate the nuisance, and that the nuisance will remain even after a rezoning until nuisance items are removed.

Commissioner Barth confirmed with staff that action on the item could be deferred to allow some property clean up. He then asked Brad Hatle if deferring action would allow time for the property to be clean up before action is taken. Brad Hatle responded that he is trying to rezone the property to keep the items on the property rather than disposing them.

Commissioner Duffy confirmed with Brad Hatle that the property is owned by Brad's father, Dennis Hatle.

Commissioner Randall asked how zoning the property would allow the property to be cleaned up. Brad Hatle responded that if the property was zoned commercial, then he could move his operations to the property and spend more time there.

Commissioner Ode asked how long has the property been owned by the Hatles. Brad Hatle responded that the property has been owned for about 10 years and that much improvements were done to the building including window and roof replacement.

Discussion

Commissioner Barth noted that he felt that the petitioner could have more time to clean the property or the Planning Commission would consider denying the request.

Commissioner Mohrhauser noted that a couple months would be reasonable to allow for some clean-up of the parking area at the minimum.

Commissioner Barth agreed that some of the superficial problems could likely be taken care of in a couple months.



Commissioner Randall thought that a most clean up would take place within 6 weeks because of winter work is difficult when things are frozen to the ground.

Action

As part of the consent agenda, a motion was made by Commissioner Ralston to **defer** Rezoning #18-08 and seconded by Commissioner Mohrhauser. The motion passed unanimously.

Rezoning #18-08 – Deferred until February 25, 2019 Planning Commission Meeting

Old Business

Commissioner Barth showed a couple photos of the junk yard on Jeffery Street near Hartford.

New Business

None.

Adjourn

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

The meeting was **adjourned** at 7:45 pm.