



**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION
October 28, 2019**

A meeting of the Planning Commission was held on October 28, 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, and Mike Ralston.

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 7:56 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 requested to be moved to the regular agenda for discussion.

A motion was made to **approve** the consent agenda consisting of Item 1, 3, and 4 by Commissioner Mohrhauser and seconded by Commissioner Ralston. The motion passed unanimously.

ITEM 1. Approval of Minutes – September 23, 2019

As part of the consent agenda, a motion was made by Commissioner Mohrhauser and seconded by Commissioner Ralston to approve the meeting minutes from September 23, 2019. The motion passed unanimously.



ITEM 3. CONDITIONAL USE PERMIT #19-44 to Transfer Two (2) Building Eligibilities from the SE1/4 SW1/4, Section 26-T104N-R48W and the NW1/4 NW1/4, Section 35-T104N-R48W to the SW1/4 NW1/4, Swenson’s Tract 3 (Ex. Swenson’s Tract 3A), NW1/4, Section 35-T104N-R48W.

Petitioner: Mark McGee

Property Owner: same

Location: Located approximately 7 miles east of Dell Rapids and 4 miles south on 482nd Avenue

Staff Report: David Heinold

General Information:

Legal Description – SW1/4 NW1/4, Swenson’s Tract 3 (Ex. Swenson’s Tract 3A), NW1/4, Section 35-T104N-R48W

Present Zoning – A-1 Agricultural District

Existing Land Use – Agriculture/Pasture

Parcel Size – 76.50 Acres

Staff Report: David Heinold

Staff Analysis:

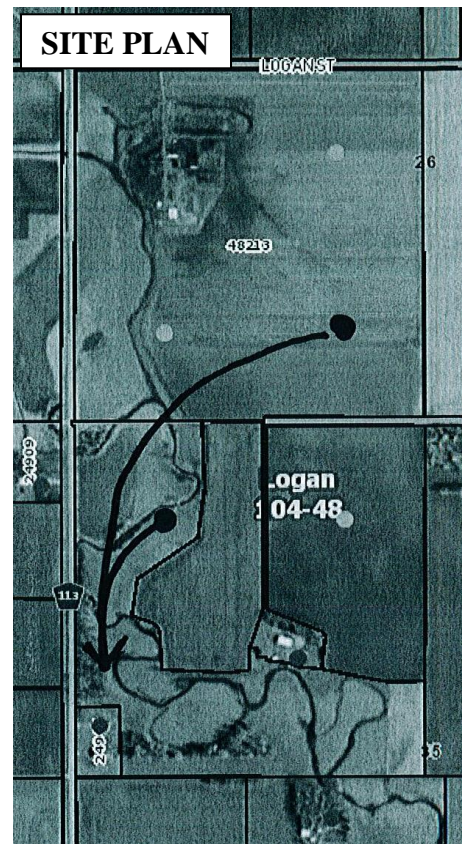
The petitioner is requesting conditional use permit approval to allow the transfer of two building eligibilities from the SE1/4 SW1/4, Section 26-T104N-R48W and the NW1/4 NW1/4, Section 35-T104N-R48W to the SW1/4 NW1/4, Swenson’s Tract 3 (Ex. Swenson’s Tract 3A), NW1/4, Section 35-T104N-R48W. The site plan, shown at right, describes the location of the two building eligibilities along County Highway 113.

On October 15, 2019, staff visited the site of the proposed building eligibility transfers and determined that the area is appropriate for two single family dwellings.

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 two 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 two 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 and preserves the existing farmland.

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 two 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 #19-44 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 Minnehaha County Highway Department prior to the issuance of building permits.

Action

As part of the Consent Agenda, a motion was made to **approve** Conditional Use Permit #19-44 with staff recommended conditions by Commissioner Mohrhauser and seconded by Commissioner Ralston. The motion passed unanimously.

Conditional Use Permit #19-44 – Approved



ITEM 4. CONDITIONAL USE PERMIT #19-45 to allow Storage Units and Outdoor Storage on the property legally described as N277' S344' E234', W1/2 NE1/4, and Tract 1, Ode's 2nd Addition, Section 32-T102N-R48W.

Petitioner: Splitrock Square, LLC

Property Owner: same

Location: 1600 W. Holly Blvd.

Located approximately 1.5 miles west of Brandon

Staff Report: David Heinold

General Information:

Legal Description – N277' S344' E234', W1/2 NE1/4 and Tract 1 Ode's 2nd Addition, Section 32-T102N-R48W

Present Zoning – I-1 Light Industrial District

Existing Land Use – Residential/Vacant

Parcel Size – 2.85 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting conditional use permit approval to allow Outdoor Storage and Storage Units on property located about one and a half miles to the west of Brandon city limits. The attached narrative describes that the requested outdoor storage areas will be utilized for contractor suites, outside parking for boats, campers, and trailers.

On October 15, 2019, staff visited the property and determined that the proposed use for outdoor storage and storage units is appropriate for the immediate area. Staff notified the City of Brandon regarding the conditional use permit request but 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.

The proposed use for outdoor storage and storage units will increase the amount of traffic; however, the subject property is located adjacent to an existing commercial area continuing to add more new warehouse-type buildings every year inside Brandon city limits. The addition of a low impact land use such as storage units should have a minimal effect on the use and enjoyment of other property in the immediate vicinity. With the current rates of development, there should be no negative impact to property values of surrounding properties.

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

The property is surrounded by Brandon city limits and mostly developed with a mix of land uses. The predominant use in the immediate area is industrial and retail commercial with residential subdivisions to the south of Holly Blvd.



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

The property already has an existing driveway off of Holly Blvd. and necessary utilities as a result of the current residential home. The applicant has not supplied a drainage plan for the management of stormwater runoff from the proposed outdoor storage and storage unit buildings.

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

The petitioner will be required to meet the minimum parking requirements for a warehouse and/or storage facility. There should be one parking space in front of each storage unit and the commercial warehouses need to include two parking spaces for every three employees on the maximum shift plus space to accommodate all vehicles used in connection with the building uses.

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.

No offensive nuisance will be permitted at any time during operation of commercial warehouse spaces, storage units, and outdoor storage areas. The property is zoned I-1 Light Industrial, which allows a limited number of land uses such as warehousing, limited repair, retail, and office space.

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

The subject property is located within the Transition Area as identified by the Envision 2035 Comprehensive Plan for Minnehaha County. Goal 4 states to promote the orderly development of unincorporated land that will likely be annexed into a municipality in both the short and long term. The result of this goal is to focus new growth and development within municipalities and areas adjacent to existing municipalities where infrastructure will be available. The subject property is located directly adjacent to the City of Brandon city limits to the west. The Comprehensive Plan for the City of Brandon shows a mix of light industrial and commercial north of Holly Blvd. in this area. The proposed use for outdoor storage and storage units will be an appropriate transition from the existing municipal development to the west and southeast.

Recommendation:

Staff finds that the proposed mini-storage an appropriate use of the commercial land at this site. Staff recommends **approval** of Conditional Use Permit #19-45 with the following conditions:

- 1.) The property shall adhere to the submitted site plan and narrative.
- 2.) No commercial businesses shall be allowed to operate within the storage units without obtaining proper approval from Minnehaha County Planning & Zoning.
- 3.) All driving and parking areas shall be hard surfaced to the standards of Minnehaha County Zoning Ordinance. The hard surface shall be installed by August 31, 2020.
- 4.) All outside lighting shall be of shoe-box style directing lights directly downward onto the property.
- 5.) Building permits are required for the storage units and for any signage.



Action

As part of the Consent Agenda, a motion was made to **approve** Conditional Use Permit #19-45 with staff recommended conditions by Commissioner Mohrhauser and seconded by Commissioner Ralston. The motion passed unanimously.

Conditional Use Permit #19-45 – Approved



Regular Agenda

ITEM 2. PLANNED DEVELOPMENT MAJOR AMENDMENT #19-05 to Change the Parcel Designation from Subarea C to Subarea D to allow agricultural uses on the property legally described as Lots 18 & 18A, High Prairie Ranch Addn., NW1/4, Section 8-T102N-R49W.

Petitioner: Robert Binstock

Property Owner: same

Location: 47312 Rogness Place Located approximately 2.5 miles east of Crooks

Staff Report: Kevin Hoekman

General Information:

Legal Description – Lots 18 & 18A, High Prairie Ranch Addn., NW1/4, Section 8-T102N-R49W

Present Zoning – Subarea C of High Prairie Ranch Planned Development District.

Existing Land Use – Pasture Land

Parcel Size – Approximately 53 acres

Staff Report: Kevin Hoekman

Staff Analysis:

The applicant is proposing a major amendment to change his parcel of property from Subarea C to Subarea D of the High Prairie Ranch Planned Development District which is located about 2.5 miles east of Crooks at the end of Renberg Street. The entire Planned Development area is approximately 111 acres in size and is composed of a mix of allowed uses ranging from parkland to agriculture to residential uses. The subject parcel is designated Subarea C, and it is the only land that is designate Subarea C. The proposed amendment will effectively eliminate Subarea C from the planned development, and enlarge Subarea D to include the subject parcel.

The High Prairie Ranch Planned Development consists of 4 subareas. The primary uses of the four subareas are rural residential, horse stable, park land, and agricultural uses. The original concept of the planned development called for joint ownership of the properties where Subarea B and C allowed horse stables and recreation land for riding. As the residential portion of the planned development filled up with dwellings the desire for residents of the development to have horses was not found and Robert Binstock (the petitioner) purchased the property to be the sole owner of the land that holds subareas B and C, and the land is not used as a stable and park for the residents of the development.

Planning Staff was notified that cattle were being kept on the petitioner's land in Subarea C. Cattle are not allowed to be kept on the property as it is currently zoned. The petitioner would like to maintain several cattle on the property. A small corral is located on the west side of the subject property that is requested for rezoning. This is located near the residential portion of the development and is the area which has received complaints. The area east of the Big Sioux River has been used as pasture land for the cattle. The land is enrolled in the conservation



program called Seasonal Riparian Area Management (SRAM) and is administered through the conservation district.

Without the approval of the major amendment, the petitioner will have to stop keeping cattle on the site. If the major amendment is approved, the property will stay a part of the planned development, but the use of the property will be aligned with the agricultural zoning district. In the proposed zoning district, the petitioner will be allowed to keep up to 49 head of cattle on the property without any additional permitting. The property does not meet setback requirements for having 50 or more head of cattle confined on the property; therefore a conditional use permit would have to be approved to have 50 or more head of cattle confined on the property.

Planning staff finds that the major amendment will change the allowed uses of the property to uses allowed on similarly sized large parcels in the area. The amendment will allow viable use of the property for personal or financial gain as an agricultural property. The property is within the Transition area of the Comprehensive Plan. The intent of the Transition Area is to preserve the landscape for the eventual annexation of the lot to the city. The proposed major amendment will change the allowed uses of the subject property, however, the land will still remain in a low density situation where land is preserved for future growth.

Recommendation:

Staff recommends **approval** of Major Amendment #19-05.

Public Testimony

Kevin Hoekman, County Planner II, presented a brief summary of the staff report and recommendation for Major Amendment #19-05. Commissioner Randall asked where the corral location is currently and Mr. Hoekman explained that it is north of the houses along Rogness Place and on the west side of the property.

Robert Binstock, 47312 Rogness Place, the petitioner was available for questions. Commissioner Mohrhauser asked if the land was enrolled in the SRAM program. Mr. Binstock explained that most of the land with the exception of the corral is in the SRAM program. He further explained that he typically gets hay from the land but this year was flooded.

Valeri Kallas, 47316 Rogness Place, identified herself as one of the neighboring property owners across the street from the cattle area. Mrs. Kallas explained that they bought house understanding that this was an equestrian development. She continued to mention that her objection to the project was for the land west of the river and the small corral closest to the housing development. She has no objection to property to the east of the river being changed to allow cattle.

Mr. Binstock explained that the original development listed Subarea C as a horse area. He continued to mention that the covenants for the development were removed for the property. Robert Binstock has a plan to have a small pen for feeder steer to butcher and would provide meat for neighbors as well as his own use. He explained that there is no other place to put the cattle when it floods east of the river. He continued to state that it's a few head, not a nuisance,



and it would be impractical to keep more cattle on the land than what he has. He finished by stating that rezoning without having the west land for ag use would not allow him to do what he wants to do with the property.

Vicki Binstock, 47316 Rogness Place, explained that the houses were completely separate from an equestrian development when the houses in the development were purchased.

Commissioner Duffy called for additional public testimony but there was no response. Commissioner Duffy closed the floor to public testimony.

Action

A motion was made to **approve** Major Amendment #19-05 by Commissioner Mohrhauser and seconded by Commissioner Randall. The motion passed unanimously.

Major Amendment #19-05 - Approved

Old Business

Scott Anderson updated the Planning Commission notified everyone that a public outreach meeting was going to be held on October 29th at 7:00 pm for the Hartford Joint Jurisdiction possibility.

Commissioner Mohrhauser asked if there was anything happening with the Hope Harbor planned development near Crooks. Scott Anderson stated that there was nothing in the plans for it.

New Business

None.

Adjourn

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

The meeting was **adjourned** at 8:19 pm.