

**MINUTES OF THE  
MINNEHAHA COUNTY PLANNING COMMISSION**  
March 25, 2013

A meeting of the Planning Commission was held on March 25, 2013 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Bonnie Duffy, Jeff Barth, Becky Randall, Mike Cypher, Wayne Steinhauer, Mark Rogen and Susie O'Hara.

STAFF PRESENT:

Scott Anderson, Pat Herman, and Dustin Powers - County Planning

The meeting was chaired by Susie O'Hara.

**CONSENT AGENDA**

A motion was made by Rogen and seconded by Barth to **approve** the consent agenda. The motion passed unanimously.

**ITEM 2. Approval of Minutes** – February 25, 2013

A motion was made by Rogen and seconded by Barth to **approve** the minutes from February 25, 2013. The motion passed unanimously.

**ITEM 3. ZONING ORDINANCE TEXT AMENDMENT #13-004 to amend Section 10.00 of the 1990 Revised Zoning Ordinance for Minnehaha County.**

Petitioner: Raymond Funke

Location: ½ mile south of Iverson Crossing Intersection

**General Information**

Present Zoning – Perry Planned Development District

Existing Land Use - Agricultural

**Staff Report:** Pat Herman

**Staff Analysis**

In 1996 the Perry Planned Development District was approved in the County. Consisting of over 500 acres, the district encompasses a large portion of Section 28 Split Rock Township, including the Perry Nature Area, Mary Joe Wagner Arboretum, and Iverson Crossing Subdivision. The district is divided into seven subareas entitled A-G. This application is to amend Subarea E.

Subarea E is located at the intersection of Co. Hwy 115 (461<sup>st</sup> Ave.) and 267<sup>th</sup> Street. Subarea E contains 10.7 acres, of which 7.9 acres has been platted as Michael's Addition and has a single family residence. Subarea E stipulates the allowance of one dwelling unit.

The petitioners own the remaining acres of Subarea E and also own the adjoining land to the

west which is part of the Perry PD (Subarea C). Within Subarea C is an old farmstead located where 267<sup>th</sup> Street dead ends at the Big Sioux River. The farmstead is located in the 100 year flood plain as determined by FEMA. The farm house had fallen into disrepair and the petitioners burned the house down, believing they could replace it with a new single family dwelling. Logically, the petitioner's do not wish to construct a new dwelling within the flood plain, but on the higher ground located in Subarea E. Subarea E needs to be amended to add one additional dwelling unit to allow the new construction.

Staff would not support this application if there had not been an existing farm house on the site, however, the request to reconstruct in an adjacent location does not increase the number of dwelling units that traditionally existed in the area. In addition, the new site will not impede the water flow within the flood plain. A new dwelling unit will not stand out as there is a 14-lot subdivision adjacent to the south of this location.

### **Recommendation**

Staff recommended approval of Text Amendment #13-004 with the following revisions:

- 6) OTHER REGULATIONS. Other regulations for Subareas D and E shall be:
- ~~a) The residential density shall not exceed one dwelling unit for each subarea.~~
  - a) The residential density shall not exceed one dwelling unit for Subarea D and two dwelling units for Subarea E.
  - b) The driveway approach serving Subarea E shall not directly access 481st Ave.
  - c) No dwelling shall be located within the 100 year floodplain as shown on the county's flood insurance rate map.

### **Action**

A motion was made by Rogen and seconded by Barth to **recommend approval** of Text Amendment #13-004. The motion passed unanimously.

**Text Amendment #13-004 – APPROVAL RECOMMENDED**

**ITEM 4. CONDITIONAL USE PERMIT #13-019 to replace an existing mobile home and to transfer one residential building eligibility from the NE 1/4 NE1/4 to County Auditor Tract 1; both in Section 28-T104N-R52W.**

Petitioner: Calvin Olson  
Property Owner: Shirley Olson  
Location: Buffalo Trading Post

**General Information**

Present Zoning – A-1 Agricultural  
Existing Land Use - Agricultural  
Parcel Size – 157.63 Acres

**Staff Report:** Scott Anderson

**Staff Analysis**

The applicant is requesting a Conditional Use Permit to replace an existing sixteen (16) foot by eighty (70) foot manufactured home with a new twenty-eight (28) foot by seventy (70) foot manufactured home. The applicant indicated that the existing single-wide manufactured home has been on the subject property since prior to 1985. They now wish to upgrade their residence. The applicant will need to replace his septic system so is requesting a transfer of the building eligibility used by the home. The transfer will move the eligibility 100 feet to the south. This will result in better site for the mobile home and allow for easy installation of the septic system.

On March 8, 2013, staff conducted a site visit. The existing land use for the area consists of agricultural uses. The closest existing agricultural operation is located less than ¼ mile to the north near the intersection of 248<sup>th</sup> Street and 457<sup>th</sup> Avenue. The subject property is well screened from most adjacent properties by a large shelter belt located to the north and east.

The Planning Commission may wish to consider the following five (5) factors in their review of this Conditional Use Permit application:

**1) The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values within the immediate vicinity.**

Upgrading the existing single-wide manufactured home with a newer double-wide manufactured home should not effect the uses already permitted in the area or property values. Relocation of the manufactured home 100 feet to the south will also not effect property values.

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

The proposed Conditional Use Permit should not impact the agricultural/residential nature of the surrounding properties. The property owner will be upgrading the structure with a new manufactured home that has a more house-like appearance. The proposed replacement of the smaller manufactured home with a larger unit will have minimal impact on the development and improvement of any vacant properties in the area.

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

457<sup>th</sup> Avenue (SD Highway 19) provides access to the site. No new roads will be needed to access the site. The property is served by a community water system and an on-site wastewater disposal facility. All required utilities exist to the single-family residence.

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

The applicant must provide one (1) off-street parking space for the existing single-family residence. Staff's inspection of the site found that several spaces are available.

**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 location of a new manufactured home on the property as a permanent single-family residence should not create dust, noise, or fumes in any amounts that would constitute a nuisance.

Staff supports the request to upgrade the residence on the subject property with a newer manufactured home. The applicant has indicated that the new manufactured home will have house-type siding and a peaked, shingled roof. The proposed manufactured home will better blend into the existing housing stock of the area than the existing single-wide manufactured home.

**Recommendation**

Staff recommended approval of Conditional Use Permit #13-019 to allow the transfer of one residential building eligibility and to allow a double wide manufactured home to be placed on the subject property with the following conditions:

- 1) That a building permit be obtained for placement of the new manufactured home and any accessory structures, which requires a site plan to be reviewed and approved by the Planning Director; and,
- 2) That a manufactured home with the minimum dimensions of 28 feet by 70 feet be allowed on the property meeting all of the requirements of Section 12.06 (C) of the Minnehaha County Zoning Ordinance.

**Action**

A motion was made by Rogen and seconded by Barth to **approve** Conditional Use Permit #13-019. The motion passed unanimously.

**CUP #13-019 – APPROVED**

**ITEM 5. CONDITIONAL USE PERMIT #13-018 to transfer one residential building eligibility.**

Petitioner: Sandra Johnson  
Property Owner: same  
Location: Corson

**General Information**

Present Zoning – A-1 Agricultural  
Existing Land Use - Agricultural/Residential  
Parcel Size – 12.7 Acres

**Staff Report:** Scott Anderson

**Staff Analysis**

The applicant wants to transfer a landlocked building eligibility from the SE ¼ of the NW ¼ to the NW ¼ of the NW ¼ to allow for the development of a residential lot. The location of the eligibility is currently situated in an area with no existing road network and the applicant wants to transfer the eligibility in order to have better access. The proposed building site would be located east of SD Highway 11 and located south of the existing farmstead. The transfer will allow the applicant's son to build a house near her.

On March 6, 2013, staff conducted a site visit. There are no animal confinement operations near the location of the transfer. The new residence would be basically located in the village of Corson. There are more than 10 existing residences located to the west of the subject property in Corson.

**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.**

A right-to-farm notice covenant should be required to notify potential buyers to the realities of locating in an agricultural area.

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

The transfer of the building eligibility does not increase the number of dwelling units allowed in this section.

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

Rural water is available in the area and a waste water system will be utilized. The applicant indicated that the proposed building site will use an existing driveway that comes off of SD Highway 11 and lines up with Corson Street to the west.

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

Off-street parking requirements will be provided for once a single-family residence is constructed on the subject property.

**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 constitute a nuisance.

**Recommendation**

Staff finds this conditional use permit request to be consistent with density zoning and recommended approval of Conditional Use Permit #13-018 with the following condition:

1. The lot shall be platted and a right-to-farm notice covenant shall be placed on the deed prior to the issuance of a building permit.

**Action**

A motion was made by Rogen and seconded by Barth to **approve** Conditional Use Permit #13-018. The motion passed unanimously.

**CUP #13-018 – APPROVED**

## **REGULAR AGENDA**

A motion was made by Rogen and seconded by Barth to **approve** the regular agenda. The motion passed unanimously.

### **ITEM 1. PRELIMINARY PLAN #13-002 for The Meadows.**

Petitioner: Mary Kidwiler

Property Owner: same

Location: West side of Hartford

#### **General Information**

Present Zoning – The Meadows PD

Existing Land Use - Agricultural

Parcel Size – 30 Acres

**Staff Report:** Pat Herman

#### **Staff Analysis**

A preliminary site plan has been submitted for a residential twin home and town home development entitled The Meadows (Tract 1), Blocks 1-6. The proposed subdivision is located adjacent to the City of Hartford at the intersection of Western Avenue (Co. Hwy 151) and 25<sup>th</sup> Street (Co. Hwy 130). Consisting of 157 dwelling units, the site will utilize individual septic systems for the twin homes and a large co-system for the town homes.

Access to the development is from Western Avenue. The 1993 Revised Subdivision Ordinance for Minnehaha County details the information that is required in a preliminary plan in Section 4.01.

- 1. The name of the proposed subdivision and location by quarter section, section, township and range. Subdivision names shall not duplicated, be the same spelling, or alike in pronunciation with any existing subdivision located in the same section, unless it is an extension of or adjoining and existing subdivision. All subdivision names shall be subject to approval by the Planning Director.***

The name of the subdivision is The Meadows (Tract 1) Blocks 1-6, NE1/4 of Section 16-T102N-R51W.

- 2. The names of all adjacent subdivisions and their platting pattern. Adjoining unplatted land shall be labeled as such.***

The adjoining land to the west is unplatted. Lots 1A & 2 Kidwiler's Addition are shown to the south and Tract 1 Dickerson's Addition to the north.

- 3. The correct legal description. Notations stating acreage, scale, and north arrow.***

The legal description is on the plan and the standard map elements have been included.

**4. *The owner, developer, and surveyor's names and telephone numbers.***

The required information has been provided.

**5. *Vicinity map, showing locations of the preliminary plan and surrounding property for at least one mile in every direction.***

The submitted plan provides the required vicinity map.

**6. *Exterior boundaries of the proposed subdivision referenced to a corner marker of the U.S. Public Land Survey, and the total acreage encompassed thereby.***

The quarter corner markers are shown and the proposed acreage of each lot is indicated.

**7. *The location and width of all proposed and existing road rights-of-way, existing structures, easements, railroad rights-of-way, streams and water courses, lakes, wetlands, rock outcroppings, wooded areas, and other similar significant features.***

Existing and planned expansions of wetlands are shown on the plan. The drainage ditch is shown on the plan but is to be removed as approved by the Corps of Engineers. Easements, culverts, water mains and other elements are shown as required. Road rights-of-way meet standards set by The Meadows Planned Development District.

Shannon Schultz, Senior Project Engineer for the County Highway Department has reviewed the site and access point of this project and submitted the following requests:

- a) A 36' wide approach will be requested having one inbound lane and two outbound lanes (turning north and south onto Western Ave.)
- b) The access shown on the plan should not be a problem.
- c) A second access is recommended for safety reasons.
- d) A speed reduction to 40 MPH on Western Avenue from Co. Hwy 130 south is recommended.
- e) A traffic analysis for trip counts from this development is requested.
- f) At a minimum, the culvert under the approach should be sized to handle a 5-year storm event.

**8. *The boundary lines of flood hazard areas.***

There are no flood hazard areas as indicated on sheet C-101.

**9. *Existing contours at vertical intervals not greater than five feet. A lesser interval may be required in those cases where the character or topography of the land is difficult to determine.***

Contour lines are shown on sheets C-101 & C-102

**10. *A systematic lot and block numbering pattern, lot lines and road names.***

Blocks and roadways are shown on the plan. Dwelling units will be addressed in accordance with the City of Hartford's numbering system. The applicants will be responsible for the cost of all street signs and poles required by the new subdivision. The east/west streets – 19<sup>th</sup> & 20<sup>th</sup> Street – are consistent with Hartford's street naming grid.

**11. *Approximate dimensions and acreage of all lots.***

Acreages and dimensions are on sheet C-101.

**12. *Certificates of approval for endorsement by the Planning Commission and County Commission.***

Certificates are on sheet C-103.

The Subdivision Ordinance for the City of Hartford has additional requirements for preliminary plans.

- **Submitted by a licensed engineer.**

The plan has been prepared by register professional engineer Todd Schultz with TSP, Inc.

- **Street System**

Section 6.04 stresses the need for street circulation and connectivity between neighborhoods. The Major Street Plan depicts future collector streets to the west and south of the site located on the section's ½ mile lines. The preliminary plan does not show any planned connection to these future streets. 19<sup>th</sup> Street could be stubbed in to allow future expansion to the west. The City of Hartford requests that 19<sup>th</sup> Street be renamed 18<sup>th</sup> Street to align with the shorter blocks used within Hartford.

One entrance/exit is provided for this development. There is the potential that persons could be trapped within The Meadows should an accident occur which blocks the 19<sup>th</sup> Street/Western Avenue intersection. The petitioner has proposed a second entrance from Western Avenue located on the south edge of Lot 2 Kidwiler's Addition. The road would travel west and then north around the septic system in Block 6, connecting to 19<sup>th</sup> Street.

Section 7.05 requires walkways where deemed necessary to provide circulation or access to facilities. The petitioner has provided a walkway that encircles the development. Sidewalks along the roadways are not planned as this development is designed to prevent through traffic. Roads are narrow with planned boulevards which act as a natural traffic speed control.

If 18<sup>th</sup> Street is required to be a through street a sidewalk should be required on the south side of the street. The City Engineer is requesting the walk be four feet in width.

- **Utilities and Public Space**

The development will be served by Minnehaha County Water Corporation. There is an existing main line running within a 40' easement adjacent to the west edge of Western Avenue. The petitioner should install water lines in accordance with the design standards of the City of Hartford.

The development will be served by septic systems constructed in accordance with the standards of the SD DENR. As required by The Meadows Planned Development District, the dwelling units shall be plumbed for hook-up to the City of Hartford's sanitary sewer when connection becomes available. The preliminary plumbing should conform to the plumbing code adopted by the City of Hartford.

The final development plan should include the location of utility lines and easements.

- **Public Open Space**

The petitioner is not proposing a park, playground, or public site for dedication. The plan does expand the existing wetlands and provide a walk/bike path around the development. This path is proposed to be gravel. The applicant should be prepared to discuss why hard surfacing is not being used.

- **Grading & Drainage**

Preliminary drainage & grading is shown on sheet C-102. Water is directed away from the city to the northeast corner of the property. A detention pond will be constructed and additional wetlands provided to improve water retention and control. The Corps of Engineers is in the process of reviewing the plans. A copy of the Corps finds should be provided to Minnehaha County and the City of Hartford. The development will use bio-swales to drain water instead of the traditional curb and gutter. Final "as built" engineering plans for the bio-swales should be provided to Minnehaha County and the City of Hartford.

- **Erosion Control**

Any construction activity disturbing one or more acres must have coverage under a storm water permit from the SD DENR. This permit controls clearing, grading, or excavation; road building; construction of residential, commercial, and industrial buildings; installing pipelines, cable lines, and phone lines; and demolition activities.

- **Preservation of Natural Features and Amenities**

The plan shows the preservation of the existing wetlands and proposes additional wetlands.

### **Recommendation**

Staff finds that the submitted preliminary subdivision plan to be in conformance with the 1993 Revised Subdivision Ordinance for Minnehaha County and the City of Hartford Subdivision Regulations and recommended approval of The Meadows (Tract 1) Blocks 1-6, , NE1/4 of Section 16-T102N-R51W with the following conditions:

1. The applicant is responsible for the cost of street signs and poles for the roadways and will be accessed the cost when the final plat is submitted.
2. Roadways shall be constructed to the standards of the 1993 Revised Subdivision Ordinance Article 8, Minimum Road Improvements and Design Standards.
3. A 36' wide approach will be requested having one inbound lane and two outbound lanes (turning north and south onto Western Ave.)
4. A second access to the development is required.
5. 18<sup>th</sup> Street will be stubbed out on the west end to provide a future connection to major street plan collectors.
6. 19<sup>th</sup> Street shall be renamed 18<sup>th</sup> Street.
7. A sidewalk, 4 feet in width, shall be installed on the south side of 18<sup>th</sup> Street.
8. A traffic analysis for trip counts from this development is required.
9. Culverts under any approaches on Western Avenue must be sized to handle a 5-year storm event.
10. The applicant will acquire a SD DENR State Storm Water Permit prior to the start of construction.
11. All plumbing, interior and exterior, shall conform to the design criteria and code requirements of the City of Hartford.
12. Final development plans are required as stated in Section 5.01 of the Minnehaha County Subdivision Ordinance. The final plans shall be submitted to the Minnehaha County Planning Department and the Hartford City Manger.
13. The final development plans must include:
  - a. Final drainage, grading and erosion control plans.
  - b. Location of utility lines.
  - c. Location of easements.
  - d. Final engineering plans for the bio-swales and detention ponds.
  - e. Final engineering plans for the road-ways.

### **Discussion**

Pat Herman indicated that the County Attorney has indicated that this item should be deferred until the April 22<sup>nd</sup> Planning Commission meeting.

### **Action**

A motion was made by Rogen and seconded by Duffy to **defer** Preliminary Plan #13-002 to the April 22<sup>nd</sup> Planning Commission meeting. The motion passed unanimously.

**Preliminary Plan #13-002 – DEFERRED**

**ITEM 6. REZONING #13-001 to rezone from the A-1 District to the RR District.**

Petitioner: Lindsey Baker & Greg Van Zee

Property Owner: Gary Yttrenss

Location: 1 mile west of County Pit

**General Information**

Present Zoning – A-1 Agricultural

Existing Land Use - Agricultural

Parcel Size – 1.99 Acres

**Staff Report:** Ryan Streff

**Staff Analysis:**

The applicants, Lindsey Baker & Greg Vanzee, are proposing to rezone 1.99 acres 4.5 miles west of Sioux Falls and in Section 7 of Wayne Township. The property is described as the 1.99 acres in the SE corner of the W 540 (EX Yttreness Addn & EX E67 W308.71 N126) NW1/4 NW1/4 7-101-50 Wayne Township, Minnehaha County, South Dakota. Their request is to rezone this property from A-1 Agricultural District to RR Rural Residential District to allow for one (1) single family dwelling.

The surrounding land use is generally agricultural in nature with several residential acreages in the immediate vicinity. Within the radius of ½ mile there are 14 single family dwellings and within the radius of one (1) mile there are thirty-seven (37) single family dwellings. There are four (4) available building eligibilities to the north, four (4) to the west and two (2) to the south of the proposed lot. Within the one (1) mile radius of the proposed lot there are forty-two available building eligibilities. All of the land in the immediate area is zoned either A-1 Agricultural or RC Recreation Conservation (Skunk Creek).

Mr. Vanzee met with staff on February 25, 2013, to discuss the rezoning of this parcel for residential use. Mr. Vanzee stated that they would like to rezone the property so they could build a new home. He stated that no one is willing to sell them a building eligibility so they can build. He indicated that Lindsey grew up on this property and that they would like to keep family on her grandfather's land for future generations.

The rezoning of this property from A-1 Agricultural District to RR Rural Residential District would set forth a precedent for the entire County. Allowing this petitioner or any other property owner to gain an additional building eligibility by rezoning their land to RR Rural Residential District would damage our current practice of density zoning and could potentially make it no longer applicable. This could mean that anytime someone wanted an additional building eligibility they could just simply apply for a rezoning to the RR Rural Residential District. Such unplanned growth would place a further burden on rural services provided by the townships and rural emergency response teams.

Despite the collection of rural dwellings, the Minnehaha Country Comprehensive Future Development Plan Map 6 depicts this area as agricultural. Transitions zones (where change is occurring from agricultural land use to urban land use) are located in growth areas immediately

adjacent to incorporated municipalities that can supply services and utilities. Urban services and utilities are not available in this area and the Comprehensive Plan maintains the use of density zoning for this part of the county.

Staff feels that the applicant's proposed use does not conform to the intent of the RR Rural Residential District or the Minnehaha County Zoning Ordinance.

**Recommendation:**

Staff recommended denial of Rezoning #13-001 as the request would constitute spot zoning in order to acquire one (1) additional building eligibility for the petitioner's proposed parcel of land. Staff feels that rezoning this parcel would not be in conformance with the Comprehensive Plan or within the intent of the Zoning Ordinance.

**Public Testimony**

Greg Van Zee & Lindsey Baker stated that they had contacted the neighbors to try to get an eligibility but the neighbors did not wish to part with their eligibilities at this time.

Greg Hartman, owns property to the south, stated that he recently purchased the land to the south and looks to build in the near future. He asked if this was approved would it mean that he would be able to get additional eligibilities in the future on his ground.

**Discussion**

Commissioner Cypher stated that this is not only spot zoning but it's also generating an eligibility and would set a bad precedence for the future.

**Action**

A motion was made by Cypher and seconded by Randall to **recommend denial** of Rezoning #13-001. The motion passed unanimously.

**Rezoning #13-001– DENIAL RECOMMENDED**

**ITEM 7. REZONING #13-002 to rezone from the A-1 District to the I-1 District.**

Petitioner: Anita Preheim

Property Owner: same

Location: 1/3 mile east of Iverson Crossing Intersection

**General Information**

Present Zoning – A-1 Agricultural

Existing Land Use - Agricultural/Landscaping Business

Parcel Size – 6.97 Acres

**Staff Report:** Dustin Powers

**Staff Analysis**

The subject property is located on the north side of SD Highway 42 one-third of a mile east of the intersection of SD Highway 11 and SD Highway 42. The property is currently zoned A-1 Agricultural and has been used as a nursery and landscaping business for which there is a 40 foot driveway access off of SD Highway 42. Land surrounding the property is zoned A-1 Agricultural. This request is to rezone the property from A-1 Agricultural to I-1 Light Industrial for the purpose of sale. The current buildings have previously been used for storage of materials and equipment for the nursery and landscaping business; however, due to the A-1 zoning classification the opportunities for commercial/light industrial sale are limited.

On November 22, 2011 the Minnehaha County Commission adopted the Red Rock Corridor Plan for the area within which the subject property is located. According to the Red Rock Corridor Future Land Use Map this property is represented by agricultural land uses which the property is currently zoned. The plan does call out for commercial uses near the intersection of the two state highways but it does not call out for light industrial uses in this area. Also, the plan addressed prohibiting strip development along the corridor. Extending beyond what the plan has called out for commercial and industrial areas would provide more opportunity for strip development to occur.

**Recommendation**

Staff believes the request to rezone this property to light industrial is inconsistent with the guidelines set forth in the Red Rock Corridor Plan. Staff recommended denial of Rezoning #13-002.

**Public Testimony**

Commissioner Cypher stated that when you drive by the property it looks commercial and asked why it was not included in the Red Rock Corridor Plan as commercial. Dustin Powers indicated that when the plan was drafted, the objective was to prevent strip development in the corridor. The task force did not elect to extend out this far as it could lead to that type of strip development in the future.

Commissioner Barth asked if the Preheim's were invited to participate in the meetings during the planning process for the Red Rock Corridor Plan. Dustin Powers indicated that at the start of the

planning process, every landowner was notified of the planning process for the Red Rock Corridor Plan and invited were to attend the meetings.

Doug Brockhouse, Bender Commercial, stated that the Preheim's have asked Bender Commercial to put the property on the market and sell it. The rezoning request is to maximize the potential market for the property. He stated that they looked at how the property is currently used and it is being used as a commercial property. He stated that the Red Rock Corridor Plan calls out for commercial and light industrial along major roadways, which this site is along SD Highway 42. The rezoning to light industrial would open up the opportunities for sale and if approved any industrial business would come back to the planning commission with a conditional use permit for approval on the site.

Commissioner Steinhauer asked if the land was being listed or just the business. Mr. Brockhouse indicated that the initial plan was to sell the property with the buildings and move the business down to the Canton area. Commissioner Steinhauer confirmed that it wasn't the sale of the business in which someone new would operate Preheim; it is a sale of the property which means a new business would come in. Mr. Brockhouse confirmed that response.

Commissioner Rogen asked about the access for the tree farm property. Mr. Brockhouse stated that if this were to get rezoned and sold they would need to refigure the access easement across the property.

### Discussion

Commissioner O'Hara asked how the current business is allowed under the Ag zoning district. Pat Herman indicated that a conditional use permit was required. For a nursery/landscape business in the Ag district it must grow its own plants on the property and that was a condition on the original conditional use permit.

Commissioner Steinhauer stated that the Red Rock Corridor Plan was just adopted not that long ago and believes this rezoning it premature.

### Action

A motion was made by Steinhauer and seconded by Duffy to **recommend denial** of Rezoning #13-002. The motion passed 6-1 (Barth voted No).

**Rezoning #13-002– DENIAL RECOMMENDED**

**Old Business**

Scott Anderson indicated that the Planning Staff has been informed of a pending lawsuit against the agronomy plant that was approved north of Colton. Also, the Meadows Planned Development District was approved for its rezoning at the last County Commission meeting.

**New Business**

No Items.