



**MINNEHAHA COUNTY & CITY OF SIOUX FALLS
PLANNING COMMISSION
MEETING MINUTES**

April 26, 2021

**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS
April 26, 2021**

A joint meeting of the County and City Planning Commissions was held on April 26, 2021 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building and in the Zoom Personal Meeting Room ID 728 439 8039.

Commissioner Bonnie Duffy chair the County Planning Commission, and called for roll call of County Planning Commission members present to determine quorum.

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

Commissioner Erik Nyberg chaired the City of Sioux Falls Planning Commission, and called for roll call of City of Sioux Falls Planning Commission members present to determine quorum.

CITY PLANNING COMMISSION MEMBERS PRESENT: Sean Ervin, Dana Fisher, Kurt Johnson, Janet Kittams, Larry Luetke, John Paulson, and Erik Nyberg.

STAFF PRESENT:

Scott Anderson, David Heinold, and Kevin Hoekman - County Planning
Eric Bogue – States Attorney’s Office
Albert Schmidt – City Planning

The County Planning Commission was presided over by Commissioner Bonnie Duffy. The City Planning Commission was chaired by Erik Nyberg.

Chair Duffy called the joint Minnehaha County and City of Sioux Falls 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 or no hands were raised in the Zoom Personal Meeting Room.



**MINNEHAHA COUNTY & CITY OF SIOUX FALLS
PLANNING COMMISSION
MEETING MINUTES**

April 26, 2021

ITEM 1. Approval of Minutes – March 22, 2021

Chair Duffy called for any comments or amendments to the minutes. Nobody raised any comments or additions.

A motion was made for the County by Commissioner Barth and seconded by Commissioner Ode to **approve** the meeting minutes from March 22, 2021. A roll call vote was taken, and the motion passed unanimously with 5 votes in favor of the motion and 0 votes against the motion.

The same motion was made for the City by Commissioner Lutke and seconded by Commissioner Johnson to **approve** the meeting minutes from March 22, 2021. A roll call vote was taken, and the motion passed unanimously with 6 votes in favor of the motion and 0 votes against the motion.



ITEM 2. CONDITIONAL USE PERMIT #21-28 to make one (1) building eligibility available on the property legally described as NE1/4 SE1/4, Section 6-T101N-R48W.

Petitioner: Heath Lacey

Property Owner: Patricia Lacey

Location: North of 2701 N. Six Mile Rd.

Located Approximately 1 mile east of Sioux Falls

Staff Report: Kevin Hoekman

General Information:

Legal Description – NE1/4 SE1/4, Section 6-T101N-R48W

Present Zoning – A1-Agriculture

Existing Land Use – cropland with residential acreage

Parcel Size – 75.34 acres

Staff Report: Kevin Hoekman

Building Eligibility Background:

Residential development is restricted within agricultural zoned land within the county. Only one residential dwelling is allowed for every quarter quarter section (40 acres) or every lot of record which was platted prior to the zoning amendment. This restriction referred to as density zoning. When density zoning became part of the ordinance, there was a classification gap between what was considered a lot of record and when the ordinance was adopted. Parcels which were plated during that time gap received a building eligibility which requires a conditional use permit to allow use. This request is to back one of these building eligibilities available.

Staff Analysis:

The petitioner is requesting to make available a building eligibility which is listed as requiring a conditional use permit. This is the only remaining building eligibility owned by the petitioner. The location of the proposed building site will be along Six Mile Road. A driveway for the proposed property is already approved and built. City planning staff has reviewed the request and submitted comments. There is no timeline for annexation of this specific property, but City services will likely be available within 16 to 25 years.

Conditional Use Permit Criteria:

(a) The impact of the proposed use on adjacent properties shall be a major consideration. The proposed use should be generally compatible with adjacent properties and other properties in the district.

The proposed use is to allow the use of a building eligibility for one single family dwelling. The area is till mostly used for agriculture; however, many other residential acreages are developed in



the area too. A residential dwelling will have little impact on either the agricultural or residential uses in the area.

(b) Measures shall be taken to ensure that the proposed use does not alter the general character of the area or neighborhood.

Since much of the landscape is composed of agriculture with residential acreages, the character of the neighborhood will not significantly be changed. It is possible that platting a new parcel for the dwelling will affect the future layout of suburban subdivisions as Sioux Falls expands. A new plat will be reviewed by staff for the city according to their subdivision ordinances and regulations.

(c) The effects of noise, odor, traffic, air and water pollution, and other negative factors shall be eliminated or controlled through the use of screening, setbacks and orientation.

A residential dwelling is not likely to increase noise, odor, air, or water pollution. A residential property must abide by the county Public Nuisance Ordinance. Comments from city staff include concerns over new traffic entering and exiting a future arterial road. As the property is very close to planned urban streets, city staff is requesting the driveway to be shared with the neighbor. The driveway for the proposed residential use has already been approved by the County Highway Department, and it is already constructed.

(d) The proposed use shall not adversely affect the public.

The proposed use is compatible in the area and should not adversely affect the public.

Health, safety, general welfare of the public and the Comprehensive Plan should be considered as part of the request.

This proposed action meets with the comprehensive plan to cluster residential building eligibilities. The use of the building eligibility will not increase the potential density of the area. Many of the available building eligibilities have already been used and only a few building eligibilities remain available for use.

Recommendation:

Staff recommends **approval** of Conditional Use Permit #21-28 with the following conditions:

- 1.) A right-to-farm notice covenant shall be placed on the deed prior to the issuance of a building permit for all single family dwellings.

Public Testimony:

Kevin Hoekman, County Planning staff, presented a brief explanation of the staff report

Heath Lacey, the petitioner, was present at the meeting.

No other people moved to speak to the item



**MINNEHAHA COUNTY & CITY OF SIOUX FALLS
PLANNING COMMISSION
MEETING MINUTES**

April 26, 2021

Actions:

Commissioner Barth made a motion to **approve** Conditional Use Permit #21-28 with recommended condition. The motion was seconded by Commissioner Ode. A roll call vote was taken and the motion passed unanimously with 5 votes in favor of the motion and 0 votes against the motion.

Commissioner Lueke made the same motion for the city planning commission to **approve** Conditional Use Permit #21-28 with recommended conditions as amended by staff. The motion was seconded by Commissioner Ervin. A roll call vote was taken and the motion failed with 6 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #21-28 – Approved with the following condition:

- 1.) A right-to-farm notice covenant shall be placed on the deed prior to the issuance of a building permit for all single family dwellings.



**MINNEHAHA COUNTY & CITY OF SIOUX FALLS
PLANNING COMMISSION
MEETING MINUTES**

April 26, 2021

ITEM 3. CONDITIONAL USE PERMIT #21-29 to exceed 2,400 square feet of total accessory building area – requesting 4,992 sq. ft. on the property legally described as W100’ Tract 2 & W100’ N120’ Tract 7a & All Tract 4, Walkers Addition, N1/2 NW1/4, Section 13-T102N-R50W.

Petitioner: Jay Gerlach

Property Owner: same

Location: 47139 258th St. Located Approximately 0.5 miles north of Sioux Falls

Staff Report: David Heinold

General Information:

Legal Description – W100’ Tract 2 & W100’ N120’ Tract 7 & All Tract 4, Walkers Addition, N1/2 NW1/4, Section 13-T102N-R50W.

Present Zoning – A-1 Agricultural District

Existing Land Use – Residential

Parcel Size – 2.15 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting conditional use permit approval to allow 4,992 square feet of total accessory building area. The proposed 60’x80’ accessory building with a 12’x16’ overhang on the northwest side will be used for personal storage and a hobby shop. The subject property does not have any existing detached accessory structures.

There are a few other properties along 258th Street that have total accessory building sizes ranging from 2,240 square feet to 4,044 square feet on similar lot sizes that exceed 2,400 square feet of total accessory building area. The property located at 47130 258th Street has approximately 2,944 square feet on 2.5 acres. The property 47168 258th Street has approximately 4,044 square feet on a 4.45-acre parcel located about quarter mile to the east of the subject property. The property at 47160 258th Street has approximately 2,880 square feet on 2.43 acres. The Joint Planning Commissions previously approved a conditional use permit request to allow 7,536 square feet of total accessory building area on approximately 1.86 acres located two miles to the southeast.

The City of Sioux Falls Department of Planning & Development Services staff provided comments and recommendation on the conditional use permit request and have been included for your review.

On April 5, 2021, staff visited the subject property and determined that the proposed accessory building size will be appropriate for the surrounding area. The conditional use permit request is



comparable to the total accessory building area on similar properties.

Conditional Use Permit Criteria:

(a) The impact of the proposed use on adjacent properties shall be a major consideration. The proposed use should be generally compatible with adjacent properties and other properties in the district.

Nearly all of the adjacent properties have existing accessory building sizes exceeding the 2,400 square foot total accessory building area requirement. The proposed 60'x80' accessory building for personal storage of vehicles and equipment should not negatively affect the use and enjoyment of adjacent properties in the immediate vicinity.

(b) Measures shall be taken to ensure that the proposed use does not alter the general character of the area or neighborhood.

The subject property currently has a row of evergreen trees from the northeast part of the lot to the southwest. The site plan shows the proposed accessory building located in the southeast corner of the subject property. The proposed location of the accessory building towards the rear of the lot should reduce visual impact from neighboring properties.

(c) The effects of noise, odor, traffic, air and water pollution, and other negative factors shall be eliminated or controlled through the use of screening, setbacks and orientation.

No offensive nuisances shall be permitted at any time during use of the proposed accessory structure. The use of lighting should be directed downward on to the property in order to prevent light pollution off site. The location of the proposed accessory building should minimize any negative effects through the use of landscape screening, setbacks to front property line and orientation of the structure.

(d) The proposed use shall not adversely affect the public.

The conditional use permit request to allow 4,992 square feet should not detract from the sizes of the existing accessory buildings in the surrounding area. The public should not be negatively impacted by the construction of the proposed 60'x80' accessory building with a 12'x16' overhang on the northwest side for personal storage.

Health, safety, general welfare of the public and the Comprehensive Plan should be considered as part of the request.

The health, safety, general welfare of the public will not be negatively affected by the construction of the proposed accessory building addition for personal use and storage. The intent of the Envision 2035 Comprehensive Plan to support orderly growth of non-agricultural land uses will be met. The proposed use of the accessory building is compatible with the existing accessory buildings in the surrounding area.



**MINNEHAHA COUNTY & CITY OF SIOUX FALLS
PLANNING COMMISSION
MEETING MINUTES**

April 26, 2021

Recommendation:

Staff finds that the proposed accessory building size conforms to goals and policies of the Envision 2035 Comprehensive Plan. Staff recommends **approval** of Conditional Use Permit #21-29 with the following conditions:

- 1.) That the total accessory building square footage shall not exceed 4,992 square feet.
- 2.) That the accessory building shall not exceed 35 feet in height.
- 3.) That the building shall be an accessory use to the continued use of the property as a residential lot.
- 4.) That only personal residential storage shall be allowed in the building and no commercial uses or commercial storage will be allowed at any time.
- 5.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 6.) That a building permit is required prior to construction of the accessory building.

Public Testimony:

David Heinold, County Planning staff, presented a brief explanation of the staff report and recommendation. Commissioner Ode asked which way water flows on the site. David Heinold was not sure about the direction and deferred the question to the petitioner.

Jay Gerlach, 47139 258th St., was available for questions. Commissioner Ode asked which way the water flows, and if plans are made to raise the building to allow water to flow. Jay Gerlach responded that the water flows south and that the waterway has drain tile in it and the building will be raised to allow water flow.

Commissioner Barth commented that the highway will not likely approve any new access onto the County highway.

Actions:

Commissioner Barth made a motion to **approve** Conditional Use Permit #21-29 with recommended conditions. The motion was seconded by Commissioner Randall. A roll call vote was taken and the motion passed unanimously with 5 votes in favor of the motion and 0 votes against the motion.

Commissioner Luetke made the same motion for the city Planning Commission to **approve** Conditional Use Permit #21-29 with recommended conditions. The motion was seconded by Commissioner Johnson. A roll call vote was taken and the motion passed unanimously with 6 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #21-29 – Approved with conditions

- 1.) That the total accessory building square footage shall not exceed 4,992 square feet.
- 2.) That the accessory building shall not exceed 35 feet in height.



**MINNEHAHA COUNTY & CITY OF SIOUX FALLS
PLANNING COMMISSION
MEETING MINUTES**

April 26, 2021

- 3.) That the building shall be an accessory use to the continued use of the property as a residential lot.
- 4.) That only personal residential storage shall be allowed in the building and no commercial uses or commercial storage will be allowed at any time.
- 5.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 6.) That a building permit is required prior to construction of the accessory building.



**MINNEHAHA COUNTY & CITY OF SIOUX FALLS
PLANNING COMMISSION
MEETING MINUTES**

April 26, 2021

ITEM 4. CONDITIONAL USE PERMIT #21-33 to allow full season fireworks sales from May 1st through August 31st on the property legally described as Part Tract 4 Lot 5 Pleasant View Acres in the N1/2 SE1/4 and S1/2 NE1/4, Section 19-T101N-R48W.

Petitioner: Explosive Ventures, LLC, TJ Cameron

Property Owner: Todd Voss

Location: 7401 E Arrowhead Parkway

Located east of Sioux Falls

Staff Report: Kevin Hoekman

General Information:

Legal Description – Part Tract 4 Lot 5 Pleasant View Acres in the N1/2 SE1/4 and S1/2 NE1/4, Section 19-T101N-R48W

Present Zoning – C-Commercial

Existing Land Use – Non-conforming Dwelling

Parcel Size – Approximately 1acre

Staff Report: Kevin Hoekman

Staff Analysis:

South Dakota allows fireworks sales to in-state residents from June 27th to July 5th. Fireworks retail businesses may sell to out of state residents between May 1st through August 31st. All fireworks sales operations in Minnehaha County must obtain a conditional use permit. furthermore, fireworks retailers who sell for more than the nine day in-state season must be located within commercial or industrial zoning district and must be within a permanent building. The petitioner is requesting to allow retail fireworks sales within a permanent building on and industrial zoned parcel for the full May 1st through August 31st. This all summer sales will be referred to as “full season” sales within the remaining staff report, and the in-state nine day sales will be referred to as “temporary” fireworks sales. It should be noted that if full season fireworks sales approved, sales will likely take place for New Year’s holiday as allowed by state law.

The petitioner submitted a narrative and site plan to describe his plans for the proposed fireworks sales. The building is planned to begin construction soon and may not be complete by the beginning of the in-state fireworks retail season. Therefore, the petitioner is requesting a temporary sales tent for the first year and then to use the building after completion. The building is stated to be a multi-tenant building with one side of the building to be rented out for retailer office use. The petitioner includes within the narrative a plan to demonstrate fireworks for customers in the southwest corner of the property. A demonstration show has become a common attribute for fireworks retailers throughout the County. City planning staff expressed concern over the demonstration.

Many temporary fireworks sales operations have been permitted within the joint County and Sioux Falls jurisdiction. This operation is the first request for a full season fireworks sales in the



**MINNEHAHA COUNTY & CITY OF SIOUX FALLS
PLANNING COMMISSION
MEETING MINUTES**

April 26, 2021

County for many years. The Sioux Falls Planning Department reviewed the request and found several areas of concern regarding planned city improvements, future annexation of the property, and fire hazards to the subject property and its neighbors. County planning staff agrees that full season fireworks sales would not be appropriate in an area surrounded by city limits. With many temporary fireworks stand already existing in the area, County Planning staff suggests that a temporary nine day fireworks sales would be acceptable alternative for the property.

The Joint County Commission can approve this conditional use permit request with a reduced allowed time of sales to the June 27th through July 5th in-state sales season. The petitioner would likely want to adjust plans for use if the full season stand was reduce to a temporary nature. If the Joint Planning Commission considers this option, County Planning Staff recommends deferring the decision to allow for resubmittal of plans. Below is a list of potential conditions of approval for a temporary fireworks stand.

- 1.) This conditional use permit allows the retail sales of fireworks on the property during nine (9) calendar days per year.
- 2.) No outside storage shall be allowed at any time.
- 3.) The use of shipping containers for storage of any kind shall be limited to placement during June 13th through July 10th.
- 4.) The retail sales of fireworks must abide by all applicable SD laws and regulations.
- 5.) All outdoor lights in use for the building or to illuminate the parking area or tent shall be directed away from single family dwellings.
- 6.) Temporary signage must be limited to a maximum of 3 signs, not to exceed 32 square feet for any one sign, and not to exceed 75 square feet total temporary signage.
- 7.) Temporary signs for the business are allowed to be placed no earlier than June 13th and must be taken down by July 10th.
- 8.) Flags that are used for advertising shall be located on the subject property, not block the view of traffic entering or exiting the property, and shall only be placed during the regular nine (9) day selling period of June 27th through July 5th.
- 9.) No parking or stacking of vehicles shall be allowed in the right-of-way at any time.
- 10.) The hours of operation for the public will be between 8:00 am and 10:00 pm. Set up and tear down activities outside of the nine day sales period must take place between 8:00 am and 8:00 pm.
- 11.) No storage of fireworks is allowed on the site after July 10th, and through June 13th the following year.
- 12.) The driveways shall include a minimum of 24 feet wide driving area, and all driving surfaces must meet the minimum improvement and maintenance standards in article 16.04 of the joint zoning ordinance.
- 13.) That the Planning & Zoning Department reserves the right to enter and inspect the fireworks stand 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.

Conditional Use Permit Criteria:

(a) The impact of the proposed use on adjacent properties shall be a major consideration. The proposed use should be generally compatible with adjacent properties and other properties in the district.

The area around the subject property is composed mostly of commercial uses and warehouses. Across Arrowhead Parkway is land being, but not yet, developed in the City limits of Sioux Falls. The proposed full season fireworks sales is planned to be placed within a permanent building which will largely match the surrounding buildings. There may be fire safety issues with nearby buildings and with the fireworks sales locating in a multi-tenant building. Large permanent fireworks stands have the tendency to attract large amounts of traffic and require lots of space for parking during in-state fireworks sales season. This may cause issues with traffic during construction and with parking along narrow subdivision roads.

(b) Measures shall be taken to ensure that the proposed use does not alter the general character of the area or neighborhood.

This area is quickly becoming urbanized with annexations and development surrounding the development where the proposed full season fireworks sales will be located. Traffic concerns and fire safety concerns will only increase as neighboring properties fill in and more annexations take place. Planning staff from the city have expressed concerns with a full season fireworks stand located on a county island surrounded by city limits.

(c) The effects of noise, odor, traffic, air and water pollution, and other negative factors shall be eliminated or controlled through the use of screening, setbacks and orientation.

The sale of fireworks will not create noise, odor, or pollution in the immediate vicinity. Traffic will increase during high volume sales times close to July 4th. Since the fireworks stand will have a permanent location, fireworks will be present on the site for the entire year. This exposes more risk to surrounding property owners than a more typical temporary fireworks sales location. The proposed demonstration display show will cause some noise, odor, and air pollution during the night of the demonstration.

(d) The proposed use shall not adversely affect the public.

The primary concern of the property is fire hazard of the product and the display of fireworks. Having a full season permanent fireworks stand located in an area surrounded by city limits may lead to misperceptions that fireworks are acceptable within city limits. The use will lead to conflict when annexation of the property is requested. The property owner will likely fight annexation when the loss of the business is the outcome of annexation. This would cause a situation where the property disproportionately benefits from city services such as roads and utilities, but the property does not contribute back to the city.



Health, safety, general welfare of the public and the Comprehensive Plan should be considered as part of the request.

The Envision 2035 comprehensive plan includes actions for the County to promote cooperative efforts with municipalities in dealing with growth and development issues.

Recommendation:

Staff recommends **denial** of the requested Conditional Use Permit #21-33.

Public Testimony

Kevin Hoekman, County Planning Department, presented a brief overview of the staff report and some changes to the permit request to reduce the duration of fireworks sales to a temporary 9 day sales window. Mr. Hoekman listed the typical 9 day fireworks sales conditions and recommended approval of the permit with reduction in sales period.

Commissioner Ode asked how many feet can flags be placed and not interfere with traffic. Kevin Hoekman pointed out that the flags must be on the property. He also suggested that flags should not be placed in the easement as that would cause traffic issues. In addition, the intersection safety zone could be reviewed for site line distances. Commissioner Ode asked if there was a limit on flag size. Mr. Hoekman responded that a size limit was not placed on the permit, but it could be part of the conditions.

Commissioner Duffy asked if the petitioner is aware of the highway reconstruction. Kevin Hoekman relayed that the petitioner is aware of the project.

Commissioner Randall asked if there is any condition regarding the fireworks display area. Kevin Hoekman responded that there is no condition regarding display as there is state requirements for setbacks for lighting fireworks from the building and that fireworks could be ignited on the site during June 27th through July 5th by anyone who owns the property.

Commissioner Ode asked if there was concern about fireworks being located close to flammable automotive fluid from nearby Jay Egge Automotive.

TJ Cameron, introduced himself and those with him. He noted that his family has been in the fireworks business in South Dakota for generations. He commented that he would be willing to reduce the fireworks sales request to the 9 day season as that is the original reason for purchasing the property in the first place. Mr. Cameron stated that he would commit to not having a fireworks demonstration on the property due to concerns. He discussed his experience with purchasing the property and speaking with County and City staff on multiple occasions regarding the proposed use and building. He further described several locations which already sell fireworks during the 9 day in-state sales time. Mr. Cameron stated that he will include a fire suppression system regardless of hooking up to city or county water. He added that he would be



willing to move fireworks out, but it may be safer to store fireworks at the permanent building. He also requested an extension to the duration a storage container can be placed on the property.

Commissioner Johnson asked if the storage units on the plan were permanent building or temporary storage containers. Mr. Cameron responded that there will be 15' by 30' storage units and even further back where the house is at a latter date. Commissioner Johnson asked if there was a specific window where storage containers would be on the property. Mr. Cameron responded that march 1st through August 1st would be a good window of time for the storage container timeframe.

Reese Almon, Davenport Evans Lawfirm, reiterated the primary plan presented by TJ Cameron. He presented considerations for the four criteria used to evaluate conditional use permit applications in the joint zoning area.

TJ Cameron raised concern with a comment in the staff report regarding benefit to the city. He listed that water and sewer hook up will add revenue, and he listed many non-profits to which he donates funds.

Commissioner Lutke asked the petitioner if he would accept a condition that requires a sprinkler system in the building. TJ Cameron responded that he would accept that as a condition of approval.

Discussion

Commissioners from the county and the city both worked with staff to refine and clarify the potential conditions of approval which were originally included within the staff report. The discussion lead to the following list of conditions of approval

- 1.) This conditional use permit allows the retail sales of fireworks on the property during nine (9) calendar days per year.
- 2.) No outside storage shall be allowed at any time.
- 3.) The use of shipping containers for storage of any kind shall be limited to placement during March 1st through August 1st.
- 4.) The retail sales of fireworks must abide by all applicable SD laws and regulations.
- 5.) All outdoor lights in use for the building or to illuminate the parking area or tent shall be directed away from single family dwellings.
- 6.) Temporary signage must be limited to a maximum of 3 signs, not to exceed 32 square feet for any one sign, and not to exceed 75 square feet total temporary signage.
- 7.) Temporary signs for the business are allowed to be placed no earlier than June 13th and must be taken down by July 10th.
- 8.) Flags that are used for advertising shall be located on the subject property, not block the view of traffic entering or exiting the property, and shall only be placed during



**MINNEHAHA COUNTY & CITY OF SIOUX FALLS
PLANNING COMMISSION
MEETING MINUTES**

April 26, 2021

- the regular nine (9) day selling period of June 27th through July 5th.
- 9.) No parking or stacking of vehicles shall be allowed in the right-of-way at any time.
 - 10.) The hours of operation for the public will be between 7:00 am and 12:00 am. Set up and tear down activities outside of the nine day sales period must take place between 8:00 am and 8:00 pm.
 - 11.) A fire suppression system which meets the adopted building code must be installed within the building.
 - 12.) The driveways shall include a minimum of 24 feet wide driving area, and all driving surfaces must meet the minimum improvement and maintenance standards in article 16.04 of the Joint Zoning Ordinance.
 - 13.) That the Planning & Zoning Department reserves the right to enter and inspect the fireworks stand 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.
 - 14.) No demonstration of fireworks will be allowed on the property.

Actions:

Commissioner Barth made a motion to **approve** Conditional Use Permit #21-33 with conditions as listed. The motion was seconded by Commissioner Randall. A roll call vote was taken and the motion passed with 4 votes in favor of the motion and 1 vote against the motion. Commissioner Ode voted against the motion.

Commissioner Lutke made the same motion for the city planning commission to **approve** Conditional Use Permit #21-33 with conditions as listed. The motion was seconded by Commissioner Johnson. A roll call vote was taken and the motion unanimously passed with 6 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #21-33 – Approved with the following conditions:

- 1.) This conditional use permit allows the retail sales of fireworks on the property during nine (9) calendar days per year.
- 2.) No outside storage shall be allowed at any time.
- 3.) The use of shipping containers for storage of any kind shall be limited to placement during March 1st through August 1st.
- 4.) The retail sales of fireworks must abide by all applicable SD laws and regulations.
- 5.) All outdoor lights in use for the building or to illuminate the parking area or tent shall be directed away from single family dwellings.
- 6.) Temporary signage must be limited to a maximum of 3 signs, not to exceed 32 square feet for any one sign, and not to exceed 75 square feet total temporary signage.
- 7.) Temporary signs for the business are allowed to be placed no earlier than June 13th and must be taken down by July 10th.



**MINNEHAHA COUNTY & CITY OF SIOUX FALLS
PLANNING COMMISSION
MEETING MINUTES**

April 26, 2021

- 8.) Flags that are used for advertising shall be located on the subject property, not block the view of traffic entering or exiting the property, and shall only be placed during the regular nine (9) day selling period of June 27th through July 5th.
- 9.) No parking or stacking of vehicles shall be allowed in the right-of-way at any time.
- 10.) The hours of operation for the public will be between 7:00 am and 12:00 am. Set up and tear down activities outside of the nine day sales period must take place between 8:00 am and 8:00 pm.
- 11.) A fire suppression system which meets the adopted building code must be installed within the building.
- 12.) The driveways shall include a minimum of 24 feet wide driving area, and all driving surfaces must meet the minimum improvement and maintenance standards in article 16.04 of the joint zoning ordinance.
- 13.) That the Planning & Zoning Department reserves the right to enter and inspect the fireworks stand 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.
- 14.) No demonstration of fireworks will be allowed on the property.



**MINNEHAHA COUNTY & CITY OF SIOUX FALLS
PLANNING COMMISSION
MEETING MINUTES**

April 26, 2021

Old Business

None.

New Business

None.

Adjourn

A motion was made for the County to **adjourn** by Commissioner Barth and seconded by Commissioner Mohrhauser. A roll call vote was taken, and the motion passed unanimously with 5 votes in favor of the motion and 0 votes against the motion. The same motion was made for the City to **adjourn** by Commissioner Ervin and seconded by Commissioner Luetke. A roll call vote was taken, and the motion passed unanimously with 6 votes in favor of the motion and 0 votes against the motion.

The meeting was **adjourned** at 8:06 pm.