

**MINUTES
PIERRE CITY PLANNING COMMISSION MEETING
CITY HALL COMMISSION ROOM
MONDAY, JULY 24, 2023 5:15 P.M.**

Members present: Laurie Schultz, Dave Templeton, Terry Keller, Stacy Bartlett, Bill Markley, and Rick Dockter.

Staff members present: Emeline Hoblick and Nick Waters.

Guests present: Tom Rounds, Lance Hertel, Tyce Meyer, Austin Rounds, John Childs, Gwen Kleinschmidt, Gerry Barnes-Baucom, Brad Blow, Glennis Zarecky.

Chairperson Dockter called the meeting to order at 5:15 p.m. The first item on the agenda was to change the order of the agenda items for the 07/24/23 meeting; item 3, the Public Hearing for re-zone and conditional use permit request, was moved to item 4, and item 4, the plat of Tract 9R, was moved to item 3. Commissioner Templeton made a motion to swap items 3 and 4 on the agenda and Commissioner Schultz seconded the motion. All commissioners voted to approve the motion.

The next item on the agenda was approval of the 06/26/23 meeting minutes. Commissioner Schultz made a motion to approve the 06/26/23 minutes and Commissioner Markley seconded the motion. All commissioners voted to approve the motion.

Plat – Plat of Tract 9R, a replat of a portion of Tract 9 & Tract 10, Pierre Airport Addition in the NW1/4 & SW1/4 of Section 30, T111 N, R78W of the 5th P.M., Hughes County, South Dakota. Petitioner – City of Pierre

Emeline Hoblick provided a summary of the replat request. These tracts are located adjacent to existing airport property at the east end of Runway 25. The City is proposing to replat a portion of Tracts 9 & 10 in order to vacate the current section line and rededicate the section line in this location to be parallel with the end of the runway. This request is part of the City's effort to expand the airport runway protection zones. As noted within the plat, the existing fence will be removed and replaced in a new location. This request is contingent on City Commission approval of the annexation of Parcels 9 & 10. The Public Hearing for the Resolution of Annexation will take place at the City Commission Meeting on July 25th. The City Planning Commission held a public hearing on June 26, 2023, and recommended approval of the annexation of Airport Tracts 9 & 10. The annexation was introduced at the June 27th City Commission Meeting. The City Commission approved the Resolution of Intent at the July 11th City Commission Meeting. The replat will ensure that the 66-foot statutory ROW for a section line remains at this location. Staff recommends approval of the replat.

Commissioner Keller made a motion to recommend approval of the Plat of Tract 9R, a replat of a portion of Tract 9 & Tract 10, Pierre Airport Addition. Commissioner Templeton seconded the motion. The vote was unanimous with all commissioners voting to approve the motion.

Public Hearing – Request to rezone Lots 1R & 2R, Cedar Heights Addition, City of Pierre, from the Agricultural zoning district to the Local Business zoning district & request for a conditional use permit to operate a freight use at 2252 US HWY 14. Petitioners – Lance R. & Amy L. Hertel.

Emeline Hoblick, City Planner, provided a summary of the requests. The first request is to rezone Lots 1R & 2R, Cedar Heights Addition, from the Agricultural zoning district to the Local Business zoning district. The second request is for a conditional use permit to operate a freight handling use at 2252 Highway 14. The request is to use the existing home as an office and use the existing garage for freight handling of Ag products in small quantities. Lot 1R is 2.5 acres and Lot 2R is 7.92 acres. Figure 5.4 in the City's Comprehensive Plan shows the future use of this area as commercial development. The conversion of the home to an office would be a permitted use within Local Business District and would require ADA accessibility, as well as 8 parking spaces. The use of the existing 1,536-square-foot garage for freight handling of small quantities of Ag chemical and seed would need a conditional use permit. A public notice was printed in the paper and individual notices were sent to the 5 adjacent landowners.

The change in use will require a DOT Highway Access Permit. DOT staff have indicated that the permit would have conditions regarding potential future development. Those conditions would include access easements for the Church and Blow properties at the existing west access and the requirements for an improved access at the existing east access that would be built to the standards of a future collector street. The rezoning and conditional use permit are subject to input from the neighbors and the public at the public hearing.

Tom Rounds and Lance Hertel spoke on behalf of the requests. Tom Rounds stated he was in the process of purchasing the property from Lance Hertel with the intent to lease the property to Blacksheep Agronomy, which currently has a warehouse located south of Agar. The request would be to have a temporary office in Pierre. Commissioner Markley inquired about the use being temporary. Tom Rounds stated that for the next two to three years, they want a location visible to the public. The garage works for the current planned use of chemical storage. In the future, an additional request for a new building would require a building permit. There was initial interest in having the warehouse within Pierre but the 15,000 square-foot warehouse was moved to Agar instead.

Commissioner Schultz asked what ag chemicals would be stored. Austin Rounds answered that herbicides and pesticides including Roundup would be stored. Commissioner Markley asked if they would have fertilizer. Tyce Meyer stated that they might have some liquid fertilizer. They plan to store herbicides such as the ones available at Runnings in 2-gallon jugs or totes of 250 gallons.

Commissioner Markley asked if the materials being stored would be solids, liquids, or both. Tyce Meyer stated that it would be liquids and solids for herbicides, pesticides, and fertilizer. Commissioner Markley asked if they would be mixing on-site. Tyce Meyer stated that they would not be mixing on-site. Commissioner Markley asked whether they were aware of South Dakota Department of Agriculture and Natural Resources (DANR) rules and regulations. Austin Rounds stated that as long as they did not have products in bulk quantities, they do not need to have containment as they are pre-packaged products. The Agar facility has bulk containment where products will be packaged and brought to the garage in Pierre in quantities of totes of 250

gallons or 2.5-gallon jugs. Commissioner Markley asked if each container would be less than 150 pounds dry weight or less than 55 gallons liquid as those are what is listed in state-statute for containment at a facility. Austin Rounds stated they he believed that anything under a 5,000-gallon tank did not need those requirements. Commissioner Markley asked if they planned to have secondary containment in case of fire or run-off events. Austin Rounds stated that they planned to use the garage currently on-site for containment with no secondary containment. He stated that the storage would be mostly 2.5-gallon jugs on pallets. This would be sold to local customers needing small quantities without having to drive to Agar.

Commissioner Keller asked about the anticipated traffic. Tyce Meyer stated that pickup trucks with trailers would be the anticipated traffic.

Commissioner Schulz inquired whether any signatures were received from adjacent landowners on the rezoning petition. Tom Rounds said they had not received any signatures.

Chairperson Dockter asked if there was anyone present who wanted to speak in favor/opposition to the requests. Gerry Barnes-Baucom stated that she represents Guy F. Barnes Incorporated. They own the 118 acres directly east of the petitioners' property. They also share the approach off Highway 14. Gerry Barnes-Baucom stated that she is opposed to the requests. They utilize their land for haying and for potential development. The original plans for the site sounded more grandiose than the current request. The concern is that this will create a foot in the door for a future request with a warehouse and big tanks. Another concern was the truck traffic off Highway 14. Gerry Barnes-Baucom once again stated the opposition to both the rezoning request and conditional use permit request based on the proximity to her land which is for future development.

Chairperson Dockter asked if there was anyone else who wanted to speak in favor/opposition to the requests. Brad Blow stated that he and his mom own 30-acres to the north and west of the petitioner's property. He stated that the land used to be used as a drive-in movie theater. His concern was with runoff. The runoff from this property runs into the ditch that makes its way to Hilger's Gulch in Pierre. Brad Blow states he was speaking on behalf of his mom, Corretta Blow, who owns the house that is rented out as an Airbnb. He stated his concern for the truck traffic. As a trucker, he understands the use. His concern is not with the small business and use of the existing home and garage, but would not like to see a larger facility, and does not want chemical spills to occur. He stated they share an approach on the west side with the Church off of Lance Hertel's property. The state allows an approach every 1,000 feet which would mean the approaches would have to be re-built as they are currently too narrow to accommodate turning truck traffic.

Chairperson Dockter asked if there was anyone else who wanted to speak in favor/opposition to the requests. Glennis Zarecky stated that they own Meadow Properties on the south side of the highway. They submitted a sketch plat that was considered last year that would be for single-family and multi-family residential use in that area across from the petitioner's property. Glennis Zarecky stated that the change in use to local business makes sense for the area and is consistent with the future land use plan. The conditional use permit is a potential concern for the future expanded use at this location.

Chairperson Dockter asked if there were any additional questions. Commissioner Keller asked if there was a future propensity for residential in this area, how this request for conditional use would fit with that. Commissioner Markley inquired about the temporary use or if they would plan to stay long-term. Tom Rounds stated that the use would be temporary. He stated that there is no desire by the neighbors to have a larger facility at this location. The request is just for an office to operate at this location until they find a better location for a bigger facility if expansion in Pierre is necessary in the future. There may be a future need for an additional garage to work on trucks.

Commissioner Markley asked of the request to utilize the existing buildings and not add to the existing footprint. Tom Rounds answered yes and that the inside of the house would need to be remodeled into an office, and parking would be made available.

Commissioner Bartlett inquired why the request needed to be rezoned. City Planner Hoblick indicated that the conversion of the home to an office would be permitted use within the Local Business District zoning. For the conditional use permit, the freight handling use was the best fit within the ordinances for Local Business District zoning. City Engineer Waters stated that the current Ag zoning would not allow customers to come and go within a residential use. The office is a permitted use within Local Business. There are conditional uses that are similar to this use such as Assembly and Packaging, Building Material Sales, Drop Off for Recyclables, Contractor Shops, Storage Yards, Feed and Seed Stores, and Light Manufacturing and Processing. The Freight Use is the best fit for the current request.

Commissioner Markley asked about the two actions needed for the meeting. City Planner Hoblick stated that the first request is to rezone from Ag to Local Business and the second request is a conditional use permit request to operate the ag chemical freight use. Commissioner Markley asked about the long-term plan at this location. City Planner Hoblick stated that the future land use is slated as commercial/local business.

Commissioner Schultz inquired about including additional conditions on the conditional use permit that would mandate that there would be no increase in size. Commissioner Markley stated he needed more information on what would be going on at this location. How much is going to be dry fertilizer, how much is going to be dry pesticide, and how much is going to be liquid? In case there is an emergency, the fire department will need the information. Tyce Meyer stated that the largest container would be a 265-gallon tote and 95% of products would be a liquid herbicide. The rest would be in 2.5-gallon jugs of liquid herbicide.

Chairperson Dockter asked whether all storage would be done indoors within the garage and that the garage would be secured somehow. Tyce Meyer stated all chemicals would be stored indoors. Any spills would be contained to the concrete of the garage.

Gerry Barnes-Baucom inquired whether any additional landowners outside of the directly adjacent landowners were notified. City Planner Hoblick stated that the ordinance dictates that only the adjacent landowners are notified by mail. There is also a notice placed in the newspaper to let others know about the public hearing.

Commissioner Templeton moved to recommend approval of the rezoning request from Ag to Local Business District. Commissioner Schultz seconded the motion. The vote was unanimous with all commissioners voting to approve the motion.

There was further discussion about conditions being placed on the conditional use permit.

Commissioner Schultz made a motion to recommend approval of the Conditional Use Permit Request with two conditions; the first is that there be no future expansion at this location and the second is that a letter is received from DANR that states that the facility will be in compliance with the Bulk Pesticide and Bulk Fertilizer state statutes. Commissioner Templeton seconded the motion. The vote was unanimous with all commissioners voting to approve the motion.

Old or New Business

There was no old or new business.

Public Comment Period per SDCL 1-21-1

Chairperson Dockter asked if anyone in the audience would like to make any public comment. There was no public comment.

Adjourn

With no further business, Commissioner Templeton made a motion to adjourn, seconded by Commissioner Markley. All members voted in favor of the motion. Chairperson Dockter declared the meeting adjourned at 6:13 p.m.

Minutes by Emeline Hoblick.