

MINUTES
JOINT MEETING LINCOLN COUNTY and SIOUX FALLS PLANNING COMMISSIONS
7:00 pm January 12, 2011
Commissioners' Room - Lincoln County Court House

A joint meeting of Lincoln County and Sioux Falls Planning Commissions was held on January 12, 2011 at 7:00 pm in the Commissioner's Room of the Lincoln County Court House.

ROLL CALL

Lincoln County Planning Commission members present were: June Nusz, Darrel Sogn, Ron Larson, Craig Andersen and Commissioner Jason Melcher. Dick Portz and Chad Nelson were not in attendance.

Sioux Falls Planning Commission members present were: Kent Metzger, Steve Gaspar, Ken Dunlap and Meredith Larson.

Staff Present: Lincoln County: Paul Aslesen, Laurie Lundquist and Gregg Thompson
Sioux Falls: Steve Randall

Lincoln County Planning Chair June Nusz chaired the meeting
Vice-Chair Ken Dunlap chaired for the City of Sioux Falls

ITEM 1. APPROVAL OF MINUTES – A motion to approve the minutes of November 10, 2010 was made by Andersen and seconded by R. Larson for the County. The same motion was made for the City by M. Larson and was seconded by Gaspar. The motions were unanimous.

ITEM 2. APPROVAL OF AGENDA ITEMS – A motion to approve the agenda of January 12, 2011, was made by Andersen and seconded by Sogn for the County. The same motion was made for the City by Metzger and seconded by Gaspar. The motions were unanimous.

ITEM 3. Conditional Use JJ-11-CUP-001 – For the purpose of inventory and storage of recovered and operable and inoperable vehicles and other vehicles; and for the auction, wholesale transfer and commercial benefit of various customers (to include various insurance companies, and various for-profit and not-for-profit agencies and organizations).

Legal Description – Lot 1 and Lot H-2, and Lot 2, Block 2, Morton's Addition, SE1/4 Section 19, Township 100, Range 50, Lincoln County, South Dakota

Location – West side of Henry Place between 98th Street and Charlotte Ct.

Petitioner/Owner – Neil Schmid, Cirrus Commercial for: RSC Company, LLC and Tom Huegel, JEM Properties.

General Information

Present Zoning – "I-1" Industrial

Existing Land Use – "I-1" Industrial building and vacant land

Parcel Size – 9.5 acres.

Report By: Steve Randall

Insurance Auto Auctions, Inc. ("IAAI") has provided the following statement regarding their proposed use of the property:

"IAAI, founded in 1982, is an industry leader in the automotive total loss and specialty recovery services in the United States. IAAI provides insurance companies and other institutions with cost-effective, turn-key solutions to process and sell total-loss and recovered-theft vehicles and/or equipment. The company has greater than 150 sites across the United States and Canada. Their headquarters is in the Chicago, IL suburb of Westchester. For further information: consult www.IAAI.com.

IAAI receives motor vehicles from its insurance company customers and places them in inventory. Thereafter IAAI applies for a title from the germane state agency: e.g. DMV (Department of Motor Vehicles). Upon receipt of the title, IAAI auctions the vehicle at an auction. The vehicles are sold (as is) to the highest bidder, who then removes the automobile from IAAI's property. Increasingly, vehicles are sold on the Internet via IAAI's paradigm shifting technology, "I-Bid Live." All vehicles are sold; no vehicle remains in inventory indefinitely.

IAAI's operations are usually conducted behind either a wall or privacy fence, subject to local terrain and codes. IAAI adheres diligently to all environmental mandates and "best practices" with respect to the collection and disposal of motor vehicle liquids.

As additional detail, IAAI states:

1. The source of vehicles is mostly from insurance companies and other financial institutions.
2. Some 80%-85% are damaged; and the balance is from theft recovery, repossessions, charities liquidating donations, etc.
3. Most vehicles are delivered by 2-4 car transports.
4. Vehicles get to a "drop off" location on site and then are inventoried.
5. The vehicles then move to a general inventory/storage location on site.
6. Normally it takes 30-45 days to get the paper work completed, titles, etc.
7. Then the vehicles are put on a "Sale List" for auction.
8. On-site buyers can number from 50-100; and may come to view and then bid on the cars.
9. There is a fair amount of internet bidding involved as well.
10. Volume for our market is typically 100-150 cars/week.
11. All cars are sold, with no carry-over inventory.
12. Some 40% of the vehicles are drivable, but not licensed; rarely driven away.
13. Once sold, the vehicles are removed from the site within 2-3 days, usually by car transport.
14. The inventory may include all types of licensed vehicles (cars, trucks, boats, RV's, etc.) as well as various categories of construction/farm equipment.

A summary of the things that IAAI does not do is as follows:

- IAAI does not stack vehicles in a "junkyard".
- IAAI does not dismantle, "cannibalize", "part out" vehicles or sell parts.
- IAAI does not sell to the public; only to licensed and registered buyers
- IAAI does not park its inventory on public streets."

10.03 Permitted Special Uses. A building or premises may be used for the following purposes in the I-1, Light Industrial District in conformance with the conditions prescribed herein or by obtaining a conditional use permit for such use in conformance with the requirements of Article 19.00:

A. Warehousing, repair services, wholesale trade, light manufacturing provided:

1. *For outside storage areas, a screening plan shall be submitted for staff approval.*
2. *There is no storage of a regulated substance on the premises.*
3. *The building contains 20,000 square feet of area or less.*
4. *Parcel shall be no less than one (1) acre in size.*

Because the existing building contains more than 20,000 square feet of area, a Conditional Use Permit is required.

In addition to the business plan stated above, the Applicant has provided a site plan indicating the following proposed improvements and uses on the subject property- staff comments are included:

- A. The site plan indicates one 3.41 acre parcel, JEM PROPERTIES LLC (Property Tax ID # 100.50.19.B201), and a 6.1 acre portion of an adjacent 7.18 acre parcel, RSC COMPANY LLC (Property Tax ID # 100.50.19.B200).
 - *Existing and new property lines are indicated on the site plan submitted.*
 - *Front yard setbacks of 30' and side yard setbacks of 10' are indicated on the plan as required. A 20' yard is indicated along the Interstate. This would meet the requirement for a designated rear yard setback.*
- B. The existing 28,960 square feet area building on Lot 1 is used for office/warehouse, and the remaining site is used for the receipt and sale of inventory.
- C. Entire property perimeter is screened by an 8' high chain link fence with privacy slats that is located at the required setback line. A 10' high security alarm system is located inside the fence.
- D. Proposed ground cover: "The surface condition of the Subject Property is intended to be Class II Aggregate Base and ground Asphalt Surface, so as to minimize the hazard of dust and/or erosion condition. At this time, this would indicate the installation of 3"- 4" of gravel, followed by 3"- 4" of milled asphalt."
 - *Provide aggregate base and ground asphalt surface ground cover as described herein between fence lines.*
 - *Grass ground cover should be provided in required yard setbacks to contain any loose asphalt surfacing.*
- E. A gated site entrance from Morton Ct. to an existing parking lot and IAAI drop off area on the west side of the existing building.
 - *Because the street is paved, the driveway approach from the street to the gate should be hard surfaced.*
- F. An IAAI pull-out sale pad on the east side of the existing building.

- G. A gated site entrance from Henry Place to an IAAI short term 6.1 acre outdoor storage area.
 - *Because the street is paved, the driveway approach from the street to the gate should be hard surfaced.*
- H. A new free-standing pylon directional sign per code at the southeast corner of the property.
- I. New wall signs per code on the west and south sides of the existing building are indicated, as well as down-lighting on the perimeter of the building.

Conditional Use Review:

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.**
Previously approved conditional use permits for the area include contractor's shops, truck stops, equipment display and sales, storage areas, car/truck/trailer display and sales, and light manufacturing. The applied for use is an appropriate use at this location and should not affect the use or value of other property in the immediate vicinity.
2. **The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.**
This subdivision should continue to develop as a commercial and light industrial node. Subdivision layout of streets shared with surrounding vacant property, blocks and lots will not change as a result of the proposed use.
3. **That utilities, access roads, drainage and/or other necessary facilities are provided.**
Access to the site will be from Morton Ct. and Henry Pl., which are hard surfaced roads. Currently, the subject property has no hard surfacing, which is characteristic of the majority of developed sites in this subdivision. As this is an existing site with existing structures, it conforms to previous ordinance requirements, but it may be subject to additional City requirements for hard surfacing of driveways and parking areas if annexed in the future. Currently, the property is not included in the City's Growth Plan.

Jon Peters, Floodplain Administrator, Lincoln County GIS, has provided the following analysis regarding waterway capacity protection along the north property line of Morton's Addition Blk. 2, and along the south property line of Muellers 2nd addition Lots 6 and 7 of Blk. 5: " We may conclude that a 20 ft setback of a structure, including the proposed fence, along this established waterway should be adequate to assure future drainage needs. Findings include the adjacent downstream 40 foot drainage easement and same width easements used in several other subdivisions within the county. Consultation with our engineer with calculations of typical channel cross sections and review of the other subdivisions also indicate this width to be typical in servicing similar drainage areas."

All other facilities are provided. At times of peak site usage for sales and auctions, temporary sanitation facilities should be considered.

4. **That the off-street parking and loading requirements are met.**
Fenced areas will be utilized for delivery and display of vehicles, machinery and equipment. Outdoor short term storage is also screened with opaque fencing and made secure. The area around the existing building appears to be large enough to meet peak demand for customer parking. Two 14'x34' loading spaces and employee parking are also indicated on the west side of the building.
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 use will not create nuisance issues if attention to detail is paid. The applicant will need to insure that controls of offensive odor, fumes, dust, and other nuisance contributors are in place and maintained as necessary. Milled asphalt surfacing of the entire site is proposed. Although not required, new tree plantings in the yards would also help control fugitive dust and would improve overall appearance of the subdivision.

Recommendation:

*Staffs finds that the proposed use is consistent with the type of uses found in this commercial and industrial subdivision and recommends **approval** of conditional use permit JJ-11-CUP-001 subject to the following conditions:*

1. *Applicant's plans as presented with conditions.*
2. *The perimeter screen fence shall have a minimum opacity of 90% maintained over the full height of the fence.*

3. *Aggregate base and ground asphalt surface ground cover is provided between fence lines at the required setback. Provide grass ground cover in the yards between the fence lines and the property lines.*

Speaking in opposition: One member of the public with neighboring property stated that he had concerns about the property becoming a lot full of junk cars at the gateway to Sioux Falls. He also had concerns about fugitive parts falling off and causing a hazard on the subdivision roads as well as concerns about sufficient parking when on-site sales are held.

Petitioners were asked to address these concerns.

Action: A motion was made for the County by Melcher to approve 11-CUP-001 with staff recommended stipulations. The motion was seconded by R. Larson. The motion was unanimous. Same motion was made for the City by M. Larson and seconded by Metzger for purposes of discussion.

Discussion followed concerning trees being planted on the west boundary of the property to better shield the off-loading area from view. After further discussion the motion for the City was amended by M. Larson to include developing a landscape plan in conjunction with Lincoln County Conservation District for suitable trees along the western boundary of the property. The motion was seconded by Metzger. Motion was unanimous.

The same amended motion was made for the County by Melcher and was seconded by R. Larson. The motion was unanimous.

Conditional Use Permit #11-001 Approved

ITEM 4. Adjourn: A motion to adjourn was made for the County by R. Larson and seconded by Andersen. Motion was unanimous. The same motion to adjourn was made for the City by Gaspar and seconded by Metzger. Motion was unanimous.

Respectfully Submitted by:
Laurie Lundquist
Deputy Director
Lincoln County Planning and Zoning