

**APRIL 2024  
CLARK COUNTY  
BOARD OF ADJUSTMENT  
STAFF REPORT**

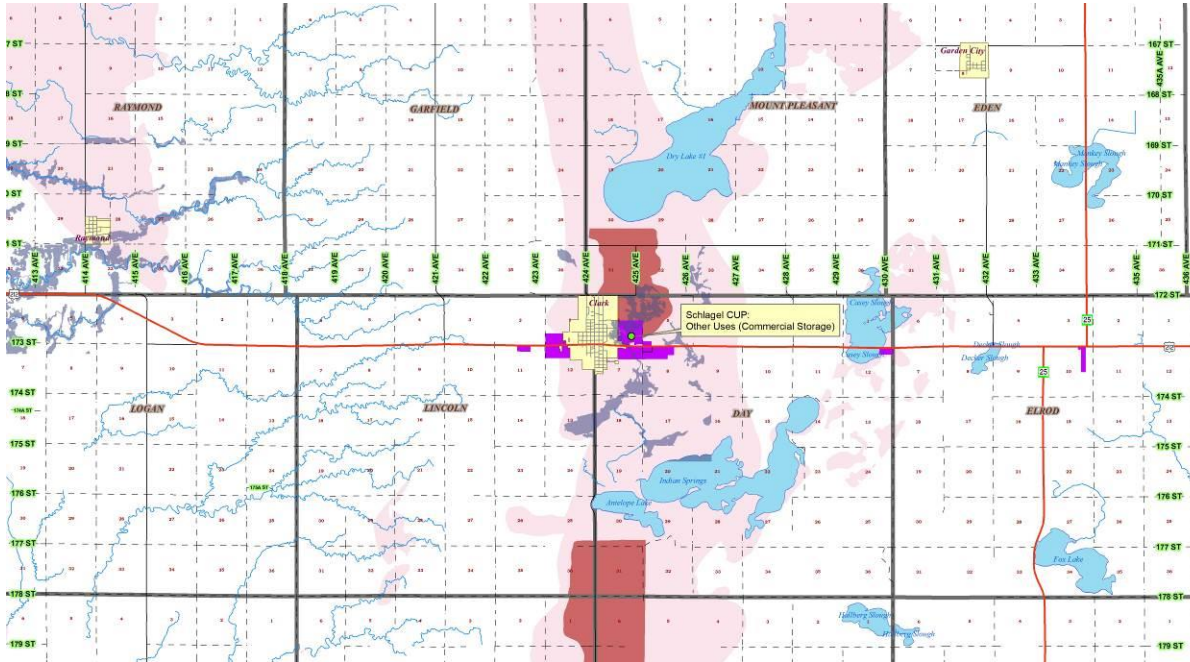
**TUESDAY – APRIL 16, 2024 – 9:00 a.m.**

**CLARK COUNTY BOARD OF ADJUSTMENT**

**ITEM #1 CONDITIONAL USE**

**Applicant/Owner: Schlagel Storage, LLC by Tony Schlagel**

**Property Description:** Lot 7, East Park Second Addition in Section 6, Township 116 North, Range 57 West of the 5th P.M. (Day Township), Clark County, South Dakota.



**Action Item – Conditional Use Permit –  
Other uses... (2.05.03.30) (Commercial Storage)**

**Zoning Designation:** Commercial/Industrial; Zone A Aquifer Protection

**Request:** Applicant proposes to operate a commercial storage business out of an existing structure

**History/Issue(s):**

**Schlagel Storage CUP:  
Commercial Storage**



**Specifics of Property/Request:**

1. Triple C and Werdel recently purchased a portion of the old McCain's property and are remodeling the buildings for alternative businesses.
2. Last year and last month, on adjoining legal descriptions the Board approved the following uses:
  - a. Commercial Storage
  - b. Auto Body Repair
  - c. Dog grooming/kennel
  - d. Contractor shop
3. This lot accesses US HWY 212 via "Pudgy Drive" shown.
4. The applicant seeks rent space for storage of business / farm equipment (no offices or repair), and for rented personal storage. (See below)
5. Outdoor trailer parking may occur on the north side of the largest building (screened from view of the neighbor to the south by the buildings.) Otherwise all storage will occur inside the existing structures.
6. No significant changes to lighting are anticipated.
7. Commercial trash service will be used.
8. Parking will be provided on the north side of the building.
9. The entire lot is over the Aquifer Protection District (Zone A)
10. Parking will occur on the west side of the lot (in front of the (largest) south building.)



#1 trailer parking for personal use

#2 Truck parking personal use

#3+4 Rental area

Ordinance and Comprehensive Land Use Plan regarding this request:

- *Conditional Use Permit (general)*
  1. SD-DANR has specific requirements for collection and management of wastewater (including grey water) and petroleum products generated from commercial uses.
  2. No process generated wastewater, additional grey water, wash water, etc. is expected to be generated with this use.
  3. The comprehensive land use plan regarding the request:
    - a. Commercial Industrial uses are encouraged to be located within municipalities
    - b. Uses should be setback from the highway.
    - c. Consideration should be given to various site planning factors [within the ordinance for conditional uses] and whether the use will be complimentary to agricultural uses.
    - d. Annexation is encouraged prior to development for properties adjacent to city limits
    - e. Commercial development is encouraged to be clustered or to redevelop existing commercial sites.
  4. The city and county recently approved this plat within the Commercial/Industrial District.
  5. The site is over the wellhead for the City of Clark. The paved floor with toe wall is expected to be able to hold any leaking petroleum products from stored vehicles. No significant fuel
  6. No abnormal odors, heat, glare, radiation, vibrations are expected to be generated which would be recognizable off the property.
  7. No screening is proposed or necessary if nothing is proposed to be stored outside.
  8. Adequate area for parking exists north of the building if necessary for daily traffic.

Staff Recommendation

**Staff Recommendation:** Conditional Use Permits – **Contractor Shop and yard** The Board may postpone the request. The Board could deny the request or approve the request. If approved, the staff recommends, at a minimum, the applicant agree to the following conditions.

**A. Effective Date, Transferability, and Expiration:**

- a. This permit becomes effective upon signing of the letter of assurance.
- b. All of the terms and conditions herein shall extend to and be binding upon the heirs, assigns, or successors in interest of the Grantor, and are to be deemed a covenant

running with the above-described property. Furthermore, it is agreed that, in accepting title to the above-described property any grantee, heir, assign, or successor in interest to the undersigned expressly agrees to be bound by the terms of this agreement.

- c. The permit is transferable. However subsequent owners/operators shall operate the same use and agree to the same conditions described herein.

***B. General Requirements:***

- a. Any septic tank used on site shall be located not less than 500 feet from any public water well and be installed and maintained in accordance with SDDANR requirements.
- b. All storage shall occur inside buildings except that outdoor storage may occur on the north side of the lot; but no farther east than the easternmost point of the existing storage building unless additional screening is added.
- c. The business will be required to meet all state and federal standards for storage, handling, and disposal of petroleum products and shall properly dispose of all potentially hazardous waste materials.
- d. Noxious weeds shall be controlled on site.
- e. Chemicals, petroleum products, and other hazardous materials will not be stored in the cold storage buildings.
- f. No [commercial or residential] activities other than storage will be carried out in conjunction with this permit.
- g. No junk, salvage materials, or inoperable vehicles shall be stored on site.
- h. Applicant acknowledges that SDCL 11-10-6 requires certain structures to be constructed in compliance with the most recently adopted version of the International Building Code and that Clark County may require documentation that the reconstruction of this structure meets the requirements of the applicable version of International Building Code.

***C. Violations***

- a. Grantor is put on notice that failure to abide by the requirements of this letter of assurance will result in a hearing of the Board of Adjustment to consider revocation or additional conditions of the conditional use permit associated herewith.