



**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS
May 21, 2018**

A joint meeting of the County and City Planning Commissions was scheduled on May 21, 2018 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

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

CITY PLANNING COMMISSION MEMBERS PRESENT: Sean Ervin, John Paulson, Andi Anderson, Nicholas Sershen, and Steve Gaspar.

STAFF PRESENT:

Scott Anderson, David Heinold, and Kevin Hoekman - County Planning
Diane deKoeper – City Planning
Donna Kelly – States' Attorney

The County Planning Commission Chair was presided over by Chair Bonnie Duffy. The City Planning Commission was chaired by Sean Ervin.

Planning Commission Chair Bonnie Duffy called the joint City of Sioux Falls and Minnehaha County Planning Commission meeting to order at 7:03 p.m.

Consent Agenda

ITEM 1. Approval of Minutes – November 27, 2017

As part of the consent agenda, a motion was made for the County by Commissioner Randall and seconded by Commissioner Ralston to **approve** the meeting minutes from November 27, 2017. The motion passed unanimously. The same motion was made for the City by Commissioner Sershen and seconded by Commissioner Anderson to **approve** the meeting minutes from November 27, 2017. The motion passed unanimously.



ITEM 2. PRELIMINARY SUBDIVISION PLAN #17-02

Petitioner: Craig Harr
 Property Owner: same
 Location: East Sioux Falls
 Staff Report: Diane deKoeper (Sioux Falls Planning Staff)

PLANNING COMMISSION

Staff Report

Meeting Date: May 9, 2018	Agenda Item:
Petition Number:	Staff Recommendation: Approval

Project Name:	Pleasant View Acres Addition
Type of Application:	Preliminary Subdivision Plan
Applicant:	Eric Willadsen
Owner:	Gerald and Craig Harr
Request:	PRELIMINARY SUBDIVISION PLAN for Pleasant View Acres Addition
Purpose:	To subdivide 11 lots of rural residential uses

General Location:	South of E. Quartzite Drive and east and west of S. Stoakes Avenue in Minnehaha County and City of Sioux Falls joint jurisdiction
Legal Description:	Lot C and Lot 4 in Tract 1 (Ex. Lot C) Pleasant view Acres and Lots 5-6 Harr’s Subdivision of Tract 1 of Pleasant view Acres (Ex. Lots 6-10 Blk 5 Split Rock Heights Second Addition) in N1/2 SE1/4 and the S1/2 NE1/4 Sec 19-T101N-R48W of the 5 th PM, Minnehaha County, SD
Area:	16.5 Acres
Existing Zoning:	RR, Rural Residential
Existing Land Use:	Vacant
Attachments:	1. Preliminary Subdivision Plans
Joint Planning Commission Meeting:	Date of Hearing: May 21, 2018



ABUTTING ZONING AND LAND USES IN MINNEHAHA COUNTY:

Direction	Current Zoning	Surrounding Land Uses	Compatibility*
North:	C, Commercial	Business / Vacant	3
South:	RR, Rural Residential	Single-Family Homes	5
East:	RR, Rural Residential / A1, Agriculture	Vacant	5
West:	RR, Rural Residential	Single-Family Homes	5

**Compatibility rankings range from 5 as the most compatible to 1 as the least compatible and are scored based upon the proposed zoning district.*

“3- Potential Incompatibility

“The proposed district may have potential conflicts with existing adjacent zoning district, which may be remedied or minimized through project design. Traffic, parking, and other external effects should be directed away from lower-intensity districts. Landscaping, buffering, and screening should be employed to minimize negative effects.”

– Shape Sioux Falls 2035, Chapter 4 Transitions, Exhibit 4.B

APPLICABLE REGULATIONS/STANDARDS:

Title 157.050 Subdivision Ordinance: The preliminary plan shall provide all of the information indicated in 157.052. After the preliminary plan has been recommended for approval or disapproval by the Joint Minnehaha County and City of Sioux Falls Planning Commissions, it shall be submitted to the Joint Elected Officials for Minnehaha County and Sioux Falls City Council for its approval or disapproval.

PLANNING CONSIDERATIONS AND ANALYSIS:

The plan is consistent with the existing zoning of the property

PUBLIC AGENCIES & INFRASTRUCTURE COMMENTS:

1. Online Active Plan Review: (All Tasks Completed)

Upon annexation, the development is required to meet Subdivision Standards and Engineering Design Standards for residential areas; including streets and water systems as required by § [157.209](#). the application shall be scheduled for a joint planning commission public hearing by the Minnehaha County Planning Office on a day when the Planning Commission is regularly scheduled to meet as determined by the rules, policies and regulations as adopted or which may hereafter be adopted by the planning commission for holding public hearings on those requests.

SPECIAL INFORMATION:

All tasks are complete therefore, Staff recommends approval.

PRELIMINARY SUBDIVISION PLAN SUBMITTAL CRITERIA:

- ✓ Drawn to scale: **Graphic scale.**
- ✓ Proposed name of the subdivision: **Pleasant View Acres Addition**



- ✓ The names of all adjoining subdivisions and all lot and block lines, easements and rights-of-way: **Provided.**
- ✓ Vicinity map to scale, showing locations of the preliminary plan and other property for at least 660 feet in every direction. **Provided.**
- ✓ The owner, developer and surveyor's names, addresses, and telephone numbers. **Provided.**
- ✓ The correct legal description: Notations stating acreage, scale and north arrow. **Provided.**
- ✓ A systematic lot and block numbering pattern, lot lines and street/road names. **Provided.**
- ✓ The location and width of all proposed and existing streets/roads, alleys, easements, parks, water courses, tree masses, railroad rights-of-way and other significant features. **Provided.**
- ✓ Boundary lines of floodways and 100-year flood zones delineated on the Flood Insurance Rate Maps (FIRM). **Provided**
- ✓ Existing contours referenced to city datum with intervals sufficient to determine the character and topography of the land to be subdivided. **Provided.**
- ✓ Phases for purposes of identifying final plan parcels based on watershed boundaries. **Provided.**
- ✓ Certificates of approval for endorsement by the city planning commission, city engineer, city clerk and the city council. **Provided.**

UTILITY / INFRASTRUCTURE PLANS:

- ✓ Preliminary drainage and grading plan: **Provided.**
- ✓ Preliminary utility plan: **Provided.**
- ✓ Conformance with the comprehensive plan: **Conforms.**
- ✓ Conformance with the Major Street Plan. **Conforms.**

RECOMMENDATION:

Since all tasks are complete in the city's online review, Staff recommends approval of the Pleasant View Acres preliminary subdivision plan.

Action

As part of the consent agenda, a motion was made to **recommend approval** of Preliminary Plan #17-02 by Commissioner Randall and seconded by Commissioner Mohrhauser. The motion passed unanimously. The same motion was made for the City to **recommend approval** of Preliminary Plan #17-02 by Commissioner Paulson and seconded by Commissioner Gaspar. The motion passed unanimously.

Preliminary Plan #17-02 – Approval Recommended



Regular Agenda

ITEM 3. CONDITIONAL USE PERMIT #18-24 to exceed 1,600 square feet of total accessory building area – requesting 3,200 sq. ft. on the property legally described as Lot AB-1 & E43.5', Lot 3 & W50', Lot 4, Block 1, Sioux Gardens Subdivision, Section 22-T102N-R49W.

Petitioner: Jeff Wittrock

Property Owner: same

Location: 1220 E. Carol St.

Approximately 0.25 mile north of

Sioux Falls

Staff Report: Kevin Hoekman

General Information:

Legal Description – Lot AB-1 & E43.5', Lot 3 & W50', Lot 4, Block 1, Sioux Gardens Subdivision, Section 22-T102N-R49W

Present Zoning – A1-Agriculture

Existing Land Use – Residential

Parcel Size – Approximately 0.73 acres

Staff Report: Kevin Hoekman

Staff Analysis:

The property is located approximately ½ mile north of Sioux Falls along SD Highway 115. The site is located within an area of more than 4 platted lots. In subdivisions or residential developments which exceed four lots in number, accessory building area is limited in square foot area, unless approval for a larger size is obtained through the conditional use permit process. Since the subject property is less than 1 acre in size, the largest total area of accessory building allowed without a conditional use permit is 1,600 square feet. The petitioner is requesting 3,200 square feet.

The petitioner would like to construct an accessory building in addition to several existing accessory buildings on the property. The site plan shows a 30' x 40' (1,200 square feet) accessory building on an open area between the dwelling and the highway. The petitioner expressed that he would like a larger building, but he is uncertain what he can accomplish at this time. The total request of 3,200 square feet is larger than all the builds as included in the site plan, and this larger area reflects the petitioner's desire for a larger total building area that what he currently has listed in the site plan.

Staff reviewed the size of neighborhood accessory buildings and the Existing Buildings map included with this staff report shows the results. The properties with largest accessory building areas are located across the state highway with a total footprints of 1,728 square feet for each property.



The property has three existing accessory buildings. The largest is a three stall detached garage that is 36' x 24' (864 square feet) including a recent addition. A wood frame garden shed that is 130 square feet in area is located in the rear yard. And a 12' x 24' metal shed is located behind the detached garage. The total area of existing accessory buildings is 1,234 square feet. The petitioner has expressed a willingness to remove the metal shed once the new accessory building is complete.

The petitioner does not have an attached garage to the house. The existing detached three stall garage on the property is located close to the dwelling, and it largely appears to be connected to the dwelling. Many of the houses in the area have attached garages, including the two neighborhood properties discussed earlier with over 1,700 square feet of accessory building space.

Staff visited the property to review the request. The petitioner has added fill dirt in the general area where the proposed shed is intended to be placed. There is much room for the shed to meet the required setbacks from both front yards and the rear yard. Several vehicles and equipment type items were being stored outside of any building. The outdoor storage may be offensive and any unlicensed vehicles and vehicle parts, such as the race car and some tires are a violation of the public nuisance ordinance. Staff did not review the trailers or boat on the site for current license tags. The quantity of questionable items should fit into the requested accessory structure if it was to be approved and built. We have not received any complaints regarding the condition of the property or specific items on it.

This proposed accessory building request is not typical of other larger accessory building requests. The petitioner does not have an attached garage like many of the neighboring properties, and several trailers, vehicles, and items are currently stored outside. Planning staff has some concern that approval of a larger building may encourage more accumulations of stuff, but a larger building may also allow for items to be placed in an enclosed space. Staff proposes that the property is allowed to have 2,400 square feet of accessory building for the following reasons. The primary garage on the property is a detached three stall garage that serves the same purpose of a typical attached garage. The staff recommended 2,400 square feet of accessory building is 1,536 square feet larger than the three stall detached garage on the property. This difference would provide the petitioner options for constructing his building as depicted on the site plan and even making it larger with the removal of other existing structures on the property. Additional building space and associated driveway would allow some of the outside storage to be moved indoors and other licensed vehicles to be parked on a gravel driveway to be more visually appealing. Staff will work with the petitioner to remove the few items that are not allowed as outdoor storage.



Conditional Use Permit Criteria:

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.

The construction of the proposed accessory building should have little impact on surrounding properties. The building is on the highway side of a double fronted lot. The accessory structure shall not be used as a commercial operation at any time.

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

The accessory structure may only be used for residential storage purposes, no commercial or business activities are allowed. The large square footage may lead to other large accessory building requests by neighboring residential property owners. Staff feels that the allowance of 2,400 square feet of accessory building space will generally meet the allowed area of nearby properties when attached garages are taken into consideration. Several undeveloped lots exist east of the site that may be developed in the future. Future residential properties may request larger accessory buildings on similar sites.

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

The petitioner will be responsible for attaining and extending utilities to the proposed accessory building. A driveway will have to be constructed for the building as well. A new driveway may require a driveway permit from the township or road district that maintains Carol Street. A gravel driveway should be a requirement of this permit as to prevent mud and debris from being tracked onto the gravel road. A new driveway may aid in the appearance of the property in allowing space for the licensed vehicles to be parked on a gravel surface instead of grass.

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

No off-street parking will be needed as a result of personal activities in this accessory building. No commercial or business parking will be allowed at any time.

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 should not generate any additional odor, fumes, dust, noise, vibration, or lighting concerns on the property. However, as explained earlier in this report, some concerns of outdoor storage may be offensive or even a public nuisance. The new building may allow the petitioner enclosed space to pursue hobbies while maintaining vehicle parts and unlicensed vehicles such as race cars inside. The use of any lighting should be directed downward on to the property in order to prevent light pollution off site.

6) Health, safety, general welfare of the public and the Comprehensive Plan.

The proposed accessory building should have little to no effect on the health, safety, and general welfare of the public as well as the Envision 2035 Comprehensive Plan. Other large accessory



building totals are located on non-farm properties in the near area. The staff recommended building area would be similar garage space to other properties that have larger accessory buildings and attached garages. The staff proposal allows the petitioner options for removing some of the visual clutter of the property.

Recommendation:

Staff finds that accessory buildings and garages are a normal part of the character of the development. The staff recommended size would allow the property to develop in a similar manner as other neighborhood properties. Staff recommends **approval** of Conditional Use Permit #18-24 with the following conditions:

- 1.) The total accessory building square footage shall not exceed 2,400 square feet.
- 2.) A building permit is required prior to construction of the accessory building.
- 3.) That only personal residential storage shall be allowed in the building, and no commercial uses or commercial storage will be allowed at any time.
- 4.) A driveway must be constructed out of gravel to connect the accessory building and the existing driveway or Carol Street. Any required driveway permit must be obtained prior to a building permit being issued.
- 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 the Planning & Zoning Department reserves the right to enter and inspect the accessory building 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.

Public Testimony

Kevin Hoekman, County Planning Staff, presented the staff report and recommendation for the conditional use permit request. There was a discussion amongst the joint planning commissions and planning staff regarding the existing accessory structures in accordance with the staff recommended amount of 2,400 square feet of total accessory building area.

Jeff Wittrock, 1220 E. Carol St., identified himself as the petitioner and asked for questions.

Commissioner Ralston asked if the petitioner had any concerns over the size reduction of the total accessory building area request to 2,400 sq. ft.

Mr. Wittrock indicated that he would like to request a larger total accessory building area. He continued to mention that the existing 12'x24' can be taken down, but he would like to be able to put up another accessory building.



Mr. Wittrock added that he would take the other building down and the garden shed upon completion of the larger building so that his stuff is not outside.

Commissioner Ralston asked county planning staff for clarification on the building permit process. Scott Anderson, County Planning Director explained that the applicant would be given a 30 or 60 day period once the new building is finished to remove the other buildings.

There was a discussion and explanation on the staff recommendation for a total accessory building area of 2,400 sq. ft. amongst the planning commission, petitioner, and staff.

Commissioner Sershen asked if the accessory building will be torn down through the building permit process.

Kevin Hoekman explained the process for determining the total accessory building area and obtaining a building permit.

Commissioner Duffy called for public testimony but there was no answer.

Commissioner Duffy closed the floor to public testimony.

Action

A motion was made by Commissioner Barth and seconded by Commissioner Ode to **approve** Conditional Use Permit #18-24. The motion passed unanimously. The same motion was made for the City to **approve** Conditional Use Permit #18-24 by Commissioner Sershen and seconded by Commissioner Gaspar. The motion passed unanimously.

Conditional Use Permit #18-24 – Approved



**SIOUX FALLS AND MINNEHAHA COUNTY
PLANNING COMMISSION
MEETING MINUTES**

May 21, 2018

Old Business

None.

New Business

None.

Adjourn

A motion was made for the County to **adjourn** by Commissioner Barth and seconded by Commissioner Ralston. The motion passed unanimously. The same motion was made for the City to **adjourn** by Commissioner Gaspar and seconded by Commissioner Sershen. The motion passed unanimously.

The meeting was **adjourned** at 7:26 pm.