

**MINUTES OF THE JOINT MEETING  
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS  
March 27, 2017**

A joint meeting of the County and City Planning Commissions was scheduled on March 27, 2017 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

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

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

STAFF PRESENT:

Scott Anderson, David Heinold, and Kevin Hoekman - County Planning  
Diane de Koeyer – City Planning

The County Planning Commission Chair was presided over by Vice-Chair Bonnie Duffy in the absence of Planning Commission Chair Mike Cypher. The City Planning Commission was chaired by Sean Ervin.

Planning Commission Vice-Chair Bonnie Duffy called the Minnehaha County Planning Commission meeting to order at 7:11 p.m.

**Consent Agenda**

A motion was made for the County by Commissioner Ode and seconded by Commissioner Barth to **approve** the consent agenda consisting of the November 28, 2016 joint planning commission meeting minutes. The motion passed unanimously. The same motion was made for the City to **approve** the consent agenda by Commissioner Luetke and seconded by Commissioner Anderson. The motion passed unanimously.

**ITEM 1. Approval of Minutes – November 28, 2016**

As part of the consent agenda, a motion was made for the County by Commissioner Ode and seconded by Commissioner Barth to **approve** the meeting minutes from November 28, 2016. The motion passed unanimously. The same motion was made for the City by Commissioner Luetke and seconded by Commissioner Anderson to **approve** the meeting minutes from November 28, 2016. The motion passed unanimously.

**ITEM 2. CONDITIONAL USE PERMIT #17-10 to allow Auto Repair, Restoration on the property legally described as Peterson's Tracts, Tract 1, NE1/4, Section 25-T102N-R49W.**

Petitioner: Terry Dammer

Property Owner: BAAAD, LLC

Location: 26035 478th Ave. Approximately 0.5 mile north of Sioux Falls

Staff Report: David Heinold

This would allow Auto Repair, Restoration.

**General Information:**

Legal Description – Peterson's Tracts, Tract 1, NE1/4, Section 25-T102N-R49W

Present Zoning – [C Commercial District](#)

Existing Land Use – Commercial

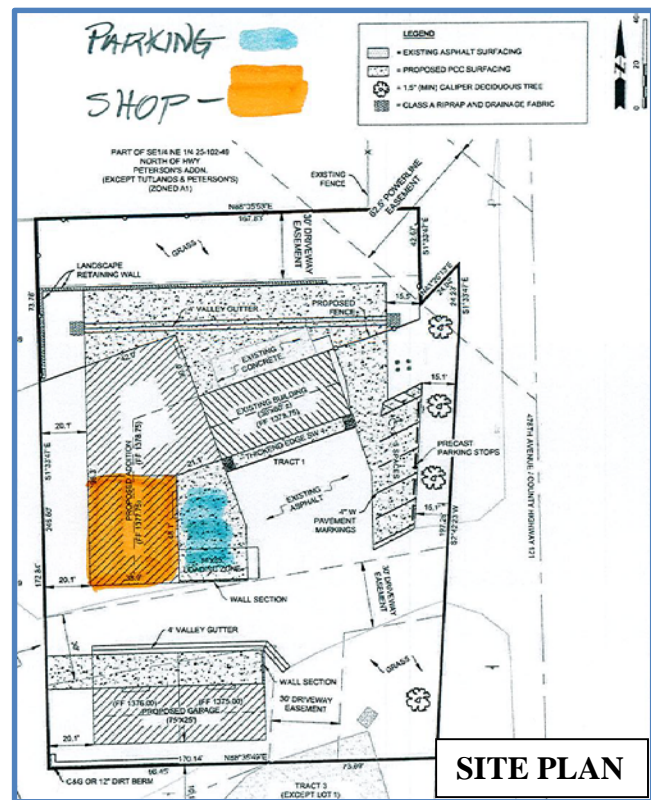
Parcel Size – 1 Acre

**Staff Report:** David Heinold

**Staff Analysis:**

The applicant is requesting conditional use permit approval to allow an Auto Repair, Restoration business. The subject property is located on the northwest side of Interstate 90 Exit 402 across the road from the entrance to Yogi Bear's Jellystone Park Campground. The application narrative states that there will be no outdoor storage. The proposed hours of operation are listed as 7:00 am to 3:30 pm.

The site plan indicates that the proposed use will be operated in a building addition attached to the existing plumbing and heating business that was previously approved by the joint planning commission about two years ago. There will be three (3) parking spaces and one (1) loading zone located in front of the approximately 38'x48' building addition. The applicant mentioned that there is parking available on the subject property for more spaces if needed.



**Surrounding Land Uses Chart**

<b>Subject Property</b>	<b>North</b>	<b>South</b>	<b>East</b>	<b>West</b>
Commercial	Agricultural	Commercial	Commercial	Commercial

On March 6, 2017, county staff visited the property to verify conditions on the subject property as well as adjacent land uses. The image, at right, shows the location of the proposed auto repair, restoration business on this one acre parcel situated in an established commercial business area at the Co. Hwy. 121 and I-90 interchange. County staff determined that the proposed use is appropriate for the surrounding commercial area.



On March 14, 2017, county planning staff met with city planning staff to obtain comments on the proposed land use. City planning presented a few questions related to the total occupied square footage of the building, frequency of visits to the property by clients, and after-hours car parking overnight for the proposed use.

On March 14, 2017, county staff called the applicant to obtain additional information about the proposed use. Terry Dammer indicated that outdoor storage would be limited to a flatbed or enclosed trailer that would be located behind fenced-in area to the west of the building out of view from the county highway. Mr. Dammer explained that he plans to perform work on a few vehicles per year. He mentioned that the total building area for the proposed use will be about 1,824 square feet with 162 sq. ft. of office and bathroom space inside the building area.

**1) 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 will be building off of an existing commercial area with a few businesses adjacent to the subject property. There is one fireworks store, an oil and supply company, plumbing and heating, a car lot, and Yogi Bear’s Jellystone Park Campground in the immediate vicinity. The remainder of the property in the area is either pasture or farmland. The Envision 2035 Comprehensive Plan identifies the area firmly within the Transition Area for the City of Sioux Falls, which has a primary purpose of maintaining the rural landscape until the eventual development of residential and/or municipal development. The Shape Sioux Falls Comprehensive Plan identifies this area as a Tier 3 growth level, which annexation is not advised. City services are projected to be available for development within 16-25 years, but additional monetary resources need to be fulfilled.

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

The general character of the area is commercial with a campground, agricultural land, and a few

residential acreages near the subject property. The nature of the proposed use, service-oriented, would be an appropriate addition to the area due to the close proximity to the County Highway 121 and Interstate 90 interchange.

**3) 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 petitioner plans to utilize the existing building addition for automobile repair, restoration. The proposed use should result in a slight increase in the amount of traffic over current levels. The petitioner has included a drainage plan with their application to show the route of drainage across the subject property to the east towards the ditch along County Highway 121. Parking will be located a little over one hundred feet from the county highway right-of-way, which the site plan shows landscape screening along the eastern edge of the subject property. Noise will occur during normal business hours consisting of automobile repair tools, but should not be at a level beyond the existing commercial uses in the immediate vicinity.

**4) The proposed use shall not adversely affect the public.**

A service-oriented automobile repair, restoration business should not have an adverse impact on neighboring landowners or the general public beyond the uses already permitted in this commercial district. Goal 1, Action 1.4 on Page 30 of the Envision 2035 Comprehensive Plan recommends that the County locate commercial uses at interstate highway interchanges and high traffic intersections to support highway users.

**Recommendation:**

Staff finds that the proposed use as an automobile repair, restoration business is appropriate for an area identified by the Envision 2035 Comprehensive Plan as well as suited for commercial. Staff recommends **approval** of Conditional Use Permit #17-10 with the following conditions:

- 1.) That the lot shall adhere to the submitted site plan and application dated 2-13-2017.
- 2.) That the applicant shall meet the parking, minimum improvement and maintenance, and loading/unloading requirements as outlined in Article 16 of the 2002 Revised Joint Zoning Ordinance for the City of Sioux Falls and Minnehaha County.
- 3.) That all outside lighting shall be fully cut-off and fully-shielded with recessed lights that prevent light pollution beyond the boundaries of the subject property.
- 4.) That the normal business hours of operation shall be from 7:00 am to 4:00 pm.
- 5.) That the business operator shall obtain and maintain a South Dakota sales tax license.
- 6.) That all signage shall comply with the zoning ordinance requirements stated in Article 17.00 of the 2002 Revised Joint Zoning Ordinance for the City of Sioux Falls and Minnehaha County.
- 7.) That a building permit is required before any construction is commenced or signage placed on the property.

**ACTION**

As part of the consent agenda, a motion was made for the County by Commissioner Ode and seconded by Commissioner Barth to **approve** Conditional Use Permit #17-10. The motion passed unanimously. The same motion was made for the City by Commissioner Luetke and seconded by Commissioner Anderson to **approve** Conditional Use Permit #17-10. The motion passed unanimously.

**Conditional Use Permit #17-10 – Approved**

**ITEM 3. CONDITIONAL USE PERMIT #17-12 to allow a Greenhouse with Retail Sales of Products on the premises from May 1st to August 31st on the property legally described as E1/2 NW1/4 SE1/4 (Ex. Tract 1 Walter's Addn.), Section 20-T101N-R50W.**

Petitioner: Candace C. Walters

Property Owner: same

Location: 46770 266th St.                      Approximately 1 mile west of Sioux Falls

Staff Report: Kevin Hoekman

This would allow a Greenhouse with Retail Sales on Products on the premises from May 1st to August 31st.

**General Information:**

Legal Description – E1/2 NW1/4 SE1/4 (Ex. Tract 1 Walter's Addn.), Section 20-T101N-R50W.

Present Zoning – A1 - Agriculture

Existing Land Use – acreage with outbuildings

Parcel Size – 17 Acres

**Staff Report:** Kevin Hoekman

**Staff Analysis:**

The subject site is located at approximately 1 mile west of Sioux Falls, on 266<sup>th</sup> Street which turns into 22<sup>nd</sup> Street at the municipal boarder. The site currently has a couple of buildings and greenhouse located on it. The site is accessed from 266<sup>th</sup> Street and from the neighboring adjacent property where a single family dwelling is located. An intermittent stream runs through the property and a portion of the property is located in the special flood hazard area; although, no structure appears to be in the flood zone.

The petitioner currently uses the property and buildings to produce landscape plants for sale and arrangements off site. This off-premise sale of horticulture products is a permitted special use in the A1 Agricultural zoning district. The petitioner would like to add the ability to sell landscape plants and arrangements on the site. This request for retail sales of greenhouse produce requires a conditional use permit.

The petitioner has submitted a brief project narrative and a simple site plan. The narrative describes why she wants to sell flowers on the site, and it includes hours for operation of 8:00 am to 5:00 pm, Monday through Saturday. The limitation of hours of operations The site plan indicates that the existing buildings and driveways will be used to display and sell the product and to allow access and parking for the property. The site plan includes a location for a sign indicated at being 3 feet by 2 feet in area. The request also indicates that sales would only take place between May 1<sup>st</sup> and August 31<sup>st</sup>.

**Conditional Use Permit Criteria:**

**1) The effect upon the use and enjoyment of other property in the surrounding area for the uses already permitted, and upon property values within the surrounding area.**

The proposed use will have little impact on surrounding land uses. The use will operate during normal daytime hours and only during the summer months. Other than a sign and a display area, the appearance of the site will not change. Customers may generate more traffic and possible dust. Limitations to hours of operation should minimize dust during evenings and Sundays.

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

The area around the site will likely remain agriculture until the boundary of Sioux Falls extends to the area. Many of the building eligibilities in the area have been sued with the exception of a few to the south of the road from the site. The proposed use will not likely change the use of these building eligibilities.

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

Since this site is using existing buildings and driveway, no known utilities or access will be needed. No drainage plan has been submitted; however, the site will not be changing any elevation and it generally drains into the intermittent stream located on the property.

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

The property has a fair amount of gravel surface for maneuvering and to be used for parking. Based on the petitioner's measurements, dozens of cars could park on the site at one 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 of retail sales of landscape plants will not likely create any nuisances. Additional traffic may generate additional dust along the road; however the petitioner has noted that the intent is to remain small. Traffic for the use will likely come from Sioux Falls in the east of the site.

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

If the display shed site includes staff recommendations, the land use will not negatively impact the health, safety, or general welfare of the public. The use will not significantly change the site nor eth possibilities for future growth. The Envision 2035 Comprehensive Plan has a goal to coordinate growth and land use planning among Minnehaha County, cities, townships, and other relative organizations. The City of Sioux Falls has expressed no concerns regarding this proposed display of sheds.

**Recommendation:**

Minnehaha County planning staff recognizes the proposed use as compatible with the surrounding land uses and the comprehensive plan. Staff recommends **approval** of Conditional Use Permit #17-12 with the following conditions:

1. Retail sales on the property shall be limited to nursery plants and incidental related items.
2. The property must conform the sight plan.
3. Retail sales can take place during the months of May, June, July, and August.
4. Sales must be limited during the hours of 8:00 am through 6:00 pm Monday through Saturday.
5. A sign may be placed as depicted on the site plan. The sign is limited to nine square feet in size.
6. That the Planning & Zoning Department reserves the right to enter and inspect the site, 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.

**ACTION**

As part of the consent agenda, a motion was made for the County by Commissioner Ode and seconded by Commissioner Barth to **approve** Conditional Use Permit #17-12. The motion passed unanimously. The same motion was made for the City by Commissioner Luetke and seconded by Commissioner Anderson to **approve** Conditional Use Permit #17-12. The motion passed unanimously.

**Conditional Use Permit #17-12 – Approved**



**Old Business**

None.

**New Business**

There was discussion amongst the planning commissions about revising the total accessory building size limitation for subdivisions with more than 4 lots.

**Adjourn**

A motion was made for the County to **adjourn** by Commissioner Ode and seconded by Commissioner Barth. The motion passed unanimously. The same motion was made for the City to **adjourn** by Commissioner Ervin and seconded by Commissioner Anderson. The motion passed unanimously.

The meeting was **adjourned** at 7:14 pm.