

**MINUTES OF THE JOINT MEETING  
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS  
July 24, 2017**

A joint meeting of the County and City Planning Commissions was scheduled on July 24, 2017 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Mike Cypher, Doug Ode, Bonnie Duffy, Becky Randall, Paul Kostboth, Mike Ralston, and Jeff Barth.

CITY PLANNING COMMISSION MEMBERS PRESENT: Steve Gaspar, Nicholas Sershen, Sharon Chontos, Andi Anderson, and Katherine Fiegen.

**STAFF PRESENT:**

Scott Anderson, David Heinold, and Kevin Hoekman - County Planning  
Diane de Koeyer – City Planning  
Judy Zeigler Wehrkamp – States’ Attorney

The County Planning Commission Chair was presided over by Chair Mike Cypher. The City Planning Commission was chaired by Sean Ervin.

Planning Commission Chair Mike Cypher called the joint City of Sioux Falls and Minnehaha County Planning Commission meeting to order at 7:00 p.m.

**Consent Agenda**

Commissioner Cypher read each item on the consent agenda and no concern was raised by the planning commissions or the audience.

Commissioner Kostboth made a motion that was seconded by Commissioner Barth approve the consent agenda. The motion passed unanimously. The same motion was made for the City by Commissioner Anderson and seconded by Commissioner Fiegen. The motion passed unanimously.

**ITEM 1. Approval of Minutes – June 26, 2017**

As part of the consent agenda, a motion was made for the County by Commissioner Kostboth and seconded by Commissioner Barth to **approve** the meeting minutes from June 26, 2017. The motion passed unanimously. The same motion was made for the City by Commissioner Anderson and seconded by Commissioner Fiegen to **approve** the meeting minutes from June 26, 2017. The motion passed unanimously.

**ITEM 2. CONDITIONAL USE PERMIT #17-48 to allow a Permanent Water Tower on the property legally described as a portion of the SE1/4 NE1/4, Section 31-T102N-R48W.**

Petitioner: City of Brandon (Bryan Read)  
Property Owner: Northern States Power Co.  
Location: Approximately 1 mile east of Sioux Falls  
Staff Report: Scott Anderson

This would allow a Permanent Water Tower.

**General Information:**

Legal Description – A portion of the SE1/4 NE1/4, Section 31-T102N-R48W  
Present Zoning – A-1 Agriculture  
Existing Land Use – pasture  
Parcel Size – approximately 4.78 acres

**Staff Report:** Scott Anderson

**Staff Analysis:** The property is zoned A-1 Agricultural District. Article 3.04(W) of the Zoning Ordinance allows a water metering facility as a Conditional Use in this zoning district.

On July 10, 2017, staff conducted a site visit. The surrounding land uses reflect primarily an agricultural use. The subject property is located approximately 1/2 mile west of the Brandon corporate limits at the intersection of Holly Boulevard (East Rice Street in Sioux Falls) and Six Mile Road. The Bluffs Addition of Brandon is the closest residential area and is located approximately 1/2 mile to the east of the proposed water tower site. The area to the north is zoned Light and General Industrial and is the location of several large electrical substations and many power transmission lines.

The City of Brandon is proposing to construct a 140 foot tall water tower. The water tower will hold 1.25 million gallons of water. The growth of Brandon and surrounding communities necessitated the need for a continued reliable municipal water system. The proposed City of Brandon water tower is being constructed to fill that need and will be part of the Brandon water system. The applicant has indicated that the water tower will be constructed in 2018. It will be blue and white in color and lit with upward facing lights with a light on top for aircraft. The site plan shows a six foot high chain link fence surrounding the water tower.

**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.**

Due to the existing residential development pattern and agricultural uses within the area, the proposed water tower should not have a negative effect upon the normal and orderly development and improvement of these properties for uses predominant in the area. The water tower will insure adequate water to present and future development for the region. A similar water tower was approved near the intersection of Redwood Boulevard and Chestnut Avenue by

the County Commission on February 21, 2017.

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

The proposed water tower should not have a negative effect upon the normal and orderly development and improvement of these properties for uses predominant in the area. The proposed water tower is part of a city water system that will aid in providing an adequate water system to the present and future development for Brandon.

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

Access to the proposed water tower will be provided by Six Mile Road, which is part of the County Highway system. A new approach will be constructed at the south end of the subject parcel. The new approach will have to be approved by the County Highway Department and constructed meeting their requirements. It appears that the site utilizes natural drainage. The proposed water tower has access to water and no wastewater facilities will be provided.

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

Article 15 of the Zoning Ordinance does not specifically identify the parking requirements for a water metering facility. The applicant has indicated that two (2) off street parking spaces will be provided. A water tower typically does not generate any significant amounts of traffic. Each parking space should measure a minimum of 9 feet by 18 feet and be continually maintained in such a manner that no dust will result from continuous use. The two spaces will meet the parking requirements.

**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 Conditional Use Permit may generate very limited dust and noise. The water tower will be providing a benefit to the community. With appropriate conditions of approval, any concerns can be mitigated.

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

The proposed use will benefit the health and safety of the public by allowing for the construction of a facility that will provide potable water to the city of Brandon.

Staff's review indicates that the proposed Conditional Use is a use which is appropriate for this site. Staff recommends approval of Conditional Use Permit #17-48 to be established and conducted in conformity with the Zoning Ordinance and the recommended conditions of approval.

**Recommendation:** Staff recommends **approval** of Conditional Use Permit #17-48 to allow a water tower in the Agricultural District with the following conditions:

1. That a minimum of two (2) off-street parking spaces be provided and that each parking space shall not be less than one hundred sixty two square feet, or nine feet by eighteen feet, and maintained in such a manner that no dust will result from continuous use.
2. That all existing drainage is maintained and that erosion control measures are implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water.
3. That the applicant obtains a building permit prior to any construction commencing on the site.
4. That the applicants obtain approval from the County Highway Department for the new approach along the south boundary of property.
5. That the Planning & Zoning Department reserves the right to enter and inspect the site 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.

### **ACTION**

As part of the consent agenda, a motion was made for the County by Commissioner Kostboth and seconded by Commissioner Barth to **approve** Conditional Use Permit #17-48. The motion passed unanimously. The same motion was made for the City by Commissioner Anderson and seconded by Commissioner Fiegen to **approve** Conditional Use Permit #17-48. The motion passed unanimously.

### **Conditional Use Permit #17-48 – Approved**

### **Regular Agenda**

A motion was made to **approve** the regular agenda for the County by Commissioner Barth and seconded by Commissioner Duffy. The motion passed unanimously. Same motion was made for the City by Commissioner Serhsen and seconded by Commissioner Paulson. The motion passed unanimously.

**ITEM 3. REZONING #17-04 to rezone from the A-1 Agricultural District to the C Commercial District on the property legally described as Tract 1, Renner's Addition, SW1/4, Section 15-T102N-R49W.**

Petitioner: L. Mark Renner (deacon of Grace Baptist Church)

Property Owner: same

Location: 25852 475<sup>th</sup> Ave.      Approximately 1.5 miles north of Sioux Falls

This would rezone from the A-1 Agricultural District to the C Commercial District.

**General Information:**

Legal Description – Tract 1, Renner's Addition, SW1/4, Section 15-T102N-R49W

Present Zoning – A-1 Agriculture

Existing Land Use – Church

Parcel Size – 7 acres

**Staff Report:** Scott Anderson

**Staff Analysis:** On July 10, 2017, staff conducted a site visit to the subject property. The parcel is generally located in an agricultural area, but one that is slowly transitioning. The subject property is located approximately ½ mile south of Renner and approximately 1 ½ miles north of Sioux Falls. The Northern Links Golf Course is located south and across S.D. Highway 115. S.D. Highway 115 is a major traffic corridor linking Sioux Falls to Baltic and Dell Rapids. The applicant indicated that the church will remain the main focus of the property, but they desire to have a larger sign. Rezoning the property to C Commercial will allow them to install a larger sign than the maximum 16 square feet that is currently allowed. A maximum of 200 square feet of free standing signage would be allowed with the issuance of a building permit. The applicant may also be able to install an off-premise sign (billboard) if all the setbacks can be met. The subject property consists of 7 acres. The church could also subdivide their parcel and sell a portion for future commercial development.

Envision 2035, Minnehaha County's recently adopted comprehensive plan, encourages commercial uses at interstate highway interchanges and high traffic intersections. Such uses should be developed in a nodal pattern, as specified in Action 1.4 on page 30 of the plan. The City of Sioux Falls reviewed the rezoning request and determined that the subject property is located outside of their 2040 Comprehensive Plan.

The applicant is rezoning 7 acres of land. The subject property is located along a highway corridor and the proposed use combined with the size of the subject parcel are appropriate for rezoning. The subject property meets this criterion of the County's Envision 2035 Comprehensive Plan and an expansion of the existing commercially zoned land in the general vicinity.

**Recommendation:** Staff recommends **approval** of Rezoning #17-04 to rezone the subject property from A-1 Agricultural District to C Commercial District.

**PUBLIC TESTIMONY**

Scott Anderson, Planning Director, presented the staff report and recommendation.

Commissioner Cypher asked if the small lots shown on the map that are located across from the subject property were housing lots. Scott Anderson responded that the lots were platted long ago and have building eligibilities on them.

Mark Renner, the petitioner from 1702 E. 84<sup>th</sup> St. N., was present for questions. Commissioner Barth asked if the church was planning on selling any property or if there were plans for a billboard. Mr. Renner responded that there are no plans for either situation at this time. Commissioner Ode continued to ask how many years the church has been at the location and if it is intending to expand in the near future. Mr. Renner responded that the church was built in 2012 and that expansion is possible but not likely until 15 to 20 years from now.

Tony Lee, 47563 255<sup>th</sup> Street, raised concern with a commercial rezoning and noted that he tried to rezone similar property in the past. He asked if a conditional use permit would be more appropriate for this situation. Scott Anderson of planning staff responded that a conditional use permit cannot allow a use that is not allowed in the zoning district, and that the alternative option would be a variance that would not work in this situation as no physical hardship can be found on the property.

**ACTION**

A motion was made for the County by Commissioner Barth and seconded by Commissioner Ode to **approve** Rezoning #17-04. The motion passed unanimously. The same motion was made for the City by Commissioner Anderson and seconded by Commissioner Chontos to **approve** Rezoning #17-04. The motion passed unanimously.

**Rezoning #17-04 – Recommendation for Approval.**

**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 Chontos and seconded by Commissioner Sershen. The motion passed unanimously.

The meeting was **adjourned** at 7:12 pm.