



MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS
April 22, 2019

A joint meeting of the County and City Planning Commissions was scheduled on April 22, 2019 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

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

CITY PLANNING COMMISSION MEMBERS PRESENT: Sharon Chontos, Steve Gaspar, Kati Johnson, Kurt Johnson, and John Paulson.

STAFF PRESENT:

Scott Anderson, David Heinold, and Kevin Hoekman - County Planning
Donna Kelly – States Attorney
Albert Schmidt – City Planning

The County Planning Commission was presided over by Commissioner Bonnie Duffy. The City Planning Commission was chaired by Sharon Chontos.

Chair Duffy called the joint City of Sioux Falls and Minnehaha County Planning Commission meeting to order at 7:41 p.m.

PUBLIC COMMENT.

Commissioner Duffy opened the floor for public comment and nobody moved to speak.

Consent Agenda

Commissioner Duffy read each item on the consent agenda.

Commissioner Mohrhauser asked for Item 2 to be placed on the regular agenda. Item 2 was moved to the regular agenda for discussion and action.

A motion was made for the County by Commissioner Barth and seconded by Commissioner Ralston to **approve** the consent agenda consisting of Items 1 and 3. The motion passed unanimously. The same motion was made for the City by Commissioner Kurt Johnson and seconded by Commissioner Kati Johnson to **approve** the consent agenda consisting of Items 1 and 3. The motion passed unanimously.



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ITEM 1. Approval of Minutes – March 25, 2019

As part of the consent agenda, a motion was made for the County by Commissioner Barth and seconded by Commissioner Ralston to **approve** the meeting minutes from March 25, 2019. The motion passed unanimously. The same motion was made for the City by Commissioner Kurt Johnson and seconded by Commissioner Kati Johnson to **approve** the meeting minutes from March 25, 2019. The motion passed unanimously.



ITEM 2. FINAL DEVELOPMENT PLAN #19-02

Petitioner: Tyler Childress

Property Owner: same

Location: Located approximately 1.5 miles north of Sioux Falls

Staff Report: Scott Anderson

General Information:

Legal Description – Lot A, Tract 1, Laurel Ridge Addition, SE ¼ SE ¼, Section 23, T102N, R49W

Present Zoning – Laurel Ridge Planned Development

Existing Land Use – vacant

Parcel Size – 26.90 acres

Staff Report: Scott Anderson

Staff Analysis:

The applicant has submitted a final development plan with a narrative and building renderings for review. Staff has included the narrative, site plan and several building renderings for the Planning Commissions' review. Section 10.04 (D). contains a list of information that must be included on the Final Development Plan. Below is the list, in bold, with staff review of each item as to how the requirement has been met:

(1). Size and location of proposed structures including height and number of units.

The applicant is proposing a single structure, which will be 43.65 feet tall at the highest point. The structure is proposed to have a gambrel roof. Definition #120 of the Joint Zoning Ordinance indicates that the height of a gambrel building is “the vertical distance from the grade to the average height between the eaves and the ridge.” This definition allows for a 43.65 foot building to meet the maximum height of 35 feet.

(2). Calculated floor area for each structure and a generic listing of the uses within said structure.

The floor area will total 6,440 square feet and the uses listed are for: wedding barn facility. This conforms to the approved uses in the Laurel Ridge Planned Development.

(3). Off-street parking lot arrangement designating all parking spaces, off- street loading spaces, and any outdoor trash container spaces.

The site plan shows no loading spaces, two (2) handi-capped parking spaces and 100 regular parking spaces. The site plan does not show that the required one (1) loading space. The applicant has shown a fenced garbage enclosure, but has not indicated whether this will be a dumpster or bins and what kind of screening will be provided. Prior to a building permit being issued, the applicant shall revise the site plan to include one (1) loading space and provide specific detail on the type of garbage collection and



type of screening to be used. The screening and/or landscaping around the garbage collection shall be reviewed and approved by the County Planning Director.

(4). Any sidewalks, bikeways or other paths.

Sidewalks into the wedding barn are shown. There is not a network of sidewalks in the area. No bike ways or other paths are shown.

(5). Landscaping plans showing the type and location of any walls or fences, the placement, size and species of any trees or shrubs, and berms in areas that will be sod or seeded.

The site plans shows a detailed landscaping plan with primarily deciduous trees being planted around the south of the parking lot. The applicant will utilize some of the existing trees found on the property. Other decorative plantings are located to the north of the proposed wedding barn. The fencing is shown along with a proposed ornamental windmill.

(6). All existing and proposed utilities, drainage ways, water courses, and location of above ground existing utilities on adjacent property.

The surrounding property is undeveloped. Therefore, no existing utilities are shown. Slip Up Creek is shown on the site plan, but is not located on the commercial sub area where the wedding barn is to be located. The applicant will be using his own well and the location of the well has been shown. The applicant has submitted a set of engineered plans for drainage. The applicant is required to provide dust control on Slip Up Creek Road from the driveway into the commercial sub area to the west to the where the pavement begins.

(7). Proposed final ground contours.

The proposed final ground contour slopes to the southeast. The contour map with one (1) foot contours has been provided. The elevation ranges from 1406 to 1338 feet above mean sea level.

(8). Existing and proposed uses adjacent to the area.

The proposed uses adjacent to the subject property are to remain in an agricultural state at this time. There is also some residential uses

(9). Documentation of the ownership and maintenance responsibility of any common open spaces, structures, or facilities including private streets.

The applicant has indicated that the owners of the Laurel Ridge Planned Development will maintain the private access to the wedding barn and the grounds.



(10). Any subareas proposed for multiple residential development will be required to provide an open area for recreation. Said open spaces shall not be included in any required yard, but shall be located in the same subarea it is intended to serve.

No residential sub-areas are included with the Laurel Ridge Planned Development.

(11). Proposed parking and loading spaces which shall be in conformance with Article 16.00, except where unique physical, environmental or design characteristics make such requirements undesirable.

The parking requirements of Article 16 have been met. Article 16.02(e) requires 1 parking space per 300 square feet of floor area for private clubs or lodges. The applicant is proposing a total of 6,440 square feet of floor area, which means a minimum of 21 parking spaces must be provided. The applicant has shown 10 spaces on the site plan.

(12). Unless otherwise specified on the Final Development Plan, all development standards shall be the same as those set forth in the traditional zoning districts, which shall be referenced for each subarea as a part of the Final Development Plan. For example: townhouses on Block X shall be developed in conformance with the requirements of the RD Residential District.

All development standards have been met. Generally the setback and height requirements of the A1 Agriculture District are being used.

The City of Sioux Falls submitted comments which have provided to the applicant and included for the Planning Commission's review. Staff has addressed the concerns and comments by the City in the proposed recommended conditions of approval.

Recommendation: Staff finds that the Initial and Final Development Plan meets the requirements of the Zoning Ordinance and of the Laurel Ridge Planned Development District. Staff recommends **approval** of the Laurel Ridge Initial and Final Development Plan #19-02 with the following conditions:

1. That all storm water run-off from subject property be maintained at the same rate as the pre-development rate.
2. That all outside security lighting and parking lot lights shall be fully cut-off and fully shielded with recessed lights that prohibit the spillage of light beyond the boundaries of the subject property.
3. 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.
4. That the applicant obtains a building permit prior to any construction commencing on the site.
5. There shall be no parking allowed on Slip Up Creek Road.
6. Hours of operation shall be between 8 AM and Midnight.



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7. No outdoor music shall be allowed after 10 p.m.
8. Prior to a building permit being issued, the applicant shall revise the site plan to include one (1) load space and provide specific detail on the type of garbage collection and type of screening to be used. The screening and/or landscaping around the garbage collection shall be reviewed and approved by the County Planning Director.
9. The site plan dated April 3, 2019 and prepared by Jeffrey Boldt, PE, shall be followed.

Action:

As part of the consent agenda, a motion was made for the County by Commissioner Barth and seconded by Commissioner Ralston to **approve** Final Development Plan #19-02. The motion passed unanimously. The same motion was made for the City by Commissioner Kurt Johnson and seconded by Commissioner Kati Johnson to **approve** Final Development Plan #19-02. The motion passed unanimously.

Final Development Plan #19-02 – Approved



Regular Agenda

ITEM 2. CONDITIONAL USE PERMIT #19-18 to allow an agricultural related operation involving the handling and storage of farm products and to exceed 2,400 square feet of total accessory building area – requesting 3,382 sq. ft. on the property legally described as Lot 1, Block 1, Iverson Crossing 2nd Addn., S1/2 SE1/4, Section 21-T101N-R48W.

Petitioner: Brent Driscoll

Property Owner: same

Location: 48068 Iverson Crossing Rd. Located approximately 1 mile east of Sioux Falls

Staff Report: Kevin Hoekman

General Information:

Legal Description – Lot 1, Block 1, Iverson Crossing 2nd Addn., S1/2 SE1/4, Section 21-T101N-R48W

Present Zoning – RC Recreational Conservation

Existing Land Use – Residential Acreage

Parcel Size – 1.16 acres

Staff Report: Kevin Hoekman

Staff Analysis:

The property is located approximately 1 mile east of Sioux Falls in the Iverson Crossing development. The parcel is a little larger than 1 acre in size with an existing single family dwelling and an 832 square foot accessory building.

The petitioner is requesting an agriculturally related operation involving the handling, storage, and shipping of farm products and to have a larger accessory building. The requested 30 feet by 85 feet building will be used as office space and warehouse storage for the business. The total area of accessory building for the proposed project is 3,382 square feet. The allowed area of accessory building without a conditional use permit is 2,400 square feet.

Planning staff has reviewed the proposed accessory building area within the context of the neighborhood. If approved, the proposed 3,382 square feet will be the largest accessory building in the Iverson Crossing development. Across SD Highway 11 from the development, there is a couple of properties which have larger building areas. These buildings appear to be used for agricultural purposes and horses. Allowing larger accessory building area for this property may set a precedent for accessory buildings throughout the Iverson Crossing neighborhood. Staff did not review if there are any restrictive covenants on the property pertaining to building size, appearance, or for the use of the accessory building for a business. It is up to the property owner to research and comply with any restrictive covenants.



The petitioner has submitted a brief description of the agricultural operation and building. He noted that the hours of operation for the business will be from 8:00 am to 5:00 pm. The petitioner explained that the products that will be carried are seed and seed related products. No hazardous materials should be allowed on the site to protect the safety of a residential development. The building will hold an office for work and for meetings. At this time the business is composed of family members living on and off the site. The petitioner also explained that the shipping and received will take place with typical package delivery services and with a pickup truck with a trailer. If the item is approved, limits should be placed on large delivery vehicles to protect the road, protect the character of the community, and to limit dust.

Conditional Use Permit Criteria:

(a) 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 operation is located on the north edge of a large residential subdivision. North of the property is agricultural cropland where three building eligibilities are available on the northwest parcel. Staff has been told that the operator of the neighboring field uses the unimproved road that runs passed this property (River Crossing Road). If approved, both the larger building and the agricultural related operation may set a precedence for other larger buildings and home occupation type requests going forward. The plan will not include customers on the site and traffic will be limited to those working at the site and deliveries. Many of the potential issues with the proposal can be mitigated with proper conditions.

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

Visually, the biggest impact to the neighborhood will be the size of the building compared to the smaller accessory buildings currently located in the Iverson Crossing subdivision. Negative aspects to the character of the development can be mitigated by the location of the building in the far back corner of the property and behind the existing building. Other considerations can be made to have the building façade elements and color match the façade of the existing dwelling and outbuilding. This can be included into the conditions of this permit.

(c) 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 proposed agricultural related operation has some potential for negative factors, but the negative factors can largely be mitigated with proper conditions. Noise and odor will not likely be a problem for a building used essentially as a warehouse for agriculture products.

The petitioner has told staff that he is selling seed and seed products, but the full extent of product types is unknown at this time. Seed by itself will not pollute the air or water, but many



other seed businesses in Minnehaha County also sell chemical seed treatments and products. Staff feels that it would not be appropriate to allow commercial chemical storage or sale in the residential area and conditions should be appropriate for the use.

The petitioner has also informed staff that deliveries will be done by typical delivery services and up to a pickup truck with a gooseneck trailer. Pickup trucks and delivery vehicles are likely already prevalent in the community. A condition may be placed on the permit regarding size of vehicles or even quantity of vehicles for the proposed land use. Limiting the size of delivery vehicles may also aid in maintaining the character of the property within the neighborhood. In addition a limit can be set to the number of employees that are allowed on the site.

(d) The proposed use shall not adversely affect the public.

With the recommended conditions, staff finds that the proposed larger building and agricultural related operation does not adversely affect the public.

Health, safety, general welfare of the public and the Comprehensive Plan should be considered as part of the request.

The site is located in a Transition Area of the Comprehensive Plan, and a Single Family Residential area within the Red Rock Corridor Plan. The comprehensive plan that agricultural production continues with minimal expansion in order to prepare the area for the eventual urban development of the land. Land uses in the transition area should be generally compatible with the land uses typically found on the outside of city limits. County planning staff has determined that the proposed agricultural related operation is appropriate for the transition area as the building has multiple uses. City planning staff provided comments in a letter dated April 11, 2019 with a recommendation for approval of the permit.

Recommendation:

Staff recommends **approval** of CUP #19-18 with the following conditions:

- 1.) The building location and driveway shall adhere to the submitted site plan.
- 2.) The total area of all accessory buildings may not exceed 3,382 square feet.
- 3.) No outside storage of commercial equipment and materials shall be allowed at any time.
- 4.) Deliveries into and out of the site shall take place between the hours of 7:30 am and 7:00 pm.
- 5.) No delivery vehicles to or from the agricultural related operation shall exceed a gross combined weight rating of 26,000 pounds.
- 6.) Customers shall be limited to an average of four customers per day.
- 7.) No storage or sale of hazardous and regulated chemicals shall be allowed.
- 8.) The total number of employees for the business shall not exceed three. One of the three employees must reside at the residence of the property.
- 9.) That the Planning & Zoning Department reserves the right to enter and inspect the haygrinding business 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 planner, presented the staff report with recommendation and conditions. Commissioner Paulson commented that a typical larger building request does not allow a business in the building, and he asked why this property is different that conditional use permits of the past. Kevin Hoekman explained that many larger building requests are within residential districts which do not allow home occupations or businesses within an accessory building. In this case the land is zoned agricultural and the petitioner is requesting the agricultural related operation. Commissioner Paulson noted that the staff report shows the property is zoned RC District. Kevin Hoekman explained that the property is not zoned RC and the staff report desiccation must be an error.

Brent Driscoll, the petitioner, was available to discuss his proposed Agriculture Related Operation. Mr. Driscoll began by explaining that his operation will not have any customers on the site because this site is in support of a farming operation off-site. The office area of the building is intended for administrative needs and the warehousing is for temporary housing for items for the Ag operation. Mr. Driscoll stated that there should not be any noticeable increase in traffic without customers. He further explained that the building will look the same as the house and should not change the watershed. Mr. Driscoll stated that traffic sill only be pickup trucks and cars with no tractors or machinery.

Commissioner Mohrhauser asked about seed and other storage on the site. Mr. Driscoll said that any seed storage would be temporary on the site, and he further explained that he primarily needs the building for administration and land management for the farm business in Minnesota. Commissioner Mohrhauser also asked how much of the building will be used for warehouse compared to office. Brent Driscoll explained that the building will include office space, bathroom, utility room and about 40% of the building will be warehouse. The warehouse space is large in order to possibly accommodate personal items such as lawnmowers.

Commissioner Barth stated that he heard from a neighborhood resident that business activity may already be happening. Brent Driscoll responded that he has children who live on and off the property who are regularly coming and going and even bringing friends. In addition some items such as a skid loader have been at the property for personal property improvements. Commissioner Barth asked if he talked to any of the neighbors prior to his application. Mr. Driscoll explained that he had talked to three neighbors prior to the meeting.

Commissioner Gaspar, asked why one condition allowed operating hours greater than what is requested. Brent Driscoll explained that he is willing to limit it to just the time listed.



Commissioner Ode asked if any signage would be on the site. Brent Driscoll stated that there will be no signage.

Marlin Sejnoha, 48061 Iverson Crossing Road, began by describing the neighborhood as a residential place where there are no sidewalks and people using the road. The roads were described as narrow and dead ends just beyond the Driscoll property. He explained that the agricultural business will deteriorate the residential neighborhood with traffic and business operations. Mr. Sejnoha also stated that commercial development is not wanted in the neighborhood.

Caren Whitaker, 48086 Iverson Crossing Road, explained that vehicles can be parked on the road in front of the Driscoll property at 7:30 in the morning already. She further stated that the condition of the gravel road is already difficult and kids are often playing on the road which can be hazardous when extra traffic comes down the road. She finished that the proposed business is not the same as area farms that have been there for a long time.

Leonard Bouma explained that he owns the empty lot across from the Driscoll property. He stated that there are other places to put a commercial business. His concerns for the neighborhood includes extra traffic, safety for kids on the road and the value of his property.

Tammy Hayzlett, 48054 Iverson Crossing Road, described that she and her husband own the land at the end of the dead end and the land north and west of the Driscoll property. She explained that the land north and west is for the purpose of future residential properties and a road access to the three building eligibilities. She expressed concern about the proposed building being located 3 feet from their property and easement, ground water contamination, water drainage, road safety, and road conditions. She asked who will regulate the conditions if things like chemicals are placed on the property. Commissioner Ode asked if runoff was from the residential properties. Mrs. Hayzlett explained that an increase in runoff was noticeable when houses were built. Commissioner Ode also asked what road she uses to get to her house. Mrs. Hayzlett explained that here driving route changes and she uses each road about half the time.

Ken Eichhorn, 26604 Caley Circle, first explained that he was denied a larger building in the past because a larger building would not fit in the neighborhood. And he agrees now that larger than 1,200 square feet would not be right.

Kristi Holm, 26609 Tucker Drive, explained that what the petitioner says and the staff report does not seem to match including zoning, reference to hay grinding, customers, and truck traffic. She stated that the proposal is not an agricultural operation, but rather a commercial business. Mrs. Holm continued to express concern with safety on the roads, and she questioned who would monitor the traffic.



Bob Caswell, 48095 Portage Street, stated that residential property should stay residential. He further expressed concern about truck traffic and road conditions. Finally, Mr. Caswell stated that a roof will let water down faster than natural or grass surface.

Brent Driscoll responded to some of the neighborhood concerns including parking on the street of friends, the operation will support a business in Minnesota, the traffic of people will remain the same if there is a business or not, and that the proposed operation will be a smaller impact on the roads that the current farming operation with the field to the north. He explained that the property does not have any restrictive covenants and that the proposed building will not harm the water table. Commissioner Ode asked if Mr. Driscoll would be fine with requiring that traffic stay on Iverson Crossing Road. Mr. Driscoll responded that he would be ok with that but would prefer if restrictions are limited to the business and not personal vehicles. Commissioner Kurt Johnson asked what the business will actually be since the staff report and testimony have some differences. Mr. Driscoll responded that there may have been some confusion in what was said and what was heard with planning staff. He emphasized that no seed sales will happen on the site. Commissioner Barth noted that lack of communication can create fear of unknown, and suggested that the process gets discussed again to better communicate what is happening.

Commissioner Kurt Johnson, asked planning staff about the location of ag zoning in the neighborhood. Kevin Hoekman of county planning staff recalled that the properties north of Iverson Crossing Road were developed using building eligibilities and not residential zoning.

Albert Schmidt, city planning staff added that this area was recently added to the joint jurisdiction boundary.

Deanna McKnight, 48076 Iverson Crossing Road, explained that it is Iverson Crossing Road that is in poor condition. She further explained that the speed limit is 25 mph, and it is rarely followed. The farm has been there for a long time and should be allowed to continue to use the road.

Jeremy Meendering, 26601 Tucker Drive, called for everyone who was present at the meeting who were opposed to the proposed agriculture related operation to stand up.

Chair Commissioner Duffy closed the floor to allow for Planning Commission Discussion.

Discussion

Commissioner Ralston recognized that there was concern about the project and confusion about the staff report. He suggested that the project gets rewritten and a neighborhood meeting is held prior to another public hearing. He made a motion to defer the hearing to the next regular meeting in May. Commissioner Barth Seconded the motion. The motion passed unanimously.



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Commissioner Gaspar commented that he is concerned about the precedent that the business will set in the neighborhood if approved.

Commissioner Barth added that he agrees with some of the concerns of the neighbors and that a deferral does not mean that it will be approved in a month.

Action

Barth to **defer action** for CUP #19-18 to the regular Joint Planning Commission meeting on May 20th, 2019. The motion passed unanimously. The same motion was made for the City by Commissioner Kurt Johnson and seconded by Commissioner Paulson to **defer action** for CUP #19-18 to the regular Joint Planning Commission meeting on May 20th, 2019. The motion passed unanimously.

Conditional Use Permit #19-18 – Deferred until May 20th, 2019



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Old Business

None.

New Business

None.

Adjourn

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

The meeting was **adjourned** at 8:57 pm.