



**MINNEHAHA COUNTY & CITY OF SIOUX FALLS
PLANNING COMMISSION
MEETING MINUTES**

MAY 20, 2019

**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS
May 20, 2019**

A joint meeting of the County and City Planning Commissions was scheduled on May 20, 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
Drew Degroot – States Attorney
Adam Roach – 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 7:00 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.

A motion was made for the County by Commissioner Randall and seconded by Commissioner VanDerVliet to **approve** the consent agenda consisting of Items 1, 2, and 3. The motion passed unanimously.

The City of Sioux Falls Planning Commission was found not to have a quorum yet.

Commissioner Barth motioned to wait to allow the City to obtain a quorum, recess the Joint County and City of Sioux Falls Planning Commission, and convene as the County Planning Commission. Commissioner Ralston seconded the motion. The motion passed unanimously, and the meeting was recessed at 7:05 pm.



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A motion by Commissioner Barth to reconvene the Joint Minnehaha County and City of Sioux Falls Planning Commission Meeting. The motion was seconded by Commissioner Ode. The motion passed unanimously. The meeting was reconvened at 8:12 pm.

A motion was made for the City by Commissioner Paulson and seconded by Commissioner Kurt Johnson to **approve** the consent agenda consisting of Items 1, 2, and 3. The motion passed unanimously.

ITEM 1. Approval of Minutes – April 22, 2019

As part of the consent agenda, a motion was made for the County by Commissioner Randall and seconded by Commissioner VanDerVliet to **approve** the meeting minutes from April 22, 2019. The motion passed unanimously. The same motion was made for the City by Commissioner Paulson and seconded by Commissioner Kurt Johnson to **approve** the meeting minutes from April 22, 2019. The motion passed unanimously.



ITEM 2. CONDITIONAL USE PERMIT #19-23 to exceed 3,600 square feet of total accessory building area – requesting 5,616 sq. ft. on the property legally described as Moan’s Tract 1 (Ex. N939.15’, NW1/4, Section 19-T102N-R49W).

Petitioner: Dean M. Wilson

Property Owner: same

Location: 8801 N. Kiwanis Ave. Located north of Sioux Falls

Staff Report: Kevin Hoekman

General Information:

Legal Description – Moan’s Tract 1 (Ex. N939.15’, NW1/4, Section 19-T102N-R49W)

Present Zoning – A-1 Agriculture

Existing Land Use – Residential Acreage and Cropland

Parcel Size – 30.04 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

The subject property is approximately 30.04 acres and located just north of Sioux Falls city limits. The petitioner is requesting a conditional use permit to allow 5,616 square feet of total accessory building area. A conditional use permit is required for buildings larger than 3,600 square feet when the property is larger than 3 acres and within a subdivision of more than four lots.

This is the second time the larger building request has been presented to the Joint Planning Commission. In 2017, the petitioner applied for, and received, a conditional use permit for the same size of accessory building on the property. The permitted accessory building was never built, and the permit expired. The petitioner now wishes to build the accessory building.

The site plan, shows the proposed building located north and west of the existing house and accessible via an extension off the driveway. The location will also be located near a mature tree grove located along the north and west sides of the building site and yard.

There are several large accessory buildings in the surrounding area. The property owner, 8800 N. Kiwanis Ave., immediately across the street to the east has 6,720 sq. ft. of total accessory building area on 40 acres. The property located to the north at 8909 N. Kiwanis Ave. has 3,680 sq. ft. total among a few accessory buildings on 20 acres. The accessory building sizes range from 1,350 sq. ft. to 6,720 sq. ft. on varying lot arrangements. The petitioner’s request for 5,616 square feet is similar in size to the neighborhood properties. The building is also located on a large lot that is nearly large enough to be classified as agricultural use and have no size limitations on the size of accessory building.



Conditional Use Permit Criteria

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 use of the proposed 54'x104' accessory building for personal storage of car collection and farming equipment should not negatively affect the use and enjoyment of surrounding properties. The area is primarily agricultural land with a few residential acreages located in the immediate vicinity.

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

The accessory building may only be used for residential purposes, no commercial or business activities are allowed without further permitting. Given the size of the other larger accessory buildings, 5,616 square feet of accessory building area will be compatible with the land composition.

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.

No offensive nuisances shall be permitted at any time during use of the proposed accessory structure. The use of lighting should be directed downward on to the property in order to prevent light pollution off site.

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

The proposed accessory building should have no effect on the health, safety, and general welfare of the public provided that all county regulations are being met. The use of the building for private use and storage will create few problems to neighboring properties. The Envision 2035 Comprehensive Plan identifies the area within the Transition Area for the City of Sioux Falls.

City planning staff has also reviewed the proposal and recommends approval of the request.

Recommendation:

Staff finds that the requested total accessory building size is relatively comparable to the existing accessory buildings in the immediate vicinity. Staff recommends **approval** of Conditional Use Permit #19-23 with the following conditions:

- 1.) That the total accessory building square footage shall not exceed 5,616 square feet.
- 2.) That the accessory building shall not exceed 35 feet in height.
- 3.) That the building shall be an accessory use to the continued use of the property as a residential lot.



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- 4.) That only personal residential storage shall be allowed in the building and no commercial uses or commercial storage will be allowed at any time.
- 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 a building permit is required prior to construction of the accessory building.
- 7.) 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.

Action:

As part of the consent agenda, a motion was made for the County by Commissioner Randall and seconded by Commissioner VanDerVliet to **approve** Conditional Use Permit #19-23. The motion passed unanimously. The same motion was made for the City by Commissioner Paulson and seconded by Commissioner Kurt Johnson to **approve** Conditional Use #19-23. The motion passed unanimously.

Conditional Use Permit #19-23 – Approved



ITEM 3. PLANNED DEVELOPMENT MAJOR AMENDMENT #19-02 to allow Retail Sales and trade, wholesale, personal services, communication facilities, and warehousing in Subarea F of the Perry Planned Development District on the property legally described as Tract 1 (Ex. Lots 1 & 2) Jeanne's Addition, NE1/4 SE1/4; all in Section 28-T101N-R48W.

Petitioner: Brent Driscoll

Property Owner: VFS, LLC

Location: Located approximately 2 miles east of Sioux Falls

Staff Report: Kevin Hoekman

General Information:

Legal Description – Tract 1 (Ex. Lots 1 & 2) Jeanne's Addition, NE1/4 SE1/4; all in Section 28-T101N-R48W

Present Zoning – Subarea F of the Perry Planned Development Area

Existing Land Use – Vacant Land/pasture. Rocco's catering is also located within Subarea F

Parcel Size – 10.53 acres of undeveloped subarea (2 acres of developed site)

Staff Report: Kevin Hoekman

Staff Analysis:

The applicant is proposing a major amendment to Subarea F of the Perry Planned Development District which is located east of Sioux Falls. The entire Planned Development area is composed of a large area of land with a mix of allowed uses ranging from parkland to agriculture to residential and commercial uses. Subarea F is a small area of land located southwest of the intersection of SD Hwy 11, SD Hwy 42, and County Hwy 115. The proposed amendment will add retail sales and trade, wholesale, personal services, communication facilities, and warehousing to the list of uses allowed in Subarea F.

The listed property description on this report is for the property which the petitioner would like to place development. Subarea F includes the listed legally described property, and it includes the property where Rocco's Catering is located. The proposed Major Amendment will also affect the allowed uses on the Rocco's property located at Lots 1 & 2 of Tract 1 Jeanne's Addition NE1/4 & SE1/4 28-101-48 Split Rock Township.

The petitioner has been working with staff to allow an agricultural business and warehouse within the subarea, and the language of allowed uses is similar to a list of uses allowed the C-Commercial zoning district. In addition the proposed additional uses will be limited by not allowing the storage of regulated substances and limiting the size of any one building to 10,000 square feet. These limits are also similar to the limits within the C-Commercial zoning district. The language of the proposed amendment is listed below:



E) SUBAREA F.

1) USES PERMITTED. A building or premises shall be permitted to be used for the following purposes:

j) Retail sales and trade, wholesale, personal services, communication facilities, and warehousing provided:

1. There is no storage of a regulated substance.
2. The building contains 10,000 square feet of area or less.

The Perry Planned Development is located within the Red Rock Corridor Overlay District. The Red Rock Corridor underwent a detailed plan which was adopted in 2011 by the Joint County Board and City Council. Subarea F of the Perry Planned Development is located within a commercial land area of the future land use plan for the Red Rock Corridor. In addition a policy listed in the plan states that the county should “locate new rural and agriculturally oriented commercial uses at nodes with access to major roads and buffer from any adjacent residential or agricultural uses.”

The petitioner desires to build a warehouse and office building on a lot within the subarea. Any commercial development within a planned development district requires an approval of a final development plan by the planning commission. In addition, the Red Rock Corridor Overlay District requires development standards that must be reviewed. The standards include landscape requirements, design requirements, and buffer yard requirements which will be reviewed as part of the Final Development Plan when the petitioner is ready to develop the property.

Planning staff from the City of Sioux Falls have reviewed the proposed Major Amendment, and city staff have recommended approval of the request. City staff have also noted that they have platting and development standard that will require review by the city.

Recommendation: Staff recommends **approval** of Major Amendment #19-02.

Action

As part of the consent agenda, a motion was made for the County by Commissioner Randall and seconded by Commissioner VanDerVliet to **approve** Major Amendment #19-02. The motion passed unanimously. The same motion was made for the City by Commissioner Paulson and seconded by Commissioner Kurt Johnson to **approve** Major Amendment #19-02. The motion passed unanimously.

Major Amendment #19-02 – Recommended for Approval



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Regular Agenda

Old Business

Acknowledge withdrawal of a CUP application 19-18 - Kevin Hoekman of Planning Staff explained that the petitioner for CUP #19-18 has withdrawn his application and that the Planning Commission should acknowledge the withdrawal. Commissioner Mohrhauser motioned to acknowledge the withdrawal of CUP #19-18. Commissioner Barth seconded the motion, and the motion passed unanimously. The same motion was made for the City by Commissioner Gaspar to acknowledge the withdrawal of CUP #19-18. Commissioner Kati Johnson seconded the motion, and the motion passed unanimously.

New Business

None.

Adjourn

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

The meeting was **adjourned** at 8:13 pm.