



**MINUTES OF THE JOINT MEETING  
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS  
April 27, 2020**

A joint meeting of the County and City Planning Commissions was held on April 27, 2020 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building and in the Zoom Personal Meeting Room ID 728 439 8039.

David Heinold, County Planning Department, read aloud the instructions for Zoom attendees on how to raise their hands to speak on an agenda item. David Heinold called for roll call of County Planning Commission members present to determine quorum.

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

David Heinold, County Planning Department, called for roll call of City of Sioux Falls Planning Commission members present to determine quorum.

**CITY PLANNING COMMISSION MEMBERS PRESENT:** Sean Ervin, John Paulson, Kati Johnson, Erik Nyberg, and Kurt Johnson.

**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 Sean Ervin.

Chair Duffy called the joint City of Sioux Falls and Minnehaha County Planning Commission meeting to order at 7:04 p.m.

**PUBLIC COMMENT.**

Commissioner Duffy opened the floor for public comment and nobody moved to speak or no hands were raised in the Zoom Personal Meeting Room.



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

**April 27, 2020**

**ITEM 1. Approval of Minutes** – January 27, 2020

Chair Duffy called for any comments or amendments to the minutes. Nobody raised any comments or additions.

A motion was made for the County by Commissioner Randall and seconded by Commissioner Ode to **approve** the meeting minutes from January 27, 2020. A roll call vote was taken, and the motion passed unanimously with 6 votes in favor of the motion and 0 votes against the motion.

The same motion was made for the City by Commissioner Kurt Johnson and seconded by Commissioner Nyberg to **approve** the meeting minutes from January 27, 2020. A roll call vote was taken, and the motion passed unanimously with 5 votes in favor of the motion and 0 votes against the motion.



**ITEM 2. CONDITIONAL USE PERMIT #20-09 to exceed 3,600 square feet of total accessory building area – requesting 4,992 sq. ft. on the property legally described as Tract 4A (Ex. H-1), Inberg Tracts, NW1/4 NE1/4, Section 18-T101N-R48W.**

Petitioner: Gary & Nancy Busselman

Property Owner: same

Location: 7201 E. Madison St. Located east of Sioux Falls

Staff Report: Kevin Hoekman

**General Information:**

Legal Description – Tract 4A (Ex. H-1), Inberg Tracts, NW1/4 NE1/4, Section 18-T101N-R48W

Present Zoning – A1 Agricultural

Existing Land Use – Residential Acreage

Parcel Size – 5.28 acres

**Staff Report:** Kevin Hoekman

**Staff Analysis:**

This item was scheduled to be heard at the March 23<sup>rd</sup> planning commission meeting. Since the March 23<sup>rd</sup> planning commission meeting was canceled. This item was moved to the April 27<sup>th</sup> planning commission meeting. Prior to March 23<sup>rd</sup>, staff received a phone call from a concerned neighbor to the south of the property which was concerned about too many vehicles and a semi-truck trailer located on the property. Staff revisited the property and found the semi-truck trailer located in the rear yard. A semi-truck trailer is a commercial vehicle that is not allowed on a residential property. Neither is a semi-truck trailer allowed to be used for storage on a property according to the Joint Zoning Ordinance. With these in consideration, staff has added a condition to remove the semi-truck trailer from the property before a building permit may be issued. The remaining staff report is unchanged from the March 23<sup>rd</sup> planning commission.

Residential and subdivided properties which are larger than 3 acres are allowed up to 3,600 square feet of detached accessory building space with simply a building permit. A conditional use permit is required when the detached accessory building space exceeds 3,600 square feet. The property owner is requesting to build a 48 feet by 72 feet (3,456 square feet) structure on the described property. The property has an existing 32 feet by 48 feet structure that raises the total requested area to 4,992 square feet. The petitioner has stated that the building will be used to shelter his trailer, a few collector cars, and other personal items.

The petitioner submitted a site plan which shows the proposed building to be located behind the dwelling by more than 140 feet. The overall property is narrow and very deep, which allows the location of the proposed building to be located over 500 feet from the front yard property line. The lot is heavily wooded on the north side, but the house and the location of the proposed



building is visible from the east of the property.

The property is in a neighborhood composed of many residential acreages and some remaining cropland and pasture land. Many of the residential lots are also narrow and long, and several properties in the area have multiple accessory buildings. Some of the accessory buildings are left behind from former agricultural farmsteads.

**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 neighboring properties include residential and some agricultural uses. The nearest neighboring property to the west has 3,440 square feet of accessory building. The petitioner's property has many trees which largely block the view of the property from the road, but the building will be visible from the east were agricultural cropland currently exists. The large building is similar to other properties in the area.

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

The general neighborhood is composed of large residential acreages. The city of Sioux Falls has annexed land to about a quarter mile to the east and to the west of the property. The neighborhood will likely continue to change as development continues on the east side of Sioux Falls. The staff letter from the city includes comments of what is required when a property with a large structure is annexed into the city. Overall, the many trees on the property and the large size of the lot will minimize any neighborhood character changes.

**(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 building will be used for residential uses which should limit potential nuisances. No commercial businesses should be allowed at any time. The property already has large setbacks and many trees to screen from the right of way and property owners to the south.

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

A large accessory building on the property will not adversely affect the public. The building will be accessed from the existing driveway and the building takes up a small portion of the lot. The building will be used for personal purposes.

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



Similarly, the health, safety, and general welfare will not be negatively affected by the construction of the proposed building. Planning staff from the City of Sioux Falls has reviewed the application and recommended approval.

**Recommendation:**

Staff recommends **approval** of CUP #20-09 with the following conditions:

- 1.) The building location and driveway shall adhere to the submitted site plan.
- 2.) The property must be in compliance with regulation of Section 15.17 Vehicles and Equipment of the Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls. Compliance must be verified prior to the issuance of a building permit for the requested building.
- 3.) The total area of all accessory buildings may not exceed 4,992 square feet.
- 4.) That the building shall be an accessory use to the continued use of the property as a residential lot.
- 5.) That only personal storage shall be allowed in the building and no commercial uses or commercial storage will be allowed at any time.
- 6.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 7.) That a building permit is required prior to construction of the accessory building.
- 8.) 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 briefed the planning commission on the petitioner's concerns about timing for removal of noncompliant truck trailers.

Garry Busselman, 7201 E. Madison Street, was present for any questions. Commissioner Ode asked what the reason the trailers were there. Mr. Busselman stated that he once had many trailers on the property and has sold most of them. He further explained that a major part of building the shed is to house the personal items that are currently stored in the trailers. Commissioner Ode further asked if there was to be any septic system for the proposed building. Garry Busselman responded that the shed will be cold storage only with no plumbing or even insulation.

Kevin Hoekman, county planning staff, explained that the planning commission may change condition #2 to allow for the building permit to be issued prior to the trailers being removed. The commission can change the condition that the noncompliant trailers will be removed prior to the building permit having a final inspection. The Sioux Falls planning staff agreed with this approach. Kevin further explained that a building permit is allowed 12 months to complete a



permit, and if the petitioner completes the building in a few months the rest of the 12 months can be used to unload and remove the trailers.

Commissioner Duffy asked for any more public comment, and no members of the public in the meeting room or online made additional comments.

**Action:**

Commissioner Barth made a motion to **approve** Conditional Use Permit #20-09 with amended condition #2 to require zoning compliance for vehicles on the property before the building can receive a final inspection. The motion was seconded by Commissioner Ode. A roll call vote was taken and the motion passed unanimously with 6 votes in favor of the motion and 0 votes against the motion. Commissioner Nyberg made the same motion for the city planning commission to **approve** Conditional Use Permit #20-09 with amended condition #2 to require zoning compliance for vehicles on the property before the building can receive a final inspection. The motion was seconded by Commissioner Kurt Johnson. A roll call vote was taken and the motion passed unanimously with 5 votes in favor of the motion and 0 votes against the motion.

**Conditional Use Permit #20-06 – Approved with the amended conditions as follows:**

- 1.) The building location and driveway shall adhere to the submitted site plan.
- 2.) The property must be in compliance with regulation of Section 15.17 Vehicles and Equipment of the Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls. Compliance must be verified prior to the final inspection of the building permit for the requested building.
- 3.) The total area of all accessory buildings may not exceed 4,992 square feet.
- 4.) That the building shall be an accessory use to the continued use of the property as a residential lot.
- 5.) That only personal storage shall be allowed in the building and no commercial uses or commercial storage will be allowed at any time.
- 6.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 7.) That a building permit is required prior to construction of the accessory building.
- 8.) 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.



MINNEHAHA COUNTY & CITY OF SIOUX FALLS  
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MEETING MINUTES

April 27, 2020

**Old Business**

None.

**New Business**

None.

**Adjourn**

A motion was made for the County to **adjourn** by Commissioner Ode and seconded by Commissioner Ralston. A roll call vote was taken, and the motion passed unanimously with 6 votes in favor of the motion and 0 votes against the motion. The same motion was made for the City to **adjourn** by Commissioner Kurt Johnson and seconded by Commissioner Nyberg. A roll call vote was taken, and the motion passed unanimously with 5 votes in favor of the motion and 0 votes against the motion.

The meeting was **adjourned** at 7:34 pm.