



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

MAY 20, 2024

**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS
May 20, 2024**

A joint meeting of the County and City Planning Commissions was held on May 20, 2024 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Commissioners Bonnie Duffy, Adam Mohrhauser, Doug Ode, Mike Ralston, Ryan VanDerVliet, and Joe Kippley.

CITY PLANNING COMMISSION MEMBERS PRESENT: Bradyn Neises, John Paulson, Janet Kittams, Aaron Norman, and Mike Gray.

STAFF PRESENT:

Scott Anderson, Kevin Hoekman, & Mason Steffen – County Planning
Maggie Gillespie – States Attorney's Office
Fletcher Lacock – City Planning

The County Planning Commission was chaired by Commissioner Bonnie Duffy. The City Planning Commission was chaired by Commissioner Bradyn Neises.

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

PUBLIC COMMENT

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

Consent Agenda

Commissioner Duffy read each item on the consent agenda and no items were requested to be moved to the regular agenda.

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

The same motion was made for the City by Commissioner Gray and seconded by Commissioner Kittams to **approve** the consent agenda consisting of Items 1 & 2. The motion passed unanimously.

Commissioner Gray commented that he will be supporting the consent agenda, but that he has concerns with the continued development of property surrounded by the city without first discussing the annexation of the property.



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ITEM 1. Approval of Minutes – April 22, 2024

As part of the consent agenda, a motion was made for the County by Commissioner VanDerVliet and seconded by Commissioner Ode to **approve** the meeting minutes from April 22, 2024. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.

The same motion was made for the City by Commissioner Gray and seconded by Commissioner Kittams to **approve** the meeting minutes from April 22, 2024. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.



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Consent Agenda

ITEM 2. CONDITIONAL USE PERMIT #24-26 to allow Mini-Storage Units on the properties legally described as Tract 3 Lot 2 & Tract 3 Lot 3 Pleasant View Acres N½ SE¼ & S½ NE¼ Section 19 T101N-R48W Split Rock Township.

Petitioner: Brent Antonen

Land Owner: Donald Skovly

Location: Located along E Arrowhead Parkway, approximately ¼-mile west of S Six Mile Road

Staff Report: Mason Steffen

General Information:

Legal Description – Tract 3 Lot 2 & Tract 3 Lot 3 Pleasant View Acres N½ SE¼ & S½ NE¼ Section 19 T101N-R48W Split Rock Township

Present Zoning – C Commercial

Existing Land Use – Vacant Lot

Parcel Size – 4.50 Acres

Staff Report: Mason Steffen

Staff Analysis: The subject properties are located directly to the west of Jay Egge Automotive, along E Arrowhead Parkway. The petitioner is proposing to construct four storage warehouses on the site that will be divided into smaller storage units that are available to lease. Mini-warehousing is a listed conditional use within the C Commercial zoning district of the Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls, and so a conditional use permit is required for this use. Additionally, the petitioner is only planning to utilize a portion of Lot 3 for the storage unit buildings, which is depicted on the submitted site plan. If this conditional use permit is approved, the petitioner will then work with the owner to resurvey Lot 2 in order to include the portion of Lot 3 that they will be utilizing for this use. The resurvey of these lots will also be added as a condition of approval for this permit. Finally, Donald Skovly is the owner of both lots listed in this request and has signed off on this conditional use permit application.

The petitioner has submitted a site plan and narrative for the proposed operation. The site plan indicates that four storage unit buildings will be constructed on the property, two 58' x 172' buildings and two 60' x 140' buildings. The site plan and narrative also indicate that the drive lane will be sixty-five wide and paved, which is required given that the site is accessed from a paved road. The narrative also explains that there will be wall mounted security cameras on-site, as well as a fence surrounding the buildings, which will help to limit unauthorized access to the site.

On May 2, 2024, staff conducted a site visit of the subject property and surrounding area. Most of the development in the area around this property is commercial in nature, and the addition of storage units will largely fit with the existing uses. This includes two existing storage unit operations to the east of the site that were approved via conditional use permits in 2021 and 2023. This request was also sent to the city of Sioux Falls planning staff for comments, and they



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did not provide any specific comments for this request. However, at previous locations in this area they have commented that this commercial subdivision along E Arrowhead Parkway should not be annexed one property at a time. Additionally, they have made applicants aware that they will be expected to annex their property when the time comes to annex the entire commercial development and that a pre-annexation agreement may be required.

Conditional Use Permit Criteria:

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.

The property is located within a commercial subdivision along E Arrowhead Parkway that has many warehouses and contractor buildings, including two existing storage unit operations just to the east. Therefore, mini-storage units are similar to the other existing uses surrounding the property, and should not have any anticipated negative impacts on these properties.

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

The area surrounding the subject property is mostly developed with similar land uses and buildings to the proposed storage units. A majority of the vacant land in the area is within the city limits of Sioux Falls, and is currently being developed into a mix of uses including commercial type uses. The addition of more warehousing structures on this property will not impact the continued development of the surrounding vacant land.

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

The operation will be accessed from the frontage road that was recently constructed between the property and E Arrowhead Parkway. The property will need to obtain access to electrical services if they are not already present on the site. Additionally, the petitioner is planning to have bathroom facilities on-site, and so the property will need to be connected to city water and sewer services. At other locations in this commercial development, the city has required petitioners to sign a pre-annexation with the city in order to connect to city services, and this will likely be required at this property. Finally, the drainage on the property generally flows towards the northeast corner, and the petitioner should maintain this flow of drainage during and after construction of the storage buildings.

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

The buildings are spaced wide enough to allow for temporary parking. No permanently parked vehicles will be allowed as outdoor storage. The petitioner stated in the narrative that the drive lanes within the site will be paved and this will be added as a condition of approval for this permit.

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.

Lighting and glare from this type of operation does have the potential to be a nuisance to neighboring properties. However, lighting is also needed on the property to maintain the proper site visibility and for security. Therefore, any lighting that is installed on the property for this request should be designed to direct light so that it does not spill off of the property. Finally,



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commercial businesses will also not be allowed to operate in the storage units, which will reduce the chances of any other types of nuisance being created by this facility.

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

The proposed storage unit operation will not affect the health, safety, and general welfare of the public. Given the existing land uses in the area, and the fact that storage units require little to no utilities, this proposed operation is an appropriate use for the subject property. Finally, this operation conforms to the goals of the 2035 Envision Comprehensive Plan by encouraging commercial expansion in existing locations at the intersections of major arterial roads.

Recommendation: Staff recommends **approval** of Conditional Use Permit #24-26 with the following conditions:

- 1) That the property shall adhere to the submitted site plan.
- 2) That no outdoor storage shall be allowed at any time.
- 3) That all signage shall conform to Article 17.00 of the Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls, and a sign permit must be obtained prior to the placement of any signage.
- 4) That all drive areas within the site shall be hard surfaced to the standards of Article 16.04 of the 2002 Revised Joint Zoning Ordinance for Minnehaha County and the city of Sioux Falls. The hard surface is required to be installed within 6 months after the completion of the buildings, or by January 1, 2026, whichever is sooner.
- 5) That no commercial businesses shall be allowed to operate within the storage units.
- 6) That no permanent or temporary living quarters shall be constructed or allowed.
- 7) That no overnight occupancy shall be allowed.
- 8) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 9) That building permits must be obtained for each building and sign on the property, prior to being constructed.
- 10) That all buildings must be engineered and the plans must be stamped by a professional engineer and submitted to the county's Chief Builder Inspector for review, prior to the issuance of any building permits.
- 11) That the property shall be resurveyed so that all building locations indicated on the submitted plan are entirely on the same lot, prior to the issuance of any building permits.
- 12) 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 VanDerVliet and seconded by Commissioner Ode to **approve** Conditional Use Permit #24-26 with the staff recommended conditions. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.



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The same motion was made for the City by Commissioner Gray and seconded by Commissioner Kittams to **approve** Conditional Use Permit #24-26 with the staff recommended conditions. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.



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Regular Agenda

ITEM 3. ZONING TEXT AMENDMENT #24-03 to amend the Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls to add Long-Term Lease or Rental regulations

Petitioner: County Planning Staff

Staff Report: Scott Anderson

Staff Report: Scott Anderson

Staff Analysis: On December 15th, 2023, a court decision by Judge Houwman was made indicating that when short-term or long-term rental is not defined in the Joint Zoning Ordinance, it is not permitted. In order to address this issue, staff has been counseled to amend the Joint Zoning Ordinance to specify that long-term rental and leases of property in the county are permitted provided the use is lawful.

As a result of the court ruling, staff with the assistance of the States Attorney, has prepared some language that will correct this. The proposed amendment would add 15.19 to the Additional Use Regulations that states that it is not the intent of the Zoning Ordinance to prohibit the long-term lease or rental of property provided the use is legal. The proposed ordinance with the suggested language is attached for your review.

Recommendation: Staff recommends **approval** of Zoning Text Amendment #24-03 adding Article 15.19 to the Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls.

Public Testimony & Discussion

Scott Anderson, the County Planning Director, presented the staff report and proposed ordinance amendment to the commission. Scott explained that this ordinance would clarify that the long-term leasing of property within the joint jurisdictional area is not prohibited, as long as the use is lawful. Some of the examples provided to the commission included the rental of farmland, the rental of storage units, and the rental of store-fronts or other business.

Commissioner Paulson asked staff if this definition would have any effect on short-term rentals within the joint jurisdiction. Scott explained that this ordinance would only apply to long-term leases or rentals, and that the existing short-term rental regulations in the ordinance would not be changed. Commissioner Paulson then asked staff to provide examples of what a lawful use would be for a property in the joint jurisdiction. Scott reiterated that this would apply to properties such as storage units, store fronts, or houses and would allow from them to be leased on a long-term basis. Commissioner Paulson then asked staff to clarify what is considered a long-term lease or rental versus a short-term lease or rental. Scott explained that a long-term lease or rental would be any lease that is longer than thirty days, and anything less than that would fall under the existing short-term lease or rental regulations.



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Commissioner Duffy asked staff to clarify what action is needed from the commission on this request. Scott explained that the commission should first ask for any public comments on the item. He then explained that because this item is a zoning text amendment, the commission will need to take action on the request, which will be a recommendation to the joint City Council and County Commission.

Don Johnson, a neighbor to an item on another meeting agenda, explained to the commission that he owns property in Lyons and thought that this request would affect his property. Scott Anderson explained that this item only impacts the joint jurisdictional area around the city of Sioux Falls, and does not have any impact on the Lyons area. Scott then explained to Don Johnson that the rezoning item that he wanted to comment on was on a different agenda, and that he would have to wait until that item to address his concerns.

Commissioner Ralston stated that this ordinance amendment would be bringing an existing standard from the county into the joint jurisdiction with the city, and therefore he is in favor of the ordinance amendment.

Action

A motion was made for the County by Commissioner Ralston and seconded by Commissioner Kippley to **recommend approval** of Zoning Text Amendment #24-03. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.

The same motion was made for the City by Commissioner Kittams and seconded by Commissioner Norman to **recommended approval** of Zoning Text Amendment #24-03. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.

Zoning Text Amendment #24-03 – Approval Recommended



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Old Business

None.

New Business

None.

Adjourn

A motion was made for the County to **adjourn** by Commissioner VanDerVliet and seconded by Commissioner Mohrhauser. The motion passed unanimously.

The same motion to **adjourn** was made for the City by Commissioner Norman and seconded by Commissioner Kittams. The motion passed unanimously.

The meeting was **adjourned** at 7:16 p.m.