



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

JUNE 24, 2024

**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS
June 24, 2024**

A joint meeting of the County and City Planning Commissions was held on June 24, 2024 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

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

CITY PLANNING COMMISSION MEMBERS PRESENT: Aaron Norman, Dana Fisher, John Paulson, Erik Nyberg, and Dave Van Nieuwenhuyzen.

STAFF PRESENT:

Scott Anderson, Kevin Hoekman, & Mason Steffen – County Planning
Maggie Gillespie – States Attorney's Office
Karla Resendiz & Jason Bieber – City Planning

The County Planning Commission was chaired by Commissioner Bonnie Duffy. The City Planning Commission was chaired by Commissioner Aaron Norman.

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 Item 4 was requested to be moved to the regular agenda.

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

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



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ITEM 1. Approval of Minutes – May 20, 2024

As part of the consent agenda, a motion was made for the County by Commissioner Randall and seconded by Commissioner Mohrhauser to **approve** the meeting minutes from May 20, 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 Fisher and seconded by Commissioner Paulson to **approve** the meeting minutes from May 20, 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 #24-29 to allow Motor Vehicle Sales on the properties legally described as Tract 1 Peterson's NW¼ Section 27 & NE¼ Section 28 all within T102N-R49W Mapleton Township.

Petitioner: Dale Lindberg

Land Owner: Dennis Peterson Family Trust

Location: 6001 N Cliff Avenue

Staff Report: Kevin Hoekman

General Information:

Legal Description – Tract 1 Peterson's NW¼ Section 27 & NE¼ Section 28 all within T102N-R49W Mapleton Township

Present Zoning – C Commercial

Existing Land Use – Motor Vehicle Repair

Parcel Size – 1.88 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

The petitioner operates a vehicle repair shop in a portion of a building on the above described property. The latest auto repair permit on the site was approved in 2009. This request is to add the ability to sell vehicles as part of the business. Adding auto sales to the property requires conditional use permit approval.

The property is located north of Sioux Falls on the west side of Cliff Avenue. A residential subdivision is located east of the highway and west of the site is agricultural cropland. Several businesses are located on site including a contractor office, storage units, and the automotive repair operated by the petitioner. There are many vehicles on the property; a few of the vehicles are clearly inoperable with parts missing. The CUP in 2009 includes a condition "That no inoperable or dismantled vehicles be stored outside of the screened area." A similar condition should be included with this CUP and only minor rearranging of the site can comply with the condition.

The petitioner submitted a brief narrative with the application. The narrative describes how selling automobiles is a simple extension of the current repair shop. Vehicle sales will include vehicles of customers who cannot pay for repairs, and vehicles purchased for the purpose of repair and resale.

The petitioner should be aware that the property is located within the 100-year floodplain. No additions to the building are being proposed at this time, but any new structures, repairs, or additions may require floodplain development permit and additional requirements over typical construction.

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 proposed motor vehicle repair and automotive sales will take place on a commercial zoned property where automotive repair is already approved. Automotive sale will be a natural addition to the existing use. Storage units line the perimeter of the property on the north and south, and these structures provide some screening to the neighboring residential land uses. These uses will not be affected by the proposed automotive sales. The highway in front of the building is very busy, and the property has a high profile from the road. Care must be taken to remove potentially offensive items further away from the road.

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

East of the property is a residential subdivision within Sioux Falls. This subdivision is mostly built out and will not likely change for some time. The land to the west of the property is agricultural crop land within the floodplain. Development of this land will be slow because of the location within the floodplain. The proposed automotive sales is a minor addition to the current land use of the property. The minor addition will not likely change how the properties to the north or south will develop in the future.

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

The property is already developed with exiting utilities, access roads and facilities. The proposed uses will not affect drainage more than already exists. The petitioner and property owner should be aware that the property is located within the floodplain.

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

The ordinance requires a general use building to have one parking space for every 300 square feet. For this portion of the structure, 14 parking spaces are required. Based on staff measurements and the vehicles seen in areal imagery, adequate parking spaces are available in the front and north side of the building alone. More paved parking spots are available on the west side as well. The highway in front of the property has fat moving traffic, and loading and unloading of vehicles and equipment on the street could be dangerous. Loading and unloading should not be allowed within the right of way.

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.

SD Highway 115 carries significant traffic which travels by the site every day. The type of concerns related to the proposed motor vehicle repair and sales includes unsightly vehicles and parts storage and potential storage of vehicle fluids such as oils, fuels, and antifreeze. All vehicle fluid must be stored inside to prevent accidental spills in the environment. The unsightly vehicles with parts missing or the parts themselves can easily be stored elsewhere outside where the parts and vehicles can be less visible. Staff suggests that all fully or partially dismantled vehicles shall be stored on the north or west side of the building, with no storage in front of the front wall of the structure. Only operational vehicles for sale, customer vehicles, and worker vehicles shall be allowed to be parked on the east side of the property. Screening unsightly vehicles and parts from visibility of the highway will greatly reduce unsightliness for the traveling public.



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Large industrial buildings often have lights which glare onto neighboring properties. This building already exists with this style of lighting. Staff suggests that any replacement outdoor lighting must be cutoff to prevent future glare.

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

This site is conducive for repair and sales, but the high profile nature of the site near the state highway makes it not desirable for inoperable vehicle storage. Although staff found parts and dismantled vehicles on the property at the site visit, most of the vehicles appeared to be in working condition. If care is taken to screen dismantled vehicles, damaged vehicles, and vehicle parts, then the proposed use should appear as many other vehicle repair shop and auto sales already existing within the county.

The City Planning Department submitted comments and recommend approval of the proposed additional land use. The comments from the City include requirements that would apply to the land use if the property is annexed.

Recommendation: Staff recommends **approval** of Conditional Use Permit #24-29 with the following conditions:

- 1.) This permit is to allow the repair and for automotive sales on the property.
- 2.) All fluids and waste materials shall be stored in enclosed containers within a building and disposed of through a proper facility. No dumping or burning of waste fluids or materials will be allowed. No storage of hazardous waste will be allowed.
- 3.) All vehicle parts, equipment, packaging, and similar materials shall be stored inside the building or on the north or west sides of the building. All of this storage must be further back than the east wall of the building.
- 4.) All damaged, dismantled, or partially dismantled vehicles shall be stored inside the building or on the north or east sides of the building. All of this storage must be further back than the south wall of the building.
- 5.) Only full functional vehicles either licensed or displayed for sale can be stored east of the building.
- 6.) That all new or replacement 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 any building, structure, or sign.
- 8.) No loading or unloading shall take place in the right-of-way at any time.
- 9.) That the Planning & Zoning Department reserves the right to enter and inspect the property at any time, after proper notice to the owner or operator, to ensure that the property is in full compliance with the conditional use permit conditions of approval and 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 Mohrhauser to **approve** Conditional Use Permit #24-29 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 Fisher and seconded by Commissioner Paulson to **approve** Conditional Use Permit #24-29 with the staff recommended conditions. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.

Conditional Use Permit #24-29 – Approved



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ITEM 3. CONDITIONAL USE PERMIT #24-30 to allow a Mini-Storage Facility on the properties legally described as Lot 1 Plooster's Addition SW¼ and the SW¼ (Ex. H-1, H3, H4, & R-1 & Ex. Plooster's Addition) all in Section 30 T101N-R50W Wayne Township.

Petitioner: WS Construction

Land Owner: Plooster Investment Limited

Location: 46620 267th Street

Staff Report: Mason Steffen

General Information:

Legal Description – Lot 1 Plooster's Addition SW¼ and the SW¼ (Ex. H-1, H3, H4, & R-1 & Ex. Plooster's Addition) all in Section 30 T101N-R50W Wayne Township

Present Zoning – C Commercial

Existing Land Use – Vacant Land/Storage Units

Parcel Size – Approximately 12 Acres of Developed Land

Staff Report: Mason Steffen

Staff Analysis: The subject properties are located in the northeast corner of 466th Avenue and 267th Street. The petitioner is proposing to expand the existing storage unit facility that is located at 46619 Arabian Place. This corner of the intersection was rezoned to the C Commercial zoning district in 2006, and a conditional use permit was obtained in 2007 to allow for the existing storage unit building on the site. The petitioner is proposing to expand the storage units to encompass a majority of the property that is zoned commercial in this corner. 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.

The petitioner submitted a site plan and narrative for the proposed operation. The site plan indicates that five new storage buildings will be built on the site. These include a 70' x 400' building, two 70' x 377' buildings, and two 45' x 820' buildings. On the originally submitted site plan, it appears that the buildings on the proposed Lot 3 do not meet all of the required setbacks, specifically the setbacks along the north and south property lines. Based on the layout of the site, there should be a thirty foot front yard setback along the south property line, and a ten foot side yard setback along the north property line. This requirement has been explained to the petitioner and they have stated that they will remove the necessary amount of storage units from the buildings to meet these setbacks. These changes have been noted on the site plan by staff and the petitioner will be required to submit an updated site plan showing these changes, prior to receiving a building permit. Finally, the narrative explains that the site will be open 24/7, and that it will have a secure access point and constant monitoring via security cameras, which will limit any unauthorized access to the site.

On June 10, 2024, staff conducted a site visit of the subject properties and surrounding area. The area surrounding the property is still largely agricultural in use, and a majority of the subject property is currently used as pasture land. There are some existing commercial uses at the intersection, including a gas station, an office building, and the existing storage unit building on



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the site. The property is also located only a half-mile north of Wild Water West, and a half-mile east of the Sioux Fall Regional Landfill. Therefore, this intersection is already heavily travelled, especially in the summer, and this proposed operation will not add significant traffic concerns to the area. This request was submitted to the city of Sioux Falls planning office for comments, and city staff recommended the request be approved with a condition that requires the property to be platted prior to obtaining a building permit. This has been added as a condition of approval.

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 at the intersection of two county highways with existing commercial uses to the southwest. The land use directly to the east is a horse riding arena, and there is a gas station and office building located in the southwest corner of this intersection. The other uses in the area are agricultural and large lot residential acreages. Given the existing uses surrounding the site, and the fact that there are existing storage units on the site, the proposed expansion of this use at the intersection should not overly impact the enjoyment of neighboring properties.

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

The vacant land surrounding the site is still mainly used for agricultural uses, but this will begin to change in the future as the city expands. Additionally, the site is located at the intersection of two county highways, and these are the locations where both the city and county encourage commercial development. The site has also been zoned C commercial since 2006 and the continued development of this lot into commercial type uses will have a minimal impact on the current and future uses of the vacant land surrounding the site.

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

The operation will be accessed via an existing driveway off of Arabian Place, which is a road that currently only services the existing storage units on the site. The petitioner will also need to extend electrical services to the new buildings on the site. If the petitioner decides to provide bathroom facilities at the site, they will need to extend water services to the buildings, as well as a septic system to handle any wastewater. Finally, the drainage on the property generally flows towards the northeast corner of the site, 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 drive lanes within the site will be required to be paved, due to the site being accessed from a hard surfaced road, 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



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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, 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 should not affect the health, safety, and general welfare of the public. Given that there are existing storage units on the site, 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 #24-30 with the following conditions:

- 1) That the petitioner shall submit an updated site plan that meets all of the required setbacks, prior to the issuance of any building permits on the site.
- 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 residential occupancy shall be allowed on the site.
- 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 platted prior to obtaining any building permits for the storage units or any signage on the site.
- 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.



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Action

As part of the consent agenda, a motion was made for the County by Commissioner Randall and seconded by Commissioner Mohrhauser to **approve** Conditional Use Permit #24-30 with the staff recommended conditions. 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 Fisher and seconded by Commissioner Paulson to **approve** Conditional Use Permit #24-30 with the staff recommended conditions. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.

Conditional Use Permit #24-30 – Approved



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Regular Agenda

ITEM 4. CONDITIONAL USE PERMIT #24-31 to allow a Produce Stand on the property legally described as Tract 1 Ten Cate's Addition N½ NW¼ Section 32 T101N-R48W Split Rock Township.

Petitioner: GPHQ LLC.

Land Owner: Mason Prescott

Location: 8201 E 41st Street

Staff Report: Scott Anderson

General Information:

Legal Description – Tract 1 Ten Cate's Addition N½ NW¼ Section 32 T101N-R48W
Split Rock Township

Present Zoning – A1 Agriculture

Existing Land Use – Residential Acreage

Parcel Size – 9.26 Acres

Staff Report: Scott Anderson

Staff Analysis: The applicant is requesting a conditional use permit for a produce stand. They have prepared a narrative explaining the details of the operations and a site plan demonstrating how the proposed use will be laid out on the subject property. This information is included for your review. The produce stand is proposed to be approximately 12 feet by 20 feet in size and will be located a minimum of 50 feet off the 41st Street property line. The site has a large circular driveway and the site plan indicates that 4 parking spaces will be provided. The circular driveway will allow for traffic to enter and exit the site without having to back out onto 41st Street.

The applicants have indicated that in addition to general produce grown on site, that some baked goods will also be provided. The baked goods will meet the requirements for home processed food as outlined in SDCL 34-18. The hours of operation requested are from 7 AM to 7 PM daily.

On June 6, 2024, staff conducted a site visit. The applicant was present and showed staff the gardens and produce being grown. The Pine Hills Addition is located to the north. This residential development contains approximately 100 residences. The area to the west is located within the city limits of Sioux Falls and is being developed as multi-family residences with over 100 town homes, twin homes and apartments. The area to the south, while annexed into the city, has not been developed and is currently vacant. The area to the east is agricultural property – pasture. It is likely that this area will continue to see rapid development with the recently constructed Brandon Valley and Sioux Falls middle schools located approximately ½ to the west along 41st Street. The portion of 41st Street west of Six Mile Road is gravel and maintained by Split Rock Township.

Article 3.04(j) requires a conditional use permit for produce stands exceeding 400 square feet. The proposed 12 foot by 20 foot stand along with parking and walking area for customers exceeds 400 square feet. Therefore, consideration of the conditional use permit on this site is warranted.



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The Planning Office has received several complaints about the number of people residing with the existing residence. Letters explaining the maximum number of unrelated people living within the residence have been sent on February 14 and May 22, 2024 to the property owner. The maximum number of unrelated people residing there is limited to three (3). Furthermore, while a church is a permissive use identified in Article 3.02 of the Joint Zoning Ordinance, a Zoning Permit has not been issued for the change in use from a residence to the church. A change in use would trigger reviews of the use to determine compliance with elements such as, but not limited to items like parking, signage and the building code. During the site visit on June 6, staff questioned the applicant on the use of the property and the number of residents. The applicant was told that the existing residence could not be used as a church without a Zoning Permit and that the number of unrelated people living there could not exceed three. Staff continues to receive complaints from the neighborhood as recently as June 7, 2024 indicating that over 10 people are residing there. This is being noted in the staff report as a formal reminder of the existing regulations outlined in the Joint Zoning Ordinance.

The City of Sioux Falls reviewed the request and had no comments.

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.

A smaller produce stand is unlikely to impact property values in the area. As the area is experiencing rapid growth, the land and property values will likely to increase. The use in some of the area is agriculture. The area to the south and east is pasture. A produce stand will not impede this use. Likewise, a produce stand will not hinder the continued residential uses to the north and west.

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

A produce stand is unlikely to have any significant effect on the normal and orderly development of the area. The proposed use could actually provide a service to the densely developing area to the west by providing fresh produce and other food items without requiring a longer travel distance to a location where fresh produce is sold.

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

Utilities are provided to the site. There is an existing U-shaped driveway, which will assist with the traffic flow.

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

Article 16.02 of the Joint Zoning Ordinance requires 1 off-street parking space for each 300 square feet of gross floor area. The proposed building for sales is proposed to be 240 square feet,



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which would require only one (1) off-street parking space. The site plan indicates four (4) spaces will be provided. 41st Street is gravel and the parking spaces are allowed to be gravel as well. Staff will recommend that one off-street parking space shall be required.

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 use should not create dust, fumes or vibrations in any amount that would be considered a nuisance. The applicant has indicated that the facility will be used year round and that landscape and building lighting will be installed. Any lighting on the building must be fully shielded and direct the light downward. The property has a significant amount of large trees which will also assist in preventing light from spilling onto neighboring properties. The applicant is proposing the hours of operation to be 7 AM to 7 PM daily. Given the large number of residential uses in the area, 7 AM seems to be early to allow customers to be on the property. Staff can understand that they may have their own activities going on, such as stocking freshly pick or baked items for sale, however sales to the public should not begin until 8 AM. Staff will recommend that the hours the produce stand is open to the public will be 8 AM to 7 PM while slightly longer hours to be allowed for operators to prepare and close.

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

It could be said that a produce stand is promoting the health of the community by offering freshly grown produce. This type of sales could be a benefit to the community if kept at a reasonable scale. The applicant has indicated that the proposed sales building will be 12 feet by 20 feet with limited parking. Generally this will not impact the public. Mixed uses such as the proposed produce stand is a reasonable blending of the existing agricultural uses in the area with a rapidly development residential area and not in conflict with the Comprehensive Plan.

Recommendation: Staff recommends **approval** of Conditional Use Permit #24-31 to allow a produce stand with the following conditions:

1. That the applicant adhere to the submitted and approved site plan.
2. That the hours of operation shall be between 7 AM and 7:30 PM with sales to the public occurring between 8 AM and 7 PM.
3. That a building permit shall be required prior to any construction or placement of the produce stand.
4. That the applicant shall follow all signage requirements as outlined in Article 17.00 of the 2002 Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls, which includes obtaining a building permit for any sign prior to installation.
5. That a minimum of one (1) parking space shall be provided for use by customers of the produce stand. The construction of any new parking areas must meet the requirements of



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Article 16.00 of the 2002 Revised Zoning Ordinance for Minnehaha County and the City of Sioux Falls. No parking shall be allowed on 41st Street.

6. That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundary.
7. 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 Joint Minnehaha County & City of Sioux Falls Zoning Ordinance.

Public Testimony

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

Commissioner Paulson asked staff to clarify the compliance issues that were mentioned in the staff report. Scott explained that there is a perception of non-compliance from the neighbors that the property is being used for more than just a single-family dwelling. He further explained that this is largely due to the amount of vehicles and people that have been on the site daily since the petitioner bought the property. Scott stated that he has explained the zoning regulations to the petitioner regarding the number of unrelated people allowed in a single-family dwelling, and the requirements to convert the property to a church.

The petitioner, Mason Prescott of 231 S Daylight Drive, Sioux Falls, SD, was present and available for questions from the commission.

Commissioner Duffy asked the petitioner if he was aware of all the conditions that were recommended by staff. Mr. Prescott stated that they were aware of the proposed conditions.

Commissioner Paulson asked the same question about the compliance issues on the site to the petitioner. Mr. Prescott explained that the people that have been on the property have been helping him renovate the house and maintain the produce gardens. He also stated that no one is currently living in the house.

Commissioner Fisher asked if someone will eventually be living on the property. Mr. Prescott explained that that is not the intent of the property at the moment, and that the home will be used as a farmhouse in support of the gardens and produce stand.

Virgil Stensland, of 8300 E 41st Street, Sioux Falls, SD, addressed the commission with his concerns about the property. Mr. Stensland stated that there is nothing wrong with a produce stand, but that there are significant traffic and parking issues on the site. Mr. Stensland explained that 41st Street is a gravel road that has hundreds of cars on it every day, and that a majority of this traffic does not follow the speed limit. He further explained that the township cannot keep up maintenance on the road already and that the road is not very wide. Finally, he stated that this commercial use is too close to the residential properties in the area and that a produce stand



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should not be located on the property.

Warren Oakland, of 3205 S Keith Lane, Sioux Falls, SD, came to the podium to address his concerns with the request. Mr. Oakland stated that he used to serve on the planning commission, and that his main concern is the traffic and condition of the road. He further explained that based on his experience on the planning commission, if the petitioner is not willing to pave 41st Street up to their driveway then the request should be denied.

Ashley Steffen, of 3312 S Daniel Drive, Sioux Falls, SD, addressed the commission with her comments on the request. She explained that her kids go to school in this area, and that she also has concerns with the traffic to the property. Mrs. Steffen then explained that she has recently stopped letting her kids ride their bikes to school due to the traffic on this road. Mrs. Steffen also stated that she has concerns about the landowner of the property, and that she does not need a produce stand this close to her property to provide fresh produce to her family. Finally, Mrs. Steffen stated that this is a residential area and this request goes against what the other property owners in the area want for the neighborhood.

Jeff Hauge, 8705 E 38th Street, Sioux Falls, SD, explained his concerns to the commission. He stated that he believes this request is only the start, and that if this request is approved the petitioner will continue to transform the property into a church. He also explained to the commission a video from the petitioner that explains their plans to use the property as their headquarters for a church. Finally, Mr. Hauge stated that the property cannot support the use the petitioner wants to use it for and that the request should be denied.

Carly Dienst, of 8108 E Tencate Place, Sioux Falls, SD, came to the podium and explained that her husband wished to speak to the commission via the phone. Thomas Dienst addressed the commission via phone at this time. He explained that his backyard butts up to this property. Additionally, he stated that he is worried about the type of people this operation will bring to the area, and that he is worried for the kids in the surrounding houses. Mr. Dienst then explained that he believes in religious freedom, but does not agree with the petitioner's views or the use of the property as a church. Finally, he stated that a church on the property would disrupt the daily life of the neighbors and would impact their ability to sell their properties in the future.

A representative for the petitioner, James Bell, of 231 S Daylight Drive, Sioux Falls, SD, came to the podium to address concerns raised by the neighbors. Mr. Bell stated that he recognizes the concerns of the neighbors, and that they are looking to produce farm to family produce that improves people's lives. Mr. Bell also commented that due to the continued development in the area, 41st Street is likely to be paved in the near future, and that high traffic on this road will continue whether or not the produce stand is approved. He then stated that the property is zoned A-1 agricultural, and that the intent of this zoning district is to support the agricultural community. Mr. Bell then stated that this is a straightforward request and that it was suggested by staff to obtain a conditional use permit for the produce stand, so that the neighbor's input could be heard on the item.



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Commissioner VanDerVliet asked Mr. Bell if they know how much traffic will be added by the produce stand. Mr. Bell stated that they do not know this number at this time, and that the produce stand will not be staffed. Mr. Bell explained that the produce stand will utilize an honor system, and will be monitored via cameras in order to enforce this system. He further stated that they are not interested in agricultural tourism and that this will not be a location for people to gather on the property.

Commissioner Kippley asked if the petitioner's business model only included selling to the immediate area, or if they plan to advertise to other residents in Sioux Falls. Mr. Bell explained that their many goal is to provide a service to the people already travelling in the area, and that they would deliver the produce to any commercial business that may be interested in buying their products.

Jeff Hauge returned to the podium to reiterate that all of the plans for the property to be converted into a church were found on a video that was made and shared by the petitioner on Facebook.

Commissioner Fisher then asked if the petitioner could clarify their future plans for the property. Mr. Bell stated that they are not asking for a church at this meeting and that they are only asking for a produce stand. He further explained that nothing has been done to convert the house into a church, and that the use of the property is still as a single-family dwelling.

Philip Moe, of 3316 S Daniel Drive, Sioux Falls, SD, asked the petitioner if it is their intent to change the property into a headquarters for their church, and if a zoning permit would be required for this change.

Mason Prescott returned to the podium to address this question from Mr. Moe. He stated that it is not their primary goal to convert this property into a church headquarters, and that they do not know what the plan will be in the future for the property.

Daniel Newton, of 917 Brennan Court, Sioux Falls, SD, addressed the commission with his comments on the request. Mr. Newton explained that he is the person who took the video referenced by Mr. Hauge, and that the video was an aspirational video that was shot before they learned about the local zoning ordinances. He further stated that they are not asking for a church at this meeting, and that they are only here to request a produce stand. Mr. Newton then stated that Scott Anderson has been a blessing to work with, and that they will continue to work with planning staff if their plans change in the future. Finally, he stated that he understands that parking would be a huge issue for a church, but they are currently only looking to upgrade the house and gardens on the property.

Jesse Wall, of 2210 S Daylight Drive, Sioux Falls, SD, presented the commission with a support letter from a neighbor to the subject property. Mr. Wall stated that the letter was from Daniel & Jessica Burlingame and that the letter expressed their full support for the produce stand.



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Discussion

Commissioner Kippley asked staff to clarify if the property is zoned A-1 agriculture, and if the petitioner does any work beyond that site plan that it would require additional permitting. Scott Anderson explained that both of these statements are correct.

Commissioner Paulson stated that he is having trouble understanding what the commission is being asked to approve, and that he believes not enough information has been submitted for the request. Scott Anderson stated that the petitioner is applying for a produce stand, and that they are actively raising crops on the property. Mr. Anderson explained that despite the discussion regarding the other uses on the site, he has made it clear to the petitioner that they will need to go through additional steps to operate a church on the property. He also stated that a church is a permissive use in the A-1 agricultural zoning district, and that if the petitioner meets the parking and other requirements for a church, they would be allowed to build a church without a conditional use permit.

Commissioner Randall stated that the commission's role at this meeting is to vote on a produce stand, and not speculate on future uses of the property. Commissioner Randall also commented that this an appropriate use of the property.

Commissioner Kippley stated that he agrees with Commissioner Randall and that he encourages the petitioner to build trust with the neighbors by following the plan that was submitted. Commissioner Kippley also stated that he has respect for the road issues brought up by the neighbors, but he does not want to punish this petitioner for an issue that will continue regardless of the outcome of this permit.

Action

A motion was made for the County by Commissioner Kippley and seconded by Commissioner Mohrhauser to **approve** Conditional Use Permit #24-31 with the staff recommended conditions. The motion passed with 5 votes in favor and 0 votes against the motion.

The same motion was made for the City by Commissioner Nyberg and seconded by Commissioner Fisher to approve Conditional Use Permit #24-31 with the staff recommended conditions. The motion passed with 3 votes in favor and 1 vote against the motion. Commissioner Paulson voted against the motion.

Conditional Use Permit #24-31 – Approved



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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 Kippley. The motion passed unanimously.

The same motion to **adjourn** was made for the City by Commissioner Nyberg and seconded by Commissioner Van Nieuwenhuyzen. The motion passed unanimously.

The meeting was **adjourned** at 8:08 p.m.