



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

AUGUST 26, 2024

**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS
August 26, 2024**

A joint meeting of the County and City Planning Commissions was held on August 26, 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, Doug Ode, Adam Mohrhauser, Mike Ralston, Ryan VanDerVliet, and Joe Kippley.

CITY PLANNING COMMISSION MEMBERS PRESENT: Aaron Norman, Erik Nyberg, Erica Mullaly, Janet Kittams, and Dave Van Nieuwenhuyzen.

STAFF PRESENT:

Scott Anderson, Kevin Hoekman, & Mason Steffen – County Planning
Maggie Gillespie – States Attorney's Office
Karla Resendiz – 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 no items were requested to be moved to the regular agenda.

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

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



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ITEM 1. Approval of Minutes – June 24, 2024

As part of the consent agenda, a motion was made for the County by Commissioner Ralston and seconded by Commissioner VanDerVliet to **approve** the meeting minutes from June 24, 2024. The motion passed unanimously with 6 votes in favor and 0 votes against the motion.

The same motion was made for the City by Commissioner Kittams and seconded by Commissioner Mullaly to **approve** the meeting minutes from June 24, 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 #24-42 to exceed 1,600 square feet of accessory building space (requesting 2,056 sqft.) on the property legally described as the N½ Vacant Skyline Drive Lying Adjacent & Lot 10 Block 5 Skyline Heights Addition Section 30 T102N-R49W Mapleton Township.

Petitioner: James Wipf
Land Owner: Mike Kopitzke
Location: 5401 N Castle Drive
Staff Report: Mason Steffen

General Information:

Legal Description – N½ Vacant Skyline Drive Lying Adjacent & Lot 10 Block 5 Skyline Heights Addition Section 30 T102N-R49W Mapleton Township
Present Zoning – RS1 Residential
Existing Land Use – Residential Acreage
Parcel Size – .60 Acres

Staff Report: Mason Steffen

Staff Analysis: The petitioner is requesting conditional use permit approval to allow 2,056 square feet of detached accessory building area on the subject property. In June of this year a building permit was issued for a 40' x 40' detached accessory building, which is the maximum square footage allowed without a conditional use permit on this property. However, on the submitted building plans there were plans for a lean-to on the north side of this 40' x 40' accessory building. At the time of the building permit application, it was explained to the petitioner that the lean-to portion of the building would not be approved without first obtaining a conditional use permit. Therefore, the intent of this conditional use permit is to allow for a 12' x 38' lean-to addition to the already permitted 40' x 40' detached accessory building.

On August 8, 2024, staff conducted a site visit of the subject property and the surrounding area. The property is located in the Skyline Heights Subdivision, which is a subdivision of approximately forty-five houses that is located off of N Kiwanis Avenue behind Flying J Travel Center. Several properties in this subdivision have detached accessory buildings, including a few that are at are near the 1,600 square feet maximum, but this would be the first request to exceed the 1,600 square feet maximum. Although this would be the largest accessory building in the subdivision, it should not overly impact the other properties in the subdivision or future development. This is because the portion of the building that will exceed the maximum size limit is a small unenclosed lean-to. This request has also been sent to the city of Sioux Falls for comments, and city planning staff had no comments on the proposed accessory building.

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 lean-to addition to the already permitted accessory building should have no anticipated negative effect upon the use and enjoyment of the residential properties in the immediate vicinity. Additionally, property values in the area should not be negatively impacted due to the personal use of the proposed accessory building.

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

This subdivision is almost entirely surrounded by the city of Sioux Falls, and there are no vacant lots within the subdivision. Due to this fact, any development of vacant land in the area is more than likely to take place within the city of the Sioux Falls. Allowing a small unenclosed lean-to addition onto a permitted accessory building should not impact the development in the area surrounding the property.

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

The proposed building will utilize the existing access onto the property. The property owner will be required to extend all necessary utilities to the structure. There is a drainage ditch on the south end of the property, which helps to drain the water from the subdivision into the agricultural land to the west. The accessory building will be setback several feet from this drainage ditch and therefore should not have any negative effects on the drainage in the area.

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

The proposed site of the accessory building is large enough to accommodate the off-street parking requirement. The already permitted accessory building will add additional parking and storage to the property, and the lean-to addition will provide more protected off-street parking for the property owner.

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.

No commercial business or storage will be allowed in the proposed accessory building at any time. Any public nuisance violations will be addressed upon the Planning Department receiving a complaint about the subject property. All new outdoor lighting will need to be directed downward onto the property. Lighting must be designed to be fully-shielded and fully-cutoff to prevent light pollution off site.

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

The building will meet all of the required setbacks to property lines and buildings in the area, and will be set back from the existing drainage ditch in order to minimize potential impacts to neighboring properties. Therefore, the health, safety, and general welfare of the public should not be negatively affected by the construction of the proposed accessory building. The proposed building generally conforms to the goals and policies of the 2035 Envision Comprehensive Plan. The proposed lean-to addition to the building should not overly impact any future uses of the property, including if the property were to be annexed into the city of Sioux Falls.

Recommendation: Staff recommends **approval** of Conditional Use Permit #24-42 with the following conditions:



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- 1) The building location shall adhere to the submitted site plan.
- 2) The total area of all accessory buildings may not exceed 2,056 square feet.
- 3) That the building shall be an accessory use to the continued use of the property as a residential lot.
- 4) The building shall not to be used for commercial uses or as a residential dwelling at any time.
- 5) That any 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.
- 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 Ralston and seconded by Commissioner VanDerVliet to **approve** Conditional Use Permit #24-42 with the staff recommended conditions. The motion passed unanimously with 6 votes in favor and 0 votes against the motion.

The same motion was made for the City by Commissioner Kittams and seconded by Commissioner Mullaly to **approve** Conditional Use Permit #24-42 with the staff recommended conditions. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.



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Old Business

Scott Anderson, the County Planning Director, provided an update to the commission regarding Conditional Use Permit #24-31, which was heard at the previous joint planning commission meeting in June. Scott explained that the planning commission's approval decision for this item was appealed to the Joint County Commission & City Council meeting on July 23, 2024. Finally, he explained that several supporters were in attendance for this item, and none of the opposition attended the meeting, so the joint elected body upheld the decision to approve the conditional use permit.

New Business

None.

Adjourn

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

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

The meeting was **adjourned** at 7:06 p.m.