



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

MAY 19, 2025

**MINUTES OF THE JOINT
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS
May 19, 2025**

A joint meeting of the County and City Planning Commissions was held on May 19, 2025 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, Mike Ralston, Adam Mohrhauser, Ryan VanDerVliet, Cindy Heiberger and Joe Kippley.

CITY PLANNING COMMISSION MEMBERS PRESENT: Janet Kittams, Mike Gray, Bradyn Neises, Dave Van Nieuwenhuyzen, & John Paulson

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 Janet Kittams.

Chair Duffy called the Joint Minnehaha County and City of Sioux Falls 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 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 Randall to **approve** the consent agenda consisting of Items 1 & 2. 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 Neises and seconded by Commissioner Paulson to **approve** the consent agenda consisting of Items 1 & 2. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.



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ITEM 1. Approval of Minutes – April 28, 2025

As part of the consent agenda, a motion was made for the County by Commissioner Ralson and seconded by Commissioner Randall to **approve** the meeting minutes from April 28, 2025. 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 Neises and seconded by Commissioner Paulson to **approve** the meeting minutes from April 28, 2025. 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 #25-25 to exceed 1,600 square feet of accessory building space (requesting 3,040 square feet) on the property legally described as Lot 2 Tract 1 (Ex. H-1 & H-2) SW¼ Section 22 T102N-R49W Mapleton Township.

Petitioner: John Muchow

Property Owner: Same

Location: 6324 N Cliff Avenue

Staff Report: Kevin Hoekman

General Information:

Legal Description – Lot 2 Tract 1 (Ex. H-1 & H-2) SW¼ Section 22 T102N-R49W Mapleton Township

Present Zoning – A-1 Agricultural

Existing Land Use – Residential Acreage

Parcel Size – .82 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

The petitioner is requesting to construct a 30' by 40' addition to an existing garage shed on the property. The property has two existing accessory buildings, and the total building area with the addition will be 3,040 square feet. A conditional use permit is required before construction of accessory building area greater than 1,600 square feet.

The location of the property is approximately 750 feet north of Cliff Avenue and E 72nd Steet N. Across the street is a residential subdivision, and a manufactured home park nearly surrounds the rest of the lot. The neighbor directly north of property is a single family residential acreage.

The petitioner submitted a site plan to support the application for this conditional use permit. The proposed addition will extend to the east of the east accessory building. The driveway expands out in the rear yard to provide access to the two detached accessory buildings. There is no attached garage for the house, and the smaller accessory building serves like a garage.

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 subdivision of many residential properties and a manufactured home park. To the south of the property is a muti unit garage used for the manufactured home park. The property to the north of the site also has two accessory buildings in the rear yard. This proposed land use will blend with neighboring properties.



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

The property is located within a subdivision of residential properties and land uses. The proposed accessory building will be used for personal storage and use. No business or business storage will be allowed in the accessory building at any time. The area is already mostly developed and new development will likely take place as additions to existing properties and occasional replacement units. The proposed accessory building will not likely change how things develop in the future.

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

The property has access onto N. Cliff Avenue, and it has a turn around area for vehicles in the rear yard with the accessory buildings. Since the property is existing, all utilities needed for the accessory building can be extended from what is there. There are no plans to alter the drainage of the property.

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

The proposed accessory building will not increase the amount of required parking for the property.

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.

An accessory building does not typically create nuisance odor, fumes, dust, noise, vibration, and lighting. The property will still need to comply with the public nuisance ordinance. In addition, staff recommends that no business or business storage is allowed to take place in the building. All new or replacement outdoor lighting should be directed downward and cutoff so that light does not glare onto neighboring properties.

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, The proposed building generally conforms to the goals and policies of the 2045 Envision Comprehensive Plan. The proposed accessory building should not overly impact any future uses of the property.

Recommendation: Staff recommends **approval** of Conditional Use Permit #25-25 with the following conditions:

- 1) The building location shall adhere to the submitted site plan.
- 2) The total area of all accessory buildings may not exceed 3,040 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, storage, 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.



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- 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 Randall to **approve** Conditional Use Permit #25-25 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 Neises and seconded by Commissioner Paulson to **approve** Conditional Use Permit #25-25 with the staff recommended conditions. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.

Conditional Use Permit #25-25 – Approved



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Regular Agenda

ITEM 3. CONDITIONAL USE PERMIT #25-27 to allow a Short-Term Rental on the property legally described as Tract 2A Nelson's Tracts NW¼ SW¼ Section 23 T102N-R49W Mapleton Township.

Petitioner: Mark Skadsen

Property Owner: Same

Location: 25952 476th Avenue

Staff Report: Kevin Hoekman

General Information:

Legal Description – Tract 2A Nelson's Tracts NW¼ SW¼ Section 23 T102N-R49W Mapleton Township

Present Zoning – A-1 Agricultural

Existing Land Use – Residential Acreage

Parcel Size – 1.12 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

The applicant is requesting to operate a short term rental at the property described above. A short term rental is allowed in a single family dwelling when minimum requirements are met and a conditional use permit is approved.

The property is located at 25952 476th Avenue which is approximately one half mile north of E 72nd Street North along County Highway 125. The property is a little over one acre in size, and it is located at the northwest corner of a residential subdivision of acreages. Agricultural production land is located north and west of the property.

The petitioner submitted a narrative and site plan to support the application. The site plan depicts the house on the property with available parking for up to six vehicles. A 30 feet wide shelterbelt is described in the narrative to buffer the nearest property to the east. The petitioner describes in the narrative that the house has five bedrooms, but only three bedrooms will be available for rental. A rental management company is planned to be used to maintain the property and monitor guest behavior.

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 corner of a subdivision of rural houses. The subdivision is approximately 80 acres in size with about 35 residential houses. Short term rentals such as this proposal, can be compatible with residential sites when occupation is low and the number of guests are limited, but past requests in this neighborhood have been found to be incompatible with the development. For a large neighborhood, the subject property shares direct property



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lines or corners with only two residential neighbors. A short term rental this this property would have the greatest potential impact on the two adjacent neighbors. The property only has access onto County Highway 125 and there is minimal connectivity to interior subdivision streets. He lack of connectivity and sidewalks will reduced the likelihood of guests wandering through the neighborhood and undesired locations.

The petitioner describes in the narrative a self imposed limitation of rooms for rent in the house. The limit reduces the available bedrooms from five to three. The zoning ordinance allows a maximum occupancy of three guests for every bedroom. The Planning Commission may consider reducing occupancy limitations if needed. A lower volume of guests will limit potential for nuisance parties on the property.

The use of a single family dwelling as a short term rental creates minimal change to the outward appearance of the property. The short term rental operation can be easily converted back into a single family dwelling if the property owner wished to stop having short-term rental guests.

Short term rentals such as this request are required to have a conditional use permit approved by the County and the City Planning Commissions. As such, if a neighbor finds concern over actions of the permit holder and any conditions are not followed, the permit can be recalled to the Joint Planning Commission for review. At a review hearing, a permit can have conditions amended, or the permit can be revoked by the County and the City.

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

As described above, short term rentals in this neighborhood have been found to be incompatible with the surrounding developed residential acreages. Many of the properties in the development are fully developed with single family dwellings. The farmland across the street and north of the site will not likely develop until the City of Sioux Falls annexes the land for development.

Even though the direct neighbors of this property will not likely be changing soon, the neighborhood is experiencing change. The neighborhood of residential houses includes approximately 80 acres of land with about 35 residential houses. The quarter section of land to the south of the subdivision was recently annexed into the City of Sioux Falls. The newly annexed land is planned for various residential development styles and some live/work development as well. Roads and traffic patterns will be changing to accommodate additional traffic for the development including the approved private golf club located to the southeast of the subject residential development. The neighborhood for this proposed short term rental may not be suitable for the requested land use, however, the area around the development will experience change in the near future that may be more accommodating of such a use. For this reason, staff will not be making a recommendation for approval or denial of this short term rental permit application.

The 2023-2024 traffic count map published by the County Highway Department indicates County Highway 125 has a traffic count between 2300 to 2800 cars per day. This traffic count is much higher than the average 326 cars per day for County Highway 134 that creates the southern



border of the neighborhood. The greater traffic volume will likely increase pressure for properties adjacent to County Highway 125 to become more commercialized or increase in density to capitalize on increased visibility of the properties.

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

The property has existing driveway access onto 476th Avenue. Since there is an existing house, the utilities and drainage will not change with the proposed use.

Water use and sewage treatment is a concern for any project in the rural area of the county. The EPA website includes information regarding water usage. The site list average personal water usage is 80 to 100 gallons per day. The County On-Site Wastewater Treatment Ordinance provides estimated water usage for related commercial uses such as a rooming house at 50 gallons per person per day. The property is serviced for wastewater by a private septic system. The drain field for the septic system was constructed in 2001 and the system is built for a daily wastewater flow of 480 gallons with a 1550 gallon tank. At a water usage rate of 50 gallons per person per day calculation, the property could support nine people. This works well with the self-imposed three bedroom usage and a maximum of three guests per bedroom.

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

The ordinance requires one parking space per bedroom, and the house has five bedrooms. Only three bedrooms are planned to be used. The property has a three stall garage and sufficient driveway space to meet the off-street parking requirements for either three or five parking spaces.

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 activities of a short-term rental are similar to those within a single family dwelling. However, people on vacation have different expectations for how to use a property than a full time resident. Parties, loud noises, and disruptive behavior can conflict with full time neighbors. This neighborhood has experienced conflicting behavior in a short term rental property in a residential neighborhood. Minnehaha County does not have a noise ordinance; therefore staff suggest that quiet hours be included within the conditions adopted if this permit request is approved. In addition, limiting the quantity of guests in the house to nine people will limit the potential for large parties.

The house is located in the middle of the property with a large rear yard filled with many trees. Directly north and west of the property is agricultural used land. The property to the south side has a privacy fence and a hedge row of planted lilacs for screening. The rear property line on the east side is separated by the neighbor's chain link fence and has many pine trees. The pine trees are mostly trimmed up so that one can walk through the grove, but the quantity of trees still reduces visibility between neighbors. The property has a hot tub on the north of the house, and it is surrounded by a privacy fence.

This request does not include provisions for the use of campers and recreational vehicles on site. If this request is approved, staff suggests that a condition to prohibit recreational vehicle use for



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human occupancy on the property. A prohibition of recreational vehicle usage matches zoning ordinance.

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

The proposed use has potential to affect neighboring properties. The neighborhood in which this request is being made, has experience with short term rental operations causing nuisance issues. The last request for a short term rental in this neighborhood was denied with concern over the effect it could have on the neighborhood. Short term rentals have been approved in other neighborhoods with minimal or no disturbance to the neighborhood. There are also changes happening in the area with recently annexed property to the south of the development. Staff will not be making a recommendation because of the mixed possibilities of neighborhood history with short term rental units and changes to area land uses.

If approval is considered, conditions designed to reduce potential conflict between neighbors should be placed on the permit. If concerns arise, the conditional use permit process allows the county and city to review and recall the permit if necessary. Likewise, the Joint Planning Commissions may deny a conditional use permit when not in harmony with the purpose and intent of the Zoning Ordinance. Article 1.00 of the Joint Zoning Ordinance states: “The regulations are intended to preserve and protect ***existing*** property uses and values against adverse or unharmonious adjacent uses...” (italics and bolding added).

If approval is considered, the planning Commission should consider some additional conditions for the short term rental. To protect the guests who stay at a short-term rental, the house must have functioning smoke and carbon monoxide detectors as required by the building code as adopted by Minnehaha County. In order to protect the public, the petitioner should maintain a list of guests who stay at the short-term rental. The list shall be maintained and available for law enforcement if needed. Contact information for the manager and property owner shall be provided to guests inside the short-term rental and a copy provided to the Planning Department according the ordinance requirements.

Short-term rentals, such as proposed, allow property owners to supplement income and utilize space that may otherwise not be needed or fully utilized. No new infrastructure will be required to operate a short term rental and the property will continue to appear as a single family dwelling.

Recommendation: Staff puts forth a “**NO RECOMMENDATION**” for Conditional Use Permit #25-27.

Public Testimony & Discussion

Kevin Hoekman, county planning staff, presented the staff report and reasoning for no staff recommendation to the commission.

Commissioner Heiberger joined the meeting at 7:10 pm during the staff presentation.



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Commissioner Kippley asked if staff could provide a standard list of conditions based on other short-term rentals that were approved in the past. Staff explained that they had written eleven conditions that the commission could consider if they are leaning towards approving the request.

Commissioner Paulson asked staff to comment on this request as it relates to Article 1.00 of the joint zoning ordinance, which states the intent of the ordinance to limit adverse effects on neighboring properties. Planning staff explained that this specific request has more privacy and a lack of connectivity to the rest of the subdivision to the south and east. Staff also commented that walking and/or biking into the subdivision from this site is unlikely, due to the traffic conditions on the highway and lack of sidewalks.

Commissioner Paulson asked for staff's opinion on the differences between the use of a short-term rental and a single-family dwelling. Kevin Hoekman commented that a property being used as a short-term rental can be expected to have a higher likelihood of parties or other weekend events. He stated that this is the reason for limiting the number of guests that can stay at the rental, and the commission can decide to further limit the total number of guests if they deem it necessary.

Commissioner Kippley asked if this was the first application for a short-term rental on the property and if the history of other short-term rental requests in the area influenced the staff report. Planning staff stated that this was the applicant's first short-term rental request, and that staff usually can make conditions to accommodate a short-term rental if it is the first request in a subdivision. However, staff commented that there has been a history of incompatibility in this neighborhood with short-term rentals and that did lead to the no staff recommendation for this request.

Mark Skadsen, the petitioner and property owner, was present and available for questions from the commission.

Commissioner Neises asked what the intended use of the bedrooms would be that are not included in this request. Mr. Skadsen explained that these bedrooms are located in the basement and will be used as storage for the short-term rental. He also commented that the rooms will be locked while guests are using the rental.

Commissioner Kippley asked the petitioner if they live on the site and why they are requesting a short-term rental. The petitioner explained that he is close to retirement age and that his family is looking for other income sources. He also commented that the house has many amenities including a game room and hot tub that make it good for a short-term rental. Finally, he explained that they also want to protect their home, so that is why they hired a property management company to manage the rental.

Commissioner Kippley asked the petitioner his thoughts on the privacy of the property and proximity to the neighboring properties. Mark Skadsen stated that the property is secluded with many trees and that there are no residential neighbors to the north or west.



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David and Cindy Washburn, 25956 476th Avenue, Sioux Falls, SD, were present and raised several concerns with the commission. These included concerns about parties, illegal parking, increased turn over, and property values. They also commented that the neighbors will not know where the people using the rental are coming from, and that limiting the number of people per bedroom will not limit the number of people that can visit the property during the day.

Albert Huizing, 48067 Sun Meadow Court, Sioux Falls, SD, stated to the commission that he will be the property manager for this short-term rental. He stated that he lives in Sioux Falls and so the response time to any complaints will be quick and handled directly by him. Additionally, he stated that the number of stays at short-term rentals in the Sioux Falls area continues to increase, and that the number of noise complaints has not significantly increased. Finally, he explained that the city is expanding, and that new business growth is needed.

Commissioner Heiberger asked if security cameras would be installed on the property. Mr. Huizing explained that in the property management agreement with the property owner they recommend having a Ring door bell camera installed, so that they can monitor who is entering the rental.

Ryan Bechtold, 47610 Slip Up Creek Road, Sioux Falls, SD, raised concerns to the commission regarding this request. He explained that the privacy fence on the south property line is for the neighbor's pool and that the commission should consider a decibel requirement to keep noise and parties to a minimum. He also commented that the area is changing but that he sees this request as incompatible with the neighborhood for at least the next ten to fifteen years.

Cindy Washburn was allowed to return to the podium and ask the property manager a few questions. She asked how they will monitor the people that do not come to the front door and are not recorded by the Ring camera, and how the neighbors are supposed to contact the manager if they have issues. Albert Huizing explained that their number will be posted on the door to the dwelling and on the website, but that they could provide their contact information directly to the neighbors if that was deemed necessary.

Mark Skadsen also returned to the podium and explained that the trees along the east property line were healthy trees that provide privacy and that he would be happy to provide his phone number to the neighbors.

Kurt Johnson, 25971 Jane Avenue, Sioux Falls, SD, explained that he moved to the area because of the quiet nature in the neighborhood and that this request will impact the quiet neighborhood with parties and other noise.

Joanne Bechtold, 47604 Surrell Street, Sioux Falls, SD, stated that she realizes that she lives in the country, but that noise from farming operations is different than noise from parties at short-term rentals. She also commented that they have a traffic problem in the area already and that no one follows the thirty-five mile per hour speed limit. Finally, she stated that the constant change of people on the property is a concern for her.



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Commissioner Randall asked what the timeline for annexation would be for this property and the surrounding neighborhood.

Karla Resendiz, of city planning staff, stated that their office would need to receive an annexation request from the property or neighborhood, and that the city planning department does not pursue annexations.

Commissioner Kippley commented that the neighborhood has brought consistent feedback throughout other requests in the area. He also stated that if this property is not approved for a short-term rental, then he would see that as effectively a ban on short-term rentals in this neighborhood. He also stated that he does not want to punish this petitioner for bad conduct by other operators in the area.

Commissioner VanDerVliet asked planning staff if the permit could be recalled and revoked even if it were to be approved tonight. Scott Anderson, the County Planning Director, explained that in order to recall or revoke an approved permit, the property would have to be in violation of one of the conditions of approval, or the joint zoning ordinance.

Commissioner Ralston also stated that if they commission denies this request, then where would short-term rentals be allowed in this neighborhood. He then commented that this request was done in good faith and that he does not want to penalize this applicant.

Commissioner Heiberger stated that she was leaning towards approval and that respectable people also rent short-term rentals. She further commented that having a property management company does help limit concerns, and that tight regulations are needed to control the rental.

Commissioner Heiberger asked staff if a condition should be added to require the property owner to maintain a list of guests and to provide that list to law enforcement if necessary. Planning staff explained that it was already included in the ordinance and that it was not necessary to be added as a condition.

Commissioner Gray asked how quiet hours would be enforced, since the county has no noise ordinance. Planning staff explained that the quiet hours would be enforced by the Planning Department receiving complaints from neighbors, and if enough complaints are received then the permit could be recalled for review.

Action

A motion was made for the County by Commissioner Kippley and seconded by Commissioner Ralston to **approve** Conditional Use Permit #25-27 with the eleven conditions presented by staff. 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 Neises and seconded by Commissioner Gray to **approve** Conditional Use Permit #25-27 with the eleven conditions presented by staff.



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Commissioner Paulson stated that he would not be voting in favor of the request because the ordinance is meant to protect existing uses and properties, and he feels approving this request would not be upholding that mandate.

Commissioner Neises explained that he would be voting in favor of the request because he sees this property as a best case scenario in this neighborhood. He also commented that the trees buffer the property from the neighbors and that there is no sidewalks or direct access between this property and the larger subdivision.

Commissioner Van Nieuwenhuyzen commented that the additional conditions included by planning staff makes him feel comfortable with approving this request.

The motion for the City to **approve** Conditional Use Permit #25-27 with the eleven conditions presented by staff was approved with 3 votes in favor and 1 vote against the motion. Commissioner Paulson voted against the motion.

Conditional Use Permit #25-27 – Approved with the following conditions:

- 1) The house must have functioning smoke and carbon monoxide detectors as required by the building code adopted by Minnehaha County.
- 2) The proprietor must obtain any applicable South Dakota Sales Tax that is required.
- 3) The proprietor must obtain the required Lodging License with the South Dakota Department of Health.
- 4) All requirements of Article 15.18 of the Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls must be continually met.
- 5) The rental shall be limited to the rental of three of the five bedrooms within the house. The two unrented bedrooms shall be locked to prevent occupancy.
- 6) The maximum occupancy for the entire property shall be nine (9) people.
- 7) Guests shall have at least five (5) dedicated off-street parking spaces. No on-street parking will be allowed.
- 8) Any signage on the property must obtain a building permit prior to installation and meet all the requirements of Article 17.00 of the Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls.
- 9) That the property shall be required to maintain quiet hours between 10:00 pm and 7:00 am.
- 10) No recreational vehicles can be used for occupancy on the property at any time.
- 11) That the Planning & Zoning Department reserves the right to enter and inspect the short term rental 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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ITEM 4. CONDITIONAL USE PERMIT #25-30 to allow a Short-Term Rental on the property legally described as Tract 3 Andy's Acres NE¼ SW¼ Section 23 T102N-R49W Mapleton Township.

Petitioner: Tyler Childress

Property Owner: Same

Location: 47644 Slip Up Creek Road

Staff Report: Scott Anderson

General Information:

Legal Description – Tract 3 Andy's Acres NE¼ SW¼ Section 23 T102N-R49W
Mapleton Township

Present Zoning – A-1 Agricultural

Existing Land Use – Residential Acreage

Parcel Size – .74 Acres

Staff Report: Scott Anderson

Staff Analysis: The applicant is seeking a conditional use permit to allow the residence at 47644 Slip Up Creek Road to be used for short term rental. The existing residence has six (6) bedrooms, five (5) bathrooms, and two (2) kitchens spread out over two levels. In addition, there is a three-stall attached garage and detached double stall garage, along with the concrete driveway leading up to the garages and additional gravel parking area in the back of the property. The applicant has included a short narrative that explains more on the proposed short-term rental and their vision for the home and a letter of support from a local clergy, which is included for the Planning Commission's review. The applicant has also submitted a certificate from the city of Sioux Falls for the "Residential Rental Property Training Program".

On May 5, 2025, staff conducted a site visit. The area consists of a residential development. There are approximately 35 residences in Andy's Acres. The Mapleton Golf Course is being constructed directly to the southeast of the subject property. The clubhouse and guest housing are clearly visible from the subject property.

On January 23, 2023, the Joint Planning Commission denied a conditional use permit request to operate a bed and breakfast establishment on the subject property. The applicant applied for a conditional use permit to operate a bed and breakfast on the subject property after being contacted by the Planning Department upon receiving a zoning complaint. At that time, there was no definition for a vacation home rental/short-term rental nor was that use identified in the zoning ordinance. A bed and breakfast establishment was the land use that best fit what the applicant was requesting and an application was submitted.

After the Planning Commission action on January 23, 2023, the applicant did not appeal the recommended denial and continued to operate short-term rentals from the subject property. Two additional zoning enforcement letters were sent to the applicant requesting the use to cease. In August of 2023, the County Commission authorized the States Attorney to proceed with legal action to enforce the Zoning Ordinance. A trial was held on November 30 and December 12,



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2023. On December 15, 2023, Judge Houwman issued a preliminary injunction against Don't Ask Holdings. A final injunction was issued.

The applicant applied for a short-term rental, CUP #24-01, on November 30, 2023, which was the day an ordinance amendment addressing Vacation Home Rental/Short-Term Rental became effective. CUP #24-01 was heard by the Joint Planning Commissions on January 22, 2024, and denied. The applicant appealed the Joint Planning Commissions' decision and on February 27, 2024, an appeal hearing for CUP #24-01 was held by the Joint Minnehaha County Commission and Sioux Falls City Council. After due consideration, Conditional Use Permit #24-01 was denied. The applicant has now re-applied after waiting one six months as required by the Zoning Ordinance.

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.

It is likely that the proposed use will not impact the property values in the neighborhood. It is likely that the construction of this residence in 2019 increased the property values in the area, as the house is quite large and has a value that exceeds most houses in the subdivision.

The proposed use as a short-term rental will have an effect upon the use and enjoyment of the property in the immediate vicinity. During 2023, the Minnehaha County Planning Department received more than 25 complaints on the use of the property. The complaints ranged from noise and traffic after 11 p.m., use of fireworks by renters, party buses unload guests after midnight, garbage on the site, traffic and lighting. The neighboring property owners have called the Minnehaha County sheriff to address noise. These issues were reported to the Planning Department on nearly a weekly basis by several of the area residents. These complaints represent how the property is likely to be used and operated in the future and will continue to cause neighborhood conflict. The request to establish a short-term rental at this property could have a negative impact on the use and enjoyment of the properties in the immediate vicinity. Should the Planning Commissions wish to allow this use, conditions limiting the number of guests, check-in times and quiet times may mitigate some of the impacts. It should also be noted that the applicant now lives approximately 2,000 feet east of the subject property and would likely not want nuisance renters in his own neighborhood. The close proximity will allow for better monitoring of use.

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

This area is now adjacent to the north side of the city limits of Sioux Falls. The 2040 Future Land Use map has been changed to "Live/Work". The subject property is part of the Andy's Acres Subdivision. This subdivision is located to the north, east and west of the subject property. The area to the southeast has recently been rezoned as the Mapleton Golf Course Planned Development and is currently under construction. The Mapleton Planned Development allows for a lodge type structure which is under construction and soon to be operational. This Lodge will have 12 units. The development and construction of the Mapleton Golf Course has changed



the uses of the area. The new Mapleton Golf Course has added a resort/recreational land use into the area. Continued residential development called Mapleton Heights is also planned. A short-term rental unit could be more reflective of the changing land use patterns in the area. The Laurel Ridge Events Center is also along the south side of Slip Up Creek Road approximately ½ mile to the east. Furthermore, the newly developed Veteran's Cemetery is located to the northeast.

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

The property is already developed with a single-family dwelling and street access onto Slip Up Creek Road. Slip Up Creek Road was recently paved and is now on the County's highway system and maintained by the County Highway Department. No new utilities will be needed, and drainage will not change on the site.

This property is located on a rural lot with an on-site wastewater disposal system designed for 600 gallons per day of water usage. The Planning Commission and the Petitioner should be aware that the proposed use may create water usage problems for the property. The Zoning Ordinance allows a maximum occupancy of three people per bedroom for a total of 18 people on site at any one time. The USGS.gov website estimates that the average daily water usage for a person is 80 to 100 gallons. If each person at the house uses 80 gallons of water the system could only support 7.5 people. Even if average water use per person is divided in half (such as the state on-site wastewater design requirement for a rooming house), the septic system will not support 18 people. The Planning Commission should consider the total maximum occupancy of the property and how the proposed occupancy might impact the septic system.

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

The zoning amendment for short-term rentals became effective on November 30, 2023, requires 1 parking per guest bedroom. The applicant has indicated that six (6) bedrooms are to be used, which would require 6 parking spaces. There are five (5) garage spaces and the driveway approach to the garages. This meets the off-street parking requirements.

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.

As noted, the conditions of the area are changing. A major resort use is being developed to the southeast. Furthermore, development plans are in place for Mapleton Heights, which will continue to change the land use dynamics of the area. Therefore, staff is neutral on whether short-term rental is an appropriate land use on the subject property and will make no recommendation to approve or deny the request. The Planning Commission could attempt to limit any potential nuisance issues with conditions should approval be considered. Items to consider for mitigation would be noise and traffic at typically quiet times such as between 11 pm and 7 am, trash, screening fences, berms, landscaping and the amount and type of security lighting. The applicant now lives approximately 2,000 feet to the east along Slip Up Creek Road. The owners nearby location may allow for better monitoring of any short-term rental use.

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

The general welfare of the public and compatible land uses is of concern. The proposed use could have potential health issues with an under designed wastewater system, the safety of the



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public is at risk with guest using the property arriving to the site late in the evening or early morning hours after celebrating events and potentially impaired by alcohol. The Comprehensive Plan indicates that it should reflect the collective goals and values of the current residents and future generations. The land uses in the area, however, are changing. With these changes, the proposed use may become more acceptable.

The Joint Planning Commissions may deny a conditional use permit when not in harmony with the purpose and intent of the Zoning Ordinance. Article 1.00 of the Joint Zoning Ordinance states: “The regulations are intended to preserve and protect *existing* property uses and values against adverse or unharmonious adjacent uses...” (italics and bolding added). Throughout 2023 the subject property was used as a short-term rental and staff received nearly weekly complaints from many neighbors. The neighborhood concerns and complaints would indicate that the proposed conditional use permit for short-term rentals is an unharmonious adjacent land use to the existing residential development in the area. The changing nature of the area, however, might be more congruent to future land uses. The Planning Commissions can take testimony from all sides and make a determination.

Recommendation: Staff puts forth a “**NO RECOMMENDATION**” for Conditional Use Permit #25-30.

Public Testimony

Scott Anderson, the County Planning Director, presented the staff report and reasoning for no recommendation to the commission.

Commissioner Heiberger asked how close the neighbor to the north was located from the property. Scott stated that it was around a hundred and fifty feet, and that that neighbor was present and could provide more details.

Tyler Childress, the petitioner and property owner, addressed the commission with his comments on the request. Tyler explained that he owns fourteen single-family dwellings, which includes a short-term rental inside the city of Sioux Falls. He also commented that the area is changing with the development of the Mapleton Golf course and other properties in the area being annexed. Additionally, he explained that he has obtained a landlord license from the city of Sioux Falls and that the South Dakota Department of Health has inspected this dwelling. Tyler then explained that the neighbors in this area have had issues with this property long before he owned the house, and that since the previous request for a short-term rental, he has built a new dwelling for his family 2,000 feet to the east. He also brought up that the septic system had been inspected in order to ensure it could handle the wastewater capacity for the site, and that the rural water usage on the property was the lowest while the dwelling was used as a short-term rental. Finally, he stated that the short-term rental will fit in with the new live/work development in the city to the south.

Ryan Bechtold, 47610 Slip Up Creek Road, Sioux Falls, SD, stated that he does not have as much of an issue with this property as he did in the past, due to the petitioner now living in the area. He also commented that wealthy people using the golf course will utilize the short-term



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rental, and that he would be in support of the request if there is a mechanism in place to revoke the permit.

Avery Del Grosso, 47647 Surrell Street, Sioux Falls, SD, raised concerns with the petitioner's past disregard for injunctions and commission conditions. They also stated that they would like to enjoy the freedom of their backyard without fear of who is in the short-term rental.

Grant Leavitt, 1605 3rd Avenue, Le Mars, IA, spoke in support of the petitioner and explained that Tyler treats this short-term rental like a business. He also explained that he has known the petitioner for twenty years and that he has been a business owner for the last ten years. Finally, he explained that this house is the nicest house in the area, which raised the property values of neighbors, and that the petitioner now lives only 2,000 feet down the road from the property.

Kurt Johnson, 25971 Jane Avenue, Sioux Falls, SD, explained that he knows change is coming to the area, but that the neighborhood does not want this type of change. He further explained that he was in support of the wedding barn and golf course, but that this short-term rental changes the character of the neighborhood. Finally, he stated that the recently annexed lots across the street are selling for a minimum of \$100,000, and that the people who buy those lots will not want a short-term rental next to them either.

Dan Huck, 6700 E 33rd Street, Sioux Falls, SD was also in support of the petitioner and explained that not everyone who rents a short-term rental is there to party. He also explained that the nightly rate will be \$900, which will limit the potential for the property being a college party house.

Gerald Lipovsky, 47638 Slip Up Creek Road, Sioux Falls, SD, explained that he told the petitioner that he was neither in favor or against the rental, and that he did not appreciate the petitioner using him as an example of someone that was in favor of the request.

Scott Zwak, 47646 Slip Up Creek Road, Sioux Falls, SD, explained that he was the nearest neighbor to the east of the property. He stated that any trash in the driveway on this site goes onto his property, and that he does not want the commission to allow this commercial use in a residential area.

Tina Gunn, 47640 Slip Up Creek Road, Sioux Falls, SD, explained that according to the Better Business Bureau the petitioner has several complaints against how he runs his businesses. She also told the commission that the petitioner has reservations on the website for July even though the request has not been approved. Mrs. Gunn brought up several other concerns regarding the people visiting the property that are not required to sign the lease, noise complaints, and wastewater issues.

Tina Beck, 47645 Surrell Street, Sioux Falls, SD, played an audio clip for the commission that included noise from a party at the property at around 11:00 pm. She stated that the current use of the property as a long-term rental has been compatible with the neighborhood, and that the petitioner had to be taken to court in order to shut down the short-term rental in the past. She also



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questioned how living closer to the property will help because the petitioner used to drive by the site every day on the way to the wedding barn and did not make attempts to clean up the property. Finally, she presented pictures to the commission that showed lighting from the property glaring onto the neighboring properties.

John Beck, 47645 Slip Up Creek Road, Sioux Falls, SD, reiterate that the petitioner used to drive by the site every day and did not attempt to clean the property. He further stated that the petitioner has accused him of trespassing and breaking into the construction site of their new dwelling located down the road next to the wedding barn. He also commented that he understands change is coming to the south but that people in this subdivision expect it to remain a quiet area for the near future. Finally, he presented pictures of parties at the property and stated that short-term rentals have always led to parties at this property.

Dennis Kruger, 47643 Surrell Street, Sioux Falls, SD, stated that in the past he had a confrontation with a guest at the property when it was being illegally used as a short-term rental. He also commented that the petitioner may know everyone who signs the lease for the site, but they have no way of knowing everyone that may visit the property.

Nate Dejong, 27882 473rd Avenue, Worthing, SD, was in support of the petitioner. He stated that the petitioner was now a part of the neighborhood, due to the construction of their new dwelling to the east, and that it should limit the neighbors' concerns.

Corey Gunn, 47640 Slip Up Creek Road, Sioux Falls, SD, raised concerns because the petitioner owns and operates the wedding barn, and that wedding parties will use this house for weddings.

Jay Fisher, 5901 S Sandra Circle, Sioux Falls, SD, stated that he manages properties in Sioux Falls, and that he is disappointed in how both sides have handled this property in the past. He stated that he believes the commission should find a way to allow the request while also helping ease the neighbor's concerns.

Duane Wegman, 47634 Surrell Street, Sioux Falls, SD, stated that so far using the property as a long-term rental has not created issues in the neighborhood. He also suggested that the petitioner could live in this house and operate the short-term rental within the newly constructed house adjacent to the wedding barn.

Discussion

Commissioner Ralston commented that each request needs to be considered on a case by case basis, and that this property has many neighbors with limited screening and has had prior issues with short-term rentals.

Commissioner Kippley stated that the commission's role is to distinguish between similar land use requests and determine which ones will cause future issues. He said that the connection between this property and the wedding barn is currently a problem. However, he also said that it appears that long-term rentals have not caused as much of an issue in the neighborhood and so that is a step in the right direction.



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Commissioner Heiberger explained that she would not be in support of this request. She commented that currently the property is a feeder to the wedding barn and is too close to the neighbors with no screening,

Action

A motion was made for the County by Commissioner Ralston and seconded by Commissioner Heiberger to **deny** Conditional Use Permit #25-30. The motion passed unanimously with 6 votes in favor and 0 votes against the motion.

A motion was made for the City by Commissioner Gray and seconded by Commissioner Neises to **approve** Conditional Use Permit #25-30. The motion failed unanimously with 0 votes in favor and 4 votes against the motion

Conditional Use Permit #25-30 – Denied



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Old Business

None.

New Business

None.

Adjourn

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

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

The meeting was **adjourned** at 8:46 p.m.