



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

MAY 23rd, 2022

**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS
May 23rd, 2022**

A joint meeting of the County and City Planning Commissions was held on May 23rd, 2022 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, and Jeff Barth.

CITY PLANNING COMMISSION MEMBERS PRESENT: Janet Kittams, Larry Luetke, John Paulson, Aaron Norman, and Erik Nyberg.

STAFF PRESENT:

Kevin Hoekman and Mason Steffen – County Planning
Maggie Gillespie – States Attorney's Office
Fletcher Lacock – City Planning

The County Planning Commission was presided over by Commissioner Bonnie Duffy. The City Planning Commission was chaired by Janet Kittams.

Chair Duffy called the joint Minnehaha County and City of Sioux Falls Planning Commission meeting to order at 7:03 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. No items on the consent agenda were requested to be moved to the regular agenda.

A motion was made for the County to approve the consent agenda consisting of Items 1 and 2 by Commissioner Randall and seconded by Commissioner Mohrhauser. 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 Paulson and seconded by Commissioner Luetke. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.

ITEM 1. Approval of Minutes – April 25th, 2022

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 April 25th, 2022. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.

As part of the consent agenda, the same motion was made for the city by Commissioner Paulson



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

MAY 23rd, 2022

and seconded by Commissioner Luekte to approve the meeting minutes from April 25th, 2022.
The motion passed unanimously with 4 votes in favor and 0 votes against the motion.



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

MAY 23rd, 2022

ITEM 2. CONDITIONAL USE PERMIT #22-38 to transfer one (1) building eligibility from Lot B Tract 1 Laurel Ridge Addition to Lot A Tract 1 Laurel Ridge Addition all in the SE¼ SE¼ Section 23 T102N-R49W Mapleton Township.

Petitioner: Tyler Childress

Land Owner: Same

Location: 47677 Slip Up Creek Road

Staff Report: Kevin Hoekman

General Information:

Legal Description – Lot A Tract 1 Laurel Ridge Addition SE¼ SE¼ Section 23 T102N-R49W Mapleton Township

Present Zoning: PD – Laurel Ridge Planned Development District

Existing Land Use – Pasture

Parcel Size – 26.90 Acres

Staff Report: Kevin Hoekman

The petitioner owns approximately 30.52 acres of land along Slip Up Creek Avenue. Most of the land is included in the Laurel Ridge Planned Development District, but some of a small lot remained Agricultural to preserve the building eligibility for a planned residential dwelling. The petitioner is requesting to transfer the remaining building eligibility from the small lot on the west side of the land, to the high ground on the east side of Slip Up Creek. One reason for moving the building eligibility is to move it further away from the Laurel Ridge Barn event center located on the site.

Minnehaha County has an ordinance commonly referred to as density zoning. This means that one building eligibility is assigned for each ¼ ¼ section of land (40 acres), or each lot of record platted or divided prior to the ordinance adoption in 1988. A building eligibility is allowed to be transferred through the conditional use permit process if the sending parcel and receiving parcel are adjacent and under the same ownership. This request meets the requirements of adjacent and same ownership.

Conditional Use Permit Criteria:

1) The effect upon the use and enjoyment of other property in the surrounding area for the uses already permitted, and upon property values within the surrounding area.

The property is located in a diverse area including agricultural uses, residential development, the Veterans Cemetery, the Laurel Ridge Barn, and the Sioux Valley Cycle club a mile to the north. The petitioner has the ability to develop a residential dwelling at the current location on Lot B, and moving the location of a future dwelling will not affect the neighboring property owners.

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

The area around the proposed residential building has changed significantly in the recent past, but changes in the future will likely take place as development within Sioux Fall's City limits



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

MAY 23rd, 2022

expands north of Interstate 90. Moving the eligibility across the creek will not likely change city or other development in the area.

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

The petitioner will be required to extend any needed utilities for the site. The proposed location will need to have a septic system as required by the county. Since the property is located within the Water Source Protection Overlay District, the septic system must be engineered and approved by the State DNR.

Access to the proposed building site is a concern for City and County Planning departments. Slip Up Creek divides the receiving parcel. The petitioner has access directly to Slip Up Creek Road for the portions of his land west of Slip Up Creek. The petitioner plans to place the building eligibility on the east side of the parcel where there is no access without crossing the creek. The city of Sioux Falls owns the land directly north of the subject parcel. This city owned land includes a bridge and driveway; however, the driveway and bridge has not been approved for access to this property. Staff from the city of Sioux Falls have informed County Planning Staff that access will not be approved through City owned property.

The petitioner may still utilize the east side of the property by constructing a privately owned bridge over the creek. A floodplain development permit and possible other permits would be required if this is a chosen route. The petitioner may also construct the dwelling anywhere within subarea B of the Laurel Ridge Planned Development. In either case, planning staff recommends that the petitioner is required to use one of the existing two driveways approved for the dwelling.

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

Off street parking requirements will be met when the single family dwelling is constructed.

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.

A residential dwelling does not typically create offensive nuisances. Any property within the county will have to comply with rules within the County Public Nuisance Ordinance.

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

The proposed building eligibility complies with density zoning and it follows typical patterns of development within the county.

The Future Land Use Plan within Envision 2035 Comprehensive Plan includes a Goal to coordinate growth and land use planning among Minnehaha County, Cities, Townships, and other relative organizations. The Transportation section of the ordinance includes a goal with the action step to require shared driveways were possible to reduce the number of direct access points onto highways. As this area develops, access control will be a major planning topic for Slip Up Creek Road. Limiting the access to the property to the two existing driveways will allow for better access control in the future.

Recommendation: Staff recommends **approval** of Conditional Use Permit #22-38 with the



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

MAY 23rd, 2022

following conditions:

1. A right-to-farm notice covenant shall be placed on the deed prior to the issuance of a building permit for a single-family dwelling.
2. Access to dwelling must use one of the two existing driveways currently addressed 47675 or 47677 Slip Up Creek Road.
3. The new septic system for the future residential dwelling must be engineered and approved by the DANR prior to issuance of a county septic permit.
4. The county septic permit must be obtained prior to obtaining a building permit for the single-family dwelling.

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 #22-38 with recommended conditions. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.

As part of the consent agenda, the same motion was made for the city by Commissioner Paulson and seconded by Commissioner Luekte to approve conditional use permit #22-38 with recommended conditions. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.

Conditional Use Permit #22-38 – Approved



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

MAY 23rd, 2022

Regular Agenda

ITEM 3. MAJOR AMENDMENT #22-03 to amend Laurel Ridge Planned Development District (14.0610) by removing limits to hours of operation and to allow personal services as a permitted use within Subarea A; and to rezone from the A-1 Agricultural District to the Laurel Ridge PD the remaining portion of property legally described as Lot B Tract 1 Laurel Ridge Addition & Lot A Tract 1 Laurel Ridge Addition all in the SE¼ SE¼ Section 23-102-49 Mapleton Township.

Petitioner: Tyler Childress

Property Owner: Same

Location: 47677 Slip Up Creek Road

Staff Report: Kevin Hoekman

General Information:

Legal Description – Lot B Tract 1 Laurel Ridge Addition & Lot A Tract 1 Laurel Ridge Addition all in the SE¼ SE¼ Section 23-102-49 Mapleton Township.

Present Zoning – A-1 Agricultural District

Existing Land Use – Vacant Acreage

Parcel Size – 3.62 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

This major amendment request has multiple components regarding the Laurel Ridge Planned Development. First, the petitioner is requesting to rezone the remaining portion of Lot B Tract 1 Laurel Ridge Addition from A1 Agriculture to Subarea A of the planned development district. Subarea A currently allows the use of the property for banquet/reception hall and events facility. The second part of the request is to add personal services as an allowed use within Subarea A. The final part of the request is to remove regulation 14.0610 (A.) (6) d) which limits the hours of operation for uses within Subarea A to 8:00 a.m. to midnight.

Rezoning Analysis

The petitioner owns two lots of land which compose the Laurel Ridge Addition. All of Lot A was rezoned into the Laurel Ridge Planned Development district in 2019. Lot B remained zoned within the A1 Agricultural zoning district in order to maintain the existing building eligibility located on the lot. In summer 2021, the East 200 feet of Lot B was rezoned into Subarea A of the planned development in order to allow expansion of the use onto a portion of the lot while maintaining the building eligibility. This request will complete the process by rezoning all the remaining portion of Lot B into Subarea A of the Laurel Ridge Planned Development District.

Completing the rezoning of the land entirely within the planned development would clarify allowed uses of the petitioner's land. This would allow for more space for expansion of the existing land uses such as the 'A' frame event center which was proposed last fall. Staff supports



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

MAY 23rd, 2022

this part of the request as a natural progression of the land use, and it will have minimal impact on neighboring properties compared to the current banquet/events facility.

Text Amendments Analysis

In addition to incorporating the remaining land into the planned development, this major amendment request contains an amendment to the allowed uses and hours of operation within Subarea A. Currently the only allowed use within Subarea A is a banquet/reception hall and events facility. This request would add personal services to the allowed uses. Personal services are allowed as a permissive use within the C Commercial zoning district. The ordinance definition of personal services is:

Establishments primarily engaged in providing services involving the care of a person or their apparel. Including, but not limited to: laundry or dry cleaning, receiving station; garment services; coin-operated laundries; photographic and art studios; beauty shops; barber shops; shoe repair; reducing salons and health clubs; clothing rental; private schools.

Staff finds that the proposed expanded use of personal services in the planned development is commercial in nature and contrary to the agricultural and residential uses that exist in the area. Whereas a large agriculturally themed event center is difficult to develop within city limits of a municipality. The expansion of allowed uses to include personal services is contrary to Goals 4 and 5 of the Future Land Use Plan within the Comprehensive Plan. General commercial services and personal services should be directed towards designated rural service areas or within municipal boundaries. Planning staff is not in support of expanding the land uses within the Laurel Ridge Planned Development.

The petitioner is also requesting the removal of limitations of hours of operation. Currently the planned development allows operation of business activities on the property from 8:00 a.m. to midnight. The time limitation reflects what has been approved for other event barns in the rural area of the county. In addition, the time limitation reduces potential conflict between patrons leaving an event at the banquet hall and the line of residential uses on Slip Up Creek Road. Planning Staff does not support of removing limitation of hours of operation.

Recommendation: Minnehaha County Staff recommends partial **approval** of Major Amendment #22-03 to allow only the rezoning of the remaining portion of Lot B Tract 1 Laurel Ridge Addition all in the SE¼ SE¼ Section 23-102-49.

Public Testimony & Discussion

Kevin Hoekman, Planning Staff, presented the staff report and recommendation. He stated that the petitioner had worked with staff regarding the specific use of a birthing center as a personal service. Since one does not know when a baby will come, the hours of operation would need to be removed to allow a birthing center.

Commissioner Paulson asked how rezoning the remaining Lot B would not change the character of the area. Kevin Explained that expanding the zoning would not change the use of the property



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

MAY 23rd, 2022

as it has already been approved.

Tyler Childress, 47677 Slip Up Creek Road, explained that after the preliminary he found that building into the hillside is costly. By allowing the entire lot to be developed as subarea A, it will be easier to develop on the entire property rather than just the hillside. The personal service request is for possible studio photographers, photography events, hair and makeup studios, and similar uses. The hours of operation should be changed to allow cleanup crews and set up crews later than midnight and as early as 4:00 in the morning.

Commissioner Barth commented that commercial uses is quite an expansion and that county highway department may not have priority to plow the road and maybe problem with expecting mothers. Tyler Childress responded that a funeral location is next door, and other personal services are allowed within the A1 Agricultural district with Major home Improvement. He explained that he receives requests for photography studios on a regular basis, and another event barn has a lawyer office in the barn. Tyler finished by stating that the City has different classifications that he has to compete with his barn.

Commissioner Lutke asked if the requested hours of operation change was to allow cleaning crews to operate. Tyler Childress responded that some weddings have requested later end times. New Year's Eve is a common event request. The limit of hours of operation is unclear as to allowing employees and contractors come in to tear down and set up. A birth center is one idea among several ideas for other business needs.

Commissioner Paulson asked staff what is allowed at other event barns. Kevin Hoekman responded that Emerald Pines event barn has an attorney office as a specific allowed use rather than as part of allowing personal services in general. Kevin further explained that Blue Haven Barn has a special exception to time limitations for New Year's Eve to allow a New Year's celebration to last after midnight. The planning commissions may make similar provisions for single uses or for New Year's Exception if they wish.

Commissioner Randall asked if clean up and set up could take place outside of operational hours at the event barn. Kevin Hoekman Responded that operational hours would be classified as the hours open to the public and set up and tear down by employees would not be classified as part of the operational hours. Commissioner Randall asked if it is the same for the city. Fletcher Lacock, planner for Sioux Falls, responded that the city would respond the same way with hours of operation. He added that a specific use such as a photography studio would likely work for the area rather than general personal services.

Commissioner Luetke asked if photo sessions or hair and makeup could be done on site. Fletcher Lacock stated that those uses are accessory to the wedding barn but different from having a studio or office.

Commissioner Duffy noted that a birthing center is unique and asked who maintains the roads. Tyler Childress responded that the township currently maintains the road, but the county will be taking over the road soon and the road will be paved. Commissioner Duffy noted that with a



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

MAY 23rd, 2022

birthing center a snowstorm could be a problem for customers. Tyler responded that paramedics plus operates a mile and a half away. He further described that birthing centers are happening all over the country and not within cities in order to be in nature. A birthing center is planned for East 26th Street. Tyler added that the interstate is only a mile and a half away as well.

Commissioner Paulson asked if there would be some kind of regulations for a birthing center beyond what is addressed in a planning commission hearing. Tyler Childress responded that there are licenses and requirements that must be followed. Commissioner Luetke added that a county and city health department would cover that sort of thing.

Commissioner Barth commented that changing rules is possible but takes time. He asked if there are any regulations regarding a birthing center. Kevin Hoekman responded that staff met with the petitioner before the application and determining that the best placement of a birthing center within the standard ordinance definitions is within the personal services.

Shawn Nickolas, 200 E 10th Street, commented that this request is a land use question and not a question of licensure or requirements. He explained that the closest neighbors are a mile and a half away. He pointed out that some other uses allowed within the A1 Agricultural areas range into commercial and personal service nature. Mr. Nickolas explained that some services are better served outside of a city. He added that the hours of operation does not allow breakfast type events and that the limits of hours makes it difficult to compete with events locations in the city. He finally explained that the ordinance does not expressly state that operation does not include tear down and set up. More clarity in the ordinance or rules would be helpful.

Discussion

Chair Duffy closed the floor for discussion.

Commissioner Barth stated that the expansion request goes beyond what the commission envisioned in the rural area. Maybe more commercial use could work after more development.

Commissioner Randall added that the proposal goes beyond what the intention was for the original project.

Commissioner Barth clarified with planning staff the county recommendation. Kevin Hoekman stated that the Planning Commission could approve all or part of the request.

Actions

Commissioner Barth motioned to approve rezoning the remaining portion of Lot B from A1 Agriculture to Subarea A of the Laurel Ridge Planned Development District, and not approve the text amendment portions of the request. Mike Ralston seconded the motion. The motion passed unanimously with a vote of 5 votes in favor of the motion and 0 votes against the motion.

Commissioner Paulson made the same motion for the City to approve rezoning the remaining portion of Lot B from A1 Agriculture to Subarea A of the Laurel Ridge Planned Development District, and not approve the text amendment portions of the request. Commissioner Norman



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

MAY 23rd, 2022

seconded the motion.

Commissioner Luetke commented that he would like to see New Year's Eve get an exception to the hours of operation until 1:00 am.

Commissioner Nyberg clarified with staff that the New Year's exception for the other county barn does not need special approval on an annual basis for closing at 1:00 am on New Year's morning.

Commissioner Paulson asked if everybody would get the New Year's exception. Kevin Hoekman responded that each venue would have to make changes on an individual through amendments.

Commissioner Luetke motioned to amend the motion to allow an exception to hours of operations for New Year's to continue to 1:00 am. Commissioner Nyberg seconded the motion. The motion passed unanimously with 4 votes in favor of the amendment and 0 votes against the amendment.

The City Planning Commission voted on the amended motion to approve rezoning the remaining portion of Lot B from A1 Agriculture to Subarea A of the Laurel Ridge Planned Development District and to allow an exception to hours of operations for New Year's to continue to 1:00 am. The motion passed unanimously with 4 votes to approve and 0 votes to deny.

Commissioner Ode motioned for the county to approve an exception to the hours of operations for New Year's to continue to 12:59 am. Commissioner Mohrhauser seconded the motion. The motion passed with 4 votes in favor of the motion and 1 vote to deny. Commissioner Barth voted against the motion.

Major Amendment #22-03 – A split decision.

The County Planning Commission recommends approval of rezoning the remaining portion of Lot B from A1 Agriculture to Subarea A of the Laurel Ridge Planned Development District and an exception to the hours of operations for New Year's to continue to 12:59 am.

The City of Sioux Falls Planning Commission recommends approval of rezoning the remaining portion of Lot B from A1 Agriculture to Subarea A of the Laurel Ridge Planned Development District and an exception to the hours of operations for New Year's to continue to 1:00 am.



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

MAY 23rd, 2022

Old Business

None.

New Business

None.

Adjourn

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

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

The meeting was **adjourned** at 7:48 p.m.