



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

JULY 25, 2022

**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS
July 25, 2022**

A joint meeting of the County and City Planning Commissions was held on July 25, 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, Ryan VanDerVliet, Adam Mohrhauser, Mike Ralston, and Jeff Barth.

CITY PLANNING COMMISSION MEMBERS PRESENT: Dana Fisher, Kurt Johnson, Sean Ervin, Janet Kittams, & Erik Nyberg,

STAFF PRESENT:

Scott Anderson, Kevin Hoekman and Mason Steffen – County Planning
Eric Bogue – 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 Commissioner Kurt Johnson.

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

Chair 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, 2, & 3 by Commissioner Randall and seconded by Commissioner Ralston. 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 Nyberg and seconded by Commissioner Kittams. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.

ITEM 1. Approval of Minutes – May 23, 2022

As part of the consent agenda, a motion was made for the County by Commissioner Randall and seconded by Commissioner Ralston to **approve** the meeting minutes from May 23, 2022. The motion passed unanimously with 6 votes in favor and 0 votes against the motion.



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As part of the consent agenda, the same motion was made for the city by Commissioner Nyberg and seconded by Commissioner Kittams to approve the meeting minutes from May 23, 2022. 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 #22-58 to exceed 3,600 square feet of accessory building space (requesting 4,800 square feet) on the property legally described as Tract 1 Haffner's Addition SE¼ SW¼ Section 28 T101N-R48W Split Rock Township.

Petitioner: April Kelling

Land Owner: Same

Location: 3101 S. Riverview Avenue

Staff Report: Mason Steffen

General Information:

Legal Description – Tract 1 Haffner's Addition SE¼ SW¼ Section 28 T101N-R48W Split Rock Township.

Present Zoning: A1 Agricultural

Existing Land Use: Residential Acreage

Parcel Size – 5.00 Acres

Staff Report: Mason Steffen

Staff Analysis: The petitioner is requesting conditional use permit approval to allow 4,800 square feet of residential accessory building area on the subject property. There is currently one 40'x 60' detached accessory building on the property, and this request would allow the petitioner to add another 40'x 60' section onto this building. Finally, the petitioner has stated that this addition to the accessory building would be used for their own personal horse stalls, and not for the commercial boarding of horses.

On July 8, 2022, staff conducted a site visit of the subject property and surrounding area. The subject property is located just east of Sioux Falls, and is currently surrounded by farmland and large lot residential acreages. Additionally, the proposed site of the accessory building is located in a portion of the property that is surrounded by trees and other vegetation, which will limit the concerns of the building affecting any surrounding properties. Finally, the city of Sioux Falls planning staff has reviewed the proposed request, and they did not have any additional comments in regards to the accessory building addition.

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.

There should be no anticipated negative effect upon the use and enjoyment of the residential properties in the immediate vicinity. In addition, the site of the accessory building is screened from the road and surrounding properties by trees and cropland. Therefore, property values in the area should also 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.

The proposed site of the accessory building is located in an area that still is used for farmland, with several large lot residential acreages. Due to the proximity to the city of Sioux Falls, it is likely that the surrounding area will eventually become more densely subdivided. However, the proposed size and use of the accessory building should not impact the normal or orderly development of the surrounding vacant land, or the nearby residential subdivisions.

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

The petitioner will be required to extend all necessary utilities to the structure. The accessory building will be accessed by the same driveway as the current buildings on the property. Finally, the proposed addition to the existing accessory building on the property should not have any negative effects on the drainage of the surrounding 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 new accessory building will also add additional parking and storage to 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.

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 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 health, safety, and general welfare of the public will not be negatively affected by the construction of the proposed accessory building. The proposed use will fit within the uses of other properties in the rural area.

Recommendation: Staff recommends **approval** of Conditional Use Permit #22-58 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 4,800 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 dwelling at any time.
- 5) That all 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



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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 Randall and seconded by Commissioner Ralston to **approve** Conditional Use Permit #22-58. The motion passed unanimously with 6 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 Nyberg and seconded by Commissioner Kittams to approve Conditional Use Permit #22-58. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.

Conditional Use Permit #22-58 – Approved



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ITEM 3. CONDITIONAL USE PERMIT #22-61 to exceed 2,400 square feet of accessory building area (requesting 3,600 square feet) on the property legally described as Tract 2 Benson's Addition NE¼ Section 13 T102N-R50W Benton Township.

Petitioner: Lori Clausen

Land Owner: Same

Location: 47155 258th Street

Staff Report: Mason Steffen

General Information:

Legal Description – Tract 2 Benson's Addition NE¼ Section 13 T102N-R50W Benton Township.

Present Zoning: A1 Agricultural

Existing Land Use: Residential Acreage

Parcel Size – 1.95 Acres

Staff Report: Mason Steffen

Staff Analysis: The subject property is located approximately ½-mile west of the Crooks/Renner exit on Interstate 29. Currently, the property is almost entirely surrounded by land that has been annexed into the city of Crooks. The submitted application states that it is the intent of the property owner to annex Tract 2 Benson's Addition into the city of Crooks, and replat the property to include 1.48 acres of land that is already within the city limits of Crooks. In addition, they state that this would take place after the conditional use permit and building permit are obtained within the County. Finally, the petitioner has explained that the city of Crooks has been informed of this plan, and that they have expressed no objections to the building being approved prior to annexation.

On July 8, 2022, staff conducted a site visit of the subject property and surrounding area. The property is mostly surrounded by vacant agricultural land and residential acreages. Additionally, approximately ½-mile to the east of the subject property is the Cottonwood Avenue commercial & industrial park. The proposed accessory building will be used for the petitioner's own personal storage, and no commercial storage or business will be allowed within the structure. Therefore, approval of this permit will not impact these existing land uses, and the proposed accessory building generally conforms to the current development in the area.

This request is located within the joint jurisdictional area with the city of Sioux Falls, so the application and materials were also reviewed by the city planning staff. The city of Sioux Falls staff commented that the petitioner should be aware that the fifty-feet of land to the west of the subject property is for a planned collector street. They also added that if this collector street is developed, it would be best for the accessory building to already meet the fifty-foot setback from the right-of-way of this new street. Finally, the submitted site plan shows that the building will be set back seventy-seven feet from the current west property line, so the building will meet any additional setback requirements if the collector street is developed.

Conditional Use Permit Criteria:



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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.

There should be no anticipated negative effect upon the use and enjoyment of the residential properties in the immediate vicinity. Property values in the area should also 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.

The property is already mostly surrounded by the city of Crooks, so if the property is annexed it will not greatly impact the surrounding vacant land. Most of the surrounding vacant property will be used for commercial/industrial uses in the future, but the proposed personal use of the accessory building will not have a negative outward impact on these surrounding properties.

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

The petitioner will be required to extend all necessary utilities to the structure. The accessory building will be accessed by the same driveway as the current buildings on the property. The addition of another accessory building on the property should not have any negative effects on the drainage of the surrounding 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 new accessory building will also add additional parking and storage to 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.

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 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 health, safety, and general welfare of the public will not be negatively affected by the construction of the proposed accessory building. The proposed use will generally fit within the uses of other properties in the rural area, if it were to stay unincorporated, and the city of Crooks has expressed no objection to the proposed building if it is annexed.

Recommendation: Staff recommends **approval** of Conditional Use Permit #22-61 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 3,600 square feet.
- 3) That the building shall be an accessory use to the continued use of the property as a residential lot.



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- 4) The building shall not to be used for commercial uses or as a dwelling at any time.
- 5) That all 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 Randall and seconded by Commissioner Ralston to **approve** Conditional Use Permit #22-61. The motion passed unanimously with 6 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 Nyberg and seconded by Commissioner Kittams to approve Conditional Use Permit #22-61. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.

Conditional Use Permit #22-61 – Approved



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Regular Agenda

ITEM 4. CONDITIONAL USE PERMIT #22-52 to allow a Contractor's Shop on the property legally described as Lot 36 North Side Gardens Section 27 T102N-R49W Mapleton Township.

Petitioner: Home Solutions LLC.

Land Owner: Barbara & Steven Shumaker

Location: 1320 E 60th Street N

Staff Report: Mason Steffen

General Information:

Legal Description – Lot 36 North Side Gardens Section 27 T102N-R49W Mapleton Township

Present Zoning: C – Commercial

Existing Land Use: Vacant Residence

Parcel Size – 0.88 Acres

Staff Report: Mason Steffen

Staff Analysis: The petitioner is requesting conditional use permit approval to build a 60'x 80' building in order to use the subject property as a contractor's shop. The subject property is located within an unincorporated island along E 60th Street N in Sioux Falls. This area has largely been left unincorporated due to the fact that the properties in the area are either zoned for commercial or industrial uses, while the existing uses on the properties are largely residential. In addition, along with building the new shop on the property, the petitioner would also remove the nonconforming residential dwelling. The petitioner has also stated their desire to eventually be annexed into the city, but that the current cost of extending city services to their individual property is too cost prohibitive. Therefore, the petitioner has submitted a site plan that complies with the city's development standards, so that they could annex in the future when the cost is more manageable.

On July 8, 2022, staff conducted a site visit of the subject property and surrounding area. Most of the properties in the area that are already within the city of Sioux Falls are either commercial operations or vacant lots. The properties in the county are largely residential, with a few commercial uses, including a vehicle repair shop and a used car dealership. In addition, the petitioner stated in their narrative that the property will mostly be used as an office and storage building for their general contracting business. Due to the area being located so close to the city of Sioux Falls, with other heavily visited commercial operations in the area, the addition of this contractor's shop would not negatively impact the surrounding area.

This request was sent to the city of Sioux Falls planning staff in order to receive comments from the applicable Sioux Falls departments. The city of Sioux Falls planning staff stated that any new commercial approach onto E 60th Street N would not be approved unless the petitioner annexes the property. They also explained that since city services are available in the area and that the property is adjacent to annexed land, their recommendation would be to deny the permit if the



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property is not annexed. Finally, due to the city of Sioux Falls having control over the access and utilities on the property, the county planning department is unable to support this request if the city will not provide services.

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 area surrounding the subject property is currently mostly used for nonconforming residential dwellings that are located on property zoned for commercial/industrial uses. Additionally, the surrounding area that has already been annexed into the city of Sioux Falls is almost entirely used for commercial/industrial uses. Therefore, allowing the petitioner to turn a nonconforming residential dwelling into a conforming commercial operation will not greatly impact the surrounding area.

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

The uses currently predominant in the area are commercial/industrial, along with the nonconforming residential dwellings. The proposed contractor's shop will not impact these surrounding properties, and will remove a nonconforming use within an area that is heavily used for similar uses to the contractor's shop.

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

The petitioner has stated that they would pave a new access off of E 60th Street N, and that the area in front of the proposed building would also be paved. The city of Sioux Falls has stated that they would not approve this new access without the property being annexed. Additionally, the petitioner would be required to extend all of the necessary utilities to the proposed structure, which the city has stated would require them to annex the property.

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

The required number of parking spaces for the operation was computed by labelling the operation as a warehouse. This means that the operation requires two parking spaces for every three employees, as well as space to accommodate trucks. The submitted site plan shows at least six parking spaces, along with two loading doors on the rear of the building.

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.

All storage on the site will be within the proposed building, and the main use of the structure will be as an office building. These factors will limit the potential for the property to create any potential nuisances to the surrounding area. Additionally, any public nuisance violations would be addressed upon the Planning Department receiving a complaint about the subject property. All outdoor lighting would 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.



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

The proposed use of a contractor's shop will not likely have a negative effect on the health, safety, or general welfare of the public. In addition, the subject property is located in the transition area of the future land use plan within the Envision 2035 Comprehensive Plan. The transition areas of the county are intended to support communication between municipalities and the county, in order to make sure that developments in this area are compatible for future annexation. Furthermore, goal #2 of the future land use plan for Minnehaha County is to, "Coordinate growth and land use planning among Minnehaha County, Cities, Townships, and other relative organizations." Within this goal there is an action to support growth that is compatible to adopted municipal comprehensive plans. Therefore, due to the property being adjacent to annexed portions of the city of Sioux Falls, along with the city's recommendation for denial or annexation, the county planning staff is not in support of this request.

Recommendation: Staff recommends **denial** of Conditional Use Permit #22-52.

Public Testimony

Mason Steffen, of county planning staff, explained to the commission that the petitioner has withdrawn this request.

Action

A motion was made for the County by Commissioner Barth and seconded by Commissioner Ode to **acknowledge the withdrawal** of Conditional Use Permit #22-52. 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 Fisher and seconded by Commissioner Nyberg to **acknowledge the withdrawal** of Conditional Use Permit #22-52. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.

Conditional Use Permit #22-52 – Withdrawn



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Old Business

None.

New Business

None.

Adjourn

A motion was made for 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 Kittams and seconded by Commissioner Fisher. The motion passed unanimously.

The meeting was **adjourned** at 7:07 p.m.