



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

NOVEMBER 27, 2023

**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS
November 27, 2023**

A joint meeting of the County and City Planning Commissions was held on November 27, 2023 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, Ryan VanDerVliet, Adam Mohrhauser, and Joe Kippley.

CITY PLANNING COMMISSION MEMBERS PRESENT: Janet Kittams, Erica Mullaly, John Paulson, Kurt Johnson, and Erik Nyberg.

STAFF PRESENT:

Scott Anderson, Kevin Hoekman, & Mason Steffen – County Planning
Maggie Gillespie – States Attorney's Office
Fletcher Lacock – 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

Chair Duffy opened the floor for public comment and nobody moved to speak.

ITEM 1. Approval of Minutes – September 25, 2023

A motion was made for the County by Commissioner Mohrhauser and seconded by Commissioner VanDerVliet to **approve** the meeting minutes from September 25, 2023. The motion passed unanimously with 5 votes in favor of the motion and 0 votes against the motion.

The same motion was made for the City by Commissioner Johnson and seconded by Commissioner Paulson to **approve** the meeting minutes from September 25, 2023. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.



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ITEM 2. CONDITIONAL USE PERMIT #23-56 to exceed 2,400 square feet of accessory building space (requesting 13,080 square feet) on the properties legally described as Tract 1 TM Schultz Addition (Ex. Lot H-1) SE¼ & the S132' W301.04' E351.04' N670.5' S½ SE¼ all in Section 21 T101N-R50W Wayne Township.

Petitioner: Scott Cohoon

Property Owner: Same

Location: 1601 S Ellis Road

Staff Report: Mason Steffen

General Information:

Legal Description – Tract 1 TM Schultz Addition SE¼ & the S 132' W301.04' E351.04' N670.5' S½ SE¼ all in Section 21 T101N-R50W Wayne Township.

Present Zoning – A1 Agricultural

Existing Land Use – Residential Acreage

Parcel Size – 2.49 Acres

Staff Report: Mason Steffen

Staff Analysis: The petitioner is requesting conditional use permit approval to allow 13,080 square feet of residential accessory building area between their two properties. There are currently several accessory buildings totaling 9,080 square feet on the south property. The north property is a vacant lot and the petitioner is requesting approval to construct a 40' x 100' detached accessory building on this vacant parcel. Within the last year, this petitioner has discussed the potential of rezoning this property to the C Commercial District to allow for commercial storage units with both the city and county planning staffs. At that time, it was explained to the petitioner that since they are surrounded by the city limits of Sioux Falls, any further commercial or residential development on this property is unlikely to be supported until the property is annexed.

On November 8, 2023, staff conducted a site visit of the subject properties and the surrounding area. The properties are located along S Ellis Road and are a part of an unincorporated island that is entirely surrounded by the city of Sioux Falls. Therefore, this property already has the most accessory building square footage in the immediate area, and this request would add another large accessory building to the property. Finally, this request was also sent to the city planning department for review and comments, and city planning staff recommended that this request be denied.

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.

There are no larger accessory buildings in the immediate area due to the fact that the property is entirely surrounded by the city of Sioux Falls. Within the city, most of the land in the area is small lot residential properties, with a few commercial uses located to the south at the intersection of W 26th Street and S Ellis Road. This proposed building should not have any



overly negative impact on the use of the neighboring properties or their property taxes, as long as the use of the building remains accessory to the residential use of this lot.

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 building meets all of the applicable setbacks, which will help minimize the impact of this structure on the surrounding area. All of the other vacant land in the area is within the city of Sioux Falls, and is expected to be mostly developed into small lot single-dwellings and multi-family buildings. Therefore, allowing this proposed accessory building on this vacant lot would have an impact on the city's ability to annex and develop this property in the future.

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

The petitioner has existing access onto both the north and south properties via two driveway approaches onto S Ellis Road. The petitioner would be required to extend all the necessary utilities to the structure, and the building should have a minimal impact on the drainage in the area.

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

The property is large enough to meet all of the residential parking requirements, and the proposed structure would add additional off-street parking to the property. There are no loading requirements for the proposed residential accessory 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.

Only the petitioner's personal property would be allowed to be stored within the proposed accessory building. No commercial business or storage would be allowed in the building at any time. 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 in order 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. However, this proposed building is contrary to the goals of the 2035 Envision Comprehensive Plan for Minnehaha County. Specifically, goal two within the Future Land Use Plan of the 2035 Envision Comprehensive Plan supports growth in the transition area that is compatible with municipal comprehensive plans. This proposed request is contrary to this goal because the proposed building would have an impact on the city's ability to annex and develop this lot in the future. Additionally, goal four within the Future Land Use Plan encourages the annexation of subdivisions that are surrounded by city limits, and looks to focus new growth and development within municipalities wherever possible. Therefore, the property should be annexed into the city limits of Sioux Falls, prior to any development taking place on this vacant lot.



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Recommendation: Staff finds that Conditional Use Permit #23-56 is contrary to the goals and policies of the 2035 Envision Comprehensive Plan for Minnehaha County, and recommends **denial** of this conditional use permit.

Public Testimony & Discussion

Mason Steffen, of county planning staff, presented an overview of the staff report and recommendation to the commission.

Commissioner Johnson asked planning staff to further explain where the subject property is located. Mason Steffen explained that the property is located directly northwest of the W 26th Street and S Ellis Road intersection.

Commissioner Kippley asked planning staff for background on why the property has not been annexed into the city. Mason Steffen explained that the city cannot force property owners to annex into the city limits, so this can cause property owners who are unwilling to annex to become an unincorporated island.

Commissioner Nyberg asked planning staff to further explain just how much land surrounding this property has already been annexed into the city. Mason Steffen showed the commission the subject property on the Minnehaha County GIS Map, and explained that the city has already annexed almost a half mile to the west of this subject property.

The petitioner, Scott Cohoon of 1601 S Ellis Road Sioux Falls, SD, was present and available for questions. Mr. Cohoon explained that he has owned this property for twenty years and that the city has only just recently annexed the properties to the north of his property. Mr. Cohoon also stated that the one acre property where the proposed building would be located is not being utilized, and that he needs a place for more storage. Mr. Cohoon further commented that he has been in contact with his neighbors and that they are not opposed to the proposed building. Finally, he stated that the city may be opposed to this request because they want the land to be bought by a developer and developed for commercial uses.

Commissioner Johnson asked the petitioner how they plan on accessing the proposed building. Mr. Cohoon explained that the building will be accessed from the existing access to the east on S Ellis Road, and that he only plans on removing the smaller trees on the property and leaving the larger trees to the east of the building location. He also commented that he plans on having the building be at least six feet from the west property line, which is double the required setback.

Commissioner VanDerVliet asked the petitioner what their intentions would be for the proposed building. Scott Cohoon explained that his current accessory buildings are full with classic cars, boats, car lifts, commercial trucks, and other materials. Then Mr. Cohoon explained that he plans on insulating the proposed building and using the extra storage space for more of his personal property.

Commissioner Kippley commented that he appreciates the property owners comments regarding the history of the property, but the maximum amount of accessory building space allowed on the property is still a rule that applies. Commissioner Kippley also stated that he is deferent to the



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city in regards to future land use in this area, and that he would be in favor of denying the proposed request.

Action

A motion was made for the County by Commissioner Kippley and seconded by Commissioner Randall to **deny** Conditional Use Permit #23-56. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.

A motion was then made for the City by Commissioner Johnson and seconded by Commissioner Nyberg to **approve** Conditional Use Permit #23-56 for the purpose of discussion.

Commissioner Johnson commented that he understands the need for properties surrounded by the city to conform to the city's goals and should be annexed into the city. Commissioner Johnson commented that he could also see the smaller property becoming a separate residential property within the city that has a large accessory building, which may not be detrimental to the city's goals. Finally, Commissioner Johnson stated that it is an unknown how the building will fit within the city's future plans, and that due to this unknown he would lean towards denying this request.

Commissioner Paulson commented that the commission needs to support the comprehensive plan and that he will not be in support of this request.

Commissioner Nyberg stated that he agrees with the comments of the other commissioners, and that the commission should take into account that there is a precedent for denying similar requests in the area.

The motion by the City to **approve** Conditional Use Permit #23-56 was denied with 0 votes in favor of the motion and 4 votes against the motion.

Conditional Use Permit #23-56 – Denied



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Old Business

None

New Business

None

Adjourn

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

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

The meeting was **adjourned** at 7:24 p.m.