



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

FEBRUARY 26, 2024

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

A joint meeting of the County and City Planning Commissions was held on February 26, 2024 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Commissioners Bonnie Duffy, Becky Randall, Adam Mohrhauser, Doug Ode, Mike Ralston, Ryan VanDerVliet, and Joe Kippley.

CITY PLANNING COMMISSION MEMBERS PRESENT: Bradyn Neises, Kurt Johnson, Erica Mullaly, Janet Kittams, and Aaron Norman.

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 Bradyn Neises. Commissioner Neises recused himself from the hearing of Items 3 & 4, and the city of Sioux Falls planning commission was chaired by Commissioner Aaron Norman for these items.

Chair Duffy called the Joint Minnehaha County and City of Sioux Falls Planning Commission meeting to order at 7:00 p.m.

PUBLIC COMMENT

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

Consent Agenda

Commissioner Duffy read each item on the consent agenda and Items 3 & 4 were requested to be moved to the regular agenda by county planning staff.

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

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



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ITEM 1. Approval of Minutes – January 22, 2024

As part of the consent agenda, a motion was made for the County by Commissioner Mohrhauser and seconded by Commissioner VanDerVliet to **approve** the meeting minutes from January 22, 2024. The motion passed unanimously with 6 votes in favor and 0 votes against the motion.

The same motion was made for the City by Commissioner Kittams and seconded by Commissioner Mullaly to **approve** the meeting minutes from January 22, 2024. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.



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Consent Agenda

ITEM 2. CONDITIONAL USE PERMIT #24-04 to allow a Fire Equipment Manufacturing Facility on the property legally described as Lot 1A Block 3 Benson's 2nd Addition NE¼ Section 13 T102N-R50W Benton Township.

Petitioner: Vanbuskirk Construction

Property Owner: Ron Heiman

Location: 25814 Rudolph Avenue

Staff Report: Mason Steffen

General Information:

Legal Description – Lot 1A Block 3 Benson's 2nd Addition NE¼ Section 13 T102N-R50W Benton Township

Present Zoning – I-1 Light Industrial

Existing Land Use – Vacant Lot

Parcel Size – 4.30 Acres

Staff Report: Mason Steffen

Staff Analysis: The subject property is located along I-29 at the southwest corner of the Crooks/Renner exit. The property is surrounded by industrial zoned land and is an expansion of the existing Heiman Fire Manufacturing Facility directly to the east. The Heiman Fire Manufacturing Facility has existing at the adjacent location since 2004, and was approved for outdoor storage via Conditional Use Permit #07-58. This request would allow the property owner to build an approximately 33,000 square foot building to be used as a manufacturing/office building. Article 11.03 (a) of the 2002 Revised Joint Zoning Ordinance allows for light manufacturing provided that the proposed building is less than 20,000 square feet. Therefore, given the size of the proposed building, this request requires conditional use permit approval.

On February 6, 2024, staff conducted a site visit of the subject property and the surrounding area. The property is located within an industrial park that has many similar uses and buildings to the proposed request. The property is also located at the corner of two paved roads and will have access onto both of these roads. Therefore, the petitioner will be required to hard surface the parking lot and other driving surfaces within the property. The building plans for the proposed building were submitted to the county building inspector for review in November of 2023. These plans included the installation of fire suppression sprinklers within the building, and were approved on February 5, 2024. This request was also sent to the city planning office for comments. The city planning office did not submit any official comments on this request and deferred to the county's recommendation for approval.

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 proposed use of the property is generally compatible with the existing uses in the immediate area. The other existing uses on the neighboring lots include the Buffalo Ridge redi-mix plant,



Haug Steel Construction, and other various industrial uses. Therefore, the expansion of the existing Heiman Fire Manufacturing Facility onto this property should not overly impact the use and enjoyment of these neighboring properties.

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

This property is surrounded by industrial zoned property and is located on the south end of Cottonwood Avenue along I-29. This area has predominantly been used for industrial and commercial uses since the 1990s, and this will continue into the future due to the close proximity to I-29. Currently, most of the vacant land in the area is being used as farmland, and the approval of this expansion request will not impact the ability of these properties to develop in the future.

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

The property will have access onto Ashton Street and Cottonwood Avenue, which are both paved roads. Therefore, the petitioner will be required to hard surface the driveways and parking areas within the subject property. Additionally, the petitioner has submitted a grading plan to the county, and this plan indicates that the natural drainage of the property will largely be maintained. The petitioner will also be installing a sprinkler system within the proposed building. Finally, the petitioner has obtained approval from the State Department of Agriculture and Natural Resources to install a holding tank for the floor drains within the building, and an adsorption bed wastewater system for the remaining on-site wastewater.

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

The site plan indicates that there will be angled parking along Ashton Street, as well as a parking lot on the south side of the building. According to Article 16.02 (o) of the 2002 Revised Joint Zoning Ordinance, this type of establishment requires two parking spaces for every three employees on the maximum shift, plus space to accommodate all trucks and other vehicles. The maximum number of employees at this site will be thirty people, so the property must provide a minimum of twenty parking spaces. The site plan indicates that there will be at least thirty-seven parking spaces on the property, which will meet this requirement and allow for additional room to accommodate truck traffic. Additionally, Article 16.05 (a)(4) of the Joint Zoning Ordinance requires this type of building to have one 14' x 35' loading space for each 10,000 square feet of gross floor area. The footprint of the proposed structure will be approximately 33,000 square feet, meaning at least three of these loading spaces are required. In reviewing the building plans, there are six loading spaces of this size on the proposed building, along with several other smaller loading areas, which meets and exceeds the loading requirements within the ordinance.

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 property is located on a paved road within an existing industrial park, and so the proposed use should not produce excessive amounts of dust. All storage and manufacturing at this location will take place within the enclosed building, which will limit the possibility of odor, fumes, noise, and vibration from becoming a nuisance to the neighbors. All outdoor lighting installed on the building will be required to be designed to prevent the direct spillage of light beyond the property boundaries.



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

The property is located within an existing industrial park, and is an expansion of the same use that has operated in the area for twenty years. Therefore, the proposed expansion building should have minimal impact on the health, safety, and general welfare of the public. The Envision 2035 Comprehensive Plan encourages industrial growth at the intersection of major roadways, and designates this interstate intersection as a prime location for commercial and industrial growth. This area is also designated for heavy industrial development within the city of Sioux Falls comprehensive plan, and so this use will continue to be compatible with the surrounding area as the city grows.

Recommendation: Staff recommends **approval** of Conditional Use Permit #24-04 with the following conditions:

- 1) That the property shall adhere to the submitted site plan
- 2) That all signs shall meet the requirements of Article 17.00 On-Premise Signs of the 2002 Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls. A building permit is required prior to the erection of any sign on the property.
- 3) That all driving and parking areas shall be hard surfaced to the standards of Article 16.04 of the 2002 Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls. The hard surface is required to be installed within 6 months after the completion of the building, or by August 31, 2025, whichever is sooner.
- 4) That off-street parking and loading shall be provided that meets the requirements of Article 16.00 of the 2002 Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls.
- 5) That all outdoor lighting shall be designed to prevent the direct spillage of light beyond the property boundaries.
- 6) That the Planning & Zoning Department reserves the right to enter and inspect the site 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 Joint Minnehaha County & City of Sioux Falls Zoning Ordinance.

Action

As part of the consent agenda, a motion was made for the County by Commissioner Mohrhauser and seconded by Commissioner VanDerVliet to **approve** Conditional Use Permit #24-04. The motion passed unanimously with 6 votes in favor and 0 votes against the motion.

The same motion was made for the City by Commissioner Kittams and seconded by Commissioner Mullaly to **approve** Conditional Use Permit #24-04. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.

Conditional Use Permit #24-04 – Approved



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Regular Agenda

ITEM 3. CONDITIONAL USE PERMIT #24-05 to allow a Golf Course on the property legally described as That Part of Section 25 N of Highway Including Lot PE1 (Ex. SW¼ NW¼ & Ex. NW¼ SW¼ & Ex. RD & Ex. S909' E934.9' SE¼ NE¼ & Ex. Tuntlands Tract 1A & Ex. Lots H3, H4, H5 & H8) Section 25 T102N-R49W Mapleton Township.

Petitioner: Nineteen Flags LLC.

Land Owner: Douglas Klein Family Trust

Location: 26011 478th Avenue

Staff Report: Kevin Hoekman

General Information:

Legal Description – That Part of Section 25 N of Highway Including Lot PE1 (Ex. SW¼ NW¼ & Ex. NW¼ SW¼ & Ex. RD & Ex. S909' E934.9' SE¼ NE¼ & Ex. Tuntlands Tract 1A & Ex. Lots H3, H4, H5 & H8) Section 25 T102N-R49W

Mapleton Township

Present Zoning – A-1 Agricultural

Existing Land Use – Cropland

Parcel Size – 269.76 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

This item directly relates to the Final Development Plan #24-01 for Mapleton Golf Planned Development. The petitioner is applying to allow a portion of a golf course on the western most 22 acres of a large parcel of land. The rest of the golf course and clubhouse area is located within the Mapleton Golf Planned Development. The additional land for the golf course for this request will allow the golf holes to cross over Slip Up Creek.

A golf course is allowed within the A1 agricultural zoning district with the approval of a conditional use permit. The land area for this request will accommodate golf holes and cart trails only.

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 proposed use will convert existing pasture land into a golf course. Nearby land uses include a house on a 40 acre quarter quarter section parcel. To the northwest is Laurel Ridge Event Center. The proposed golf course will expand the proposed golf course allowed within the Mapleton Golf Planned Development District. Housing, events, and agriculture will not likely be affected by the operation of the golf course addition.

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



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The whole golf course is within proposed map changes Tier 3 for Sanitary Sewer Availability within 16 to 25 years. Significant development will not likely happen until sewer is available. The area on the east side of the golf course will likely take longer to develop and is not within the proposed tier map.

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

The proposed addition to the golf course is in conjunction of with the Final Development Plan for Mapleton Golf Planned Development. The petitioner will be extending irrigation and doing dirt moving for creating golf holes. Some of the dirt work will take place within the floodplain and the Final development Plan for the course indicates two cart bridges over Slip Up Creek. A floodplain development permit must be obtained for each cart bridge and for the dirt work to ensure the work will no cause upstream flooding or other hazards.

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

Off street parking will take place at the clubhouse and maintenance shed for the planned development. There is adequate parking available to meet the ordinance 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.

After construction is complete there should be minimal odor, fumes, dust vibration or lighting coming from the golf course. Lawnmowers will be in operating during the summer. This may cause some noise, but lawnmower noise is typical of any development with turf grass.

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

This request is for a golf course that is a small extension of a golf course on a planned development. The use has been approved for the planned development and the Final Development Plan is under consideration at the same Planning Commission meeting.

Recommendation: Staff recommends **approval** of Conditional Use Permit #24-05 with the following conditions:

- 1). All requirements of the Mapleton Golf Planned Development final development plan apply to this conditional use permit.
- 2). A floodplain development permit is required for every cart bridge and for dirt work in the floodplain.

Public Testimony

Commissioner Neises recused himself from the hearing on this item and the City of Sioux Falls Planning Commission was chaired by Aaron Norman.

Kevin Hoekman, of county planning staff, explained the staff report and recommendation to the commission.

Riley Rinehart, from DGR Engineering, was present and represented the petitioner for this proposal. The commissioners did not have any questions for Mr. Rinehart regarding this request.



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Commissioner Duffy asked the audience if there were any public comments regarding this item, and no one from the audience moved to speak.

Action

A motion was made for the County by Commissioner Ralston and seconded by Commissioner Randall to **approve** Conditional Use Permit #24-05 with the staff recommended conditions. The motion passed with 6 votes in favor and 0 votes against the motion.

The same motion was made for the City by Commissioner Johnson and seconded by Commissioner Kittams to **approve** Conditional Use Permit #24-05 with the staff recommended conditions. The motion passed with 3 votes in favor and 0 votes against the motion.

Conditional Use Permit #24-05 – Approved



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ITEM 4. FINAL DEVELOPMENT PLAN #24-01

Petitioner: Nineteen Flags LLC.

Property Owner: Patrick & Marcia Burke

Location: Located between Slip Up Creek Road & Interstate 90, approximately 1 mile north of Sioux Falls

Staff Report: Kevin Hoekman

General Information:

Legal Description – S½ SE¼ (Ex. Laurel Ridge Addition & H-1) Section 23 T102N-R49W & the N½ NE¼ (Ex. A Triangle Section Beginning in the SW Corner Extending 680' N & 680' E) Section 26 T102N-R49W & the SE¼ NE¼ Section 26 T102N-R49W & the SW¼ NW¼ Section 25 T102N-R49W all in Mapleton Township.

Present Zoning – Mapleton Golf Course Planned Development

Existing Land Use – Cropland

Parcel Size – 203.33 Acres

Staff Report: Kevin Hoekman

Staff Analysis: The applicant has submitted a final development plan for the newly rezoned Mapleton Golf Planned Development. Staff has included the site plans for the Planning Commissions' review. Section 14.04 (D). contains a list of information that must be included on the Final Development Plan. Below is the list, in bold, with staff review of each item as to how the requirement has been met:

(1). Size and location of proposed structures including height and number of units.

Five total buildings are depicted within the plan. The clubhouse, lodging, cart shed, and maintenance building are located on the northern portion of the property. All these buildings except the lodging will be one story tall and be under the 30 feet tall zoning height restriction. A single story halfway house/comfort station is depicted in the southern portion of the property. It will serve as bathroom and have refreshments for golfers. Each building on the site plan includes a square footage of the building.

(2). Calculated floor area for each structure and a generic listing of the uses within said structure.

Each building in the plan includes a square footage and listed use.

(3). Off-street parking lot arrangement designating all parking spaces, off- street loading spaces, and any outdoor trash container spaces.

There are 89 parking spaces depicted in the final development plan for the clubhouse and lodging. An additional 20 spaces are located near the maintenance shed for staff. A total of 109 parking spaces are available for the property. The ordinance requires one parking space for every 300 square feet of a private club or lodge, and one parking space for every two beds. This equates to 47 parking spaces for the clubhouse and 24 spaces for the lodging if there is one space per lodging unit. Additional parking is available for employees. There is adequate parking available to meet ordinance requirements.



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Off street loading will take place in the maintenance building area and two areas for trash enclosures are shown. One for the clubhouse and one for the maintenance area.

(4). Any sidewalks, bikeways or other paths.

There are golf cart paths shown throughout the golf course. A maintenance path is shown following the east property line. The cart paths and walkways near the clubhouse are depicted as concrete and the paths further away are gravel or other similar surface.

(5). Landscaping plans showing the type and location of any walls or fences, the placement, size and species of any trees or shrubs, and berms in areas that will be sod or seeded.

The landscaping plan indicates there will be turf grass throughout the front yard and trees planted in the parking lot medians and along the north property line. Trees are also indicated around the maintenance shed. Specific species of trees and shrubs are not indicated. There are no landscape requirements that must be followed for the development. If the Joint Planning Commission desires specific landscape requirements, then requirements can be added to the conditions of approval for the final development plan.

(6). All existing and proposed utilities, drainage ways, water courses, and location of above ground existing utilities on adjacent property.

The submitted final development plan indicates the proposed location for drainage and storm sewer. There are also plans for location of water and wastewater lines throughout the clubhouse area. Wastewater is indicated to travel to the east to a large mound septic system to service the entire facility except the halfway house. The halfway house is described to have its own septic system. There are plans to drill up to three wells on the site for irrigation. Two ponds will be located on the south side of the property to hold water for irrigation purposes.

(7). Proposed final ground contours.

The submitted plans include general contours for the entire golf course and more detailed contours for the clubhouse area. A retention pond for storm water runoff is proposed south of the maintenance shed.

(8). Existing and proposed uses adjacent to the area.

The neighboring property to the east of the clubhouse area is the Laurel Ridge event barn. Northwest of the clubhouse area is a residential subdivision. A short distance north of the property is the Veterans Cemetery. Other land uses in the area include agriculture, residential acreages, and the Interstate Highway.

(9). Documentation of the ownership and maintenance responsibility of any common open spaces, structures, or facilities including private streets.

All driveways, parking, golf space, and buildings on the property are owned by the same company. The applicant listed on the application form is Nineteen Flags LLC. Nineteen



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Flags LLC is listed as an owner in the records from Equalization. The owner will be responsible for maintenance of all improvements placed on the property.

(10). Any subareas proposed for multiple residential development will be required to provide an open area for recreation. Said open spaces shall not be included in any required yard, but shall be located in the same subarea it is intended to serve.

There are no residential development areas within the planned development.

(11). Proposed parking and loading spaces which shall be in conformance with Article 16.00, except where unique physical, environmental or design characteristics make such requirements undesirable.

There are 89 parking spaces depicted in the final development plan for the clubhouse and lodging. An additional 20 spaces are located near the maintenance shed for staff. The available parking and loading spaces meet parking requirements.

(12). Unless otherwise specified on the Final Development Plan, all development standards shall be the same as those set forth in the traditional zoning districts, which shall be referenced for each subarea as a part of the Final Development Plan. For example: townhouses on Block X shall be developed in conformance with the requirements of the RD Residential District.

The Mapleton Golf Planned Development was approved in June of 2023. The PD has one subarea, and the area for future clubhouse, cabins, and maintenance shed was indicated on the north side of the lot within the preliminary plan. The final development plan has changed slightly to accommodate a portion of the golf course onto neighboring land to the east. The neighboring land is not within the original planned development, and the additional golf course space is pending a decision for Conditional Use Permit #24-05.

Slip Up Creek passes through the subject property. The golf course portion of the property will cross Slip Up Creek several times. Work will be done within an unstudied portion of the floodplain including dirt moving and construction of three bridges over Slip Up Creek. A floodplain development permit will be required for each structure and for the dirt work. City of Sioux Falls staff is recommending that the Sioux Falls floodplain ordinance is followed because of close proximity. Extra information will need to be presented by the petitioner for compensatory cut and fill and for presenting a no-rise statement/memo. This means any dirt brought into the floodplain will be required to have dirt taken out of the floodplain. Engineering for the floodplain development permits will then be able to ensure that the structures and dirt fill will not back water up stream and onto neighboring properties.

The parking, sign, and density regulations for the Planned Development match regulations of the C-Commercial Zoning District. When the Planned Development was adopted in summer of 2023, four other regulations were included. The other regulations go beyond typical zoning districts and the regulations for the Mapleton Golf Planned Development listed below:

- a) *Only one driveway access shall be allowed onto Slip Up Creek Road.*



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- b) *The driveway access onto Slip Up Creek Road requires approval from Minnehaha County Highway Department*
- c) *The hours of operation for service for the bar shall be between 7:00 a.m. and 2:00 a.m.*
- d) *All outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.*

The regulation to allow only one driveway access is important to consider. The final development plan includes two access driveways onto Slip Up Creek Road. The ordinance as adopted cannot allow two access driveways. The applicant recently informed county planning staff that they submitted an application for two driveway accesses to the County Highway Department. In the area within joint jurisdiction, the City Streets Department must sign off on any approvals to allow access, but the driveway access is still pending. County Planning Staff has not received comments from the city regarding street access of this planned development. There are several potential decisions the Joint Planning Commission can make pending the street department review of road access.

Scenario 1. The Planning Commission can defer action until the street department makes final decision on street access. This has potential to delay the applicant planned start of construction for buildings.

Scenario 2. The Planning Commission can require a new final development plan submittal for one street access to the site to follow the planned development as adopted in June 2023.

Scenario 3. The Planning Commission can approve the final development plan with two access driveways pending approval of County Highway and City Street Departments of the two access driveways. If the Planning Commission approves the final development plan and approval is granted by the Highway and Street Departments, then the applicant must apply for a major amendment to remove the requirement for one street access in the planned development.

Since the application meets all other requirements, and the applicant is actively working with county and city officials on all aspects of the process, County Planning Staff is recommending approval of the final development plan with two street accesses. After approval, the applicant must apply for a major amendment of the planned development district, and it must be approved before the second driveway can be fully installed. This will allow work to begin in a timely manner. In the event the second driveway is not approved a new final development plan can be submitted at a later date.

Recommendation: Staff finds that the Final Development Plan meets the requirements of the Zoning Ordinance and the Mapleton Golf Course Planned Development District. Staff recommends **approval** of the Mapleton Golf Course Final Development Plan #24-01 to allow the construction of a golf course with the following conditions:



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- 1). That all outside security lighting and parking lot lights shall be fully cut-off and fully shielded with recessed lights that prohibit the spillage of light beyond the boundaries of the subject property.
- 2). That all existing drainage is maintained and that erosion control measures are implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water.
- 3). That the applicant obtains a building permit for each structure prior to any construction commencing on the site.
- 4). There shall be no parking allowed on Slip Up Creek Road.
- 5). The driveway off of Slip Up Creek Road and the parking areas shall be hard surfaced.
- 6). A floodplain development permit must be obtained prior to and dirt work or any structures being installed within the floodplain. A no-rise statement must be included with the application for a floodplain development permit.
- 7). Conditional Use Permit #24-05 must be approved to work in conjunction with the Final Development Plan.

Public Testimony

Commissioner Neises recused himself from the hearing on this item and the City of Sioux Falls Planning Commission was chaired by Aaron Norman.

Kevin Hoekman, of county planning staff, explained the staff report and amended conditions to the commission. Kevin stated that the amended conditions are regarding the second driveway access that was included within the final development plan.

Commissioner Duffy asked planning staff to clarify if this request will be presented to the Planning Commission again. Kevin Hoekman explained that the planned development approved in the summer of 2023 only allowed for one access onto Slip Up Creek Road. Therefore, this final development plan can be approved by the commission with the condition that the petitioner be approved for a major amendment to their planned development, in order to allow the second driveway onto the site. Kevin also explained that the condition for the second driveway will only be approved while the Minnehaha County Highway Department maintains Slip Up Creek Road. Once this road is annexed into Sioux Falls, the City Streets Department will have the authority to re-evaluate the second access, and this has been explained to the petitioner.

Riley Rinehart, of DGR Engineering, was representing the petitioner at the meeting and addressed the commission with his comments on the request. Mr. Rinehart explained that he had coordinated with city engineering staff, county highway staff, and planning staff on the second driveway. Mr. Rinehart also explained that the petitioner understands the major amendment requirement, and has no objections to the amended conditions recommended by staff.

Tyler Childress, of 47675 Slip Up Creek Road Sioux Falls, SD, addressed the commission with his comments regarding the proposed final development plan. Mr. Childress stated that the second driveway for this property is located very close to his existing driveway for the Laurel Ridge event facility. Mr. Childress stated that this could cause some confusion among visitors to



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his event facility, and could potentially lead to accidents on the road. Mr. Childress also commented that he would like to see some sort of screening installed between the proposed maintenance building on the east side of this property and his property. Finally, Mr. Childress stated that he already has some issues with drainage on his property, and that he has some concerns regarding drainage from the golf course impacting his property.

Riley Rinehart returned to the podium to address the concerns raised by the Mr. Childress. Mr. Rinehart explained that the driveway locations on the final development plan were at the request of city engineering and county highway staff. He also explained that they will be incorporating a detention pond for stormwater runoff, and the drainage on the property will be maintained. Mr. Rinehart then stated that they will be installing some vegetation near the maintenance building, and that they will maintain this area in order to keep it as clean as possible. Finally, Mr. Rinehart explained that the gravel road on the east side of the site will only be a small maintenance road for staff, and will also allow access to the on-site septic system when needed.

Commissioner Randall asked Mr. Rinehart if the petitioner would be open to a privacy fence being installed to the east of the maintenance building. Commissioner Randall also commented that dust from the gravel maintenance road could be an issue to the neighbors. Mr. Rinehart explained that a privacy fence could be incorporated into the plan east of the maintenance building, but that traffic on the gravel maintenance road will be minimal, meaning dust should not be an issue.

Commissioner Kittams asked Mr. Rinehart if both of the driveways into the property will have gates installed. Mr. Rinehart explained that both entrances to the site will have a gate. He further stated that the west entrance will be operated remotely and the east entrance will be operated manually. Additionally, the west entrance will be used for visitors to the golf course, and the east entrance will be utilized by maintenance staff. Finally, he stated that there will also be a gate on the driveway within the property, in order to separate the maintenance portion from the visitor's portion.

Discussion

Commissioner Randall stated that she understands the concern regarding the screening of the maintenance building to the neighboring property. Commissioner Randall commented that she would like to see a condition added that requires a privacy fence on the east side of the maintenance building. Scott Anderson, the County Planning Director, clarified if the intent was for the fence to be east of the maintenance yard and not the maintenance building. Commissioner Randall agreed with this clarification.

Commissioner Randall made a motion for the County to approve the final development plan with the nine amended conditions, including a condition requiring a screening fence to the east of the maintenance yard. The motion was seconded by Commissioner Kippley.

At this time, Commissioner Johnson stated that with the additional landscaping shown on the concept plan, he does not believe a condition requiring a privacy fence is necessary.



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Commissioner Randall commented that her reasoning for the additional conditional was based on her concern that the plan submitted to screen the maintenance building was not detailed enough. Therefore, Commissioner Randall stated that she wanted to add a condition requiring the fence, so that the visitors to the neighboring event facility do not have to see a maintenance building with various maintenance materials.

Commissioner Johnson stated that he would not be in support of a condition that requires a privacy fence to the east of the maintenance yard, but that he is open to more discussion on potential screening.

Tyler Childress and Riley Rinehart returned to the podium together to explain to the commission that they would both prefer a natural screening buffer over a privacy fence, and that this could be added as a condition in place of the privacy fence requirement.

Commissioner Randall withdrew her motion to approve the final development plan with the nine amended conditions, and Commissioner Kippley also withdrew his second to that motion.

Commissioner Randall asked planning staff how the commission has handled these situations in the past, and how specific the commission needs to be with their additional condition. Scott Anderson explained that the commission could include a condition that requires the petitioner to submit a landscape plan for the area east of the maintenance yard to the Planning Director for review and approval. This landscape plan would then need to be approved prior to the opening of the golf course.

Action

A motion was made for the County by Commissioner Randall to **approve** Final Development Plan #24-01 with the nine amended conditions recommended by staff and discussed with the commission. The motion was seconded by Commissioner Kippley. The motion passed with 6 votes in favor and 0 votes against the motion.

The same motion was made for the City by Commissioner Johnson to **approve** Final Development Plan #24-01 with the nine amended conditions recommended by staff and discussed with the commission. The motion was seconded by Commissioner Kittams. The motion passed with 3 votes in favor and 0 votes against the motion.

Final Development Plan #24-01 – Approved with the following conditions:

- 1) That all outside security lighting and parking lot lights shall be fully cut-off and fully shielded with recessed lights that prohibit the spillage of light beyond the boundaries of the subject property.
- 2) That all existing drainage is maintained and that erosion control measures are implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water.
- 3) That the applicant obtains a building permit for each structure prior to any construction commencing on the site.



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- 4) There shall be no parking allowed on Slip Up Creek Road.
- 5) The driveways off of Slip Up Creek Road and the parking areas shall be hard surfaced.
- 6) A floodplain development permit must be obtained prior to and dirt work or any structures being installed within the floodplain. A no-rise statement must be included with the application for a floodplain development permit.
- 7) Conditional Use Permit #24-05 must be approved to work in conjunction with the Final Development Plan.
- 8) A Major Amendment must be approved to allow a second driveway access onto Slip Up Creek Road. The second driveway access is only approved while Minnehaha County Highway maintains Slip Up Creek Road. The City Streets Department will have the ability to re-evaluate the second driveway access when Slip Up Creek Road is annexed into the City of Sioux Falls.
- 9) That a landscape plan for the area east of the maintenance yard must be submitted to the Planning Director for review and approval, prior to the opening of the golf course.



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ITEM 5. ZONING TEXT AMENDMENT #24-02 to amend the Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls to add Intermodal Shipping Container Regulations.

Petitioner: Minnehaha County

Staff Report: Kevin Hoekman

Staff Report: Kevin Hoekman

Staff Analysis:

Shipping containers are increasingly being used for various purposes including individual storage and as building blocks for construction throughout Minnehaha County. The increasing use of shipping containers is leading to increasing complaints by neighbors concerned about unsightliness of the metal boxes. Regulations regarding the use of shipping containers do not exist in the zoning ordinance, but the most recent building code book includes a section to regulate the use of shipping containers like a building material for larger structures such as sheds and even houses.

Shipping containers are not listed or defined in the current zoning ordinance. The International Residential Building Code defines an intermodal shipping container as a six-sided steel unit originally constructed as a general cargo container used for the transport of goods and materials. Standard sizes are defined through the International Organization for Standardization as 8' x 20' and 8' x 40', but sizes can vary from these standard dimensions.

Staff prepared a draft ordinance amendment and presented it to the Joint Planning Commission for review in January. Sioux Falls Planning staff reported that the proposed amendment fits regulations uses within the city.

The proposed amendments attempt reinforce requirements of the building code for when engineering is required for container and container structures. When shipping containers are used for permanent structures, building permit and code requirements must be met. Furthermore, shipping containers are limited in residential zoning districts to one permitted freestanding container. A conditional use permit is required if more than one shipping container is desired. An exception for a building permit is made to allow shipping containers during construction when a building permit is issued.

Recommendation: Staff recommends **approval** of Zoning Text Amendment #24-02 to amend the Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls to add Intermodal Shipping Container Regulations.

Public Testimony & Discussion

Commissioner Neises returned to the commission to chair the rest of the meeting for the City of Sioux Falls Planning Commission.

Kevin Hoekman, of county planning staff, presented the proposed ordinance and staff recommendation to the commission.



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Commissioner Johnson asked staff if there will be a temporary permit with an issued date for these structures, so that staff can enforce the 90-day temporary use regulation. Kevin Hoekman explained that there would not be a temporary permit for these structures, and that the 90-day regulation would be enforced based on complaints received in the planning office. Kevin also explained that the 90-day temporary use regulation can be extended if there is an active building permit for other work on the property.

Commissioner Kippley commented that this ordinance is already in place in the county zoning ordinance, and that he would appreciate consistency between the joint zoning ordinance and the county zoning ordinance.

Action

A motion was made for the County by Commissioner Kippley and seconded by Commissioner Ralston to **approve** Zoning Text Amendment #24-02. The motion passed with 6 votes in favor and 0 votes against the motion.

The same motion was made for the City by Commissioner Kittams and seconded by Commissioner Mullaly to **approve** Zoning Text Amendment #24-02. The motion passed with 4 votes in favor and 0 votes against the motion.

Zoning Text Amendment #24-02 – Approval Recommended



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Old Business

None.

New Business

None.

Adjourn

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

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

The meeting was **adjourned** at 7:41 p.m.