

THE MINNEHAHA COUNTY COMMISSION CONVENED AT 5:00 PM on February 27, 2024, pursuant to adjournment on February 27, 2024. COMMISSIONERS PRESENT WERE: Bender, Bleyenberg, and Kippley. Commissioners Beninga and Karsky were absent. Also present were Kym Christiansen, Commission Recorder, and Maggie Gillespie, Senior Deputy State's Attorney.

City Council Members present: Barranco, Cole, Jensen, Neitzert, Selberg, Soehl, Starr. Council Member Merkouris and Mayor TenHaken were absent.

Acting Chair Bender called the meeting to order.

MOTION by Bleyenberg, seconded by Kippley, to Approve the Agenda. 3 ayes. The City concurred.

CONDITIONAL USE APPEALS

Scott Anderson, Planning Director, gave a briefing on an appeal of a decision by the Joint Planning Commission to deny Conditional Use Permit #24-01 to allow a short-term rental. The property is legally described as Tract 3, Andy's Acres, Section 23-T102N-R49W, Mapleton Township. The petitioner and property owner are Don't Ask Holdings, LLC. The applicant is seeking a conditional use permit to allow the residence at 47644 Slip Up Creek Road to be used for short-term rental. On January 23, 2023, the Joint Planning Commission denied a conditional use permit request to operate a bed and breakfast establishment on the subject property. At that time, there was no definition for a vacation home rental/short term rental nor was that use identified in the zoning ordinance. A bed and breakfast establishment was the land use that best fit what the applicant was requesting, and an application was submitted. Following the Planning Commission action, the applicant did not appeal the recommended denial and continued to operate short-term rentals of the subject property. The applicant applied for a short-term rental on November 30, 2023, which was the day an ordinance amendment addressing Vacation Home Rental/Short Term Rentals became effective. The County Planning Staff has received numerous complaints from neighbors. The Joint Planning Commission heard the item at the January 22nd Planning Commission meeting. Several neighborhood residents spoke in opposition to the request at the Planning Commission hearing. The County Planning Commission and the Sioux Falls Planning Commission unanimously denied Conditional Use Permit #24-1. Public comment was received from Tyler Childress, Ryan Bechtold, John Beck, Duane Wegman, Tina Gunn, Christine Beck, Scott Zwack, Avery DeGasso, and Stephanie Peterson.

MOTION by Kippley, seconded by Bleyenberg, to Uphold the Decision of the Joint Planning Commission and Deny Conditional Use Permit #24-01 to Allow a Short-Term Rental on the Property Legally described as Tract 3, Andy's Acres, NE1/4SW1/4 Section 23-T102N-R49W, Mapleton Township. By roll call vote: 3 ayes. The City concurred.

Kevin Hoekman, Planner, gave a briefing on an appeal of a decision by the Joint Planning Commission Approving Conditional Use Permit #24-03 to allow a short-term rental. The property is legally described as Tract 1 Rollingers Skyline Addition Section 28-T101N-R48W Split Rock Township. The petitioner and property owner are Thomas Luke. The petitioner is requesting to utilize the existing house on 2700 S River Bluff Road for a short-term retail. The location of this property is south of Arrowhead Park in Rollinger's Skyline Addition. Minnehaha County and the City of Sioux Falls recently amended the joint zoning ordinance to include short-term rentals and vacation homes with approval of a conditional use permit in all zoning districts that include residential dwellings. The plans submitted by the petitioner include a reduced limit on the number of guests to a total of eight people. The limit is incorporated into the conditions of approval. The petitioner has informed staff that he will ask for the removal of condition five, which requires the installation of a six-foot tall privacy fence on the east property line. The Joint Planning Commission heard the item at the January 22nd Planning Commission meeting. Several neighborhood residents spoke in opposition of the request. The County Planning Commission approved the CUP unanimously, while the Sioux Falls Planning Commission approved it with three votes in favor and one vote against the motion. The application was approved and staff received two appeal letters with explanations for why the application should be denied. Public comment was received from Tom Luke, Trisha Luke, Chad

Osmundson, Patricia Peterson, and Jason Sikkink.

MOTION by Kippley, seconded by Bleyenberg, to Amend the Decision of the Joint Planning Commission and approve Conditional Use Permit #24-03 to Allow a Short-Term Rental on the Property Legally Described as Tract 1 Rollingers Skyline Addition Section 28-T101N-R48W Split Rock Township with the Additional Condition that the Conditional Use Permit will Expire on June 1, 2026, and Remove the Condition for the Requirement of a Fence. By roll call vote: 3 ayes. The City concurred.

OPPORTUNITY FOR PUBLIC COMMENT

Chris Cooper, Sioux Falls, spoke about the future of downtown Sioux Falls especially the government section.

MOTION by Bleyenberg, seconded by Kippley, to Adjourn at 6:25 p.m. 3 ayes. The City concurred.

The Commission adjourned until 9:00 a.m. on Tuesday, March 5, 2024.

APPROVED BY THE COMMISSION:

Dean Karsky
Chair

ATTEST:

Kym Christiansen
Commission Recorder