



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

MARCH 25, 2024

**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS
March 25, 2024**

A joint meeting of the County and City Planning Commissions was held on March 25, 2024 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Commissioners Bonnie Duffy, Adam Mohrhauser, Mike Ralston, Ryan VanDerVliet, and Joe Kippely.

CITY PLANNING COMMISSION MEMBERS PRESENT: Bradyn Neises, Kurt Johnson, John Paulson, Erica Mullaly, Aaron Norman, 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 Bradyn Neises.

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 no items were requested to be moved to the regular agenda.

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

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



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ITEM 1. Approval of Minutes – February 26, 2024

As part of the consent agenda, a motion was made for the County by Commissioner VanDerVliet and seconded by Commissioner Ralston to **approve** the meeting minutes from February 26, 2024. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.

The same motion was made for the City by Commissioner Johnson and seconded by Commissioner Norman to **approve** the meeting minutes from February 26, 2024. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.



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Consent Agenda

ITEM 2. CONDITIONAL USE PERMIT #24-11 to transfer one (1) building eligibility from Tract 1 Foster Addition to Tract 2 Foster Addition all in the E½ NW¼ Section 33 T102N-R50W Benton Township.

Petitioner: Foster Family Trust

Land Owner: Same

Location: 46835 W Highway 38

Staff Report: Scott Anderson

General Information:

Legal Description – Tract 2 Foster Addition E½ NW¼ Section 33 T102N-R50W
Benton Township

Present Zoning – A-1 Agricultural

Existing Land Use – Cropland

Parcel Size – 18.64 Acres

Staff Report: Scott Anderson

Staff Analysis: The property is located approximately 2 miles west of Sioux Falls approximately ½ mile from the intersection of SD Highway 38 and County Highway 139 (Ellis Road). The applicant is requesting to move one building eligibility. The applicant would like to move an existing eligibility from Tract 1 to Tract 2. This would place 2 building eligibilities on Tract 2. Tract 2 is currently farm land and has been under cultivation. The applicant has indicated that they desire to subdivide and create two 3 acre lots and offer them for sale.

On March 6, 2024, staff conducted a site visit. The Shatter Addition is located directly north of the proposed site and has six residential lots. This is a newer subdivision and houses are currently being constructed there. The 38 Roadhouse is located approximately ½ mile to the east. There are several other residences located along SD Highway 38.

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 are many residences located near the proposed site. A right-to-farm notice covenant should be required to notify potential buyers to the realities of locating in an agricultural area.

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

The transfer of a building eligibility does not increase the number of dwelling units allowed in this section. The requested location for the eligibilities places them in an area that is developing. Any new access would have to be approved by the South Dakota Department of Transportation. The siting of a building eligibility in this location would have little to no effect on the orderly



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development of the surrounding properties.

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

No other extra utilities or services will be required for this site to utilize the building eligibilities. It is likely that rural water and electricity are already located in the ditch. There is already an approach onto the proposed building site. South Dakota Department of Transportation will need to approve the location of any new driveways to be used for the new lots.

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

The off-street parking requirements will be provided for once a single-family residence is constructed on the subject 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.

The proposed conditional use will not cause odor, fumes, dust, noise, vibrations or lighting in any amounts that would constitute a nuisance.

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

The proposed conditional use will have no effect on the health, safety and general welfare of the public. Placing the building eligibilities in this location will enhance the productivity of the rest of this quarter section and locate the building eligibilities in closer proximity of similar uses.

Recommendation: Staff finds this conditional use permit request to be consistent with density zoning and the comprehensive plan. Staff recommends **approval** of Conditional Use Permit #24-11 with the 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. Approval from SD Department of Transportation must be obtained for the location of any new driveway before a building permit is to be issued.

Action

As part of the consent agenda, a motion was made for the County by Commissioner VanDerVliet and seconded by Commissioner Ralston to **approve** Conditional Use Permit #24-11. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.

The same motion was made for the City by Commissioner Johnson and seconded by Commissioner Norman to **approve** Conditional Use Permit #24-11. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.

Conditional Use Permit #24-11 – Approved



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Old Business

None.

New Business

None.

Adjourn

A motion was made for the County to **adjourn** by Commissioner VanDerVliet 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 7:05 p.m.