

**MINUTES OF THE JOINT MEETING  
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS  
April 23, 2012**

A joint meeting of the County and City Planning Commissions was held on April 23, 2012 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Susie O'Hara, Mike Cypher, Bonnie Duffy and Gerald Beninga.

CITY PLANNING COMMISSION MEMBERS PRESENT: Meredith Larson, Nick Sershen, Denny Pierson, Ken Dunlap and Darla Erb.

**STAFF PRESENT:**

Scott Anderson, Pat Herman, Ryan Streff and Dustin Powers - County Planning  
Steve Randall – City Planning  
Kersten Kappmeyer – Office of the State's Attorney

The County Planning Commission Chair Susie O'Hara presided over the meeting. The City Planning Commission was chaired by Ken Dunlap.

**CONSENT AGENDA**

A motion was made for the City by Larson and seconded by Dunlap to **approve** Items 1 and 3 of the consent agenda and move Item 2 to the regular agenda. The motion passed unanimously. Same motion for the County by Beninga and seconded by Cypher. The motion passed unanimously.

**ITEM 1. Approval of Minutes – January 23, 2012**

A motion was made for the City by Larson and seconded by Dunlap to **approve** the meeting minutes from January 23, 2012. The motion passed unanimously. Same motion for the County by Beninga and seconded by Cypher. The motion passed unanimously.

**ITEM 3. CONDITIONAL USE PERMIT #12-13 to exceed 1200 square feet of accessory building area – 1944 requested.**

**Petitioner:** Lamoyne Brandsma  
**Property Owner:** same  
**Location:** East side of Sioux Falls

**General Information**

Legal Description – Lot 9 Block 2 Pearson's Subdivision in Section 25-T101N-R49W  
Present Zoning – A-1 Agricultural  
Existing Land Use - Residential  
Parcel Size – 0.33 Acres

**Staff Report:** Scott Anderson

**Staff Analysis**

This application is a request to exceed 1200 sq. ft. of accessory building area on a lot in

Pearson's Subdivision. The eleven lot development has seven single family dwellings, the first of which was constructed in 1969. Since that time the city has expanded and now the city limits abut the subdivision on the west, south and east. The subject property is zoned A-1 Agricultural.

The 2002 Joint Zoning Ordinance restricts the accessory building area permitted on a residential lot in Section 15.07 (d).

- (d) Location of Accessory Buildings. Accessory buildings shall not occupy more than thirty (30) percent of the rear yard, subject further to the following limitations:
  - (1) In the A-1 and RC Districts, the total area of accessory buildings shall not exceed 1200 square feet when such buildings are located in a subdivision of more than four (4) lots unless a conditional use permit has been approved.

Reviewing the existing accessory building structures in the subdivision, planning staff observed two accessory buildings totaling 3,205 sq. ft. at 3205 Lisa Drive; a 384 sq. ft. shed at 3301 Lisa Drive; and a 120 sq. ft. shed at 3804 Lisa Drive. Planning Commissions have traditionally approved accessory building requests which do not exceed the size of an existing building in a development.

The southern edge of the property is adjacent to E. 41<sup>st</sup> Street. The required front yard setback from the property line is 50 feet. The applicant wishes to set the accessory building only 30 feet back from the property line. Staff has determined that a variance will not be required for the 30 foot setback as Section 15.11 (b) (3) states:

- (3) ... the lot is within 100 feet of an existing building on one side only, than the front yard is the same as that of the existing adjacent building.

The house located on the east side of Lisa Drive was constructed with only a 30 foot front yard setback from E. 41<sup>st</sup> Street. County Planning, City Planning and City Engineering staff met with the applicants on Monday, April 2, 2012. Shannon Ausen with City Engineering has stated that the lesser setback will not interfere with the city's plans to widen E. 41<sup>st</sup> Street.

**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 requested square footage of accessory building space is less than that largest existing detached structure in this development. An accessory structure should not impact property values on the surrounding lots.

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

The accessory building should not affect the growth within the city nor on the vacant parcels within this subdivision.

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

Access is restricted to S. Lisa Drive.

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

There are no off-street parking or loading requirements for this structure other than as required for a single family dwelling.

**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 use of the structure is for personal storage which should not constitute a nuisance.

**Recommendation**

Joint staff finds the request to exceed 1200 sq. ft. of accessory building area is congruent with the structures in the development and recommended approval of CUP #12-13 to allow 1944 sq. ft. of accessory building area with the following conditions:

1. Total accessory building area on the property shall not exceed 1944 square feet. The accessory building shall measure 1944 square feet on the exterior perimeter.
2. The accessory building shall be used only for personal storage. No commercial use is allowed.
3. Access to the accessory building shall come from Lisa Drive. No access is allowed from E. 41<sup>st</sup> Street.
4. A building permit shall be obtained for the County Planning Office prior to the start of construction.
5. A building inspection is required by the County Building Inspector.

**Action**

A motion was made for the City by Larson and seconded by Dunlap to **approve** Conditional Use Permit #12-13. The motion passed unanimously. Same motion for the County by Beninga and seconded by Cypher. The motion passed unanimously.

**CUP #12-13 – APPROVED**

**ITEM 2. REZONING #12-05 from RC Recreation/Conservation to RR Rural Residential.**

**Petitioner:** Chris Rallis

**Property Owner:** same

**Location:** East side of Sioux Falls

**General Information**

Legal Description – Tract 1 & 2 Scollon's Addition W ½ NW ¼ in Section 21-  
T101N-R48W

Present Zoning – RC Recreation/Conservation

Existing Land Use - Vacant

Parcel Size – 8.72 Acres

**Staff Report:** Pat Herman

**Staff Analysis**

An application has been submitted to rezone property from the RC Recreation/Conservation District to the RR Rural Residential District. The site is located on the eastern edge of Sioux Falls, at the end of E. 10<sup>th</sup> Street. This 8.72 acre parcel sits adjacent to the Arbor's Edge development. The Big Sioux River is the southern border of the property and the site is best described as rolling hills.

The two lots requested to be rezoned each have one residential building eligibility under the current zoning. The applicant is requesting the rezoning to allow a third single family dwelling. The rural residential zoning district requires a minimum lot size of 1 acre so there is the potential of eight residences being constructed on the site.

Access to the lots on the southern tract will come from a newly constructed easement on the western edge of the property on what is a section line. Arbor's Edge has a preliminary site plan approved which shows a cul-de-sac named Canella Avenue on their half of the section line right-of-way. This portion of Canella Avenue is required to be hard surfaced when constructed as it is located within the city limits. The applicant has agreed to work with that developer and hard surface the eastern half on the road at the same time. The applicant is required to submit a preliminary subdivision plan and the hard surfacing will be a condition of approval.

The lots will not be connected to city sewer or water. Minnehaha County Rural Water has run the water line to the adjacent property on the east of the site and has capacity on the line to service the new dwelling units. Each residence will be serviced by a septic system.

**Recommendation**

The Sioux Falls 2035 Future Land Use Map depicts this area for residential development. The applicant's request is consistent with the plan and staff recommended approval of Rezoning #12-05 from RC Recreation/Conservation to RR Rural Residential.

### **Public Testimony**

Commissioner Cypher expressed concern with granting another housing eligibility when there currently is no sanitary sewer hookup for the property. There need to be some conditions that are imposed now that requires the properties to connect to the sanitary sewer when it is constructed for the 4<sup>th</sup> phase of the Arbor's Edge development.

Pat Herman responded by stating that there cannot be any conditions placed on a rezoning however, the applicant will be required to submit a preliminary plan and at that point the Planning Commission could set conditions regarding the sanitary sewer. She noted that the city has planned the sewer basin for this area based on the inclusion of the subject property having 1.25 units per acre.

Commissioner Dunlap asked if there are currently two housing eligibilities to use. Pat Herman indicated that there currently are two housing eligibilities and if this rezoning is approved the applicant wishes to develop three lots.

Commissioner Dunlap asked if a condition could be put in the subdivision plan about when the road to the lots needs to be constructed. Steve Randall indicated that could be a condition on the preliminary plan but not on the rezoning.

The applicant, Chris Rallis, 6400 S. Carriage Lane, believes that this rezoning is merited under the County's Ordinance. The numbers don't work well with just two houses therefore the reason for the request to allow another developable site. He stated that he plans to pave the road and hook up to the city sewer when it becomes available.

Commissioner Dunlap asked Mr. Rallis about the current gravel road to the subject property. Mr. Rallis responded by stating that currently it is a dirt path but is willing to pave the roadway to the specifications in conjunction with the development at Arbor's Edge.

Tim Zoellner, 305 E. Pennbrook Circle, has owned the 41 acres east of Mr. Rallis's property for 20 years and knows the subject property very well. In 2008 he applied to rezone and develop 15 lots on his property but was denied by the City of Sioux Falls because the lack of water and sewer hookups to the property. He believes it makes more sense for him to get another eligibility for his 41 acres than to give one to Mr. Rallis's property that is only 8 acres.

### **Discussion**

Commissioner Cypher stated that the Planning Commission has consistently only approved rural subdivisions if they are able to hookup to sanitary sewer. This property is right at the edge of that line and if we are going to approve this rezoning, the Commission needs to make sure that at the time the preliminary plan is submitted that there are some stiff requirements relative to the sewer district.

Commissioner Beninga agreed with Commissioner Cypher that the conditions will need to be clear when the preliminary plan comes through.

Commissioner Duffy stated that the City of Sioux Falls made an agreement with Split Rock Township to take over the maintenance of the road. At the time of the preliminary plan there will need to be an agreement reached with the Arbor's Edge development and the City of Sioux Falls on the maintenance of the road.

**Action**

A motion was made for the City by Larson and seconded by Pierson to **recommend approval** of Rezoning #12-05 from RC Recreation/Conservation District to RR Rural Residential District. The motion passed unanimously. Same motion for the County by Cypher and seconded by Beninga. The motion passed with a vote of 3-1 (O'Hara voted No).

**REZONING #12-05 – APPROVAL RECOMMENDED**