

**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS
January 28, 2013**

A joint meeting of the County and City Planning Commissions was held on January 28, 2013 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Susie O'Hara, Bonnie Duffy, Mark Rogen, Wayne Steinhauer, Mike Cypher and Jeff Barth.

CITY PLANNING COMMISSION MEMBERS PRESENT: Meredith Larson, Ken Dunlap, Andi Anderson and Denny Pierson.

STAFF PRESENT:

Scott Anderson, Pat Herman, Ryan Streff and Dustin Powers - County Planning
Steve Randall – City Planning

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

CONSENT AGENDA

A motion was made for the City by Anderson and seconded by Pierson to **approve** the consent agenda. The motion passed unanimously. Same motion for the County by Steinhauer and seconded by Cypher. The motion passed unanimously.

ITEM 1. Approval of Minutes – October 22, 2012

A motion was made for the City by Anderson and seconded by Pierson to **approve** the meeting minutes from October 22, 2012. The motion passed unanimously. Same motion for the County by Steinhauer and seconded by Cypher. The motion passed unanimously.

ITEM 2. CONDITIONAL USE PERMIT #13-02 to exceed 1200 square feet of accessory building area – 2050 Requested.

Petitioner: Bill & Julie Waltz

Property Owner: same

Location: 1515 N. Six Mile Road; 1 mile east of Sioux Falls

General Information

Legal Description – Tract 4 (Except W671.6' & Except H-1) Inbergs Tracts E ½
SE ¼ of Section 7-T101N-R48W

Present Zoning – A-1 Agricultural

Existing Land Use - Residential

Parcel Size – 4.95 Acres

Staff Report: Pat Herman

Staff Analysis

The site is located 1.5 miles east of Sioux Falls in one of the more populated areas of the county. Residential land uses are to the north, east, and south and there is farmland to the west. This application is a request to exceed 1200 sq. ft. of accessory building area on a lot in Inberg's Tracts Subdivision. The fourteen lot development has twelve single family dwellings, the first of which was constructed in 1969. The subject property is zoned A-1 Agricultural and is shown on the 2035 Future Land Use Plan as existing rural residential.

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.

The petitioners currently have an 800 sq. ft. storage shed and wish to construct a 1250 square foot accessory building. They are requesting a total accessory building square footage of 2,050 square feet.

Reviewing the existing accessory building structures in the subdivision, planning staff observed one accessory building on the property immediately to the west at 7504 E. Elston Place which is 2,400 square feet in size. This building was approved by the joint Planning Commission in 2004. Planning Commissions have traditionally approved accessory building requests which do not exceed the size of an existing building in a development.

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 for 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 on the vacant parcels within this subdivision.

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

Access is restricted to the existing driveway from Six Mile Road.

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 found the request to exceed 1200 sq. ft. of accessory building area is congruent with the structures in the development and recommended approval of CUP #13-02 to allow 2,050 sq. ft. of accessory building area with the following conditions:

1. Total accessory building area on the property shall not exceed 2,050 square feet. The new accessory building shall measure 1250 square feet on the exterior perimeter.
2. The accessory building shall be used only for personal storage. No commercial use is allowed.
3. The accessory building shall not exceed one story in height.
4. A building inspection is required to determine that the new building does not exceed 1,250 square feet measured from the outside perimeters.
5. A building permit is required prior to the start of construction.
6. That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
7. That the Planning & Zoning Department reserves the right to enter and inspect the accessory building at any time, after proper notice to the owner, to ensure that the property is in compliance with the conditional use permit conditions and the Minnehaha County Zoning Ordinance.

Action

A motion was made for the City by Anderson and seconded by Pierson to **approve** Conditional Use Permit #13-02 with the stated conditions. The motion passed unanimously. Same motion for the County by Steinhauer and seconded by Cypher. The motion passed unanimously.

CUP #13-02 - APPROVED

ITEM 3. CONDITIONAL USE PERMIT #13-04 to allow a private airfield and landing strip.

Petitioner: Thomas Monnin

Property Owner: same

Location: 46717 267th Street; 2 miles west of Sioux Falls

General Information

Legal Description – N ½ (Except Tracts 8 & 9 Costello Addition & Except Resurrection Addition) of Section 32-T101N-R50W

Present Zoning – A-1 Agricultural

Existing Land Use - Agriculture

Parcel Size – 168 Acres

Staff Report: Pat Herman

Staff Analysis

The subject property is located on the south side of 267th Street approximately two miles west of Sioux Falls. This is County Highway 148 and 41st Street exiting Sioux Falls. The surrounding land uses are a mix of agricultural fields and residential acreages. This property is located in the joint planning area of Sioux Falls and Minnehaha County. The Sioux Falls 2035 Future Land Use Plan does not include this property but ends ¾ mile to the east at the intersection of 267th Street and 486th Avenue. The plan depicts residential development and a school. A bit further east is a suggested business park where the future west side bypass would intersect 41st Street.

The petitioner would like to construct a private airport for his own use. Airport is listed in the Joint Zoning Ordinance as a conditional use selection. The term airport is a bit misleading as the use of the facility is only for the petitioner and his family members. There will be no commercial traffic nor will this be an airport park where the facility is shared by residential neighbors.

Two runways would cross the property in the formation of an X. The main runway is situated at a northwest to southeast angle will be 2200 feet in length. The second runway is a bit shorter at 1760 feet long. Both runways will be constructed of turf and be approximately 75 feet wide. The main runway will be in use most of the time as it is situated for the prevailing winds.

The FAA has regulations for runway construction and setbacks for facilities which receive grant money or function as an airport. Staff could not find any regulations for this type of single use airfield. The petitioner is working with the Sioux Falls Airport to ensure he meets any safety standards they may require.

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 nearest single family residence owned by the Beuckens is located 1,476 feet west southwest from the end of a runway. All other residential dwellings are situated at a minimum of ½ mile

from the site. The petitioner will only operate during daylight hours and the impact on surrounding property should be minimal.

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

The use of the air strip for only the petitioner's personal use will limit the amount of traffic and the potential for conflicts. There are residential building eligibilities on the surrounding properties which have not been used. Instillation of the airfield should not limit the use of the available building sites in the area.

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

Access to the airstrip would be via the petitioner's property. No additional driveways onto the highway would be necessary.

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

The petitioner has ample space on their property for any required parking.

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.

There should be little continuing impact from odor or fumes. The potential for noise should be addressed by limiting the hours of operation of the use. There will not be any lighting on the runways.

Recommendation

Joint staff found that a personal airport can be compatible with the surrounding land uses and recommended approval of conditional use permit #13-04 with the following conditions:

1. The airport shall be used only for the petitioner's private use. No commercial use shall be operated from the premises.
2. The hours of operation of the airport shall be limited to the hours between 6 A.M. and 10 P.M.
3. Outdoor lighting of the runways is prohibited.
4. The airport shall meet all FAA requirements.

Action

A motion was made for the City by Anderson and seconded by Pierson to **approve** Conditional Use Permit #13-04 with the stated conditions. The motion passed unanimously. Same motion for the County by Steinhauer and seconded by Cypher. The motion passed unanimously.

CUP #13-04 - APPROVED

ITEM 4. CONDITIONAL USE PERMIT #13-06 to exceed 1,200 square feet of accessory building area – 1,590 Requested.

Petitioner: Randy & Linda Williams

Property Owner: same

Location: 2000 W. 70th Street N.; ¼ mile north of Sioux Falls

General Information

Legal Description – Tract 3 Swansons Tracts of Section 30-T102N-R49W

Present Zoning – A-1 Agricultural

Existing Land Use - Residential

Parcel Size – 1.04 Acres

Staff Report: Dustin Powers

Staff Analysis

The property owner has applied for a conditional use permit to exceed the 1,200 square feet of accessory building area on property legally described as Tract 3 Swansons Tracts of Section 30-T102N-R49W. The property owner is requesting this conditional use permit to construct a 1,590 (30' x 53') square foot storage building for personal storage.

In this area there are two properties that exceed 1,200 square feet of accessory building area. The total accessory building areas are: 1,296 square feet on 6104 N. Swanson Drive and 1,600 square feet at 6205 N. Hummingbird Avenue.

The property owner would like to construct this accessory building northwest of the primary structure. Regulations regarding accessory buildings found in *Article 15.07 Accessory Buildings and Uses* shall be met. Setbacks for an accessory building that is located in front of the primary structure in the A-1 Zoning District are front yard 30' (50' front yard along arterial or section line roads), side yard 7', and rear yard 30'. Detached accessory buildings may have a 3' side yard and 3' rear yard setback if the building is located in the rear yard with more than 10' between the house and accessory building.

In residential developments which exceed five or more lots in size, accessory building area is limited to 1,200 sq. ft. unless approval for a larger size is obtained through the conditional use permit process.

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 larger accessory structures in the general area of this property. The proposed site for the structure meets all applicable setbacks and the placement of the structure should have little impact on neighboring properties. The construction of this accessory building should not impede on the enjoyment or use of the surrounding properties or effect property values.

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

The construction of the proposed building should have no impact on further construction or development within the subdivision or general area. The building will only be used for the owner's personal storage or residential related items and no commercial or business activities are allowed.

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

Access to the proposed accessory building would be through the current access to the primary structure (W. 70th Street N.). No other infrastructure improvements are required at this time.

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

The property has sufficient parking for all residential activities.

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.

There should be no offensive odors, fumes, dust, noise or vibration from the allowed residential uses on this property. All outdoor lighting shall be of a full-cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries. The proposed building will only be used for personal storage and no commercial or business related activities will be allowed.

Staff has found that these conditions for approval will help ensure that over-sized accessory buildings will fit in with the character of the surrounding properties. The planning department will perform a building inspection to ensure that the accessory building adhered to the submitted site plan and conditions.

Recommendation

Staff found that the proposed accessory building size conforms to the general sizes of other accessory buildings in the area. Staff recommended approval of conditional use permit #13-06 with the following conditions:

1. That the accessory building area on the property shall not exceed 1,590 square feet.
2. That the building shall not exceed 35 feet in height.
3. That a building inspection is required to measure the outside dimensions of the building.
4. That a building permit is required.
5. That the building shall be an accessory use to the continued use of the property as a residential lot.
6. That only personal residential storage shall be allowed in the building and no commercial uses or commercial storage will be allowed.
7. That all outdoor lighting shall be of a full-cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
8. That the Planning & Zoning Department reserves the right to enter and inspect accessory buildings at any time, after proper notice to the owner, to ensure that the

property is in compliance with the conditional use permit conditions and the Minnehaha County Zoning Ordinance.

Action

A motion was made for the City by Anderson and seconded by Pierson to **approve** Conditional Use Permit #13-06 with the stated conditions. The motion passed unanimously. Same motion for the County by Steinhauer and seconded by Cypher. The motion passed unanimously.

CUP #13-06 - APPROVED

ITEM 5. CONDITIONAL USE PERMIT #13-07 to allow motor vehicle sales and display.

Petitioner: Robert Ediger

Property Owner: Tracey Domanque

Location: 4909 N. National Avenue; north edge of Sioux Falls

General Information

Legal Description – Tract 13 (Except H-1) CO. AUD. SUB. NW ¼ of Section 34-
T102N-R49W

Present Zoning – I-1 Light Industrial

Existing Land Use - Commercial

Parcel Size – 0.805 Acres

Staff Report: Dustin Powers

Staff Analysis

The petitioner is requesting approval of Conditional Use Permit #13-07 to allow motor vehicle sales and display. The subject property is located in Section 34 of Mapleton Township within an industrial area that incorporates land within and outside the city limits of Sioux Falls. Currently the property has an existing single family home that is occupied and accessed off of E. 60th Street N. and an existing auto repair business that is operating and accessed off of N. National Avenue.

The petitioner has indicated that the business will mostly be by appointment and would operate between the hours of 10am – 8pm. There is expected to be anywhere between 5 – 20 cars on location at a time, with the goal of selling 10 cars a month. All of the vehicles will be advertised thru the internet. The display areas will be located at the intersection of N. National Avenue and E. 60th Street N., and at the south end of the lot along N. National Avenue.

Joint staff has reviewed the application and agrees that this use fits in with the zoning ordinance and surrounding properties. With the location of the property adjacent to city limits, staff recommends that the landscaping standards of City of Sioux Falls be addressed for this property. According to Section 160.485 of the Revised Ordinances of Sioux Falls:

- A. *Trees shall be required at the rate of one tree per 50 feet of frontage or one tree per six parking, loading and stacking spaces provided on the site, whichever is greater. Where fractional trees result, the number of required trees shall be rounded to the nearest whole number.*

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.

This is an industrial area, so the proposed use should blend in quite well and should not impact the use, enjoyment or property values of other property in the area.

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

The proposed use should be compatible with those types of uses that are predominant in this industrial development. The proposed use is consistent with the types of uses found in industrial zoning districts and should not impede future industrial development in the area.

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

Access to the site will be provided off of N. National Avenue. No other utilities or facilities are being proposed at this time.

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

The Zoning Ordinance specifies that one (1) parking space for each 300 square feet of floor area. At this time staff is satisfied with the 5 parking spaces.

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 applicant will be conducting a business that will produce little noise, dust and vibration. The owner shall take measures to control the amount of these nuisances so that adjacent property owners are not affected. The area is located within an industrial area and should not be out of line with noises typically found in an industrial area. All outside lighting shall be fully cut-off and fully-shielded with recessed lights that prohibit the spillage of light beyond the boundaries of the property.

Recommendation

Staff found that the proposed use is appropriate within the industrial area and recommended approval of Conditional Use Permit #13-07 to allow for the display and sales of motor vehicles with the following conditions:

- 1) That Conditional Use Permit #13-07 shall allow sales and display of motor vehicles.
- 2) That a 15' buffer shall be provided along all right-of-way frontages (N. National & 60th Street N.) and trees shall be required at the rate of one (1) tree per 50 feet of frontage. No parking or display areas shall be allowed within this 15' buffer.
- 3) That employee parking, customer parking, display, storage or similar uses shall not be allowed within any right-of-way or occur on any roadway.
- 4) That no unlicensed vehicles, inoperable or partially dismantled vehicles or equipment or parts shall accumulate or be displayed on the property.
- 5) That all outside lighting shall be have a recessed light that directs light downward and prohibits the spillage of light beyond the boundaries of the subject property.
- 6) That the use shall operate with a South Dakota motor vehicle dealer license.
- 7) That the normal hours of operation shall be from 10:00 AM to 8:00 PM.
- 8) That the lot shall adhere to the submitted site plan and application dated 12-26-2012.
- 9) That the applicant shall meet the parking requirements as outlined in Article 16 of the Minnehaha County & Sioux Falls Joint Zoning Ordinance. At this time staff is satisfied with the 5 parking spaces.

- 10) That all driveways, parking lots, and loading/unloading areas shall be constructed with a hard surface.
- 11) That the business operator shall obtain and maintain a South Dakota sales tax license.
- 12) That all setbacks for the property shall conform to all requirements stated in *Article 7.00 I-1 Light Industrial District*.
- 13) That all signage shall comply with the zoning ordinance requirements stated in *Article 16.00 On-Premise Signs*.

Action

A motion was made for the City by Anderson and seconded by Pierson to **approve** Conditional Use Permit #13-07 with the stated conditions. The motion passed unanimously. Same motion for the County by Steinhauer and seconded by Cypher. The motion passed unanimously.

CUP #13-07 - APPROVED

Old Business

No Items.

New Business

No Items.

Adjourn

A motion was made for the City by Anderson and seconded by Larson to **adjourn** the Joint Sioux Falls/Minnehaha County Planning Commission meeting. The motion passed unanimously. Same motion for the County by Steinhauer and seconded by Cypher. The motion passed unanimously.