

**MINUTES OF THE JOINT MEETING  
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS  
June 24, 2013**

A joint meeting of the County and City Planning Commissions was held on June 24, 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, Mike Cypher and Jeff Barth.

CITY PLANNING COMMISSION MEMBERS PRESENT: Jessie Schmidt, Ken Dunlap, Andi Anderson and Denny Pierson.

**STAFF PRESENT:**

Scott Anderson, Pat Herman, Dustin Powers and Travis Halm - 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.

**REGULAR AGENDA**

A motion was made for the City by Schmidt and seconded by Anderson to **approve** the regular agenda. The motion passed unanimously. Same motion for the County by Cypher and seconded by Barth. The motion passed unanimously.

**ITEM 1. Approval of Minutes – March 25, 2013**

A motion was made for the City by Pierson and seconded by Anderson to **approve** the meeting minutes from March 25, 2013. The motion passed unanimously. Same motion for the County by Barth and seconded by Duffy. The motion passed unanimously.

**ITEM 2. REZONING #13-004 to rezone from A-1 Agricultural to RR Rural Residential.**

Petitioner: Darren Blair

Property Owner: same

Location: 9000 E. 41<sup>st</sup> Street; 1 mile east of Sioux Falls

**General Information**

Legal Description – N ½ S ½ E330' (Except River Bluffs Addition) S ½ S ½ of 29-T101N-R48W

Present Zoning – A-1 Agricultural

Existing Land Use - Vacant

Parcel Size – 2.63 Acres

**Staff Report:** Dustin Powers

### **Staff Analysis**

An application has been submitted to rezone property from the A-1 Agricultural District to the RR Rural Residential District. The site is located on the east side of Sioux Falls on East 41st Street. This 2.63 acre parcel sits adjacent to the Pine Hills Addition Development.

The lot requested to be rezoned does not have a residential building eligibility under the current zoning. The applicant has requested to rezone the north 1.3 acres of the property to the Rural Residential District to be able to construct a single family home. The rural residential zoning district requires a minimum lot size of 1 acre so there is only the potential for one residential home on the property.

Access to the lot will come from the S. River Bluff Road right-of-way. The road has not been constructed at this time and the applicant would share a driveway with the neighbor to the east that goes south and accesses E. 41<sup>st</sup> Street. Properties to the west and north were rezoned to Rural Residential in 1995-96. The applicant brought this request in 2005 for this property and was denied by a split decision of the County Commission.

Currently the lot would be allowed to operate off a septic system. As the attached email and easement shows, there is proposed construction in 2014-2015 for the sanitary sewer line that would service this property. Once the property is annexed into the City of Sioux Falls, the property owner would be given a timeframe of when the property would be required to connect with the sanitary sewer. Minnehaha County Rural Water has run the water line to the adjacent properties and has capacity on the line to service the new dwelling unit.

### **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 #13-004 from A-1 Agricultural to RR Rural Residential.

### **Public Testimony**

Commissioner Duffy asked if there has been an agreement for the maintenance of the joint driveway between the two property owners who access off of the S. River Bluff Road right-of-way. Dustin Powers indicated that he was not aware of an agreement but the township does not maintain that roadway therefore the property owners would need to provide the maintenance.

Commissioner Cypher indicated that in the township he lives in, the Township is responsible for maintenance on a section line road and would this make Split Rock Township have to maintain this road. Dustin Powers indicated that Split Rock Township would be able to decide whether or not they maintained that road.

Darren Blair, stated that he does not have an agreement with the neighbor because he has seen the County maintaining the road. Dustin Powers indicated that the Township does not maintain that road normally but may have done it occasionally to help the landowners.

Commissioner Schmidt asked if Mr. Blair understood and was okay with hooking into city water when the property is annexed into the city. Mr. Blair indicated that he would be fine with that requirement.

Commissioner Barth asked Mr. Blair what he was intending on doing with the remainder of his lot. Mr. Blair indicated that they plan on cleaning the property up and maintain it as there front yard.

### **Discussion**

Commissioner Dunlap acknowledged that this was one of those situations in which it is considered as creating an eligibility and that is likely why the rezoning was denied in 2005. Commissioner Cypher stated that he was on the Planning Commission at the time and that was exactly why it was denied.

Commissioner Cypher stated that if the sewer line was currently there this rezoning would be approved very easily, but it's not, therefore this falls under the definition of creating an eligibility. It will probably be 10 years before the City annexes this property. This would set a precedent in the County that should not be approved.

### **Action**

A motion was made for the City by Schmidt and seconded by Pierson to **recommend approval** of Rezoning #13-004. The motion passed unanimously (4-0). A motion was made for the County by Cypher and seconded by Duffy to **recommend denial** of Rezoning #13-004. The motion passed 3-1 (Barth voted No).

### **Rezoning #13-004 – DENIAL RECOMMENDED**

### **Old Business**

No Items.

### **New Business**

No Items.

### **Adjourn**

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