

**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS
February 23, 2015**

A joint meeting of the County and City Planning Commissions was held on February 23, 2015 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Becky Randall, Bonnie Duffy, Jeff Barth, Wayne Steinhauer, and Bill Even.

CITY PLANNING COMMISSION MEMBERS PRESENT: Larry Luetke, Denny Pierson, Andi Anderson, Nicholas Sershen, and Kurt Johnson.

STAFF PRESENT:

Scott Anderson, Kevin Hoekman, and David Heinold - County Planning
Diane de Koeyer – City Planning

The County Planning Commission Chair Wayne Steinhauer presided over the meeting. The City Planning Commission was chaired by Andi Anderson.

CONSENT AGENDA

Item 3 was moved to regular agenda for discussion.

A motion was made for the City by Commissioner Sershen and seconded by Commissioner Johnson to **approve** the consent agenda. The motion passed unanimously. Same motion was made for the County by Commissioner Cypher and seconded by Commissioner Barth to **approve** the consent agenda. The motion passed unanimously.

ITEM 1. Approval of Minutes – January 26, 2015

A motion was made for the City by Commissioner Sershen and seconded by Commissioner Johnson to **approve** the meeting minutes for January 26, 2015. The motion passed unanimously. Same motion was made for the County by Commissioner Cypher and seconded by Commissioner Barth to **approve** the meeting minutes for January 26, 2015. The motion passed unanimously.

ITEM 2. CONDITIONAL USE PERMIT #15-12 to allow a Contractor's Shop.

Petitioner: Turbes Plumbing and Heating, Inc.

Property Owner: BAAAD, LLC

Location: 26035 478th Ave. Approximately 0.5 mile northeast of Sioux Falls

Staff Report: David Heinold

This would allow a Contractor's Shop.

General Information:

Legal Description – Tract 1 Peterson's Tracts, SE1/4 SE1/4, Section 25-T102N-R49W

Present Zoning – C Commercial District

Existing Land Use – Commercial

Parcel Size – 1 Acre

Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting a conditional use permit to allow a contractor's shop for a plumbing and heating business. The subject property is located on the northwest side of Interstate 90 Exit 402 across the road from the entrance to Yogi Bear's Jellystone Park Campground.

The site plan indicates that there will be two proposed buildings, one of which is an addition to the existing shop and office building. The parking spaces will be located southeast of the existing building 15 feet from the County Highway 121 right-of-way. The site plan also indicates that the petitioner will plant a row trees along this right-of-way to help screen the parking from view. The petitioner included on the application form that the business will not have outdoor storage and will be open from 8:00 am to 5:00 pm.

On February 5, 2015, staff conducted a site visit and determined that the proposed location for contractor's shop for a plumbing and heating business based on existing land uses in the immediate area.

Conditional Use Criteria:

1) The impact of the proposed use on adjacent properties shall be a major consideration. The proposed use should be generally compatible with adjacent properties and other properties in the district.

The proposed will be building off of an existing commercial area with a few businesses adjacent to the subject property. There are two fireworks stores, oil and supply company, a car lot, and Yogi Bear's Jellystone Park Campground in the immediate vicinity. The remainder of the property in the area is either pasture or farmland. The Shape Sioux Falls Comprehensive Plan identifies this area as a Tier 3 growth level, which annexation is not advised. City services are projected to be available for development within 16-25 years, but additional monetary resources need to be fulfilled.

2) Measures shall be taken to ensure that the proposed use does not alter the general character of the area or neighborhood.

The general character of the area is commercial with a campground, agricultural land, and residential acreages near the subject property. The nature of the proposed use, service-oriented, would be an appropriate addition to the area due to the close proximity to the Interstate 90 interchange.

3) The effects of noise, odor, traffic, air and water pollution, and other negative factors shall be eliminated or controlled through the use of screening, setbacks, and orientation.

The petitioner plans to utilize the proposed buildings for all equipment storage. The parking area will be screened from view for the traveling public and neighboring landowners. The proposed use should result in a significant increase in the amount of traffic over current levels. The petitioner has included a drainage plan with their application to show the route of drainage towards the ditch along 478th Ave.

4) The proposed use shall not adversely affect the public.

A service-oriented contractor's shop for a plumbing and heating business should not have an adverse impact on neighboring landowners or the general public beyond the uses already permitted in this commercial district.

Recommendation:

Staff found that the proposed use as a contractor's shop for a plumbing and heating business is appropriate for an area identified by the 1998 Minnehaha County Comprehensive Development Plan as well suited for commercial development. Staff recommended **approval** of Conditional Use Permit #15-12 with the following conditions:

- 1.) That the lot shall adhere to the submitted site plan and application dated 1-29-2015.
- 2.) That the applicant shall meet the parking, minimum improvement and maintenance, and loading/unloading requirements as outlined in Article 16 of the 2002 Revised Joint Zoning Ordinance for the City of Sioux Falls and Minnehaha County.
- 3.) That all outside lighting shall be fully cut-off and fully-shielded with recessed lights that prevent light pollution beyond the boundaries of the subject property.
- 4.) That the normal business hours of operation shall be from 8:00 am to 5:00 pm.
- 5.) That a minimum of a 15 foot green space or landscaping buffer shall be provided from the front property line setback. No parking of any vehicles or equipment is allowed in this area.
- 6.) That the business operator shall obtain and maintain a South Dakota sales tax license.
- 7.) That all signage shall comply with the zoning ordinance requirements stated in Article 17.00 of the 2002 Revised Joint Zoning Ordinance for the City of Sioux Falls and Minnehaha County.
- 8.) That a building permit is required before any construction is commenced or signage placed on the property.

ACTION

A motion was made to **approve** Conditional Use Permit #15-12 for the City by Commissioner Sershen and seconded by Commissioner Johnson. The motion passed unanimously. Same motion was made to **approve** Conditional Use Permit #15-12 for the County by Commissioner Cypher and seconded by Commissioner Barth. The motion passed unanimously.

Conditional Use Permit #15-12 - Approved

REGULAR AGENDA

ITEM 3. REZONING #15-03 to rezone from the A-1 Agricultural District to the I-1 Light Industrial District in Parcel A of Lot 1, Central States Exchange Addition to the Town of Ellis, Section 10-T101N-R50W.

Petitioner: Zacharias Construction, Inc.

Property Owner: Jeff & Brenda Zacharias

Location: 1310 N. Ellis Rd. Approximately 1.5 mile west of Sioux Falls

Staff Report: David Heinold

This would rezone property from the A-1 Agricultural District to the I-1 Light Industrial District.

General Information:

Legal Description – Parcel A of Lot 1, Central Exchange Addition to the Town of Ellis, Section 10-T101N-R50W

Present Zoning – A-1 Agricultural District

Existing Land Use – Industrial

Parcel Size – 1.01 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting to rezone a parcel of land along the abandoned Ellis & Eastern (E&E) Railroad about a quarter mile east of Ellis Road. The subject property is located on the east edge of an existing rural service area with primary access to Ellis Rd. The property immediately adjacent to the property on the northwest side is in the A-1 Zoning District, but the land is used for agriculturally-related operations with a couple warehouse-type facilities. The remainder of the land surrounding the site is used for agricultural purposes. The nearest residential properties are to the northwest in the unincorporated town of Ellis and there is also a lightly established industrial complex to the west of the subject property with a few manufacturing and warehouse operations. The petitioner has stated that the rezoning would allow them to demolish the old fertilizer plant to better suit their needs.

The 1998 Comprehensive Development Plan recognizes the unincorporated area of Ellis as an existing rural service area that was developed as a result of rail transportation access and convenience to major highways. The Plan supports reasonable expansion of existing rural service areas to accommodate industrial uses where rail access may be available.

On February 5, 2015, staff conducted a site visit and determined that the proposed rezoning change is appropriate for the area that it is located upon. The general character of the area is mainly industrial with the remainder being pasture or farmland.

Recommendation:

Staff found that the rezoning request to rezone from the A-1 Agricultural District to the I-1 Light Industrial District conforms to the goals and policies of the 1998 Comprehensive Development Plan. The rezoning request is consistent with the type of land uses that have been previously used for industrial operations. Staff recommended **approval** of Rezoning #15-03.

PUBLIC TESTIMONY

Staff presented a brief overview of the rezoning request and recommendation to the planning commission.

Jeff Zacharias, 25854 Skunk Creek Ave., represents Zacharias Construction, Inc. and reiterated the need for approval of the rezoning request to build a building that would be a little more conducive to their needs.

Commissioner Pierson questioned how big the building will be and Mr. Zacharias indicated that it is projected to be about 80'x90'.

Lyle Monsees, 8200 W. Madison St., owns the agricultural land adjacent to the subject property. Mr. Monsees questioned what the petitioner's intended use of the property and why the rezoning application is even being considered.

Staff clarified that the petitioner is applying for a rezoning with the intention of building a new commercial warehouse, which the property must be correctly zoned since the intended use would be considered light industrial.

Mr. Monsees questioned why a rezoning is required since the petitioner's business, sand and gravel extraction, is an agricultural use when all they are asking to do is to replace the building.

Staff explained that agriculturally-related operations require a conditional use permit in the A-1 Agricultural District; whereas, the petitioner's intended use is storage of commercial trucks and equipment, which is an industrial use.

Mr. Zacharias indicated that the proposed building is intended for the storage and maintenance of trucks and equipment. He proceeded to mention that there will be no light manufacturing during the time they own the property.

Commissioner Steinhauer asked the petitioner to explain their business in a little detail. Mr. Zacharias explained that they are in the business of highway heavy construction, deconstructing and reconstructing roads, aggregate production, and recycled concrete and asphalt.

Commissioner Randall asked how long they have been operating at this site. Mr. Zacharias indicated that he has owned the property since 2000 and began operating out of the building in 2002.

Commissioner Steinhauer asked staff for clarification on the types of uses that could take place in the I-1 Light Industrial District. Staff explained that the proposed rezoning is an attempt to bring the historical into compliance with the current zoning ordinance because it would be impossible to obtain a building permit for any expansion of the existing storage facility.

ACTION

A motion was made to **recommend approval** of Rezoning #15-03 for the City by Commissioner Sershen and seconded by Commissioner Johnson. The motion passed unanimously. Same motion was made to **recommend approval** of Rezoning #15-03 for the County by Commissioner Cypher and seconded by Commissioner Barth. The motion passed unanimously.

Rezoning #15-03 – Approval Recommended

Old Business

None.

New Business

None.

Adjourn

A motion was made for the City by Commissioner Sershen and seconded by Commissioner Johnson to **adjourn**. The motion passed unanimously. Same motion was made for the County by Commissioner Cypher and seconded by Commissioner Barth to **adjourn**. The motion passed unanimously.