

**MINUTES OF THE JOINT MEETING  
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS  
June 22, 2015**

A joint meeting of the County and City Planning Commissions was held on June 22, 2015 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Mike Cypher, Doug Ode, Bonnie Duffy, Jeff Barth, Wayne Steinhauer, and Bill Even.

CITY PLANNING COMMISSION MEMBERS PRESENT: Larry Luetke, Denny Pierson, Sean Ervin, Sharon Chontos, Ken Dunlap.

STAFF PRESENT:

Scott Anderson, Kevin Hoekman, and David Heinold - County Planning  
Sara Show – Office of the State’s Attorney  
Diane de Koeyer – City Planning

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

**CONSENT AGENDA**

A motion was made for the City by Commissioner Ervin and seconded by Commissioner Chontos to **approve** the consent agenda. The motion passed unanimously. Same motion was made for the County by Commissioner Cypher and seconded by Commissioner Even to **approve** the consent agenda. The motion passed unanimously.

**ITEM 1. Approval of Minutes** – February 23, 2015

A motion was made for the City by Commissioner Ervin and seconded by Commissioner Chontos to **approve** the meeting minutes for February 23, 2015. The motion passed unanimously. Same motion was made for the County by Commissioner Cypher and seconded by Commissioner Even to **approve** the meeting minutes for February 23, 2015. The motion passed unanimously.

**ITEM 2. CONDITIONAL USE PERMIT #15-40 to exceed 1,200 square feet of total accessory building area – requesting 1,720 sq. ft. on the property legally described as Lot 6, Block 2, Sioux Gardens Subdivision, Section 22-T102N-R49W.**

Petitioner: Marvin Jewell, Jr.

Property Owner: same

Location: 1301 E. Carol St. Approximately 0.5 miles north of Sioux Falls

Staff Report: Scott Anderson

This would allow 1,720 square feet of total accessory building area.

**General Information:**

Legal Description – Lot 6, Block 2, Sioux Gardens Subdivision, Section 22, T102N, R49W.

Present Zoning – A-1 Agriculture

Existing Land Use – Residential

Parcel Size –

**Staff Report:** Scott Anderson

**Staff Analysis:** The applicant is requesting approval of a conditional use permit to construct a 1,720 square foot accessory structure. The proposed addition would be attached to the existing garage located east of the single family residence and would be 18 feet by 32 feet.

The subject property is located north of Sioux Falls on the east side of Cliff Avenue. Staff conducted a site visit on June 2, 2015. The area surrounding the subject property consists of residential uses. There are more than 100 residences located to the south, east and west of the subject property.

There are five residences in the residential area to the west that have accessory structures exceeding 1,200 square feet as shown on the map provided by staff. In 2011, Conditional Use Permit #11-29 was issued at 6808 N. 10<sup>th</sup> Avenue allowing the construction of a 1,728 square foot detached accessory structure. Conditional Use Permit #11-40 was issued at 1209 E. Carol allowing the construction of a 1,500 square foot detached accessory structure. There are three other detached accessory structures in this same subdivision which exceed 1,500 square feet in area. A map of their locations is provided for the Planning Commission's review.

**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 placement of an accessory structure exceeding 1,200 square feet should not impact the enjoyment or use of properties in the vicinity. Several properties in the area have accessory structures exceeding the 1,200 square foot maximum size requirements.

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

The petitioner shall be made aware that the building can be used strictly for his personal storage of residential related items and no commercial or business activities or storage is allowed.

**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.**

There should be no offensive odors, fumes, dust, noise or vibration from the allowed residential uses on this property. No other types of uses are allowed.

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

The addition of a larger detached accessory structure will not adversely affect the public.

There are other accessory structures in the area that are as large or larger than the detached accessory structure proposed by the applicant. Therefore, staff can support this request and recommends approval with the following conditions.

**Recommendation:** Staff found that the proposed building size conforms to the general sizes of other accessory buildings in the area. Staff recommended **approval** of conditional use permit #15-40 with the following conditions:

1. The existing driveway onto the property shall be used for access to the building. No additional driveway access shall be allowed onto Carol Street.
2. The building shall be used only for the petitioner's personal residential storage. No commercial or business uses or storage shall be allowed.
3. The building shall not exceed thirty-five (35) feet in height.
4. A building inspection is required to determine that the building does not exceed 1,720 square feet measured from the outside perimeters.

**ACTION**

A motion was made to **approve** Conditional Use Permit #15-40 for the City by Commissioner Ervin and seconded by Commissioner Chontos. The motion passed unanimously. Same motion was made to **approve** Conditional Use Permit #15-40 for the County by Commissioner Cypher and seconded by Commissioner Even. The motion passed unanimously.

**Conditional Use Permit #15-40 – Approved**

**ITEM 3. CONDITIONAL USE PERMIT #15-36 to allow a Single Family Dwelling on the property legally described as N20' S528' W352' E403', SE1/4 SE1/4 and S508', E1/2 SE1/4 (Ex. Shemon Estate 1), Section 22-T102N-R49W.**

Petitioner: Dean Shemon

Property Owner: same

Location: Approximately 0.5 mile north of Sioux Falls

Staff Report: Kevin Hoekman

This would allow a Single Family Dwelling.

**General Information:**

Legal Description – N20' S528' W352' E403', SE1/4 SE1/4 and S508', E1/2 SE1/4 (Ex. Shemon Estate 1), Section 22-T102N-R49W MAPLETON TOWNSHIP

Present Zoning – A1 - Agriculture

Existing Land Use – Grassland

Parcel Size – 12.74 Acres

**Staff Report:** Kevin Hoekman

**Staff Analysis:**

The property is located approximately  $\frac{3}{4}$  mile to the north of the intersection of Interstates 229 and 90. The subject property is an approximately 12.74 acre parcel that is primarily composed of low lying grassland that is not used for crop production. The parcel currently has 2 building eligibilities that are available under conditional use permit only. However, the petitioner is only requesting the use of one eligibility at this time. Three subdivided lots with single family dwellings are located just to the north of the proposed site location.

The petitioner would like to use a building eligibility to construct a single family dwelling on the property. An intermittent stream runs through the property and much of the property is covered in tall grass. The petitioner has indicated that the dwelling would be located on the west side of the property which is the highest elevation of land on the site. This side of the property also has an existing field access that could easily be turned into a driveway.

**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.**

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 building eligibilities in this quarter section do not conform to the regular allotted single family dwellings for a nearly 13 acre parcel. Staff found that a conditional use permit was

approved in 1983 to allow 6 non-farm dwelling units on this quarter quarter section. Three have been used, one is available by conditional use on the property to the north of the proposed site, and the final two are located on the proposed site of nearly 13 acres. Allowing the use of this eligibility will allow more than the regular number of dwelling units in this section; however it will conform to the permit that was issued in 1983. It is unlikely that the construction of this dwelling will affect the future use of the surrounding land as agriculture and residential uses.

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

No extra utilities or services will be required for this site to utilize the building eligibility. The best location for a driveway would be to reuse the existing field access. A driveway permit will be required by Mapleton Township.

**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 little to no effect on the health, safety and general welfare of the public. Placing this building eligibility in this location allows for the residential dwelling to be constructed on land that is not used for productive agricultural land. The property is located in the Transition area of the Comprehensive planning map. Construction in the transition area is encouraged to build on already platted lots and small parcels.

The property is located in close proximity of Sioux Falls City limits which is about ½ mile to the west of the site as well as 1 mile to the south. The site is located within “Future Residential” area and adjacent to a “Light Industrial” area on the City of Sioux Falls’ 2035 Future Land Use Map

**Recommendation:**

Staff found this conditional use permit request to be consistent with density zoning and the comprehensive plan. Staff recommended **approval** of Conditional Use Permit #15-36 with the following conditions:

- 1.) The 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.) A driveway permit be obtained from Mapleton Township.

**ACTION**

A motion was made to **approve** Conditional Use Permit #15-36 for the City by Commissioner Ervin and seconded by Commissioner Chontos. The motion passed unanimously. Same motion was made to **approve** Conditional Use Permit #15-36 for the County by Commissioner Cypher and seconded by Commissioner Even. The motion passed unanimously.

**Conditional Use Permit #15-36 – Approved**

**Old Business**

None.

**New Business**

David Heinold and Kevin Hoekman provided a brief overview of the Envision 2035 Comprehensive Plan to the Sioux Falls Planning Commission.

**Adjourn**

A motion was made for the City by Commissioner Ervin and seconded by Commissioner Chontos to **adjourn**. The motion passed unanimously. Same motion was made for the County by Commissioner Cypher and seconded by Commissioner Even to **adjourn**. The motion passed unanimously.