

**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS
July 25, 2016**

A joint meeting of the County and City Planning Commissions was scheduled on July 25, 2016 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Mike Cypher, Becky Randall, Doug Ode, Bonnie Duffy, and Jeff Barth.

CITY PLANNING COMMISSION MEMBERS PRESENT: Steve Gaspar, Nicholas Sershen, Katherine Fiegen, John Paulson, and Larry Luetke.

STAFF PRESENT:

David Heinold and Kevin Hoekman - County Planning
Diane deKoeper – City Planning

The County Planning Commission Chair was presided over by Mike Cypher. The City Planning Commission was chaired by Steve Gaspar.

Planning Commission Chair Mike Cypher called the Minnehaha County Planning Commission meeting to order at 7:00 p.m. Commissioner Randall arrived at 7:01 pm.

Consent Agenda

Item 4 was removed from the consent agenda by members of the public. The consent agenda consists of Items 1, 2, 3, and 5.

A motion was made for the County by Commissioner Barth and seconded by Commissioner Duffy to **approve** the consent agenda consisting of Items 1, 2, 3, and 5. The motion passed unanimously. The same motion was made for the City to **approve** the consent agenda by Commissioner Sershen and seconded by Commissioner Luetke. The motion passed unanimously.

ITEM 1. Approval of Minutes – May 23 & June 27, 2016

As part of the consent agenda, a motion was made for the County by Commissioner Barth and seconded by Commissioner Duffy to **approve** the meeting minutes from May 23 & June 27, 2016. The motion passed unanimously. The same motion was made for the City by Commissioner Sershen and seconded by Commissioner Luetke to **approve** the meeting minutes from May 23 & June 27, 2016. The motion passed unanimously.

ITEM 2. CONDITIONAL USE PERMIT #16-39 to allow Retail Sales of Fireworks on the property legally described as Tract 1 Wittelms 2nd Addition, NW1/4, NW1/4, Section 22-T101N-R50W.

Petitioner: Nalini Jagram-Payer

Property Owner: Rob Langdon

Location: 400 S. Ellis Rd. West Sioux Falls

Staff Report: Kevin Hoekman

This would allow Retail Sales of Fireworks.

General Information:

Legal Description – Tract 1 Wittelms 2nd Addition, NW1/4, NW1/4,
Section 22-T101N-R50W

Present Zoning – I1 - Industrial

Existing Land Use – warehouse and auto body shop

Parcel Size – 1.77 acres

Staff Report: Kevin Hoekman

Staff Analysis:

The subject site is located approximately 200 feet south of the intersection of W 12th Street and Ellis Road. The city limits of Sioux Falls are located in close proximity to the north and south of the site. The city boarder to the east of the proposed fireworks stand is approximately ¼ mile away.

The petitioner is requesting operate a temporary retail fireworks sales on the property. In accordance with SDCL 34-37-10, the 9-days of sales will take place from June 27th through July 5th. The approval of this permit would allow the petitioner to operate a fireworks stand in this location for subsequent years, as long as the conditions of the permit are met. If approved, the first year of sales in this location would be available in 2017.

The petitioner has submitted a hand written project narrative which describes some of the functional aspects of the proposed fireworks sales. The narrative describes that the intent is to follow all state, federal, and local regulations in a 20 foot by 20 foot tent that is depicted on the site plan. The petitioner notes in the narrative that the traffic flow will be low and that the proposed hours of operations will be open from 8:00 am to 11:00 pm. The narrative includes a description of handicap parking and some safety precautions such as not allowing smoking or discharge of fireworks on the site. The proposed signage for the site is described as one 4 foot by 8 foot sign and an illegible description of what is presumed to be 2 more signs that are 2 foot by 10 foot in size.

The petitioner has submitted two site plans of two different scales. Some of the items on the site plans are described in greater detail in the project narrative. The proposed 20 foot by 20 foot tent for sales is proposed to be located in the southwest corner of the parking lot. The smaller scale

site plan indicates that the tent is 20 feet from the right-of-way and the larger scaler plan indicates it at 10 feet from the right-of-way. The required setback for the I1 – Industrial zoning district is 30 feet from the right of way. The 30 foot setback is approximately located in line with the west wall of the auto body shop to the south of the tent.

The area around this intersection has a mixed history regarding fireworks stands. Most recently, Conditional Use Permit #16-13 was approved in April, 2016 after an appeal for a 9-day fireworks sales less than ¼ mile east of this location at 8101 W 12th Street. Documented support of neighbors and a sunset limitation were major elements discussed at the Joint Minnehaha County Commission, City of Sioux Falls Council meeting when CUP #16-13 was approved. A previous request (CUP #12-25) was denied in 2012 for the property immediate north of this proposed stand. Fireworks stands that were located on the east and west sides of Chaser's Bar were approved in 2004 and 2001, and both permits have expired due to inactivity. There is a fireworks stand operating approximately ¾ mile east of the site for this application at 7200 W 12th Street. This fireworks stand at the north end of the Sertoma Avenue intersection, is operating under Conditional Use Permit #98-48 that was approved in 1998.

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.

The proposed use will create a busy retail business for a temporary time period. The property of the site is currently zoned for industrial uses and the surrounding area includes a mix of urban and rural land uses. The sales tent will be placed north of an auto body shop. The auto body shop will provide buffer from the nearest residential use of apartments located south of the site. Much of the operations surrounding the fireworks stand will take place around the week before Independence Day.

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

The proposed land use is located on an industrial zoned parcel that is very close to the city limits of the City of Sioux Falls. As Sioux Falls continues to grow, more residences and businesses will encroach on the proposed property. The business has the potential to become surrounded by city limits and hold out in order to maintain a location within the city but in the county jurisdiction. This may become problematic as the City of Sioux Falls does not allow the sale of fireworks within city limits. The Sioux Falls Planning Department has expressed their concern regarding future growth of the area. One way to remove the risk of the stand holding out is to have a sunset condition for a maximum amount of time the fireworks sales is allowed to operate at the location. The most recent nearby fireworks stand was approved for operation for two sales seasons.

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

The site plan show access to the site from using the existing paved access for the warehouse off of Ellis Road. The short term use of the property will not significantly affect drainage off the

site. All necessary facilities and utilities will have to be obtained by the property owner/petitioner as needed.

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

The petitioner indicated parking for 10 to 15 cars including two spaces for handicap parking on the site plan. It is unclear where this many cars will be directed on the parking lot; this is especially the case when the proposed tent will be placed 30 feet back from the right of way. However, staff feels that the site would have adequate parking on the north side of the lot. It may be beneficial for the applicant to utilize signage or painted lines to direct parking on the site.

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 presence of a busy retail business has the potential to disturb residents of nearby single family housing developments. The site is however, buffered on two sides by industrial buildings and located across a busy intersection from other residential uses. By limiting the hours of operation, many potential nuisances will be minimized to reasonable hours during a short sales season. The most recent fireworks stand in the area was permitted to 10:00 pm, and staff finds this time to be reasonable for this location too.

6) Health, safety, general welfare of the public and the Comprehensive Plan.

The site is located on an industrially zoned and used parcel. The sale of fireworks will be regulated by state law, and the petitioner must comply with the safety aspects within his submitted narrative. Some of the state safety requirements include posting signage for no smoking within 25 feet of fireworks (SDCL 34-37-10.3), posting signage for no discharge of fireworks within 150 feet of the premises (SDCL 34-37-10.4), prohibition of open flames (SDCL 34-37-10.5), and a requirement for a fire extinguisher on the premises (SDCL 34-37-10.5). The nature of fireworks carries risk to nearby properties. The many different regulations for fireworks sales, including conditions for this permit are considered should aid in minimizing the risk. The Envision 2035 Comprehensive Plan has a goal to coordinate growth and land use planning among Minnehaha County, cities, townships, and other relative organizations. By providing a sunset condition for the fireworks sales, the future growth of the City of Sioux Falls can be considered in the future as to whether or not fireworks sales at this site is still an appropriate use.

Recommendation:

Minnehaha County planning staff finds the requested fireworks sales consistent with recently approved fireworks sales in the area. Staff recommends **approval** of Conditional Use Permit #16-39.

- 1.) The property shall adhere to the submitted site plan with the exception that the tent must meet the 30 foot required setback.
- 2.) No outside storage shall be allowed at any time.
- 3.) The retail sales of fireworks must abide by all applicable SD laws and regulations.
- 4.) The retail sales of fireworks may only be marketable for nine (9) days per calendar

- year.
- 5.) All outdoor lights in use for the building or to illuminate the parking area or tent shall be directed away from single family dwellings.
 - 6.) Temporary signage must be limited to a maximum of 3 signs, not to exceed 32 square feet for any one sign, and not to exceed 75 square feet total temporary signage.
 - 7.) Temporary signs for the business are allowed to be placed no earlier than June 13th and must be taken down by July 10th.
 - 8.) Flags that are used for advertising shall be located on the subject properties, not block the view of traffic entering or exiting the property, and shall only be placed during the regular nine (9) day selling period of June 27th through July 5th.
 - 9.) No parking or stacking of vehicles shall be allowed in the right-of-way at any time.
 - 10.) The hours of operation for the public will be between 8:00 am and 10:00 pm. Set up and tear down activities outside of the nine day sales period must take place between 8:00 am and 8:00 pm.
 - 11.) No storage of fireworks is allowed from August 1st to June 10th.
 - 12.) The operation will be allowed to operate under the conditions of this permit until August 1, 2018. The business owner will be required to obtain another conditional use permit before this date if they wish to continue operating at this location.
 - 13.) That the Planning & Zoning Department reserves the right to enter and inspect the fireworks stand at any time, after proper notice to the owner, to ensure that the property is in full compliance with the conditional use permit conditions of approval and the Minnehaha County Zoning Ordinance.

ACTION

As part of the consent agenda, Commissioner Barth made a motion to **approve** Conditional Use Permit #16-39 with conditions and the motion was seconded by Commissioner Duffy. The motion passed unanimously. Same motion was made for the City by Commissioner Sershen and seconded by Commissioner Luetke. The motion passed unanimously.

Conditional Use Permit #16-39 – Approved

ITEM 3. CONDITIONAL USE PERMIT #16-41 to exceed 1,200 square feet of total accessory building area – requesting 4,320 sq. ft. on the property legally described as N1/2 SW1/4 NW1/4, Section 33-T101N-R48W.

Petitioner: Gary Harr

Property Owner: same

Location: 3720 S. River Bluff Rd. Approximately 1 mile east of Sioux Falls

Staff Report: Kevin Hoekman

This would allow 4,320 sq. ft. of total accessory building area.

General Information:

Legal Description – N1/2 SW1/4 NW1/4, Section 33-T101N-R48W

Present Zoning – A1 - Agriculture

Existing Land Use – Residential acreage

Parcel Size – 20 acres

Staff Report: Kevin Hoekman

Staff Analysis:

The property is located east of Sioux Falls and east of the Pine Hills Addition near the Big Sioux River. The site is located within a subdivision of more than four lots which limits the size of accessory buildings to 1,200 sq. ft. unless approval for a larger size is obtained through the conditional use permit process.

The petitioner would like to construct a 50 x 36 foot (1,800 sq. ft.) accessory building for personal storage and use. The proposed building will be on the northeast corner of a large 20 acre parcel. The property already has a couple of accessory buildings including a small tool shed, a detached garage approximately 800 square feet, and a remodeled barn approximately 1,500 square feet in size. The combined total square footage for the accessory buildings is approximately 4,320 square feet in size.

Several other properties in the area have large accessory buildings. One agricultural property to the northwest has over 10,000 square feet of accessory building. A residential property to the north of the proposed Conditional Use Permit has an accessory building of 3,840 square feet which was approved by the Planning Commission in November. A neighboring property to the northeast was approved with a CUP in 2016 for 2,888 square feet of accessory building. And a property to the north of the site also had a CUP approved for the construction of a 2,700 square feet. In addition to neighboring accessory buildings, this property is 20 acres in size. The requested building will fit with the scale of the property.

The site plan indicates that the proposed accessory building would be placed in the northeast side yard to the north of the residence. The location of the proposed accessory building is currently includes a rough surface gravel surfaced area for driveway and maneuvering. The entire property has either established trees and cropland scattered throughout the property. The

location of the proposed accessory building on a large parcel which will mostly be hidden from view from the right of way and neighboring residences

Conditional Use Permit Criteria:

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 construction of the proposed accessory building should have little impact on surrounding properties. The existing mature trees and long distance away from any road will provide much screening from neighboring land uses.

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

The accessory structure may only be used for residential purposes, no commercial or business activities are allowed. The proposed structure is compatible to the area that is composed primarily of large lot developments. Several of the similar-sized buildings in the area are located on nearby parcels. This area will face development pressure as the City of Sioux Falls expands towards the Big Sioux River. However, the current large lot development and hilly nature of the area will likely remain for the foreseeable future as the area is already heavily subdivided.

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

All needed infrastructure is in place, and the proposed accessory building will utilize the existing driveway.

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

No off-street parking will be needed as a result of personal activities in this accessory building. No commercial or business parking will be allowed at any time. The structure will provide indoor storage for several items that are currently stored outside.

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.

No offensive nuisances shall be permitted at any time during use of the proposed accessory structure. The use of lighting should be directed downward on to the property in order to prevent light pollution off site.

6) Health, safety, general welfare of the public and the Comprehensive Plan.

The proposed accessory building should not have any negative effects on the health, safety, or general welfare of the public. The Envision 2035 Comprehensive Plan indicates that the county should work closely with municipalities when it comes to land that will likely be annexed in the near future.

Recommendation:

Staff finds that the proposed building size conforms to the general sizes of other accessory buildings in the area. Staff recommends **approval** of Conditional Use Permit #16-41 with the following conditions:

- 1.) That the total accessory building square footage shall not exceed 4,320 square feet.
- 2.) That a building permit is required prior to construction of the accessory building.
- 3.) That an inspection be made on the proposed new accessory building to ensure that the square feet of the floor area of the building does not exceed 1,800 square feet.
- 4.) That only personal residential storage shall be allowed in the building and no commercial uses or commercial storage will be allowed at any time.
- 5.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 6.) 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 full compliance with the conditional use permit conditions of approval and the Minnehaha County Zoning Ordinance.

ACTION

As part of the consent agenda, Commissioner Barth made a motion to **approve** Conditional Use Permit #16-41 with conditions and the motion was seconded by Commissioner Duffy. The motion passed unanimously. Same motion was made for the City by Commissioner Sershen and seconded by Commissioner Luetke. The motion passed unanimously.

Conditional Use Permit #16-41 – Approved

ITEM 5. CONDITIONAL USE PERMIT #16-48 to allow a Recreation Facility – Country Fair on the property legally described as N1/2 SW1/4 NW1/4, Section 33-T101N-R48W.

Petitioner: Robyn Harr

Property Owner: same

Location: 3720 S. Riverbluff Rd. Approximately 0.25 mile east of Sioux Falls

Staff Report:

This would allow a Recreation Facility, Country Fair.

General Information:

Legal Description – N1/2 SW1/4 NW1/4, Section 33-T101N-R48W

Present Zoning – A1 - Agriculture

Existing Land Use – Residential acreage

Parcel Size – 20 acres

Staff Report: Kevin Hoekman

Staff Analysis:

The property is located east of Sioux Falls and east of the Pine Hills Addition near the Big Sioux River. The petitioner is requesting to operate a small business that will have seasonal events throughout the year. The business and events will be focused on selling antiques and crafts. The petitioner has submitted the following narrative through an email:

I own a Small Business of repurposing furniture, items and antiques that I run out of my home. It is called the Robyn's Nest. I have a Spring Junk Fest at the Nest the 2nd Saturday in June and the Fall Junk Fest at the Nest is the same Saturday as Sidewalk Arts in September. I host the event and our place and have approximately 20 vendors not to exceed 25 vendors that get a 12 x 20 ft space. They sell primitives, antiques, handcrafted jewelry, repurposed items or furniture and a food vendor. I have 2 porta pottys for shoppers. There are possibly 100 to 200 shoppers there at one time.

I also have a much smaller Holiday Sale in November or December with under 10 vendors and maybe 150 shoppers for the entire event. In addition I would like to be approved for Occasional Sales not to exceed 5 a year.

In addition to this narrative a site plan was submitted that indicates where event parking and vendors would be located. The parcel shares a looped driveway that is indicated as an available second driveway for emergencies. The vendors are indicated as to be located near an existing accessory building and along two driveways. Parking is indicated on the north side of the entry driveway and the northeast corner of the parcel in an open grassy area.

There are several businesses in the county that this type of country fair and sales resemble. In general, the similar businesses are based in agricultural uses and products, and they are permitted

through an Agricultural Tourism Permit. Agricultural Tourism Permits have standards and rules regarding items such as public event and signage; however, staff recognizes that this proposed land use would not conform to and Agricultural Tourism Permit, nor is an Agricultural Tourism Permit an adopted part of the joint jurisdictional zoning ordinance. The petitioner requests to sell such items such as antiques, repurposed, and handcrafted items instead of farm grown items. As antiques and repurposed items have been growing in popularity, so have events and businesses grown in quantity. Because of similarities, planning staff feels that some of the regulations within the Agricultural Tourism section of the county ordinance would be useful to carryover to this land use.

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.

The proposed use will create busy events several times a year in a non-commercial neighborhood. The parcel on which these country fairs will be held is large and mostly secluded. The nearest residence that is not owned by a relative of the petitioner is over 1,000 feet away from the site where vendors and parking will be located for events. The petitioner requested 5 public events per year; however staff feel that the Agricultural Tourism regulation of 4 events would be a good guide for allowing events in an area with gravel roads and residential properties. Another way to limit any negative effects would be to limit the hours of operation to 8:00 am to 10:00 pm. Signage for the business should be limited to 32 square feet of permanent signage and 32 square feet of temporary signage allowable for one week before and after each event. The operation of creating and storing antiques and repurposed items by the petitioner should take place in enclosed buildings when an event is not taking place.

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

The Sioux Falls City limits are close by this parcel and the potential for future development in the area is high. The 20 acre parcel is large enough to buffer an event from many properties except for the added traffic in the area. The same limitations that protect the proposed land use and residential uses will help protect future development too. The potential for growth of the events beyond what the property and roads can handle, or growth in areas outside of described vendors may create problems in the future.

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

Utilities and necessary facilities will have to be provided by the petitioner. The narrative includes reference to two porta pottys on the site. The current drainage will not change as a result of the proposed land use and events.

South River Bluff Road is a dead end road that stops at the subject property line. Before River Bluff Road would be reached, all patrons of the fair will have to travel some distance on E. 41st Street, a gravel road that travels by residential subdivisions in the county. The road is already heavily traveled, and increases in traffic will be largely confined to the days of each event.

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

A couple of parking locations are indicated on the submitted site plan. The first area of parking is located on the north side of the driveway. By using GIS measurements, staff determined that this method of parking could hold up to 70 vehicles with 10 feet for each vehicle. The second location of parking is in the northeast section of the parcel where another CUP application is under consideration for a larger accessory building. The larger accessory building will make the parking area smaller in size than what is depicted on the site plan. Despite the differences in the maps, staff feels that parking would be adequate and meet all events. No parking or storage will be allowed in the right-of-way at any time.

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 land use has the potential to create issues with noise, dust, and lighting. All temporary lighting should be directed downward onto the property and not spill off the site. The distance from neighboring residences to the subject property will help limit dust and noise from being a nuisance to neighbors. In addition, limitations of the hours of operations will be a way to limit potential nuisances from all aspects of nuisances.

6) Health, safety, general welfare of the public and the Comprehensive Plan.

It is unlikely that the requested expansion will create any additional health safety or welfare concerns if reasonable conditions that were discussed are met. The site is located on a large lot in a rural area. The proposed use will create a market for locally created art and recycled goods.

Recommendation:

Staff finds that the proposed recreational fair is an acceptable use of the large lot. Staff recommends **approval** of Conditional Use Permit #16-48 with the following conditions:

- 1.) The property shall adhere to the submitted site plan and site plan narrative.
- 2.) No outside storage shall be allowed with the exception during event days.
- 3.) All new and replacement outdoor lights shall be of shoe-box style, directing lights directly downward onto the property.
- 4.) A maximum of 4 event fairs are allowed per calendar year. No one event may exceed 7 days in duration.
- 5.) The hours of operation for the business and events shall be within 8:00 am and 10:00 pm.
- 6.) One permanent sign not to exceed 32 square feet in size and 10 feet tall will be allowed with a building permit.
- 7.) One Temporary sign not to exceed 32 square feet in size and 10 feet tall will be allowed for each event.
- 8.) No parking will be allowed in the right-of-way at any time.
- 9.) All business not during a scheduled event must take place within an enclosed structure on the property.

- 10.) That the Planning & Zoning Department reserves the right to enter and inspect the country fair and business establishment at any time, after proper notice to the owner, to ensure that the property is in full compliance with the conditional use permit conditions of approval and the Minnehaha County Zoning Ordinances.

ACTION

As part of the consent agenda, Commissioner Barth made a motion to **approve** Conditional Use Permit #16-48 with conditions and the motion was seconded by Commissioner Duffy. The motion passed unanimously. Same motion was made for the City by Commissioner Sershen and seconded by Commissioner Luetke. The motion passed unanimously.

Conditional Use Permit #16-48 – Approved

Regular Agenda

ITEM 4. CONDITIONAL USE PERMIT #16-45 to allow Storage Units on the property legally described as Lots 2 & 3, Pleasant View Acres, N1/2 SE1/4 & S1/2 NE1/4, Section 19-T101N-R48W.

Petitioner: Eric Willadsen
Property Owner: Gary Busselman
Location: East Sioux Falls
Staff Report: David Heinold

This would allow Storage Units.

General Information:

Legal Description – Lots 2 & 3, Tract 3, Pleasant View Acres, N1/2 SE1/4 & S1/2 NE1/4, Section 19-T101N-R48W
Present Zoning – C Commercial District
Existing Land Use – vacant
Parcel Size – 4.5 Acres

Staff Report: David Heinold

Staff Analysis:

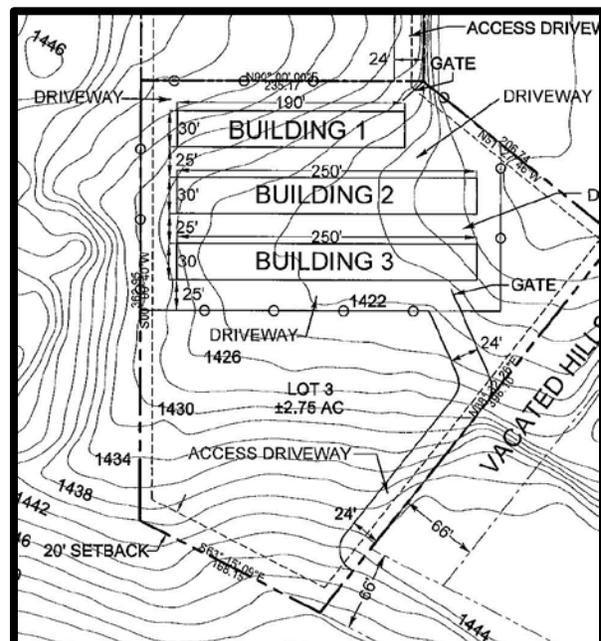
The petitioner is requesting conditional use permit approval for two (2) 30' wide by 250' long and one (1) 30' wide by 190' long storage unit buildings. The proposed storage units will be located on the north half of Lot 3 and primarily accessible from E. Plymouth Rd. The remaining portions of the two lots are shown as vacant on the site plan. The site plan does not indicate any plans for outdoor storage.

On June 14, 2016, staff contacted the City of Sioux Falls planning staff and discussed the conditional use permit request. The City doesn't foresee any issue with the proposed location for the storage unit facility.

On June 16, 2016, staff visited the property and determined that the proposed location for the storage unit facility is an appropriate use for the C Commercial District.

The site plan image, at right, shows the layout of the three proposed storage unit buildings on Lot 3, Tract 3, Pleasant View Acres Addition.

SITE PLAN



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.

The majority of the area surrounding the subject property is primarily commercial land use while further to the south and west there are over 40 single family dwellings in an existing rural residential subdivision development. The lot immediately adjacent to the south of the site has an existing shelterbelt of trees, including coniferous landscaping around the property. At a minimum, the petitioner should be required to screen the proposed storage units with a 90% opaque material reasonable for a location in transition from commercial to residential zoning. The proposed use of the lot should have a minimal effect on property values of adjacent properties.

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

The subject property is already zoned for commercial use, which allows for certain uses such as retail, office, warehousing, and personal services as permitted uses given that they meet the criteria established in Section 9.02 and 9.03 of the 2002 Revised Joint Zoning Ordinance for the City of Sioux Falls and Minnehaha County. The remaining vacant properties in the immediate vicinity are zoned rural residential and commercial. The proposed use as a storage unit facility should not negatively affect the normal and orderly development of the area that has seen historically significant residential and commercial growth just outside the primary economic growth area of the City of Sioux Falls.

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

The subject property is accessed from E. Plymouth Rd., which is currently a gravel surface driving area. In this case, the petitioner is not required to hard surface the driving or parking areas. Less impervious surface will allow drainage water to flow from the site towards the natural watercourse at a somewhat steady rate as opposed to increased potential for high levels of surface water runoff from asphalt or concrete surfaces impenetrable to water. All other facilities necessary to the function of the proposed storage units will be provided in coordination with the zoning ordinance provisions.

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

The site plan indicates that there will be enough space to accommodate one vehicle in front of each storage unit for loading and unloading of personal items. No long-term, permanent parking of vehicles or outdoor storage will be allowed at any time except for short-term loading and unloading purposes.

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 storage units may by general nature present noise issues through unloading and

loading procedures, but should not be at a level as to constitute a public nuisance to surrounding property owners. The surrounding area consists primarily of other more intensive land uses such as an automotive repair and warehouses. The proposed use should have a minimal effect on adjacent residential and commercial properties. Lighting should be directed downward onto the property to prevent light pollution off the site. At a minimum, the property owner should be required to develop a landscape and screening plan to mitigate potential concerns that arise from the proposed use adjacent to residential land uses.

6) Health, safety, general welfare of the public and the Comprehensive Plan.

The proposed use will be located in an area identified as transition area in the Envision 2035 Comprehensive Plan. The primary goal of this area is to focus new growth and development within municipalities and areas adjacent to existing municipalities where infrastructure will be available. The proposed use is compatible with surrounding land uses and should not significantly affect the health, safety, and general welfare of the public.

Recommendation:

Staff finds that the proposed storage unit facility is an appropriate land use for the surrounding area consistent with the goals and policies of the Envision 2035 Comprehensive Plan. Staff recommends **approval** of Conditional Use Permit #16-45 with the following conditions:

- 1.) That CUP #16-45 shall allow storage units.
- 2.) That the property shall adhere to the submitted site plan dated 5-24-2016.
- 3.) That all signage shall be in conformance with Article 17.00 and 18.00 of the 2002 Revised Joint Zoning Ordinance for the City of Sioux Falls and Minnehaha County. A building permit is required for the installation of any signage.
- 4.) That a set of plans certified by a registered professional engineer be submitted prior to the building permit(s) being issued for the storage units.
- 5.) That if mud/dirt, or other debris causes a nuisance to adjacent properties or is brought onto E. Plymouth Rd., all driveways, parking lots, and outdoor storage areas shall be in conformance with the requirements of Section 16.04 of the 2002 Revised Joint Zoning Ordinance for the City of Sioux Falls and Minnehaha County.
- 6.) That the applicant shall provide a 90% opaque screening fence or with live trees around the entire perimeter of the subject property.
- 7.) That a landscaping plan be submitted prior to construction and all landscaping shall be maintained in a live state and all noxious weeds be controlled.
- 8.) That a Stormwater Pollution Prevention Plan and Soil Erosion and Sediment Control Plan be submitted to the Planning Director prior to construction.
- 9.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundary.
- 10.) That the Planning & Zoning Department reserves the right to enter and inspect the storage unit facility at any time, after proper notice to the owner, to ensure that the property is in full compliance with the conditional use permit conditions of approval and the Minnehaha County Zoning Ordinance.

PUBLIC TESTIMONY

David Heinold, County Planning Department, presented a brief summary of the staff report.

Eric Willadsen, 902 S. Cleveland Ave., identified himself as Marv Addink's representative and that there is currently a purchase agreement contingent on the outcome of the conditional use permit process. Mr. Willadsen mentioned that the units will be approximately 12 feet wide and there could be somewhere around 40 units per building with the larger buildings having more.

Mr. Willadsen questioned the staff recommendation for screening around the entire perimeter of the property. Mr. Heinold explained that the zoning ordinance requires that screening must be provided between the commercial and residential land uses over the full height of the storage units measured from the high side of the adjacent residentially-used property.

Commissioner Ode asked the petitioner why there is a gate between Lot 2 and 3. Mr. Willadsen explained that there will be a security fence as well as gate with card readers to keep unwanted guests out of the facility. Discussion continued about the security access on both driveway access points for the storage unit facility.

Todd Egge, 7101 E. Arrowhead Pkwy., identified himself as owner of the adjacent lot and Jay Egge Automotive. Mr. Egge explained that he is not against the idea, just the storage units themselves. He continued to mention that he has concerns about potential drainage issues from the subject property because a majority of the water will flow towards his lot. He stressed the importance of requiring a drainage study to mitigate any potential impacts of water flow from the subject property as result of the proposed storage unit facility.

Mr. Egge presented concern over the granted access to Gary Busselman for Lot 2, current property owner, in a recent civil court case. He also presented liability concerns for Mr. Busselman installing the driving surface within the 33' service road dedication.

Commissioner Duffy asked if the proposed access to the storage units is part of the driveway to Mr. Egge's business. Mr. Egge explained that his driveway was permitted upon granting of a conditional use permit for the automotive repair business and informed that it is a private drive.

Commissioner Cypher questioned the status of the dedicated service road. Mr. Egge indicated that the County partially accepted the dedication of the service road on the plat, but the road was installed by the private landowner on public property.

Commissioner Duffy asked Mr. Egge if the storage unit users will have to go through his driveway for access and he concurred. Mr. Egge continued to mention that he has heard that the service road must be hard surfaced because it is accessed from a hard surface driveway, but it is not completed yet.

Commissioner Barth asked how the natural drainage should flow from the subject property. Mr. Egge indicated that the natural flow of water runs northeast towards the electrical transformer along South Dakota Highway 42.

Joe Egge, 205 N. Leaders Ave., identified himself as Todd Egge's son and employee at Jay Egge Automotive as well as the 2nd Assistant Chief of the Split Rock Township Fire Department. Joe Egge presented concerns over traffic safety along the E. Arrowhead Pkwy. corridor from Veterans Pkwy. to Six Mile Rd., vandalism issues, property maintenance, and liability for road maintenance.

Josh Payer, 6610 E. Split Rock Cir., questioned whether there would be access to the subject property from the west and Mr. Heinold confirmed that there will not be access from the west as that portion will be fenced in.

Mr. Willadsen pointed out for clarification that the property is still owned by Gary Busselman, but is under contract with Marv Addink pending the decision on this conditional use permit request. He indicated that there are many roads with public right-of-way that are privately owned. Mr. Willadsen explained that Mr. Addink is aware that Lot 2 is accessible from the service road, which is dedicated as part of the public right-of-way and does not cross over Todd Egge's property. He continued to mention that drainage concerns will be addressed with a reserve area on the site plan for a detention pond to standard as well as government regulation. Mr. Willadsen noted that more development and lighting could make the area safer for the existing businesses.

Commissioner Cypher called for additional public testimony, but no one answered.

Commissioner Cypher closed the floor to public testimony.

DISCUSSION

Commissioner Barth reiterated the traffic safety issues from the highway as well as ownership and maintenance questions. Commissioner Duffy cited concerns over drainage, security, traffic safety from highway access through private drive, and general property maintenance.

Commissioner Gaspar asked who does snow removal and Commissioner Duffy reported that the township takes care of snow removal on all roads in this development except for the service road private access.

Commissioner Barth indicated that the proposed storage unit facility is a reasonable use and a relatively light commercial land use, but has concerns over drainage and high speed access from SD Hwy. 42. Commissioner Barth would like additional information on proposed solutions for access off of Arrowhead Pkwy. Commissioner Barth asked if the petitioner could explain if there are any solutions regarding turning vehicles off of Arrowhead Pkwy.

Mr. Willadsen indicated vehicles are currently turning into Jay Egge Automotive from the highway. He continued to mention that there is 33 foot service road access and no more access

approaches will be permitted onto SD Hwy. 42 other than what is already platted. Mr. Willadsen questioned the concern of other adjacent properties regarding the traffic safety issues and if there is a history of crashes over the years. He noted that this is a storage unit facility, not a 24/7 convenience store that producing constant traffic all day.

Commissioner Cypher believes that 80% of the traffic generated from the proposed storage units will likely be coming from the highway into the driveway and onto the service road access.

Mr. Willadsen indicated that there will be a second way in with a total of two access points to get to the proposed storage unit facility.

Commissioner Ode questioned the staff report indication that primary access will be Plymouth Road. Mr. Willadsen explained that both access points will be open for traffic to utilize at their discretion. He continued to mention that if there was an issue with traffic safety that it would be something for the Department of Transportation to review for any possible solutions.

Commissioner Paulson concurred with Commissioner Ode's question regarding primary access off Plymouth Road and questioned whether we are upholding neighboring landowner concerns with the stated conditions.

Commissioner Gaspar asked Joe Egge which access would be utilized if there happens to be a fire at the storage unit facility. Joe Egge indicated that access would be from Plymouth Rd.

Joe Egge believes that as County residents we should be more proactive in preventing any potential problems before they arise.

Commissioner Cypher called for additional public testimony, but no one answered.

Commissioner Cypher closed the floor to public testimony.

DISCUSSION

Commissioner Barth suggested that condition #6 be amended to strike the word *entire* and replace it with *residential*.

Commissioner Duffy presented concern over the amount and speed of traffic as well as the design of SD Hwy. 42 in this area. She continued to mention that we should be proactive in preventing any potential crashes from happening.

Commissioner Sershen noted that the service road access is already there and we may be stuck on an issue that doesn't pertain to the conditional use permit request because access has already been granted off of the existing driveway.

Commissioner Barth questioned whether the best course of action would be approve the request to be appealed or defer the subject matter to next month's meeting to allow the appropriate parties to review the request for possible solutions.

ACTION

Commissioner Barth made a motion for the County to **defer** action on Conditional Use Permit #16-45 with a change in condition #6 to replace the word *entire* with *residential* and seconded by Commissioner Duffy. The motion passed unanimously.

Commissioner Paulson made a motion for the City to **defer** action on Conditional Use Permit #16-45 with a change in condition #6 to replace the word *entire* with *residential*, but the motion fails for lack of a second.

Commissioner Sershen made a substitute motion for the City to **approve** Conditional Use Permit #16-45 and seconded by Commissioner Fiegen. The motion carried with 3 yeas, 1 nay.

Conditional Use Permit #16-45 will be deferred until next month's joint planning commission meeting because the County Planning Commission voted to defer action.

**Conditional Use Permit #16-45 – Deferred until August 22, 2016 Joint Planning
Commission Meeting**

Old Business

None.

New Business

None.

Adjourn

A motion was made for the County to **adjourn** by Commissioner Barth and seconded by Commissioner Ode. The same motion was made for the City to **adjourn** by Commissioner Sershen and seconded by Commissioner Luetke. The motion passed unanimously. The motion passed unanimously.