

**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS
August 22, 2016**

A joint meeting of the County and City Planning Commissions was scheduled on August 22, 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, Paul Kostboth, and Jeff Barth.

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

STAFF PRESENT:

Scott Anderson, David Heinold, and Kevin Hoekman - County Planning
Judith Zeigler – States’ Attorney
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.

Consent Agenda

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

ITEM 1. Approval of Minutes – July 25, 2016

As part of the consent agenda, a motion was made for the County by Commissioner Barth and seconded by Commissioner Ode to **approve** the meeting minutes from July 25, 2016. The motion passed unanimously. The same motion was made for the City by Commissioner Johnson and seconded by Commissioner Luetke to **approve** the meeting minutes from July 25, 2016. The motion passed unanimously.

Consent Agenda

ITEM 2. CONDITIONAL USE PERMIT #16-53 to exceed 1,200 square feet of total accessory building area – requesting 1,548 sq. ft. on the property legally described as NW480' W460', Tr. 1 (Ex. H-1), NW1/4, Section 16-T101N-R48W.

Petitioner: Henry Carlson III

Property Owner: same

Location: 9101 E. Madison St. Approximately 1.5 miles east of Sioux Falls

Staff Report: Scott Anderson

This would allow 1,548 sq. ft. of total accessory building area.

General Information:

Legal Description – NW480' W460', Tr. 1 (Ex. H-1), NW1/4, Section 16-T101N-R48W

Present Zoning – A1 Agriculture

Existing Land Use – residential

Parcel Size – 33.68 acres

Staff Report: Scott Anderson

Staff Analysis: The petitioner is requesting conditional use permit approval to exceed 1,200 sq. ft. in total accessory building area for the purpose of constructing a 15' x 24' green house. According to the Minnehaha County Zoning Ordinance, Section 12.07 (D) states:

(D) 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 1,200 square feet when such buildings are located in a subdivision of more than four (4) lots unless a conditional use has been approved.

In this area there are several properties that exceed 1,200 square feet of accessory building area. The total accessory building areas are 1,536 square feet at 1601 N. Oak Ridge Place, 1,350 square feet at 1600 N. Oak Place, 2,400 square feet at 1612 N. Oak Ridge Place and 10,148 square feet at 1304 N. Oak Ridge Place. In 2012, the Planning Commission approved Conditional Use Permit #12-37 to allow 2,400 square feet at 1504 N. Oak Ridge Place.

On August 8, 2016, staff visited the property and determined that the proposed accessory building size is appropriate for the immediate area. The proposed building will be located on a 33 acre parcel.

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.

Several properties to the north of the subject property have building sizes relatively comparable to the petitioner's requested total accessory building area. It is unlikely that the proposed

building size will have a detrimental effect on property values in the immediate vicinity. The proposed building will be used for the property owner's personal green house.

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

The accessory building may only be used for residential purposes, no commercial or business activities are allowed. Given the size of the other larger accessory buildings, 1,548 square feet of accessory building area would be congruent with the land composition.

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

The applicant has direct access off of Madison Street. No further infrastructure will need to be provided.

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

No off-street parking will be needed with the supplemental area for parking as a result of residential activities. No commercial or business parking will be allowed 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.

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 have no effect on the health, safety, and general welfare of the public. The use of the accessory building for private use and storage will create few problems to neighboring properties. The proposed use of the building as a greenhouse should not affect the future growth of this area given the present use of the land for residential purposes.

Staff finds that the requested total accessory building size is relatively comparable to the existing accessory buildings in the immediate vicinity.

Recommendation: Staff recommends **approval** of Conditional Use Permit #16-53 with the following conditions:

- 1.) That the total accessory building square footage shall not exceed 1,548 square feet.
- 2.) That the accessory building shall not exceed 35 feet in height.
- 3.) That the building shall be an accessory use to the continued use of the property as a residential lot.
- 4.) That only personal use of the green house shall be allowed and no commercial uses or 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 a building permit is required prior to construction of the accessory building.

ACTION

As part of the consent agenda, Commissioner Barth made a motion to **approve** Conditional Use Permit #16-53 with conditions and the motion was seconded by Commissioner Ode. The motion passed unanimously. Same motion was made for the City by Commissioner Johnson and seconded by Commissioner Luetke. The motion passed unanimously.

Conditional Use Permit #16-53 – Approved

ITEM 3. CONDITIONAL USE PERMIT #16-57 to allow a Public Utility Facility, Pump Station on the property legally described as Tract 1, Pump Station 243 Addition, SE1/4, Section 24-T102N-R50W.

Petitioner: Dustin Posten, PE (City of Sioux Falls)
Property Owner: Sioux Falls Development Foundation, Inc.
Location: 447196 260th St. Northwest Sioux Falls
Staff Report: Scott Anderson

This would allow a Public Utility Facility, Pump Station.

General Information:

Legal Description – Tract 1, Pump Station 243 Addition, SE1/4, Section 24-T102N-R50W.

Present Zoning – A1 Agriculture

Existing Land Use – vacant

Parcel Size – 1.038 acres

Staff Report: Scott Anderson

Staff Analysis: The property is zoned A-1 Agricultural District. Article 3.04(W) of the Zoning Ordinance allows a water metering facility as a Conditional Use in this zoning district.

The surrounding land uses are a mixture of residential and agricultural uses. The subject property is located at the northwest quadrant of the Interstate 29 and 90 interchange. The property to the north, south and west of the proposed metering facility appears to be used for agricultural purposes.

The growth of Sioux Falls necessitates the need for a more reliable sewage infrastructure. This pump station is being constructed to fill that need and to allow for future adequate sewage capabilities for the Sioux Falls Foundation Park.

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.

Due to the existing residential development pattern and agricultural uses within the area, the proposed sewage pumping facility should not have a negative effect upon the normal and orderly development and improvement of these properties for uses predominant in the area. The pumping facility will insure adequate waste water to present and future development for the region.

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

The proposed sewage pumping facility should not have a negative effect upon the normal and

orderly development and improvement of these properties for uses predominant in the area. The proposed pumping facility is part of a sewage system that will aid in providing adequate sewage disposal to present and future development for the region.

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

The subject property is located at an intersection. Access to the proposed utility substation will be provided by 260th Street, which is a township maintained road. It appears that the site utilizes natural drainage.

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

Article 15 of the Zoning Ordinance does not specifically identify the parking requirements for a water metering facility. The applicant has indicated that two (2) off street parking spaces will be provided. A public utility facility typically does not generate any significant amounts of traffic. Each parking space should measure a minimum of nine feet by 18 feet and be continually maintained in such a manner that no dust will result from continuous use. The two spaces will meet the parking requirements.

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 Permit may generate very limited dust and noise. The sewage pumping facility will be providing needed utilities to the new industrial park. With appropriate conditions of approval, any concerns can be mitigated.

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

The proposed use will benefit the health and safety of the public by allowing for the construction of a facility that will provide sewage capabilities to a new industrial park.

Staff's review indicates that the proposed Conditional Use is a use which is appropriate for this site. Staff recommends approval of Conditional Use Permit #16-57 to be established and conducted in conformity with the Zoning Ordinance and the recommended conditions of approval.

Recommendation: Staff recommends approval of Conditional Use Permit #16-57 to allow a sewage pumping facility in the Agricultural District with the following conditions:

1. That a minimum of two (2) off-street parking spaces be provided and that each parking space shall not be less than one hundred sixty two square feet, or nine feet by eighteen feet, maintained in such a manner that no dust will result from continuous use.

2. That all existing drainage is maintained and that erosion control measures are implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water.
3. That the applicant obtains a building permit prior to any construction commencing on the site.

ACTION

As part of the consent agenda, Commissioner Barth made a motion to **approve** Conditional Use Permit #16-57 with conditions and the motion was seconded by Commissioner Ode. The motion passed unanimously. Same motion was made for the City by Commissioner Johnson and seconded by Commissioner Luetke. The motion passed unanimously.

Conditional Use Permit #16-57 – 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

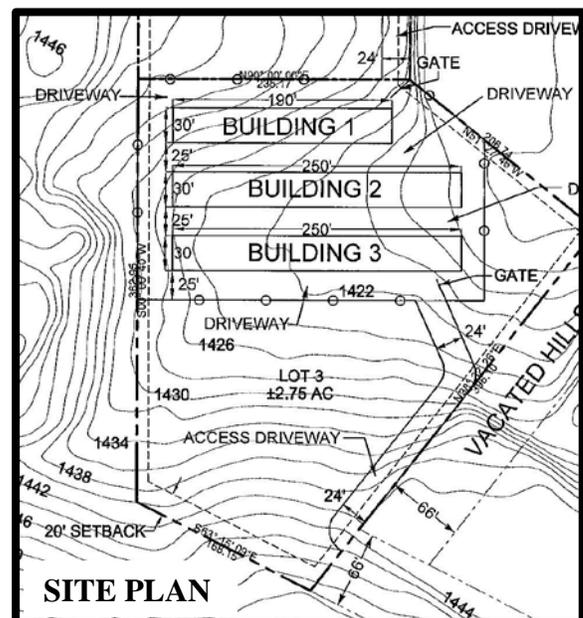
Staff Analysis:

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, but does show a 24 foot access driveway to the storage unit facility from Arrowhead Pkwy via a 33 foot service road. 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.



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.

The Environmental Stewardship section of the Envision 2035 Comprehensive Plan implies:

That development should not be allowed prior to completion of a drainage plan which defines natural drainage corridors and identifies the number and location of detention facilities needed to accommodate additional runoff from impervious surfaces. The Plan encourages land developers to use natural areas for aesthetic, open space, hydrologic, and ecological purposes.

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.

In the Growth Management section of the Envision 2035 Comprehensive Plan,

Goal #2 aims to enhance communication and cooperation among the several governmental and quasi-governmental entities who have the potential to impact and influence development patterns. The result of this coordination among entities is a pattern of development in the transition areas that can be integrated into municipal planning areas without the need for costly and inefficient public infrastructure expenditures.

In the Transportation section of the Envision 2035 Comprehensive Plan,

Goal #4 reinforces the need to link transportation decisions to land use impacts. In this case, the impact of the proposed business as a storage unit facility is not likely to produce an impact that would significantly burden the current transportation network. It is important to consider the long-term benefit to current and future neighborhood property owners for access to the service road along Arrowhead Pkwy. as well as between E. Plymouth Rd. and S. Stoakes Ave.

On August 11, 2016, staff received the following comments from the City of Sioux Falls Public Works-Engineering Department:

Sioux Falls Public Works-Engineering has been working with property owners in the Split Rock Heights area during the Arrowhead Parkway preliminary design. Plymouth Rd. stops at the applicant's property line. However, the Public Works master street plan for this area has a public street or easement extending from the end of Plymouth Rd. to Stoakes Ave. This will allow for the area to have access to a future traffic signal at Commerce Ave. or Stoakes Ave., which is still to be determined. Furthermore, the applicant should plan for this street before development occurs and work with Sioux Falls Engineering on this issue. Sioux Falls Public Works advises the applicant to plan for a mutual access easement across both Lots 2 and 3 to allow access again to the future street network.

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. or Arrowhead Pkwy., 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 residential 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 for review and approval prior to construction.
- 9.) That a stormwater drainage plan for the entire subject parcel be submitted for review and approval prior to issuing a building permit.
- 10.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundary.
- 11.) 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 Planner, presented a brief summary of the staff report and explanation of the revisions to the recommended conditions with two additional conditions.

Commissioner Gaspar questioned the condition for mitigating any potential concerns from mud, dust, or dirt being brought out onto Arrowhead Pkwy. or Plymouth Rd. Mr. Heinold explained that if a problem was discovered with gravel or any other material being brought out on the road, the property owner would be required to hard surface the driveway in an effort to mitigate the concerns presented in the original complaint.

Commissioner Ode questioned the primary access off of Plymouth Rd. as indicated in the staff report. Mr. Heinold explained that the staff report was written to reflect the fact that the primary access to Lot 3 is from Plymouth Rd. and that there are two planned driveways to get to the storage units. He continued to mention that the site plan shows a mutual access easement on the north side of the proposed storage unit facility across Lot 2 from the service road adjacent to the public right-of-way and another access from Plymouth Rd. on the south side.

Eric Willadsen, 902 S. Cleveland Ave., mentioned that the service road would serve as secondary access to the proposed storage unit facility.

Commissioner Barth indicated that he discussed the conditional use permit request with Todd Egge and Mr. Willadsen. Commissioner Barth asked if the entrance would be from the south and the exit to the north. Mr. Willadsen explained that Plymouth Rd. would be the primary access with the current phase of construction. He continued to mention that safety concerns are foremost with access to the property, but the court system has given the property access to Lot 2 from the service road on the south side of Arrowhead Pkwy.

Commissioner Cypher asked about posting entrance and exit signs at both access driveways to mitigate any potential traffic safety concerns. Mr. Willadsen indicated that posting signs shouldn't be an issue with the property owner, but people should be able to access the facility. He continued to mention that the use is storage units, not a fast food or convenience store.

Todd Egge, 48285 Creekview Cir., expressed gratitude for everyone viewing the property with the concerns that were presented at the prior planning commission meeting. He continued to mention that there still remains a concern for proper water runoff.

Joe Egge, 205 N. Leaders Ave., expressed his concern for traffic safety in regards to ingress and egress. He continued to mention that he attempted to haul a 24 foot trailer eastbound into the driveway, but could not make the 180 degree turn off of Arrowhead Pkwy with a car waiting to turn out of the service road in the opposite direction.

Commissioner Cypher called for additional public testimony but there was no answer.

Commissioner Cypher closed the floor to public testimony.

DISCUSSION

Commissioner Barth commented that both sides have looked at this request thoroughly and is an appropriate use for the immediate area. Commissioner Duffy presented a concern about public safety and hopes the drainage issues will be addressed by the property owner.

Commissioner Ode questioned if there could be a gate installed near the access to the service road to stop people from turning off Arrowhead Pkwy. onto the service road. He continued to mention that the proposed land use fits well with the surrounding area and not be an eyesore.

Commissioner Johnson indicated that he prefers the access off of Plymouth Rd. and would like to see the section of road secured to ensure no primary access from the service road south of Arrowhead Pkwy.

ACTION

Commissioner Barth made a motion for the County to **approve Conditional Use Permit #16-45** with 12 conditions and seconded by Commissioner Randall. The motion passed with 4 yeas, 1 nay (4-1). Commissioner Johnson made the same motion for the City to **approve Conditional Use Permit #16-45** with 12 conditions and seconded by Commissioner Luetke. The motion passed unanimously (4-0).

Conditional Use Permit #16-45 – Approved with the following 12 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. or Arrowhead Pkwy., 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 residential 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 for review and approval prior to construction.
- 9.) That a stormwater drainage plan for the entire subject parcel be submitted for review and approval prior to issuing a building permit.
- 10.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundary.

11.) 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.

12.) Applicant shall make an agreement with Minnehaha County, the City of Sioux Falls, or both to allow applicant to privately maintain the service road, to ensure the service road is built to the proper standard, and to provide for indemnification of Minnehaha County and the City of Sioux Falls.

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 motion passed unanimously. The same motion was made for the City to **adjourn** by Commissioner Johnson and seconded by Commissioner Luetke. The motion passed unanimously.

The meeting was **adjourned** at 7:29 pm.