

**MINUTES OF THE JOINT MEETING  
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS  
October 24, 2016**

A joint meeting of the County and City Planning Commissions was scheduled on October 24, 2016 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, Becky Randall, and Jeff Barth.

CITY PLANNING COMMISSION MEMBERS PRESENT: Steve Gaspar, Katherine Fiegen, Kurt Johnson, Sharon Chontos, and Andi Anderson.

STAFF PRESENT:

Scott Anderson, David Heinold, and Kevin Hoekman - County Planning  
Diane deKoeuyer and Albert Schmidt – 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 the September 26, 2016 joint planning commission meeting minutes. The motion passed unanimously. The same motion was made for the City to **approve** the consent agenda by Commissioner Anderson and seconded by Commissioner Chontos. The motion passed unanimously.

**ITEM 1. Approval of Minutes – September 26, 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 September 26, 2016. The motion passed unanimously. The same motion was made for the City by Commissioner Anderson and seconded by Commissioner Chontos to **approve** the meeting minutes from September 26, 2016. The motion passed unanimously.

**Regular Agenda**

For the County Planning Commission, Commissioner Randall motioned to approve the order of the regular agenda. Commissioner Duffy seconded the motion and the motion passed unanimously. Commissioner Anderson made the same motion for the city. Commissioner Johnson seconded the motion and the motion passed unanimously.

**ITEM 2. CONDITIONAL USE PERMIT #16-74 to exceed 1,200 square feet of total accessory building area – requesting 12,796 sq. ft. on the property legally described as NE1/4 (Ex. Lots H-1, 2, 3, 4, 5, 6, 7, 8, and Ex. Kappenman’s Tracts & Ex. Kappenman Wetland Addition, Sec. 25-T101N-R49W.**

Petitioner: Jay J. Kappenman

Property Owner: J & R Company

Location: 26th & SD 100 East Sioux Falls

Staff Report: David Heinold

This would allow 12,796 sq. ft. of total accessory building area.

**General Information:**

Legal Description – NE1/4 (Ex. Lots H-1, 2, 3, 4, 5, 6, 7, 8, and Ex. Kappenman’s Tracts & Ex. Kappenman Wetland Addition, Sec. 25-T101N-R49W

Present Zoning – A-1 Agricultural District

Existing Land Use – Agriculture/Residential

Parcel Size – 129.37 Acres

**Staff Report:** David Heinold

**Staff Analysis:**

The petitioner is requesting to exceed 1,200 square feet of total accessory building area. The petitioner is requesting 12,796 square feet of total accessory building area on an approximately 130 acre parcel. According to the 2002 Revised Joint Zoning Ordinance for the City of Sioux Falls and Minnehaha County, Section 15.07 (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.

The petitioner is requesting to construct a 2,400 square foot accessory building for personal storage of tools and equipment to replace a few existing buildings. The two buildings proposed to be removed from the property are 36'x24' and 40'x24' respectively. The proposed 40'x60' accessory building will be located near the southeast corner of an existing shelterbelt on the farmstead property.

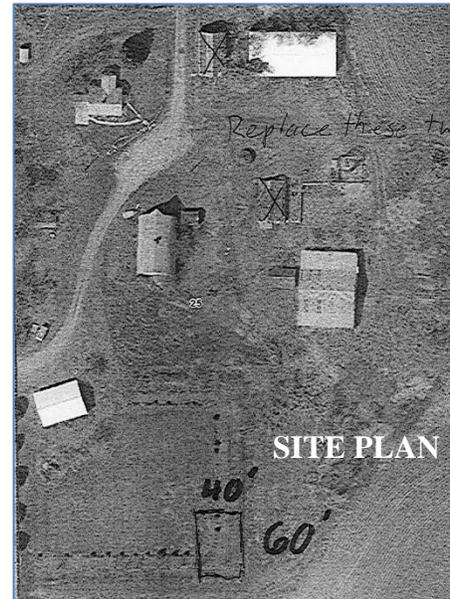
There is a five-acre parcel, 3103 S. Veterans Pkwy., within approximately a quarter mile of the subject property that has a total of four (4) buildings summing 11,588 sq. ft. total. The proposed request for 12,796 sq. ft. of total accessory building area exceeds the highest total in the immediate area by a little over 1,200 sq. ft.

On October 5, 2016, county staff visited the property to verify conditions on the subject property as well as adjacent land uses. There are about six older farm structures situated on a relatively hilly lot with trees spread throughout the original farmstead area.

On October 7, 2016, county staff met with city planning staff to discuss the conditional use permit request. There was concern presented from the city regarding future development plans and uncertainty on the accessory building size request. The city planning office requests more information on the site plan regarding building placement than what was provided with the original application.

On October 11, 2016, staff received the following email correspondence from the petitioner's representative:

*On behalf of Jay Kappenman I would respectfully request a deferral for 30 day on the conditional use permit application to give us time to provide you with a better drawing of the plan for the additional building, and how the surrounding future development will be arranged in relation to the two 1.0 acre parcels that are planned to be retained by the Kappenman's.*



- Eric Willadsen, PE  
WILLADSEN LUND ENGINEERING

**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 topography of the subject property allows for different views from three-fourths of the total directions and future economic growth potential with a new, divided highway presents particular issues for compatibility of the proposed structure for personal storage. However, the requested total accessory building area is comparable to other similar properties within less than a 1/2 mile. The removal of two older farm structures and addition of a new 40'x60' accessory building is not likely to significantly affect property values in the immediate vicinity.

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

A majority of landscape consists of single family homes, multifamily apartments, and commercial development in all directions within Sioux Falls city limits. The primary land use on the subject property is agricultural on 200 acres all owned by the petitioner. While the land to the west has already been developed with a large single family home subdivision, the remaining area is currently developing with single-family and multi-family dwellings to the south and east. The land to the north of 26th Street is partially developed with primarily apartments and large retail stores, but expanding at the current rate of economic growth. The use of the proposed building for personal storage of tools and equipment should not likely cause impacts in an area that has seen historically significant development in East Sioux Falls.

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

Access will be provided via an extension of the petitioner's driveway for the proposed accessory building. 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 subject property is located in the City of Sioux Falls growth area. In the Shape Sioux Falls 2035 Comprehensive Plan the area was identified as a tier 1 development area, which meant that annexation is advised and all City services would be available within the 5 years. Currently, the City is in the process of adopting an update to this plan that indicates this area as a Planned Urbanized Area and infrastructure needs are in place and development is able to be approved. This area is currently part of annexation discussions and is anticipated to become annexed into the City of Sioux Falls within six months. Depending on the proposed development layout the purposed use of the building for personal storage may not

affect land for residential purposes.

**Recommendation:**

Staff recommends acknowledging **deferral** of Conditional Use Permit #16-74 until the November 28, 2016 joint planning commission meeting at the applicant's request.

**PUBLIC TESTIMONY**

David Heinold, Minnehaha County Planning Department, presented an abbreviated version of the staff report and recommended to the joint planning commission acknowledging deferral of Conditional Use Permit #16-74 until the November 28, 2016 joint planning commission meeting at the applicant's request to allow additional time to provide the planning department with an updated site plan showing future plans for the subject property.

Commissioner Cypher closed the floor to public testimony.

**ACTION**

Commissioner Barth made a motion to **defer** Conditional Use Permit #16-74 until the November 28, 2016 joint planning commission meeting 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 Fiegen. The motion passed unanimously.

**ITEM 3. JOINT JURISDICTIONAL COMPREHENSIVE PLAN (2035 SHAPE SIOUX FALLS COMPREHENSIVE PLAN) AMENDMENTS**

Petitioner: City of Sioux Falls

Staff Report: Albert Schmidt

This is a Public Hearing and Consider Recommendation for Adoption.



**Date:** October 3, 2016  
**To:** Minnehaha County and City of Sioux Falls Planning Commission Members  
**From:** Albert Schmidt  
**Subject:** Shape Sioux Falls 2035 Update

## Memo

The Shape Sioux Falls 2035 Comprehensive Plan was adopted by the City of Sioux Falls on December 7, 2009 and for the Lincoln County/Minnehaha County/City of Sioux Falls Joint Jurisdiction area on February 16, 2010. Since the great recession of 2007-2009 the demographics of the City of Sioux Falls have changed and growth rates have changed. These demographic changes provided for many of the updates to the comprehensive plan that is being presented. Of notable change are the updates to the population projections (change from “Medium” growth in 2035 from 245,000 to 233,000), update to the “Future Land Use” map, and updates to implemented and planned facility and infrastructure improvement. This update will allow the City and Joint Jurisdiction area for Sioux Falls to be able to continue to plan for future growth between now and when the process is revisited again (anticipated to be within 5 to 6 years).

The Shape Sioux Falls goals remain the same—Effectively Manage Growth; Plan Neighborhoods, Land Use and Urban Form; and Improve the Sustainability of the Community.

The full document is available for review any time via the City of Sioux Falls’ website at: <http://www.siouxfalls.org/planning-building/planning/shape/2016-shape-update>

We are looking for a recommendation for approval to the Joint County Commission/City Council.

### **PUBLIC TESTIMONY**

Albert Schmidt, City of Sioux Falls Planning Department, presented a brief overview of the Shape Sioux Falls 2035 Comprehensive Plan Update and requested a recommendation to approve the proposed revisions to the joint jurisdiction area.

Commissioner Randall questioned whether the joint zoning area would be enlarged and Mr. Schmidt explained that the map was separated for different meetings but the joint zoning area has not expanded by much.

Commissioner Ode asked about the west side Highway 100 project and Mr. Schmidt indicated that the west side corridor has been removed from the plan because it is no longer necessary. Commissioner Cypher asked if Tea-Ellis Road would become the major arterial and Mr. Schmidt mentioned that Ellis Rd. will be the primary road on the west side of Sioux Falls.

Commissioner Ode questioned if there was any growth planned to the north of Interstate 90. Mr. Schmidt explained that most of the growth will be to the south and east with little growth to north, primarily commercial and industrial.

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

Commissioner Cypher closed the floor to public testimony.

### **ACTION**

Commissioner Barth made a motion to **recommend approval** of the Joint Jurisdictional Comprehensive Plan (Shape Sioux Falls 2035 Comprehensive Plan) Amendments and the motion was seconded by Commissioner Duffy. The motion passed unanimously. Same motion was made for the City by Commissioner Johnson and seconded by Commissioner Chontos. The motion passed unanimously.

### **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 Chontos. The motion passed unanimously.

The meeting was **adjourned** at 7:13 pm.