



**MINUTES OF THE JOINT MEETING  
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS  
February 25, 2019**

A joint meeting of the County and City Planning Commissions was scheduled on January 28, 2019 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Bonnie Duffy, Becky Randall, Doug Ode, Adam Mohrhauser, Ryan VanDerVliet, Mike Ralston, and Jeff Barth.

CITY PLANNING COMMISSION MEMBERS PRESENT: Larry Luetke, Sean Ervin, Kati Johnson, Nicholas Sershen, and John Paulson.

**STAFF PRESENT:**

Scott Anderson, David Heinold, and Kevin Hoekman - County Planning  
Donna Kelly – States Attorney  
Jason Bieber – City Planning

The County Planning Commission was presided over by Chair Bonnie Duffy. The City Planning Commission was chaired by Larry Luetke.

Planning Commission Chair Bonnie Duffy called the joint City of Sioux Falls and Minnehaha County Planning Commission meeting to order at 7:37 p.m.

**PUBLIC COMMENT.**

Commissioner Duffy opened the floor for public comment and nobody moved to speak.

**Consent Agenda**

Commissioner Duffy read each item on the consent agenda and Item 2 was removed from the consent agenda by a member of the public for discussion.

A motion was made for the County by Commissioner Randall and seconded by Commissioner Barth to **approve** the consent agenda consisting of Items 1, 3, and 4. The motion passed unanimously. The same motion was made for the City by Commissioner Ervin and seconded by Commissioner Sershen to **approve** the consent agenda consisting of Items 1, 3, and 4. The motion passed unanimously.

**ITEM 1. Approval of Minutes – January 28, 2019**

As part of the consent agenda, a motion was made for the County by Commissioner Randall and seconded by Commissioner Barth to **approve** the meeting minutes from January 28, 2019. The motion passed unanimously. The same motion was made for the City by Commissioner Ervin



and seconded by Commissioner Sershen to **approve** the meeting minutes from January 28, 2019. The motion passed unanimously.

**ITEM 3. CONDITIONAL USE PERMIT #19-11 to exceed 3,600 square feet of total accessory building area – requesting 6,880 sq. ft. on the property legally described as Tract 1, Michael’s Addition, SE1/4, Section 28-T101N-R48W.**

Petitioner: Eric Willadsen

Property Owner: Clark Meyer

Location: 26695 481st Ave. Located approximately 2 miles east of Sioux Falls

Staff Report: David Heinold

General Information:

Legal Description – Tract 1, Michael’s Addition, SE1/4, Section 28-T101N-R48W

Present Zoning – Perry Planned Development District

Existing Land Use – Residential

Parcel Size – 7.89 Acres

**Staff Report:** David Heinold

**Staff Analysis:**

The petitioner is requesting conditional use permit approval to allow 6,880 square feet of total accessory building area on 7.89 acres. The subject property is located in a subdivision of more than four lots, which requires a conditional use permit to exceed 3,600 square feet of total accessory building area on lots larger than 3 acres.

There are a few properties in the surrounding area with total accessory building sizes exceeding 3,600 square feet. The property owner at 26704 481st Ave. has approximately 5,150 square feet on 12.34 acres located directly kitty corner southeast of the subject property. The property at 48110 Skyview Cir. has 3,600 square feet on land about a quarter mile to the south encompassing 3.96 acres. The remaining sizes range from 2,160 square feet to 3,048 square feet on similar acreage sizes to the subject property.

On February 13, 2019, staff visited the property and determined that the proposed accessory building size is appropriate for the surrounding area. There are properties within close proximity that have relatively comparable accessory buildings and lot sizes.

**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.**

There are several properties in the immediate vicinity with total accessory building sizes comparable to the petitioner’s request. The use of the proposed building addition for personal



storage of household items and property maintenance equipment should not negatively affect the use properties 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.**

The subject property is located within 2 miles of the current Sioux Falls city limits boundary and east of the Big Sioux River. The proposed placement of an accessory building should not negatively affect the normal and orderly development in the surrounding area. The future growth of surrounding vacant properties is determinant of the available building eligibilities and/or municipal annexation. The requested accessory building area would set a precedent for future undeveloped properties in the surrounding area and would further increase the size of personal accessory buildings in the rural area; however, accessory building sizes over 6,000 sq. ft. have been approved in other parts of the county on similar lot arrangements. For reference, the County Planning Commission approved Conditional Use Permit #18-22 at the April 23, 2018 meeting to allow an accessory building addition for a total area of 6,816 square feet on a similar property one mile northeast of Humboldt. The future development of agricultural land is entirely dependent on the availability of building eligibilities for residential homes in the area as well as future growth of municipal jurisdictions.

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

The petitioner has not indicated a need to increase utilities or included any provisions for accommodating drainage facilities to manage the type, intensity, and flow of water from the proposed accessory building addition. The site plan shows that the building addition will be accessible via the existing driveway.

**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 subject property is located in the Agricultural Production Area as identified by the Envision 2035 Comprehensive Plan for Minnehaha County. The property is also located about a quarter mile east of the 2040 Shape Sioux Falls Comprehensive Plan Growth Area.

**Recommendation:**



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Staff finds that the requested total accessory building area is relatively comparable to the existing accessory building sizes on similar properties in the surrounding area. Staff recommends **approval** of Conditional Use Permit #19-11 with the following conditions:

- 1.) That the total accessory building square footage shall not exceed 6,880 square feet.
- 2.) That a building permit is required prior to construction of the accessory structure.
- 3.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 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.

**Action:**

As part of the consent agenda, a motion was made for the County by Commissioner Randall and seconded by Commissioner Barth to **approve** Conditional Use Permit #19-11. The motion passed unanimously. The same motion was made for the City by Commissioner Ervin and seconded by Commissioner Sershen to **approve** Conditional Use Permit #19-11. The motion passed unanimously.

**Conditional Use Permit #19-11 - Approved**



**ITEM 4. FINAL DEVELOPMENT PLAN #19-01**

Petitioner: Myron Olson & Jason Shanks

Property Owner: Myron Olson

Location: 7701 W. Maple St. - Located approximately 1.5 miles west of Sioux Falls

Staff Report: Scott Anderson

**General Information:**

Legal Description – W350 feet of the S 400 feet of the N 1378 feet of the E 560 feet of Lot 1 of Olson’s Addition in the NE1/4 NW1/4 and the W1/2 of the NE1/4 of Section 10-T101N-R50W.

Present Zoning – Emerald Pines Planned Development District

Existing Land Use – Vacant/agricultural cropland

Parcel Size – Approximately 3.2 acres

**Staff Report:** Scott Anderson

**Staff Analysis:** The applicant has submitted a final development plan with a narrative and building renderings for review. Staff has included the narrative, site plan and several building renderings for the Planning Commissions’ review. Section 10.04 (D). contains a list of information that must be included on the Final Development Plan. Below is the list, in bold, with staff review of each item as to how the requirement has been met:

**(1). Size and location of proposed structures including height and number of units.**

The applicant is proposing a single structure, which will be 33 feet tall at the highest point.

**(2). Calculated floor area for each structure and a generic listing of the uses within said structure.**

The floor area will total 10,920 square feet and the uses listed are for: wedding barn facility with rental of the barn to the public, photography office/business, and a law office. This conforms to the approved uses in the Emerald Pines Planned Development.

**(3). Off-street parking lot arrangement designating all parking spaces, off- street loading spaces, and any outdoor trash container spaces.**

The site plan shows 2 loading spaces, five (5) handi-capped parking spaces and 150 regular parking spaces. The applicant has shown a fenced garbage enclosure.

**(4). Any sidewalks, bikeways or other paths.**

Sidewalks into the wedding barn are shown. No bike ways or other paths are shown.



**(5). Landscaping plans showing the type and location of any walls or fences, the placement, size and species of any trees or shrubs, and berms in areas that will be sod or seeded.**

The site plans shows a detailed landscaping plan with over 30 3'-5' Colorado blue spruce trees being planted around the south and east sides of the parking lot. The applicant will utilize the existing mature shelter belt along the north and west sides of the property. Other decorative plantings such as a purple beech hedge, burning maple trees and flowering crabapple trees are shown.

**(6). All existing and proposed utilities, drainage ways, water courses, and location of above ground existing utilities on adjacent property.**

The surrounding property is undeveloped. Therefore, no existing utilities are shown. There are no water or drainage ways on any of the adjacent properties. The City of Sioux Falls has expressed concern about storm water run-off from the roof and parking lot. In order to address this concern, staff recommends that all water from the parking lot and roof be maintained at the same rate as the pre-development rate. The applicant has submitted a set of engineered plans for drainage.

**(7). Proposed final ground contours.**

The proposed final ground contour is to be level.

**(8). Existing and proposed uses adjacent to the area.**

The proposed uses adjacent to the subject property are to remain in an agricultural state at this time.

**(9). Documentation of the ownership and maintenance responsibility of any common open spaces, structures, or facilities including private streets.**

The applicant has indicated that the owners of the Emerald Pines Planned Development will maintain the private access to the wedding barn and the grounds.

**(10). Any subareas proposed for multiple residential development will be required to provide an open area for recreation. Said open spaces shall not be included in any required yard, but shall be located in the same subarea it is intended to serve.**

No residential sub-areas are included with the Emerald Pines Planned Development.

**(11). Proposed parking and loading spaces which shall be in conformance with Article 16.00, except where unique physical, environmental or design characteristics make such requirements undesirable.**

The parking requirements of Article 16 have been met. Article 16.02(e) requires 1 parking space per 300 square feet of floor area for private clubs or lodges. The applicant is proposing a total of 10,920 square feet of floor area, which means a minimum of 37



parking spaces must be provided. The applicant has shown over 150 spaces on the site plan. In addition, two (2) loading spaces have been provided.

**(12). Unless otherwise specified on the Final Development Plan, all development standards shall be the same as those set forth in the traditional zoning districts, which shall be referenced for each subarea as a part of the Final Development Plan. For example: townhouses on Block X shall be developed in conformance with the requirements of the RD Residential District.**

All development standards have been met. Generally the setback and height requirements of the A1 Agriculture District are being used.

The City of Sioux Falls submitted comments which have provided to the applicant and included for the Planning Commission's review. Staff has addressed the concerns and comments by the City in the proposed recommended conditions of approval.

**Recommendation:** Staff finds that the Initial and Final Development Plan meets the requirements of the Zoning Ordinance and of the Emerald Pines Planned Development District. Staff recommends **approval** of the Emerald Pines Initial and Final Development Plan #19-01 with the following conditions:

1. That all storm water run-off from subject property be maintained at the same rate as the pre-development rate.
2. That all outside security lighting and parking lot lights shall be fully cut-off and fully shielded with recessed lights that prohibit the spillage of light beyond the boundaries of the subject property.
3. 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.
4. That the applicant obtains a building permit prior to any construction commencing on the site.
5. There shall be no parking allowed on W. Maple Street.
6. Hours of operation shall be between 8 AM and Midnight.
7. No outdoor music shall be allowed after 10 p.m.
8. That prior to Planning Commission approval, the applicant has provide to City Planning a new location map depicting the proposed planned development and all roadways label for at least ½ mile.
9. The building shall not exceed 60 feet by 132 feet.
10. That prior to Planning Commission approval, the applicant shall provide to City Planning a site plan depicting all minimum setback requirements
11. That prior to Planning Commission approval, the applicant provide to the City Planning a new parking plan for their review and approval.



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**Action:**

As part of the consent agenda, a motion was made for the County by Commissioner Randall and seconded by Commissioner Barth to **approve** Final Development Plan #19-01. The motion passed unanimously. The same motion was made for the City by Commissioner Ervin and seconded by Commissioner Sershen to **approve** Final Development Plan #19-01. The motion passed unanimously.

**Final Development Plan #19-01 - Approved**





**Regular Agenda**

**ITEM 2. CONDITIONAL USE PERMIT #19-10 to exceed 2,400 square feet of total accessory building area – requesting 7,536 sq. ft. on the property legally described as Edblom Tract 1, SW14/ NE1/4, Section 30-T102N-R49W.**

Petitioner: Morton Buildings (Ron Tschetter)

Property Owner: Al Schmidt

Location: 5800 North Kiwanis Ave      Located approximately 0.5 mile north of  
Sioux Falls

Staff Report: David Heinold

**General Information:**

Legal Description – Edblom Tract 1, SW1/4 NE1/4, Section 30-T102N-R49W

Present Zoning – A-1 Agricultural District

Existing Land Use – Residential

Parcel Size – 1.86 Acres

**Staff Report:** David Heinold

**Staff Analysis:**

The petitioner is requesting conditional use permit approval to allow 7,536 square feet of total accessory building area on a 1.86 acre parcel. The proposed building size is 60 feet by 120 feet and there is already an existing 14 foot by 24 foot accessory building. The subject property is located in a subdivision of more than four lots, which requires a conditional use permit to exceed 2,400 square feet of total accessory building area on lots larger than 1 acre but less than 2 acres.

There are a few properties in the surrounding area with total accessory building sizes exceeding 2,400 square feet. The property owner at 2410 W. 68th St. N. has approximately 7,160 square feet on 3.58 acres located directly adjacent to the subject property. The property at 2200 W. 70th St. N. has 4,704 square feet on land immediately north of Interstate 90 encompassing 33.17 acres. Similarly, the property immediately south of the subject property at 2000 W. 66th St. N. has 4,144 square feet of total accessory building area on 35.32 acres. The remaining sizes range from 1,120 sq. ft. to 1,920 square feet on similar acreage sizes to the subject property.

On February 13, 2019, staff visited the property and determined that the proposed accessory building size is appropriate for the surrounding area. There are properties within close proximity to the subject property that have relatively comparable accessory buildings and lot sizes. All buildings wider than 60 feet require structural engineering for the building and foundation to be reviewed by the Building Inspector.

**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.**

There are several properties in the immediate vicinity with total accessory building sizes comparable to the petitioner's request. The use of the proposed building addition for personal storage of household items and property maintenance equipment should not negatively affect the use properties 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.**

The subject property is located within a half mile of the current Sioux Falls city limits boundary and south of Interstate 90. The proposed placement of an accessory building should not negatively affect the normal and orderly development in the surrounding area. The future growth of surrounding vacant properties is determinant of the available building eligibilities and/or municipal annexation.

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

The petitioner has not indicated a need to increase utilities or included any provisions for accommodating drainage facilities to manage the type, intensity, and flow of water from the proposed accessory building addition. The site plan shows that the building addition will be accessible via the existing driveway.

**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 Envision 2035 Comprehensive Plan for Minnehaha County includes the property in the Transition Area, which is meant to preserve the current use until eventual municipal development and/or annexation. The Shape Sioux Falls 2040 Comprehensive Plan Growth Area identifies the subject property located in an area on the south side of Interstate 90 for future development within five years.

**Recommendation:**



Staff finds that the requested total accessory building area is relatively comparable to the existing accessory building sizes on similar properties in the surrounding area. Staff has included a comment letter from the City of Sioux Falls Planning & Development Services for your review. Staff recommends approval of Conditional Use Permit #19-10 with the following conditions:

- 1.) That the total accessory building square footage shall not exceed 7,536 square feet.
- 2.) That a building permit is required prior to construction of the accessory structure.
- 3.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 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 a detailed set of architectural, structural, mechanical, electrical, and engineered foundation design plans, all have to be stamped and sealed by the respective licensed professionals, be submitted to the Planning Department for review prior to issuance of a building permit.

### **Public Testimony**

David Heinold, County Planning, presented a brief overview of the staff report and recommendation for the conditional use permit request. Commissioner Barth asked what type of utility runs across the building site that was referenced in the report. David Heinold responded that there is an overhead power line. Commissioner Barth continued to ask if any buildings were to be removed as part of the permit. David Heinold responded that the request accounts for all new and existing building areas.

Ron Tschetter, Morton Buildings, was available as the petitioner and contractor for the building. Mr. Tschetter stated that it is the property owner's intent to keep the existing buildings and that the request includes the total area of all buildings on the property. Commissioner Luetke asked if there was a plan for the power line. Mr. Tschetter responded that they will move the power line if needed. Commissioner Ralston added that the power company typically dictates when power lines get moved and where.

Jeff Johnson, 2410 W. 68<sup>th</sup> St. N., is the neighbor to the east of the petitioner property. Mr. Johnson raised concern with the length of the building and its location close along the property line. He stated that his 5,000 square foot building is located far set back on his property and away from other properties. Mr. Johnson also stated concern about rain water runoff directing onto his property or soaking into the ground and causing problems. Mr. Johnson acknowledged that he has never met his neighbor. In addition, he commented that a 10' area between the building and the fence may lead to a mess of items being left in the unusable space. Finally, Mr. Johnson stated that the large building would take away from his few from his house.

Ron Tschetter, petitioner, responded that the building is planned to be guttered and rainwater directed south. The total building size could be reduced but that would not change the overall



view of the neighbor. Commissioner Barth asked if the building could be moved further west if the existing small building is removed. Mr. Tschetter responded that that would be possible if necessary to 15' instead of 10'. He added that the building is planned for personal parking of items in the structure.

Commissioner Ervin confirmed that the proposed setback is 10 feet from the property. Planning Staff explained that the required setback is 3 feet for accessory buildings and 7 feet for residential.

Jeff Johnson, 2410 W. 68<sup>th</sup> St. N., asked for more detail on where the power line will be located and if it will affect his new pole in his yard. Chairperson Duffy noted that the power line is likely a power company issue.

Commissioner Barth commented that the project seems to have a lack of communication between landowners.

### **Discussion**

Commissioner Sershen commented that he felt that the building met requirements and was similar to neighborhood sizes. He continued that the planning commission should not determine little things such as color, and he would like to move forward with action

### **Action**

Commissioner Barth made a motion to **Defer** Conditional Use Permit #19-10 to the March 25, 2019 regular meeting. Commissioner Mohrhauser seconded the motion. The motion passed unanimously.

Commissioner Ervin made the same motion for the City Planning Commission to **Defer** Conditional Use Permit #19-10 to the March 25, 2019 regular meeting. Commissioner Paulson seconded the motion. The motion passed unanimously for the City Planning Commission.

**Conditional Use Permit #19-10 – Deferred to March 25, 2019 hearing.**



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**Old Business**

None.

**New Business**

None.

**Adjourn**

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

The meeting was **adjourned** at 8:05 pm.