



**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS
June 28th, 2021**

A joint meeting of the County and City Planning Commissions was held on June 28th, 2021 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

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

Commissioner Erik Nyberg chaired the City of Sioux Falls Planning Commission, and called for roll call of City of Sioux Falls Planning Commission members present to determine quorum.

CITY PLANNING COMMISSION MEMBERS PRESENT: Sean Ervin, Dana Fisher, Kurt Johnson, Larry Luetke, and Erik Nyberg.

STAFF PRESENT:

Scott Anderson, Kevin Hoekman, and Mason Steffen - County Planning
Eric Bogue – States Attorney’s Office
Albert Schmidt and Fletcher Lacock – City Planning

The County Planning Commission was presided over by Commissioner Bonnie Duffy. The City Planning Commission was chaired by Erik Nyberg.

Chair Duffy called the joint Minnehaha County and City of Sioux Falls Planning Commission meeting to order at 7:00 p.m.

PUBLIC COMMENT.

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

ITEM 1. Approval of Minutes – May 24th, 2021

Chair Duffy called for any comments or amendments to the minutes. Nobody raised any comments or additions.

A motion was made for the County by Commissioner Barth and seconded by Commissioner Ralston to **approve** the meeting minutes from May 24th, 2021. The motion passed unanimously.

The same motion was made for the City by Commissioner Luetke and seconded by Commissioner Fisher to **approve** the meeting minutes from May 24th, 2021. A roll call vote was taken, and the motion passed unanimously with 6 votes in favor of the motion and 0 votes against the motion.



ITEM 2. CONDITIONAL USE PERMIT #21-37 to allow a Dog Training Facility – Scent Discrimination on the property legally described as Lot 8 in Block 2 of Blue Meadows, NW1/4, Section 34- T101N-R50W.

Petitioner: Roger Lutt

Property Owner: Same

Location: 8209 W. 46th St. Located Southwest Sioux Falls

Staff Report: Scott Anderson

General Information:

Legal Description – Lot 8 in Block 2 of Blue Meadows, NW1/4, Section 34- T101N-R50W

Present Zoning – Rural Residential

Existing Land Use – residential

Parcel Size – less than ½ acre

Staff Report: Scott Anderson

Staff Analysis: The applicant is requesting a conditional use permit to operate a dog training facility out of his home as a home occupation. The applicant has provided a narrative explaining the type and scope of the training activities. He will not be boarding any dogs overnight. Generally, he would be holding classes approximately twice weekly that run for approximately 1 hour long. He works with the dogs and owners on scent training. He would also offer limited private individual sessions during the day. The training would be conducted in his basement with some training also being done in the rear coach house and garden shed. The applicant’s narrative has been included for the Planning Commission’s review. In addition, more information about scent training can be found at the applicant’s website: www.K9NoseSports.com.

This item was discussed by the Joint Planning Commissions on May 24, 2021. It was continued as the applicant and other interested parties were unable to attend due to issues with the Zoom meeting room. New notices of the June meeting have been sent to all property owners within 500 feet of the subject property and the sign on the property has been updated with the June 28, 2021 meeting date and time.

Conditional Use Permit Criteria:

(a) The impact of the proposed use on adjacent properties shall be a major consideration. The proposed use should be generally compatible with adjacent properties and other properties in the district.

Generally, this type of home occupation has limited effect and impact on neighboring properties. The hours of operation are limited and will be set in the conditions of approval. Many other home occupations operate in the County, such as day cares, gun sales, crafts productions and sales and others. While the training will occur indoors, it should have minimal impacts.



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

Parking is a major consideration when evaluating a home occupation. The applicant has indicated that the class size is limited to 5 dogs. It is likely that each dog will be accompanied by its trainer and that all five trainers and dogs will arrive in separate vehicles. The applicant has an attached triple stall garage with a cement and gravel apron large enough to accommodate 6 cars. Staff will make a condition that at least 6 off-street parking spaces be provided and that no parking be allowed on West 46th Street.

(c) The effects of noise, odor, traffic, air and water pollution, and other negative factors shall be eliminated or controlled through the use of screening, setbacks and orientation.

The training will take place primarily inside the dwelling. Furthermore, the applicant has indicated in his narrative that barking dogs are not allowed. The applicant has a fully fenced yard, providing screening for the surrounding houses. The interior training will eliminate noise.

(d) The proposed use shall not adversely affect the public.

The proposed use should not adversely affect the public. Contrary, the training of dogs for scent may have benefits to the community at large.

(e) Health, safety, general welfare of the public and the Comprehensive Plan should be considered as part of the request.

Generally, a home occupation does not harm the health or safety of the community. The welfare of the public may even be enhanced by allowing dog scent training. The zoning of the area remains intact, respecting the intent of the Comprehensive Plan.

Recommendation: Minnehaha County planning staff recognizes the proposed use as compatible with the surrounding land uses and the Envision 2035 Comprehensive Plan. Staff recommends **approval** of Conditional Use Permit #21-37 with the following conditions:

1. A minimum of six (6) off street parking spaces must be provided. No parking shall be allowed on West 46th Street.
2. That training class sizes be limited to 5 dogs. No dog boarding shall be allowed.
3. All new and replacement lighting must be pointed downward and of fully shielded and cutoff design as to prevent light from shining on other property.
4. The hours of operation shall be 9 am to 9 pm, Monday thru Saturday.
5. That any signage meets the requires set forth in Article 17 (On-Premise Signs) and obtain a building permit prior to installation.
6. The applicant obtains as SD Sale Tax License and collects sales tax as needed.
7. This Conditional Use Permit is granted to Roger Lutt and non-transferable to any future owner or leasee of the subject property.
8. That the Planning & Zoning Department reserves the right to enter and inspect the site, 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:

Scott Anderson, county planning staff, presented a brief explanation of the staff report and recommendation.

Commissioner Barth asked if the conditional use permit would still apply if the property owner were to change the nature of the business to dog obedience instead of scent training. Scott Anderson of the county planning staff noted that if such a change were made by the owner then the conditional use permit would need to be changed in order to reflect the change of occupation.

Commissioner Johnson asked how responsible the property owner would be if the customers did not follow the off-street parking requirement. Scott Anderson stated that it is the property owner's responsibility to manage the parking, and that any customer that does not follow this rule should be asked to leave the dog training class. Commissioner Johnson further questioned what would happen if a neighbor complained about customers parking on the street, and what responsibility the property owner would have in this situation. Scott Anderson explained that if a neighbor were to complain about on-street parking then county planning staff would conduct a site visit to the property and assess the validity of the complaint. If the complaint was valid then the property owner would be in violation of the conditional use permit, and would need to solve the situation immediately.

The petitioner/owner Roger Lutt of, 8209 W 46th Street, was present and available for questions from the commissioners. Commissioner Barth asked the petitioner how the dogs would be trained to alert to the scents if barking was not allowed in the classes. The petitioner explained that the dogs would be trained to point at the scents, and if a dog were to start barking excessively then the dog and its owner would be asked to leave the class. No further questions were asked by either county or city commissions.

Actions:

Commissioner Barth made a motion to **approve** Conditional Use Permit #21-37 with the recommended conditions. The motion was seconded by Commissioner Ode. The motion passed unanimously.

Commissioner Johnson made the same motion for the city Planning Commission to **approve** Conditional Use Permit #21-37 with the recommended conditions. The motion was seconded by Commissioner Luetke. A roll call vote was taken and the motion unanimously with 5 votes in favor and 0 votes against.

Conditional Use Permit #21-37 – Approved



**MINNEHAHA COUNTY & CITY OF SIOUX FALLS
PLANNING COMMISSION
MEETING MINUTES**

JUNE 28th, 2021

Old Business

None.

New Business

Commissioner Duffy asked if there was any new business to discuss and Scott Anderson of county planning staff asked to introduce the new county planner. The new county planner, Mason Steffen, briefly introduced himself to the commissioners and the new business was completed.

Adjourn

A motion was made for the County to **adjourn** by Commissioner Barth and seconded by Commissioner Randall. The motion passed unanimously. The same motion was made for the City to **adjourn** by Commissioner Luetke and seconded by Commissioner Fisher. A roll call vote was taken, and the motion passed unanimously with 5 votes in favor of the motion and 0 votes against the motion.

The meeting was **adjourned** at 7:20 pm.