

**MINUTES OF THE JOINT MEETING  
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS  
September 28, 2015**

A joint meeting of the County and City Planning Commissions was held on September 28, 2015 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

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

CITY PLANNING COMMISSION MEMBERS PRESENT: Andi Anderson, Denny Pierson, Sharon Chontos, Nicholas Sershen, and Kurt Johnson.

**STAFF PRESENT:**

Scott Anderson, Kevin Hoekman, and David Heinold - County Planning  
Sara Show – Office of the State’s Attorney  
Diane de Koeyer – City Planning

The County Planning Commission Vice-Chair Mike Cypher presided over the meeting. The City Planning Commission was chaired by Andi Anderson.

**CONSENT AGENDA**

There were no items on the Consent Agenda

**ITEM 1. Approval of Minutes – August 24, 2015**

A motion was made for the City by Commissioner Sersen and seconded by Commissioner Chontos to **approve** the meeting minutes for August 24, 2015. The motion passed unanimously. Same motion was made for the County by Commissioner Barth and seconded by Commissioner Ode to **approve** the meeting minutes for August 24, 2015. The motion passed unanimously.

## **REGULAR AGENDA**

### **ITEM 2. CONDITIONAL USE PERMIT #15-63 to exceed 1,200 square feet of total accessory building area – requesting 3,600 sq. ft. on the property legally described as S528' E165' NW1/4 NE1/4, Section 22-T101N-R50W.**

Petitioner: Robert Gilliland

Property Owner: same

Location: 601 S. Sertoma Ave.

Staff Report: Kevin Hoekman

This would allow 3,600 sq. ft. of total accessory building area.

#### **General Information:**

Legal Description – S528' E165' NW1/4 NE1/4, Section 22-T101N-R50W

Present Zoning – A1 Agriculture

Existing Land Use – Single family residence

Parcel Size – 2 acres

**Staff Report:** Kevin Hoekman

#### **Staff Analysis:**

The property is located approximately one quarter (1/4) mile south of the intersection of West 12<sup>th</sup> Street and Sertoma Avenue, and it is nearly surrounded by City limits and a few rural residential lots. The site is one of three lots that are accessed from a service road on Sioux Falls' property. It includes a single family dwelling that is in poor condition, and the petitioner has noted that they intend on replacing the house as part of the larger project of the property.

The petitioner would like to construct a 3,600 square foot accessory building for personal storage and use. One of the specific items that would be stored in the building is a long camper trailer that will take up a lot of space in the shed. This accessory building is planned to be located on the north half of the parcel. This portion of the parcel is sloped, but the petitioner has planned to build a portion of the building into the hill. The location of the proposed accessory building may be problematic for future access when the subject property and surrounding lots are annexed and developed within the City of Sioux Falls. The site plan includes a reference to a possible future road access to the property by extending 15<sup>th</sup> Street through the subject property to exit at Sertoma Avenue. The City of Sioux Falls would have to approve any new streets and access onto Sertoma Avenue, and the petitioner would be responsible for the cost of construction for the road.

The site plan indicates that the accessory structure will meet the minimum front and side yard setback requirements. Staff recognizes the east property line as the front yard because of the access road and the address location from Sertoma Avenue.

The area is primarily suburban style subdivisions within Sioux Falls City limits. Because of the

typical lot size in the area, few properties have large accessory buildings. A property approximately ¼ mile to the northwest of the proposed building has about 2600 square feet of accessory buildings. It appears like the buildings of this neighboring property were built as farm accessory buildings prior to the ordinance that limits accessory building size in subdivisions. Other large buildings in the area are associated with the gravel quarries to the north of 12<sup>th</sup> street.

The proposed accessory building would be the largest single accessory building in the area. The planning commission has typically limited accessory building to the size of the largest nearby accessory structure. The largest nearby total accessory building is 2,600 square feet. Therefore, staff will make a recommendation to limit the requested accessory building to 2,600 square feet to match existing structures in the area.

**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 existing uses. The site has significant buffer distance from residential subdivisions in city limits. The property to the east is owned by the City of Sioux Falls. An access road has been constructed on this City owned property and a large existing berm will help screen the large building from view from the east. The property immediately to the north would be the most affected because of its close proximity to the large structure. The accessory structure shall not be used as a commercial operation at any time.

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

The little bit of available land in the area will likely develop into single family residential suburban subdivisions. The petitioner noted that future access to the property will likely come from West 15<sup>th</sup> Street and not from Sertoma Avenue. If this is the case, the access of the proposed accessory structure may not be conducive for future use in its proposed location. The submitted site plan includes a proposed driveway location for the building if 15<sup>th</sup> Street is extended through. It is likely that the proposed accessory building would be the largest accessory building in the present and the future of this area.

**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. Future access may be questionable once remaining land is developed.

**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.

**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.

**Recommendation:**

Staff finds that the proposed accessory building is appropriate when the building is sized to generally conform to the neighborhood. Staff recommends **approval** of Conditional Use Permit #15-63 with the following conditions:

- 1.) That the total accessory building square footage shall not exceed 2,600 square feet.
- 2.) That a building permit is required prior to construction of the accessory building.
- 3.) That the accessory building shall not exceed 35 feet in height and meet the setback requirements for the zoning district.
- 4.) 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 2,600 square feet.
- 5.) That only personal residential storage shall be allowed in the building and no commercial uses or commercial storage will be allowed at any time.
- 6.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 7.) 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.

**PUBLIC TESTIMONY**

Kevin Hoekman of County Planning & Zoning presented the staff report and recommendation as written above.

Commissioner Even asked staff when the City of Sioux Falls is likely to annex the property. Diane de Koeyer, City of Sioux Falls Planning staff, explained that the property is part of an “island” surrounded by the city, and that this would make it a priority for annexation. As such the property could be annexed within the next 3 years.

Commissioner Barth asked if the property will be annexed soon. City Planner Diane de Koeyer responded that the proposed location is nearly surrounded by the city limits.

Commissioner Sershen asked if the property to the northwest had several buildings or one to make up the 2,600 square feet. Staff responded that there were two buildings that combined created approximately 2600 square feet. One was larger than the other.

Commissioner Sershen asked Sioux Falls’ planning staff whether access onto Sertoma Avenue is an issue or not. Diane de Koeyer explained that access would be available for the south driveway, but not for the north. The site plan that included 15<sup>th</sup> Street would have to be approved

by City engineers, and her conversation with engineers was understood that that access as a street would not be allowed.

The petitioner, Robert Gilliland, first noted that he has driveway access to Sertoma Avenue and he was unsure what would happen to the north driveway. Commissioner Cypher asked the petitioner if he had any issues with the staff recommended size. Robert responded that he wants the building for a fifth wheel camper and sever cars. The fifth wheel camper needs a larger size to be able to fit. Commissioner Cypher asked what type of building this would be. Robert responded that it would be a steel pole building, but he would be open to having a residential type exterior. He continued that if the building was build long and narrow, then it would look awkward on the landscape.

Commissioner Pierson asked what the length of the camper was. Robert responded that the fifth wheel is 40 feet long and the pickup is 20 feet long, the 60 feet combined feet would need to have some room in front and back for maneuvering. Commissioner Pierson also asked if any trees will be removed from the site. Robert Responded that there will be some trees removed, but he would like to keep as many as possible anyway.

### **DISCUSSION**

Commissioner Sershen motioned for approval for discussion purposes. Commissioner Chontos seconded the motion.

Commissioner Sershen asked City Planning Staff what the city would expect to have when this property is to be annexed. Diane de Koeyer responded that they would expect to have 1,200 square foot accessory building as that is the limit without a conditional use permit. Commissioner Sershen commented that the proposed building would be too big and look very out of character with the surrounding development.

Commissioner Barth agreed that the proposed building would not fit well when the city annexes the area properties.

Commissioner Barth motioned for approval of Conditional Use Permit #15-63 with conditions. Commissioner Ode Seconded the motion.

### **ACTION**

A motion was made to **approve** Conditional Use Permit #15-63 with the recommended Conditions for the City by Commissioner Sershen and seconded by Commissioner Chontos. The motion failed with 2 ayes and 3 nays.

Same motion was made to **approve** Conditional Use Permit #15-63 with the recommended conditions for the County by Commissioner Barth and seconded by Commissioner Ode. The motion passed with a vote of 3 ayes and 1 nay. Commissioner Even voted against the motion.

**Conditional Use Permit #15-63 – Split Decision – Denied.**

**Old Business**

None.

**New Business**

None.

**Adjourn**

A motion was made for the City by Commissioner Pierson and seconded by Commissioner Chontos to **adjourn**. The motion passed unanimously. Same motion was made for the County by Commissioner Ode and seconded by Commissioner Even to **adjourn**. The motion passed unanimously.