



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

**November 26, 2018**

**MINUTES OF THE JOINT MEETING  
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS  
November 26, 2018**

A joint meeting of the County and City Planning Commissions was scheduled on November 26, 2018 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, Mike Ralston, and Jeff Barth.

CITY PLANNING COMMISSION MEMBERS PRESENT: Sean Ervin, Kurt Johnson, Larry Luetke, Katherine Fiegen, Sharon Chontos, and John Paulson.

**STAFF PRESENT:**

Scott Anderson, David Heinold, and Kevin Hoekman - County Planning  
Maggie Gillespie – States Attorney  
Albert Schmidt – City Planning

The County Planning Commission Chair was presided over by Chair Bonnie Duffy. The City Planning Commission was chaired by Sean Ervin.

Planning Commission Chair Bonnie Duffy called the joint City of Sioux Falls and Minnehaha County 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.

**Consent Agenda**

Commissioner Duffy read each item on the consent agenda and nobody from the Commission or the public raised concerns about any item.

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

**ITEM 1. Approval of Minutes – October 23, 2018**

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 October 23, 2018. 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 October 23, 2018. The motion passed unanimously.



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**Regular Agenda**

ITEM 2. REZONING #18-05 to rezone property from the A-1 Agricultural District to the Laurel Ridge Planned Development District legally described as Lot A, Tract 1, Laurel Ridge Addition, SE1/4 SE1/4, Section 23-T102N-R49W.

Petitioner: Tyler Childress

Property Owner: same

Location: 47677 Slip Up Creek Rd. Located approximately 1 mile north of  
Sioux Falls

Staff Report: Scott Anderson

**General Information:**

Legal Description – Lot A, Tract 1, Laurel Ridge Addition, SE1/4 SE1/4, Section 23-T102N-R49W

Present Zoning – A-1 Agricultural District

Existing Land Use – vacant/pasture

Parcel Size – 26.90 Acres

**Staff Report:** Scott Anderson

**Staff Analysis:** The applicant is proposing to rezone approximately a 30.52 acre parcel from A1 Agricultural to a Planned Development District. The petitioner has proposed a plan that consists of three (3) sub-areas, agricultural, commercial and residential. The commercial subarea is proposed to be reception hall/events center to be used for renting for private gatherings such as corporate and private meetings and weddings. The residential component consists of an area along the east side of the property to be used for housing. The residential area contains approximately 7 acres. The applicant is proposing to allow seven (7) residential building sites within this area. The balance of the 30+ acres is designated as an agricultural sub area. The applicant has submitted renderings of the proposed wedding barn/events facility which are included for your review.

Andes Acres, existing residential subdivision consisting of over 40 lots is located approximately ½ mile to the west of the proposed site. There are large areas of agricultural land in the area, particularly to the north, east and south of the proposed Planned Development. The new Veteran's Cemetery will be located north of the subject property.

The Shape Sioux Falls 2040 Comprehensive Plan, adopted in 2016, has identified areas of future residential growth. This area is planned for future residential use and not commercial use.



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The Sioux Falls Planning Department has reviewed the requested. The comments from the City are extensive and provided for review. The City is not recommending approval of the residential sub area. Much of the rest of the City's comments pertain to Final Development Plan.

Minnehaha County has identified commercial and industrial growth areas are called "Rural Service Areas". The subject property is not located within an identified rural service area. The concept behind the rural service areas is to promote good planning ahead of commercial growth in the county. The nearest planned Rural Service Area is located approximately 2 miles to the west and is known as the village of Renner.

In consideration of the Planned Development request, staff feels that the use of wedding event halls and centers is a growing trend. Accommodating this trend and finding a zoning district in which the use can be located can be difficult. While it is a quasi-commercial use, the desire for a serene and scenic setting can not usually be achieved in a commercial or industrial location. For this reason, county staff believes, a Planned Development is a good alternative and would allow for reasonable use of the property while implementing controls over the use and appearance of the facility. County staff generally supports this rezoning request to create the Laurel Ridge Planned Development with the exception of the residential sub-area and considers the use of the Planned Development District an innovative idea on how to accommodate the uses and maintain control over it.

Staff does not support the request for Sub Area A. The additional residential development is not consistent with established density zoning. The County denied a rezoning request on May 30, 17 to rezone (RZ #17-02) a 3.5 acre parcel to Rural Residential at 47653 258<sup>th</sup> Street, which is approximately 1 mile north of the subject property. The applicant owned a 20 acre parcel on a paved county highway and requested to rezone 3.5 acres out of the 20 acre parcel to allow one (1) new single family residence to be constructed. The County Commission denied the request stating that it was following density zoning. This applicant is requesting seven (7) additional residential building sites on property is currently serviced by a gravel township road and crosses Slip Up Creek, a waterbody that is prone to flooding. Both the City and County do not support the proposed residential component of the proposed Laurel Ridge Planned Development.

Staff is including two (2) proposed ordinances. One draft will include two sub areas, for the commercial events barn and the agricultural area. The other draft will include three sub areas for the commercial events barn/events facility, agricultural sub area and residential sub area. This will allow both the applicant and Planning Commissions to review the development standards and requirements for each of the proposed sub areas.

**Recommendation:** Staff recommends approval of Rezoning #18-05 to allow Sub Area A, the commercial use of a wedding barn/event facility and Sub Area B, the Agricultural Area.



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**Public Testimony**

Scott Anderson, County Planning Director, presented a brief overview of the staff report and recommendation for the rezoning request.

Commissioner Mohrhauser asked Mr. Anderson if the owner lives on the property. Mr. Anderson explained that the applicant owns the adjacent property, but there is no house.

Commissioner Ode asked county planning staff if there is connection to rural water and/or sewer. Mr. Anderson explained that there is access to rural water, but connection to sewer lies with the Sioux Falls administration. The timeline for sanitary sewer is unknown.

Commissioner Johnson clarified with staff the differences of the provided map and the proposed subareas.

Tyler Childress, 2108 E. Tamarac Dr., identified himself as the petitioner for the proposed rezoning request. Mr. Childress explained that the proposed rezoning request blends with the surrounding agricultural and natural environment. He continued to mention that Sioux Falls has not discovered the northeast area yet and believes that the growth plan should accommodate multi-use facilities for this area. Mr. Childress explained that Phase 1 consists of the commercial part and Phase 2 would include the long-term goal. He also mentioned that the proposed Veterans Cemetery would be complemented well with a permanent events center for gatherings.

Commissioner Barth questioned where the Veterans Cemetery will be located in this area. Mr. Childress explained that it will be west of Slip Up Creek Road and to the north of the subject property. Commissioner Barth then asked the petitioner if he planned to have any signage or a flagpole. Mr. Childress mentioned that there will be a ranch-style fence with gates upon entering the property. Commissioner Barth continued to ask about access to the east part of the property. Mr. Childress explained that since a new bridge over Slip Up Creek Road was constructed, no issues have happened.

Ryan Bechtold, 47614 Slip Up Creek Rd., presented several concerns including the septic system, increased traffic, outside music, sign restrictions, hours of operation, and the impact of flooding in the area. Mr. Bechtold explained there have been issues with the road bridges being washed out due to heavy flooding in the area. He continued to mention concerns over whether the proposed rezoning request will be a precedence for future commercial buildings in the area. Commissioner Barth asked Mr. Bechtold where he lives on the location map. Mr. Bechtold pointed out that he lives about a quarter mile to the west of the subject property.

Commissioner Ode asked Mr. Bechtold if the residents in his area have septic tanks and if they have had problems. Mr. Bechtold responded that they do have septic tanks and no issues are known for the existing systems. Mr. Anderson, Planning Director, explained that a commercial building must obtain state approval from the South Dakota Department of Environment and



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Natural Resources and accommodate the minimum amount of space required for commercial septic system. Staff placed a map of the floodplain on the projector to cover questions about the floodplain.

Tyler Childress explained that the proposed commercial use will not be a heavy use. He also reviewed the floodplain map on the overhead projector. The map showed the current and likely future floodplain extents.

Commissioner Duffy asked Mr. Childress about the proposed hours of operation and timeframe for events. Mr. Childress mentioned that the building will be primarily open for weddings on Friday and Saturday. Other weekday events may happen throughout the year.

Commissioner Randall questioned if there was adequate space for the septic system with the expanded floodplain. Mr. Anderson explained that there is space for a septic system.

Ryan Bechtold stated that he understands that the floodplain and engineering can be accomplished but he continued that the project will have significant negative impact on the rural area.

Nate Althoff, 47605 Surrell St., mentioned concern over traffic and the proposed commercial use setting a precedence for more commercial buildings in the area.

Sonya Wilson, 47644 Slip Up Creek Rd., stated concerns over the increase in traffic from the proposed wedding events facility. She finds it difficult to turn left onto the street as it is now.

Mr. Althoff indicated that there is a big hill going east on Slip Up Creek Road from the Jim Zweep Memorial Highway. The hill causes a blind spot

Gerry Foster, 25857 477<sup>th</sup> Ave., identified himself as the owner of a 160-acre farm directly across from the Sioux Valley Cycle Club track. Mr. Foster stated concerns that 477<sup>th</sup> Avenue is winding and hilly that makes it dangerous. He also raised concerns that wedding traffic mixing with traffic from the motor cycle club. Commissioner Barth clarified that Slip Up Creek Road was a township road. Mr. Foster explained that the motor cycle club has paid for dust control on the road.

Don Ahschlager, identified himself as the Mapleton Township Supervisor, and indicated that the township issued Mr. Childress with a driveway approach off Slip Up Creek Rd. Mr. Ahschlager explained that the residents along Slip Up Creek Road paid for asphalt on the half mile stretch east from the county highway. He continued that there is no direct access to Interstate 90 and that the township does not have the funds to asphalt the remaining stretch of Slip Up Creek Rd. beyond what is already done. Mr. Ahschlager explained that there are a lot of unknowns regarding the future of Slip Up Creek Road. Commissioner Barth reiterated the concerns



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regarding the hilliness of the road. Don Ahschlager mentioned that the speed limit signs for 35 miles per hour are posted for safety and speeding concerns.

Jay Masur, 25968 476<sup>th</sup> Ave., stated concerns with what comes next after the petitioner once the use may be vacated. Mr. Masur added that he is concerned with speeding on 476<sup>th</sup> Ave. He noted the differences between the future veteran's cemetery and the proposed use. Primarily a wedding event center will have drinking and a cemetery will not. He continued to mention that he would like to the applicant to meet with the neighbors about noise and traffic concerns before proceeding with the rezoning request.

Brad Thill, 25985 477<sup>th</sup> Ave., identified himself as the owner of land immediately east of the subject property. Mr. Thill explained that the curve on Slip Up Creek Rd. is icy and it never melts due to the lack of sun during the day, which makes it a dangerous road. He continued to mention that both kids and adults exercise on Slip Up Creek Road. He finished that the extra traffic will negatively affect property values.

Steve Bechtold, 47614 Slip Up Creek Rd., presented concerns over availability of rural water, fire suppression, traffic, and noise issues.

Tyler Childress explained that they already have a 140-foot deep well on the property, which will comprise a majority of the water source for the proposed use.

Patrick Donelan, identified himself as a long-time resident of the area, since has moved away from the area. Mr. Donelan expressed concern regarding the impact the proposed use will have on such a beautiful area. He continued to mention that there should only be allowed a couple horses on the property and the surrounding properties remain a nature area with no commercial or houses in the area.

Gregg Hilmoe, 47636 Slip Up Creek Rd., added concerns over speeding traffic on Slip Up Creek Rd.

Zach Wipf, 47606 Slip Up Creek Rd., also stated concerns over speeding traffic. He shared examples of near misses for himself.

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

Commissioner Duffy closed the floor to public testimony, and explained again that the action of the Planning Commission will be taken to the Joint County Commission and City Council Meeting.



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**Discussion**

Commissioner Barth mentioned that the property is not zoned museum, Sioux Falls is growing all the time. Commissioner Barth added, "If you think it's going to stay the same, something is going to have to change." Commissioner Barth indicated that there is a need to find out when the road gets paved.

Commissioner Randall concurred with Commissioner Barth regarding concerns over the road. Commissioner Randall also mentioned the planning commissions' take public comments seriously at the public hearing.

Commissioner Johnson asked county planning staff about water, sewer, police, and fire. Scott Anderson explained that there is state review of the septic system and the sheriff patrols the area. He continued to mention that other issues such as fire and water are dealt with by much smaller agencies than the City of Sioux Falls departments, and these departments don't provide reports for rezoning or conditional use permits. Mr. Anderson further explained that the state is aware that the condition of the road is a concern with the future veteran's cemetery.

Commissioner Johnson further asked staff if the planning commissions could require a traffic study. Scott Anderson added that the planning commissions could continue the item and add a requirement for a traffic study to be completed prior to the next meeting.

Commissioner Barth mentioned that the applicant has made a huge effort, but also recognizes the neighbors and visitors concerns regarding the proposed use. Commissioner Barth believes that it would be in the best interest of both planning commissions to defer action to talk about the road.

There was discussion amongst both planning commissions over setting an appropriate date for the deferred public hearing on the rezoning request to give the applicant time to address the concerns presented here tonight as well as any other concerns that the neighbors have at a neighborhood meeting.

Commissioner Ralston commented that a deferral for two months would be helpful in meeting with neighbors. He further added that there is a more comprehensive issue with the cemetery and traffic along the road than what the road will have due to the proposed use.

Commissioner Ode stated that he knows Slip Up Creek Rd. and that the road condition is a major concern with future growth.

Commissioner Mohrhauser mentioned that he would like to review a traffic study and advice from a professional engineer on the road.

Commissioner Randall noted that deferral would probably be fine.



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Commissioner Luetke also noted that the road is the biggest issue for this proposal and other area development.

Commissioner Barth made a motion to defer action to the March 25<sup>th</sup> 2019 joint planning commission meeting. After some discussion, Commissioner Barth withdrew his motion.

Commissioner Ervin stated that the city commissioners would like to see at least one neighborhood meeting.

Commissioner Luetke commented that he would like to know more about who is, and will be responsible for road maintenance on this stretch of road.

**Action**

Commissioner Ralston made a motion to **defer** the request to the January 28<sup>th</sup>, 2019 joint planning commission meeting with conditions to require the petitioner to obtain a traffic study and have at least one neighborhood meeting. Commissioner Randal seconded the motion. The motion passed unanimously.

Commissioner Johnson made the same motion for the City Planning Commission to **defer** the request to the January 28<sup>th</sup>, 2019 joint planning commission meeting with conditions to require the petitioner to obtain a traffic study and have at least one neighborhood meeting. Commissioner Luetke seconded the motion. The motion passed unanimously for the City Planning Commission.





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**Old Business**

None.

**New Business**

Commissioner Barth mentioned that the County Commission elects a new Chair and that he might not be returning to the planning commission next year.

**Adjourn**

A motion was made for the County to **adjourn** by Commissioner Randal 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 Fiegen. The motion passed unanimously.

The meeting was **adjourned** at 8:25 pm.