



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

MARCH 25, 2019

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

A joint meeting of the County and City Planning Commissions was scheduled on March 25, 2019 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Doug Ode, Adam Mohrhauser, Ryan VanDerVliet, and Mike Ralston.

CITY PLANNING COMMISSION MEMBERS PRESENT: Sharon Chontos, Sean Ervin, Kati Johnson, Kurt Johnson, and John Paulson.

STAFF PRESENT:

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

Scott Anderson, County Planning Director, began with a brief introduction that the County Planning Commission needs to nominate a Chair amongst the four members present to serve as the Chair for the meeting. Commissioner Mohrhauser made a motion to nominate Commissioner Ralston to serve as Chair for tonight's meeting and was seconded by Commissioner Ode. The motion passed unanimously.

The County Planning Commission was presided over by Commissioner Ralston in the absence of both the Chair and Vice Chair. The City Planning Commission was chaired by Sharon Chontos.

Planning Commissioner Mike Ralston called the joint City of Sioux Falls and Minnehaha County Planning Commission meeting to order at 7:02 p.m.

PUBLIC COMMENT.

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

Consent Agenda

Commissioner Ralston read each item on the consent agenda.

A motion was made for the County by Commissioner Mohrhauser and seconded by Commissioner Ode to **approve** the consent agenda consisting of Item 1. The motion passed unanimously. The same motion was made for the City by Commissioner Johnson and seconded by Commissioner Ervin to **approve** the consent agenda consisting of Item 1. The motion passed unanimously.



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ITEM 1. Approval of Minutes – February 25, 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 February 25, 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 February 25, 2019. The motion passed unanimously.



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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. Staff has included a comment letter from the City of Sioux Falls Planning & Development Services for your review.

Staff Update

This item was deferred by the joint Planning Commissions to the March 25 planning commission



meeting. Since the past Planning Commission meeting, County Planning Staff is developing a written update addressing the public testimony and planning commissioner discussion at the February 25, 2019 Planning Commission meeting. Staff suggested the petitioner meet with the neighbor about mitigating the impacts of the proposed building size. To date, staff has not received any updates from the petitioner about meeting with the neighboring property owner.

Staff believes that the applicant is proposing the conditional use permit request for an accessory building size exceeding 2,400 square feet to solely obtain a building permit to store personal items and not reside on the subject property. At a minimum, staff recommends an additional condition stating that the property owner sign a statement indicating that the subject property will be occupied as the primary residence for the proposed accessory use.

Otherwise, this conditional use permit application presents an opportunity to circumvent the intent of the Revised Zoning Ordinance for Minnehaha County and the City of Sioux Falls for use as a self-storage area. Furthermore, the intent of the Zoning Ordinance for Section 15.07, Accessory Buildings and Uses is to allow buildings and uses that are customarily incident to the permitted uses in the zoning district.

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.

The proposed total accessory building size will set a precedent for other similar land parcels. Although, there are several properties consisting of varying acreage amounts 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 of properties in the immediate vicinity.

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

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.

(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.

There is the potential for additional traffic to be generated by the construction of an accessory building this size that is used by the property owner for storing personal items and not residing on the property as their primary residence. No offensive nuisances shall be permitted at any time



during use of the proposed accessory structure for personal storage of household items and vehicles. The use of lighting should be directed downward on to the property in order to prevent light pollution off site. 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. The site plan shows that the building will be accessible via the existing driveway. 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. The proposed accessory building shall be constructed and positioned in a way that does not cause an excessive amount of stormwater runoff onto neighboring properties.

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

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 recommends **approval** of Conditional Use Permit #19-10 with the following conditions:

- 1.) That the property owner sign a written statement indicating that they will reside on the property of the accessory building.
- 2.) That the total accessory building square footage shall not exceed 7,536 square feet.
- 3.) That a building permit is required prior to construction of the accessory structure.
- 4.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 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 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 Staff, presented a brief update on Conditional Use Permit #19-10 from the February 25, 2019 Joint Planning Commission.

Ron Tschetter identified himself as a representative for the petitioner. Mr. Tschetter explained that the petitioner is requesting to build the proposed accessory building to merge items from two households into one. He continued to mention that the property owners have agreed to move the building back from the east property line and install a culvert underneath the driveway to help with drainage from the proposed accessory building.

Commissioner Kurt Johnson asked the petitioner if the building will be located on the northeast part of the property and Mr. Tschetter mentioned that the building will be in the northeast corner.

Commissioner Ralston called for public testimony but there was no answer.

Commissioner Ralston closed the floor to public testimony.

Action:

As part of the consent agenda, a motion was made for the County by Commissioner Mohrhauser and seconded by Commissioner VanDerVliet to **approve** Conditional Use Permit #19-10 with conditions. The motion passed unanimously. The same motion was made for the City by Commissioner Kurt Johnson and seconded by Commissioner Kati Johnson to **approve** Conditional Use Permit #19-10. The motion passed unanimously.

Conditional Use Permit #19-10 - Approved



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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 Mohrhauser. The motion passed unanimously. The same motion was made for the City to **adjourn** by Commissioner Ervin and seconded by Commissioner Kurt Johnson. The motion passed unanimously.

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