



**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS
October 28, 2019**

A joint meeting of the County and City Planning Commissions was scheduled on October 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, Adam Mohrhauser, and Mike Ralston.

CITY PLANNING COMMISSION MEMBERS PRESENT: Larry Luetke, Andi Anderson, Sean Ervin, John Paulson, Erik Nyberg, Aaron Norman, and Kati Johnson.

STAFF PRESENT:

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

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

Chair 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.

Item 2 was requested to be moved to the regular agenda for discussion.

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

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



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ITEM 1. Approval of Minutes – August 26, 2019

As part of the consent agenda, a motion was made for the County by Commissioner Randall and seconded by Commissioner Mohrhauser to **approve** the meeting minutes from August 26, 2019. The motion passed unanimously.

The same motion was made for the City by Commissioner Ervin and seconded by Commissioner Kati Johnson to **approve** the meeting minutes from August 26, 2019. The motion passed unanimously.



Regular Agenda

ITEM 2. CONDITIONAL USE PERMIT #19-46 to make three building eligibilities available for use on the property legally described as N1/2 SW1/4 SW1/4 Section 28-T101N-R48W & Lots 1-4 of Calvert Heights Addn in the SW1/4 SW1/4 Section 28-T101N-R48W.

Petitioner: Ryan Brouwer

Property Owner: Bernard Schock

Location: 3000 S. George St. Located approximately 1 miles east of Sioux Falls

Staff Report: Kevin Hoekman

General Information:

Legal Description – N1/2 SW1/4 SW1/4 Section 28-T101N-R48W & Lots 1-4 of Calvert Heights Addn in the SW1/4 SW1/4 Section 28-T101N-R48W

Present Zoning – A-1 Agricultural District

Existing Land Use – Vacant lots and one residential acreage site.

Parcel Size – 22.32 Acres

Staff Report: Kevin Hoekman

Ordinance Explanation:

To control residential expansion in the rural area zoned as agricultural, Minnehaha County adopted what is known as density zoning in 1988. This zoning restriction is effective in all areas of the county including areas of joint jurisdiction. Typically, in the ordinance, every ¼ ¼ section (40 acres) is allowed one eligible building site. In addition, every lot parceled prior to February 21, 1978, regardless of size, received a building eligibility as a lot of record. The ordinance also included a section that specifies parcels created between the lot of record date and the time of adoption. For these parcels the ordinance allows an eligible building site for a single family dwelling only if a conditional use permit is approved. The subject property of this conditional use permit request has parcels divided between February 21, 1978 and September 27, 1988, and a conditional use permit is required to make the building eligibilities available for use as per ordinance section 3.04 (d).

Staff Analysis:

The petitioner is requesting conditional use permit approval to make three building eligibilities available for use on the subject property. The property is currently divided into four lots. One of the lots has an existing residence located on the lot, and the other three lots are currently vacant. The petitioner is requesting that the building eligibilities on the vacant lots become available for use, and he has the intent to begin construction on one of the dwellings this year.

The site is located in an area that is already heavily subdivided and mostly built out. Two of the lots of the property are accessible by S Riverbluff Road if the road is improved to meet the lots.



The other two lots are accessible through the neighborhood street and easements on the property. The lots are large enough that further subdivision is possible when the parcel is annexed into the city.

Conditional Use Permit Criteria:

1) The effect upon the use and enjoyment of other property in the surrounding area for the uses already permitted, and upon property values within the surrounding area.

The surrounding area is rural residential properties and some agricultural crop land. Making three building eligibilities available for use will not significantly change the character of the neighborhood. There may be some additional traffic down Riverbluff Road due to three potential single family dwellings.

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

The area has many rural residential acreages that are already built. Few lots have available eligibilities remaining which likely limits future development annexation until the extension of utilities. The proposed three available eligibilities will not likely affect the future growth of the area.

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

The petitioner will be required to extend any other utilities to the site for any future dwellings on the property. As stated previously in the analysis Riverbluff Road serves as the primary access for the property. The road dead ends north of the property, and the petitioner will have to work with Split Rock Township to improve and extend Riverbluff Road to the future driveways of the property.

4) That the off-street parking and loading requirements are met.

Off street parking will be met at the time single family dwellings are built.

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.

The proposed available eligibilities and future dwellings that will be built on them will not create offensive nuisances. Any property must not create a nuisance as described in the Public Nuisance Ordinance.

6) Health, safety, general welfare of the public and the Comprehensive Plan.

The public health, safety and general welfare will not be negatively harmed by the proposed request. The Envision 2035 Comprehensive Plan, includes this area within the transition area in the future land use plan. As a transition area existing residential areas are expected to be maintained, and the proposed use will not create any new building eligibilities.



Recommendation:

Staff recommends **approval** of Conditional Use Permit #19-46 with the following conditions:

- 1.) A right-to-farm notice covenant shall be placed on each deed prior to the issuance of building permits for the single family dwellings.
- 2.) That a driveway or culvert permit be obtained from Split Rock Township prior to the issuance of building permits for each single family dwelling.

Public Testimony

Kevin Hoekman, County Planner II, presented a brief summary of the staff report and recommended conditions for Conditional Use Permit #19-46. Commissioner Mohrhauser asked if there would be any access from George Street. Kevin Hoekman explained that two properties would have to be accessed from George Street and it would be possible if access easements were present for the other properties.

Ryan Brouwer, 1817 W. Riverbluff Dr., identified himself as the representative for the property owner. Mr. Brouwer explained that he went to the Split Rock Township meeting and they were in favor of extending Riverbluff Road to provide a turnaround for vehicles.

Denise Moriariiky, 3100 S. Unique Pl., questioned where the driveway turnaround will be, the number of houses built, and amount of foliage cover will be removed from the property.

Russ Hoogendoorn, 8904 E. 38th St., explained that he worked with the township in the past to get road closed signage because of times he had vehicles stuck in front of his property. He mentioned that he would like to see road traffic managed and a road agreement before opening up to traffic flow past his house.

Paul Hess, 2900 S. Riverbluff Rd., stated concerns regarding drainage from farmland from the northwest and flows over his property before reaching the subject property. In addition he wanted to know about future driveway and culvert locations, and the height of proposed buildings.

Mr. Brouwer responded to the questions by explaining that the property was purchased about 20 years ago with four lots. Since one house is built there is possible 3 additional houses that can be built on the property. He explained that the township approved him to take down barriers and establish a turn around in the road. He plans to move the road block sign onto the side street upon approval. Commissioner Duffy asked Mr. Brouwer if he was aware of drainage problems. Mr. Brouwer responded that the culvert would be replaced when the road gets redone, and they will need a culvert permit for the driveway. He continued that as the contractor for development, he was requested to save as many trees as possible when the house is placed. He finished by stating that the planned house is a typical walkout ranch house, but he is not aware of the exact height.



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Nathan Shock, 4400 E. 36th St., identified himself as one of the future homeowners on property that his parents purchased in the early 1990s. Mr. Shock explained that he understands that the drainage needs to be fixed in the area and that good drainage helps him out too. He continued to mention that he helped his father plant all of the trees and would like to keep as many of the vegetation intact on the property.

Commissioner Duffy called for additional public testimony but there was no answer. Commissioner Duffy closed the floor to public testimony.

Discussion

Commissioner Mohrhauser mentioned that the proposed land use should improve drainage and the applicant has met with the township supervisors regarding road issues.

Action:

A motion was made to **approve** Conditional Use Permit #19-46 with the staff recommended conditions for the County by Commissioner Mohrhauser and seconded by Commissioner Ralston. The motion passed unanimously. The same motion was made to **approve** Conditional Use Permit #19-46 with the staff recommended conditions for the City by Commissioner Paulson and seconded by Commissioner Kati Johnson. The motion passed unanimously.

Conditional Use Permit #19-46 – Approved



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ITEM 2. REZONING #19-07 to rezone from the RR Rural Residential District to the C Commercial District on the property legally described as Lots 1, 2, and 18, Block 1, Split Rock Heights Addition, Section 19-T101N-R48W.

Petitioner: Ryan Tysdal

Property Owner: Arlene M. Roozenboom Living Trust

Location: 1704/1706 S. Powderhouse Rd. and 6010 E. 26th St. East Sioux Falls

Staff Report: Scott Anderson

General Information:

Legal Description – Lots 1, 2, and 18, Block 1, Split Rock Heights Addition, Section 19-T101N-R48W

Present Zoning – RR Residential

Existing Land Use – residential

Parcel Size – 1.65 acres

Staff Report: Scott Anderson

Staff Analysis: The applicant is proposing to rezone 1.65 acres consisting of 3 lots from RR Rural Residential District to C Commercial District. The applicant has not indicated a specific use for the proposed commercial area.

Staff conducted a site visit on October 8, 2019. The site is located at the intersection of 26th Street and Veteran's Parkway (Highway 100). Currently there is a single family residence located on Lot 2, a detached garage on Lot 1 and Lot 18 is vacant. There is some commercial development directly south of the subject property. The area to the west and southwest is generally undeveloped, however Rosa Parks Elementary School is located about 1/8 to 1/4 mile to the west. The area to the north, east and south has extensive residential development.

The subject property is located along a corridor and in an area that is seeing extensive growth, both residential and commercial. This intersection has a traffic count of over 8,000 trips per day and with continuing growth, the number of vehicular trips will certainly increase. While land use wisdom would indicate that this site is ideal for commercial development, the City has laid out several compelling issues that support not rezoning the property at this time. City Staff has prepared a detailed report outlining the issues that this site faces prior to any commercial development. The report is included for the Planning Commission's review. The traffic, access to the site and city services are chief among the issues.

Based on the traffic issues and infrastructure requirements to move ahead, staff does not support this rezoning request. The site should be annexed into the city and any redevelopment of the site move forth in the city. The site should have a traffic study done and address how the site can be safely accessed. Any future commercial development of this site should be serviced by city water and sewer as the infrastructure can be extended to the site.

Recommendation: Staff recommends denial of Rezoning #19-07.



Public Testimony

Scott Anderson, County Planning Director, presented a brief summary of the staff report and recommendation for Rezoning #19-07. Commissioner Anderson asked about the access driveway and where will future access go. Scott Anderson responded that he is unable to answer it as it will need city engineering review and approval for new access or access from a new use. These items are addressed once the property is annexed.

Commissioner Mohrhauser questioned if the property would be annexed in the near future. Scott Anderson explained that the petitioner will have to request annexation.

Commissioner Luetke asked if the properties to the north are in city limits. Scott Anderson explained that directly north of the property is not in the city limits, but it is to the south and west of the site.

Ryan Tysdal, 2571 S. Westlake Dr., identified himself as the representative for the property owner and explained that the proposed rezoning is a unique request. Mr. Tysdal added that there were a total of five neighbors who showed up to a neighborhood meeting to learn more about the proposed rezoning. He continued to mention that the existing house is vacant and the current owner would like to rezone for future development or resale potential. Mr. Tysdal further explained that there commercial and office development occurring all around the 26th Street and Veterans Parkway intersection. He added that the property owner is not opposed to annexation, but does not want to be responsible for paying fees until it comes time for hooking up city services.

Scott Anderson explained to the Planning Commissions that a proposed rezoning to commercial would allow the property owner to apply for a building permit to construct certain retail services with only review by the County Planning Staff, and county review would not contain access review.

Ryan Tysdal reiterated that the property owner is seeking approval for the best path forward. He proposed that the property could be zoned with a condition or two. Commissioner Nyberg asked if the petitioner has talked with neighbors about access possibility to the east. Mr. Tysdal expressed that he felt the best access agreement would share a middle driveway. He further explained that the intersection is projected to continue to see traffic volume increases into the future and there is a need to figure out the best path to from A to B for the proposed development request.

Albert Schmidt, City of Sioux Falls Planning & Development Services, provided reasons that staff is recommending denial for this rezoning request because the property is not ready to be developed without further redevelopment and planning.



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Commissioner Nyberg asked if there were any agreements made with the neighborhood when Veteran's Highway was constructed. Albert described that engineering discussed access with residents prior to construction and that the current access arrangement was temporary until future long term access plan. Any access onto 26th Street requires city approval since the road is annexed by the city. In addition, any change in use of the property requires a review of access to the property.

Commissioner Anderson clarified with staff that the access agreement made at the construction of Veterans Parkway is a preliminary agreement until further study is made.

Mike Bannwarth, 1605 S. Shafer Dr., stated concern about the separation between residential and the proposed commercial land use. He further wondered if any buffer materials could be established or zone the property for an office type use rather than commercial.

Commissioner Duffy called for additional public testimony but there was no answer. Commissioner Duffy closed the floor to public testimony.

Discussion

Commissioner Raslton noted that the rezoning now would not be appropriate and rezoning with the city would allow for better classification of commercial use of the property. Access issues would be address better by the city too.

Action:

A motion was made to **recommend denial** of Rezoning #19-07 for the County by Commissioner Ralston and seconded by Commissioner Mohrhauser. The motion passed unanimously. A motion was made to **recommend approval** of Rezoning #19-07 for the City by Commissioner Ervin and seconded by Commissioner Katie Johnson. The motion failed with all commissioners voting against the motion.

Rezoning #19-07 – Denial Recommended



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Old Business

None.

New Business

None.

Adjourn

A motion was made for the County to **adjourn** by Commissioner Randall and seconded by Commissioner Mohrhauser. The motion passed unanimously. The same motion was made for the City to **adjourn** by Commissioner Anderson and seconded by Commissioner Kati Johnson. The motion passed unanimously.

The meeting was **adjourned** at 7:55 pm.