

**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS
July 28, 2014**

A joint meeting of the County and City Planning Commissions was held on July 28, 2014 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Wayne Steinhauer, Jeff Barth, Mike Cypher, and Mark Rogen.

CITY PLANNING COMMISSION MEMBERS PRESENT: Nicholas Sershen, Sean Ervin, Denny Pierson, Larry Luetke, and Kurt Johnson.

STAFF PRESENT:

Scott Anderson, Kevin Hoekman, and David Heinold - County Planning
Diane de Koeyer – City Planning

The County Planning Commission Chair Wayne Steinhauer presided over the meeting. The City Planning Commission was chaired by Nicholas Sershen.

CONSENT AGENDA

A motion was made for the City by Commissioner Ervin and seconded by Commissioner Johnson to **approve** the consent agenda. The motion passed unanimously. Same motion was made for the County by Commissioner Cypher and seconded by Commissioner Rogen to **approve** the consent agenda. The motion passed unanimously.

ITEM 1. Approval of Minutes – May 19, 2014

A motion was made for the City by Commissioner Ervin and seconded by Commissioner Johnson to **approve** the meeting minutes for May 19, 2014. The motion passed unanimously. Same motion was made for the County by Commissioner Cypher and seconded by Commissioner Rogen to **approve** the meeting minutes for May 19, 2014. The motion passed unanimously.

ITEM 2. CONDITIONAL USE PERMIT #14-34 to allow an In-Home Daycare Facility on the property legally described as Tract 12 & 12A in Section 21-T101N-R50W.

Petitioner: Katy Davenport

Property Owner: same

Location: 46851 265th St. approximately 1 mile west of Sioux Falls

Staff Report: David Heinold

To allow an In-Home Daycare Facility.

General Information:

Legal Description – Tract 12 & 12A, Section 21-T101N-R50W

Present Zoning – A-1 Agricultural

Existing Land Use – Residential

Parcel Size – 0.50 Acre

Staff Report: David Heinold

Staff Analysis:

The applicant is requesting a conditional use permit to expand in-home daycare operations. Currently, she has 6 children in her care and will be expanding to a maximum of ten (10) children. Two of the 10 children are her own.

The 2002 Revised Joint Zoning Ordinance for the City of Sioux Falls and Minnehaha County, Section 24.02 defines a group daycare in the following manner:

A group daycare is normally conducted in a family home and the number of children cared for is seven (7) to twelve (12) children under the age of fourteen including the provider's own children six years and under.

The primary location for the daycare is on the main level of the residence, approximately 1,000 square feet. The entire backyard is fenced in and there is a four (4) foot tall gate on the driveway; however, the western part of the property and garage will be used primarily as an outside play area. The hours of operation for the proposed use will be from 6:30 am to 5:30 pm. The daycare will be conducted year-round with the maximum number of children during the school year and part-time number of children over the summer.

On June 30, 2014, staff conducted a site inspection of the subject property and determined that adequate facilities have been provided for the in-home daycare facility. The applicant mentioned that they have a couple dogs, but the children's outdoor play area would mainly be within the garage and driveway portion that is fenced in. She plans to keep the dogs and children separate as much as possible.

1) 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.

A daycare facility of this size should not impact property values in the immediate vicinity or have a major impact on the use or enjoyment of properties in the area. The subject property is directly south of the entrance to the Cherry Lake Reserve Subdivision, which may pose some traffic safety concerns with the speed and flow of traffic on South Dakota Highway 42 as the area continues to experience residential growth.

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

The expansion of daycare operations should not have any significant impacts on the normal or orderly development of the area. The predominate use in the area is residential with single-family homes along the south side of SD Hwy 42 and the newest residential subdivision within Sioux Falls city limits to the immediate north.

3) 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 petitioner has provided plenty of turnaround space for automobiles to maneuver in-and-out of the driveway safely onto Hwy 42. Since there may be an estimated 25 trips generated by the use per day, the only concern for traffic safety in this area would be to include a condition that the petitioner's driveway be at least sixteen (16) feet wide for approximately seventy (70) feet measured from the front property line to allow for two-way traffic. The scale and general nature of the daycare would be limited to the point that would not otherwise necessitate any additional safety measures to ensure negative effects will not occur on or near the property. There is additional room at the south end of the driveway by the garage where parents can park their cars while picking up and dropping off their children.

4) The proposed use shall not adversely affect the public.

Due to general nature of the daycare operation, it should not cause odor, fumes, dust, noise, vibrations, or lighting in any amounts that would constitute a nuisance other than the minimal amount of noise associated with this type of use. Security lighting should be addressed in a way that reduces the possibility of light pollution off the property.

Recommendation:

Staff found this conditional use permit request to be consistent with the goals of the 1998 Comprehensive Development Plan and in conformity with the 2002 Revised Joint Zoning Ordinance for the City of Sioux Falls and Minnehaha County. Staff recommended **approval** of Conditional Use Permit #14-34 with the following conditions:

- 1.) That the children's play area be completely enclosed with a secure fence at least four (4) feet in height.
- 2.) That a smoke detector be installed and properly maintained on each level of the house and that the applicant keep a charged fire extinguisher on each level of the house in accordance with the International Building Code standards.
- 3.) That no more than twelve (12) children, including the provider's children, be kept in the daycare or home.
- 4.) That the applicant obtain and keep in good standing all required state permits and a sales tax license.
- 5.) That a minimum of three (3) off-street parking spaces be provided for use by owners of the residence, guests, and clients. Each parking space shall measure at least nine (9) feet by eighteen (18) feet.
- 6.) That the driveway entrance should be a minimum of sixteen (16) feet wide for approximately seventy (70) feet measured from the front property boundary.
- 7.) That any signage for the daycare meets the requirement of Article 15 of the 2002 Revised Joint Zoning Ordinance for the City of Sioux Falls and Minnehaha County and that a building permit is obtained prior to any signage being erected.

ACTION

A motion was made to **approve** Conditional Use Permit #14-34 for the City by Commissioner Ervin and seconded by Commissioner Johnson. The motion passed unanimously. Same motion was made for the County by Commissioner Cypher and seconded by Commissioner Rogen. The motion passed unanimously.

Old Business

None.

New Business

None.

Adjourn

A motion was made for the City by Commissioner Ervin and seconded by Commissioner Pierson to **adjourn**. The motion passed unanimously.