

**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS
May 23, 2016**

A joint meeting of the County and City Planning Commissions was held on May 23, 2016 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

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

CITY PLANNING COMMISSION MEMBERS PRESENT: Steve Gaspar, Sharon Chontos, Nick Serhsen, John Paulson, and Katherine Fiegen.

STAFF PRESENT:

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

The County Planning Commission Chair was presided over by Mike Cypher. The City Planning Commission was chaired by Steve Gaspar.

CONSENT AGENDA

County Planning Staff requested to move Item #2, Conditional Use Permit #16-28, to the regular agenda. Scott Anderson, the Planning Director, explained that the Planning Office received a phone call from one of the neighbors within 500 feet of the property. Over the phone call, the neighbor explained that the letter that she received included several items but the notice of hearing that provides an explanation and meeting date and time was not in the received letter. Scott also explained that the petitioner signed the affidavit stating the notices were sent out properly. Staff advised to continue the item, but left it up the Planning Commissioners to decide if they felt comfortable approving the item.

Commissioner Barth asked if the neighbor who was improperly notified was objecting to the proposed use. Scott Anderson responded that she did not give an opinion.

Commissioner Even asked if the neighbor was present at the meeting. Scott Anderson addressed the audience to check if she was present. Nobody responded.

Commissioner Cypher called for a motion to approve the minutes.

ITEM 1. Approval of Minutes – April 25, 2016

A motion was made for the County by Commissioner Barth and seconded by Commissioner Randall to **approve** the meeting minutes for April 25, 2016. The motion passed unanimously. The same motion was made for the City by Commissioner Serhsen and seconded by Commissioner Chontos to **approve** the meeting minutes for April 25, 2016. The motion passed unanimously.

REGULAR AGENDA

ITEM 2. CONDITIONAL USE PERMIT #16-28 to allow an Equipment Display – Storage Sheds on the property legally described as Wittrock Tr. 1, Ex. E30', NW1/4 NW1/4, Section 22-T101N-R50W.

Petitioner: Matt Wollman

Property Owner: Mick Swearingen

Location: Southeast corner of Ellis Rd. & W. 12th St. West Sioux Falls

Staff Report: Kevin Hoekman

This would allow Equipment Display, Storage Sheds.

General Information:

Legal Description – Wittrock Tr. 1, Ex. E30', NW1/4 NW1/4, Section 22-T101N-R50W.

Present Zoning – C Commercial

Existing Land Use – Vacant land and Parking for nearby business.

Parcel Size – 0.94 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

The subject site is located at the Southeast corner of the intersection of W 12th Street and Ellis Road. The site is currently vacant, and it is used in part as a parking area for customers of Chaser's Bar. Both Chaser's Bar and this vacant parcel are owned by the same company.

The petitioner is requesting a site to display storage sheds and portable structures on the property as a means to advertise product that is sold elsewhere. The 2002 Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls allows equipment sales, display, and repair with a conditional use permit.

The petitioner has submitted a brief project narrative and a simple site plan. The narrative describes that there will be no retail sales of these products on the site. In addition, the petitioner indicated on the site plan and the narrative that eight sheds will be displayed on the property. Even though no sales will take place on the site, people will stop on occasion to get a better look at the products. The petitioner has indicated that he will have an information stand where visitors can pick up brochures and info regarding the product. The site plan provides a general array of building display set up, but it does not specify setback distances or size of sheds that will be displayed. If too many or too large of sheds occupy the space, the site may become cluttered. Staff recommends that the petitioner is limited to a maximum of eight sheds or structures. To avoid over sizing the sheds, staff recommends a maximum size of any individual shed to 360 square feet.

Several ordinance considerations should be made regarding the display of sheds. In Minnehaha

County, any structure over 120 square feet requires a building permit. It is recognized that these sheds will be located on properties throughout the region and it will be up to the purchaser of the shed to obtain a building permit much in the same way we permit modular homes. Staff encourages the applicant to remind buyers of the possible building and zoning requirements for the jurisdiction of the purchaser.

These sheds will be placed temporarily for display and will likely rotate as new models come. Requiring the petitioner to obtain a building permit for each new unit would be cumbersome for the business owner and our county staff. Typically, the Chief Building Inspector for Minnehaha County requires a method of anchoring this style of shed to prevent the structures from blowing over or away. This should be a requirement of approval for all sheds placed on the site. Any on-premise signage will require a building permit prior to the placement of a sign.

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 proposed use will have little impact on surrounding land uses. The use will operate as display only. It is likely that some people will drive through the property to view the products. Since the property is at a busy intersection with commercial land and vacant land nearby the occasional traffic on the property will not change the character of the area. As long as the display is set back far enough from the intersection, it should not block any views of traffic.

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

This intersection will likely develop into a commercial center. This proposed display will have minimal impact on the development of vacant land around the intersection. The land use will also be easy to change if the property owner chooses to develop the property into a more intensive use.

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

Since this site is for display only, no known utilities will be needed. If the petitioner wants electricity or other utilities for the site, then he will have to work with the utility companies to extend utilities onto the property. The site has two existing access driveways off of W 12th Street. About half of the site has a gravel surface that is used as parking for Chaser's Bar. No drainage plan has been submitted; however, the display of storage sheds will not need significant dirt work from what is currently.

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

The proposed use is for display only. The property is large enough to allow people to temporarily park to view the display sheds a little closer. Since no sales will take place parking should not be a problem. Adequate space remains for parking for the existing Chaser's Bar.

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 use of displaying shed units will not likely create any nuisances. If the petitioner wishes to have lighting, the lighting should be controlled and contained on the site. This containment can be done by using shielded and cutoff lighting fixtures.

The site should not be used for other purposes such as rental storage or the display of items other than sheds. The outside of some styles of sheds appear similar to single family dwellings and the trending housing style of “tiny houses.” The storage and display of mobile homes, modular homes, or tiny homes is not desired for this site and should be addressed in the conditions.

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

If the display shed site includes staff recommendations, the land use will not negatively impact the health, safety, or general welfare of the public. The site is within a commercial zoning district in the transition area of the comprehensive plan. In addition the site is located at the intersection of two major roads. The use will not significantly change the site and will allow for easy transition to a new commercial use in the future as the city annexes land in the area and development grows. The Envision 2035 Comprehensive Plan has a goal to coordinate growth and land use planning among Minnehaha County, cities, townships, and other relative organizations. The City of Sioux Falls has expressed no concerns regarding this proposed display of sheds.

Recommendation:

Minnehaha County planning staff recognizes the proposed use as compatible with the surrounding land uses and the comprehensive plan. Staff recommends **approval** of Conditional Use Permit #16-28 with the following conditions:

1. The property must only be used for the display of portable storage sheds and structures.
2. No structure that can be used as a single family residence may be displayed on the site.
3. A maximum of eight portable structures shall be allowed to be displayed at any one time.
4. Each shed must be no larger than 360 square feet in size.
5. All sheds must be set back from the right-of-way by 30 feet.
6. All sheds must be anchored to the ground using a method that is approved by the Chief Building Inspector for Minnehaha County.
7. All lighting must be pointed downward and of fully shielded and cutoff design as to prevent light from shining on other property.
8. That the Planning & Zoning Department reserves the right to enter and inspect the site, 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

Commissioner Even asked if anyone in the audience wanted to address the item. Nobody approached the podium. No staff presentation was given.

ACTION

A motion was made to **approve** Conditional Use Permit #16-28 for the County by Commissioner Even and seconded by Commissioner Duffy. The motion passed unanimously. Same motion was made for the City by Commissioner Chontos and seconded by Commissioner Sershen. The motion passed unanimously.

Conditional Use Permit #16-28 – Approved

Old Business

None.

New Business

None.

Adjourn

A motion was made to **adjourn** for the City by Commissioner Sershen and seconded by Commissioner Paulson. The motion passed unanimously. Same motion was made for the County by Commissioner Barth and seconded by Commissioner Even. The motion passed unanimously.