

**MINUTES OF THE JOINT MEETING  
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS  
November 28, 2016**

A joint meeting of the County and City Planning Commissions was scheduled on November 28, 2016 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Mike Cypher, Doug Ode, Bonnie Duffy, Becky Randall, Paul Kostboth, and Jeff Barth.

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

**STAFF PRESENT:**

Scott Anderson, David Heinold, and Kevin Hoekman - County Planning  
Jason Bieber – City Planning

The County Planning Commission Chair was presided over by Mike Cypher. The City Planning Commission was chaired by Kurt Johnson.

Planning Commission Chair Mike Cypher called the Minnehaha County Planning Commission meeting to order at 7:05 p.m.

**Consent Agenda**

A motion was made for the County by Commissioner Barth and seconded by Commissioner Ode to **approve** the consent agenda consisting of the October 24, 2016 joint planning commission meeting minutes. The motion passed unanimously. The same motion was made for the City to **approve** the consent agenda by Commissioner Anderson and seconded by Commissioner Chontos. The motion passed unanimously.

**ITEM 1. Approval of Minutes – October 24, 2016**

As part of the consent agenda, a motion was made for the County by Commissioner Ode and seconded by Commissioner Barth to **approve** the meeting minutes from October 24, 2016. The motion passed unanimously. The same motion was made for the City by Commissioner Ervin and seconded by Commissioner Chontos to **approve** the meeting minutes from October 24, 2016. The motion passed unanimously.

**Regular Agenda**

For the County Planning Commission, Commissioner Ode motioned to approve the order of the regular agenda. Commissioner Barth seconded the motion and the motion passed unanimously. Commissioner Ervin made the same motion for the city. Commissioner Chontos seconded the motion and the motion passed unanimously.

**ITEM 2. CONDITIONAL USE PERMIT #16-74 to exceed 1,200 square feet of total accessory building area – requesting 12,296 sq. ft. on the property legally described as NE1/4 (Ex. Lots H-1, 2, 3, 4, 5, 6, 7, 8, and Ex. Kappenman’s Tracts & Ex. Kappenman Wetland Addition, Sec. 25-T101N-R49W.**

Petitioner: Jay J. Kappenman

Property Owner: J & R Company

Location: 26th & SD 100 East Sioux Falls

Staff Report: David Heinold

This would allow 12,296 sq. ft. of total accessory building area.

**General Information:**

Legal Description – NE1/4 (Ex. Lots H-1, 2, 3, 4, 5, 6, 7, 8, and Ex. Kappenman’s Tracts & Ex. Kappenman Wetland Addition, Sec. 25-T101N-R49W)

Present Zoning – A-1 Agricultural District

Existing Land Use – Agriculture/Residential

Parcel Size – 129.37 Acres

**Staff Report:** David Heinold

**Staff Analysis:**

The petitioner is requesting to exceed 1,200 square feet of total accessory building area. The petitioner is requesting 12,296 square feet of total accessory building area on an approximately 130 acre parcel. According to the 2002 Revised Joint Zoning Ordinance for the City of Sioux Falls and Minnehaha County, Section 15.07 (d) states:

(d) Accessory buildings shall not occupy more than thirty (30) percent of the rear yard, subject further to the following limitations:

(1). In the A-1 and RC Districts, the total area of accessory buildings shall not exceed 1,200 square feet when such buildings are located in a subdivision of more than four (4) lots unless a conditional use has been approved.

The petitioner is requesting to construct a 2,400 square foot accessory building for personal storage of tools and equipment to replace a few existing buildings. The buildings proposed to be removed from the property are 36'x24', 40'x24', and 3 small sheds. The proposed 40'x60' accessory building will be located near the southeast corner of an existing shelterbelt on the farmstead property.

#### Staff Diagram of Applicant Request



The petitioner would like to keep the 40'x80' cattle shed, 52'x34' cattle barn, 30'x40' detached garage 52'x40' pole building with 12 foot and 16 foot lean-to additions, 12'x16' house shed, and house as the primary residence on the lot.

There is a five-acre parcel, 3103 S. Veterans Pkwy., within approximately a quarter mile of the subject property that has a total of four (4) buildings summing 12,576 sq. ft. total. The proposed request for 12,296 sq. ft. of total accessory building area exceeds the highest total in the immediate area by a little over 1,200 sq. ft.

On October 5, 2016, county staff visited the property to verify conditions on the subject property as well as adjacent land uses. There are 10 older farm structures, including the house, situated on a relatively hilly lot with trees spread throughout the original farmstead area.

On November 10, 2016, county staff met with city planning staff and the petitioner's engineer, Eric Willadsen, to discuss the conditional use permit request. Concerns were presented from the city regarding future development plans and uncertainty on the accessory building size request. Upon further discussion with Mr. Willadsen, the revised plan is to keep the barn, cattle shed, detached garage, old house shed, and farmhouse as the primary residence on the property.

According to the Equalization Department records, the total area of all three accessory buildings planned to remain on the property is 9,896 square feet. The petitioners total requested accessory building area would 12,296 sq. ft. with the proposed 2,400 sq. ft. building. Staff calculates there will be approximately 2,552 sq. ft. of total building area removed from the property contingent upon approval of the conditional use permit request.

#### **1) The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values in the immediate vicinity.**

The topography of the subject property allows for different views from three-fourths of the total directions and future economic growth potential with a new, divided highway presents particular issues for compatibility of the proposed structure for personal storage. However, the requested

total accessory building area is comparable to other similar properties within less than a 1/2 mile. The removal of five older farm structures and addition of a new 40'x60' accessory building is not likely to significantly affect property values in the immediate vicinity.

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

A majority of landscape consists of single family homes, multifamily apartments, and commercial development in all directions within Sioux Falls city limits. The primary land use on the subject property is agricultural on 200 acres all owned by the petitioner. While the land to the west has already been developed with a large single family home subdivision, the remaining area is currently developing with single-family and multi-family dwellings to the south and east. The land to the north of 26th Street is partially developed with primarily apartments and large retail stores, but expanding at the current rate of economic growth. The use of the proposed building for personal storage of tools and equipment should not cause impacts in an area that has seen historically significant development in East Sioux Falls.

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

Access will be provided via an extension of the petitioner's driveway for the proposed accessory building. No further infrastructure will need to be provided.

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

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.

**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.**

No offensive nuisances shall be permitted at any time during use of the proposed accessory structure. The use of lighting should be directed downward on to the property in order to prevent light pollution off site.

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

The proposed accessory building should have no effect on the health, safety, and general welfare of the public. The use of the accessory building for private use and storage will create few problems to neighboring properties. The subject property is located in the City of Sioux Falls growth area. In the Shape Sioux Falls 2035 Comprehensive Plan the area was identified as a tier 1 development area, which meant that annexation is advised and all City services would be available within the 5 years. Currently, the City is in the process of adopting an update to this plan that indicates this area as a Planned Urbanized Area and infrastructure needs are in place and development is able to be approved. This area is currently part of annexation discussions and is anticipated to become annexed into the City of Sioux Falls within six months. Depending on the proposed development layout the purposed use of the building for personal storage may not affect land for residential purposes.

**Recommendation:**

Staff finds that the proposed building size conforms to the general sizes of other accessory

buildings in the area. Staff recommends **approval** of Conditional Use Permit #16-74 with the following conditions:

- 1.) That the total accessory building square footage shall not exceed 12,296 square feet.
- 2.) That the accessory building shall not exceed 35 feet in height.
- 3.) That a building inspection is required to determine that the proposed accessory building does not exceed 2,400 square feet measured from the outside perimeter.
- 4.) That the 36'x24' hog barn, 40'x24' pole building, and three (3) small sheds shall be removed from the property prior to construction of a new proposed accessory building.
- 5.) That the building shall be an accessory use to the continued use of the property as a residential lot.
- 6.) That only personal residential storage shall be allowed in the building and no commercial uses or commercial storage will be allowed at any time.
- 7.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 8.) That a building permit is required prior to construction of the accessory building.
- 9.) That the Planning & Zoning Department reserves the right to enter and inspect the accessory building at any time, 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**

David Heinold presented the staff report and the recommendations. Commissioner Barth clarified that the slide with the subdivision on it is not part of the action that will be taken today. David Heinold responded that the lines are for illustration only and may change as development occurs.

Commissioner Johnson asked who drew the illustration. David responded that the applicant's representative drew the concept.

Commissioner Paulson asked where the buildings would go after the development starts to take place. The question was referred to the applicant.

Jay Kappenman, the petitioner at 5009 Centennial Avenue, spoke in regards to the plans for the proposed accessory building. Mr. Kappenman noted that most of the structures will be removed over the years as development starts. He added that the barn may be moved off site because of historical value. He noted that his intent is to clean everything up and put a building up on the site.

Commissioner Cypher noted that the removal of the buildings on the site plan was a requirement of the conditional use permit. Mr. Kappenman agreed, and he had no problem with the requirement.

Commissioner Ervin pointed out that the petitioner would be removing more square footage of storage than what he is requesting to put up.

**DISCUSSION**

Commissioner Ervin noted that he was glad to see the property moving towards compliance with the ordinance and with future development.

Commissioner Paulson agreed and added that the concept plan is good and it indicates the petitioner's intent to bring the property into the city limits.

Commissioner Fiegen reiterated that it is a good thing to be reducing the total square footage on the site and getting the site cleaned up in addition.

**ACTION**

Commissioner Randall made a motion to **approve** Conditional Use Permit #16-74 and the motion was seconded by Commissioner Kostboth. The motion passed unanimously. Same motion was made for the City by Commissioner Ervin and seconded by Commissioner Fiegen. The motion passed unanimously.

**Old Business**

None.

**New Business**

None.

**Adjourn**

A motion was made for the County to **adjourn** by Commissioner Barth and seconded by Commissioner Kostboth. The motion passed unanimously. The same motion was made for the City to **adjourn** by Commissioner Ervin and seconded by Commissioner Paulson. The motion passed unanimously.

The meeting was **adjourned** at 7:23 pm.