



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

**JUNE 24, 2019**

**MINUTES OF THE JOINT MEETING  
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS  
June 24, 2019**

A joint meeting of the County and City Planning Commissions was scheduled on June 24, 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, Doug Ode, Adam Mohrhauser, Ryan VanDerVliet, Mike Ralston, and Jeff Barth.

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

**STAFF PRESENT:**

Scott Anderson, David Heinold, and Kevin Hoekman - County Planning  
Maggie Gillespie – States Attorney  
Albert Schmidt – 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.

A motion was made for the County by Commissioner Randall and seconded by Commissioner Ode to **approve** the consent agenda consisting of Items 1, 2, and 3. 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 Items 1, 2, and 3. The motion passed unanimously.

**ITEM 1. Approval of Minutes – May 20, 2019**

As part of the consent agenda, a motion was made for the County by Commissioner Randall and seconded by Commissioner Ode to **approve** the meeting minutes from May 20, 2019. The motion passed unanimously. The same motion was made for the City by Commissioner Ervin



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and seconded by Commissioner Kati Johnson to **approve** the meeting minutes from May 20, 2019. The motion passed unanimously.



**ITEM 2. CONDITIONAL USE PERMIT #19-31 to a Stable for personal use only on the property legally described as Tract 3, Plooster's Addition in Government Lot 2 in the SW1/4, Section 30-T101N-R50W.**

Petitioner: Jarrod Smart  
Property Owner: Nick Houge  
Location: Located 2 miles west of Sioux Falls  
Staff Report: Kevin Hoekman

**General Information:**

Legal Description – Tract 3, Plooster's Addition in Government Lot 2 in the SW1/4, Section 30-T101N-R50W  
Present Zoning – A1 Agriculture  
Existing Land Use – Vacant/Agricultural land  
Parcel Size – 19.16 acres

**Staff Report:** Kevin Hoekman

**Staff Analysis:**

The property is located approximately 2 miles west of Sioux Falls along County Highway 145. The parcel was recently platted and it is approximately 19 acres in size. It also has an available building eligibility. A large horse barn already exists approximately one quarter mile southeast of the site. In addition a commercial storage unit and gas station exist within one half mile south of the site. The petitioner is requesting a stable to be located on the property in addition to the future residential dwelling.

The application specifically notes that the purpose of the stable is intended for personal use and not for earning income. The property owner can have personal horses on the property without a conditional use permit, however the scale of the proposed barn and riding arena required additional permitting. Staff worked with the petitioner and determined that the use of the property for horse barn, riding areas, and grazing paddocks generally conforms to the property being used as a stable. The conditional use permit for a stable also allows for better phasing of the project with allowing the stable barns to begin construction prior to the dwelling.

The petitioner has submitted a detailed packet of information regarding the use of the property, site plans, and building plans. The site includes a barn and outdoor riding arena with an indoor riding arena proposed for future construction. Several smaller stable buildings and accessory buildings are located throughout the property as well. The proposed residence will be located east of the barn and riding arena, and it will be planned to be built as a second phase of the project.

The application and narrative state that the stable is for personal use only. As such there is no listed hours of operation or parking plans which are typically found with commercial use. The



site plan shows adequate driveways and area for parking for many vehicles on the site. The barn plans indicate six stalls for horses, and the site plan indicates several grazing paddocks throughout the property.

There is no indication of the number of horses planned for the site, but staff recommends a limitation of a maximum of 25 horses to be kept on the site. The limit of 25 horses is based on the definition of a Class 'D' confined animal feeding operation as defined in the zoning ordinance for the area outside of the joint jurisdiction. Typically, facilities larger than 25 horses (50 animal units), would be required to submit a manure management plan. Manure should be contained in a manner not to allow excess nutrients to cause pollution.

**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 operation is located on a large parcel in an Agricultural Zoning District. The nearest residence to the property is nearly 900 feet to the northwest of the corner of the property line. The parcel is surrounded by agricultural crop land, pasture land, and grass area. There is an existing large personal stable located south of this site as well as commercial rental storage units. The use of the property as a stable is generally compatible with the adjacent properties.

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

The proposed site plan and building plans show a property that has significant landscaping and architectural design in the structures. Horses are allowed to be kept on personal property within the agricultural zoning district. And the design of the property and structures may even enhance and reinforce the agricultural character of the area.

**(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.**

Common concerns for any stable include odor and water pollution. Limiting the size of the operation to a maximum of 25 horse should minimize much of these potential outcomes. In addition, the distance from neighboring dwellings and proposed landscaping should reduce potential nuisance odors. Manure should be maintained in a manner to prevent runoff from the manure containment. Outdoor lighting should be directed as to not cause glare or light pollution. Noise and traffic will not significantly be affected by the proposed use.

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

With the recommended conditions, staff finds that the proposed stable will not adversely affect the public.



**Health, safety, general welfare of the public and the Comprehensive Plan should be considered as part of the request.**

The site is located in a Transition Area of the Comprehensive Plan. The comprehensive plan proposes that agricultural production continues with minimal expansion in order to prepare the area for the eventual urban development of the land. Land uses in the transition area should be generally compatible with the land uses typically found on the outside of city limits. County planning staff has determined that the proposed table is a low density agricultural use and it is appropriate for the transition area. City planning staff provided comments in a letter dated June 5, 2019 with a recommendation for approval of the permit. Comments from the city primarily concern future annexation of the property at an undetermined time.

**Recommendation:**

Staff recommends **approval** of CUP #19-31 with the following conditions:

- 1.) This conditional use permit is to allow the construction of a stable on the described property.
- 2.) The proposed use shall conform to the site plan. Minor changes to the site plan can be made administratively and major changes must require an amendment to this permit and another public hearing.
- 3.) The stable shall be limited to a maximum of 25 horses to be housed on the property.
- 4.) All outdoor lighting shall be directed downward and cutoff to prevent glare from spreading off the property.
- 5.) That the Planning & Zoning Department reserves the right to enter and inspect the stable 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.

**Action:**

As part of the consent agenda, a motion was made for the County by Commissioner Randall and seconded by Commissioner VanDerVliet to **approve** Conditional Use Permit #19-23. The motion passed unanimously. The same motion was made for the City by Commissioner Paulson and seconded by Commissioner Kurt Johnson to **approve** Conditional Use #19-23. The motion passed unanimously.

**Conditional Use Permit #19-23 – Approved**



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**ITEM 3. FINAL DEVELOPMENT PLAN #19-03**

Petitioner: Tyler Childress

Property Owner: same

Location: Located 1 mile north of Sioux Falls

Staff Report: Scott Anderson

**General Information:**

Legal Description – Lot A, Tract 1, Laurel Ridge Addition, SE ¼ SE ¼, Section 23, T102N, R49W

Present Zoning – Laurel Ridge Planned Development

Existing Land Use – vacant

Parcel Size – 26.90 acres

**Staff Report:** Scott Anderson

**Staff Analysis:**

The applicant has submitted a final development plan with a narrative and building renderings for review. Staff has included the narrative, site plan and several building renderings for the Planning Commissions' review. Section 10.04 (D). contains a list of information that must be included on the Final Development Plan. Below is the list, in bold, with staff review of each item as to how the requirement has been met:

**(1). Size and location of proposed structures including height and number of units.**

The applicant is proposing a single structure, which will be 20 feet tall at the highest point. The hoop building will be used for agricultural purposes and is 50 feet by 90 feet.

**(2). Calculated floor area for each structure and a generic listing of the uses within said structure.**

The floor area will total 4,500 square feet and the uses listed are for: agricultural uses. This conforms to the approved uses in the Laurel Ridge Planned Development.

**(3). Off-street parking lot arrangement designating all parking spaces, off- street loading spaces, and any outdoor trash container spaces.**

The site plan shows no loading spaces, and a parking area that will accommodate 4-6 cars.

**(4). Any sidewalks, bikeways or other paths.**

No sidewalks are shown. The primary use for the area is agricultural in nature and there is no needs for sidewalks in this subarea.



**(5). Landscaping plans showing the type and location of any walls or fences, the placement, size and species of any trees or shrubs, and berms in areas that will be sod or seeded.**

Because the primary use of this subarea is agriculture and the proposed use of the building, no landscaping is required.

**(6). All existing and proposed utilities, drainage ways, water courses, and location of above ground existing utilities on adjacent property.**

The surrounding property is undeveloped. Therefore, no existing utilities are shown. Slip Up Creek is shown on the site plan. The applicant will be using his own well and the location of the well has been shown. The applicant has submitted a set of engineered plans for drainage. The applicant is required to provide dust control on Slip Up Creek Road from the driveway into the commercial sub area to the west where the pavement begins.

**(7). Proposed final ground contours.**

The proposed final ground contour slopes to the southeast. The contour map with one (1) foot contours has been provided. The elevation ranges from 1406 to 1338 feet above mean sea level.

**(8). Existing and proposed uses adjacent to the area.**

The proposed uses adjacent to the subject property are to remain in an agricultural state at this time. There are also some residential uses.

**(9). Documentation of the ownership and maintenance responsibility of any common open spaces, structures, or facilities including private streets.**

The applicant has indicated that the owners of the Laurel Ridge Planned Development will maintain the private access to the wedding barn and agricultural area.

**(10). Any subareas proposed for multiple residential development will be required to provide an open area for recreation. Said open spaces shall not be included in any required yard, but shall be located in the same subarea it is intended to serve.**

No residential sub-areas are included with the Laurel Ridge Planned Development.

**(11). Proposed parking and loading spaces which shall be in conformance with Article 16.00, except where unique physical, environmental or design characteristics make such requirements undesirable.**

The parking requirements of Article 16 have been met.

**(12). Unless otherwise specified on the Final Development Plan, all development standards shall be the same as those set forth in the traditional zoning districts, which shall be referenced for each subarea as a part of the Final Development Plan.**



**For example: townhouses on Block X shall be developed in conformance with the requirements of the RD Residential District.**

All development standards have been met. Generally the setback and height requirements of the A-1 Agriculture District are being used.

The City of Sioux Falls submitted comments which have provided to the applicant and included for the Planning Commission's review. The City indicated that a Food Plain Development Permit should be obtained. The proposed location of the hoop building is not located within the current 100 year flood plain.

**Recommendation:** Staff finds that the Initial and Final Development Plan meets the requirements of the Zoning Ordinance and the Emerald Pines Planned Development District. Staff recommends **approval** of the Laurel Ridge Initial and Final Development Plan #19-03 to allow the construction of a 50' x 90' agricultural building with the following conditions:

1. That all storm water run-off from subject property be maintained at the same rate as the pre-development rate.
2. That all outside security lighting and parking lot lights shall be fully cut-off and fully shielded with recessed lights that prohibit the spillage of light beyond the boundaries of the subject property.
3. That all existing drainage is maintained and that erosion control measures are implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water.
4. That the applicant obtains a building permit prior to any construction commencing on the site.
5. There shall be no parking allowed on Slip Up Creek Road.

**Action:**

As part of the consent agenda, a motion was made for the County by Commissioner Randall and seconded by Commissioner VanDerVliet to **approve** Final Development Plan #19-03. The motion passed unanimously. The same motion was made for the City by Commissioner Paulson and seconded by Commissioner Kurt Johnson to **approve** Final Development Plan #19-03. The motion passed unanimously.

**Final Development #19-03 – Approved**





**Regular Agenda**

**ITEM 4. FINAL DEVELOPMENT PLAN #19-04**

Petitioner: Brent Driscoll  
Property Owner: VFS, LLC  
Location: Located 1 mile east of Sioux Falls  
Staff Report: Kevin Hoekman

**General Information:**

Legal Description – Proposed: Lot 4 of Tract 1 Jeanne’s Addition, NE ¼ SE ¼,  
Section 28-T101N-R48W.  
Present Zoning – Perry Planned Development District  
Existing Land Use – Vacant/Agricultural Pasture  
Parcel Size – Approximately 10.5 acres (proposed lot to be approximately 1 acre)

**Staff Report:** Kevin Hoekman

**Staff Analysis:**

In May, the Joint Planning Commission approved a Major Amendment to the Perry Planned Development District to allow retail sale and trade, wholesale, personal services, communications facilities, and warehousing within subarea F (The Major amendment is pending final approval by the joint County Commission and City Council scheduled for June 25<sup>th</sup>). The petitioner would now like to develop a site within subarea F. The plan is to place a warehouse facility with office space on a one acre lot of a subdivided parcel in subarea F. Since the site is within a Planned Development, the Joint Zoning Ordinance requires the petitioner to submit a Final Development Plan for review by the Planning Commissions. This Final Development Plan brings further detail to the site and the future plans for its development.

As part of the final development plan process a plan must be submitted for platting the property. City planning staff first raised concerns regarding the proposed plat plan. Sioux Falls requires a Development Engineering Plan to be reviewed by City engineers prior to approval of a Final Development Plan. City planning staff submitted a comment letter to explain their position, and their recommendation for deferral of action regarding the development. In addition, the plans were submitted for review to the County Highway Department, and similar concerns were raised regarding access management. The highway department pointed to the access management policy available on the Highway Department webpage.

County Planning Staff agrees that the landowner and petitioner should work with the City of Sioux Falls and County Highway Department to finalize what is allowable for access of subdivided property. Our recommendation will be to defer action for one month, but also review the general site plan of the requested development below.



Staff has reviewed Section 14.04 of the Minnehaha County's Zoning Ordinance to determine that all requirements for a Final Development Plan have been met. The applicant has provided all of the required information for a Final Development Plan, including a written description of the development of the property, the site plan, the proposed plat, and the current contours of the whole parcel to show drainage.

Section 14.04 (d). contains a list of information that must be included on the Final Development Plan. Below is the list, in bold, with staff review of each item as to how the item has been met:

**(1). Size and location of proposed structures including height and number of units.**

Proposed building is located on the site plan with a listed size of 2,370 square feet. The narrative explained a one story building with 12 foot and 16 foot sidewalls.

**(2). Calculated floor area for each structure and a generic listing of the uses within said structure.**

The size of the proposed structure is calculated at 2,370 square feet. The uses of the building are described as business office space and warehousing.

**(3). Off-street parking lot arrangement designating all parking spaces, off- street loading spaces, and any outdoor trash container spaces.**

The site plan shows 6 parking spaces. A warehouse requires two parking spaces for each three employees on the maximum shift. Therefore, the warehouse have available parking for up to nine employees. The petitioner explains in the narrative that loading and unloading will take place in the building through an overhead door. No provisions are shown for outdoor trash containers.

**(4). Any sidewalks, bikeways or other paths.**

The site plan includes a handicap access isle to the entrance. No other sidewalks are shown.

**(5). Landscaping plans showing the type and location of any walls or fences, the placement, size and species of any trees or shrubs, and berms in areas that will be sod or seeded.**

The site plan shows some landscaping in between the building and the parking lot. In addition there is a plan for two trees north of the warehouse.

**(6). All existing and proposed utilities, drainageways, water courses, and location of above ground existing utilities on adjacent property.**

No intermittent streams or rivers exist within the subarea. The narrative explains that the existing contours will be maintained on the proposed development site. The submitted contour map shows that water generally flows to the west towards the Big Sioux River.



**(7). Proposed final ground contours.**

The narrative explains that the existing contours will remain after development.

**(8). Existing and proposed uses adjacent to the area.**

The site plan and narrative do not address adjacent uses. The area is generally undeveloped. South of the lot is a commercial caterer; west of the site is agricultural crop land; north of the site is a vacant parcel; and east of the site is a rubble dump site. It is possible that more commercial uses will develop within Subarea F to the north and south of the petitioner's location.

**(9). Documentation of the ownership and maintenance responsibility of any common open spaces, structures, or facilities including private streets.**

There are no private streets or parks in the proposal. The current proposal shows shared driveways between every two neighboring properties. This part of the plan may change depending on city plat review.

**(10). Any subareas proposed for multiple residential development will be required to provide an open area for recreation. Said open spaces shall not be included in any required yard, but shall be located in the same subarea it is intended to serve.**

The property is composed of commercial properties only.

**(11). Proposed parking and loading spaces which shall be in conformance with Article 16.00, except where unique physical, environmental or design characteristics make such requirements undesirable.**

The six shown parking spaces meets minimum parking requirements for 9 employees. The petitioner should be aware of a 15 feet setback requirement from the front property line for any parking areas. The required setback is not shown on the site plan. Since the driveway is accessed from a paved highway, the driveway and parking areas will be required to be hard surfaced.

**(12). Unless otherwise specified on the Final Development Plan, all development standards shall be the same as those set forth in the traditional zoning districts, which shall be referenced for each subarea as a part of the Final Development Plan. For example: townhouses on Block X shall be developed in conformance with the requirements of the RD Residential District.**

Development will meet requirements of the Planned Development and the applicable traditional zoning requirements.

**Red Rock Corridor Review:**

Many of the site plan items for the conditional use permit review are also required for review for any development within the Red Rock Corridor. A major part of the Red Rock Corridor developments are the requirement for buffer yards. The ordinance requires commercial property



to have a 15 foot buffer yard with trees planted at a rate of 5 trees for every 100 feet of property line. The site plan does not show any provisions to plant trees in the buffer yard for neighboring properties. Since staff is requesting deferral of action for further review of the property subdivision, the petitioner can put together a planting plan for the buffer yard for the next hearing.

As this is a commercial property, there are some things of which the petitioner should be aware. The Department of Environment and Natural Resources must approve the septic system, and the county must permit the septic system prior to the issuance of a building permit. The building inspector will require the building plans to be designed and stamped by an engineer and may require an architectural code review of the plans prior to the issuance of a building permit.

**Recommendation:**

Staff recommends **deferral** of action for Final Development Plan #19-04 to the next regular joint planning commission meeting on July 22, 2019.

**Public Testimony**

Kevin Hoekman, County Planning Department, shared with the planning commissions that the item is recommended for deferral to the next month.

Brent Driscoll, the petitioner, explained that he will be fine with the deferral, but he further explained that he had some frustrations with the process and steps and time required to develop a property. Mr. Driscoll stated that he would rather have the Final Development Plan approved with conditions of getting other required steps approved. He explained that joint access problems have a backup plan with sharing one access with access easement.

**Action**

A motion was made by Commissioner Barth to **Defer** Final Development Plan #19-04 to the July 22<sup>nd</sup>, 2019 Joint Planning Commission Meeting. The motion was seconded by Commissioner Ralston. The motion passed 4-2, Commissioners Ode and VanDerVliet voted nay. The same Motion was made for the City by Commissioner Paulson. The motion was seconded by Commissioner Nyberg. The motion passed unanimously.

**Final Development Plan #19-04 – Deferred to the July 22<sup>nd</sup> Planning Commission Meeting**



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**Old Business**

None.

**New Business**

None.

**Adjourn**

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

The meeting was **adjourned** at 8:14 pm.