



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

**January 29, 2019**

**MINUTES OF THE JOINT MEETING  
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS  
January 29, 2019**

A joint meeting of the County and City Planning Commissions was scheduled on January 29, 2019 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Bonnie Duffy, Doug Ode, Adam Mohrhauser, Ryan VanDerVliet, Mike Ralston, and Jeff Barth.

CITY PLANNING COMMISSION MEMBERS PRESENT: Larry Luetke, Sean Ervin, Kurt Johnson, Kati Johnson, Steve Gaspar, and John Paulson.

**STAFF PRESENT:**

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

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

Planning Commission Chair Bonnie Duffy called the joint City of Sioux Falls and Minnehaha County Planning Commission meeting to order at 7:38 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 and nobody from the Commission or the public desired to comment about any item.

A motion was made for the County by Commissioner Mohrhauser and seconded by Commissioner Barth to **approve** the consent agenda. The motion passed unanimously. The same motion was for the City by Commissioner Gaspar and seconded by Commissioner Kurt Johnson to **approve** the consent agenda. The motion passed unanimously.

**ITEM 1. Approval of Minutes – November 26, 2018**

As part of the consent agenda, a motion was made for the County by Commissioner Mohrhauser and seconded by Commissioner Barth to **approve** the meeting minutes from November 26, 2018. The motion passed unanimously. The same motion was made for the City by Commissioner Gaspar and seconded by Commissioner Kurt Johnson to **approve** the meeting minutes from November 26, 2018. The motion passed unanimously.



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**ITEM 2. CONDITIONAL USE PERMIT #19-03 to amend CUP#17-09 exceed 1,600 square feet of total accessory building area – requesting 2,480 sq. ft. and to retain all existing buildings on the property legally described as Tract 49, West Acres, SW1/4, Section 17-T101N-R50W.**

Petitioner: John McCarthy

Property Owner: same

Location: 46715 Buckeye St. Located approximately 1 mile west of Sioux Falls

Staff Report: Kevin Hoekman

**General Information:**

Legal Description – Tract 49, West Acres, SW1/4, Section 17-T101N-R50W

Present Zoning – A-1 Agriculture

Existing Land Use – Residential

Parcel Size – 0.53 Acre

**Staff Report:** Kevin Hoekman

**Staff Analysis:**

In 2017, the petitioner applied for, and received, a conditional use permit to exceed 1,200 square feet of accessory building on the property. The permitted accessory building area is 2,000 square feet. In the spring of 2018, staff recognized that a new building was constructed and an existing two stall garage was not removed as county planning staff recognized as required by the conditional use permit. The petitioner is requesting to amend his conditional use permit in order to maintain the existing two stall garage on the property by requesting 2,480 square feet of total accessory building space on the property.

Since CUP 17-09 was approved, several changes have taken place with the zoning ordinance. First, the allowable accessory building area for subdivision properties have increased from 1,200 square feet to a teared system where a property less than one acre in size is allowed 1,600 square feet. A couple of large accessory buildings have been constructed in the neighborhood; one of which is 2,560 square feet in size. And the Joint Jurisdiction between Minnehaha County and the City of Sioux Falls has expanded to include the West Acres subdivision where this requested larger accessory building is located.

The petitioner has submitted a narrative with the application for this CUP amendment. The narrative describes the use of the building as storage for parts and materials for a hobby of refinishing classic cars. The petitioner explains that existing garage is insulated and heated for better material storage, and that removal of the two stall garage would add extra financial costs.

**Conditional Use Permit Criteria:**



**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.**

There are a few other properties within the neighborhood of the subject property that have a building size larger than the petitioner's requested total accessory building area. It is unlikely that the keeping the existing garage by allowing additional square feet of accessory building area will have a detrimental effect on property values in the immediate vicinity. The proposed building will be used for the property owner's personal storage.

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

The accessory building may only be used for residential purposes, no commercial or business activities are allowed. Given the size of the other larger accessory buildings, 2,480 sq. ft. of accessory building area would be consistent with neighboring land uses.

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

Driveways and utilities already exist for the proposed use.

**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. At the site visit, staff took notice of several vehicles on the property. It appeared that all the vehicles were licensed as required by the nuisance ordinance. The property must be free of public nuisances at all times.

**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 within the transition area identified in the Envision 2035 Comprehensive Plan, which recognizes that the primary purpose of maintaining the rural landscape until the eventual development of residential and/or municipal development. The proposed use of the building for personal storage should not affect surrounding land uses.

County and City planning staff work together and review information for conditional use permits within the joint jurisdiction. City staff has presented comments for the county to review. The comments are included with this report.



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**Recommendation:**

Staff finds that the requested total accessory building size is relatively comparable to the existing accessory buildings in the immediate vicinity. Staff recommends **approval** of Conditional Use Permit Amendment #19-03 with the following conditions:

- 1.) That the total square footage of all accessory buildings shall not exceed 2,480 square feet.
- 2.) That the all accessory buildings shall not exceed 35 feet in height.
- 3.) That the buildings shall be an accessory use to the continued use of the property as a residential lot.
- 4.) That only personal residential storage shall be allowed in the buildings and no commercial uses or commercial storage will be allowed at any time.
- 5.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.

**Action:**

As part of the consent agenda, a motion was made for the County by Commissioner Mohrhauser and seconded by Commissioner Barth to **approve** Conditional Use Permit #19-03. The motion passed unanimously. The same motion was made for the City by Commissioner Gaspar and seconded by Commissioner Kurt Johnson to **approve** Conditional Use Permit #19-03. The motion passed unanimously.

**Conditional Use Permit #19-03 - Approved**



**Regular Agenda**

**ITEM 3. REZONING #18-05 to rezone property from the A-1 Agricultural District to the Laurel Ridge Planned Development District legally described as Lot A, Tract 1, Laurel Ridge Addition, SE1/4 SE1/4, Section 23-T102N-R49W.**

Petitioner: Tyler Childress

Property Owner: same

Location: 47677 Slip Up Creek Rd. - Located approximately 1 mile north of Sioux Falls

Staff Report: Scott Anderson

**General Information:**

Legal Description – Lot A, Tract 1, Laurel Ridge Addition, SE1/4 SE1/4, Section 23-T102N-R49W

Present Zoning – A-1 Agricultural District

Existing Land Use – vacant/pasture

Parcel Size – 30.52 Acres

**Staff Report:** Scott Anderson

**Staff Analysis:** The applicant is proposing to rezone approximately a 30.52 acre parcel from A-1 Agricultural to a Planned Development District. The petitioner has proposed a plan that consists of three (3) sub-areas, commercial, agricultural and residential.

**SUB AREA A:** This commercial subarea is proposed as a reception hall/events center to be used for renting for private gatherings such as corporate and private meetings and weddings. There will be parking and landscaped areas for the guests within this sub area. The applicant has submitted renderings of the proposed wedding barn/events facility which are included for your review.

**SUB AREA B:** The majority of the Planned Development is designated as an agricultural sub area. This area consists mostly of the flood plain of Slip Up Creek and will primarily be used for open space and pasture. The applicant may locate a business sign for the events facility near the road along the driveway to the events facility, which will be in the agricultural sub area.

**SUB AREA C:** The residential component of the proposed Laurel Ridge Planned Development consists of an area along the east side of the property to be used for housing. The residential area contains approximately 7 acres. The applicant is proposing to allow seven (7) residential building sites within this area.

Andys Acres, an existing residential subdivision consisting of over 40 lots, is located approximately ½ mile to the west of the proposed site. There are large areas of agricultural land



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in the area, particularly to the north, east and south of the proposed Planned Development. The new Veteran's Cemetery will be located north of the subject property.

The Shape Sioux Falls 2040 Comprehensive Plan, adopted in 2016, has identified areas of future residential growth. This area is planned for future residential use and not commercial use.

The Sioux Falls Planning Department has reviewed the request. The comments from the City are extensive and provided for review. The City is not recommending approval of the residential sub area. Much of the rest of the City's comments pertain to the Final Development Plan.

Minnehaha County has identified commercial and industrial growth areas which are called "Rural Service Areas". The subject property is not located within an identified rural service area. The concept behind the rural service areas is to promote good planning ahead of commercial growth in the county. The nearest planned Rural Service Area is located approximately 2 miles to the west and is known as the village of Renner.

In consideration of the Planned Development request, staff feels that the use of wedding event halls and centers is a growing trend. Accommodating this trend and finding a zoning district in which the use can be located can be difficult. While it is a quasi-commercial use, the desire for a serene and scenic setting can not usually be achieved in a commercial or industrial location. For this reason, county staff believes, a Planned Development is a good alternative and would allow for reasonable use of the property while implementing controls over the use and appearance of the facility. County staff generally supports this rezoning request to create the Laurel Ridge Planned Development with the exception of the residential sub-area and considers the use of the Planned Development District as an innovative idea on how to accommodate the uses and maintain control over it.

Staff does not support the request for Sub Area C. The additional residential development is not consistent with established density zoning. The County denied a rezoning request (RZ #17-02) on May 30, 2017 to rezone a 3.5 acre parcel to Rural Residential at 47653 258th Street, which is approximately 1 mile north of the subject property. That applicant owned a 20 acre parcel on a paved county highway and requested to rezone 3.5 acres out of the 20 acre parcel to allow one (1) new single family residence to be constructed. The County Commission denied the request stating that it was following density zoning. This applicant is requesting seven (7) additional residential building sites on property that is currently serviced by a gravel township road and crosses Slip Up Creek, a waterbody that is prone to flooding. Both the City and County do not support the proposed residential component of the proposed Laurel Ridge Planned Development.

Staff is including two (2) proposed ordinances. One draft will include two sub areas, for the commercial events facility/wedding barn and the agricultural area. The other draft will include three sub areas for the commercial events barn/events facility, agricultural sub area and



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residential sub area. This will allow both the applicant and Planning Commissions to review the development standards and requirements for each of the proposed sub areas.

An initial public hearing was held on November 26, 2018 before the Joint Planning Commission. After public testimony during the hearing, the Planning Commissions continued this item to the January 28, 2019 Joint Planning Commission and requested that the applicant conduct a neighborhood meeting and submit a traffic study. The applicant held the neighborhood meeting on December 6, 2018 and the traffic study and supporting documentation is included for the Planning Commissions' review.

**Recommendation:** Staff recommends **approval** of Rezoning #18-05 to allow Sub Area A, the commercial use of a wedding barn/event facility and Sub Area B, the Agricultural Area. Staff recommends **denial** of Sub Area C.

**Public Testimony**

Scott Anderson, County Planning Director, presented a brief overview of the staff report and recommendation for the rezoning request.

Tyler Childress, the petitioner at 47776 Slip Up Creek Road, addressed that he has completed the tasks which the planning commission requested to be done for this meeting. A neighborhood meeting was held at Mapleton Township Hall, and a traffic study was completed by HDR Engineering. Commissioner Barth asked if Tyler was ok with Sub-area C recommended for decline. Mr. Childress responded that subarea C is the long term plan and will work with Sioux Falls plan to annex this area in 20 to 30 years. Commissioner Ode asked if the Veteran's Cemetery was discussed at the neighborhood meeting. Mr. Childress responded that a scope letter was sent to all the property owners in the area. He added that he has done a lot of leg work and research speaking with officials about the cemetery, and noted that nobody can confirm that anything will be done with the road. He continued that his traffic engineer felt as if the project did not justify a traffic study because of the off peak use and low volumes of traffic.

Kyle Cosand, Cosand Construction 4412 N. Hillcrest, spoke in support of the project. He explained that there is a lot of community support for this type of wedding facility. He continued that the site is a good location and the project will utilize local labor and materials to build.

Mark Dawson, 47649 Surrell St. spoke in opposition to the rezoning for an event barn. Mr. Dawson raised concerns about the safety of future traffic and how construction traffic will affect the paved portion of Slip Up Creek Road which the development paid to pave. In addition he noted that an event center will not be compatible with the area and the future Veteran's Cemetery. He added concern that this will lead to more commercial development in the neighborhood and create noise problems. Commissioner Barth asked Mr. Dawson to point to his property on the power point map.



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Steven Bechtold, 47614 Slip Up Creek Road, began by asking staff if conditions or requirements can be added to the approval of the project. County planning staff confirmed that requirements can be added to a PUD rezoning, and those conditions will continue through future owners of the property. Steven Bechtold listed several items that which he would like to see added as requirements of the permit. The desired requirements include hours of operations, restrictions on outdoor activities, litter control along road, no parking on road, limited outdoor lighting, and vehicle management during funeral processions.

Ryan Bechtold, 47610 Slip Up Creek Road, began with concern about comments made by commissioners at the November planning commission meeting. He expressed that the process does not take neighborhood concerns and that the City can have such a major role in land use when he cannot vote for city council.

Brad Thill, 25985 477<sup>th</sup> Ave., raised concerns about the impacts of traffic and noise in addition to traffic impacts of the pending Veteran's Cemetery and existing motor cycle track. The added traffic of three funerals a day will cause damage to the existing paved road and that there are no plans to rebuild the road at any level of government. Mr. Thill also raised concern regarding enforcement of drinking and driving on the road. In addition he wondered how sewage would be treated on the site. Commission Gaspar asked Mr. Thill where did he here that there will be three funerals a day at the cemetery. Mr. Thill responded that 3 a day is based on his experience with Black Hills Veteran Cemetery. Someone from the crowd spoke up that there will be a projected 2,600 funerals a year.

John & Tina Beck, 47645 Surrell St., began with asking if there was any county noise control ordinance. The Becks continued raising concerns about how the traffic study could be correct during the slow season and before the Veteran's Cemetery is built. They finished with concern that the 35 mph speed limit is not followed and that the Sheriff's department is overwhelmed.

Russ & Robin Christensen, 47628 Slip Up Creek Road, reiterated concerns about traffic with the current race track and future development. Extra traffic may lead to decreased property value. Mrs. Christensen suggested speed bumps and more enforcement to slow traffic down.

Scott Zwak, 47646 Slip Up Creek Road, raised concern about the traffic and noise. He noted that he can hear the music from the Sanford summer camper. He suggested a decibel limit for outdoor noise. Mr. Zwak expressed concern about traffic with the cemetery and noted the construction traffic will come from the north.

Don Ahlschlager, Mapleton Township Supervisor, was present to speak about the road. To begin, Mr. Ahlschlager explained that he had spoken to a state engineer about the road pavement, and the impression is that nobody will fund it now but there is a high likelihood that someone will pave it in the future. He noted that the driveway permit was approved with the understanding that the use will be an event barn. The Township has a verbal agreement for Tyler





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Childress to apply dust control on the road. He explained that the hard surface that is currently on Slip Up Creek Road was installed at the expense of the neighbors, and the township dedicates about \$4000 per mile, per year of black top road. He noted that generally the township does not have funds to maintain and replace an asphalt road.

Tyler Childress, the petitioner, spoke to some of the concerns expressed. He noted that his understanding of traffic from Saddleback race track generally travels north rather than through Slip Up creek Road. He explained how the event barn is needed based on examples in the area and how it will have minimal impacts on the neighborhood based on restrictions of use of the property and minimal traffic increase. He clarified that there will be 240 to 260 funerals projected for the Veteran's Cemetery. Mr. Childress finished by stating that the requested restrictions on his property are generally acceptable for his proposed event barn. Commissioner Paulson asked if there were any agreements that were made at the neighborhood meeting. Mr. Childress responded that there were ideas discussed but nothing was set in stone for agreements. Commissioner Barth asked for options about how to meet requests of hours of operation and parking. Mr. Childress responded that stopping operations at 11:30 or midnight would work and there is extra overflow parking along the driveway to take care of large events.

Scott Anderson, Planning Director, addressed the planning commission regarding adding restrictions on the permit including: no parking on Slip Up Creek Road, hours of operation limit, lighting must be shoebox style and cutoff, and to stop outdoor music after 9:00 pm. Scott also confirmed that the Veteran's Cemetery was projected to have 250 funerals per year and not on weekends or holidays. Commissioner Luetke asked if a security plan was submitted for a liquor license. Scott Anderson responded that the Auditor's Office processes liquor licenses and that he was unaware of any requirement for a security management plan. He noted that companies with a liquor license can obtain a temporary license for events in certain cases. Commissioner Barth confirmed with Staff that the petitioner can make amendments to the ordinance if changes are needed in the future. Commissioner Paulson asked about the traffic study, and Scott Anderson referred to the study as written by HDR Engineering as they are qualified to design the study.

Chairperson Bonnie Duffy closed the floor for discussion of the planning commission.

**Discussion**

Commissioner Barth shared that he understands a desire by the state to pave the road and that the Federal Government will pave the roads inside the cemetery. If construction was to start the road would be a complete rebuild and the County and Township will likely have input on the project.

Commissioner Ode expressed that the venue will be good for young people wanting to get married in the future. Commissioner Mohrhauser added that the location is good for a wedding hall. And Commissioner Ralston added that the use will be appropriate and the due diligence of the use has been done by the petitioner.



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Commissioner Paulson clarified with staff that added conditions would be forwarded to the Joint County Commission and City Council meeting for final review.

Commissioner Ervin stated that he would be in favor of adding the conditions now rather than at a later meeting.

Scott Anderson, Planning Director, discussed with the commissioners to detail conditions that were agreeable to both planning commissions. The list of added conditions include:

- Subarea A. (3). a) No parking shall be allowed on Slip Up Creek Road.
- Subarea A. (6). d) The hours of operation shall be between 8:00 am and 12:00 am (midnight)
- e) All outdoor lighting shall be fully cutoff and shielded to prevent light from spilling onto neighboring property.
- f) No outdoor music is allowed after 10:00 pm
- g) Dust control shall be applied to Slip Up Creek Road beginning at the driveway to the property and heading west to the paved portion of Slip Up Creek Road.

**Action**

Commissioner Barth made a motion to **approve** Rezoning #18-05 to allow Sub Area A, the commercial use of a wedding barn/event facility with listed amendments and Sub Area B, the Agricultural Area and to deny Subarea C as staff recommended. Commissioner Ode seconded the motion. The motion passed unanimously.

Commissioner Gaspar made the same motion for the City Planning Commission to **approve** Rezoning #18-05 to allow Sub Area A, the commercial use of a wedding barn/event facility with listed amendments and Sub Area B, the Agricultural Area and to deny Subarea C as staff recommended. Commissioner Kati Johnson seconded the motion. The motion passed unanimously for the City Planning Commission.

**Rezoning #18-05 – Recommended for Approval**



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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 Ode. The motion passed unanimously. The same motion was made for the City to **adjourn** by Commissioner Ervin and seconded by Commissioner Johnson. The motion passed unanimously.

The meeting was **adjourned** at 9:02 pm.