



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

JULY 22, 2019

**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS
July 22, 2019**

A joint meeting of the County and City Planning Commissions was scheduled on July 22, 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, Andi Anderson, Sharon Chontos, Erik Nyberg, Kati Johnson, and Kurt Johnson.

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.

Commissioner Kurt Johnson stated that he would like a motion to be stated to include his name in the City Planning Commission Members Present section in the June 24 Joint County & City Planning Commission Meeting Minutes.

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

A motion was made for the City by Commissioner Kurt Johnson and seconded by Commissioner Chontos to **approve** the consent agenda consisting of Items 1 and 2. The motion passed unanimously.



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ITEM 1. Approval of Minutes – June 24, 2019

As part of the consent agenda, a motion was made for the County by Commissioner Ode and seconded by Commissioner VanderVliet to **approve** the meeting minutes from June 24, 2019 with the addition of Kurt Johnson to the list of City Planning Commission Members Present. The motion passed unanimously. The same motion was made for the City by Commissioner Kurt Johnson and seconded by Commissioner Chontos to **approve** the meeting minutes from June 24, 2019 with the addition of Kurt Johnson to the list of City Planning Commission Members Present. The motion passed unanimously.



ITEM 2. CONDITIONAL USE PERMIT #19-33 to allow a rubble dump for a tree grinding operation on the property legally described as N400' S433' E700' W766', SW1/4, Section 14-T102N-R49W.

Petitioner: Eric Willadsen (Willadsen Lund Engineering)

Property Owner: Michael Williams

Location: Just East of Intersection at 476th Avenue and East 84th Street North

Staff Report: Kevin Hoekman

General Information:

Legal Description – SW1/4 (EX CO AUD LOT H-1) 14-102-49 MAPLETON TOWNSHIP

Present Zoning – A1-Agriculture

Existing Land Use – Agricultural Cropland

Parcel Size – approximately 6.4 acres working area (156 acres for entire parcel)

Staff Report: Kevin Hoekman

Staff Analysis:

The subject site is located north of Sioux Falls along County Highway 125. The closest residential developments are Andy's Acres, approximately ½ mile south of the proposed site, and a large lot development approximately ½ mile north. A few residential properties lay closer to the property than ½ mile. The tree grinding operation is currently operating with a temporary use permit directly south of the requested site.

The petitioner is requesting to have a location to store and process wood products to eventually be used as fuel for the production of ethanol in off-site locations. Wood products fit within Minnehaha County's definition for rubble. No other rubble materials will be accepted at the site, and planning staff will recommend (as in similar adopted operations) that the wood processed must not be chemically treated in any way.

The petitioner has submitted a site plan that includes site details. The operation will take place in the southwest corner of the quarter section parcel. The plan includes a berm with trees, driveway access, internal circulation, a hard surfaced work pad for operating, and a large area dedicated for storage.

I conducted a staff visit of the proposed CUP site and the temporary permitted site to the south on July 8th. The proposed site has an existing driveway with a gate located directly west of E. 84th St N. The site slopes quickly to the intermittent stream to the north. The temporary use site was operating while I visited. A low humming sound was audible at the driveway, and I felt comfortable at the site without ear protection while grinding was ongoing. I drove to Slip Up Creek Road and paused at several locations, and I could not hear the tree grinding operation from the road. The existing operation had large piles of tree debris with mixed pallets and lumber.



Passersby's may find the debris piles objectionable. The proposed location will be more visible without the aid of the proposed berm and tree line.

Staff contacted the State Department of Environment and Natural Resources regarding the permit request. Jim Wendte of the DENR responded that their office will not require a solid waste permit for processing clean, untreated wood. Jim Wendte added that they will nonetheless monitor the site to ensure the facility operates as described in the permit.

The City of Sioux Falls Planning Department submitted a comment letter regarding the request. The letter included comments regarding site plan and future annexation requirements. City Planning Staff recommend approval of the permit for a period of 10 years. A sunset condition was also placed on the last rubble dump for tree grinding that was permitted near Ellis in 2016. A sunset of the CUP will require the petitioner to reapply for the permit and allow the Planning Commission the ability to re-evaluate the appropriateness of the operation in future years. The location is outside of any future growth tiers for the City Growth Management Plan, but it is adjacent to Tier 3 for possible growth between 2031 and 2040. Since the area is largely separated and steps are planned to reduce visual concerns of the property, County Planning Staff agrees with the 10 year sunset as growth management may change in 10 years.

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 primary land use surrounding the proposed site is agricultural uses. The closest residential owned by another individual is over 1,700 feet to the west of the proposed site. Other dwelling subdivisions are over ½ mile away from the site. The long distance should be adequate to reduce noise concerns. The proposed berm and trees will also reduce visual aspects of the operation. The older the trees become the more affect they will have in screening the use. A 10 year re-evaluation would allow for staff to reassess the situation when the city growth is closer to the area as depicted within the city growth plan.

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

The primary land use of agriculture will likely continue for years to come as the property is outside of the City's Future Growth maps for up to the year 2040. The current property owner currently owns many of the possible residential building eligibilities in the area. One future development in process is development of the Veterans Cemetery approximately ½ mile southeast of the site at the closest point. Just like the residential properties, the long setback should reduce much of the noise from the property. Some sort of sunset clause would mandate that the county review the appropriateness of the operation as the cemetery and other development happens in the future.



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

The facility will not require most utilities for regular operation. It will be the petitioner's responsibility to extend any desired utilities if they become necessary for operation. The property is accessed off of County Highway 125, and a change of use driveway permit will be required by the Highway Department. Drainage for the property will remain to flow north into the intermittent stream. The property will not have permanent structures or toilet facilities.

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

The site is large enough to accommodate any parking and loading. No parking or unloading will be allowed within the right-of-way.

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 primary concern for nuisances for the proposed use is noise and visual sight. The petitioner plans on screening with a berms and trees to reduce sight lines of the operation, and the distance of the sight from neighboring uses will reduce noise concerns. Staff suggests hours of operation will also reduce nuisance affects and limit concerns of extra traffic. The property should be maintained with a gate or a person on site during operating hours to prevent unwanted dumping on the property.

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

The public health, safety and general welfare will not be negatively harmed by the proposed project. It may be of great importance for Minnehaha County to have facilities such as this to recycle waste wood since the Emerald Ash Boar was found in the county.

The proposed project would be beneficial by creating a close location for area arborists to drop waste wood products and to have them recycled into a useful fuel for renewable energy. 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 concerns regarding this proposed wood processing site and current and future growth in the area, and the proposed 5 year sunset should allow further review of the project as the area development expands.

Recommendation:

Minnehaha County staff recommends **approval** of Conditional Use Permit #19-33 with the following conditions:

- 1.) The property shall adhere to the submitted site plan including installation of berm and trees.
- 2.) The process of grinding wood shall take place during the hours of 8:00 am through 7:00 pm on Monday through Saturday.
- 3.) All driveways and drive paths on the site must be gravel surface.



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- 4.) Only clean, untreated, unpainted, and unstained wood shall be accepted for processing. No other materials shall be accepted.
- 5.) The operation must maintain a gate or a person on the site during drop off hours to prevent dumping of non-wood products.
- 6.) A driveway permit must be obtained from the County Highway Department.
- 7.) An address sign must be acquired through the Planning Department before the start of operations.
- 8.) The operation will be allowed to operate under the conditions of this permit until January 31st, 2029. The business owner will be required to obtain another conditional use permit before this date if they wish to continue operating at this location.
- 9.) That the Planning & Zoning Department reserves the right to enter and inspect the site 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 Ode and seconded by Commissioner VanDerVliet to **approve** Conditional Use Permit #19-33. The motion passed unanimously. The same motion was made for the City by Commissioner Kurt Johnson and seconded by Commissioner Chontos to **approve** Conditional Use #19-33. The motion passed unanimously.

Conditional Use Permit #19-33 – Approved



Regular Agenda

ITEM 3. 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:

This item is a continuation of the joint planning commission hearing held on June 24, 2019. Staff has been reviewing materials and working with the petitioner. City planning staff provided a new comment letter with an approval recommendation conditional on the project getting approval for platting prior to a building permit being issued. Below is the revised staff report with a recommendation for approval.

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. On June 25th the Joint County Commission and City Council approved the major amendment request (The Major amendment will become effective on July 31, 2019). 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. This Development Engineering Plan will still be required after this approval. The County Highway Department expressed concerns for access onto the highways and the Highway Department will require review for approval any new access. The petitioner has stated that there are multiple ways to configure the access for properties if the shared access plans are not approved. The Highway



Department pointed to the access management policy available on the Highway Department webpage.

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 **approval** of action for Final Development Plan #19-04 with the following condition:

- 1.) The parcel must be platted prior to a building permit being issued.

Public Testimony

Kevin Hoekman, County planning department, presented the updates to the plan and the recommendation for approval.

Brent Driscoll, the petitioner, elaborated on the process and concerns which he has regarding platting requirements. He explained that the city requires approximately \$30,000 per acre for platting for future street and sewer infrastructure. His concerns beyond the high cost include that services are listed as beyond 20 years for the area, there is no guarantee that services will get to the site, the opportunity cost of investing the money for interest, and that he still has to pay for on-site services such as septic system until city services get there. Mr. Driscoll also further explained that the property owner is requesting 3 accesses for all the proposed future lots. He explained that the highway is low volume of traffic and that one of the accesses already exists.

Commissioner Barth explained that many of the concerns can't be fixed by the commission panels or the departments but rather by the elected officials. Brent Driscoll responded that there is a problem with using the same standard for everyone when the services are not guaranteed.

Commissioner Ode asked for clarification of where the current driveway is located on the property. Brent Driscoll responded that the driveway is located approximately between proposed lots 5 and 6.



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Commissioner Duffy asked if the Riviera has services that can be shared. Brent Driscoll explained that they have rural water and septic too.

Eric Willadsen, Willadsen Lund Engineering, spoke as the engineer for the petitioner. He explained that the DENR approved the septic system and they will work with the highway to resolve any access issues.

Albert Schmidt, City Planner, Clarified that the recommendation is for approval of the Final Development Plan with the stated condition that platting takes place prior to a building permit being issued. The platting procedure allows for the city to adequately review items such as access requirements.

Action:

A motion was made for the County by Commissioner Barth and seconded by Commissioner Ralston to **approve** Final Development Plan #19-04 with the staff recommended condition requiring platting to be complete prior to the issuance of a building permit. The motion passed unanimously. The same motion was made for the City by Commissioner Kurt Johnson and seconded by Commissioner Nyberg to **approve** Final Development Plan #19-04. The motion passed unanimously.

Final Development #19-04 – Approved



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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 Nyberg and seconded by Commissioner Kurt Johnson. The motion passed unanimously.

The meeting was **adjourned** at 7:19 pm.