

**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS
April 20, 2009**

A joint meeting of the County and City Planning Commissions was held on April 20, 2009 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Dick Kelly, Susie O'Hara, Becky Randall, Mark Rogen, and Don South.

CITY PLANNING COMMISSION MEMBERS PRESENT: Pam Breidenbach, Darla Erb, Meredith Larson, and Jessie Schmidt.

STAFF PRESENT: Scott Anderson, Phil Kappen, Pat Herman – County Planning
Dave Loveland – City Planning
Dustin DeBoer – Office of the State's Attorney

The County Planning Commission was chaired by Don South. City Planning Commission Chair Meredith Larson presided over the meeting.

CONSENT AGENDA

There being no objects, a motion was made for the City by Breidenbach and seconded by Schmidt to approve the consent agenda. The motion passed unanimously. Same motion for the County by O'Hara and seconded by Rogen. The motion passed unanimously.

ITEM 1. MINUTES – January 26, 2009

A motion was made for the City by Breidenbach and seconded by Schmidt to approve the minutes. The motion passed unanimously. Same motion for the County by O'Hara and seconded by Rogen. The motion passed unanimously.

**ITEM 2. A PUBLIC HEARING ON REZONING #09-02 TO REZONE
PROPERTY FROM THE A-1 AGRICULTURAL DISTRICT TO THE
RR RURAL RESIDENTIAL DISTRICT**

General Information

Legal Description - S535.8' Tract 9 & all of Tract 10 Nelson's Tracts NW ¼ SW ¼
Section 23-T102N-R49W
Location – 1 mile northeast of Sioux Falls
Petitioner / Owner- Steven Bechtold / Nancy Bechtold
Existing Land Use - Residential
Current Zoning - A-1 Agricultural
Parcel Size - 12.64 Acres

Report by: Pat Herman

Staff Analysis

The petitioner is requesting to rezone property from the A-1 Agricultural District to the RR Rural Residential District. The site is contained within the joint jurisdictional area shared by Minnehaha County and the City of Sioux Falls. The property is located in an

existing subdivision which contains 32 houses. This area was initially developed in the early 1960s with further subdivision of the lots in the 1970s.

The property requested for rezoning is zoned A-1 Agricultural, as is the majority of the subdivision. There are two 1 acre lots which lie adjacent to the subject property and are zoned RR Rural Residential. Staff could not find documentation in the records as to when the rezoning occurred, but it does set precedence for this area.

The Minnehaha County Comprehensive Plan depicts this subdivision as a transition area on Map 6, the Future Development Plan. A transition area is characterized by a mix of land uses – rural residential subdivisions and farming operations. These areas will not support long term agricultural and are located close to existing municipalities with the anticipation that the land will be annexed into a city within the near future. Measuring from corner to corner, this subdivision is a ½ mile from the municipal limits of Sioux Falls. The subdivision lies within the growth area for the City of Sioux Falls as depicted in the 2015 Growth Management Plan. Shown on Map IV(a), the Future Land Use Plan, the area is depicted as existing rural residential.

The petitioner owns two parcels which combined constitute 12.64 acres. There is one house on the property. The rural residential zoning district requires a minimum lot size of 1 acre. This subdivision is not serviced by city sanitary, so the minimum lot size must be maintained to ensure there is adequate space for a functioning septic system. With 12+ acres there is the potential of an additional 11 houses on this site. Staff anticipates the number of dwellings constructed to be a bit lower, given the shape of the existing parcels and the need to provide access to the new lots.

Rezoning of property does not allow for conditions to be part of the approval process. The petitioner has been informed that if the property is rezoned, no development may occur until a preliminary development plan is presented and approved by both the governing bodies of Minnehaha County and Sioux Falls.

Petitioner's Note: The preliminary plan must meet the requirements of the Sioux Falls Subdivision Ordinance, Chapter 15A.13 Rural Subdivisions. There is a natural drainage way through the property and the preliminary plan should include drainage and grading plans. Staff also anticipates that a typical cross section for road construction will be part of the preliminary plan. When platting of the lots commences, the plats must contain either the required text block showing Mapleton Township has accepted maintenance responsibility for the roadways or the owner's certificate for private maintenance of facilities. The roadways will be required to be constructed prior to the start of development or the petitioner will be required to post surety for the sum of road construction. The petitioner is also responsible for the cost of roadway signs and will be charged accordingly by the Minnehaha County Planning Department.

Recommendation

The joint staff found the request to rezone property to the RR Rural Residential District is in conformance with both the Minnehaha County Comprehensive Plan and the Sioux Falls Growth Plan and recommended approval of rezoning #09-02.

Action

Based on the staff report, a motion was made for the City by Breidenbach and seconded by Schmidt to recommend **approval** of Rezoning #09-02. The motion passed unanimously. Same motion for the County by O'Hara and seconded by Rogen. The motion passed unanimously.

Regular Agenda

ITEM 3. CONDITIONAL USE PERMIT #09-30 amending CUP #04-16 to allow auto repair & detailing.

General Information

Legal Description - Lot 7, part of Tr. 4 Pleasant View Acres in Section 19-T101N-R48W
Location - 1002 S. Hillside Drive east edge of Sioux Falls
Petitioner / Owner- Bob Bauman / Alvin Nelson
Existing Land Use - Commercial
Existing Zoning - Commercial
Parcel Size - 1.66 Acres

Report by: Scott Anderson

Staff Analysis

The applicant is requesting a conditional use permit to allow auto repair and detailing on the subject property in addition to the existing auto sales. The applicant is also seeking to have the capability to have a fenced and screened outdoor storage area, approximately 20 foot by 20 foot.

Staff conducted a site inspection on March 31, 2009 and found a number of commercial and industrial uses in the area. The lots across the street and to the north are both currently used for commercial/industrial uses. There is an existing auto repair business located to the west of the subject property. Staff noted the lot was very neat and orderly.

The applicant has provided a site plan that shows the paved parking area, signage and required parking setbacks from the road. The business utilizes an on-site wastewater disposal system. The proposed screened storage area is shown on the south of the existing building.

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.

This is a commercial/industrial area, so the proposed use blends in quite well and should not impact the use and enjoyment of the property in the area. This type of business will not impact property values, provided no auto body parts are stored in the open.

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

The proposed use should not impact the orderly development and improvement of the area. The general area is already almost completely developed.

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

Existing roads and utilities are already in place. The proposed expansion of the auto repair and detailing will not require any additional services to be provided.

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

The applicant currently has 2 parking areas. One parking area is located on the north side of the building and the other is on the west side of the building. The combined number of parking spaces meets the Zoning Ordinance requirements.

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 applicant will be conducting a business that will produce noise and fumes. The area is located within an industrial area and should not be out of line with noises typically found in an industrial area.

Staff finds that the proposed use is appropriate for the newly created industrial area. The recommended conditions of approval will ensure that harmonious development will occur.

Recommendation

Staff recommended approval of Conditional Use Permit #09-30 to allow for an auto repair and detailing with the following conditions.

- 1) That no inoperable or dismantled vehicles and/or auto parts shall be stored outside the screened area. The 6 foot high screening fence shall provide at least 90% opacity over the full height of the fence.
- 2) That the business operator obtains and maintains a South Dakota sales tax license.
- 3) Any new exterior lighting shall be of a full cutoff and fully-shielded design.
- 4) All signs must meet the requirements of Article 16 of the Minnehaha County Zoning Ordinance.

Action

Based on the staff report, a motion was made for the City by Breidenbach and seconded by Schmidt to **approve** Conditional Use Permit #09-30 with the conditions as stated. The motion passed unanimously. Same motion for the County by O'Hara and seconded by Rogen. The motion passed unanimously.

REGULAR AGENDA

A motion was made for the City by Breidenbach and seconded by Erb to approve the regular agenda. The motion passed unanimously. Same motion for the County by Rogen and seconded by Randall. The motion passed unanimously.

ITEM 4. CONDITIONAL USE PERMIT #09-19 to allow a summer camp.

General Information

Legal Description - Part of the NE1/4 South of Redwood Blvd. and Part of the SE1/4 North of the Railroad and North and East of the River in Section 30-T102N-R48W

Location – ½ mile northeast of Sioux Falls

Petitioner / Owner- Sioux Falls Family YMCA / Northern States Power Company

Present Zoning - R/C Recreation Conservation

Existing Land Use - Agricultural

Parcel Size - 30 acres

Report by: Phil Kappen

Staff Analysis

The subject property is located ¾ mile east of Timberline Avenue (EROS Road) and south of Redwood Blvd (just south of I-90). To the east is agricultural land, to the south is the Big Sioux River, and across the river, the Xcel Energy Angus Anson Power Plant, and to the west is the river and agricultural land. The petitioner wishes to develop a day camp similar to the YMCA Leif Erickson day camp in Sioux Falls. The camp would predominantly be used during the summer months and up to 200-500 campers could be on site at any particular time. Typical hours for the camp would be from 8 AM to 2 PM. A limited number of horses would be kept at the site for the use of the campers.

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 Burlington Northern Santa Fe RR has expressed concerns about children accessing their rail line which cuts across the far southeast corner of the property. This is a valid concern due to safety and liability considerations. There are some natural barriers which will partially mitigate this concern. The Big Sioux River provides a barrier on the west and south portions of the site. The embankment along a creek provides a barrier along a portion of the east boundary. It may be necessary to require barrier fencing along portions of the eastern boundary to provide separation between campers and the agricultural land to the east and to further limit the potential for children to access the rail line.

Xcel Energy has been working with the YMCA on this plan. The power company's primary concern is security for their power plant. The river provides the required separation between the proposed camp and the power plant property.

Staff has also checked with both the city of Brandon and with Brandon Township. Neither entity had any concerns with the proposed use.

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

The subject property is zoned RC Recreation Conservation. The RC District is essentially the squared-off floodplain. As the property is located within the 100-year flood area, there is a reduced likelihood of development in the immediate area. The city

of Sioux Falls has developed preliminary plans for a potential recreational trail in this area. As Brandon grows to the east there is a good likelihood that traffic on Redwood Blvd. will increase and that the road will have to be upgraded in the future. By maintaining an adequate setback from the road right-of-way, it will allow for future right-of-way expansion to accommodate transportation improvements. There is a required 50-foot setback from the right-of-way to any permanent or temporary structures. The minimum setback from the right-of-way to any parking areas or interior roadways is 15 feet. However, due to the great potential for necessary right-of-way improvements in the future, a larger setback may be more appropriate for these features. The petitioner's site plan shows that this should not be a problem.

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

The petitioner is proposing to develop a private well on the site for water supply. Any well, other than one used for individual domestic use, requires a water rights permit from the SD DENR. In addition, the state requires that any well which provides water for more than 25 people is considered a public water supply and must meet all applicable water quality and testing standards. Port-a-potties would be utilized during the summer camping season. As the property is located in the floodplain, all such fixtures should be allowed on site only during the specific camping season and should be anchored to prevent floatation during flood events.

The YMCA has provided some information on proposed emergency procedures for the site. They have noted that if severe weather is predicted that campers would not be brought to the site. If severe weather is forecast when campers are already at the site, the YMCA would bus the children to either the YMCA downtown or to a facility such as the Brandon Middle School.

Staff has some concern with any reliance on busing children to the YMCA, due to the distance of their facility from the site. The busing of children to Brandon may be workable when adequate warning time is available, however, a written agreement between the YMCA and any facility Brandon would have to be in place and proof of that agreement be provided to both the Minnehaha County and Sioux Falls planning offices. In the event of an unexpected storm event it may be appropriate to have an emergency storm shelter. This is particularly important as the YMCA has indicated that, even though the site would be primarily used as a day camp, there may be up to 5 nights per year when some overnight camping would occur.

Their plan proposes to have various picnic shelters, a councilor's cabin, a small storage garage and a hoop building. Any construction within the flood plain requires a Flood Plain Development Permit in addition to commercial building permits. The Flood Plain Development Permit will cover such items as flood damage mitigation measures and flood-proof construction techniques.

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

The petitioner has indicated that they will have a parking area for buses. Access to the parking from Redwood Boulevard would be via a graveled or recycled asphalt driveway. The parking area would be a grassed, temporary site, as is found at the existing YMCA camp in Sioux Falls.

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 site is relatively remote and there are no immediate neighboring houses. As such, noise from the site should not be a great problem. The use as a day camp should also result in little nuisance odor. There is a potential for some dust from the road as buses access the site, however, the buses typically are not running all day, but take the children out to the site for the day and return them to the YMCA at the end of the day. Outdoor lighting should be of a type that will not cause nuisance glare to other properties.

Recommendation

Staffs find that the proposed recreational use is consistent with the types of uses that may be found in the Recreation Conservation Zoning District and that the use can be made compatible with neighboring land uses. Staffs, therefore, recommended approval of conditional use permit #09-19 with the following conditions:

- 1) The use shall be limited to a summer camp.
- 2) The use shall conform to the site plan submitted as a part of the conditional use permit application.
- 3) A flood plain development permit shall be obtained from Minnehaha County prior to the issuance of any building permits for improvements at the site.
- 4) A minimum setback of 30 feet shall be maintained between the north property boundary and any interior roadways or parking areas.
- 5) A separation shall be maintained along the eastern boundary of the site and along the Burlington Northern Santa Fe right-of-way to prevent camper access to the railroad right-of-way. This boundary may consist of natural features, separation fencing, or a combination of both types.
- 6) The petitioner shall provide documentation of state approval for any well established on the property to both the Minnehaha County and Sioux Falls planning departments.
- 7) The petitioner shall keep emergency supplies such as a fire extinguisher, first-aid kit, and a weather radio on site and readily accessible at all times that the site is in use.
- 8) No commercial foodservice shall be allowed at the site.
- 9) The petitioner shall prepare an emergency preparedness plan for approval by the county Emergency Management Department which includes an agreement with a facility in Brandon for the provision of an appropriately-sized emergency shelter for campers in the event of severe weather. The agreement shall include provisions for after-hours access to the shelter and a copy of said agreement shall be provided to both the Minnehaha County and Sioux Falls planning departments.
- 10) A flood-proof storm shelter shall be provided on the site. The shelter shall be sized to handle the maximum number of campers that would be found at the site.
- 11) No permanent or ongoing storage of vehicles shall occur on the site.
- 12) Port-a-potties shall be kept at the site only during the summer camping season. All such facilities shall be fully anchored when on site in order to prevent floatation during flood events. Any future construction of any on-site wastewater treatment system shall comply with all state and county wastewater treatment standards.
- 13) The petitioner shall ensure that all solid waste management is performed in conformance with the Minnehaha County Solid Waste Ordinance.
- 14) All outdoor lighting shall be of a full cutoff and fully-shielded design preventing direct spillage of light off the premises from any light source (bulb or reflector).
- 15) One sign up to 32 square feet in size shall be allowed at the site.

Public Testimony

The YMCA was represented by Chuck Bennis. He stated this campsite would remain secondary to the Leif Erickson summer camp located in Sioux Falls. Currently, campers are bussed to both Beaver Creek and the Big Sioux Recreation areas, and as this new campsite grows and develops, it will be used instead of those areas.

No one else wished to speak to the item and the floor was closed to public testimony.

Action

Based on the staff report and public testimony, a motion was made for the City by Breidenbach and seconded by Schmidt to **approve** Conditional Use Permit #09-19 with the conditions as stated. The motion passed unanimously. Same motion for the County by O'Hara and seconded by Rogen. The motion passed unanimously.