

**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS
September 28, 2009**

A joint meeting of the County and City Planning Commissions was held on September 28, 2009 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Susie O'Hara, Dick Kelly, Becky Randall, and Wayne Steinhauer. Don South, Mike Cypher and Mark Rogen were absent.

CITY PLANNING COMMISSION MEMBERS PRESENT: Meredith Larson, Steve Gaspar, Mike Roth, and Kent Metzger.

STAFF PRESENT:

Scott Anderson, Phil Kappen, Pat Herman, Ryan Streff – County Planning
Dave Loveland, Sam Trebilcock – City Planning
Gordy Swanson - Office of the State's Attorney

The City Planning Commission was chaired by Meredith Larson. County Planning Commission Vice Chair Susie O'Hara presided over the meeting.

CONSENT AGENDA

A motion was made for the City by Gaspar and seconded by Roth to approve the consent agenda (Items 1, 2). At the request of staff, Item #3 was removed from the consent agenda and placed on the regular agenda. The motion passed unanimously. Same motion for the County by Randall and seconded by Steinhauer. The motion passed unanimously.

ITEM 1. MINUTES – August 24, 2009

A motion was made for the City by Gaspar and seconded by Roth to approve the August 24, 2009 meeting minutes. The motion passed unanimously. Same motion for the County by Randall and seconded by Steinhauer. The motion passed unanimously.

ITEM 2. CONDITIONAL USE PERMIT #09-62 to allow an auto body shop.

Legal Description – Peterson's Tract 1 NW1/4 of Section 27 and NE ¼ of
Section 28; T102N-R49W
Location – 6001 N. Cliff Avenue North edge of Sioux Falls
Petitioner / Owner- Merlin Dobe / Dennis Peterson

General Information

Existing Land Use - Commercial
Current Zoning - C Commercial
Parcel Size - 1.88 Acres

Report by: Scott Anderson

Staff Analysis

The applicant is requesting a conditional use permit to operate an auto repair shop and parts sales on the subject property. The applicant has indicated in a narrative and with a

site plan that approximately one third of the existing large building will be used for the auto repair business. The site plan indicates that 2,960 square feet of the building will be used by this tenant. There are two (2) other tenants in the building. Staff has indicated to the applicant that any outdoor storage must be screened. The applicant has stated that there will be no outdoor storage of vehicles or parts.

Staff conducted a site inspection on September 14, 2009 and found a number of commercial and industrial uses in the area. There are two other light industrial/commercial uses in the existing large building and storage units to the south and north of the proposed business.

The applicant has provided a site plan that shows the parking area and required parking setbacks from the road. The business will be utilizing the Renner Sanitary Sewer District for disposal of waster water.

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 an mixed area located along a major highway, 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 applicant is proposing to use an existing site that is buffered by trees and landscaping. Extensive residential development is occurring in the city limits of Sioux Falls to the southeast. Commercial and industrial uses have been situated on this site for many years without hindering the development of vacant property in the area.

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

All of the required infrastructure is in place.

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

The applicant is required to provide two (2) spaces for each three (3) employees. The narrative indicates that for now, the applicant will be the sole employee. He indicated that a full crew would consist of three (3) people. The site plan indicated approximately twelve (12) spaces, which would accommodate up to eighteen (18) employees, as per the zoning ordinance parking regulations. The customer parking area must be hard-surface.

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 in industrial area and should not be out of line with noises typically found in an industrial area. The applicant will be required by code to install a dry chemical fire suppression system in the paint booth. In addition, staff will require that the ventilation be adequate to dissipate any fumes.

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 #09-62 to allow for an auto repair shop with auto parts sales with the following conditions.

1. That no inoperable or dismantled vehicles 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 shoe box style that directs the lighting downward.
4. The applicant shall maintain a minimum of ten (10) off street parking spaces and one (1) loading space.
5. 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 Gaspar and seconded by Roth to **approve** Conditional Use Permit #09-62 with the conditions stated. The motion passed unanimously. Same motion for the County by Randall and seconded by Steinhauer. The motion passed unanimously.

REGULAR AGENDA

A motion was made for the City by Larson and seconded by Metzger to approve the regular agenda. The motion passed unanimously. Same motion for the County by Steinhauer and seconded by Kelly. The motion passed unanimously.

ITEM 3. CONDITIONAL USE PERMIT #09-60 to amend CUP #00-62 & #02-34 to allow additional recreational uses.

Legal Description – Part NE ¼ SE ¼ of I-90 (ex E-2, E-5, C1-E2, & C1-E3) in
Section 29-T102N-R49W

Location – 5300 N. Ditch Rd. North edge of Sioux falls

Petitioner / Owner- Chad Westra

General Information

Existing Land Use - Commercial Recreation

Current Zoning - RC Recreation Conservation

Parcel Size - 21.5 Acres

Report by: Ryan Streff

Staff Analysis

The subject property is located just north of the city limits in the joint jurisdictional area between Minnehaha County and the City of Sioux Falls. It is bordered on the east and south sides by the City of Sioux Falls, on the west by a single family home and the Big Sioux River, and Interstate 90 to the north. The petitioner's property is also bordered by Silver Creek to the east with the Big Sioux River within ½ a mile from the south and west property lines. The property is located within the 100-year flood plain as designated by the federal Emergency Management Agency (FEMA) and is also located within the floodway.

The petitioner is requesting an amendment to conditional use permit #00-62 to allow for additional recreation uses on the property. The additional uses would be classified under "Recreation Facility" in the zoning ordinance and include the following additions; 1) event center, 2) pumpkin patch, and 3) photography. No additional buildings are proposed for the property.

The proposed event center would be used to host events such as birthdays, reunions, anniversaries, wedding events, business functions, and showers. The event center would have seating for approximately 100 people and patio seating for 75. The event center would be located within the existing maintenance building on the property. This facility would have no food preparation area and/ or kitchen. Food would either have to be supplied by the customer or catered to the facility. No restroom(s) would be located in this facility as these types of accommodations are located within the clubhouse. The maintenance building is 40' x 20' with an attached outdoor patio area of 40' x 20'. Operations hours would be between 8:00am and 12:30am. The Building Official will inspect the structure to make sure it meets all code and requirements. This facility will also have to meet all ADA Standards.

The pumpkin patch would be planted on the property in an area approximately 2-4 acres in size just east of the event center and south of the driving range. The event center space would be used at this time to store and sell the pumpkins during the pumpkin season. Operation hours would be seasonal between 10:30am-5pm (daylight hours).

The petitioner would like to offer professional photography while hosting events at the property. With over 3 acres of different landscapes the petitioner would utilize the

unique natural and constructed environments on the property to expand their services to their customers. Operation hours will be between 8:00am and 12:30pm.

Currently there are two conditional use permits for this property. Conditional use permit #89-19 approved a Commercial Recreation Facility (Golf Driving Range) and conditional use permit #00-62 approved the expansion of the existing golf driving range to include a golf shop and lighted range (concessions, and golf equipment sales). Conditional use permit #01-61 denied an amendment for a baseball field and conditional use permit #02-34 was approved for a par 3 golf course but has since expired because the course was never constructed.

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 property is visible from Interstate 90 and Ditch Road; however, this visibility would not cause a decrease in property values in the immediate vicinity. The current type of use of this property is very similar to the proposed additional recreation uses. There would be little impact on surrounding properties. Outdoor lighting shall be of a full cutoff and fully shielded design that prevents the spillage of light beyond the boundaries of the subject property.

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

All of the properties surrounding and including this parcel are zoned RC Recreation/Conservation District. The proposed types of recreational uses are allowed and are appropriate in this district.

RECREATION FACILITY. A place designed and equipped for the conduct of sports, leisure-time activities, and other customary and usual recreational activities, either active or passive. Related functions such as changing rooms or restrooms, and maintenance may be housed in buildings or structures.

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

The property is accessed off of Ditch Road and no additional accesses are being proposed at this time. Restroom facilities for the Event Center are located in the Clubhouse as shown on the site plan dated 9/17/2009. All other necessary facilities for the proposed use are provided.

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

There are approximately 74 parking spaces in the petitioner's parking lot so no additional parking spaces are needed. No on-street parking should be allowed along Ditch Road.

Restaurant, Bar, Cafe or Recreation or Amusement Establishment Not Specified Herein: One parking space for each 100 square feet of floor area or one parking space per three fixed seats, which ever is greater.

Total building square footage = 5,200

One parking space per each 100 sq. ft. = 52 parking spaces

One parking space per three fixed seats = **59 parking spaces needed**

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.

There should be no odor and no fumes or vibration from the proposed use. Minimal amounts of dust could be created due to the traffic increase on the gravel that provides access to the property from 60th Street North. Additional noise could be created due to the event center and patio area on the property. Noise from this site should not be a problem as the site is located back from the road and there are existing trees between the petitioner's property and the adjacent residential property which will further prevent noise pollution. Any outdoor lighting shall be of a full cutoff and fully shielded design that prevents the spillage of light beyond the boundaries of the subject property.

Recommendation

Staff finds that any potential impact of this use to neighboring properties will be minimal and that this use is appropriate in the RC Recreation/Conservation District. Staff recommended approval of the conditional use permit #09-60 with the following conditions:

1. The Event Center shall operate between the hours of 8:00am and 12:30am.
2. The Event Center shall only be operated in the existing maintenance building with addition (24' 5"x 40' 8" and 15' x 32') and patio area (15' x 40') as shown on site plan dated 9/23/2009.
3. The Pumpkin Patch shall operate between the hour of 8:00am and 5:00pm.
4. Photography shall be allowed at the site between the hours of 8:00am and 12:30am.
5. No food preparation shall be conducted on site or within the Event Center.
6. No alcohol or malt beverage sales shall be allowed on the property without first obtaining the appropriate permit(s).
7. Any outdoor lighting shall be of a full cutoff and fully shielded design that prevents the spillage of light beyond the boundaries of the subject property.
8. All signage shall comply with Article 17.00 (On-Premise Signs) and Article 17A.00 (Off-Premise Signs).
9. All parking shall comply with Article 16.00 (Parking and Loading Regulations).
10. A Building Permit and Flood Plain Development Permit shall be obtained for the Event Center and patio area from the Minnehaha County Planning & Zoning Department.
11. Use of the Event Center shall not commence until the Building Inspector has given approval.
12. The Event Center shall meet all ADA Standards.
13. Building(s) shall be designed for use in the Flood Plain area.
14. If there is any construction within the Flood Plain or Floodway a professional engineer or architect shall submit a Flood Plain Development Permit, certifying that the construction will not result in an increase in base flood elevation during a 100-year flood occurrence.
15. A sales tax ID number shall be obtained.

Previous conditions/approvals that staff would like include into this new conditional use permit:

16. Approved Commercial recreation facility for a golf driving range (CUP #89-19).
17. Approved expansion of existing golf driving range to include golf shop and lighted range, concessions, and golf equipment sales (CUP #00-62).

18. A photometric plan for the driving range lighting shall be submitted for review and approval by the State Department of Transportation and the Sioux Falls Airport Authority.

Public Testimony

Commissioner Gaspar asked what the distance was from the event center to the clubhouse. Staff stated that the exact distance between these two facilities was unknown but stated that the petitioner could possibly answer that question. Gaspar addressed his concerns of the bathroom facilities being only in the clubhouse. He stated that this distance between the event center and the clubhouse was a bit too far for the patrons. Petitioner Chad Westra stated that the distance between the event center and the clubhouse was approximately 100 feet.

Westra informed the commission that he had decided to pull the item off the Consent Agenda so he could add the existing clubhouse to condition #2. He stated that the clubhouse is made to host events and he would like to continue this practice. Commissioner O'Hara asked staff if there were any concern with adding the clubhouse to condition #2. Staff stated that there was no concern as long as the event center is not the primary use of the building.

Commissioner Larson addressed his concerns about the plumbing and amount of fixtures in the clubhouse. He asked if the plumbing code had been met for the facility. Staff stated that plumbing inspections are done by the state and not the county. Staff informed the commission that they will take a look at the septic permit and check the number of fixtures needed for the property.

Commissioner Roth asked if the addition to the east side of the maintenance building was constructed without a permit, and if so would condition #10 address this issue. Staff stated that this was correct and that Mr. Westra would need to obtain the appropriate permit for the addition with a double permit fee penalty for constructing the addition without a permit.

Action

Based on the staff report and public testimony, a motion was made for the City by Metzger and seconded by Roth to **approve** Conditional Use Permit #09-60 with the stated conditions.

A motion was made for the County by Steinhauer and seconded by Randall to approve the permit with condition #2 amended to include the existing clubhouse. The motion passed unanimously. A substitute motion was made by Metzger and seconded by Roth to approve the permit with condition #2 amended to include the existing clubhouse. The motion passed unanimously.

1. The Event Center shall operate between the hours of 8:00am and 12:30am.
2. The Event Center shall only be operated in the existing maintenance building with addition (24' 5" x 40' 8" and 15' x 32'), patio area (15' x 40'), and Existing Clubhouse (40' x 90') as shown on site plan dated 9/23/2009.
3. The Pumpkin Patch shall operate between the hour of 8:00am and 5:00pm.
4. Photography shall be allowed at the site between the hours of 8:00am and 12:30am.
5. No food preparation shall be conducted on site or within the Event Center.
6. No alcohol or malt beverage sales shall be allowed on the property without first obtaining the appropriate permit(s).

Minnehaha County / Sioux Falls Planning Commissions

Minutes

September 28, 2009

7. Any outdoor lighting shall be of a full cutoff and fully shielded design that prevents the spillage of light beyond the boundaries of the subject property.
8. All signage shall comply with Article 17.00 (On-Premise Signs) and Article 17A.00 (Off-Premise Signs).
9. All parking shall comply with Article 16.00 (Parking and Loading Regulations).
10. A Building Permit and Flood Plain Development Permit shall be obtained for the Event Center and patio area from the Minnehaha County Planning & Zoning Department.
11. Use of the Event Center shall not commence until the Building Inspector has given approval.
12. The Event Center shall meet all ADA Standards.
13. Building(s) shall be designed for use in the Flood Plain area.
14. If there is any construction within the Flood Plain or Floodway a professional engineer or architect shall submit a Flood Plain Development Permit, certifying that the construction will not result in an increase in base flood elevation during a 100-year flood occurrence.
15. A sales tax ID number shall be obtained.
16. Approved Commercial recreation facility for a golf driving range (CUP #89-19).
17. Approved expansion of existing golf driving range to include golf shop and lighted range, concessions, and golf equipment sales (CUP #00-62).
18. A photometric plan for the driving range lighting shall be submitted for review and approval by the State Department of Transportation and the Sioux Falls Airport Authority.