



**MINUTES OF THE JOINT MEETING  
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS  
June 25, 2018**

A joint meeting of the County and City Planning Commissions was scheduled on June 25, 2018 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, and Jeff Barth.

CITY PLANNING COMMISSION MEMBERS PRESENT: Larry Luetke, Sharon Chontos, Katherine Fiegen, Nicholas Sershen, and Steve Gaspar.

**STAFF PRESENT:**

Scott Anderson, David Heinold, and Kevin Hoekman - County Planning  
Diane deKoeper – 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 7:00 p.m.

**Consent Agenda**

**ITEM 1. Approval of Minutes – May 21, 2018**

As part of the consent agenda, a motion was made for the County by Commissioner Barth and seconded by Commissioner Ode to **approve** the meeting minutes from May 21, 2018. The motion passed unanimously. The same motion was made for the City by Commissioner Sershen and seconded by Commissioner Gaspar to **approve** the meeting minutes from May 21, 2018. The motion passed unanimously.



**ITEM 2. CONDITIONAL USE PERMIT #18-29 to allow a Bed & Breakfast Establishment on the property legally described as Tract 1, Josten's Addition, SW1/4, SW1/4, Section 28-T101N-R48W.**

Petitioner: Darren Blair

Property Owner: same

Location: 9120 E. 41<sup>st</sup> St.

Approximately 1 mile east of Sioux Falls

Staff Report: David Heinold

To allow a Bed & Breakfast Establishment.

**General Information:**

Legal Description – Tract 1, Josten's Addition, SW1/4, SW1/4, Section 28-T101N-R48W

Present Zoning – A-1 Agricultural District

Existing Land Use – Residential

Parcel Size – 7.94 Acres

**Staff Report:** David Heinold

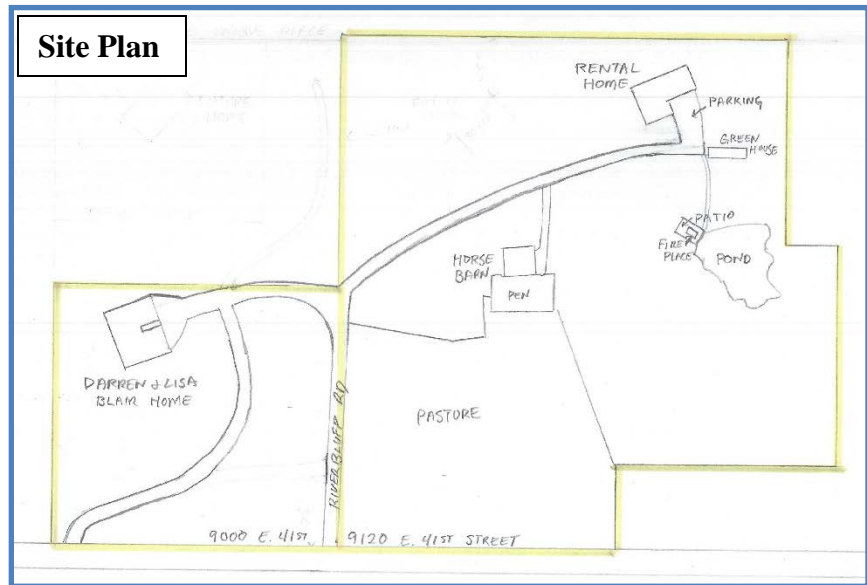
**Staff Analysis:**

The petitioners, Darren and Lisa Blair, are requesting conditional use permit approval to allow a bed and breakfast establishment for one day, weekend, and week-long stays on an approximately 7.94 acre lot with an existing house and detached garage. The written narrative describing the proposed use is attached for your review. The site plan, below at right, shows the driveway entrance accessible from East 41<sup>st</sup> Street that will take guests directly to the bed and breakfast establishment. This driveway entrance is located adjacent to the partially developed portion of a section line road right-of-way.



As shown on the site plan, the petitioner's primary residence is located directly west of the property requesting to allow a bed and breakfast establishment.

On June 13, 2018, staff visited the property and determined that the proposed site for a bed and breakfast establishment is an appropriate land use for surrounding area.



**Conditional Use Permit Criteria**

The following considerations shall be employed when acting upon requests for conditional uses:

- (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.**

Applicant response: *The applicant plans to advertise the existing house on the approximately 7.94-acre parcel for short-term, weekend overnight stays.*

The subject property is located in an area surrounded by several large lot acreages tucked away in the natural topography along East 41<sup>st</sup> Street. Many of the lots to the east and south have similar characteristics while the existing subdivision to the west consists of mostly one-acre residential home sites. The primary land use in the immediate area is residential with a few farms within a half mile of the subject property.

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

Applicant response: *The subject property is located directly adjacent to the east of his primary residence at 9000 E. 41<sup>st</sup> St.*

The applicant owns both properties, which are accessible via the currently unnamed public road right-of-way north of E. 41<sup>st</sup> St. The proposed use for short-term rental to transient guests brings a level of uncertainty for guests' arrival or departure times throughout the stay but should not alter the general character of the area or neighborhood being tucked away in the trees near the bottom of a creek 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.**

Applicant response: *This 7 acre property has ample space for guest parking and also privacy for neighbors.*

The existing house proposed to be used for short-term rentals as a bed and breakfast establishment is set back approximately 500 feet north from the public right-of-way on E. 41<sup>st</sup> St. and located a minimum of 400 feet from the nearest residential dwelling in the immediate area. The proposed operation of a bed and breakfast establishment brings possible noise disturbances to surrounding property owners with new guests.

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

The site itself is situated on varying terrain consisting of sinuous waterway views, shelterbelt plantings of deciduous and coniferous trees, and set about as far north as the minimum property line setbacks have permitted. Given the above staff analysis, the proposed use for a bed and breakfast establishment primarily for providing short-term accommodation should not adversely affect the public.

**Recommendation:**

Staff finds that the proposed bed and breakfast establishment is an appropriate land use for the surrounding area consistent with the goals and policies of the Envision 2035 Comprehensive Plan. Staff recommends **approval** of Conditional Use Permit #18-29 with the following conditions:

- 1.) That CUP #18-29 shall allow a bed and breakfast establishment.
- 2.) That the property shall adhere to the submitted site plan.
- 3.) That a sign may be posted on the property, with a building permit, not to exceed 16 square feet.
- 4.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundary.
- 5.) The house must have functioning smoke and carbon monoxide detectors as required by the 2015 IRC as adopted by Minnehaha County.
- 6.) The proprietor must obtain any applicable South Dakota Sales Tax that is required.
- 7.) The proprietor must obtain the required lodging license with the South Dakota Department of Health.
- 8.) That the Planning & Zoning Department reserves the right to enter and inspect the bed and breakfast establishment 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 Ordinances.



**SIOUX FALLS AND MINNEHAHA COUNTY  
PLANNING COMMISSION  
MEETING MINUTES**

**June 25, 2018**

**Action**

As part of the consent agenda, a motion was made to **approve** Conditional Use Permit #18-29 by Commissioner Barth and seconded by Commissioner Ode. The motion passed unanimously. The same motion was made for the City to **approve** Conditional Use Permit #18-29 by Commissioner Sershen and seconded by Commissioner Gaspar. The motion passed unanimously.

**Conditional Use Permit #18-29 – Approved**



**ITEM 3. CONDITIONAL USE PERMIT #18-30 to allow Storage Shed Display and Sales on the property legally described as the East 10 Rods of the North 14 Rods, NE1/4, NE1/4 and Tract 4, Crockett's Addition, NE1/4; all in Section 33-T102N-R50W.**

Petitioner: Dan Winklepleck

Property Owner: 38 Roadhouse LLC (Loretta Trouten)

Location: 4901 N Ellis Rd.

Approximately 1.5 miles west of Sioux Falls

Staff Report: Kevin Hoekman

To allow Storage Shed Display and Sales.

**General Information:**

Legal Description – East 10 Rods of the North 14 Rods, NE1/4, NE1/4 and Tract 4, Crockett's Addition, NE1/4; all in Section 33-T102N-R50W

Present Zoning – C-Commercial

Existing Land Use – a roadhouse bar and vacant adjacent property

Parcel Size – approximately 2.45 acres

**Staff Report:** Kevin Hoekman

**Staff Analysis:**

The subject site is located at the Southwest corner of the intersection of SD Highway 38 and Ellis Road. The proposed display of storage shed will take place on the vacant property south of the 38 Roadhouse Bar. Both the 38 Roadhouse and the vacant parcel are owned by the same company.

The petitioner is requesting a site to display storage sheds and portable structures on the property as a means to advertise product that is sold elsewhere. The Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls allows equipment sales, display, and repair with a conditional use permit. The narrative also describes that one of the larger buildings may be used for temporary storage and parking of motorcycles while being displayed on the site. The petitioner discussed with staff that the portable shed located south of the parking lot and existing garage would be the shed used for this storage. It too is part of the display of sheds.

The petitioner has submitted a brief project narrative and a simple site plan. The narrative describes that retail sales of these products will take place off site. In addition, the petitioner indicated on the site plan and the narrative that sheds will be displayed on the east side of the vacant portion of the property. Even though no sales will take place on the site, people will stop on occasion to get a better look at the products primarily during daylight hours. The site plan provides a general line of building display set up, but it does not specify setback distances or size of sheds that will be displayed. If too many or too large of sheds occupy the space, the site may become cluttered. Staff recommends that the petitioner is limited to a maximum of eight display



sheds or structures. To avoid over sizing the sheds, staff recommends a maximum size of any individual shed to 360 square feet. The front yard setback for commercial property is 30 feet from the edge of the right-of-way. The current location of storage buildings appear to be too close to the right-of-way.

Several ordinance considerations should be made regarding the display of sheds. In Minnehaha County, any structure over 120 square feet requires a building permit. It is recognized that these sheds will be located on properties throughout the region and it will be up to the purchaser of the shed to obtain a building permit much in the same way we permit modular homes. Staff encourages the applicant to remind buyers of the possible building and zoning requirements for the jurisdiction of the purchaser.

These sheds will be placed temporarily for display and will likely rotate as new models come. Requiring the petitioner to obtain a building permit for each new unit would be cumbersome for the business owner and our county staff. Typically, the Chief Building Inspector for Minnehaha County requires a method of anchoring this style of shed to prevent the structures from blowing over or away. This should be a requirement of approval for all sheds placed on the site. Any signs must comply with the zoning ordinance, and any permanent on-premise signage will require a building permit prior to the placement of the sign.

**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 proposed use will have little impact on surrounding land uses. The use will operate as display and some onsite storage. It is likely that some people will drive through the property to view the products. Since the property is at a busy intersection with commercial land and vacant land nearby the occasional traffic on the property will not change the character of the area.

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

This intersection will likely remain as it is until future growth of the city reaches the intersection. This proposed display will have minimal impact on the development of vacant land around the intersection. The land use will also be easy to change if the property owner chooses to develop the property into a more intensive use.

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

Since this site is for display only, no known utilities will be needed. If the petitioner wants electricity or other utilities for the site, than he will have to work with the utility companies to extend utilities onto the property. The site has one existing access driveway off of Ellis Road. Berms and a steep sloped ditch prevent access from any other location. The initial entrance to the property and main parking are adequately hard surfaced, but the display area is primarily



composed of turf grass cover. No drainage plan has been submitted; however, the display of storage sheds will not need significant dirt work from what is currently.

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

The proposed use is for display and storage only. The property is large enough to allow people to temporarily park to view the display sheds a little closer. Since no sales will take place parking should not be a problem. Adequate space remains for parking for the existing 38 Roadhouse.

**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 proposed use of displaying shed units will not likely create any nuisances. If the petitioner wishes to have lighting, the lighting should be controlled and contained on the site. This containment can be done by using shielded and cutoff lighting fixtures.

The site should not be used for other purposes such as rental storage or the display of items other than sheds. The outside of some styles of sheds appear similar to single family dwellings and the trending housing style of “tiny houses.” The storage and display of mobile homes, modular homes, or tiny homes is not desired for this site and should be addressed in the conditions.

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

If the display shed site includes staff recommendations, the land use will not negatively impact the health, safety, or general welfare of the public. The site is within a commercial zoning district in the transition area of the comprehensive plan. In addition the site is located at the intersection of two major roads. The use will not significantly change the site and will allow for easy transition to a new commercial use in the future as the city annexes land in the area and development grows. 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 no concerns regarding this proposed display of sheds.

**Recommendation:**

Minnehaha County planning staff recognizes the proposed use as compatible with the surrounding land uses and the comprehensive plan. Staff recommends **approval** of Conditional Use Permit #18-30 with the following conditions:

1. The property must only be used for the display of portable storage sheds and structures.
2. No structure that can be used as a single family residence may be displayed on the site.
3. A maximum of eight portable structures shall be allowed to be displayed at any one time.
4. Each shed must be no larger than 360 square feet in size.
5. All sheds must be set back from the right-of-way by 30 feet.
6. All sheds must be anchored to the ground using a method that is approved by the Chief Building Inspector for Minnehaha County.





7. All lighting must be pointed downward and of fully shielded and cutoff design as to prevent light from shining on other property.
8. That the Planning & Zoning Department reserves the right to enter and inspect the site, 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 to **approve** Conditional Use Permit #18-30 by Commissioner Barth and seconded by Commissioner Ode. The motion passed unanimously. The same motion was made for the City to **approve** Conditional Use Permit #18-29 by Commissioner Sershen and seconded by Commissioner Gaspar. The motion passed unanimously.

**Conditional Use Permit #18-30 – Approved**



**Regular Agenda**

**ITEM 4. REZONING #18-06 to rezone from A-1 Agricultural District to the C Commercial District the property legally described as W350 Feet of the S400 Feet of the N1,378 Feet of the E560 Feet, Lot 1, Olson's Addition, W1/2 NE1/4, Section 10T101N-R50W.**

Petitioner: Myron Olson

Property Owner: same

Location: 7701 W. Maple St. - Approximately 1 mile west of Sioux Falls

Staff Report: Scott Anderson

To rezone from the A-1 Agricultural District to the C Commercial District.

**General Information:**

Legal Description – W350 Feet of the S 400 Feet of the N 1,378 Feet of the E 560 Feet, Lot 1, Olson's Addition, W1/2 NE1/4, Section 10T101N-R50W

Present Zoning – A1 Agriculture

Existing Land Use – pasture/agriculture

Parcel Size – 3.21 acres

**Staff Report:** Scott Anderson

**Staff Analysis:** The applicant is proposing to rezone approximately 3.21 acres of a 35 acre parcel from A-1 Agricultural to C – Commercial zoning district. The balance of the 35 acres contains a residence, outbuildings and pasture/CRP. The petitioner expressed plans to construct a reception hall to be used for renting for private gatherings such as corporate meetings and weddings. If this property is rezoned, the petitioner would have to obtain a conditional use permit to allow the proposed land use. The applicant has submitted renderings of the proposed wedding barn/events facility which are included for your review.

There are approximately 8 residential dwelling are located within a ½ mile proximity of the proposed site. Several residential dwellings are located southwest of the site in the village of Ellis. There are large areas of agricultural land in the area, particularly to the north. The George McGovern Middle School is located approximately ½ mile east of the subject property.

The Shape Sioux Falls 2040 Comprehensive Plan, adopted in 2016, has identified areas of future residential and commercial growth. This area is planned for future residential use and not commercial use. The site is located in the middle of the section and currently has very limited access to the site.

The Sioux Falls Planning Department has reviewed the requested. They have recommended denial. They have encouraged the applicant to find existing commercial property for



development or property at a major intersection where commercial development has infrastructure planned for future growth consistent with the Shape Sioux Falls 2040 Comprehensive Plan.

Minnehaha County has identified commercial and industrial growth areas 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 1/2 mile to the southwest and is known as the village of Ellis.

Staff met with the property owner on June 13, 2018 on the site. County staff indicated that the request to rezone the 3.2 acres to commercial would not be supported. It was suggested that a Planned Development would be supported by the County Planning Staff. A Planned Development would identify all of the uses allowed on the site and adopt development standards. The City Planners have indicated, however, that a Planned Development would also not be supported.

The rezoning proposal generally does not meet the proposed future land uses as identified in the Shape Sioux Falls 2040 Comprehensive Plan. The site is located outside of a county Rural Service Area. Consideration should also be given to potential future land uses of the site. Although the petitioner expressed a desire to have a reception hall, other commercial business types are attainable in a commercial district.

**Recommendation:** Staff recommends **denial** of Rezoning #18-06 to rezone the subject property from A1 Agricultural District to C Commercial District.

### **Public Testimony**

Scott Anderson, County Planning Director, explained that the applicant is requesting joint planning commission action to withdraw the rezoning request.

### **Action**

A motion was made by Commissioner Barth and seconded by Commissioner Mohrhauser to **withdraw** Rezoning #18-06. The motion passed unanimously. The same motion was made for the City to **withdraw** Rezoning #18-06 by Commissioner Chontos and seconded by Commissioner Fiegen. The motion passed unanimously.

### **Rezoning #18-06 - Withdrawn**



**SIOUX FALLS AND MINNEHAHA COUNTY  
PLANNING COMMISSION  
MEETING MINUTES**

**June 25, 2018**

**Old Business**

None.

**New Business**

None.

**Adjourn**

A motion was made for the County to **adjourn** by Commissioner Barth and seconded by Commissioner Mohrhauser. The motion passed unanimously. The same motion was made for the City to **adjourn** by Commissioner Gaspar and seconded by Commissioner Sershen. The motion passed unanimously.

The meeting was **adjourned** at 7:07 pm.