



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

**JULY 26<sup>th</sup>, 2021**

**MINUTES OF THE JOINT MEETING  
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS  
July 26<sup>th</sup>, 2021**

**A joint meeting of the County and City Planning Commissions was held on July 26<sup>th</sup>, 2021 at 7:00 p.m. in the Commission room of the Minnehaha County Administration Building.**

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Commissioners Bonnie Duffy, Becky Randall, Adam Mohrhauser, Ryan VanDerVliet, Mike Ralston, and Jeff Barth.

Commissioner John Paulson chaired the City of Sioux Falls Planning Commission, and called for roll call of City of Sioux Falls Planning Commission members present to determine quorum.

CITY PLANNING COMMISSION MEMBERS PRESENT: Aaron Norman, Janet Kittams, Kurt Johnson, Larry Luetke, and John Paulson.

**STAFF PRESENT:**

Scott Anderson, Kevin Hoekman, and Mason Steffen – County Planning  
Eric Bogue – States Attorney's Office  
Albert Schmidt and Fletcher Lacock – City Planning

The County Planning Commission was presided over by Commissioner Bonnie Duffy. The City Planning Commission was chaired by John Paulson.

Chair Duffy called the joint Minnehaha County and City of Sioux Falls Planning Commission meeting to order at 7:00 p.m.

**PUBLIC COMMENT**

Chair Duffy opened the floor for public comment and nobody moved to speak.

**ITEM 1. Approval of Minutes – June 28<sup>th</sup>, 2021**

Chair Duffy called for any comments or amendments to the minutes. Nobody raised any comments or additions.

A motion was made for the County by Commissioner Barth and seconded by Commissioner Ralston to approve the meeting minutes from June 28<sup>th</sup>, 2021. The motion passed unanimously.

The same motion was made for the City by Commissioner Luetke and seconded by Commissioner Johnson to **approve** the meeting minutes from June 28<sup>th</sup>, 2021. A roll call vote was taken, and the motion passed unanimously with 5 votes in favor of the motion and 0 votes against the motion.



**ITEM 2. REZONING #21-01 to rezone from the A-1 Agricultural District to the Laurel Ridge PD on the property legally described as Lot B Tract 1 Laurel Ridge Addition SE1/4 SE1/4 & Lot A Tract 1 Laurel Ridge Addition SE1/4 SE1/4 all in section 23-102-49 Mapleton Township.**

Petitioner: Tyler Childress

Property Owner: Same

Location: 47677 Slip Up Creek Road

Staff Report: Kevin Hoekman

**General Information:**

Legal Description – Lot B Tract 1 Laurel Ridge Addition SE1/4 SE1/4 & Lot A Tract 1 Laurel Ridge Addition SE1/4 SE1/4 all in section 23-102-49 Mapleton Township

Present Zoning – A-1 Agricultural District

Existing Land Use – Vacant Acreage

Parcel Size – 3.62

**Staff Report:** Kevin Hoekman

**Staff Analysis:**

The petitioner is requesting new land to be incorporated into the Laurel Ridge Planned Development District. Laurel Ridge PD was approved in early 2019 with a final development plan approved by the Joint Planning Commission shortly after rezoning. At the time of the rezoning Lot B was not incorporated into the planned development in order to preserve the building eligibility located on the lot. This request will rezone the east 200 feet of the reserved lot for incorporation into Subarea A of the planned development. The remaining approximately 1.75 acres will maintain the building eligibility for future residential use, while the newly rezoned portion of Lot B is planned for a new event facility to work in conjunction with the existing banquet hall.

The proposed rezoning is an expansion of an existing use within Subarea A of the planned development. Subarea A of the Laurel Ridge PD includes the permitted use of a Banquet/Reception Hall and Events Facility. The petitioner has submitted a concept plan of a new “A” frame structure and small parking area. This concept plan must be approved through the Final Development Plan approval process as required by the ordinance.

Planning staff requested comments regarding driveway access for the property from Mapleton Township, County Highway Department, and City Streets Department. Mapleton Township currently controls road access and wishes to maintain dust control until the road is taken over by the County. There are plans for Slip Up Creek Road to be paved for easier access into Veteran’s Cemetery north of the planned development. County Highway department expressed concerns over multiple driveway access points along a short distance. County standards are to allow one access for every 1000 feet of road. City Streets Department commented that the current driveway and the driveway depicted in the concept plan cross City owned property, and that the city is declining access at this time. The petitioner must finalize driveway access for the property prior to submitting the final development plan for the proposed building.



City planning staff submitted a comment letter about the proposed rezoning with no recommendation in the conclusion. The letter explains that staff is supportive of the expansion of the use, but have concerns with having multiple zoning districts and subareas on one parcel of land. City staff is requesting that the various zoning districts and subareas be platted separate, and all associated fees paid. Minnehaha County has several parcels which have multiple zoning districts on the same parcel.

**Recommendation:**

Minnehaha County Staff recommends **approval** of Rezoning #21-01.

**Public Testimony**

Kevin Hoekman, county planning staff, presented a brief explanation of the staff report and recommendation.

The petitioner/owner Tyler Childress of, 47677 Slip Up Creek Road, was present and available for questions from the commissioners. Mr. Childress began by saying that the initial process for the first wedding barn two years ago was smooth. Also, he wants to expand because he believes Sioux Falls needs more wedding barn type establishments, and he feels he can provide that on his property. Mr. Childress stated that the original idea was to use an old farmstead road shown on the site plan for access onto the subject property. However, he is flexible to other ideas. Additionally, he currently has two legally access points and a third access point that is a non-platted access point. The proposed access for the subject property would use the non-platted access point. The land use would be similar to the existing use, and the two parcels are fenced off creating a separation of space. Mr. Childress finished his comments by asking if the commissioners had any questions for him.

Commissioner Duffy asked the petitioner if the new wedding barn would just be a smaller version of the current barn on the property. The petitioner explained that the use would be similar and that the current barn has a table capacity of about 450 people, and the new barn would only have a table capacity about 300 people.

Commissioner Barth made a motion to approve the rezoning for the county side, but Commissioner Luetke of the city planning commission interjected and asked Albert Schmidt of city planning staff to come to the podium.

Albert Schmidt then came to the podium to explain the city staff comment letter as well as answer any questions. He stated that the city finds the proposed land use to be applicable and they are comfortable with expansion of this area. The timing is the issue and making sure they are consistent with what they have done elsewhere in the county and joint area. He also stated that back in 2018, Emerald Pines PD was approved for an event barn on the west side of Sioux Falls. They were made to plat the property as well as rezone the property. The city wants that process to be followed, so that all the event barns are treated the same. He further explained that the city feels having multiple zonings on the same lot does not follow the process of other event barns, so the platting of the property should be required.



Commissioner Luetke asked about what kind of parking will be provided. In addition, he stated that he thinks access would be a big issue and wants to discuss the parking situation now. Albert Schmidt said that since this request was only about the rezoning aspect and not the final development plan, so it is hard to exactly say what the parking situation would be. Albert also said that there are things that need to be worked out between the county, city, and property owner. In addition, he explained that the property owner would need to supply parking according to the current parking standards, such as overflow parking. Again, Albert stated that parking was not a big issue and they have not seen any problems since the completion of the original wedding barn on the property. He then explained that a majority of the traffic will come from the west and the current dust control on the township road would need to continue.

Commissioner Luetke asked if the platting issue was the biggest concern. Albert explained that it was because the city wants to treat everyone the same. Commissioner Luetke asked if they could put a condition on the rezoning to require the platting of the property. Albert stated that they could either recommend denial based on the platting issue, or add a condition to require the platting of the property which is typically not standard on a rezoning request. Commissioner Luetke then asked if they deny the request wouldn't there be a six-month waiting period before the petitioner could reapply. Albert explained that for the city of Sioux Falls if it is the same exact request than there is a six-month waiting period, but if there is a substantial change to the request than there is no waiting period. So, if the petitioner platted the property after being denied then that would be considered a substantial change, and they could reapply right away.

Commissioner Norman asked Albert to explain what the timeline would be since the property is in the Tier 3 growth jurisdiction. Albert explained that growth plans are always changing and they are based on when they anticipate services, such as water, sewer, and roads to be provided to the area. He continued to explain that Tier 1 means services will be provided within five years, Tier 2 is within six to fifteen years, and then Tier 3 is in the sixteen to twenty-five-year category. Also stated that substantial changes can happen within a few years, but at this time the property will probably be in Tier 3 for a while because it takes time to get water and sewer services to this location.

The petitioner was asked to come back up to the podium by Commissioner Duffy. He explained that the 26 acres had been previously zoned with multiple zonings on the same parcel. A portion of the parcel was for commercial and another portion was for agriculture. He further stated that this sets a precedent for his property to allow multiple zonings. He additionally stated that the city would like them to use the existing access for the current wedding barn. The access point that the city is concerned about is on the corner of the road, and no one has been awarded the job on how the new access will change the curve. Also explained that as of today the township approves of the facility and its access points. In addition, he stated that when the planned development was created they did not have to replat, which set a precedent. The petitioner stated that the property runs on well water from three different wells, which makes them self-contained for water access. Also, they will have an engineer design a sewer plan that they will put in place. The petitioner also stated that he feels they are doing everything correctly, and it is hard to hear the city ask for platting fees. Mr. Childress said that these are a tax burden to grow the city, but they are not in the city and with the precedent set on their property they want to grow their business without accruing thousands of dollars in fees.



Commissioner Luetke asked the petitioner if he was against replatting entirely. The petitioner explained that he does not see the use or need because they are self-contained and the city cannot provide services today. Also, he explained that it is not a city road it is a township road. He then further explained that they are only rezoning the east 200 feet of Lot B in order to keep the building eligibility, while still expanding their business.

Commissioner Luetke stated that the fees may not have been charged the first time, but once you set a precedent of not charging fees then no developer will want to pay the fees. Also, he explained that there are other similar places like the subject property that have had to replat and pay the fees. Commissioner Luetke explained that the money is collected because eventually the city's services will be serving the area. Finally, he stated that he would be leaning toward denial of the request due to the lack of replatting on the property.

The petitioner further explained that their situation is different than the Emerald Pines situation because he rezoned both parcels in the same year. Also, explained that Emerald Pines is different because they had to rezone a large parcel into a smaller parcel because of a different ownership group. The petitioner then explained that he does not think the city has any legal bounds to charge those fees outside of the city. Additionally, he stated that he could understand if he was selling the property why there would be a need to replat or subdivide the property, but otherwise it should not be necessary.

Commissioner Barth then asked Albert Schmidt of city staff what the platting fees for this property would be. Albert explained that the fees are dependent on the size of the area to be rezoned and what the uses are on the location. He then explained that Emerald Pines PD platted approximately 3.21 acres and their fee was \$87,600, and another event barn inside the city limits platted 2.06 acres with a fee of \$70,500 which included cost recover for sewer connection.

### **Action**

Commissioner Barth made a motion to **approve** the Rezoning #21-01 request on the county side, and the motion was seconded by Commissioner VanDerVliet. Commissioner Barth commented that he found it interesting that the city wants tens of thousands of dollars from the petitioner without saying they are against the request. Commissioner Barth also stated that this amount of money could preclude the petitioner from expanding their business. The motion passed unanimously.

Commissioner Johnson made the same motion for the city planning commission to **approve** the Rezoning #21-01 request. The motion was seconded by Commissioner Kittams. Commissioner Luetke commented that he would be voting against the request because he believes everyone should go through the same process. A roll call vote was taken and the motion was rejected with 3 votes against the motion and 2 votes in favor of the motion. Commissioners Norman, Luetke, and Paulson voted against the motion and Commissioners Johnson and Kittams voted in favor of the motion.

Since the decisions for the county and city planning commissions were not unanimous, the rezoning will be forwarded to the Joint City Council and County Commission meeting on August 24<sup>th</sup>, 2021 without a recommendation from the joint planning commission.



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**Rezoning #21-01** – Forwarded to Joint City Council and County Commission Meeting on August 24<sup>th</sup>, 2021 without a recommendation.

**Old Business**

None.

**New Business**

Scott Anderson, of county planning staff, explained to the commissioners that a medical cannabis ordinance would be on the agenda for the August 23<sup>rd</sup> planning commission meeting. He explained that there will be a joint meeting for both Dell Rapids and Sioux Falls as well the county commission meeting to discuss the medical cannabis ordinance.

Commissioner Luetke asked if the meetings would just be informational or would there be something to vote on. Scott explained that it would be an action item. Commissioner Luetke then asked if they could be briefed on the ordinance before the meeting since medical cannabis is newly adopted and they do not have an experience with it. Scott briefly explained the medical cannabis ordinance, and then stated that he would get the information to the commissioners as soon as possible.

**Adjourn**

A motion was made for the County to **adjourn** by Commissioner Barth and seconded by Commissioner VanDerVliet. The motion passed unanimously. The same motion was made for the City to **adjourn** by Commissioner Johnson and seconded by Commissioner Luetke. A roll call vote was taken, and the motion passed unanimously with 5 votes in favor of the motion and 0 votes against the motion.

The meeting was **adjourned** at 7:31 pm.