

**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS
February 27, 2006**

A joint meeting of the County and City Planning Commissions was held on February 27, 2006 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Deb Bunde, Mike Cypher, Susie O'Hara, Mark Rogen, Don South, Wayne Steinhauer, and Jim Zweep.

CITY PLANNING COMMISSION MEMBERS PRESENT: Merdith Larson, Kent Metzger, Lynette Olson, and Jessie Schmidt.

STAFF PRESENT: Scott Anderson, Phil Kappen, and Pat Herman - County;
Steve Randall - City
Gordy Swanson, Office of the State's Attorney

The County Planning Commission was chaired by Kent Metzger. County Planning Commission Chair Don South presided over the meeting.

APPROVAL OF THE CONSENT AGENDA

There being no objections from the Commissions or audience a motion was made for the County by Bunde and seconded by Steinhauer to approve the consent agenda. The motion passed unanimously. Same motion for the City by Larson and seconded by Schmidt. The motion passed unanimously.

ITEM 1. APPROVAL of the January 23, 2006 minutes.

Motion for the County Bunde and seconded by Steinhauer to approve the minutes. The motion passed unanimously. Same motion for the City by Larson and seconded by Schmidt. The motion passed unanimously.

ITEM 2. REZONING #06-01 from A-1 Agricultural to I-1 Light Industrial

Legal Description – N800' S850' E330' SW1/4 to be platted as Tract 1 McConvilles' Addition in the E1/2 SW1/4 of Section 27-T102N-R49W
Location - ½ mile east of Cliff Ave. on E. 60th St. N..
Petitioner / Owner- Terry Gulbrandson

General Information

Present zoning - A-1 Agricultural
Existing Land Use - Agricultural
Parcel Size - 6± Acres

Report by: Pat Herman

Staff Analysis

The site is located on the north side of E. 60th St. N. approximately a ½ mile east of Cliff Avenue. Interstate 90 is north of the site. The county cemetery and the county's highway department is adjacent to the east and is zoned A-1 Agricultural. To the west of the site is crop land which is zoned A-1 Agricultural. Further to the west is a commercial zoned area in which the housing stock is gradually being replaced by commercial uses. The land to the south is within the city limits and is zoned for light industrial use.

The applicant is requesting to rezone roughly 6 acres of a 35 acre parcel. The property is currently crop ground. The 2015 Growth Plan depicts the entire area from Cliff Ave. east to I-229 for commercial and industrial development, so this request is consistent with that plan.

The joint zoning ordinance requires conditional use permits for most industrial uses. At that time the applicant will need to be prepared to address site design and access issues. Staffs found the request to be in conformance with the 2015 Growth Plan and recommended approval of rezoning #06-01 from A-1 Agricultural to I-1 Light Industrial.

Based on the staff report a motion was made for the County by County Bunde and seconded by Steinhauer to recommend approval of rezoning #06-01. The motion passed unanimously. Same motion for the City by Larson and seconded by Schmidt. The motion passed unanimously.

ZONING BOARD OF APPEALS

A motion for the County to adjourn as the Planning Commission and reconvene as the Zoning Board of Adjustment was made by Cypher and seconded by O'Hara. The motion passed unanimously. Same motion for the City by Olson and seconded by Schmidt. The motion passed unanimously.

ITEM 3. VARIANCE #06-02 to allow a section line setback of 30 feet.

Legal Description – Tract 23 Swanson Tracts in Sections 19 & 30-T102N-R49W

Location - 6104 N. Swanson Dr. ¼ mile north of Sioux Falls

Petitioner / Owner- Daniel Batt

General Information

Present zoning - A-1 Agricultural

Existing Land Use - Residential

Parcel Size - 1.0 Acres

Report by: Scott Anderson

Staff Analysis

The applicant is requesting a variance to reduce the minimum setback from a section line from 50 feet to 30 feet. The applicant is requesting the variance in order to construct a detached, double stall garage. The detached garage would be located on the north side of the house and south of 72nd Street. The proposed garage would be accessed from 72nd Street.

1. That specific circumstances or conditions, such as exceptional narrowness, topography, or siting exists.

No specific circumstances or conditions such as narrowness or topography exists that could be considered a physical hardship. The lot slopes slightly to the south with an overall grade difference of approximately 5 to 6 feet.

2. That the Variance does not grant a use which is otherwise excluded from that particular district, or diminish or impair property values within the area.

The requested Variance would not allow a use otherwise excluded from the district.

3. That due to the specific circumstance or existing conditions strict application of the Zoning Ordinance would be an unwarranted hardship.

No hardship exists. The applicant has full use of the property with a single family residence with attached double stall garage and small storage shed. An alternate location could be found on the large one-acre lot which would meet all of the minimum required setbacks.

4. That the granting of a Variance is not contrary to the public interest and is in harmony with the general purposes and intent of the Zoning Ordinance.

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The proposed variance is not in the public's interest. The proposal would allow a reduction in a setback when a suitable alternative exists. The applicant could construct a detached garage south of the existing single family residence. The applicant has indicated that this is unacceptable, as it will reduce their yard. No other variances have been issued in this subdivision.

While staff can understand the applicant's desire to have an additional garage, the applicant has failed to provide any proof of a physical hardship or lack of use of the site. The Board of Adjustment must follow guidelines set forth in Article 21.04 of the Zoning Ordinance which indicate that without a variance, no reasonable use of the property exists. Staff can not support the variance request.

Staffs recommended denial of Variance #06-02 to reduce the setback on a section line from 50 feet to 30 feet.

Public Testimony

The petitioner, Daniel Batt, explained that he was trying to eliminate the need for a second driveway. Placing the building on the north end of his lot would allow him to use his existing driveway for access. Mr. Batt stated that there was a 14' elevation change on his property. The southern end is used as a play area for his children. Having the building on the north end would place it next to his attached garage and just make the building more useable.

Commissioner Larson questioned anyone else in the subdivision had a reduced set back. Mr. Batt stated that there was a farm building to the west which had been placed on the section line but that no one in the neighborhood had a closer set back.

Based on the staff report, public testimony, and that the petitioner did not satisfy the requirements of the zoning ordinance, a motion was made for the County by Steinhauer and seconded by Rogen to deny variance #06-02. The motion passed unanimously. Same motion for the City Larson by and seconded by Schmidt. The motion passed unanimously.