

**MINUTES OF THE JOINT MEETING  
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS  
November 24, 2008**

A joint meeting of the County and City Planning Commissions was held on November 24, 2008 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Mike Cypher, Becky Randall, Don South, Wayne Steinhauer and Carol Twedt.

CITY PLANNING COMMISSION MEMBERS PRESENT: Teresa Boysen, Ken Dunlap, Darla Erb, and Meredith Larson

STAFF PRESENT: Phil Kappen and Pat Herman – County Planning  
Dave Loveland – City Planning  
Gordy Swanson – 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.

**ITEM 1. MINUTES – October 27, 2008**

A motion was made for the City by Boysen and seconded by Erb to approve the minutes. The motion passed unanimously. Same motion for the County by Cypher and seconded by Twedt. The motion passed unanimously.

**CONSENT AGENDA**

At the staff’s request Item 2 was placed on the regular agenda. There being no other changes, a motion was made for the City by Boysen and seconded by Erb to approve the consent agenda (Item 2 removed). The motion passed unanimously. Same motion for the County by Cypher and seconded by Twedt. The motion passed unanimously.

**ITEM 3. CONDITIONAL USE PERMIT #08-79 to allow construction equipment sales and repair.**

Legal Description - Tract A of Lot 1 Husky Oil Tract 1 SE ¼ SE ¼ in  
Section 25-T102N-R50W  
Location – 5101 N. Harvestore Road I/29 – 60<sup>th</sup> St. North  
Interchange  
Petitioner / Owner- New Tech Inc / Terry Boxdorfer

**General Information**

Present Zoning - C Commercial  
Existing Land Use - Commercial  
Parcel Size - 1.08 Acres

**Report by:** Pat Herman

**Staff Analysis**

The property is located at the intersection of E. 60<sup>th</sup> St. N. and Interstate 29. This commercially zoned subdivision has been in existence for over twenty years. At one time this area was located in rural Minnehaha County, but is now total surrounded by the City of Sioux Falls.

The petitioner is requesting approval for the sale and repair of forklifts and other material

handling equipment. This use is allowed in the commercial zoning district with a conditional use permit. The petitioner has indicated that much of the work will be performed at the customer's location. There will be some repair of the machines inside the existing building. Equipment for sale will be displayed at the front of the lot along Harvestore Road. The petitioner's submitted site plan conforms to the requirement of preserving 15 feet of green space along the roadway. The displayed equipment will be stored in the building overnight.

**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 proposed business will be compatible with the existing commercial uses within the subdivision. Such a use will have no impact on property values.

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

The surrounding area to the north, south, east, and west is depicted as commercial and industrial uses on the 2015 Growth Plan.

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

The necessary utilities are already in place for the existing building.

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

The lot has sufficient space for off street parking. Staff will recommend that 4 spaces along the building be dedicated for customer parking. Harvestore Road is not hard surfaced, so there are no paving requirements for this lot.

**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.**

Any outdoor lights shall be of a shoebox type design with the light directed downward. This is a commercial area so noise, fuse, dust, vibration and fumes are to be expected.

**Recommendation**

The joint staff found this request to be consistent with commercial zoning and the growth plan and recommended approval of Conditional Use Permit #08-79 with the following conditions:

- 1) Conditional Use Permit #08-79 shall be for the sale and repair of forklifts and other equipment.
- 2) There shall be no outside storage on the lot. If outside storage is needed in the future, the applicant shall submit a revised site plan showing the area for outside storage. This area shall be surrounded by a 90% opacity, six-foot tall fence of an earth tone color.
- 3) Outside display of equipment for sale shall only be during daylight hours.
- 4) There shall be a minimum of four parking spaces dedicated for customer use.
- 5) Nothing shall be parked in the 15 foot greenway along Harvestore road.
- 6) A sign shall require a building permit.
- 7) Outside lighting shall be of a shoebox design.

**Action**

Based on the staff report, a motion was made for the City by Boysen and seconded by Erb to **approve** Conditional Use Permit #08-79 with the conditions as stated. The motion passed unanimously. Same motion for the County by Cypher and seconded by Twedt. The motion passed unanimously.

**REGULAR AGENDA**

A motion was made for the City by Boysen and seconded by Erb to approve the regular agenda. The motion passed unanimously. Same motion for the County by Cypher and seconded by Twedt. The motion passed unanimously.

**ITEM 2. CONDITIONAL USE PERMIT #08-76 to exceed 1200 square feet of accessory building area – 1560 square feet requested.**

Legal Description - Lot 8 Blk 2 Blue Meadows Addn. NW1/4 in Section 34-T101N-R50W  
Location – 8209 W 46<sup>th</sup> St. west edge of Sioux Falls  
Petitioner / Owner- Chris Devries

**General Information**

Present Zoning - RR Rural Residential  
Existing Land Use - Residential  
Parcel Size - 0.47 Acre

**Report by:** Pat Herman

**Staff Analysis**

The property is located on the west side of Sioux Falls. The city limits abut the rear lot line of this property. The property is part of the Blue Meadows Subdivision, which consists of 24 lots that are zoned Rural Residential. Once an isolated subdivision, Sioux Falls has expanded directly to the south and east of this development.

There is an existing 1080 square foot accessory building on this property. The petitioner would like to construct an additional 480 square foot building. In subdivisions or residential developments which exceed four lots in size, accessory building area is limited to 1200 sq. ft. unless approval for a larger size is obtained through the conditional use permit process.

The largest building in this immediate subdivision is 1200 square feet. If this property were in the City of Sioux Falls, the accessory buildings on this residential property could not exceed the size of the footprint of the house. The house on this property has 1960 square feet of area which would then allow the proposed 1560 square feet of accessory building area.

Usually the Planning Commission has not allowed proposed buildings to exceed the largest existing accessory building in the area. However the Planning Commission set a precedent in this neighborhood last year, by allowing an accessory building on West 41<sup>st</sup> St. to conform to the City of Sioux Falls' standards. That property was also immediately adjacent to the city limit line. The Joint Planning Staff is comfortable with the larger building size due to the lot's location and likelihood of annexation of this property in the future.

**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 building should have no effect on the surrounding property.

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

The building can only be used for the personal storage of the petitioner's residential related items and no commercial or business activities are allowed.

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

There is existing access from W. 46<sup>th</sup> Street.

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

There is sufficient parking for any residential activities.

**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 offensive odors, fumes, dust, noise or vibration from the allowed residential uses on this property.

The Planning Department will perform a building inspection to measure the size of the structure. Measurements are taken of the outside perimeter.

**Recommendation**

The joint staff finds that the proposed building size conforms to the standards of the City of Sioux Falls, and the neighboring houses within the city limits. Staff recommended approval of Conditional Use Permit #08-76 with the following conditions:

- 1) The total accessory building square footage on this property shall not exceed 1560 square feet.
- 2) The building shall be used only for the petitioner's personal residential storage. No commercial or business uses or storage shall be allowed.
- 3) The building shall not exceed one story in height.
- 4) A building inspection is required.

**Public Testimony**

Ms. Herman explained that she had placed this item on the regular agenda because two letters in opposition to this request had been received by the office. She wanted to make sure the Planning Commission took time to consider the letters.

The petitioner, Chris Devries, noted that the two opposing property owners lived at least three houses down. He would just like to have more storage. Commissioner Dunlap questioned both County and City staff on the regulations to allow a building which is the same size as the main floor square footage of the house. He then suggested that the petitioner start a petition to annex into the City of Sioux Falls.

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

Commissioner Dunlap stated that he was opposed to the request. He would like to see Mr. Devries annex into the City. Just because the Planning Commission had approved a similar issue in the past doesn't mean it should be done again. Commissioner South pointed out this was in the joint jurisdictional area and that this lot would be part of the city before long. Commissioner Larson stated that annexation was a different issue from the petitioner's request.

**Action**

Based on the staff report and public testimony, a motion was made for the City by Boysen and seconded by Erb to **approve** Conditional Use Permit #08-76 with the conditions as stated. The motion passed (Dunlap nay). Same motion for the County by Steinhauer and seconded by Cypher. The motion passed unanimously.