

**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS
January 25, 2010**

A joint meeting of the County and City Planning Commissions was held on January 25, 2010 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

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

CITY PLANNING COMMISSION MEMBERS PRESENT: Ken Dunlap, Steve Gaspar, Lynnette Olson, and Kent Metzger.

STAFF PRESENT:

Scott Anderson, Pat Herman and Ryan Streff– County Planning
Dave Loveland, Sam Trebilcock – City Planning

City Planning Commission chair Ken Dunlap presided over the meeting. The County Planning Commission was chaired by Chair Susie O'Hara.

CONSENT AGENDA

There were no items on the consent agenda.

REGULAR AGENDA

A motion was made for the City by Metzger and seconded by Gaspar 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 1. Minutes – November 23, 2009

A motion was made for the City by Olson and seconded by Metzger to **approve** the meeting minutes from the November 23, 2009 meeting. The motion passed unanimously. Same motion for the County by Kelly and seconded by Steinhauer. The motion passed unanimously.

Item 2. Shape Sioux Falls Comprehensive Plan Resolution

Petitioner: City of Sioux Falls Planning Department

Staff Report: Dave Loveland & Sam Trebilcock

Staff Analysis

The 2015 Growth Management Plan is the current comprehensive plan in place for the City of Sioux Falls and Minnehaha County Joint Jurisdictional process. With 2015 only five years away, the current plan was nearing the end of its usable life. As a result, planning staff developed the Shape Sioux Falls 2035 Comprehensive Plan which will provide the framework and helps develop policies for the Joint Zoning and Subdivision ordinances and annexation process for the next 25 years.

The Shape Sioux Falls Plan is divided into ten chapters. The chapters include:

1. Shape Community: Goals and Objectives.

2. Shape Growth: A Growth Management Strategy
3. Shape Neighborhoods: Future Land Use Plan
4. Shape Transitions: Planned Zoning District Policies
5. Shape Places: Land Use & Development Policies
6. Shape Corridors: Corridor Development Plan
7. Shape Facilities: Public Facility, Infrastructure and Services Plan
8. Shape Foundations: Neighborhood Conservation & Revitalization Plan
9. Shape Resources: Environmental & Sustainability Plan
10. Shape Implementation

For review of the Plan, please visit <http://www.siouxfalls.org/planning/shape>

Recommendation:

Because the subject application provides a 25 year framework for land use and growth management policies and incorporated public advice and comments over a two year period, joint staff recommended approval of the Shape Sioux Falls 2035 Comprehensive Plan

Public Testimony

No one in the audience wished to speak to this item.

Discussion

Commissioner Steinhauer asked how long it would be before W. 57th St would be paved. Mr. Trebilcock stated that W. 57th St. to the Tea-Ellis Road is currently in the CIP and should be paved within the next few years. He stated that paving the remaining section of roadway extending to Highway 11 depends on growth and could be 5-10 years out.

Action

A motion was made for the City by Metzger and seconded by Gasper to **approve** the Shape Sioux Falls 2035 Comprehensive Plan. The motion passed unanimously. Same motion for the County by Steinhauer and seconded by Kelly. The motion passed unanimously.

Item 3. Zoning Ordinance Text Amendment #10-01 Vehicle Restriction

Petitioner: Minnehaha County Planning Department

Staff Report: Pat Herman & Ryan Streff

Staff Analysis

The County Planning Department is proposing an addition to Chapter 15, Additional Use Regulations, of the Joint Zoning Ordinance which will place restrictions on commercial, recreational, and agricultural vehicles and equipment. This portion of the zoning ordinance will apply to the agricultural, recreation/conservation, and residential zoning districts. There are also new definitions proposed which complement this new section of the ordinance.

We are bringing this amendment forward in a means to address the general public's complaints about these types of vehicles/equipment and their impact on different types of land use. The zoning ordinance has lacked the appropriate wording needed to legally attend to these issues.

Ordinance Explanation

Each portion of the ordinance is explained in bolded, italicized print.

AN ORDINANCE AMENDING THE 2002 REVISED ZONING ORDINANCE FOR MINNEHAHA COUNTY AND THE CITY OF SIOUX FALLS BY ADDING VEHICLE & EQUIPMENT RESTRICTIONS TO THE ADDITIONAL USE SECTION AND SUPPORTIVE DESCRIPTIONS IN THE DEFINITION SECTION OF THE ORDINANCE.

Below is the introduction, reason for the ordinance, and the listing of zoning districts for which it applies.

15.17 Vehicle & Equipment Restrictions.

(A). Intent. It is the intent of this section to limit the impact of commercial vehicles and equipment, recreational vehicles, and agricultural vehicles and equipment upon those areas of the county in which the land use is residential or agricultural in nature. Fire, law enforcement, emergency vehicles, and those vehicles designed for persons with disability are exempt from this section of the ordinance.

Section 15.17 shall apply to the Agricultural, Recreation/Conservation, and Residential zoning districts. Commercial vehicles, agricultural vehicles, recreational vehicles, and equipment are prohibited unless in compliance with Section 15.17.

The following portion of the ordinance would allow a resident to bring home a commercial vehicle from work, provided points a-d are met. The ordinance limits commercial vehicles to a maximum of two per lot, limits weight and length, and does

not allow attached equipment, such as a trailer. Vehicles and equipment which would meet the definition of a commercial vehicle, but are used by the property owner for personal use on the property would not be prohibited. It has been the past practice of the Planning Department to consider the semi-tractor/semi-cab as a work vehicle which could be driven home and the ordinance does exempt them from the weight restrictions.

(B). Commercial Vehicles and Equipment. It is not the purpose of the section to prohibit commercial vehicles as described herein from residential parcels when actually engaged in a business activity which requires their presence for a specific purpose and limited time period.

1. One commercial vehicle per resident, not to exceed a maximum of two commercial vehicles, shall be permitted on a property with an occupied residence provided that:
 - a. The vehicle shall be currently licensed, fully functional, and have a gross vehicle weight of 15,000 pounds or less and not exceed 22 feet in length. A semi-tractor is exempt from the gross vehicle weight requirement for Section (B)1a.
 - b. The vehicle shall be operated by a person residing on the premises, and shall provide primary transportation for the resident to and from their place of employment.
 - c. The vehicle shall not be parked or stored within the right-of-way.
 - d. No attached vehicle or equipment shall be allowed.
2. Commercial vehicles and equipment that are currently licensed (if required) and fully functional and are in use as part of a permitted construction project shall be allowed for the duration of the said project. Should the construction project cease for period of six (6) months, the commercial vehicles and equipment shall be removed from the property. Commercial vehicles and equipment shall not be stored or parked for longer than seventy-two (72) hours upon any right-of-way.
3. Commercial equipment that is fully functional, owned by the resident, and used by the resident for regular or ongoing maintenance of the property (i.e. lawn care, driveway maintenance, snow removal) and not for profit, shall be allowed on properties used for residential and agricultural uses.
4. Commercial vehicles or equipment shall not be used for human or animal occupancy. Semi –trailers shall not be used for storage.

There are three problems that arise with recreational vehicles and equipment. Unauthorized storage facilities of these types of vehicles; parking vehicles and equipment in the right-of-way; and the uses of vehicles as living quarters or storage buildings. Section C addresses these concerns.

(C). Recreational Vehicles and Equipment.

1. The vehicle title holder shall be a permanent resident of the dwelling unit at which the recreational vehicle is parked or stored.
2. The vehicle and equipment shall be fully functional and licensed if required.
3. No recreational vehicles shall be stored or parked for longer than 72 hours upon any right-of-way in a residential development district.
4. No recreational vehicle or trailer shall be connected to gas, water, septic or sewer service unless approved by a county issued permit.
5. Recreational vehicles shall not be used as accessory structures nor shall they be used for human or animal occupancy.
6. Recreational vehicles shall not have their wheels removed or be affixed to the ground so as to prevent ready removal of the vehicle.

Section D is included to address agricultural vehicles/equipment that has fallen out of use and left to slowly rust away. This section was carefully worded to not impede vehicles used in ongoing agricultural operations.

(D). Agricultural Vehicles and Equipment.

Agricultural vehicles and equipment shall meet the following conditions.

1. Shall be fully functional and currently licensed if required.
2. Shall be owned by the property owner or tenant.
3. Shall be presently used in the activity of agricultural operations or used for regular or ongoing maintenance of the property.

While some townships have buildings in which to store their maintenance equipment, many times this equipment is stored on the operator's property. It is important this equipment be allowed in a location which helps facilitate its use in a timely manner. If the equipment needs to be housed in a residential developed area, screening should be required.

(E). Township Road Maintenance Vehicles and Equipment.

Those persons employed by and/or operating township road maintenance vehicles and equipment shall be allowed to store said vehicles and equipment on their property. If the property is located within a residential development area, the vehicles and equipment shall be screened from public view.

Section 2: That Article 24.02 is hereby added and amended to read:

This definition defines a residential area. The term is used in this ordinance amendment in Section E. This definition also exists in the adopted animal control

ordinance.

593. RESIDENTIAL DEVELOPMENT AREA. An area of land that is located in a residential zoning district; a residential subarea within a planned development zoning district; or a subdivision of five or more lots.

The following four definitions define the different types of vehicles addressed in this amendment. The most detailed definition is for commercial vehicles and equipment. A gross vehicle weight of 10,000 lbs was used as the cut off weight as dually pick-ups and large vans would fall beneath that weight but most trucks will exceed that limitation.

734. VEHICLE. A vehicle shall include, but not be limited to, any motor vehicle which is designed to be driven, and which is self-propelled, or is intended to be self-propelled. This definition shall also include all vehicles, whether or not self-propelled, that are intended to be attached, pulled or fixed to a vehicle.

735. VEHICLE AND EQUIPMENT, AGRICULTURAL. Any tool, implement, piece of equipment or machinery that is presently used in an agricultural operation or which is used in the regular or ongoing maintenance of the property; which includes but is not limited to equipment used for planting, harvesting, spraying, fertilizing, haying, livestock and manure handling, and other farming functions, or for property maintenance.

736. VEHICLE AND EQUIPMENT, COMMERCIAL. A commercial vehicle and equipment is defined as any of the following:

1. Any vehicle operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, for-hire or not-for-hire or has commercial vehicle identification.
2. Vehicles including but not limited to any solid waste collection vehicle, semi-tractor, semi-trailer, dump truck, concrete mixer truck, box truck, towing or recovery vehicle, and any construction equipment whether located on the ground or on a truck, trailer, or semi-trailer.
3. Any vehicle having three or more axels, or exceeding twenty-two feet in length.
4. Any vehicle or equipment that has a gross vehicle weight of more than 10,000 pounds.
5. Any equipment or trailer (open or closed) which is towed by another commercial vehicle.

737. VEHICLE, RECREATIONAL. Any vehicle designed for, used or capable of use for sport or recreation, whether or not eligible to be licensed for use upon streets and highways, including but not limited to campers, pickup campers, tent trailers, and motor homes, boats and boat trailers, snowmobiles, motor bikes, or all terrain vehicles, but excluding vehicles designed for commercial, industrial or agricultural use.

The definition for warehouse is included because it needed to be renumbered to allow room alphabetically for the various vehicle definitions.

739. WAREHOUSE. A building used primarily for the storage of goods and materials.

Recommendation

Joint staff recommended approval of zoning ordinance text amendment #10-01.

Public Testimony

There was no public testimony on this item.

Discussion

There was no discussion on this item.

Action

A motion was made for the City by Olson and seconded by Gasper to **defer** the Zoning Ordinance Text Amendment #10-01 to the February 2010 Planning Commission meeting. The motion passed unanimously. Same motion for the County by South and seconded by Steinhauer. The motion passed unanimously.

Item 4. Zoning Ordinance Text Amendment 10-02 Hard Surfacing
Petitioner: Minnehaha County Planning Department
Staff Report: Pat Herman & Ryan Streff

The County Planning Department has seen an increase in requests to use crushed asphalt as a hard surfacing medium on driveways and parking lots for commercial property owners. The County Planning Commission directed the staff to research the possibility of used crushed asphalt. The following ordinance amendment, changing Chapter 16 Parking and Loading Regulations, would allow the use of crushed asphalt, provided the listed requirements are met.

Ordinance Explanation

Each portion of the ordinance is explained in bolded, italicized print. New additions are underlined, strike outs shown for text to be removed.

AN ORDINANCE AMENDING THE 2002 REVISED ZONING ORDINANCE FOR MINNEHAHA COUNTY AND THE CITY OF SIOUX FALLS BY REVISING THE STANDARDS FOR DRIVEWAYS, PARKING LOTS AND LOADING/UNLOADING AREAS.

Section 1: That Article 16.04 (a) & (b) are hereby amended to read:

In part a, concrete, asphalt, and crushed asphalt have been listed as choices for hard surfacing. An exception is proposed which would not require hard surfacing for the storage areas of businesses. The text is consistent with the zoning ordinance for Sioux Falls.

- (a). Any driveways, parking lots, or loading/unloading areas in a commercial or industrial zoning district shall be constructed with a hard surface when the property is accessed from a hard surface road. Hard surfacing shall consist of:
1. Concrete;
 2. Asphalt; or
 3. Crushed asphalt. Crushed asphalt shall be applied to the following specifications.
 - 1) A minimum 3” packed gravel base.
 - 2) Recycled asphalt packed to 4.5-5 inches.
 - 3) Chip seal shall be applied two (2) times.
 - 4) 2-4 inches of hot-mix asphalt shall be applied when the recycled asphalt material begins to break down.

Exception: Truck terminals, heavy equipment display, service and rental, concrete and paving plants, construction yards and similar establishments need not hard-surface areas maintained as maneuvering or parking/storage areas for heavy equipment when such areas are not adjacent to a front yard setback or otherwise screened from the public right-of-way.

Part b has been reworded to make it clear that a gravel surface is only an option if an applicant does not need to meet the requirements listed under part a. The previous wording had been confusing to many applicants.

- (b). If a driveway, parking lot or loading/unloading area is not required to be hard surfaced with concrete or asphalt in Section 16.04(a), a gravel surface shall be provided. The gravel surface shall be maintained to a minimum thickness of at least four inches.

Recommendation

Joint staff recommended approval of zoning ordinance text amendment #10-02.

Public Testimony

There was no public testimony on this item.

Discussion

Commissioner Kelly questioned if this zoning amendment would affect the requirements for establishments such as the Walter Bones Ethanol Plant. Herman stated that his CUP requirements require him to pave the driving and parking areas because he is accessed off of a hard-surfaced road. She continued to inform the commissioner that if approved future businesses like this would still have to hard-surface their driving and parking areas with the option to use crushed asphalt.

Dunlap asked who was going to monitor this section of the zoning ordinance and the conditions of the parking and driving areas. Herman stated that the county would be monitoring these conditions. Loveland stated that most of the time it is complaint based and that we rely on residents in the area to help monitor conditions.

Action

A motion was made for the City by Olson and seconded by Gasper to **defer** the Zoning Ordinance Text Amendment #10-02 to the February 2010 Planning Commission meeting. The motion passed unanimously. Same motion for the County by South and seconded by Steinhauer. The motion passed unanimously.