

**MINUTES OF THE JOINT MEETING OF  
LINCOLN COUNTY & SIOUX FALLS PLANNING COMMISSIONS  
November 14, 2018**

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Stacey Clay Namminga, Darwin Sogn, Ron Albers, Dave Gillespie, and Gary Pashby

CITY PLANNING COMMISSION MEMBERS PRESENT: Larry Luetke, Kurt Johnson, Andi Anderson, Sharon Chontos, and Steve Gaspar

STAFF PRESENT: Toby Brown & Joan Doss - County Planning Jason Bieber - City Planning

PUBLIC PRESENT (sign-in sheet): Martin & Luan Bjornson, Reggie Kuipers, Barry Totman, and Aaron Norman

The County Planning Commission was chaired by Gary Pashby who presided over the meeting. The City Planning Commission was chaired by Larry Luetke.

**1. CALL TO ORDER**

A joint meeting of the County and City Planning Commissions was called to order by County Commissioner Pashby on November 14, 2018 at 7:00 p.m. in the Commission Meeting Room of the Lincoln County Courthouse.

**2. APPROVAL OF OCTOBER 10, 2018 MINUTES**

A motion was made for the County by Namminga, and seconded by Sogn, to approve the meeting minutes for October 10, 2018. The motion passed unanimously. Same motion was made for the City by Johnson and seconded by Anderson. The motion passed unanimously.

**3. APPROVAL OF AGENDA**

A motion was made by the County by Sogn, and seconded by Gillespie to approve the meeting agenda. The motion passed unanimously. Same motion was made for the City by Johnson and seconded by Anderson. The motion passed unanimously.

**4. NEW BUSINESS**

- a. REZONING / 18-JJREZ-001: Request for review and recommendation for approval of a Rezoning from the "A-1" Agricultural District to the "C" Commercial District. The property is legally described as Tract 6 of Axtell's Addition in the Southeast quarter (SE1/4) of the Southeast quarter (SE1/4) of Section 23, Township 100 North, Range 50 West of the 5th Principal Meridian, Lincoln County, South Dakota.  
*Petitioner/Owner: Martin & Luan Bjornson Location: 47496 271<sup>st</sup> St – Harrisburg*

**Staff Analysis:** Toby Brown

Description of Proposal: To consider rezoning approximately 3.01 acres from the "A-1" Agricultural zoning district to the "C" Commercial zoning district in accordance with Section 20.01 of the Joint Zoning Regulations for Lincoln County and the City of Sioux Falls.

Background: The property currently has a 3,150 sq. ft. (42' x 75') warehouse building and an attached 1,140 sq. ft. (30' x 38') office that was constructed in 1997. In 1996, Lincoln County approved a Conditional Use Permit for a Home Occupation (Dakota Garage Doors). The subject use became nonconforming in 2017 when the boundaries of the Joint and Platting Jurisdiction expanded to this property. In order for the use to be conforming to the provisions of the Zoning Ordinance, the property needs to be zoned commercial.

**Recommendation:** Staff recommends **APPROVAL** of the zoning change from "A-1" Agricultural to "C" Commercial.

If the Lincoln County Planning Commission and the City of Sioux Falls Planning Commission concludes the public hearing and recommends approval, the Lincoln County Board of Commissioners and the Sioux Falls City Council would likely hold a public hearing in January to consider adoption of the zoning change.

If recommended for approval, the Lincoln County Planning Commission's recommendation and the City of Sioux Falls Planning Commission's recommendation would include the following findings of fact:

1. The amendment is in conformance with the Comprehensive Plan.
2. The amendment is not in conflict with any other official controls.

3. The amendment will not be detrimental to the health, safety or general welfare.

**Public Comment and Discussion:**

Toby Brown presented the staff report, and noted the business has been in operation since 1997, and the request would bring the property into compliance with the current Joint Jurisdiction zoning regulations.

Martin Bjornson, the petitioner, noted that there are no plans for changes in use or appearance.

Commissioner Pashby asked for public comment.

Barry Totman, noted he is an adjacent landowner and has no objections to the rezone.

Seeing no further comments, Pashby closed the floor to the public.

**Action:**

A motion was made for the County by Albers to recommend approval with the findings, and was seconded by Sogn. The motion passed unanimously (5-0). The same motion was made for the City by Anderson, and was seconded by Johnson. Anderson thanked the neighbor for participating. The motion passed unanimously (5-0).

**Rezone 18-JJREZ-001 – Recommended for Approval**

- b. **CONDITIONAL USE PERMIT / 18-JJCUP-005:** Request for review and approval of a Conditional Use Permit proposing to exceed 20,000 square feet of total warehouse building area – requesting 95,800 for a total of 126,850 on the premises. The property is legally described as Tract 1 Deeb Addition in the Southeast quarter (SE1/4) of Section 21, Township 100 North, Range 50 West of the 5th Principal Meridian, Lincoln County, South Dakota. The property is zoned “I-1” Light Industrial District.

*Petitioner/Owner: Reggie Kuipers/SFSD LLC*

*Location: 47280 271<sup>st</sup> Street – Sioux Falls*

**Staff Analysis:** Toby Brown

Description of Proposal: In October, the Planning Commissions jointly approved a Conditional Use Permit with a condition that required compliance with the City of Sioux Falls Floodplain Ordinance requirement of two feet freeboard for new structures. Since the approval, County and City staff have met with the applicant and agreed the County freeboard requirement of one foot is applicable. This requirement change will need the approval of the new Conditional Use Permit.

Background: The property currently has 31,050 sq. ft. of warehousing (mini-storage). In 2017, the Planning Commissions jointly approved a request to exceed 20,000 sq. ft. of warehousing (mini-storage) on the subject property. That conditional use permit (17-JJCUP-008) limited the site to a total of 31,050 sq. ft. of warehousing (mini-storage). In October, the Planning Commissions jointly approved a request to build out the site by adding 95,800 sq. ft. of warehousing (mini-storage) for a total of 126,850 sq. ft. on the premises.

**Recommendation:** Staff recommends **APPROVAL** for Conditional Use Permit 18-JJCUP-004 to allow warehousing (mini-storage) to exceed 20,000 sq. ft. contingent upon the following conditions:

1. Conditional Use Permit No. 18-JJCUP-005 shall replace Conditional Use Permit No. 18-JJCUP-004.
2. Development shall be in accordance with the site plans (dated 10/22/18). These plans shall be requirements of this permit.
3. The total building floor area of the development shall not exceed 126,850 square feet.
4. The applicant shall submit an As-Built to the Lincoln County Planning and Zoning Department and the Sioux Falls City Engineer.
5. A landscape strip shall be provided along 271<sup>st</sup> Street/Hwy 106 frontage. This landscape strip shall include a minimum of one (1) canopy tree every twenty-five (25) feet of frontage. Each canopy tree must measure a minimum of one and a half (1 ½) inches in diameter at a point measured four feet six inches (4'6") off the ground.
6. No unscreened outdoor storage is permitted and the property shall be neat and orderly at all times.
7. All exterior lighting fixtures shall be shielded so as not to illuminate into adjoining properties.
8. The applicant shall not deposit any snow or improperly direct water onto neighboring properties so as to constitute a nuisance.
9. No business activity other than leasing of storage units shall be conducted on the premises.
10. If at any time the business ceases to exist, changes ownership, or changes use, the owner shall notify County Planning Staff.

11. The County Planning Department or designated official(s) reserves the right to enter and inspect the property 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 Joint Zoning Regulations for Lincoln County and the City of Sioux Falls.
12. All new structures shall require a Lincoln County Floodplain Development Permit and shall meet the County's floodplain requirements for nonresidential construction.

If approved, the Lincoln County Planning Commission's approval and the City of Sioux Falls Planning Commission's approval would include the following findings of fact:

1. The Conditional Use Permit is generally in conformance with the Conditional Use Criteria in Section 19.07 of the Joint Zoning Regulations for Lincoln County and the City of Sioux Falls.

**Public Comment and Discussion:**

Toby Brown presented the staff report, and explained the site history. He also noted that after the meeting in October that it was determined that the County would have authority over the floodplain permitting.

Reggie Kuipers, the petitioner, noted he brought his engineer to answer any questions.

Aaron Norman answered Albers' question about the amount of fill to be used stating that the amount varies around the property but that it would direct drainage to the northeast.

Commissioner Pashby asked for public comment, hearing none he closed the floor.

**Action:**

A motion was made for the County by Gillespie to approve the Conditional Use Permit with the recommended conditions, and was seconded by Namminga. The motion passed 4-1, with Albers dissenting. The same motion was made for the City by Johnson, and was seconded by Chontos. The motion passed unanimously (5-0).

**Conditional Use Permit #18-005 – Approved**

**5. OTHER BUSINESS**

Toby noted that staff have met and outlined a number of possible amendments to the joint zoning ordinance.

**6. OPPORTUNITY FOR PUBLIC COMMENT – None**

**7. ADJOURNMENT**

A motion was made for the County by Albers, and seconded by Namminga to adjourn at 7:25pm. The motion passed unanimously. Same motion was made for the City by Anderson, and was seconded by Johnson. The motion passed unanimously.

*Respectfully submitted,  
Joan Doss - County Planner*