

**MINUTES OF THE JOINT MEETING OF  
LINCOLN COUNTY & SIOUX FALLS PLANNING COMMISSIONS  
June 14, 2017**

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Gary Pashby, Ron Albers, Tyler Klatt, Ron Larson, Darwin Sogn, and Monty Derausseau

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

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

PUBLIC PRESENT (sign-in sheet): Don Sturzenbecher, Charley Abdouch, Chad Javers, Hal Spencer, Justin Falon, Mervin & Mary Hanson, Jared Kaufman, Dirk Johnson, Henry & Margie Mueller, Rebecca & Nathan Jongeling, Jack and Kathy Egge.

The County Planning Commission was chaired by Monty Derausseau who presided over the meeting. The City Planning Commission was chaired by Sean Ervin.

**1. CALL TO ORDER**

A joint meeting of the County and City Planning Commissions was held on June 14, 2017 at 7:00 p.m. in the Commission Meeting Room of the Lincoln County Courthouse. County Planning Commission Chair Monty Derausseau called the meeting to order at 7:00 p.m.

**2. APPROVAL OF MAY 10, 2017 MINUTES**

A motion was made for the County by Klatt, and seconded by Pashby, to approve the meeting minutes for May 10, 2017. The motion passed unanimously. Same motion was made for the City by Gaspar and seconded by Chontos. The motion passed unanimously.

**3. APPROVAL OF AGENDA**

A motion was made by the County by Albers and seconded by Sogn to approve the meeting agenda for June 14, 2017. The motion passed unanimously. Same motion was made for the City by Paulson and seconded by Luetke. The motion passed unanimously.

**4. CONDITIONAL USE PERMIT #17-003:** Request for review and approval of a Conditional Use Permit application to exceed 20,000 total square feet of warehouse building area – requesting 12,600 square feet for a total of 25,200 square feet on the property. The property is legally described as Lot 3 in Block 2 of Mortons Addition in the Southeast quarter (SE1/4) of Section 19, Township 100 North, Range 50 West of the 5th Principal Meridian, Lincoln County, South Dakota.

*Petitioner/Owner: Boyd Fluth*

*Location: 27083 Henry Place – Sioux Falls*

**Staff Analysis:** Toby Brown

The property is located at 27083 Henry Place within the Morton's Addition. The project proposal is to construct an approximately 50' x 252' (12,600 sq. ft.) warehouse facility on a 3.01-acre site located within the Morton-Mueller Industrial Park. The proposed warehouse facility will include two buildings. There is an existing 12,600 sq. ft. building on the property. The petitioner is requesting a Conditional Use Permit to exceed 20,000 square feet of warehousing on the premises.

**A. The impact of the proposed use on adjacent properties shall be a major consideration. The proposed use should be generally compatible with adjacent properties and other properties in the district.**

Applicant Response: "Yes, warehousing."

Additional Staff Comments: Surrounding properties have similar uses, including the property to the south, which was recently granted a conditional use permit for the same type of use.

**B. Measures shall be taken to ensure that the proposed use does not alter the general character of the area or neighborhood.**

Applicant Response: "Warehousing similar to others in the area"

Additional Staff Comments: None.

**C. The effects of noise, odor, traffic, air and water pollution, and other negative factors shall be eliminated or controlled through the use of screening, setbacks, and orientation.**

Applicant Response: "Warehousing – Not anticipated."

Additional Staff Comments: Negative factors are not anticipated with this type of use.

**D. The proposed use shall not adversely affect the public.**

Staff believes that the proposed oversized warehousing building will not adversely affect the public for the following reasons: (1) the proposed building will be comparable to the size and scale of surrounding properties; (2) the proposal is a similar use as neighboring properties.

**Recommendation:** Based upon the analysis/findings listed in the staff report and the testimony heard, I move to approve the proposed conditional use with the following conditions:

1. The lot shall adhere to the site plan submitted with the application on April 17, 2017.
2. There shall be no outdoor storage areas.
3. No businesses shall be allowed to operate out of the building.
4. All driving and parking areas shall be hard surfaced to the standards of the 2006 Joint Zoning Regulations for Lincoln County and the City of Sioux Falls.
5. Building permits from Lincoln County are required prior to construction of buildings or signage, and shall not permit construction greater than 12,600 square feet.

**Public Comment and Discussion:**

Toby Brown presented the staff report and noted the office had not received any neighbor comments.

Dirk Johnson, representing the petitioner, noted that the building would mirror the existing building and would not be used for any businesses.

Commissioner Derousseau asked for public comment, seeing none, he closed the floor to the public, and asked for discussion from the board.

Hearing none, Derousseau asked for motion on the application.

**Action:**

A motion was made for the County by Pashby to approve the Conditional Use Permit #17-003 with the recommended conditions, and was seconded by Klatt. The motion passed unanimously. The same motion was made for the City by Paulson, and was seconded by Gaspar. The motion passed unanimously.

**Conditional Use Permit #17-003 – Approved**

- 5. CONDITIONAL USE PERMIT #17-004:** Request for review and approval of a Conditional Use Permit to exceed 1,200 total square feet of accessory building area – requesting 1,920 square feet for a total of 2,880 square feet on the property. The property is legally described as on the property legally described as Tract 3 in Batho Addition in the South half (S1/2) of the Southwest quarter (SW1/4) of Section 17, Township 100 North, Range 50 West of the 5th Principal Meridian, Lincoln County, South Dakota.

*Petitioner: Jason Larsen*

*Owner: Katherine Haberling*

*Location: 47112 85<sup>th</sup> St – Sioux Falls*

**Staff Analysis:** Toby Brown

The property is located at 47112 85th St within the Batho Addition. The petitioner is proposing to construct an approximately 1,920 sq. ft. (48' x 40') accessory building for a hobby workshop. The property currently has a 960 sq. ft. detached garage. The petitioner is requesting a Conditional Use Permit to exceed 1,200 square feet of total accessory building area on the property.

**A. The impact of the proposed use on adjacent properties shall be a major consideration. The proposed use should be generally compatible with adjacent properties and other properties in the district.**

Applicant Response: "Yes, customer intends to use for hobby out-building."

Additional Staff Comments: None.

**B. Measures shall be taken to ensure that the proposed use does not alter the general character of the area or neighborhood.**

Applicant Response: "Other similar buildings of size and material already exist in the area"

Additional Staff Comments: None.

**C. The effects of noise, odor, traffic, air and water pollution, and other negative factors shall be eliminated or controlled through the use of screening, setbacks, and orientation.**

Applicant Response: "None of the above should be of concern."

Additional Staff Comments: None.

**D. The proposed use shall not adversely affect the public.**

Staff believes that the proposal will not adversely affect the public for the following reasons: (1) the proposed building will be comparable to the size and scale of surrounding properties; (2) the proposal is a similar use as neighboring properties.

**Recommendation:** Based upon the analysis/findings listed in the staff report and the testimony heard, I move that the County or City Planning Commission approve the proposed conditional use permit with the following conditions:

1. A building permit from Lincoln County is required prior to construction of the proposed accessory building, and shall not permit construction in excess of 1,920 square feet.
2. The total area of accessory buildings on the property shall not exceed 2,664 square feet.
3. No businesses shall be allowed to operate out of the accessory building, unless allowed by an additional conditional use permit.

**Public Comment and Discussion:**

Toby Brown presented the staff report and noted Sioux Falls added to the staff report that the 85<sup>th</sup> St interchange is expected to see commercials and redevelopment of residential properties in the future.

Jason Larsen, the petitioner, noted the building would be used for his customer's hobby.

Commissioner Drousseau asked for public comment.

Kathy Haberling, the property owner, noted that they also own a vacant acreage to the east and that the building would be built slightly further back than what the site plan shows.

Mary Hanson asked where exactly the building would be and why it was bigger than what is allowed. Kathy Haberling, noted the building would be built slightly further back, within the current tree line. They would be using the building to clean up the lot and to store the vehicles that are currently on their land. Gaspar asked if the main reason was to help clean up the lot. Katherine noted that had been using their business in the past to store some personal belongings, but since they are retired, they need something on their property.

Johnson noted that the math was off in condition and that in #2 it should be no more than 2,880 square feet.

Don Sturzenbecher asked if the petitioner would be creating another access. Katherine noted that eventually an access off of Cactus would be needed for the vacant acreage.

Seeing no further comments, Drousseau closed the floor to the public, and asked for any further comments or questions from the board. Hearing none, Drousseau asked for motion on the item.

**Action:**

A motion was made for the County by Klatt to approve the Conditional Use Permit #17-004 with the recommended conditions, with the corrected square footage, and was seconded by Albers. The motion passed unanimously. The same motion was made for the City by Gaspar, and was seconded by Luetke. The motion passed unanimously.

**Conditional Use Permit #17-004 – Approved**

**6. CONDITIONAL USE PERMIT #17-005:** Request for review and approval of a Conditional Use Permit to construct and operate a contractor's shop and storage yard. The property is legally described as Tract 1B in Mueller's 4th Addition in the Southeast quarter (SE1/4) of Section 19, Township 100 North, Range 50 West of the 5th Principal Meridian, Lincoln County, South Dakota.

*Petitioner: Chad Javers*

*Owner: Borks Investments, LLC*

*Location: 27055 Tallgrass Ave – Sioux Falls*

**Staff Analysis:** Toby Brown

The property is located at 27055 Tallgrass Ave within the Mueller's 4th Addition. The petitioner is proposing to construct a 5-unit contractor's shop and storage yard (16,100 sq. ft.). The petitioner is requesting a Conditional Use Permit to allow construction and operation of a contractor's shop and storage yard.

**A. The impact of the proposed use on adjacent properties shall be a major consideration. The proposed use should be generally compatible with adjacent properties and other properties in the district.**

Applicant Response: "The building design and style will match surrounding buildings and uses"

Additional Staff Comments: None.

**B. Measures shall be taken to ensure that the proposed use does not alter the general character of the area or neighborhood.**

Applicant Response: "The building materials used will be compatible to surrounding buildings"

Additional Staff Comments: None.

**C. The effects of noise, odor, traffic, air and water pollution, and other negative factors shall be eliminated or controlled through the use of screening, setbacks, and orientation.**

Applicant Response: "There shall not be any objectionable noise or smell outside of the storage yard and shops."

Additional Staff Comments: If the land is properly maintained, there should not be any negative factors.

**D. The proposed use shall not adversely affect the public.**

Staff believes that the proposal will not adversely affect the public for the following reasons: (1) the proposed building will be comparable to the size and scale of surrounding properties; (2) the proposal is a similar use as neighboring properties.

**Recommendation:** Based upon the analysis/findings listed in the staff report and the testimony heard, I move that the County or City Planning Commission approve the proposed conditional use permit with the following conditions:

1. Engineered building plans shall be required prior to building permit approval.
2. A building permit from Lincoln County is required prior to construction, and shall not permit construction exceeding 16,100 sq. ft.
3. The building shall only be used for contractor's shops and storage yards.
4. Outdoor storage shall be contained within a fenced area in accordance with Section 15.01 of the 2006 Joint Zoning Regulations for Lincoln County and the City of Sioux Falls, and shall not develop into a salvage or junkyard.
5. If the owner wishes to rent a unit for any use other than a contractor's shop and storage yard, the prospective tenant must file an application for a separate Conditional Use Permit.
6. If at any time the business ceases to exist, or changes ownership, the petitioner shall notify the Planning and Zoning Office to update the file.
7. Storm water runoff may not be directed to adjacent properties.

**Public Comment and Discussion:**

Toby Brown presented the staff report and noted staff worked with the petitioner and neighbors to address concerns which included the petitioner updating the site plan to include a berm and landscaping to restrict access routes. He also noted the office received other concerns about drainage and condition number 7 is in response to those concerns. Albers asked if the road is actually on the petitioner's property as it looks like it is on the Pictometry image. Toby noted that the property lines may be slightly off when overlaid onto the imagery.

Chad Javers, the petitioner, noted the building would have 5 units of differing sized with individual fenced in storage in the back of the property. He also noted they would divert snow to Tallgrass Ave side of the property.

Commissioner Derousseau asked for public comment.

Charley Abdouch noted concerns about the drainage and dust.

Henry Mueller noted after talking with Chad, he felt his concerns were alleviated. He is concerned that the county is allowing buildings to be as big as the setbacks would allow. He asked if there would be specified hours of operation.

Chad Javers noted that the snow in the back of the units would be taken care of by the tenants, and that he could use privacy type screening. He noted it would probably be normal business hours and would not see an issue if they posed a restriction.

Pashby moved to approve the application with the amended conditions to include #8 to limit hours of operation from 6am to 6 pm. The motion was seconded by Sogn.

Monty noted that there could be issues with restricting hours because construction crews works until dusk, and if someone is renting it as a hobby shop that wouldn't be able to work in the evenings. Toby agreed with Monty that staff felt it best not to restrict hours of operation. Pashby rescinded his original motion.

Seeing no further comments, Derausseau closed the floor to the public, and asked for any further comments or questions from the board. Hearing none, Derausseau asked for motion on the item.

**Action:**

A motion was made for the County by Pashby to approve the Conditional Use Permit #17-005 with the recommended conditions, and to include the word "screened" fencing in condition #4. The motion was seconded by Sogn. The motion passed unanimously. The same motion was made for the City by Gaspar, and was seconded by Luetke. The motion passed unanimously.

**Conditional Use Permit #17-005 – Approved**

**7. OTHER BUSINESS**

**8. ADJOURNMENT**

A motion was made for the County by Albers, and was seconded by Klatt to adjourn at 8:05pm. The motion passed unanimously. Same motion was made for the City by Gaspar, and was seconded by Luetke. The motion passed unanimously.

*Respectfully submitted,  
Joan Doss  
County Planner*