

**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS
March 25, 2013**

A joint meeting of the County and City Planning Commissions was held on March 25, 2013 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Susie O'Hara, Bonnie Duffy, Mark Rogen, Wayne Steinhauer, Mike Cypher, Becky Randall and Jeff Barth.

CITY PLANNING COMMISSION MEMBERS PRESENT: Meredith Larson, Ken Dunlap, Darla Erb, Diane de Koeyer, Steve Gaspar and Denny Pierson.

STAFF PRESENT:

Scott Anderson, Pat Herman and Dustin Powers - County Planning
Steve Randall – City Planning

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

CONSENT AGENDA

A motion was made for the City by Larson and seconded by Pierson to **approve** the consent agenda. The motion passed unanimously. Same motion for the County by Cypher and seconded by Randall. The motion passed unanimously.

ITEM 2. Approval of Minutes – January 28, 2013

A motion was made for the City by Larson and seconded by Pierson to **approve** the meeting minutes from January 28, 2013. The motion passed unanimously. Same motion for the County by Cypher and seconded by Randall. The motion passed unanimously.

ITEM 3. CONDITIONAL USE PERMIT #13-020 to exceed 1,200 square feet of accessory building area – 2,820 Requested.

Petitioner: Wallace Enga

Location: 6300 W. Benson Rd.; West side Sioux Falls

General Information

Legal Description – S450' E500' SW ¼ of Section 35-T102N-R50W

Present Zoning – A-1 Agricultural

Existing Land Use - Residential

Parcel Size – 5.17 Acres

Action

Commissioner O'Hara indicated that the applicant has withdrawn the application.

CUP #13-020 - WITHDRAWN

ZONING BOARD OF ADJUSTMENT

A motion was made for the City by Larson and seconded by Pierson to **convene** as the Zoning Board of Adjustment. The motion passed unanimously. Same motion for the County by Cypher and seconded by Randall. The motion passed unanimously.

ITEM 1. VARIANCE #13-002 to allow a reduced lot size in the A-1 Agricultural District.

Petitioner: Jon O'Donahue of Floral Plant Growers, LLC

Location: 1.5 miles west of Sioux Falls

General Information

Legal Description – Tract 2 of Hiebert Greenhouse Addition SW ¼ 9-T101N-R50W

Present Zoning – A-1 Agricultural

Existing Land Use - Residential

Parcel Size – 0.51 Acres

Staff Report: Dustin Powers

Staff Analysis

The applicant is requesting approval to allow the creation of a lot that is less than one (1) acre in size in the A-1 Agricultural Zoning District. The proposed lot size measures 148.5 feet by 150 feet and would be approximately 0.51 acres in size. There is an existing farm house on the property that the petitioner would like to separate from the other buildings, structures and driveways owned by Floral Plant Growers, LLC for the purpose of sale.

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

Not all situations or events can be covered by a zoning ordinance and thus a mechanism is put into place in which the public can seek a variation to the regulations. In this situation, there is a compelling set of circumstances and conditions which are somewhat unique and support the granting of a variance. The proposed use does not require an acre to function.

The one (1) acre minimum lot size may reflect the state's minimum lot size for a well and septic to be located on a residential lot. In this case, the petitioner has provided enough space around the home to accommodate sufficient space for the existing septic system and driveways.

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.

Single family homes are allowed in the A-1 Agriculture District. The use for the property is not changing; therefore, the use should not harm the property values in the area.

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

Strict application would be a hardship on the property owner as the owner is trying to separate

the existing residential use from the existing business property for the purpose of sale.

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.

The application is to allow a lot of less than an acre. This would allow the existing farm house to be separated from the rest of the property and will not create anything contrary to the public's interest as this is already the current use.

5. That because of circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulations and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

This property is already has an existing house constructed on the site. This variance is to allow the house to be separated from the existing operations surrounding the residential use.

Recommendation

Staff recommended approval of Variance #13-002 to reduce the minimum lot size in the A-1 Agriculture District from one (1) acre to approximately 0.51 acres in size.

Public Testimony

Commissioner Steinhauer asked, "what prevents them from carving out an entire acre". Dustin Powers indicated that the other buildings being used as greenhouses surround the dwelling on the north and east sides. On the west side there is a driveway that is used for the greenhouses and Skunk Creek which would prevent from extending the lot to the west.

Jon O'Donahue, CFO of Floral Plant Growers indicated that they tried to make to lot as big as possible. The lot line would be approximately 30 feet from the existing greenhouse building and would come up to the commercial driveway on the west that is used for their trucks.

Action

A motion was made for the City by Pierson and seconded by Erb to **approve** Variance #13-002. The motion passed unanimously. Same motion for the County by Barth and seconded by Randall. The motion passed unanimously.

VARIANCE #13-002 - APPROVED

Old Business

No Items.

New Business

No Items.

Adjourn

A motion was made for the City by Gaspar and seconded by Erb to **adjourn** the Joint Sioux Falls/Minnehaha County Planning Commission meeting. The motion passed unanimously. Same motion for the County by Steinhauer and seconded by Cypher. The motion passed unanimously.