



**MINNEHAHA COUNTY & CITY OF SIOUX FALLS  
PLANNING COMMISSION  
MEETING MINUTES**

**September 28, 2020**

**MINUTES OF THE JOINT MEETING  
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS  
September 28, 2020**

A joint meeting of the County and City Planning Commissions was held on September 28, 2020 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building and in the Zoom Personal Meeting Room ID 728 439 8039.

David Heinold, County Planning Department, read aloud the instructions for Zoom attendees on how to raise their hands to speak on an agenda item. David Heinold called for roll call of County Planning Commission members present to determine quorum.

**COUNTY PLANNING COMMISSION MEMBERS PRESENT:** Bonnie Duffy, Becky Randall, Adam Mohrhauser, Ryan VanDerVliet, Mike Ralston, and Jeff Barth.

David Heinold, County Planning Department, called for roll call of City of Sioux Falls Planning Commission members present to determine quorum.

**CITY PLANNING COMMISSION MEMBERS PRESENT:** Sean Ervin, Kati Johnson, Janet Kittams, Larry Luetke, and Bradyn Neises.

**STAFF PRESENT:**

Scott Anderson, David Heinold, and Kevin Hoekman - County Planning  
Maggie Gillespie – States Attorney  
Albert Schmidt – City Planning

The County Planning Commission was presided over by Commissioner Bonnie Duffy. The City Planning Commission was chaired by Sean Ervin.

Chair Duffy called the joint City of Sioux Falls and Minnehaha County Planning Commission meeting to order at 7:04 p.m.

**PUBLIC COMMENT.**

Commissioner Duffy opened the floor for public comment and nobody moved to speak or no hands were raised in the Zoom Personal Meeting Room.



**ITEM 1. Approval of Minutes** – April 27, 2020

Chair Duffy called for any comments or amendments to the minutes. Nobody raised any comments or additions.

A motion was made for the County by Commissioner Mohrhauser and seconded by Commissioner VanDerVliet to **approve** the meeting minutes from April 27, 2020. A roll call vote was taken, and the motion passed unanimously with 6 votes in favor of the motion and 0 votes against the motion.

The same motion was made for the City by Commissioner Larry Lutke and seconded by Commissioner Kittams to **approve** the meeting minutes from April 27, 2020. A roll call vote was taken, and the motion passed unanimously with 4 votes in favor of the motion and 0 votes against the motion.



**ITEM 2. CONDITIONAL USE PERMIT #20-37 to allow a Group Daycare on the property legally described as Tract 1A, Janes Replat Part Nelson’s Tract, Section 23-T102N-R49W.**

Petitioner: Katrina Buffington

Property Owner: Todd & Katrina Buffington

Location: 47605 Surrell St. - Located approximately 1.5 miles north of Sioux Falls

Staff Report: Kevin Hoekman

**General Information:**

Legal Description – Tract 1A, Janes Replat Part Nelson’s Tract, Section 23-T102N-R49W

Present Zoning – A1 Agriculture

Existing Land Use – Residential Dwelling

Parcel Size – 1.28 acres

**Staff Report:** Kevin Hoekman

**Staff Analysis:**

The petitioner is requesting to have a group daycare inside the home on the property. A group daycare is defined as having seven to twelve children under the age of fourteen including the provider’s own children six years and under.

The property is located in a small rural subdivision located north of the City of Sioux Falls. Surrell Street is a dead end road that serves only the subdivision. The property also fronts County Highway 125 (476<sup>th</sup> Avenue) which handles fast moving traffic. The house is setback over 200 feet from the highway, and the backyard includes an existing fence to contain children in the yard for use as an outdoor play area.

The petitioner submitted a brief narrative with the application. In the narrative, the petitioner explains that she provided registered daycare services for over 4 years in the City of Sioux Falls, and she has 6 years of experience teaching. City Planning Staff reviewed the request and submitted a letter with recommendation for approval. The letter notes that the daycare will be allowed to continue operation upon any future annexation if the daycare continues operation without lapse.

**Conditional Use Permit Criteria:**

**(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.**

The proposed use will take place within a single family dwelling in a single family neighborhood. Additional traffic will take place in the mornings and afternoons for pick up and



drop off, and physical changes will likely be limited to additional play structures in the rear yard. The use of the property as a daycare is generally compatible with the adjacent properties.

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

The use of the property for a group daycare will require little to no alteration to the property or the neighborhood.

**(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.**

The use of the property as a group daycare will not produce significant negative effects and add minimal additional traffic.

**(d) The proposed use shall not adversely affect the public.**

The proposed use will have no adverse effect on the public. Daycares are a needed service for many working parents. A well operated daycare is a valuable asset for the public.

**Health, safety, general welfare of the public and the Comprehensive Plan should be considered as part of the request.**

The health safety and general welfare of the public will not be negatively affected by the proposed use.

It is important to note that a daycare with 12 or fewer children is not required to register with the state of South Dakota. State registration with the Department of Social Services provides basic assurances of safety including, but not limited to, background checks of care providers, trainings, meal requirements, and discipline requirements. The Planning Commission should include conditions of approval for children safety, and the Planning Commission may further consider requiring state registration with the Department of Social Services.

**Recommendation:**

Staff finds that the proposed daycare center is an appropriate accessory use of this church. Staff recommends **approval** of Conditional Use Permit #20-37 with the following conditions:

- 1.) The number of children taken care of on the site may not exceed 12 children under the age of 14. No more than 4 of the 12 children may be less than 2 years of age, and no more than 2 children may be less than 1 year of age.
- 2.) Any firearms, archery equipment and kitchen sharps must be inaccessible to children.
- 3.) The petitioner shall provide proof of CPR certification to be filed with the Planning Department and continually maintained/renewed every two years.
- 4.) The petitioner shall provide proof of minimum \$300,000 of liability insurance to the Planning Department, and insurance must be continually maintained.



- 5.) The dwelling must be equipped with working smoke detectors and carbon monoxide detectors as required by the currently adopted building code.
- 6.) The Planning & Zoning Department reserves the right to enter and inspect the daycare at any time, after proper notice, to ensure that the property is in full compliance with the conditional use permit conditions of approval and Minnehaha County Zoning Ordinance.
- 7.) This permit is allowed only while the petitioner resides at the dwelling and operates the daycare, and it is not transferable to any future operator or property owner without approval by the Planning Commission.

**Public Testimony:**

Kevin Hoekman, county planning staff, introduced the item and stated the staff recommendation.

Katrina Buffington, the petitioner, was available through Zoom Meeting Room. She noted that she has experience as a daycare provider in the city and now moved outside the city. Commissioner Randall asked if the shop building in the back yard was locked. Katrina Buffington noted that the shed has a keycode to get in and out of the structure which is typically locked.

Joan Bechtold, 47604 Surrell Street, noted that she is ok with the daycare operation but has concerns for the additional traffic on the township road. Katrina Buffington responded that she has not typically had more than 3 families at a time, and she currently has only two families for minimal additional trips.

**Action:**

Commissioner Mohrhauser made a motion to **approve** Conditional Use Permit #20-37 with recommended conditions. The motion was seconded by Commissioner Ralston. A roll call vote was taken and the motion passed unanimously with 6 votes in favor of the motion and 0 votes against the motion. Commissioner Luetke made the same motion for the city planning commission to **approve** Conditional Use Permit #20-37 with recommended conditions. The motion was seconded by Commissioner Neises. A roll call vote was taken and the motion passed unanimously with 4 votes in favor of the motion and 0 votes against the motion.

**Conditional Use Permit #20-37 – Approved with conditions**



**ITEM 3. CONDITIONAL USE PERMIT #20-41 to allow a Group Daycare on the property legally described as Lot 7, Block 1, Pearson’s Subdivision, Section 25-T101N-R49W.**

Petitioner: Jodi Rich  
Property Owner: Jodi Rich  
Location: 3304 S. Lisa Dr.  
Staff Report: Kevin Hoekman

**General Information:**

Legal Description – Lot 7, Block 1, Pearson’s Subdivision, Section 25-T101N-R49W  
Present Zoning – A1 Agriculture  
Existing Land Use – Residential Dwelling  
Parcel Size – 0.34 acres

**Staff Report:** Kevin Hoekman

**Staff Analysis:**

The petitioner is requesting to have a group daycare inside the home on the property. A group daycare is defined as having seven to twelve children under the age of fourteen including the provider’s own children six years and under.

The property is located in a small rural subdivision surrounded by the City of Sioux Falls. Lisa Drive is a dead end road that serves only the subdivision. The property also backs up to Veterans Parkway which is large and handles fast moving traffic. The backyard includes an existing fence to contain children in the yard for use as an outdoor play area.

The petitioner submitted a brief narrative with the application. In the narrative, the petitioner explains that she has provided licensed daycare services for over 20 years in the City of Sioux Falls. City Planning Staff reviewed the request and submitted a letter with recommendation for approval. The letter notes that the daycare will be allowed to continue operation upon any future annexation if the daycare continues to be operating without lapse.

**Conditional Use Permit Criteria:**

**(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.**

The proposed use will take place within a single family dwelling in a single family neighborhood. Additional traffic will take place in the mornings and afternoons for pick up and drop off, and physical changes will likely be limited to additional play structures in the rear yard. The use of the property as a daycare is generally compatible with the adjacent properties.



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

The use of the property for a group daycare will require little to no alteration to the property or the neighborhood.

**(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.**

The use of the property as a group daycare will not produce significant negative effects and add minimal additional traffic. Additional screening may prove beneficial between the daycare and Veterans Highway.

**(d) The proposed use shall not adversely affect the public.**

The proposed use will have no adverse effect on the public. Daycares are a needed service for many working parents. A well operated daycare is a valuable asset for the public.

**Health, safety, general welfare of the public and the Comprehensive Plan should be considered as part of the request.**

The health safety and general welfare of the public will not be negatively affected by the proposed use. Additional screening such as a higher 6 foot tall fence or hedge between the property and Veterans Highway would be beneficial.

It is important to note that a daycare with 12 or fewer children is not required to register with the state of South Dakota. State registration with the Department of Social Services does provide basic assurances of safety including, but not limited to, provider background checks, trainings, meal requirements, and discipline requirements. The Planning Commission should include conditions of approval for children safety, and the Planning Commission may further consider requiring state registration with the Department of Social Services.

**Recommendation:**

Staff finds that the proposed daycare center is an appropriate accessory use of this church. Staff recommends **approval** of Conditional Use Permit #20-41 with the following conditions:

- 1.) The number of children taken care of on the site may not exceed 12 children under the age of 14. No more than 4 of the 12 children may be less than 2 years of age, and no more than 2 children may be less than 1 year of age.
- 2.) Any firearms, archery equipment and kitchen sharps must be inaccessible to children.
- 3.) The petitioner shall provide proof of CPR certification to be filed with the Planning Department and continually maintained/renewed every two years.
- 4.) The petitioner shall provide proof of minimum \$300,000 of liability insurance to the Planning Department, and insurance must be continually maintained.



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- 5.) The dwelling must be equipped with working smoke detectors and carbon monoxide detectors as required by the currently adopted building code.
- 6.) The Planning & Zoning Department reserves the right to enter and inspect the daycare at any time, after proper notice, to ensure that the property is in full compliance with the conditional use permit conditions of approval and Minnehaha County Zoning Ordinance.
- 7.) This permit is allowed only while the petitioner resides at the dwelling and operates the daycare, and it is not transferable to any future operator or property owner without approval by the Planning Commission.

**Public Testimony:**

Kevin Hoekman, county planning staff, introduced the item and stated the staff recommendation.

Jodi Rich, the petitioner, was available for questions. Commissioner Duffy asked how many children will be at the daycare. Jodi Rich responded that she typically has 7 or 8 children and 3 to 4 families.

**Action:**

Commissioner Barth made a motion to **approve** Conditional Use Permit #20-41 with recommended conditions. The motion was seconded by Commissioner Mohrhauser. A roll call vote was taken and the motion passed unanimously with 6 votes in favor of the motion and 0 votes against the motion. Commissioner Luetke made the same motion for the city planning commission to **approve** Conditional Use Permit #20-41 with recommended conditions. The motion was seconded by Commissioner Neises. A roll call vote was taken and the motion passed unanimously with 4 votes in favor of the motion and 0 votes against the motion.

**Conditional Use Permit #20-41 – Approved with conditions**





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**Old Business**

None.

**New Business**

None.

**Adjourn**

A motion was made for the County to **adjourn** by Commissioner VanDerVliet and seconded by Commissioner Ralston. A roll call vote was taken, and the motion passed unanimously with 6 votes in favor of the motion and 0 votes against the motion. The same motion was made for the City to **adjourn** by Commissioner Luetke.

The meeting was **adjourned** at 7:22 pm.