

**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS
September 23, 2013**

A joint meeting of the County and City Planning Commissions was held on September 23, 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, Mike Cypher, Mark Rogen and Jeff Barth.

CITY PLANNING COMMISSION MEMBERS PRESENT: Jessie Schmidt, Andi Anderson, Sean Ervin, Steve Gaspar, and Diane de Koeyer.

STAFF PRESENT:

Scott Anderson, Pat Herman, David Heinold, and Travis Halm - 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 Jessie Schmidt.

CONSENT AGENDA

A motion was made for the City by Commissioner de Koeyer and seconded by Commissioner Schmidt to **approve** the consent agenda with Item 3 moved to the Regular Agenda. The motion passed unanimously. Same motion for the County by Commissioner Cypher and seconded by Commissioner Barth. The motion passed unanimously.

ITEM 1. Approval of Minutes – August 26, 2013

A motion was made for the City by Commissioner Schmidt and seconded by Commissioner Gaspar to **approve** the meeting minutes from August 26, 2013. The motion passed unanimously. Same motion for the County by Commissioner Rogen and seconded by Commissioner Barth. The motion passed unanimously.

ITEM 2. CONDITIONAL USE PERMIT #13-047 to exceed 1200 square feet of accessory building area – 1512 requested.

Petitioner: Jim Skrovig

Property Owner: same

Location: 2407 E River Bluff Cr. 1 mile east of Sioux Falls

Staff Report: Travis Halm

General Information

Legal Description – Tract 5 O’Hanlon’s Addition to East Sioux Falls, 29-101-48.

Present Zoning – A-1 Agricultural

Existing Land Use - Single Family Dwelling

Parcel Size – 1.02 Acres

Staff Report: Travis Halm

Staff Analysis

This subject property is located in Tract 5 of O’Hanlon’s Addition to East Sioux Falls in Split Rock Township. The petitioner has applied for a conditional use permit to exceed 1,200 square feet of accessory building area at 2407 East River Bluff Circle. The property owner is requesting this conditional use permit for 1,512 square feet of accessory building area.

A conditional use permit application is required by Section 15.07 (d) of the 2002 Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls which states:

In the A-1 and RC Districts, the total area of accessory buildings shall not exceed 1200 square feet when such buildings are located in a subdivision of more than four (4) lots unless a conditional use has been approved.

Larger accessory building areas can be found in the area that range from 280 square feet to 2,000 square feet in size. Some of these are located at adjacent single family dwellings, while another is located at a nearby farm. (See attached accessory building area map)

The property owner shall meet all regulations regarding accessory buildings. These regulations are found in *Article 12.07 Accessory Buildings and Uses*. Minimum setbacks required for accessory buildings in the A-1 Zoning District are: front yard, 30’; side yard, 3’; and rear yard, 3’.

1) The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values in the immediate vicinity.

There are larger accessory building areas in the general vicinity of this property, both in an adjacent farm and in other properties featuring single family dwellings. The proposed site for the structure meets all applicable setbacks and the placement of the structure will not impact the neighboring properties. The construction of this accessory building should not impede on the enjoyment or use of the surrounding properties or affect property values.

2) The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

The construction of the proposed accessory building should have no impact on further construction or development within the general area. The building will only be used for the owner's personal storage, residential related items, and no commercial or business activities will be allowed. This use will not affect the residential uses or agricultural land in the area.

3) That utilities, access roads, drainage and/or other necessary facilities are provided.

Access to the proposed accessory building will be through a driveway located on E River Bluff Cr. This driveway already provides access to the existing dwelling on the property.

No other infrastructure improvements are required at this time.

4) That the off-street parking and loading requirements are met.

The property has sufficient parking for all residential activities.

5) That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.

There should be no uses in the building which should constitute these types of nuisances.

Recommendation

Staff found that the proposed accessory building size conforms to the general sizes of other accessory building areas and recommended **approval** of Conditional Use Permit #13-047 with the following conditions:

- 1) That the accessory building area shall not exceed 1,512 square feet on the property.
- 2) That the building shall not exceed one story in height.
- 3) That a building inspection is required to measure the outside dimensions of the building.
- 4) That a building permit is required.
- 5) That the building shall be an accessory use to the continued use of the property as a residential lot.
- 6) That only personal residential storage shall be allowed in the building and no commercial uses or commercial storage will be allowed.
- 7) That all outdoor lighting shall be of a full-cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 8) That the Planning & Zoning Department reserves the right to enter and inspect accessory buildings at any time, after proper notice to the owner, to ensure that the property is in compliance with the conditional use permit conditions and the Minnehaha County Zoning Ordinance.

ACTION

A motion was made for the City by Commissioner de Koeyer and seconded by Commissioner

Schmidt to **approve** of Conditional Use Permit #13-047. The motion passed unanimously. Same motion was made for the County by Commissioner Cypher and seconded by Commissioner Barth to **approve** Conditional Use Permit #13-047. The motion passed unanimously.

Conditional Use Permit #13-047 – Approved

ITEM 4. CONDITIONAL USE PERMIT #13-53 transfer 1 building eligibility from the SE ¼ (ex Hein Addn & ex Klein's Tract No 1 & 2) to Klein's Tract No. 1, SE ¼; all in Section 32-T101-R50W.

Petitioner: Cynthia A. Robinson

Property Owner: Klein Properties Ltd

Location: 1.5 miles west of Sioux Falls

General Information

Present Zoning – A-1 Agriculture

Existing Land Use - Agriculture

Parcel Size –40 Acres

Staff Report: Pat Herman

Staff Analysis

Conditional use permit #13-53 is a request to transfer one residential building eligibility from farm ground to an existing platted lot. The property is located 1.5 miles west of Sioux Falls and within the joint Sioux Falls/Minnehaha County planning area. There are two houses to the immediate south but the majority of the surrounding property is in agricultural production.

1) The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values in the immediate vicinity.

The transfer of the building eligibility will have no effect on property values and will not impact the use of neighboring properties.

2) The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

The receiving lot has already been platted and the transfer of eligibility is in conformance with density zoning.

3) That utilities, access roads, drainage and/or other necessary facilities are provided.

There is an existing driveway access from 486th Avenue. A residence will require a septic system and rural water is available in the area.

4) That the off-street parking and loading requirements are met.

There is sufficient property to meet all parking and loading needs for a single family home.

5) That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.

A single family dwelling will not create levels as to constitute a nuisance.

Recommendation

Staff found the request to be in conformance with Section 3.04(u) of the joint zoning ordinance and recommended **approval** of conditional use permit #13-53.

ACTION

A motion was made for the City by Commissioner de Koeyer and seconded by Commissioner Schmidt to **approve** of Conditional Use Permit #13-053. The motion passed unanimously. Same motion was made for the County by Commissioner Cypher and seconded by Commissioner Barth to **approve** Conditional Use Permit #13-053. The motion passed unanimously.

Conditional Use Permit #13-053 – Approved

REGULAR AGENDA

ITEM 3. CONDITIONAL USE PERMIT #13-054 to exceed 1200 sq. ft. of accessory building area – 2000 sq. ft. requested.

Petitioner: Nate Althoft

Property Owner: same

Location: 47605 Surrell St. 1 mile north of Sioux Falls

This would allow the construction of a 40' x 50' accessory building.

General Information

Legal Description - Tract 1A Janes Replat Part Nelsons Tract S23-T102N-49W

Present Zoning – A1

Existing Land Use - Residential

Parcel Size – 1.28 Acres

Staff Report: David Heinold

Staff Analysis:

The 2002 Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls regulates the size and location of accessory buildings in Section 15.07 (d) (1). In regards to the A-1 zoning district, the Ordinance states:

In the A-1 and RC Districts, the total area of accessory buildings shall not exceed 1200 square feet when such buildings are located in a subdivision of more than four (4) lots unless a conditional use permit has been approved.

The petitioner has applied for a conditional use permit to exceed 1200 sq. ft. of accessory building area on his property. The property is located approximately 1 mile northeast of Sioux Falls, on Surrell Street. The parcel is located in Tract 1A Janes Replat Part Nelsons Tract, Section 23-T101N-R49W within Mapleton Township.

The petitioner would like to construct a 2,000 square foot accessory building on his one-and-a-quarter acre lot in the Janes Replat Subdivision. The subdivision consists of approximately six residential properties and is in close proximity to the Andy's Acres subdivision of thirty-four houses about a quarter mile from the Sioux Falls city limits.

The petitioner's requested size of 2000 square feet is relatively comparable with other accessory buildings in the immediate area. The largest accessory building in the area is 10,296 square feet and is located in Andys Acres, as shown on the map included with this report. In 1986, a permit was issued for the 10,296 sq. ft. building as a farm structure. The property with the large accessory structure does not consist of a residential structure and at the time a permit was issued the owner of the properties was engaged in farming.

Two other properties within close proximity of the petitioner's property that have accessory structures that exceed 1200 square feet. In 2010, the property at 47638 Slip Up Creek Road, located just east of the petitioner's property, acquired a conditional use permit to construct a 1,320 square foot accessory structure. A neighboring property, 25971 Jane Ave., constructed a 1500 square foot accessory structure in 1989. All of the large accessory structures in the immediate area were constructed at least ten years prior to the County and Sioux Falls adoption of the restriction for accessory structures on agriculturally zoned properties in 2001.

1) The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values in the immediate vicinity.

The petitioner's planned use of the accessory structure, storage, should not negatively affect property values in the surrounding area.

2) The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

The petitioner is the first resident of this development area to apply for a conditional use permit to exceed 1200 square feet of accessory building area. A structure of the proposed size, 2000 sq. ft., would not be congruent with the neighborhood composition.

3) That utilities, access roads, drainage and/or other necessary facilities are provided.

Existing access is already provided via Surrell St. No further infrastructure will be required due to the construction of the accessory structure.

4) That the off-street parking and loading requirements are met.

No on-street parking will be needed with the supplemental area for parking as a result of residential activities. No commercial or business parking will be allowed.

5) That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.

No offensive nuisances shall be permitted at any time during use of the proposed accessory structure.

Recommendation: Staff found that an accessory structure area exceeding 1200 square feet does not conform with the character of the neighborhood, would not enhance future development, and could set a precedent for similar accessory structures of the requested size, 2,000 square feet. Staff would support a request equal to 1500 square feet, the size of the largest existing residential accessory structure in the area. Staff recommended **denial** of Conditional Use Permit #13-54.

PUBLIC TESTIMONY

Mr. Althoff stated that he would be happy with the staff request of 1500 square feet; however, he suggested a 34'x46' accessory structure as more economical and useful for his intended use of the building. He indicated that his property would look better if he had a place to store his camper, yard equipment, and personal belongings.

Steven Bechtold, 34614 Slip Up Creek Road, stated that he was concerned about the setback requirement and if Surrell St. would be considered the front property line. Mr. Althoff explained that the proposed accessory structure would be 30 feet from Surrell St. and 7 feet from the east property line.

John Gunn, 25952 Jane Ave, was concerned about the access off of Surrell St. and whether or not Mr. Althoff would be allowed to have two hard-surfaced driveways. Mr. Althoff stated that he does not have a hard-surfaced driveway as a part of the existing residential dwelling unit and does not intend install a driveway to the requested accessory structure.

ACTION

A motion was made for the County by Commissioner Cypher and seconded by Commissioner Barth to **amend** the petitioner's request, limiting the accessory structure square footage to 1,564 square feet. The motion passed unanimously. Same motion was made for the City by Commissioner Gaspar and seconded by Commissioner Schmidt to **amend** the petitioner's request, limiting the accessory structure square footage to 1,564 square feet. The motion passed unanimously.

Conditional Use Permit #13-054 – Amended