

**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION**

November 28, 2016

A meeting of the Planning Commission was held on November 28, 2016 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Mike Cypher, Bonnie Duffy, Doug Ode, Becky Randall, Paul Kostboth, and Jeff Barth.

STAFF PRESENT:

Scott Anderson, David Heinold, and Kevin Hoekman - County Planning

Planning Commission Chair Mike Cypher called the Minnehaha County Planning Commission meeting to order at 7:34 p.m.

CONSENT AGENDA

Each item title was read, and an objection to Item #7 was raised. Item #7 was removed from the consent agenda and placed on the regular agenda for discussion purposes.

A motion was made by Commissioner Barth and seconded by Commissioner Kostboth to **approve** the consent agenda consisting of Items 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, and 13. The motion passed unanimously.

ITEM 1. Approval of Minutes – October 24, 2016

As part of the consent agenda, a motion was made by Commissioner Ode and seconded by Commissioner Randall to **approve** the meeting minutes from October 24, 2016. The motion passed unanimously.

Consent Agenda

ITEM 2. CONDITIONAL USE PERMIT #16-78 to exceed 1,200 square feet of total accessory building area – requesting 8,172 sq. ft. on the property legally described as Tr. 4 (Ex. S25' W27' and Ex. Lot 1, Hofer's Addn. and Ex. H-1) and Tr. 5 (Ex. H-1), N1/2 SE1/4, Section 9-T102N-R49W.

Petitioner: Randy Hofer

Property Owner: same

Location: 47497 Concord Drive Approximately 3 miles north of Sioux Falls

Staff Report: David Heinold

This would allow 8,172 sq. ft. of total accessory building area.

General Information:

Legal Description – TR 4 (EX S25' W27' & EX LOT 1 HOFER'S ADDN & EX H-1) & TR 5 (EX H-1) N1/2 SE1/4 9 102 49 MAPLETON TOWNSHIP

Present Zoning – A-1 Agricultural District

Existing Land Use – Residential

Parcel Size – 8.52 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting conditional use permit approval to construct a 50'x64' accessory building for a total accessory building area of 8,172 square feet. The proposed structure would be located to the south of the existing house. The applicant plans to remove 26'x30' machine shed with a 20'x30' lean-to addition upon approval of the conditional use permit request. The subject property encompasses an area of approximately 8.52 acres.

The subject property is located approximately 4 miles north of Sioux Falls. The petitioner is requesting conditional use permit approval to exceed 1,200 sq. ft. in total accessory building area. According to the Minnehaha County Zoning Ordinance, Section 12.07 (D) states:

(D) Accessory buildings shall not occupy more than thirty (30) percent of the rear yard, subject further to the following limitations:

- (1). In the A-1 and RC Districts, the total area of accessory buildings shall not exceed 1,200 square feet when such buildings are located in a subdivision of more than four (4) lots unless a conditional use has been approved.

There are several buildings in the surrounding area that exceed the 1,200 sq. ft. requirement. The property owner, 25752 Concord Dr., has 9,718 sq. ft. of total accessory building area on 21.4 acres combined. The property owner immediately across the highway to the east has 1,916 sq. ft. The property owner, 25789 475th Ave., about a quarter mile south has 2,400 sq. ft. on 0.69 acre parcel.

On November 14, 2016, staff visited the property and determined that the proposed accessory building size is appropriate for the immediate area. The proposed building will be located on an 8.52 acre parcel.

Conditional Use Permit Criteria:

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 is one other property within a half-mile of the subject property that has a building size relatively comparable to the petitioner's requested total accessory building area. It is unlikely that the proposed building size will have a detrimental effect on property values in the immediate vicinity. The proposed building will be used for the property owner's personal storage. The area is primarily agricultural with five residential acreages within a half-mile of each other.

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

The accessory building may only be used for residential purposes, no commercial or business activities are allowed. Given the size of the other larger accessory buildings, 8,172 sq. ft. of accessory building area would be congruent with the land composition.

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

Access will be provided via an existing driveway located east of the proposed accessory building. No further infrastructure will need to be provided.

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

No off-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 at any time.

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. The use of lighting should be directed downward on to the property in order to prevent light pollution off site.

6. Health, safety, general welfare of the public and the Comprehensive Plan.

The proposed accessory building should have no effect on the health, safety, and general welfare of the public. The use of the accessory building for private use and storage will create few problems to neighboring properties. The subject property is located just outside of the transition area north of the City Sioux Falls identified by the Envision 2035 Comprehensive Plan, which recognizes that these areas have the primary purpose of maintaining the rural landscape until eventual residential development and/or municipal annexation. The proposed use of the building for personal storage should not affect the future growth of this area given the present use of the land for residential purposes.

Recommendation:

Staff finds that the requested total accessory building size is relatively comparable to the existing accessory buildings in the immediate vicinity. Staff recommends **approval** of Conditional Use Permit #16-78 with the following conditions:

- 1.) That the total accessory building square footage shall not exceed 8,172 square feet.
- 2.) That the accessory building shall not exceed 35 feet in height.
- 3.) That the building shall be an accessory use to the continued use of the property as a residential lot.
- 4.) That only personal residential storage shall be allowed in the building and no commercial uses or commercial storage will be allowed at any time.
- 5.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 6.) That a building permit is required prior to construction of the accessory building.

ACTION

As part of the consent agenda, a motion was made by Commissioner Barth and seconded by Commissioner Kostboth to **approve** Conditional Use Permit #16-78. The motion passed unanimously.

Conditional Use Permit #16-78 –Approved

ITEM 3. CONDITIONAL USE PERMIT #16-80 to transfer two (2) building eligibilities from the NW1/4 NW1/4 (EX H-1) and SW1/4 SW1/4 (EX H-1) & W1/2 SE1/4 SW1/4 & N1/2 SW1/4 (EX H-1 & EX SITTIG'S ADDN); all in Section 31-T103N-R48W to the N1/2 NW1/4 (EX H-1 & TR 1 SITTIG'S ADDN); all in Section 6-T102N-R48W.

Petitioner: Rebecca Eggers

Property Owner: same

Location: Approximately 5 miles north of Sioux Falls

Staff Report: Kevin Hoekman

This would transfer two (2) building eligibilities.

General Information:

Legal Description –N1/2 NW1/4 (EX H-1 & TR 1 SITTIG'S ADDN); all in Section 6-T102N-R48W.

Present Zoning – A1 Agricultural

Existing Land Use – cropland with a single family dwelling

Parcel Size – 76.25 acres

Staff Report: Kevin Hoekman

Staff Analysis:

The property is located approximately 3.5 miles northeast of the Renner Corner and 4.5 miles northwest of Brandon. The parcel that would receive the proposed transfer is located at the intersection of County Highway 121 and 256th Street. The subject property already has an existing dwelling on it and no available building eligibility remaining. The result of the proposed transfer would be three total building eligibilities on the receiving parcel with one of those building eligibility's used by an existing dwelling. The request to transfer two building eligibilities is a result of planning of an estate.

The petitioner would like to transfer two building eligibilities from two different parcels. The northern sending parcel is legally described as NW1/4 NW1/4 (EX H-1) 31-103-48 Edison Township. This parcel will have no remaining building eligibilities. The southern sending parcel is legally described as the SW1/4 SW1/4 (EX H-1) & W1/2 SE1/4 SW1/4 & N1/2 SW1/4 (EX H-1 & EX SITTIG'S ADDN) 31-103-48 Edison Township. Two building eligibilities will remain on the south sending parcel after the transfer. The proposed transfer will result in a small clustering of potential residential units. This can also reduce the access points for driveways onto the township roads.

Conditional Use Permit Criteria:

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

A right-to-farm notice covenant should be required to notify potential buyers to the realities of locating in an agricultural area. No animal feeding operations are located in close proximity to the receiving parcel.

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

The clustering of eligibilities would help preserve farmland in the future as development pressures continue. In addition, the cluster will benefit future agriculture as development will not create situations of discontinuous farmland.

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

The landowner will be responsible for extending any necessary utilities once the building eligibilities are used. The transfer allows for the potential for sharing a driveway access. The receiving parcel has potential access to a township road and a county highway. Access to the county highway may be difficult because of a hill that has been cut for the highway. The sharing of driveways should be considered for the future development of the building eligibilities.

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

The off-street parking requirements will be provided for once single-family residences are constructed on the subject property.

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.

The proposed conditional use will not cause odor, fumes, dust, noise, vibrations or lighting in any amounts that would constitute a nuisance.

6) Health, safety, general welfare of the public and the Comprehensive Plan.

The proposed conditional use will have little to no effect on the health, safety and general welfare of the public. Placing building eligibilities in this location allows for residential uses to be clustered together.

Recommendation:

Staff finds this conditional use permit request to be consistent with density zoning and the comprehensive plan. Staff recommends **approval** of Conditional Use Permit #16-80 with the following conditions:

1. A right-to-farm notice covenant shall be placed on the deed prior to the issuance of a building permit for all single family dwellings.
2. Lots must be platted prior to building permits being issued.

Action

As part of the consent agenda, a motion was made by Commissioner Barth and seconded by Commissioner Kostboth to **approve** Conditional Use Permit #16-80. The motion passed unanimously.

Conditional Use Permit #16-80 –Approved

ITEM 4. CONDITIONAL USE PERMIT #16-81 to exceed 1,200 square feet of total accessory building area – requesting 1,500 sq. ft. on the property legally described as Lot 2, Lowe’s 2nd Addition, SW1/4, Section 29-T103N-R47W.

Petitioner: Kyle Lentsch

Property Owner: same

Location: 25484 485th Ave. Approximately 1 miles south of Garretson

Staff Report: David Heinold

This would allow 1,500 sq. ft. of total accessory building area.

General Information:

Legal Description – Lot 2, Lowe’s 2nd Addition, SW1/4, Section 29-T103N-R47W

Present Zoning – A-1 Agricultural District

Existing Land Use – Residential

Parcel Size – 5 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting conditional use permit approval to allow an additional 396 square feet of total building accessory building area. The proposed 18’x22’ addition to the existing detached garage. The subject property encompasses an area of approximately 5 acres.

The subject property is located approximately 1.5 miles south of Garretson. The petitioner is requesting conditional use permit approval to exceed 1,200 sq. ft. in total accessory building area. According to the Minnehaha County Zoning Ordinance, Section 12.07 (D) states:

(D) Accessory buildings shall not occupy more than thirty (30) percent of the rear yard, subject further to the following limitations:

- (1). In the A-1 and RC Districts, the total area of accessory buildings shall not exceed 1,200 square feet when such buildings are located in a subdivision of more than four (4) lots unless a conditional use has been approved.

There are several buildings in the surrounding area that exceed the 1,200 sq. ft. requirement. The property owner, 25482 485th Ave., located immediately north of the subject property has 2,880 sq. ft. of total accessory building area on a 5 acre parcel that is used for only personal storage.

On November 14, 2016, staff visited the property and determined that the proposed accessory building size is appropriate for the immediate area. The proposed building will be located on a 5 acre parcel.

Conditional Use Permit Criteria:

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 is one other property within a half-mile of the subject property that has a building size

larger than the petitioner's requested total accessory building area. It is unlikely that the proposed building size will have a detrimental effect on property values in the immediate vicinity. The proposed building will be used for the property owner's personal storage. The area is primarily agricultural with five residential acreages within a half-mile. It is important to note that this property is right across the road from Palisades State Park, but the proposed use of the accessory building is not likely to cause a significant impact to the enjoyment of the park facility.

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

The accessory building may only be used for residential purposes, no commercial or business activities are allowed. Given the size of the other larger accessory buildings, 1,500 sq. ft. of accessory building area would be congruent with the land composition.

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

Access will be provided via an extension of the petitioner's driveway between the house and location for the proposed accessory building. No further infrastructure will need to be provided.

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

No off-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 at any time.

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. The use of lighting should be directed downward on to the property in order to prevent light pollution off site.

6. Health, safety, general welfare of the public and the Comprehensive Plan.

The proposed accessory building should have no effect on the health, safety, and general welfare of the public. The use of the accessory building for private use and storage will create few problems to neighboring properties. The subject property is located within the agricultural production area identified in the Envision 2035 Comprehensive Plan, which recognizes that the primary purpose of the area is to protect, preserve, and promote agricultural uses and the economic viability of farming operations. The proposed use of the building for personal storage should not affect surrounding land uses with an established shelterbelt of landscaping around the perimeter of the proposed location for the accessory building.

Recommendation:

Staff finds that the requested total accessory building size is relatively comparable to the existing accessory buildings in the immediate vicinity. Staff recommends **approval** of Conditional Use Permit #16-81 with the following conditions:

- 1.) That the total accessory building square footage shall not exceed 1,500 square feet.
- 2.) That the accessory building shall not exceed 35 feet in height.
- 3.) That the building shall be an accessory use to the continued use of the property as a residential lot.

- 4.) That only personal residential storage shall be allowed in the building and no commercial uses or commercial storage will be allowed at any time.
- 5.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 6.) That a building permit is required prior to construction of the accessory building.

Action

As part of the consent agenda, a motion was made by Commissioner Barth and seconded by Commissioner Kostboth to **approve** Conditional Use Permit #16-81. The motion passed unanimously.

Conditional Use Permit #16-81 –Approved

ITEM 5. CONDITIONAL USE PERMIT #16-82 to exceed 1,200 square feet of total accessory building area – requesting 6,534 sq. ft. on the property legally described as Tract 2 Roozenboom Hollaren Addition, SW1/4 SE1/4, Section 24-T103N-R47W.

Petitioner: Patrick Brink

Property Owner: same

Location: 47760 254th St. Approximately 5 miles southeast of Baltic

Staff Report: Kevin Hoekman

This would allow 6,534 sq. ft. of total accessory building area.

General Information:

Legal Description – Tract 2 Roozenboom Hollaren Addition, SW1/4 SE1/4, Section 24-T103N-R47W

Present Zoning – A1 - Agricultural

Existing Land Use – residential dwelling

Parcel Size – 8.84 acres

Staff Report: Kevin Hoekman

Staff Analysis:

The property is located approximately 2 and ½ miles east of Midway Corner and adjacent to the west boundary of Bucher Prairie. The site is located within an area of more than 4 platted lots consisting of acreages, farmsteads, and the county park. In subdivisions or residential developments which exceed four lots in number, accessory building area is limited to 1,200 square feet, unless approval for a larger size is obtained through the conditional use permit process.

The petitioner would like to construct a 66 foot by 99 foot accessory building. The total size of the requested structure is 6,534 square feet and it would be the only accessory structure on the property.

The property is currently a large acreage including a single family dwelling. The acreage has many trees and shrubs that screen view of the structures from all directions. The trees are currently small, but in good condition to grow. The proposed accessory is depicted on the provided site plan to be located on the west side of the property and in line with the driveway before it turns to the house. Staff visited the site and found that the property is well maintained and the footprint of the proposed building has been flagged. The footprint of the building appears to fit well within the large sized parcel. At the site visit, staff also noticed the presence of a semi-truck/tractor parked next to the dwelling. The presence of a semi-truck/tractor is permissible on a residential property in an A1 – Agricultural zoning district as long as no trailer is maintained with the truck. The proposed building is not to be used for any commercial uses including any staging area for commercial trucking.

There are several large accessory buildings in the area. As depicted on the attached Existing Building Square Feet map, the 6,534 square foot request will be one of the largest total accessory

building floor space in the area. Approximately 1 mile to the west, a conditional use permit was approved in 2012 for 12,222 square feet of accessory building space for a non-agricultural property. Several other non-agricultural properties with smaller totals can be found in the area. These smaller buildings can be found on the provided accessory building size map.

Conditional Use Permit Criteria:

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 construction of the proposed accessory building should have little impact on surrounding properties. The site has significant buffer of trees on and off the property from other non-farm residences and Bucher Prairie. The accessory building will have no effect on the agricultural use nearby. The accessory structure shall not be used as a commercial operation at any time.

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

The accessory structure may only be used for residential purposes, no commercial or business activities are allowed. The future land use will likely continue as agricultural fields. Any residential development will likely take place south of the highway because that is where nearby building eligibilities are still available.

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

The petitioner will be responsible for attaining and extending utilities to the proposed accessory building, and the proposed accessory building will utilize the same driveway as the dwelling.

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

No off-street parking will be needed as a result of personal activities in this accessory building. No commercial or business parking will be allowed at any time.

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. The use of lighting should be directed downward on to the property in order to prevent light pollution off site.

6. Health, safety, general welfare of the public and the Comprehensive Plan.

The proposed accessory building should have little to no effect on the health, safety, and general welfare of the public as well as the Envision 2035 Comprehensive Plan. Other large accessory building totals are located on non-farm properties in the near area.

Recommendation:

Staff finds that the proposed accessory building is reasonable to the size of the existing structures, the size of the property, and the location on the property. Staff recommends **approval** of Conditional Use Permit #16-82 with the following conditions:

- 1.) The total accessory building square footage shall not exceed 6,534 square feet.

- 2.) A building permit is required prior to construction of the accessory building.
- 3.) That an inspection be made on the proposed addition to an accessory building to ensure that the total floor area of the addition does not exceed 6,534 square feet.
- 4.) That only personal residential storage shall be allowed in the building, and no commercial uses or commercial storage will be allowed at any time.
- 5.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 6.) That the Planning & Zoning Department reserves the right to enter and inspect the accessory building 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 Minnehaha County Zoning Ordinance.

Action

As part of the consent agenda, a motion was made by Commissioner Barth and seconded by Commissioner Kostboth to **approve** Conditional Use Permit #16-82. The motion passed unanimously.

Conditional Use Permit #16-82 –Approved

ITEM 6. CONDITIONAL USE PERMIT #16-83 to transfer one (1) building eligibility from the Tract 4, Gov't Lot 2, NE1/4 & S1/2 NE1/4 to the Tract 4, Gov't Lot 2, NW1/4; all in Section 5-T102N-R49W.

Petitioner: Robert Vosburg and Carolyn Vosburg

Property Owner: same

Location: 47339 256th St. Approximately 5 miles north of Sioux Falls

Staff Report: David Heinold

This would transfer one (1) building eligibility.

General Information:

Legal Description – TR 4 VOSBURG'S ADDN IN GOV'T LOT 2 NW1/4 & GOV'T LOT 2 NE1/4 & S1/2 NE 1/4 5-102-49

Present Zoning – R/C Recreation/Conservation District

Existing Land Use – conservation

Parcel Size – 49.35 Acres

Staff Report: David Heinold

Staff Analysis:

The applicant is requesting approval to allow one building eligibility to be placed on Tract 4 Vosburg's Addn., Gov't Lot 2, NW1/4, Section 5. The subject property is located about 5 miles north of Sioux Falls. The request is to transfer one building eligibility out of the floodplain.

On November 14, 2016, staff visited the property and determined that the proposed site is appropriate for a single family dwelling. There are no concentrated animal feeding operations within a mile of the subject property.

Conditional Use Permit Criteria:

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.

A right-to-farm notice covenant should be required to notify potential buyers to the realities of locating in an agricultural area.

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

The transfer of a building eligibility does not increase the number of dwelling units allowed in this area because the transfer only occurs within the same section. There are five established single family dwellings in the immediate vicinity. The remaining area around the location for the proposed transfer of building eligibility is primarily agriculture.

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

Rural water is available in the area and a waste water system will be utilized. The applicant indicated that the proposed building site will use existing right-of-way and share a driveway if possible. The applicant mentioned in the building eligibility questionnaire that the existing field

approach will be utilized for access to the property.

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

Off-street parking requirements will be provided for once a single-family residence is constructed on the subject property.

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.

The proposed transfer of building eligibility will not cause odor, fumes, dust, noise, vibrations or lighting in any amounts that would constitute a nuisance due to residential activities.

6. Health, safety, general welfare of the public and the Comprehensive Plan.

The health, safety, general welfare of the public will not be impacted by the transfer of a building eligibility. The intent of the Envision 2035 Comprehensive Plan will be met, as density zoning will be followed. The request is moving a building eligibility out of the Big Sioux River floodplain area into an area more suitable for residential development.

Recommendation:

Staff finds this conditional use permit request to be consistent with density zoning and recommends **approval** of Conditional Use Permit #16-83 with the following conditions:

1. A right-to-farm notice covenant shall be placed on the deed prior to the issuance of a building permit for the single family dwelling.
2. That the construction of a single family dwelling shall require permission of Mapleton Township for a new driveway or culvert permit.

Action

As part of the consent agenda, a motion was made by Commissioner Barth and seconded by Commissioner Kostboth to **approve** Conditional Use Permit #16-83. The motion passed unanimously.

Conditional Use Permit #16-83 –Approved

ITEM 8. CONDITIONAL USE PERMIT #16-85 to allow Truck and Trailer Storage & Repair on the property legally described as Lot 2, Block 1, Green Valley Addition, NE1/4, Section 12-T102N-R50W.

Petitioner: Steve Schreiner

Property Owner: same

Location: 47174 Haylie St. Approximately 2 miles north of Sioux Falls

Staff Report: David Heinold

This would allow Truck and Trailer Storage & Repair.

General Information:

Legal Description – LOT 2 BLK 1 GREEN VALLEY ADDITION NE1/4 12-102-50

Present Zoning – I-1 Light Industrial District

Existing Land Use – vacant

Parcel Size – 1.43 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting conditional use permit approval for a trailer repair and service business. The narrative describes that the proposed business will not have scheduled hours of operation because of the nature of the business fixing the property owner's and tenant's fleet of trucks. The site plan does not include any plans for outdoor storage. The petitioner has provided a 20 foot by 65 foot parking area on the eastern side of the building.

The petitioner proposes to utilize an approach off of Haylie St. for the primary access to the lot. The narrative describes that there will be space within the warehouse with separate garage bays for future tenant use, which are required to follow the zoning ordinance for appropriateness of use classification in the area. Any business not associated with the petitioner's proposed use will be reviewed at a later time and not part of the approval for Conditional Use Permit #16-85.

On November 17, 2016, staff inspected the property and determined that the proposed use is appropriate for the immediate area. The proposed building and business will be located on a 1.43 acre parcel. The industrial park that the proposed business will be located within is nearly full with few vacant properties.

Conditional Use Permit Criteria:

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 industrial park at the northwest corner of the Crooks/Renner exit on Interstate 29 consists of similar uses ranging in scale from storage units to a transportation terminal, so there should not be any impacts beyond the uses already occupying the area. The proposed use as a truck repair and service should not have a detrimental impact on property values in the immediate vicinity due to the relative similarity of neighboring uses.

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

The subdivision has already been platted and the lots are zoned for light industrial and some commercial uses, which is expected to continue to see a steady increase in business growth due to the close proximity to Interstate 29 and 90. The remaining area is primarily agricultural land with a few residential acreages over a half mile away from the subject property.

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

Access will be provided for the proposed shop building via a new driveway off of Haylie St.

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

The petitioner mentioned in the narrative that there will be exterior parking located behind the structure measuring 100 feet by 160 feet. Surface parking of trucks and trailers will occur in this area with up to 15 total, but only about 5 at any single time on a short-term designation. In addition, there will be a parking area about 20 feet by 65 feet for automobile parking for employees. No loading or unloading facilities will be required as well as no outdoor storage besides trucks or trailers stored north of the building on a temporary basis.

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.

Staff does not foresee any issues with the proposed truck and trailer repair & service business to be located in the industrial park at the northwest corner of the Crooks/Renner exit of I-29 that would otherwise constitute a nuisance for neighboring property owners and tenants. Any lighting on the property should be shoe-box style and direct light downward onto the property in order to prevent light pollution.

6. Health, safety, general welfare of the public and the Comprehensive Plan.

The proposed truck and trailer repair & service business should have no effect on the health, safety, and general welfare of the public with the similarity in uses predominant in the area. The use of the business for repair and service will create few problems among the existing land uses at properties within the immediate vicinity. The subject property is located within the transition area for the City of Sioux Falls and Crooks identified by the Envision 2035 Comprehensive Plan, which recognizes that these areas have the primary purpose of maintaining the rural landscape until eventual residential development and/or municipal annexation. The proposed use should not affect the future growth of this area given the present use of the land and the immediate area for commercial and industrial development.

Recommendation:

Staff finds the proposed use, Truck and Trailer Storage & Repair, to be an appropriate use for the I-1 Light Industrial District. Since the location for the proposed business is in an area of the county where commercial and industrial uses are encouraged to locate, there should be no nuisances caused by the proposed use. Staff recommends **approval** of Conditional Use Permit #16-85 with the following conditions:

- 1.) That CUP #16-85 shall allow the use of the property for Truck and Trailer Storage & Repair.

- 2.) That a building permit is required prior to the construction of all storage buildings and for the installation of any signage.
- 3.) That all signage shall be in conformance with Article 16.00 and 17.00 of the 1990 Revised Zoning Ordinance for Minnehaha County.
- 4.) That all driveways, parking lots, and outdoor storage areas shall be in conformance with the requirements of Article 15.00 of the 1990 Revised Zoning Ordinance for Minnehaha County. All hard surfaced areas must be completed by August 31, 2017.
- 5.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundary.
- 6.) That the Planning & Zoning Department reserves the right to enter and inspect the business 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 Minnehaha County Zoning Ordinance.

Action

As part of the consent agenda, a motion was made by Commissioner Barth and seconded by Commissioner Kostboth to **approve** Conditional Use Permit #16-85. The motion passed unanimously.

Conditional Use Permit #16-85 –Approved

ITEM 9. CONDITIONAL USE PERMIT #16-86 to exceed 1,200 square feet of total accessory building area – requesting 4,400 sq. ft. on the property legally described as Tract 1 Rovang’s Addition, NE1/4, Section 21-T102N-R48W.

Petitioner: William Kreider

Property Owner: same

Location: 25939 481st Ave. Approximately 0.5 miles north of Brandon

Staff Report: Kevin Hoekman

This would allow 4,400 sq. ft. of total accessory building area.

General Information:

Legal Description – Tract 1 Rovang’s Addition, NE1/4, Section 21-T102N-R48W.

Present Zoning – A1 Agriculture

Existing Land Use – Residential dwelling

Parcel Size – 5 acres

Staff Report: Kevin Hoekman

Staff Analysis:

The property is located approximately ½ mile north of the Brandon municipal boundary. The site is located within an area of more than 4 platted lots consisting of mostly residential acreages. In subdivisions or residential developments which exceed four lots in number, accessory building area is limited to 1,200 square feet, unless approval for a larger size is obtained through the conditional use permit process.

The petitioner would like to construct a 40 foot by 80 foot accessory building. This proposed 3,200 square foot building would be built in addition to an existing 1,200 square foot accessory building. The total size of the requested structures is 4,400 square feet of accessory building space. The existing building was previously used as a dog kennel that was approved through a conditional use permit in 2007. The conditional use permit for a kennel should be voided as the current landowner does not want to continue the use as a kennel.

The property is currently a large acreage including a single family dwelling. The property owner also owns the adjacent property to the north which has a radio broadcast tower located on it. The only driveway access to the proposed accessory building is through this adjacent property. In addition, the site plan depicts a portion of the proposed accessory building encroaching on this property. Since the petitioner owns both properties, the two properties should be joined together to prevent any potential issues with a structure that crosses a property line. Staff visited the site and found that the property is well maintained. The elevation difference between the accessory building and the dwelling would make it difficult to connect a driveway between the two.

There are several large accessory buildings in the area. The 4,400 square feet request is large, but similar in size to a property ¼ mile to the north and smaller in size to a property ½ mile northeast of the proposed site. The property to the northeast received a conditional use permit for 6,156 square feet of building space in 2015.

Conditional Use Permit Criteria:

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 construction of the proposed accessory building should have little impact on surrounding properties. The accessory building will have no effect on the agricultural use nearby. The accessory structure shall not be used as a commercial operation at any time.

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

The accessory structure may only be used for residential purposes, no commercial or business activities are allowed. Much of the land will likely remain as agricultural uses. Several building eligibilities exist nearby that also may be used for residential dwellings. The proposed accessory building is set back far from the road and is not very visible from neighboring properties. It is unlikely that it will have any effect on the future development of agricultural or residential development in the area.

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

The petitioner will be responsible for attaining and extending utilities to the proposed accessory building, and the proposed accessory building will utilize the same driveway as the dwelling.

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

No off-street parking will be needed as a result of personal activities in this accessory building. No commercial or business parking will be allowed at any time.

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. The use of lighting should be directed downward on to the property in order to prevent light pollution off site.

6. Health, safety, general welfare of the public and the Comprehensive Plan.

The proposed accessory building should have little to no effect on the health, safety, and general welfare of the public as well as the Envision 2035 Comprehensive Plan. Other large accessory building totals are located on far and non-farm properties in the near area.

Recommendation:

Staff finds that the proposed accessory building is reasonable to the size of the existing structures, the size of the property, and the location on the property. Staff recommends **approval** of Conditional Use Permit #16-84 with the following conditions:

- 1.) Conditional Use Permit #07-19 for a dog kennel shall be voided.
- 2.) The total accessory building square footage shall not exceed 4,400 square feet.
- 3.) A building permit is required prior to construction of the accessory building.

- 4.) That an inspection be made on the proposed addition to an accessory building to ensure that the total floor area of the addition does not exceed 3,200 square feet.
- 5.) That only personal residential storage shall be allowed in the building, and no commercial uses or commercial storage will be allowed at any time.
- 6.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 7.) The proposed accessory building must meet all setbacks from neighboring properties including property owned by the petitioner. The two properties may be joined as one parcel if the proposed location as depicted on the site plan is to remain.
- 8.) That the Planning & Zoning Department reserves the right to enter and inspect the accessory building 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 Minnehaha County Zoning Ordinance.

Action

As part of the consent agenda, a motion was made by Commissioner Barth and seconded by Commissioner Kostboth to **approve** Conditional Use Permit #16-86. The motion passed unanimously.

Conditional Use Permit #16-86 –Approved

ITEM 10. CONDITIONAL USE PERMIT #16-87 to allow a Single Family Dwelling on the property legally described as Lot 1 Mandl's Subdivision, Tract 1 County Auditor Sub., Part E1/2 SW1/4 (Ex. W107'), Section 26-T104N-R51W.

Petitioner: Wendy Simmermon

Property Owner: same

Location: 46442 249th St. Approximately 0.5 miles south of Colton

Staff Report: David Heinold

This would allow a Single Family Dwelling.

General Information:

Legal Description – LOT 1 MANDL'S SUB TR 1 CO AUD SUB PT E 1/2 SW 1/4 (EX W 107') 26 104 51 TAOPI TOWNSHIP

Present Zoning – A-1 Agricultural District

Existing Land Use – vacant

Parcel Size – 0.78 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting to allow the development of a residence on Lot 1, Mandl's Subdivision. The existing building eligibility on this parcel requires conditional use permit approval prior to the allowance of a building permit for a new single family dwelling.

On November 14, 2016, staff visited the property and determined that the proposed site is appropriate for a single family dwelling. There are two existing concentrated animal feeding operations within a mile of the subject property; however, there are already single family dwellings located closer than the proposed home.

Conditional Use Permit Criteria:

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.

A right-to-farm notice covenant should be required to notify potential buyers to the realities of locating in an agricultural area. The addition of a residential land use should not negatively affect the nearby residences and farmland.

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

The approval of the building eligibility for a single family dwelling will not increase the number of dwelling units allowed in this section. The surrounding area is primarily agriculture with a few residences within the immediate vicinity.

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

The transfer of building eligibility will result in the construction of a single-family dwelling with a new driveway off of 249th St., which requires permission from Taopi Township.

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

Off-street parking requirements will be provided for once a single-family residence is constructed on the subject property.

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.

The proposed conditional use will not cause odor, fumes, dust, noise, vibrations, or lighting in any amounts that would otherwise constitute a nuisance.

6. Health, safety, general welfare of the public and the Comprehensive Plan.

The health, safety, general welfare of the public should not be significantly impacted by the placement of one single family dwelling with a building eligibility. The intent of the Envision 2035 Comprehensive Plan will be met under the requirements of density zoning.

Recommendation:

Staff finds this conditional use permit request to be consistent with density zoning and recommends **approval** of Conditional Use Permit #16-87 with the following conditions:

1. A right-to-farm notice covenant shall be placed on the deed prior to the issuance of a building permit for the single family dwelling.
2. That the construction of a single family dwelling shall require permission of Taopi Township for a new driveway or culvert permit.

Action

As part of the consent agenda, a motion was made by Commissioner Barth and seconded by Commissioner Kostboth to **approve** Conditional Use Permit #16-87. The motion passed unanimously.

Conditional Use Permit #16-87 –Approved

ITEM 11. CONDITIONAL USE PERMIT #16-88 to transfer one (1) building eligibility from the SW1/4 NE1/4 to the NW1/4 NE1/4; all in Section 12-T101N-R52W.

Petitioner: Travis Rostyne

Property Owner: same

Location: 45967 263rd St. Approximately 3 miles southwest of Hartford

Staff Report: Scott Anderson

This would transfer one (1) building eligibility.

General Information:

Legal Description – SW1/4 NE1/4 to the NW1/4 NE1/4; all in Section 12-T101N-R52W

Present Zoning – A1 Agriculture

Existing Land Use – Agriculture

Parcel Size – 80 acres

Staff Report: Scott Anderson

Staff Analysis:

The applicant is requesting approval to allow one building eligibility to be moved to the NW ¼ NE ¼ of Section 12 of Wellington Township. The subject property is located about 3 miles southwest of Hartford. Currently there is one building eligibility on the NW ¼ NE ¼ of Section 12, which is used by the existing farmstead. The applicant is moving one eligibility that is landlocked to an area where residential development can more easily occur.

On November 9, 2016, staff conducted a site visit. There are no concentrated animal feeding operations near the proposed transfer. The petitioner is moving the eligibility out of cropland with a slough into the quarter section that has access to 263rd Street.

Conditional Use Permit Criteria:

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.

A right-to-farm notice covenant should be required to notify potential buyers to the realities of locating in an agricultural area.

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

A transfer of building eligibility should not change the development or improvements of surrounding vacant property. The moving of the eligibility may actually spur growth and use of vacant property by allowing land to be used for residential development.

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

Rural water is available in the area and a waste water system will be utilized. The applicant indicated that the proposed building site will use the existing right-of-way and share a driveway if possible.

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

Off-street parking requirements will be provided for once a single-family residence is constructed on the subject property.

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.

The proposed transfer of the building eligibility will not cause odor, fumes, dust, noise, vibrations or lighting in any amounts that would constitute a nuisance due to residential activities.

6. Health, safety, general welfare of the public and the Comprehensive Plan.

The health, safety, general welfare of the public will not be impacted by the transfer of the building eligibility. The intent of the Envision 2035 Comprehensive Plan will be met, as density zoning will be followed.

Recommendation: Staff finds this conditional use permit request to be consistent with density zoning and recommends **approval** of Conditional Use Permit #16-88 with the following condition:

1. The lot shall be platted and a right-to-farm notice covenant shall be placed on the deed prior to the issuance of a building permit.

Action

As part of the consent agenda, a motion was made by Commissioner Barth and seconded by Commissioner Kostboth to **approve** Conditional Use Permit #16-88. The motion passed unanimously.

Conditional Use Permit #16-88 –Approved

ITEM 12. CONDITIONAL USE PERMIT #16-89 to transfer two (2) building eligibilities from the TRACT 5 (EX LOT H1) NE1/4 IVERSONS TRACTS to IVERSON TRACT 2A (EX LOT H1) NE1/4; all in Section 21-T101N-R48W.

Petitioner: Gary Harr

Property Owner: Lawrence Strawbridge Land Trust

Location: Southwest corner of the 481st Ave. & 265th St. Intersection

Staff Report: Scott Anderson

This would transfer two (2) building eligibilities.

General Information:

Legal Description – TRACT 5 (EX LOT H1) NE1/4 IVERSONS TRACTS, Section 21-T101N-R48W.

Present Zoning – A1 Agriculture

Existing Land Use – Agriculture

Parcel Size – 130 acres

Staff Report: Scott Anderson

Staff Analysis:

The applicant is requesting approval to allow two building eligibilities to be moved to Iverson Tract 2A, Section 21 of Split Rock Township. The subject property is located about 3 miles south of Brandon. Currently there are two building eligibilities on Tract 5 of Section 12. Much of Tract 5 is located within the Big Sioux River floodplain. The applicant is moving these eligibilities that are primarily in the floodplain to an area where residential development can more easily occur.

On November 9, 2016, staff conducted a site visit. There are no concentrated animal feeding operations near the proposed transfer. The petitioner is moving the eligibilities out of low laying ground into an area that will have access to 265th Street.

Conditional Use Permit Criteria:

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.

A right-to-farm notice covenant should be required to notify potential buyers to the realities of locating in an agricultural area.

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

A transfer of building eligibilities should not change the development or improvements of surrounding vacant property. The moving of eligibilities may actually spur growth and use of vacant property by allowing land to be used for residential development.

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

Rural water is available in the area and a waste water system will be utilized. The applicant

indicated that the proposed building sites will use the existing right-of-way and share a driveway if possible.

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

Off-street parking requirements will be provided for once a single-family residence is constructed on the subject property.

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.

The proposed transfer of building eligibilities will not cause odor, fumes, dust, noise, vibrations or lighting in any amounts that would constitute a nuisance due to residential activities.

6. Health, safety, general welfare of the public and the Comprehensive Plan.

The health, safety, general welfare of the public will not be impacted by the transfer of the building eligibilities. The intent of the Envision 2035 Comprehensive Plan will be met, as density zoning will be followed.

Recommendation: Staff finds this conditional use permit request to be consistent with density zoning and recommends **approval** of Conditional Use Permit #16-89 with the following condition:

1. The lots shall be platted and a right-to-farm notice covenant shall be placed on the deed prior to the issuance of a building permit.

Action

As part of the consent agenda, a motion was made by Commissioner Barth and seconded by Commissioner Kostboth to **approve** Conditional Use Permit #16-89. The motion passed unanimously.

Conditional Use Permit #16-89 –Approved

ITEM 13. CONDITIONAL USE PERMIT #16-90 to exceed 1,200 square feet of total accessory building area – requesting 2,184 sq. ft. on the property legally described as E590.31’ N590.31’ E1/2 NE1/4, Section 12-T103N-R51W.

Petitioner: Kenneth Amundson

Property Owner: same

Location: 46597 251st St. Approximately 3 miles southeast of Colton

Staff Report: Scott Anderson

This would allow 2,184 sq. ft. of total accessory building area.

General Information:

Legal Description – E590.31’ N590.31’ E1/2 NE1/4, Section 12-T103N-R51W

Present Zoning – A1 Agriculture

Existing Land Use – Residential

Parcel Size – 8 acres

Staff Report: Scott Anderson

Staff Analysis:

The applicant is requesting approval of a conditional use permit to construct a 240 square foot play house and storage structure. The proposed accessory would be located to the south of the single family residence and would be 12 feet by 20 feet. The subject property consists of a single family residence and a 36 foot by 54 foot detached accessory building. This existing 1,944 square foot structure combined with the proposed 240 square foot structure totals 2,184 square feet, the amount of square feet requested by the applicant.

The subject property is located southeast of Colton. Staff conducted a site visit on November 8, 2016. The area surrounding the subject property consists of residential and agricultural uses.

There are two residences in the area that have accessory structures exceeding 1,200 square feet as shown on the map provided by staff. There is a 2,100 square foot accessory structured located at 25115 466 Avenue, directly south of the subject property. 3,912 square feet of accessory structures are located at 46556 251st Street, which is approximately ¼ mile west of the applicant’s property. A map of their locations is provided for the Planning Commission’s review.

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

Given the existence of the other larger accessory buildings in the area, the construction of this structure should not impede on the enjoyment or use of the surrounding properties or effect property values.

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

The building can only be used as an accessory structure to the established residential use and no commercial or business activities are allowed. The proposed additional structure is not large and will be used as a playhouse.

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

It appears from the site plan submitted by the applicant that the existing driveway will be used to access the new accessory structure. Benton Township would need to approve a new approach. As this is only an accessory structure, no other infrastructure is required.

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

There is ample area on the subject property for any parking as a result of residential activities. No on-street parking will be allowed. No commercial or business parking is 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.

There should be no offensive odors, fumes, dust, noise or vibration from the allowed residential uses on this property.

6. Health, safety, general welfare of the public and the Comprehensive Plan.

The health, safety, general welfare of the public will not be impacted by the placement of a larger accessory structure on the subject property. The intent of the Comprehensive Plan will be met, as the site will retain its residential character and allow for the continued use of the property.

Staff finds that the requested conditional use is appropriate for this residential area. The recommended conditions of approval will help to ensure the over-sized building will be in character with the surrounding area. The Planning Department will perform a building inspection to measure the size of the structure. Measurements are taken of the outside perimeter.

Recommendation: Staff finds that the proposed building size conforms to the general sizes of other accessory buildings in the area. Staff recommends **approval** of conditional use permit #16-90 with the following conditions:

- 1) The total accessory building square footage shall not exceed 2,184 square feet.
- 2) The building shall be used only for the petitioner's personal residential use. No commercial or business uses or storage shall be allowed.
- 3) The accessory building shall not exceed one story in height.
- 4) A building inspection is required to determine that the combined area of all accessory structures does not exceed 2,184 square feet measured from the outside perimeters.
- 5) A building permit is required
- 6) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 7) That the Planning & Zoning Department reserves the right to enter and inspect the accessory building 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

As part of the consent agenda, a motion was made by Commissioner Barth and seconded by Commissioner Kostboth to **approve** Conditional Use Permit #16-90. The motion passed unanimously.

Conditional Use Permit #16-90 –Approved

Regular Agenda

A motion was made by Commissioner Barth and seconded by Commissioner Ode to **approve** the regular agenda. The motion passed unanimously.

ITEM 7. CONDITIONAL USE PERMIT #16-84 to exceed 1,200 square feet of total accessory building area – requesting 4,500 sq. ft. on the property legally described as Tract 2A Nussbaum’s Addition, N1/2 SE1/4, Section 31-T103N-R47W.

Petitioner: Timothy Ockenga

Property Owner: same

Location: 25567 485th Ave. Approximately 2 miles south of Garretson

Staff Report: Kevin Hoekman

This would allow 4,500 sq. ft. of total accessory building area.

General Information:

Legal Description – Tract 2A Nussbaum’s Addition, N1/2 SE1/4, Section 31-T103N-R47W.

Present Zoning – A1-Agricultural

Existing Land Use – Residential Dwelling

Parcel Size – 9.42

Staff Report: Kevin Hoekman

Staff Analysis:

The property is located approximately 1 and ½ miles south of Garretson. The site is located within an area of more than 4 platted lots consisting of acreages and farmsteads. In subdivisions or residential developments which exceed four lots in number, accessory building area is limited to 1,200 square feet, unless approval for a larger size is obtained through the conditional use permit process.

The petitioner would like to construct a 50 foot by 90 foot accessory building. The total size of the requested structure is 4,500 square feet and it would be the only accessory structure on the property.

The property is currently a large acreage including a single family dwelling. The proposed accessory is depicted on the provided site plan to be located on the south of the dwelling and south of the driveway entrance. Staff visited the site and found that the property is well maintained and the approximate area where the requested building will be located is being used for parking and storage. The site plan places the proposed building near the road, and the minimum setback requirement for the front yard is 50 feet. The petitioner must be meet the minimum setback from the property line.

There are several large accessory buildings in the area. As depicted on the attached Existing Building Square Feet map, the 4,500 square foot request will be one of the largest footprints for building floor space in the area. An agricultural property approximately ¼ mile to the south of

the proposed site, includes 5,000 square feet of building space on a large tract of land. A few properties approximately 1 mile east of the proposed site include accessory building areas that are near or exceed the requested 4,500 square feet of accessory space.

Conditional Use Permit Criteria:

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 construction of the proposed accessory building should have little impact on surrounding properties. The accessory building will have no effect on the agricultural use nearby. The accessory structure shall not be used as a commercial operation at any time.

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

The accessory structure may only be used for residential purposes, no commercial or business activities are allowed. The future land use will likely continue as agricultural land uses. Any residential development will likely take place east of the highway because that is where nearby building eligibilities are still available and more access to the right-of-way.

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

The petitioner will be responsible for attaining and extending utilities to the proposed accessory building, and the proposed accessory building will utilize the same driveway as the dwelling.

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

No off-street parking will be needed as a result of personal activities in this accessory building. No commercial or business parking will be allowed at any time.

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. The use of lighting should be directed downward on to the property in order to prevent light pollution off site.

6. Health, safety, general welfare of the public and the Comprehensive Plan.

The proposed accessory building should have little to no effect on the health, safety, and general welfare of the public as well as the Envision 2035 Comprehensive Plan. Other large accessory building totals are located on far and non-farm properties in the near area.

Recommendation:

Staff finds that the proposed accessory building is reasonable to the size of the existing structures, the size of the property, and the location on the property. Staff recommends **approval** of Conditional Use Permit #16-84 with the following conditions:

- 1.) The total accessory building square footage shall not exceed 4,500 square feet.
- 2.) A building permit is required prior to construction of the accessory building.

- 3.) That an inspection be made on the proposed addition to an accessory building to ensure that the total floor area of the addition does not exceed 4,500 square feet.
- 4.) That only personal residential storage shall be allowed in the building, and no commercial uses or commercial storage will be allowed at any time.
- 5.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 6.) That the Planning & Zoning Department reserves the right to enter and inspect the accessory building 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 Minnehaha County Zoning Ordinance.

PUBLIC TESTIMONY

Kevin Hoekman, County Planning, provided a brief staff report on the conditional use permit request.

Tim Ockenga, 25567 485th Ave., identified himself as the property owner and resident of the subject property.

Commissioner Cypher asked the petitioner if he knew what cutoff downward lighting and Mr. Ockenga explained that he is aware of the requirement for downward facing lighting on the building.

Commissioner Cypher asked about the distance of the building from the property line and Mr. Ockenga confirmed the building will comply with the setback regulations.

Mark Wiesner, 25575 485th Ave., identified himself as the neighbor who lives to the south of the subject property and indicated that the proposed size of the accessory building is troubling. Mr. Wiesner explained that there was a farmland buffer between the two acreages, but now a 50'x90' building will take up most of that open area that served as farm access.

Mr. Wiesner handed out photos of the proposed building location and discussed concerns regarding the siting of the accessory structure. He further analyzed the total square feet of accessory building area on other properties as indicated in the staff report brief. He continued to mention that he is concerned about the impact on the natural setting, property values, safety, noise, and a strong concern about how commercial use will be regulated.

Commissioner Cypher called for additional public testimony and no one answered. The floor was closed to further public testimony.

DISCUSSION

Commissioner Cypher asked staff what the setback for an accessory building from the side property line and Scott Anderson explained that the side setback is three feet minimum.

Commissioner Kostboth questioned how commercial use of the building would be regulated.

Mr. Ockenga explained that the trailers and equipment on the property is being used in a landscaping project on his property. He continued to mention that he owns a business located in Sioux Falls, but is only involved with installation of tile and granite for personal residential use. He added that the reason for the building is to give his children a multi-purpose play area inside.

Commissioner Cypher asked about the sidewall height and Mr. Ockenga indicated that there will be fifteen foot sidewalls.

Commissioner Barth asked the petitioner if there is anything he could do to help ease some of the concerns presented by the neighboring property owner.

Mr. Ockenga explained that he is currently planning to put in a lot more trees on the property than exist now.

Commissioner Barth asked about the proposed building proximity to the neighboring property line. Mr. Ockenga plans to put the building as far away from the property line as possible and indicated that he would like to plant at least three sections of trees between the two properties. He continued to mention that the building will be designed similar to the house and not a full steel structure. He also added that he would like to store some equipment inside the building.

Mr. Anderson explained the process for investigating a complaint about the suggested commercial use of the building to the planning commission and audience members.

Commissioner Randall questioned whether the planning commission should add a condition about requiring planting trees to help reduce the impact to the neighboring property owner as well if the building could be turned a different way.

Mr. Ockenga explained that the neighbor would see all 90 feet of the building and added that it would require a retaining wall to be installed.

Commissioner Ode indicated that a condition should be added to require planting a minimum of 3 rows of trees to screen the building from the adjacent property to the south. Mr. Ockenga is okay with adhering to the requirement to put a few rows of trees along the south building edge.

Commissioner Cypher posed a question to the planning commission about adding a deadline for planting the trees and Commissioner Barth made an amendment to the motion to approve Conditional Use Permit #16-84 to add a condition requiring the planting of 3 rows of trees by August 1, 2017.

ACTION

A motion was made by Commissioner Barth to **approve** Conditional Use Permit #16-84 with condition #7 added to require planting a minimum of 3 rows of trees by August 1, 2017 and the motion was seconded by Commissioner Randall. The motion passed unanimously.

Conditional Use Permit #16-84 – Approved

- 1.) The total accessory building square footage shall not exceed 4,500 square feet.
- 2.) A building permit is required prior to construction of the accessory building.
- 3.) That an inspection be made on the proposed addition to an accessory building to ensure that the total floor area of the addition does not exceed 4,500 square feet.
- 4.) That only personal residential storage shall be allowed in the building, and no commercial uses or commercial storage will be allowed at any time.
- 5.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 6.) That the Planning & Zoning Department reserves the right to enter and inspect the accessory building 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 Minnehaha County Zoning Ordinance.
- 7.) A minimum of 3 rows of trees be planted by August 1, 2017 to screen the building.

ITEM 14. RECALL CONDITIONAL USE PERMIT #14-05 to allow a sanitation business.

Petitioner: Todd Snyders, R&S Sanitation

Property Owner: LUFCO, Inc.

Location: 46314 265th St. approximately 5 miles south of Hartford

Staff Report: David Heinold

This would recall Conditional Use Permit #14-05 to review for failure to meet conditions of approval.

General Information:

Legal Description – E 359.65’ W 902.46’ S 481.5’ (Ex. H-1 & H-3) SW1/4, Section 15-T101N-R51W

Present Zoning – C Commercial District

Existing Land Use – Commercial

Parcel Size – 3.55 Acres

Staff Report: David Heinold

Staff Analysis:

At a meeting held on January 27, 2014, the Minnehaha County Planning Commission approved Conditional Use Permit #14-05 to allow a sanitation business with the following conditions:

- 1.) That CUP #14-05 shall allow the operation of a sanitation business.
- 2.) That the property shall adhere to the submitted site plan received on 12-27-2013.
- 3.) That all outdoor storage areas be screened with a 90% opacity fence.
- 4.) That the existing drainage pattern shall be maintained as shown on the site plan received on 12-27-2013.
- 5.) That a building permit is required prior to the installation of any signage.
- 6.) That no materials, parts, tires, etc. shall be allowed outside of the fenced area.
- 7.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundary.
- 8.) That the Planning & Zoning Department reserves the right to enter and inspect the sanitation business 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 Minnehaha County Zoning Ordinance.
- 9.) That the maintenance of all sanitation trucks, equipment, and garbage containers be performed inside the main building.
- 10.) That all sanitation trucks, equipment, and garbage containers shall be cleaned out prior to arrival at the site to ensure that no public nuisances will be caused by the sanitation business.
- 11.) The Minnehaha County Emergency Management Department shall be notified if there is any storage of a regulated substance.

On November 16, 2015, staff received a complaint with concern over the screening requirement.

On November 18, 2015, I met with Mr. Snyders at the property to discuss the screening

requirement and the nature of the complaint. I informed Mr. Snyders that the screening needs to be extended to the north property line to cover the residentially-used property to the east and he indicated that he would bring in a revised site plan for screening the remainder of the storage area next spring.

On October 18, 2016, I inspected the property and did not see the additional fencing material on the north side of the property as required by the zoning ordinance.

On October 21, 2016, I sent a letter to Mr. Snyders for conditional use permit review for not meeting condition #3.

On November 2, 2016, Mr. Snyders called and I asked if he had an update on additional fencing screen material from the residentially-used property to the east. He indicated that he wasn't sure whether he gave a firm commitment to install the additional fencing for screening to the northeast where the neighboring house is located. I told him that this screening is required because the property line to the east separates commercial and residential. The back part of the lot does not currently have any screening where dumpsters are being stored. Mr. Snyders explained that he will talk to the landlord and see if he can get some poles in the ground for the start of the screening fence. He will get back to me by Thursday, Nov. 10 or I will return a phone call check in to get an update.

On November 10, 2016, Mr. Snyders called to give me an update that he talked to the landlord about the additional screening on the property. He indicated that the poles should be in the ground sometime next week. He also mentioned that the plan is to run the fence diagonally to the north property line to provide additional screening to the residentially used property to the east.

On November 17, 2016, I inspected the property and met with Mr. Snyders for an update. The fence posts have been installed and the panels are in the process of being placed on the posts.

Recommendation:

Staff finds that the petitioner is continuing to make progress towards installing the required screening material from the residentially used property to the northeast of the subject property. Staff recommends **deferral** of the decision to recall Conditional Use Permit #14-05 until the January 23, 2017 planning commission meeting.

PUBLIC TESTIMONY

Staff provided a brief overview of the staff report and update regarding Conditional Use Permit #14-05.

Todd Snyders, owner of R&S Sanitation, indicated that the fence panels are in the process of being installed on the fence and would like to get them on by two months from now.

ACTION

Commissioner Duffy made a motion to **defer** Conditional Use Permit #14-05 until the January 23, 2017 planning commission meeting and the motion was seconded by Commissioner Barth. The motion passed unanimously.

Conditional Use Permit #14-05 – Deferred until the January 23, 2017 Planning Commission Meeting

Old Business

Commissioner Barth mentioned that the County Commission voted to send the appeal of Conditional Use Permit #16-71 back to the planning commission for review.

New Business

Kevin Hoekman provided an update on the CAFO ordinance research for questions among the planning commission. David Heinold presented research on possibilities for aquaculture regulations in the rural area.

The planning commission was pleased with the research and briefing on potential updates to the zoning ordinance to plan ahead of agricultural development happening around the region with the proximity to growing population centers in southeast South Dakota.

Adjourn

A motion was made to **adjourn** by Commissioner Barth and seconded by Commissioner Ode. The motion passed unanimously.