

**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION**
February 27, 2017

A meeting of the Planning Commission was held on February 27, 2017 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, Mike Ralston, and Paul Kostboth.

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 7:00 p.m.

CONSENT AGENDA

Commissioner Cypher read each item on the agenda individually.

A motion was made by Commissioner Randall and seconded by Commissioner Ode to **approve** the consent agenda consisting of Items 1, 2, 3, and 4. The motion passed unanimously.

ITEM 1. Approval of Minutes – January 23, 2017

As part of the consent agenda, a motion was made by Commissioner Randall and seconded by Commissioner Ode to **approve** the meeting minutes from January 23, 2017. The motion passed unanimously.

Consent Agenda

ITEM 2. CONDITIONAL USE PERMIT #17-06 to transfer one (1) building eligibility from the SE1/4 (Ex. W1220' S480') to Tract 2B, Hills View Addition, SE1/4; all in Section 5-T102N-R48W.

Petitioner: Marilyn Swenson Trust (Becky Mohr, Trustee)

Property Owner: same

Location: Approximately 4 miles north of Brandon

Staff Report: Scott Anderson

This would allow the transfer of one (1) building eligibility.

General Information:

Legal Description – Tract 2B, Hills View Addition, SE1/4; Section 5-T102N-R48W

Present Zoning – [A1 Agricultural District](#)

Existing Land Use – vacant/tree grove

Parcel Size – 5.0 acres

Staff Report: Scott Anderson

Staff Analysis: The applicant is requesting approval to allow one building eligibility to be placed on Tract 2B of Hills View Addition. The subject property is located about 5 miles northeast of Sioux Falls. The request is to transfer one building eligibility from productive farmland land into an existing mature grove.

On February 3, 2017, 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 at least 10 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 the existing right-of-way.

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 productive cropland 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 #17-06 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.

ACTION

As part of the consent agenda, a motion was made by Commissioner Randall and seconded by Commissioner Ode to **approve** Conditional Use Permit #17-06. The motion passed unanimously.

Conditional Use Permit #17-06 – Approved

ITEM 3. CONDITIONAL USE PERMIT #17-07 to exceed 1,200 square feet of total accessory building area – requesting 3,168 sq. ft. on the property legally described as Lot 2, Smithback’s Addition, S112’, SW1/4, Section 11-T102N-R51W.

Petitioner: Thomas Smithback

Property Owner: same

Location: 46418 258th St. Approximately 1 mile northeast of Hartford

Staff Report: Kevin Hoekman

This would allow 3,168 square feet of total accessory building area.

General Information:

Legal Description – Lot 2, Smithback’s Addition, S112’, SW1/4, Section 11-T102N-R51W.

Present Zoning – A1 Agriculture

Existing Land Use – Single Family Residential Acreage

Parcel Size – 9.97 acres

Staff Report: Kevin Hoekman

Staff Analysis:

The property is located approximately 1 mile northeast of Hartford. 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 12 foot by 40 foot accessory building for use as a horse stable for personal horses. The size of the requested structure is 480 square feet, and it will be in addition to an existing 2,688 square foot structure. The existing structure was constructed in 2010 after approval of a conditional use permit. The total requested for this permit is 3,168 square feet.

The property is currently a large acreage including a single family dwelling and large accessory building. The proposed accessory stable is depicted on the provided site plan to be located on northeast of an outdoor riding arena and near the north property line. Although the proposed building is outside of the proposed tree grove, the nearest property is used for agricultural purposes. Staff visited the site and found that the property is well maintained.

There are several large accessory buildings in the area. As depicted on the attached Existing Building Square Feet map, the 3,168 square foot request will be consistent with the total footprint sizes of both agricultural and non-agricultural buildings in the area. A few properties within 1 mile east of the proposed site include accessory building areas that are near or exceed the requested 3,168 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 proposed stable is small in comparison to what is already permitted on the property. 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 of the area will likely continue as primarily agricultural land uses. Residential building eligibilities may be sued for residential development in the future. These residential uses will also not be negatively affected by the proposed personal stable.

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 not necessarily need a driveway. No new driveways will be created for this proposed building.

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. Manure should be handled in a manner to prevent it from washing off the property or into streams.

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 #17-07 with the following conditions:

- 1.) The total accessory building square footage shall not exceed 3,168 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 proposed stable does not exceed 480 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 Randall and seconded by Commissioner Ode to **approve** Conditional Use Permit #17-07. The motion passed unanimously.

Conditional Use Permit #17-07 – Approved

ITEM 4. CONDITIONAL USE PERMIT #17-08 to exceed 1,200 square feet of total accessory building area – requesting 2,880 sq. ft. on the property legally described as Tract 4, Gaddis Addition, NE1/4, SE1/4, Section 18-T101N-R50W.

Petitioner: Richard M. Gaddis

Property Owner: same

Location: 26471 467th Ave.

Approximately 2 miles west of Sioux Falls

Staff Report: David Heinold

This would allow 2,880 square feet of total accessory building area.

General Information:

Legal Description – TRACT 4 GADDIS ADDN., NE1/4 SE1/4,
Section 18-T101N-R50W WAYNE TOWNSHIP

Present Zoning – [A1 Agricultural District](#)

Existing Land Use – Residential

Parcel Size – 1.66 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting conditional use permit approval to allow an additional 480 square feet of total building accessory building area. The proposed 12'x40' hoop structure will be placed between the existing 40'x60' accessory building and the house. The subject property encompasses an area of approximately 1.6 acres.

The subject property is located approximately 2 miles west 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, 46702 Snowberry St., located immediately across the road to the east of the subject property has



approximately 4,818 square feet of total accessory building area on a 1.95 acre parcel that is used for only personal storage. The property owner, 46702 Sage St., has 3,360 sq. ft. of total accessory building area on 0.85 acres. In April 2014, conditional use permit #14-18 was approved by the planning commission and upheld by the county commission following a written appeal to allow a 2,688 sq. ft. accessory building size at 46710 Chestnut St.

On February 15, 2017, staff visited the site and determined that the proposed accessory building size is appropriate for the immediate area. The proposed building will be located on a 1.66 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 a twenty-lot subdivision within a quarter-mile.

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, 2,880 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 transition area identified in the Envision 2035 Comprehensive Plan, which recognizes that the primary purpose of maintaining the rural landscape until the eventual development of residential and/or municipal

development. 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 #17-08 with the following conditions:

- 1.) That the total accessory building square footage shall not exceed 2,880 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 Randall and seconded by Commissioner Ode to **approve** Conditional Use Permit #17-08. The motion passed unanimously.

Conditional Use Permit #17-08 – Approved

Old Business

None.

New Business

County Planners Kevin Hoekman and David Heinold presented an informational overview of the proposed text amendment updates to the Concentrated Animal Feeding Operation section as well as the addition of an Aquaculture section to the zoning ordinance.

Adjourn

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