

**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & DELL RAPIDS PLANNING COMMISSIONS
September 25, 2017**

A joint meeting of the County and City Planning Commissions was held on September 25, 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, Becky Randall, Jeff Barth, Doug Ode, and Mike Ralston.

CITY PLANNING COMMISSION MEMBERS PRESENT: Roger Dearduff, Bob Lamberty, and Tom Schwebach.

STAFF PRESENT:

Scott Anderson, Kevin Hoekman, and David Heinold - County Planning
Justin Weiland – City of Dell Rapids Administration
Maggie Gillespie – Office of the State’s Attorney

Mike Cypher presided over the meeting. The meeting was called to order at 7:00 p.m. The Dell Rapids Planning Commission was chaired by Roger Dearduff.

CONSENT AGENDA

Commissioner Cypher read each item on the consent agenda and nobody objected to any item.

A motion was made for the County by Commissioner Ralston and seconded by Commissioner Barth to **approve** the consent agenda. The motion passed unanimously. Same motion was made for the City by Commissioner Schwebach and seconded by Commissioner Lamberty to **approve** the consent agenda. The motion passed unanimously.

ITEM 1. Approval of Minutes – August 28, 2017

As part of the consent agenda, a motion was made for the County by Commissioner Ralston and seconded by Commissioner Barth to **approve** the minutes for the August 28, 2017 meeting. The motion passed unanimously. Same motion was made for the City by Commissioner Schwebach and seconded by Commissioner Lamberty to **approve** the minutes for the August 28, 2017. The motion passed unanimously.

ITEM 2. CONDITIONAL USE PERMIT #17-68 to exceed 1,200 square feet of total accessory building area – requesting 1,704 sq. ft. on the property legally described as Tract 2, Hansen’s Addn., N1/2 SE1/4, Section 8-T104N-R49W.

Petitioner: Shane Hammer

Property Owner: same

Location: 47356 246th St. Approximately 0.5 miles west of
Dell Rapids

Staff Report: Kevin Hoekman

This would allow 1,704 square feet of total accessory building area.

General Information:

Legal Description – Tract 2, Hansen’s Addn., N1/2 SE1/4, Section 8-T104N-R49W

Present Zoning – RR 5 - Residential

Existing Land Use – Residential Acreage

Parcel Size – 5 acres

Staff Report: Kevin Hoekman

Staff Analysis:

The property is located approximately ¼ mile west of the city of Dell Rapids. The property and the subdivision in which it is located has valleys and hills that limit development to mostly the flat areas of the subdivision. The site is also located within an area of more than 4 platted lots. 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 feet by 33 feet accessory building. This proposed 1,320 square foot building would be built in addition to a small shed that is already on the property. The total size of all requested structures is 1,704 square feet of accessory building space.

The property is currently a large acreage including a single family dwelling. The proposed accessory building is shown on the site plan to be located on the southwest of the dwelling. The topography of the parcel limits the places to locate a large structure on the site, because the topography of the lot quickly slopes down to the west of the dwelling. Upon further review of county GIS data and map imagery, the proposed location of the accessory building is very close to the front yard property line. The petitioner is responsible of ensuring that the building meets the 50 foot front yard setback. The property has one driveway access onto SD Highway 115 which is hard surfaced with asphalt.

The subject property is located within a subdivision just to the west of the City of Dell Rapids. The provided map of accessory building sizes are properties that are not currently agricultural

farmsteads and located outside of city limits. In addition to residential accessory buildings, a large building that is currently used for a church is located a short distance to the southeast of the proposed accessory building. The proposed accessory building is similar or smaller than other accessory building footprints in the area as depicted on the provided 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 accessory building will have no effect on the agricultural use nearby. The adjacent lot to the east of the site also has a large accessory building area. 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 proposal should not create any precedent in size of accessory building since similar or larger buildings already exist in the subdivision. All the building eligibilities on parcels neighboring the subject lot have been developed and used; therefore, the requested accessory building will not affect future rural residential development. 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 farm 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 #17-68 with the following conditions:

- 1.) The total accessory building square footage shall not exceed 1,704 square feet.
- 2.) The accessory building must meet the 50 foot minimum front yard setback.
- 3.) A building permit is required prior to construction of the accessory building.
- 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 for the County by Commissioner Ralston and seconded by Commissioner Barth to **approve** Conditional Use Permit #17-68. The motion passed unanimously. Same motion was made for the City by Commissioner Schwebach and seconded by Commissioner Lamberty to **approve** Conditional Use Permit #17-68. The motion passed unanimously.

Conditional Use Permit #17-68 – Approved

REGULAR AGENDA

Members of the public should understand that Planning Commissioners may be unable to thoroughly review and consider materials delivered the day of the hearing. The order of business for the regular agenda shall be:

- A) Staff Presentation C) Public Comments E) Public Testimony Closed
B) Applicant Presentation D) Applicant Response F) Commission Discussion

There are no items listed on the regular agenda.

Old Business

Kevin Hoekman, Planning Department, provided the commissioners with handout proposals for potential ordinance amendments for building size. Kevin noted that the proposals are only for discussion as no publications have happened. The joint commissions have previously noted that 1,200 square feet may not be adequate as many buildings already exist with as much or more space. The Dell Rapids Planning Commission noted that they will review the proposals and decide on what would be appropriate changes.

New Business

None.

Adjourn

Commissioner Schwebach motioned to adjourn for the city, and Commissioner Lamberty seconded the motion. The motion passed unanimously. The same motion was made for the County by Commissioner Duffy and seconded by Commissioner Randall. The motion passed unanimously. The Meeting was adjourned at 7:08 pm.