

**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION**
October 23, 2017

A meeting of the Planning Commission was held on October 23, 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, Paul Kostboth, and Jeff Barth.

STAFF PRESENT:

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

Mike Cypher chaired the meeting. Planning Commissioner Mike Cypher called the Minnehaha County Planning Commission meeting to order at 8:35 p.m.

CONSENT AGENDA

Commissioner Cypher read each item on the agenda individually. There were no objections to any of the items listed on the consent agenda by either the planning commission or members of the audience.

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

ITEM 1. Approval of Minutes – September 25, 2017

As part of the consent agenda, a motion was made by Commissioner Kostboth and seconded by Commissioner Barth to **approve** the meeting minutes from September 25, 2017. The motion passed unanimously.

Consent Agenda

ITEM 2. CONDITIONAL USE PERMIT #17-73 to exceed 1,200 square feet of total accessory building area – requesting 5,000 sq. ft. on the property legally described as Tract 1, Nelson’s Addition, W1/2 NE1/4, Section 30-T103N-R47W.

Petitioner: Justin Oakland

Property Owner: same

Location: Approximately

Staff Report: Kevin Hoekman

This would allow 5.000 square feet of total accessory building area.

General Information:

Legal Description – Tract 1, Nelson’s Addition, W1/2 NE1/4, Section 30-T103N-R47W.

Present Zoning – A1-Agriculture

Existing Land Use – Vacant land

Parcel Size – 3 acres

Staff Report: Kevin Hoekman

Staff Analysis:

The property is located southwest of the City of Garretson. The petitioner plans on building a single family dwelling with a detached accessory building. The property is within a subdivision of more than four 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 50 foot by 100 foot accessory building. This proposed 5,000 square foot building would be built after a permit is issued for a single family dwelling for the property. Attached with this staff report is a map of area buildings on non-farm properties. Several large non-farm accessory buildings exist in the area. The property with more than 5,000 square feet of accessory building has multiple smaller buildings that were once associated with a farm. The non-farm buildings in the area are generally smaller than the building request.

The petitioner has submitted a site plan for the proposed accessory building. The site plan shows the accessory building located on the north side of the property which is the front yard. The building will meet required setbacks, and it will be clearly visible from the highway. A handful of trees are currently growing on the north side of the property that may provide some screening from the right-of-way.

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. It will, however, be the largest accessory building in the area for non-farm structures. The property is 3 acres in size which will lessen the proportional size of the building to the property size. The accessory structure shall not be used for a commercial operation at any time. Any outdoor lighting on the structure should be directed downward to prevent glare and light spillage of light onto surrounding property and the highway.

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 surrounding agricultural land will likely remain for agricultural uses. Many of the building eligibilities in the area are already used which will limit new 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 #17-73 with the following conditions:

- 1.) The total accessory building square footage shall not exceed 5,000 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 5,000 square feet.
- 4.) That a building permit must be issued for a single family dwelling prior to the issuance of a building permit for the accessory building.
- 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.) 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 Kostboth and seconded by Commissioner Barth to **approve** Conditional Use Permit #17-73 with staff recommended conditions. The motion passed unanimously.

Conditional Use Permit #17-73 – Approved

ITEM 3. CONDITIONAL USE PERMIT #17-75 to exceed 1,200 square feet of total accessory building area – requesting 1,800 sq. ft. on the property legally described as S 702' E333.9', SW1/4 NW1/4, Section 23-T102N-R51W.

Petitioner: Michael Ellefson

Property Owner: same

Location: 1300 E. 2nd St. Approximately 0.25 mile northeast of Hartford

Staff Report: David Heinold

This would allow 1,800 square feet of total accessory building area.

General Information:

Legal Description – S 702' E 333.9', SW1/4 NW1/4, Section 23-T102N-R51W

Present Zoning – A-1 Agricultural District

Existing Land Use – Residential

Parcel Size – 5.38 Acres

Staff Report: David Heinold

Staff Analysis:

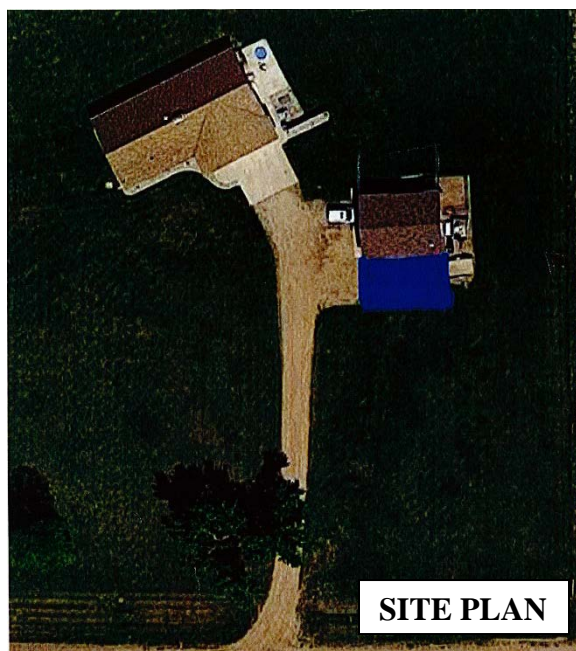
The petitioner is requesting conditional use permit approval to allow 1,800 square feet of total accessory building area. The subject property is approximately 5.38 acres and located just east of Hartford city limits. The site plan, at right, shows the proposed 15'x32' lean-to addition to the south side of the existing shed.

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 Disticts, 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 accessory building sizes in the surrounding area with buildings larger than the applicant's request. The property owner, 1215 E. 2nd St., located immediately across the street to the south of the subject property has 7,842 sq. ft. on approximately 11.04 acres. The property at 25963 465th Ave. located one half mile to the east has 5,202 sq. ft. of total accessory building area on roughly 7 acres. The accessory building sizes range from 440 sq. ft. to 7,842 sq. ft. on different sized lots.



On October 3, 2017, staff contacted the City of Hartford for review of the conditional use permit request. We have not received any objections to the proposed accessory building size.

On October 5, 2017, staff visited the property and determined that the accessory building size is appropriate for the surrounding area. The location of the proposed 15'x32' accessory building addition, pictured at right, will be on the south side of the existing shed.



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 are a few other properties 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, 1,800 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 for the City of Hartford identified in the Envision 2035 Comprehensive Plan, which recognizes 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.

The subject property is located within the City of Hartford growth area. The Hartford Comprehensive Plan 2006-2026 identifies the area as residential in the future land use plan.

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 #17-75 with the following conditions:

- 1.) That the total accessory building square footage shall not exceed 1,800 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 Kostboth and seconded by Commissioner Barth to **approve** Conditional Use Permit #17-75 with staff recommended conditions. The motion passed unanimously.

Conditional Use Permit #17-75 – Approved

ITEM 4. CONDITIONAL USE PERMIT #17-78 to allow Auto Sales & Display on the property legally described as E 140', Lot 1, Block 2, Brower Addition, SW1/4, Section 27-T102N-R51W.

Petitioner: Jeff Murphy

Property Owner: Chris Herren (c/o Commerce Ventures, LLC)

Location: 46312 Jeffrey St. Approximately 0.25 mile south of Hartford

Staff Report: Kevin Hoekman

This would allow Auto Sales & Display.

General Information:

Legal Description – E 140', Lot 1, Block 2, Brower Addition, SW1/4, Section 27-T102N-R51W.

Present Zoning – I1-Industrial

Existing Land Use – Industrial Warehouse

Parcel Size – 0.52 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

The subject property is located in the industrial park south of Hartford. The site currently has an industrial shed and large gravel driveway and parking area. Many of the neighboring properties have similar buildings and parking areas. Access to the property is off of Jeffery Street.

The petitioner is requesting to display and sell used automobiles on the property. A Simple narrative describes the purpose of the will also include minor work on vehicles for detailing and tire replacement of vehicles for sale. The 1990 Revised Zoning Ordinance for Minnehaha County allows motor vehicle sales, display, service and rental with a conditional use permit.

The petitioner has submitted a brief project narrative and a simple site plan. The narrative describes the proposed hours of operation as 9:00 am to 7:00 pm on Monday through Friday. The narrative also describes the detail work for the cars and the tire machine. The provided site plan is well crafted and detailed. The site plan shows customer parking between the building and the street. Vehicle display will line either side of the gravel surface east of the existing building. The plan indicates that employee parking will be located behind the structure. All vehicle parking and the existing building are shown to meet the required 15 feet front yard setback for parking spaces.

Staff conducted a site visit of the property and found the property already in use for automotive sales. The use of the property prior to the issuance of a conditional use permit is a violation of the ordinance. The filing fee for a CUP that is currently being used is doubled, and the petitioner has not paid the double permit fee. If this permit is approved the petitioner must pay the difference of the doubled filing fee before the permit is to be valid.

At the site visit staff noticed other items that should be discussed. First, staff saw a sign leaned against the building for the auto sales. A building permit is required before a sign can be erected

or placed on the wall of a structure. The sign must meet all requirements of the zoning ordinance. Second, staff noticed that the line of vehicles that are positioned for sale encroach on the required 15 feet setback for parking from the front property line. Vehicles must be moved and maintained behind the required 15 feet setback.

The city of Hartford Board discussed the item at a meeting. We received a request to require that customer parking should be hard surfaced. The site currently has a small hard surfaced section of driveway that extend south from the door of the structure. This hard surface would not be adequate for all required customer parking or to display all the vehicles. Hard surface parking is required when a commercial business is accessed from a hard surface road, and typically the county planning commission has not required hard surfacing when the road access is not hard surfaced. The planning commission may consider the request of the city of Hartford and require all or part of the parking area to be hard surfaced. A timeline for hard surfacing may also be considered as the planning department has been informed that the road district intends on hard surfacing all district roads in the future.

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.

The proposed use will be similar to the uses on surrounding properties, and the use will have little impact on surrounding land uses. The proposed hours of operation are reasonable for the area, and the operating time should be able to adjust according to customer demand and any state regulations. The largest potential impact will be from added traffic on Jeffrey Street which has historically been under maintained. The industrial park recently created a road district that should be addressing the street issue in the future. The added traffic will also be primarily composed of small passenger vehicles rather than industrial trucks and vehicles. The smaller vehicles should have less of an impact of the roads.

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

The proposed vehicle sales will be located on a site within a developed industrial park. Vehicle sales will not likely affect any other industrial and commercial type development within the industrial park.

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

The facility already has access from a gravel road and a building that has electricity. No drainage plan has been submitted; however, the vehicle sales will not change the drainage from what is currently present.

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

The site plan shows many spaces for off-street parking for customers, employees, and for the display of vehicles. Any vehicle transport truck should park on the site and not in the road for loading and unloading.

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 use of vehicle sales will not likely create any nuisances for neighboring industrial uses. If the petitioner wishes to have or add lighting, the lighting should be controlled and contained on the site. This containment can be done by using shielded and cutoff lighting fixtures.

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

The land use should not negatively impact the health, safety, or general welfare of the public. The site is within a developed industrial zoning district near an interstate exit. No significant changes to the site or structure will take place for the start of the proposed vehicle sales.

Recommendation:

Minnehaha County planning staff recognizes the proposed use as compatible with the surrounding land uses and the comprehensive plan. Staff recommends **approval** of Conditional Use Permit #17-78 with the following conditions:

1. This permit is for the display and sale of motor vehicles.
2. The petitioner must pay \$250 as the difference of the conditional use permit filing fee and the double fee for starting the use before approval. The fee must be paid to Minnehaha County Planning & Zoning Prior to November 13th 2017, or the permit may be revoked.
3. The loading and unloading of vehicles to and from transport must take place on the property and not within the right-of-way.
4. A building permit is required before any signs are erected.
5. Parking and display of vehicles must be setback 15 feet from the front yard setback.
6. All new and replacement lighting must be pointed downward and of fully shielded and cutoff design as to prevent light from shining on other property.
7. That the Planning & Zoning Department reserves the right to enter and inspect the site, 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 Kostboth and seconded by Commissioner Barth to **approve** Conditional Use Permit #17-78 with staff recommended conditions. The motion passed unanimously.

Conditional Use Permit #17-78 – Approved

ITEM 5. CONDITIONAL USE PERMIT #17-79 to exceed 1,200 square feet of total accessory building area – requesting 1,584 sq. ft. on the property legally described as Lot 1, Block 4 & E1/2 Vacated Street, Red Rock Estates, N1/2 SW1/4, Section 31-T102N-R47W.

Petitioner: Culley Lebert

Property Owner: Richard Woelber

Location: 48418 Beaver Valley Rd.

Staff Report: David Heinold

Approximately 0.25 mile east of Brandon

This would allow 1,584 square feet of total accessory building area.

General Information:

Legal Description – Lot 1, Block 4 & E1/2 Vacated Street, Red Rock Estates, N1/2 SW1/4, Section 31-T102N-R47W

Present Zoning – A-1 Agricultural District

Existing Land Use – Vacant

Parcel Size – 1.94 Acres

Staff Report: David Heinold

Staff Analysis:

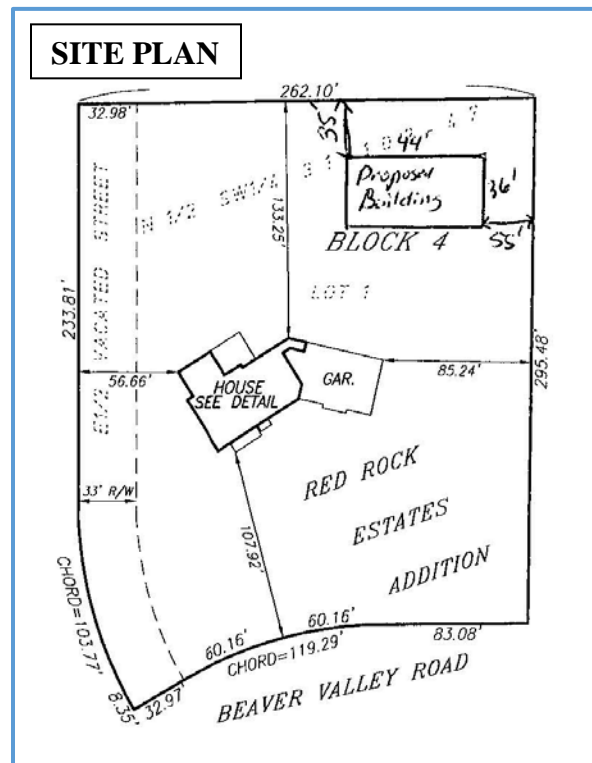
The petitioner is requesting conditional use permit approval to allow the construction of a 1,584 square foot accessory building for personal storage. The subject property is approximately 1.94 acres and is located just less than one half mile east of Brandon city limits. The site plan, at right, shows the proposed 36'x44' accessory building to the northeast of the house currently being built in the middle of the lot and accessible via an extension of the driveway.

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 Disticts, 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 accessory building sizes in the immediate vicinity of the subject property larger than the applicant's request. The property owner, 48421 Beaver Valley Rd., located kitty-corner



to the southeast of the subject property has 3,024 sq. ft. on approximately 1.26 acres. The accessory building sizes range from 1,170 sq. ft. to 3,024 sq. ft. on similar lots.

On October 12, 2017, staff visited the property and determined that the accessory building size is appropriate for the surrounding area. The location of the proposed 36'x44' accessory building addition, pictured at right, will be on the northeast side of the house under construction.



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 are a few other properties 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, 1,584 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 for the City of Brandon identified in the Envision 2035 Comprehensive Plan, which recognizes 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.

The subject property is located within the City of Brandon growth area. The Brandon 2035 Comprehensive Plan identifies the area as residential in the future land use plan.

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 #17-79 with the following conditions:

- 1.) That the total accessory building square footage shall not exceed 1,584 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 Kostboth and seconded by Commissioner Barth to **approve** Conditional Use Permit #17-79 with staff recommended conditions. The motion passed unanimously.

Conditional Use Permit #17-79 – Approved

Old Business

Kevin Hoekman, County Planning, presented a brief overview and informational session on the accessory building size ordinance. Mr. Hoekman provided a summary of all the conditional use permit requests for exceeding the total accessory building size requirement of 1,200 square feet for a lot in a subdivision with more than four lots from January 2015 to the present date. The proposed changes to the ordinance include a requirement of 1,600 sq. ft. for 1 acre lots, 2,400 sq. ft. for 1 to 3 acre lots, and 3,600 sq. ft. for lots larger than 3 acres.

New Business

Scott Anderson, County Planning Department, reminded the planning commission that there will be two vacancies for both Commissioners Mike Cypher and Becky Randall. Over the next few months, the planning department will be putting out a call for applications to bring to the County Commission later this year for planning commissioner appointments. Commissioner Barth noted that the County Commission Chair will select a planning commission liaison during the first few regular commission meetings of 2018.

Commissioner Kostboth mentioned a concern about the conditional use permit notification signs presence at some of the recent sites on the planning commission agenda. Mr. Anderson explained that the planning department provides the sign and it is the applicant's responsibility to place the sign at the site of the conditional use permit request.

Adjourn

A motion was made to **adjourn** by Commissioner Barth and seconded by Commissioner Kostboth. The motion passed unanimously. The meeting was **adjourned** at 8:52 pm.