

**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION**
July 22, 2013

A meeting of the Planning Commission was held on July 22, 2013 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT:

STAFF PRESENT:

Scott Anderson, Pat Herman, and Travis Halm - County Planning

The meeting was chaired by Susie O'Hara.

CONSENT AGENDA

A motion was made by Rogen and seconded by Randall to **approve** the consent agenda. The motion passed unanimously.

ITEM 1. Approval of Minutes – June 24, 2013

A motion was made by Rogen and seconded by Randall to **approve** the minutes from June 24, 2013. The motion passed unanimously.

ITEM 2. CONDITIONAL USE PERMIT #13-038 to allow a Class 1 Major Home Occupation – woodworking business.

Petitioner: Emmet Sehr

Property Owner: same

Location: 45664 257th St, Humboldt, SD. (1 mile North of Humboldt – SD Hwy 19)

General Information

Legal Description – Lot 2 in Tract 2 Getzin's Addition SW ¼ SE ¼ Section 4-T102N-R52W

Existing Land Use - Residential

Current Zoning – A-1 Agriculture

Parcel Size – 2.5 Acres

Staff Report

Travis Halm

Staff Analysis

The applicant is proposing to operate a woodworking business as a home occupation. The business would make custom wood furniture, mostly including custom wooden pieces such as dressers and shelving. The applicant prepared a narrative outlining the business, which is included for your review. The business would be operated out of the 30 foot by 40 foot (1200 square feet) detached accessory building located west of the residence. All of the building will be used for the business, which are the suggested criteria for a home occupation:

Section 12.0302 Major Home Occupation.

A4: Accessory Building Square Footage

i: For land located in a residential zoning district; or a parcel of 5 acres or less; up to 1,200 square feet of accessory building area may be used for the home occupation.

The applicant indicated that all business operations (construction of furniture, storage) will be done within the building.

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 proposed location is surrounded by agricultural land. One residence is located approximately 600 feet to the east of the property. The applicant indicated in the narrative that business activity would occur on Monday through Friday from 8 am to 5 p.m, but no official set of hours have been set. The small scale of the business should not impact the residences in the area or interrupt agricultural activities occurring in the vicinity.

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

The proposed home occupation should not impede normal and orderly development in the area.

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

Utilities and access to the property is adequately provided. The subject property has access to SD Highway 19, ½ mile east of the property on a county-maintained gravel road.

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

There is ample off street parking provided on the site. The accessory building in which the business will occur has room for UPS/FedEx type vehicles to make deliveries in and out of the business.

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 should not create odors, dust, fumes, noise or vibrations in any amounts that would be considered a nuisance. There is approximately a 600 foot buffer between the proposed use and the closest residence in the area.

Recommendation

Staff recommended approval of Conditional Use Permit #13-038 to allow a Class One Home Occupation with the following conditions:

1. The property shall obtain and maintain a sales tax license from the S.D. Department of Revenue.
2. That no alteration to any building shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a residential or agricultural use.
3. That the applicant be limited to one (1) non-illuminated wall sign, which shall not exceed two (2) square feet and one (1) non-illuminated free-standing sign, which shall not exceed four (4) square feet each in area for the home occupation. A Sign Permit shall be obtained prior to the installation of any sign.

4. That the employees of the home occupation shall be limited to residents of the dwelling and up to two (2) non-resident employees, not to exceed four (4) employees on site.
5. That no stock or trade shall be displayed or stored outside the enclosed structures located on the property.
6. That a minimum of two (2) off-street parking spaces be provided. Each parking space shall measure at least nine (9) feet by eighteen (18) feet and shall be kept in a dust free manner.
7. That the finish/painting area be ventilated so not to allow any build up of noxious fumes. All required fire and building codes must be met. A dry chemical extinguisher shall be required in the finishing area.
8. That the Chief Building Inspector conduct an inspection of the business prior to operation to determine that all fire and safety codes are met.
9. Any new exterior lighting shall be shoe box style that directs the lighting downward.
10. The hours of operation shall be Monday through Saturday from 7:30 am to 5:30 p.m.
11. That a maximum of 1200 square feet of accessory building be used for the home occupation.

Action

A motion was made by Rogen and seconded by Randall to **approve** Conditional Use Permit #13-038 with the above conditions. The motion passed unanimously. (7-0)

CUP #13-038 – APPROVED

ITEM 3. CONDITIONAL USE PERMIT #13-039 to transfer 1 residential building eligibility from the S ½ SE ¼ lying east of RR ROW in Section 29-T104N-R49W to Proposed Tract 4 of Johnson's Addition N ½ NW ¼ in Section 33-T104N-R49W.

Petitioner: Tom Schwebach
Property Owner: Vera Mae Johnson
Location: ½ mile north of Baltic, SD

General Information

Legal Description – Proposed Tract 4 of Johnson's Addition N ½ NW ¼ in Section 33-T104N-R49W
Present Zoning – A-1 Agricultural
Existing Land Use - Vacant
Parcel Size – 3 Acre

Staff Report

Scott Anderson

Staff Analysis: The applicant wants to transfer a building eligibility from the S 1/2 of the SE ¼ to a parcel proposed to be platted in the NW ¼ of Section 33 to be called Tract 4. The applicant has indicated that moving the eligibility would provide a better building sight for a house.

On July 3, 2013, staff conducted a site visit. There are no animal confinement operations near the location of the transfer. The transfer is located in an area north of Baltic with several residential lots to the south.

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 the building eligibility does not increase the number of dwelling units allowed in this section.

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 a driveway that will come off of 474th Avenue.

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 constitute a nuisance.

Recommendation

Staff finds this conditional use permit request to be consistent with density zoning and recommended approval of Conditional Use Permit #13-039 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.
2. That prior to a building permit issued, the applicant shall obtain an approach permit for a new driveway from Dell Rapids Township.

Action

A motion was made by Rogen and seconded by Randall to **approve** Conditional Use Permit #13-039 with the stated conditions. The motion passed unanimously (7-0).

CUP #13-039 – APPROVED

Old Business

No Items.

New Business

County Commission Items

No Items.