

**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION**
May 22, 2017

A meeting of the Planning Commission was held on May 22, 2017 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

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

STAFF PRESENT:

Scott Anderson, David Heinold, and Kevin Hoekman - County Planning
Judy Zeigler Werhkamp

Mike Cypher chaired the meeting. Planning Commission Chair Mike Cypher called the Minnehaha County Planning Commission meeting to order at 7:35 p.m.

CONSENT AGENDA

Commissioner Cypher read each item on the agenda individually. Planning Staff requested to move Item 6 to the regular agenda.

A motion was made by Commissioner Kostboth and seconded by Commissioner Ode to **approve** the consent agenda consisting of Items 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, and 13. The motion passed unanimously.

ITEM 1. Approval of Minutes – April 24, 2017

As part of the consent agenda, a motion was made by Commissioner Kostboth and seconded by Commissioner Ode to **approve** the meeting minutes from April 24, 2017. The motion passed unanimously.

Consent Agenda

ITEM 2. CONDITIONAL USE PERMIT #17-25 to allow a Class 1, Major Home Occupation – Firearms Repair on the property legally described as S290 N1670 E300 NE1/4, Section 19-T101N-R51W, WALL LAKE TOWNSHIP

Petitioner: Jason Banik

Property Owner: same

Location: 26527 461st Ave. Approximately 6 miles south of Hartford

Staff Report: Kevin Hoekman

This would allow a Class 1, Major Home Occupation – Firearms Repair.

General Information:

Legal Description – S290 N1670 E300 NE1/4, Section 19-T101N-R51W, WALL LAKE TOWNSHIP

Present Zoning – A1 Agriculture

Existing Land Use – Residential Acreage

Parcel Size – 2 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

The petitioner is requesting to allow a home occupation for the repair and service of firearms on the above described property. The property is located approximately 2 miles west of the Wall Lake Corner. The parcel is one of several residential properties south of South Dakota Highway 42. The request is classified as a Class 1 Major Home Occupation, because the business will take place out of a portion of an accessory building.

The petitioner has submitted a simple site plan and narrative. The site plan indicates that a 10 foot by 20 foot portion of the existing storage shed will be used for the business and storage. The narrative further describes the business to have customers present only in the evenings and by appointment. The only delivery vehicles that are necessary would be general mail and package delivery vehicles. The site plan and the narrative to not include a sign; however the ordinance allows signage to four square feet in the yard and two square feet on the building. The petitioner noted at the time of application that some incidental sale of parts and service supplies will be part of the business, but the firearms themselves will not be for sale.

Staff visited the site on May 8th and found the property to be maintained in good order. The house and outbuilding appear to be rather new along with several of the neighboring houses. The driveway is adequate for parking of several vehicles at once, and the driveway has good visibility for customers and deliveries.

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 subject property is located in a rural area within a residential subdivision and other agricultural uses nearby. As long as the use is maintained within the accessory building and the other home occupation regulations are complied, the proposed use will not have a significant impact on property values in the surrounding area. Complaints from neighbors may trigger a review of this permit to consider additional conditions or revocation.

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

This area of Minnehaha County has potential for more development. Several parcels in the area have available building eligibilities. The proposed use will not alter the outward appearance of the property and minimal customers and site visits will not likely affect the future growth of the area.

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

The petitioner has the utilities, access roads, and drainage systems in place due to the residence and accessory building already being in place. No further infrastructure will need to be provided.

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

The petitioner has adequate space adjacent to the existing accessory building for several parking spaces as a result of current residential activities. There is adequate space for delivery truck turnaround in the existing driveway.

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 no excessive vibration, glare, fumes, or odors will be allowed while this proposed use is maintained. The proposed hours of operation correlate with an after work business. The home occupation will be located within a closed accessory building to limit the potential nuisances created by the service and repair of firearms. The petitioner acknowledged that he will not be discharging customer firearms on site as a part of the business. This may be a condition of approval. The use of any new outdoor 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.

Due to the low impact and visibility of the proposed home occupation of repair and service of firearms, there should be a minimal impact on surrounding residential as well as agricultural properties. Reasonable safeguards should be maintained on the site to prevent theft and misuse of any firearms on the site. Safeguards may include locked building or cabinets for storage of firearms. Since the area is developed with several residential lots, the discharging of firearms could cause nuisance and safety concerns. If safeguards are maintained, the health, safety, general welfare of the public, and the Comprehensive Plan will likely not be negatively affected in a significant manner.

Recommendation:

Staff finds that the Conditional Use Permit request for a major home occupation, firearms repair and service, conforms to the goals and policies of the Envision 2035 Comprehensive Plan and

would not be as easily detectable as a commercial operation from surrounding properties. The residence will clearly be the primary use of the lot since the occupation will be conducted entirely within the accessory building, which remains secondary to the principal use of the lot for residential purposes. Staff recommends **approval** of Conditional Use Permit #17-25 with the following conditions:

- 1) That the occupation shall comply with **all** regulations of section **12.0302 (A) Class 1:** of the 1990 Revised Ordinance for Minnehaha County.
- 2.) That the applicant be limited to one (1) non-illuminated nameplate not exceeding two square feet in area may be placed on the dwelling or accessory building. Additionally, one (1) non-illuminated sign not exceeding four square feet in area may be located along the driveway for the occupation. No off-premise signs shall be used. A Sign Permit shall be obtained prior to the installation of any sign.
- 3.) All new or replacement outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 4.) No firearms will be allowed to be discharged, other than personal firearms owned by the petitioner.
- 5.) All firearms shall be stored in a locked location when the petitioner is not on site. All ammunition shall be stored and locked separately from the firearms when the petitioner is not on site.
- 6.) That the Planning & Zoning Department reserves the right to enter and inspect the home occupation 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 Ode to **approve** Conditional Use Permit #17-25. The motion passed unanimously.

Conditional Use Permit #17-25 – Approved

ITEM 3. CONDITIONAL USE PERMIT #17-27 to make available three (3) building eligibilities in the SW1/4 NW1/4, Section 19-T104N-R50W.

Petitioner: Rodney VanDerVliet

Property Owner: same

Location: Approximately 1.5 miles northeast of Colton

Staff Report: David Heinold

This would make available three (3) building eligibilities.

General Information:

Legal Description – NW1/4 (EX W604' N1400') 19-104-50 BURK TOWNSHIP

Present Zoning – A-1 Agricultural District

Existing Land Use – Agricultural

Parcel Size – 124.79 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting to make three (3) building eligibilities available in the SW1/4 of the NW1/4 within Section 19, Burk Township. The existing building eligibilities on this parcel requires conditional use permit approval prior to the allowance of a building permit for a new single family dwelling.

On April 28, 2017, staff visited the property and determined that the proposed sites are appropriate for single family dwellings. The attached questionnaire indicates that the proposed home sites will utilize an existing approach for shared driveways off the township road. There is an existing cattle farm approximately three-quarters of a mile from the proposed house sites; however, there is already an existing farmstead dwelling located closer than this area.

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 residential land uses 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 an existing farmstead approximately a quarter mile north of the proposed location for the building eligibilities.

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

The placement of the three building eligibilities will result in the construction of single family

dwellings with shared driveways, which requires permission from Burk 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 #17-27 with the following conditions:

1. That the lots shall be platted prior to the issuance of a building permit.
2. 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.
3. That the construction of a single family dwelling shall require permission of Burk Township for a new driveway or culvert permit.

Action

As part of the consent agenda, a motion was made by Commissioner Kostboth and seconded by Commissioner Ode to **approve** Conditional Use Permit #17-27. The motion passed unanimously.

Conditional Use Permit #17-27 – Approved

ITEM 4. CONDITIONAL USE PERMIT #17-28 to exceed 1,200 square feet of total accessory building area – requesting 3,200 sq. ft. on the property legally described as Tract 6, Grimmus Addn., SE1/4 SE1/4, Section 34-T101N-R48W and SW1/4 SW1/4, Section 35-T101N-R48W.

Petitioner: Calvin VanDyke

Property Owner: same

Location: 48210 268th St. Approximately 2 miles east of Sioux Falls

Staff Report: Kevin Hoekman

This would allow 3,200 square feet of total accessory building area.

General Information:

Legal Description – Tract 6, Grimmus Addn., SE1/4 SE1/4, Section 34-T101N-R48W and SW1/4 SW1/4, Section 35-T101N-R48W.

Present Zoning – A1 Agriculture

Existing Land Use – Residential Acreage

Parcel Size – 10 acres

Staff Report: Kevin Hoekman

Staff Analysis:

The property is located approximately 2 miles east of Sioux Falls along 268th Street which serves as a boarder road between South Dakota and Iowa. The site is 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 foot by 80 foot accessory building. This proposed 3,200 square foot building would be the only accessory building on the property. The petitioner listed several large personal items such as campers and boats that would be stored in the accessory building.

The proposed accessory building is shown on a site plan to be located in the northeast corner of the property. A driveway will sweep around a drainage way to connect to the existing driveway near the front property line. The property has one driveway access to the highway.

The property is ten acres in size, and it is one of several similar sized parcels along 268th Street that are used for single family acreages. Northwest of the property is a communication broadcast tower located within a large pasture. With the exception of the line of acreages, the surrounding area is predominantly agricultural fields and pasture. The provided map of accessory building sizes are only properties that are not currently agricultural farmsteads. Both properties noted on the map have accessory buildings areas of equal or greater size than what is proposed. Other agricultural properties also have large accessory buildings.

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 surrounding agricultural land will likely remain for agricultural uses. Several building eligibilities exist nearby and outside of the subdivision. These building eligibilities may also be used for residential dwellings in the future. The proposed accessory building is set back far from the road and from neighboring dwellings. 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 #17-28 with the following conditions:

- 1.) The total accessory building square footage shall not exceed 3,200 square feet.
- 2.) A building permit is required prior to construction of the accessory building.
- 3.) That an inspection be made on the proposed accessory building to ensure that the total floor area of the accessory building does not exceed 3,200 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 Kostboth and seconded by Commissioner Ode to **approve** Conditional Use Permit #17-28. The motion passed unanimously.

Conditional Use Permit #17-28 – Approved

ITEM 5. CONDITIONAL USE PERMIT #17-29 to allow Single Family Dwelling on the property legally described as NW1/4 NE1/4, Section 32-T103N-R51W.

Petitioner: Stacy Sandholm

Property Owner: Randy L. White

Location: Approximately 3.5 miles northwest of Hartford

Staff Report: David Heinold

This would allow a Single Family Dwelling.

General Information:

Legal Description – W1/2 NE1/4 & NW1/4 NE1/4 NE1/4 32 103 51 GRAND MEADOW TOWNSHIP

Present Zoning – A-1 Agricultural District

Existing Land Use – Agriculture

Parcel Size – 90 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting to allow a single family dwelling in the NW1/4 of the NE1/4 within Section 32, Grand Meadow Township. 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 April 28, 2017, staff visited the property and determined that the proposed location is appropriate for a single family dwelling. The attached questionnaire indicates that the proposed single family dwelling will utilize a shared driveway off the township road. There is an existing cattle farm a quarter mile from the proposed home site; however, there is already an existing residence located closer than this area.

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 residential land uses 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 an existing single family dwelling and farmstead west of the proposed location for the dwelling.

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

The placement of the building eligibility will result in the construction of a single family

dwelling with shared driveways, which requires permission from Grand Meadow 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 #17-29 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 Grand Meadow Township for a new driveway or culvert permit.

Action

As part of the consent agenda, a motion was made by Commissioner Kostboth and seconded by Commissioner Ode to **approve** Conditional Use Permit #17-29. The motion passed unanimously.

Conditional Use Permit #17-29 – Approved

ITEM 7. CONDITIONAL USE PERMIT #17-31 to exceed 1,200 square feet of total accessory building area – requesting 7,420 sq. ft. on the property legally described as N510', S1/2 SE1/4, Section 20-T102N-R48W.

Petitioner: Andrew Woelfel

Property Owner: same

Location: 25975 480th Ave. Approximately 2 miles northwest of Brandon

Staff Report: Scott Anderson

This would allow 7,420 square feet of total accessory building area.

General Information:

Legal Description – N510', S1/2 SE1/4, Section 20-T102N-R48W

Present Zoning – A1 Agricultural

Existing Land Use – residential

Parcel Size – 30 acres

Staff Report: Scott Anderson

Staff Analysis: The applicant is requesting approval of a conditional use permit to construct a 4,500 square foot accessory structure. The proposed accessory would be located to the north of the single family residence and would be 50 feet by 90 feet. The applicant has indicated that the structure will allow the horses to have cover and protection. This existing 2,920 square foot structure combined with the proposed 4,500 square foot structure total 7,420 square feet, the amount of square feet requested by the applicant.

The subject property is located northwest of Brandon. Staff conducted a site visit on May 1, 2017. The area surrounding the subject property consists of residential and agricultural uses. There are more than 10 residences surrounding the subject property.

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 7,360 square foot accessory structured located at 47971 Bur Oak Place, which is across the road from the applicant's property. 5,325 square feet of accessory structures are located at 25916 480th Avenue, which is north 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

needed to protect horses

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. Brandon 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 area. The recommended conditions of approval will help to ensure that 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 #17-31 with the following conditions:

- 1) The total accessory building square footage shall not exceed 7,420 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 7,420 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 Kostboth and seconded by Commissioner Ode to **approve** Conditional Use Permit #17-31. The motion passed unanimously.

Conditional Use Permit #17-31 – Approved

ITEM 8. CONDITIONAL USE PERMIT #17-32 to exceed 1,200 square feet of total accessory building area – requesting 1,728 sq. ft. on the property legally described as Tract 15, Sorum Heights Addition, SW1/4 SW1/4, Section 10-T102N-R49W.

Petitioner: Kevin Brockmueller

Property Owner: same

Location: 25785 Frederick Cir. Approximately 2.5 miles north of Sioux Falls

Staff Report: Scott Anderson

This would allow 1,728 square feet of total accessory building area.

General Information:

Legal Description – Tract 15, Sorum Heights Addition

Present Zoning – R1 - Residential

Existing Land Use – residential

Parcel Size – 1.25 acres

Staff Report: Scott Anderson

Staff Analysis: The property east of the Renner Corner. The site is located within a subdivision of more than four lots. In subdivisions or residential developments which exceed four lots in number, accessory building area is limited to 1,200 sq. ft. unless approval for a larger size is obtained through the conditional use permit process.

The petitioner would like to construct a 1,728 square foot (36' x 48') accessory building for personal storage and use. The proposed accessory building is indicated on the provided site plan to be located southeast of the dwelling. A proposed driveway would extend from Frederick Circle south to the proposed accessory building.

The surrounding residential properties include several large accessory buildings that can be seen in the Existing Accessory Building Map. The largest area accessory building that is used for residential purposes is in a nearby subdivision to the southwest of the site. This building area is 2,160 square feet in size and was approved by the Planning Commission in September of 2016. Other accessory structures in the area are larger than the petitioner's request, but the structures are built for agricultural uses rather than residential use. The Planning Commission has often used nearby accessory building sizes as a guide to determine if the request is reasonable. With at least one accessory building that is larger than the request, and one accessory building that is close to the same size, the proposed accessory building will be similar to area structures.

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 proposed use is surrounded by residential lots and properties. One area of concern for a large accessory building is the visual impact of the neighborhood. The accessory building would be clearly visible from the residential lots to the south and west of the site. The residential

properties to the west of the site have many mature trees that will buffer the visual impact of the building. Several properties with large accessory buildings already exist in the area.

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. Many of the building eligibilities have been used with a few lots available to the northeast of the proposed accessory building. The construction of a large accessory building in the area will not likely deter future residential growth, but there is some potential that other property owners will ask for large accessory buildings on their properties.

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.

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. The accessory building will be limited to a maximum of 35 feet in height to meet the zoning height regulations.

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. Several large accessory buildings already exist in the area.

Recommendation:

Staff finds that the request for a larger accessory building is reasonable and conforms to the general sizes of other accessory buildings in the area. Staff recommends **approval** of Conditional Use Permit #17-32 with the following conditions:

- 1.) That the total accessory building square footage shall not exceed 1,728 square feet.
- 2.) That a building permit is required prior to construction of the accessory building.
- 3.) An inspection must be made of the proposed new accessory building to ensure that the total floor area of the building does not exceed 1,728 square feet.
- 4.) Only personal residential storage shall be allowed in the building, and no commercial uses or commercial storage will be allowed at any time.
- 5.) 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 Kostboth and seconded by Commissioner Ode to **approve** Conditional Use Permit #17-32. The motion passed unanimously.

Conditional Use Permit #17-32 – Approved

ITEM 9. CONDITIONAL USE PERMIT #17-33 to exceed 1,200 square feet of total accessory building area – requesting 1,536 sq. ft. on the property legally described as Lot 3, McHardy First Addition, S1/2, Section 7-T101N-R47W.

Petitioner: Josey Aasheim

Property Owner: same

Location: 26380 McHardy Cir. Approximately 2 miles southeast of Brandon

Staff Report: Scott Anderson

This would allow 1,536 square feet of total accessory building area.

General Information:

Legal Description – Lot 3, McHardy First Addition

Present Zoning – A1 Agricultural District

Existing Land Use – residential

Parcel Size – 11.85

Staff Report: Scott Anderson

Staff Analysis: The subject property is located in the McHardy First Addition, a larger tract subdivision located at the intersection of McHardy Circle and 264th Street, approximately 3 miles southeast of Brandon. McHardy First Addition consists of five (5) tracts that range in size from 7.24 acres to 18.82 acres. The land to the north, east and west is agricultural land. The area south of the subject property consists of several residences. The petitioner proposes to construct a 1,536 square foot accessory building on the property. The applicant's proposed, new accessory structure is larger than the permissive size of 1,200 square feet, and thus a conditional use permit is required.

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 placement of an accessory structure exceeding 1,200 square feet should not impact the enjoyment or use of properties in the vicinity. Some of the properties in the area also have accessory structures exceeding the 1,200 square foot maximum size requirements. The residence to the south has an accessory structure exceeding 1,200 square feet. The accessory building located at 26395 McHardy Circle is 2,400 square feet in area, and was issued through the appeal to the County Commission of Conditional Use Permit #07-24. The accessory building at 26383 McHardy Circle is 1,872 square feet in area and was issued through Conditional Use Permit #11-21.

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

The petitioner shall be made aware that the building can be used strictly for his personal storage of residential related items and no commercial or business activities or storage is allowed.

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

Access to the property is via McHardy Circle. No additional access onto the road should be allowed or is being requested by the applicant. All other utilities and drainage have been provided and no further improvements are needed.

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. No other types of uses are allowed.

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 #17-33 with the following conditions:

- 1.) The existing driveway onto the property shall be used for access to the building. No additional driveway access shall be allowed onto McHardy Circle.
- 2.) The building shall be used only for the petitioner's personal residential storage. No commercial or business uses or storage shall be allowed.
- 3.) The building shall not exceed thirty-five (35) feet in height.
- 4.) That all outdoor lighting shall be of a full-cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 5.) That a building permit is required
- 6.) A building inspection is required to determine that the buildings do not exceed 1,536 square feet measured from the outside perimeters.
- 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 Ode to **approve** Conditional Use Permit #17-33. The motion passed unanimously.

Conditional Use Permit #17-33 – Approved

ITEM 10. CONDITIONAL USE PERMIT #17-34 to transfer one (1) building eligibility from Tract 2 Funke's Addition, SE1/4 to Tract 3 Funke's Addn., SE1/4; all in Section 26-T101N-R48W.

Petitioner: Joseph Funke

Property Owner: Richard Funke

Location: Approximately 3.5 miles east of Sioux Falls

Staff Report: Scott Anderson

This would transfer one (1) building eligibility.

General Information:

Legal Description – portion of Tract 3, Funke's Addition

Present Zoning – A1 Agricultural

Existing Land Use – Agriculture

Parcel Size – approximately 2 acres

Staff Report: Scott Anderson

Staff Analysis: The applicant wants to transfer a building eligibility from Tract 2 to Tract 3 of Funke's Addition. The applicant has indicated that moving the eligibility would provide a better sight for a house for his son to live in. They are moving the eligibility from one agricultural production area into another. The applicant has owned this property for several years.

On May 1, 2017 staff conducted a site visit. There are no animal confinement operations near the location of the transfer. The transfer is located in an area with many residential lots. Rowena is located to the north and there are several homes located to the east and southeast.

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 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 267th Street.

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.

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.

Recommendation: Staff finds this conditional use permit request to be consistent with density zoning and recommends **approval** of Conditional Use Permit #17-34 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 Kostboth and seconded by Commissioner Ode to **approve** Conditional Use Permit #17-34. The motion passed unanimously.

Conditional Use Permit #17-34 – Approved

ITEM 11. CONDITIONAL USE PERMIT #17-35 to exceed 1,200 square feet of total accessory building area – requesting 2,800 sq. ft. on the property legally described as Tract 22 (Ex. H-1) & S170.4 (Ex. H-1), Tract 29, West Acres, SW1/4, Section 17-T101N-R50W.

Petitioner: Terry Hansum

Property Owner: same

Location: 26482 Landon Ln. Approximately 2 miles west of Sioux Falls

Staff Report: Kevin Hoekman

This would allow 2,800 square feet of total accessory building area.

General Information:

Legal Description – Tract 22 (Ex. H-1) & S170.4 (Ex. H-1), Tract 29, West Acres, SW1/4, Section 17-T101N-R50W.

Present Zoning – A1 Agriculture

Existing Land Use – Residential lot

Parcel Size – 0.86 acres

Staff Report: Kevin Hoekman

Staff Analysis:

The property is located approximately 2 miles west of Sioux Falls in the West Acres subdivision. The site is 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 foot by 60 foot accessory building. This proposed 2,400 square foot building would be in addition to two smaller accessory sheds on the property. The total area of accessory building that is requested is 2,800 square feet. The petitioner noted in a written statement that the building will be used as a garage for personal use.

The proposed accessory building is shown on a site plan to be located on the west side of the property. A proposed driveway will have access to Holland Avenue on the opposite side of the property than the driveway for the dwelling. Several large accessory buildings already exist in the West Acres subdivision. Several buildings in the area are similar sized or larger than the requested accessory building.

Staff visited the sit on May 8th and found that the property was well maintained. The petitioner has several trailers on the site that could potentially be placed in the proposed structure to remove the trailers from parking in the grass.

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. Similar sized buildings already exist in the area. 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 West Acres subdivision is already a well-developed residential subdivision. Further residential growth is limited by few building eligibilities that remain in the subdivision. The proposed building will not set a precedence for accessory buildings because other large buildings already exist in the area. The nearby agricultural land will likely remain for agricultural uses.

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. The proposed driveway will have to have permission from the road authority and be constructed by the petitioner.

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 #17-35 with the following conditions:

- 1.) The total accessory building square footage shall not exceed 2,800 square feet.
- 2.) A building permit is required prior to construction of the accessory building.
- 3.) That an inspection be made on the proposed accessory building to ensure that the total floor area of the accessory building does not exceed 2,400 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 Kostboth and seconded by Commissioner Ode to **approve** Conditional Use Permit #17-35. The motion passed unanimously.

Conditional Use Permit #17-35 – Approved

ITEM 12. CONDITIONAL USE PERMIT #17-36 to exceed 1,200 square feet of total accessory building area – requesting 2,688 sq. ft. on the property legally described as Tract 3, Johnson’s Addition, N1/2 NW1/4, Section 33-T104N-R49W.

Petitioner: John Sackmann

Property Owner: same

Location: 24910 474th Ave. Approximately 0.5 mile north of Baltic

Staff Report: Kevin Hoekman

This would allow 2,688 square feet of total accessory building area.

General Information:

Legal Description – Tract 3, Johnson’s Addition, N1/2 NW1/4, Section 33-T104N-R49W.

Present Zoning – A1 Agriculture

Existing Land Use – Residential Acreage

Parcel Size – 2 acres

Staff Report: Kevin Hoekman

Staff Analysis:

The property is located approximately 1/2 mile north of Baltic along 474th Avenue. The site is 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 42 foot by 64 foot accessory building. This proposed 2,688 square foot building would be the only accessory building on the property. The petitioner noted in a written narrative that the building will be used as storage for personal items and for hobby personal vehicle maintenance.

The proposed accessory building is shown on a site plan to be located in the northeast corner of the property. This lines up well for an extension of the existing driveway. Two nearby properties in the area are noted to have existing large accessory building space. The property across the street from this request includes accessory building area that is larger than this request. A property to the south of the site was recently approved for 2,400 square feet through CUP #17-04.

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. Similar sized buildings already exist in the area. 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. Many of the building eligibilities along the township road have been used in the subdivision where this parcel is located. Further residential growth is limited by few building eligibilities that remain in the subdivision. The city of Baltic may extend subdivisions to the north if land becomes available for subdivision. The proposed building will not set a precedence for accessory buildings because other large buildings already exist in the area. The nearby agricultural land will likely remain for agricultural uses.

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. The existing driveway will be used for access of the accessory 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. 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 #17-36 with the following conditions:

- 1.) The total accessory building square footage shall not exceed 2,688 square feet.
- 2.) A building permit is required prior to construction of the accessory building.
- 3.) That an inspection be made on the proposed accessory building to ensure that the total floor area of the accessory building does not exceed 2,688 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 Kostboth and seconded by Commissioner Ode to **approve** Conditional Use Permit #17-36. The motion passed unanimously.

Conditional Use Permit #17-36 – Approved

ITEM 13. CONDITIONAL USE PERMIT #17-37 to exceed 1,200 square feet of total accessory building area – requesting 3,380 sq. ft. on the property legally described as E 280.83', SE1/4 SE1/4, (EX TR 1 BENSON ADDN & EX LUCAS ADDN), Section 10-T102N-R50W.

Petitioner: Kevin R. & Robin A. Hempel

Property Owner: same

Location: 25793 470th Ave. Approximately 0.5 mile south of Crooks

Staff Report: David Heinold

This would allow 3,380 square feet of total accessory building area.

General Information:

Legal Description – E 280.83' SE1/4 SE1/4 (EX TR 1 BENSON ADDN & EX LUCAS ADDN) 10-102-50 BENTON TOWNSHIP

Present Zoning – A-1 Agricultural District

Existing Land Use – Residential

Parcel Size – 1.83 Acres

Staff Report: David Heinold

Staff Analysis:

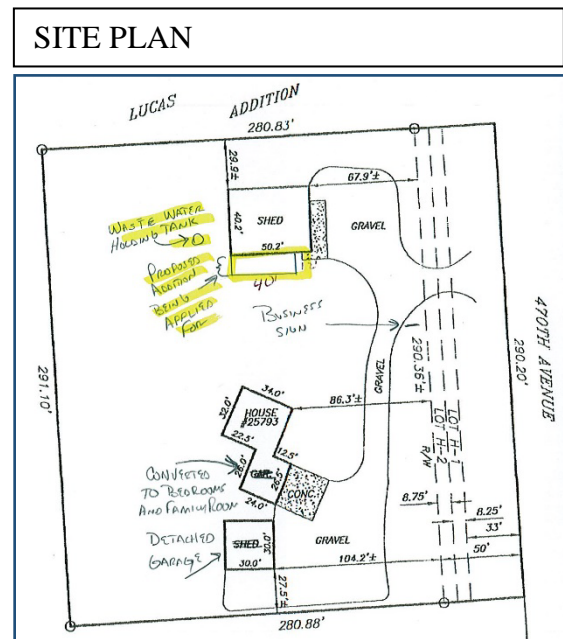
The petitioner is requesting conditional use permit approval to allow 3,380 square feet of total accessory building area. The site plan shows a proposed 12'x40' addition to the existing 40'x50' accessory building to allow for office space, a bathroom, and indoor storage area. The proposed accessory building will utilize an extension off of the existing driveway.

On June 25, 2012, the County Planning Commission approved Conditional Use Permit #12-28 with eleven conditions to allow a Class I, Major Home Occupation for the operation of a custom woodworking business the subject property. The 40'x50' metal pole building was constructed in 2009. The petitioner also has an existing 30'x30' detached garage for personal storage located just south of the house.

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, 46990 258th St., located directly west of the subject property has 4,000 sq. ft. on 4.55 acres. The property owner, 47042 258th St., located approximately one-half mile east of the subject property has 4,934 sq. ft. on 10.62 acres. The property owner, 25775 470th Ave., located directly to the north has 4,044 sq. ft. on an approximately 17.45 acre parcel.

On May 2, 2017, staff visited the site and determined that the proposed accessory building size is appropriate for the immediate area. The image, at right, shows the location of the proposed accessory building addition on the north portion of the lot. The proposed building will be located on a 1.83 acre parcel. Staff conducted a visual review of the subject property for compliance with the conditions of approval for the woodworking home occupation and the requirements are currently being met by the property owner.



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 have 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 few residential acreages in the immediate vicinity.

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, 3,380 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 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 Crooks identified in the Envision 2035 Comprehensive Plan, which have the primary purpose of maintaining the rural landscape until the eventual development of residential and/or municipal development.

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 #17-37 with the following conditions:

- 1.) That the total accessory building square footage shall not exceed 3,380 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.
- 7.) That a maximum of 2,498 square feet of accessory building be used for the home occupation.

Regular Agenda

ITEM 6. CONDITIONAL USE PERMIT #17-30 to allow a Grass, Leaf, and Tree Branch Drop-Off Site on the property legally described as Lot 3, Swenson Addition, N1/2 NW1/4, Section 15-T102N-R51W.

Petitioner: City of Hartford (Jeremy Menning, Mayor)

Property Owner:

Location: Approximately 0.25 mile east of 463rd Ave. & 258th St. Intersection

Staff Report: Scott Anderson

This would allow a Grass, Leaf, and Tree Branch Drop-Off Site.

General Information:

Legal Description – Lot 3, Swenson Addition

Present Zoning – A1 Agricultural

Existing Land Use – vacant

Parcel Size – 5 acres

Staff Report: Scott Anderson

Staff Analysis: The City of Hartford is requesting a conditional use permit to allow a grass, leaf and tree branch drop off site on a 5 acre parcel that they own. The site is located directly north of the newly developed city baseball and soccer fields. The city has prepared a narrative of the proposed use, which is included for the Planning Commission's review. The site would be available for city residents to use on Wednesday evenings and all day on Saturday. The site would be secured with a barb wire fence and two (2) 10 foot gates. The site would be locked and only opened on the afore mentioned days. Grass and leaves would go into a roll-off dumpster and the branches would be piled and then moved to the city lagoons for weekly burning.

On May 5, 2017, staff conducted a site visit. The property to the west is the location of a large manufacturing facility. The city park is located directly south and the area to the north and east are agricultural fields. The site is well situated for such a use. There is an existing field approach that comes off of 258th Street. The approach is gravel and narrow. The site is now grass. The continual placement of roll off dumpster and traffic into the site, will eventually kill the grass. The approach and road into the site will need to have crushed rock for a distance of at least 50 feet to prevent mud tracking onto the County Highway and widened to 24 feet to make sure two vehicles can meet and pass each other.

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 use should have no impact on the uses in the area. The collection of leaf and grass clippings will not impede the agricultural uses to the east or south. The city park will continue to be fully utilized and the manufacturing plant to the west should not be impacted.

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

Generally the area will see an increase in truck traffic as the vegetative material is dropped off and then picked up again. The area is relatively isolated and the closest residence is more than 1,800 feet away to the west.

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

The site will not need utilities and 258th Street provides access to the site. No other facilities are needed.

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

The site consists of 5 acres of vacant land. The proposed use of one or two roll off dumpster and a pile of wood should be accommodated by the size of the lot. No long term parking will occur at the site.

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 will be no lighting at the site. The site is isolated and any noise made by people unloading grass clippings or branches should not constitute a nuisance. Staff has added a condition to reduce dust and mud tracking onto the paved county highway as traffic leaves the site.

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

The proposed use should not adversely affect the public. The site will benefit the Hartford community by creating a place for bio matter to be disposed of in a sensitive manner.

The proposed project would be beneficial by creating a close location for the City of Hartford to store leaves and branches. The Envision 2035 Comprehensive Plan has a goal to coordinate growth and land use planning among Minnehaha County, cities, townships, and other relative organizations.

Recommendation: Staff recommends **approval** of Conditional Use Permit #17-30 to allow a grass, leave and tree branch drop off site with the following conditions:

- 1.) The property shall adhere to the submitted site plan and site plan narrative.
- 2.) The hours of operation shall be 4:00 p.m. to 8:00 p.m. on Wednesdays and 8:00 am through 8:00 pm on Saturdays.
- 3.) Only grass, leaves and tree branches from the Hartford shall be permitted to be stored on the property. No other materials shall be accepted.
- 4.) That the applicants review and secure approval from the County Highway Department for the use of the field approach. The approach shall be widened to 24 feet wide with a minimum of 4" of crushed rock along the first 50 feet.

- 5.) That the Planning & Zoning Department reserves the right to enter and inspect the site 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

Scott Anderson, Planning Kevin Hoekman, County Planning Staff, presented the staff report. Scott also explained that the City of Hartford was requesting more flexibility in the hours of operation so that the days or total hours can change if necessary. The recommendation was made to change condition #2 to allow the Planning Director to approve a request to change hours of operation. Commissioner Cypher asked if any screening was planned for the site, and Scott Anderson responded that the plan is to not have screening but to have a barbed wire fence. Commissioner Kostboth asked if the use is temporary, and Scott responded that the use will be ongoing.

Teresa Sidel, City Administrator for Hartford, spoke about the request. She explained what materials will be accepted and that the materials will be stored at the site and transported off by various individuals and contractors. The site will be open basically from April to October. Teresa noted that the city currently has a yard debris site in town, but development around the area is making the site be less desirable for the current operating site. She added that the city owns the site and is actively selling the site in the case that a developer needs 5 acres for something similar to Central States next door.

Commissioner Duffy asked if anyone will oversee the site against dumping and undesired items. Teresa explained that the current site in town is not guarded and that the plan is only to have operating hours for now. She continued that a guard may be needed if problems occur.

Commissioner Barth asked if screening trees would be needed in town for this type of use. Teresa responded that screening in town would depend on the surrounding use.

Commissioner Ralston asked if anything is intended to prevent mud from being dragged onto the street. Teresa pointed at the conditions that include a crushed rock driveway.

ACTION

Commissioner Barth made a motion to **approve** Conditional Use Permit #17-30 with amending condition #2 to allow the Planning Director to approve requested changes to operating hours. The motion was seconded by Commissioner Ralston. The motion passed unanimously.

Conditional Use Permit #17-30 – approved with amended conditions below

- 1.) The property shall adhere to the submitted site plan and site plan narrative.
- 2.) The hours of operation shall be 4:00 p.m. to 8:00 p.m. on Wednesdays and 8:00 am through 8:00 pm on Saturdays. The Planning Director may modify the days and hours of operation upon request of the petitioner.
- 3.) Only grass, leaves and tree branches from the Hartford shall be permitted to be stored on the property. No other materials shall be accepted.

- 4.) That the applicants review and secure approval from the County Highway Department for the use of the field approach. The approach shall be widened to 24 feet wide with a minimum of 4” of crushed rock along the first 50 feet.
- 5.) That the Planning & Zoning Department reserves the right to enter and inspect the site 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.

ITEM 14. CONDITIONAL USE PERMIT #17-18 to exceed 1,200 square feet of total accessory building area – requesting 13,440 sq. ft. on the property legally described as Jerda’s Tract 1, Peterson’s Subd. and Oline’s Tract 1, Peterson’s Subd.; all in Section 34-T103N-R49W.

Petitioner: Tim and Maren (Skroch) McCleish

Property Owner: same

Location: 25543 475th Ave. Approximately 4.5 miles north of Sioux Falls

Staff Report: Kevin Hoekman

This would allow 12,240 square feet of total accessory building area.

General Information:

Legal Description – Jerda’s Tract 1, Peterson’s Subd. and Oline’s Tract 1, Peterson’s Subd.; all in Section 34-T103N-R49W.

Present Zoning – A1 Agriculture

Existing Land Use – Residential acreage

Parcel Size – 3.75 acres (2 parcels)

Staff Report: Kevin Hoekman

Staff Analysis:

At the April 24, 2017 Planning Commission Meeting CUP #17-18 was continued to the May 22nd Meeting in order to reconsider an appropriate size for an accessory building for the property. Tim McCleish stopped by the Planning & Zoning Office on May 3rd to return the CUP sign and withdraw his CUP request for a larger accessory building.

Recommendation:

Staff recommends the Planning Commission recognize the withdrawal of CUP 17-18.

PUBLIC TESTIMONY

Kevin Hoekman informed the Planning Commission that the petitioner has requested to withdraw his request for a large accessory building. He asked the Planning Commission to recognize the withdrawal

ACTION

Commissioner Barth made a motion to **recognize the withdrawal of** Conditional Use Permit #17-18 to the May 22, 2017 Planning Commission Meeting. The motion was seconded by Commissioner Kostboth. The motion passed unanimously.

Conditional Use Permit #17-18 – Withdrawn

ITEM 15. REZONING #17-01 to rezone from the A-1 Agricultural District to the PD Eagle Ridge Planned Development District on the property legally described as N1/2 NW1/4 (Ex. Lot R-1 and Lot H-1), Section 34-T101N-R51W.

Petitioner: Eric Willadsen (Willadsen Lund Engineering)

Property Owner: Douglas Bacon

Location: Approximately 6 miles west of Sioux Falls

Staff Report: Scott Anderson

This would rezone from the A-1 Agricultural District to the PD Eagle Ridge Planned Development District.

Staff Report: Scott Anderson

Staff Analysis:

Staff received a request to continue the rezoning request for another month to allow the petitioner to revise the site plan.

Recommendation:

Staff recommends deferral of Rezoning #17-01 based on petitioner request.

PUBLIC TESTIMONY

Scott Anderson, of the Planning department, explained that the petitioner requested another month of deferral, and recommended to accept the deferral.

A question was raised from the audience as to how many time the petitioner can defer the item. Scott Anderson responded that deferral can happen until it is decided that no progress is being made on the project. This is typically one or two deferrals.

ACTION

Commissioner Barth made a motion to **defer** Rezoning #17-01 to the June 26, 2017 Planning Commission Meeting. The motion was seconded by Commissioner Duffy. The motion passed unanimously.

Rezoning #17-01 – Deferred to June 26, 2017

ITEM 16. CONDITIONAL USE PERMIT #17-26 to amend CUP #13-43 to allow four (4) bulk propane tanks with a total capacity of 89,600 gallons on the property legally described as TRACT 1 ICRR ADDITION E1/2 26 101 48 SPLIT ROCK TOWNSHIP

Petitioner: Popke's Car Care by Katie Popkes

Property Owner: Greg Popkes

Location: 48248 Samstone Pl. Approximately 3.5 miles east of Sioux Falls

Staff Report: Kevin Hoekman

This would amend CUP #13-43 to allow four (4) bulk propane tanks with a total capacity of 89,600 gallons.

General Information:

Legal Description – TRACT 1 ICRR ADDITION E1/2 26 101 48 SPLIT ROCK TOWNSHIP

Present Zoning – C Commercial

Existing Land Use – Bulk Propane Storage

Parcel Size – 0.97 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

The site for this conditional use permit amendment request is located at the west end of Rowena, north side of Highway 42. The parcel is 0.97 acres in size and is zoned C Commercial. Property to the immediate north, south and west is zoned A-1 Agricultural while the commercial zoning continues to the east.

The petitioner would like to expand an existing bulk propane terminal station that was permitted in 2013. The current conditional use permit limits the operation to two 12,000 gallon propane tanks on the site. The petitioner would like to construct two additional propane tanks for a total of four bulk storage propane tanks. The request would amend several conditions of CUP #13-43 as listed in the staff recommendation.

The petitioner submitted a quick sketch of the site that indicates that the proposed propane tanks will be located north of the existing tanks. This arrangement of tanks is similar to other propane terminals in the county.

Prior to applying for this CUP amendment, staff noted that the private road and driveway required hard surfacing according to the ordinance and the conditions of the permit. The petitioner submitted a plan and agreement for hard surfacing as requested by planning staff; however, the hard surfacing plan does not meet the minimum requirements for a private roadway. The 1993 Revised Subdivision Ordinance included minimum standards for roadway construction including a minimum driving surface width of 24 feet. The private road, Samstone Place, begins at the highway, extends north, and then turns east parallel with the south property line. The driveway extending from Samstone Place should also be hard surfaced to meet standards in the Zoning Ordinance.

Staff conducted a site visit on May 4, 2017. At the site visit, staff found the property maintained in an orderly fashion. The private road and the driveway for the property both had gravel surfaces. As part of the Red Rock Corridor, the property has landscape requirements. The required trees have not been planted. A landscape plan was required as part of the CUP conditions in 2013.

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.

Subject property is surrounded by mostly vacant land. The proposed use is an expansion of what is already there; therefore little further impact will come from the proposed expansion. A handful of residential uses are located among the commercial uses along the highway.

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

The property is located on the west end of a commercial zoning district. The use of the property will not likely slow future commercial growth. Many potential problems may be mitigated with the hard surfacing of the driveway and completing the required landscaping. The paving of Samstone Place may lead to a more attractive development for future businesses adjacent to the subject parcel. The agricultural land to the north and west will likely stay agricultural in nature due to exposed quartzite in a large pasture area.

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

The facility will use the existing accesses from Samstone Place. Samstone Place must be hard surfaced and the driveway must be hard surfaced to meet all requirements. Drainage was not addresses as part of the application. The elevations for the property will likely not change for installation of the tanks.

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

Adequate parking for and loading sites are available on the site. The property will have to meet all ordinance requirements for hard surfacing and landscaping. .

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 will be allowed at any time. Any new lighting on the property shall be fully shielded and fully cutoff design to prevent light from spilling onto neighboring property.

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

It is unlikely that the requested explanation of use will create any additional health safety or welfare concerns. This area is located in a developing commercial corridor and it is designated as a rural service area in the comprehensive plan. This designation allows for the development of commercial and industrial entities in the area.

Staff does have concern with the expansion since development has not yet meet the conditions and requirements for the property since the CUP was issued in 2013. Staff would support deferral of CUP request to allow for the past requirements to be met. Consideration may be given for approving the request with the requirement that certain conditions be met before a building permit may be issued. The following conditions may be considered if the Planning Commission choses to approve CUP #17-26. Underlined sections are additions or amendments.

- 1.) Conditional Use Permit #17-26 is to amend CUP #13-43 is for a transportation terminal wholesale refilling operation.
- 2.) The SDDOT access permit shall be obtained and the access easement recorded with the Register of Deeds prior to the commencement of operation.
- 3.) Access to the site is from a hard surfaced road and the access road and 50 feet extending north from the access road on the entrance and exit drives are required to be hard surfaced in accordance with Section 15.04 of the Minnehaha County Zoning Ordinance.
- 4.) The hard surfacing shall be completed before a building permit for a new or replacement propane tank is issued.
- 5.) The property shall be platted and the plat filed with the Register of Deeds by December 1, 2013.
- 6.) The property shall adhere to the revised site plan dated 4/10/2017.
- 7.) The access road shall be a private roadway and shall be a named roadway as dictated in Section 5.03 of the Minnehaha County Subdivision Ordinance.
- 8.) The private roadway shall adhere to the requirements of the Minnehaha County Subdivision Ordinance unless a subdivision variance is approved.
- 9.) A building permit is required for the installation of the all new or replacement LP tanks.
- 10.) Signage shall be installed to the requirements of Section 11.10 Red Rock Corridor Overlay District.
- 11.) All outdoor lighting shall be of a full-cut off and fully shielded design to prevent direct spillage of light beyond the property boundaries.
- 12.) A landscaping plan shall be submitted to the Planning Department for approval and installed before a building permit for a new or replacement propane tank is issued.
- 13.) The site shall meet all federal and state regulations for the placement of propane tanks.
- 14.) The site must not exceed the storage capacity of 89,600 gallons of gas.

Recommendation:

Staff finds that the proposed expansion of CUP #13-43 is an appropriate use of the commercial land at this site; however, previous conditions have not yet been fully implemented. Staff recommends **deferral** of Conditional Use Permit #17-26 to allow time to comply with conditions and county ordinances.

PUBLIC TESTIMONY

Kevin Hoekman, county planning staff, presented the staff report and recommendation. The optional conditions were read with changes made to allow for the requested expansion of use.

Greg Popkes, the property owner, noted that the driveway had been paved by Myrl & Roy's in early May. He explained that the first 50 feet was complete with a widened end.

Commissioner Cypher asked about a landscaping plan. Kevin Hoekman of planning staff noted that screening is required as part of the Red Rock Corridor, but the landscaping will not need to be installed until the adjacent land is developed.

Commissioner Barth asked if staff was satisfied with the progress. Kevin Hoekman of planning staff noted that satisfaction would be difficult without inspecting the site. He noted that the suggested conditions include a condition that a building permit will not be issued until pavement is complete. Scott Anderson, the Planning Director noted that they can approve it today and bring the item back if the site is not ready.

DISCUSSION

Commissioner Randall questioned if landscaping was required to be installed before the permit was to be issued as it was stated in the condition. Kevin Hoekman of planning staff responded that the landscaping was not required until a new use is located on an adjacent parcel.

ACTION

Commissioner Kostboth made a motion to **approve** Conditional Use Permit #17-26 with the conditions listed by staff. The motion was seconded by Commissioner Ode. The motion passed unanimously.

Conditional Use Permit #17-26 – Approved with the following conditions:

- 1.) Conditional Use Permit #17-26 is to amend CUP #13-43 is for a transportation terminal wholesale refilling operation.
- 2.) The SDDOT access permit shall be obtained and the access easement recorded with the Register of Deeds prior to the commencement of operation.
- 3.) Access to the site is from a hard surfaced road and the access road and 50 feet extending north from the access road on the entrance and exit drives are required to be hard surfaced in accordance with Section 15.04 of the Minnehaha County Zoning Ordinance.
- 4.) The hard surfacing shall be completed before a building permit for a new or replacement propane tank is issued.
- 5.) The property shall be platted and the plat filed with the Register of Deeds by December 1, 2013.
- 6.) The property shall adhere to the revised site plan dated 4/10/2017.
- 7.) The access road shall be a private roadway and shall be a named roadway as dictated in Section 5.03 of the Minnehaha County Subdivision Ordinance.
- 8.) The private roadway shall adhere to the requirements of the Minnehaha County Subdivision Ordinance unless a subdivision variance is approved.
- 9.) A building permit is required for the installation of the all new or replacement LP tanks.
- 10.) Signage shall be installed to the requirements of Section 11.10 Red Rock Corridor Overlay District.
- 11.) All outdoor lighting shall be of a full-cut off and fully shielded design to prevent direct spillage of light beyond the property boundaries.
- 12.) A landscaping plan shall be submitted to the Planning Department for approval and installed before a building permit for a new or replacement propane tank is issued.

- 13.) The site shall meet all federal and state regulations for the placement of propane tanks.
- 14.) The site must not exceed the storage capacity of 89,600 gallons of gas.

Old Business

Kevin Hoekman, Planning Department, updated the Planning Commission regarding the proposed CAFO ordinance amendments. Staff asked the Planning Commission for suggestions as to when the ordinance should go before a public hearing. It was suggested to have the item on the June 26th meeting and consider the attendance if further public comments are needed. Commissioner Kostboth motioned to publish the proposed ordinance amendments for the June 26th Planning Commission Meeting. The motion was seconded by Commissioner Barth. The motion passed unanimously.

Scott Anderson, Planning Director, updated the Planning Commission regarding the appeal of CUP 17-24 for a fireworks stand. The item was approved at the County Commission.

New Business

David Heinold, planning staff, provided the Planning Commission with a MEMO report of a session that he attended at the APA National Planners Convention.

Adjourn

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