

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

A meeting of the Planning Commission was held on November 27, 2017 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

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

STAFF PRESENT:

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

Mike Cypher chaired the meeting. Planning Commissioner Mike Cypher called the Minnehaha County Planning Commission meeting to order at 7:11 p.m.

**CONSENT AGENDA**

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

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

**ITEM 1. Approval of Minutes** – October 23, 2017

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

**Consent Agenda**

**ITEM 2. CONDITIONAL USE PERMIT #17-81 to exceed 1,200 square feet of total accessory building area – requesting 2,750 sq. ft. on the property legally described as Tract 7, Kalb’s Addition, SE ¼, Section 10-T-101N-R51W.**

Petitioner: Robby Schulte

Property Owner: same

Location: 46354 264<sup>th</sup> St. Approximately 3.5 miles south of Hartford

Staff Report: David Heinold

This would allow 2,750 square feet of total accessory building area.

**General Information:**

Legal Description – Tract 7 Kalb’s Addition, SE ¼, Section 10-T101N-R51W

Present Zoning – A-1 Agricultural District

Existing Land Use – Residential

Parcel Size – 15 Acres

**Staff Report:** David Heinold

**Staff Analysis:**

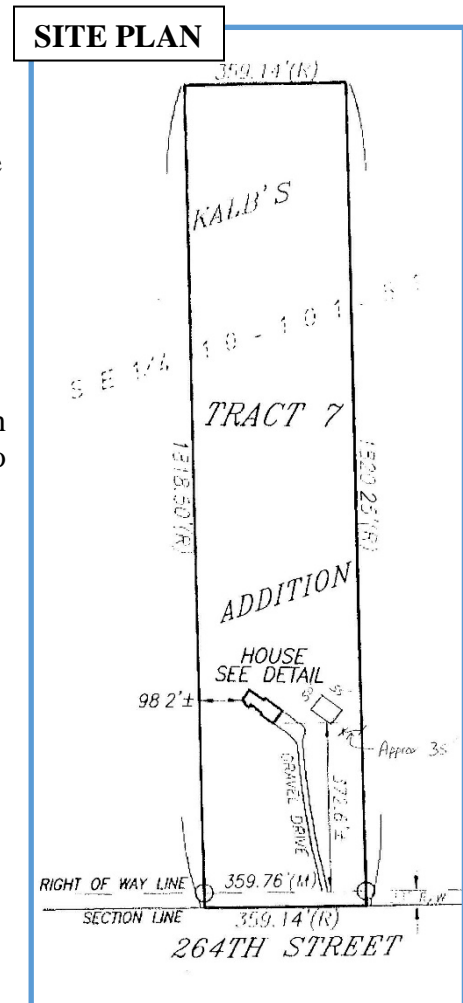
The petitioner is requesting conditional use permit approval to allow the construction of a 50’x55’ accessory building. The proposed building will be used for personal storage. The site plan, at right, indicates that the proposed building will be placed immediately east of the existing house.

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 accessory building sizes in the surrounding area that exceed the 1,200 square foot requirement. The property owner, 46312 264<sup>th</sup> St., has a 2,880 sq. ft. accessory building on an approximately 20 acre parcel located about a quarter mile to the west of the subject property.



Similarly, the property adjacent and kitty corner to the northwest at 26382 463<sup>rd</sup> Ave. has 2,400 sq. ft. of total accessory building area on a similar lot size. The property at 26377 463<sup>rd</sup> Ave. has 4,860 sq. ft. of total accessory building area located on approximately 16.3 acres and just over one half mile away from the subject property.

On November 14, 2017, staff visited the property and determined that the accessory building size is appropriate for the surrounding area. The immediate area is primarily agricultural land. The location of the proposed 50'x55' accessory building, pictured at right, will be to the east of the existing house.



**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 building sizes 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.

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

The accessory building may only be used for residential purposes, no commercial or business activities are allowed. Given the size of the other larger accessory buildings, 2,750 sq. ft. of accessory building area would be congruent with the land composition.

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

Access will be provided via an extension of the petitioner's driveway between the house and location for the proposed accessory building. No further infrastructure will need to be provided.

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

No off-street parking will be needed with the supplemental area for parking as a result of residential activities. No commercial or business parking will be allowed at any time.

**5) That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.**

No offensive nuisances shall be permitted at any time during use of the proposed accessory structure. The use of lighting should be directed downward on to the property in order to prevent light pollution off site.

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

The proposed accessory building should have no effect on the health, safety, and general welfare of the public. The use of the accessory building for private use and storage will create few

problems to neighboring properties. The subject property is located within the agricultural production area identified in the Envision 2035 Comprehensive Plan. The land area not designated as transition or rural service area is considered agricultural production area because it is likely to continue as primarily farm land through the duration of the planning period.

Goal 1, Action 1.1, on Page 90 of the Envision 2035 Comprehensive Plan aims to develop a countywide land use pattern that ensures compatibility and functional relationships among jurisdictions and related land use activity. The result of this coordination is cooperation between County, Cities, and Townships for planning and implementing strategies and land use procedures.

**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 #17-81 with the following conditions:

- 1.) That the total accessory building square footage shall not exceed 2,750 square feet.
- 2.) That the accessory building shall not exceed 35 feet in height.
- 3.) That the building shall be an accessory use to the continued use of the property as a residential lot.
- 4.) That only personal residential storage shall be allowed in the building and no commercial uses or commercial storage will be allowed at any time.
- 5.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 6.) That a building permit is required prior to construction of the accessory building.

**Action**

As part of the consent agenda, a motion was made by Commissioner Duffy and seconded by Commissioner Ralston to **approve** Conditional Use Permit #17-81 with staff recommended conditions. The motion passed unanimously.

**Conditional Use Permit #17-81 – Approved**

**ITEM 3. REZONING #17-05 to rezone from the A-1 Agricultural District to the C Commercial District on the property legally described as W 600', E 1400', S 790', NE ¼, Section 36-T101N-R51W.**

Petitioner: Francis D. Phillips

Property Owner: same

Location: Approximately 3 miles west of Sioux Falls

Staff Report: Scott Anderson

This would rezone from the A-1 Agricultural District to the C Commercial District.

**General Information:**

Legal Description – W 600', E 1400', S 790', NE ¼, Section 36-T101N-R51W

Present Zoning – A1 Agriculture

Existing Land Use – vacant

Parcel Size – 10.88 acres

**Staff Report:** Scott Anderson

**Staff Analysis:** On November 3, 2017, staff conducted a site visit to the subject property. There is existing commercially zoned property located to the north and south of the subject property. The Wild Water West water park is located adjacent to the subject property to the south. The owner of the water park also owns the subject property being considered for rezoning. It is his plans to develop the proposed 11 acre parcel into a commercial use that will augment the existing water park.

Envision 2035, Minnehaha County's recently adopted comprehensive plan, encourages commercial uses at interstate highway interchanges and high traffic intersections. Such uses should be developed in a nodal pattern, as specified in Action 1.4 on page 30 of the plan. This property is in the general vicinity of the intersection of two county highways. There is existing commercial development along County Highway 145.

The applicant is rezoning approximately 11 acres of land at this time, but owns more land adjacent to the subject property. The intersection of County Highway 145 and County Highway 148 has been developing into a commercial/industrial area over the past 10 -15 years. Most recently the County Commission rezoned approximately 20 acres to the south of the subject property and that site has been developed as the Blue Haven Barn, a reception hall. There have been other rezoning requests approved to the north. It is likely that commercial/industrial development will continue at this highway intersection. The subject property meets this criterion of the County's Envision 2035 Comprehensive Plan and is an expansion of the existing commercially zoned land in the general vicinity.

**Recommendation:** Staff recommends **approval** of Rezoning #17-05 to rezone the subject property from A-1 Agricultural District to C Commercial District.

**Action**

As part of the consent agenda, a motion was made by Commissioner Duffy and seconded by Commissioner Ralston to **recommend approval** of Rezoning #17-05. The motion passed unanimously.

**Rezoning #17-05 – Approval Recommended**

**Regular Agenda**

**ITEM 4. ZONING TEXT AMENDMENT #17-03 to amend Section 12.07 of the 1990 Revised Zoning Ordinance for Minnehaha County.**

Petitioner: County Planning Staff

Staff Report: Kevin Hoekman

This will amend regulations pertaining to the allowable size of Accessory buildings according to parcel size.

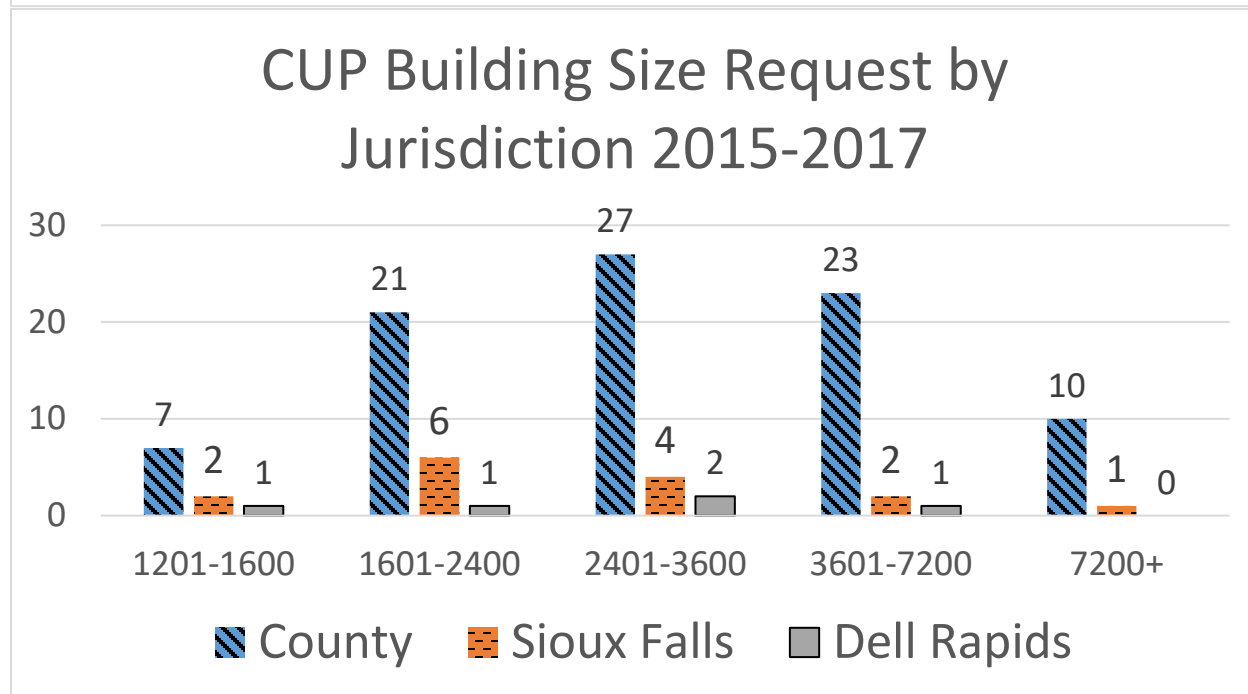
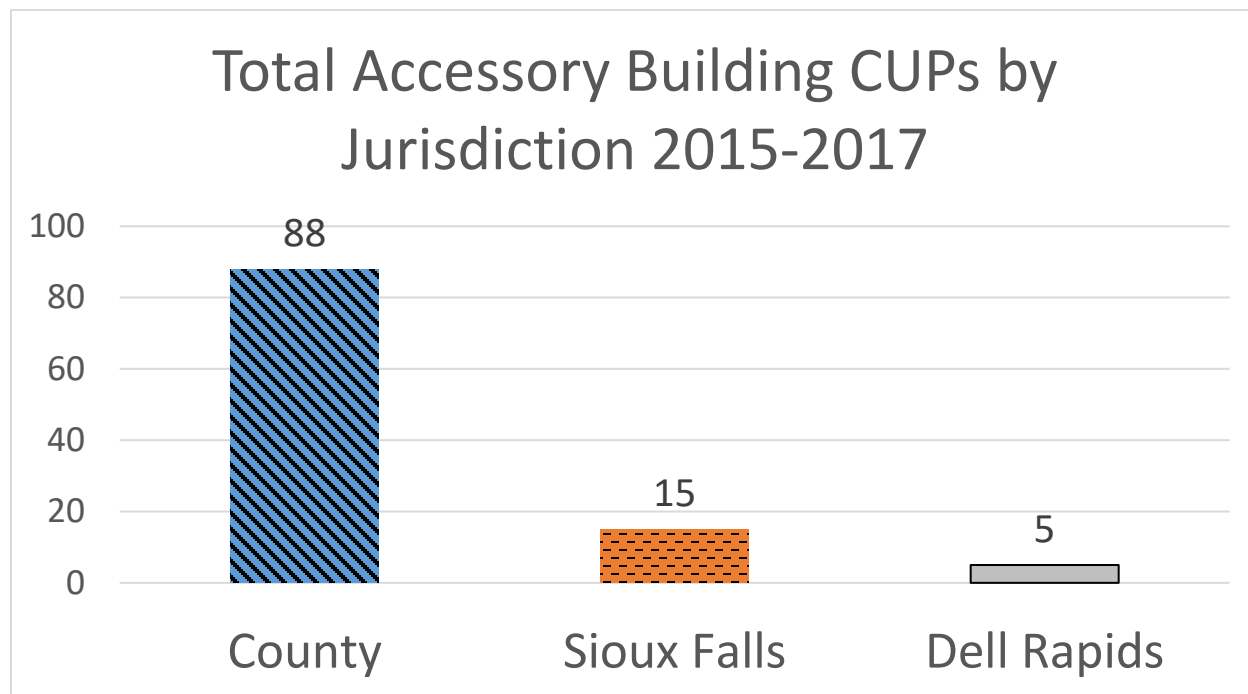
**Staff Report:** Kevin Hoekman

**Staff Analysis:**

Over the last few months, the Planning Commissions for the county as well as Sioux Falls and Dell Rapids have requested planning staff to review possible updates to the allowable size of accessory buildings in the county. The primary concern with the current ordinance is that the planning commission has been approving many permits and some concern over the time each commission takes to review accessory building requests for smaller sized requests. County planning staff has worked with staff from the City of Sioux Falls to develop a range of possible building sizes based on the size of the parcel. County staff believes the same range can also be utilized for the rural areas of the county. The range was presented to the planning commission and generally accepted to move forward with a public hearing of this proposal. The proposed table of accessory building size is below:

Table 4 Total Permissible Area of Accessory Buildings	
Size of Parcel	Total Permissible Area of Accessory Building Footprint
1.0 acres or less	1,600 Square Feet
1.1 to 3.0 acres	2,400 Square Feet
3.1 acres or more	3,600 Square Feet

Planning staff reviewed the last three years of conditional use permit requests for larger accessory buildings. The review covered data of what jurisdiction permits were issued and what size of accessory building was requested. Below are two charts with results of the review.



A review of planning commission decisions was also done for the past three years for all jurisdictions combined. In the last three years there were 100 CUP applications approved with the area of building that was requested. Three CUP applications were denied or withdrawn by the petitioner. And four CUP applications were approved with an area that was smaller than what was requested (example requested 3,000 square feet and approved 2,400 square feet).

The building size request chart reflects what has been a concern from the Planning Commissions;

larger buildings are generally being approved for sizes well above the current 1,200 square foot threshold. A shift to allowable size based on parcel size will relieve some of the CUP applications.

In addition to the table of permissible area for accessory buildings, a couple minor clarification amendments are proposed. The first amendment is to clarify that accessory buildings are allowed in the RC-Recreational/Conservation Zoning District with the same regulations as any other district that allows single family dwellings. The second amendment is to correct an error that references home occupations in the incorrect location of the ordinance. These two minor amendments do not change how the ordinance is enforced.

The entire proposed ordinance is included with this staff report. The first copy includes amendments that are underlined for additions and struck through for items that are removed. The second copy has the ordinance with all amendments made.

**Recommendation:**

Staff considers recent year's accessory building requests and the request of planning commissions for a revised ordinance, and staff recommends **approval** of Zoning Text Amendment # 17-03.

**Public Testimony**

Kevin Hoekman, County Planning, presented a brief summary of the staff report and recommendation for the text amendment proposal.

Commissioner Cypher called for public testimony but there was no further testimony.

Commissioner Cypher closed the floor to public testimony.

**Discussion**

The planning commission discussed large attached garages that are being built in different parts of the rural area. There was no further discussion amongst the planning commissioner members.

**Action**

A motion was made by Commissioner Barth and seconded by Commissioner Ralston to **recommend approval of** Text Amendment #17-03. The motion passed unanimously.

**Text Amendment #17-03 – Approval Recommended**



**Old Business**

Commissioner Barth asked Commissioner Cypher if he is planning to apply for the planning commission role for another term. Commissioner Cypher acknowledged that it is time to step down and allow other residents the opportunity to serve on the planning commission. He continued to mention that his service to the planning commission has been invaluable to him as there is always something happening in the rural area. Commissioner Cypher offered words of gratitude for previous planning commissioners and staff members' service over the years.

Scott Anderson, Planning Director, explained that the County Planning Department is still seeking applications for the two vacant planning commissioner positions opening up at the end this year until Friday, December 1.

**New Business**

There was no new business brought forth to the planning commission.

**Adjourn**

A motion was made to **adjourn** by Commissioner Barth and seconded by Commissioner Kostboth. The motion passed unanimously. The meeting was **adjourned** at 7:21 pm.