

**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION**
October 22, 2012

A meeting of the Planning Commission was held on October 22, 2012 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Bonnie Duffy, Gerald Beninga, Mark Rogan, Becky Randall and Susie O'Hara.

STAFF PRESENT:

Scott Anderson, Pat Herman, Ryan Streff and Dustin Powers - County Planning
Kersten Kappmeyer – Office of the State's Attorney

The meeting was chaired by Susie O'Hara.

CONSENT AGENDA

A motion was made by Rogen and seconded by Beninga to **approve** Items 1, 2 & 4-7 of the consent agenda. Item 3 was moved to the regular agenda. The motion passed unanimously.

ITEM 1. Approval of Minutes – September 24, 2012

A motion was made by Rogen and seconded by Beninga to **approve** the minutes from September 24, 2012. The motion passed unanimously.

ITEM 2. CONDITIONAL USE PERMIT #12-50 to exceed 1200 square feet of accessory building area – 12,222 Requested.

Petitioner: Duane Schreurs

Property Owner: same

Location: 47670 254th Street; 1.5 miles east of Midway Corner

General Information

Legal Description – Tract A Schreurs' Addition S ½ SE ¼ of Section 23-T103N-R49W

Present Zoning – A-1 Agricultural

Existing Land Use - Residential

Parcel Size – 21.75 Acres

Staff Report: Scott Anderson

Staff Analysis

The property is located approximately 4 miles southeast Baltic. The subject property is located on a paved county highway (122). The parcel is located in an area of residential lots platted in Section 23 of Sverdrup Township.

The petitioner would like to construct another accessory building on this site. In subdivisions or areas of residential developments which exceed four lots in size, accessory building area is limited to 1200 sq. ft. unless approval for a larger size is obtained through the conditional use permit process.

The petitioner already has two (2) large accessory structures. One accessory building is located west of the residence and measures approximately 26 feet by 60 feet equaling 1,560 square feet. The other larger accessory building is located north of the residence and shelter belt and measures 54 feet by 105 feet equaling 5,670 square feet. Combined, the applicant currently has 7,230 square feet of accessory structures on the property. The applicant is requesting to construct a 48 foot by 104 foot accessory structure next to the larger accessory structure located north of the residence. The property owner's new structure would be located next to the shelter belt and would be screened from the highway by the extensive and mature shelterbelt.

The proposed structure along with the existing accessory structures on the subject property exceeds the typical sizes of structures in the area. There are two (2) residences in the area that have accessory structures equaling 1,800 square feet at 47631 254th Street and 25397 477th Avenue. Another nearby residence has 1,620 square feet of accessory structure area located at 25406 477th Avenue; and another residence only has 1,300 square feet of accessory structures at 25403 477th Avenue.

Much of this area is used for agriculture. The applicant has indicated that he requires more accessory building use for storage of his agricultural equipment and personal vehicles. The applicant conducts agricultural activities in other areas in the state and his parcel is nearly 22 acres in size. Given the nature of the applicant's agricultural activities, staff can support the applicant's request and believes that the effects on surrounding properties in the area are minimal.

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.

Given the existence of 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.

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

There is existing access from County Highway 122. 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 existing access from County Highway 122. As this is only an accessory structure, no other infrastructure is required. The applicant has a large paved area that serves as additional parking and has an attached garage.

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.

Recommendation

Staff finds that the proposed building size conforms to the general sizes of other accessory buildings in the area. Staff recommended approval of conditional use permit #12-50 with the following conditions:

1. The total accessory building square footage shall not exceed 12,222 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 new building does not exceed 4,992 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

A motion was made by Rogen and seconded by Beninga to **approve** Conditional Use Permit #12-50 with the stated conditions. The motion passed unanimously.

CUP #12-50- APPROVED

ITEM 4. CONDITIONAL USE PERMIT #12-54 to transfer 1 building eligibility from the NE ¼ SE ¼ to the SE ¼ SE ¼; all in Section 20-T103N-R52W.

Petitioner: Darlene Hahn

Property Owner: same

Location: 25377 456th Avenue; 4 mile north of Humboldt

General Information

Legal Description – SE ¼ of Section 20-T103N-R52W

Present Zoning – A-1 Agricultural

Existing Land Use - Agricultural

Parcel Size – 40 Acres

Staff Report: Scott Anderson

Staff Analysis

The applicant wants to transfer a landlocked building eligibility from the NE ¼ of the SE ¼ to the SE ¼ of the SE ¼ to allow for the development of a residential lot. The location of the eligibility is situated in an area with no existing road network and the applicant wants to transfer the eligibility in order to have better access. The proposed building site would be located west of 456st Avenue and located near the existing farmstead. The transfer will allow the applicant's son to build a house near her.

On October 4, 2012, staff conducted a site visit. Only the applicant's farmstead is located near the proposed transfer. There are no animal confinement operations near the location of the transfer. There are approximately three (3) single family residences located within a one (1) mile radius of the subject property, two to the south and one to the west.

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 an existing approach.

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

Off-street parking requirements will be provided for once a single-family residence is constructed on the subject property.

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

The proposed conditional use will not cause odor, fumes, dust, noise, vibrations or lighting in any amounts that would constitute a nuisance.

Recommendation

Staff finds this conditional use permit request to be consistent with density zoning and recommended approval of Conditional Use Permit #12-54 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

A motion was made by Rogen and seconded by Beninga to **approve** Conditional Use Permit #12-54 with the stated conditions. The motion passed unanimously.

CUP #12-54- APPROVED

ITEM 5. CONDITIONAL USE PERMIT #12-56 to exceed 1200 square feet of accessory building area – 1500 Requested.

Petitioner: Wayne & Becky Yeager

Property Owner: same

Location: 26010 478th Avenue; ¼ mile north of Yogi Bear Campground

General Information

Legal Description – Tract 1 Aljets' Addition in Government Lot 2 of Section 30-T102N-R48W

Present Zoning – A-1 Agricultural

Existing Land Use - Residential

Parcel Size – 1.79 Acres

Staff Report: Dustin Powers

Staff Analysis

The property owner has applied for a conditional use permit to exceed the 1,200 sq. ft. accessory building area at 26010 478th Avenue in Brandon Township. The property owner is requesting this conditional use permit to construct a 1,500 sq. ft. (30' x 50') storage building. The property is located approximately 1/4 mile north of Yogi Bear Campground.

In this area there are three properties that exceed 1,200 square feet of accessory building area. The total accessory building areas are: 1500 square feet at 25994 478th Avenue, 6994 square feet at 26011 478th Avenue, and 9032 square feet at 26012 478th Avenue.

The property owner would like to construct this accessory building south of the primary structure. Regulations regarding accessory buildings found in *Article 12.07 Accessory Buildings and Uses* shall be met. Setbacks for an accessory building that is located in front of the primary structure in the A-1 Zoning District are front yard 30' (50' front yard along arterial or section line roads), side yard 7', and rear yard 30'.

In residential developments which exceed five or more lots in size, accessory building area is limited to 1,200 sq. ft. unless approval for a larger size is obtained through the conditional use permit process.

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 larger accessory structures in the general area of this property. The proposed site for the structure meets all applicable setbacks and the placement of the structure should have little impact on neighboring properties. The construction of this accessory building 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 construction of the proposed building should have no impact on further construction or development within the subdivision or general area. The building will only be used for the owner's personal storage or residential related items and no commercial or business activities are allowed.

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

Access to the proposed accessory building would be through the current access to the primary structure (478th Avenue). No other infrastructure improvements are required at this time.

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

The property has sufficient parking for all residential activities.

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. All outdoor lighting shall be of a full-cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries. The proposed building will only be used for personal storage and no commercial or business related activities will be allowed.

Staff has found that these conditions for approval will help ensure that over-sized accessory buildings will fit in with the character of the surrounding properties. The planning department will perform a building inspection to ensure that the accessory building adhered to the submitted site plan.

Recommendation

Staff found that the proposed accessory building size conforms to the general sizes of other accessory buildings in the area. Staff recommended approval of conditional use permit #12-56 with the following conditions:

1. That the accessory building area on the property shall not exceed 1,500 square feet.
2. That the building shall not exceed 35 feet in height.
3. That a building inspection is required to measure the outside dimensions of the building.
4. That a building permit is required.
5. That the building shall be an accessory use to the continued use of the property as a residential lot.
6. That only personal residential storage shall be allowed in the building and no commercial uses or commercial storage will be allowed.
7. That all outdoor lighting shall be of a full-cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
8. That the Planning & Zoning Department reserves the right to enter and inspect accessory buildings 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

A motion was made by Rogen and seconded by Beninga to **approve** Conditional Use Permit #12-56 with the stated conditions. The motion passed unanimously.

CUP #12-56- APPROVED

ITEM 6. CONDITIONAL USE PERMIT #12-57 to allow a full service convenience store.

Petitioner: Jason Harms
Property Owner: Real Estate Company 3
Location: 47155 250th Street; Baltic Exit

General Information

Legal Description – Tract 1 Oyen's Addition W ½ NE ¼ of Section 1-T103N-R50W
Present Zoning – I-1 Light Industrial
Existing Land Use - Vacant
Parcel Size – 5 Acres

Staff Report: Ryan Streff

Staff Analysis

The applicant is requesting Conditional Use Permit 12-057 to allow for a full service convenience store with food accommodations and video lottery casino. The subject property is located in the southeast corner of the Baltic Exit on Interstate 29 and is legally described as Tract 1 Oyen's Addition W1/2 NE1/4 1-103-50 Lyons Township (47155 250th Street).

The subject property along with an adjacent parcel directly to the east are zoned C Commercial. The remaining properties to the north, south and east are zoned A-1 Agricultural and are mainly used for agricultural operations and single family dwellings. Interstate 29 borders the subject property on the west side.

The applicant plans to convert the existing building on the property into the convenience store with a video lottery casino. The petitioner plans to add underground storage tanks for gasoline and diesel products. Petroleum dispensing equipment will be placed under a canopy with lighting. The pumps and canopies are shown on the site plan and are going to be located along the north and northeast sides of the existing building. The applicant also intends to rehab the exterior of the building by adding attractive brick, new exterior siding (Dryvit) and windows common to the industry standard.

The applicant indicated that a 30' foot price and identification pole sign will be located along 250th Street (County HWY 114) and a 60' foot pole sign will be located along the interstate right-of-way. Hard-surfacing is planned for all parking and driving area. Phase 1 of the building plan will include a remodel of the structure to be used for the convenient store and casino, hard-surfacing of customer and employee parking areas and the installation of the gas islands and signage. Phase 2 of the building plan will include the installation of diesel islands and additional hard-surfacing for truck parking. The applicant has indicated that no outside storage will be needed and all trash receptacles will be screened.

Please see the attached narrative and site plan for additional information regarding this use.

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.

This is a commercially zoned property that has been used for a variety of commercial uses over the years. The proposed use will blend in quite well and should not impact the use and enjoyment

of other property in the area. This type of facility will not impact property values.

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

The proposed use is consistent with the types of uses found in commercial zoning districts. The proposed use should not impede future or existing commercial development in the area.

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

Access to the property is off of 250th Street (County HWY 114). The driveway up to the proposed building is currently hard-surfaced. There is also a small hard-surfaced parking area on the west side of the existing building. Hard-surfacing will be needed on the northern portion of the lot (adjacent to the north side of the building) that will be used for the filling stations, customer parking, truck parking and employee parking.

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

That Article 15.00 Parking & Loading Regulations shall require one (1) parking space for each 300 square feet of floor area in the convenient store. In the casino area it shall also require one (1) parking space for each 100 square feet of floor area or one (1) parking space per three fixed seats, whichever is greater. The applicant has indicated that they intend to use only the northern part of the building that is approximately 2,750 sq. ft. (50' x 55'). The parking areas under the canopy or next to the petroleum dispensers will not be included in the figure to meet the parking and loading regulations.

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 applicants use may periodically produce some noise and vibration due to traffic entering and exiting the property. The building is located within a commercial area and should not be out of line with noises typically found in similar commercial areas. The owner(s) shall take measures to control the amount of these nuisances so that adjacent property owners are not affected. All outside lighting shall be fully cut-off and fully shielded with recessed lights that prohibit the spillage of light beyond the boundaries of the subject property.

Recommendation

Staff recommended approval of Conditional Use Permit #12-057 to allow a full service convenience store and casino.

- 1) That the property shall adhere to the submitted site plan unless otherwise stated in the conditions that are outlined in this permit.
- 2) That the conditional use permit shall allow for a full service convenience store, fueling station and a video lottery casino.
- 3) That all outside lighting shall be fully cut-off and fully shielded with recessed lights that prohibit the spillage of light beyond the boundaries of the subject property.
- 4) That Article 15.00 Parking & Loading Regulations shall require one (1) parking space for each 300 square feet of floor area in the convenient store. In the casino area it shall also require one (1) parking space for each 100 square feet of floor area or one (1) parking space per three fixed seats, whichever is greater.

- 5) That the canopy signage shall be limited to one (1) logo per side.
- 6) That one (1) pole sign up to 60' feet in height and not exceeding 200 square feet in size shall be allowed along the interstate right-of-way and one (1) pole sign up to 30' feet in height and not exceeding 200 square feet in size along 250th Street shall allowed on the property. All signage shall follow Article 16.00 On-Premise Signs.
- 7) That sound from intercoms or speakers shall not carry beyond the boundaries of the property.
- 8) That all driveways, parking and loading/unloading areas shall be hard-surfaced.
- 9) That a storm water management plan shall be submitted and approved by the Planning & Zoning Department prior to the commencement of this use.
- 10) That a landscaping plan shall be submitted and approved by the Planning & Zoning Department prior to the commencement of this use.
- 11) That the parking lot shall maintain a minimum setback of 15' feet from north and west property lines to ensure that proper landscaping (i.e. trees & shrubs) can be installed.
- 12) That no outdoor storage shall be allowed on the premises.
- 13) That all trash receptacles shall be screened by a 6' foot fence with a minimum of 90% opacity or a solid enclosure that is 6' feet in height.
- 14) That the septic system shall be enclosed by a fence to ensure that the system is not damaged by vehicle traffic or used for parking purposes.
- 15) That any applicable International Fire Code and National Fire Protection Association regulations shall be adhered to.
- 16) That all applicable state and federal permits and approval shall be obtained for the installation of underground petroleum tank systems, dispensing equipment, refueling stations, signage and lighting.

Action

A motion was made by Rogen and seconded by Beninga to **approve** Conditional Use Permit #12-57 with the stated conditions. The motion passed unanimously.

CUP #12-57- APPROVED

ITEM 7. CONDITIONAL USE PERMIT #12-58 to allow a 1 station salon.

Petitioner: Joel Zweep

Property Owner: same

Location: 48081 255th Street; 5 miles west of Garretson

General Information

Legal Description – Tract 1 Zweep Addition NE ¼ of Section 33-T103N-R48W

Present Zoning – I-1 Light Industrial

Existing Land Use - Vacant

Parcel Size – 2.24 Acres

Report by: Ryan Streff

Staff Analysis:

The petitioner is requesting the Conditional Use Permit #12-058 for a major home occupation that would allow for full service hair salon to be operated out of residential dwelling unit on the property. The subject property is located approximately 4 miles southwest of Garretson and ¾ of a mile directly east of Nordstrom's Automotive along 255th Street. The petitioner's property, new residential dwelling and proposed occupation are located at 48081 255th Street.

The salon will be used for hair cutting, coloring, styling, waxing, perming and conducting other services that would be typical to a full service hair salon. The salon would be operated by the petitioner's wife who would be the only employee. The site plan indicates the salon would be approximately 13' feet by 27' feet in size and would contain one (1) station or chair with other areas for drying, washing and waiting. The salon would have its own private entrance and separate parking area for customers. The applicant has indicated that the hours of operation would be Monday – Friday between the hours of 10 A.M. and 6 P.M. with limited hours on Saturday. The salon would have approximately 5-10 customers per day. Limited salon merchandise for sale would be available to customers.

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 only potential impact on neighboring properties could be from an increase in traffic. The property is access by a township road (255th Street) and there is excellent sight distance in both directions at the driveway location. The limited number of customers per day should reduce any potential for traffic problems.

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

The proposed use should have little impact on future development in the area.

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

Access to the property is provided off of 255th Street. There is a potential for introducing added solids (i.e. hair) into the septic system, the septic tank should be pumped more frequently to ensure that the solids in the tank do not build to a level that may affect the operation of the system.

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

The property and the area designated for the salon has ample space for any required parking. Article 15.00 Parking & Loading Regulations requires one (1) parking space for each 200 square feet of floor area in the salon.

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

The proposed use will result in little or no additional noise, odor or vibration that would be detectable off premises. Any outdoor lighting should be of a full cutoff and fully-shielded design.

Recommendation

Staff found that the proposed use is consistent with the primary continued use of the property for residential purposes and that it can be operated in a manner that does not impact neighboring properties and recommended approval of Conditional Use Permit #12-058 with the following conditions:

- 1) That the property shall adhere to the submitted site plan unless otherwise stated in the conditions that are outlined in this permit.
- 2) That the conditional use permit shall allow for a full hair salon with one (1) station or chair and one (1) employee.
- 3) That the occupation shall be conducted entirely within the dwelling and clearly incidental to the use of the structure for residential purposes and operated by a member of the family residing in the dwelling.
- 4) That the occupation shall not generate more than 10 visits per day from clients or customers averaged over a period of seven (7) consecutive days.
- 5) That the occupation shall operate Monday – Friday between the hours of 10 A.M. and 6 P. M. with limited hours on Saturday.
- 6) That a non-illuminated nameplate not exceeding two square feet in area may be placed on the dwelling or accessory building. Additionally, one 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 required.
- 7) That Article 15.00 Parking & Loading Regulations shall require one (1) parking space for each 200 square feet of floor area in the salon.
- 8) That all outside lighting shall be fully cut-off and fully shielded with recessed lights that prohibit the spillage of light beyond the boundaries of the subject property.
- 9) No outside storage, display of goods or merchandise, or external evidence of the occupation shall occur.
- 10) There shall be only limited and incidental sale of products conducted on the premise.
- 11) That the number of deliveries generated by the occupation shall not significantly affect the character of the area. Delivery vehicles shall be limited to auto, pick up, or typical delivery service truck.

Action

A motion was made by Rogen and seconded by Beninga to **approve** Conditional Use Permit #12-58 with the stated conditions. The motion passed unanimously.

CUP #12-58- APPROVED

ITEM 3. CONDITIONAL USE PERMIT #12-53 to exceed 1200 square feet of accessory building area – 2,500 Requested.

Petitioner: Henry Carlson III

Property Owner: same

Location: 48092 Red Rock Dr.; ½ mile south of Iverson Crossing Intersection

General Information

Legal Description – Lot 5 Ostranders Sub Tracts 2 & 4 Iverson Tracts NE ¼ of Section 33-T101N-R48W

Present Zoning – A-1 Agricultural

Existing Land Use - Residential

Parcel Size – 2.32 Acres

Staff Report: Pat Herman

Staff Analysis

The subject property is situated in a rural subdivision located 1.25 miles south of the intersection of Hwy 42 and Hwy 11. There are twenty single family residences clustered on either side of 481st Avenue. Lots range in size from 2 to 15 acres.

The petitioner is requesting approval to exceed 1200 square feet of accessory building area. A conditional use permit is required as detailed in Section 12.07 (D) of the Revised Zoning Ordinance for Minnehaha County.

- (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 1200 square feet when such buildings are located in a subdivision of more than four (4) lots unless a conditional use has been approved.

The petitioner has an existing shed which is 1152 square feet. He wishes to double the size by adding an extension to the rear of the building. Accessory building square footages in this area range in size from 528 square feet to over 3400 square feet.

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.

Increasing the square footage will have no effect on property values. The similar size buildings in the neighborhood have not had a negative impact on the community of single family dwellings.

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

There is no vacant property in the immediate vicinity of the petitioner's property. The requested square footage is consistent with other accessory buildings in this subdivided area.

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

No new access will be needed and all needed utilities are available.

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

There are no off-street parking requirements for the proposed building extension.

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.

Activities allowed in a residential detached structure are not of \the nature as to create a nuisance.

Recommendation

Staff finds the requested accessory building area is consistent with other structures in this neighborhood and recommended approval of Conditional Use Permit #12-53 with the following conditions:

1. Total accessory building area on the property shall not exceed 2500 square feet.
2. The accessory building is for personal storage and no commercial business is allowed.
3. A building permit is required prior to the start of construction.
4. Building inspections are required and the size of the building will be measured on the outside perimeter.
5. 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.

Public Testimony

Henry Carlson, 48092 Red Rock Drive, stated that he would like to building the addition for personal storage and space to allow him to work on his cars.

Jeff Kribell, 48097 Red Rock Drive, stated that he wanted to confirm that the building would only be used for personal use and not commercial; he just wanted to hear that on the record.

Action

A motion was made by Beninga and seconded by Randall to **approve** Conditional Use Permit #12-53 with the stated conditions. The motion passed unanimously.

CUP #12-53- APPROVED

Old Business

No Items.

New Business

Ryan Streff gave a briefing on the Envision 2035 Open Houses that were held over the past couple weeks.

Ryan Streff gave a briefing on the County Clean-Up that was held on October 20th.

Scott Anderson presented the public notice for the upcoming Planning Commission spot. Commissioner Cypher's term is up in December and he has indicated that he will be applying for another term.

County Commission Items

Scott Anderson stated that the Big Sioux Rifle & Pistol Club was continued for another week and will likely be continued again.