

**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS
October 22, 2012**

A joint meeting of the County and City Planning Commissions 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: Susie O'Hara, Bonnie Duffy, Mark Rogen, Gerald Beninga and Becky Randall.

CITY PLANNING COMMISSION MEMBERS PRESENT: Jessie Schmidt, Ken Dunlap, Andi Anderson and Kenny Pierson.

STAFF PRESENT:

Scott Anderson, Pat Herman, Ryan Streff and Dustin Powers - County Planning
Steve Randall – City Planning

The City Planning Commission Chair Ken Dunlap presided over the meeting. The County Planning Commission was Chaired by Susie O'Hara.

CONSENT AGENDA

A motion was made for the City by Pierson and seconded by Schmidt to **approve** Item 1 of the consent agenda and move Item 2 to the regular agenda. The motion passed unanimously. Same motion for the County by Randall and seconded by Duffy. The motion passed unanimously.

ITEM 1. Approval of Minutes – September 24, 2012

A motion was made for the City by Pierson and seconded by Schmidt to **approve** the meeting minutes from September 24, 2012. The motion passed unanimously. Same motion for the County by Randall and seconded by Duffy. The motion passed unanimously.

ITEM 2. CONDITIONAL USE PERMIT #12-55 to exceed 1200 square feet of accessory building area – 3096 Requested.

Petitioner: Doug Rupp
Property Owner: same
Location: North end of Ellis

General Information

Legal Description – Lots 1, 23 & 24 Block 1 Harvard Alguires 1st Addition to Ellis of Section 9-T101N-R50W
Present Zoning – A-1 Agricultural
Existing Land Use - Vacant
Parcel Size – Approx. 1 Acre

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 on properties legally described as Lots 1, 23 & 24 Block 1 Harvard Alguires 1st Addition to Ellis of Section 9-T101N-R50W. The property owner is requesting this conditional

use permit to move on a 1296 square foot storage building and build an 1800 square foot storage building for a total of 3096 square feet of accessory building area. The property is located at the north end of Ellis.

In this area there are two properties that exceed 1,200 square feet of accessory building area. The total accessory building areas are: 3150 square feet on Lot 20 of Block 1 and 1232 square feet at 1901 N. Ellis Road.

The property owner would like to construct this accessory building west of the primary structure. Regulations regarding accessory buildings found in *Article 15.07 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 (N. Ellis Road). 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 #12-55 with the following conditions:

1. That the accessory building area on the property shall not exceed 3,096 square feet.
2. That the applicant shall obtain a Floodplain Development Permit from the County Planning Office prior to issuance of a building permit.
3. That the building shall not exceed 35 feet in height.
4. That a building inspection is required to measure the outside dimensions of the building.
5. That a building permit is required.
6. That the building shall be an accessory use to the continued use of the property as a residential lot.
7. That only personal residential storage shall be allowed in the building and no commercial uses or commercial storage will be allowed.
8. That all outdoor lighting shall be of a full-cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
9. 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.

Public Testimony

Commissioner Schmidt stated that she was not at the last month's joint meeting when a request similar to this one was denied, but wanted to know what makes this request subject for approval. Dustin Powers indicated that when staff reviews the accessory building area request we find what is the current accessory building areas established in the subject subdivision and use those sizes as comparison to what the applicant has requested. If larger accessory building areas exist, staff can recommend approval up to the largest building size.

Maurice Versteeg, 1805 N. Ellis Road, stated that his main concern was the drainage in this area and that Ellis Road acts as a dam. The applicant's property has acted as a holding area for much of the water over the years and now that it is being developed that water will cause problems for the neighbors. The 30 inch culvert under Ellis Road takes a number of days to drain this area when a good rain happens. He believes that a larger culvert under the road would help tremendously.

Richard Underberg, 1803 N. Ellis Road, stated that he agrees with Mr. Versteeg that the adding of additional fill for the proposed buildings will eliminate the holding area for much of the water and cause issues for the downstream landowners. The water doesn't go anywhere it just sits in this area and slowly goes down.

Ron VanHeerde, stated that he farms the ground to the north and west and agrees that some additional culverts would help the drainage problem.

Dustin Powers stated that this area is in the floodplain which is the reason why water is held in this area and slow to drain. The applicant has brought in the clay to be able to build up his house and additional buildings because that is a requirement for building in the floodplain. An engineer establishes a base elevation for the buildings so that they are no longer at a floodplain elevation. The applicant must provide that elevation as part of the Floodplain Development Permit process through the County Planning Department.

Doug Rupp, stated that he was the applicant and believes that his request will not make any difference; the water will be there whether he builds or not.

Discussion

Commissioner Pierson stated that the citizens who spoke with concerns about the culverts and drainage under the county highway should take the next step and speak with the County Highway Department.

Action

A motion was made for the City by Anderson and seconded by Pierson to **approve** Conditional Use Permit #12-55 with the stated conditions. The motion passed unanimously. Same motion for the County by Rogen and seconded by Duffy. The motion passed unanimously.

CUP #12-55 - APPROVED

Old Business

No Items.

New Business

No Items.

Adjourn

A motion was made for the City by Pierson and seconded by Anderson to **adjourn** the Joint Sioux Falls/Minnehaha County Planning Commission meeting. The motion passed unanimously. Same motion for the County by Randall and seconded by Duffy. The motion passed unanimously.