

**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & DELL RAPIDS PLANNING COMMISSIONS
May 20, 2013**

A joint meeting of the County and City Planning Commissions was held on May 20, 2013 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Susie O'Hara, Mike Cypher, Mark Rogen and Becky Randall.

CITY PLANNING COMMISSION MEMBERS PRESENT: Bob Lamberty, Darrell Donelan, Roger Dearduff and Rod Pierson

STAFF PRESENT:

Scott Anderson, Pat Herman, Ryan Streff, and Dustin Powers - County Planning

The City Planning Commission was chaired by Bob Lamberty. The County Planning Commission was chaired by Susie O'Hara.

CONSENT AGENDA

A motion was made for the City by Dearduff and seconded by Donelan to approve the regular agenda. The motion passed unanimously. Same motion for the County by Cypher and seconded by South. The motion passed unanimously.

ITEM 1. Minutes – November 28, 2011

A motion was made for the City by Dearduff and seconded by Donelan to **approve** the consent agenda. The motion passed unanimously. Same motion for the County by Cypher and seconded by Rogen. The motion passed unanimously.

ITEM 2. CONDITIONAL USE PERMIT #13-023 to exceed 1200 square feet of accessory building area – 1728 Requested.

Petitioner: Scott & Rhonda Rentz

Property Owner: same

Location: 24674 S. Garfield; south edge of Dell Rapids

General Information

Legal Description – Tract 3 Fiegen's Addition SW1/4 of Section 15-T104N-R49W & NW1/4 of Section 22-T104N-R49W

Present Zoning – A-1 Agricultural

Existing Land Use - Residential

Parcel Size – 1.81 Acres

Staff Report: Pat Herman

Staff Analysis

The property owner has applied for a conditional use permit to exceed the 1,200 sq. ft. accessory building area on property legally described as Tract 3 Fiegen's Addition SW1/4 of Section 15-

T104N-R49W & NW1/4 of Section 22-T104N-R49W. The property owner is requesting this conditional use permit to construct a 1,728 (36' x 48 ') square foot building for a total of 1,848 square feet of accessory building area on the property. There is a small garden shed on the property, 120 square feet in size.

In this area there is one property (excluding commercial & industrial uses) which exceeds 1,200 square feet of accessory building area. That building is on the adjacent property and has 2,520 square feet.

The property owner would like to construct this accessory building addition southeast of the primary structure. Regulations regarding accessory buildings found in *Article 12.07 Accessory Buildings and Uses* shall be met. Detached accessory buildings may have a 3' side yard and 3' rear yard setback when the building is located in the rear yard with more than 10' between the house and accessory building.

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 is a larger accessory structure 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 (254th Street). 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 and conditions.

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 #13-023 with the following conditions:

1. That the accessory building area on the property shall not exceed 1,848 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 for the City by Dearduff and seconded by Donelan to **approve** Conditional Use Permit #13-023 with the stated conditions. The motion passed unanimously. Same motion for the County by Cypher and seconded by Rogen. The motion passed unanimously.

CUP #13-023 - APPROVED