

**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION**
September 23, 2013

A meeting of the Planning Commission was held on September 23, 2013 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Susie O'Hara, Wayne Steinhauer, Mike Cypher, Jeff Barth, Mark Rogen and Bonnie Duffy.

STAFF PRESENT:

Scott Anderson, Pat Herman, David Heinold and Travis Halm - County Planning

The meeting was chaired by Susie O'Hara.

CONSENT AGENDA

A motion was made by Commissioner Rogen and seconded by Commissioner Steinhauer to approve the consent agenda. The motion passed unanimously.

ITEM 1. Approval of Minutes – August 26, 2013

A motion was made by Commissioner Rogen and seconded by Commissioner Steinhauer to approve the meeting minutes from August 26, 2013. The motion passed unanimously.

ITEM 2. CONDITIONAL USE PERMIT #13-045 to exceed 1200 square feet of accessory building area – requesting 5,030 square feet.

Petitioner: Todd Marso

Property Owner: same

Location: 26704 481st Ave. 1.5 miles southwest of Rowena

General Information

Legal Description – Streich's Addn. W1/2 NE1/4 34-T101N-R48W

Present Zoning – A1

Existing Land Use - Residential

Parcel Size – 12.34 Acres

Staff Report: Pat Herman

Staff Analysis

This subject property is located in Streich's Addn. W1/2 NE1/4 in section 34 of Split Rock Township. The petitioner has applied for a conditional use permit to exceed 1,200 square feet of accessory building area at 26704 481st Avenue. The property owner is requesting this conditional use permit for a total of 5,030 square feet of accessory building. The petitioner currently has 2,470 square feet of accessory area will be removing 320 square feet. Approval of this request would allow a 40 x 72 addition to be added to an existing accessory building.

A conditional use permit application is required by Section 12.07 (D) of the Minnehaha County

Zoning Ordinance which states:

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.

Larger accessory building areas can be found in the area that range in size from 1200 square feet to the largest with an area of 3,600 square feet in size. (See attached accessory building area map). The petitioner's property is one of the largest subdivided parcels in the area. The request for a larger building size is to allow the petitioner to store agricultural equipment, such as his hay baler, inside. He harvests hay on this and his neighbor's property. Another accessory building on the site is a stable for the petitioner's horses.

The property owner shall meet all regulations regarding accessory buildings. These regulations are found in *Article 12.07 Accessory Buildings and Uses*. Minimum setbacks required for accessory buildings in the A-1 Zoning District are: front yard, 50'; side yard, 3'; and rear yard, 3'. There is a minimum setback of 50' from any section line road or major arterial street.

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 large accessory building areas in the general vicinity of this property, both in an adjacent parcel and in other properties featuring single family dwellings. The proposed site for the structure meets all applicable setbacks and the placement of the structure will not impact the neighboring properties. The construction of this accessory building should not impede on the enjoyment or use of the surrounding properties or affect 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 accessory building should have no impact on further construction or development within the general area. The building will only be used for the owner's agricultural equipment and personal storage, and no commercial or business activities will be allowed. This use will not affect the residential uses or agricultural land in the area.

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

Access to the proposed accessory building will be through a driveway located on 257th Street.

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

The property has sufficient parking for all 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 uses in the building which should constitute these types of nuisances.

Recommendation

Staff found that the proposed accessory building size conforms to the general sizes of other accessory building areas and is needed for the agricultural operation of the property owner. Staff

recommended **approval** of Conditional Use Permit #13-045 with the following conditions:

- 1) Accessory building area shall not exceed 5,030 square feet on the property.
- 2) The building shall not exceed one story in height.
- 3) A building inspection is required to measure the outside dimensions of the building.
- 4) A building permit is required prior to the start of construction.
- 5) No commercial uses or commercial storage will be allowed.
- 6) All outdoor lighting shall be of a full-cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 7) 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 Commissioner Rogen and seconded by Steinhauer to **approve** Conditional Use Permit #13-045. The motion passed unanimously.

Conditional Use Permit #13-045 - Approved

ITEM 3. CONDITIONAL USE PERMIT #13-046 to exceed 1200 square feet of accessory building area – requesting 2,400 square feet.

Petitioner: Corey Herding
Property Owner: same
Location: 7710 E Maple Street

This would allow a 2400 square foot accessory building to be constructed on this property.

General Information

Legal Description – Tract 1 Knochenmus Addn SW1/4 SW1/4 S5-T101N-R48W
Present Zoning – A1
Existing Land Use - Residential
Parcel Size – 9.09 Acres

Staff Report: David Heinold

Staff Analysis:

The Zoning Ordinance for Minnehaha County regulates the size and location of accessory buildings in Section 12.07 (D). In regards to the A-1 zoning district, the Ordinance states:

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 permit has been approved.

The petitioner has applied for a conditional use permit to exceed 1200 sq. ft. of accessory building area on his property. The property is located approximately 1 mile east of Sioux Falls, on Maple Street. The parcel is located in Tract 1 Knochenmus Addition SW1/4 SW1/4 S5-T101N-R48W within Split Rock Township.

The petitioner would like to construct an accessory building on his nine acre lot in Tract 1 of the Knochenmus Addition. The petitioner's requested size of 2400 square feet is relatively comparable with other accessory buildings in the immediate area. The largest accessory building in the area is 3,888 square feet and is located at 2901 N Six Mile Rd. as shown on the map included with this report. In 1980, a permit was issued for the 3,888 sq. ft. accessory structure.

The other large accessory structures are mostly located in the Indian Hills Estates subdivision located just southeast of the petitioner's property. In 2008, the property at 2212 Indian Hills Trail acquired a conditional use permit to construct a 3,300 square foot accessory structure. All of the other large accessory structures exceeding the 1200 square feet in the immediate area were constructed prior to the County adoption of the restriction for accessory structures on agriculturally zoned properties in 2001.

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 petitioner's planned use of the accessory structure, storage, should not negatively affect property values in the surrounding 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. Given the size of the other larger accessory structures in the immediate vicinity of the petitioner's property, a 2400 sq. ft. accessory structure would be congruent with the land composition.

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

Existing access is already provided via Maple St. No further infrastructure will be required due to the construction of the accessory structure.

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

No on-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.

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.

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 #13-46 with the following conditions:

- 1) That the total accessory building square footage shall not exceed 2400 square feet.
- 2) That the accessory building shall not exceed 35 feet in height.
- 3) That a building inspection is required to determine that the building does not exceed 2400 square feet measured from the outside perimeters.
- 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 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 Commissioner Rogen and seconded by Steinhauer to **approve** Conditional Use Permit #13-046. The motion passed unanimously.

Conditional Use Permit #13-046 - Approved

ITEM 4. PRELIMINARY SUBDIVISION PLAN AMENDMENT #13-03

Petitioner: Green Valley Development
Property Owner: Green Valley Development
Location: North end of Cottonwood Drive

The amendment would allow a redesign of the area, allowing for two future cul-de-sacs.

General Information

Legal Description – NE ¼, Section 21, T102N, R50W of the 5th P.M., Minnehaha County, South Dakota
Present Zoning – I-1
Existing Land Use - vacant & industrial
Parcel Size – 40 acres

Staff Report: Scott Anderson

Staff Analysis: The applicant has submitted a preliminary subdivision plan proposing the revision of an existing Preliminary Plan approved in 2006. The original plan proposed creating fourteen (14) lots containing a total of approximately 40.3 acres. The proposed revision increases the number of lots by two to sixteen (16). The development is an extension of the crook exit industrial area.

Staff has reviewed Section 4.01 of Minnehaha County's Subdivision Ordinance to determine that all requirements have been met. The applicant is proposing to eliminate the connecting road between Haylie and Dominic Streets, making them both cul-de-sacs.

Shannon Schultz, County Highway Engineer, reviewed the plans and provided the following comments:

- 1) Temporary and permanent erosion controls and sediment removals and a Storm Water Pollution Prevention Plan (SWPPP) should be included in the final plans.
- 2) Sheet 4 shows existing runoff patterns and 100-yr flow rates for existing conditions. Existing 5-year flow rates should be included. After construction, it is unclear how the existing flow rates will not be exceeded. The use and installation of Best Management Practices should be employed so as to not exceed existing flow rates leaving the site. Providing a brief hydrologic and hydraulic study would help clarify how this will be achieved. Upstream flows passing through the site should be evaluated and included within the hydrologic and hydraulic report. These should also be shown on the Post Construction Drainage Plan. Also, coordination with the SDDOT may be required regarding drainage and discharge.
- 3) In Final Plans, the pipe sizes and locations should be shown. It is recommended to pass the post developed 5-yr flow rates within the pipes while also showing elevations and wetted perimeter occupied by the 100-yr storm from post developed conditions. Recommended Finished Floor elevations should be shown in relation to the 100-yr storm event elevations and floodplain. Other drainage ways and ditches should be clearly shown and sized accordingly.
- 4) Utility easements should be shown in the final plans.

The County Highway Engineer's comments that deal with the Preliminary Plan have been incorporated into the recommended conditions of approval. Some of the comments relate to the Final Plat and these comments will be beneficial to the applicant.

The applicant did not provide an erosion control plan as required in Section 4.01.B.2. Staff recommends

that prior to County Board approval of the preliminary plat, an erosion control plan shall be submitted for review and approval. The plan shall show or detail all temporary and permanent erosion controls and sediment removal.

The plan shows the existing runoff patterns and 100 year flow rates. The County Highway Engineer requested that the 5 year flow rates be included. The applicant will need to use and install Best Management Practices so the existing runoff rate is not exceeded leaving the site.

A sheet depicting the existing drainage with contours has been provided. There is a significant drainage way that cuts through Lots 1-2, Block 2 and under the extension of Cottonwood Street. The applicant shall provide adequate drainage easements on the final plat for this drainage way and shall obtain any required permits for any alterations to the existing wetlands. In addition, any utility easements shall be shown on the final plat.

Cottonwood Street is proposed to be extended to the north. The other two (2) new streets, Haylie and Dominic Street, are east/west cul-de-sacs. Haylie Street is approximately 500 feet long and meets the general guidelines in Section 8.02 of the Subdivision Ordinance. Dominic Street is approximately 800 feet long and exceeds the general guidelines of the Subdivision Ordinance. As the proposed length exceeds the general guideline by over 50%, approval of the Preliminary Plan by the County Planning Commission and County Commission will signify approval of the extended length. Should the Planning Commission or County Commission feel that the additional 300 feet of roadway pose a significant transportation issue, the applicant could be required to obtain a Subdivision Variance.

Prior to a final plat being approved, the applicant shall either construct all of the roads to the County's road standards or post surety in an amount to cover the construction cost. Engineered road plans showing a typical cross section have been provided.

Recommendation: Staff recommended **approval** of Preliminary Plan #13-03 with the following conditions:

1. That prior to County Board approval of the preliminary subdivision plan, an erosion control plan shall be submitted for review and approval. The plan shall show or detail all temporary and permanent erosion controls and sediment removal.
2. That prior to County Board approval of the preliminary subdivision plan, a preliminary drainage and grading plan shall be submitted for review and approval. The plan shall show the existing drainage pattern for the area along with any proposed cut and fill operations which would alter the existing drainage patterns.

ACTION

A motion was made by Commissioner Rogen and seconded by Steinhauer to **approve** the Preliminary Subdivision Plan Amendment #13-03. The motion passed unanimously.

Preliminary Subdivision Plan Amendment #13-03 - Approved

ITEM 5. CONDITIONAL USE PERMIT #13-048 to exceed 1200 square feet of accessory building area – 4,032 requested.

Petitioner: Dana Brandys

Property Owner: same

Location: 25725 464th Ave; 1 mile north of Hartford

Staff Report: Travis Halm

General Information

Legal Description – Tract 4 Boggs' Addition N ½ NE ¼ of Section 10-T102N-R51W.

Present Zoning – A-1 Agricultural

Existing Land Use - Agricultural

Parcel Size – 15 acres

Staff Report: Travis Halm

Staff Analysis

This subject property is located in Tract 4 Boggs' Addition N ½ NE ¼ of Section 10 of Hartford Township. The petitioner has applied for a conditional use permit to exceed 1,200 square feet of accessory building area at 25725 464th Ave. The property owner is requesting this conditional use permit for 4,032 square feet of accessory building area which will house horse-related uses and storage. Inside the building, 2,016 square feet will be used for personal storage, while the other 2,016 square feet will be used for the stabling of horses. The size of the property, which is 15 acres in size, lends itself towards agricultural uses, similar to the uses: stabling and grazing of horses, which will be done on the property. Staff will require that half of the building be constructed for horse stabling, while the other is used for storage, as the submitted plan entails. There are no existing accessory buildings on the property.

A conditional use permit application is required by Section 12.07 (D) of the Minnehaha County Zoning Ordinance which states:

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.

A large building can be found in the area of 4,380 square feet directly to the west of the property. (See attached accessory building area map)

The property owner shall meet all regulations regarding accessory buildings. These regulations are found in *Article 12.07 Accessory Buildings and Uses*. Minimum setbacks required for accessory buildings in the A-1 Zoning District are: front yard, 50'; side yard, 3'; and rear yard, 3'. There is a minimum setback of 50' from any section line road or major arterial street.

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 large accessory building areas in the general vicinity of this property at an adjacent farm. The proposed site for the structure meets all applicable setbacks and the placement of the

structure will not impact the neighboring properties, despite being larger than surrounding buildings in the area. The construction of this accessory building should not impede on the enjoyment or use of the surrounding properties or affect 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 accessory building should have no impact on further construction or development within the general area. The building will only be used for horses, the owner's personal storage, residential-related items upon construction of the home, and no commercial or business activities will be allowed. Uses on this lot will not affect the residential uses or agricultural land in the area.

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

Access to the proposed accessory building will be through a driveway located on 464th Ave. This driveway will also provide access to the residential dwelling unit to be constructed at a later date. An accessory building cannot be constructed prior to the construction of the dwelling unit on the property. 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 uses in the building which should constitute these types of nuisances.

Recommendation

Staff found that the proposed accessory building size conforms to the general sizes of other accessory building areas and recommended **approval** of Conditional Use Permit #13-048 with the following conditions:

- 1) That the accessory building area shall not exceed 4,032 square feet on the property.
- 2) That the building shall not exceed one story 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 Commissioner Rogen and seconded by Steinhauer to **approve** Conditional Use Permit #13-048. The motion passed unanimously.

Conditional Use Permit #13-048 - Approved

ITEM 6. CONDITIONAL USE PERMIT #13-049 transfer 1 building eligibility from the SW ¼ SW ¼ and 1 building eligibility from the SW ¼ NW ¼ to Tract 3 Riedel's Addition; all in Section 31-T104N-R47W.

Petitioner: Riedel Family
Property Owner: same
Location: 2 miles west of Sherman

General Information

Present Zoning – A-1 Agriculture
Existing Land Use - Agriculture
Parcel Size – 74 acres

Staff Report: Scott Anderson

Staff Analysis The applicant wants to transfer one eligibility from the SW 1/4 of the SW ¼ to Tract 3 of Riedel's Addition, which is in the process of being platted. A second eligibility would be transferred from the SW ¼ of the NW ¼ to Tract 2 of Riedel's Addition, also in the process of being platted. The applicant has indicated that moving the eligibility would preserve better agricultural land and provide a better sight for a house. They are moving the eligibility out of a more productive agricultural area into a treed area. The applicant indicated the property has been owned by his family for over 60 years.

On August 10, 2013, 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 a few lots. There are approximately 6 residences and/or farmsteads located approximately ½ mile to the south and 3 residences and/or farmsteads located approximately ½ to the north.

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 driveway that will come off of 484th Avenue. A mutual access easement has been shown on the plat.

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 found this conditional use permit request to be consistent with density zoning and recommended **approval** of Conditional Use Permit #13-49 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 Commissioner Rogen and seconded by Steinhauer to **approve** Conditional Use Permit #13-049. The motion passed unanimously.

Conditional Use Permit #13-049 - Approved

ITEM 7. CONDITIONAL USE PERMIT #13-050 to exceed 1200 square feet of accessory building area – requesting 2,320 square feet.

Petitioner: Frank Walker

Property Owner: same

Location: 2220 N. Indian Hills Trail 1.5 miles east of Sioux Falls

General Information

Legal Description – Tract 14 Indian Hills Estates N1/2 S8-T101N-48W

Present Zoning – A1

Existing Land Use - Residential

Parcel Size – 8.59 Acres

Staff Report: Pat Herman

Staff Analysis

This subject property is located at Tract 14 Indian Hills Estates in Section 8 of Split Rock Township. The petitioner has applied for a conditional use permit to exceed 1,200 square feet of accessory building area at 2220 N. Indian Hills Trail. The property owner is requesting this conditional use permit for a total of 2,320 square feet of accessory building area. The petitioner currently has 1040 square feet of accessory area. Approval of this request would allow a 32 x 40 (1280 sq. ft.) accessory building.

A conditional use permit application is required by Section 12.07 (D) (1) of the Minnehaha County Zoning Ordinance which states:

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.

Larger accessory building areas can be found in the area that range in size from 576 square feet to the largest with an area of 4,000 square feet in size. (See attached accessory building area map). The request for a larger building size is to allow personal storage and for a home occupation as requested with CUP #13-51.

The property owner shall meet all regulations regarding accessory buildings. These regulations are found in *Article 12.07 Accessory Buildings and Uses*. Minimum setbacks required for accessory buildings in the A-1 Zoning District are: front yard, 30'; side yard, 3'; and rear yard, 3'.

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 large accessory building areas in the general vicinity of this property, both in an adjacent parcel and in other properties featuring single family dwellings. The proposed site for the structure meets all applicable setbacks and the placement of the structure will not impact the neighboring properties. The construction of this accessory building should not impede on the

enjoyment or use of the surrounding properties or affect 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 accessory building should have no impact on further construction or development within the general area. The building will only be used for the owner's agricultural equipment and personal storage, and no commercial or business activities will be allowed unless a home occupation permit is approved. This use will not affect the residential uses or agricultural land in the area.

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

Access to the proposed accessory building will be through a driveway located on Indian Hills Trail.

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

The property has sufficient parking for all 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 uses in the building which should constitute these types of nuisances.

Recommendation

Staff found that the proposed accessory building size conforms to the general sizes of other accessory building areas. Staff recommended **approval** of Conditional Use Permit #13-050 with the following conditions:

- 1) Accessory building area shall not exceed 2,320 square feet on the property.
- 2) The building shall not exceed one story in height.
- 3) A building inspection is required to measure the outside dimensions of the building.
- 4) A building permit is required prior to the start of construction.
- 5) No commercial uses or commercial storage will be allowed.
- 6) All outdoor lighting shall be of a full-cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 7) 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 Commissioner Rogen and seconded by Steinhauer to **approve** Conditional Use Permit #13-050. The motion passed unanimously.

Conditional Use Permit #13-050 - Approved

REGULAR AGENDA

A motion was made by Commissioner Steinhauer and seconded by Commissioner Barth to approve the regular agenda. The motion passed unanimously.

ITEM 8. CONDITIONAL USE PERMIT #13-051 to allow a Class One Major Home Occupation – storing and shipping of soccer balls.

Petitioner: Frank Walker

Property Owner: same

Location: 2220 N. Indian Hills Trail 1.5 miles east of Sioux Falls

General Information

Legal Description – Tract 14 Indian Hills Estates N1/2 S8-T101N-48W

Present Zoning – A1

Existing Land Use - Residential

Parcel Size – 8.59 Acres

Staff Report: Pat Herman

Staff Analysis

This subject property is located at Tract 14 Indian Hills Estates in Section 8 of Split Rock Township. The petitioner has applied for a conditional use permit to allow a Class One Major Home Occupation at 2220 N. Indian Hills Trail. The property owner is requesting this conditional use permit for a non-profit business which will store soccer balls and pack them for shipping. The business will be run by a family member living on the property and there will not be any customers coming to this site.

A conditional use permit application is required by 12.0302 Major Home Occupation of the Minnehaha County Zoning Ordinance as the business is proposed to be conducted out of an accessory building. Review of the home occupation should be conducted using the following criteria.

(A) *Class 1:*

- (1) *The occupation shall be conducted entirely within a dwelling or accessory building and clearly incidental to the use of the structure for residential purposes.*

The use will be conducted in an accessory building located south of the residential structure.

- (2) *The occupation shall be operated by a member of the family residing in the dwelling.*

The home occupation will be operated by one member of the family.

- (3) *Employees of the occupation shall be limited to residents of the dwelling and up to two (2) non-resident employees, not to exceed four (4) employees on site.*

There will only be one resident employed in the business.

- (4) *Accessory Building Square Footage*
- i. *For land located in a residential zoning district; or a parcel of 5 acres or less; up to 1,200 square feet of accessory building area may be used for the home occupation.*
 - ii. *For a parcel of 5.01 acres -10.00 acres size up to 1,800 square feet of accessory building area may be used for the home occupation.*
 - iii. *For a parcel of 10.01 acres or larger in size up to 2,400 square feet of accessory building area may be used for the home occupation.. (amended MC16-126-13 2/19/13)*

The property is 8.59 acres in size. The petitioner has request the use of 1280 square feet of accessory building area which is less than the criteria of 1800 square feet listed in this section.

- (5) *The occupation shall not create noise which, when measured off the property, exceeds 60 decibels between the hours of 8:00 a.m. and 6:00 p.m. The occupation shall not create noise which is detectable to the normal sensory perception off the property between the hours of 6:00 p.m. and 8:00 a.m. These off the property noise standards shall not apply to public and railroad rights-of-way.*

This is not an occupation which will create noise to exceed the listed decibel level.

- (6) *The occupation shall not create vibration, glare, fumes, odor, or electrical interference detectable to the normal senses off the property.*

The proposed occupation will create none of the able listed variables.

- (7) *No outside storage, display of goods or merchandise, or external evidence of the occupation shall occur except as outlined in this section.*

No outside storage is requested for this occupation. The business will be conducted inside the building.

- (8) *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.*

The petitioner has indicated a name plate will be placed on the building. The plate may not exceed two square feet in area and a sign permit is required.

- (9) *The occupation shall not generate more than 10 visits per day from clients or customers averaged over a period of seven (7) consecutive days.*

The occupation will not generate any customers at this site.

(10) *There shall be only limited and incidental sale of products conducted on the premise.*
All business is conducted through mail order purchases.

- (11) *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.

Vehicles involved in the business will not exceed the size listed above.

(12) The structure shall meet the standards of the adopted building code. (amended MC16-126-13 2/19/13)

The occupation will be conducted in a new building which will constructed to the 2012 IBC.

Recommendation

Staff found that the proposed class one home occupation to be in compliance with the zoning ordinance criteria and will have little, if any, impact on the surrounding properties. Staff recommended **approval** of Conditional Use Permit #13-051 with the following conditions:

- 1) The Class One Major Home Occupation shall be for the storage and shipping of soccer balls.
- 2) The accessory building area used for the occupation shall not exceed 1280 square feet.
- 3) On outside storage is allowed.
- 4) The Class One Major Home Occupation shall meet the criteria of the Minnehaha County Revised Zoning Ordinance Section 12.03.2.
- 5) A sign permit shall be obtained for the nameplate.

PUBLIC TESTIMONY

No one wished to speak to this item and the floor was closed to public testimony.

ACTION

A motion was made by Commissioner Steinhauer and seconded by Commissioner Cypher to **approve** Conditional Use Permit #13-051. The motion passed with 5 ayes, Commissioner Barth absent.

Conditional Use Permit #13-051 - Approved

ITEM 9. CONDITIONAL USE PERMIT #13-052 to allow vehicle and equipment sales

Petitioner: Angela Johnson

Property Owner: Gerry Gosmire

Location: 26056 464th Ave. approximately 1 mile southeast of Hartford

General Information

Legal Description – N97’ W736’ Tract 1 NW1/4 SW1/4 S26-T102N-R51W

Present Zoning – I2

Existing Land Use - Salvage yard

Parcel Size – 1.63 Acres

Staff Report: Pat Herman

Staff Analysis

The property is legally described as the N97’ W7369’ Tract 1 NW1/4 SW1/4 of Section 26 Hartford Township. The property is zoned I-2 Light Industrial. Properties across the Interstate 90 to the north are in the City of Hartford and land to the east, south and west is zoned A-1 Agricultural.

The petitioner is requesting a conditional use permit to operate a vehicle and equipment sales lot at 26056 464th Avenue. This business would occupy the north 97 feet of the zoned property. The remainder of the property has been in operation as a salvage yard.

There is an existing 32 x 64 building which would be used temporarily as the office. The petitioner would like to construct a 1200 square foot building at the east end of the site as the permanent office. That building be constructed to be in compliance with the 2012 IBC. Inventory would be placed along Interstate 90 so that it is visible to the public and along the south edge of the site. The required 15 foot setback is shown on the submitted site plan.

The sales operation would be separated from the salvage yard with a solid steel fence. The vehicles will all be operable and there will be no dismantled vehicles. Inventory will include equipment for farms, construction, industrial and commercial uses.

Both the Hartford and Minnehaha County Future Land Use Plans show this area as current land 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.

The requested use is less intense than the existing salvage operation. Vehicle sales will have less impact on the surrounding property than the existing use.

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

The property on the north side of the Interstate is undergoing changes within the city of Harford. The city lagoons are just to the northwest of the site and land to northeast has been annexed for residential development. The property directly north is tillable farm ground. The existing

salvage yard has not impeded development so it is unlikely a less intense use would hinder growth.

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

Access to the site is from a gravel, township road – 464th Avenue. The driveway and parking areas for the business would not be required to be hard surfaced. A holding tank or septic system would be required for any bathroom facilities. One handicapped stall will be required.

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

The submitted site plan has sufficient parking spaces for this type of business.

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.

This business should not constitute a nuisance to the neighboring properties.

In 2008 a different petitioner requested an automotive recycling center and auto sales business on this property. The operation would have included the crushing of vehicles and storage of parts. That is not being requested with this conditional use application. The Planning Commission approved the CUP in 2008 but the County Commission reversed their decision and denied the permit. The application was opposed by Sam Assam who owned land north of the interstate.

The Hartford Planning Commission reviewed this application at their September 10th meeting. The Commission has no issues or concerns with this application.

Recommendation

Staff found the request for vehicle and equipment sales to be a less intense use than the permitted uses in the I-2 zoning district and recommended **approval** with the following conditions:

1. Conditional Use Permit #13-52 is for vehicle and equipment sales conducted on property legally described as N97' W7369' Tract 1 NW1/4 SW1/4 S26-T102N-R51W.
2. The property shall conform to the submitted site plan dated September 3, 2013.
3. All vehicles and equipment shall be fully operational.
4. No inoperable vehicles or equipment, parts, scrap or junk materials shall be allowed on the property.
5. A solid fence shall be erected on the south edge of the property by December 1, 2013 and shall be of a natural or neutral color.
6. A sign permit shall be obtained for all business signs.
7. A minimum of four employee and customer parking spaces shall be provided as required by Section 15.02 of the Minnehaha County Zoning Ordinance.

PUBLIC TESTIMONY

No one wished to speak to this item and the floor was closed to public testimony.

ACTION

A motion was made by Commissioner Barth and seconded by Commissioner Duffy to **approve**

Conditional Use Permit #13-052. The motion passed unanimously.

Conditional Use Permit #13-052 - Approved