

**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION**
November 24, 2014

A meeting of the Planning Commission was held on November 24, 2014 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Wayne Steinhauer, Mike Cypher, Bonnie Duffy, Becky Randall, Mark Rogen, and Jeff Barth.

STAFF PRESENT:

Scott Anderson, Kevin Hoekman, and David Heinold - County Planning
Sara Show – office of the State’s Attorney

NUMBER OF ATTENDEES: 13

The meeting was chaired by Wayne Steinhauer.

CONSENT AGENDA

Commissioner Cypher requested that Item #5 be moved to the regular agenda because of unfamiliarity of subdivision plans.

Commissioner Steinhauer requested that Item #7 be moved to the regular agenda.

A motion was made by Commissioner Rogen and seconded by Commissioner Barth to **approve** the consent agenda consisting of Items #1, #2, #3, #4, #6, and #8. The motion passed unanimously.

ITEM 1. Approval of Minutes – October 27, 2014

A motion was made by Commissioner Rogen and seconded by Commissioner Barth to **approve** the meeting minutes from October 27, 2014. The motion passed unanimously.

ITEM 2. CONDITIONAL USE PERMIT #14-51 to transfer one building eligibility from the NW1/4 NE1/4 (Ex H-1) to the N1/2 NW1/4 (Ex. H-1 & H-2 & Ex. Scherff's Addn.), Section 30-T103N-R49W.

Petitioner: Tim & Julie Larson

Property Owner: same

Location: 47231 254th St. approximately 3.5 miles northeast of Crooks

Staff Report: David Heinold

To transfer one building eligibility.

General Information:

Legal Description – N1/2 NW 1/4 (Ex. H-1 & H-2 & Ex. Scherff's Addn.), Section 30-T103N-R49W

Present Zoning – A-1 Agricultural District

Existing Land Use – Agriculture

Parcel Size – 72.91 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting to transfer one building eligibility from the NW1/4 NE1/4 to the N1/2 NW1/4 (Ex H-1 & H-2 & Ex Scherff's Addn.) in Section 30 of Sverdrup Township. The eligibility will be taken from equally productive agricultural land to an area closer to the petitioners' current homestead site along 254th St. The Haagenson Dairy Farm is within one mile of the proposed transfer location.

On November 13, 2014, staff inspected the location of the transfer of building eligibility and do not foresee any issues with the request.

Conditional Use Permit Criteria:

1) The effect upon the use and enjoyment of other property in the surrounding area for the uses already permitted, and upon property values within the surrounding area.

A right-to-farm notice covenant should be required to notify potential buyers about 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 proposed transfer of building eligibility will not increase the number of dwelling units allowed in the section and should have an impact on the predominant land use, agriculture.

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

The proposed transfer of building eligibility will result in the construction of a single family dwelling off of 254th St. The petitioner will need to obtain a driveway/culvert permit from Sverdrup Township.

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

The off-street parking requirements will be accounted for once a single-family dwelling 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 building eligibility transfer will not cause any odor, fumes, dust, noise, vibrations, or lighting in a way that would otherwise constitute a public nuisance.

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

The proposed building eligibility transfer will not negatively affect the health, safety, general welfare of the public, and conforms to the goals and policies of the 1998 Comprehensive Development Plan.

Recommendation:

Staff finds that the transfer of building eligibility request is consistent with density zoning. Staff recommends **approval** of Conditional Use Permit #14-51 with the following conditions:

- 1.) That the lot shall be platted and a right-to-farm notice covenant shall be placed on the deeds prior to issuance of a building permit.
- 2.) That the construction of a single-family dwelling shall require permission from the County Highway Department for a new driveway approach.

Action

A motion was made to **approve** Conditional Use Permit #14-51 by Commissioner Rogen and seconded by Commissioner Barth. The motion passed unanimously.

Conditional Use Permit #14-51 – Approved

ITEM 3. CONDITIONAL USE PERMIT #14-52 to transfer one building eligibility from the SW1/4 NW1/4 to the NE1/4 NW1/4, Section 13-T103N-R48W.

Petitioner: Lonell Mueller

Property Owner: same

Location: approximately 2 miles northwest of Garretson

Staff Report: Kevin Hoekman

To transfer one building eligibility.

General Information:

Legal Description – NW1/4 (EX MOELLER'S TRACT & EX MOELLER'S ADDN & EX E50 W250 S260.84 N706.84) 13-103-48 EDISON TOWNSHIP

Present Zoning – A1- Agricultural

Existing Land Use – Cropland

Parcel Size – 153 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

The property is located approximately 2 miles to the west of Garretson along 252nd Street. The property is nearly the entire NW ¼ of section 13 in Edison Township. Two of this quarter section's Residential Building Eligibilities are used on two parcels on the northwest corner of the section. The other two are located on this parcel of interest.

The petitioner is requesting to transfer one building eligibility and place it on the NE of the NW to consolidate the transferred eligibility with an existing eligibility on the ¼ ¼ section. The primary reason for the request is to consolidate the building eligibilities before the parcel is split as part of estate planning. The petitioner stated that he has no plans to use the building eligibilities in the near term future.

Conditional Use Permit Criteria:

1) The effect upon the use and enjoyment of other property in the surrounding area for the uses already permitted, and upon property values within the surrounding area.

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 building eligibility does not increase the number of dwelling units allowed in this section. The entire NW ¼ section is composed of soils that are prime farm land; therefore no location on the ¼ section would be more conducive for farming or a dwelling unit than another.

The transfer of building eligibility will move an eligible building site closer to a small animal feed lot. The existing feed lot may experience more difficulty expanding if a single family dwelling is located in the NE ¼ of the NW ¼; however, even without the proposed transfer, the current building eligibility on this ¼ ¼ section of land could cause the same results if it was used for a single family dwelling.

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

No other extra utilities or services will be required for this site to utilize the building eligibilities. The presence of two building eligibilities allows for the potential for sharing a driveway access. This should be encouraged at the permitting process.

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

The 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.

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

The proposed conditional use will have a no effect on the health, safety and general welfare of the public. Consolidating building eligibilities will help prevent unnecessary fragmentation of existing cropland.

Recommendation:

Staff finds this conditional use permit request to be consistent with density zoning and the comprehensive plan. Staff recommends **approval** of Conditional Use Permit #14-52 with the following conditions:

- 1.) A right-to-farm notice covenant shall be placed on the deed prior to the issuance of a building permit for a single family dwelling.

Action

A motion was made to **approve** Conditional Use Permit #14-52 by Commissioner Rogen and seconded by Commissioner Barth. The motion passed unanimously.

Conditional Use Permit #14-52 – Approved

ITEM 4. ZONING TEXT AMENDMENT #14-05 to amend Section 7.04 of the 1990 Revised Zoning for Minnehaha County.

Petitioner: Scott Nisich

Staff Report: Scott Anderson

To amend Section 7.04 of the 1990 Revised Zoning Ordinance for Minnehaha County to add Salvage or junkyard as a conditional use.

Staff Report: Scott Anderson

Staff Analysis: The applicant has submitted a petition to amend the County's Zoning Ordinance to allow Salvage or junkyard as a conditional use within the I-1 Light Industrial District. This request came from a code enforcement action on property in the Brower Addition.

The request is consistent with changes made to the Revised Joint Zoning Ordinance for Minnehaha County and Sioux Falls in 2009. The proposed text amendment would allow Salvage or junkyards to be considered within the Light Industrial District as a conditional use permit. The Planning Commission and County Commission could then consider the specific request and require conditions that would be appropriate. A copy of the proposed Ordinance is attached for your review.

Recommendation: Staff recommends **approval** of the Zoning Text Amendment #14-05 adding Article 7.04(G) to the Minnehaha County Zoning Ordinance.

Action

A motion was made to recommend **approval of Zoning Text Amendment #14-05** by Commissioner Rogen and seconded by Commissioner Barth. The motion passed unanimously.

Zoning Text Amendment #14-05 – Approved

ITEM 6. CONDITIONAL USE PERMIT #14-53 to transfer one building eligibility from the SW1/4 NE1/4 to the NW1/4 NE1/4, Section 26-T101N-R52W to allow a second single family dwelling within a farmstead.

Petitioner: Loren Letsche

Property Owner: same

Location: 45867 266th St. approximately 6 miles southwest of Hartford

Staff Report: Kevin Hoekman

To transfer one building eligibility.

General Information:

Legal Description – NE1/4 EX H-1, Section 26-T101N-R52W WELLINGTON TOWNSHIP

Present Zoning – A1- Agricultural

Existing Land Use – Farmstead

Parcel Size – 158.2 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

The property is located approximately 6 miles to the southwest of Hartford and 3.5 miles west of Wall Lake along 266th Street. The entire quarter section is owned by the petitioner along with all 4 residential building eligibilities assigned to that quarter.

Recently the petitioner constructed a new residential dwelling on the NW ¼ of the NE ¼. The building permit for the new dwelling was issued as a replacement for the existing single family dwelling, and that the existing dwelling must be removed upon completion of the new home. The petitioner is now requesting that the existing dwelling that was to be removed can be used as a dwelling unit again, but this requires that a second building eligibility is used. The transfer of a building eligibility is to allow the two dwelling units on the farmstead.

This particular conditional use permit application will move a residential building eligibility to the farmstead in order for the existing dwelling unit can continue to be used as a residence. This existing dwelling unit is a single wide mobile home that has an addition on it. This mobile home has been occupied since before the 1991 Zoning Ordinance was adopted. In addition, the original farm house is located on the property. The property owner noted that the farm house had not been lived in since the middle 1980's, and it was only recently removed from property tax roles as a residence. On the staff site visit to the property, the former farm house was inspected and appeared to be abandoned for considerable time.

Conditional Use Permit Criteria:

1) The effect upon the use and enjoyment of other property in the surrounding area for the uses already permitted, and upon property values within the surrounding area.

The effect of two dwelling units on a farmstead will have little influence on the surrounding area. This is especially true considering that the mobile home is the existing dwelling unit.

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

The transfer of this building eligibility will move a land locked eligibility that is located on pasture and cropland to an accessible location within an existing farmstead. No additional eligibilities will be allowed in this section as a result of this transfer.

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

The two dwelling units share a driveway and all utilities and facilities are already provided for both.

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

The farmstead area is large enough to accommodate off street parking for both residential dwelling units.

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.

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

The proposed conditional use will have a no effect on the health, safety and general welfare of the public. Consolidating building eligibilities will help prevent unnecessary fragmentation of existing cropland.

Recommendation:

Staff finds this conditional use permit request to be consistent with density zoning and the comprehensive plan. Staff recommends **approval** of Conditional Use Permit #14-53 with the following conditions:

- 1.) The farmhouse that is located in the approximate center of the farmstead shall not be used as a residential dwelling.
- 2.) That each residential dwelling obtain an individual address through the Planning and Zoning Department.

Action

A motion was made to **approve** Conditional Use Permit #14-53 by Commissioner Rogen and seconded by Commissioner Barth. The motion passed unanimously.

Conditional Use Permit #14-53 – Approved

ITEM 8. CONDITIONAL USE PERMIT #14-55 to allow a manufactured home on the property legally described as Lot C, Hartman's Tract No. 6, S1/2, Section 16-T102N-R47W.

Petitioner: Bryan Lindner

Property Owner: same

Location: 48628 253rd St. approximately on the east edge of Garretson

Staff Report: Kevin Hoekman

To allow a manufactured home.

General Information:

Legal Description – Lot C, Hartman's Tract No. 6, S1/2, Section 16-T102N-R47W

Palisade Township

Present Zoning – A1- Agricultural

Existing Land Use – Personal Storage

Parcel Size – 1.26 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

The subject property is located adjacent to the city limits of Garretson on the east side along 253rd Street. It is in the approximate middle of a small linear residential subdivision along the road leading out of town to the east. The neighbor to the east recently replaced an old dwelling unit with a new house on the same lot.

The site currently contains a nonconforming accessory structure that has a total area of 1,940 square feet. A new dwelling unit on the site would allow this accessory structure to be in compliance with the zoning ordinance. Any addition to the total square footage of accessory buildings on this site will be required to obtain a conditional use permit to exceed 1,200 square feet. The site also contains an abundance of deciduous trees that will provide at least some site screening, especially during the summer months.

The petitioner is requesting to allow a manufactured/mobile home on the property. The exact size dimensions of a requested trailer are unknown, but the petitioner noted that it would be a double wide trailer between 28' x 40' and 28' x 70'. The mobile home must be placed as to comply with all setback requirements within the A-1 zoning district.

Conditional Use Permit Criteria:

1) The effect upon the use and enjoyment of other property in the surrounding area for the uses already permitted, and upon property values within the surrounding area.

Since the property is still located in an active agriculture area, a right-to-farm notice covenant should be required to notify potential buyers to the realities of locating in an agricultural area.

The mobile home will have to comply with all regulations and ordinances within section 12.06 of the 1990 Revised Zoning Ordinance for Minnehaha County. By complying with these regulations the aesthetics of the neighborhood will be mostly unchanged.

The site appears as if it is currently being used for personal storage of vehicles and materials. Several vehicles do not have current licenses and the property contains various materials and items that are stored outside. The property owner will be required to comply with all county ordinances including removing anything that could be considered a public nuisance according to the 2004 Public Nuisance ordinance.

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

The property is located in a subdivision on the edge of Garretson's city limits. A newer style double wide mobile home will have the appearance of a regular house and should have little to no effect on any future development.

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

No extra utilities or services will require extensive expansion in order for the site to be used for a residential dwelling.

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

The off-street parking requirements will be provided for once a single-family residence is constructed on the subject property. The site is large enough to provide for several off-street parking spaces.

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. The current use of the property for outdoor storage should be addressed before a building permit is obtained.

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

The proposed conditional use will have a no effect on the health, safety and general welfare of the public. The use of the building eligibility will not contribute to the potential added density within the county, and the city of Garretson would have the potential of annexing this and surrounding houses in the future.

Recommendation:

Staff finds this conditional use permit request to have minimal ill effect and it will remove a nonconforming use into compliance. Staff recommends **approval** of Conditional Use Permit #14-55 with the following conditions:

- 1.) A right-to-farm notice covenant shall be placed on the deed prior to the issuance of a building permit for a single family dwelling.
- 2.) The mobile home placement must comply with all aspects section 12.06 of the 1990 Revised Zoning Ordinance for Minnehaha County.
- 3.) The mobile home placement must comply with all setback requirements for the zoning district.
- 4.) The mobile home must be a modern style double wide home with the minimum outside dimensions of 22 feet wide by 40 feet long.
- 5.) The parcel must be in compliance with the Minnehaha County Public Nuisance Ordinance, including but not limited to no outside storage of items, building materials, and unlicensed vehicles. Compliance must be completed before the issuance of a building permit.

Action

A motion was made to **approve** Conditional Use Permit #14-55 by Commissioner Rogen and seconded by Commissioner Barth. The motion passed unanimously.

Conditional Use Permit #14-55 – Approved

Regular Agenda

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

ITEM 5. PRELIMINARY SUBDIVISION PLAN #14-01

Petitioner: Kimberlee Nelson

Property Owner: Orlin L. Nelson and Erlma E. Nelson Living Trusts

Location: Approximately 0.5 mile northeast of Brandon

Staff Report: Scott Anderson

The plan would allow the subdivision of approximately 144.37 acres into seven (7) separate tracts, inclusive of Nelson's Addition.

General Information:

Legal Description – Tracts 1-7, Inclusive of Nelson's Addition, Section 26, T102N, R48W, Minnehaha County, South Dakota

Present Zoning – A-1 Agriculture

Existing Land Use – Agriculture

Parcel Size – 144.37 acres

Staff Report: Scott Anderson

Staff Analysis: The applicant has submitted a preliminary subdivision plan proposing the creation of seven (7) lots. The seven lots contain a total of approximately 144 acres and is located at the intersections of E. Redwood Boulevard, N. Chestnut Avenue (483rd Avenue) and Interstate 90. The proposed subdivision is located on the northeast edge of Brandon and within the Joint Platting Jurisdiction of Brandon and Minnehaha County.

The Subdivision Ordinance states that when there is only a small number of lots being platted, the Planning Director may waive the need for a Preliminary Plan. In the past, the Planning Director has always indicated that typically subdivision plats containing four (4) or more lots would require a Preliminary Plan to be submitted and reviewed. Staff has reviewed Section 4.01 of the Minnehaha County's Subdivision Ordinance to determine that all requirements have been met. It appears that the Preliminary Plan meets all of the requirements. The proposed development layout does not create any streets, so no subdivision improvements are needed. Furthermore, there will be no grading or dirt work done on the property, so a grading plan can be waived. It appears that Tracts 2 and 6 are landlocked and have not been provided any legal access. While a 66 foot dashed trail has been shown on the plat, it has not been identified as anything. Prior to County Commission approval, the 66 foot area extending from E. Redwood Boulevard to Tract 2 and 6 must be indicated on the plat as legal access.

The City of Brandon has reviewed and approved the plat. The necessary signature blocks are included on the plat and have been signed by representative of the City of Brandon.

The property is being subdivided for estate purposes. The parcels will continue to be farmed.

Recommendation: Staff recommends **approval** of Preliminary Plan #14-01 to allow seven (7) tracts with the following condition:

1. That prior to County Commission approval, the 66 foot area extending from E. Redwood Boulevard to Tract 2 and 6 must be indicated on the plat as legal access.

Public Testimony

Staff presented a brief summary and description of the subdivision plan.

Commissioner Cypher questioned why the Planning Commission should approve additional eligibilities for this property.

Scott Anderson clarified that there are two eligibilities on the property now and the applicant will have to specify where each will go, but there will be no additional eligibilities created for this project. The subdivision is appearing before the Planning Commission because it is a division of more than 3 lots.

Commissioner Cypher commented that the Planning Commission may not approve of any new eligibilities but the County Commission may allow some based on a request at a later time.

Commissioner Barth noted that many of the new parcels will be divided into sizes that are smaller than what can be assessed as agriculture land, and the subdivision will be taxed at a higher rate.

Action

A motion was made to recommend **approval** of **Preliminary Subdivision Plan #14-01** by Commissioner Barth and seconded by Commissioner Rogen. The motion passed with 4 ayes and 1 Nay. Commissioner Cypher voted nay.

Preliminary Subdivision Plan #14-01 – Approved

ITEM 7. CONDITIONAL USE PERMIT #14-54 to exceed 1,200 square feet of total accessory building area – requesting 2,560 square feet on the property legally described as Lot 6, Block 1, Country Villa Estates 2nd Addition, Section 26-T101N-R51W in Wall Lake Township.

Petitioner: Grant Edgecomb

Property Owner: same

Location: 26685 Dayspring Cir. approximately 5 miles west of Sioux Falls

Staff Report: David Heinold

To allow 2,560 square feet of total accessory building area.

General Information:

Legal Description – Lot 6, Block 1, Country Villa Estates 2nd Addition, Section 26-T101N-R51W in Wall Lake Township

Present Zoning – A-1 Agricultural District

Existing Land Use – Residential

Parcel Size – 5.32 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting to exceed 1,200 square feet of total accessory building area. The petitioner is requesting 2,560 square feet of total accessory building area. According to the Minnehaha County Zoning Ordinance, Section 12.07 (D) states:

(D) Accessory buildings shall not occupy more than thirty (30) percent of the rear yard, subject further to the following limitations:

(1). In the A-1 and RC Districts, the total area of accessory buildings shall not exceed 1,200 square feet when such buildings are located in a subdivision of more than four (4) lots unless a conditional use has been approved.

The petitioner is requesting to construct a 40'x64' metal pole building for personal storage. As shown on the attached site plan, the proposed building will be located to the northwest of the petitioner's residence at 26685 Dayspring Circle.

The property owners immediately to the east, 26680 and 26682 Dayspring Cir., have a total accessory building area of 1,680 square feet each. The property owner to the south, 26693 Dayspring Cir. has 1,344 square feet of total accessory building area.

On November 12, 2014, staff conducted a site visit and determined the proposed building size is adequate for the area with regard to the petitioner's lot size. The petitioner has two hoop sheds that will be removed upon construction of the proposed accessory building.

Conditional Use Permit Criteria:

1) The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values in the immediate vicinity.

There are a few properties in the immediate vicinity that have a total accessory building area up to 1,680 square feet and the petitioner's requested size is roughly comparable to the other accessory buildings adjacent to the subject parcel, so there should be no impact on the property values of surrounding properties.

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

The accessory building may only be used for residential purposes, no commercial or business activities are allowed. Given the size of the other larger accessory structures in the immediate vicinity of the petitioner's property, a 2,560 sq. ft. accessory structure would be congruent with the land composition.

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

Access to the proposed structure will be provided off of Dayspring Circle. No further infrastructure will need to be provided.

4) That the off-street parking and loading requirements of these Zoning Ordinances are met.

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

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

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

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

The proposed accessory building size should have a major impact on the health, safety, general welfare of the public, and the Comprehensive Plan.

Recommendation:

Staff finds that the requested total accessory building size is relatively comparable to the existing accessory buildings in the immediate vicinity. Staff recommends **approval** of Conditional Use Permit #14-54 with the following conditions:

- 1.) That the total accessory building square footage shall not exceed 2,560 square feet.
- 2.) That the two (2) hoop sheds be removed upon completion of the accessory building.
- 3.) That the accessory building shall not exceed 35 feet in height.
- 4.) That the building shall be an accessory use to the continued use of the property as a residential lot.

- 5.) That only personal residential storage shall be allowed in the building and no commercial uses or commercial storage will be allowed at any time.
- 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 a building permit is required prior to construction of the accessory building.

Public Testimony

Staff presented the report of the nearby properties and how the proposed structure will fit into the neighborhood. Commissioner Steinhauer asked what the existing shed was that is seen at the site.

Grant Edgecomb, the petitioner at 26685 Dayspring Cir., commented that he is requesting the building for personal storage and use. He also responded that the shed is a 10' x 12' portable garden shed.

Commissioner Steinhauer added that the 120 square foot building should be added to the total request that would raise the request to 2680 square feet. He noted that the total square footage was substantially larger than other nearby accessory structures. With this comment he also expressed that this would set a precedent for the neighborhood.

Action

A motion was made to **approve** Conditional Use Permit #14-54 with 2680 square feet total accessory building by Commissioner Barth and seconded by Commissioner Randall. The motion passed unanimously.

Conditional Use Permit #14-54 – Approved

Old Business

Staff presented a request by Bryan Albers to amend the minutes of the September 22, 2014 Planning Commission meeting. The CUP #14-42 did not accurately reflect the location of the building eligibility that Bryan Albers requested. The amendment request would place the building eligibility on the SW of the SW ¼ section of 32-102-51, Hartford Township.

Scott Anderson commented that the item was on the consent agenda and nobody came to the meeting in opposition of the building eligibility located on the parcel.

Commissioner Cypher motioned and Commissioner Barth seconded to **approve** changing the September 22, 2014 minutes to reflect that the CUP #14-42 building eligibility be located at the SW of the SW ¼ of 32-102-51.

New Business

Staff announced again that the next Task Force meeting to discuss the chapter on Environmental Stewardship will be held on Thursday, December 4, 2014 at 3:30 pm in the Commission Meeting Room.

Commissioner Barth commented on some additional issues that have been rising with flag pole annexation near the City of Brandon and the Sioux Falls School District.

The pending vacancies in the Planning Commission and the County Commission were discussed briefly.

County Commission Items

Staff presented a brief overview of the County Commission's unanimous approval decision of the daytime dog training facility CUP #14-48.

Adjourn

A motion was made by Commission Rogen and seconded by Commissioner Randall to **adjourn**. The motion passed unanimously.