

**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION**

March 28, 2016

A meeting of the Planning Commission was held on March 28, at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Mike Cypher, Bonnie Duffy, Becky Randall, Doug Ode, Bill Even, Paul Kostboth, and Jeff Barth.

STAFF PRESENT:

Scott Anderson and Kevin Hoekman - County Planning

Planning Commission Chair Mike Cypher called the Minnehaha County Planning Commission meeting to order at 8:30 p.m.

CONSENT AGENDA

Item 2 was moved to regular agenda for discussion purposes. The consent agenda consists of Items 1, 3, and 4.

Commissioner Even recused himself from voting on the consent agenda.

A motion was made by Commissioner Randall and seconded by Commissioner Duffy to approve the consent agenda consisting of Items 1, 3, and 4. The motion passed unanimously with Commissioner Even abstaining from voting.

ITEM 1. Approval of Minutes – February 22, 2016

As part of the consent agenda, a motion was made by Commissioner Randall and seconded by Commissioner Duffy to **approve** the meeting minutes from February 22, 2016. The motion passed unanimously.

ITEM 3. CONDITIONAL USE PERMIT #16-12 to allow Agricultural Equipment Repair and Seed Warehouse on the property legally described as Tract 3 (Ex. Lot A) Letsche's Addn., SE1/4, Section 17-T101N-R52W.

Petitioner: Bill Even

Property Owner: John Haensel

Location: 26493 456th Ave. Approximately 7 miles south of Humboldt

Staff Report: David Heinold

This would allow Agricultural Equipment Repair and Seed Warehouse.

General Information:

Legal Description – Tract 3 (Ex. Lot A) Letsche's Addn., SE1/4, Section 7-T101N-R52W

Present Zoning – A-1 Agricultural District

Existing Land Use – Agriculture

Parcel Size – 13.15 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioner requests conditional use permit approval to operate an agricultural equipment repair business and seed warehouse. The proposed hours of operation for the business are 8:00 am to 6:00 pm, Monday thru Friday and 8:00 am to noon on Saturday. Except, the narrative explains that the business will remain open Saturday afternoons and may have occasional Sunday emergency repair service to accommodate the busy planting and harvest season.

The site plan indicates that the subject property has an existing driveway approach off of South Dakota Highway 19 and will be utilized for primary access for both of the proposed businesses. The petitioner plans to plant shelter belt trees around the north and west property boundaries to minimize the visual impact as well as provide needed windbreak relief from the surrounding area.

On March 15, 2016, staff received a few comments from the South Dakota Department of Transportation regarding the requested conditional use permit. The Department offers the following comments on the conditional use permit:

- We approved a permit on SD Hwy #19 in 2006 for agriculture purpose, we had them relocate an existing access further west on SD Hwy #42 to get more corner clearance. There will be no additional access granted to SD42 other than what exists today.
- We will need them to submit a change in use application for the SD Hwy # 19 access, and the access off of SD Hwy 42 should remain as for agriculture purpose only. By their site plan, it appears they only plan on using the SD19 access for the business which is preferred. Traffic volumes are lower on SD19, there are turn lanes on SD42 to SD19 and the SD42 access serves a residential property.

On March 16, 2016, staff conducted a site visit and determined that the proposed location for an agricultural equipment repair business and seed warehouse will be located in an appropriate area.

The petitioner's requested proposal for the land use will provide a service to the agricultural sector, which is already the predominant land use and is likely to remain well into the future.

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.

The area is primarily agricultural land with a few residential acreages in the immediate vicinity; however, there is an existing farm operation just less than one-half mile west of the subject property. The proposed use as an agricultural equipment repair business and seed warehouse will not likely to cause a significant impact on the use and enjoyment of other property in the immediate vicinity since a majority of the land is used for agriculture. The petitioner mentioned that the amount of semi-truck deliveries would be relatively intermittent with at most one load per week on average, but is dependent on the demand for products. A large majority of the traffic will consist of pickup trucks and cars from customers, clients or employees.

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

The predominant land use in the area is agriculture with a few residential acreages scattered along SD Hwy. 42 near the subject property; therefore, the proposed use should not cause a negative effect on the normal and orderly development of surrounding vacant land. Although, the siting of the proposed land use may discourage existing or future residents from locating a residential dwelling near the subject property, which is entirely determined by the number of available building eligibilities. The Envision 2035 Comprehensive Plan identifies the future growth of surrounding vacant property as remaining primarily agricultural land use.

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

The narrative states that the petitioner already has access to electrical power, telephone, internet, and rural water adjacent to the property. Each building will utilize separate water and septic systems for office bathrooms as well as other daily functions of business. Surface water on site drains primarily to the southwest corner of the property to a low area where the water continues south under SD Hwy. 42 via culvert, which is located just west of the westernmost property boundary of the subject property. The site has an existing driveway approach off of SD Hwy. 19 and the applicant plans to plant a tree shelterbelt for visual screening as well as a windbreak from northerly winds.

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

The petitioner plans to pave 15 parking spots on the east and south sides of the repair business to accommodate employees and customers, which accounts for the minimum required parking for similar warehouse-type establishments.

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 agricultural equipment repair business is primarily engaged in local farm equipment repair and by general nature there may be potential for certain fumes, dust, noise, and vibration. The petitioner indicated in the narrative that there will be a tree shelterbelt on the north and west

sides as a natural screen from surrounding properties, but not on the south or east sides as of the details on the submitted application. However, there is one single family residence located along SD Hwy. 42 immediately south of the subject property. Lighting should be directed downward onto the property to prevent light pollution off the site. The plan states that a majority of the service work will be conducted within the building with no long term storage of farm equipment or parts outside, which reduces the overall likelihood with any of the above constituting a public nuisance. On the other hand, the narrative does indicate that there will be combines, tractors, and other miscellaneous farm equipment parked outside either before or after repair for a period of time.

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

The proposed agricultural equipment repair shop and seed warehouse will be located in an area identified as long-term agriculture in the Envision 2035 Comprehensive Plan. The primary goal of this area is to protect, preserve, and promote agricultural uses and the economic viability of farming operations. The proposed use is an appropriate complement to the agricultural economy that provides support for agriculture operations in the area and should not significantly affect the health, safety, and general welfare of the public. The petitioner explained in the narrative that the business properly recycles all metal, oil, fuel and antifreeze, and utilizes a commercial garbage service for all waste material.

Recommendation:

Staff finds that the proposed agricultural equipment repair shop and seed warehouse is an appropriate land use for the surrounding agricultural area consistent with the goals and policies of the Envision 2035 Comprehensive Plan. Staff recommends **approval** of Conditional Use Permit #16-12 with the following conditions:

- 1.) That CUP #16-12 shall allow agricultural equipment repair and seed storage.
- 2.) That the property shall adhere to the submitted site plan dated 2-23-2016.
- 3.) That all signage shall be in conformance with Article 16.00 and 17.00 of the 1990 Revised Zoning Ordinance for Minnehaha County. A building permit is required for the installation of any signage.
- 4.) That a set of plans certified by a registered professional engineer be submitted prior to the building permit(s) being issued for the repair shop and seed warehouse.
- 5.) That all driveways, parking lots, and outdoor storage areas shall be in conformance with the requirements of Section 15.04 of the 1990 Revised Zoning Ordinance for Minnehaha County.
- 6.) That the applicant submit a Change in Use application to the South Dakota Department of Transportation for access approach onto SD Hwy. 19.
- 7.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundary.
- 8.) That the Planning & Zoning Department reserves the right to enter and inspect the business at any time, after proper notice to the owner, to ensure that the property is in full compliance with the conditional use permit conditions of approval and the Minnehaha County Zoning Ordinance.

ACTION

As part of the consent agenda, Commissioner Randall made a motion to **approve** Conditional Use Permit #16-12 with conditions and the motion was seconded by Commissioner Duffy. The motion passed unanimously.

Conditional Use Permit #16-12 – Approved

ITEM 4. CONDITIONAL USE PERMIT #16-15 to exceed 1,200 square feet of total accessory building area – requesting 2,400 sq. ft. on the property legally described as Tract 1 Beiningen’s Addition, SE1/4, Section 4-T102N-R48W.

Petitioner: Kristi Laber

Property Owner: same

Location: 25673 481st Ave. Approximately 3.5 miles north of Brandon

Staff Report: David Heinold

This would allow 2,400 sq. ft. of total accessory building area.

General Information:

Legal Description – Tract 1 Beiningen’s Addition, SE1/4, Section 4-T102N-R48W

Present Zoning – A-1 Agricultural District

Existing Land Use – Residential

Parcel Size – 8.32 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 approval of Conditional Use Permit #16-15 to allow 2,400 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’x60’ accessory building primarily for personal storage of property maintenance equipment. Both the property at 48132 257th St. and 48040 257th St. have a total accessory building area of 2,400 sq. ft., which are within a quarter mile of the subject property. The property owner at 48160 257th St. has a 2,916 sq. ft. accessory building. The proposed building size will be comparable to existing accessory buildings in the surrounding area.

The site plan indicates that the proposed accessory building would be placed just northwest of the existing house. The subject property is located with farmland immediately surrounding on three sides and a farmstead property across the road to the east.

On March 17, 2016, staff inspected the property and determined that the proposed accessory building area is comparable to other accessory building sizes in the surrounding area.

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.

The construction of the proposed accessory building should have little impact on surrounding properties. There are a few properties within a half-mile of the subject property that have building sizes relatively comparable to the petitioner's requested total accessory building area. It is unlikely that the proposed building size, 40'x60', will have a detrimental effect on property values in the immediate vicinity. The proposed building will be used for the property owner's personal storage. The area is primarily agricultural with five residential acreages within a quarter-mile of each other.

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. The proposed structure is compatible to the area that is composed primarily of large lot developments. Several of the similar-sized buildings in the area are located on nearby parcels.

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

All needed infrastructure is in place, and the proposed accessory building will utilize the existing driveway.

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

No off-street parking will be needed as a result of personal activities in this accessory building. No commercial or business parking will be allowed at any time. The structure will provide indoor storage for several items that are currently stored outside.

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 should have little to no effect on the health, safety, and general welfare of the public as well as the Envision 2035 Comprehensive Plan. Staff foresees that the use of the accessory building for private use and storage will likely create few nuisances to neighboring properties.

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 #16-15 with the following conditions:

- 1.) That the total accessory building square footage shall not exceed 2,400 square feet.
- 2.) That the accessory building shall not exceed 35 feet in height.
- 3.) That the building shall be an accessory use to the continued use of the property as a

residential lot.

- 4.) That only personal residential or agricultural storage shall be allowed in the building and no commercial uses or commercial storage will be allowed at any time.
- 5.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 6.) That a building permit is required prior to construction of the accessory building.

ACTION

As part of the consent agenda, Commissioner Randall made a motion to **approve** Conditional Use Permit #16-15 with conditions and the motion was seconded by Commissioner Duffy. The motion passed unanimously.

Conditional Use Permit #16-15 – Approved

REGULAR AGENDA

Commissioner Barth made a motion to **approve** the regular agenda consisting of Items 2, 5, and 6. The motion was seconded by Commissioner Randall. The motion passed unanimously.

ITEM 2. CONDITIONAL USE PERMIT #16-11 to make available 1 building eligibility on the property legally described as E1080.5' NW1/4, Section 29-T103N-R52W.

Petitioner: Aaron DeCurtins

Property Owner: same

Location: Half mile east of 455th Ave. & 254th St. Intersection

Approximately 4 miles northwest of Humboldt

Staff Report: Kevin Hoekman

This would make 1 building eligibility available for a single family dwelling.

General Information:

Legal Description – E1080.5 NW1/4 29-103-52 Clear Lake Township

Present Zoning – A1 - Agriculture

Existing Land Use – Cropland & Wetland

Parcel Size – 65.48 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

The property is located approximately 1.75 miles west of SD Highway 19 on County Highway 122. The subject property is an un-platted parcel approximately 65 acres in size. Approximately 36 acres of the property is inundated with water. The property has one building eligibility that is labeled as required to have a conditional use permit to make the building eligibility available.

This request is to make the building eligibility available for a single family building site.

The petitioner has submitted a survey of the property and a site plan. The site plan shows a single family dwelling that meet all setback requirements and an accessory structure further south and away from the right-of-way. The placement and use of this building eligibility will take up some active farmland, but the use of this land for a dwelling unit is consistent with density zoning.

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 proposed location of the building eligibility places the dwelling in a parcel with access to County Highway. It is likely that the surrounding area will continue to remain agriculturally based. An existing CAFO is located approximately ½ mile to the northwest of the proposed dwelling site. The current or future landowners of this parcel may contest the expansion of this CAFO. The current and future landowners should be aware of this possibility because of the Right to Farm Notice Covenant that is required for all new residential dwelling building permits.

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

The petitioner will be required to obtain any necessary utilities. The driveway on the site plan utilizes the existing field approach. The petitioner will be required to obtain a driveway permit from the County Highway Department in order to change the use from a field entrance to a driveway.

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 little to no effect on the health, safety and general welfare of the public. Placing this building eligibility in this location is in compliance with density zoning.

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 #16-11 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.) A change in use permit must be obtained for the driveway from the Highway Department prior to the building permit.

DISCUSSION

Commissioner Barth started with the question of whether the property has a building eligibility or if the Planning Commission is creating one.

Kevin Hoekman of county planning staff explained the general concept of building eligibilities and explain the likely reason this particular building eligibility required a public hearing.

ACTION

Commissioner Barth made a motion to **approve** Conditional Use Permit #16-11 with conditions and the motion was seconded by Commissioner Duffy. The motion passed unanimously.

Conditional Use Permit #16-11 – Approved

ITEM 5. REZONING #16-02 to rezone east 464 feet of the property legally described as THAT PORTION SE1/4 LYING SOUTH OF HWY 42 (EX THAT PORTION PLATTED AS ROWENA & EX CLAUSON TR 1 & EX PERRY TR 2 & EX KJERGAARD & EX SMOOK ADDN & EX H-1 & EX FUNKE'S ADDN) 26-101-48 SPLIT ROCK TOWNSHIP from the A-1 Agricultural District to the C Commercial District in Section 26-T101N-R48W.

Petitioner: Jason Klein

Property Owner: Jason Klein & others

Location: Southwest corner of South Dakota Highway 42 & 483rd Ave. Intersection
Approximately 3 miles east of Sioux Falls

Staff Report: Kevin Hoekman

This would rezone from the A-1 Agricultural District to the C Commercial District.

General Information:

Legal Description – THAT PORTION SE1/4 LYING SOUTH OF HWY 42 (EX THAT PORTION PLATTED AS ROWENA & EX CLAUSON TR 1 & EX PERRY TR 2 & EX KJERGAARD & EX SMOOK ADDN & EX H-1 & EX FUNKE'S ADDN) 26-101-48 SPLIT ROCK TOWNSHIP.

Present Zoning – A1 - Agriculture

Existing Land Use – Crop land

Parcel Size – 16.12 acres

Staff Report: Kevin Hoekman

Staff Analysis:

The applicant is proposing to rezone approximately nine (9) acres of a 16.12 acre parcel from A-1 Agricultural to C – Commercial zoning district. As noted in the description on the application, the east 464 feet is requested to be rezoned to C – Commercial zoning district, while the rest of the parcel is to remain A-1 Agricultural zoning district in order to preserve five (5) existing residential building eligibilities. The petitioner mentioned future plans to develop residential uses in the future, but not at this time.

The property is located adjacent to the east side of Rowena. Approximately 800 feet of the northern property line abuts SD Highway 42 while the east property line abuts County Highway 111 (483rd Street). The applicant would have to acquire permission from the Department of Transportation (DOT) and/or the Minnehaha County Highway Department in order to obtain access to the respective roads.

Many residential dwelling are located within close proximity of the parcel. Primarily these residences are located in the non-incorporated Rowena. A few acreages and farmsteads are located to the south and southeast of the site. The current request to rezone the east 464 feet of the parcel provides a buffer space between the proposed commercial zoning and the residential uses in Rowena. The adjacent residential property to the south is a ten (10) acre non-farm residence. There is no buffer between this residential property and the proposed commercial zoning area; however, the dwelling and yard area is separated by two separate groves of trees. In

addition the location of the proposed commercial district will require future development to meet special setbacks and landscaping requirements.

The subject parcel is located within the Red Rock Corridor. The Red Rock corridor is an area around SD Highway 42 west of Sioux Falls that has undergone additional planning and includes additional measures in the County Ordinance. The subject proposed rezoning corresponds with a commercially designated area within the Future Land Use Plan for the Red Rock Corridor. While clustering growth in proximity to Rowena is deemed desirable, it is recognized that growth must be able to maintain with minimal services. The petitioner will have to arrange for utilities to be extend for any development in the proposed commercial district. No sanitary sewer system is available so each property will have to include on-site wastewater treatment systems. Commercial on-site wastewater systems must be approved by the state Department of Environment and Natural Resources.

The Envision 2025 Comprehensive Plan recognizes Rowena as a Rural Service Area Community. As part of this designation, typical uses include limited convenience commercial businesses. The proposed commercial site would be located at the intersection of a state highway and a county highway which is desirable for access and to avoid strip style development along a major street.

The rezoning proposal generally meets the policies and objectives of the comprehensive plan. The site is located within of a Rural Service Area and within a designated commercial area or the Red Rock Corridor Future Land Use Plan.

Recommendation: Staff recommends **Approval** of Rezoning #16-02 to rezone the subject property from A1 Agricultural District to C Commercial District.

PUBLIC COMMENT

Kevin Hoekman of County Planning Staff presented the staff report, and made a recommendation. Commissioner Cypher asked if this is the requirements of the Red Rock Corridor would be applicable on this site. Kevin responded that yes that is the case. Commissioner Duffy clarified with staff that the rezoning is only for a portion of the subject property and asked staff if there is a possibility to rezone the remaining land. Staff responded that the petitioner has expressed interest in rezoning it but will have to come back to the Planning Commission for future rezoning. The petitioner has 5 building eligibilities currently on the land.

Jason Klein spoke as the petitioner of the proposed rezoning. He stated that over the years he has received many phone calls inquiring about the property and now the inquiries are more promising. He included that since he does not need all the property at this time he plans on leaving some land for future development and to preserve the building eligibilities. Commissioner Ode asked if the intersection to the south will be a problem because of a large hill that may shorten sight distance. Jason replied that he did not believe it would be an issue.

Sam Assam, 8612 E 10th Street, spoke in opposition to the item. He noted that he was speaking primarily on the behalf of the Dewitt family who owned the residence to the south of the proposed rezoning. He started that they have owned the property for a 25 years and never

considered that the neighboring use would be commercial. Initially it was platted for residential but the plat was vacated. He projected that once this is rezoned to commercial the remainder of the property will follow as commercial as nobody will want to live next to it. The residential property to the south does have a buffer located on it, but the petitioner has not considered a buffer on his own property. He also noted that the petitioner has the means and ability to buffer the commercial development from the existing single family residence with the buffer consisting of residential uses. Commissioner Barth asked Mr. Assam if he was not opposed to the rezoning if the certain changes are done to mitigate the potential issues. Mr. Assam responded that the property owner has the ability to establish a buffer of residential land.

Mr. Klein responded to Mr. Assam's comments. He started explaining that the area meets the comprehensive plan and the Red Rock Corridor Future land use designations. Scott Anderson, the Planning Director, spoke up that in the Red Rock Corridor, there are some requirements for commercial uses to have buffer and landscaping from residential uses. He did acknowledge that these buffers may not be as much as what the neighbors want.

Lori Dewitt, 48296 267th Street, spoke as the property owner of the neighboring residence. She reiterated the need for a buffer. She noted that the current trees were planted by hand and the property was maintained by hand to where it is today. The property has been their investment. She added that it currently attracts many animals and wildlife. Commissioner Even asked if they had talked with the petitioner about acquiring any land from them and she responded with no for an answer.

Commissioner Barth asked the petitioner if they would be willing to work with the neighbors on buffers or other mitigation. The petitioner responded that he was surprised by the opposition and that he cares for Rowena and the area. He added that he would promise that he would be reasonable. Commissioner Barth commented that perhaps deferring action would be beneficial to allow neighbors to talk.

DISCUSSION

Commissioner Cypher noted that change happens in Minnehaha County and that this is nothing unusual for a request like this.

ACTION

Commissioner Barth made a motion to **Continue** Rezoning #16-02 to the next Planning Commission Meeting on April 25, 2016, and the motion was seconded by Commissioner Even. The motion passed unanimously.

Rezoning #16-02 – Continued to April 25, 2016

ITEM 6. REZONING #16-03 to rezone Tracts 1, 2, & 3 Anson Addition, N1/2 SW1/4, Section 3-T102N-R49W from the A-1 Agricultural District to the Cedar Ridge Planned Development District.

Petitioner: Eric Willadsen (Willadsen Lund Engineering)

Property Owner: Brad Wagner

Location: Quarter Mile north of 475th Ave. & 257th St. Intersection

Approximately 3.5 miles north of Sioux Falls

Staff Report: Scott Anderson

This would rezone from the A-1 Agricultural District to the Cedar Ridge Planned Development District.

General Information:

Legal Description – Tracts 1, 2, & 3 Anson Addition, SW ¼, Section 3-T102N-R49W

Present Zoning – A-1 Agriculture

Existing Land Use – Residential and Agriculture

Parcel Size – approximately 81.02 acres

Staff Report: Scott Anderson

Staff Analysis: Minnehaha County utilizes several zoning techniques such as density zoning, the use of subdivision regulations and the Planned Development District to accomplish the goals of the Comprehensive Plan. The County's Comprehensive Plan states that occasionally, conventional zoning districts can be a barrier to innovative design and development techniques. The Planned Development District was added to the zoning regulations to provide developers with greater flexibility while at the same time increasing the public review of development proposals. Planned Developments can exactly outline proposed uses within the specific district and how development will occur. Furthermore, a specific set of guidelines for each planned development can be agreed upon by the County/City and developer. Planned Developments fill an important niche within the overall zoning of Minnehaha County.

The applicant has included a detailed narrative explaining future goals and development, as well as a site plan depicting the future development. A copy of both the narrative and site plan are included for the joint planning commission's review. The applicant is requesting to create a Planned Development consisting of three (3) sub areas.

Sub Area A - Sub area A is the residential component of the plan and the applicant is proposing to locate up to sixteen (16) single family residences in this area. The proposed lot sizes would range from approximately 1.2 acres to 1.6 acres in size. There is a nice existing shelterbelt running along the north property line which would serve as a buffer between the mobile home park and the proposed residences. Each residence would have access to Minnehaha Community Water and will utilize a private on-site wastewater disposal system (septic system). The proposed area is not located over or near any identified aquifers.

Sub Area B - The existing stable and riding area would be located in Sub Area B. In addition,

horses would be pastured in this area. There were several horse trailers located in this area and the proposed plan would allow for storage of horse related trailers. The existing stable was allowed with the approval of Condition Use Permit #02-72 in November of 2002. The stable was constructed in 2003 and is 18,720 square feet in area.

Sub Area C - Sub Area C has been proposed to allow a maximum of two (2) single family residences, a stable that would be limited to pasturing, boarding and shelter, a recreation facility and those uses permitted in the A-1 Agriculture District. There is an existing residence in sub area C, which was constructed in 2003. The existing residence is occupied by the property owner. Staff has concerns about what future plans for the recreation facility identified in the uses permitted within Sub Area C. With no specific plan or scope of the proposed recreation facility addressed by the applicant, staff is requesting that prior to the development and construction of the recreation facility or any of the uses allowed in the A-1, the applicant submit a final development plan to the Planning Commission for review and approval.

On March 15, 2016, staff conducted a site visit. S.D. Highway 115 provides access to the site and it is in good condition. There is significant residential development in the general area with a major residential subdivision, Peterson's First Addition located adjacent to the north of the subject property. The Peterson Mobile Home Park is located directly north and consists of approximately 40 residential units on 57 acres. Renner, along with several other subdivisions, is approximately 1 mile to the south. In addition, there are several other residences located on individual lots. The area is a mix of residential and agricultural uses with significant residential development along S.D. Highway 115.

There are two building eligibilities located within the proposed 81 acre Planned Development. One eligibility is used by the existing single family residence located on Tract 3. Tract 2 has one eligibility available. Tract 1 has no eligibility. Should the Planned Development be approved, both eligibilities would be eliminated and the criteria and site plan adopted as part of the Planned Development would be followed.

S.D. Department of Transportation has reviewed the development proposal and indicated that they will not grant another access point onto S.D. Highway 115. The existing driveway which is proposed to be upgraded into a subdivision road has satisfactory sight distance, 1300 feet plus to the north and 1300 feet to the south. The current ADT for this section of S.D. Highway 115 is 4,411 and the 20 year ADT is projected to be 6,730. The S.D. Highway Department classifies this area as "Urban Fringe".

Staff supports the rezoning request. The County has rezoned similar parcels for residential development in the area. On August 26, 2014, the County Commission approved Rezoning #14-05 which rezoned approximately 17 acres of agricultural land to C Commercial and R-1 Residential. Rezoning #14-05 is located less than 1 mile to the south. The applicant submitted plans indicating that the 13 acres rezoned to R-1 Residential would be developed into ten (10) residential building sites.

Recommendation: Staff recommends **approval** of Rezoning #16-03 to create the Cedar Ridge Planned Development District as follows:

CEDAR RIDGE PLANNED DEVELOPMENT DISTRICT. The regulations set forth herein or elsewhere in these regulations are the district regulations in the Cedar Ridge Planned Development District:

(A.) SUBAREA A

- (1). **USES PERMITTED.** A building or premises shall be permitted to be used for the following purposes:

Permissive uses, permitted special uses and conditional uses of the RR District.
- (2). **ACCESSORY USES.** Accessory uses and buildings permitted are those accessory buildings and uses customarily incident to any permitted use allowed in the district. No accessory building shall exceed 1200 square feet in area.
- (3). **PARKING REGULATIONS.** Parking shall be regulated in conformance with the provisions of the RR zoning district.
- (4). **SIGN REGULATIONS.** Signs shall be regulated in conformance with the provisions of the RR zoning district.
- (5). **DENSITY, AREA, YARD AND HEIGHT REGULATIONS.** The same requirements shall apply as in the RR zoning district.
- (6). **OTHER REGULATIONS.** Other regulations for Subarea A shall be:
 - a) Subdivision roads shall be private
 - b) One sign for use by the Subarea B Stable and Boarding operation shall be allowed at the entrance road along S.D. Highway 115 and shall be limited to 16 square feet in area and 20 feet in height.
- (7). **FINAL DEVELOP PLAN.** Prior to construction of the first new residence in the Cedar Ridge Planned Development District, a Final Development Plan shall be presented to the Planning Commissions for their approval.

(B.) SUBAREA B

- (1). **USES PERMITTED.** A building or premises shall be permitted to be used for the following purposes:
 - a) Arena/Horse Stable/Parking/Storage.
 - b) Horse Pasture and associated uses for horse boarding operations.

- (2). ACCESSORY USES. Accessory uses and buildings permitted are those accessory buildings and uses customarily incident to any permitted use allowed in the A-1 Agriculture zoning district.
- (3). PARKING REGULATIONS. Parking shall be regulated in conformance with the provisions of the A-1 Agriculture zoning district.
- (4). SIGN REGULATIONS. Signs shall be regulated in conformance with the provisions of the A-1 Agriculture zoning district.
- (5). DENSITY, AREA, YARD AND HEIGHT REGULATIONS. The same requirements shall apply as in the A-1 Agriculture zoning district.
- (6). OTHER REGULATIONS. Other regulations for Subarea A shall be:
 - a) Subdivision roads shall be private

(C). SUBAREA C

- (1). USES PERMITTED. A building or premises shall be permitted to be used for the following purposes:
 - a) Those uses permitted in the A-1 Agriculture zoning district.
 - b) Stable, limited to pasture boarding and shelter.
 - c) Maximum of two (2) single family dwellings
 - d) Recreation Facility
- (2). ACCESSORY USES. Accessory uses and buildings permitted are those accessory buildings and uses customarily incident to any permitted use allowed in the A-1 Agriculture zoning district.
- (3). PARKING REGULATIONS. Parking shall be regulated in conformance with the provisions of the A-1 Agriculture zoning district.
- (4). SIGN REGULATIONS. Signs shall be regulated in conformance with the provisions of the A-1 Agriculture zoning district.
- (5). YARD AND HEIGHT REGULATIONS. The same requirements shall apply as in the RR zoning district.
- (6). FINAL DEVELOP PLAN. Prior to construction of the recreation facility or any of the allowed permitted uses in the A-1 Agriculture zoning district, a Final Development Plan shall be presented to the Planning Commissions for their approval.

PUBLIC COMMENT

Scott Anderson of Planning Staff Presented the staff report and recommendation.

Eric Willadsen of Willadsen Lund Engineering, spoke on behalf of the petitioners. Mr. Willadsen described the property and proposal, and he noted that he agreed that a Planned Development is the best proposal for this type of project. Mike described the planned use for each subarea with an emphasis that subarea C will be able to have two single family dwellings in order to accommodate the petitioner's desire to build another house for himself. Mr. Willadsen said he had spoken with the SD DOT and they were okay with the proposed road access because of adequate site distance. He also spoke with Minnehaha County Rural Water Corporation and they were able to supply water to the development. In addition, he noted that the petitioner, Brad Wagner met with many of the neighbors to the north and no concerns were raised in those meetings.

Commissioner Even asked this proposal had the possibility for future development for residential; especially in Subarea C. Mr. Willadsen responded that it was not originally considered because the petitioner is only concerned for his own future house on that land, but it would ultimately be possible to further develop the area. He added that further development would require further public hearings and approval.

Commissioner Cypher clarified that the area is not affiliated with sanitary sewer. He added that approval of this zoning change would gift housing eligibilities to this petitioner, and it will increase density on a highway that is already heavy with traffic. Commissioner Cypher continued that this situation is similar to a request last year where traffic was a major concern, and that this situation where the petitioner has a horse stable is not a special use to allow additional eligibilities to be created. Mr. Willadsen responded that rural residential housing is very desirable in this area and this proposal meets the definition of rural residential.

Commissioner Randall asked planning staff to clarify the building eligibility situation and having two residences on subarea C. Planning Staff responded that the rezoning will eliminate the building eligibilities and the ability to build a single family residence will be governed by the new regulations of the planned development subarea. Subarea C will have a maximum of two dwellings and one is already built.

Commissioner Barth recalled a similar situation were a rezoning took place near Wall Lake and two building eligibilities were eliminated for ten residential sites. Commissioner Cypher added that they had sanitary sew available at that location.

Commissioner Barth clarified with planning staff that this proposed development would be required to pave the road and create some sort of road district. He added that up to this point nobody but planning commissioners have objected to the request and motioned to recommend Approval of Rezoning 16-03. Commissioner Kostboth seconded the motion and discussion of the motion took place.

DISCUSSION

Commissioner Randall noted that she agreed with Commissioner Cypher that the area is predominantly agricultural, too far from Sioux Falls, may hinder farmers from development of agricultural uses, and that the Petersen housing development would not have been approved today. Because of these reasons, Commissioner Randall stated that she could not support the

motion.

Commissioner Cypher added that such an approval would create a precedence for future development. Other horse stables or golf courses may want to do the same thing.

Commissioner Ode added that he found the situation a little odd because a livestock operation attracts people to yell and scream that they don't want further development of animal operations but people want to live around horses that stink, create waste and other type issues like any other livestock. He noted that he could not support the motion.

The vote on the motion to recommend approval of Rezoning 16-03 failed with two Ayes and four Nays. Commissioners Duffy, Randall, Even, and Ode Voted Nay.

ACTION

Commissioner Ode made a motion to recommend **Denial** of Rezoning #16-03. Commissioner Randall seconded the motion. The motion passed unanimously.

Rezoning #16-03 – Recommendation for Denial

Old Business

Staff reported that the Tim Tiaht rezoning has been approved.

New Business

A question was raised regarding what will happen to a property that is not in compliance and is brought up at the meeting. Staff responded that it is Planning Department's responsibility to enforce the ordinance and that staff will look into the code enforcement.

Adjourn

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