

**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION**
April 25, 2016

A meeting of the Planning Commission was held on April 25, 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, Paul Kostboth, and Jeff Barth.

STAFF PRESENT:

Scott Anderson, David Heinold, and Kevin Hoekman - County Planning

Planning Commission Chair Mike Cypher called the Minnehaha County Planning Commission meeting to order at 8:10 p.m.

CONSENT AGENDA

No items were removed from the consent agenda by either the planning commission or members of the public. The consent agenda consists of Items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12.

A motion was made by Commissioner Randall and seconded by Commissioner Barth to approve the consent agenda consisting of Items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12. The motion passed unanimously.

ITEM 1. Approval of Minutes – March 28, 2016

As part of the consent agenda, a motion was made by Commissioner Randall and seconded by Commissioner Barth to **approve** the meeting minutes from March 28, 2016. The motion passed unanimously.

ITEM 2. CONDITIONAL USE PERMIT #16-16 to amend CUP #15-65 to exceed 1,200 square feet of total accessory building area – requesting 4,482 sq. ft.

Petitioner: Sam & Michelle Schimelpfenig

Property Owner: same

Location: 25465 477th Ave. Approximately 5 southeast of Baltic

Staff Report: David Heinold

This would amend CUP #15-65 to allow 4,482 sq. ft. of total accessory building area.

General Information:

Legal Description – Tract 4 Peterson’s Addition, NE1/4 & NE1/4 SE1/4, Section 26-T103N-R49W

Present Zoning – A-1 Agricultural District

Existing Land Use – Residential

Parcel Size – 8.30 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 to amend condition #1 on Conditional Use Permit #15-65 to allow 4,482 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 has already constructed a 3,402 sq. ft. accessory building for personal storage, but is requesting an additional 324 sq. ft. to be able to build a 1,080 sq. ft. accessory building for animals. The total requested accessory building area including the proposed building size would be 4,482 sq. ft.

There are several accessory buildings that range from 1,200 sq. ft. to 1,800 sq. ft. on 4-5 acre lots. The property owner at 25397 477th Ave. has a 1,800 sq. ft. pole building about a half mile to the north of the petitioner’s residence. The two 5-acre lots just to the south at 25403 and 25406 477th Ave. have 1,664 and 1,620 sq. ft. of total accessory building area respectively. The property, 25455 477th Ave., immediately to the north of the subject property has 1,500 sq. ft. The largest total accessory building area is located at 47715 254th St., which has about 8,880 sq. ft. on an 11 acre parcel and appears to be used for horses and/or agricultural storage.

On April 13, 2016, staff visited the property and determined that the proposed accessory building size is appropriate for the immediate area. The proposed building will be located on a 8.30 acre parcel.

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 two other properties within a half-mile of the subject property that have building sizes relatively comparable to the petitioner's requested total accessory building area. One other 10-acre property, not listed on the existing accessory building map, a half mile to north of the subject property has nearly 9,000 square feet of total accessory building area. It is unlikely that the proposed building size 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 half-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 building may only be used for residential purposes, no commercial or business activities are allowed. Given the size of the other larger accessory buildings, 4,482 sq. ft. of accessory building area would be congruent with the land composition.

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

Access will be provided via an extension of the petitioner's driveway between the house and location for the proposed accessory building. No further infrastructure will need to be provided.

4) That the off-street parking and loading requirements 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 should have no effect on the health, safety, and general welfare of the public. The use of the accessory building for private use and storage will create few problems 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 #16-16 with the following conditions:

- 1.) That the total accessory building square footage shall not exceed 4,482 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 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 #16-16 with conditions and the motion was seconded by Commissioner Barth. The motion passed unanimously.

Conditional Use Permit #16-16 – Approved

ITEM 3. CONDITIONAL USE PERMIT #16-17 to transfer 3 building eligibilities from the NW1/4 SE1/4 & NE1/4 SE1/4 & SW1/4 SE1/4 to the SE1/4 SE1/4; all in Section 24-T104N-R48W.

Petitioner: Gary Winterton

Property Owner: same

Location: 24789 484th Ave. Approximately 3 miles northwest of Sherman

Staff Report: Kevin Hoekman

This would allow the transfer of three building eligibilities.

General Information:

Legal Description – SE ¼ (EX H1 & H2 & Ex Tr A Winterton's Addn) SE ¼

24-104-48 Logan Township

Present Zoning – A-1 Agriculture

Existing Land Use – Crop Land

Parcel Size – 150.1

Staff Report: Kevin Hoekman

Staff Analysis:

The applicant has applied to transfer three building eligibilities (BEs) from the NW1/4 SE1/4 & NE1/4 SE1/4 & SW1/4 SE1/4 to the SE1/4 SE1/4 of the same section. The request is made in part to cluster future building sites near the road and the existing farmstead in the SE ¼ SE ¼.

The petitioner has submitted a sight plan and stated his intent to locate the building eligibilities south of the existing farmstead. It was also noted that north of the farmstead, it was possible to create a buildable lot, and the location of the building eligibilities in the SE ¼ would allow some space north of the farmstead for creating minimum sized lots. The stated plan is not to develop the lots now, but rather have the eligibilities available for when development is ready.

Staff visited the site on April 12, 2016. At that time staff noticed there were two dwellings on the quarter section (a mobile home and a farm house), but only one building eligibility was used up to this point. Further investigation lead to the finding that the mobile home was placed as a second dwelling in the farmstead with a building permit issued in 1985 before density zoning. This mobile home will be assigned a building eligibility number and the proposed transfer will still result in the placement of three potential building sites surrounding the existing farmstead.

The general landscape of the petitioner's land is composed of fairly flat cropland, and existing farmstead. The access to any future plat will come off County Highway 109 which allows for paved road access for future site development. Two of the eligibilities are inaccessible in their current locations because no township road is located south of section 24. The site visit allowed staff to confirm that the area is sparsely populated. One CAFO exists approximately 0.6 miles northeast of the proposed location for the building eligibilities.

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 proposed location for the moved building eligibilities and development is located in an active agricultural zone. Few non-farm residential parcels are located anywhere near this proposed development, but several farmsteads have been platted apart from the surrounding agricultural land. Residents in non-farm properties may oppose future development or expansion of CAFOs in the area; however, a right-to-farm notice covenant is required for new residential dwellings 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.

Even with the right-to-farm covenant, the presence of a non-farm residential development may bring objections to regular farming practices included possible expansion of nearby confined animal feeding operations. The transfer of the building eligibility does not increase the number of dwelling units allowed in this section; it clusters the existing building eligibilities together around the existing farmstead.

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

The applicant will have to make these arraignments for any extension of utilities. The building eligibilities will be lined up next to County Highway 109. Any road access must be approved by the county highway department. The clustering of building eligibilities allows for the opportunity for shared driveways onto the highway.

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

Off-street parking requirements will be provided for once each 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 health, safety, general welfare of the public will not be impacted by the transfer of three building eligibilities. The intent of the Comprehensive Plan will be met, as density zoning will be followed. This type of clustering is encouraged in the Comprehensive plan in order to preserve large tracts of farm land rather than broken up parcels located with low density spacing.

Recommendation:

Staff finds this conditional use permit request to be consistent with density zoning and recommends **approval** of Conditional Use Permit #16-17 with the following conditions:

1. A right-to-farm notice covenant shall be placed on each deed prior to the issuance of a building permit for all single family dwellings.
2. Lots must be platted prior to building permits being issued.
3. A minimum of two of the residential lots must share a driveway road access.

ACTION

As part of the consent agenda, Commissioner Randall made a motion to **approve** Conditional Use Permit #16-17 with conditions and the motion was seconded by Commissioner Barth. The motion passed unanimously.

Conditional Use Permit #16-17 – Approved

ITEM 4. CONDITIONAL USE PERMIT #16-18 to exceed 1,200 square feet of total accessory building area – requesting 6,900 sq. ft. on the property legally described as S825' (Ex. H-1) W1/2 NW1/4 & Tract 2 Ridgeway's Addition, Section 34-T101N-R48W.

Petitioner: Thomas Hurd

Property Owner: Hurd BV, LLC

Location: 26748 481st Ave. Approximately 2 miles east of Sioux Falls

Staff Report: Kevin Hoekman

This would allow 6,900 sq. ft. of total accessory building area.

General Information:

Legal Description – S825' (Ex. H-1) W1/2 NW1/4 & Tract 2 Ridgeway's Addition,
Section 34-T101N-R48W

Present Zoning – A-1 Agriculture

Existing Land Use – Residence and Cropland

Parcel Size – 26.8 acres

Staff Report: Kevin Hoekman

Staff Analysis:

The property is located approximately one mile south of the intersection of SD Highway 42, SD Highway 11, and County Highway 115 in Split Rock Township. The site is located within a subdivision of more than four lots. In subdivisions or residential developments which exceed four lots in number, accessory building area is limited to 1,200 sq. ft. unless approval for a larger size is obtained through the conditional use permit process.

The petitioner would like to construct a 4,160 square foot (40' x 104') accessory building for personal storage and use. The parcel currently has an accessory structure that was used when the property was operating a shotgun shooting range. This existing structure has 2,688 square feet but does not have any doors for vehicle access and appears that it has not been maintained for some time. The proposed accessory building is indicated on the provided site plan to be located 20 feet north of the accessory building.

The property is smaller than 40 acres need to allow an agricultural building, yet much of the 26 acre property is currently used for cropland. An approximately 5.5 acre portion on the south side of the property is separated from the cropland and the dwelling and the accessory structure is located on this part. A row of cedar trees have been planted on the north edge of the non-cropland area. The location of the building provide a distance buffer from neighbors and the cedar trees will grow to screen the building too.

There are several large accessory buildings in the area. Many of these large buildings were built prior to the 1,200 square foot limitation in a subdivision. The provided Existing Accessory Building Map indicates the parcel location and total square feet of the large accessory buildings in the area. The accessory buildings in the area are smaller than this request for 6,900 square feet of total accessory building; however, the 4,160 square feet size of the requested building is

approximately 560 square feet larger than the largest accessory building in the surrounding area. The larger difference comes from calculating the additional square footage that is the former club house for the shooting range. This requested accessory building will allow for vehicle access where the former clubhouse does not. In addition, this property is located on a large lot on the south edge of a subdivision. This large area allows for considerable buffer distance and makes the character of the parcel more similar to agricultural use.

A neighbor in the area contacted the Planning Department after receiving the notice of hearing from the petitioner. One of the concerns she had was regarding the site's former use as a shotgun shooting range. Staff contacted the South Dakota Department of Environment and Natural Resources regarding the concerns for lead contamination. Carrie Jacobson of the SDDENR Waste Management Program provided some letters and studies for lead contamination for the property. It was unclear whether the site was cleaned up or not. Staff feels that the issues regarding lead from the former use of the property as a shooting range is irrelevant to the current request for a larger accessory building. The SDDENR has worked with the shooting range and any other inquiries regarding lead should be brought to the DENR for attention.

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. The site has significant buffer distance from other non-farm residences and will have no effect on the agricultural use nearby. The accessory structure shall not be used as a commercial operation at any time.

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 that the area is primarily surrounded by acreages with some that have large accessory buildings, the proposed structure is compatible to the area. Many of the large accessory buildings in the area were constructed many years ago without conditional use permitting.

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

The petitioner will be responsible for attaining and extending utilities to the proposed dwelling and accessory building, and the proposed accessory building will utilize the same driveway as the dwelling.

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.

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.

Recommendation:

Staff finds that the proposed building size is reasonable request considering the size of the property and the condition of the existing accessory building. Staff recommends **approval** of Conditional Use Permit #16-18 with the following conditions:

- 1.) That the total accessory building square footage shall not exceed 6,900 square feet.
- 2.) That a building permit is required prior to construction of the accessory building.
- 3.) An inspection must be made of the proposed new accessory building to ensure that the total floor area of the building does not exceed 4,160 square feet.
- 4.) Only personal residential storage shall be allowed in the building, and no commercial uses or commercial storage will be allowed at any time.
- 5.) 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 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 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 #16-18 with conditions and the motion was seconded by Commissioner Barth. The motion passed unanimously.

Conditional Use Permit #16-18 – Approved

ITEM 5. CONDITIONAL USE PERMIT #16-19 to allow a Bed and Breakfast Establishment on the property legally described as Tract 1 Maass' Addition, NW1/4, Section 17-T104N-R52W.

Petitioner: Mike & Jana Miles

Property Owner: same

Location: 45547 258th St. Approximately 0.5 miles west of Humboldt

Staff Report: David Heinold

This would allow a Bed and Breakfast Establishment.

General Information:

Legal Description – Tract 1 Maass' Addition, NW1/4, Section 17-T102N-R52W

Present Zoning – A-1 Agricultural District

Existing Land Use – Residential

Parcel Size – 10 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioners, Mike & Jana Miles, are requesting conditional use permit approval for a bed and breakfast establishment for one day, weekend, and week-long stays. The existing house on the subject property presently has 3 bedrooms with 4 beds. The application states that the proposed bed and breakfast establishment will be available to clients for short-term rentals through an online platform. The applicants own the home and reside less than a quarter mile away from the proposed location for the bed and breakfast establishment.

On April 13, 2016, staff visited the property and determined that the proposed bed and breakfast establishment is an appropriate land use for 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 area is primarily agricultural with a few residential acreages within the immediate vicinity just off of SD Highway 19. There is already an existing farmstead home and shed on the lot; therefore, there is no plan or need for additional buildings on the subject property. As a result of the proposed land use approval for a bed and breakfast rental establishment, no significant changes to property values or hindrance to the use and enjoyment of properties within the immediate vicinity should be expected.

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

Given that a majority of the surrounding vacant property in the area is primarily agriculture, the use of the subject property for a bed and breakfast establishment would likely not cause a significant impact to the normal and orderly development. The future growth of the area will be entirely dependent on the number of available building eligibilities as well as the commercial and

residential development potential of the I-90 Interstate Interchange near Humboldt.

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

All needed infrastructure is in place and the proposed bed and breakfast 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 the residential nature of the proposed use of the subject property. The site has enough parking area to accommodate the number of guests the existing house is designed to serve.

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.

Although this type of use is somewhat uncommon in rural areas, any nuisances should not likely be anticipated due to the residential nature of the bed and breakfast establishment. 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 use will be located in an area about a half mile west of the transition area of Humboldt identified in the Envision 2035 Comprehensive Plan. The primary goal of this area is to focus new growth and development within municipalities and areas adjacent to existing municipalities where infrastructure will be available. The proposed use of the existing residential dwelling for a bed and breakfast rental establishment is compatible with surrounding land uses and should not negatively affect the health, safety, and general welfare of the public. The petitioner stated in the narrative that the homeowners live a quarter mile to the east of the subject property and plan to keep a close watch on the bed and breakfast establishment along with their duties as primary staff for the proposed use.

Recommendation:

Staff finds that the proposed bed and breakfast establishment is an appropriate land use for the surrounding area consistent with the goals and policies of the Envision 2035 Comprehensive Plan. Staff recommends **approval** of Conditional Use Permit #16-19 with the following conditions:

- 1.) That CUP #16-19 shall allow a bed and breakfast establishment.
- 2.) That the property shall adhere to the submitted site plan dated 3-29-2016.
- 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 all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundary.
- 5.) That the Planning & Zoning Department reserves the right to enter and inspect the bed and breakfast establishment 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 Ordinances.

ACTION

As part of the consent agenda, Commissioner Randall made a motion to **approve** Conditional Use Permit #16-19 with conditions and the motion was seconded by Commissioner Barth. The motion passed unanimously.

Conditional Use Permit #16-19 – Approved

ITEM 6. CONDITIONAL USE PERMIT #16-20 to allow Storage Units on the property legally described as Dawson Tract 2, SE1/4, Section 12-T102N-R50W.

Petitioner: Tim Tiaht

Property Owner: same

Location: 25773 472nd Ave. Approximately 1.5 miles east of Crooks

Staff Report: Kevin Hoekman

This would allow Storage Units.

General Information:

Legal Description – Dawson Tract 2, SE1/4, Section 12-T102N-R50W

Present Zoning – C - Commercial

Existing Land Use – Tree Nursery

Parcel Size – Approximately 2.4 acres

Staff Analysis:

The property is located at the northeast corner of the Crooks/Renner Exit off of Interstate 29 and approximately ¼ mile north on 472nd Avenue. The parcel has recently been rezoned to entirely C – Commercial district to accommodate this requested of storage units. In a similar situation in 2012, a CUP was approved for mini-storage units on a nearby site to the southeast. In 2015 the nearby site was expanded with additional commercial zoning and expansion of storage units. The petitioner is requesting approval of storage units on the newly rezoned parcel.

The proposed property is currently used as a staging area for a tree nursery business that is owned and operated by the petitioner. This tree nursery business is planned to remain on the site in the existing site building. The majority of the site is proposed to become storage units and driveway space for the units.

The petitioner has submitted a site plan and narrative which indicates a variety of storage unit sizes ranging from 14' x 30' for recreation vehicle storage to 10' x 10' storage units that are accessed from inside hallways for small item storage. The building will be “U” shaped with all storage unit doors facing the inside of the “U” or within the structure. The building and maneuvering area will fill nearly all the allowable yard space up to the required setbacks. The narrative indicates that the construction of the units would be this summer, the driveway will meet the hard surfacing requirement with crushed asphalt, and shoe box style lighting will be used where required. The petitioner also noted at the time of application that he plans to have a fence to limit the access to the storage units. No outside storage is requested; therefore no screened fencing is required. The petitioner included in the narrative and in a separate site plan a proposal for fencing the maneuvering area. The fence and electronic gat will help prevent unauthorized access to the property.

The site plan does not include a Best Management Practice (BMP) for stormwater control. The petitioner noted in the narrative that the current driveway culverts will be replaced with larger culverts to allow more flow through the ditch. A driveway permit has been approved by the Highway Department and submitted to the Planning Office.

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 proposed use will increase the traffic and use of the property as compared to the current tree nursery business. Many of the residential properties surrounding the site have well-established tree groves between the residential dwelling and the proposed storage units. The proposed storage buildings will create an industrial type structure that is in relatively close proximity to residential uses; however, this land use is similar to other land uses that are permissible and permitted in the C-Commercial District. Much of the activity will take place on the inside of the “U” shaped structure that will shield activity from many of the neighboring uses. The proposed storage unit building will be placed up to the required setback of 10 feet from the north property line, but no access into or out of the building will be located on the north side.

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

The area around the interstate exit is extensively industrial and commercial land uses. The area on this corner of the interstate exit has much more residential type uses that will likely inhibit, or at least slow down, any future commercial or industrial growth. One available building eligibility is located between this commercial property and 257th Street over ½ mile north of the site. The lack of building eligibilities means that future residential development is limited to the one eligibility. Multiple parcels in the area have been rezoned to commercial and commercial uses will likely continue to expand in the area over time as the other corners of the interstate have done.

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

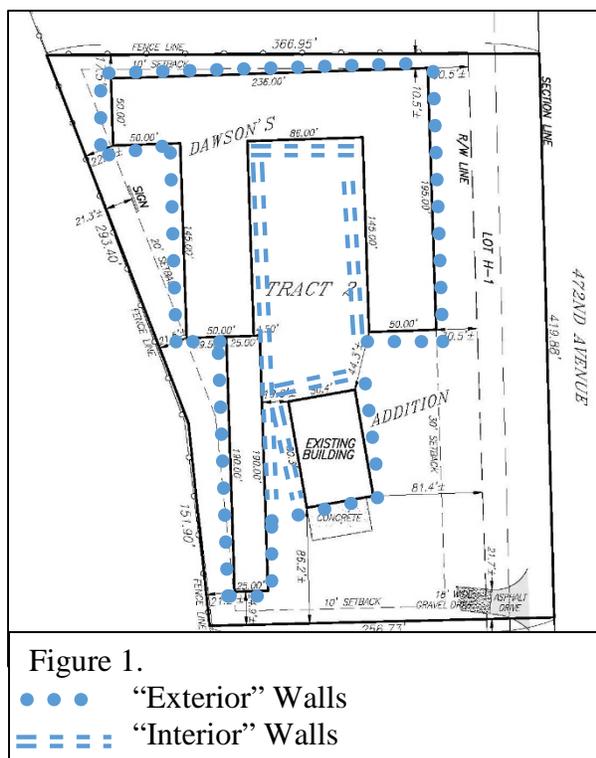
The facility will use the existing approved access onto the County Highway. All other necessary utilities are available to the parcel.

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

The buildings are spaced wide enough to allow for temporary parking. No permanently parked vehicles will be allowed as outdoor storage. The parking areas and driveways will be required to be hard surfaced in accordance with Minnehaha County Minimum Improvement and Maintenance Standards. The petitioner included in the narrative that the driveway and parking areas will have crushed asphalt surfacing that will have to meet minimum county standards.

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.

Lighting and glare has to potential to be a nuisance to neighboring properties. It is also recognized that lighting is needed for both security and sight visibility. Lighting should be directed as to not spill off the site. Lights located “exterior” walls of the “U” shaped building



should be shoebox style to direct light downward, and lights within the "U" shaped building can cast light across the vehicle maneuvering area. Landscape trees are encouraged to screen lighting that may escape the interior portion of the "U" shaped area. Figure 1 is a representation of where staff considers as "exterior" walls and "interior" walls. No commercial businesses will be allowed to operate in the units, reducing the chances of any other types of nuisance being created by this facility.

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

It is unlikely that the requested expansion will create any additional health safety or welfare concerns. This area is designated as a rural service area in the comprehensive plan. This designation allows for the development of commercial and industrial entities in the area.

Recommendation:

Staff finds that the proposed mini-storage an appropriate use of the commercial land at this site. Staff recommends **approval** of Conditional Use Permit #16-20 with the following conditions:

- 1.) The property shall adhere to the submitted site plan and narrative.
- 2.) No outside storage shall be allowed at any time.
- 3.) No commercial businesses shall be allowed to operate within the storage units.
- 4.) All driving and parking areas shall be hard surfaced to the standards of Minnehaha County Zoning Ordinance. The hard surface is required to be installed within 6 months all of the storage units are constructed or by August 31, 2017, whichever is sooner.
- 5.) All lights on "exterior" walls as indicated by Figure 1 shall be of shoe-box style, directing lights directly downward onto the property.
- 6.) Building permits are required for the storage units and for any signage.

ACTION

As part of the consent agenda, Commissioner Randall made a motion to **approve** Conditional Use Permit #16-20 with conditions and the motion was seconded by Commissioner Barth. The motion passed unanimously.

Conditional Use Permit #16-20 – Approved

ITEM 7. CONDITIONAL USE PERMIT #16-21 to allow a Greenhouse with Retail Sales of Products on the premises legally described as S959.76' E831.20' E1/2 SW1/4 (Ex. H-1), Section 36-T104N-R49W.

Petitioner: Judith J. Wurtz

Property Owner: Paul Carrette

Location: 47738 250th St. Approximately 3 miles east of Baltic

Staff Report: David Heinold

This would allow a Greenhouse with Retail Sales of Products on the premises.

General Information:

Legal Description – S959.76' E831.20' E1/2 SW1/4 (Ex. H-1), Section 36-T104N-R49W

Present Zoning – A-1 Agricultural District

Existing Land Use – Residential

Parcel Size – 18.34 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting conditional use permit approval for a greenhouse with retail sales of herbs and vegetable bedding plants. The proposed use is temporarily seasonal in nature, but the narrative explains that the applicant plans to have similar hours annually. The business will be conducted 9:00 am to 6:00 pm, Monday through Saturday; and 10:00 am to 5:00 pm on Sunday. There is an existing 21'x36' temporary greenhouse structure located on the subject property that will be used for growing plants. There is an existing house, detached garage, and barn presently on the property.

On April 13, 2016, staff visited and determined that the proposed greenhouse with retail sales on site is an appropriate land use for 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 area is primarily agricultural with a few residential acreages a half mile to the west and some farmstead sites near the subject property. The proposed greenhouse with retail sales on the premises is located on a property with an existing house as a part of the original farmstead. The proposed use should not negatively affect the use, enjoyment, or property values of property in the immediate vicinity due to the presence of the existing buildings and no major expansions planned for the site other than what is already permitted.

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

Given that a majority of the surrounding vacant property in the area is primarily agriculture, the use of the subject property for an agricultural-type use such as a greenhouse with retail sales on

site would likely not cause a significant impact to the normal and orderly development of the adjacent properties. The future growth of the area will be entirely dependent on the number of available building eligibilities.

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

All needed infrastructure denoted on the site plan for the proposed greenhouse with retail sales on site is in place and will utilize the existing driveway approach off of County Highway 114.

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

The site plan indicates that the petitioner has enough space to accommodate the minimum number of parking spaces in accordance with Article 15.00. Based on the amount of square footage that is provided on the site plan, the proposed use will need to allow for a minimum of four (4) parking spaces for the retail aspect of the greenhouse operation to meet the need of clients and/or customers.

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 greenhouse and retail component. 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 use should not negatively affect the health, safety, and general welfare of the public. The Envision 2035 Comprehensive Plan recognizes that agricultural lands have a definite public value as open space, and the preservation in agricultural production of such lands constitutes an important physical, social, aesthetic, and economic asset. The proposed use presents an opportunity to promote sustainable use and management of productive landscapes through increasing food production on a relatively small parcel.

Recommendation:

Staff finds that the proposed greenhouse with retail sales on the premises is an appropriate land use for the surrounding area consistent with the goals and policies of the Envision 2035 Comprehensive Plan. Staff recommends **approval** of Conditional Use Permit #16-21 with the following conditions:

- 1.) That CUP #16-21 shall allow a greenhouse with retail sales on the premises.
- 2.) That the property shall adhere to the submitted site plan dated 3-31-2016.
- 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 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.
- 5.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundary.

6.) 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 #16-21 with conditions and the motion was seconded by Commissioner Barth. The motion passed unanimously.

Conditional Use Permit #16-21 – Approved

ITEM 8. AGRICULTURAL TOURISM PERMIT #16-02 to allow a Winery on the property legally described as Sieperdas Tr. 1, NE1/4 Ex. H-1, Section 18-T103N-R47W.

Petitioner: Robert Meyer

Property Owner: same

Location: 25219 485th Ave. Approximately 0.25 mile north of Garretson

Staff Report: David Heinold

This would allow a Winery on a parcel smaller than 10 acres.

General Information:

Legal Description – Sieperdas Tr. 1, NE1/4, Ex. H-1, Section 18-T103N-R47W

Present Zoning – A-1 Agricultural District

Existing Land Use – Residential

Parcel Size – 6.90 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioner meets all of the requirements in the Agricultural Tourism Ordinance except that they are requesting to operate a winery on a parcel smaller than 10 acres, which is required to obtain approval of the operation because they will not comply with the established regulation for parcel size. The site plan shows the layout of the proposed use that will include part of the existing farmhouse along with the 30'x24' attached garage as part of the customer experience and production area. There will also be a 30'x30' space in the basement connected to the attached garage as an expansion area for production and storage. The hours of operation will be from 8 am – 5 pm, Monday-Friday for production and tastings planned to begin by appointment. The full-time employees on site will consist of both property owners as well as temporary help on an as needed basis for help with events and harvesting.

On April 13, 2016, staff visited the subject property and determined that the proposed use is appropriate for the immediate area. The business will be located on an approximately 7 acre parcel situated around 1.5 acres of fruit a quarter mile north of Garretson city limits.

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 residential acreages in the immediate vicinity, but the land is primarily agricultural crop and pasture land. The proposed use as a winery is not likely to detract from the uses already permitted in the surrounding area or have an impact on property values.

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

The site of the proposed use already contains the buildings for the winery operation. The future development of the surrounding area will likely not change significantly due to the commencement of the proposed winery other than slight residential growth, which is entirely determined by the number of available building eligibilities. The Envision 2035 Comprehensive

Plan projects the surrounding area to remain as the present use, agriculture, and just north of the transition area of Garretson.

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

All needed infrastructure is in place. No other new infrastructure is required.

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

The proposed use is not specified in the parking and loading regulations of the Zoning Ordinance. The winery operation would be classified in the recreation type category which requires one parking space per 100 square feet, or eighteen (18) spaces for the area of the building used for the winery and tasting room. It appears as if the site includes enough area to comply with this requirement.

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 winery. The narrative states noise should be minimal during the day-to-day operations, but not heard off site as there is no residential dwellings within a 1/2 mile of the subject property. While no special events are planned at this time, provisions must be made to ensure that offensive odor, fumes, dust, noise, vibration, and lighting are contained to preventing levels of activity that would otherwise constitute a nuisance to the general public. 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 use for a winery, due to the relative intensity of agricultural management practices that may contain certain chemicals potentially hazardous to human health is not likely to cause a significant impact to human health, safety, and general welfare of the public. The use of the property as a winery with activities designed to promote the agricultural tourism operation meets the goals within the Agriculture section of the Envision 2035 Comprehensive Plan. It accomplishes this by recognizing that agricultural lands have definite public value as open space, and the preservation in agricultural production of such lands constituting an important physical, social, aesthetic, and economic asset while promoting sustainable use and management of productive landscapes through the further development of agricultural tourism businesses in support of the agricultural sector within the regional economy.

Certain types of Agricultural Tourism Permits, including farm-related activities, allow special events. Special events may bring in large amounts of people, traffic, and potential noise to the area. Any special events shall meet requirements of Article 12.13 (G).

Recommendation:

Staff finds that the proposed use is consistent with the intent of the agricultural tourism ordinance and conforms to goals and policies of the Envision 2035 Comprehensive Plan. Staff recommends **approval** of Agricultural Tourism Permit #16-02 to allow the winery operation with the following conditions:

- 1.) The winery operation shall be secondary to the principle use of the property as a site for agricultural production of fruit. If the agricultural production of fruit ceases, the winery and tasting room operation shall cease.
- 2.) The total signage for the operation shall meet the provisions of Article 12.13 (E) and (F) of the 1990 Revised Zoning Ordinance for Minnehaha County.
- 3.) That prior to any special event or festival the applicant shall follow the provisions of Article 12.13 (G) of the 1990 Revised Zoning Ordinance for Minnehaha County.
- 4.) All outside lighting shall be of a style that directs light downward and prevent light spillage onto adjacent properties.
- 5.) The applicant shall maintain a Sales Tax License. The applicant must comply with all state and federal regulations regarding wine production and distributing.
- 6.) A building permit is required before any permanent signs are to be erected.
- 7.) A minimum of 18 off-street parking spaces meeting the requirements of Article 15 of the Zoning Ordinance be provided for the winery operation.
- 8.) Retail sales of agricultural tourism products in Article 12.13 (B) 6) c) shall remain an accessory to the use of the site for agricultural production.
- 9.) Food concessions shall meet the requirements of Article 12.13 (B) 6) d) and be accessory to the use of the site for agricultural production.
- 10.) That the Planning & Zoning Department reserves the right to enter and inspect the winery operation at any time, after proper notice to the owner, to ensure that the property is in full compliance with the agricultural tourism permit conditions of approval and the Minnehaha County Zoning Ordinance.

ACTION

As part of the consent agenda, Commissioner Randall made a motion to **approve** Agricultural Tourism Permit #16-02 with conditions and the motion was seconded by Commissioner Barth. The motion passed unanimously.

Agricultural Tourism Permit #16-02 – Approved

ITEM 9. CONDITIONAL USE PERMIT #16-22 to allow a Public Utility Facility, Communications on the property legally described as (Ex. S6' E37' & Ex. H-1) Lot 1, Block 1, Holdens Addition to Corson Village, Section 26-T102N-R48W.

Petitioner: Alliance Communications (Paul VanDeBerg)

Property Owner: Sandra M. Johnson

Location: Approximately 0.5 mile north of Brandon

Staff Report: Scott Anderson

This would allow a Public Utility Facility, Communications.

General Information:

Legal Description – (Ex. S6' E37' & Ex. H-1) Lot 1, Block 1, Holdens Addition to Corson Village, Section 26-T102N-R48W.

Present Zoning – A1 Agriculture

Existing Land Use – vacant

Parcel Size – less than 1 acre

Staff Report: Scott Anderson

Staff Analysis:

The property is zoned A-1 Agricultural District. Article 3.04(W) of the Zoning Ordinance allows a communication facility as a Conditional Use in this zoning district as a public utility facility.

On April 14, 2016, staff conducted a site visit. The surrounding land uses are a mixture of residential and agricultural uses. The subject property is in Corson.

The applicant is proposing to construct a 12 foot by 16 foot building which will house the fiber termination equipment. The growth of internet and broadband within this area necessitated the need for additional and improved infrastructure.

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.

Due to necessary communication infrastructure needs within the area, the proposed fiber hub should not have a negative effect upon the normal and orderly development and improvement of these properties for uses predominant in the area. The fiber hub will aid in providing improved communication to current residents and be an asset for the future development for the region.

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

The proposed fiber hub should not have a negative effect upon the normal and orderly development and improvement of these properties for uses predominant in the area. The proposed fiber hub is part of the regions communication network and will serve in providing adequate infrastructure to the area.

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

Access to the proposed utility substation will be provided by SD Highway 11, which is maintained by the state. It appears that the site utilizes natural drainage. The proposed fiber hub will not be utilizing any water or sanitary sewer.

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

Article 15 of the Zoning Ordinance does not specifically identify the parking requirements for a water metering facility. The applicant has indicated that two (2) off street parking spaces will be provided. A utility substation typically does not generate any significant amounts of traffic. Each parking space should measure a minimum of 9 feet by 18 feet and be continually maintained in such a manner that no dust will result from continuous use. The two spaces will meet the parking requirements.

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 Permit may generate very limited dust and noise. The fiber hub will be providing a benefit to the community. With appropriate conditions of approval, any concerns can be mitigated.

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

The proposed use will benefit the health and safety of the public by allowing for the construction of a facility that will provide improved communication infrastructure to the area.

Staff's review indicates that the proposed Conditional Use is a use which is appropriate for this site. Staff recommends approval of Conditional Use Permit #16-22 to be established and conducted in conformity with the Zoning Ordinance and the recommended conditions of approval.

Recommendation: Staff recommends approval of Conditional Use Permit #16-22 to allow a communication facility in the Agricultural District with the following conditions:

1. That a minimum of two (2) off-street parking spaces be provided and that each parking space shall not be less than one hundred sixty two square feet, or nine feet by eighteen feet, hard surfaced with a concrete or asphalt and maintained in such a manner that no dust will result from continuous use.
2. That all existing drainage is maintained and that erosion control measures are implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water.
3. That the applicant obtains a building permit prior to any construction commencing on the site.
4. That all outside security lighting shall be fully cut-off and fully shielded with recessed lights that prohibit the spillage of light beyond the boundaries of the subject property.

ACTION

As part of the consent agenda, Commissioner Randall made a motion to **approve** Conditional Use Permit #16-22 with conditions and the motion was seconded by Commissioner Barth. The motion passed unanimously.

Conditional Use Permit #16-22 – Approved

ITEM 10. CONDITIONAL USE PERMIT #16-23 to allow a Public Utility Facility, Communications on the property legally described as SE1/4 SE1/4 (Ex. H-1), Section 36-T102N-R48W.

Petitioner: Alliance Communications (Paul VanDeBerg)

Property Owner: Bethany Lutheran Home for the Aged, Inc.

Location: Approximately 0.25 miles east of Brandon

Staff Report:

This would allow a Public Utility Facility, Communications.

General Information:

Legal Description –

Present Zoning –

Existing Land Use –

Parcel Size – less than 1 acre

Staff Report: Scott Anderson

Staff Analysis:

The property is zoned A-1 Agricultural District. Article 3.04(W) of the Zoning Ordinance allows a communication facility as a Conditional Use in this zoning district as a public utility facility.

On April 8, 2016, staff conducted a site visit. The surrounding land uses are a mixture of residential and agricultural uses. The subject property is located north of the intersection of County Highway 109 and E. Aspen Blvd about ½ mile east of Brandon.

The applicant is proposing to construct a 12 foot by 16 foot building which will house the fiber termination equipment. The growth of internet and broadband within this area necessitated the need for additional and improved infrastructure.

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.

Due to necessary communication infrastructure within the area, the proposed fiber hub should not have a negative effect upon the normal and orderly development and improvement of these properties for uses predominant in the area. The fiber hub will aid in providing improved communication to current residents and be an asset for the future development for the region.

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

The proposed fiber hub should not have a negative effect upon the normal and orderly development and improvement of these properties for uses predominant in the area. The proposed fiber hub is part of the regions communication network and will serve in providing adequate infrastructure to the area.

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

Access to the proposed utility substation will be provided by County Highway 109 (484th Avenue), which is maintained by the County Highway Department. It appears that the site utilizes natural drainage. The proposed fiber hub will not be utilizing any water or sanitary sewer.

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

Article 15 of the Zoning Ordinance does not specifically identify the parking requirements for a water metering facility. The applicant has indicated that two (2) off street parking spaces will be provided. A utility substation typically does not generate any significant amounts of traffic. Each parking space should measure a minimum of 9 feet by 18 feet and be continually maintained in such a manner that no dust will result from continuous use. The two spaces will meet the parking requirements.

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 Permit may generate very limited dust and noise. The fiber hub will be providing a benefit to the community. With appropriate conditions of approval, any concerns can be mitigated.

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

The proposed use will benefit the health and safety of the public by allowing for the construction of a facility that will provide improved communication infrastructure to the area.

Staff's review indicates that the proposed Conditional Use is a use which is appropriate for this site. Staff recommends approval of Conditional Use Permit #16-23 to be established and conducted in conformity with the Zoning Ordinance and the recommended conditions of approval.

Recommendation: Staff recommends approval of Conditional Use Permit #16-23 to allow a communication facility in the Agricultural District with the following conditions:

1. That a minimum of two (2) off-street parking spaces be provided and that each parking space shall not be less than one hundred sixty two square feet, or nine feet by eighteen feet, hard surfaced with a concrete or asphalt and maintained in such a manner that no dust will result from continuous use.
2. That all existing drainage is maintained and that erosion control measures are implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water.
3. That the applicant obtains a building permit prior to any construction commencing on the site.
4. That all outside security lighting shall be fully cut-off and fully shielded with recessed lights that prohibit the spillage of light beyond the boundaries of the subject property.

ACTION

As part of the consent agenda, Commissioner Randall made a motion to **approve** Conditional Use Permit #16-23 with conditions and the motion was seconded by Commissioner Barth. The motion passed unanimously.

Conditional Use Permit #16-23 – Approved

ITEM 11. CONDITIONAL USE PERMIT #16-24 to allow a Public Utility Facility, Communications on the property legally described as Lacey Tract 2 (Ex. Lots U2R & U3 & Ex. Knochenmus Addition), SW1/4, Section 5-T101N-R48W.

Petitioner: Alliance Communications (Paul VanDeBerg)

Property Owner: Roger Knochenmus

Location: Approximately 2 miles west of Brandon

Staff Report: Scott Anderson

This would allow a Public Utility Facility, Communications.

General Information:

Legal Description – portion of Lacey Tract 2 (Ex. Lots U2R & U3 & Ex. Knochenmus Addition), SW1/4, Section 5-T101N-R48W

Present Zoning – A1 Agriculture

Existing Land Use – pasture

Parcel Size – 1 acre

Staff Report: Scott Anderson

Staff Analysis:

The property is zoned A-1 Agricultural District. Article 3.04(W) of the Zoning Ordinance allows a communication facility as a Conditional Use in this zoning district as a public utility facility.

On April 8, 2016, staff conducted a site visit. The surrounding land uses are a mixture of residential and agricultural uses. The subject property is located at the intersection of Six Mile Road and E. Callies Place about 2 miles west of Brandon.

The applicant is proposing to construct a 12 foot by 16 foot building which will house the fiber termination equipment. The growth of internet and broadband within this area necessitated the need for additional and improved infrastructure.

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.

Due to necessary communication infrastructure needs within the area, the proposed fiber hub should not have a negative effect upon the normal and orderly development and improvement of these properties for uses predominant in the area. The fiber hub will aid in providing improved communication to current residents and be an asset for the future development for the region.

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

The proposed fiber hub should not have a negative effect upon the normal and orderly development and improvement of these properties for uses predominant in the area. The proposed fiber hub is part of the regions communication network and will serve in providing adequate infrastructure to the area.

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

Access to the proposed utility substation will be provided by Six Mile Road, which is maintained by the County Highway Department. It appears that the site utilizes natural drainage. The proposed fiber hub will not be utilizing any water or sanitary sewer.

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

Article 15 of the Zoning Ordinance does not specifically identify the parking requirements for a water metering facility. The applicant has indicated that two (2) off street parking spaces will be provided. A utility substation typically does not generate any significant amounts of traffic. Each parking space should measure a minimum of 9 feet by 18 feet and be continually maintained in such a manner that no dust will result from continuous use. The two spaces will meet the parking requirements.

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 Permit may generate very limited dust and noise. The fiber hub will be providing a benefit to the community. With appropriate conditions of approval, any concerns can be mitigated.

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

The proposed use will benefit the health and safety of the public by allowing for the construction of a facility that will provide improved communication infrastructure to the area.

Staff's review indicates that the proposed Conditional Use is a use which is appropriate for this site. Staff recommends approval of Conditional Use Permit #16-24 to be established and conducted in conformity with the Zoning Ordinance and the recommended conditions of approval.

Recommendation: Staff recommends approval of Conditional Use Permit #16-24 to allow a communication facility in the Agricultural District with the following conditions:

1. That a minimum of two (2) off-street parking spaces be provided and that each parking space shall not be less than one hundred sixty two square feet, or nine feet by eighteen feet, hard surfaced with a concrete or asphalt and maintained in such a manner that no dust will result from continuous use.
2. That all existing drainage is maintained and that erosion control measures are implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water.
3. That the applicant obtains a building permit prior to any construction commencing on the site.
4. That all outside security lighting shall be fully cut-off and fully shielded with recessed lights that prohibit the spillage of light beyond the boundaries of the subject property.

ACTION

As part of the consent agenda, Commissioner Randall made a motion to **approve** Conditional Use Permit #16-24 with conditions and the motion was seconded by Commissioner Barth. The motion passed unanimously.

Conditional Use Permit #16-24 – Approved

ITEM 12. CONDITIONAL USE PERMIT #16-26 to allow a Public Utility Facility, Raw Water Well & Pumphouse on the property legally described as “Brandon Well Tract 1, NW1/4, Section 2-T101N-R48W.

Petitioner: City of Brandon

Property Owner: same

Location: Adjacent to the southeast side of the City of Brandon

Staff Report: Scott Anderson

This would allow a Public Utility Facility, Raw Water Well & Pumphouse.

General Information:

Legal Description – Brandon Well Tract 1

Present Zoning – A1 Agriculture

Existing Land Use – pasture

Parcel Size – 1 acres

Staff Report: Scott Anderson

Staff Analysis:

The property is zoned A-1 Agricultural District. Article 3.04(W) of the Zoning Ordinance allows a water metering facility as a Conditional Use in this zoning district.

On April 11, 2016, staff conducted a site visit. The surrounding land uses are a mixture of residential and agricultural uses. The subject property is located approximately directly south of the Brandon corporate limits on McHardy Road. The property to the south of the proposed facility appears to be used for agricultural purposes. It appears the well has been installed and pipe was laying on the site.

The City of Brandon is proposing to construct a 16 foot by 28 foot building in which the well will be housed. The growth of Brandon and surrounding communities necessitated the need for a more reliable source of water. The proposed City of Brandon pump and well house is being constructed to fill that need and will part of the Brandon water system.

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.

Due to the existing residential development pattern and agricultural uses within the area, the proposed water metering facility should not have a negative effect upon the normal and orderly development and improvement of these properties for uses predominant in the area. The water facility will insure adequate water to present and future development for the region.

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

The proposed water facility should not have a negative effect upon the normal and orderly development and improvement of these properties for uses predominant in the area. The proposed water pumping station is part of a city water system that will aid in providing an

adequate water system to present and future development for Brandon.

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

Access to the proposed utility substation will be provided by McHardy Avenue, which is a township maintained road. It appears that the site utilizes natural drainage. The proposed well and pumping facility has access to water and will be using a holding tank for any wastewater.

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

Article 15 of the Zoning Ordinance does not specifically identify the parking requirements for a water metering facility. The applicant has indicated that two (2) off street parking spaces will be provided. A utility substation typically does not generate any significant amounts of traffic. Each parking space should measure a minimum of nine feet by 18 feet and be continually maintained in such a manner that no dust will result from continuous use. The two spaces will meet the parking requirements.

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 Permit may generate very limited dust and noise. The well and pumping facility will be providing a benefit to the community. With appropriate conditions of approval, any concerns can be mitigated.

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

The proposed use will benefit the health and safety of the public by allowing for the construction of a facility that will provide potable water to the city of Brandon.

Staff's review indicates that the proposed Conditional Use is a use which is appropriate for this site. Staff recommends approval of Conditional Use Permit #10-51 to be established and conducted in conformity with the Zoning Ordinance and the recommended conditions of approval.

Recommendation: Staff recommends approval of Conditional Use Permit #16-26 to allow a well and pumping facility in the Agricultural District with the following conditions:

1. That a minimum of two (2) off-street parking spaces be provided and that each parking space shall not be less than one hundred sixty two square feet, or nine feet by eighteen feet, hard surfaced with a concrete or asphalt and maintained in such a manner that no dust will result from continuous use.
2. That all existing drainage is maintained and that erosion control measures are implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water.
3. That the applicant obtains a building permit prior to any construction commencing on the site.

ACTION

As part of the consent agenda, Commissioner Randall made a motion to **approve** Conditional Use Permit #16-26 with conditions and the motion was seconded by Commissioner Barth. The motion passed unanimously.

Conditional Use Permit #16-26 – Approved

Regular Agenda

ITEM 13. 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: same

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:

This will be the third time that this item has been presented to the Planning Commission. The item was on the agenda for the February 22, 2016 meeting, but the petitioner failed to send the required notification in time for the hearing so the item was deferred to the March 28, 2016 meeting. At the March 28, 2016 Planning Commission Meeting, some concerns were raised regarding the proposed rezoning and the residential acreage adjacent to the south of the site. The Planning Commission voted to continue the item in order to allow for additional time for the petitioner to meet with neighbors and address concerns.

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 Planning Staff reminded the Planning Commission of the previous hearings of this item on February 22, 2016 and March 28, 2016. The first deferral was to meet notification requirements, and the second deferral was to encourage the applicant to work with the adjacent property owner to the south, owned by Daryl and Lori Dewitt. Staff explained that the agreement between the two property owners would change the rezoning request to exclude the south 15 feet of the original rezoning request, and the south 15 feet would be transferred or sold to the Dewitt family at a later date. A building eligibility is planned for transfer ownership

as part of this agreement. Staff also noted that any transfer or property plats must meet zoning and subdivision requirements of County Ordinances.

Commissioner raised concerns over the possibility of creating a 15 foot wide lot. Staff explained that no new lot would be created through the rezoning, and the 15 feet could be added to the neighboring property through a replat that expands the lot.

Staff explained that the motion should include the intent to rezone all but the south 15 feet of the request, and that the petitioner would be responsible for creating a legal description for the requested area in order to publish in the paper what the County Commission will hear.

Daryl Dewitt spoke from the floor and acknowledged the staff explanation as correct. He supported the rezoning with the exclusion of the south 15 feet of the request. He explained that the 15 feet was to prevent storage of materials directly against the tree grove.

ACTION

Commissioner Barth made a motion to recommend **Approval** of all but the south 15 feet of the requested area for Rezoning #16-02. Commissioner Duffy seconded the motion. The motion passed unanimously.

Rezoning #16-02 – Recommendation for Approval with a reduction of the south 15 feet of requested area.

Old Business

Staff reported that County Board was to hear on April 26, 2016 the request to rezone Cedar Ridge Planned Development.

New Business

Commissioner Barth raised the possibility of using DropBox for file sharing instead of a paper copy for the Planning Commissioners.

Kevin Hoekman shared a few photos and experiences from the National Planning Conference.

Adjourn

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