

**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION**
August 22, 2016

A meeting of the Planning Commission was held on August 22, 2016 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
Judy Zeigler – States Attorney’s Office

Planning Commission Chair Mike Cypher called the Minnehaha County Planning Commission meeting to order at 7:35 p.m.

CONSENT AGENDA

Each item title was read, and no objections to the consent agenda were raised. A motion was made by Commissioner Barth and seconded by Commissioner Duffy to **approve** the consent agenda consisting of Items 1, 2, 3, 4, 5, and 6. The motion passed unanimously.

ITEM 1. Approval of Minutes – July 25, 2016

As part of the consent agenda, a motion was made by Commissioner Barth and seconded by Commissioner Duffy to **approve** the meeting minutes from July 25, 2016. The motion passed unanimously.

Consent Agenda

ITEM 2. CONDITIONAL USE PERMIT #16-54 to allow a Single Family Dwelling on the property legally described as the proposed Tract 1, Skoglund's Addition, NE1/4, Section 8-T103N-R50W and to make available one building eligibility in the NE 1/4 of NE 1/4 Section 8-103-50.

Petitioner: Terry Bunde

Property Owner: same

Location: Approximately 1 mile northeast of Lyons

Staff Report: Kevin Hoekman

This would allow a Single Family Dwelling.

General Information:

Legal Description – NE 1/4 (Ex. RR & Ex S500 W300 E690.8 SW1/4 NE1/4 & Ex. Tr. 1 Bunde's Addn) Section 8-103-50 Lyons Township

Present Zoning – A1 Agriculture

Existing Land Use – Crop land

Parcel Size – 145.62

Staff Report: Kevin Hoekman

Staff Analysis:

This request will make available two building eligibilities in the NE 1/4 of section 8 of Lyons Township. The first building eligibility will be placed in the NW 1/4 of NE 1/4 on a proposed platted parcel. This eligibility is intended to be used this fall for the construction of a single family dwelling. The second building eligibility is to be made available and placed on the NE 1/4 of the NE 1/4 for future determination. The other two building eligibilities of this 1/4 section have already been used.

The petitioner has submitted a proposed plat that is in process of approval as the sight plan. The stated plan is not to build on the new lot and make the other building eligibility available to avoid the requirement of another conditional use permit if development was desired in the future. Access to the proposed lot will be from 251st Street. The driveway is proposed to follow the abandoned railroad right-of-way.

No existing CAFO's are located near the proposed building site; however, both potential building sites are well within the required setback of Boadwine Farm's dairy operation. A similar conditional use permit to allow a single family dwelling was approved on the 1/4 section in 2006.

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. A few non-farm residential parcels are located near this proposed development, and 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 including possible expansion of nearby confined animal feeding operations. The placement of the building eligibilities do not increase the number of dwelling units allowed in this section. The spacing of each eligibility into approximately ¼ ¼ sections makes this parcel have a normal development pattern in the county.

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

The applicant will have to make these arrangements for any extension of utilities. An access permit may be required by Lyons Township.

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.

Recommendation:

Staff finds this conditional use permit request to be consistent with density zoning and recommends **approval** of Conditional Use Permit #16-54 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.

ACTION

As part of the consent agenda, Commissioner Barth made a motion to **approve** Conditional Use Permit #16-54 with conditions and the motion was seconded by Commissioner Duffy. The motion passed unanimously.

Conditional Use Permit #16-54 – Approved

ITEM 3. CONDITIONAL USE PERMIT #16-55 to exceed 1,200 square feet of total accessory building area – requesting 5,532 sq. ft. on the property legally described as Tract 4, Bruns Addition, S1/2, Section 15-T101N-R48W.

Petitioner: Scott Vankeulen

Property Owner: same

Location: 26486 Bruns Pl. Approximately 4 miles east of Sioux Falls

Staff Report: Kevin Hoekman

This would allow 5,532 sq. ft. of total accessory building area.

General Information:

Legal Description – Tract 4, Bruns Addition, Section 15, T101N, R48W, Minnehaha County, South Dakota

Present Zoning – A-1 Agriculture

Existing Land Use – residential

Parcel Size – 17.64 acres

Staff Report: Kevin Hoekman

Staff Analysis:

The property is located east of Sioux Falls and in the Brun's Addition. The site is located within a subdivision of more than four lots which limits the size of accessory buildings 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 42 x 70 foot (2,940 sq. ft.) accessory building for personal storage and use. The proposed building will be southeast of the existing house and northeast of an existing 36 x 72 foot (2,592 sq. ft.) accessory building. The existing accessory building was approved by conditional use permit #14-19, and it is primarily used for stabling horses. The petitioner noted at the time of application that the new building will be used to store equipment items because the current barn cannot do so. The combined total square footage for the accessory buildings is approximately 5,532 square feet in size.

Several other properties in the area have large accessory buildings. One former agricultural property to the south of the site has 5,038 square feet of accessory building. Large accessory buildings around 4,000 square feet in area are located on parcels to the east and north of the subject property. None of the nearby properties include as much area as requested in this CUP; however, this property is 17 acres in size with a large single family dwelling. The requested building will fit with the scale of the property and existing structures.

The site plan indicates that the proposed accessory building would be placed southeast of the residence. Most of the 17.64 acres of property are fenced in and used for pasture of hay. Southeast of the parcel is a ridge of surfacing quartzite stone. The ridge will make it difficult for most of the houses in the area to see the new structure.

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.

There are larger accessory building areas in the general vicinity of this property. The proposed site for the structure meets all applicable setbacks and the placement of the structure will not impact the neighboring properties. The construction of this accessory building should not impede on the enjoyment or use of the surrounding properties or affect property values.

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

The construction of the proposed accessory building should have no impact on further construction or development within the general area. The building will only be used for the owner's personal storage, residential related items, and no commercial or business activities will be allowed. This use will not affect the residential uses or agricultural land in the area. Although the property is not considered as agricultural use, the large lot will help minimize the size of the accessory buildings. In addition, the current accessory building and proposed accessory building have architectural features that add additional appeal over common tin sided pole sheds.

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

Access to the proposed accessory building will be through a driveway located on Bruns Place. This driveway also provides access to the residential dwelling unit on the property.

No other infrastructure improvements are required at this time.

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

The property has sufficient parking for all residential activities.

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

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 not have any negative effects on the health, safety, or general welfare of the public.

Recommendation:

Staff finds that the proposed accessory building size conforms to the general sizes of other accessory building areas and recommends **approval** of Conditional Use Permit #16-55 with the following conditions:

- 1) That the total accessory building area shall not exceed 5,532 square feet on the property.

- 2) That a building inspection is required to measure the outside dimensions of the building.
- 3) That a building permit is required.
- 4) That the building shall be an accessory use to the continued use of the property as a residential lot.
- 5) That only personal residential storage shall be allowed in the building and no commercial uses or commercial storage will be allowed.
- 6) That all outdoor lighting shall be of a full-cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 7) That the Planning & Zoning Department reserves the right to enter and inspect accessory buildings at any time, after proper notice to the owner, to ensure that the property is in compliance with the conditional use permit conditions and the Minnehaha County Zoning Ordinance.

ACTION

As part of the consent agenda, Commissioner Barth made a motion to **approve** Conditional Use Permit #16-55 with conditions and the motion was seconded by Commissioner Duffy. The motion passed unanimously.

Conditional Use Permit #16-55 – Approved

ITEM 4. CONDITIONAL USE PERMIT #16-56 to exceed 1,200 square feet of total accessory building area – requesting 5,000 sq. ft. on the property legally described as Tract 3 (Ex. Lot 1), Sherry Acres Addition, SE1/4 NE1/4, Section 12-T101N-R51W.

Petitioner: Jarrod Smart

Property Owner: Todd Olsen

Location: 26333 466th Ave. Approximately 4 miles west of Sioux Falls

Staff Report: David Heinold

This would allow 5,000 sq. ft. of total accessory building area.

General Information:

Legal Description – Tract 3 (Ex. Lot 1) Sherry Acres Addition, SE1/4 NE1/4, Section 12-T101N-R51W

Present Zoning – A-1 Agricultural District

Existing Land Use – Pasture

Parcel Size – 13.57 Acres

Staff Report: David Heinold

Staff Analysis:

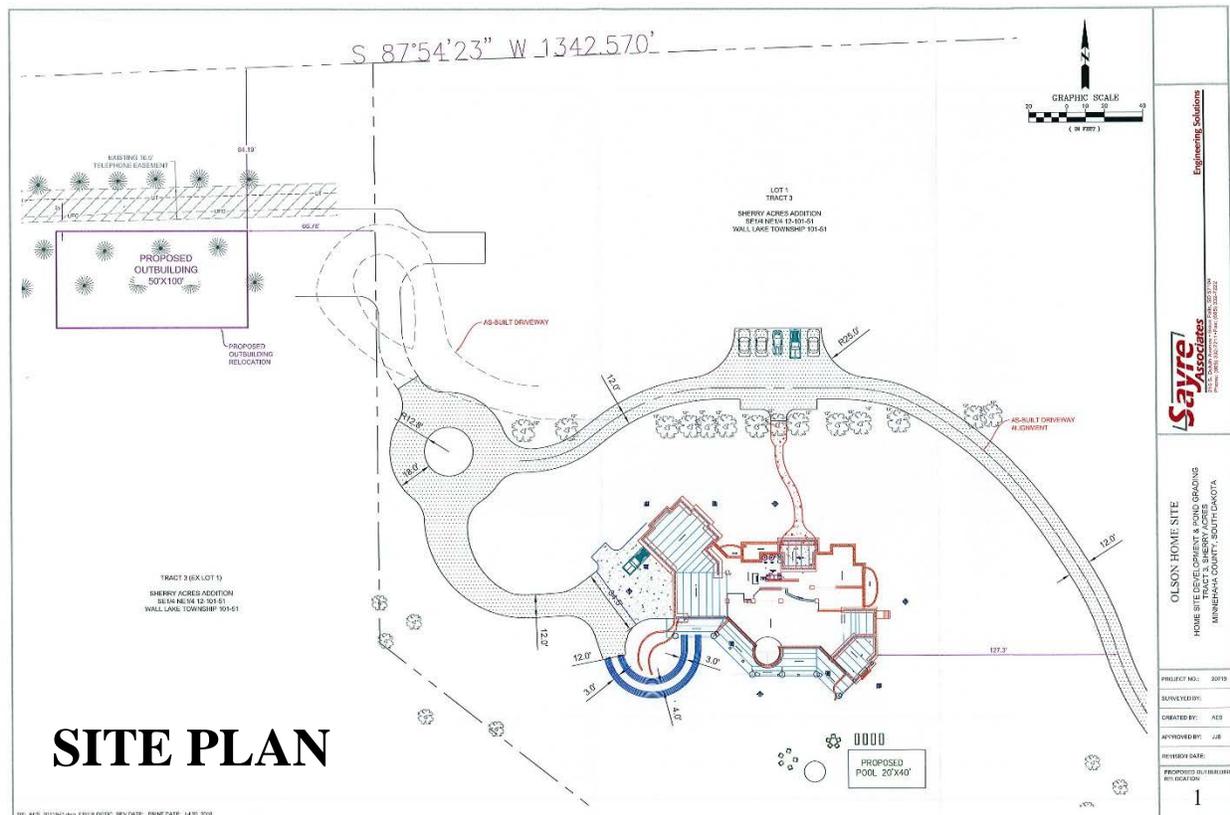
The petitioner is requesting to amend Conditional Use Permit #15-73 to allow an additional 1,000 square feet above the permitted 4,000 sq. ft. recently approved last year. The total requested accessory building area is 5,000 square feet.

The subject property is located approximately 4 miles west of Sioux Falls. The petitioner is requesting conditional use permit approval to exceed 1,200 sq. ft. in 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 proposed building will be located approximately 250 feet northwest of the single family dwelling. The site plan indicates that there will be an extension of the driveway to the proposed location for the 50' x 100' accessory building.



Several other properties in the area have large accessory buildings. A 7,200 square foot horse barn was built approximately 1,500 feet away on a nearby non-agricultural parcel. Another parcel a little further to the east has the same size building for personal storage along with several other accessory buildings. Although not quite as large two properties to the northwest of the site have significant accessory square footage of 3,889 square feet and 2,340 square feet.

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

There are two other properties within a half-mile of the subject property that have building sizes larger than the petitioner's requested 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, 5,000 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. The subject property is located within the agricultural production area identified in the Envision 2035 Comprehensive Plan, which recognizes that the primary purpose of the area is to protect, preserve, and promote agricultural uses and the economic viability of farming operations. The proposed use of the building for personal storage should not affect surrounding land uses with an established shelterbelt of landscaping around the perimeter of the proposed location for the accessory building.

Recommendation:

Staff recommends **approval** of Conditional Use Permit #16-56 with the following conditions:

- 1.) That the total accessory building square footage shall not exceed 5,000 square feet.
- 2.) That a building permit is required prior to construction of the accessory building.
- 3.) That the accessory building shall not exceed 35 feet in height and meet the setback requirements for the zoning district.
- 4.) That an inspection be made on the proposed new accessory building to ensure that the square feet of the floor area of the building does not exceed 5,000 square feet.
- 5.) That only personal residential storage shall be allowed in the building and no commercial uses or commercial storage will be allowed at any time.
- 6.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 7.) A driveway permit shall be obtained from Wall Lake Township prior to obtaining a building permit for the accessory structure.
- 8.) The building permit for a single family dwelling must be obtained prior to the permit for the proposed accessory building.
- 9.) The accessory building shall be accessory to the primary use of the property as a single family residence. If the single family residence is not constructed before the expiration of its building permit or the residence is removed, the accessory building must be removed.
- 10.) 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 Barth made a motion to **approve** Conditional Use Permit #16-56 with conditions and the motion was seconded by Commissioner Duffy. The motion passed unanimously.

Conditional Use Permit #16-56 – Approved

ITEM 5. CONDITIONAL USE PERMIT #16-58 to exceed 1,200 square feet of total accessory building area – requesting 1,500 sq. ft. on the property legally described as S300', Lot 2 Ostrander's Subdivision, Tracts 2 & 4, NE1/4, Section 33-T101N-R48W.

Petitioner: Gary Harr

Property Owner: Roy Parmley

Location: 26715 481st Ave. Approximately 2 miles east of Sioux Falls

Staff Report: Kevin Hoekman

This would allow 1,500 sq. ft. of total accessory building area.

General Information:

Legal Description – S300', Lot 2 Ostrander's Subdivision, Tracts 2 & 4, NE1/4, Section 33-T101N-R48W.

Present Zoning – A1 - Agricultural

Existing Land Use – Residential

Parcel Size – Approximately 1.73

Staff Report: Kevin Hoekman

Staff Analysis:

The property is located approximately 2 miles east of Sioux Falls and ¾ mile south on County Highway 115 of the intersection of SD Highway 42 and SD Highway 11 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 1,500 square foot (30' x 50') accessory building for personal storage and use. The proposed accessory building is indicated on the provided site plan to be located approximately 30 feet north of Red Rock Drive and west of an existing driveway. A row of spruce trees are planted along the west property line and the east side of the driveway. The existing trees will provide some screening of the building from neighboring properties. Staff visited the site on August 9, 2016. At the site visit staff found an area that appeared to be prepped with gravel and forms for the building. The entire building will be located within the spruce trees along the property line and driveway. The south side of the gaveled area appeared to be approximately 10 feet from the property line which is less than the required 30 foot setback from a subdivision right-of-way. The proposed building must meet the required 30 foot setback.

There are several large accessory buildings in the area. Many of these large buildings appear to have been 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. Many of the accessory structures are larger than this requested building; therefore, this building will not set a precedent of size in the 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. The location of the proposed building will be buffered by an existing row of spruce trees on the west property line. West of the driveway is another existing line of spruce trees. The south side of the building will meet the required 30 foot required setback, and some deciduous shrubbery is providing some screening to the south. The property is surrounded by non-agricultural used land. 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 accessory building, and the proposed accessory building will utilize the existing driveway on the south side of the property.

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.

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

The proposed accessory building should not have any negative effects on the health, safety, and general welfare of the public.

Recommendation:

Staff finds that the proposed building size is reasonable request considering the size of the property and the size of surrounding accessory buildings. Staff recommends **approval** of Conditional Use Permit #16-58 with the following conditions:

- 1.) That the total accessory building square footage shall not exceed 1,500 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 1,500 square feet.
- 4.) The accessory building must meet all required setbacks of the A1-Agricultural zoning district.
- 5.) Only personal residential storage shall be allowed in the building, and no commercial uses or commercial storage will be allowed at any time.
- 6.) All outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 7.) 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 Barth made a motion to **approve** Conditional Use Permit #16-58 with conditions and the motion was seconded by Commissioner Duffy. The motion passed unanimously.

Conditional Use Permit #16-58 – Approved

ITEM 6. CONDITIONAL USE PERMIT #16-59 to allow a Contractor's Shop and Storage Yard – HVAC Company on the proposed Tract 1 Anderson's Addition, SE1/4, Section 26-T101N-R48W.

Petitioner: Tom Gruenig

Property Owner: same

Location: 1/4 mile south of SD Hwy. 42 & 483rd Ave. Approximately 3 miles east of Sioux Falls

Staff Report: David Heinold

This would allow a Contractor's Shop and Storage Yard, HVAC Company.

General Information:

Legal Description – Proposed Tract 1 Anderson's Addition, SE1/4, Section 26-T101N-R48W

Present Zoning – C Commercial District

Existing Land Use – Agriculture

Parcel Size – 1.56 Acres

Staff Report: David Heinold

Staff Analysis:

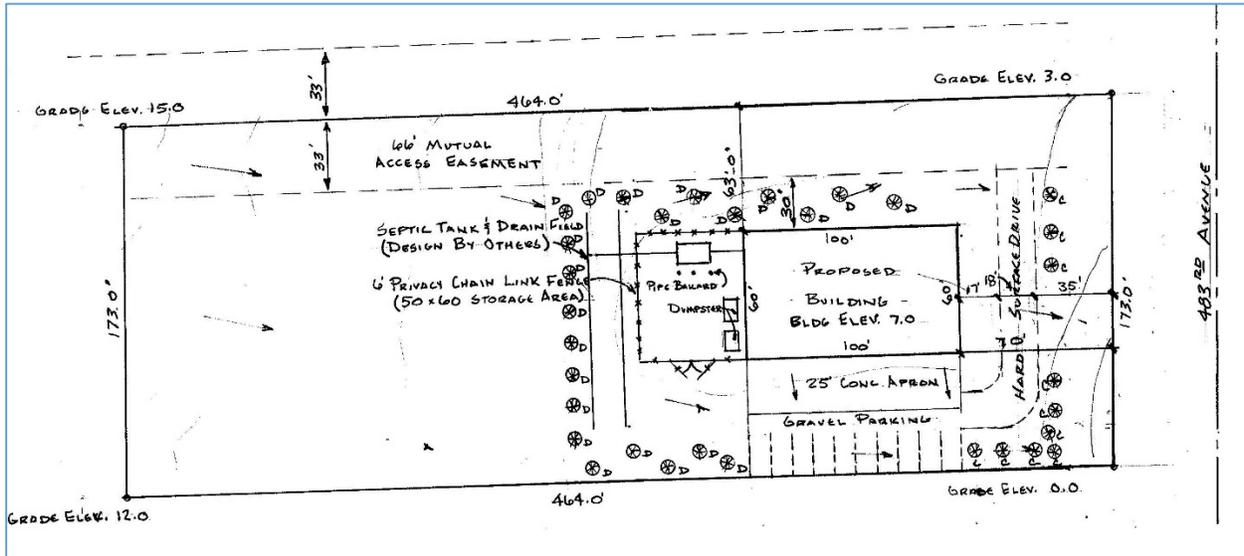
The petitioner is requesting conditional use permit approval to construct 60'x100' building and use of the property for a contractor's shop and storage yard, HVAC Company. The chart, below, indicates the surrounding land uses and zoning adjacent to the subject property.

	Existing Land Use	Existing Zoning
North	Undeveloped/Vacant	C Commercial District
South	Agriculture/Residential	A-1 Agricultural District
East	Agriculture	A-1 Agricultural District
West	Agriculture	A-1 Agricultural District

On August 12, 2016, staff visited the property and determined that the proposed location for the contractor's shop and storage yard is an appropriate use for the C Commercial District.

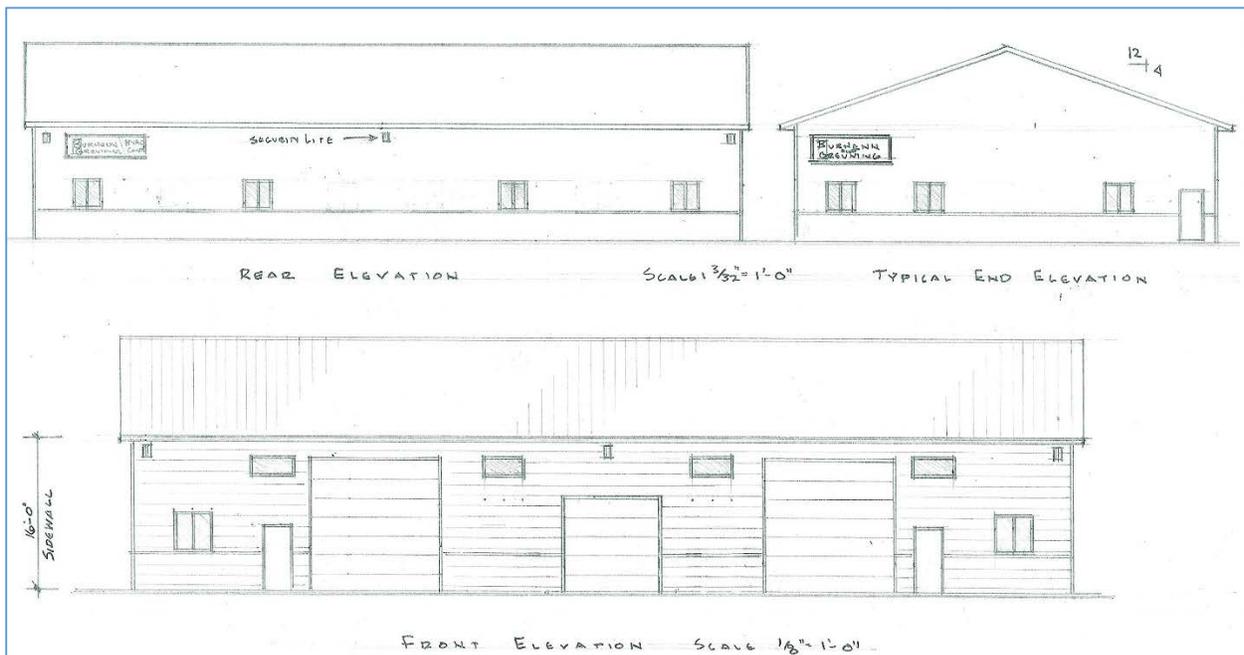
The subject property is located within the Red Rock Corridor Overlay District boundaries, which details the required information that must be included on the site plan. The following criterion is a staff analysis of the proposed conditional use permit request in accordance with the site plan review requirements listed in Section 11.10.03 (4) of the 1990 Revised Zoning Ordinance for Minnehaha County:

- (a). Property boundary lines, dimensions, and total area of the proposed development.



- (b). The proposed use of building materials, location, size, height, shape, use, elevation, building sign type, and illustration of all buildings or structures in the proposed development.

The narrative describes that the building will be constructed as a metal building with wood framing, cement floors, and earth-tone exterior color. The size of the building is 6,000 sq. ft. with 16 foot sidewalls and roof pitch of 4/12 (rise/run). The proposed use of the building will be heating and A/C installation as well as fabrication of metal ductwork.



(c). Location of the proposed on-site wastewater system:

(i). All onsite wastewater systems shall be constructed and operated in conformance with state regulations and with the Minnehaha County On-Site Wastewater Treatment Ordinance. No dumping of any wastewater shall be allowed at the site unless disposed into a properly sized and maintained wastewater system.

The applicant will utilize a septic tank and drainfield for the proposed use that will be located to the west of the building location. There is a requirement to obtain approval from the South Dakota Department of Environment & Natural Resources prior to the certified septic installer filing a permit application with Minnehaha County.

(d). The total square footage of building floor area, both individually and collectively in the proposed development.

The site plan indicates that the total square footage of building floor area is 6,000 sq. ft. There is only one building proposed for this conditional use permit request.

(e). Existing buildings, rights-of-way, street improvements, railroads, utility easements, drainage courses, streams and wooded areas.

Currently, the subject property is a vacant parcel of agricultural land. The site plan denotes that there will be 66 foot dedicated private road, mutual access easement running on the north side of the proposed location for contractor's shop and storage yard. This private road is a planned access off of County Highway 111, which the petitioner will use as primary access to the proposed business. Both the access easement and proposed driveway must be hard surfaced in accordance with the zoning ordinance requirements because the access is from a paved, county highway. There are no major rivers, streams, or wooded areas in the immediate vicinity of the subject property. The applicant must ensure that the proposed development of the site does not interfere with any and all utility or drainage easements.

(f). Location, number, dimensions and design of off-street parking in the proposed development, including:

(i). Driveways, islands, and planters. 18 foot driveway off private road.

(ii). Striping and curbs. (10) 10' wide by 18' deep parking stalls.

(iii). Loading facilities. 25 foot concrete apron in front of building.

(iv). Type and location of lighting. Downward facing LED lighting.

(v). Surface treatment.

The driveway will be hard surfaced up to the parking area. The remaining surface area will gravel for the parking area and concrete immediately south of the overhead doors.

(g). Facilities for the collection and disposal of garbage and trash, and screening structures.

The site plan indicates that there will be facilities for collection and disposal of garbage immediately adjacent to the west side of the building with a 6 foot chain link privacy screening fence around the perimeter of the outdoor storage area. The access to this area will be through the gate on the south portion of the fence.

(h). Walls, fences or other artificial screens to be used as buffers shall be shown in elevation and prospective with proposed height and structural material indicated.

The site plan and narrative adequately describe the natural screening with 4 foot maple trees and 6 foot chain link privacy fence around the outdoor storage area. This screening will also be used along the north side of the proposed building face as required by Section 11.10.03 (D) of the Zoning Ordinance.

(i). Location and type of all plants, grass, trees, or ground cover to be used in the landscape. Landscaping to be used for screening purposes shall be illustrated with the size of trees to be planted clearly indicated. The planting location shall not adversely affect utility easements or service lines. On all site plans the following requirements shall be met:

(i). Implementation. The landscaping plan shall be submitted for approval as part of site plan submittal. The landscaping plan is to show the following information in accordance with the requirements of Section 3.D.

- a. Location of trees – North side of building.
- b. Size and species of trees – 4 foot maple trees.
- c. Number of each size and species of trees – 15 maple trees.

(ii). Approval of Landscaping. Landscaping is to be in-place at the start of operation. Should completion of landscaping be delayed because of the season of year, extension of time may be granted by the Planning Director.

The narrative explains that planting and landscape will be completed when construction is done in approximately 12 months.

(iii). Maintenance. All landscaping, buffering and screening shall be maintained at all times to conform to the regulations established in this chapter. Landscaping which is not maintained in a manner consistent with this chapter shall be replaced, as follows:

- a. Replacement includes, but is not limited to replacing plants damaged by insects, soil conditions, disease, vehicular traffic, vandalism, and acts of nature.
- b. Replacement landscaping shall be installed following notification by the Planning Director that a violation of this chapter has occurred, or proper guarantees provided.

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 within the immediate vicinity.

The majority of the land uses surrounding the subject property is agricultural land use while there is an established residential town area in the Rowena community. The lot immediately to the south of the proposed use has an existing shelterbelt of coniferous trees. At a minimum, the petitioner must be able to provide screening between the two commercial land uses. The petitioner is not required to provide screening between agricultural and commercial land uses.

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

The east 464 feet of the subject property was recently rezoned to the C Commercial District. The commercial zoning district allows permitted uses such as but not limited to office, bank, church, nursery or greenhouse, and day care facilities. The proposed use of the subject property as a contractor's shop and storage yard requires conditional use permit review due to the relative intensity of the land use. The remaining land immediately north of this approximately two acre site is zoned commercial, but is currently undeveloped pasture. Furthermore, it is likely that the commercially-zoned area will be developed in the future and staff encourages the interested parties to submit a sketch development plan for the remaining undeveloped, vacant land.

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

The site plan denotes that there will be a holding tank on the west side of the building. The plan also indicates the location of the primary access set back approximately thirty-five feet from the eastern property boundary, which must be hard surfaced in accordance with the 1990 Revised Zoning Ordinance for Minnehaha County. However, it is important to note that the proposed 66 foot wide mutual access easement has been approved by the County Highway Department but is not completed yet. In consultation with Highway Dept. staff, a traffic safety concern exists regarding the proximity of the proposed driveway access to County Highway 111. Both the County Highway and Planning Dept. staff suggest moving the proposed driveway access further west as far from the parallel 483rd Avenue as possible to improve traffic safety inside and outside of the proposed development.

The petitioner has prepared a few revisions to the site plan that would shift the building and driveway access 20 feet west, but cannot feasibly accommodate any additional setback due to physical site constraints west of the building location. There is an existing terracing berm feature located approximately 250 feet to the west of the Co. Hwy. 111 right-of-way, west of the proposed building that the petitioner would like to remain intact.

In addition, the drainage patterns are shown on the plan with reference to the proposed approximations of grade elevations for the subject property. The current driveway location presents a road maintenance issue with anticipated stormwater runoff levels from the driveway surface into the highway right-of-way. Without a proper review of the site development characteristics, it is difficult to determine the adequacy of drainage from the site and drainage can be a concern on similar sized lots when the larger drainage patterns are not considered. Therefore, staff suggests that a stormwater drainage plan be submitted for the subject property as described on the attached map created by planning staff encompassing about 19 acres prior to issuing a building permit managing the type, amount, and intensity of water flow across the site.

The Environmental Stewardship section of the Envision 2035 Comprehensive Plan implies:

That development should not be allowed prior to completion of a drainage plan which defines natural drainage corridors and identifies the number and location of detention facilities needed to accommodate additional runoff from impervious surfaces. The Plan

encourages land developers to use natural areas for aesthetic, open space, hydrologic, and ecological purposes.

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

The site plan indicates that there will be ten (10) parking spaces measuring 10' wide by 18' long. According to the parking and loading requirements, the petitioner meets the guidelines for commercial establishments and warehousing that requires ten (10) parking spaces. The site plan also shows a 25 foot wide concrete loading area in the front of each overhead garage door bay separated from the parking area.

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 HVAC business may by general nature present noise issues through standard mechanical repair procedures, but should not be at a level as to constitute a public nuisance to surrounding property owners. The surrounding area consists primarily of agricultural land with a few residential acreages and the unincorporated town of Rowena, which is mostly residential. The proposed use should have a minimal effect on adjacent future commercial and residential properties. Lighting should be directed downward onto the property to prevent light pollution off the site. The petitioner has developed a landscape and screening plan to mitigate potential concerns that arise from the commercial land use adjacent to surrounding land uses as required by the Red Rock Corridor Overlay District and Zoning Ordinance.

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

Staff recognizes that this approach to only developing a small portion of the approximately 19 acres the subject property encompasses is a piecemeal way to develop the area two acres at a time as opposed to presenting a comprehensive site plan addressing site conditions, topography, drainage issues, and traffic impact. The Envision 2035 Comprehensive Plan discourages this type of haphazard commercial development. Furthermore, the addition of conditions to this permit allows planning staff a preferred alternative to insuring that the goals and policies of the Plan and intent of the Zoning Ordinance are upheld.

The proposed use will be located in an area identified as transition area 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 is compatible with surrounding land uses and should not significantly affect the health, safety, and general welfare of the public. As already mentioned, the subject property is located within the Red Rock Corridor Overlay District boundaries that sets forth development requirements in addition to the zoning ordinance regulations for specifically the half mile sections from both sides of South Dakota Highway 42.

In the Growth Management section of the Envision 2035 Comprehensive Plan,

Goal #2 aims to enhance communication and cooperation among the several governmental and quasi-governmental entities who have the potential to impact and influence development patterns. The result of this coordination among entities is a pattern of development in the transition areas that can be integrated into municipal planning areas without the need for costly and inefficient public infrastructure

expenditures.

In the Transportation section of the Envision 2035 Comprehensive Plan,

Goal #4 reinforces the need to link transportation decisions to land use impacts. In this case, the impact of the proposed business as a contractor's shop for an HVAC Company is not likely to produce an impact that would significantly burden the transportation network. It would be important to shift the driveway as far away from the County Highway right-of-way for the least amount of impact to the adjacent road.

Recommendation:

Staff recommends **approval** of Conditional Use Permit #16-59 with the following conditions:

- 1.) That CUP #16-59 shall allow a contractor's shop and storage yard.
- 2.) That the property shall adhere to the submitted site plan dated 8-10-2016.
- 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 for review and approval prior to the building permit(s) being issued for all buildings.
- 5.) That the applicant shall provide a 90% opaque screening fence or with live trees around the outdoor storage area. All landscaping shall be maintained in a live state and all noxious weeds be controlled.
- 6.) That a Stormwater Pollution Prevention Plan and Soil Erosion and Sediment Control Plan be submitted for review and approval to the Planning Director prior to construction.
- 7.) That a stormwater drainage plan for the entire 19 acre subject property be submitted for review and approval prior to issuing a building permit.
- 8.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundary.
- 9.) That the Planning & Zoning Department reserves the right to enter and inspect the contractor's shop and storage yard 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 Barth made a motion to **approve** Conditional Use Permit #16-59 with conditions and the motion was seconded by Commissioner Duffy. The motion passed unanimously.

Conditional Use Permit #16-59 – Approved

Regular Agenda

None.

Old Business

None.

New Business

Scott Anderson, Planning Director, provided a brief overview of a meeting held in the City of Crooks on August 18th. The meeting was held at the Crooks Community Center and the subject was future expansion and the possibility of a joint zoning district with the city and county.

Judy Zeigler, States Attorney's Office, introduced herself to the Planning Commission.

Adjourn

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