

**MINUTES OF THE JOINT MEETING  
MINNEHAHA COUNTY & DELL RAPIDS PLANNING COMMISSIONS  
October 24, 2016**

A joint meeting of the County and City Planning Commissions was held on October 24, 2016 at 7:20 p.m. in the Commission Room of the Minnehaha County Administration Building.

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

CITY PLANNING COMMISSION MEMBERS PRESENT: Roger Dearduff, Rod Pierson, and Tom Schwebach.

**STAFF PRESENT:**

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

Justin Weiland – City of Dell Rapids Administrator

The County Planning Commission Chair Mike Cypher presided over the meeting. The meeting was called to order at 7:20 p.m. The City Planning Commission was chaired by Roger Dearduff.

**CONSENT AGENDA**

Commissioner Cypher read each item on the consent agenda and nobody objected to any item.

A motion was made for the County by Commissioner Barth and seconded by Commissioner Randall to **approve** the consent agenda. The motion passed unanimously. Same motion was made for the City by Commissioner Pierson and seconded by Commissioner Schwebach to **approve** the consent agenda. The motion passed unanimously.

**ITEM 1. Approval of Minutes – May 23, 2016**

As part of the consent agenda, a motion was made for the County by Commissioner Barth and seconded by Commissioner Randall to **approve** the minutes for the May 23, 2016 meeting. The motion passed unanimously. Same motion was made for the City by Commissioner Pierson and seconded by Commissioner Schwebach to **approve** the minutes for the May 23, 2016. The motion passed unanimously.

**ITEM 2. CONDITIONAL USE PERMIT #16-60 to exceed 1,200 square feet of total accessory building area – requesting 3,520 sq. ft. on the property legally described as Tract 1, Fiegen’s Addn., SW1/4, Section 15-T104N-R49W.**

Petitioner: Peter Dikun

Property Owner: Marilyn Langstraat

Location: 24668 Garfield Ave. Approximately 0.5 mile south of Dell Rapids

Staff Report: Kevin Hoekman

This would allow 3,520 square feet of total accessory building area.

**General Information:**

Legal Description – Tract 1, Fiegen’s Addn., SW1/4, Section 15-T104N-R49W  
Present Zoning – A1 - Agricultural  
Existing Land Use – Residential Acreage  
Parcel Size – 4 acres

**Staff Report:** Kevin Hoekman

**Staff Analysis:**

This item was carried over from last month, because a quorum was not met and no meeting was held. When the announcement was made that no meeting would happen, it appeared that nobody was present for the public hearing for this item.

The property is located directly south of the newly annexed industrial portion of the City of Dell Rapids. The property is on the north side of a strip of residential lots that parallel South Garfield Avenue. The land to the north and west of the site is primarily used for industrial purposes and warehouses. 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 3,200 square foot (50’ x 64’) accessory building for personal storage and use. The parcel currently has a small accessory structure that is used for yard maintenance storage. The proposed accessory building is indicated on the provided site plan to be located a short distance south of the dwelling and west of the existing accessory building. The parcel size is large enough to fit a large accessory building and maintain a buffer from neighboring properties.

Several large residential accessory buildings are located nearby the area of the requested 3,520 square feet of accessory building space. The largest of these nearby accessory buildings is 2,520 square feet, or 1,000 square feet smaller than the requested total. The Planning Commission has often used nearby accessory building sizes as a guide to determine if the request is reasonable. The Planning Commission can consider approving a total that is less than the requested amount, or include special conditions such as landscaping requirement to buffer the size of the new building. The existing line of evergreen trees may help reduce the impact of the large building from the neighboring residential property to the south.

The subject property is bordered on two sides by industrial zoned land. To the west of the site is a minor air strip and many warehouse style structures. To the north of the site is further warehousing that is inside the city limits of Dell Rapids. The construction of the proposed building will not have an effect on the future development of the industrial areas.

**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 proposed use will have no effect on the Industrial and agricultural use nearby. The greatest potential for concern is the neighboring residential use to the south. A row of existing evergreen trees will provide a screen from the southern neighbor. 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. Nearly all the residential building eligibilities in the area have been used. The lack of building eligibilities minimizes the potential for further residential development. The area may grow in industrial development to the west and northeast. Industrial development will not likely be affected by the proposed structure. Future subdivisions in the area will likely be part of the City of Dell Rapids.

**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 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.

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

The proposed accessory building should have little to no effect on the health, safety, and general welfare of the public as well as the Envision 2035 Comprehensive Plan. The 3,200 square foot of new accessory structure may be large in comparison to other residential accessory structures; however, the additional size will not significantly affect the character or land use of the surrounding properties.

**Recommendation:**

Staff finds that the proposed accessory building will have little impact on the surrounding properties. Staff recommends **approval** of Conditional Use Permit #16-60 with the following conditions:

- 1.) That the total accessory building square footage shall not exceed 3,520 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 3,200 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, a motion was made for the County by Commissioner Barth and seconded by Commissioner Randall to **approve** Conditional Use Permit #16-60. The motion passed unanimously. Same motion was made for the City by Commissioner Pierson and seconded by Commissioner Schwebach to **approve** Conditional Use Permit #16-60. The motion passed unanimously.

### **Conditional Use Permit #16-60 – Approved**

### **REGULAR AGENDA**

*Members of the public should understand that Planning Commissioners may be unable to thoroughly review and consider materials delivered the day of the hearing. The order of business for the regular agenda shall be:*

- |                           |                       |                            |
|---------------------------|-----------------------|----------------------------|
| A) Staff Presentation     | C) Public Comments    | E) Public Testimony Closed |
| B) Applicant Presentation | D) Applicant Response | F) Commission Discussion   |

**There are no items listed on the regular agenda.**

### **Old Business**

None.

### **New Business**

None.

### **Adjourn**

Commissioner Schwebach motioned to adjourn for the city, and Commissioner Pierson seconded the motion. The motion passed unanimously. The same motion was made for the County by Commissioner Ode and seconded by Commissioner Barth. The motion passed unanimously.