



MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION
June 25, 2018

A meeting of the Planning Commission was held on June 25, 2018 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Bonnie Duffy, Adam Mohrhauser, Doug Ode, and Jeff Barth.

STAFF PRESENT:

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

Bonnie Duffy chaired the meeting and called the Minnehaha County Planning Commission meeting to order at 7:07 p.m.

Consent Agenda

Commissioner Duffy read each item of the consent agenda, and Item 6 was requested to be removed from the consent agenda to the regular agenda for discussion.

A motion was made to **approve** the consent agenda consisting of Items 1, 2, 3, 4, and 5 by Commissioner Barth and seconded by Commissioner Ode. The motion passed unanimously.

ITEM 1. Approval of Minutes – May 21, 2018

As part of the consent agenda, a motion was made by Commissioner Barth and seconded by Commissioner Ode to **approve** the meeting minutes from May 21, 2018. The motion passed unanimously.



ITEM 2. CONDITIONAL USE PERMIT #18-27 to transfer one (1) building eligibility from the NW1/4, SW1/4 to the SW1/4, SW1/4 (Ex. H-1); all in Section 19-T103N-R49W.

Petitioner: Lynn Olson

Property Owner: same

Location: Northeast Corner of 254th St. & 472nd Ave. Intersection - Approximately 3 miles northeast of Crooks

Staff Report: Scott Anderson

This would transfer one (1) building eligibility.

General Information:

Legal Description – SW1/4, SW1/4 (Ex. H-1); Section 19-T103N-R49W

Present Zoning – A1 Agriculture

Existing Land Use – agriculture

Parcel Size – 40 acres

Staff Report: Scott Anderson

Staff Analysis: The applicant is requesting conditional use permit approval to transfer one building eligibility from the NW ¼, SW 1/4 of Section 19, Sverdrup Township to the SW ¼, SW ¼ of Section 19 of Sverdrup Township. The proposed location for the building eligibility transfer will be from cropland to cropland.

On March 13, 2018, staff visited the property and determined that the proposed location is appropriate for a single family dwelling. The attached questionnaire indicates that the building eligibility is being moved between crop producing parcels. There are no concentrated animal feeding operations within the immediate vicinity.

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.

A right-to-farm notice covenant should be required to notify potential buyers to the realities of locating in an agricultural area. The addition of residential land use should not negatively affect the nearby residences and farmland.

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

The approval of the building eligibility for a single family dwelling will not increase the number of dwelling units allowed in this section. The surrounding area is primarily agriculture with many acreages in the area.

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



The placement of the building eligibility will result in the construction of a single family dwelling with a separate driveway.

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

Off-street parking requirements will be provided for once a single-family residence is constructed on the subject property.

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

The proposed conditional use will not cause odor, fumes, dust, noise, vibrations, or lighting in any amounts that would otherwise constitute a nuisance.

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

The health, safety, general welfare of the public should not be significantly impacted by the placement of one single family dwelling with a building eligibility. The intent of the Envision 2035 Comprehensive Plan will be met under the requirements of density zoning.

Recommendation:

Staff finds this conditional use permit request to be consistent with density zoning and recommends **approval** of Conditional Use Permit #18-27 with the following conditions:

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

Action

As part of the consent agenda, a motion was made by Commissioner Barth to **approve** Conditional Use Permit #18-27 and seconded by Commissioner Ode. The motion passed unanimously.

Conditional Use Permit #18-27 – Approved



ITEM 3. FINAL DEVELOPMENT PLAN #18-01

Petitioner: Eric Willadsen

Property Owner: Gary Harr (John Harr Family Trust)

Location: Tract 1, Hope Harbor Addition, SE1/4, Section 9-T102N-R50W

Approximately 1 mile southwest of Crooks

Staff Report: Kevin Hoekman

General Information:

Legal Description – Proposed: Tract 1 Hope Harbor Addition, SE1/4, Section 9-T102N-R50W.

Present Zoning – Hope Harbor Planned Development District

Existing Land Use – Vacant/agricultural cropland

Parcel Size – Approximately 13.2 acres

Staff Report: Kevin Hoekman

Staff Analysis:

Earlier this year, the Planning Commission and the Board of County Commissioners approved the rezoning of the subject property from A1-Agriculture to the Hope Harbor Planned Development District. As a Planned Development, the County Zoning Ordinance requires the petitioner to submit a Final Development Plan for review by the Planning Commission. At the time of the rezoning application the applicant presented a preliminary plan for how the proposed development would be constructed on the site. This Final Development Plan brings further detail to the site and the future plans for its development.

Staff has reviewed Section 10.04 of the Minnehaha County's Zoning Ordinance to determine that all requirements for a Final Development Plan have been met. The applicant has provided all of the required information for a Final Development Plan, including the proposed plat, typical cross section for driveway construction, a grading and drainage plan, a landscape and utility plan, and written notes for erosion control plan.

Section 10.04 (D). contains a list of information that must be included on the Final Development Plan. Below is the list, in bold, with staff review of each item as to how the item has been met:

(1). Size and location of proposed structures including height and number of units.

Proposed buildings are located on utility plan. The height and size of the buildings are listed within the Dwelling Unit Breakdown notes on the plan.

(2). Calculated floor area for each structure and a generic listing of the uses within said structure.

The height and size of the buildings are listed within the Dwelling Unit Breakdown notes on the plan

(3). Off-street parking lot arrangement designating all parking spaces, off- street loading spaces, and any outdoor trash container spaces.

The utility plan shows parking lots for each dwelling and accessory building. Trash enclosures are included near each parking lot. The off street parking requirements for the use of the property as a group home would be one space for every two beds. During the



discussions and narrative for the rezoning, the petitioner indicated the desire for six students and one staff member in each dwelling which would lead to a required number of four parking spaces. The plan includes adequate parking.

(4). Any sidewalks, bikeways or other paths.

Several sidewalks are depicted within the utility plan.

(5). Landscaping plans showing the type and location of any walls or fences, the placement, size and species of any trees or shrubs, and berms in areas that will be sod or seeded.

The utility plan includes a tree planting plan where trees are specified as coniferous or deciduous. Trees are shown to line the south and east property lines. The Hope Harbor Planned Development District has a requirement for three rows of trees to be located on the south side of the property. The plan includes the required three rows. The three rows of trees are shown with long spaces between each tree, however the ordinance is not specific as to the density of trees to be planted. Seeding of grass is explained within the general notes of the plan.

(6). All existing and proposed utilities, drainageways, water courses, and location of above ground existing utilities on adjacent property.

The grading, drainage, and erosion control plan includes contour lines and direction of water flow. The utility plan also includes utilities such as septic system locations and water lines.

(7). Proposed final ground contours.

The proposed final ground contours are located on the grading, drainage, and erosion control plan.

(8). Existing and proposed uses adjacent to the area.

Existing site conditions are listed in the erosion control narrative.

(9). Documentation of the ownership and maintenance responsibility of any common open spaces, structures, or facilities including private streets.

There are no private streets and the entire property will be owned by one person.

(10). Any subareas proposed for multiple residential development will be required to provide an open area for recreation. Said open spaces shall not be included in any required yard, but shall be located in the same subarea it is intended to serve.

The property is composed of one parcel with much open space including a proposed pond.

(11). Proposed parking and loading spaces which shall be in conformance with Article 15.00, except where unique physical, environmental or design characteristics make such requirements undesirable.

The utility plan shows parking lots for each dwelling and accessory building.

(12). Unless otherwise specified on the Final Development Plan, all development standards shall be the same as those set forth in the traditional zoning districts, which shall be referenced for each subarea as a part of the Final Development Plan. For example: townhouses on Block X shall be developed in conformance with the requirements of the RD Residential District.

Development will meet requirements of the Planned Development and the applicable traditional zoning requirements.



The Minnehaha County Chief Building Inspector reviewed the plan. It should be noted that prior to development, the developer must obtain a septic permit from Minnehaha County. The design of the septic system must be approved by the State DENR prior to the issuance of the septic permit. The combination of the use of the proposed dwelling units as group homes and the size of the proposed structures exceeds what is allowed to be constructed without an Architectural Design Review. The Architectural Design Review must be submitted and approved by the Chief Building Inspector prior to the issuance of a building permit.

Recommendation:

Staff finds that the Final Development Plan meets the requirements of the Zoning Ordinance and of the Hope Harbor Planned Development District. Staff recommends **approval** of the Hope Harbor Final Development Plan #18-01.

Action

As part of the consent agenda, a motion was made by Commissioner Barth to **approve** Final Development Plan #18-01 and seconded by Commissioner Ode. The motion passed unanimously.

Final Development Plan #18-01 – Approved



ITEM 4. CONDITIONAL USE PERMIT #18-31 to transfer two (2) building eligibilities from the E1/2 SW1/4 (Ex. W. 1097 Feet) and W1/2 SE1/4 to the NE1/4 SE1/4; all in Section 2-T103N-R49W.

Petitioner: Arlie Brende

Property Owner: same

Location: 47656 251st St.

Approximately 2.5 miles east of Baltic

Staff Report: Kevin Hoekman

This would transfer two (2) building eligibilities.

General Information:

Legal Description – Receiving Parcel: NE1/4 SE1/4; all in Section 2-T103N-R49W

Present Zoning – A1 Agriculture

Existing Land Use – crop land

Parcel Size – Receiving Parcel 80 acres

Staff Report: Kevin Hoekman

Staff Analysis:

The applicant has applied to transfer a total of two building eligibilities from landlocked areas of nearby parcels to make the building eligibilities available for use. A landowner in the rural area of the county is allowed to build a single family dwelling if the parcel designated for the residence has an available building eligibility. Building eligibilities are assigned to each quarter-quarter section or each lot of record at the time density zoning became effective. To transfer a building eligibility from its assigned location, the receiving parcel must be contiguous to the sending parcel, and both parcels must be owned by identical ownership. A conditional use permit is required to move one or more building eligibilities at a time.

The subject property has five total building eligibilities. One building eligibility is locked (used) by a dwelling located on a farmstead on the middle parcel in the SW1/4, SE1/4 section. This transfer request will consolidate three building eligibilities to the NE1/4, SE1/4 to allow for future development to be located as close to a County Highway as possible. The future development would be approximately ½ mile south of County Highway 114.

The petitioner has submitted a site plan showing the intended location of the transferred building eligibilities. The eligibilities will be clustered together after the transfer. The transfer of eligibilities will move eligibilities further away from an existing dairy CAFO. A cattle operation is located approximate ½ mile southeast of the site. The proposed cluster of building eligibilities is planned to be about as far from the cattle operation as the landowner can move them.



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 is located in an active agricultural zone. The cluster of eligibilities will be positioned as far as possible from existing CAFOs. Agricultural operations will need to be aware of any residential development during regular operations such as pesticide spays. Clustering the eligibilities together should minimize the impact of development on agricultural operations. 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.

The area around the subject property is located in low density agricultural area approximately ½ mile south of a county highway. A divided cluster of residential dwellings are located north of the sight along the highway. The area will likely continue as agriculture long into the future. Existing CAFOs may wish to expand in the future, and a cluster of residential dwellings may lead to opposition to such expansions. 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. The transfer of the building eligibilities do not increase the number of dwelling units allowed in the area.

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 including waste water disposal. A cluster of residential dwellings in one area may create many accesses onto the road. Typically the Planning Commission has required the sharing of driveways for clustered development to avoid excessive access points. If approved, staff would recommend a limit that each parcel must share an access with a minimum of one other parcel.

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 proposed conditional use will have little to no effect on the health, safety and general welfare of the public. Placing building eligibilities in this location allows for residential uses to be clustered together as it is encouraged by the Envision 2035 Comprehensive Plan.



Recommendation:

Staff finds this conditional use permit request to be consistent with density zoning and the comprehensive plan. Staff recommends **approval** of Conditional Use Permit #18-31 with the following conditions:

1. A right-to-farm notice covenant shall be placed on the deed prior to the issuance of a building permit for all single family dwellings.
2. Lots must be platted for each dwelling prior to building permits being issued.

Action

As part of the consent agenda, a motion was made by Commissioner Barth to **approve** Conditional Use Permit #18-31 and seconded by Commissioner Ode. The motion passed unanimously.

Conditional Use Permit #18-31 – Approved



ITEM 5. CONDITIONAL USE PERMIT #18-32 to allow Contractor’s Shop and Outdoor Storage on the property legally described as Lots 1B & 1D, Block 2, Green Valley Addition, NE1/4, Section 12-T102N-R50W.

Petitioner: Tobias P. Kippes (Orion Rigging)
 Property Owner: Commerce Ventures LLC (Chris Herron)
 Location: 25733 & 25735 Cottonwood Ave. Approximately 1.5 miles east of Crooks
 Staff Report: David Heinold

This would allow a Contractor’s Shop & Outdoor Storage.

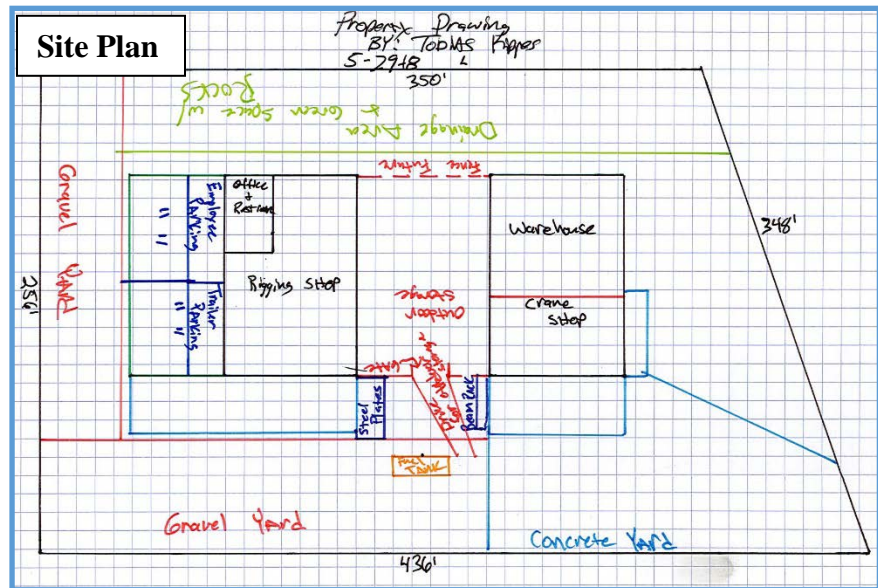
General Information:

Legal Description – Lots 1B & 1D, Block 2, Green Valley Addition, NE1/4, Section 12-T102N-R50W
 Present Zoning – I-1 Light Industrial District
 Existing Land Use – Developed/Industrial
 Parcel Size – 2 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting conditional use permit approval to allow a contractor’s shop and outdoor storage area for rigging equipment. The site plan, at right, shows the location of the two existing buildings used by the crane and rigging business as well as the proposed outdoor storage area for rigging equipment. The business is primarily accessible via Cottonwood Avenue, but has secondary access from Haylie Street.



On June 13, 2018, staff visited the site for the proposed contractor storage yard and determined the land use to be compatible with other similar outdoor storage areas in the surrounding area. The subject property is surrounded by land currently zoned within the I-1 Light Industrial District and the surrounding area consists of developed buildings except for the parcel immediately adjacent to the south that is presently undeveloped.



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 use is located in an existing light industrial zoned area that is fairly well established with other warehouse-type buildings in the entire subdivision. The specific site is in the Green Valley Addition, which has seen consistent growth and development of similar uses within the immediate vicinity. The proposed use should not have a negative effect on the use and enjoyment of similar uses as there are no residential homes in the immediate vicinity. The property values will likely not be negatively affected by the addition of a contractor's outdoor storage yard in conjunction with an existing warehouse building and office space.

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

Many of the lots in the Green Valley Addition have either already been developed or actively being marketed for future development pending the zoning ordinance requirements for certain uses. The addition of a contractor's outdoor storage yard for rigging equipment will likely not significantly affect the normal and orderly development of vacant property for uses predominant in the area. The area will likely continue to see increased growth and development due to the proximity Interstates 29 and 90 as well as the economic strength of the regional area.

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

The petitioner plans to utilize the existing paved driveway access from Cottonwood Ave. and Haylie St. All other utilities have been provided with the construction of the existing building for warehousing and office space. The site plan does not show any direction of water flow from the proposed outdoor storage area and associated paved driveways; however, it does include a delineation of where the drainage area is located to the north of the existing buildings within the Haylie St. right-of-way.

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

No parking will be allowed in the public right-of-way. The outdoor storage area is planned to be used for storage of rigging equipment. There should also be adequate space to maneuver in-and-out of the driveway. The existing driveways are both already constructed with concrete surfaces.

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 site of the proposed use is located in an established industrial park-like setting with uses such as storage units, commercial trucking businesses, auto body and painting specialists, and other similar outdoor storage yards containing a variety of different materials. The written narrative explicitly mentions that the proposed use will be for outdoor storage of rigging equipment and office space for the business operation. The proposed use should have a minimal effect on adjacent future commercial and industrial properties. Lighting should be directed downward onto the property to prevent light pollution off the site.



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

The Envision 2035 Comprehensive Plan encourages commercial and industrial development at this location. The subject property is zoned I-1 Light Industrial, which allows for permitted uses such as office, warehousing, and retail sales and trade. Furthermore, the addition of conditions to this permit allows planning staff a preferred method in 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 immediate area is well served by transportation access to highways including Interstate 29 and proximity to municipal development. The proposed use is compatible with surrounding land uses and should not significantly affect the health, safety, and general welfare of the public.

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.

Recommendation:

Staff finds that the proposed use is compatible with the zoning ordinance and Envision 2035 Comprehensive Plan. Staff recommends **approval** of Conditional Use Permit #18-32 with the following conditions:

- 1.) That CUP #18-32 shall allow a Contractor's Shop and Outdoor Storage of rigging equipment.
- 2.) That the property shall adhere to the submitted site plan dated 6-1-2018.
- 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 the applicant shall provide a 90% opaque screening fence around the outdoor storage area.
- 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 Department reserves the right to enter and inspect the contractor's shop and outdoor 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, a motion was made by Commissioner Barth to **approve** Conditional Use Permit #18-32 and seconded by Commissioner Ode. The motion passed unanimously.

Conditional Use Permit #18-32 – Approved



Regular Agenda

ITEM 6. CONDITIONAL USE PERMIT #18-33 to allow a Bed & Breakfast Establishment on the property legally described as Tract 1, Degelau Addition, S1/2 NE1/4, Section 7-T102N-R49W.

Petitioner: Pamela L. Hoffman-Degelau

Property Owner: same

Location: 47291 Renberg St. Approximately 2.5 miles east of Crooks

Staff Report: David Heinold

This would allow a Bed & Breakfast Establishment.

General Information:

Legal Description – Tract 1, Degelau Addition, S1/2, NE1/4, Section 7-T102N-R49W

Present Zoning – A-1 Agricultural District

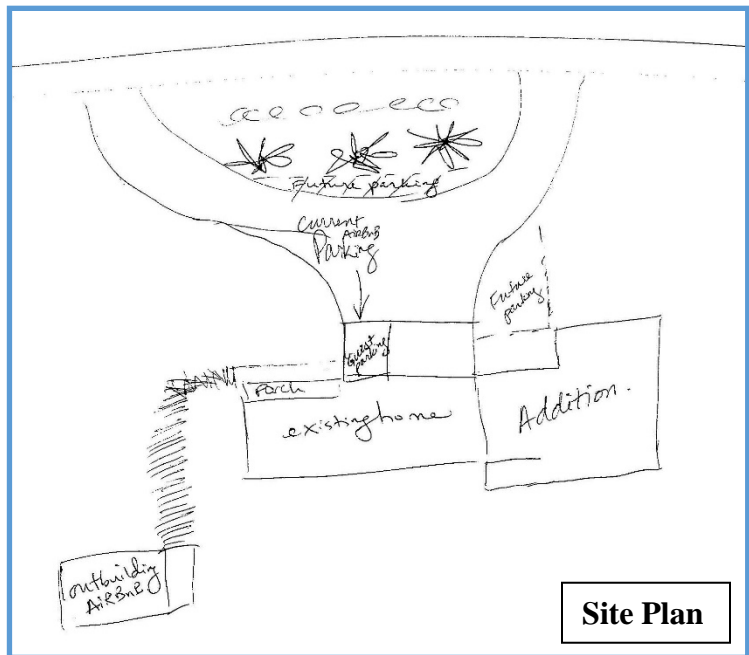
Existing Land Use – Residential

Parcel Size – 4.72 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioner, Pamela Hoffman, is requesting conditional use permit approval to allow a bed and breakfast establishment for one day, weekend, and week-long stays on an approximately 4.72 acre lot in the existing house and the 20’x30’ detached accessory building with living quarters inside. The written narrative describing the proposed use and the petitioner’s explanation of the business operation is attached for your review. The site plan, at right, shows the location of the two bed and breakfast establishment buildings, guest parking, and access to the sites. As indicated in the attached narrative, the petitioner intends to convert the



the 20’x30’ detached accessory building with a living quarters inside back to personal storage when it becomes financially feasible to construct an addition to the existing single family dwelling that is included in the request to allow a bed and breakfast establishment for short-term rental.

On June 13, 2018, staff visited the property and determined that the proposed site for a 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 subject property is located in an area between primarily agricultural farmland and a couple adjacent one to two acre lot subdivisions in the immediate area. The effect upon the use and enjoyment of other residential properties in the immediate vicinity should not be negatively affected by the proposed use of the existing house as well as a 20'x30' detached accessory building with a living quarters inside for short-term rental for one day, weekend, and/or week-long accommodations. The written narrative explains that the petitioner plans to construct an addition on the existing main single family dwelling with more bedrooms to accommodate the requested bed and breakfast establishment. Upon completion of the house addition, the petitioner plans to only utilize the 20'x30' detached accessory building for personal storage.

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

The area is already well developed with single family dwelling subdivisions and the remainder of the land remains in agricultural production of crops. It is unlikely that the proposed use for a bed and breakfast will negatively impact the normal and orderly development and improvement of surrounding vacant properties.

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

The subject property already contains all of the necessary facilities for operation of the bed and breakfast establishment in accordance with the zoning ordinance and other applicable laws.

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

Applicant response: *Guests currently park on my driveway in the spot closest to my porch. Upon completion of my addition, my deceased parents' furniture will move out of my garage and into the addition, allowing me to park inside and my driveway will be covered with crushed asphalt to accommodate guest parking in an orderly, lined-painted fashion.*

The petitioner plans to use the existing driveway area in front of the main dwelling as guest parking for proposed bed and breakfast establishment. No overnight parking is allowed along Renberg St. or within the public road right-of-way.

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 planned addition to the existing house and the 20'x30' detached accessory building with a living quarters proposed to be used are setback approximately 550 feet northwest to the nearest dwelling. The proposed operation of a bed and breakfast establishment brings possible noise disturbances to surrounding property owners with new guests.



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

The subject property lies adjacent to two existing residential dwelling subdivisions, which are mostly developed with single family dwellings on previously platted lots. Staff would like to note that the subject property only allows one (1) single family dwelling with the available building eligibility currently being used by the existing house. Staff proposes to add a condition to require conversion of the 20'x30' detached accessory building for personal storage of household goods and maintenance equipment once the single family dwelling addition is completed and meets final occupancy regulations for short-term rental with all entities. The intent of the recommended condition is to ensure proper compliance with the density zoning requirements as listed in the Minnehaha County Zoning Ordinance.

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 #18-33 with the following conditions:

- 1.) That CUP #18-33 shall allow a bed and breakfast establishment.
- 2.) That the property shall adhere to the submitted site plan.
- 3.) That a sign may be posted on the property, with a building permit, not to exceed 16 square feet.
- 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.) The house and 20'x30' detached accessory building must have functioning smoke and carbon monoxide detectors as required by the 2015 IRC as adopted by Minnehaha County.
- 6.) The proprietor must obtain any applicable South Dakota Sales Tax that is required.
- 7.) The proprietor must obtain the required lodging license with the South Dakota Department of Health.
- 8.) The 20'x30' detached accessory building shall only be used for personal residential storage once the single family dwelling addition meets final occupancy and all of the above conditions are met for short-term rental.
- 9.) 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.

Public Testimony

David Heinold, County Planning, presented a brief overview of the staff report and recommendation. Mr. Heinold explained that staff has received concerns regarding entry and exit from the subject property as well as general concerns regarding the proposed use.

Commissioner Barth asked what the concern was regarding entry and exit from the property. Mr. Heinold indicated that concerns were made for both cars entering and leaving the site.



Commissioner Ode asked if there have been any accidents along this stretch of Renberg St. Mr. Heinold indicated that he is not aware of any accidents along this stretch of road.

Pam Hoffman, 47291 Renberg St., identified herself as the petitioner and owner of the subject property where the proposed bed and breakfast establishment will be located.

Commissioner Ode asked the petitioner if there have been any problems with people using the east driveway approach and Ms. Hoffman mentioned that the east driveway was installed in 1999 but wanted to move it further east on the property.

Pam Hoffman mentioned that she spoke with Mapleton Township Supervisors Don Ahschlager and William Rishling about this request and would be comfortable with only using the west driveway for the proposed bed and breakfast establishment. She continued to explain that a speed limit sign is needed in the area to slow the cars down on Renberg St.

Commissioner Barth asked the petitioner where people are driving and Ms. Hoffman indicated they are heading straight to the subdivision to the east of the subject property.

Commissioner Barth explained that the township would be the appropriate entity to approach about the possibility of lowering speed limits on gravel roads.

Commissioner Ode asked the petitioner if Ms. Hoffman had discussed with the township supervisors about putting up speed limit signs on Renberg St.

Don Ahschlager introduced himself as a Mapleton Township Supervisor and board member. He explained that if there was a request for driveway at the current location of the east driveway it would not have been approved according to the 650 foot sight zone. Mr. Ahschlager asked the petitioner to remove the driveway and she questioned about putting up signage. He continued to mention safety concerns with not addressing the location of the eastern most driveway approach. Mr. Ahschlager stated that the township would like the driveway be removed or not used at all.

John Haak, 25760 Packard Lane, identified himself as one of the neighboring property owners to the south and presented concerns regarding the intended purpose of the bed and breakfast operation. Mr. Haak explained that Packard Lane is a peaceful neighborhood and he would like that the proposed use not turn the area into a party on the prairie. He continued to mention that the staff recommendation does not place any limits on outdoor music or entertainment, which should address the potential for loud noise coming from the proposed bed and breakfast establishment. Mr. Haak stated concerns regarding the effect of the emerald ash borer on the ash trees in the area and would like the planning commission to think about putting limits on how the bed and breakfast can be used.

Debra and Allen Busmann, 25742 Packard Lane, identified themselves as one of the neighboring property owners to the southeast. Debra Busmann mentioned that they moved out to Packard Lane nearly 2 years ago for the serenity, peaceful nature, and the wildlife. Mrs. Busmann stated



concerns over hearing loud noises and voices as well. She continued to mention concerns regarding the applicant having proper licensure, the impact to property values in the immediate vicinity, and effect on the quality of life.

Greg Albing identified himself as a personal friend of Pam Hoffman and out-of-town guest at the house. Mr. Albing stated that Ms. Hoffman has a personal interest in showing guests the beauty of nature in the area and maintains a zero tolerance for any kind of antics. He continued to mention that he has personally experienced from being on the property that noise is not from the bed and breakfast guests and acknowledged that sound can travel well.

Rayla and David Otto, 25758 Packard Lane, identified themselves the neighboring property owners directly adjacent to the subject property to the south. Mrs. Otto explained that she has spoken with one of the renters and confirmed that Ms. Hoffman is renting the second building out to guests. She continued to mention that there is a cabin structure located about 6 feet from the south property line, which brings greater concern for the safety of everyone around due to people wandering.

Rayla Otto indicated that there is an electric utility line that runs along the property line between the two properties. She continued to explain that about half of the trees are ash and the probable removal would result in a clear view from their dining room window on the north side of the house because the petitioner's house sits high up on the hill.

Commissioner Barth asked Mrs. Otto where the electrical line was and Mrs. Otto explained that it runs east to west along the shared property line with the site of the proposed use.

Mrs. Otto showed a few pictures of the subject property on the overhead and described their concerns regarding all of the buildings on the site. David Otto stated concern over additional storage sheds being rented out as part of the bed and breakfast establishment.

Pam Hoffman explained that the proposed use is not for a bed and breakfast, but she will be utilizing the AirBNB website for hosting guests based on select criteria for who can stay. She continued to mention that she has done this since February, but didn't know she needed a conditional use permit.

Ms. Hoffman described the proposed bed and breakfast operation and stated willingness to plant trees to keep the peaceful nature of the immediate area. She continued to mention that the cabin was built as a playhouse and explained that there are no utilities hooked up to the playhouse.

Commissioner Ode asked the petitioner if there would ever be any camper hookups and Ms. Hoffman stated that there will never be any camper hookups.

Commissioner Ode asked if there were any utilities in the red accessory building. Ms. Hoffman indicated that there is utilities and the building is hooked up to the same septic system. Commissioner Ode mentioned that just because you hear noise doesn't mean it's a big problem.



Ms. Hoffman stated that she wants to keep the quiet, peaceful nature of the trees and wildlife.

Mr. Anderson stated that county planning staff is concerned with the discussion here tonight and requests that the planning commission defer the conditional use permit to next month's meeting.

Commissioner Duffy called for additional public testimony.

Debra Busmann mentioned that the petitioner has a host listing up on the internet site with pictures and reviews from some of the guests that have stayed on the property. Mrs. Busmann stated concerns about the accessory buildings being used for more than just personal storage. She continued to mention that the area is a housing development, not a business district.

There was consensus among the planning commission that it was not necessary to see the pictures of the inside of the buildings given the information heard at this meeting tonight.

Commissioner Barth asked staff about building eligibilities on this property.

Scott Anderson, County Planning Director, mentioned that there is only one building eligibility and explained that staff is not comfortable with the request upon hearing from the neighboring property owners that the petitioner is renting out the playhouse structure in addition to the red 20'x30' accessory building. Mr. Anderson further asked for clarification on how many buildings are being used for bed and breakfast purposes. He continued to explain that when the addition is completed all of the bed and breakfast activities and accommodations will take place in the existing house and addition.

Ms. Hoffman reiterated that the playhouse is not being used for human occupancy. She continued to explain that the red accessory building is the only place being used for AirBNB.

Rayla Otto mentioned that she knows someone who is aware Ms. Hoffman has rented the red building a few years ago.

Commissioner Mohrhauser mentioned that he is okay with omitting the east driveway due to safety concerns and would rather not have the driveway at all. Ms. Hoffman concurred with only using the westernmost driveway approach and would be willing to work with the township.

Commissioner Duffy closed the floor to public testimony.

Discussion

Commissioner Duffy asked planning staff if there were any concerns regarding the conditional use permit request. Mr. Anderson explained that planning staff is not comfortable with moving ahead with the request given the information provided by members of the public.



Commissioner Barth asked Commissioner Duffy if she would consider opening the floor back up to public testimony to see if anyone has any comments or suggestions about how this can be made a better project from their perspectives.

Public Testimony

Commissioner Duffy reopened the floor to public testimony per Commissioner Barth's request.

Commissioner Duffy concurred with Commissioner Barth and invited the public to speak.

John Haak, identified himself as the owner of the triangle-shaped property immediately south of the subject property. Mr. Haak mentioned that a wooden privacy fence would deflect the sound, but the blue house can still be seen up on the hill. He added that they would like more time to review the proposed use. He continued to explain that he didn't realize the neighbors had the same concerns and that he just wants to protect what they have in their neighborhood.

Commissioner Duffy asked the petitioner if she would be willing to put up a wooden fence.

Ms. Hoffman doesn't believe that a fence is needed because the trees are thick and sharp to the south. She continued to mention that the house is tall, but it is a two-story home.

Commissioner Barth added that coffee and cake with the neighbors during the daytime would be a good way to work through some of the issues presented at the meeting tonight.

Action

Commissioner Barth made a motion to **defer** Conditional Use Permit #18-33 and the motion was seconded by Commissioner Ode.

Conditional Use Permit #18-33 – Deferred until July 23, 2018 Planning Commission meeting



Old Business

None.

New Business

Scott Anderson provided a brief update that South Dakota Codified Law has been revised and there is now a requirement that all public bodies must have a public input portion of the meeting. He asked the planning commission at what point during the meeting public input should occur and Commissioner Duffy would prefer that it be at the beginning of the meeting. There was some discussion regarding this topic amongst the planning commission members.

Adjourn

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

The meeting was **adjourned** at 8:14 pm.