

**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS
July 24, 2006**

A joint meeting of the County and City Planning Commissions was held on July 24, 2006 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Deb Bunde, Mike Cypher, Susie O'Hara, Mark Rogen, Don South, Wayne Steinhauer, and Jim Zweep.

CITY PLANNING COMMISSION MEMBERS PRESENT: Teresa Boysen, Lynette Olson, David Van Veldhuizen and Anita Wetsch.

STAFF PRESENT: Scott Anderson, Phil Kappen, and Pat Herman – County Planning;
Shawna Goldammer – City Planning
Gordy Swanson – Office of the State's Attorney

The County Planning Commission was chaired by Don South. City Planning Commission Chair Anita Wetsch presided over the meeting.

CONSTENT AGENDA

There being no objections from the Planning Commission or the audience, a motion was made for the County by Steinhauer and seconded by Rogen to approve the consent agenda. The motion passed unanimously. Same motion for the City by Boysen and seconded by Van Veldhuizen. The motion passed unanimously.

ITEM 1. MINUTES – June 26, 2006

A motion was made for the County by Steinhauer and seconded by Rogen to approve the minutes. The motion passed unanimously. Same motion for the City by Boysen and seconded by Van Veldhuizen. The motion passed unanimously.

ITEM 2. CONDITIONAL USE PERMIT #06-54 to exceed 1200 sq. ft. of accessory building area (1280 sq. ft requested.

Legal Description - Lot 6 Block 7 Pine Hill Addition in Section 29-T101N-R48W
Location - 8213 E. 38th St. 1 mile east of Sioux Falls
Petitioner / Owner- Tom McDonald

General Information

Present zoning - A-1 Agricultural
Existing Land Use - Residential
Parcel Size - 1 Acre

Report by: Jason Borah

Staff Analysis

The subject property is located 1 mile east of Sioux Falls at the intersection of East 38th Street and South Matt Road in the Pine Hill Addition of Split Rock Township. The petitioner proposes to construct a 1280 square foot accessory building on his property. The applicant's proposed, new accessory structure is larger than the permitted size of 1200 square feet, and thus a conditional use permit is required. On July 10, 2006, staff conducted a site visit. The area was found suitable for construction of the proposed building.

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 placement of a 1280 square feet accessory building in this neighborhood should not interfere with neighbors' use and enjoyment of their property. Several accessory buildings in the vicinity

are in the 1100 to 1200 square feet range. More importantly, however, is the fact that the property adjacent to that of the applicant's, contains a 1296 square feet accessory building.

According to the dimensions provided on the rough site plan, several large, mature trees will most likely be removed to make room for the proposed building, but their removal should not hinder the enjoyment or view of the neighbors' properties.

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

The building size proposed by the applicant is consistent with the development of other properties in the neighborhood. The petitioner must be made aware that the building can be used solely for personal storage of residential related items and no commercial or business activities or storage is allowed. The loft, furthermore, can not be used as living quarters of any kind.

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

Access to the property is currently via East 38th Street. The petitioner's site plan does not show the driveway for the new building. It appears, however, that access to that building will be via South Matt Road. Any additional driveway will require a permit from Split Rock Township.

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

There is enough area on the subject property to accommodate parking as a result of residential activities. No commercial uses are allowed in the proposed building, thus no new parking spaces are required.

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.

There should be no offensive odors, fumes, dust, noise, or vibration from the allowed residential uses on this property. No other types of uses are allowed.

Petitioner's Note:

The proposed building must comply with all setbacks. Particularly, the proposed building cannot be located within 20 feet of all active drainfields. After reviewing the provided site plan, it is believed that one leg of the existing septic system will lie under the proposed building.

Recommendation

Staff found the requested accessory building area to be compatible with the existing development standards. The Planning Departments recommended approval of Conditional Use Permit #06-54 with the following conditions:

- 1) Accessory building area shall not exceed 1280 square feet.
- 2) Accessory building height is limited to one story.
- 3) No commercial uses shall be permitted.
- 4) The planned loft shall not be used as living quarters of any kind.
- 5) A driveway permit from Split Rock Township for any new access onto S. Matt Road or E. 38th Street will be required before a building permit will be issued.
- 6) A building inspection is required.
- 7) The petitioner must have a certified septic installer obtain a septic permit regarding the relocation of the one leg of the septic system prior to the issuance of any building permit.

Based on the staff report, a motion was made for the County by Steinhauer and seconded by Rogen to approve Conditional Use Permit #06-54 with the conditions as stated. The motion passed unanimously. Same motion for the City by Boysen and seconded by Van Veldhuizen. The motion passed unanimously.