

**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS
September 24, 2007**

A joint meeting of the County and City Planning Commissions was held on September 24, 2007 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Mike Cypher, Susie O'Hara, Don South, and Carol Twedt.

CITY PLANNING COMMISSION MEMBERS PRESENT: Theresa Boysen, Meredith Larson, Jessie Schmidt 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 City Planning Commission was chaired by Anita Wetsch. County Planning Commission Chair Don South presided over the meeting.

ITEM 1. MINUTES – August 27, 2007

A motion was made for the City by Schmidt and seconded by Boysen to approve the minutes. The motion passed unanimously. Same motion for the County by O'Hara and seconded by Cypher. The motion passed unanimously.

ITEM 2. CONDITIONAL USE PERMIT # 07-66 to exceed 1200 sq. ft. of accessory building area (2040 sq. ft. requested).

Legal Description – Tr. 3 (ex. R-1) N1/2 NW1/4 in Section 34-T101N-R50W
Location - 8001 W. 41st St. west edge of Sioux Falls
Petitioner / Owner- Tom Broadbent

General Information

Present Zoning - RR Rural Residential
Existing Land Use - Residential
Parcel size- 0.48 Acres

Report by: Phil Kappen

Staff Analysis

The subject property is located along West 41st Street on the west edge of Sioux Falls. There are existing single-family residences to the west, east and south. To the north, across 41st Street the City of Sioux Falls has recently approved a final development plan for a town home development. The Sioux Falls municipal limits are located on the north edge of the subject property and 1 block to the south. The subject property is planned for continued residential use in the future, as specified in the Sioux Falls 2015 Plan.

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 petitioner currently has a 140 sq.ft. accessory building and a 483 sq.ft. building for a total of 623 sq.ft. of accessory buildings. He proposed to remove the 483 sq.ft. building and construct a 1900 sq.ft building for a total of 2040 sq.ft. The largest accessory building in the vicinity is located on the property immediately to the southwest where there is a total of 1228 sq.ft.

It has been the standard when requests for building exceeding 1200 square feet that the Planning Commissions look at the largest existing buildings to help in determining whether the proposed building will conform with the character of the area. In this case, the largest existing accessory building on neighboring properties is only 1228 square feet. Therefore, in order to be consistent with past practice, the maximum allowable total of all accessory buildings on the subject property should be limited to 1228 square feet.

Were this property in the City of Sioux Falls, there would be a limit that the accessory buildings on a residential property could not exceed the size of the footprint of the house. The house on this property has 1632 square feet of area, therefore, the proposed 2040 square feet of accessory buildings would not be allowed. It would still be consistent with past practice in the joint zoning area to limit the petitioner to a maximum of 1228 sq.ft. in accessory buildings. Should the petitioner find that the 1632 sq.ft of accessory building area would be allowed if he were within the Sioux Falls city limits, he could apply for annexation into Sioux Falls and work with the City for approval of such a size.

The existing larger buildings in the near vicinity have roofing and siding types that are consistent with the houses in the area. Any new building approved as a part of a conditional use permit should be required to have roofing and siding that is consistent with the types found on the home.

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

The area is planned for continued residential use once it comes into the City of Sioux Falls. The Planning Commission must ensure that a residential accessory building will not detract from the residential nature of the area. The building, if approved, could only be used for the petitioner's personal residential-related storage. No commercial use or commercial storage can be allowed in the building.

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

No additional access roads or utilities would be required for an approved residential accessory building.

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

The construction of an accessory building should result in no additional required parking spaces provided that the petitioner conducts only the approved residential storage uses in the building.

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.

Approved residential uses should not result in any odors, fumes, dust or noise. All outdoor lighting should be of a shoebox style that prevents light spillage onto neighboring properties.

Petitioner's note: A building inspection is required. The outside dimensions of the building will be measured to determine that the allowable square footage has not been exceeded.

Recommendation

Staffs find that the proposed 2040 sq.ft total of accessory buildings on the property is not in conformance with the character of the surrounding properties, but that a total of 1228 square feet would be consistent with the largest buildings existing in the area. Staff recommended that conditional use permit #07-66 be approved with the following conditions:

1. The total square footage of all accessory building area on the property shall not exceed 1228 square feet.
2. The building shall not exceed one level in height.
3. Any outside lighting shall be of a shoebox style that directs light downward and prevents the spillage of direct light beyond the boundaries of the property.
4. All accessory buildings approved for the site shall have roofing and siding that is consistent with the types used on the residence located on the property.
5. A building permit is required.
6. A building inspection is required.
7. No commercial use of the accessory building(s) is allowed.

Public Testimony

The petitioner, Tom Broadbent, stated that there are a lot of accessory buildings in this neighborhood that must not have building permits. He feels the size of the buildings is larger than what staff reported. His house was moved in and does not have an attached garage. It would be hard on the house and expensive to try and build an attached garage. He would be happy with 1656 sq. ft. That would be just a little bit larger than what is allowed under the city's limit as the footprint of his house is 1632 sq. ft. Mr. Broadbent stated that he will not have a

business in the building. He just needs more storage space and is currently renting three mini storage areas. He plans to remove both the 483 sq .ft. and 140 sq. ft. buildings currently on the property. The accessory building would be built to reflect the house with 12' side walls, matching roof gables and siding.

Commissioner Twedt asked how the accessory building size of existing buildings was determined. Mr. Kappen explained that the sizes come from property cards maintained by the Director of Equalization. Measurements of the buildings are taken by the accessor's and recorded on those cards. Mr. Kappen noted that attached garages do not count towards total square footage but detached garages do.

Ms. Goldammer explained that this lot is adjacent to the city limits. There are two types of annexations. City initiated annexations require a detailed study and public hearings. The second type of annexation is citizen initiated, when a property owner requests to be annexed into the city. There has been some talk about annexation of Klein's Addition but no formal study has begun. The development is now surrounded by the City and it is likely this area will be annexed at some time. Due to the location and eventual annexation, Ms. Goldammer stated that it would not be inappropriate use the City standards for accessory building size on this property. She noted that attached garages are not considered part of the house in determining the size of allowed accessory buildings.

No one else wished to speak to the item and the floor was closed to public testimony.

Commissioner Cypher stated that 1200 sq. ft. would be consistent with past practices but due to this lot's location, the City should take the lead on this item. Commissioner Larson noted that this would be akin to putting a three stall garage on a ½ acre lot. Commissioner Schmidt stated that in this case the City's guidelines would be appropriate, allowing an accessory building equal to the footprint of the house. Commissioner Cypher stated that 80% of the lot would be covered by buildings.

Based on the staff report and public testimony, and stating that this lot will be annexed into Sioux Falls at some point, a motion was made by Schmidt and seconded by Wetsch to follow the City's regulations of accessory building size and approve Conditional Use Permit #07-66 with the following conditions:

1. The total square footage of all accessory building area on the property shall not exceed 1632 square feet.
2. The building shall not exceed one level in height.
3. Any outside lighting shall be of a shoebox style that directs light downward and prevents the spillage of direct light beyond the boundaries of the property.
4. All accessory buildings approved for the site shall have roofing and siding that is consistent with the types used on the residence located on the property.
5. A building permit is required.
6. A building inspection is required.
7. No commercial use of the accessory building(s) is allowed.

The motion passed unanimously. Same motion for the City by Twedt and seconded by Cypher. The motion passed unanimously.