

**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION**
April 26, 2010

A meeting of the Planning Commission was held on April 26, 2010 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Susie O'Hara, Mike Cypher, Don South, Becky Randall, and Mark Rogen.

STAFF PRESENT:

Scott Anderson, Pat Herman, Phil Kappen, and Ryan Streff - County Planning
Dustin DeBoer – Office of the State's Attorney

The meeting was chaired by Chair Susie O'Hara.

CONSENT AGENDA

A motion was made by South and seconded by Randall to approve the consent agenda. The motion passed unanimously.

ITEM 1. MINTUES – March 22, 2010

A motion was made by South and seconded by Randall to approve the minutes from March 22, 2010. The motion passed unanimously.

ITEM 2. CONDITIONAL USE PERMIT #10-18 to transfer one residential building eligibility from the NW ¼ SE ¼ to the SW ¼ SE ¼ of Section 10-T102N-R49W and to allow a manufactured dwelling.

Petitioner: Konnie Park

Location: 47558 258th St. ½ mile east of Renner

General Information

Legal Description – W ½ SE ¼ (ex H-1 & ex Tr 1McElroy Addn) Section 10-T102N-R49W

Present Zoning – A-1 Agricultural

Existing Land Use - Agriculture

Parcel Size – 67.82 Acres

Report by: Phil Kappen

Staff Analysis:

The subject property is located along the north side of 258th Street (County Highway 130) approximately one-half mile east of 475th Ave (SD Hwy 115). The land to the north and south is agricultural land and to the east is a residential acreage. On the agricultural land to the west is the Windy Hills Boarding Stable. The petitioner proposes to move the residential housing eligibility from the NW1/4 SE1/4 to the SW1/4 SE1/4 (except Tract 1 of McElroy Addition). They also seek approval for the placement of a manufactured home on the site. The home would be placed immediately west of Tract 1 McElroy Addition.

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 properties with the greatest likelihood of being affected by the movement of a building eligibility and the placement of a manufactured home at this location would be the residence immediately east and the boarding stable immediately west of the site. The residence is occupied by the petitioner and the stable is operated by the petitioner under CUP #99-43. These properties are also all owned by the same property owner. The proposed manufactured home would also be occupied by a person connected with the boarding stable operation. Section 12.06 (C) of the county zoning ordinance specifies standards that must be met for a manufactured home in the unincorporated portions of Minnehaha County. The standards have been established to ensure that the home will have the appearance of a stick built dwelling to better blend with neighboring residences and include restrictions on the age and size of the home, the style of foundation, and the type of siding and roof on the home.

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

Most of the property in the area will continue in agricultural production. Moving the location of the home and utilizing a manufactured home should have little impact on continued agricultural operations. A right-to-farm notice covenant will be required on the property before a building permit may be issued for the home.

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

Access to the property will be via County Highway 130. Staff noted that the likely access point onto the highway falls within a no passing zone along the roadway and that sight distance to the east is limited. The petitioner has stated that they have already worked with the county highway department to approve an additional driveway off of the highway. Staff has confirmed with Tofan Ashraf of the highway department that they are approving an additional access onto the highway for the home provided that the access is lined up across from an existing driveway on the south side of the highway. A copy of the highway department approval will be required before a building permit may be issued on the property.

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

There is ample area on the site for any parking required for the allowed residential use. Section 15.02 (A) of the zoning ordinance requires a minimum of one off-street parking space for a single-family home. No parking shall be allowed on any 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.

There should be little offensive odor, fumes, dust, noise or vibration from the allowed residential use for the structure.

Recommendation:

Staff finds that the proposal for a building eligibility transfer and a manufactured home are in conformance with density zoning and will be compatible with adjoining land uses.

Staff, therefore, recommended approval of CUP #10-18 with the following conditions:

- 1) The property shall be platted and a right-to-farm notice filed on the deed of the lot prior to issuance of building permit.
- 2) Access to Highway 130 shall require the approval of the County Highway Department and written proof shall be submitted to the Planning Department at the time of issuance of the building permit.
- 3) The manufactured home shall have been constructed on or after July 15, 1976.
- 4) The exterior dimensions of the manufactured home, measured by excluding overhangs, shall not be less than 22 feet.
- 5) The manufactured home shall be supported by a foundation system consisting of walls along the perimeter and piers on the interior. All foundation walls and piers shall extend a minimum of 42 inches below final grade.
- 6) The roofing and siding material shall be consistent with the material used in site-built dwellings.
- 7) The roof pitch shall not be less than a 3 in 12 slope.
- 8) No parking shall be allowed within the highway right-of-way and a minimum of one off-street parking space must be maintained on the property.

Action

A motion was made by Cypher and seconded by Randall to **approve** Conditional Use Permit #10-18 with the conditions stated. The motion passed unanimously.

Conditional Use Permit #10-18 – APPROVED.

ITEM 3. CONDITIONAL USE PERMIT #10-19 to exceed 1200 square feet of accessory building area – 4,800 square feet total requested.

Petitioner: Russell Wright

Location: 48203 267th St. ½ mile southwest of Rowena

General Information

Legal Description - Co Aud Sub Tr 1 NW ¼ in Section 35-T101N-R48W

Present Zoning – A-1 Agricultural

Existing Land Use - Agriculture

Parcel Size – 1 Acre

Report by: Scott Anderson

Staff Analysis

The applicant is requesting a conditional use permit to construct a 60 foot by 80 foot agricultural building. The subject property is currently vacant. The one acre lot is part of the agricultural operation of the Wright brothers that consists of more than 260 acres. The agricultural operation is located to the north and west of the subject property. The applicant's residence is located on the same intersection to the northwest.

On April 5, 2010, staff conducted a site inspection of the property and surrounding area. The applicant's farm operation is concentrated at the intersection of 267th Street and 482nd Avenue. The applicant's home and several agricultural buildings are located to the northwest. On the applicant's farmstead, there is a total 8,712 square feet of accessory buildings, primarily used for the farm business. There is an existing feedlot located directly north of the subject property across 267th Street, which is operated by the Wright brothers and a feed storage area and cattle feed area located across 482nd Avenue to the west, also operated by the Wright brothers. The proposed building is an expansion of the existing agricultural operation by the Wright brothers.

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 an accessory structure exceeding 1,200 square feet should not impact the enjoyment or use of properties in the vicinity. The applicant's farmstead to the northwest already has accessory structures exceeding the 1,200 square foot maximum size requirements. The applicant owns the property surrounding the proposed structure and utilizes that property for agricultural purposes. The applicant has indicated the proposed building will be used in the agricultural operation. The applicant has indicated that he requires more accessory building area for storage of his agricultural equipment. Given the nature of the applicant's agricultural activities and existing sizes of structures in the area, staff can support the applicant's request and believes that the effects on surrounding properties in the area are minimal.

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

The petitioner must be made aware that the building can be used strictly for his personal storage or for agricultural purposes and no commercial or business activities or storage is allowed.

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

Access to the property will be from 267th Street, a township road. The new approach has not been constructed yet. All other utilities and drainage have been provided and no further improvements

are needed. Split Rock Townships requires a driveway approach. The applicant will be required to obtain the driveway approach prior to construction it.

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

There is ample area on the subject property for any parking as a result of residential activities. No on street parking will be allowed. No commercial or business parking is allowed.

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 uses on this property. No other types of uses are allowed.

Recommendation

Staff finds that the proposed building size compliments the existing use in the area, agriculture. Staff recommended approval of conditional use permit #10-19 with the following conditions:

1. The applicant shall be allowed one approach onto the property either from 267th Street or 482nd Avenue. Prior to construction of the new approach, the applicant shall obtain an approach permit from Split Rock Township.
2. The building shall be used only for the petitioner's personal residential storage and/or agricultural use. No commercial or business uses or storage shall be allowed.
3. The building shall not exceed one story in height.
4. A building inspection is required to determine that the buildings do not exceed 4,800 square feet measured from the outside perimeters.

Action

A motion was made by Cypher and seconded by Randall to **approve** Conditional Use Permit #10-19 with the conditions stated. The motion passed unanimously.

Conditional Use Permit #10-19 – APPROVED

ITEM 4. CONDITIONAL USE PERMIT #10-20 to exceed 1200 square feet of accessory building area (12,692 sq. ft. existing) – 12,908 square feet total requested.

Petitioner: Gary Eulberg

Location: 47578 254th St. 4 miles southeast of Baltic

General Information

Legal Description - Tract 2 Schreurs Addn SE ¼ in Section 22 -T103N-R49W

Present Zoning – A1 Agricultural

Existing Land Use - Residential

Parcel Size – 12.17 Acres

Report by: Ryan Streff

Staff Analysis

The petitioner has applied for a conditional use permit to exceed the 1,200 sq. ft. accessory building area at 47578 254th Street. The property owner is requesting this conditional use permit to construct an addition of 216 sq. ft. (12' x 18') to add restroom facilities to the existing 3,856 sq. ft. accessory storage building. This property is located in Sverdrup Township, approximately 4 miles southeast of Baltic or ¾ of a mile east of Midway Service. The surrounding land use is zoned agriculture with many medium sized residential acreages ranging from 3 to 17 acres in size. The petitioner's lot is approximately 12.17 acres in size. The parcel is part of eight (8) continuous lots along 254th Street and two (2) additional lots to the north along 476th Avenue. All of these parcels are within the sections of 22, 23, and 26 of Sverdrup Township.

The petitioner is requesting approval for a 216 sq. ft. addition to his existing accessory building that lies in the NE corner of the lot. Within approximately one half mile there are fifteen (15) acreages, and of these fourteen (14) have accessory buildings that total 1,200 sq. ft. or more. The petitioner currently has 12,692 sq. ft. of accessory building area which is the largest in the general area and consists of a large quonset building (7,955 sq. ft.), an accessory building (3,856 sq. ft.), and a utility shed (96 sq. ft.). The property directly to the east has 7,362 sq. ft. of accessory building area and the property directly to the west has 5,729 sq. ft. of accessory building area. (See attached accessory building area map)

The petitioner is requesting this conditional use permit to construct restroom facilities in an accessory building that he not only uses for personal storage but as a family gathering area as well. The petitioner has a large family that likes to use the space during family gatherings and functions. They use the space as an alternative to always having everyone cram into the family's home.

The property owner shall meet all regulations regarding accessory buildings. These regulations are found in *Article 12.07 Accessory Buildings and Uses*. Minimum setbacks required for accessory buildings in the A-1 Zoning District are front yard 50', side yard 7', and rear yard 30'.

Section 12.07 D of the county zoning ordinance states: *In the A-1 and RC Districts, the total area of accessory buildings shall not exceed 1200 square feet when such buildings are located in a subdivision of more than four (4) lots unless a conditional use has been approved.*

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.

There are larger accessory structures that exceed the 1,200 sq. ft. accessory building area 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 effect 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 addition of 216 sq. ft. (12' x 18') will only be used for restroom facilities. The remaining accessory building area will be used for the owner's personal storage or personal use and no commercial or business activities will be allowed. This use will not affect the agricultural land in the area.

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

Access to the property is through a driveway(s) located along 254th Street. The additional area constructed for the restroom facilities will require a septic system or septic tank to be installed.

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.

There should be no uses in the building which should constitute these types of nuisances.

Recommendation

Staff found that the proposed addition to the accessory building will not impact surrounding properties in the area and recommended approval of Conditional Use Permit #10-20 with the following conditions:

1. Accessory building area shall not exceed 12,908 square feet on the property.
2. The building shall not exceed one story in height.
3. A building inspection is required to measure the outside dimensions of the building.
4. A building permit and septic permit is required.
5. The building shall be an accessory use to the continued use of the property as a residential lot.
6. Only personal residential storage shall be allowed in the building and no commercial uses or commercial storage will be allowed.
7. All outdoor lighting shall be of a full-cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.

Action

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A motion was made by Cypher and seconded by Randall to **approve** Conditional Use Permit #10-20 with the conditions stated. The motion passed unanimously.

Conditional Use Permit #10-20 – APPROVED

ITEM 5. CONDITIONAL USE PERMIT #10-17 to exceed 1200 square feet of accessory building area (2,268 sq. ft. existing) – 5,000 square feet total requested.

Petitioner: Todd Clark

Location: 24981 470th Ave. 3 miles west of Baltic

General Information

Legal Description - Tract 2 Brown's Addition SE ¼ SE ¼ in Section 34-T104N-R50W

Present Zoning – A-1 Agricultural

Existing Land Use - Residential/

Parcel Size – 6.27 Acres

Report by: Phil Kappen

Staff Analysis:

The subject property is located along the west side of 470th Avenue (County Highway 137) just north of 250th Street (County Highway 114). The land to the west, north, and east is agricultural land and to the south is a residential acreage. The petitioner currently has a 2,268 square-foot accessory building and is proposing to build a second building. The total square footage of the two buildings would not exceed 5,000 square feet. Since the total area of accessory buildings would exceed 1,200 square feet and there are more than four separate lots in the vicinity, a conditional use permit is required. The petitioner plans to use the additional building for repairing his own cars. No commercial use is proposed and no such use can be allowed in the 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.

There are 9,272 square feet of accessory structures (8,820 sq.ft. of buildings and 452 sq.ft. of grain bins) in the farmstead immediately across the highway to the east. The acreage to the south has a 2,560 square-foot accessory building and the view from that acreage to the subject property is screened by an existing shelterbelt. Just south of the acreage is another farmstead with 12,493 square feet of accessory structures (9,132 sq.ft. of buildings and 3,361 sq.ft. of grain bins). A residential acreage one-fourth mile to the north has a 2,860 square-ft of detached accessory buildings.

The addition of one more accessory building on this existing residential lot should have little impact on neighboring uses.

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

The building can be used only for the petitioner's storage of his residentially-related items. No commercial or business activities, or commercial storage is allowed.

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

Access to the property is via 470th Avenue (County Highway 137). The applicant has not proposed any new accesses onto the highway and none should be allowed in order to

preserve traffic flow and safety along the roadway.

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

There is ample area on the subject property for any parking required by the allowed residential uses. No on-street parking shall be allowed.

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.

Recommendation:

Staff finds that the proposed building size is comparable to sizes of other accessory buildings in the area. Staff recommended approval of conditional use permit #10-17 with the following conditions:

- 1) The total accessory buildings on the property shall not exceed 5,000 square feet in size when measured from the outside perimeters of the building. A building inspection is required to ensure that the buildings do not exceed this size.
- 2) The building shall not exceed one story in height.
- 3) The building shall be used only for the petitioner's personal residential-related storage. No commercial or business uses, or commercial storage shall be allowed.
- 4) No additional driveway access shall be allowed onto 470th Avenue.

Action

A motion was made by Cypher and seconded by Randall to **approve** Conditional Use Permit #10-17 with the conditions stated. The motion passed unanimously.

Conditional Use Permit #10-17 – APPROVED

REGULAR AGENDA

A motion was made by Cypher and seconded by South to approve the regular agenda. The motion passed unanimously.

Old Business

- A. Pat Herman gave a briefing on the wind energy ordinance changes for small and large wind turbines.

New Business

- A. Pat Herman gave a briefing and demonstration to Planning Commissioners about the new online mapping system "minnEmap".

- B. Commissioner Cypher suggested that the Planning Commission discuss the memo that was sent from Scott Anderson regarding the replacement of a dwelling with another. He stated that it should be mandated for the property owner to remove the old dwelling unit or apply for a conditional use permit. The commissioners agreed that they would like the home owner to apply for a conditional use permit to reuse the old dwelling unit as an accessory building. Scott Anderson stated that staff would bring these ordinance changes to the Planning Commission within the next couple of months.