

**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & DELL RAPIDS PLANNING COMMISSIONS
April 26, 2010**

A joint meeting of the County and City Planning Commissions 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, Mark Rogen.

CITY PLANNING COMMISSION MEMBERS PRESENT: Bob Lamberty, Darrell Donelan, Roger Dearduff, Dale Dunn, and Charlie Pleskac.

STAFF PRESENT:

Scott Anderson, Pat Herman, Phil Kappen, and Ryan Streff - County Planning
Dustin DeBoer – Office of the State's Attorney
S.L. Martin – City of Dell Rapids

The City Planning Commission was chaired by Bob Lamberty. The County Planning Commission was chaired by Chair Susie O'Hara.

CONSENT AGENDA

There were no items on the consent agenda.

REGULAR AGENDA

A motion was made for the City by Dearduff and seconded by Dunn to approve the regular agenda. The motion passed unanimously. Same motion for the County by Rogen and seconded by Randall. The motion passed unanimously.

Item 1. Minutes – March 22, 2010

A motion was made for the City by Donelan and seconded by Dearduff to **approve** the meeting minutes from the March 22, 2010 meeting. The motion passed unanimously. Same motion for the County by South and seconded by Rogen. The motion passed unanimously.

ITEM 2. CONDITIONAL USE PERMIT # 10-16 to exceed 1200 sq. ft. of accessory building area (1440 requested) and to allow the stabling of horses.

Petitioner: Paul Rumpca

Location: 47347 246th St. west of Dell Rapids on Hwy 115

General Information

Legal Description - Overvaag Tract 22a Overvaag Tracts SW ¼ of Section 8-T104N-R49W & N ½ of Section 17 T104N-R49W

Present Zoning – RR5 Rural Residential

Existing Land Use - Residential

Parcel Size – 5.4 Acres

Report by: Pat Herman

Staff Analysis:

The subject property is located on the west edge of Dell Rapids and south of Highway

115. The parcel is zoned RR-5 Rural Residential, with a required lot size of five (5) acres. This zoning district is only found on the west and south edges of Dell Rapids. The Dell Rapids Comprehensive Plan proposes this area for residential development.

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 proposes to exceed 1200 square feet of accessory building area, which requires conditional use permit approval. The applicant will construct one (1) accessory structure that will be 1440 square feet in area. The existing accessory buildings located in this neighborhood range in size from 288 square feet to 3200 square feet. Past actions by the Joint Planning Commissions have limited the maximum allowed accessory building area per lot to 3200 square feet.

The proposed larger accessory structure should not impact the uses or enjoyment of the other properties in the vicinity. An accessory structure should not impact the surrounding property values as they are commonly associated with single family residences.

The petitioner is also requesting conditional use approval for a maximum of three horses on this property. Section 4A.04 Conditional Use Permits of the Joint Zoning Ordinance states:

(J). Stabling of horses, provided they are owned by the resident of the property and not used as a commercial operation on the property.

On a lot of this size the impact of the horses on neighboring homes should be negligible. A portion of the accessory building will be used for the horses.

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. Residential dwellings have been constructed on all the surrounding properties.

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

Existing roads and utilities will service the building.

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

Commercial uses are not allowed in the building, so the applicant must only meet the off-street parking requirements for a single family residence, which is two (2). The proposed structure will increase the number of off-street parking spaces to greater than two (2).

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 building will be used for personal storage only, so there should not be any impacts from the above list in significant enough amounts to constitute a nuisance.

To ensure the proper size accessory structure is constructed, a building inspection will be required. This inspection will be conducted by the Minnehaha County Building Inspector, who will measure the outside dimensions of the building.

Staff finds that the requested larger accessory structure to be compatible with the existing development standards of the area. Ten (10) other conditional use permits have been

issued for accessory structures exceeding 1200 square feet in Section 8 of Dell Rapids Township. This request is smaller than the approved size of accessory building area in this development.

Recommendation

Staff recommended approval of Conditional Use Permit #10-16 to allow a 1440 square foot accessory structure and to allow the stabling of three horses.

Public Testimony

No one from the public wished to speak on this item.

Action

A motion was made for the City by Dearduff and seconded by Donelan to **approve** Conditional Use Permit #10-16 with the following conditions. The motion passed unanimously. Same motion for the County by Cypher and seconded by South. The motion passed unanimously.

- 1) The accessory structure area shall not exceed 1440 square feet.
- 2) The accessory structure height is limited to one (1) story.
- 3) No commercial use of the accessory structure shall be permitted.
- 4) A building inspection is required to verify the 1440 square foot size limitation.
- 5) The stabling of three horses, provided they are owned by the resident of the property and not used as a commercial operation on the property.

Conditional Use Permit #10-16 – Approved

New Business

Commissioner Dearduff informed staff that the Dell Rapids Planning Commission wants to change the accessory building area from 1,200 to 2,400 square feet in the joint jurisdictional area between the City of Dell Rapids and Minnehaha County. He also stated that they would like to get rid of the RR5 Rural Residential Zoning District.

Planning Director Scott Anderson explained to the commission that they would need to have their city staff make the changes and then submit the changes to the county.