

**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS
July 26, 2010**

A joint meeting of the County and City Planning Commissions was held on July 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.

CITY PLANNING COMMISSION MEMBERS PRESENT: Pam Breidenbach, Steve Gaspar, Meredith Larson, and Lynette Olson.

STAFF PRESENT:

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

The City Planning Commission chair Pam Breidenbach presided over the meeting. The County Planning Commission was chaired by Chair Susie O'Hara.

CONSENT AGENDA

A motion was made for the City by Breidenbach and seconded by Gaspar to approve the consent agenda and to defer the approval of minutes until August 23, 2011. The motion passed unanimously. Same motion for the County by Cypher and seconded by South. The motion passed unanimously.

Item 1. Minutes – June 28, 2010

A motion was made for the City by Breidenbach and seconded by Gaspar to **defer** the meeting minutes from the June 28, 2010 meeting to the Planning Commission meeting on August 23, 2010. The motion passed unanimously. Same motion for the County by Cypher and seconded by South. The motion passed unanimously.

ITEM 2. Conditional Use Permit #10-42 to exceed 1200 square feet of accessory building area; 2436 total requested.

Petitioner: Johnny Dykstra

Location: 1401 N. Six Mile Rd. 1 mile east of Sioux Falls

General Information:

Legal Description – W 348.48' E 1147.87' TR 1 & S 106.3 ' W 348.48' E 1147.87' TR 2
E 1/2

SE 1/4 of Section 7-T10N-R48W

Existing Land Use - Residential

Current Zoning – A1 Agricultural

Parcel Size – 4.0 Acres

Staff Report: Ryan Streff

Staff Analysis

This subject property is located in Section 7 of Split Rock Township, approximately 1 mile east of Sioux Falls. The surrounding land use is mainly residential with many small

to medium sized acreages with the remaining land used for agricultural purposes. The petitioner has applied for a conditional use permit to exceed 1,200 sq. ft. of accessory building area at 1401 N. Six Mile Rd. The property owner is requesting this conditional use permit to construct a 1,080 sq. ft. (30' x 36') accessory storage building, which would increase the property's accessory building area to 2,436 square feet.

Currently there are two (2) accessory building on the property, which total 1,356 square feet. The buildings consist of a pole barn that is 26' x 30' (780 sq. ft.) and a detached garage that is 24' x 24' (578 sq. ft.). These structures were built on the property prior to the petitioner owning the property and before the Zoning Ordinance required a conditional use permit to exceed the 1,200 sq. ft. accessory building area in a subdivision of more than four (4) lots.

There are four (4) lots near the subject property that have larger accessory building areas than what is proposed by the petitioner. These four (4) larger accessory building areas consist of 2,640 sq. ft. to the north, 5,979 sq. ft. to the south, 2,632 sq. ft. to the east, and 2,632 sq. ft. to the west. There are also five (5) other accessory building in the area that have over the 1,200 sq. ft. of accessory building area. (See attached accessory building area map)

The petitioner would like to exceed the 1,200 sq. ft. of accessory building area on a lot that is approximately 4.01 acres in size and is in a subdivision of more than four lots. 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.*

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 30', side yard 7', and rear yard 30'. There is a minimum setback of 50' from any section line road or major arterial street.

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 in the general area 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 affect 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 subdivision or general area. The building will only be used for the owner's personal storage, residential related items, and no commercial or business activities will be allowed. This use will not affect the residential uses or agricultural land in the area.

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

Access to the proposed accessory building will be through a driveway located along Six Mile Road. This driveway also provides access to the residential dwelling unit on the property.

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 accessory building size conforms to the general sizes of other accessory buildings in the area and recommended approval of Conditional Use Permit #10-42 with the following conditions:

- 1) Accessory building area shall not exceed 2,436 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 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

Based on the staff report a motion was made for the City by Breidenbach and seconded by Gaspar to **approve** Conditional Use Permit #10-42 with the conditions as stated. The motion passed unanimously. Same motion for the County by Cypher and seconded by South. The motion passed unanimously.

Conditional Use Permit #10-42 – APPROVED.

REGULAR AGENDA

There were no regular agenda items.