

**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & DELL RAPIDS PLANNING COMMISSIONS
August 28, 2017**

A joint meeting of the County and City Planning Commissions was held on August 28, 2017 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Becky Randall, Jeff Barth, Doug Ode, Paul Kostboth, and Mike Ralston.

CITY PLANNING COMMISSION MEMBERS PRESENT: Roger Dearduff, Steve Hoff, and Tom Schwebach.

STAFF PRESENT:

Scott Anderson, Kevin Hoekman, and David Heinold - County Planning
Justin Weiland – City of Dell Rapids Administration
Maggie Gillespie – Office of the State’s Attorney

Scott Anderson, Planning Director, started the meeting with announcing that both the chair and vice-chair of the Minnehaha County Planning Commission were not present and explained that the Planning Commission would need to elect a temporary chairperson for the meetings. Commissioner Barth nominated Commissioner Randall to be the temporary chairperson for the night. Commissioner Kostboth seconded the motion. Commissioner Barth Motioned for nominations to close. The motions passed unanimously to have Commissioner Randall chair the meetings for August 28th, 2017.

The Dell Rapids Planning Commission was chaired by Roger Dearduff.

CONSENT AGENDA

Commissioner Randall read each item on the consent agenda and nobody objected to any item.

A motion was made for the County by Commissioner Kostboth and seconded by Commissioner Barth to **approve** the consent agenda. The motion passed unanimously. Same motion was made for the City by Commissioner Schwebach and seconded by Commissioner Hoff to **approve** the consent agenda. The motion passed unanimously.

ITEM 1. Approval of Minutes – March 27, 2017

As part of the consent agenda, a motion was made for the County by Commissioner Kostboth and seconded by Commissioner Barth to **approve** the minutes for the March 27, 2017 meeting. The motion passed unanimously. Same motion was made for the City by Commissioner Schwebach and seconded by Commissioner Hoff to **approve** the minutes for the March 27, 2017. The motion passed unanimously.

ITEM 2. CONDITIONAL USE PERMIT #17-51 to exceed 1,200 square feet of total accessory building area – requesting 4,228 sq. ft. on the property legally described as Burgraff Tract 1, Being Part Pierret Tract 2 & Graham’s Tract 1, SE1/4 SE1/4 & Including All S455.41’ E800’, SE1/4 SE1/4; all in Section 8-T104N-R49W.

Petitioner: Darrell Lindner

Property Owner: same

Location: 717 W. 2nd St. Approximately 0.25 miles west of Dell Rapids

Staff Report: Kevin Hoekman

This would allow 4,228 square feet of total accessory building area.

General Information:

Legal Description – Burgraff Tract 1, Being Part Pierret Tract 2 & Graham’s Tract 1, SE1/4 SE1/4 & Including All S455.41’ E800’, SE1/4 SE1/4; all in Section 8-T104N-R49W.

Present Zoning – R5 Residential

Existing Land Use – Residential acreage

Parcel Size – 6 acres

Staff Report: Kevin Hoekman

Staff Analysis:

The property is located adjacent and so the southwest side of the city of Dell Rapids. The property is nonsymmetrical shaped with the small portion of the parcel that has the dwelling located on it is surrounded by city limits on three sides. The site is also located within an area of more than 4 platted lots. In subdivisions or residential developments which exceed four lots in number, accessory building area is limited to 1,200 square feet, unless approval for a larger size is obtained through the conditional use permit process.

The petitioner would like to construct a 52 feet by 64 feet accessory building. This proposed 3,328 square foot building would be built in addition to a horse barn that is already on the property. The total size of all requested structures is 4,228 square feet of accessory building space. The total accessory building request for this property is slightly larger than other nearby acreages, and the size of the individual new structure is similar to neighboring properties.

The property is currently a large acreage including a single family dwelling. The proposed accessory building is shown on the site plan to be located to the south of the existing horse barn. The topography of the parcel and the abundant outcropping of quartzite limit the places to locate a large structure on the site. The property has one driveway access onto 2nd Street within the city limits of Dell Rapids. The narrow driveway appears to be a mutual access for two neighboring properties.

The subject property is located within a subdivision, and much of the area to the north and the east of the site is within the city limits of Dell Rapids. The provided map of accessory building sizes are properties that are not currently agricultural farmsteads and located outside of city limits. In addition to residential accessory buildings, a large building that is currently used for a church is located a short distance to the northwest of the proposed accessory building.

Conditional Use Permit Criteria:

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 construction of the proposed accessory building should have little impact on surrounding properties. Any items and personal equipment that will be stored in the structure will have to travel on paved city roads to get to the property. The accessory building will have no effect on the agricultural use nearby. The adjacent lot in the county also has a large accessory building area. The accessory structure shall not be used as a commercial operation at any time.

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

The accessory structure may only be used for residential purposes, no commercial or business activities are allowed. The large square footage may create a precedent if the neighboring residential property owner was to request a similar sized building area. The surrounding agricultural land will likely remain for agricultural uses. All the building eligibilities in the southwest quarter section have been developed and used; therefore, the requested accessory building will not affect future rural residential development. The proposed accessory building is set back far from the road and any neighboring dwellings. It is unlikely that it will have any effect on the future development of agricultural or residential development in the area.

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

The petitioner will be responsible for attaining and extending utilities to the proposed accessory building, and the proposed accessory building will utilize the same driveway as the dwelling.

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

No off-street parking will be needed as a result of personal activities in this accessory building. No commercial or business parking will be allowed at any time.

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.

No offensive nuisances shall be permitted at any time during use of the proposed accessory structure. The use of lighting should be directed downward on to the property in order to prevent light pollution off site.

6. Health, safety, general welfare of the public and the Comprehensive Plan.

The proposed accessory building should have little to no effect on the health, safety, and general

welfare of the public as well as the Envision 2035 Comprehensive Plan. Other large accessory building totals are located on far and non-farm properties in the near area.

Recommendation:

Staff finds that the proposed accessory building is reasonable to the size of the existing structures, the size of the property, and the location on the property. Staff recommends **approval** of Conditional Use Permit #17-51 with the following conditions:

- 1.) The total accessory building square footage shall not exceed 4,228 square feet.
- 2.) A building permit is required prior to construction of the accessory building.
- 3.) That an inspection be made on the proposed addition to an accessory building to ensure that the total floor area of the proposed structure does not exceed 3,328 square feet.
- 4.) That only personal residential storage shall be allowed in the building, and no commercial uses or commercial storage will be allowed at any time.
- 5.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 6.) That the Planning & Zoning Department reserves the right to enter and inspect the accessory building at any time, after proper notice to the owner, to ensure that the property is in full compliance with the conditional use permit conditions of approval and the Minnehaha County Zoning Ordinance.

ACTION

As part of the consent agenda, a motion was made for the County by Commissioner Kostboth and seconded by Commissioner Barth to **approve** Conditional Use Permit #17-51. The motion passed unanimously. Same motion was made for the City by Commissioner Schwebach and seconded by Commissioner Hoff to **approve** Conditional Use Permit #17-51. The motion passed unanimously.

Conditional Use Permit #17-51 – Approved

ITEM 3. CONDITIONAL USE PERMIT #17-55 to exceed 1,200 square feet of total accessory building area – requesting 2,500 sq. ft. on the property legally described as Tract D, Klein’s Addn., SW1/4, Section 8-T104N-R49W.

Petitioner: John Spaeth

Property Owner: same

Location: 47340 246th St. Approximately 0.5 miles west of
Dell Rapids

Staff Report: Kevin Hoekman

This would allow 2,500 square feet of total accessory building area.

General Information:

Legal Description – Tract D, Klein’s Addn., SW1/4, Section 8-T104N-R49W.

Present Zoning – RR5 – Rural Residential

Existing Land Use – Residential Acreage

Parcel Size – 6.15 acres

Staff Report: Kevin Hoekman

Staff Analysis:

The property is located approximately ½ mile west of the city of Dell Rapids. The property and the subdivision in which it is located has valleys and hills that limit development to mostly the flat areas of the subdivision. The site is also located within an area of more than 4 platted lots. In subdivisions or residential developments which exceed four lots in number, accessory building area is limited to 1,200 square feet, unless approval for a larger size is obtained through the conditional use permit process.

The petitioner would like to construct a 40 feet by 60 feet accessory building. This proposed 2,400 square foot building would be built in addition to a small shed that is already on the property. The total size of all requested structures is 2,500 square feet of accessory building space.

The property is currently a large acreage including a single family dwelling. The proposed accessory building is shown on the site plan to be located on the east side of the property and adjacent to the access easement for the neighboring property. The topography of the parcel limits the places to locate a large structure on the site, because the topography of the lot quickly slopes down to the west of the dwelling. The property has one driveway access onto SD Highway 115 which it shares with the neighboring property to the north.

The subject property is located within a subdivision just to the west of the City of Dell Rapids. The provided map of accessory building sizes are properties that are not currently agricultural farmsteads and located outside of city limits. In addition to residential accessory buildings, a large building that is currently used for a church is located a short distance to the southeast of the proposed accessory building. The proposed accessory building is similar or smaller than other

accessory building footprints in the area as depicted on the provided map.

Conditional Use Permit Criteria:

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 construction of the proposed accessory building should have little impact on surrounding properties. The accessory building will have no effect on the agricultural use nearby. The adjacent lot to the north of the site also has a large accessory building area. The accessory structure shall not be used as a commercial operation at any time.

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

The accessory structure may only be used for residential purposes, no commercial or business activities are allowed. The proposal should not create any precedent in size of accessory building since similar or larger buildings already exist in the subdivision. All the building eligibilities on parcels neighboring the subject lot have been developed and used; therefore, the requested accessory building will not affect future rural residential development. It is unlikely that it will have any effect on the future development of agricultural or residential development in the area.

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

The petitioner will be responsible for attaining and extending utilities to the proposed accessory building, and the proposed accessory building will utilize the same driveway as the dwelling.

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

No off-street parking will be needed as a result of personal activities in this accessory building. No commercial or business parking will be allowed at any time.

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.

No offensive nuisances shall be permitted at any time during use of the proposed accessory structure. The use of lighting should be directed downward on to the property in order to prevent light pollution off site.

6) Health, safety, general welfare of the public and the Comprehensive Plan.

The proposed accessory building should have little to no effect on the health, safety, and general welfare of the public as well as the Envision 2035 Comprehensive Plan. Other large accessory building totals are located on farm and non-farm properties in the near area.

Recommendation:

Staff finds that the proposed accessory building is reasonable to the size of the existing

structures, the size of the property, and the location on the property. Staff recommends **approval** of Conditional Use Permit #17-55 with the following conditions:

- 1.) The total accessory building square footage shall not exceed 2,500 square feet.
- 2.) A building permit is required prior to construction of the accessory building.
- 3.) That an inspection be made on the proposed addition to an accessory building to ensure that the total floor area of the proposed structure does not exceed 2,400 square feet.
- 4.) That only personal residential storage shall be allowed in the building, and no commercial uses or commercial storage will be allowed at any time.
- 5.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 6.) That the Planning & Zoning Department reserves the right to enter and inspect the accessory building at any time, after proper notice to the owner, to ensure that the property is in full compliance with the conditional use permit conditions of approval and the Minnehaha County Zoning Ordinance.

ACTION

As part of the consent agenda, a motion was made for the County by Commissioner Kostboth and seconded by Commissioner Barth to **approve** Conditional Use Permit #17-55. The motion passed unanimously. Same motion was made for the City by Commissioner Schwebach and seconded by Commissioner Hoff to **approve** Conditional Use Permit #17-55. The motion passed unanimously.

Conditional Use Permit #17-55 – Approved

REGULAR AGENDA

Members of the public should understand that Planning Commissioners may be unable to thoroughly review and consider materials delivered the day of the hearing. The order of business for the regular agenda shall be:

- A) Staff Presentation C) Public Comments E) Public Testimony Closed
B) Applicant Presentation D) Applicant Response F) Commission Discussion

There are no items listed on the regular agenda.

Old Business

Kevin Hoekman, Planning Department, presented an analysis of the past five years of conditional use permit applications for larger accessory buildings. Both commissions discussed the possibility of enlarging the permissible accessory building space from 1,200 to 2,400 square feet. Commissioner Schwebach motioned to direct planning staff to bring to the Planning Commissions a proposal to increase the allowable accessory building size to 2,400 square feet as a Joint Zoning Ordinance amendment. The motion passed unanimously. Commissioner Kostboth made the same motion and Commissioner Barth seconded the motion. The motion passed unanimously.

New Business

None.

Adjourn

Commissioner Schwebach motioned to adjourn for the city, and Commissioner Hoff seconded the motion. The motion passed unanimously. The same motion was made for the County by Commissioner Barth and seconded by Commissioner Ode. The motion passed unanimously. The Meeting was adjourned at 7:08 pm.