

**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION**
May 20, 2013

A meeting of the Planning Commission was held on May 20, 2013 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

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

STAFF PRESENT:

Scott Anderson, Pat Herman, Ryan Streff and Dustin Powers - County Planning

The meeting was chaired by Susie O'Hara.

ITEM 1. VARIANCE #13-004 to reduce side yard and rear yard setback.

Petitioner: Troy Novak

Property Owner: same

Location: 25989 482nd Avenue; Corson, SD

General Information

Legal Description – Lot B Block 1 Corson Fauske's Addition of Section 22-T102N-R48W

Present Zoning – C Commercial

Existing Land Use - Commercial

Parcel Size – < 1 Acre

Staff Report: Scott Anderson

Action

Item 1 was deferred to the June 24, 2013 Planning Commission meeting due to the lack of a quorum for a variance request.

Variance #13-004 - DEFERRED

CONSENT AGENDA

A motion was made by Randall and seconded by Rogen to **approve** Items 2 thru 6 of the consent agenda. Item 7 was moved to the regular agenda. The motion passed unanimously.

ITEM 2. Approval of Minutes – April 22, 2013

A motion was made by Randall and seconded by Rogen to **approve** the minutes from April 22, 2013. The motion passed unanimously.

ITEM 3. CONDITIONAL USE PERMIT #13-031 to allow a single family dwelling.

Petitioner: Susan Hille

Property Owner: same

Location: 1 mile north of Wild Water West

General Information

Legal Description – N ½ NW ¼ SE ¼ & NE ¼ SE ¼ & E995' SE ¼ SE ¼ (Except S790' & Except H-1, H-4 & R-1) of Section 25-T101N-R51W

Present Zoning – A-1 Agricultural

Existing Land Use - Agricultural

Parcel Size – 67 Acres

Staff Report: Scott Anderson

Staff Analysis

The applicant wants to utilize one (1) building eligibility in the SE ¼ of Section 25 of Wall Lake Township to allow for the development of a residence. There is an existing eligibility that requires conditional use permit approval.

On May 8, 2013, staff conducted a site visit. There are no animal confinement operations near the location of the transfer. There are approximately four (4) existing single family residences located within a half (1/2) mile radius of the subject property, primarily to the southwest of the subject property. There is an existing approach and driveway to the proposed building site, which has been approved by the state.

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.

A right-to-farm notice covenant should be required to notify potential buyers to the realities of locating in an agricultural area.

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

The placement of a single family residence does not increase the number of dwelling units allowed in this section.

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

Rural water is available in the area and a waste water system will be utilized. The applicant will be using the existing driveway and approach from S.D. Highway 17.

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

Off-street parking requirements will be provided for once a single-family residence is constructed on the subject property.

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 proposed conditional use will not cause odor, fumes, dust, noise, vibrations or lighting in any amounts that would constitute a nuisance.

Recommendation

Staff finds this conditional use permit request to be consistent with density zoning and recommended approval of Conditional Use Permit #13-031 with the following condition:

1. That a right-to-farm notice covenant shall be placed on the deed prior to the issuance of a building permit.

Action

A motion was made by Randall and seconded by Rogen to **approve** Conditional Use Permit #13-031 with the stated conditions. The motion passed unanimously.

CUP #13-031 – APPROVED

ITEM 4. CONDITIONAL USE PERMIT #13-032 to transfer four (4) residential building eligibilities to the NE ¼ NE ¼ South of Highway of Section 26-T102N-R51W.

Petitioner: Eric Willadsen

Property Owner: Samuel Assam

Location: 1 mile east of Hartford

General Information

Legal Description – NE ¼ NE ¼ South of Highway of Section 26-T102N-R51W

Present Zoning – A-1 Agricultural

Existing Land Use - Agricultural

Parcel Size – 205 Acres

Staff Report: Ryan Streff

Staff Analysis

Conditional Use Permit #13-032 is a request to transfer four (4) residential building eligibilities. The properties are located in Section 23 and 26 of Harford Township. The dominate land use of the surrounding area is agricultural and residential as the City of Hartford abuts the property to the east. The transfer will move the eligibilities from Tract 1 Vanderwerff Addition in the SW1/4 SW1/4 of Section 23-102-51, the NE1/4 NW1/4, the SE1/4 NW1/4 and the SW1/4 NE1/4; all of Section 26-102-51. Approval of this transfer request would move four (4) eligibilities to the NE1/4 NE1/4 South of Highway 38 in Section 26-102-51.

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's request to transfer a building eligibility will not increase the number of dwellings allowed under density zoning. The transfer will move the eligibilities from agricultural farm ground to adjacent agricultural farm ground to the east. The transfer should have no affect on surrounding property or property values.

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

There should be no major effect upon the normal and orderly development of the area.

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

The construction of new dwelling units is required to be in conformance with Minnehaha County's zoning, septic and building code. The South Dakota Department of Transportation does require driveway/culvert permits and the petitioner must receive approval from the State before constructing any new driveways or access points. This approval must be obtained before Minnehaha County can issue a building permit for any structures on the property.

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

The minimum required lot size for a residential dwelling is 1 acre. This is sufficient space to meet any parking needs for a single family dwelling.

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.

These should not be at a level as to constitute a nuisance.

Recommendation

Staff found that the requested transfer is in conformance with the zoning ordinance and recommended approval of Conditional Use Permit #13-032 with the following condition:

1. That each housing site shall be platted and a right-to-farm notice covenant shall be filed prior to the issuance of a building permit.
2. That the South Dakota Department of Transportation shall approve any new driveway accesses.

Action

A motion was made by Randall and seconded by Rogen to **approve** Conditional Use Permit #13-032 with the stated conditions. The motion passed unanimously.

CUP #13-032 – APPROVED

ITEM 5. CONDITIONAL USE PERMIT #13-033 to exceed 1,200 square feet of accessory building area – 3,190 requested.

Petitioner: Kevin Buehner

Property Owner: same

Location: 48160 259th Street; 1 mile north of Brandon

General Information

Legal Description – Lots A, B & C in Risty's Tract 4 E ½ SW ¼ & SE ¼ of Section 15-T102N-R48W

Present Zoning – A-1 Agricultural

Existing Land Use - Agricultural

Parcel Size – 23 Acres

Staff Report: Dustin Powers

Staff Analysis

This subject property is located in Section 15 of Brandon Township. The petitioner has applied for a conditional use permit to exceed 1,200 square feet of accessory building area at 48160 259th Street. The property owner is requesting this conditional use permit for 3,190 square feet of accessory building area. Currently the property has 1,732 square feet in accessory building area and the petitioner would like to construct an additional 27' x 54' accessory building on the property.

A conditional use permit application is required by Section 12.07 (D) of the Minnehaha County Zoning Ordinance which 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.

Larger accessory building areas can be found within the general vicinity and range in size from 516 square feet to 5,672 square feet. (See attached accessory building area map)

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, 3'; and rear yard, 3'. 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 building areas 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 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 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 on 259th Street. 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 building areas and recommended approval of Conditional Use Permit #13-033 with the following conditions:

- 1) That the accessory building area shall not exceed 3,190 square feet on the property.
- 2) That the building shall not exceed 35 feet in height.
- 3) That a building inspection is required to measure the outside dimensions of the building.
- 4) That a building permit is required.
- 5) That the building shall be an accessory use to the continued use of the property as a residential lot.
- 6) That only personal residential storage shall be allowed in the building and no commercial uses or commercial storage will be allowed.
- 7) That all outdoor lighting shall be of a full-cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 8) That the Planning & Zoning Department reserves the right to enter and inspect accessory buildings at any time, after proper notice to the owner, to ensure that the property is in compliance with the conditional use permit conditions and the Minnehaha County Zoning Ordinance.

Action

A motion was made by Randall and seconded by Rogen to **approve** Conditional Use Permit #13-033 with the stated conditions. The motion passed unanimously.

CUP #13-033 – APPROVED

ITEM 6. CONDITIONAL USE PERMIT #13-034 to exceed 1200 square feet of accessory building area – 3900 requested.

Petitioner: Josh Imhoff

Property Owner: same

Location: 46660 268th Street; east of Country Acres Subdivision

General Information

Legal Description – Tract 1 Spring Creek Addition SW ¼ SE ¼ Section 31-T101N-R50W

Present Zoning – A-1 Agricultural

Existing Land Use - Residential

Parcel Size – 7.5 Acres

Staff Report: Dustin Powers

Staff Analysis

This subject property is located in Section 31 of Wayne Township. The petitioner has applied for a conditional use permit to exceed 1,200 square feet of accessory building area at 46660 268th Street. The property owner is requesting this conditional use permit for 3,900 square feet of accessory building area.

A conditional use permit application is required by Section 12.07 (D) of the Minnehaha County Zoning Ordinance which 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.

Larger accessory building areas can be found in the area that range from 2,179 square feet to 3,990 square feet in size. (See attached accessory building area map)

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, 3'; and rear yard, 3'. 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 building areas 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 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 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 on 268th Street. 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 building areas and recommended approval of Conditional Use Permit #13-034 with the following conditions:

- 1) That the accessory building area shall not exceed 3,900 square feet on the property.
- 2) That the building shall not exceed 35 feet in height.
- 3) That a building inspection is required to measure the outside dimensions of the building.
- 4) That a building permit is required.
- 5) That the building shall be an accessory use to the continued use of the property as a residential lot.
- 6) That only personal residential storage shall be allowed in the building and no commercial uses or commercial storage will be allowed.
- 7) That all outdoor lighting shall be of a full-cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 8) That the Planning & Zoning Department reserves the right to enter and inspect accessory buildings at any time, after proper notice to the owner, to ensure that the property is in compliance with the conditional use permit conditions and the Minnehaha County Zoning Ordinance.

Action

A motion was made by Randall and seconded by Rogen to **approve** Conditional Use Permit #13-034 with the stated conditions. The motion passed unanimously.

CUP #13-034 – APPROVED

REGULAR AGENDA

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

ITEM 7. CONDITIONAL USE PERMIT #13-035 to allow a concrete precast plant.

Petitioner: Beneficial Properties, LLC; Carl Carlson

Property Owner: same

Location: South of Buffalo Ridge

General Information

Legal Description – Tract 1 Carlson Addition SW ¼ of Section 30-T102N-R50W

Present Zoning – I-1 Light Industrial

Existing Land Use - Vacant

Parcel Size – 11.43 Acres

Staff Report: Pat Herman

Staff Analysis

In October of 2012 this property was rezoned from the A-1 Agricultural District to the I-1 Light Industrial District. The petitioner is now requesting a conditional use permit to operate a concrete precast plant on the property.

The site is located just south of the intersection of SD Highway 38 and 466th Avenue, approximately a ¼ from the I-90 Buffalo Ridge exit. The adjoining property to the north is zoned C Commercial as is the Buffalo Ridge complex. The remaining land in the vicinity is zoned A-1 Agriculture and RC Recreation/Conservation.

Land use to the west of the site is predominately agriculture with scattered housing. Southeast of the site is the Reynolds & Gustafson mining operation whose access haul road runs along the south edge of this property. To the north is the Buffalo Ridge commercial center and further north across I-90 are Goos RV and the Benson Farms mining business. There are single family dwellings located in close proximity to the property and the petitioner has located the plant and storage areas in the location furthest from the housing units to the north.

Precast concrete is a construction product produced by casting concrete in a reusable mold or "form" which is then cured in a controlled environment, transported to the construction site and put into place. The plant structure will initially be 90' x 180'. When the business grows the building would expand to a footprint of 115' x 300'. Two cement silos as well as a conveyor and aggregate hopper will be adjacent to the plant.

To the south of the plant is a product storage area. External aggregate storage bins are also planned and will be constructed for pay-loader access. North of the plant is the aggregate unloading area. A 32' x 48' office will also be in situated in this area with attached parking pad.

1) The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values within the immediate vicinity.

Any industrial use will have an impact on the surrounding neighborhood. The location, adjacent to a mining operation and farm ground, will lessen any negative impacts. The property is appropriately zoned for this type of use and property values should not be impacted.

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

Commercial and industrial activity is already occurring in the immediate surrounds. Additionally zoned land is available for other like uses to develop in the future. The requested hours of operation are 6AM to 9PM Monday to Saturday. Staff will recommend the Saturday hours end at 6PM as there are residential uses in the area.

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

Access to the site is from 466th Ave., a township road. The petitioner has placed his access on the northern edge of the property to reduce the distance of travel on 466th Avenue in reaching Highway 38.

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

The submitted site plan depicts the required 6 parking spaces for the office and there is sufficient space for additional parking and loading areas.

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.

A concrete precast plant will create byproducts that could constitute a nuisance if the property abutted residential property. The location, adjacent to commercial, industrial and agricultural land mitigates those issues. Lighting will need to be of a shoebox design so that it prevents light spillage beyond the property lines. This is for pole mounted and building mounted lights.

Recommendation

Staff finds that a concrete precast plant is an appropriate use on industrially zoned property and that the site is in conformance with the Comprehensive Plan which directs industrial uses to be located near major intersections. Staff recommended approval of Conditional Use Permit #13-035 with the following conditions:

1. The conditional use permit is for a Concrete Precast Plant and uses accessory to the plant.
2. The property shall adhere to the submitted site plan dated April 22, 2013.
3. All lights shall be of a shoe box design directing light downward onto the property. There shall be no light spillage beyond the property lines.
4. The hours of operation shall be Monday-Friday from 6AM to 9PM and Saturday from 6AM to 6PM.
5. The plant shall not be operational until final approval is given by the Building Inspector.
6. Six off-street parking spaces shall be provided and that one parking space shall meet the 2010 ADA standards.
7. All onsite wastewater systems shall be constructed and operated in conformance with state regulations and with the Minnehaha County On-Site Wastewater Treatment Ordinance. No dumping of any wastewater shall be allowed at the site unless disposed into a properly sized and maintained wastewater system.

8. That all natural drainage shall be maintained and erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water.
9. That the business operator shall obtain and maintain a South Dakota sales tax license.
10. That all setbacks for the property shall conform to all requirements stated in *Article 7.00 I-1 Light Industrial District*.
11. That all signage shall comply with the zoning ordinance requirements stated in *Article 16.00 On-Premise Signs*.
12. That a building permit is required before any construction is commenced or signage placed on the property.

Public Testimony

Commissioner Cypher asked why the outside aggregate storage was not place further away from the road, out of site.

Carl Carlson, 2208 W. Black Rock Circle, Sioux Falls, stated that most of the aggregate would be stored inside however there are occasion where they need an extra amount of aggregate for the hopper. The location was determined based on the need to be close to the hopper when it is needed.

Commissioner Cypher asked what type of precast products he would be providing. Carl Carlson indicated that the main products would be concrete pipe, manholes and box culverts, but there may be other product lines they will try in the future. Currently the only two companies in South Dakota that specialize in these products are Minnesota owned companies.

Commissioner Randall asked what type of dust is this type of operation going to cause. Carl Carlson indicated that it would be expected that this type of operation will cause dust but that is the reason he chose this rural location. He does have a water truck that will be used to accommodate dust when it becomes an issue.

Discussion

Commissioner Cypher asked if the applicant would be required to pave the driveway off of the hard surfaced road. Pat Herman indicated that it was not a requirement because it was a township road and the mining pit to the south was not required to pave their driveway access.

Action

A motion was made by Rogen and seconded by Randall to **approve** Conditional Use Permit #13-035 with the stated conditions. The motion passed unanimously.

CUP #13-035 – APPROVED

Old Business

No Items.

New Business

- A. Ryan Streff presented an Envision 2035 Update.
- B. Ryan Streff presented results from the Minnehaha County Clean-Up.
- C. Scott Anderson indicated that a Planning Intern has been hired and will start on May 29th.

County Commission Items

No Items.