

**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION**
March 24, 2014

A meeting of the Planning Commission was held on March 24, 2014 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Wayne Steinhauer, Bill Even, Mike Cypher, Becky Randall, Mark Rogen, and Bonnie Duffy.

STAFF PRESENT:

Scott Anderson and David Heinold - County Planning

The meeting was chaired by Wayne Steinhauer.

CONSENT AGENDA

A motion was made by Commissioner Even and seconded by Commissioner Duffy to **approve** the consent agenda. The motion passed unanimously.

ITEM 1. Approval of Minutes – February 24, 2014

A motion was made by Commissioner Even and seconded by Commissioner Duffy to **approve** the meeting minutes from February 24, 2014. The motion passed unanimously.

ITEM 2. CONDITIONAL USE PERMIT #14-10 to exceed 1,200 square feet – requesting 2,606 square feet on the property legally described as Tract 1 O’Kane Addition, Section 19-T102N-R51W.

Petitioner: Kevin Maras

Property Owner: same

Location: 25915 461st Ave. approximately 2 miles west of Hartford

Staff Report: Scott Anderson

General Information

Legal Description – Tract 1 O’Kane Addition, Section 19-T102N-R51W

Present Zoning – A-1 Agriculture

Existing Land Use – Residential

Parcel Size – 8.61 acres

Staff Report: Scott Anderson

Staff Analysis: The property is located approximately three (3) miles west of Hartford, on 461st Avenue. The parcel is located in Hartford Township.

The petitioner would like to construct a 12’ by 36’ open addition to an existing accessory building on this site. In subdivisions or residential developments which exceed four lots in size, accessory building area is limited to 1200 sq. ft. unless approval for a larger size is obtained through the conditional use permit process.

The petitioner’s requested size of 2,606 square feet is smaller than the largest existing accessory building in the area. The existing metal accessory structure is 2,048 square feet. There is also a small 126 square foot accessory structure and the proposed addition of 432 square feet all adds up to 2,606 square feet. The petitioner’s request would be consistent with the other large accessory building in the area. The other large existing accessory building in the area is 8,064 square feet and is located at 46121 Highway 38 as shown on the map included with this report.

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.

Given the existence of the other larger accessory building in the area, the construction of this structure 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 building can only be used as an accessory structure to the established residential use and no commercial or business activities are allowed. The applicant has provided a statement indicating that the building will be used to store his camper, boat and trailers.

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

All needed infrastructure is in place. No other new infrastructure is required.

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 residential uses on this property.

Staff finds that the requested conditional use is appropriate for this residential area. The recommended conditions of approval will help to ensure the over-sized building will be in character with the surrounding area. The Planning Department will perform a building inspection to measure the size of the structure. Measurements are taken of the outside perimeter.

Recommendation: Staff found that the proposed building size conforms to the general sizes of other accessory buildings in the area. Staff recommended **approval** of conditional use permit #14-10 with the following conditions:

- 1) The total accessory building square footage shall not exceed 2,606 square feet.
- 2) The building shall be used only for the petitioner's personal residential use. No commercial or business uses or storage shall be allowed.
- 3) The accessory building shall not exceed one story in height.
- 4) A building inspection is required to determine that the building does not exceed 2,606 square feet measured from the outside perimeters.
- 5) A building permit is required
- 6) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 7) 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 compliance with the conditional use permit conditions and the Minnehaha County Zoning Ordinance.

ACTION

A motion was made to **approve** Conditional Use Permit #14-10 by Commissioner Even and seconded by Commissioner Duffy. The motion passed unanimously.

Conditional Use Permit #14-10 - Approved

ITEM 3. CONDITIONAL USE PERMIT #14-11 to transfer one building eligibility from E1/2 SE1/4 (Ex H-1, H-2, & Ex the S535' but including the W483' S535'), Section 24-T101N-R48W to W1/2 NW1/4 (Ex H-1), Section 19-T101N-R47W.

Petitioner: Dwayne Roemen

Property Owner: same

Location: Approximately 4 miles east of Sioux Falls

Staff Report: Scott Anderson

General Information

Present Zoning – A-1 Agriculture

Existing Land Use – Agricultural

Parcel Size – 79.41 acres

Staff Report: Scott Anderson

Staff Analysis: The applicant wants to transfer a building eligibility from the SE ¼ of Section 24, T101N, R48W to the NW ¼ of Section 19, T101N, R47W. The applicant has indicated that moving the eligibility would allow for his son to purchase a parcel and build a residence on it.

On March 7, 2014, staff conducted a site visit. There are no animal confinement operations near the location of the transfer. The transfer is located in an area with many residential lots surrounding it within one (1) mile. The applicant has indicated that the proposed transfer will move an eligibility out of a more productive area into an area which is not as productive. The area to which the eligibility would be moved contains several pasture areas.

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 transfer of the building eligibility 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 proposed building site will use a driveway that will come off of 484th Avenue (County Highway 109).

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 found this conditional use permit request to be consistent with density zoning and recommended **approval** of Conditional Use Permit #14-11 with the following condition:

- 1) A right-to-farm notice covenant shall be placed on the deed prior to the issuance of a building permit for a single family residence.

ACTION

A motion was made to **approve** Conditional Use Permit #14-11 by Commissioner Even and seconded by Commissioner Duffy. The motion passed unanimously.

Conditional Use Permit #14-11 - Approved

ITEM 4. CONDITIONAL USE PERMIT #14-13 to allow a Class One Major Home Occupation, Wildlife Taxidermy Shop, on the property legally described as Tract 2 Moan's Addition W1/2 NE1/4, Section 12-T103N-R50W.

Petitioner: Matt Gonsor

Property Owner: same

Location: 25111 472nd Ave. approximately 2 miles southwest of Baltic

Staff Report: David Heinold

General Information

Legal Description – Tract 2 Moan's Addition W1/2 NE1/4, Section 12-T103N-R50W

Present Zoning – A-1 Agriculture

Existing Land Use – Residential

Parcel Size – 8.55 acres

Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting Conditional Use Permit #14-013 to allow a Class 1 Major Home Occupation, Wildlife Taxidermy Shop, at 25111 472nd Ave. Currently, he is a licensed South Dakota taxidermist and will obtain a South Dakota sales tax license prior to operation. The business will be conducted entirely within a 2,560 square foot accessory building, which will be constructed upon approval of Conditional Use Permit #14-13 and filing a building permit with the County Planning office.

Mr. Gonsor plans to use 1,200 square feet of the proposed building for the shop area and the remaining 1,360 square feet for personal storage. Since the petitioner is an area of not more than four (4) subdivided lots, a conditional use permit is not needed to allow a total accessory building area of 2,560 square feet. Thus, the petitioner will only be required to apply for a building permit for the proposed accessory building. The attached site plan shows where the proposed building will be located along with all driveway, parking, and the location of a holding tank at least 15 feet from 251st St right of way.

The Wildlife Taxidermy Shop will be accessible via a gravel driveway and parking lot off of 251st St. The portion of the street right-of-way west of County Highway 133 is maintained by both the petitioner and his neighbor. The hours of operation will be from 8 AM to 5 PM, Friday-Sunday. Mr. Gonsor will be the owner and operator of the business with no other employees. He expects no more than ten customers per week with a minimal amount of customers during the summer due to the seasonal nature of the proposed business. Since most of the materials will be bought in bulk quantity, there will be relatively few UPS or FedEx deliveries.

On March 6, 2014, staff conducted a site visit and determined that the proposed location for the home occupation is adequate for the nature of the business while not causing any public nuisances. Due to the minimal amount of drive-up traffic expected at the business, there should not be a major impact on the gravel driveway that will provide access to the proposed facility.

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.

Since a majority of the surrounding properties consist of agricultural land, the use of proposed building as a Wildlife Taxidermy Shop should not negatively affect property values in the area. The business should not have a detrimental impact on the use and enjoyment of neighboring properties due to the inherent nature of the home occupation as described in the narrative.

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

Given that the Wildlife Taxidermy Shop will be conducted as an accessory use to the continued use of the property for residential purposes, there should not be an adverse impact on future development in this area.

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

The petitioner will be utilizing a separate on-site wastewater treatment system for the proposed accessory building. Since access to the wildlife taxidermy shop will be provided via the gravel driveway on 251st St., no further utilities need to be provided for the proposed facility.

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

The parking area should be big enough to accommodate 9 cars, or 1 space per 300 square feet of building floor area, with adequate space to maneuver in-and-out of the driveway.

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.

Depending on the type of animal and circumstance, there will be different types of chemicals applied to the skin during the tanning phase; however, most of the chemical application will be outsourced by professional tanneries. The petitioner will be utilizing a holding tank for all wastewater generated by the proposed business as a precaution. Thus, the wildlife taxidermy shop should not create any offensive odors, glare, fumes, odor, or electrical interference detectable to the normal senses off the property.

Recommendation:

Staff found that the proposed use, Wildlife Taxidermy, is an appropriate occupation incidental to the continued use of the property for residential purposes and should not have a detrimental impact on surrounding properties. Staff recommended **approval** of Conditional Use Permit #14-013 with the following conditions:

- 1.) That CUP #14-013 shall permit the operation of a Class One Major Home Occupation, wildlife taxidermy.
- 2.) That a building permit shall be required for the proposed accessory building.
- 3.) That the property shall adhere to the submitted site plan received on 2-25-2014.
- 4.) That the occupation shall be conducted entirely within an accessory building and clearly incidental to the use of the structure for residential purposes.
- 5.) That the occupation shall be operated by a member of the family residing in the dwelling.

- 6.) That employees of the occupation shall be limited to residents of the dwelling and up to two (2) non-resident employees, not to exceed four (4) employees on site.
- 7.) That a non-illuminated nameplate not exceeding two square feet in area may be placed on the dwelling or accessory building and one non-illuminated sign not exceeding four square feet in area may be located along the driveway for the occupation.
- 8.) That no off-premise signs shall be used.
- 9.) That the occupation shall not generate more than 20 visits per day from clients or customers averaged over a period of seven (7) consecutive days.
- 10.) That a building inspection shall be required to determine if the structure meets the standards of the adopted building code.

ACTION

A motion was made to **approve** Conditional Use Permit #14-13 by Commissioner Even and seconded by Commissioner Duffy. The motion passed unanimously.

Conditional Use Permit #14-13 - Approved

ITEM 5. CONDITIONAL USE PERMIT #14-14 to allow a Commercial Trucking Business on the property legally described as Lots 1B, 1D, & 2, Block 2, Green Valley Addition in the NE1/4, Section 12-T102N-R50W.

Petitioner: Commerce Ventures, LLC

Property Owner: Chris W. Herren

Location: Southwest corner of Cottonwood Avenue & Haylie Street (Crooks/Renner exit, Interstate 29)

Staff Report: David Heinold

General Information

Legal Description – Lots 1B, 1D, & 2, Block 2, Green Valley Addition in the NE1/4, Section 12-T102N-R50W

Present Zoning – I-1 Light Industrial

Existing Land Use – Agricultural

Parcel Size – 4.43 acres

Staff Report: David Heinold

Staff Analysis:

Commerce Ventures, LLC, owned and operated by Chris and Clara Herren, is a real estate holding company. The Herrens are also the owners of Herren Logistics, LLC, a dispatch and brokerage company, as well as Herren Enterprises, Inc., an interstate trucking company.

The petitioner proposes to construct several buildings on the properties described as Lots 1B, 1D, and 2, Block 2, Green Valley Addition at the southwest corner of Cottonwood Ave. and Haylie St. The attached site plan indicates the layout of the four proposed buildings to be built, two of which will be constructed now and the other two at a later date not yet determined. Herren Enterprises, Inc., a trucking company engaged in flatbed movements throughout the United States, will occupy all or part of one building and the remaining buildings will be rented or leased by term to other similar business operations. Future tenants will be required to submit a conditional use permit application for any proposed business in the buildings to be constructed at a later date as well as business operations not associated with Herren Enterprises, Inc.

The applicant is requesting to allow a fenced-in outdoor storage area on Lot 2 to hold several cargo containers, containing new tires and/or truck parts, similar to the use by Herren Enterprises, Inc. at 46312 Jeffrey Street. The proposed construction and use in the Green Valley Addition is intended to replace the business operation at 46312 Jeffrey St, in addition to permitting the applicant to rent or lease shop space to similar companies. The outdoor storage area on Lot 2 will be located west of the proposed building, which is about 30 feet south of Haylie St., as shown on the attached site plan.

On March 6, 2014, staff met with the petitioner to discuss the layout of the proposed buildings. The first two buildings that will be constructed at the end of Haylie St. with a fenced-in outdoor storage area west of the proposed buildings and south of the cul-de-sac. The proposed building along Haylie St. will be 81'x120' for truck maintenance with a 30'x40' office building on the north side of the building. The parking area to the west will be large enough to accommodate at least one parking space per 300 square feet of office space. The proposed shop to the south of the first building will be 64'x120'.

The site plan indicates that there will be two 60'x100' shops constructed at a later date at the southwest corner of Cottonwood Ave. and Haylie St. The attached narrative explains that these

two future shops along with one of the proposed shops to be constructed upon approval of CUP #14-014 will be rented or available for lease by term to prospective tenants, whom are required to submit a separate conditional use permit application for their proposed businesses. The use of the future buildings will be somewhat similar to the proposed use west of Cottonwood Ave. and Haylie St. as a commercial trucking business with outdoor storage.

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 industrial park at the northwest corner of the Crooks/Renner exit on Interstate 29 consists of similar uses ranging in scale from storage units to a transportation terminal, so there should not be any impacts beyond the uses already occupying the area. The proposed use as a trucking company and an outdoor storage area should not have a detrimental impact on property values in the immediate vicinity due to the relative similarity of neighboring uses.

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

The 1998 Comprehensive Development Plan for Minnehaha County encourages commercial and industrial development similar but not limited to the aforementioned use to locate at the intersection of two major roads; therefore, the proposed use should have a positive impact on the normal and orderly development of surrounding vacant property for uses predominant in the area.

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

Access will be provided for the proposed shops, storage yard, and parking area via a new driveway off of Haylie St. No further utilities will be need to be provided.

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

The parking area should be big enough to accommodate 4 cars, or 1 space per 300 square feet of building floor area, with adequate space for trucks to maneuver in-and-out of the driveway.

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.

Staff does not foresee any issues with the proposed trucking business to be located in the industrial park at the northwest corner of the Crooks/Renner exit of I-29 that would otherwise constitute a nuisance for neighboring property owners and tenants. Any lighting on the property should be shoe-box style and direct light downward onto the property in order to prevent light pollution.

Recommendation:

Staff found the proposed use, Commercial Trucking Business, to be an appropriate use for the I-1 Light Industrial District. Since the location for the proposed business is in an area of the county where commercial and industrial uses are encouraged to locate, there should be no nuisances caused by the trucking business. Staff recommended **approval** of Conditional Use Permit #14-014 with the following conditions:

- 1.) That CUP #14-014 shall allow the operation of a Commercial Trucking Business.
- 2.) That the property shall adhere to the submitted site plan received on 2-26-2014.
- 3.) That all outdoor storage areas be screened with a 90% opacity fence.
- 4.) That no materials, parts, tires, etc. shall be allowed outside of the fenced area.

- 5.) That a building permit is required prior to the construction of all shop buildings and for the installation of any signage.
- 6.) That all signage shall be in conformance with Article 16.00 and 17.00 of the 1990 Revised Zoning Ordinance for Minnehaha County.
- 7.) That all driveways, parking lots, and outdoor storage areas shall be in conformance with the requirements of Section 15.04 of the 1990 Revised Zoning Ordinance for Minnehaha County.
- 8.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundary.
- 9.) That the Planning & Zoning Department reserves the right to enter and inspect the trucking business 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.
- 10.) .That future tenants will be required to submit a conditional use permit application for any proposed business in the buildings to be constructed at a later date as well as business operations not associated with Herren Enterprises, Inc.

ACTION

A motion was made to **approve** Conditional Use Permit #14-14 by Commissioner Even and seconded by Commissioner Duffy. The motion passed unanimously.

Conditional Use Permit #14-14 – Approved

ITEM 6. CONDITIONAL USE PERMIT #14-15 to allow a Class One Major Home Occupation, Handling Dispatch and Load Services, on the property legally described as Tract 3A and 4 Johnson's Addition W1/2 SW1/4, Section 20-T103N-R50W.

Petitioner: Herren Logistics, LLC

Property Owner: Chris W. Herren

Location: 46714 254th St. approximately 1.5 miles south of Lyons

Staff Report: David Heinold

General Information

Legal Description – Tract 3A and 4 Johnson's Addition W1/2 SW1/4, Section 20-T103N-R50W

Present Zoning – A-1 Agricultural

Existing Land Use – Residential

Parcel Size – 26.11 acres

Staff Report: David Heinold

Staff Analysis:

Herren Logistics, LLC, owned and operated by Chris and Clara Herren, sells transportation services for interstate trucking companies but not the goods themselves.

The petitioner is requesting to allow the operation of Class 1 Major Home Occupation, handling dispatch and load services for Herren Enterprises, Inc. as well as other motor carriers. Herren Logistics, LLC will employ up to 5 office personnel, including Chris and Clara Herren, to handle all dispatch and load services for the new shop facilities requested by Herren Enterprises, Inc. as part of Conditional Use Permit #14-014. The proposed office building will be a 30'x30' addition ("Building 2") to 42'x64' building ("Building 1") used for personal storage of vehicles and equipment as shown on the attached site plan. The current and proposed building will be located at a site at least 200 feet to the north of 254th Street.

Since the petitioner is an area of not more than four (4) subdivided lots, a conditional use permit is not needed to allow a total accessory building area of 3,588 square feet. Thus, the petitioner will only be required to apply for a building permit for the proposed accessory buildings. The owners plan to concrete the approach to the building, leading to the northwest from the current concrete driveway, including an adequate parking area for vehicles of the personnel not residing on the premises. There will be occasional public visitors to the office, but the transportation service transactions of the company will be by email, phone, or fax not face-to-face contacts.

On March 6, 2014, staff conducted a site visit and determined that the petitioner's request to allow handling dispatch and load services within a 30'x30' office building for Herren Enterprises, Inc. should not have a negative effect on the use of surrounding properties.

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 company operates daily, but other than the presence of one or more personal cars of either the owners or office personnel and the fact that there are lights on inside the office building should not have an impact on the use and enjoyment of other property or people themselves in the area. Since agriculture is the predominant use and with few residences in the immediate vicinity, the soft use of the proposed accessory buildings for dispatch and load services as well as personal storage of vehicles should not have a significant impact on neighboring property owners.

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

The use of the 30'x30' office building as a home occupation business handling dispatch and load services for Herren Enterprises, Inc. with no drive-up traffic other than the five office personnel should not detract from surrounding property in a way that causes a detrimental impact on future development in the area.

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

Access will be provided via the existing driveway approach off 254th St. with a concrete driveway and parking area for the proposed office building. The petitioner will be utilizing an on-site wastewater treatment system for the proposed office building.

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

The parking area should be big enough to accommodate 3 cars, or 1 space per 300 square feet of building floor area, with adequate space to maneuver in-and-out of the driveway.

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 logistics business will only utilize machines found in the typical office environment such as a copier, fax, phone, and computer, so there should not be any disturbances caused by the home occupation. All outdoor lighting should be shoe-box style and direct lighting downward onto the property to prevent light pollution off site.

Recommendation:

Staff found that the proposed use, handling dispatch and load services, is an appropriate occupation incidental to the continued use of the property for residential purposes. Staff recommended **approval** of Conditional Use Permit #14-015 with the following conditions:

- 1.) That CUP #14-015 shall permit the operation of a Class One Major Home Occupation, handling dispatch and load services.
- 2.) That a building permit shall be required for the office building and detached accessory structure.
- 3.) That the property shall adhere to the submitted site plan received on 2-26-2014.
- 4.) That the occupation shall be conducted entirely within a dwelling or accessory building and clearly incidental to the use of the structure for residential purposes.
- 5.) That the occupation shall be operated by a member of the family residing in the dwelling.
- 6.) That the occupation shall have no more than five (5) employees, including residents of the property.

- 7.) That the occupation shall not generate more than 10 visits per day from clients or customers averaged over a period of seven (7) consecutive days.
- 8.) That a non-illuminated nameplate not exceeding two square feet in area may be placed on the dwelling or accessory building and one non-illuminated sign not exceeding four square feet in area may be located along the driveway for the occupation.
- 9.) That no off-premise signs shall be used.
- 10.) That a building inspection shall be required to determine if the structure meets the standards of the adopted building code.

ACTION

A motion was made to **approve** Conditional Use Permit #14-15 by Commissioner Even and seconded by Commissioner Duffy. The motion passed unanimously.

Conditional Use Permit #14-15 - Approved

ITEM 7. CONDITIONAL USE PERMIT #14-16 to transfer one building eligibility from SW1/4 SE1/4 (Ex Hockenstad's Addition), Section 1-T102N-R48W to Tract 2 Hockenstad's Addition, Section 1-T102N-R48W.

Petitioner: Cynthia A. Tompkins, Co-Personal Representative for the Estate of Dorothy Hockenstad

Property Owner: Candace J. Ruckdashel, Co-Personal Representative for the Estate of Dorothy Hockenstad

Location: 48350 257th St. approximately 3 miles southwest of Garretson

Staff Report: David Heinold

General Information

Present Zoning – A-1 Agriculture

Existing Land Use – Agricultural

Parcel Size – 7.07 acres

Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting to transfer one building eligibility from the SW1/4 SE1/4 (Ex Hockestad's Addn.) in Section 1-T102N-R48W to Tract 2 Hockenstad's Addn. in Section 1-T102N-R48W. The building eligibility will be taken from productive agricultural land to the current farmstead site that already has one building eligibility; therefore, no agricultural land is taken out of production. The applicant indicated that the Estate of Dorothy Hockenstad has owned the 119 acres of land since the demise of Dorothy Hockenstad on 10-1-2007.

On March 6, 2014, staff conducted a site visit and determined that there are no confined animal feeding operations near the location of the transfer. There are approximately 8 houses and/or farmsteads located within a 1/2 mile of the subject property. The remaining property surrounding the petitioner's property to the north and south within a 1/2 mile is either farmland or pasture.

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 about 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 transfer of the building eligibility will not increase the number of dwelling units allowed in this section.

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

If the transfer of building eligibility results in a new home being constructed on the farmstead site, then the existing driveway off of 257th St. will be used to access the residence.

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

The off-street parking requirements will be accounted for once a single-family dwelling 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 any odor, fumes, dust, noise, vibrations, or lighting in a way that would otherwise constitute a public nuisance.

Recommendation:

Staff found that the transfer of building eligibility request is consistent with density zoning. Staff recommended **approval** of Conditional Use Permit #14-016 with the following conditions:

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

ACTION

A motion was made to **approve** Conditional Use Permit #14-16 by Commissioner Even and seconded by Commissioner Duffy. The motion passed unanimously.

Conditional Use Permit #14-16 - Approved

Old Business

None.

New Business

None.

Adjourn