

**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS
September 26, 2016**

A joint meeting of the County and City Planning Commissions was scheduled on September 26, 2016 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Mike Cypher, Doug Ode, Bonnie Duffy, Paul Kostboth, and Jeff Barth.

CITY PLANNING COMMISSION MEMBERS PRESENT: Steve Gaspar, Katherine Fiegen, John Paulson, Sharon Chontos, and Larry Luetke.

STAFF PRESENT:

Scott Anderson, David Heinold, and Kevin Hoekman - County Planning
Diane deKoeper – City Planning

The County Planning Commission Chair was presided over by Mike Cypher. The City Planning Commission was chaired by Steve Gaspar.

Planning Commission Chair Mike Cypher called the Minnehaha County Planning Commission meeting to order at 7:10 p.m.

Consent Agenda

Chairman Mike Cypher read each agenda item on the consent agenda, and Item 3 was moved to the regular agenda by a member of the audience.

A motion was made for the County by Commissioner Duffy and seconded by Commissioner Barth to **approve** the consent agenda consisting of Items 1 and 2. The motion passed unanimously. The same motion was made for the City to **approve** the consent agenda by Commissioner Chontos and seconded by Commissioner Paulson. The motion passed unanimously.

ITEM 1. Approval of Minutes – August 22, 2016

As part of the consent agenda, a motion was made for the County by Commissioner Duffy and seconded by Commissioner Barth to **approve** the meeting minutes from August 22, 2016. The motion passed unanimously. The same motion was made for the City by Commissioner Chontos and seconded by Commissioner Paulson to **approve** the meeting minutes from August 22, 2016. The motion passed unanimously.

Consent Agenda

ITEM 2. CONDITIONAL USE PERMIT #16-61 to exceed 1,200 square feet of total accessory building area – requesting 1,848 sq. ft. on the property legally described as Lots 7 and 8 and the N1/2 of vacated 4th St. and the S130’ of the E1/2 of Jefferson Ave., Block 10, O’Hanlon Addition to East Sioux Falls, Section 29-T101N-R48W.

Petitioner: Douglas Hoff

Property Owner: same

Location: 2510 S. Riverbluff Rd. Approximately 1 miles east of Sioux Falls

Staff Report: Kevin Hoekman

This would allow 1,848 sq. ft. of total accessory building area.

General Information:

Legal Description – Lots 7 and 8 and the N1/2 of vacated 4th St. and the S130’ of the E1/2 of Jefferson Ave., Block 10, O’Hanlon Addition to East Sioux Falls, Section 29-T101N-R48W

Present Zoning – A1 – Agriculture

Existing Land Use – Residential Acreage

Parcel Size – 0.42 acres

Staff Report: Kevin Hoekman

Staff Analysis:

The property is located in a subdivision southwest of Arrowhead Park. The land to the north and west of the site is primarily used for industrial purposes and warehouses. Most, but not all, of the residential lots in the subdivision have been constructed with single family houses. In subdivisions or residential developments which exceed four lots in number, accessory building area is limited to 1,200 sq. ft. unless approval for a larger size is obtained through the conditional use permit process.

The petitioner would like to construct a 1,848 square foot (33’ x 56’) accessory building for personal storage and use. The proposed accessory building is indicated on the provided site plan to be located northwest of the existing dwelling. The petitioner recently acquired the land which the structure is proposed to be placed. The parcel has an established house with established trees on the east side and the west side where the structure is proposed is mostly bare and covered with turf grass.

Several large residential accessory buildings are located nearby the area of the requested 1,848 square feet of accessory building space. The largest of these nearby accessory buildings total is more than 5,000 square feet. This large structure has been on the property for many years and was likely a farm building prior to the subdivision. A 2,400 square foot and a 2,000 square foot accessory buildings are located within 500 feet of the proposed structure. The 2,000 square foot

accessory structure was approved with a conditional use permit in 2006. The Planning Commission has often used nearby accessory building sizes as a guide to determine if the request is reasonable.

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. Several other large accessory buildings already exist in the 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. Most of the residential lots have been developed, and the building is buffered from the nearby Arrowhead Park. The proposed accessory structure will not affect the future development of the surrounding 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. The petitioner has proposed to have another driveway access on the west side of the property onto S. River Bluff Road. The petitioner will be required to obtain a driveway permit from Split Rock Township prior to the construction of the driveway.

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. The 1,848 square foot of new accessory structure is comparable to the buildings in the area.

Recommendation:

Staff finds that the proposed accessory building will have little impact on the surrounding properties. Staff recommends **approval** of Conditional Use Permit #16-61 with the following

conditions:

- 1.) That the total accessory building square footage shall not exceed 1,848 square feet.
- 2.) That a building permit is required prior to construction of the accessory building.
- 3.) An inspection must be made of the proposed new accessory building to ensure that the total floor area of the building does not exceed 1,848 square feet.
- 4.) Only personal residential storage shall be allowed in the building, and no commercial uses or commercial storage will be allowed at any time.
- 5.) All outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 6.) A driveway permit must be obtained from Split Rock Township prior to the construction of a new driveway.
- 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 full compliance with the conditional use permit conditions of approval and the Minnehaha County Zoning Ordinance.

ACTION

As part of the consent agenda, Commissioner Duffy made a motion to **approve** Conditional Use Permit #16-61 with conditions and the motion was seconded by Commissioner Barth. The motion passed unanimously. Same motion was made for the City by Commissioner Chontos and seconded by Commissioner Paulson. The motion passed unanimously.

Conditional Use Permit #16-61 – Approved

Regular Agenda

For the County Planning Commission, Commissioner Barth motioned to approve the order of the regular agenda. Commissioner Kostboth seconded the motion and the motion passed unanimously. Commissioner Luetke made the same motion for the city. Commissioner Fiegen seconded the motion and the motion passed unanimously.

ITEM 3. CONDITIONAL USE PERMIT #16-63 to exceed 1,200 square feet of total accessory building area – requesting 2,160 sq. ft. on the property legally described as Lot A-2 & Lot C, A.J. Bristbin’s Tract 2, Swanson Tract 2, Section 30-T102N-R49W.

Petitioner: Anthony Counterman

Property Owner: same

Location: 2104 W. 70th St. N. Approximately 0.5 miles north of Sioux Falls

Staff Report: Kevin Hoekman

This would allow 2,160 sq. ft. of total accessory building area.

General Information:

Legal Description – Lot A-2 & Lot C, A.J. Bristbin’s Tract 2, Swanson Tract 2, Section 30-T102N-R49W

Present Zoning – A1 Agriculture

Existing Land Use – Residential Acreage

Parcel Size – 1.09 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

The property is located on the west side of Swanson’s Tracts which is north of Sioux Falls. The site is one of two residential sites west of the rail road tracks along West 70th Street North. Interstate 90 lies south of the site and south of West 70th Street North. The land to the north of the site is still active agricultural production land. The site is located within a subdivision of more than four lots. In subdivisions or residential developments which exceed four lots in number, accessory building area is limited to 1,200 sq. ft. unless approval for a larger size is obtained through the conditional use permit process.

The petitioner would like to construct a 2,160 square foot (45’ x 48’) accessory building for personal storage and use. The proposed accessory building is indicated on the provided site plan to be located a short distance south of the existing swimming pool. A proposed driveway would extend south from the building to the road.

The surrounding residential properties include several large accessory building, but no accessory building used for residential purposes are as large as the requested 2,160 square foot building. The largest constructed residential accessory structure is 1,590 square feet. This structure is indicated on the Existing Accessory Building map and was approved by a conditional use permit

in 2006. In 2014 an accessory structure was approved for 1,660 square feet after a split vote of the Joint Planning Commissions. The property which received approval for 1,660 square feet constructed the accessory building as 1,440 square feet. Other accessory structures in the area are much larger than the petitioner's request, but the structures are built for agricultural uses rather than residential use. A large agricultural structure (4,704 square feet) is located less than 300 feet to the northwest of the proposed structure. The Planning Commission has often used nearby accessory building sizes as a guide to determine if the request is reasonable. It may be unfair to consider the size of accessory structures used for commercial agriculture when considering the allowable residential accessory building size. Staff feels that a more consistent approach would be to approve a structure for the size that was approved in the most recent and nearby conditional use permit. This would limit the request to an accessory building of 1,660 square feet in size. Limiting the size of the proposed structure would provide consistency and minimize the potential effects on surrounding properties.

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 proposed use will have no effect on the agricultural use nearby. One area of concern for a large accessory building is the visual impact of the neighborhood. The accessory building would be clearly visible from the rear yards of several lots east of the railroad. West 70th Street North is the only access into Swanson's Tracts, and the building will be visible to all who enter the residential subdivision.

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. Nearly all the residential building eligibilities in the area have been used, and therefore further development is limited prior to the annexation into Sioux Falls. It is likely that more subdivisions will occur when city limits extend north of the interstate. The development of large accessory buildings is greatly limited inside of city limits. A very large accessory building would be out of character of a future city subdivision.

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. The petitioner has submitted a copy of the approval from Mapleton Township for a new driveway onto West 70th Street North.

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. The accessory building will be limited to a maximum of 35 feet in height to meet the zoning height regulations.

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

The accessory building as staff recommends should have little to no effect on the health, safety, and general welfare of the public as well as the Envision 2035 Comprehensive Plan. Approving 1,660 square feet of accessory building will be consistent with past action, and it will have less impact on future development.

Recommendation:

Staff finds that the request for a larger accessory building is reasonable with the following conditions that limit the size further than requested. Staff recommends **approval** of Conditional Use Permit #16-63 with the following conditions:

- 1.) That the total accessory building square footage shall not exceed 1,660 square feet.
- 2.) That a building permit is required prior to construction of the accessory building.
- 3.) An inspection must be made of the proposed new accessory building to ensure that the total floor area of the building does not exceed 1,660 square feet.
- 4.) Only personal residential storage shall be allowed in the building, and no commercial uses or commercial storage will be allowed at any time.
- 5.) 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.

PUBLIC TESTIMONY

Kevin Hoekman, County Planner, presented a brief summary of the staff report. Commissioner Cypher asked if a home occupation permit would be needed and pointed to the submitted narrative. Kevin responded that staff read the narrative and stressed that no public access or business was part of the narrative. He continued that the property will not be allowed to become a contractor's lot according to the ordinance.

The petitioner, Tony Counterman, spoke on the request. He noted that he is a subcontractor that has a trailer and tools and a camper that he would like to have in a secure building. Commissioner Cypher asked if 1,660 square feet was enough to fit everything. Tony Counterman replied that he would prefer the original request so that it can fit two trailers and a camper.

Commissioner Gaspar asked if contracting trailers would be stored on the site. Tony Counterman replied that yes the trailers would be stored there periodically. Commissioner Gaspar pointed out

that one of the conditions of the recommendation stated that only personal residential storage would be allowed to be stored on the property.

David Shelton started by noting that he is there to represent Roland Johnson who is the property owner of the large parcel that surrounds the subject property. David Shelton stated that he is in favor of allowing the storage building and that the petitioner has done much work in cleaning up the property from what it once was. Commissioner Barth asked if parking construction equipment is ok. David replied that they have only seen a few items from pickups to a small tractor, and that that was not a problem.

Rodger Vooima, 1505 N Western Avenue, started by saying that he is the property owner of the most recent conditional use permit in the area. He pointed out that the subject property is not necessarily in the subdivision because it lies west of the rail road track from the main subdivision.

Darrin Tebeest, 6209 N Western Avenue, stated that he would hardly be able to see the building from the road because of the existing trees. He also noted that the petitioner has done a lot to clean up the property since the last property owner.

DISCUSSION

Commissioner Barth asked why the requirement for personal storage was on the property. Scott Anderson, Planning Director, responded that the requirement for personal storage was part of the ordinance and not simply policy.

Commissioner Cypher pointed out that the proposal will likely create a precedence for future land uses in the subdivision of the future. Commissioner Barth clarified with staff that the proposed structure is 45 feet by 48 feet. He then continued with the motion stated below.

Commissioner Chontos noted that the petitioner has shown that he has been able to maintain the property and that he has support from neighbors.

ACTION

Commissioner Barth made a motion for the County to **approve Conditional Use Permit #16-63** with conditions amended to allow 2,160 square feet of accessory building. The motion was seconded by Commissioner Kostboth. The motion passed unanimously. Commissioner Luetke made the same motion for the City to **approve Conditional Use Permit #16-63** with 12 conditions and seconded by Commissioner Chontos. The motion passed unanimously.

Conditional Use Permit #16-63 – Approved with the following 6 conditions:

- 1.) That the total accessory building square footage shall not exceed 2,160 square feet.
- 2.) That a building permit is required prior to construction of the accessory building.

- 3.) An inspection must be made of the proposed new accessory building to ensure that the total floor area of the building does not exceed 2,160 square feet.
- 4.) Only personal residential storage shall be allowed in the building, and no commercial uses or commercial storage will be allowed at any time.
- 5.) 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.

Old Business

None.

New Business

None.

Adjourn

A motion was made for the County to **adjourn** by Commissioner Barth and seconded by Commissioner Ode. The motion passed unanimously. The same motion was made for the City to **adjourn** by Commissioner Paulson and seconded by Commissioner Luetke. The motion passed unanimously.

The meeting was **adjourned** at 7:35 pm.