



**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & DELL RAPIDS PLANNING COMMISSIONS
March 26, 2018**

A joint meeting of the County and City Planning Commissions was held on September 25, 2017 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Bonnie Duffy, Becky Randall, Mike Ralston, Paul Kostboth, Adam Mohrhauser, and Jeff Barth

CITY PLANNING COMMISSION MEMBERS PRESENT: Roger Dearduff, Bob Lamberty, Tom Ludens, and Tom Schwebach.

STAFF PRESENT:

Scott Anderson, Kevin Hoekman, and David Heinold - County Planning
Donna Kelly – Office of the State’s Attorney

Bonnie Duffy presided over the meeting. The meeting was called to order at 7:00 p.m. The Dell Rapids Planning Commission was chaired by Roger Dearduff.

CONSENT AGENDA

Prior to the meeting, the petitioner for CUP #18-14 requested for his item to be placed on the Regular agenda for review. Therefor no items were placed on the consent agenda.

ITEM 1. Approval of Minutes – September 25, 2017

A motion was made for the County by Commissioner Randal and seconded by Commissioner Ralston to approve the minutes for the September 25, 2017 meeting. The motion passed unanimously. Same motion was made for the City by Commissioner Ludens and seconded by Commissioner Lamberty to approve the minutes for the September 25, 2017 meeting. The motion passed unanimously.



REGULAR AGENDA

ITEM 2. CONDITIONAL USE PERMIT #18-14 to Enlarge and Reconstruct a Nonconforming Dwelling Within the I-1 Light Industrial District on Tract 1 (Ex. E280' S400' & Ex. Lot 1), Pliska's Addition in the W1/2 SE1/4 Section 12-T104N-R50W, & SE1/4 (Ex. H-1 & Ex. H-2 & Ex. Pliska's Addn. & Pliska's Second Addn. & Ex. Overvaag's Addn. & Ex. S525), W1/2 SE1/4, Section 12-T104N-R50W.

Petitioner: Joseph Wolles

Property Owner: same

Location: 47178 246th St. - Approximately 2.5 miles west of Dell Rapids

Staff Report: Kevin Hoekman

This would allow Enlarging and Reconstructing a Nonconforming Dwelling within the I-1 Light Industrial District.

General Information:

Legal Description – Tract 1 (Ex. E280' S400' & Ex. Lot 1), Pliska's Addition in the W1/2 SE1/4 Section 12-T104N-R50W, & SE1/4 (Ex. H-1 & Ex. H-2 & Ex. Pliska's Addn. & Pliska's Second Addn. & Ex. Overvaag's Addn. & Ex. S525), W1/2 SE1/4, Section 12-T104N-R50W.

Present Zoning – I1-Industrial

Existing Land Use – contains metal works manufacturing and an existing single family residence.

Parcel Size – 51.2

Staff Report: Kevin Hoekman

Staff Analysis:

The applicant has applied to enlarge and reconstruct a nonconforming single family dwelling within an I1-Light Industrial zoning district. Article 18.05 of the 2001 Revised Joint Zoning Ordinance for Minnehaha County and the City of Dell Rapids, allows for this request if a conditional use permit has been approved. The subject property is located on the north end of the industrial park at the Dell Rapids Exit for I-29. In 2016 the petitioner received a conditional use permit to allow a manufacturing facility on the site, and he has been making many site improvements as the former farmstead is converted.

As part of this conditional use permit request, the petitioner is requesting that the reconstruction of the dwelling be allowed in a different portion of the two parcels that he now owns. A submitted site map shows the proposed location for the reconstructed dwelling is in the northeast corner of the properties that is separated from the industrial park by an intermittent stream. The reconstruction and relocation of the dwelling is intended to allow the petitioner to live near his manufacturing location while allowing the home site to open for further development. The proposed location for the dwelling appears to be located within a regulatory floodplain, and the petitioner will be required to obtain a floodplain development permit prior to the issuance of a



building permit for the dwelling. The petitioner has acknowledged that he would be willing to accept reconstructing the dwelling at the original site location if required by the planning commissions.

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 current location of a single family dwelling may affect the surrounding uses because of general conflicts between industrial and residential uses. If the commission approves the reconstruction of the dwelling in the northwest corner of the petitioner's property, the proposed site may provide space for some buffer form the industrial uses to the south and west.

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

The existing single family dwelling is located within an active industrial zoning district. Continuing the dwelling in its current location may limit development of the industrial park. If the dwelling is moved into the northeast corner of the site, it will be largely separated from the existing industrial park. It will, however, be the only dwelling located on that one mile stretch of township road.

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

The applicant will have to make these arraignments for any extension of utilities including obtaining a driveway permit from the township if the dwelling is allowed to move. The proposed site is located within the floodplain which will require State Department of Environment and Natural Resources approval for a septic system. If the dwelling is replaced were it is at, then many of the utilities may be reused and a standard septic system may be installed.

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

Off-street parking requirements will be provided for once each 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.

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

The proposal will allow a nonconforming use to continue; however, the use may continue in a location and manner better suited for a single family residence if the proposed new location is approved as it is further away from the industrial uses. The proposed location has several technical challenges to overcome before a residence can be constructed. A floodplain development permit must be obtained prior to the construction of a dwelling, and the waste water disposal system must be approved by the State DENR as it will be partially or entirely within the floodplain. There were two dwellings located on the two properties prior to these two properties



being rezoned. The proposal does not increase the density of what currently exists. The petitioner has made many site improvements to the properties since he obtained a CUP for the manufacturing facility in 2016.

The zoning ordinance requires the planning commission to consider 4 specific criteria regarding extension or enlargements of a non-conforming use. The petitioner has submitted a response for each of the four criteria in his narrative. The criteria and staff responses are as follows:

(A). Effect on surrounding property values.

The proposed use will have little to no effect on surrounding property owners. If the dwelling was allowed to be moved from the current location, then the nearby parcels may be more desirable for development unimpeded by a residence.

(B). The density of land use zoning for the subject and adjacent properties.

The proposed continuation of a single family dwelling will not increase density of residential uses in the area.

(C). The degree of hardship upon the applicant which would be caused by failure to grant the permit.

The petitioner could live within the current nonconforming dwelling on the site. Some hardship may come from suitability of the dwelling and location within the center of and industrial development.

(D). It can be demonstrated that it was the owner's intent to use the entire premises for said use prior to the adoption, revision or amendment of this ordinance.

The petitioner currently lives within the single family dwelling on the site, and he has since he has owned the property.

Recommendation:

Minnehaha County planning staff finds that the request to continue a nonconforming use in an alternate location will allow the property owner to utilize his property while allowing for contiguous development of the existing industrial park. Staff recommends **approval** of Conditional Use Permit #18-14 with the following conditions:

- 1.) A right-to-farm notice covenant shall be placed on the deed prior to the issuance of a building permit for the single family dwelling.
- 2.) The proposed replacement dwelling must be located where it is depicted on submitted site plan. The dwelling cannot be rebuilt where currently located.
- 3.) A driveway permit must be obtained from Dell Rapids Township.
- 4.) All floodplain development requirement must be met regarding the proposed dwelling.
- 5.) The existing dwelling located at 47178 246th Street must be removed within 90 days after the final inspection for the replacement dwelling.



Public Testimony

Kevin Hoekman, county planning department, presented the staff report and proposed conditions of approval. Kevin explained that the petitioner had an issue regarding condition #2, since further research found that it would be difficult to extend utilities to the proposed site.

Joseph Wolles, the petitioner, was present to address the planning commissions. He explained that he wants to keep the dwelling in the same location and that water would be difficult to extend to the site he originally proposed. He further noted that he intends on constructing the dwelling as a pole shed style for easy conversion to industrial use. Commissioner Schwebach asked if the floodplain was an issue for the original site plan. Joseph responded that the floodplain was part of the consideration to ask for the dwelling to remain at its current site. Commissioner Dearduff asked the petitioner how many acres he owns and confirmed that Joseph Wolles owns nearly all the remaining industrial park. Commissioner Barth asked for the petitioner to point out where the existing house is located on the property.

Discussion

Commissioner Barth asked the Dell Rapids Planning Commission if there was any reason to not approve the petitioner's request. Several Commissioner responded with a "no."

ACTION

A motion was made for the County by Commissioner Barth and seconded by Commissioner Randall to **approve** Conditional Use Permit #18-14 with amended conditions as follows. The motion passed unanimously. Same motion was made for the City by Commissioner Schwebach and seconded by Commissioner Lamberty to **approve** Conditional Use Permit #18-14 with the same conditions. The motion passed unanimously.

- 1.) A right-to-farm notice covenant shall be placed on the deed prior to the issuance of a building permit for the single family dwelling.
- 2.) A driveway permit must be obtained from Dell Rapids Township.
- 3.) All floodplain development requirement must be met regarding the proposed dwelling.
- 4.) The existing dwelling located at 47178 246th Street must be removed within 90 days after the final inspection for the replacement dwelling.

Conditional Use Permit #18-14 – Approved



REGULAR AGENDA

ITEM 3. ZONING TEXT AMENDMENT #18-01 to amend Section 12.07 of the 2001 Revised Joint Zoning Ordinance for Minnehaha County and the City of Dell Rapids.

Petitioner: County Planning Staff
Staff Report: Kevin Hoekman

This will amend regulations pertaining to the allowable size of accessory buildings according to parcel size.

Staff Report: Kevin Hoekman

Staff Analysis:

Last year, the Planning Commissions for the county and Dell Rapids have requested planning staff to review possible updates to the allowable size of accessory buildings in the joint jurisdiction area of the county. The primary concern with the current ordinance is that the planning commission has been approving many permits and some concern over the time each commission takes to review accessory building requests for smaller sized requests. The proposed table of accessory building size is below. The table mirrors what was recently adopted for the county at large and the joint jurisdictional area between the Minnehaha County and Sioux Falls.

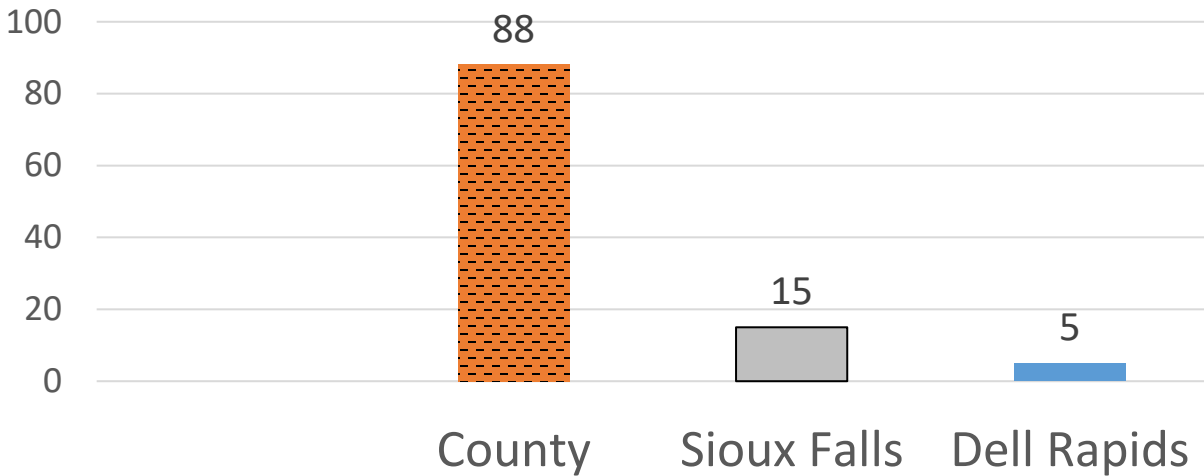
Table 4 Total Permissible Area of Accessory Buildings	
Size of Parcel	Total Permissible Area of Accessory Building Footprint
1.0 acres or less	1,600 Square Feet
1.1 to 3.0 acres	2,400 Square Feet
3.1 acres or more	3,600 Square Feet

Planning staff reviewed the last three years of conditional use permit requests for larger accessory buildings. The review covered data of what jurisdiction permits were issued and what size of accessory building was requested. Below are two charts with results of the review.

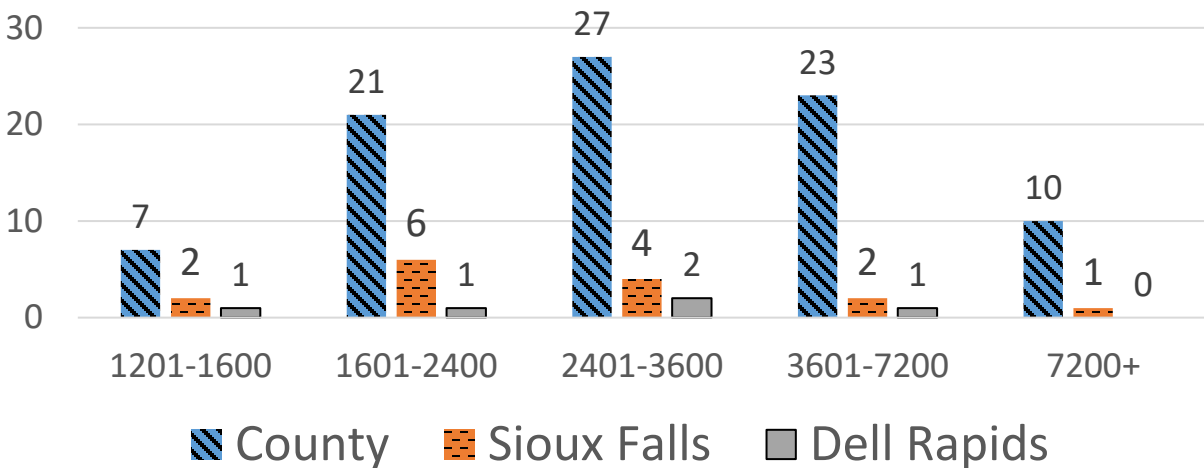
Note: the planning commission for the City of Sioux Falls also had a review for accessory buildings. The CUP requests for Sioux Falls are included in the review charts.



Total Accessory Building CUPs by Jurisdiction 2015-2017



CUP Building Size Request by Jurisdiction 2015-2017



A review of planning commission decisions was also done for the past three years for the joint jurisdiction. In the last three years there were five CUP applications for larger accessory buildings. All five CUP applications were approved with the area of building that was requested.

The building size request chart reflects what has been a concern from the Planning Commissions; larger buildings are generally being approved for sizes well above the current 1,200 square foot



threshold. A shift to allowable size based on parcel size will relieve some of the CUP applications.

In addition to the table of permissible area for accessory buildings, two minor clarification amendments are proposed. The first change is to clarify that accessory buildings are allowed in the RC-Recreational/Conservation Zoning District and all Residential Zoning Districts. The second change is to correct an error that references the location for regulations regarding home occupations within the ordinance. These amendments do not change how the ordinance is enforced.

The entire proposed ordinance is included with this staff report. The first copy includes amendments that are underlined for additions and struck through for items for removal. The second copy has the ordinance with all amendments made.

Recommendation:

Staff considers recent year's accessory building requests and the request of planning commissions for a revised ordinance, and staff recommends **approval** of Zoning Text Amendment # 18-01.

Public Testimony

Kevin Hoekman, county planning department, presented the staff report for the text amendment.

Nobody from the public addressed the item.

Commissioner Dearduff commented that the ordinance was an improvement to ordinance, but he did not feel it was adequate. Commissioner Barth suggested that the Dell Rapids Planning Commission could come up with a proposal of their own to present for change in the ordinance.

Commissioner Barth asked planning staff if the limit on accessory building size could be different with the Joint Dell Rapids area and the rest of the county. Staff responded that the sizes do not need to be the same, and that this would be a good time to consider any changes before the item is forwarded to the County Commission and City Council.

Discussion

Commissioner Barth asked the Dell Rapids Planning Commission if there was any reason to not approve the petitioner's request. Several Commissioner responded with a "no."

ACTION

A motion was made for the County by Commissioner Barth and seconded by Commissioner Ralston to **approve** Zoning Text Amendment #18-01. The motion passed unanimously. Same motion was made for the City by Commissioner Schwebach and seconded by Commissioner Lamberty to **approve** Zoning Text Amendment #18-01. The motion passed unanimously.

Zoning Text Amendment #18-01 – Recommended for Approval



**MINNEHAHA COUNTY
PLANNING COMMISSION
MEETING MINUTES**

MARCH 26, 2018

Old Business

None.

New Business

None.

Adjourn

Commissioner Schwebach motioned to adjourn for the city, and Commissioner Lamberty seconded the motion. The motion passed unanimously. The same motion was made for the County by Commissioner Randall and seconded by Commissioner Kostboth. The motion passed unanimously. The Meeting was adjourned at 7:15 pm.