



**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION
AUGUST 24, 2020**

A meeting of the Planning Commission was held on AUGUST 24, 2020 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building and in the Zoom Personal Meeting Room ID 728 439 8039.

David Heinold, County Planning Department, presented Zoom Meeting Room instructions on raising hands to speak on agenda items.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: David Heinold called roll of members present to determine a quorum. Commissioners Bonnie Duffy, Becky Randall, Adam Mohrhauser, Mike Ralston, Ryan VanDerVliet, Doug Ode, and Jeff Barth responded present at the meeting.

STAFF PRESENT:

Scott Anderson, David Heinold, and Kevin Hoekman - County Planning
Maggie Gillespie – States Attorney

Bonnie Duffy chaired the meeting and called the Minnehaha County Planning Commission meeting to order at 7:00 p.m.

PUBLIC COMMENT.

Commissioner Duffy opened the floor for public comment and nobody moved to speak or no hands were raised in the Zoom Personal Meeting Room.

ITEM 1. Approval of Minutes – July 27, 2020

Chair Duffy called for any comments or amendments to the minutes. Nobody raised any comments or amendments.

A motion was made by Commissioner Ralston and seconded by Commissioner VanDerVliet to approve the meeting minutes from July 27, 2020. A roll call vote was taken, and the motion passed unanimously with 7 votes in favor of the motion and 0 votes against the motion.



ITEM 2. CONDITIONAL USE PERMIT #20-21 to transfer one (1) building eligibility from the NE1/4 SW1/4 to the SW1/4 SE1/4 (Ex. H-1 & Ex. Tract 1 McElroy Addition); all in Section 10-T102N-R49W.

Petitioner: Konnie L. Park

Property Owner: same

Location: 47550 258th St. - Approximately ½ mile east of Renner Corner

Staff Report: Kevin Hoekman

General Information:

Legal Description – W ½ SE ¼ (Ex H-1 & Ex Tract 1 McElroy Addn) 10-T102N-R49W

Present Zoning – A1 Agriculture

Existing Land Use – Agricultural pasture land with one residential dwelling

Parcel Size – 69.37 acres

Staff Report: Kevin Hoekman

Staff Analysis:

The petitioner is requesting to move a building eligibility from an interior quarter quarter section for use near an area where two existing dwellings already exist. The transfer requires a conditional use permit.

The petitioner owns approximately 149 acres of land which includes a commercial horse stable and supporting pasture land and crop land. The proposed transfer will move an inaccessible building eligibility and located near the petitioner's house. The move will allow the future dwelling to share driveway and have better access for utilities. After the transfer, one building eligibility will remain on the quarter quarter section where the stable is located.

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 subject property is located between Renner and a residential subdivision. The areas north and south of the site are primarily agricultural cropland. The proposed building eligibility transfer will move the eligibility closer to two existing dwellings and near the commercial horse stable which is owned by the petitioner. It is unlikely that the placement of a single family dwelling in the area will negatively affect to the uses permitted on current nearby properties.

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

The area is already a mix of residential and agricultural uses. It is likely that future development will remain a mix of uses with perhaps increasing residential areas around Renner. The placement of a residential dwelling as proposed will not affect the future development of nearby properties.



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

The property owner will be required to extend any necessary utilities. The property will need a properly designed septic system. Placing the eligibility at its proposed location will be beneficial for better access for a shared driveway.

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

The lot is large enough to provide ample off street parking, and off street parking will be provided when the single family dwelling is built.

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 residential dwelling generally will not produce odor, fumes, dust, noise, vibration, or lighting in a quantity which would cause a nuisance. The property will be required to not produce any nuisance according to the public nuisance ordinance

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

The proposed transfer does not create any concerns for the health, safety, or general welfare of the public. The clustering of residential building eligibilities is encouraged by the comprehensive plan to reduce utility extensions and road access points.

Recommendation:

Staff finds this conditional use permit request to be consistent with density zoning and the comprehensive plan. Staff recommends **approval** of Conditional Use Permit #20-21 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 a single family dwelling.

Public Testimony

Commissioner Duffy called for public testimony but no one moved to speak on the item.

No hands were raised in the Zoom Meeting Room.

Action

A motion was made by Commissioner Mohrhauser to **approve** Conditional Use Permit #20-21. The motion was seconded by Commissioner Randall. A roll call vote was taken, and the motion passed unanimously with 7 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #20-21 – Approved



ITEM 3. ZONING TEXT AMENDMENT #20-03 to amend Section 12.06 Mobile/Manufactured Homes in the 1990 Revised Zoning Ordinance for Minnehaha County.

Petitioner: Jasper Diegel (South Dakota Manufactured Housing Association)

Staff Report: Kevin Hoekman

Staff Analysis:

Planning Staff received an application to amend requirements for placing a manufactured home in the 1990 Revised Zoning Ordinance for Minnehaha County. The petitioner is Jasper Diegel of the South Dakota Manufactured Housing Association. For review, a manufactured/mobile home is defined as: *any single-family permanent living quarters, more than eight (8) feet wide and thirty-two (32) feet in length, and designed and built to be towed on its own chassis.* (An emphasis has been added on the portion of the definition that primarily separates a “manufactured/mobile” home from a “modular” home.)

Section 12.06 (C). of the ordinance has five requirements of a manufactured home in order to receive a conditional use permit. These requirements appear to be intended to make allowed manufactured homes to appear as much like a stick built home as possible. Requirement 1 is for construction safety. Requirement 2 prevents a single wide mobile home. Requirement 3 requires a full foundation wall running the entire perimeter of the manufactured home in order to have a foundation that looks similar to a stick frame house. Requirement 4 requires typical housing materials. Requirement 5 requires a minimum pitch of roof to be more similar to a stick-built home.

The primary concern of the application is the requirement for a perimeter foundation wall that extends below the frostline. The requirement as stated in the ordinance is:

(3). The structure shall be supported by a foundation system consisting of walls along the perimeter and piers on the interior. All foundation walls and piers shall extend a minimum of 42 inches below final grade.

The petitioner explains in the submitted narrative that the requirement may have the adverse effect of making a manufactured home out of compliance with HUD requirements (Housing and Urban Development makes requirements for how all manufactured homes are to be constructed). In addition, the requirement adds cost to the owner of the manufactured home. If the amendment passes, the aesthetic requirement of the original ordinance will change to allow the appearance of a more typical “skirt” enclosure around the chassis of the manufactured home.

The requested change to the ordinance will replace requirement 3 and add one related requirement. The proposed requirements are based on the safety requirements for manufactured homes and not based on making a manufactured home appear more like a stick frame home.

Manufactured homes placed on rural lots outside of a manufactured home park should be placed in a manner to maintain the manufactured home in a stable position for long term use. Staff has reviewed the request with the county building inspector and would like to see a requirement



stated for frost protective foundation system for any approved foundation. A frost protective foundation system will provide long term support for a manufactured home that is planned for permanent placement, and the frost protective foundation system should prevent dangerous and unsightly settling of the structure.

Below is the proposed requirement 3 with staff addition portion underlined:

(3). The structure shall be supported by a frost protective foundation system meeting the requirements of 24 CFR Part 3285 Subpart D- Foundation. (Note: Each home is supplied with these requirements in the home's owner manual)

If adopted, the new additional requirement for the outside enclosure will read:

(4). The Home shall be enclosed below the floor with an enclosure of weather-resistant materials provided with protection against weather deterioration at least equivalent to that provided by a coating of zinc on steel of not less than 0.30 oz. per square foot of surface coated.

Staff finds that the requested ordinance amendment may be beneficial for allowing a reduced cost measures for the placement of a manufactured home. Siting a manufactured home will still require a conditional use permit, and aesthetic considerations may be brought as conditions on individual houses depending on unique characteristics of each request.

Staff Requested Change:

Upon reviewing the manufactured home requirements, staff found the language used for one of the requirements confusing. The requirement was not requested for change by the petitioner but it fits within the same portion of the ordinance. requirement 2 reads:

(2). The exterior dimensions of the structure, measured by excluding overhangs, shall not be less than 22 feet.

The intent of the requirement is to have a minimum width so that the common long and narrow (single-wide) mobile home is not allowed for aesthetic reasons. The language is confusing and leaves room for interpretation for the size of the total structure. Staff suggests clarifying the requirement as follows with the underlined portion added.

(2). The exterior dimensions of the structure, measured by excluding overhangs, shall not be less than 22 feet wide at its narrowest side.

Attached Materials:

Attached with this staff report are two copies of the proposed ordinance. One copy has proposed additions to the ordinance highlighted and proposed deletions to the ordinance marked with a strikethrough and highlighted. The second copy has no marks on it, and includes all the new items as they are proposed by the petitioner and edited by staff to be written in the ordinance.

Recommendation:

Staff recommends **approval** of Zoning Text Amendment #20-03.



Public Testimony

Kevin Hoekman of planning staff presented the staff report and recommendation.

Allan Spencer, 2405 Sleigh Creek Trail, was present for the petitioner. Mr. Spencer shared his experience with manufactured home requirements and noted that there is always a cost and benefit or cost and safety consideration given to new requirements. He added that the amendment will be inspected and enforced by HUD officials. He shared examples of potential skirting for new manufactured homes and explained that the new requirements will increase longevity of homes over the existing ordinance.

Commissioner Duffy called for public testimony but no one moved to speak on the item.

No hands were raised in the Zoom Meeting Room.

Commissioner Barth noted that the current ordinance clearly makes manufactured homes less affordable. He also noted that additional requirements could be added at a location basis, and that it is good to have less regulation and less cost.

Action

A motion was made by Commissioner Barth to **recommend approval** of Zoning Text Amendment #20-03. The motion was seconded by Commissioner Randall. A roll call vote was taken, and the motion passed unanimously with 7 votes in favor of the motion and 0 votes against the motion.

Zoning Text Amendment #20-03 – Approval Recommended



ITEM 4. CONDITIONAL USE PERMIT #20-22 to exceed 3,600 square feet of total accessory building area – requesting 7,572 square feet on the property legally described as Lot 2, Smithback’s Addition, S1/2 SW1/4, Section 11-T102N-R51W.

Petitioner: Thomas Smithback

Property Owner: same

Location: 46418 258th St. Located Approximately 1 mile northeast of Hartford

Staff Report: Kevin Hoekman

General Information:

Legal Description – Lot 2, Smithback’s Addition, S1/2 SW1/4, Section 11-T102N-R51W

Present Zoning – A1 Agriculture

Existing Land Use – Residential acreage

Parcel Size – 9.97 acres

Staff Report: Kevin Hoekman

Staff Analysis:

The petitioner is requesting to build a 75 feet by 60 feet riding arena and hay storage building. The proposed riding arena will be in addition to several other detached accessory buildings located on the property. Conditional use permits have been granted for previous accessory buildings on the property.

The petitioner states that the proposed building will be used for caring and training of horses and for hay storage. The location of the building will be in the north east corner of the property near where the horses are kept.

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 subject property is located within the agricultural production area with a few farmsteads located nearby. Large buildings are common for neighboring farmsteads and the use of the building for horses is generally compatible to the area. The construction of a large accessory building will not negatively affect the use and enjoyment of current surrounding property owners.

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

The area around the subject property will likely remain agriculturally based. All of the building eligibilities in the quarter section have already been used. And the location of the building far behind the residential dwelling, the appearance of the building will be reduced from the roadway. The proposed building will not affect the orderly development of the area.

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



The property is already developed as a residential acreage. The utilities and driveway are already present on the property. The building will have minimal effect on drainage off the property.

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

The property has ample space for off-street parking.

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 building is planned for training and riding horses, but the scale of the building and the distance from neighbors should minimize any potential nuisance. The use of the building for personal and non-commercial use, should not cause problems in the area. Staff recommends that a condition is placed on the property to ensure the building is used for personal use.

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

The proposed use will have no negative effect on the health, safety, or general welfare of the public.

Recommendation:

Staff recommends **approval** of CUP #20-22 with the following conditions:

- 1.) The building location shall adhere to the submitted site plan.
- 2.) The total area of all accessory buildings may not exceed 7,572 square feet.
- 3.) That the building shall be an accessory use to the continued use of the property as a residential lot. It shall not be used for commercial purposes.
- 4.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 5.) That a building permit is required prior to construction of the accessory building.
- 6.) That the building plans be stamped by a professional engineer and reviewed by the County Building Inspector prior to issuance of the building permit.
- 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.

Public Testimony

Kevin Hoekman of planning staff noted that after the staff report was sent, the petitioner requested a change to reduce the size of the building to less than 60 feet wide to avoid requirement 6.) for engineered plans. Staff found the request reasonable and recommended to change the conditions of approval accordingly.

Tom Smithback 46418 258th Street, was present as the petitioner. He explained that the reduced size saves on lumber cost and costs of engineering too. Commissioner Ode asked if there will be any boarding of horses on the property. Mr. Smithback responded that there will be no boarding and that they only have 3 horses for the grandchildren.

Action



A motion was made by Commissioner Ode to **approve** Conditional Use Permit #20-22 with conditions with recommended amendments. The motion was seconded by Commissioner Ralston. A roll call vote was taken, and the motion passed unanimously with 7 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #20-22 – Approved with amended conditions as listed below:

- 1.) The building location shall adhere to the submitted site plan.
- 2.) The total area of all accessory buildings may not exceed 7,320 square feet.
- 3.) That the building shall be an accessory use to the continued use of the property as a residential lot. It shall not be used for commercial purposes.
- 4.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 5.) That a building permit is required prior to construction of the accessory building.
- 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.



ITEM 5. CONDITIONAL USE PERMIT #20-23 to exceed 3,600 square feet of total accessory building area – requesting 4,716 square feet on the property legally described as Tract 2, Brun’s Addition, S1/2, Section 15-T101N-R48W.

Petitioner: Buck Sternburg
 Property Owner: Linda Wells
 Location: 26496 Bruns Place
 Staff Report: David Heinold

Located Approximately 2 miles south of Brandon

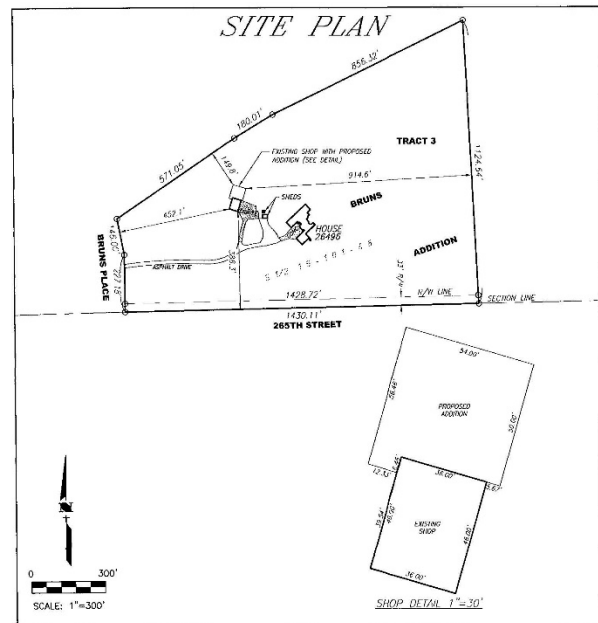
General Information:

Legal Description – Tract 3, Bruns Addition, S1/2, Section 15-T101N-R48W
 Present Zoning – A-1 Agricultural District
 Existing Land Use – Residential
 Parcel Size – 25.63 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting conditional use permit approval to allow 4,716 square feet of total accessory building area on the subject property. The existing total accessory building area equals 1,936 square feet on approximately 25.63 acres. Section 12.07 (D) of the 1990 Revised Zoning Ordinance for Minnehaha County allows a total permissible accessory building area of 3,600 sq. ft. for parcels 3.1 acres or larger. The site plan, at right, shows the location of the proposed accessory building 50’x54’ with a 6’x12’ building addition. The existing building dimensions are 36’x46’. The petitioner also has a few small sheds between the house and detached garage as well.



There are a few other properties in the surrounding area with comparable sizes that exceed 3,600 square feet of total accessory building area. The neighboring property owner to the north, 26486 Bruns Pl., was approved to allow 5,532 sq. ft. on 17.64 acres. The property located at 48173 265th Street has approximately 3,888 square feet on 29.58 acres about a quarter mile to the east of the subject property. The property, 48135 265th St., located immediately across the street to the south has approximately 4,888 sq. ft. on 10.38 acres. The other accessory building sizes range from 2,960 sq. ft. to 3,750 sq. ft. on similar sized properties.

On August 12, 2020, staff visited the property and determined that the proposed accessory building addition is appropriate for the residential subdivision. The requested total area is less than what has been previously approved by the Planning Commission in prior years. The proposed accessory building will be used for personal storage.



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.

There should be no negative effect upon the use and enjoyment of residential properties in the immediate vicinity. Property values in the immediate vicinity should also not be negatively impacted due to the personal use of the proposed accessory building addition.

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

The subject property is located in an existing residential subdivision with five ten-plus acre lots. The remainder of land to the south and west is mostly farmland. The future growth of the surrounding area is dependent on development of existing building eligibilities and/or municipal annexation. Much of the land in the surrounding area has already been developed with large residential properties. The proposed accessory building size should be minimal because there are existing homes in the immediate vicinity that have total area sizes ranging from 3,000 sq. ft. to 5,000 sq. ft. on smaller parcel sizes than the subject property. The neighboring property owner to the north has more than 5,000 sq. ft. on a similar parcel size.

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

The petitioner already has all of the necessary facilities provided as a result of the existing single family home site and accessory buildings. The existing driveway provides access to the existing accessory building on site.

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

The petitioner has adequate parking areas for the personal use and storage due to the existing residential nature of the subject property. No parking will be allowed in the township road right-of-way 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 commercial business or storage will be allowed in the proposed accessory building at any time. Any public nuisance violations will be addressed upon the Planning Department receiving a complaint about the subject property. All outdoor lighting will need to be directed downward onto the property. Lighting must be designed to be fully-shielded and fully-cutoff to prevent light pollution off site.

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

The health, safety, general welfare of the public will not be negatively affected by the construction of the proposed accessory building addition for personal use and storage. The intent of the Envision 2035 Comprehensive Plan to support orderly growth of non-agricultural land uses will be met. The proposed use of the accessory building is compatible with the existing accessory buildings in the surrounding area.



Recommendation:

Staff finds that the proposed accessory building size conforms to the general sizes of other accessory buildings in the area. Staff recommends **approval** of Conditional Use Permit #20-23 with the following conditions:

- 1.) That the total accessory building square footage shall not exceed 4,716 square feet.
- 2.) That the accessory building shall not exceed 35 feet in height.
- 3.) That a building inspection is required to determine that the building does not exceed 8,640 square feet measured from the outside perimeter.
- 4.) That the building shall be an accessory use to the continued use of the property as a residential lot.
- 5.) That only personal storage shall be allowed in the building and no commercial uses or commercial storage will be allowed at any time.
- 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 a building permit is required prior to construction of the accessory building.
- 8.) 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

David Heinold, County Planning Department, provided a brief summary of the staff report and recommendation for the conditional use permit request.

Buck Sternburg, 208 S. Main Ave, Brandon, identified himself as the petitioner and asked for questions.

Commissioner Duffy called for public testimony but no one moved to speak on the item.

No hands were raised in the Zoom Meeting Room.

Action

A motion was made by Commissioner Barth to **approve** Conditional Use Permit #20-23 with staff recommended conditions. The motion was seconded by Commissioner VanDerVliet. A roll call vote was taken, and the motion passed unanimously with 7 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #20-23 – Approved



ITEM 6. CONDITIONAL USE PERMIT #20-25 to exceed 3,600 square feet of total accessory building area – requesting 8,752 square feet on the property legally described as Tract 2, Morgan Country Addition, NW1/4, Section 27-T101N-R48W.

Petitioner: Terrence Brick

Property Owner: same

Location: 48117 266th St.

Located Approximately 3 miles east of Sioux Falls

Staff Report: David Heinold

General Information:

Legal Description – Tract 2, Morgan Country Addition (Ex. H-1), NW1/4, Section 27-T101N-R48W

Present Zoning – A-1 Agricultural District

Existing Land Use – Residential

Parcel Size – 9.81 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioner is seeking conditional use permit approval to allow 8,752 square feet of total accessory building area. The site plan and building elevation shows a proposed 16'x80' lean-to addition to an existing accessory building. The subject property encompasses approximately 9.81 acres with a total of two existing detached accessory buildings. The petitioner would like to construct the lean-to addition on an existing pole building for hay storage.

The proposed total accessory building area exceeds the amount on properties in the surrounding area, but there are building sizes exceeding the 3,600 square feet for properties over 3 acres in lot area. The property at 48129 266th Street has approximately 3,352 square feet on 16.95 acres. The property, 26704 481st Ave., located about a mile south of the subject property has approximately 5,150 sq. ft. on 12.34 acres. Similarly, the property at 26547 481st Ave. has approximately 4,725 sq. ft. on 3.96 acres located about a half mile north of the proposed building addition site. The other properties accessory building sizes range from 1,440 sq. ft. to 2,880 sq. ft. on similar parcels.



On August 12, 2020, staff visited the subject property and determined that the proposed lean-to addition on the existing accessory building is appropriate for the surrounding area. The proposed accessory building addition will be used for personal hay storage.



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.

There should be no negative effect upon the use and enjoyment of residential properties in the immediate vicinity. Property values in the immediate vicinity should also not be negatively impacted due to the personal use of the proposed accessory building addition.

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

The subject property is located in an existing residential subdivision with five-plus acre lots. The remainder of land to the north is mostly farmland. The future growth of the surrounding area is dependent on development of existing building eligibilities and/or municipal annexation. Much of the land in the surrounding area has already been developed with large residential properties. The proposed 16'x80' lean-to addition on the west side of an existing accessory building should not negatively affect the normal and orderly development of surrounding properties in the immediate vicinity. The requested accessory building area would set a precedent for other similar lot sizes; however, the subject property appears to be in use for an agricultural-type use with horses on the property. No commercial business is allowed on the property at any time.

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

The petitioner already has all of the necessary facilities provided as a result of the existing single family home site and accessory buildings. The existing driveway provides access to the existing accessory building on site.

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

The petitioner has adequate parking areas for the personal use and storage due to the existing residential nature of the subject property. No parking will be allowed in the township road right-of-way 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 commercial business or storage will be allowed in the proposed accessory building at any time. Any public nuisance violations will be addressed upon the Planning Department receiving a complaint about the subject property. All outdoor lighting will need to be directed downward onto the property. Lighting must be designed to be fully-shielded and fully-cutoff to prevent light pollution off site.

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

The health, safety, general welfare of the public will not be negatively affected by the construction of the proposed accessory building lean-to addition for personal use and storage. The intent of the Envision 2035 Comprehensive Plan to support orderly growth of non-agricultural land uses will be met. The proposed use of the accessory building is compatible with the existing accessory buildings in the surrounding area.



Recommendation:

Staff finds that the proposed accessory building size conforms to the general sizes of other accessory buildings in the area. Staff recommends **approval** of Conditional Use Permit #20-25 with the following conditions:

- 1.) That the total accessory building square footage shall not exceed 8,752 square feet.
- 2.) That the accessory building shall not exceed 35 feet in height.
- 3.) That a building inspection is required to determine that the building does not exceed 8,640 square feet measured from the outside perimeter.
- 4.) That the building shall be an accessory use to the continued use of the property as a residential lot.
- 5.) That only personal storage shall be allowed in the building and no commercial uses or commercial storage will be allowed at any time.
- 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 a building permit is required prior to construction of the accessory building.
- 8.) 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

David Heinold, County Planning Department, provided a brief summary of the staff report and recommendation for the conditional use permit request.

Terrence Brick, 48117 266th St., identified himself as the petitioner and asked for questions.

Commissioner Ode asked the petitioner if he put up the notification sign. Mr. Brick explained that the sign was posted at the front property line by the road.

Commissioner Duffy called for public testimony but no one moved to speak on the item.

No hands were raised in the Zoom Meeting Room.

Action

A motion was made by Commissioner VanDerVliet to **approve** Conditional Use Permit #20-25 with staff recommended conditions. The motion was seconded by Commissioner Mohrhauser. A roll call vote was taken, and the motion passed unanimously with 7 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #20-25 – Approved



ITEM 7. CONDITIONAL USE PERMIT #20-26 to make one (1) building eligibility available on the property legally described as SW14/ SE1/4 (Ex. Tract 1, Granberg Addition), Section 19-T102N-R47W.

Petitioner: Dallas Granberg

Property Owner: same

Location: 48456 260th St. Located Approximately 3 miles northeast of Brandon

Staff Report: David Heinold

General Information:

Legal Description – SW1/4 SE1/4 (Ex. Tract 1, Granberg Addition), Section 19-T102N-R47W

Present Zoning – A-1 Agricultural District

Existing Land Use – Farmland

Parcel Size – 39 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting conditional use permit approval to allow a single family dwelling on the 39 acres of farmland that has an existing building eligibility, but requires a conditional use permit application and public hearing. Currently, the subject property is used for farmland. Besides the existing farmstead, there are a few other farmstead homes in the immediate vicinity.

On August 12, 2020, staff visited the subject property and determined that the site is appropriate for the proposed single family dwelling. There are no concentrated animal feeding operations within a mile of the proposed single family dwelling site.

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 surrounding area is primarily agricultural land with a few residential acreages within a half mile of the proposed site for the single family homes. The placement of a single family dwelling should not negatively affect the use and enjoyment as well as property values in the immediate vicinity.

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 negative affect upon the normal and orderly development and improvement of surrounding agricultural property. The future development of surrounding property is entirely dependent on the availability of building eligibilities for constructing a house. The proposed transfer of building eligibilities will preserve farmland to allow residential development closer to the road. The petitioner owns a majority of the agricultural land surrounding the proposed site to the north and south. The neighboring property owner to the east does have an existing cattle area and an agricultural production operation.



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

The petitioner mentioned in the questionnaire that a shared driveway may be used if necessary after consultation from Red Rock Township. All other necessary utilities will be provided for the proposed single family residence.

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

The necessary parking will be provided as a result of the proposed residential home. No parking is allowed in the township road right-of-way.

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 building eligibility transfer for the eventual construction of a single family dwelling will not constitute a nuisance due to the personal use of the property.

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

The health, safety, and general welfare of the public will not be negatively affected by the proposed transfer of one building eligibility. The intent of the Envision 2035 Comprehensive Plan and density zoning will be upheld since the conditional use permit request will not increase the number of dwelling units in this section.

Recommendation:

Staff finds this conditional use permit request to be consistent with density zoning and recommends **approval** of Conditional Use Permit #20-26 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. That a driveway or culvert permit be obtained from Red Rock Township prior to the issuance of building permit.

Public Testimony

David Heinold, County Planning Department, provided a brief summary of the staff report and recommendation for the conditional use permit request.

Linda Granberg, 48456 260th St., identified herself as married to Dallas Granberg and asked for questions on the conditional use permit request.

Commissioner Duffy asked for clarification that they are requesting to build a new home. Mrs. Granberg explained that they plan to build a ranch-style house for themselves.

Commissioner Duffy called for public testimony but no one moved to speak on the item.

No hands were raised in the Zoom Meeting Room.



Action

A motion was made by Commissioner Ode to **approve** Conditional Use Permit #20-26 with staff recommended conditions. The motion was seconded by Commissioner VanDerVliet. A roll call vote was taken, and the motion passed unanimously with 7 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #20-26 – Approved



ITEM 8. CONDITIONAL USE PERMIT #20-27 to transfer one (1) building eligibility from the NW1/4 SE1/4 to the SE1/4 SE1/4; all in Section21-T103N-R51W.

Petitioner: Keith Vockrodt

Property Owner: Susan & Loren Boy Living Trust

Location: Located Approximately 5 miles north of Hartford

Staff Report: Scott Anderson

General Information:

Legal Description – SE1/4 SE1/4; all in Section21-T103N-R51W

Present Zoning – A1 Agriculture

Existing Land Use – Agriculture

Parcel Size – 40 acres

Staff Report: Scott Anderson

Staff Analysis: The petitioner is requesting the transfer of a building eligibility to allow the eligibility to be used along 254th Street, approximately 5 miles north of Hartford. The area is a mix of agricultural land and some residents.

Staff conducted a site visit on August 5, 2020. There is an existing shelter belt on the subject property which will screen any residence from the northeast. The applicant owns the residence closest to the proposed transfer and has indicated in their statement that the transfer will allow their grandson, Keith Vockrodt to build a house near them.

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 area around the proposed building eligibility site is primarily agricultural uses with several residential acreages along 254th Street. One additional building site will not likely change the character of the area since many eligibilities have already been developed in the few miles around the proposed site. No known CAFOs are located within a mile of the proposed building site.

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

The property is located about 5 miles away from Hartford and therefore will not be affected by development pressure. The area is fairly well developed by residential acreages already. Much of the land will now be permanently preserved for agricultural production as the density zoning intended.

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

The property owner will be required to extend any needed utilities to the property. The development of a residential acreage will likely not change overall patterns of drainage. The property owner will be responsible for getting a driveway permit for any new access to the



proposed property. They have indicated that they have been in contact with Grand Meadow Township. 254th Street is County Highway 122 and any new approach will need to be reviewed and approved by the County Highway Department.

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

Off street parking will be met at the time a dwelling is constructed on the 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.

A new residential acreage site should not create any offensive odor, fumes, dust, noise, vibration, and lighting. The property will have to be maintained to meet the public nuisance ordinance for Minnehaha County.

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

The health, safety, and general welfare of the public will not be negatively affected by the availability of the building eligibility. The Envision 2035 Comprehensive Plan includes planning to encourage the clustering of building eligibilities in order to preserve large tracts of land for agriculture.

Recommendation: Staff finds this conditional use permit request to be consistent with density zoning and recommends **approval** of Conditional Use Permit #20-27 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.

Public Testimony

Scott Anderson, planning staff, briefly explained the item and recommendation.

Keith Vockrodt, 26004 465th Ave, was present as the petitioner.

Patrick, asked where the house was going to be built. Keith explained that the house was going to go north of the trees of the existing farmstead. And 700 feet north of highway.

Commissioner Ode asked how big and old are the cattle lots east of the site. Keith said that they have been there for a long time and that he has worked at them too.

Action

A motion was made by Commissioner Barth to **approve** Conditional Use Permit #20-27 with staff recommended conditions. The motion was seconded by Commissioner Ralston. A roll call vote was taken, and the motion passed unanimously with 7 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #20-27 – Approved



ITEM 9. CONDITIONAL USE PERMIT #20-28 to make one (1) building eligibility available on the property legally described as Tract 4, Kroll’s Addition, SE1/4 SE1/4, Section 36-T101N-R51W.

Petitioner: Joshua Nelson

Property Owner: same

Location: Located Approximately 3 miles west of Sioux Falls

Staff Report: Scott Anderson

General Information:

Legal Description – Tract 4, Kroll’s Addition, SE1/4 SE1/4, Section 36-T101N-R51W

Present Zoning – A1 Agriculture

Existing Land Use –

Parcel Size – 1.54 acres

Staff Report: Scott Anderson

Staff Analysis: The petitioner is requesting to have a building eligibility assigned to Tract 4 and used to constructed a single-family residence along 268th Street, approximately 3 miles west of Sioux Falls. The area is a mix of agricultural land, residential and some commercial uses. The area to the north consists of the Blue Haven Wedding Barn Complex and Wild Water West. In addition, there is residential development scattered around the area with Country Acres development located approximately ½ miles to the east.

Staff conducted a site visit on August 10, 2020. The applicant owns the Blue Haven Wedding Barn complex and will be building his own home there to further improve and monitor his investment.

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 area around the proposed building eligibility site is a mix of uses with many residential acreages along 268th Street. One additional building site will not likely change the character of the area since many eligibilities have already been developed in the few miles around the proposed site. No known CAFOs are located within a mile of the proposed building site.

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

The property is located about 3 miles west of Sioux Falls and therefore will not be affected by development pressure. The area is fairly well developed by residential acreages already.

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

The property owner will be required to extend any needed utilities to the property. The development of a residential acreage will likely not change overall patterns of drainage. The



property owner will be responsible for getting a driveway permit for any new access to the proposed property.

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

Off street parking will be met at the time a dwelling is constructed on the 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.

A new residential acreage site should not create any offensive odor, fumes, dust, noise, vibration, and lighting. The property will have to be maintained to meet the public nuisance ordinance for Minnehaha County.

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

The health, safety, and general welfare of the public will not be negatively affected by the availability of the building eligibility. The Envision 2035 Comprehensive Plan includes planning to encourage the clustering of building eligibilities in order to preserve large tracts of land for agriculture.

Recommendation: Staff finds this conditional use permit request to be consistent with density zoning and recommends **approval** of Conditional Use Permit #20-28 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.

Public Testimony

Scott Anderson, planning staff, presented the item and the recommendation.

Josh Nelson, 2635 Park Pl, Tea SD, was present as the petitioner.

Kris Lair, 46578 268th St., noted that she lived in the first house west of the site. She raised concern that the house location will raise the property up and block drainage coming from Lincoln County and through the property. Backed up water could settle on the neighbor's land. She added that the house could cause further problems with snow drifting on the road.

Josh Nelson responded that the culverts for drainage already exist on his property and that a house will not change the road drainage. He added that if snow is a problem he will have to plow the roads so that his customers will be able to get to the event barn. Commissioner Ode asked if he would be willing to move the house farther back onto the property. Mr. Nelson noted that the 50 feet mark was to set the minimum and that he will like to be further back. Commissioner Ode asked what the land is currently being used for. Josh Nelson responded that the property is cut for grass hay.

No hands were raised in the Zoom meeting room and nobody else was present to speak in the meeting room.



Action

A motion was made by Commissioner Barth to **approve** Conditional Use Permit #20-28 with staff recommended conditions. The motion was seconded by Commissioner Ode. A roll call vote was taken, and the motion passed unanimously with 7 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #20-28 – Approved



ITEM 10. CONDITIONAL USE PERMIT #20-29 to transfer one (1) building eligibility from the NW1/4 NW1/4 to the SW1/4 NW1/4; all in W1/2 NW1/4 (Exc. W140' S60' N309' & Lots H-1 & H-2), Section 22-T101N-R51W.

Petitioner: Forrest Miller
Property Owner: same
Location: Located Approximately 6 miles west of Sioux Falls
Staff Report: Scott Anderson

General Information:

Legal Description – SW1/4 NW1/4; all in W1/2 NW1/4 (Exc. W140' S60' N309' & Lots H-1 & H-2), Section 22-T101N-R51W
Present Zoning – A1 Agriculture
Existing Land Use – crop production
Parcel Size – 40 acres

Staff Report: Scott Anderson

Staff Analysis: The petitioner is requesting the transfer of a building eligibility to allow the eligibility to be used along County Highway 151, (463rd Avenue), approximately 6 miles west of Sioux Falls near the Wall Lake Corner. The area is a mix of agricultural land and many residences. There is extensive residential development along County Highway 151 and surrounding Wall Lake.

Staff conducted a site visit on August 10, 2020. There is an existing shelter belt along the east side of the subject property. The site is currently in crop production.

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 area around the proposed building eligibility site is primarily residential uses. The relocation of this building eligibility will benefit the potential commercial development at the Wall Lake Corner, as there are several businesses in operation there now. One additional building site will not likely change the character of the area since many eligibilities have already been developed and there is major residential development around Wall Lake. No known CAFOs are located within a mile of the proposed building site.

The applicant lives across the County Highway.

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

The property is located about 6 miles away from Sioux Falls and Hartford and therefore will not be affected by development pressure. The area is fairly well developed by residential acreages already. Much of the land will now be permanently preserved for agricultural production as the density zoning intended.



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

The property owner will be required to extend any needed utilities to the property. The development of a residential acreage will likely not change overall patterns of drainage. The property owner will be responsible for getting a driveway permit from the County Highway Department for any new access to the proposed property.

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

Off street parking will be met at the time a dwelling is constructed on the 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.

A new residential acreage site should not create any offensive odor, fumes, dust, noise, vibration, and lighting. The property will have to be maintained to meet the public nuisance ordinance for Minnehaha County.

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

The health, safety, and general welfare of the public will not be negatively affected by the availability of the building eligibility. The Envision 2035 Comprehensive Plan includes planning to encourage the clustering of building eligibilities in order to preserve large tracts of land for agriculture.

Recommendation: Staff finds this conditional use permit request to be consistent with density zoning and recommends **approval** of Conditional Use Permit #20-29 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.

Public Testimony

Scott Anderson, planning staff, presented the item and recommendation.

Forest Miller, 26531 464th Ave., was present as the petitioner. Commissioner Barth asked if the project will be hooked onto the Wall Lake sanitary sewer. Mr. Miller responded that it is outside of the sanitary sewer district and that he would likely be denied a hook up if he asked for one.

Nobody was present for comment in either the Zoom meeting room or in the commission meeting room.

Action

A motion was made by Commissioner Barth to **approve** Conditional Use Permit #20-29 with staff recommended conditions. The motion was seconded by Commissioner Randall. A roll call vote was taken, and the motion passed unanimously with 7 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #20-29 – Approved



ITEM 11. CONDITIONAL USE PERMIT #20-30 to transfer one (1) building eligibility from the SE1/4 SW1/4 to the SW1/4 SE1/4; all in Section 31-T103N-R49W.

Petitioner: Brett Whitmore

Property Owner: Judy Whitmore

Location: Located Approximately 3 miles east of Crooks

Staff Report: Scott Anderson

General Information:

Legal Description – SW1/4 SE1/4; all in Section 31-T103N-R49W

Present Zoning – A1 Agriculture District

Existing Land Use – agriculture

Parcel Size – 40 acres

Staff Report: Scott Anderson

Staff Analysis: The petitioner is requesting the transfer of a building eligibility to allow the eligibility to be used along 256th Street, approximately 3 miles west of Crook. The area is a mix of agricultural land and some residents. There is extensive residential development along 256th Street, with a cluster of nine (9) residences located at the intersection of 256th Street and SD Highway 115.

Staff conducted a site visit on August 4, 2020. There is an existing shelter belt on the subject property which will screen any residence from the north. The site is currently pasture and sloughs with large areas of crop production to the north and across the street to the south. The applicant owns the residence closest to the proposed transfer.

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 area around the proposed building eligibility site is primarily agricultural uses with several residential acreages along 256th Street. One additional building site will not likely change the character of the area since many eligibilities have already been developed in the few miles around the proposed site. No known CAFOs are located within a mile of the proposed building site.

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

The property is located about 3 miles away from Crooks and therefore will not be affected by development pressure. The area is fairly well developed by residential acreages already. Much of the land will now be permanently preserved for agricultural production as the density zoning intended.



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

The property owner will be required to extend any needed utilities to the property. The development of a residential acreage will likely not change overall patterns of drainage. The property owner will be responsible for getting a driveway permit for any new access to the proposed property.

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

Off street parking will be met at the time a dwelling is constructed on the 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.

A new residential acreage site should not create any offensive odor, fumes, dust, noise, vibration, and lighting. The property will have to be maintained to meet the public nuisance ordinance for Minnehaha County.

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

The health, safety, and general welfare of the public will not be negatively affected by the availability of the building eligibility. The Envision 2035 Comprehensive Plan includes planning to encourage the clustering of building eligibilities in order to preserve large tracts of land for agriculture.

Recommendation: Staff finds this conditional use permit request to be consistent with density zoning and recommends **approval** of Conditional Use Permit #20-30 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.

Public Testimony

Scott Anderson, presented the item and recommendation.

Brett and Judy Whitmore, were present as the petitioners.

No one was present for comment in the Zoom meeting room or in the commission meeting room.

Action

A motion was made by Commissioner VanDerVliet to **approve** Conditional Use Permit #20-30 with staff recommended conditions. The motion was seconded by Commissioner Barth. A roll call vote was taken, and the motion passed unanimously with 7 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #20-30 – Approved



ITEM 12. CONDITIONAL USE PERMIT #20-31 to exceed 3,600 square feet of total accessory building area – requesting 11,158 square feet on the property legally described as Tract 2, Heemstra Addition, NE1/4, Section 32-T101N-R51W.

Petitioner: Cherel or Harlen Kluck

Property Owner: same

Location: 46173 267th St.

Located Approximately 7.5 miles west of Sioux Falls

Staff Report: David Heinold

General Information:

Legal Description – Tract 2, Heemstra Addition, NE1/4, Section 32-T101N-R51W

Present Zoning – A-1 Agricultural District

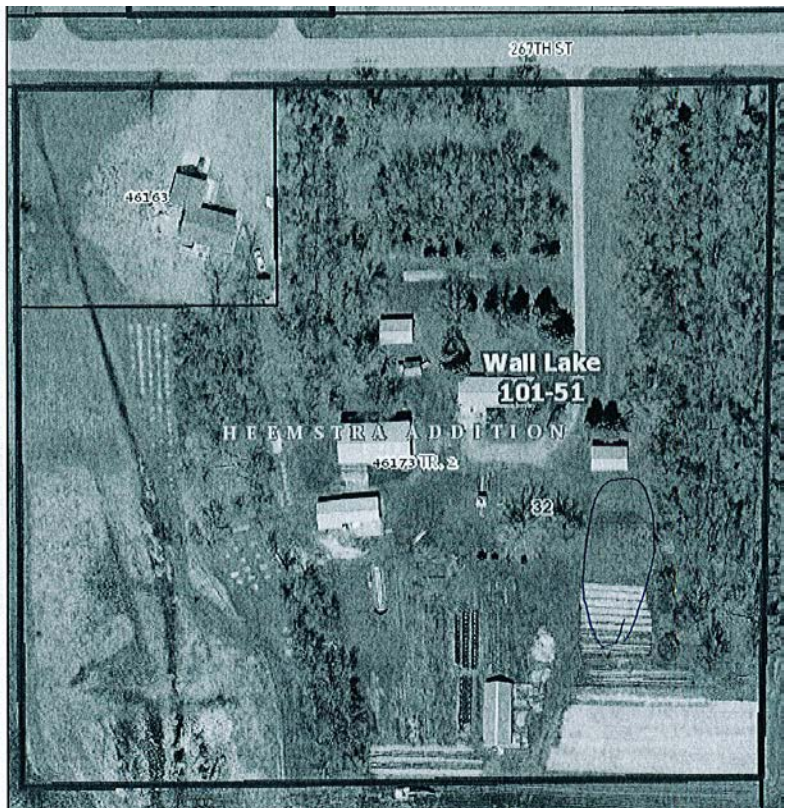
Existing Land Use – Residential

Parcel Size – 10.10 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting conditional use permit approval to exceed 3,600 square feet of total accessory building area for a proposed 34’x96’ greenhouse-style building. Section 12.07 (D) of the 1990 Revised Zoning Ordinance for Minnehaha County allows a total permissible accessory building area of 3,600 sq. ft. for parcels 3.1 acres or larger. The total requested area is 11,158 square feet with the existing and proposed buildings. The applicant intends to utilize the proposed building as greenhouse. Currently, there is a small variety of livestock raised on the subject property for personal use.



There are a few properties of similar size that have comparable total accessory building sizes within the surrounding area. The property at 46071 267th Street has approximately 13,456 square feet on 21.08 acres about a half to the west of the subject property. Similarly, the property owner at 26646 461st Ave. has approximately 7,758 sq. ft. on a 12 acre parcel that is about a half mile to the northeast of the subject property. Other total accessory building sizes in the surrounding area range from 2,250 sq. ft. to 5,381 sq. ft.



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.

There should be no negative effect upon the use and enjoyment of residential properties in the immediate vicinity. Property values in the immediate vicinity should also not be negatively impacted due to the personal use of the proposed accessory building addition.

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

The future growth of the surrounding area is dependent on development of existing building eligibilities. Much of the land in the surrounding area has already been developed with large residential properties. The proposed 34'x96' greenhouse should not negatively affect the normal and orderly development of surrounding properties in the immediate vicinity. The requested accessory building area is comparable to the existing accessory buildings on similar parcels. The requested accessory building area would set a precedent for other similar lot sizes; however, the subject property appears to be in use for an agricultural-type use with livestock and vegetation on the property. No retail sales may be conducted on the subject property without proper zoning approval from the Planning Commission.

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

The petitioner already has all of the necessary facilities provided as a result of the existing single family home site and accessory buildings. The existing driveway will be extended to allow access to the proposed building site.

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

The petitioner has adequate parking areas for the personal use and storage due to the existing residential nature of the subject property. No parking will be allowed in the township road right-of-way 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 commercial business or storage will be allowed in the proposed accessory building at any time. Any public nuisance violations will be addressed upon the Planning Department receiving a complaint about the subject property. All outdoor lighting will need to be directed downward onto the property. Lighting must be designed to be fully-shielded and fully-cutoff to prevent light pollution off site.

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

The health, safety, general welfare of the public will not be negatively affected by the construction of the proposed greenhouse for personal use. The intent of the Envision 2035 Comprehensive Plan to support orderly growth of non-agricultural land uses will be met. The proposed use of the accessory building is compatible with the existing accessory buildings in the surrounding area.



Recommendation:

Staff finds that the proposed accessory building size conforms to the general sizes of other accessory buildings in the area. Staff recommends **approval** of Conditional Use Permit #20-31 with the following conditions:

- 1.) That the total accessory building square footage shall not exceed 11,158 square feet.
- 2.) That the accessory building shall not exceed 35 feet in height.
- 3.) That a building inspection is required to determine that the building does not exceed 8,640 square feet measured from the outside perimeter.
- 4.) That the building shall be an accessory use to the continued use of the property as a residential lot.
- 5.) That only personal storage shall be allowed in the building and no commercial uses or commercial storage will be allowed at any time.
- 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 a building permit is required prior to construction of the accessory building.
- 8.) 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

David Heinold, County Planning Department, provided a brief summary of the staff report and recommendation for the conditional use permit request.

Commissioner Randall asked if the petitioner was aware that the conditional use permit would only be for the accessory building size and not to allow the operation of a greenhouse.

Cherel Kluck, 46173 267th St., identified herself as the petitioner and asked for questions about the conditional use permit request.

Commissioner Duffy asked the petitioner for clarification that she understood Commissioner Randall's question about operating a greenhouse.

Mrs. Kluck explained that she understands Commissioner Randall's question and will provide more information to Planning Staff once the building has been constructed.

Commissioner Duffy called for public testimony but no one moved to speak on the item.

No hands were raised in the Zoom Meeting Room.



Action

A motion was made by Commissioner Randall to **approve** Conditional Use Permit #20-31 with staff recommended conditions. The motion was seconded by Commissioner Barth. A roll call vote was taken, and the motion passed unanimously with 7 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #20-31 – Approved



ITEM 13. CONDITIONAL USE PERMIT #20-32 to exceed 10,000 square feet of commercial building area – requesting 14,880 sq. ft. on the property legally described as Lot 1, Block 1, Sorum’s First Addition, Section 16-T102N-R49W.

Petitioner: Jensen Holdings, LLC

Property Owner: same

Location: 25804 Lindbergh Ave. Located Southwest of the Renner Corner Intersection

Staff Report: Kevin Hoekman

General Information:

Legal Description – Lot 1, Block 1, Sorum’s First Addition, Section 16-T102N-R49W

Present Zoning – C - Commercial

Existing Land Use – Contractor Warehouse

Parcel Size – 1.43Acres

Staff Report: Kevin Hoekman

Staff Analysis:

For several years, the petitioner has been developing a commercial area in Renner which is approximately 7 acres in size. This conditional use request is to allow a single warehouse or retail center larger than 10,000 square feet in area within a commercial zoning district. It is one of three similar requests for the development which thus far has two existing buildings. So far, the two buildings have been constructed in the commercial subdivision in a manner to include similar architectural elements for continuity of the development.

This specific request is to create an addition to the existing contractor warehouse for extra vehicle and equipment storage for the current use. The request is for 14,880 total square feet of the building. The addition is requested to be 120 feet by 60 feet which is almost as large as the existing building.

Conditional Use Permit Criteria:

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

The parcel is located within a Rural Service Area with neighboring commercial and residential lots. Many parcels are already developed with several undeveloped lots too. The subject property already has a contractor office and warehouse on the property, and this proposal is to allow an addition to the warehouse portion of the building. The property owner has shown that he maintains a clean exterior of the building. The additional warehouse space will not likely have an effect on neighboring uses.

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



The parcel is located within a Rural Service Area with neighboring commercial and residential lots. Many parcels area already developed with several lots which are vacant in the area. As this proposal is one of three similar requests in the commercial development, approval will likely mean other larger buildings on neighboring commercial lots. Vacant residential lots in the area have been slow to develop, and the proposed addition will lot likely affect the development of residential uses.

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

This site already has a structure and access to roads. The petitioner will be responsible for any additional utilities required.

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

The current building has 20 painted parking spaces. The warehouse building includes approximately 3,600 square feet of office space spit on two floors. This area requires 12 parking spaces at a rate of one space per 300 square feet. Additional parking for the warehouse section is calculated by the number of employees for the warehouse. The remaining 8 lots likely meet the required parking and additional parking will be made near the new warehouse. All parking must meet the 15 feet setback from front yards, and the subject property fronts streets on 3 sides.

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.

All storage and activities will take place within the warehouse which will minimize potential nuisances. All new lighting should be required to be pointed downward to prevent direct spillage of light onto neighboring properties and glare.

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

The proposed addition will expand an existing commercial property within a Rural Service area. The addition will maximize space on the lot rather than constructing a separate building. There will be no negative effect to the health, safety, general welfare.

Recommendation:

Minnehaha County staff recommends **approval** of Conditional Use Permit #20-32 with the following conditions:

- 1.) The property shall adhere to the submitted site plan.
- 2.) A building permit is required prior to the construction of the new addition. Plans must be reviewed and approved by the Minnehaha County Building Inspector.
- 3.) Parking must be provided to meet county ordinance requirements.
- 4.) All parking and loading areas must be hard surfaced according to requirements of Article 15.04 of the 1990 Revised Zoning Ordinance for Minnehaha County.
- 5.) That the Planning & Zoning Department reserves the right to enter and inspect the site 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, planning staff, presented the item and recommendation.

Commissioner Ode asked if the property was located within the floodplain. Staff stated that the property is outside of the floodplain.

Ron Jensen, 25524 479th Ave., was present as the petitioner. Commissioner Duffy asked what the building was being used of. Mr. Jensen explained that the building is being used for electrical contractor warehouse.

No one was present for comment in the Zoom meeting room or in the commission meeting room.

Action

A motion was made by Commissioner Barth to **approve** Conditional Use Permit #20-32 with staff recommended conditions. The motion was seconded by Commissioner Randall. A roll call vote was taken, and the motion passed unanimously with 7 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #20-32 – Approved



ITEM 14. CONDITIONAL USE PERMIT #20-33 to exceed 10,000 square feet of commercial building area – requesting 17,670 sq. ft. on the property legally described as Lot 1A (Ex. Lot 2) and Lot 2, Block 1, Sorum’s First Addition, Section 16-T102N-R49W (Proposed Lot 2 and 2A).

Petitioner: Jensen Holdings, LLC

Property Owner: same

Location: 47498 Monarch Ln. Located Southwest of Renner Corner Intersection

Staff Report: Kevin Hoekman

General Information:

Legal Description – Lot 1A (Ex. Lot 2) and Lot 2, Block 1, Sorum’s First Addition, Section 16-T102N-R49W (*Proposed Lot 2 and 2A*)

Present Zoning – C - Commercial

Existing Land Use – Office and Warehouse

Parcel Size – 5.52 acres (*Proposed lots 1.43 acres*)

Staff Report: Kevin Hoekman

Staff Analysis:

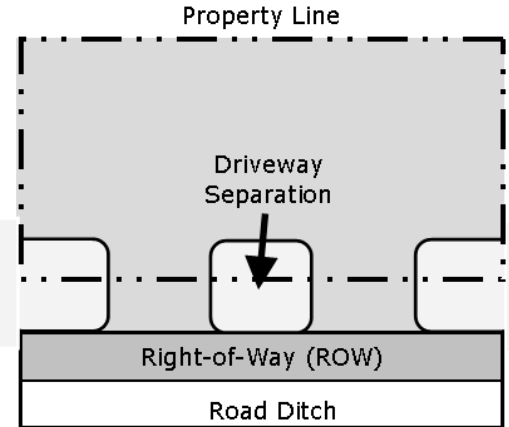
For several years, the petitioner has been developing a commercial area in Renner which is approximately 7 acres in size. This conditional use request is to allow a single warehouse or retail center larger than 10,000 square feet in area within a commercial zoning district. It is one of three similar requests for the development which thus far has two existing buildings. So far, the two buildings have been constructed in the commercial subdivision in a manner to include similar architectural elements for continuity of the development.

This specific request is to create an addition to the existing contractor warehouse for extra warehouse and cooler storage for the current use. The request is for 17,670 total square feet of the building. The addition is requested to have a warehouse space of about 140 feet by 80 feet with a covered loading area of 110 feet by 45 feet.



Planning staff visited the site on August 11th. The existing building has office and warehouse space with several loading docks. One concern of staff is the current operation has a 90 feet extensive driveway access along Monarch Lane. If the proposed building is approved. Additional loading docks will be added and the likely need to widen an already wide driveway access. Such wide driveway accesses cause confusion as to when and where trucks will be entering the right-of-way. Although Monarch Lane has little development traffic currently, the land to the east and south of the site is zoned for residential development and the road should be planned for future increase in traffic. Planning staff recommends that there should be a break between the current driveway and any future driveway to provide a separation. The separation between the two driveways should be a minimum 25 feet wide, and have a green space extending a minimum of 15 feet onto the property as is typically required of parking spaces. A similar requirement should be made at the corner of the property to prevent the intersection from encroachment of a driveway. The purposes of the separations are to decrease confusion of traffic entering and leaving the site, and to increase aesthetic qualities of the property by requiring greenspace in the front yard.

Diagram of Driveway Separation



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 parcel is located within a Rural Service Area with neighboring commercial and residential lots. Many parcels are already developed with several undeveloped lots to the southwest. The subject property already has office space and warehouse on the property, and this proposal is to allow an addition to the warehouse portion of the building. The property owner has shown that he maintains a clean exterior of the building. There is potential that increased warehouse space will lead to increased size of driveway and added traffic. Separating driveways will increase aesthetics and decrease confusion of where the driveway begins and ends.

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

The parcel is located within a Rural Service Area with neighboring commercial and residential lots. Many parcels area already developed with several lots which are vacant in the area. As this proposal is one of three similar requests in the commercial development, approval will likely mean other larger buildings on neighboring commercial lots. Vacant residential lots in the area have been slow to develop, and the proposed addition will lot likely affect the development of residential uses.



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

This site already has a structure and access to roads. The petitioner will be responsible for any additional utilities required.

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

The current building has 17 painted parking spaces. The warehouse building includes approximately 2,400 square feet of office space split on two floors. This area requires 8 parking spaces at a rate of one space per 300 square feet. Additional parking for the warehouse section is calculated by the number of employees for the warehouse. The remaining 9 lots likely meet the required parking. All parking must meet the 15 feet setback from front yards, and the subject property fronts streets on 3 sides.

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.

All storage and activities will take place within the warehouse which will minimize potential nuisances. All new lighting should be required to be pointed downward to prevent direct spillage of light onto neighboring properties and glare.

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

The proposed addition will expand an existing commercial property within a Rural Service area. The addition will maximize space on the lot rather than constructing a separate building. There will be no negative effect to the health, safety, general welfare.

Recommendation:

Minnehaha County staff recommends **approval** of Conditional Use Permit #20-33 with the following conditions:

- 1.) The property shall adhere to the submitted site plan.
- 2.) A building permit is required prior to the construction of the new addition. Plans must be reviewed and approved by the Minnehaha County Building Inspector.
- 3.) Parking must be provided to meet county ordinance requirements.
- 4.) All parking and loading areas must be hard surfaced according to requirements of Article 15.04 of the 1990 Revised Zoning Ordinance for Minnehaha County.
- 5.) A 25 feet wide minimum separation must be placed between the current driveway on the south and any new driveway for the addition. The separation must include vegetative cover and extend a minimum of 15 feet into the front yard.
- 6.) A 15 feet deep vegetative front yard must be present for the first 30 feet extending north and east from the corner of the property corner at the intersection of Linbergh Avenue and Monarch Lane.
- 7.) That the Planning & Zoning Department reserves the right to enter and inspect the site 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, planning staff, presented the item with a not of the difference to have a requirement with a separation of driveways.

Commissioner Ode asked if lighting had any requirements to prevent glare. Kevin Hoekman

Ron Jensen, 25524 479th Ave., was present as the petitioner. He noted that all the lights on the current buildings are fully cutoff to prevent light spillage. Mr. Jensen requested to change the driveway separation requirement to allow a 20 feet wide separation instead of the recommended 25 feet of separation. Commissioner Duffy asked if the buildings are steel buildings. Ron Jensen replied that they are pole frame with a foundation.

No one was present for comment in the Zoom meeting room or in the commission meeting room.

Commissioner Ode made a motion to approve Conditional Use Permit #20-33 with staff recommended conditions. The motion was seconded by Commissioner Barth.

Commissioner Randall asked if the motion needs to be amended to state 20 feet instead of 25 feet for the driveway separation. Staff agreed that if the Planning Commission wants to grant the petitioners request for change the conditions should be changed too.

Commissioner Barth withdrew his second to the motion. Commissioner Ode withdrew his motion.

Staff read the conditions with the change requested for condition #5.

Action

A motion was made by Commissioner Barth to **approve** Conditional Use Permit #20-33 with amended conditions. The motion was seconded by Commissioner Ode. A roll call vote was taken, and the motion passed unanimously with 7 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #20-33 – Approved with following conditions:

- 1.) The property shall adhere to the submitted site plan.
- 2.) A building permit is required prior to the construction of the new addition. Plans must be reviewed and approved by the Minnehaha County Building Inspector.
- 3.) Parking must be provided to meet county ordinance requirements.
- 4.) All parking and loading areas must be hard surfaced according to requirements of Article 15.04 of the 1990 Revised Zoning Ordinance for Minnehaha County.
- 5.) A 20 feet wide minimum separation must be placed between the current driveway on the south and any new driveway for the addition. The separation must include vegetative cover and extend a minimum of 15 feet into the front yard.



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- 6.) A 15 feet deep vegetative front yard must be present for the first 30 feet extending north and east from the corner of the property corner at the intersection of Linbergh Avenue and Monarch Lane.
- 7.) That the Planning & Zoning Department reserves the right to enter and inspect the site 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.



ITEM 15. CONDITIONAL USE PERMIT #20-34 to exceed 10,000 square feet of commercial building area – requesting 15,500 sq. ft. on the property legally described as Lot 1A (Ex. Lot 2), Block 1, Sorum’s First Addition, Section 16-T102N-R49W (Proposed Lot 3).

Petitioner: Jensen Holdings, LLC

Property Owner: same

Location: TBD Located Southwest of the Renner Corner Intersection

Staff Report: Kevin Hoekman

General Information:

Legal Description – Lot 1A (Ex. Lot 2), Block 1, Sorum’s First Addition, Section 16-T102N-R49W (*Proposed Lot 3*)

Present Zoning – C - Commercial

Existing Land Use – Vacant Lot

Parcel Size – 4.66 acres

Staff Report: Kevin Hoekman

Staff Analysis:

For several years, the petitioner has been developing a commercial area in Renner which is approximately 7 acres in size. This conditional use request is to allow a single warehouse or retail center larger than 10,000 square feet in area within a commercial zoning district. It is one of three similar requests for the development which thus far has two existing buildings. So far, the two buildings have been constructed in the commercial subdivision in a manner to include similar architectural elements for continuity of the development.

This specific request is to create a new office and warehouse combination. The request is for 15,500 total square feet of the building space. The proposed building is rectangle shaped of about 158 feet x 80 feet with a wing of 52 feet by 40 feet. Approximately 2,944 square feet of office space.

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 parcel is located within a Rural Service Area with neighboring commercial and residential lots. Many parcels are already developed with several undeveloped lots too. The subject property is vacant and located between to other large warehouses. Another large warehouse will be typical of the other warehouses. It is likely that the new building will hold similar architectural details as the other existing warehouses. The additional warehouse space will not likely have an effect on neighboring uses.

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



The parcel is located within a Rural Service Area with neighboring commercial and residential lots. Many parcels area already developed with several lots which are vacant in the area. As this proposal is one of three similar requests in the commercial development, approval will likely mean other larger buildings on neighboring commercial lots. Vacant residential lots in the area have been slow to develop, and the proposed addition will lot likely affect the development of residential uses.

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

This site already has a structure and access to roads. The petitioner will be responsible to extend all needed utilities.

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

Based on the proposed building plans, the warehouse building includes approximately 2,944 square feet of office space. This area requires 10 parking spaces at a rate of one space per 300 square feet. Additional parking for the warehouse section is calculated by the number of employees for the warehouse. The lot is large enough to accommodate all required parking and a requirement can be added to the conditional use permit to ensure compliance. All parking must meet the 15 feet setback from front yards, and the subject property fronts streets on 2 sides.

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.

All storage and activities will take place within the warehouse which will minimize potential nuisances. All new lighting should be required to be pointed downward to prevent direct spillage of light onto neighboring properties and glare.

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

The proposed addition will expand an existing commercial property within a Rural Service area. The addition will maximize space on the lot rather than constructing a separate building. There will be no negative effect to the health, safety, general welfare.

Recommendation:

Minnehaha County staff recommends **approval** of Conditional Use Permit #20-34 with the following conditions:

- 1.) The property shall adhere to the submitted site plan.
- 2.) A building permit is required prior to the construction of the new addition. Plans must be reviewed and approved by the Minnehaha County Building Inspector.
- 3.) Parking must be provided to meet county ordinance requirements.
- 4.) All parking and loading areas must be hard surfaced according to requirements of Article 15.04 of the 1990 Revised Zoning Ordinance for Minnehaha County.
- 5.) That the Planning & Zoning Department reserves the right to enter and inspect the site 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, planning staff, presented the item and staff recommendation.

Commissioner Mohrhauser asked if there will be bare ground for future development and how the driveway will work. Kevin Hoekman responded that the development will have extra space for future expansion and that all the lots have at least a double front with a access easement along the east side of the development.

Ron Jensen, 25524 479th Ave., was present as the petitioner.

No one was present for comment in the Zoom meeting room or in the commission meeting room.

Action

A motion was made by Commissioner Barth to **approve** Conditional Use Permit #20-34 with staff recommended conditions. The motion was seconded by Commissioner VanDerVleit. A roll call vote was taken, and the motion passed unanimously with 7 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #20-34 – Approved



ITEM 16. RECALL CONDITIONAL USE PERMIT #16-85 to allow Truck and Trailer Storage & Repair on the property legally described as Lot 2, Block 1, Green Valley Addition, NE1/4, Section 12-T102N-R50W.

Petitioner: Steve Schreiner

Property Owner: same

Location: 47174 Haylie St. Located approximately 2 miles north of Sioux Falls

Staff Report: David Heinold

General Information:

Legal Description – Lot 2, Block 1, Green Valley Addition, NE1/4,

Section 12-T102N-R50W

Present Zoning – I-1 Light Industrial District

Existing Land Use – Repair Shop & Storage

Parcel Size – 1.43 Acres

Staff Report: David Heinold

Staff Analysis:

On November 28, 2016, the Minnehaha County Planning Commission approved Conditional Use Permit #16-85 with the following conditions:

- 1.) That CUP #16-85 shall allow the use of the property for Truck and Trailer Storage & Repair.
- 2.) That a building permit is required prior to the construction of all storage buildings and for the installation of any signage.
- 3.) That all signage shall be in conformance with Article 16.00 and 17.00 of the 1990 Revised Zoning Ordinance for Minnehaha County.
- 4.) That all driveways, parking lots, and outdoor storage areas shall be in conformance with the requirements of Article 15.00 of the 1990 Revised Zoning Ordinance for Minnehaha County. All hard surfaced areas must be completed by August 31, 2017.
- 5.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundary.
- 6.) That the Planning & Zoning Department reserves the right to enter and inspect the 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.

Currently, the petitioner has made no progress on meeting condition #4, which states that the driving and parking areas be hard surfaced in accordance with the standards set forth in Section 15.04 Minimum Improvement and Maintenance Standards of the 1990 Revised Zoning Ordinance for Minnehaha County. Staff has sent a total of six notification letters informing the petitioner of the Conditional Use Permit violation since January 24, 2018. In addition to the first letter, there were letters sent to the petitioner in 2018 on May 4, September 7, and October 24.



One letter was sent July 26, 2019 with notification that the Minnehaha County Planning Commission has the authority to revoke a conditional use permit during a regularly scheduled Planning Commission meeting.

On June 15, 2020, staff sent written notification to the property owner with the date and time of the July 27th Planning Commission meeting. Currently, the property owner has also not made the required deadlines for property tax payments for the prior year on the subject property. The following condition states the requirement for driveway hard surfacing and includes a deadline:

4.) That all driveways, parking lots, and outdoor storage areas shall be in conformance with the requirements of Article 15.00 of the 1990 Revised Zoning Ordinance for Minnehaha County. All hard-surfaced areas must be completed by August 31, 2017.

On July 14, 2020, staff received email correspondence from the petitioner stating that he got an estimate from Mitchell Construction to come hard surface the driveway by the second week of August. Mitchell Construction sent a text message to Mr. Schreiner stating that they will pave the driveway the first week of August.

On July 15, 2020, staff inspected the property and the driveway has not been hard surfaced yet. The subject property is listed for sale by Mark Luke Companies with a sign and on their listing webpage.

On August 10, 2020, staff inspected the property and the driveway has new crushed asphalt down on top of the gravel base. The recycled asphalt needs to be packed down at 4.5-5 inches. Staff received email correspondence from the petitioner stating that a contractor from Yankton will come provide an estimate for the chip seal portion. The next phase of the process would be to apply chip seal twice and then 2-4 inches of hot-mix asphalt when the recycled asphalt begins to break down. Currently, staff has not received correspondence about when the petitioner expects the rest of the process to be completed.

Recommendation:

Staff finds that the petitioner has accomplished half of the requirements for hard surfacing. Staff recommends **deferring the recall of Conditional Use Permit #16-85 to September 28 Planning Commission meeting** to allow the petitioner to complete the crushed asphalt specifications. Staff suggests that a final deadline for completion of all the specifications by September 17, 2020.

Public Testimony

David Heinold, County Planning Department, provided an update to the Recall of Conditional Use Permit #16-85 that the petitioner has completed the driveway paving requirements and no further action is requested at this time.



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Old Business

None.

New Business

None.

Adjourn

A motion was made to **adjourn** by Commissioner Mohrhauser and seconded by Commissioner Barth. The motion passed unanimously.

The meeting was **adjourned** at 8:20 pm.