

**MINUTES OF THE JOINT MEETING OF
LINCOLN COUNTY & SIOUX FALLS PLANNING COMMISSIONS
July 12, 2017**

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Monty Derausseau, Gary Pashby, Ron Albers, Darwin Sogn, and Tyler Klatt

CITY PLANNING COMMISSION MEMBERS PRESENT: Kurt Johnson, Sean Ervin, Katherine Fiegen, John Paulson, and Larry Luetke

STAFF PRESENT: Toby Brown & Joan Doss - County Planning Jason Bieber - City Planning

PUBLIC PRESENT (sign-in sheet): Marilyn Korsten, Scott Korsten, Karin Babits, Leo Babits, Ann Babits, Helen Babits, and Chad Javers.

The County Planning Commission was chaired by Monty Derausseau who presided over the meeting. The City Planning Commission was chaired by Sean Ervin.

1. CALL TO ORDER

A joint meeting of the County and City Planning Commissions was held on July 12, 2017 at 7:00 p.m. in the Commission Meeting Room of the Lincoln County Courthouse. County Planning Commission Chair Monty Derausseau called the meeting to order at 7:00 p.m.

2. APPROVAL OF JUNE 14, 2017 MINUTES

A motion was made for the County by Klatt, and seconded by Albers, to approve the meeting minutes for June 14, 2017. The motion passed unanimously. Same motion was made for the City by Paulson and seconded by Fiegen. The motion passed unanimously.

3. APPROVAL OF AGENDA

A motion was made by the County by Albers and seconded by Pashby to approve the meeting agenda for June 14, 2017. The motion passed unanimously. Same motion was made for the City by Ervin and seconded by Luetke. The motion passed unanimously.

- 4. CONDITIONAL USE PERMIT #17-006:** Request for review and approval of a Conditional Use Permit application to exceed 1,200 total square feet of accessory building area - requesting 4,093 square feet for a total of 4,093 square feet on the property. The property is legally described as Tracts 11 and 12 of Indian Hills Addition in the Northwest quarter (NW1/4) of Section 14, Township 100 North, Range 49 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Petitioner: Chad Javers

Owner: RS 500 Trust

Location: 48026 Trading Post Rd – Sioux Falls

Staff Analysis: Toby Brown

The petitioner is proposing to construct a 4,093 square foot accessory building (pool building). As proposed, the pool building would have bathroom(s), sleeping quarter(s), kitchen facilities and a garage. There are currently no other detached accessory buildings on the property.

- A. The impact of the proposed use on adjacent properties shall be a major consideration. The proposed use should be generally compatible with adjacent properties and other properties in the district.**

Petitioner Response: "Subordinate in size to the principal dwelling and surrounding properties."

Staff Finding: The petitioner is proposing the accessory building be architecturally consistent with the existing home. The proposed use and building is in harmony with the general purpose and intent of the *Zoning Regulations* because it is consistent with the residential and accessory uses in the area. Though oversized by *Zoning Regulations* standards, the building would be consistent with buildings near the subject parcel.

- B. Measures shall be taken to ensure that the proposed use does not alter the general character of the area or neighborhood.**

Petitioner Response: "It will be constructed with the same materials as the principal dwelling."

Staff Finding: The proposed accessory building will not be used for commercial activities and will resemble a typical home as opposed to a personal storage building. With the similar character of the surrounding properties, the oversized accessory building should be compatible with the character of the neighborhood.

C. The effects of noise, odor, traffic, air and water pollution, and other negative factors shall be eliminated or controlled through the use of screening, setbacks, and orientation.

Petitioner Response: "It will be constructed with the same materials as the principle building."

Staff Finding: The applicant is not proposing any additional landscaping. The site plan indicates that the proposed building will exceed all minimum setbacks. No offensive nuisances shall be permitted at any time during use of the proposed accessory structure.

D. The proposed use shall not adversely affect the public.

Staff Finding: The proposed accessory building will not adversely affect the public or otherwise create a nuisance because the request is consistent with the existing pattern of surrounding land uses.

Recommendation: Based upon the information and materials provided by the petitioner, it is the County Planning Staff's opinion that overall, the project generally meets the applicable standards and therefore, staff recommends approval of the request with the following conditions:

1. The property must be developed and maintained in substantial conformance with the Site Plan received June 12, 2017.
2. The total accessory building square footage shall not exceed 4,093 square feet.
3. The accessory building may not be used for commercial purposes.
4. The accessory building cannot be converted into long-term living space.
5. 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 Lincoln County Zoning Ordinance.

Public Comment and Discussion:

Toby Brown presented the staff report and clarified that commercial purposes would include rental of the structure.

Chad Javers, the petitioner, noted that the building would be used by the property owners for family guests, and would not be rented. He also noted that it would be an option in the future to subdivide the property. Pashby asked who RS 500 Trust is, and Chad replied that the owner is Troy Gust. Pashby also asked if they understood what long term living meant. Chad noted the owners understood.

Commissioner Derousseau asked for public comment, seeing none, he closed the floor to the public, and asked for discussion from the board.

Hearing none, Derousseau asked for motion on the application.

Action:

A motion was made for the County by Pashby to approve the Conditional Use Permit #17-006 with the recommended conditions, and was seconded by Albers. The motion passed unanimously. The same motion was made for the City by Ervin, and was seconded by Luetke. The motion passed unanimously.

Conditional Use Permit #17-006 – Approved

5. OTHER BUSINESS

6. ADJOURNMENT

A motion was made for the County by Albers, and was seconded by Klatt to adjourn at 7:12pm. The motion passed unanimously. Same motion was made for the City by Paulson, and was seconded by Luetke. The motion passed unanimously.

*Respectfully submitted,
Joan Doss
County Planner*