



**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & DELL RAPIDS PLANNING COMMISSIONS
May 24, 2021**

A joint meeting of the County and City Planning Commissions was held on May 24, 2021 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Bonnie Duffy, Becky Randall, Doug Ode, Mike Ralston, Ryan VanDerVliet, Adam Mohrhauser, and Jeff Barth

CITY PLANNING COMMISSION MEMBERS PRESENT: Tom Schwebach, Tom Ludens, Steve Hoff, and Virgil Klein.

STAFF PRESENT:

Scott Anderson & Kevin Hoekman - County Planning
Eric Bouge – Office of the State’s Attorney

Bonnie Duffy presided over the meeting. The meeting was called to order at 7:01 p.m. The Dell Rapids Planning Commission was chaired by Tom Schwebach.

The floor was open for items to be brought from the public which were not on the agenda. Nobody brought forward any items for public input.

ITEM 1. Approval of Minutes – February 25, 2019

A motion was made for the County by Commissioner Barth and seconded by Commissioner Randall to approve the minutes for the February, 2019 meeting. The motion passed unanimously.

Tom Schwebach stated that the Dell Rapids Planning Commission did not receive any minutes to review, and they did not take action to approve the minutes.



ITEM 2. CONDITIONAL USE PERMIT #21-32 to allow a Recreation Facility on the property legally described as Tract 1A, Pietz Subdivision, Section 21-T104N-R49W.

Petitioner: Kim Hubers

Property Owner: Clinton & Kimberly Hubers

Location: 24769 475th Ave.

Approximately 1 mile south of Dell Rapids

Staff Report: Kevin Hoekman

General Information:

Legal Description – Tract 1A, Pietz Subdivision, Section 21-T104N-R49W

Present Zoning – A1-Agriculture

Existing Land Use – Residential acreage with small pasture

Parcel Size – 8 acres

Staff Report: Kevin Hoekman

Staff Analysis:

This request is to allow a recreation facility on the described property primarily for the use and enjoyment of children and families. The plan is to have available various activities such as play equipment and farm experience type settings with animals and fruit trees. The intent is to resemble an agritourism establishment which is a special permitted use within the A1 Agricultural district outside of the joint jurisdiction. A recreation facility is allowed with a conditional use permit. The narrative is included with this staff report for review.

The petitioner submitted a detailed narrative and site plan to explain the request. The petitioner has also met with staff multiple times to refine her plans for the proposed use. The petitioner explains in the narrative the intent to be family oriented gathering space where people can come and go as they please. Staff has informed the petitioner that the property is not to become an event center with receptions and large gatherings that would require a commercial zoning district for the commercial use. Some of the conditions of approval are intended to limit operations from becoming such an event center or wedding venue.

The narrative describes the building to have multiple rooms for play and small gathering spaces. The outdoor space will have play structures as well as farm animals and farm experience activities. The narrative further states that some retail space will be present to sell home made products, small snacks, drinks, and farm related products. The hours of operation are stated as between 9:00 am and 9:00 pm, with later hours on weekends or holidays. The narrative further explains that the operation will allow access to the facility with membership keycards for times when the building is closed for general public.

Conditional Use Permit Criteria:

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

The property is located along South Dakota Highway 115 and is surrounded by a mix of



agricultural and residential uses. A growing industrial park is located a short distance north of the property with portions inside city limits of Dell Rapids. A large shed with parking lot will not change the character of the neighborhood. The hours of operation may increase traffic in the evenings and weekends when activities take place.

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

The proposed recreation facility is located adjacent to a busy state highway. The industrial park to the north is expanding, but it is unlikely to reach this property with development for many years or even decades. Many of the residential building eligibilities have already been used and further residential development will be minimal until the City of Dell Rapids is ready to annex properties at an unknown date in the future. The proposed recreation facility will not likely change how development occurs in this area.

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

The petitioner will have to extend all required utilities and install on-site wastewater treatment as approved for commercial use. The petitioner submitted an approval letter from the DOT to change the use of the existing access from a field approach to the proposed use.

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

The property owner indicates on the site plan that there will be approximately 36 parking spaces. That is more than required for the proposed use. The parking is allowed to be gravel surfaced, but staff recommends the entrance and exit lanes be paved in order to prevent mud and rock from being dragged out onto the highway.

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 use will have some animals on the property, but the small quantity will not likely create significant odor or fumes. Outdoor uses should be limited to prevent noise in evenings and early mornings. Lighting shall be directed downward and cutoff to prevent spillage onto neighboring properties.

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

The proposed recreation facility is desired to be a place where families and children have a place to play, take classes, learn about agricultural activities, and have small gatherings. Staff has informed the petitioner that it is not desirable to have the property become an event center because the current zoning does not allow it. Staff recommends that some conditions be placed on the use to ensure that the intent of the recreation facility is maintained and the property does not drift into a more intensive use.

First, the narrative includes no intent to have alcoholic beverages at the property, but staff finds that a condition excluding alcohol should be placed on the property to prevent the drifting of use into more intensive gatherings.

Second, hours of operations for event centers in the county have typically been restricted to



closing at 12:00 am, midnight. The petitioner shows that normal operating hours will be from 9:00 am to 9:00 pm with access available to members outside of normal working hours. Staff recommends that operations on the weekdays be limited to the 9:00 am to 9:00 pm written hours. Weekends may have activities that need to last later in the evenings. Staff recommends operating hours on Friday and Saturday nights be extended to midnight.

Third, the petitioner states in the narrative that birthday parties and similar gatherings can use the recreation facility. Some activities and events will likely take place at the facility such as the listed Easter egg hunt or Santa at the farm events. The building should be required to have an architectural review to ensure the building is designed for the intended occupancy. Staff suggests that private events such as birthday parties should be limited to prevent any drift of use into an event center. The narrative suggests that special events will attract about 100 people, private events can be limited to half that number of guests.

Recommendation:

Staff recommends **approval** of Conditional Use Permit #21-32 for a recreation facility with the following conditions:

1. The hours of operation shall be limited on Sunday through Thursday from 9:00 am to 9:00 pm and Friday through Saturday from 9:00 am to 12:00 am.
2. Parking shall adhere to Article 15.00 of the Joint Zoning Ordinance for Minnehaha County and the City of Dell Rapids.
3. All signs shall adhere to Article 16.00 of the Joint Zoning Ordinance for Minnehaha County and the City of Dell Rapids.
4. The driveway approve shall be hard surfaced from the highway to a minimum of 20 feet onto the property. The driveway shall have a driving surface of a minimum of 24 feet wide.
5. No alcohol shall be sold on the property.
6. Private events shall be limited to 50 people maximum in attendance.
7. All structures and lean-to barns must obtain a building permit prior to construction if required
8. Prior to obtaining a building permit, an architectural review must be completed on the recreation facility to ensure code compliance and occupancy of the building.
9. That the Planning & Zoning Department reserves the right to enter and inspect the site, after proper notice to the owner, to ensure that the property is in full compliance with the conditional use permit conditions of approval and the Minnehaha County Zoning Ordinance.

Public Testimony

Kevin Hoekman, county planning staff, presented a brief summary of the report and recommendation for Conditional Use Permit #21-32.

Commissioner Randal asked if there is enough site distance to the south of the driveway. The DOT has approved the driveway permit. Kevin Hoekman responded that he could see a good distance to the south and felt comfortable with the visibility of traffic when he visited the site.



Commissioner Duffy asked for the petitioner, but nobody was present to speak.

Commissioner Ode asked if the use of the property will be seasonal or all year long. Kevin Hoekman responded that the narrative explains that the intent is to have a year round facility with occasional events which will bring in more people at one time.

Commissioner Schwebach noted that he doesn't want the project to become an event center as it is not the right place for an event center.

Commissioner Klein asked if the petitioner is aware of the limit of 50 people limit for events. Kevin Hoekman explained that the intent of the condition is to limit private events only with the understanding that events open to the public may be larger.

ACTION

A motion was made for the County by Commissioner Barth and seconded by Commissioner VanDerVleit to approve Conditional Use Permit #21-32 with recommended conditions. The motion passed unanimously. Same motion was made for the City by Commissioner Ludens and seconded by Commissioner Hoff to approve Conditional Use Permit #21-32 with recommended conditions. The motion passed unanimously.

Conditional Use Permit #21-32 – Approved

Old Business

None.

New Business

None.

Adjourn

A motion was made for the County by Commissioner Barth to adjourn. Commissioner Randall seconded the motion. The motion passed unanimously. The same motion to adjourn was made by Commissioner Ludens and seconded by Commissioner Klein. The motion passed unanimously. The Meeting was adjourned at 7:14 pm.