



**JOINT MINNEHAHA COUNTY & CITY OF DELL RAPIDS
PLANNING COMMISSION
MEETING MINUTES**

JANUARY 27, 2025

**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & DELL RAPIDS PLANNING COMMISSIONS
January 27, 2025**

A joint meeting of the County and City Planning Commissions was held on January 27, 2025 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Commissioners Bonnie Duffy, Becky Randall, Mike Ralston, Ryan VanDerVliet, Cindy Heiberger, and Joe Kippley.

CITY PLANNING COMMISSION MEMBERS PRESENT: Virgil Klein, Steve Hoff, & Ben Pierson

STAFF PRESENT:

Scott Anderson, Kevin Hoekman, & Mason Steffen – County Planning
Maggie Gillespie – States Attorney's Office
Sheldon Jensen – City Planning

The County Planning Commission was chaired by Commissioner Bonnie Duffy. The City Planning Commission was chaired by Commissioner Virgil Klein.

Commissioner Duffy called the Joint Minnehaha County and City of Dell Rapids Planning Commission meeting to order at 7:03 p.m.

PUBLIC COMMENT

Commissioner Duffy opened the floor for public comment and nobody moved to speak.

Consent Agenda

Commissioner Duffy read each item on the consent agenda and no items were requested to be moved to the regular agenda.

A motion was made for the County by Commissioner Randall and seconded by Commissioner Ralston to **approve** the consent agenda consisting of Item 1, 2, 3, & 4. The motion passed with 4 votes in favor and 1 vote in abstention. Commissioner Heiberger abstained from voting on the consent agenda.

The same motion was made for the City by Commissioner Hoff and seconded by Commissioner Pierson to **approve** the consent agenda consisting of Item 1, 2, 3, & 4. The motion passed unanimously with 3 votes in favor and 0 votes against the motion.



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ITEM 1. Approval of Minutes – September 25, 2023

As part of the consent agenda, a motion was made for the County by Commissioner Randall and seconded by Commissioner Ralston to **approve** the meeting minutes from September 25, 2023. The motion passed with 4 votes in favor and 1 vote in abstention. Commissioner Heiberger abstained from voting on the consent agenda.

The same motion was made for the City by Commissioner Hoff and seconded by Commissioner Pierson to **approve** the meeting minutes from September 25, 2023. The motion passed unanimously with 3 votes in favor and 0 votes against the motion.



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Consent Agenda

ITEM 2. ZONING TEXT AMENDMENT #25-01 to amend the 2001 Revised Joint Zoning Ordinance for Minnehaha County and the City of Dell Rapids to add Vacation Home/Short Term Rental Regulations.

Petitioner: County Planning Staff

Staff Report: Scott Anderson

Staff Report: Scott Anderson

Staff Analysis: The need to address, accommodate and regulate vacation homes and short-term rentals has come to light over the past year and a half. This use will continue to present itself throughout the county and this proposed ordinance amendment attempts to provide a fair framework on how the use can be accommodated.

The ordinance amendment identifies vacation homes and short-term rentals as a use that should be handled through the conditional use permit process. It identifies specific zoning districts where the use will be allowed as a conditional use. The proposed text amendment sets up criteria that the petitioner will need to meet for a conditional use and creates a definition for a vacation home/short term rental.

The County and Sioux Falls Planning Commissions have heard from both concerned citizens and advocates of this use throughout the hearing process. Areas of concern that have been discussed at past meetings include a registry and complaints procedure. Staff believes that this is not necessary. The proposed amendment would require that current owner and any manager information be kept current at the Planning Department and at the rental. Furthermore, the property owner information is always available through the Director of Equalization's tax data base. There has also been discussion on the need for a complaints process. This process already exists. When conditions of a conditional use permit are not being met, the public can and does contact the Planning Department. This will start a review process on the complaint which can lead up to the revocation of the conditional use permit and legal enforcement of the Zoning Ordinance.

The criteria proposed by staff attempts to be fair to the applicant and surrounding neighborhood in order that the use can be compatible. The proposed ordinance sets guidelines for the number of occupants per bedroom and requires minimum parking requirements. The contact information for the owner/manager will be required to be posted on site and provided to the Planning Department for issues to be addressed by both renters and planning staff. This proposed ordinance would reflect the changes made to the County and City of Sioux Falls Zoning Ordinance in 2024 and make the three ordinances similar on how vacation homes and short term rentals are administered.

Recommendation: Staff recommends **approval** of Zoning Text Amendment #25-01 adding Articles 3.04(DD), 4.04(P), 4A.04(P), 5.04(K), 9.04(T), 12.14 and 26.02(679) to the 2001 Revised Joint Zoning Ordinance for Minnehaha County and City of Dell Rapids.



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Action

As part of the consent agenda, a motion was made for the County by Commissioner Randall and seconded by Commissioner Ralston to recommend **approval** of Zoning Text Amendment #25-01. The motion passed with 4 votes in favor and 1 vote in abstention. Commissioner Heiberger abstained from voting on the consent agenda.

The same motion was made for the City by Commissioner Hoff and seconded by Commissioner Pierson to recommend **approval** of Zoning Text Amendment #25-01. The motion passed unanimously with 3 votes in favor and 0 votes against the motion.

Zoning Text Amendment #25-01 – Approval Recommended



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ITEM 3. ZONING TEXT AMENDMENT #25-02 to amend the 2001 Revised Joint Zoning Ordinance for Minnehaha County and the City of Dell Rapids to add Intermodal Shipping Container Regulations.

Petitioner: County Planning Staff

Staff Report: Kevin Hoekman

Staff Report: Kevin Hoekman

Staff Analysis:

Shipping containers are increasingly being used for various purposes including individual storage and as building blocks for construction throughout Minnehaha County. The increasing use of shipping containers throughout the county has led to complaints by neighbors concerned about unsightliness of the metal boxes. Regulations regarding the use of shipping containers do not exist in the joint zoning ordinance with Dell Rapids, but the most recent building code book includes a section to regulate the use of shipping containers like a building material for larger structures such as sheds and even houses.

Shipping containers are not listed or defined in the current zoning ordinance. The International Residential Building Code defines an intermodal shipping container as a six-sided steel unit originally constructed as a general cargo container used for the transport of goods and materials. Standard sizes are defined through the International Organization for Standardization as 8' x 20' and 8' x 40', but sizes can vary from these standard dimensions. The definition of shipping container does not include semi-truck trailers with or without wheels. Semi-trailers are specifically called out in the ordinance as cannot be used for storage.

The proposed amendments are an attempt to reinforce requirements of the building code by clarifying when engineering is required for container and container structures. When shipping containers are used for permanent structures, building permit and code requirements must be met. Furthermore, shipping containers are limited in residential zoning districts to one permitted freestanding container. A conditional use permit is required if more than one shipping container is desired. An exception for a building permit is made to allow shipping containers during construction when a building permit is issued.

Recommendation: Staff recommends **approval** of Zoning Text Amendment #25-02 to amend the 2001 Revised Joint Zoning Ordinance for Minnehaha County and the City of Dell Rapids to add Intermodal Shipping Container Regulations.



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Action

As part of the consent agenda, a motion was made for the County by Commissioner Randall and seconded by Commissioner Ralston to recommend **approval** of Zoning Text Amendment #25-02. The motion passed with 4 votes in favor and 1 vote in abstention. Commissioner Heiberger abstained from voting on the consent agenda.

The same motion was made for the City by Commissioner Hoff and seconded by Commissioner Pierson to recommend **approval** of Zoning Text Amendment #25-02. The motion passed unanimously with 3 votes in favor and 0 votes against the motion.

Zoning Text Amendment #25-02 – Approval Recommended



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ITEM 4. ZONING TEXT AMENDMENT #25-03 to amend the 2001 Revised Joint Zoning Ordinance for Minnehaha County and the City of Dell Rapids to add Long-Term Lease or Rental Regulations.

Petitioner: County Planning Staff

Staff Report: Scott Anderson

Staff Report: Scott Anderson

Staff Analysis: On December 15th, 2023, a court decision by Judge Houwman was made indicating that when short-term or long-term rental is not defined in the Joint Zoning Ordinance, it is not permitted. In order to address this issue, staff has been counseled to amend the Joint Zoning Ordinance to specify that long-term rental and leases of property in the county are permitted provided the use is lawful.

As a result of the court ruling, staff with the assistance of the States Attorney, has prepared some language that will correct this. The proposed amendment would add 12.15 to the Additional Use Regulations that states that it is not the intent of the Zoning Ordinance to prohibit the long-term lease or rental of property provided the use is legal. The proposed ordinance with the suggested language is attached for your review.

Recommendation: Staff recommends **approval** of Zoning Text Amendment #25-03 adding Article 12.15 to the 2001 Revised Joint Zoning Ordinance for Minnehaha County and the City of Dell Rapids.

Action

As part of the consent agenda, a motion was made for the County by Commissioner Randall and seconded by Commissioner Ralston to recommend **approval** of Zoning Text Amendment #25-03. The motion passed with 4 votes in favor and 1 vote in abstention. Commissioner Heiberger abstained from voting on the consent agenda.

The same motion was made for the City by Commissioner Hoff and seconded by Commissioner Pierson to recommend **approval** of Zoning Text Amendment #25-03. The motion passed unanimously with 3 votes in favor and 0 votes against the motion.

Zoning Text Amendment #25-03 – Approval Recommended



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Regular Agenda

ITEM 5. CONDITIONAL USE PERMIT #25-02 to allow Outdoor Industrial Storage on the properties legally described as Lot 11 E of Highway 77 (Ex. N4 Acres & Ex. Lots A, B, E, F, G & Ex. Part of Tract 1 Weelborg Addition) Section 16 and Part of Outlot A Lying E of Highway (Ex. Weelborgs Addition & H2) Section 21 all in T104N-R49W Dell Rapids Township.

Petitioner: Roberta Luttmann

Property Owner: RJ Weelborg LLC.

Location: 24681 S Garfield Avenue

Staff Report: Kevin Hoekman

General Information:

Legal Description – Lot 11 E of Highway 77 (Ex. N4 Acres & Ex. Lots A, B, E, F, G & Ex. Part of Tract 1 Weelborg Addition) Section 16 and Part of Outlot A Lying E of Highway (Ex. Weelborgs Addition & H2) Section 21 all in T104N-R49W Dell Rapids Township

Present Zoning – I-1 Light Industrial

Existing Land Use – Vacant Industrial Lot

Parcel Size – Approximately 23.20 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

The petitioner is requesting to have outdoor storage on the subject property. Outdoor storage requires a conditional use permit within the I1-Industrial zoning district. Staff received a complaint that junk vehicles and trailers were being stored on the property. The property was renting outdoor storage for campers, vehicles, and trailers. Staff sent the property owner notice that a conditional use permit was required, and the property owner applied shortly after receiving the notice. This conditional use permit is related to conditional use permit #25-08.

The subject property is located south of Dell Rapids and in between SD Highway 115 and Garfield Avenue. The property was formerly used as an airport strip for small planes. The runway strip is still present on the site and the hard surface is the primary area where storage is taking place.

The petitioner submitted several site plans to indicate the areas of storage. No narrative was submitted other than the request for outdoor storage. Parking spaces are rented out for campers, trailers, and vehicles. A small residential development exists on the other side of Garfield Avenue. Five residential properties are clustered together in between the two south storage lots requested. Two more residential houses are located further to the north.

The primary access to the property and storage area is off of SD Highway 115. An existing industrial building is located at the north end of the property where the driveway is located. The property has an address for a group of buildings on Garfield Avenue; however, the primary driveway and building nearby appear not to have an address issued by the county. The building



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number 24670 is posted on the side of the building. This building number would work well for the address, and staff recommends that the property owner purchase a blue address sign to be placed at the driveway entrance.

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 in a rural service area that is primarily composed of industrial land uses. Residential acreages are located on either side of the development to the east and west of the State Highway and Garfield Avenue. Outdoor storage is a low impact land use for industrial land uses. Traffic will be accommodated on the existing State Highway and the outdoor storage area will utilize the existing hard surfaced area that once was the airport runway. The proposed use will have minimal effect on land uses predominant in the area.

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 within an active industrial park. The portion of the former air strip are being developed and other parcels in the area are developing with warehousing and other industrial activities. The use of the land for outdoor storage will preserve most of the property by limiting improvements before likely future development of smaller parcels. Since the property is located near the City of Dell Rapids, planning staff from Dell Rapids requested a pre-annexation agreement so the property will be ready when the City of Dell Rapids extends utilities to the area.

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

The property has existing access from SD Highway 115 which is used for entering the storage area along the former runway. This should be the primary entry and exit for the property to prevent extra traffic on the gravel road that is Garfield Avenue. No changes are planned for the drainage of the site. The property owner will be responsible for extending any utilities such as electricity when those utilities are desired for the site.

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

No additional parking area will be required for the outdoor storage area. Parking requirements for the existing building are already met.

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.

Outdoor storage is a common use of land within industrial zoned property. The proposed land use should not create any offensive odor, fumes, dust, noise, or vibration that would be a nuisance to neighboring properties. The property currently has no lighting for the storage areas. Any new lighting should be cutoff as to not create glare onto neighboring properties.

The complaint that staff received about the property was regarding the unsightly appearance of items stored on the property. A few things can be done to prevent unsightly storage of items. Staff suggests that only fully intact and operational vehicles, campers, and trailers should be



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stored on the property. In addition, all storage should be kept on the existing hard surface former runway. Screening may be considered as a condition by the Planning Commission, but staff is not recommending any screening requirement. If screening is determined to be needed, any screening requirement should be limited to the area west of the group of five residential houses along Garfield Avenue. This would provide the most benefit for the very long property.

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

Outdoor storage of vehicles, campers, and trailers in an industrial zoned is generally expected and has low impact for neighboring properties. The health, safety, and general welfare of the area will have minimal negative affect. The City of Dell Rapids requested a pre-annexation agreement be completed by the property owner.

Recommendation: Staff recommends **approval** of Conditional Use Permit #25-02 with the following conditions:

- 1) The property shall conform to the submitted site plan. The planning director can approve minimal changes; major amendments must obtain a new conditional use permit.
- 2) No human occupancy shall be allowed within any of the vehicles, campers, or trailers on the property.
- 3) All vehicles, campers, and trailers stored on the property shall be fully operational and intact.
- 4) That all new driving, parking, and storage areas shall be hard surfaced in accordance with Article 15.00 of the 2001 Revised Joint Zoning Ordinance for Minnehaha County and the City of Dell Rapids.
- 5) That all new or replacement outdoor lighting shall be designed to prevent direct spillage of light beyond the property boundaries.
- 6) That building permits shall be required for any signage.
- 7) That access to the storage area be limited to the existing access on SD Highway 115.
- 8) An rural address sign must be purchased from the County and installed at the driveway access.
- 9) 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 2001 Revised Joint Zoning Ordinance for Minnehaha and the City of Dell Rapids.
- 10) The applicant must sign a pre-annexation agreement with the city of Dell Rapids on or before March 28, 2025.

Public Testimony

Kevin Hoekman, of county planning staff, presented the staff report and recommendation to the commission.

Commissioner Hoff asked staff to clarify the outdoor storage regulations in the zoning ordinance. Kevin Hoekman explained that an industrial zoned lot can be used for warehousing without outdoor storage as a permitted special use, but if there is outdoor storage on the industrial lot then a conditional use permit is required.

Commissioner Hoff then asked staff to address the current hard surfacing on the property and the



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items being stored on the grass within the property. Kevin explained that the campers and other non-agricultural related items in the grass areas will be required to be moved onto the hard surfaced area. He further explained that the agricultural equipment in the grass area has been on the property historically and that the commission could consider allowing this equipment on the grass areas.

Commissioner Klein asked staff whose responsibility it will be to police the property, if approved. Kevin explained that the neighbors will be the best people to enforce the conditional use permit because they are closer to the property on a regular basis. He also stated that if the neighbors bring any issues to planning staff they would then inspect the site and recall the permit to the planning commission, if necessary.

Commissioner Klein then asked about having a screening fence on the east side of the storage area and what the elevation difference was between the airstrip and the neighboring houses to the east. Kevin explained that the elevation along the road varies and that in some locations the airstrip is higher, and other locations Garfield Avenue is at a higher elevation. He then presented the commission with a few options for potential screening.

Gary Luttmann, of 47304 225th Street, Flandreau, SD, was present and available for questions from the commission. Mr. Luttmann stated that the property has been in his wife's family historically, and that they are trying to make the most out of the property.

Commissioner Kippley asked Mr. Luttmann if he had any issues with the proposed conditions recommended by staff. Mr. Luttmann stated that he is willing to comply with the conditions, that the unsightly items mentioned by staff had been removed, and that it is hard to fully control what renters bring onto the property.

Commissioner Heiberger asked if any of the neighboring property owners have reached out and tried to contact the petitioner. Mr. Luttmann stated that he was not aware of any efforts from neighbors to contact him.

Commissioner Kippley asked if the petitioner would be open to an additional condition requiring a fence or other screening. Mr. Luttmann stated that he would be reluctant to install a fence along the entire east side of the property because it would not be financially feasible.

Commissioner Klein asked if the petitioner would be open to partially screening the property, such as the portion of the property that abuts the residential properties to the east. Mr. Luttmann stated that he could potentially look into doing something like that, but that he is unsure if that would be financially feasible either. He further commented that other buildings along the airstrip do not have screening fences, and are just as unsightly as the outdoor storage on his property.

Commissioner Klein then asked about the buses that are inoperable and located on the property. Mr. Luttmann explained that Prairie Coach, which used to operate along the airstrip, moved the buses onto their property when they went out of business. He then explained that it has taken longer than expected to get the property owners to move these buses off of his property.



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Jeff Fiegen, of 509 Sunset Drive, Dell Rapids, SD, addressed the commission with his comments on the request. He explained that he believes this operation will devalue the neighboring properties, and that he has a fence that helps screen the materials on his property. He also commented that most of the buildings along the airstrip are in good condition, and that there are more materials on the subject property than what was shown by planning staff.

Nicholas Buchholz, of 24706 S Garfield Avenue, Dell Rapids, SD, came to the podium to express his comments on the request. Mr. Buchholz explained that he has been looking at the inoperable bus on the property for over a year and a half. He also stated that tarps from the site have flown onto his property and that a pickup sat on the property on pallets for months. He also commented that this property is the first thing you see when driving into Dell Rapids, and that it is not a good representation of the community. He finally stated that a fence would not help screen the materials, that the operation will attract animals, and that operating prior to approval shows the petitioner's lack of respect for the rules.

Scott Richardson, of 24744 S Garfield Avenue, Dell Rapids, SD, addressed the commission and stated that he was representing himself, along with two other neighbors that could not attend the meeting. He explained that he will be inheriting his parent's property in the near future and that he is opposed to the request. Mr. Richardson explained that he provided planning staff and the commission with a PowerPoint explaining his opposition to the request. He brought up several other points including: He did not see the required notification sign posted on the property, the proposed use is not low impact and is an eye sore to the area, the southern area of Dell Rapids is littered with properties like this with little enforcement, and that it should not be on the neighbors to enforce the requires of the conditional use permit.

Zach Apland, of 24698 S Garfield Avenue, Dell Rapids, SD, addressed the commission and also stated that he was representing a neighbor that could not attend the meeting. Mr. Apland stated that he is in opposition to the item and that the petitioner cannot control what the renters store on the property, which is an issue for him.

David Schmidt, of 108 E 14th Street, Dell Rapids, SD, came to the podium and addressed the commission with his comments on the request. He explained that he has used the property for his own storage in the past, and that the hard surfacing along the airstrip is deteriorating. He also commented that the commission should add a condition that requires the vehicles stored on the property to be licensed. Finally, he stated that drainage should be considered because other neighbors on the airstrip have had issues with drainage.

Nikki Harrington, of 24681 475th Avenue, Dell Rapids, SD, addressed the commission with her comments in opposition to the request. Mrs. Harrington commented that the property looks really unsightly with many inoperable vehicles, and that this request will provide a lot of income for the petitioner and they will have no motivation to enforce the rules.

Discussion

Commissioner Heiberger asked planning staff about condition three and if adding a licensing requirement would be necessary. Kevin Hoekman explained that the current condition would not



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include a licensing requirement and that the commission could add that if they feel it is necessary.

Commissioner Kippley commented that he feels this is more of a public nuisance hearing than a conditional use permit hearing because whether it is approved or denied, planning staff will have to enforce the lack of compliance. Commissioner Kippley also commented that he is inclined to approve the item in order to enforce compliance, and then withdraw the permit at a later date if necessary.

Commissioner Ralston commented that he understands both sides of the issue and that industrial land abutting residential land tends to cause problems. Commissioner Ralston also stated that he is inclined to approve the request in order to enforce compliance, and that he would recommend adding a licensing requirement to the list of conditions.

Commissioner Heiberger commented that she would defer to the Dell Rapids commissioners regarding the agricultural equipment on the property, and that a timetable could be given for the property to be brought into compliance.

Action

A motion was made for the County by Commissioner Kippley and seconded by Commissioner Heiberger to **amend** condition three to require that all vehicles are licensed on the property. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.

Commissioner Ralston commented that the agricultural materials on the property should be treated the same as the other materials, and that they should be brought into compliance the same as the other materials.

A motion was made by Commissioner Kippley and seconded by Commissioner Ralston to **approve** Conditional Use Permit #25-02 with the amended condition three. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.

Commissioner Klein asked if the commission should set a date for the property to be brought into compliance. Scott Anderson, the County Planning Director, explained that a date could be set for compliance, and that July 1, 2025 would be a reasonable date for the petitioner.

Commissioner Hoff agreed that a condition should be place on the permit that sets a date for compliance and agreed with the July 1, 2025 date.

Commissioner Klein asked who would determine if the property is in compliance with the adopted conditions. Scott Anderson explained that planning staff would conduct a site visit to determine compliance with the approved conditions, and would bring the item to the commission if conditions are not being met.



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A motion was made for the City by Commissioner Hoff and seconded by Commissioner Pierson to **approve** Conditional Use Permit #25-02 with the amended condition three and an additional eleventh condition to include a deadline for compliance by July 1, 2025. The motion passed with 3 votes in favor and 0 votes against the motion.

At this time, Scott Anderson explained that the County Planning Commission would need to take a vote to reconsider their motion for approval before amending their approval conditions.

A motion was made for the County by Commissioner Kippley and seconded by Commissioner Ralston to **reconsider** the County's motion for approval of Conditional Use Permit #25-02. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.

A motion was then made for the County by Commissioner Kippley and seconded by Commissioner Ralston to **approve** Conditional Use Permit #25-02 with the eleven amended conditions. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.

Conditional Use Permit #25-02 – Approved with the following conditions:

- 1) The property shall conform to the submitted site plan. The planning director can approve minimal changes; major amendments must obtain a new conditional use permit.
- 2) No human occupancy shall be allowed within any of the vehicles, campers, or trailers on the property.
- 3) All vehicles, campers, and trailers stored on the property shall be fully operational, intact, and licensed.
- 4) That all new driving, parking, and storage areas shall be hard surfaced in accordance with Article 15.00 of the 2001 Revised Joint Zoning Ordinance for Minnehaha County and the City of Dell Rapids.
- 5) That all new or replacement outdoor lighting shall be designed to prevent direct spillage of light beyond the property boundaries.
- 6) That building permits shall be required for any signage.
- 7) That access to the storage area be limited to the existing access on SD Highway 115.
- 8) An rural address sign must be purchased from the County and installed at the driveway access.
- 9) 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 2001 Revised Joint Zoning Ordinance for Minnehaha and the City of Dell Rapids.
- 10) The applicant must sign a pre-annexation agreement with the city of Dell Rapids on or before March 28, 2025.
- 11) The property shall be compliant with all conditions of approval prior to July 1, 2025.



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ITEM 6. CONDITIONAL USE PERMIT #25-08 to allow Outdoor Industrial Storage on the property legally described as Lot B Subdivision of Lot 11 of Kenefick's Subdivision E½ Section 16 T104N-R49W Dell Rapids Township.

Petitioner: Roberta Luttmann

Property Owner: RJ Weelborg LLC.

Location: 24666 475th Avenue

Staff Report: Kevin Hoekman

General Information:

Legal Description – Lot B Subdivision of Lot 11 of Kenefick's Subdivision E½ Section 16 T104N-R49W Dell Rapids Township

Present Zoning – I-1 Light Industrial

Existing Land Use – Industrial Warehouse

Parcel Size – 1.04 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

The petitioner is requesting to have outdoor storage on the subject property. Outdoor storage requires a conditional use permit within the I1-Industrial zoning district. This conditional use permit request is related to conditional use permit #25-02. The same petitioner is making the request and the properties are located in the same development. This request and the related request are two properties that are not adjacent to each other; therefore, separate conditional use permit requests are required.

The subject property is located south of Dell Rapids and has access onto SD Highway 115. The property has existing warehouse with office space. Outdoor storage primarily exists along the east property line.

The petitioner submitted several site plans to indicate the areas of storage. No narrative was submitted other than the request for outdoor storage. Parking spaces are rented out for campers, trailers, and vehicles. Other storage for the warehouse also takes place in the rear yard. Behind the parcel is a storage unit lot with outdoor storage. Across SD Highway 115 is a construction company with grandfathered outdoor storage.

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 in a rural service area that is primarily composed of industrial land uses. Residential acreages are located southwest of the property across the State Highway. Outdoor storage is a low impact land use for industrial land uses. Traffic will be accommodated on the existing State Highway and the outdoor storage area will utilize the existing hard surfaced area that once was the airport runway. The proposed use will have minimal effect on land uses predominant in the area.



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 within an active industrial park. Other parcels in the area are developing with warehousing and other industrial activities. The use of the land for outdoor storage will preserve most of the outdoor areas of the property by limiting improvements. It will also support the existing warehouse on the site. Since the property is located near the City of Dell Rapids, planning staff from Dell Rapids requested a pre-annexation agreement so the property will be ready when the City of Dell Rapids extends utilities to the area.

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

The property has existing access onto SD Highway 115. Utilities are already present with the existing building. And drainage will not change on the property with this request.

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

No additional parking area will be required for the outdoor storage area. Parking requirements for the existing building are already met.

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.

Outdoor storage is a common use of land within industrial zoned property. The proposed land use should not create any offensive odor, fumes, dust, noise, or vibration that would be a nuisance to neighboring properties. The property currently has minimal lighting on the outside of the existing building. Any new lighting should be cutoff as to not create glare onto neighboring properties.

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

Outdoor storage of vehicles, campers, and trailers in an industrial zoned property is generally expected and has low impact for neighboring properties. The health, safety, and general welfare of the area will have minimal negative affect. The City of Dell Rapids requested a pre-annexation agreement be completed by the property owner.

Recommendation: Staff recommends **approval** of Conditional Use Permit #25-08 with the following conditions:

- 1) The property shall conform to the submitted site plan. The planning director can approve minimal changes; major amendments must obtain a new conditional use permit.
- 2) No human occupancy shall be allowed within any of the vehicles, campers, or trailers on the property.
- 3) All vehicles, campers, and trailers stored on the property shall be fully operational and intact.
- 4) That all new driving, parking, and storage areas shall be hard surfaced in accordance with Article 15.00 of the 2001 Revised Joint Zoning Ordinance for Minnehaha County and the City of Dell Rapids.
- 5) That all new or replacement outdoor lighting shall be designed to prevent direct spillage of light beyond the property boundaries.
- 6) That building permits shall be required for any signage.
- 7) That access to the storage area be limited to the existing access on SD Highway 115.



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- 8) 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 2001 Revised Joint Zoning Ordinance for Minnehaha and the City of Dell Rapids.
- 9) The applicant must sign a pre-annexation agreement with the city of Dell Rapids on or before March 28, 2025.

Public Testimony & Discussion

Kevin Hoekman, of county planning staff, presented the staff report and recommendation to the commission.

Commissioner Hoff asked staff to clarify if the access to this property is the same as the previous conditional use permit to the south. Kevin Hoekman explained that this property has a separate access from the previous conditional use permit, which is located further south along the airstrip.

The petitioner, Gary Luttmann of 47304 225th Street, Flandreau, SD, explained to the commission that this request is much smaller than the previous request because there are only four or five campers on this property.

Commissioner Heiberger commented that the conditions added to the previous conditional use permit should also be added to this permit.

Action

A motion was made for the County by Commissioner Heiberger and seconded by Commissioner Kippley to **approve** Conditional Use Permit #25-08 with ten amended conditions. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.

A motion was made for the City by Commissioner Pierson and seconded by Commissioner Hoff to **approve** Conditional Use Permit #25-08 with ten amended conditions. The motion passed unanimously with 3 votes in favor and 0 votes against the motion.

Conditional Use Permit #25-08 – Approved with the following conditions:

1. The property shall conform to the submitted site plan. The planning director can approve minimal changes; major amendments must obtain a new conditional use permit.
2. No human occupancy shall be allowed within any of the vehicles, campers, or trailers on the property.
3. All vehicles, campers, and trailers stored on the property shall be fully operational, intact, and licensed.
4. That all new driving, parking, and storage areas shall be hard surfaced in accordance with Article 15.00 of the 2001 Revised Joint Zoning Ordinance for Minnehaha County and the City of Dell Rapids.
5. That all new or replacement outdoor lighting shall be designed to prevent direct spillage of light beyond the property boundaries.
6. That building permits shall be required for any signage.



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7. That access to the storage area be limited to the existing access on SD Highway 115.
8. 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 2001 Revised Joint Zoning Ordinance for Minnehaha and the City of Dell Rapids.
9. The applicant must sign a pre-annexation agreement with the city of Dell Rapids on or before March 28, 2025.
10. The property shall be compliant with all conditions of approval prior to July 1, 2025.



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Old Business

None.

New Business

None.

Adjourn

A motion was made for the County to **adjourn** by Commissioner VanDerVliet and seconded by Commissioner Kippley. The motion passed unanimously.

The same motion to **adjourn** was made for the City by Commissioner Hoff and seconded by Commissioner Pierson. The motion passed unanimously.

The meeting was **adjourned** at 8:01 p.m.