



**JOINT MINNEHAHA COUNTY & CITY OF SIOUX FALLS
PLANNING COMMISSION
MEETING MINUTES**

MAY 22, 2023

**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS
May 22, 2023**

A joint meeting of the County and City Planning Commissions was held on May 22, 2023 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, Doug Ode, Mike Ralston, Ryan VanDerVliet, Adam Mohrhauser and Joe Kippley.

CITY PLANNING COMMISSION MEMBERS PRESENT: Bradyn Neises, Kurt Johnson, Larry Luetke, John Paulson and Janet Kittams.

STAFF PRESENT:

Scott Anderson, Kevin Hoekman, & Mason Steffen – County Planning
Eric Bogue – States Attorney's Office
Fletcher Lacock– City Planning

The County Planning Commission was chaired by Commissioner Bonnie Duffy. The City Planning Commission was chaired by Janet Kittams.

Chair Duffy called the joint Minnehaha County and City of Sioux Falls Planning Commission meeting to order at 7:00 p.m.

Consent Agenda

Commissioner Duffy read each item on the consent agenda and Item 2 was requested to be moved to the regular agenda.

A motion was made for the County by Commissioner Kippley and seconded by Commissioner Randall to **approve** the consent agenda consisting of Items 1 & 3. The motion passed unanimously.

The same motion was made for the City by Commissioner Johnson and seconded by Commissioner Luetke to **approve** the consent agenda consisting of Items 1 & 3. The motion passed unanimously.

PUBLIC COMMENT

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



**JOINT MINNEHAHA COUNTY & CITY OF SIOUX FALLS
PLANNING COMMISSION
MEETING MINUTES**

MAY 22, 2023

ITEM 1. Approval of Minutes – April 24, 2023

As part of the consent agenda, a motion was made for the County by Commissioner Kippley and seconded by Commissioner Randall to **approve** the meeting minutes from April 24, 2023. The motion passed unanimously with 6 votes in favor of the motion and 0 votes against the motion.

The same motion was made for the City by Commissioner Johnson and seconded by Commissioner Luetke to **approve** the meeting minutes from April 24, 2023. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.



**JOINT MINNEHAHA COUNTY & CITY OF SIOUX FALLS
PLANNING COMMISSION
MEETING MINUTES**

MAY 22, 2023

Consent Agenda

ITEM 3. ZONING TEXT AMENDMENT #23-03 to amend the Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls to add Public Utility Facility in the RC Recreation/Conservation District as a conditional use.

Petitioner: County Planning Staff

Staff Report: Scott Anderson

Staff Report: Scott Anderson

Staff Analysis: Currently public utility facilities are not allowed within the RC Recreation/Conservation District within the joint jurisdictional area for Sioux Falls. This use is listed as a conditional use in the RC Recreation/Conservation District with the County and the Dell Rapids joint jurisdiction. Staff does not know why this use is not listed as a conditional use in the Sioux Falls joint jurisdiction, but believes this use should be listed and would be an appropriated use to be added to the list of conditional uses. Often land in the RC Recreation/Conservation District is located within flood prone area, but a public facility may be needed and the impact on most flood zones could be mitigated.

Staff supports adding Public utility facility to the list of uses within Article 13.04. Each request would require review by staff and approval by the Planning Commission. This process will ensure that the proposed public utility facility is appropriate to the existing land uses.

Recommendation: Staff recommends **approval** of Zoning Text Amendment #23-03 adding (o) Public utility facility to the list of conditional uses in the RC Recreation/Conservation District in the Revised Zoning Ordinance for Minnehaha County and the City of Sioux Falls.

Action

As part of the consent agenda, a motion was made for the County by Commissioner Kippley and seconded by Commissioner Randall to **approve** Zoning Text Amendment #23-03. The motion passed unanimously with 6 votes in favor of the motion and 0 votes against the motion.

The same motion was made for the City by Commissioner Johnson and seconded by Commissioner Luetke to **approve** the Zoning Text Amendment #23-03. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.

Zoning Text Amendment #23-03 – Approval Recommended



**JOINT MINNEHAHA COUNTY & CITY OF SIOUX FALLS
PLANNING COMMISSION
MEETING MINUTES**

MAY 22, 2023

Regular Agenda

ITEM 2. CONDITIONAL USE PERMIT #23-17 to allow a Bar & Lounge on the property legally described as Part of Tract 4 Lots 5 & 6 Pleasant View Acres N½ SE¼ & S½ NE¼ Section 19 T101N-R48W Split Rock Township.

Petitioner: Explosive Ventures LLC.

Property Owner: Todd Voss

Location: 7401 E Arrowhead Parkway

Staff Report: Mason Steffen

General Information:

Legal Description – Part Tract 4 Lots 5 & 6 Pleasant View Acres N½ SE¼ & S½ NE¼ Section 19 T101N-R48W Split Rock Township

Present Zoning – C Commercial

Existing Land Use – Fireworks Stand & Storage Units

Parcel Size – 2.16 Acres

Staff Report: Mason Steffen

Staff Analysis: The applicant is requesting conditional use permit approval to utilize a portion of their existing commercial building as a bar/lounge with video lottery. This proposed operation will be four separate video lottery suites that will each have a direct outdoor entrance. Each suite will have separately themed video lottery machines, and there will be a bar located in the middle of the building that will serve all four suites. Additionally, this building is located along E Arrowhead Parkway, in an area heavily used for commercial uses, including the existing Alibi Bar. The portion of this building that will not be used for the bar/lounge was approved as a retail fireworks store via Conditional Use Permits #21-33 & #22-36. During the process for those conditional use permits, the petitioner had issues connecting to city services, due to delays in the construction of E Arrowhead Parkway. However, the property is now connected to city water, and should be connected to city sewer by this summer.

On May 4, 2023, staff conducted a site visit of the subject property and surrounding area. The properties in the immediate area are largely commercial businesses, and the proposed use as a bar/lounge will generally be compatible with these uses. The petitioner has already paved the parking lots in front of and behind the commercial building. Based on the proposed square footage for the operation of 2,800 square feet, the petitioner will need to dedicate at least twenty-eight off-street parking spaces to this operation. Given the size of both parking lots, there is sufficient space for at least one-hundred parking spaces, which should be sufficient to handle the traffic to this operation and to the fireworks business. The petitioner will also be required to submit an updated architectural design review and safety plan to the County Building Inspector, prior to construction of the bar/lounge, which will insure that the bar/lounge is in compliance with all of the proper building codes.

Since this request is located within the joint jurisdiction, the item was forwarded to the city of Sioux Falls planning department for review. The city planning staff has stated that they have some concerns regarding the proposed mix of firework sales and a bar/lounge within the same



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 area around the subject property is mostly comprised of commercial uses and warehouses. This includes land across E Arrowhead Parkway, within the city limits of Sioux Falls, which will also be developed into commercial type uses. Therefore, allowing the proposed bar/lounge, within a building that largely matches the surrounding buildings, should not overly impact the properties in the immediate area.

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

The area surrounding this property is becoming more and more urbanized with annexations and residential developments to the northeast and southwest. Allowing a bar/lounge within an existing commercial building, in an area that is becoming more mixed used, should not impact the development of other properties in the area.

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

The property has existing access onto E Arrowhead Parkway via an access road that is shared with the other properties in the immediate vicinity. The building is also currently connected to city water, but will need to connect to city sewer before occupancy is issued for the bar/lounge. Finally, all the other necessary utilities for the operation should be in place on the site, and the use of a bar/lounge in an existing building will not impact the drainage in the area.

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

Article 16.02(P) of the Joint Zoning Ordinance indicates that the parking requirement for a bar/lounge is one (1) parking space for each 100 square feet of floor area or one (1) parking space per three fixed seats, whichever is greater. The proposed bar/lounge will utilize a 2,800 square foot portion of the building. Therefore, a minimum of twenty-eight (28) off-street parking spaces will need to be provided for this use. On the submitted site plan, the petitioner indicates that there will be parking provided on both sides of the building, and this area will be adequate to meet the necessary off-street parking requirement. Finally, the proposed parking areas will also meet the required 15-foot front yard setback.

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.

There should not be any odor, fume or vibration nuisances from this proposed use. The bar/lounge will be required to follow state laws on opening and closing times. Additionally, the existing parking lot for the commercial building is paved, so that will limit any potential of dust becoming a nuisance to the surrounding properties. A bar/lounge does have the potential to create noise nuisances, but noise should be minimal in this case given that the entire operation will take place indoors several hundred feet from any neighbors. Finally, any public nuisance violations will be addressed upon the Planning Department receiving a complaint about the subject property.



**JOINT MINNEHAHA COUNTY & CITY OF SIOUX FALLS
PLANNING COMMISSION
MEETING MINUTES**

MAY 22, 2023

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

The proposed bar/lounge should not have an overly negative impact on the health, safety, and general welfare of the public. Staff finds that with the proper safety and fire protections, this is an appropriate use for this property, in an area that is rapidly developing with new residential and commercial uses. Finally, this property is located within the transition area of the 2035 Envision Comprehensive Plan, in an area that is already surrounded by municipal development, and therefore approval of this request will not impact the goals and policies of the comprehensive plan.

Recommendation: Staff recommends **approval** of Conditional Use Permit #23-17 with the following conditions:

- 1) That the applicant shall obtain and hold in good standing the appropriate liquor and/or beer/wine licenses with the state and county.
- 2) That the applicant shall obtain a South Dakota Sales Tax License.
- 3) That a minimum of twenty-eight (28) parking spaces shall be provided for use by the bar/lounge. The construction of any new parking areas must meet the requirements of Article 16.00 of the 2002 Revised Zoning Ordinance for Minnehaha County and the City of Sioux Falls.
- 4) That the applicant shall follow all signage requirements as outlined in Article 17.00 of the 2002 Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls, which includes obtaining a building permit for any sign prior to installation.
- 5) That the bar/lounge use shall not exceed the square footage as shown on the site plan, which is 2,800 square feet of retail area.
- 6) That a building permit shall be required prior to any construction for the bar/lounge. The petitioner must also submit an architectural design review to the County Building Inspector for review and approval, prior to the issuance of a building permit.
- 7) That occupancy of the building shall not be allowed until the building is connected to the proper city services.
- 8) That video lottery shall be allowed provided all the required alcohol licenses and state permits are obtained.
- 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 Joint Minnehaha County & City of Sioux Falls Zoning Ordinance.

Public Testimony & Discussion

Mason Steffen, of county planning staff, explained the staff report and recommendation to the commission.

Commissioner Luetke asked planning staff if the building has a fire suppression system. Mason Steffen explained that the building does have a fire suppression system, which was a condition that was added for the fireworks business on the original permit in 2021. Mr. Steffen also explained that in 2022 the petitioner had to apply to extend the deadline for the fire suppression system installation because of the delays in the E Arrowhead Parkway reconstruction.



**JOINT MINNEHAHA COUNTY & CITY OF SIOUX FALLS
PLANNING COMMISSION
MEETING MINUTES**

MAY 22, 2023

Commissioner Paulson then asked if the city and county planning staffs had discussed the issue regarding the combination of a fireworks business and a bar/lounge. Mason Steffen explained that the city and county staffs did not have much discussion regarding this issue. Mr. Steffen also stated that the original intent for this portion of the commercial building was for office space, and that with the proper fire and safety protections, the liability difference between an office use and a bar/lounge use is minimal.

The petitioner, TJ Cameron of 2821 E Daybreak Circle, Brandon, SD, was present at the meeting and addressed the commission with his business plans. Mr. Cameron explained that the fire suppression system for the building is in place, but has not been connected to city water as of now. Additionally, Mr. Cameron explained that the bar & lounge would not open until it is connected to city services, and that the east side driveway on the property would also be paved once the city services are in place. Then Mr. Cameron commented that there will be a security system on site that will monitor access to the building, and that given the existing fireworks business there will be signs posted on the building that prohibit smoking near the structure.

Commissioner Ode asked the petitioner what the benefit is to having a bar & lounge within the same structure as a fireworks business. Mr. Cameron explained that the fireworks business is only open for a short time, and having another business within the structure will help the property become profitable. Commissioner Ode then asked the petitioner why he believes there is a need for another bar & lounge in the area when there are several already in operation. Mr. Cameron compared this area to other developing areas, such as in Brookings, where you see multiple establishments similar to this use within a small five block radius.

Commissioner Luetke asked planning staff if a condition could be added to the permit that requires the building to be connected to city services, prior to occupancy of the bar and lounge. Mason Steffen, of county planning staff, explained that condition number seven of the permit already addresses this issue.

Commissioner Duffy stated that she has received several phone calls from parents in the area that are concerned for their children in regards to this operation. Commissioner Duffy then asked the petitioner if they will be monitoring who will be allowed in the bar & lounge in order to limit these concerns. Mr. Cameron explained that he and his partner have operated several similar operations, and that they have experience on how to properly operate this type of operation.

Commissioner Ralston commented that he does not believe this petitioner should be penalized by denying this permit solely because there are other similar operations in the area. Commissioner Ralston also commented that he trusts the petitioner to police and monitor the traffic to the operations within the commercial building.

Action

A motion was made for the County by Commissioner Ralston and seconded by Commissioner Randall to **approve** Conditional Use Permit #23-17. The motion passed with 5 votes in favor of the motion and 1 vote against the motion. Commissioner Ode voted against the motion.



**JOINT MINNEHAHA COUNTY & CITY OF SIOUX FALLS
PLANNING COMMISSION
MEETING MINUTES**

MAY 22, 2023

The same motion was made for the City by Commissioner Paulson and seconded by Commissioner Luetke to **approve** the Conditional Use Permit #23-17. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.

Conditional Use Permit #23-17 – Approved



**JOINT MINNEHAHA COUNTY & CITY OF SIOUX FALLS
PLANNING COMMISSION
MEETING MINUTES**

MAY 22, 2023

ITEM 4. REZONING #23-03 to rezone from the A-1 Agricultural District to the PD Mapleton Golf Planned Development District the properties legally described as the S½ SE¼ (Ex. Laurel Ridge Addition & H-1) of Section 23 T102N-R49W & the N½ NE¼ (Ex. A Triangle Section Beginning in the SW Corner Extending 680' N & 680' E) of Section 26 T102N-R49W & the SE¼ NE¼ of Section 26 T102N-R49W & the SW¼ NW¼ of Section 25 T102N-R49W all in Mapleton Township.

Petitioner: Nineteen Flags, LLC.

Property Owner: Patrick & Marcia Burke

Location: Located between Slip Up Creek Road & Interstate 90, approximately 1 mile north of Sioux Falls.

Staff Report: Kevin Hoekman

General Information:

Legal Description – S½ SE¼ (Ex. Laurel Ridge Addition & H-1) of Section 23 T102N-R49W & the N½ NE¼ of Section 26 T102N-R49W & the SE¼ NE¼ of Section 26 T102N-R49W & the SW¼ NW¼ of Section 25 T102N-R49W all in Mapleton Township

Present Zoning – A-1 Agricultural

Existing Land Use – Farmland

Parcel Size – 210.38 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

This request is to create a planned development on the above described property. The approval process for a planned development is similar to requirements for a rezoning application. The joint Planning Commission will make a recommendation which will be heard at a joint meeting for Minnehaha County Commission and Sioux Falls Council. The joint Commission and Council will have the final decision for the proposal. If the planned development is approved, the petitioner will need to present a final development plan for approval by the joint Planning Commission.

The property is located north of Sioux Falls between Interstate 90 and Slip Up Creek Road. Slip Up Creek Road was recently reconstructed and paved with asphalt from County Highway 125 to the Veterans Cemetery. To the northeast of the site is Laurel Ridge Wedding Barn. Northwest of the site is the Andy's Acres residential subdivision. Much of the remaining land uses surrounding the property is agricultural or large residential acreages.

As the name of the planned development implies, the purpose of the request is to allow a private golf club on the site. The property is zoned A1-agriculture, and a golf course is allowed with a conditional use permit within the zoning district; however, the petitioner desires to include amenities for the golf club including a club house with restaurant, bar, and golf shop, and overnight lodging accommodations. These extra amenities make it necessary to process the request through the planned development process rather than a simple CUP.



**JOINT MINNEHAHA COUNTY & CITY OF SIOUX FALLS
PLANNING COMMISSION
MEETING MINUTES**

MAY 22, 2023

It should be noted that the description of the property excludes a triangle portion of the west side of the property. This portion of the property is excluded to allow a temporary holding area for building eligibilities for future transfer. That will take another CUP and review by the joint Planning Commission.

The petitioner submitted proposed regulations, a preliminary plan, and a written operation plan for the planned development. The proposed regulations for the planned development includes seven permitted uses. Planning staff is recommending a few changes to the proposed uses. The petitioner proposed regulations and staff draft ordinance are both included with the staff report. The staff drafted ordinance contains several changes which are italicized in the draft. Generally, the changes are made to better incorporate the proposed regulations with the neighborhood. The specific reasons for changes are described later in the staff report.

The submitted preliminary plan does not contain details for the locations of development such as buildings, driveways, and parking. The locations of buildings, driveways, parking, drainage, and any other development will be determined during the required review of a final development plan. The petitioner should be aware that access onto Slip Up Creek Road requires approval from the County Highway Department, and this may require a traffic study. In addition, access should be limited to one driveway onto Slip Up Creek Road. These will need to be determined before the final development plan. The final development plan is also required before any building permits are issued.

The submitted preliminary plan available for review indicates the golf course portion of the plan takes up most of the land area. Slip Up Creek flows through the property, and portions of the golf course are located within the regulatory floodplain. A floodplain development permit will be required before work begins in the floodplain. If work in the floodplain includes major changes such as changing the stream channel or creating a dam, then other agencies such as the Corp of Engineers may require permits in addition to the County floodplain development permit. Other than the golf course, many of the additional uses including clubhouse and lodging accommodations will be placed in the northern portion of the property along Slip Up Creek Road. The location of specific uses will be finalized during the review of the final development plan.

The operation plan details the proposed uses, operational expectations, and the potential impacts of the golf club on traffic in the area. The narrative begins describing a private membership golf club to be devoted to golf without other amenities like swimming pools, tennis courts, weddings, or public events. Having limited events and activities will also limit peak traffic for the property.

The clubhouse will be a large building, and it will contain the golf pro shop, locker rooms, offices, restaurant, and a bar. The proposed uses and size of the proposed clubhouse is more typical of commercial property than agricultural land. The applicant will need to obtain a liquor license in order to serve drinks at the bar. Liquored licenses are controlled through state regulations, and an application for a liquor license will go through the Auditor's Office. A bar in the clubhouse has potential to increase undesirable traffic near the residential subdivision. The potential for drunk driving and late night traffic is always a concern where alcohol is served. The



**JOINT MINNEHAHA COUNTY & CITY OF SIOUX FALLS
PLANNING COMMISSION
MEETING MINUTES**

MAY 22, 2023

neighboring wedding event center was permitted in 2019 as a planned development. During the joint Planning Commission meeting, commissioners added a limitation to hours of operation to the event facility from 8:00 am to 12:00 am. An amendment to the planned development allowed an exception of operational hours to 1:00 am for New Year's Eve. These time limitations should be included for the bar and restaurant portion of the golf club to maintain expectations of traffic for neighboring uses.

Near the clubhouse will be lodging units for rental only by club members and allowed guests. The initial development is planned for six lodging units with a total of 24 bedrooms. The narrative states that lodging may expand in the future. Staff recommends limiting the lodging to the requested six units with four bedrooms per unit. A major amendment will be required if the petitioner desires more units at a future date.

Other items in the narrative and regulations include explanations of potential traffic impact from members, employees, and delivery vehicles, and listing agricultural production in the permissive regulations. The traffic impacts are listed as potential from the petitioner based on expected use by members and staff, but no traffic study was submitted. Portions of the property may remain in agricultural production. Staff suggests further clarifying that only crops and pasture is to be allowed in the remaining agricultural production.

The proposed golf club is located within the transition area of the county comprehensive plan. The transition area is categorized by land that is transitioning from rural to urbanized uses. A golf course requires abundant land and development of any proposed golf courses will likely be on the periphery of a municipality. Since the property is in a rural area, care should be taken to keep light from glaring onto other properties. County Planning staff finds the proposed use generally compatible with surrounding uses and conforming to the comprehensive plan goals.

Staff from the city of Sioux Falls reviewed the application and provided a few comments for the proposed planned development. A compilation of city comments is included for review. The first comment from the Water Department noted that water is currently unavailable. The petitioner will need to acquire adequate water from rural water service or private wells for clubhouse, lodge and irrigation uses.

The Public Works Department commented that the complete property crosses over a couple section line boundaries. These section lines are considered statutory right-of-ways in state law. This is the section line where E 72nd Street N would travel. These right-of-ways will need to be vacated so that a road will not be built through the course. A section line right-of-way road vacation process requires the township and the city to approve the request. The Public Works Department suggests any plans presented should have the section line labeled as proposed section line right-of-way.

The airport commented that the location is outside of the 10,000 feet wildlife attractant restriction area, and there should not be an issue with the proposed golf course.

Comments regarding drainage concern the floodplain and that it would be beneficial for the



**JOINT MINNEHAHA COUNTY & CITY OF SIOUX FALLS
PLANNING COMMISSION
MEETING MINUTES**

MAY 22, 2023

petitioner to meet the city floodplain ordinance even if it is located in county jurisdiction.

Finally, the city comments include that sanitary sewer is unavailable at the location at this time, and the property is within the tier three boundary of the annexation timeline. A sanitary sewer trunk line is planned to run through the property. The petitioner may work with the city to set up easements or preinstall the trunk line according to city specs. Annexation should wait until sewer is fully connected.

The 2040 Future Land Use map for the city of Sioux Falls includes the northern portion of the property within the large drainageway or green space designation. The south portion of the lot is designated for light industrial development. A golf course with clubhouse fits well into green space designation. The petitioner submitted a map of existing drainage in the area. The map shows many hills and valleys with drainage and the path of Slip Up Creek. In addition, much of the land is located within the water source protection overlay district for Minnehaha County. County planning staff finds that development of the property as a golf course has less potential effect on drainage and the floodplain than other potential development. Most of the property would remain as green space in the Slip Up Creek valley.

Recommendation: Staff recommends **approval** of Rezoning #23-03 to rezone the subject property from the A-1 Agricultural District to the PD Mapleton Golf Planned Development District.

Public Testimony & Discussion

Before the item was presented, Commissioner Neises recused himself from the hearing.

Kevin Hoekman presented the staff report and recommendation. During the presentation, Kevin Hoekman added that the petitioner will be presenting amendments to the proposed ordinance.

Commissioner Luetke asked about the road condition when the wedding barn was approved. Staff responded that the road was gravel from the residential development to the driveway at the time of approval for the wedding barn. A requirement for dust control was part of the approval.

Danny Amundson, 2201 S Bender Lane, represented the petitioner. Mr. Amundson presented a power point with description of the operation including the request for lodging accommodations for the property. A preliminary layout was presented and described. The main clubhouse is planned to be set back about 150 yards from the road. The lodging would be about 80 yards from the road. The golf course will take up most of the property and floodplain requirements will be met. He described that there will be irrigation ponds and that required water rights have been temporarily approved for irrigation. Danny Amundson presented two amendments to the staff proposed ordinance. The first proposed amendment is for 24 bedroom units in the lodging to allow flexibility of development of cabins, rooms, or a mix of both. The second amendment related to the hours of operations. Mr. Amundson explained that the restaurant portion should not be limited in order to allow earlier breakfast, and the bar should be allowed to be open from 7:00 am to 1:00 am to be closer to state requirements and more consistent to other rural establishments.



**JOINT MINNEHAHA COUNTY & CITY OF SIOUX FALLS
PLANNING COMMISSION
MEETING MINUTES**

MAY 22, 2023

Commissioner Kippley asked if there will be any more details in presented plans between the Planning Commission meeting and the Joint County Commission and City Council meeting. Staff responded that the petitioner may present further details, but the final plans will happen after approval. A Final Development Plan will be required for review and approval by the Joint Planning Commission.

Commissioner Luetke asked if it is typical that the number of rooms is regulated in a planned development. Kevin Hoekman explained that there has not been any similar request for this type of lodging in another planned development. One equivalent may be campgrounds where the number of units have been limited based on available space.

Commissioner Duffy asked how limitations on time would change. Kevin explained that staff agrees that removing the restaurant portion of the time restriction would be necessary for the proposed project, and the Planning Commission can limit hours accordingly for the bar portion of the project.

John Beck, 47645 E Surrell Street, asked if the hours of operation for this business will set a precedent for the wedding barn to request to stay open later at night. He also noted that residents in the area are always concerned about the noise which could increase with later operation hours.

Commissioner Luetke stated that the city has not set limitations on things like rooms in a planned development in the city. Fletcher Lacock, of city planning staff, explained that this operation is located within a tier three growth area where the city would like to limit residential type growth before services are available for city annexation. The petitioner can develop further with an amendment or annexation after utilities are available.

Commissioner Kippley noted that the petitioner raised the point that the proposed use is different from the wedding barn and that hours of operation could be changed to reflect that. He also asked if others would have a better definition for lodging or the number of lodging units. Scott Anderson, the County Planning Director, explained that the structure for 24 rooms would give the petitioner the opportunity to decide the layout and development of the 24 rooms. The cap is important to avoid a very large hotel or many rental cabins. The final development plan will have the final layout specifics.

Commissioner Luetke asked if the petitioner could come back for more units. Scott Anderson responded that an amendment could be done if more units are needed. The limit is important to blend the uses into the existing agricultural and residential uses neighboring the site. The limit will also have a way to let neighbors understand the limits for the project.

Danny Amundson explained the current budget model works with 24 units. Commissioner Luetke explained that limiting the number of bedrooms will set precedence for everything coming after the project. Danny Amundson explained that they are working on configuration to limit utility needs and market needs to a possible 40 to 50 units in the future.



**JOINT MINNEHAHA COUNTY & CITY OF SIOUX FALLS
PLANNING COMMISSION
MEETING MINUTES**

MAY 22, 2023

Action

Commissioner Kippley proposed an amendment to section (A) (1) c) to read: Overnight Lodging Accommodations, limited to a total of 24 bedroom units, for rent to golf club members and golf sponsored guests. Commissioner Kippley proposed another amendment to Section (A) (6) c) to read: The hours of operation for the bar shall be between 7:00 a.m. and 1:00 a.m. Commissioner Kippley motioned to amend the proposed ordinance with the stated amendments to Sections (A) (1) c) and (A) (6) c). The motion was seconded by Commissioner Ralston. The motion passed unanimously with a vote of 6 in favor of the motion and 0 votes against the motion.

Commissioner Kippley motioned to approve the planned development as amended. Commissioner Mohrhauser seconded the motion. The motion passed unanimously with 6 votes in favor of the motion and 0 votes against the motion.

Commissioner Johnson motioned to approve the proposed amendments for the city Planning Commission for Sections (A) (1) c) and (A) (6) c). The motion was seconded by Commissioner Luetke. The motion was approved unanimously with 3 votes in favor of the motion and 0 votes against the motion.

Commissioner Luetke motioned to approve the planned development as amended for the Sioux Falls Planning Commission. Commissioner Paulson seconded the motion. The motion was approved unanimously with 3 votes in favor of the motion and 0 votes against the motion.

Rezoning #23-03 – Approval Recommended



**JOINT MINNEHAHA COUNTY & CITY OF SIOUX FALLS
PLANNING COMMISSION
MEETING MINUTES**

MAY 22, 2023

Old Business

None.

New Business

Scott Anderson, the County Planning Director, presented a draft text amendment for vacation homes within the joint jurisdictional area. The purpose of the draft is to get an idea of how the Joint Planning Commission would like to proceed with potential ordinance amendments. The Joint Planning Commission discussed differences of permitted, permissive special, and conditional uses in the ordinance. They discussed clarification of contact information requirements for emergency uses. The ordinance as presented would be a middle ground between allowing it and requiring a conditional use permit for all new vacation rental homes. There was also discussion regarding permits continuing with new ownership in a manner similar to conditional use permits in the county. Commissioner Paulson requested staff to contact public safety officials to determine options for short term rental home security registration.

Commissioner Kippley motioned to bring an ordinance text amendment proposal for vacation home rentals to the meeting on July 24, 2023. Commissioner Ralston seconded the motion. The motion passed unanimously with 6 votes in favor of the motion and 0 votes against the motion.

Commissioner Paulson made the same motion to bring an ordinance text amendment proposal for vacation home rentals to the meeting on July 24, 2023 for the Sioux Falls Planning Commission. Commissioner Luetke seconded the motion. The motion was approved unanimously with 4 votes in favor of the motion and 0 votes against the motion.

Adjourn

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

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

The meeting was **adjourned** at 8:28 p.m.