

**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS
March 28, 2005**

A joint meeting of the County and City Planning Commissions was held on March 28, 2005 at 7:00p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Deb Bunde, Mike Cypher, Anne Hajek, Susie O'Hara, Don South, and Wayne Steinhauer.

CITY PLANNING COMMISSION MEMBERS PRESENT: Dave Benson, Theresa Boysen, Meredith Larson, Kent Metzger, and David VanVeldhuizen.

STAFF PRESENT: Scott Anderson, Phil Kappen, and Pat Herman - County; Shawna Goldammer - City

The City Planning Commission was chaired by Kent Metzger. County Planning Commission Chair Don South presided over the meeting.

ITEM 1. APPROVAL of the February 28, 2005 minutes.

Motion for the County by O'Hara and seconded by Hajek to approve the minutes. The motion passed unanimously. Same motion for the City by Larson and seconded by Boysen. The motion passed unanimously.

Regular Agenda

Motion for the County by Cypher and seconded by O'Hara to approve the regular agenda. The motion passed unanimously. Same motion for the City by Boysen and seconded by Larsen. The motion passed unanimously

Item 2 was deferred from the February 28, 2005 meeting.

ITEM 2. CONDITIONAL USE PERMIT to allow on-off sale malt beverage license for future restaurant.

Legal Description - Lot 1A Harr's Sub of Tr. 1 Pleasant View Acres in Section 19-
T101N-R48W
Location - ½ mile east of Sioux Falls
Petitioner / Owner- Ed Munce for Uncle Ed's Specialty Meats Inc.
Present Zoning - C Commercial
Existing Land Use - Commercial
Parcel Size - 1.2 acres

Report by: Phil Kappen

Staff Analysis

The property was initially used as a retail meat sale and catering shop which constituted a permissive use under the C Commercial classification. Then, in 2004 the petitioner added off-sale liquor sales to the use because the business added carry-out broasted chicken to their menu and wished customers to be able to buy wine or beer with their chicken. They are now applying for a conditional use permit to add on-premise liquor sales to the uses on the property. The petitioner has indicated that they would like to be able to sell glasses of wine or beer to the customers as they wait for their carry-out order. In the future the petitioner has indicated that he would like to construct an additional building as a restaurant.

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This item was first heard by the Planning Commissions in January. Staffs voiced some concerns over what would essentially be a carry-out restaurant that would be serving beer while patrons waited for their take-out meal. Concerns were also expressed over the use of a septic system for what would be a high water use business. The commissions deferred the item to the February meeting to allow the petitioner to work with the planning staffs to address concerns over the site layout and access to the property. At the petitioner's request, the item was again deferred until the March meeting.

Planning staffs met with the petitioner's representative on January 31, 2005. Discussion centered on septic issues, parking issues and the future expansion of SD Hwy 42, and of the Sioux Falls sanitary sewer system. There is currently parking and traffic over the septic drain field. The petitioner indicated that they would address this and that their intent was not to have video lottery on the site. The petitioner was asked to submit a new site plan that was drawn to scale, showed future structures, indicated set backs (including those from the future Highway 42 right-of-way), parking spaces, signage, sanitary sewer line, and landscaping.

There have also been some questions raised about whether the petitioner's proposed area for malt beverage consumption met the minimum area required under state law. The petitioner has also indicated that they did not necessarily wish to start the on-sale malt beverage use at this time, but wished to get approval for a future use that would allow them to line up financing and/or investors. The city staff expressed concern on the behalf of the city on the potential for video lottery. The petitioner indicated that they do not plan on having video lottery.

The petitioner has submitted a site plan that shows some of the necessary details. The plan shows the parking areas, proposed future building, sign location. It is not to scale, does not show future highway right-of-way requirements and does not address waste water collection or treatment. It does, however, indicate that the required set-backs from property lines would be met. The petitioner has indicated that the proposed building would not be constructed until the city's sanitary sewer is available, therefore, they did not indicate the location of the current septic system since that would be abandoned.

The use would be consistent with the types of uses found in commercially-zoned areas and could be made compatible with appropriate conditions and time limitations. The subject property is located ½ mile east of Sioux Falls in the commercial development of Pleasant View Acres. The property is zoned C Commercial as are the surrounding land uses. There are a variety of uses in the development including automotive repair, contractor storage yards and commercial services. This area is shown on the 2015 growth plan as commercial.

City sewer will be available once the east side sewer extension is completed. Improved access to the property will be available once the Highway 42 improvements have been constructed. It is difficult to determine the total building square footage given that the site plan is not to scale. It appears, however, that there will be approximately 6050 square foot of buildings on the site. Since the ordinance requires 1 parking space per 100 sq.ft. of building area (restaurant use) a total of 60 parking spaces would be required before the proposed use could commence.

All outside lighting should be of a shoebox style that directs light downward and prevents the spillage of light on adjoining properties. All signage will be governed by the requirements of the zoning ordinance.

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Staffs found the proposed use can be made consistent with the surrounding uses and with the city's future plans for the area. Therefore, staffs recommended approval of the conditional use permit with the following conditions:

1. The on-premise sales of malt beverages shall not occur until the future restaurant structure can be constructed and hooked into the city sanitary sewer system.
2. A minimum of 60 parking spaces shall be provided.
3. All parking and driving surfaces will be hard-surfaced.
4. All outside lighting shall be of a shoebox style that directs light downward and prevents the spillage of light on adjoining properties
5. Video lottery shall not be allowed as a part of the use.
6. All the above conditions shall be met prior to the commencement of the approved use.
7. All traffic movement and any parking over the existing septic system shall either be ceased or the drain field will be immediately abandoned and the system converted to a holding tank system.

Public Testimony

The petitioner was represented by Mike Teslow. Mr. Teslow stated that he was in agreement with the recommended conditions.

In response to questions from the Commission, Ms. Goldammer noted the target date to finish the east side sanitary sewer was sometime in 2007. Work should begin this fall.

No one else wished to speak to the item and the floor was closed to public testimony.

A motion was made for the County by Cypher and seconded by O'Hara to approve the conditional use permit with the conditions as stated. The motion passed unanimously. Same motion for the City by Larson and seconded by Benson. The motion passed unanimously.