

**MINUTES OF THE JOINT MEETING  
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS  
July 28, 2008**

A joint meeting of the County and City Planning Commissions was held on July 28, 2008 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Mike Cypher, Susie O'Hara, Becky Randall, Mark Rogen, Don South, , and Wayne Steinhauer.

CITY PLANNING COMMISSION MEMBERS PRESENT: Pam Breidenbach, Ken Dunlap, Darla Erb, and Jessie Schmidt.

STAFF PRESENT: Scott Anderson, Phil Kappen, Pat Herman, and Robert Deringer – County Planning  
Steve Randall – City Planning

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

**ITEM 1. MINUTES – May 19, 2008**

A motion was made for the City by Breidenbach and seconded by Erb to approve the minutes. The motion passed unanimously. Same motion for the County by O'Hara and seconded by Rogen. The motion passed unanimously.

**CONSENT AGENDA**

A motion was made for the City by Breidenbach and seconded by Erb to approve the consent agenda. The motion passed unanimously. Same motion for the County by O'Hara and seconded by Rogen.

**ITEM 2. ZONING TEXT AMENDMENT #08-02 adult oriented business restrictions.**

Petitioner – Joint Planning Staff

**Report by:** Pat Herman

**Staff Analysis**

The 2008 Legislature enacted new regulations concerning the location of adult oriented businesses which became effective on July 1, 2008. These new regulations are more restrictive than the zoning ordinance so staff is recommending the following changes be adopted.

- 1) The separation distance be changed from 500 feet to 1320 feet.
- 2) The list of uses from which an adult oriented business must be separated be changed to so that it is consistent with the State's wording.
- 3) Video/DVD store be added to the list of adult uses.
- 4) A new section (section d) be added restricting the hours of operation.

**Recommendation**

The proposed amendments will bring the zoning ordinance into compliance with the State regulations and staff recommended approval of Zoning Ordinance Amendment #08-02.

ORDINANCE MC

AN ORDINANCE AMENDING THE 2002 REVISED JOINT ZONING ORDINANCE

FOR MINNEHAHA COUNTY AND THE CITY OF SIOUX FALLS BY REVISING  
THE ADULT ORIENTED USES RESTRICTIONS.

BE IT ORDAINED BY MINNEHAHA COUNTY, SOUTH DAKOTA:

That Ordinance MC30-02, the 2002 Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls is hereby amended as follows:

**Section 1: That Article 15.02 (a,b, & d) is hereby amended to read:**

- (a) None of the following permitted uses may be established, operated or maintained within ~~500~~ 1320 feet of a residence a residential district, a public playground, a child welfare agency, ~~a church~~, a place of worship, a private or public school meeting all the requirements of the Compulsory Education Laws of the State of South Dakota, or a public ~~park~~ recreation facility.
- (1) Adult bookstore and/or video/DVD store.
  - (2) Adult theater.
  - (3) Adult photo studio.
  - (4) Any use which has as a part of its operation adult entertainment or amusement including but not limited to, a restaurant or eating place, a bar, lounge or tavern.
  - (5) Any use intended to provide adult amusement or entertainment.
  - (6) Adult mini motion picture theater.
- (b) Not more than two of the following permitted uses may be established, operated or maintained within 1,000 feet of each other:
- (1) Adult bookstore and/or video/DVD store.
  - (2) Adult theater.
  - (3) Adult photo studio.
  - (4) Any use which has as a part of its operation adult entertainment or amusement including but not limited to, a restaurant or eating place, a bar, lounge or tavern.
  - (5) Any use intended to provide adult amusement or entertainment.
  - (6) A bar.
  - (7) A liquor store.
  - (8) Adult mini motion picture theater.
- (d). None of the uses listed in 15.02(a) may remain open at any time between the hours of 2:00 a.m. and 8.00 a.m. on Monday through Saturday and between the hours of 2:00 a.m. and 12:00 noon. on Sunday.

Adopted this 19<sup>h</sup> day of August, 2008

MINNEHAHA COUNTY

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Chair, Board of County Commissioners

ATTEST:

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County Auditor

1 <sup>st</sup> Reading	August 5, 2008
Legal Ad. – Argus Leader	August 8, 2008
Public Hearing	August 19, 2008
Fact of Adoption – Argus Leader	August 25, 2008
Effective Date	September 15, 2008

**Action**

Based on the staff report, a motion was made for the City by Breidenbach and seconded by Erb to **recommend approval** of text amendment #08-02. The motion passed unanimously. Same motion for the County by O’Hara and seconded by Rogen. The motion passed unanimously.

**ITEM 3. CONDITIONAL USE PERMIT #08-51 to transfer 1 building eligibility from the NW ¼ SE ¼ to the NE ¼ SE ¼ (ex. Hein Addn.) in Section 32-T101N-R50W.**

Location - 1 mile west of Sioux Falls  
Petitioner / Owner- Cindy Robinson

**General Information**

Present Zoning - A1 Agricultural  
Existing Land Use - Agriculture  
Parcel Size - 40 Acres

**Report by:** Scott Anderson

**Staff Analysis**

The petitioner is requesting to transfer one residential building eligibility from the NW ¼ SE ¼ to the NE ¼ SE ¼. The subject property is currently zoned A-1 Agricultural. The area is an agricultural area with rolling fields. The closest agricultural operation is located approximately ½ mile to the north. No livestock are fed at the closest agricultural operation. The subject property is located one (1) mile to the southwest of a rapidly growing residential area of the City of Sioux Falls.

**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.**

A right-to-farm notice covenant should be required to notify potential buyers to the realities of locating in an agricultural area.

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

The transfer of the building eligibility does not increase the number of dwelling units allowed in this quarter.

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

Rural water is available in the area and a waste water system will be utilized.

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

Off-street parking requirements will be provided for once a single-family residence is constructed on the subject property.

**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 conditional use will not cause odor, fumes, dust, noise, vibrations or lighting in any amounts that would constitute a nuisance.

**Recommendation**

Staff found this conditional use permit request to be consistent with density zoning and recommended approval of Conditional Use Permit #08-51 with the following condition:

The lot shall be platted and a right-to-farm notice covenant shall be placed on the deed prior to the issuance of a building permit.

Joint Planning Commission Minutes

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**Action**

Based on the staff report, a motion was made for the City by Breidenbach and seconded by Erb to **approve** Conditional Use Permit #08-51. The motion passed unanimously. Same motion for the County by O'Hara and seconded by Rogen. The motion passed unanimously.