

**MINUTES OF THE JOINT MEETING  
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS  
April 25, 2016**

A joint meeting of the County and City Planning Commissions was held on April 25, 2016 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Mike Cypher, Becky Randall, Doug Ode, Bonnie Duffy, Paul Kostboth, and Jeff Barth.

CITY PLANNING COMMISSION MEMBERS PRESENT: Andi Anderson, Sharon Chontos, Larry Luetke, and Sean Ervin.

**STAFF PRESENT:**

Scott Anderson, David Heinold and Kevin Hoekman - County Planning  
Jason Bieber – City Planning

The County Planning Commission Chair was presided over by Mike Cypher. The City Planning Commission was chaired by Andi Anderson.

**CONSENT AGENDA**

Commissioner Barth requested to move Item #2, Conditional Use Permit #16-25, to the regular agenda for discussion purposes. Item #2 was moved to the regular agenda.

A motion was made to **approve** the consent agenda for the City by Commissioner Chontos and seconded by Commissioner Ervin. The motion passed unanimously. Same motion was made for the County by Commissioner Barth and seconded by Commissioner Duffy. The motion passed unanimously.

**ITEM 1. Approval of Minutes** – March 28, 2016

As Part of the Consent agenda, a motion was made for the City by Commissioner Chontos and seconded by Commissioner Ervin to **approve** the meeting minutes for March 28, 2016. The motion passed unanimously. Same motion was made for the County by Commissioner Barth and seconded by Commissioner Duffy to **approve** the meeting minutes for March 28, 2016. The motion passed unanimously.

**REGULAR AGENDA**

A motion was made to **approve** the regular agenda for the City by Commissioner Chontos and seconded by Commissioner Luetke. The motion passed unanimously. Same motion was made for the County by Commissioner Kostboth and seconded by Commissioner Barth. The motion passed unanimously.

**ITEM 2. CONDITIONAL USE PERMIT #16-25 to allow a Communication Facility – Ground-Mount Satellite Dishes on the property legally described as Stoakes Subdivision of Tract 2, Lot 4 Pleasant View Acres, N1/2 SE1/4 & S1/2 NE1/4, Section 19-T101N-R48W.**

Petitioner: Gray Television Group, Inc.

Property Owner: East Side Developers, LLC

Location: 1114 S. Stoakes Ave. Approximately 0.5 mile east of Sioux Falls

Staff Report: David Heinold

This would allow a Communication Facility, Ground-Mount Satellite Dishes.

**General Information:**

Legal Description – Stoakes Sub. of Tract 2, Lot 4 Pleasant View Acres, N1/2 SE1/4 & S1/2 NE1/4, Section 19-T101N-R48W

Present Zoning – C Commercial District

Existing Land Use – Vacant

Parcel Size – 1.22 Acres

**Staff Report:** David Heinold

**Staff Analysis:**

The petitioner is requesting conditional use permit approval for a communications facility consisting of ground-mount satellite dishes. The proposed satellite dishes are 16.5 feet tall and 15 feet wide that will be sitting on an 18 inch pedestal stand, which makes the overall height just less than 18 feet tall. As indicated in the site plan, the property will be secured by a 6-foot chain link fence around the perimeter. There will also be a 12'x20' cement building otherwise known as a cellular communications building. The building will be approximately 10'-4" tall, 12 foot wide, and 28' long. In addition to the building, a self-contained generator approximately 10' long, 3'-8" wide, and 6' tall will be located on the site.

On April 11, 2016, staff met with the City of Sioux Falls planning staff and discussed the conditional use permit request. The City doesn't foresee any issue with the proposed location for the communication facility, satellite dishes, but would like to see a requirement added for screening from adjacent properties and land uses.

On April 13, 2016, staff visited the property and determined that the proposed location for the communications facility is an appropriate use for the C Commercial District.

**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 to the north of the subject property is primarily commercial land use while to the south begins to blend into the rural residential district and the existing Split Rock Heights subdivision of more than 40 single family dwellings to the west. The lot immediately adjacent to the south of the site has an existing shelterbelt of trees, including coniferous landscaping around the property. At a minimum, the petitioner should be required to screen the proposed satellite dish complex with a 90% opaque material reasonable for a location in transition from commercial to residential zoning. The proposed use of the lot should have a minimal effect on property values of adjacent properties.

**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 already zoned for commercial use, which allows for certain uses such as retail, office, warehousing, and personal services as permitted uses given that they meet the criteria established in Section 9.02 and 9.03 of the 2002 Revised Joint Zoning Ordinance for the City of Sioux Falls and Minnehaha County. The remaining vacant properties in the immediate vicinity are zoned rural residential and commercial. The proposed use as a communication facility should not negatively affect the normal and orderly development of the area that has seen historically significant residential and commercial growth just outside the primary economic growth area of the City of Sioux Falls.

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

The subject property is accessed from S. Stoakes Ave., which is currently a gravel surface driving area. In this case, the petitioner is not required to hard surface the driving or parking areas. Less impervious surface will allow drainage water to flow from the site towards the natural watercourse at a somewhat steady rate as opposed to increased potential for high levels of surface water runoff from asphalt or concrete surfaces impenetrable to water. All other facilities necessary to the function of the proposed satellite dishes will be provided in coordination with set standards for communication facilities.

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

The proposed communication facility, satellite dishes, will have a sufficient area for parking as a part of routine maintenance on site. No parking will be allowed in the public right-of-way for a period longer than 72 hours.

**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 communication, satellite dishes, may be general nature present noise and vibration issues but should not be at a level as to constitute a public nuisance to surrounding property owners. The surrounding area consists primarily of other more intensive land uses such as an automotive repair and warehouses. The proposed use should have a minimal effect on adjacent

residential and commercial properties. Lighting should be directed downward onto the property to prevent light pollution off the site. At a minimum, the property owner should be required to develop a landscape and screening plan to mitigate potential concerns that arise from the proposed use adjacent to residential land uses.

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

The proposed use will be located in an area identified as transition area in the Envision 2035 Comprehensive Plan. The primary goal of this area is to focus new growth and development within municipalities and areas adjacent to existing municipalities where infrastructure will be available. The proposed use is compatible with surrounding land uses and should not significantly affect the health, safety, and general welfare of the public. The petitioner stated in the narrative that they plan to add a small generator that meets all Sioux Falls city ordinances for sound dampening and environmental needs, which they mention would produce less noise than a lawnmower.

**Recommendation:**

Staff finds that the proposed communication facility, satellite dishes, is an appropriate land use for the surrounding area consistent with the goals and policies of the Envision 2035 Comprehensive Plan. Staff recommends **approval** of Conditional Use Permit #16-25 with the following conditions:

- 1.) That CUP #16-25 shall allow a communication facility, satellite dishes.
- 2.) That the property shall adhere to the submitted site plan dated 4-1-2016.
- 3.) That all signage shall be in conformance with Article 17.00 and 18.00 of the 2002 Revised Joint Zoning Ordinance for the City of Sioux Falls and Minnehaha County. A building permit is required for the installation of any signage.
- 4.) That a set of plans certified by a registered professional engineer be submitted prior to the building permit(s) being issued for the cellular communications building.
- 5.) That if mud/dirt, or other debris causes a nuisance to adjacent properties or is brought onto S. Stoakes Ave., all driveways, parking lots, and outdoor storage areas shall be in conformance with the requirements of Section 16.04 of the 2002 Revised Joint Zoning Ordinance for the City of Sioux Falls and Minnehaha County.
- 6.) That the applicant shall provide a 90% opaque screening fence or with live trees around the entire perimeter of the subject property.
- 7.) That a landscaping plan be submitted prior to construction and all landscaping shall be maintained in a live state and all noxious weeds be controlled.
- 8.) That a Stormwater Pollution Prevention Plan and Soil Erosion and Sediment Control Plan be submitted to the Planning Director prior to construction.
- 9.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundary.
- 10.) That the Planning & Zoning Department reserves the right to enter and inspect the communication facility 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 Minnehaha County Zoning Ordinance.

### **PUBLIC TESTIMONY**

Staff presented a brief summary of the staff report and conditions of approval.

Jim Berman, General Manager of KSFY located at 300 N. Dakota Ave., the end user of the proposed satellite dish complex indicated that they are moving to a new location and are purchasing the subject property with the intention to place satellite dishes on that site.

Commissioner Duffy asked if there were going to be 14 dishes and Mr. Berman clarified that there would be 8 with 2 cement pods. He continued to explain that there would be 10 at a maximum on the proposed site.

Commissioner Duffy asked about the noise level and Mr. Berman indicated that the dishes are relatively stagnant and produce minimal noise similar to that of a garage door opening.

Commissioner Duffy asked if the petitioner had consulted the township about road maintenance. Mr. Berman indicated that while a majority of the construction will come in pieces to be set up on the site they will be in communication with the township as the project progresses.

Commissioner Randall asked if there will be a generator running on site and Mr. Berman explained that it will be hardly ever used for the sole purpose of providing backup power during outages.

Commissioner Randall questioned what kind of outdoor lighting would be on the property. Mr. Berman mentioned that they plan to meet the required minimum for safety precautions, but the lights would be dim enough to not affect the surrounding area.

Commissioner Randall questioned the height of the trees and interference with the proposed satellite dishes. Mr. Berman explained that the satellite dishes would be angled to the sky in a way that does not cause much concern.

Commissioner Ode asked if there was going to be any signage and the petitioner indicated that there would only be emergency identification signage for the communications facility.

Craig Harr, 7008 E. Stoakes Cir., showed a few pictures and explained that the grade of the subject property is very steep on the south side. Mr. Harr continued to mention that the lot should be lower because of height of dishes and grad on the south as well as north sides. He also questioned why the applicant chose this spot in particular over many other locations throughout the city.

Commissioner Cypher questioned if the dishes would be new and the petitioner concurred.

Mr. Harr presented general concerns over cell and internet interruption, grades of the lot, height of dishes, plan time, screening, and the affect of the trees on his property to the proposed facility.

Gerald Harr, 3920 S. River Bluff Rd., owns the land to the southwest of the intersection of E. Quartzite Dr. and S. Stoakes Ave. questioned if there were other conditions for consideration concerning fence position, lighting, and trees. Commissioner Cypher pointed out that full cutoff light would only allow light shine down onto the property to prevent light from spilling off site.

Craig Harr questioned if the petitioner had plans to add on to the east of the subject property.

Kurt Anderson, 6508 E. Quartzite Dr., asked whether the facility will be an uplink or downlink system as well as questioned the proposed use of the satellite dishes.

Gary Busselman, 7201 E. Madison St., owns property immediately adjacent to the east side of the subject property. Mr. Busselman explained that the proposed use should make a good neighbor, present no water, or traffic issues on adjacent properties. He continued to mention that the grade of the lot will continue to present tough maintenance issues for weed control and presented general support for the proposed project.

Ryan Tysdal, 101 S. Reid St., represents the seller of the lot and indicated that there have been a number of parties that have shown interest in the subject property. Mr. Tysdal continued to mention that he does not represent the applicant in any way, but expressed support that the proposed use presents the least impact of all individuals showing interest in this piece of land as well as to the neighboring land uses. He reiterated that this is a small piece of land zoned appropriately for an unmanned communications facility and will be very low impact to the area.

Kevin Horner, 6504 E. Quartzite Dr., questioned the regulated height and the possibility for a tower in the future. Commissioner Cypher explained that a separate CUP would be required for a tower and provided an example that the height of the satellite dishes would be similar to the overall height of the township building across the road from the subject property. Mr. Horner also mentioned that 18 feet is a typical height for buildings in the surrounding area.

Mike Borszych, Chief Engineer of KSFY located at 300 N. Dakota Ave., introduced himself. Mr. Berman explained that the site fit their needs and they would be putting all new equipment at the proposed location. Mr. Berman continued to mention that there would be no interruption since only signals are being received then sent via fiber to the television studio similar to a telephone line.

Commissioner Cypher asked about the steepness of the lot and screening around the perimeter. Mr. Borszych indicated that they have an architect working on the project and plan to address the grade of the lot with further construction detail. He continued to explain that there is a 40-foot water easement on the south side of the property and that they won't be able to put anything movable on that south side.

Mr. Borszych explained the details on the set up of the satellite dishes and the need to see the full arc from east to west. He continued to mention that the dishes will be pointed 43 degrees up into the sky well over top of the trees and noted that there would be no effect of a 100 foot tree on

signal reception.

Mr. Berman explained that the dishes may get smaller in the future, but only time will tell on this issue. He continued to mention that they have no interest in placing a tower at this site, it is also not suitable, and requires much more federal regulation.

Commissioner Barth mentioned that he visited the site and questioned the support of the proposed dishes on fill dirt that appears to be much from a slough. Mr. Borszych explained that the engineers are looking into this and he noted that they will most likely have to take the footings down to the natural soil level. He added that the dishes cannot move to get the best reception and that they will all look the same producing a much cleaner looking facility than the current location.

Commissioner Kostboth asked the petitioner about a timeline for continuation of the project and Mr. Borszych indicated they proposed to begin installation on July 1st, this year.

Commissioner Cypher called for questions and no questions were received. Commissioner Cypher proceeded to close the floor to further public testimony.

### **DISCUSSION**

Commissioner Duffy explained that the area has always been commercial and a collection residential subdivisions. She continued to mention that the only thing that has changed in the past 30 years has been the ownership of lots and doesn't foresee any reason why the planning shouldn't approve the conditional use permit request.

Commissioner Randall indicated that she is comfortable with the proposed conditions of approval and moved for approval of the proposed communications facility.

Commissioner Barth questioned the additional constrictions in mitigating the concerns brought forth by the opponents for landscaping or screening of the subject property.

Commissioner Chontos concurred with Commissioner Barth and Randall for the condition regarding submission of a landscape plan prior to construction on site.

### **ACTION**

A motion was made to **approve** Conditional Use Permit #16-25 for the City by Commissioner Ervin and seconded by Commissioner Luetke. The motion passed unanimously. Same motion was made for the County by Commissioner Randall and seconded by Commissioner Duffy. The motion passed unanimously.

**Conditional Use Permit #16-25 – Approved**

**Old Business**

None.

**New Business**

None.

**Adjourn**

A motion was made to **adjourn** for the City by Commissioner Ervin and seconded by Commissioner Luetke. The motion passed unanimously. Same motion was made for the County by Commissioner Randall and seconded by Commissioner Duffy. The motion passed unanimously.