

**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS
May 18, 2009**

A joint meeting of the County and City Planning Commissions was held on May 18, 2009 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

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

CITY PLANNING COMMISSION MEMBERS PRESENT: Ken Dunlap, Darla Erb, Meredith Larson, and Lynette Olson.

STAFF PRESENT: Scott Anderson, Phil Kappen, Pat Herman – County Planning
Dave Loveland – City Planning
Gordy Swanson – Office of the State's Attorney

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

CONSENT AGENDA

Staff requested that Item 3 be moved to the regular agenda. There being no other requests, a motion was made for the City by Erb and seconded by Olson to approve the consent agenda (Items 1 & 2). The motion passed unanimously. Same motion for the County by Cypher and seconded by O'Hara. The motion passed unanimously (Rogen absent).

ITEM 1. MINUTES – April 20, 2009

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

ITEM 2. CONDITIONAL USE PERMIT #09-34 to allow a communications tower and equipment building.

General Information

Legal Description - a portion of the S 179.67' N 515.39' Of Lot 1 Husky Oil Tr 1 SE 1/4 SE 1/4 in Section 25-T102N-R50W
Location – 3300 W. Trent Lane N. edge of Sioux Falls
Petitioner / Owner- Curt Walter for Altell / Dennis Haarsma
Existing Land Use - Commercial
Current Zoning - C Commercial
Parcel Size - 75' x 75' leased site on 1.04 Acres

Report by: Pat Herman

Staff Analysis

This application is for a 100' monopole cellular tower with an 11'-5" x 20' equipment shelter. The property is located in northwest Sioux Falls near the intersection of W. 60th St. N. and I-29. The tower will be located in an existing commercial development. The property on every side of this development has been annexed into Sioux Falls. South of the development, the SD Public University & Research Center has been constructed.

There is farm ground to the immediate west and north and commercial development across the I-29 to the east. The Future Land Use Plan for Sioux Falls depicts the land in each direction to be used for commercial or industrial/economic development.

The Joint Zoning Ordinance requires a conditional use permit for a telecommunications tower within the C Commercial district. Section 15.12 exempts telecommunication towers from the maximum height requirement of the commercial district.

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.

There are few close residences in the area of the facility site. There should be no impact on the use and enjoyment of those properties in the immediate vicinity.

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

The facility should not negatively impact the development of permitted uses in the area.

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

Access to the site will be from Trent Lane, a platted roadway that is in reality a narrow driveway. With limited visits to the site, the existing road will provide adequate access. For security purposes, the tower will be enclosed by a six foot high chain link fence topped by three strands of barbed wire.

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

The leased site will be 75' x 75' which will provide enough parking space for related vehicles.

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 most frequent complaint raised about cellular towers concerns the lighting. Per FAA regulations, this tower will have white lights during daylight hours and red lights at night. Any security or property lights should have recessed lights and not allow light spillage off of the site.

The proposed location of the tower is within the 100 year floodplain as indicated by FEMA FIRM panel map #0432E. The petitioner has been informed that a flood plain development permit is required prior to the issuance of a building permit. The petitioner will also be required to purchase and install an address sign.

Recommendation

The proposed telecommunications tower & equipment building is in conformance with the future land use plan for Sioux Falls. The joint staff recommended approval of conditional use permit #09-34 with the following conditions:

- 1) The facility shall adhere to the site plan submitted on April 16, 2009.
- 2) A floodplain development permit is required prior to the start of construction.
- 3) A building permit and address sign are required prior to the start of construction.

Minnehaha County / Sioux Falls Planning Commissions

Minutes

May 18, 2009

Action

Based on the staff report, a motion was made for the City by Erb and seconded by Olson to **approve** Conditional Use Permit #09-34. The motion passed unanimously. Same motion for the County by Cypher and seconded by O'Hara. The motion passed unanimously (Rogen absent).

REGULAR AGENDA

A motion was made for the City by Erb and seconded by Olson to approve the regular agenda (Item 3). The motion passed unanimously. Same motion for the County by Cypher and seconded by O'Hara (Rogen absent). The motion passed unanimously.

ITEM 3. CONDITIONAL USE PERMIT #09-38 to allow auto sales in conjunction with auto repair.

General Information

Legal Description - Tract 1 Wittelm's Addition in the NW ¼ NW ¼ Section 22-T101N-R50W
Location - West edge of Sioux Falls
Petitioner / Owner- Travis Peterson / Douglas Langdon
Existing Land Use - Commercial
Current Zoning - I-1 Industrial
Parcel Size - less than 1 acre

Report by: Phil Kappen

Staff Analysis

The site is located at the southeast corner of West 12th Street and Ellis Road. The property to the north is zoned commercial with agricultural land uses, to the east is unimproved in the I-1, Light Industrial, to the west is agricultural beyond the Ellis Road and to the south is also zoned I-1, Light Industrial with allowed uses. The subject property is planned for commercial uses in the Sioux Falls 2015 Comprehensive Plan.

In May of 2003 the joint Planning Commissions approved a conditional use permit (#03-39) allowing motor vehicle repair shop (including customizing) at this location. Then, in 2007, the conditional use permit was amended (CUP #07-09) for a Mr. Jeremiah Christensen to also allow motor vehicle sales with the following conditions:

- 1) The operation shall conform to the site plan submitted as part of the application with the addition of screened outdoor storage area.
- 2) All outside storage of parts, materials and disabled or damaged vehicles shall be screened from the public view by a screening fence. The fence shall be earth-tone in color and have a minimum opacity of 90% maintained over the full height of the fence.
- 3) No scrap materials or dismantled vehicles shall accumulate on the property. Any waste containers, such as dumpsters, shall be screened from public view.
- 4) No more than five (5) vehicles will be displayed on the site at any given time. The vehicles displayed for sale shall be operational and licensed.
- 5) No vehicles shall be parked in the required 15 foot landscape buffer (rocked area) along Ellis Rd.
- 6) Conditional Use Permit #07-09 shall only be approved for the applicant, Jeremiah Christensen.

The business is now being operated by a different person and the new proprietor wishes to also have auto sales on the site in addition to automotive repair. They are, therefore, applying to amend the CUP since the previous amendment was limited to Mr. Christensen.

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 addition of car sales in the neighborhood should not interfere with use and enjoyment of surrounding properties provided that the appearance of the property is maintained.

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

The area is planned for commercial uses as indicated on the 2015 future land use map. The addition of display vehicles will not hinder normal and orderly development for uses in the area.

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

Access to the property is via Ellis Road. As Ellis Rd. is a hard-surfaced road, the parking and driving surfaces on the subject property also need to be hard-surfaced. The site already has paved parking and driving areas.

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

There must be at least 6 parking spaces provided on the site in addition to the parking spaces for the vehicles to be sold. The site plan shows a total of 18 parking spaces. This would allow up to 12 spaces for autos that are for sale. The site plan also shows that the required 15-foot buffer between the parking and the Ellis Road right-of-way will be maintained.

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.

Signs on the property currently conform to the requirements of the joint zoning ordinance. Often auto sales uses tend to add various signs and banners to the site. Any future signs and/or banners must also conform to all applicable zoning requirements.

Recommendation

Staffs found that the proposed use is consistent with the types of uses found in commercial or industrial areas and recommended approval of conditional use permit 09-38 to amend conditional use permits 03-39 and 07-09 with the following revised conditions.

- 1) The operation shall conform to the site plan dated April 24, 2009 and submitted as part of the conditional use permit application.
- 2) All outside storage of parts, materials and disabled or damaged vehicles shall be screened from the public view by a screening fence. The fence shall be earth-tone in color and have a minimum opacity of 90% maintained over the full height of the fence.
- 3) No scrap materials or dismantled vehicles shall accumulate on the property. Any waste containers, such as dumpsters, shall be screened from public view.
- 4) No more than twelve for sale vehicles will be displayed on the site at any given time. All vehicles displayed for sale shall be operational and licensed.
- 5) No vehicles shall be parked in the required 15 foot landscape buffer along Ellis Rd.
- 6) All sign on the property must conform with all requirements of the applicable zoning ordinance.

Public Testimony

Mr. Kappen explained that he had pulled the item due to the vehicles parked on the east end of the property. The vehicles are in an area that is not part of the conditional use permit. The petitioner also had vehicles parked in the 15' required setback along Ellis Road. Responding to the Commission, Mr. Kappen stated that there was a screening fence on the east side of the property as shown on the site plan. Both he and Mr. Loveland agreed that licensed, operational vehicles could be parked outside the screening fence in the parking areas designated on the site plan.

The petitioner, Travis Peterson, stated that he was in agreement with the listed conditions. He will have the vehicles on the east side moved by the end of the week.

Judy Swearingen, 26777 467th Ave., owns the empty lot to the north. She wants to have some guidelines on this property so the value of her property is not affected. She feels the front of the property is fine, but the back, where the vehicles were parked, is an eyesore. Mrs. Swearingen would like the lot to look like the used car lots along 12th Street. She also raised the issue of possible drainage problems.

Mr. Peterson noted that the main use of this property is to do repairs. The car sales are just a hobby and that part of the business will only be open on Mondays from 8-10 am. This is the minimum amount of time he needs to keep a dealer's license. Mr. Peterson explained that the land just to the east of the building slopes away. He is going to bring in dirt and build up the land, screen it, and use it to park vehicles that are being worked on. Mr. Peterson stated that he has been operating the vehicle repair business and now wants to have limited vehicle sales. Mr. Peterson explained that he has a snow removal, landscaping, and tree removal business and services those vehicles at this site.

Commissioner Kelly asked if staff would still recommend approval even with the discussion here tonight. Mr. Kappen replied they would.

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

Based on the staff report and public testimony, a motion was made for the City by Olson and seconded by Erb to **approve** Conditional Use Permit #09-38 with the conditions as stated. The motion passed unanimously. Say motion for the County by Randall, and seconded by Rogen. The motion passed unanimously.