

**MINUTES OF THE JOINT MEETING  
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS  
August 24, 2009**

A joint meeting of the County and City Planning Commissions was held on August 24, 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, and Don South. Wayne Steinhauer was absent.

CITY PLANNING COMMISSION MEMBERS PRESENT: Steve Gaspar, Darla Erb, Kent Ketzger, and Pam Breidenbach.

**STAFF PRESENT:**

Scott Anderson, Phil Kappen, Pat Herman, Ryan Streff – County Planning  
Steve Randall – City Planning  
Gordy Swanson – Office of the State's Attorney

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

**CONSENT AGENDA**

There were no items on the Consent Agenda.

**REGULAR AGENDA**

A motion was made for the City by Gaspar and seconded by Erb to approve the regular agenda. The motion passed unanimously. Same motion for the County by Steinhauer and seconded by Randall. The motion passed unanimously.

**ITEM 1. MINTUES – July 27, 2009**

A motion was made for the City by Gaspar and seconded by Metzger to **approve** the meeting minutes from July 27, 2009. The motion passed unanimously. Same motion for the County by O'Hara and seconded by Cypher. The motion passed unanimously.

**ITEM 2. REZONING #09-03 from A-1 Agricultural to SDN Planned Development District.**

Legal Description - W1/2 SW1/4 (EX LOT H1 NW1 /4 SW1/4, EX LOT H1 SW1/4 SW1/4, & EX LOT H2 W1/2 SW1/4; & EX CO AUD T R 1 SW1/4) of Section 26-T102N-R50W  
Location – 6800 W 60<sup>th</sup> St. N. Northwest edge of Sioux Falls

**General Information**

Existing Land Use - Agricultural  
Current Zoning - A-1 Agricultural  
Parcel Size - 66.09 Acres

**Report by:** Scott Anderson

**Staff Analysis:**

Minnehaha County utilizes several zoning techniques such as density zoning, the use of subdivision regulations and Planned Development District. The County's Comprehensive Plan states that occasionally, conventional zoning districts can be a barrier to innovative design and development techniques. The Planned Development District was added to the zoning regulations to provide developers with greater flexibility while at the same time increasing the public review of development proposals. Planned Developments can exactly outline proposed uses within the specific district and how development will occur. Furthermore, a specific set of guidelines for each planned development can be agreed upon by the County and developer. Planned Developments fill an important niche within the overall zoning of Minnehaha County.

This proposed Planned Development is intended to be a telecommunication/data center supplying public utilities for South Dakota and parts of neighboring states. The proposed Planned Development District would primarily emulate a commercial zoning district in the county and an office zoning district in Sioux Falls. The uses proposed in the planned development would be constructed over a longer period of time. Some of the proposed uses within the planned development include secure structures containing data communication storage and retrieval, and telecommunication switching and transmission equipment and activities. There would also be accessory offices and limited personal services for the employees within the campus. Eventually other commercial activities would be allowed as an infrastructure becomes available.

The subject property is proposed to be divided into two (2) sub-areas. Sub-area A is primarily the commercial area of the Planned Development. Uses in this sub-area would include offices, banks or financial institutions, personal services, but specifically excluding group day care, day care centers, group homes and mortuaries. This sub-area would also be the location of the telecommunication facilities and public telecommunication utility facilities. The applicant is also proposing allowing one (1) communication tower not to exceed 400 feet high, associated equipment shelter for the tower, cabinets and a 6 foot high security fence. Finally solar and wind generation equipment and apparatus are proposed. Staff recommends that all of the requirements of Article 12.03 of the County Zoning Ordinance on Wind Energy Conversion Systems be met for any wind towers.

The applicant has not provided any kind of preliminary plan that depicts proposed lots. Staff will require a preliminary plan before any platting occurs. All requirements of the County Subdivision Ordinance shall apply, which includes addressing controlled access from LaMesa and no access from S.D. Highway 38.

Sub-area B is currently a natural drainage way with an intermittent creek. This sub-area will primarily be used for open spaces, uses found in the RC Recreation/Conservation District, agriculture, public park, private ponds, one (1) communication tower up to 400 feet high and solar and wind generation equipment and apparatus.

Staff has prepared a recommended set of regulations for the proposed SDN Planned Development District. Staff finds that the SDN Planned Development District is in

conformance with the Minnehaha County Comprehensive Plan. The proposed development is being established with due consideration to adequate highway services and is located in an area identified as a rural service area in the Comprehensive Plan.

**Recommendation**

Staff recommended approval of Rezoning #09-03 to create the SDN Planned Development District as follows:

**SDN DEVELOPMENT DISTRICT.** The regulations set forth herein or elsewhere in these regulations are the district regulations in the SDN Planned Development District:

I. SUB-AREA A.

a. USES PERMITTED.

- i. Those uses permitted in the C Commercial District of the 2002 Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls. (Office, Bank or Financial institution, Personal Services,) Excluding: Group day care, day care center, group home and Mortuary.
- ii. Telecommunications Facilities: A self-supporting facility used to store data sent and received by telecommunications which may or may not require onsite staff to operate or maintain the storage of the data.
- iii. Public Telecommunications Utility Facilities
- iv. Communications tower (400' high maximum self support lattice) and associated equipment shelters, cabinets and 6' high security fencing.
- v. Solar and wind generation equipment and apparatus as regulated by Article 15.03 of the 2002 Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls.

b. ACCESSORY USES. Accessory uses and buildings permitted in this sub-area are accessory buildings and uses customarily incident to any permitted uses in C Commercial District of the 2002 Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls.

c. PARKING REGULATIONS. Parking/loading shall be regulated in conformance with the provisions of Article 16.00 of the 2002 Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls. Manufacturing, processing, assembly or industrial establishments, contractor's shop and storage building, research or testing laboratory, bottling plant, telecommunications data storage facility, warehouse, car wash, or other similar establishments: One parking space for each 1,500 square feet of gross floor area or 0.75 spaces for each employee on the maximum shift, whichever is greater. A minimum of two spaces shall be provided for visitor use, and additional space shall be provided to

accommodate all trucks and other vehicles used in connection with the proposed use.

- d. SIGN REGULATIONS. Signs shall be regulated in conformance with Article 17.00 of the 2002 Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls.
- e. DENSITY, AREA, YARD, AND HEIGHT REGULATIONS. All uses, same as C Commercial District of the 2002 Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls. Maximum Building height to be 45'. There shall be no height limit for wind energy conversion systems (wind turbine, photovoltaic, etc...).
- f. OTHER REGULATIONS.
  - i. A final development plan shall not be required for accessory uses; including parking lots and areas, and signs; which are in accordance with these sub-area regulations.
  - ii. The Flood Plain Administrator is authorized to review and issue permits within the floodplain upon the applicant's submission required in Section 3. Powers and Duties of the Flood Plain Management Ordinance for Minnehaha County.

## II. SUB-AREA B.

- a. USES PERMITTED.
  - i. Those uses permitted in the RC Recreation/Conservation District of the 2002 Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls.
  - ii. Agriculture
  - iii. Public park
  - iv. Private ponds
  - v. Communications tower and associated support structure (400' self support lattice)
  - vi. Solar and wind generation equipment and apparatus as regulated by Article 15.03 of the 2002 Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls.
- b. ACCESSORY USES.
  - i. Accessory uses permitted in Sub-Area B are accessory buildings and uses customarily incident to any permitted uses in this district.
- c. PARKING REGULATIONS.

- i. Parking within Sub-Area B shall be regulated in conformance with the provisions of Article 16.00 of the 2002 Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls.

d. SIGN REGULATIONS.

- i. Signs within Sub-Area B shall be regulated in conformance with the provisions of Article 17.00 of the 2002 Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls.

e. DENSITY, AREA, YARD, AND HEIGHT REGULATIONS.

- i. The maximum height and minimum lot requirements within Sub-Area B shall be as follows:

(A). General requirements:

Lot Area 1 acre

Lot Width 125' Front Yard 30'\*

Side Yard 7' Rear Yard 30' Maximum Height 35'\*\*

\* The front yard on a major arterial street or section line road shall be 50 feet.

\*\* There shall be no height limit for accessory farm structures or wind energy conversion systems (wind turbines, photovoltaic, etc...) except in the airport approach zone.

f. OTHER REGULATIONS.

- i. The Flood Plain Administrator is authorized to review and issue permits within the floodplain upon the applicant's submission required in Section 3. Powers and Duties of the Flood Plain Management Ordinance for Minnehaha County.

**Public Testimony**

Petitioner Michael Jamison (5000 E Fernwood Drive) was present at the meeting to answer questions from the Planning Commissioners.

Commissioner South asked the petitioner if he understood the conditions staff had recommended. Mr. Jamison stated that he understood the conditions in the staff report.

Commissioner Metzger questioned if the 400' tower would interfere with the Sioux Falls Municipal Airport's operations. Mr. Jamison confirmed that the FAA has been notified of the tower and that he is working with them to avoid interfere with airport operations.

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

**Action**

Based on the staff report and public testimony, a motion was made for the City by Metzger and seconded by Erb to **approve** Rezoning #09-03 from A-1 Agricultural to SDN Planned Development District with the following district regulations. The motion passed unanimously. Same motion for the County by Rogen and seconded by Randall. The motion passed unanimously..

**SDN DEVELOPMENT DISTRICT.** The regulations set forth herein or elsewhere in these regulations are the district regulations in the SDN Planned Development District:

III. SUB-AREA A.

a. USES PERMITTED.

- i. Those uses permitted in the C Commercial District of the 2002 Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls. (Office, Bank or Financial institution, Personal Services,) Excluding: Group day care, day care center, group home and Mortuary.
- ii. Telecommunications Facilities: A self-supporting facility used to store data sent and received by telecommunications which may or may not require onsite staff to operate or maintain the storage of the data.
- iii. Public Telecommunications Utility Facilities
- iv. Communications tower (400' high maximum self support lattice) and associated equipment shelters, cabinets and 6' high security fencing.
- v. Solar and wind generation equipment and apparatus as regulated by Article 15.03 of the 2002 Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls.

b. ACCESSORY USES. Accessory uses and buildings permitted in this sub-area are accessory buildings and uses customarily incident to any permitted uses in C Commercial District of the 2002 Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls.

c. PARKING REGULATIONS. Parking/loading shall be regulated in conformance with the provisions of Article 16.00 of the 2002 Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls. Manufacturing, processing, assembly or industrial establishments, contractor's shop and storage building, research or testing laboratory, bottling plant, telecommunications data storage facility, warehouse, car wash, or other similar establishments: One parking space for each 1,500 square feet of gross floor area or 0.75 spaces for each employee on the maximum shift, whichever is greater. A minimum of two spaces shall be provided for visitor use, and additional space shall be provided to

accommodate all trucks and other vehicles used in connection with the proposed use.

- d. SIGN REGULATIONS. Signs shall be regulated in conformance with Article 17.00 of the 2002 Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls.
- e. DENSITY, AREA, YARD, AND HEIGHT REGULATIONS. All uses, same as C Commercial District of the 2002 Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls. Maximum Building height to be 45'. There shall be no height limit for wind energy conversion systems (wind turbine, photovoltaic, etc...).
- f. OTHER REGULATIONS.
  - i. A final development plan shall not be required for accessory uses; including parking lots and areas, and signs; which are in accordance with these sub-area regulations.
  - ii. The Flood Plain Administrator is authorized to review and issue permits within the floodplain upon the applicant's submission required in Section 3. Powers and Duties of the Flood Plain Management Ordinance for Minnehaha County.

#### IV. SUB-AREA B.

- a. USES PERMITTED.
  - i. Those uses permitted in the RC Recreation/Conservation District of the 2002 Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls.
  - ii. Agriculture
  - iii. Public park
  - iv. Private ponds
  - v. Communications tower and associated support structure (400' self support lattice)
  - vi. Solar and wind generation equipment and apparatus as regulated by Article 15.03 of the 2002 Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls.
- b. ACCESSORY USES.
  - i. Accessory uses permitted in Sub-Area B are accessory buildings and uses customarily incident to any permitted uses in this district.
- c. PARKING REGULATIONS.

- i. Parking within Sub-Area B shall be regulated in conformance with the provisions of Article 16.00 of the 2002 Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls.

d. SIGN REGULATIONS.

- i. Signs within Sub-Area B shall be regulated in conformance with the provisions of Article 17.00 of the 2002 Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls.

e. DENSITY, AREA, YARD, AND HEIGHT REGULATIONS.

- i. The maximum height and minimum lot requirements within Sub-Area B shall be as follows:

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Lot Area 1 acre

Lot Width 125' Front Yard 30'\*

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\* The front yard on a major arterial street or section line road shall be 50 feet.

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f. OTHER REGULATIONS.

- i. The Flood Plain Administrator is authorized to review and issue permits within the floodplain upon the applicant's submission required in Section 3. Powers and Duties of the Flood Plain Management Ordinance for Minnehaha County.