

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
August 11, 2014 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Courthouse

MEMBERS PRESENT: Sig Zvejnieks, Karen Hall, Lori Litzen, Bill McCollam, Barbara Landers, and Don Holloway.

STAFF PRESENT: PJ Conover, Jeri Ervin, Kelsey Rausch, and Kinsley Groote (SAO).

ROLL CALL

1. APPROVAL OF THE JULY 28, 2014, MINUTES
Moved by Litzen and seconded by McCollam to approve the minutes of the July 14, 2014, Planning Commission Meeting. Vote: unanimous (6 to 0).

2. APPROVAL OF THE AGENDA
Moved by Hall and seconded by Landers to approve the Agenda of the August 11, 2014, Planning Commission Meeting, including the Consent Calendar, to include Items #6, #7, and #9. Vote: unanimous (6 to 0).

CONSENT CALENDAR

The following items have been placed on the Consent Calendar for action to be taken on all items in accordance with staff's recommendation by a single vote. Any item may be removed from the Consent Calendar, by any Planning Commissioner, staff member, or audience member for separate consideration. The findings of this Planning Commission are recommendations to the Pennington County Board of Commissioners who will make the final decision.

3. CONDITIONAL USE PERMIT REVIEW / CU 04-35: Joe Theberge. To review ten 30 foot by 150 foot storage buildings in a General Commercial District in accordance with Sections 209-C-5 and 510 of the Pennington County Zoning Ordinance.

Tract 1 of the SE1/4, Section 11, T1N, R6E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 04-35 with the following eleven (11) conditions:

1. **That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director;**

2. **That a minimum of four parking spaces be provided and a loading and unloading zone be provided for all storage units that run along the units and**

must have four (4) inches of gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;

3. That ten (10) storage buildings be allowed on the subject property not to exceed 30 feet by 150 feet. Any additional storage buildings would require review by the Planning Commission;
4. That the businesses address be posted on the property and clearly visible and maintained in accordance with Pennington County Ordinance #20;
5. That any lighting used to illuminate off-street parking or on premise lighting shall be so arranged as to deflect the light from all adjoining residences;
6. On-premise sign(s) shall be allowed with an approved Sign Permit. The on premise sign shall not exceed 25 feet in height and have a maximum display area of 250 square feet on each side and not have more than two sides;
7. That prior to a Building Permit being issued for the first storage unit, a drainage plan addressing run-off shall be reviewed and approved by the County Drainage Engineer;
8. That prior to any Building Permit being issued on the property, the applicant shall provide documentation from the S.D. Department of Transportation acknowledging the use of the existing approaches for commercial use;
9. That the hours of operation for the storage units be from 6:00 a.m. to 10:00 p.m.;
10. That prior to starting construction of the storage units, this Conditional Use Permit be reviewed and the applicant's notify the surrounding property owners in accordance with Section 510 of the Pennington County Zoning Ordinance; and,
11. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis or as deemed necessary by either the Pennington County Planning Commission or Board of Commissioners to ensure that all conditions are being met.

Vote: unanimous (6 to 0).

4. **CONDITIONAL USE PERMIT / CU 14-24:** Lawrence Meagher and Margaret Chalcraft. To allow for a single-wide mobile home as a single-family residence in a Low Density Residential Zoning District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 2, Buchholz Subdivision, Section 14, T1N, R8E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit / CU 14-24 with the following eight (8) conditions:

- 1. That a Building Permit be obtained for the single-wide mobile home before it is moved onto the property;**
- 2. That prior to a Building Permit being obtained for the single-wide mobile home, the City of Rapid City must approve the design of the new septic system that will be installed on the property;**
- 3. That the minimum setback requirements of a Low Density Residential District be continually maintained on the property;**
- 4. That the property be kept free of debris and junk vehicles;**
- 5. That the lot address (4121 Apple Tree Road) be posted on the mobile home and posted so it is clearly visible from both directions of travel along Apple Tree Road at all times in accordance with Pennington County's Ordinance #20;**
- 6. That the mobile home have a continually maintained non-reflective type roof, wood or simulated wood-type siding, and skirting;**
- 7. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation which requires a site plan to be reviewed and approved by the Planning Director; and,**
- 8. That this Conditional Use Permit be reviewed in two (2) years or on a complaint basis to verify that all conditions of approval are being met.**

Vote: unanimous (6 to 0).

- 6. LAYOUT PLAT / PL 14-17: Josiah Frink / Pamela Frink. To create Lots A, B, and C of Russ Frink Addition in accordance with Section 400.1 of the Pennington County Subdivision Regulations.**

EXISTING LEGAL: The unplatted part of the N1/2SE1/4 located west of Co. Road 318 and the unplatted balance of S1/2NE1/4 located in Section 8, T1N, R4E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots A, B, and C of Russ Frink Addition, Section 8, T1N, R4E, BHM, Pennington County, South Dakota.

To recommend to continue Layout Plat / PL 14-17 to the August 25, 2014, Planning Commission meeting, with the applicant's concurrence.

Vote: unanimous (6 to 0).

7. **REZONE / RZ 14-05 AND COMPREHENSIVE PLAN AMENDMENT / CA 14-05:** Josiah Frink / Pamela Frink. To rezone 59.6 acres from General Agriculture District to Limited Agriculture District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Limited Agriculture District in accordance with Section 508 of the Pennington County Zoning Ordinance.

The unplatted part of the N1/2SE1/4 located west of Co. Road 318 and the unplatted balance of S1/2NE1/4 located in Section 8, T1N, R4E, BHM, Pennington County, South Dakota.

To recommend to continue Rezone / RZ 14-05 and Comprehensive Plan Amendment / CA 14-05 to the August 25, 2014, Planning Commission meeting, with the applicant's concurrence.

Vote: unanimous (6 to 0).

9. **ORDINANCE AMENDMENT / OA 14-06:** Pennington County. To amend Sections 103; 204-I-5; 208-D-1a; 208-D-1b; 208-E-3; 210-D-1a; 210-D-1b; 211-E-1a; 211-E-1b; 213-C-4g; 304-C-1; 305-A-3; 305-D-2; 306-B; 306-B-13; 306-B-14; and 307-B-1 of the Pennington County Zoning Ordinance. To replace the word of Health Department with Planning Department.

To recommend approval of Ordinance Amendment / OA 14-06.

Vote: unanimous (6 to 0).

END OF CONSENT CALENDAR

5. **MINOR PLAT / PL 14-18 AND SUBDIVISION REGULATIONS VARIANCE / SV 14-06:** William and Nancy Ewing; Davis Engineering – Agent. To create Lots A and B of Ewing Addition and to waive platting requirements in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot G, including the Former Railroad Right-of-Way Within Said Lot G, in the SW1/4SE1/4, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot A and Lot B of Ewing Addition, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicants have applied for a Minor Plat to create Lots A and B of Ewing Addition by subdividing existing Lot G into two (2) lots. Proposed Lot A is to measure 1.34 acres, while proposed Lot B is to measure 0.84 acre. The purpose of the proposed lot split is to create two buildable lots for residential use. In addition, the applicants are also requesting a Subdivision Regulations Variance to waive platting requirements

Staff recommended denial of Subdivision Regulations Variance 14-06 to waive engineered road construction plans for all required road improvements; denial to waive road improvements for Forest Road; denial to waive the dedication of additional right-of-way for Forest Road; denial to waive dedication of additional easement width for the access easements across Lot A providing access to Lot B; and denial to waive road improvements for the access easement across Lot A providing access to Lot B.

Staff recommended approval of Minor Plat #11-18 with the following ten (10) conditions:

1. That a non-access easement be dedicated on the plat along the entire frontage of W. Highway 44 and the north/south portion of Forest Road, in accordance with the Department of Transportation's comments and submitted drawing;
2. That a 150-foot setback be designated on the plat from the high water line of Rapid Creek for any on-site wastewater system;
3. That the plat dedicate all necessary easements, including eight (8) foot utility and minor drainage easements along the interior of all lot lines and a major drainage easement for the location of any existing watercourse, drainage way, channel or stream which traverses the property;
4. That a permanent water line easement and/or shared well agreement easement be dedicated on the plat to address the lot size of proposed Lot B;
5. That a certificate block be included on the plat for the Contract for Deed holders of the subject property (Leroy N. and Linda I. Weisser) unless the Contract for Deed is complete and Ewings obtain full ownership of the property prior to recording the plat at the Register of Deeds;
6. That a note be included on the plat indicating that a "Replacement Area for Absorption System" is required to be designated on the site plan for application of a Building Permit on the proposed lots and that this area must be kept free of permanent structures, traffic, or adverse soil modification, in accordance with Section 204-J-3-d of the Zoning Ordinance;

7. That a dimension for both the width of the right-of-way being dedicated and the width of the overall right-of-way for Forest Road be included on the plat;
8. That Forest Road be improved and additional right-of-way be dedicated in accordance with the Local/Collector Road Standards for a Suburban Residential District designated in the Subdivision Regulations, including a 66-foot-wide right-of-way with a 24-foot-wide paved driving surface, with curbs and sidewalks, or else approval of a Subdivision Regulations Variance be obtained;
9. That the private access easement being dedicated on the plat across Lot A to Lot B be improved and additional easement width be dedicated in accordance with Local/Collector Road Standards for a Suburban Residential District designated in the Subdivision Regulations, including a 66-foot-wide right-of-way with a 24-foot-wide paved driving surface, with curbs and sidewalks, or else approval of a Subdivision Regulations Variance be obtained; and,
10. That engineered road construction plans be submitted for all required road improvements, or else approval of a Subdivision Regulations Variance be obtained.

Mr. Ron Davis, agent, appeared and stated he is opposed to installing curbs and sidewalks for the subject property. He noted that if this is required, the applicants will be the only ones in the area having this installed on their property. He also spoke of the requirement for the additional right-of-way for Forest Road, including a 66-foot right-of-way, and indicated this is on the plat. Mr. Davis further stated that Forest Road goes across private party at this time and he has dedicated 33 feet from the centerline of Forest Road to the property. The note regarding the dedication is on the plat and Mr. Davis indicated that he will add the dimensions on the Final Plat. Mr. Davis asked that all the Subdivision Regulations be waived except for the dedication of the additional right-of-way for Forest Road, since this is already included on the plat.

Mr. Davis further spoke of the Minor Plat conditions, specifically Condition #8, and asked to change the 24-foot-wide paved driving surface to 22 feet and remove the curbs and sidewalks requirement. He also discussed Condition #9 and asked to change the 60-foot-wide right-of-way to 40 feet and change the 24-foot-wide paved driving surface to 22 feet and also remove the curbs and sidewalks requirement. Mr. Davis said the applicant is requesting these changes, since the property will no longer be further subdivided.

Commissioner Holloway questioned where the buildable area is on Lot A.

Mr. Davis stated in the upper northeast portion of the property and on the other side of the proposed access going to Lot B. He also spoke of the floodplain located on portions of both properties.

Commissioner Litzen asked if access to the proposed lots could be taken from W. Highway 44.

Mr. Davis explained that the steepness and topography on the north side of the subject property could prohibit access from that side.

Chairman Zvejnieks asked Mr. Davis if he has submitted a Letter of Map Revision to FEMA.

Mr. Davis said that he has.

Commissioner Hall wanted to know how long this usually takes.

Mr. Davis stated it typically takes about 60 days and sometimes between 90 days to 120 days.

Chairman Zvejnieks spoke of the requirements for curbs and sidewalks and agreed that this needs to be waived.

Mr. Bill Ewing, applicant, appeared and provided a brief history of the subject property. He further spoke of the platting requirements and asked that several of them be waived, including the requirement of the curbs and sidewalks.

Chairman Zvejnieks discussed the adjoining right-of-way dimensions and asked that they be included on the plat. He was unsure if the applicant is dedicating 33 feet.

Mr. Davis responded and stated there is a note on the plat indicating the area is dedicated to public right-of-way, but the dimensions are not shown and he will include the dimensions on the Final Plat before it is filed.

Discussion further followed .

Moved by Litzen and seconded by Hall to recommend denial of a portion of Subdivision Regulations Variance / SV 14-06 to waive the dedication of additional right-of-way for Forest Road and approval of a portion of Subdivision Regulations Variance / SV 14-06 to waive engineered road construction plans for all required road improvements; to waive road improvements for Forest Road; to waive dedication of additional easement width for the access easements across Lot A providing access to Lot B; and to waive road improvements for the access easement across Lot A providing access to Lot B; and also recommended approval of Minor Plat / 14-18 with the following nine (9) conditions:

- 1. That a non-access easement be dedicated on the plat along the entire frontage of W. Highway 44 and the north/south portion of Forest Road, in accordance with the Department of Transportation's comments and submitted drawing;**

2. That a 150-foot setback be designated on the plat from the high water line of Rapid Creek for any on-site wastewater system;
3. That the plat dedicate all necessary easements, including eight (8) foot utility and minor drainage easements along the interior of all lot lines and a major drainage easement for the location of any existing watercourse, drainage way, channel or stream which traverses the property;
4. That a permanent water line easement and/or shared well agreement easement be dedicated on the plat to address the lot size of proposed Lot B;
5. That a certificate block be included on the plat for the Contract for Deed holders of the subject property (Leroy N. and Linda I. Weisser) unless the Contract for Deed is complete and Ewings obtain full ownership of the property prior to recording the plat at the Register of Deeds;
6. That a note be included on the plat indicating that a “Replacement Area for Absorption System” is required to be designated on the site plan for application of a Building Permit on the proposed lots and that this area must be kept free of permanent structures, traffic, or adverse soil modification, in accordance with Section 204-J-3-d of the Zoning Ordinance;
7. That a dimension for both the width of the right-of-way being dedicated and the width of the overall right-of-way for Forest Road be included on the plat;
8. That Forest Road be improved and additional right-of-way be dedicated in accordance with the Local/Collector Road Standards for a Suburban Residential District designated in the Subdivision Regulations, including a 66-foot-wide right-of-way with a 22-foot-wide paved driving surface, or else approval of a Subdivision Regulations Variance be obtained; and,
9. That the private access easement being dedicated on the plat across Lot A to Lot B be improved and additional easement width be dedicated in accordance with Local/Collector Road Standards for a Suburban Residential District designated in the Subdivision Regulations, including a 40-foot-wide right-of-way with a 22-foot-wide paved driving surface, or else approval of a Subdivision Regulations Variance be obtained.

All voting aye, the Motion carried 6 to 0.

8. ORDINANCE AMENDMENT / OA 14-05: Pennington County. To amend Section 314-B-2 and Section 314-C-2-a “Temporary Campgrounds and Assemblies of People” of the Pennington County Zoning Ordinance. To replace the words of Environmental Health Officer with the words Environmental Planner and/or Water Protection Coordinator.

Chairman Zvejnieks spoke of Section 314 “Assemblies of People” and wanted to discuss this part of the Zoning Ordinance at this time.

Staff informed the Planning Commission that they can certainly discuss “Assemblies of People,” but could only make a motion to what was advertised and listed on the Agenda.

Chairman Zvejnieks stated he would like to discuss Section 314 “Assemblies of People” further at the August 25th Planning Commission meeting.

Moved by Landers and seconded by Hall to approve of Ordinance Amendment / OA 14-05.

All voting aye, the Motion carried 6 to 0.

10. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission’s recommendations from the July 14th and July 28th Planning Commission meetings, with the exception of Ordinance Amendment 14-04 to amend Section 319-C-5 of the Vacation Home Rental. This item was continued at the request of the Board of Commissioners to give the State’s Attorney and the Planning Department an opportunity to make the Ordinance Amendment more specific.

11. ITEMS FROM THE PUBLIC

There were no items from the public.

12. ITEMS FROM THE STAFF

- A. Building Permit Report. Conover reviewed the Building Permit Report for July 2014.
- B. Planning Director. Conover informed the Planning Commission that Dan Jennissen has resigned his position as Planning Director of Pennington County. Conover further stated he was appointed by the Board of Commissioners as Interim Director in the meantime. Conover also informed the Planning Commission that Lysann Zeller had also given her notice.
- C. On-Site Wastewater Training. The Pennington County On-Site Wastewater Training will be held on October 2nd at the Rushmore Plaza Civic Center.
- D. SD Planners Conference 2014. The SD Planners Conference is scheduled for October 22nd and October 23rd in Watertown.

13. ITEMS FROM THE MEMBERSHIP

Chairman Zvejnieks spoke of the change in the Planning Department to clarify information presented to them with the Planning Director resigning.

Commissioners Litzen and Landers both stated they will be gone for the September 22nd meeting.

14. ADJOURNMENT

Moved by Litzen and seconded by McCollam to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at **9:50 a.m.**

Sig Zvejnieks, Chairperson