

AGENDA
PENNINGTON COUNTY PLANNING COMMISSION
May 13, 2013 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Courthouse

Recommendations of the Planning Commission on items from this agenda will be considered by the Board of Commissioners at their regular meeting on May 21, 2013, at 10:30 a.m.

ROLL CALL

1. APPROVAL OF THE APRIL 8, 2013, MINUTES
2. APPROVAL OF THE AGENDA

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 91-07: S.D. Annual Conf. of United Methodist. To review an organized group camp in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Oregon Lode MS 2049, Section 15, T1S, R6E, Alaska Lode MS 2049, Section 15, T1S, R6E, (also in Section 10); Arizona Lode MS 2049, Section 15, T1S, R6E, (also in Section 14); Dan Patch Lode MS 2049, Nevada Lode MS 2049, Section 14, T1S, R6E, (also in Section 15); Gold Dust Lode MS 2049, Section 14, T1S, R6E, (also in Section 15); Idaho Lode MS 2049, Section 15, T1S, R6E, (also in Section 14), all in BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 91-07 with two (2) conditions.

4. CONDITIONAL USE PERMIT REVIEW / CU 01-43: Ella and Ronald Wilcox. To review a caretaker's residence in a Suburban Residential District in accordance with Section 208 and 510 of the Pennington County Zoning Ordinance.

Lot 7, Block 7, Eastern Acres Subdivision, Section 11, T1N, R8E, BHM, Pennington County, South Dakota.

To recommend to revoke Conditional Use Permit / CU 01-43 with the applicant's concurrence.

5. **CONDITIONAL USE PERMIT REVIEW / CU 06-01:** William Reishus. To review a manufactured home as a permanent residence in a General Agriculture District in accordance with Section 205-C-22 and Section 510 of the Pennington County Zoning Ordinance.

Tract 1, Beacon Hill Subdivision, Section 10, T1S, R9E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 06-01 with five (5) conditions.

6. **CONDITIONAL USE PERMIT REVIEW / CU 08-01:** David and Janice Oleson. To review a residential care facility in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Tract A, Pioneer Subdivision II, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 08-01 with five (5) conditions.

7. **CONSTRUCTION / MINING PERMIT REVIEW / CP 05-08:** Croell Redi-Mix, Inc. / Kristi Chamley - Agent. To review the mining of approximately 80,000 cubic yards of gravel in accordance with Section 507-B of the Pennington County Zoning Ordinance.

A Tract of Land consisting of the NW1/4 of Section 27 and the N1/2 of Section 28, T1S, R11E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Construction / Mining Permit / CP 05-08 with twelve (12) conditions.

8. **CONDITIONAL USE PERMIT REVIEW / CU 11-15:** The Royal Company; Roger Johnson – Agent. To review an aircraft landing strip in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

The W1/2 of Section 33, T1N, R8E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 11-15 with three (3) conditions.

9. **CONDITIONAL USE PERMIT REVIEW / CU 12-06:** Bituminous Paving. To review a portable asphalt batch plant to be set up in the Pete Lien & Son's gravel pit in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

GL1-4; PT of GL 5 East of Right-of-Way; and PT NE1/4NW1/4 East of Right-of-Way, Section 17, T1N, R14E, BHM, Pennington County, South Dakota.

To recommend to revoke Conditional Use Permit / CU 12-06 with the applicant's concurrence.

10. **MINOR PLAT / PL 13-06 AND SUBDIVISION REGULATIONS VARIANCE / SV 13-02:** Siders Sisters; Linda Smoot – Agent. To create Lot 3R of Lot A of Feldman Subdivision in accordance with Sections 300.2 and 400.3 and to waive platting requirements in accordance with Section 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 3 of Lot A of Feldman Subdivision and a portion of Parcel No. 4 located in the SW1/4 of NE1/4, all in Section 2, T2S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 3R of Lot A of Feldman Subdivision, Section 2, T2S, R5E, BHM, Pennington County, South Dakota.

To recommend approval of Minor Plat / PL 13-06 with three (3) conditions and approval of Subdivision Regulations Variance / SV 13-02.

11. **REZONE / RZ 13-04:** Siders Sisters; Linda Smoot – Agent. To rezone 0.834 of an acre from Limited Agriculture District to Low Density Residential District in accordance with Sections 207 and 508 of the Pennington County Zoning Ordinance.

Located on a parcel of land being a portion of Parcel No. 4 located in SW1/4 of NE1/4 of Section 2, T2S, R5E, BHM, Pennington County, South Dakota, said parcel of land is described as follows: Beginning at a point on the North line of said Parcel No. 4, the NW corner of said Parcel No. 4 bears S 88°48'45" W a distance of 231.01'; thence N 88°48'45" E a distance of 424.96'; thence S 0°29'06" E a distance of 156.95'; thence along the arc of a curve to the right whose angle is 13°35'32" and whose radius is 593.50' a distance of 140.80' to the PT of the curve; thence N 68°43'21" W a distance of 311.43' to the Point of Beginning. Said parcel of land contains 0.834 acre more or less.

To recommend approval of Rezone / RZ 13-04.

12. **MINOR PLAT / PL 13-07 AND SUBDIVISION REGULATIONS VARIANCE / SV 13-03:** Lois McVey; Marv Matkins – Agent. To create Tract 3 of Kayter Subdivision of HES #636 in accordance with Sections 300.2 and 400.3 and to waive platting requirements in accordance with Section 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: A portion of HES #636 less Kayter Subdivision and less Swampy Lane Subdivision, Section 36, T1N, R3E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract 3 of Kayter Subdivision of HES #636, Section 36, T1N, R3E, BHM, Pennington County, South Dakota.

To recommend approval of Minor Plat / PL 13-07 with four (4) conditions and approval of Subdivision Regulations Variance / 13-03.

13. **REZONE / RZ 13-03:** Lois McVey; Marv Matkins – Agent. To rezone 14.47 acres from General Agriculture District to Limited Agriculture District in accordance with Sections 206 and 508 of the Pennington County Zoning Ordinance.

Located on a parcel of land being a portion of H.E.S. No. 636 located in N1/2 of SE1/4 of Section 36, T1N, R3E, BHM, Pennington County, South Dakota, said parcel of land is described as follows: Beginning of NE corner of said parcel identical to the E1/4 corner of said Section 36; thence S 0°08'35" W a distance of 759.50'; thence N 89°50'30" W a distance of 594.27'; thence N 0°05'02" E a distance of 562.79'; thence S 82°10'39" W a distance of 733.55'; thence N 0°23'41" E a distance of 297.06'; thence S 89°54'24" E a distance of 1320.02' to the Point of Beginning. Said parcel of land contains 14.470 acres more or less.

To recommend approval of Rezone / RZ 13-03.

14. **REZONE / RZ 13-09 AND COMPREHENSIVE PLAN AMENDMENT / CA 13-03:** Celia and Allan Bradley. To rezone 20.66 acres from General Agriculture District to Low Density Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Low Density Residential District located on in accordance with Sections 207 and 508 of the Pennington County Zoning Ordinance.

All (also in Section 19), Black Metal #9 MS, Section 20, T1S, R5E, BHM, Pennington County, South Dakota.

To accept the applicants' withdrawal of Rezone / RZ 13-09 and Comprehensive Plan Amendment / CA 13-03.

15. **CONDITIONAL USE PERMIT / CU 13-08:** Bill Whitney / Stanley Johnson Concrete; Larry and Lenora Ruland - Owners. To allow a concrete batch plan and aggregate stock pile site in a General Agriculture District to work on the reconstruction project of I-90, east of Wall, in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

The SE1/4SW1/4; S1/2NE1/4SW1/4, Section 24, T1S, R16E, BHM, Pennington County, South Dakota.

To recommend approval of Conditional Use Permit / CU 13-08 with twelve (12) conditions.

16. **MINOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 13-02:** Cliff View (Tony and Gail Kaliss); David Olson – Agent. To amend the existing Planned Unit Development to allow for nightly, weekly, and yearly rentals in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot RR, Johnson Siding Townsite, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

To recommend approval of Minor Planned Unit Development Amendment / PU 13-02 with twelve (12) conditions.

17. **SUBDIVISION REGULATIONS VARIANCE / SV 13-04:** David Merchen; Davis Engineering – Agent. To waive platting requirements in accordance with Section 700.1 of the Pennington County Zoning Ordinance.

EXISTING LEGAL: Lot A and Lot B of Merchen Addition and Lot 4 of Merchen Addition #2, all located in Section 21, T2N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot A Revised and Lot B Revised of Merchen Addition, Section 21, T2N, R6E, BHM, Pennington County, South Dakota.

To recommend approval of Subdivision Regulations Variance / SV 13-04.

18. **REZONE / RZ 13-08:** David Merchen; Davis Engineering – Agent. To rezone 3.32 acres from Planned Unit Development District to Low Density Residential District in accordance with Section 508 of the Pennington County Zoning Ordinance.

Lot 4, Merchen Addition #2, Section 21, T2N, R6E, BHM, Pennington County, South Dakota.

To recommend approval of Rezone / RZ 13-08.

19. **CONDITIONAL USE PERMIT / CU 13-07:** Jack Bradt. To allow for the operation of a dude ranch to include lodging and horse trail rides in a General Agriculture District in accordance with Sections 205-C and 510 of the Pennington County Zoning Ordinance.

The W1/2 of the NW1/4, Section 21, T2S, R6E, BHM, Pennington County, South Dakota.

To recommend to continue Conditional Use Permit / CU 13-07 to the May 28, 2013, Planning Commission meeting.

END OF CONSENT CALENDAR

20. LAYOUT PLAT / PL 13-04 AND SUBDIVISION REGULATIONS VARIANCE / SV 13-01: Jarvis and Frances Olson; Fisk Land Surveying – Agent. To create Lots 1 and 2 of Olson Park Subdivision and to waive platting requirements in accordance with Section 400.1 and Section 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: S1/2NE1/4SE1/4, Section 35, T1N, R3E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2 of Olson Park Subdivision, Section 35, T1N, R3E, BHM, Pennington County, South Dakota.

(Continued from the March 25, 2013, Planning Commission meeting.)

21. REZONE / RZ 13-02: Jarvis and Frances Olson; Fisk Land Surveying – Agent. To rezone 7.65 acres from Limited Agriculture District to Low Density Residential District in accordance with Sections 206, 207, and 508 of the Pennington County Zoning Ordinance.

Located on a parcel of land located in the South One-Half of the Northeast One-Quarter of the Southeast One-Quarter (S¹/₂NE¹/₄SE¹/₄) of Section Thirty-Five (35) in Township One North (T1N), Range Three East (R3E) of the Black Hills Meridian (BHM), Pennington County, South Dakota, more fully described as follows: Beginning at the southwest corner of said South One-Half of the Northeast One Quarter of the Southeast One Quarter (S¹/₂NE¹/₄SE¹/₄) of Section Thirty-Five (35) in Township One North (T1N), Range Three East (R3E) of the Black Hills Meridian (BHM), Pennington County, South Dakota, said point being located on a 1/16th section line of said Section Thirty-Five (35) and being marked by a US Forest Service Monument; thence, northerly along the 1/16th section line of said Section Thirty-Five (35), North 00 degrees 09 minutes 00 seconds West, a distance of 260.00 feet more or less to a point marked by a rebar with survey cap RW FISK 6565; thence, South 89 degrees 51 minutes 02 seconds East a distance of 1,282.70 feet more or less to a point located on the westerly line of the section line right-of-way for said Section Thirty-Five (35), said right-of-way being known as Paradise Drive, and said point being marked by a rebar with survey cap RW FISK 6565; thence, southerly on the westerly line of said section line right-of-way and on the westerly line of Paradise Drive right-of-way, South 00 degrees 00 minutes 43 seconds East a distance of 260.00 feet more or less, said point being located on a 1/16th section line and coincident with the northeast corner of Tract 14 of Leisure Hills Estates, and said point being marked by a monument with survey cap LS 2196; thence, westerly on said 1/16th section line and on the north line of said Tract 14 of Leisure Hills Estates, North 89 degrees 53 minutes 45 seconds West a distance of 549.64 feet more or less to the northwest corner of said Tract 14 of Leisure Hills Estates, said point being coincident with the northeast corner of Tract 15 of Leisure Hills Estates and said point being marked by a monument with survey cap LS 2196; thence, continuing westerly on said 1/16th section line and on the north line of said Tract 15 of Leisure Hills Estates, North 89 degrees 43 minutes 18 seconds West a distance of 542.94 feet more or less to the northwest corner of Tract 15 of Leisure Hills Estates, said point being coincident with the northeast corner of Tract 21 of

Leisure Hills Estates and said point being marked by a monument with survey cap LS 2196; thence, continuing westerly on said 1/16th section line and on the north line of said Tract 21 of Leisure Hills Estates, South 89 degrees 54 minutes 44 seconds West 189.50 feet more or less to the point of beginning. Said tract of land contains 7.65 acres, more or less.

(Continued from the March 25, 2013, Planning Commission meeting.)

22. REZONE / RZ 13-05 AND COMPREHENSIVE PAN AMENDMENT / CA 13-01: Jude Wildeman. To rezone 9.5 acres from General Agriculture District to Highway Service District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Highway Service District in accordance with Sections 210 and 508 of the Pennington County Zoning Ordinance.

That Portion of the Southwest Quarter of the Southwest Quarter (SW1/4SW1/4) of Section 22, T1S, R6E, BHM, Pennington County, South Dakota, lying north and west of Lots H1 and H3, as shown on the plats filed in the Highway Plat Book 1, Page 113 and in Highway Plat Book 4, Page 194, Exception therefrom any highway rights-of-way.

23. LAYOUT PLAT / PL 13-10: Grant Bolt / Greg Bolt; Bolt Racing, Inc. To create Lots 2, 3, 4, 5, and 6 of Back Road Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Government Lot 1 in the NW1/4SE1/4, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 2, 3, 4, 5, and 6 of Back Road Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

24. REZONE / RZ 13-07 AND COMPREHENSIVE PLAN AMENDMENT / CA 13-02: Grant Bolt / Greg Bolt; Bolt Racing, Inc. To rezone 39.2 acres from General Agriculture District to Low Density Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Public to Low Density Residential District in accordance with Sections 207 and 508 of the Pennington County Zoning Ordinance.

Government Lot 1 in the NW1/4SE1/4, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

25. MINOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 13-01: John and Barbara Majchrzak. To allow for a 10 foot setback for a proposed shed and gift shop on Lot 12, to allow for a 10 foot setback for a woodshed on Tract A, and to allow for a sign to be placed on Lot C in accordance with Section 213-E of the Pennington County Zoning Ordinance.

Lot 12 and Lot C (Signage Lot) of High Country Ranch Subdivision and Tract A less High Country Ranch Subdivision and less Right-of-Way of Ray Smith Placer MS 995, all located in Section 15, T1S, R4E, BHM, Pennington County, South Dakota.

26. REZONE / RZ 13-06: Doug Sletten. To rezone two (2) acres from Limited Agriculture District to Suburban Residential District in accordance with Sections 210 and 508 of the Pennington County Zoning Ordinance.

Parcel A of S1/2SW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota.

27. ORDINANCE AMENDMENT / OA 13-01: Pennington County. To amend Ordinance 17 (Flood Damage Prevention Ordinance) to update and adopt the new DFIRMs.

28. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the April 8, 2013, Planning Commission meeting.

29. ITEMS FROM THE PUBLIC

30. ITEMS FROM THE STAFF

- A. Building Permit Report.
- B. General Agriculture District and Limited Agriculture District Uses.

31. ITEMS FROM THE MEMBERSHIP

32. DISCUSSION ITEMS

33. ADJOURNMENT

ADA Compliance: Pennington County fully subscribes to the provisions of the Americans with Disabilities Act. If you desire to attend this public meeting and are in need of special accommodations, please notify the Planning Department so that appropriate auxiliary aids and services are available.