

**AGENDA**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**August 12, 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 August 20, 2013, at 10:30 a.m.

ROLL CALL

1. APPROVAL OF THE JULY 22, 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 90-48:** Kate Roseland. To review a single-wide manufactured home as a caretaker's residence in a Suburban Residential District in accordance with Section 204-D of the Pennington County Zoning Ordinance.

Lot 7, Block 4, Eastern Acres Subdivision, Section 11, T1N, R8E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 90-48 with three (3) conditions.

4. **CONDITIONAL USE PERMIT REVIEW / CU 12-02:** Rushmore Cave, LLC/Tom Hagen and Bobby Sundby - Agents. To review a Recreational Resort in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Lot 1 of Rushmore Cave Subdivision, Section 18, T2S, R7E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 12-02 with eleven (11) conditions.

5. **CONDITIONAL USE PERMIT REVIEW / CU 12-04:** Glenn and Della Wishard (Nancy Kimball – Contract for Deed Owner). To review a multi-family dwelling unit (tri-plex) in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

SW1/4SW1/4SW1/4NW1/4 of Section 16, T1N, R8E, BHM, Pennington County, South Dakota.

(Continued from the July 22, 2013, Planning Commission meeting.)

To recommend approval of the extension of Conditional Use Permit / CU 12-04 with five (5) conditions.

6. **LAYOUT PLAT / PL 13-15 AND SUBDIVISION REGULATIONS VARIANCE / SV 13-08:** Alison Lewis; Fisk Land Surveying – Agent. To create Lot 4 Revised of Engberg Subdivision and to waive platting requirements in accordance with Sections 400.1 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lots 4, 5, 7, 8, 9, and 10, Engberg Subdivision, Section 6, T2S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 4 Revised, Engberg Subdivision, Section 6, T2S, R6E, BHM, Pennington County, South Dakota.

To recommend approval of Subdivision Regulations Variance / SV 13-08 and approval of Layout Plat / PL 13-15 with eight (8) conditions.

## **END OF CONSENT CALENDAR**

7. **CONDITIONAL USE PERMIT / CU 13-16:** Larry Teuber / School House, LLC; Renner & Associates – Agent. To allow a Guest House in a Limited Agriculture District / Suburban Residential District in accordance with Sections 206, 318, and 510 of the Pennington County Zoning Ordinance.

Lots 2 and 3 (inclusive of one-half vacated Clarkson Road adjacent to said lots), Block 4 of Spring Canyon Estates, and Lot 4, Block 4 of Spring Canyon Estates, Section 5, T1S, R7E, BHM, Pennington County, South Dakota.

(Continued from the July 22, 2013, Planning Commission meeting.)

8. CONDITIONAL USE PERMIT / CU 13-18: Rochford Community Club; Anna Burleson – Agent. To allow a Community Center in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 4, Block 2 of Dakota Lode M.S. 2109, and Part of Lot 1 (26' x 60' in NE Corner), Block 3 of Dakota Lode M.S. 2109, Section 23, T2N, R3E, BHM, Pennington County, South Dakota.

(Continued from the July 22, 2013, Planning Commission meeting.)

9. VACATION OF EASEMENT / VE 13-01: Jerry and Michele Sowards. To vacate a portion of the access easements located along the interior of Lots 13, 14, 17, and 18 of Tract A of Sunnyside Acres Subdivision in accordance with the Pennington County Zoning Ordinance.

Lots 13, 14, 17, and 18 of Tract A, Sunnyside Acres Subdivision, Section 25, T2N, R4E, and Section 30, T2N, R5E, BHM, Pennington County, South Dakota.

10. CONDITIONAL USE PERMIT REVIEW / CU 10-38: Robert Mills. To review a home occupation, an auto restoration shop, in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

The N1/2 Lot E of E1/2SE1/4, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

11. LAYOUT PLAT / PL 13-14 AND SUBDIVISION REGULATIONS VARIANCE / SV 13-07: Robert Tschetter; Fisk Land Surveying – Agent. To create Lots 1R and 2R of Berry Development and to waive platting requirements in accordance with Sections 400.1 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lots 1, 2, and 3, Berry Development, Section 15, T1N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1R and 2R, Berry Development, Section 15, T1N, R5E, BHM, Pennington County, South Dakota.

12. REZONE / RZ 13-13 AND COMPREHENSIVE PLAN AMENDMENT / CA 13-07: Mitch Morris. To rezone 151.36 acres and 30.49 acres from General Agriculture District and Light Industrial District to General Commercial District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Limited Agriculture District to General Commercial District in accordance with Section 508 of the Pennington County Zoning Ordinance.

Being 151.36 acres of land located in the E1/2 of Section 32, Township 1 North, Range 8 East of the Black Hills Meridian, Pennington County, South Dakota, said 151.36 acres of land being more particularly described by metes and bounds as follows, all measurements

are to be considered as being followed by the words "more or less"; BEGINNING at the southwest corner of Lot 1 of the SW1/4 SE1/4 of Section 32, Township 1 North, Range 8 East of the Black Hills Meridian, on the south line of Section 32 at the intersection of the east right-of-way line of South Dakota Highway 79; Thence, North 06°32'53" West, along the west line of said Lot 1 of the SW1/4 SE1/4 of Section 32 and east right-of-way line of SD Highway 79, a distance of 4310.98 feet to a point on the easterly line of Lot A of the NW1/4 NE1/4 of Section 32 as shown on plat recorded in Highway Plat Book 9, Page 93, in the office of the Pennington County Register of Deeds, in a curve from which the center of curvature bears North 48°17'34" West a distance of 103.00 feet; Thence, southwesterly, following the easterly line of said Lot A of the NW1/4 NE1/4 of Section 32, along a curve to the right having a radius of 103.00 feet, a central angle of 35°53', for an arc distance of 64.51 feet to a point of tangency; Thence, South 77°35'27" West, continuing to follow the easterly line of said Lot A of the NW1/4 NE1/4 of Section 32, a distance of 4.12 feet to a point for corner on the east right-of-way line of SD Highway 79, in a curve from which the center of curvature bears South 73°13'38" West a distance of 3920 feet; Thence, northwesterly, along a curve to the left having a radius of 3920 feet, a central angle of 00°29'02", for an arc length of 33.11 feet to point for corner on the centerline of the alignment of said Lot A of the NW1/4 NE1/4 of Section 32; Thence, North 77°35'27" East, following the centerline of the alignment of said Lot A of the NW1/4 NE1/4 of Section 32, a distance of 6.78 feet to a point of curvature; Thence, northeasterly, continuing to follow the centerline of the alignment of said Lot A of the NW1/4 NE1/4 of Section 32, along a curve to the left having a radius of 70.00 feet, a central angle of 84°05'03", for an arc length of 102.73 feet to a point of tangency; Thence, North 06°29'36" West, continuing to follow the centerline of the alignment of said Lot A of the NW1/4 NE1/4 of Section 32, a distance of 606.16 feet to a point of curvature; Thence, northwesterly, continuing to follow the centerline of the alignment of said Lot A of the NW1/4 NE1/4 of Section 32, along a curve to the left having a radius of 1432.39 feet, a central angle of 05°45'52", for an arc length of 144.11 feet to point for corner on the west line of the E1/2 of Section 32; Thence, North 00°01'24" East, along the west line of the E1/2 of Section 32, a distance of 206.71 feet to the northwest corner of the E1/2 of Section 32; Thence, South 89°48'35" East, along the north line of the E1/2 of Section 32, a distance of 2656.84 feet to the northeast corner of Section 32; Thence, South 00°04'45" West, along the east line of Section 32, a distance of 500.00 feet to a point for corner; Thence, North 89°48'35" West, parallel to and 500 feet distant from the north line of the E1/2 of Section 32, a distance of 1514.54 feet to a point for corner; Thence, South 06°22'35" East, a distance of 4844.00 feet to a point for corner on the south line of the E1/2 of Section 32; Thence, North 89°36'35" West, along the south line of the E1/2 of Section 32, a distance of 1088.72 feet to the POINT OF BEGINNING and containing 151.36 acres, more or less, of land.

Being 30.49 acres of land located in the N1/2 NW1/4 of Section 33, Township 1 North, Range 8 East of the Black Hills Meridian, Pennington County, South Dakota, said 30.49 acres of land being more particularly described by metes and bounds as follows, all measurements are to be considered as being followed by the words "more or less"; BEGINNING at the northwest corner of Section 33, Township 1 North, Range 8 East of the Black Hills Meridian; Thence, South 89°51'35" East, along the north line of the

NW1/4 of Section 33, a distance of 2656.84 feet to the northeast corner of the NW1/4 of Section 33; Thence, South 00°08'05" West, along the east line of the NW1/4 of Section 33, a distance of 500.00 feet to a point for corner; Thence, North 89°51'35" West, parallel to and 500 feet distant from the north line of the NW1/4 of Section 33, a distance of 2656.35 feet to a point for corner on the west line of the NW1/4 of Section 33; Thence, North 00°04'45" East, a distance of 500.00 feet to the POINT OF BEGINNING and containing 30.49 acres, more or less, of land.

(Continued from the July 22, 2013, Planning Commission meeting.)

13. REZONE / RZ 13-14 AND COMPREHENSIVE PLAN AMENDMENT / CA 13-08: To rezone 200.73 acres from General Agriculture District to Suburban Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Limited Agriculture District to Suburban Residential District in accordance with Section 508 of the Pennington County Zoning Ordinance.

Being 200.73 acres of land located in the NE1/4 of Section 32 and in the NW1/4 of Section 33, Township 1 North, Range 8 East of the Black Hills Meridian, Pennington County, South Dakota, said 200.73 acres of land being more particularly described by metes and bounds as follows, all measurements are to be considered as being followed by the words "more or less"; COMMENCING, for location purposes only, at the northeast corner of Section 32 also being the northwest corner of Section 33, Township 1 North, Range 8 East of the Black Hills Meridian; Thence, South 00°04'45" West, along the common line between Section 32 and Section 33, a distance of 500.00 feet to the POINT OF BEGINNING of the herein described tract; Thence, South 89°51'35" East, parallel to and 500 feet distant from the north line of the NW1/4 of Section 33, a distance of 2656.35 feet to a point for corner on the east line of the NW1/4 of Section 33; Thence, South 00°08'05" West, along the east line of the NW1/4 of Section 33, a distance of 2165.91 feet to a point for corner; Thence, North 89°41'05" West, along the south line of the NW1/4 of Section 33, a distance of 2654.26 feet to the southwest corner of the NW1/4 of Section 33 also being the southeast corner of the NE1/4 of Section 32; Thence, North 89°42'51" West, along the south line of the NW1/4 of Section 32, a distance of 1270.58 feet to a point for corner; Thence, North 06°22'35" West, a distance of 2169.92 feet to a point for corner, 500 feet south of the north line of the NE1/4 of Section 32; Thence, South 89°48'35" East, parallel to and 500 feet distant from the the north line of the NE1/4 of Section 32, a distance of 1514.54 feet to the POINT OF BEGINNING and containing 200.73 acres, more or less, of land.

(Continued from the July 22, 2013, Planning Commission meeting.)

14. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the July 22, 2013, Planning Commission meeting.

15. ITEMS FROM THE PUBLIC

16. ITEMS FROM THE STAFF

A. Building Permit Report.

17. ITEMS FROM THE MEMBERSHIP

18. DISCUSSION ITEMS

19. 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.**