

AGENDA
PENNINGTON COUNTY PLANNING COMMISSION
November 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 November 19, 2013, at 10:30 a.m.

ROLL CALL

1. APPROVAL OF THE OCTOBER 28, 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 07-41:** Gloria Roseland. To review a single-wide manufactured home as a single-family residence in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 3A, Block 11, Ashland Subdivision No. 3, Section 15, T2N, R8E, BHM, Pennington County, South Dakota.

(Continued from the October 28, 2013, Planning Commission meeting.)

To recommend to revoke Conditional Use Permit / CU 07-41.

4. **CONDITIONAL USE PERMIT REVIEW / CU 11-02:** Jeff and Cheryl DeVeney. To review two internally, illuminated, on-premise signs within 1,500 feet of a residential zoning district/dwelling unit in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Lot 3 of Lot D, Murray Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

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

5. **CONDITIONAL USE PERMIT REVIEW / CU 12-30:** Ruby and Frank Matejcik. To review a Vacation Home Rental in a General Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

That Part of the SE1/4SE1/4 lying north and east of Slate Prairie Road, Section 26, T1N, R3E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 12-30 with eight (8) conditions.

6. **CONDITIONAL USE PERMIT / CU 13-23:** Todd Sime. To allow accessory buildings without a principal structure in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 7 of Tract C, Hook J Subdivision, Section 1, T1S, R9E, BHM, Pennington County, South Dakota.

To recommend approval of Conditional Use Permit / CU 13-23 with eleven (11) conditions.

7. **MINOR PLAT / PL 13-21:** Alison Lewis. To create Lot 4 Revised of Engberg Subdivision in accordance with Section 400.3 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 Minor Plat / PL 13-21 with one (1) condition.

8. **MINOR PLAT / PL 13-22 AND SUBDIVISION REGULATIONS VARIANCE / SV 13-10:** Holy Smoke, Inc.; Danielle Banks – Agent. To create Tract 1 of Holy Smoke Addition and to waive platting requirements in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot A Revised of Holy Smoke Addition and The Unplatted Balance of GL 16 less ROW and The Unplatted Balance of GL 21 less ROW in Section 31, T1S, R6E; Lot C (also in Section 31, T1S, R6E) and Lot D (also in Section 5, T2S, R6E and Sections 31 and 32, T1S, R6E) of Holy Smoke Addition; and All of Ben Bolt Lode, MS, Section 6, T2S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract 1 of Holy Smoke Addition, Sections 31 and 32, T1S, R6E, BHM, Pennington County, South Dakota.

To recommend approval of Subdivision Regulations Variance / SV 13-10 and approval of Minor Plat / PL 13-22 with one (1) condition.

9. **LAYOUT PLAT / PL 13-24 AND SUBDIVISION REGULATIONS VARIANCE / SV 13-12:** Neil Tschetter; Fisk Land Surveying – Agent. To reconfigure lot lines to create Lot 10 Revised of Black Forest Village and Tract A Revised 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: Lot 10 (of Government Lot 9) in Black Forest Village and Lot 10 (also in Section 15) of Tract A less a Portion of Lot 3R of Black Forest Village in Berry Development all located in Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 10 Revised of Black Forest Village and Tract A Revised of Berry Development, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

To recommend approval of Subdivision Regulations Variance / SV 13-12 and approval of Layout Plat / PL 13-24 with eight (8) conditions.

10. **REZONE / RZ 13-15 AND COMPREHENSIVE PLAN AMENDMENT / CA 13-09:** Neil Tschetter. To rezone .26 acre from General Agriculture District to Suburban Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Suburban Residential District in accordance with Section 508 of the Pennington County Zoning Ordinance.

Lot 10 (of Gov't Lot 9), Black Forest Village, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

(Continued from the October 14, 2013, Planning Commission meeting.)

To recommend approval of Rezone / RZ 13-15 and approval of Comprehensive Plan Amendment / CA 13-09.

END OF CONSENT CALENDAR

11. **CONDITIONAL USE PERMIT REVIEW / CU 09-33:** Colonial Pine Hills Sanitary District; CETEC Engineering – Agent. To review a utility well house in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 1, Block 1, Whispering Pines Subdivision, Section 32, T1N, R7E, BHM, Pennington County, South Dakota.

12. CONDITIONAL USE PERMIT REVIEW / CU 10-37: Kolin and Michele Sperle; Chuck Taylor – Agent. To review an accessory structure, a caboose, in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot C-15, Wolframite Estates, Section 34, T1S, R5E, BHM, Pennington County, South Dakota.

13. PRELIMINARY PLAT / PL 13-23 AND SUBDIVISION REGULATIONS VARIANCE / SV 13-11: Grant Bolt / Greg Bolt. To create Lots 2, 3, 4, 5, and 6 of Back Road Subdivision and to waive platting requirements in accordance with Sections 400.2 and 700.1 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.

14. CONDITIONAL USE PERMIT REVIEW / CU 09-25: Steve Hobart. To review a ranch hand's residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

The W1/2W1/2SW1/4NE1/4, Section 16, T1S, R3E, BHM, Pennington County, South Dakota.

(Continued from the July 8, 2013, Planning Commission meeting.)

15. 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 $48^{\circ}17'34''$ 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 $35^{\circ}53'$, for an arc distance of 64.51 feet to a point of tangency; Thence, South $77^{\circ}35'27''$ 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 $73^{\circ}13'38''$ West a distance of 3920 feet; Thence, northwesterly, along a curve to the left having a radius of 3920 feet, a central angle of $00^{\circ}29'02''$, 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 $77^{\circ}35'27''$ 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 $84^{\circ}05'03''$, for an arc length of 102.73 feet to a point of tangency; Thence, North $06^{\circ}29'36''$ 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 $05^{\circ}45'52''$, 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 $00^{\circ}01'24''$ 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 $89^{\circ}48'35''$ 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 $00^{\circ}04'45''$ West, along the east line of Section 32, a distance of 500.00 feet to a point for corner; Thence, North $89^{\circ}48'35''$ 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 $06^{\circ}22'35''$ 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 $89^{\circ}36'35''$ 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 $89^{\circ}51'35''$ 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 $00^{\circ}08'05''$ 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 $89^{\circ}51'35''$ 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 $00^{\circ}04'45''$ 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 October 14, 2013, Planning Commission meeting.)

16. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the October 14th and October 28th Planning Commission meeting with the exception of Rezone / RZ 13-19 (James and Charlette Steele), which was continued to the November 19th Board of Commissioners' meeting.

17. ITEMS FROM THE PUBLIC

18. ITEMS FROM THE STAFF

A. Building Permit Report.

19. ITEMS FROM THE MEMBERSHIP

20. DISCUSSION ITEMS

21. 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.