

AGENDA
PENNINGTON COUNTY PLANNING COMMISSION
October 13, 2014 @ 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 October 21, 2014, at 10:30 a.m.

ROLL CALL

1. APPROVAL OF THE SEPTEMBER 22, 2014, 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 12-29: Albert and Rita Chapman. To review a Vacation Home Rental in a Suburban Residential District in accordance with Sections 208, 319, and 510 of the Pennington County Zoning Ordinance.

Lots 9-12, Block 3, Silver City, Section 31, T2N, R5E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 12-29 with six (6) conditions.

4. MINOR PLAT / PL 14-27 AND SUBDIVISION REGULATIONS VARIANCE / SV 14-13: Jeff DeVeny. To reconfigure lot lines to create Lot H and Lot J of Murray Subdivision 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 and Lot 2 of Lot D located in Murray Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot H and Lot J of Murray Subdivision in Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

To recommend approval of Subdivision Regulations Variance / SV 14-13 to waive platting requirements and approval of Minor Plat / PL 14-27 with two (2) conditions.

5. **CONDITIONAL USE PERMIT / CU 14-26:** Patricia Tschetter. To allow for a caretaker's residence on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance of the Pennington County Zoning Ordinance.

The W1/2E1/2NW1/4NE1/4, Section 23, T2N, R8E, BHM, Pennington County, South Dakota.

To recommend approval of Conditional Use Permit / CU 14-26 with seven (7) conditions.

6. **CONSTRUCTION PERMIT / CP 14-05:** Flack Trucking, Inc. To continue stockpiling soil, leveling the plowed fields, and removing soil from the property in a General Agriculture District in accordance with Section 507 of the Pennington County Zoning Ordinance.

Balance of the W1/2SE1/4 less lot H7; SW1/4 less Lot H6 and less right-of-way, Section 23, T2N, R8E, BHM, Pennington County, South Dakota.

To recommend approval of Construction Permit / CP 14-05 with eleven (11) conditions.

7. **MINOR PLAT / PL 14-25 AND SUBDIVISION REGULATIONS VARIANCE / SV 14-11:** Victor and Sherryl Alexander. To create Alexander Tract 2 Less Dedicated Right-of-Way and to waive platting requirements in accordance with Sections 400.3 and 700.1 the Pennington County Subdivision Regulations.

EXISTING LEGAL: All (also in Section 27), Alexander Tract and New Eldorado Lode MS 2014 in Section 28, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Alexander Tract Less Dedicated Right-of-Way, Sections 27 and 28, T1S, R5E, BHM, Pennington County, South Dakota.

To recommend approval of Subdivision Regulations Variance / SV 14-11 and approval of Minor Plat / PL 14-25 with three (3) conditions.

8. **MINOR PLAT / PL 14-26 AND SUBDIVISION REGULATIONS VARIANCE / SV 14-12:** Donna Alexander. To create Palmer Creek Tract and to waive platting requirements in accordance with Sections 400.3 and 700.1 the Pennington County Subdivision Regulations.

EXISTING LEGAL: Seven Oaks Lode MS 1578, Prosperity Lode MS 158, and Leopard Lode MS 1578 in Section 7; and Friday Lode MS 1578, Tuesday Lode MS 934 and Gold Bear Lode MS 934, in Section 18, all located in T2S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Palmer Creek Tract, Sections 7 and 18, T2S, R5E, BHM, Pennington County, South Dakota.

To recommend approval of Subdivision Regulations Variance / SV 14-12 and approval of Minor Plat / PL 14-26 with three (3) conditions.

9. **CONDITIONAL USE PERMIT / CU 14-27:** Wayne and Phyllis Krell. To allow for a single-wide manufactured home to be used as a permanent residence in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 6A of Lot 6 in Block 4, Eastern Acres Subdivision, Section 11, T1N, R8E, BHM, Pennington County, South Dakota.

To recommend approval of Conditional Use Permit / CU 14-27 with seven (7) conditions.

END OF CONSENT CALENDAR

10. **LAYOUT PLAT / PL 14-24:** Gordon and Carmen Abernathie. To create Lots C1 and C2 of W-M Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot C of W-M Subdivision, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot C1 and Lot C2 of W-M Subdivision, Section 15, T2N, R6E, BHM, Pennington County, South Dakota

11. **CONDITIONAL USE PERMIT / CU 14-28:** Don Behrens. To allow for a Vacation Home Rental in a General Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 1, Custer Trails Subdivision, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

12. **PLANNED UNIT DEVELOPMENT REVIEW / PUD 02-04:** Deerfield Park Condominiums. To review an existing Planned Unit Development in accordance with Section 213 of the Pennington County Zoning Ordinance.

Deerfield Park Condominium Units 1 through 10, Section 2, T1S, R3E, BHM, Pennington County, South Dakota.

13. CONDITIONAL USE PERMIT / CU 14-29: Isaac Malsom. To allow for the use of a existing private air strip to be used for the applicant's personal aircraft in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

The NW1/4NE1/4 less ROW, Section 30, T2N, R10E, BHM, Pennington County, South Dakota.

14. MINOR PLAT / PL 14-21 AND SUBDIVISION REGULATIONS VARIANCE / SV 14-08: Harney Mountain, LLC / Jim Scull. To create Lots 1, 2, and 3 of Harney Mountain Subdivision and to waive platting requirements in accordance with Section 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Government Lot 13 in Section 27, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1, 2, and 3 of Harney Mountain Subdivision in Section 27, T1S, R5E, BHM, Pennington County, South Dakota.

15. REZONE / RZ 14-09 AND COMPREHENSIVE PLAN AMENDMENT / CA 14-07: Harney Mountain, LLC / Jim Scull. To rezone 36.94 acres from General Agriculture District to Limited Agriculture District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Public to Limited Agriculture District in accordance with Section 508 of the Pennington County Zoning Ordinance.

A Parcel of land to be rezoned from General Agriculture to Limited Agriculture, located in Government Lot 13 of Section 27, Township One South (T1S), Range Five East (R5E), Black Hills Meridian (BHM), Pennington County, South Dakota. The Point of Beginning of said parcel bears N00°04'50"W and a distance of 329.95 feet from the section corner common to Sections 27, 28, 33 and 34 of T1S, R5E, said section corner marked with a standard BLM Brass Cap, said Parcel is more particularly described as follows: THENCE FIRST COURSE: along the section line common to said Section 27 and Section 28 with a bearing of N00°04'50"W and a distance of 1,047.70 feet to an intersection with the southerly line of Ida Tin Lode M.S.663; THENCE SECOND COURSE: along said southerly line of M.S. 663 with a bearing of N48°06'40"E and a distance of 1,115.16 feet to corner number three of said M.S. 663 which is coincident with corner 13 of H.E.S. 135 marked with a scribed stone; THENCE THIRD COURSE: along the westerly line of said H.E.S. 135 with a bearing of S16°26'56"E and a distance of 555.18 feet to corner 12 of said H.E.S. 135, marked with a scribed stone; THENCE FOURTH COURSE: continuing along said westerly line of H.E.S. 135 with a bearing of S04°43'23"E and a distance of 805.22 feet to corner 11 of said H.E.S. 135, marked with a standard BLM brass cap; THENCE FIFTH COURSE: continuing along the westerly line of said H.E.S. 135 with a bearing of S00°29'38"W and a distance of 794.30 feet to corner 10 of said H.E.S. 135, marked with a rebar with a USFS aluminum cap, and coincident to an intersection with the section line common to said Section 27 and Section 34; THENCE SIXTH COURSE: along the section line common to said Section 27 and Section 34 with

a bearing of N89°37'01"W and a distance of 393.19 feet; THENCE SEVENTH COURSE: along a line with a bearing of N03°02'27"W and a distance of 335.22 feet; THENCE EIGHTH COURSE: along a line with a bearing of S89°57'37"W and a distance of 634.40 feet and the Point of Beginning; Basis of Bearings established by GPS observation. Said Parcel of Land Contains 36.944 acres, more or less.

16. MINOR PLAT / PL 14-22 AND SUBDIVISION REGULATIONS VARIANCE / SV 14-09: Harney Mountain, LLC / Jim Scull. To create Lot JR of Brechtel #1 Subdivision and to waive platting requirements in accordance with Section 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot J of Brechtel # Subdivision located in Section 34; Government Lot 13 located in Section 27; and Lot 1 (also in Section 34) of Harney Mountain Wilderness Estates located in Section 33, all in T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot JR of Brechtel #1 Subdivision, Sections 27, 33 & 34, T1S, R5E, BHM, Pennington County, South Dakota

17. REZONE / RZ 14-10 AND COMPREHENSIVE PLAN AMENDMENT / CA 14-08: Harney Mountain, LLC / Jim Scull. To rezone 4.906 acres from General Agriculture District and Limited Agriculture District to Low Density Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Public and Planned Unit Development Sensitive to Low Density Residential District in accordance with Section 508 of the Pennington County Zoning Ordinance.

A Parcel of land to be rezoned from General Agriculture to Low Density Residential, located in Government Lot 13 of Section 27, Township One South (T1S), Range Five East (R5E), Black Hills Meridian (BHM), Pennington County, South Dakota. The Point of Beginning of said parcel being common with the section corner common to Sections 27, 28, 33 and 34 of T1S, R5E, marked with a standard BLM Brass Cap, said Parcel is more particularly described as follows: THENCE FIRST COURSE: along the section line common to said Section 27 and Section 28 with a bearing of N00°04'50"W and a distance of 329.95 feet; THENCE SECOND COURSE: along line with a bearing of N89°57'37"E and a distance of 634.40 feet; THENCE THIRD COURSE: along a line with a bearing of S03°02'27"E and a distance of 335.22 feet to an intersection with the section line common to said Section 27 and Section 34; THENCE FOURTH COURSE: along said section line a bearing of N89°37'01"W and a distance of 651.73 feet to the Point of Beginning. Basis of Bearings established by GPS observation. Said Parcel of Land Contains 4.906 acres, more or less.

18. MINOR PLAT / PL 14-23 AND SUBDIVISION REGULATIONS VARIANCE / SV 14-10: Harney Mountain, LLC / Jim Scull. To create Lot 1R of Block 2 of Harney Mountain Wilderness Estates and to waive platting requirements in accordance with Section 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot J of Brechtel # Subdivision located in Section 34 and Lot 1 (also in Section 34) of Harney Mountain Wilderness Estates located in Section 33, all in T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1R of Block 2 of Harney Mountain Wilderness Estates, Sections 27, 33 & 34, T1S, R5E, BHM, Pennington County, South Dakota.

19. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the September 22nd Planning Commission meeting.

20. ITEMS FROM THE PUBLIC

21. ITEMS FROM THE STAFF

- A. Building Permit Report.
- B. 2014 SD Planners Association Conference.
- C. October 27, 2014, PC Meeting – New Administration Building.

22. ITEMS FROM THE MEMBERSHIP

23. 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.