

AGENDA
PENNINGTON COUNTY PLANNING COMMISSION
October 28, 2019 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

Recommendations of the Planning Commission on items from this agenda will be considered by the Board of Commissioners at their regular meeting on November 5, 2019, at 10:30 a.m. The Planning Commission utilizes Speaker Request Forms, which are available in the Commission Chambers during the meeting.

ROLL CALL

1. APPROVAL OF THE OCTOBER 14, 2019, MINUTES
2. APPROVAL OF THE AGENDA

CONSENT AGENDA

The following items have been placed on the Consent Agenda 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 Agenda, 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 98-10:** Hard Rock Investments, LLC. To review a well drilling business and accessory exterior equipment and material storage in a Highway Service District in accordance with Sections 210-C and 510 of the Pennington County Zoning Ordinance.

Lot A of Lot 7, Block 2, Original Town of Deadbroke, Section 1, T2S, R4E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 98-10 with seven (7) conditions.

4. **CONDITIONAL USE PERMIT REVIEW / CU 01-01:** Ursula Brackett. To review a mobile home park in a Suburban Residential District in accordance with Section 208-C-2 of the Pennington County Zoning Ordinance.

The North 175 feet and the West 250 feet of Lot D, Section 17, T2N, R7E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 01-01 with seventeen (17) conditions.

5. **CONDITIONAL USE PERMIT REVIEW / CU 15-14:** Darrell and Mary Harkin. To review a single-wide mobile home to be used as a permanent single-family residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

NE1/4; SW1/4SE1/4; E1/2SE1/4, Section 34, T1S, R7E, BHM, Pennington County, South Dakota.

(Continued from the September 23, 2019, Planning Commission meeting.)

To recommend to end Conditional Use Permit / CU 15-14, as it is no longer needed.

6. **CONDITIONAL USE PERMIT REVIEW / CU 17-40:** Richard Burton. To review a caretaker's residence on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

NE1/4SW1/4NE1/4; S1/2SW1/4SW1/4NE1/4; SE1/4SW1/4NE1/4; N1/2N1/2NW1/4 SE1/4; Section 29, T2N, R6E, BHM, Pennington County, South Dakota.

(Continued from the February 25, 2019, Planning Commission meeting.)

To recommend to end Conditional Use Permit / CU 17-40 with the applicant's concurrence.

7. **CONDITIONAL USE PERMIT REVIEW / CU 17-42:** Kyle and Kristina Volmer. To review living in a Recreational Vehicle while building a single-family residence on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

SE1/4 of GL4, Section 7, T1N, R13E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 17-42 with eleven (11) conditions.

8. **CONDITIONAL USE PERMIT REVIEW / CU 18-10:** Ray and Erin Atkins. To review an accessory structure (a garage) prior to a principal structure on the subject property in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 8, Block 1, Meadow Ranch Estates, Section 13, T2N, R8E, BHM, Pennington County, South Dakota.

(Continued from the September 23, 2019, Planning Commission meeting.)

To recommend to continue the review of Conditional Use Permit / CU 18-10 to the April 27, 2020, Planning Commission meeting with one (1) condition.

9. **CONDITIONAL USE PERMIT REVIEW / CU 18-37:** Glenn and Debbie Lepp. To review an Alpaca Guest Ranch and store on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

PT S1/2E1/4 N of Highway, Section 35, T1N, R9E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 18-37 with eleven (11) conditions.

10. **CONDITIONAL USE PERMIT REVIEW / CU 18-39:** Michael Buseti; Rob Livingston – Agent. To review an existing single-family residence to be used as a Vacation Home Rental in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 5, Gold Mountain Subdivision, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 18-39 with fifteen (15) conditions.

11. **CONDITIONAL USE PERMIT REVIEW / CU 18-40:** Eli Rodolph / Rodolph Investments. To review an accessory structure (pole barn building) prior to a principal structure on the subject property in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Lot 2, Pankratz Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 18-40 with ten (10) conditions.

12. **PLANNED UNIT DEVELOPMENT REVIEW / PU 01-05:** William Anderson, Cliff and Billy Janis, and S-L Holdings LLC. To review an existing Planned Unit Development in accordance with Section 213 of the Pennington County Zoning Ordinance.

Tract 1 and Tract 2, of KWA Subdivision and NE1/4SE1/4 Less KWA Subdivision Less Lot H-1 of S1/2NE1/4SE1/4, all located in Section 1, T1N, R8E, BHM, Pennington County, South Dakota.

(Continued from the August 26, 2019, Planning Commission meeting.)

To recommend to continue the review of Planned Unit Development / PU 01-05 to no later than the December 16, 2019, Planning Commission meeting to allow time for Staff and the Landowners to meet and address the complaint and possible amendments to PU 01-05.

13. **PLANNED UNIT DEVELOPMENT / PU 19-05 AND MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 19-06:** To rezone 20.8 acres from Highway Service District and General Agriculture District to a Planned Unit Development and to amend an existing Planned Unit Development to allow for townhomes, apartments, and commercial businesses in accordance with Sections 205, 210, 213, and 508 of the Pennington County Zoning Ordinance.

(Rezone) W1/2SE1/4SE1/4 South of Hwy 16 Westboundless Lot A, Less Lot 1, and Less ROW; E1/2SE1/4SE1/4 South of Hwy 16 Westbound Less ROW; and That Part of the SW1/4SW1/4 lying S of Hwy 16 and W of CO RD, Sections 13 and 14, T1S, R6E, BHM, Pennington County, South Dakota.

(Major PUD Amendment) W1/2SE1/4SE1/4 South of Hwy 16 Westboundless Lot A, Less Lot 1, and Less ROW; E1/2SE1/4SE1/4 South of Hwy 16 Westbound Less ROW; and That Part of the SW1/4SW1/4 lying S of Hwy 16 and W of CO RD; and Lots 6-15, Lot 17, Tract B-1 and Tract B-2; and Common Lot B of Rockerville Ghost Town Subdivision, Sections 13 and 14, T1S, R6E, BHM, Pennington County, South Dakota.

To recommend approval of the continuation of the hearing of Planned Unit Development / PU 19-05 and to recommend approval of the continuation of the hearing of Major Planned Unit Development Amendment / PU 19-06 with one (1) condition.

END OF CONSENT AGENDA

14. **MINOR PLAT / MPL 19-32:** Debra Legge; Fisk Land Surveying – Agent. To subdivide and create Lots 1 and 2 of Greyhound Gulch Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1 of Tract B including Lot A of Lot 1 of Tract B, HES #281, Section 15, T2S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2 of Greyhound Gulch Subdivision, Section 15, T2S, R6E, BHM, Pennington County, South Dakota.

15. **LAYOUT PLAT / LPL 19-36:** Par Properties / Paul Zweifel. To subdivide and create Lots 1, 2, and 3 of Par Properties Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: SE1/4SW1/4NE1/4, Section 27, T2N, R3E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1, 2, and 3 of Par Properties Subdivision, Section 27, T2N, R3E, BHM, Pennington County, South Dakota.

16. LAYOUT PLAT / LPL 19-37: Battle Creek Fire District. To subdivide and create Lots A and B of Rushmore Ranch Estates in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract Well, Rushmore Ranch Estates Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots A and B of Rushmore Ranch Estates Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

17. REZONE / RZ 19-15 AND COMPREHENSIVE PLAN AMENDMENT / CA 19-15: Harold Bies. To rezone 40.00 acres from General Agriculture District to Limited Agriculture District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Suburban Residential District to Limited Agriculture District in accordance with Sections 205, 206, 208, and 508 of the Pennington County Zoning Ordinance.

SW1/4NW1/4, Section 13, T1N, R8E, BHM, Pennington County, South Dakota.

18. MINOR PLAT / MPL 19-34: Jeffrey Scherr. To combine lots to create Lot D1 and Lot D2 of Lot 17, Fort Meade Placer 244 in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot D of Lot 17 of Fort Meade Placer MS 244; Lot 1 of Lot A of Lot 8 of Lot E of Big Bend Placer MS 1442; and, Lot B of Lot 8 of Lot E of Big Bend Placer MS 1442, all located in Section 8, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot D1 and Lot D2 of Lot 17 of Fort Meade Placer 244, Section 8, T1S, R6E, BHM, Pennington County, South Dakota.

19. LAYOUT PLAT / LPL 19-35: Ken Willard; Fisk Land Surveying – Agent. To create Lots 1 and 2 of Willard Ranch Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: That PT of W1/2SE1/4 and That PT of SE1/4SE1/4 Located E of Highway 385 Less Forest View Subdivision Less Lot H1, Section 28, T2N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2 of Willard Ranch Subdivision, Section 28, T2N, R5E, BHM, Pennington County, South Dakota.

20. REZONE / RZ 19-14 AND COMPREHENSIVE PLAN AMENDMENT / CA 19-14: Ken Willard; Fisk Land Surveying – Agent. To rezone 8.82 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 in accordance with Sections 205, 207, and 508 of the Pennington County Zoning Ordinance.

A parcel of land located in the Northwest One-Quarter of the Southeast One-Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Twenty-Eight (28), Township Two North (T2N), Range Five East (R5E) of the Black Hills Meridian (BHM), Pennington County, South Dakota and proposed as Lots 1 and 2 of Willard Ranch Subdivision and more particularly described as follows: Beginning at the northeast corner of said NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, T2N, R5E, BHM, Pennington County, South Dakota, said point being marked by a USFS Aluminum Monument marked LS 3491; thence, South 33 degrees 40 minutes 46 seconds West a distance of 852.68 feet more or less to a point marked by a rebar with survey cap “RW Fisk 6565”; thence, North 42 degrees 18 minutes 36 seconds West a distance of 310.54 feet more or less to a point marked by a rebar with survey cap “RW Fisk 6565”; thence, North 37 degrees 15 minutes 34 seconds West a distance of 349.52 feet more or less to a point marked by a rebar with survey cap “RW Fisk 6565”; thence, North 42 degrees 12 minutes 53 seconds West a distance of 173.48 feet more or less to a point marked by a rebar with survey cap “RW Fisk 6565”; thence curving to the left on a curve with a radius of 240.00 feet, a delta of 15 degrees 52 minutes 16 seconds, and arc length of 66.48 feet and a chord bearing and distance of North 50 degrees 09 minutes 01 seconds West 66.27 feet more or less to a point marked by a rebar with survey cap “RW Fisk 6565”; thence, North 58 degrees 05 minutes 09 seconds West a distance of 59.73 feet more or less to a point on the east-west $\frac{1}{4}$ section line and said point being marked by a rebar with survey cap “RW Fisk 6565”; thence, easterly along said $\frac{1}{4}$ section line South 89 degrees 57 minutes 31 seconds East a distance of 1,111.64 feet more or less to the point of beginning. Said tract of land contains 8.82 acres more or less; Section 28, T2N, R5E, BHM, Pennington County, South Dakota; in accordance with Sections 205, 207, and 508 of the Pennington County Zoning Ordinance.

21. CONDITIONAL USE PERMIT / CU 19-01: NMMC, Inc; Terry Sayler. To allow for a Vacation Home Rental on the subject property in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

Lot A, Miller Subdivision #2, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

(Continued from the September 23, 2019, Planning Commission meeting.)

22. CONDITIONAL USE PERMIT / CU 19-18: Perry and Vicki Van Newkirk. To allow an existing single-family residence to be used as a Vacation Home Rental in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 47 Revised, Burns Placer MS 697, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

(Continued from the August 12, 2019, Planning Commission meeting.)

23. CONDITIONAL USE PERMIT / CU 19-26: Danny Kruse. To live in a Recreational Vehicle, stored within a pole barn, on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot C, Kruse Subdivision, Section 18, T1N, R9E, BHM, Pennington County, South Dakota.

24. CONDITIONAL USE PERMIT / CU 19-27: Marilyn and Greg Bolt. To allow an existing single-family residence to be used as a Bed and Breakfast in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 7, Back Road Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

25. CONDITIONAL USE PERMIT / CU 19-28: R & J, LLC; Juston Eisenbraun – Agent. To allow a campground on the subject property to include RV hookups, cabin rentals, pool, office, laundry facilities, and additional outbuildings in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Lot 1, Borglum Subdivision, Section 13, T1S, R6E, BHM, Pennington County, South Dakota.

CONSTRUCTION PERMIT AGENDA

The following items have been placed on the Construction Permit Agenda to be heard for public comment and will not be voted on by the Planning Commission. Any Planning Commissioner, staff member, or audience member may comment on any of the items. Comments received will be considered by the Planning Director who will make the final decision on the Construction Permit.

26. CONSTRUCTION PERMIT REVIEW / CP 17-13: Western Construction, Inc. To review a portable asphalt batch plant on the subject property, and to level and grade approximately 26 acres with berms and dust control ponds implemented on site.

S1/2NE1/4 Less Lot 1 of Blue Marlin Estates and Less Dedicated Row, Section 20, T2N, R8E, BHM, Pennington County, South Dakota.

27. CONSTRUCTION PERMIT REVIEW / CP 19-02: Site Work Specialists, Inc. To review the construction of a graveled access road to and onto the subject property, to include minimal tree removal, grading, gravel, seeding, and culverts, and to add a common utility trench for power and communications.

NE1/4NE1/4, Section 7, T1N, R7E, BHM, Pennington County, South Dakota.

(Continued from the September 23, 2019, Planning Commission meeting.)

28. CONSTRUCTION PERMIT REVIEW / CP 19-06: Pat and Emily Rowe. To review excavation of a pond and to use the dirt to level an area for a future barn.

PT Ray Smith Placer MS 995 S of HWY, Ray Smith Placer MS 995, Section 15, T1S, R4E, BHM, Pennington County, South Dakota.

29. CONSTRUCTION PERMIT REVIEW / CP 19-07: Fatter Boys, LLC / Bob Fuchs. To review adding fill and grading a low spot on the subject property.

Lot 1-3 less Lot 1A of Spring Creek Palisades, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

30. CONSTRUCTION PERMIT / CP 19-15: Pat Hall. To repair and extend an existing road, to construct a new road, and to regrade and level portions of the subject property in accordance with Sections 209, 212, and 507 of the Pennington County Zoning Ordinance.

Lot 1 of NW1/4NE1/4; E1/2 of Lot A of NW1/4NE1/4; E1/2 of Lot A of E1/2NW1/4; NE1/4NE1/4; Lot 1 of SW1/4NE1/4; SE1/4NE1/4; Lot 1 of NW1/4SE1/4; NE1/4SE1/4; Lot 1 of SW1/4SE1/4; SE1/4SE1/4; and W1/2; all located in Sections 32 and 33, T1N, R8E, BHM, Pennington County, South Dakota.

31. CONSTRUCTION PERMIT / CP 19-16: Cody Taggert; Recreational Adventures – Owner. To grade, excavate, and demo areas within the Palmer Gulch KOA campground in accordance with Sections 210 and 507 of the Pennington County Zoning Ordinance.

Tract 1 of Tract B, Home Sweet Home Placer MS 804, Section 4, T2S, R5E, BHM, Pennington County, South Dakota.

END OF CONSTRUCTION PERMIT AGENDA

32. COUNTY BOARD REPORT

The Board of Commissioners will hear the Planning Commission's recommendations from the October 14th Planning Commission meeting at their Tuesday, November 5th meeting.

33. ITEMS FROM THE PUBLIC
34. ITEMS FROM THE STAFF
35. ITEMS FROM THE MEMBERSHIP
36. 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.