

**MINUTES**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**August 27, 2012 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Courthouse

MEMBERS PRESENT: Karen Hall, Jim Coleman, Bill McCollam, Lori Litzen, Don Holloway, and Lyndell Petersen.

STAFF PRESENT: Dan Jennissen, Lysann Zeller, Mandi Schmierer, Kelsey Rausch, Jeri Ervin, and Patrick Grode (State's Attorney's Office).

ROLL CALL

1. APPROVAL OF THE AUGUST 13, 2012, MINUTES  
Moved by Coleman and seconded by McCollam to approve the August 13, 2012, Planning Commission minutes. Vote: unanimous (6 to 0).
2. APPROVAL OF THE AGENDA  
Moved by McCollam and seconded by Litzen to approve the August 27, 2012, Planning Commission Agenda, with the removal of Item #14 from the Consent Calendar. Vote: unanimous (6 to 0).

**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 08-39:** Patrick and Marlene Sheely.  
To review an accessory structure prior to a primary structure in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 2, Koupal Estates Subdivision, Section 14, T1S, R7E, BHM, Pennington County, South Dakota.

(Continued from the August 13, 2012, Planning Commission meeting.)

**To recommend approval of the extension of Conditional Use Permit / CU 08-39 with the following eight (8) conditions:**

1. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director;
2. That the applicant ensures all natural drainage paths are maintained and not blocked;
3. That the address for the property be posted on the pole barn and at the cul-de-sac in 6-inch lettering in accordance with Pennington County's Ordinance #20;
4. That proper setbacks be maintained for any construction on the property;
5. That the pole barn be used for personal use only and no commercial-type uses;
6. That the pole barn may not be used as a rental on a nightly, weekly, or yearly-basis;
7. That this Conditional Use Permit is not valid until the Applicant signs the Statement of Understanding, which is available at the Planning Office; and,
8. That this Conditional Use Permit be reviewed in two (2) years or on a complaint basis to verify that all conditions of approval are being met.

**Vote: unanimous (6 to 0).**

4. **CONDITIONAL USE PERMIT REVIEW / CU 10-18:** Tom Bodensteiner. To review a golf driving range in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 1R, Beaird Subdivision, Section 21, T2N, R8E, BHM, Pennington County, South Dakota.

**To recommend approval of the extension of Conditional Use Permit / CU 10-18 with the following ten (10) conditions:**

1. That the Conditional Use Permit be limited to a golf driving range only; any expansion beyond this will require the Conditional Use Permit to be reviewed;
2. That the daily hours of operation be during daylight hours;
3. That the lot address be clearly posted at the entrance off of Country Road to the golf driving range so it is visible from both directions along in accordance with Pennington County's Ordinance #20;

4. That prior to the placement of any on-premise signs, the applicant must obtain approval of a Sign Permit;
5. That a Floodplain Development Permit shall be submitted for review and approval prior to any work or placement of any structure within the boundaries of the 100-year floodplain;
6. That all exterior building lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
7. That a minimum of one (1) off-street parking spaces be provided per every five (5) customers. Each parking space shall measure at least nine (9) feet by 18 feet and shall be kept in a dust free manner;
8. That if the applicant continues to operate the golf driving range in the 2013 season, an on-site wastewater system shall be installed prior to the review of this Conditional Use Permit in August of 2013;
9. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director; and,
10. That this Conditional Use Permit be reviewed in one (1) year or on a complaint basis to ensure that all conditions are being met.

**Vote: unanimous (6 to 0).**

5. **CONDITIONAL USE PERMIT REVIEW / CU 10-22:** Bobbie Johnson; Valerie Johnson – Agent. To review a single-wide manufactured home to be used as a single-family residence in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot G of Lot 6 of Tract A, Metz Addition, Section 10, T2S, R6E, BHM, Pennington County, South Dakota.

**To recommend approval of the extension of Conditional Use Permit / CU 10-22 with the following six (6) conditions:**

1. That the property remains free of debris and junk vehicles;
2. That the applicant ensures that all natural drainage ways be maintained and not blocked;
3. That the mobile home installed on the property has a peaked non-reflective type roof and wood or simulated wood-type siding that is continually maintained;

4. That all required setbacks for the natural spring and wells located in the area continues to be met and a holding tank be utilized for the wastewater system;
5. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director; and,
6. That this Conditional Use Permit be reviewed on a complaint basis only.

**Vote: unanimous (6 to 0).**

6. **CONDITIONAL USE PERMIT REVIEW / CU 10-24:** Black Hills Electric Cooperative. To review an electrical substation in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Lot A of NW1/4NW1/4, Section 21, T1S, R8E, BHM, Pennington County, South Dakota.

**To recommend approval of the extension of Conditional Use Permit / CU 10-24 with the following eight (8) conditions:**

1. That a Building Permit be obtained for structures exceeding 144 square feet or located on a permanent foundation which will require a site plan to be reviewed and approved by the Planning Director;
2. That all existing drainage ways continue to be maintained and that erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water;
3. That the applicants ensure the noise levels do not exceed those approved by the South Dakota Public Utilities Commission;
4. That the facility continues to be secured with a chain linked fence at least seven feet in height;
5. That any existing or future fence be located outside the public right-of-ways;
6. That two (2) off-street parking spaces continue to be provided. Each space shall measure at least nine (9) feet by eighteen (18) feet and shall be kept in a dust free manner;
7. That only one approach be allowed from Lower Spring Creek Road; and,
8. That the Conditional Use Permit be reviewed on a complaint basis only.

**Vote: unanimous (6 to 0).**

7. **CONDITIONAL USE PERMIT REVIEW / CU 10-26:** Chris and Donna Dressen. To review a mobile home park (Premier Estates Mobile Home Park) in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 7, Plateau Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

**To recommend approval of the extension of Conditional Use Permit / CU 10-26 with the following seventeen (17) conditions:**

1. **That the outdoor storage area be used exclusively by residents of the mobile home park;**
2. **That the outdoor storage area be screened from adjacent property owners and the picnic area with a solid wood fence at least six (6) feet in height;**
3. **That each guest or visitor parking space be clearly designated;**
4. **That the approved landscape plan showing a proposed landscaped buffer along the entire north and east property line be continually maintained. In addition, irrigation and maintenance shall be provided for the landscaped buffer;**
5. **That prior to any mobile or manufactured home be placed in the park, the address be clearly posted with four (4) inch minimum numbers;**
6. **That a total three fire hydrants be installed in the mobile home park; one at the intersection of Plateau Lane and Roberts Court, one half way between down Roberts Court and one at the end of the cul-de-sac. Water flow from the hydrants shall not be less than 1000 gallons per minute at 20 psi residual, as requested by the County Fire Coordinator;**
7. **That the private street (Roberts Court) be a minimum of twenty five (25) feet in width from curb face to curb face and that the cul-de-sac bulb be a minimum of 84 feet in diameter, as requested by the County Fire Coordinator;**
8. **That Roberts Court be hard surfaced;**
9. **All water and sewer lines to be maintained to Rapid Valley Sanitary District's specifications;**

10. That a maximum of twenty six (26) mobile home spaces each not less than 6,500 square feet of lot area be allowed;
11. That Lot 26 be used as the management office, manager's residence, and service building area, and that adequate setbacks be maintained for these structures to the property lines and surrounding mobile homes;
12. That each mobile home lot may have one garage or carport measuring not more than twenty (20) feet by twenty (24) feet to be located at least ten (10) feet from the edge of the private drive identified as Roberts Court on the site plan;
13. That each garage or carport be at least ten (10) feet from the neighboring mobile home;
14. That each garage be provided with a one (1) hour rated fire wall on any walls eight (8) feet or closer to a mobile home;
15. That the mobile home park continually meet the requirements of Section 305 (Mobile Home Parks) of the Pennington County Zoning Ordinance;
16. That the addition of accessory structures, (i.e. decks, shed, or additions to the mobile, etc.) be allowed through the issuance of Building Permits which will include necessary site plans be reviewed and approved by the Planning Director; and,
17. That this Conditional Use Permit be reviewed in six (6) years or on a complaint basis.

**Vote: unanimous (6 to 0).**

8. **CONDITIONAL USE PERMIT REVIEW / CU 96-47:** Chris and Donna Dressen. To review a mobile home park in a Suburban Residential District in accordance with Sections 305 and 510 of the Pennington County Zoning Ordinance.

Lot 7, Plateau Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

**To recommend to revoke Conditional Use Permit / CU 96-47 with the applicant's concurrence.**

**Vote: unanimous (6 to 0).**

9. **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.

(Continued from the August 13, 2012, Planning Commission meeting.)

**To recommend approval of the extension of Conditional Use Permit / CU 11-15 with the following four (4) conditions:**

- 1. That the applicant adheres to all FAA rules and regulations at all times, specifically the FAR 157.1.C, FAR 157.1.C.1, and FAR 157.1.C.2 until 7480-1 Forms are obtained;**
- 2. That once the 7480-1 permits are issued by the FAA and SD DOT Office of Aeronautics, the applicant shall provide a copy to the Planning Department;**
- 3. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director; and,**
- 4. That this Conditional Use Permit be reviewed on April 8, 2013, or on a complaint basis to verify that all conditions of approval are being met.**

**Vote: unanimous (6 to 0).**

- 10. MINING PERMIT / MP 12-09: Gareth Patton; Cody Schad – Agent. To excavate material to mine rocks.**

Blue Lead Lode, MS, Sections 18 and 19, T1S, R6E, BHM, Pennington County, South Dakota.

(Continued from the August 13, 2012, Planning Commission meeting.)

**To recommend to continue Mining Permit / MP 12-09 to the October 8, 2012, Planning Commission meeting.**

**Vote: unanimous (6 to 0).**

- 11. PLANNED UNIT DEVELOPMENT REVIEW / PU 02-03: James Buchanan. To review a Planned Unit Development to allow 29 residential lots and a day-use retreat center in accordance with Section 213 of the Pennington County Zoning Ordinance.**

S1/2S1/2NE1/4, E1/2SE1/4, E1/2NW1/4SE1/4, Section 8 and the S1/2SW1/4NW1/4, SE1/4NW1/4, and the balance of NE1/4SW1/4, W1/2SW1/4 and Lot A of the NE1/4 SW1/4, Section 9, T1S, R6E, BHM, Pennington County, South Dakota.

(Continued from the August 13, 2012, Planning Commission meeting.)

To recommend staff proceed to rezone the property from Planned Unit Development to General Agriculture.

**Vote: unanimous (6 to 0).**

12. **MINOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 11-02:** Virginia and Daniel Franz. To amend the Merchen Estates Planned Unit Development to allow an accessory structure, horse barn, prior to a principal structure, residence, in accordance with Section 213-E-2 of the Pennington County Zoning Ordinance.

Lot 1, Merchen Estates, Section 21, T2N, R6E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Minor Planned Unit Development Amendment / PU 11-02 with the following five (5) conditions:

1. That this amendment allow for the one horse barn as an accessory structure prior to a principle on Lot 1 of Merchen Estates;
2. That the required setbacks for all structures be a minimum of 25 feet from all property lines and a 58 foot setback from Section Lines;
3. That a Building Permit be obtained for any structures exceeding 144 square feet or located on a permanent foundation, which includes the necessary site plans to be reviewed and approved by the Planning Director;
4. That this Planned Unit Development Amendment is not valid until the applicant signs the Statement of Understanding, which is available at the Planning Office; and,
5. That this Planned Unit Development Amendment be reviewed upon a complaint basis only.

**Vote: unanimous (6 to 0).**

13. **CONDITIONAL USE PERMIT REVIEW / CU 11-06:** Upper Plains Contracting; Dennis DeGroot - Agent. To review a temporary staging area for materials and equipment and to also review a concrete batch plant in a General Commercial/Highway Service Zoning District in accordance with Sections 209, 210, and 510 of the Pennington County Zoning Ordinance.

The NE1/4SE1/4 less Lots H1 and H2 and the NW1/4SE1/4 less Lots H1 and H2, Section 24, T1N, R7E, BHM, Pennington County, South Dakota.

(Continued from the April 9, 2012, Planning Commission meeting.)



**To recommend to continue the review of Conditional Use Permit / CU 11-06 to the September 24, 2012, Planning Commission meeting.**

**Vote: unanimous (6 to 0).**

## **END OF CONSENT CALENDAR**

14. REZONE / RZ 12-08 AND COMPREHENSIVE PLAN AMENDMENT / CA 12-06:  
Shane Geidel. To rezone 80.00 acres from General Agriculture District to Suburban Residential District and to amend the Comprehensive Plan to change the Future Land Use from Low Density Residential District to Suburban Residential District in accordance with Section 508 of the Pennington County Zoning Ordinance.

(Continued from the August 13, 2012, Planning Commission meeting.)

The S1/2NE1/4, Section 20, T2N, R8E, BHM, Pennington County, South Dakota.

Jennissen asked to have this item removed from the Consent Calendar to inform the Planning Commission that the applicant is now requesting his applications be denied without prejudice, and not continued, so that he may resolve ongoing issues.

Commissioner Hall wanted to know if the applicant is working with the City of Rapid City.

Jennissen said yes, and further indicated the applicant is looking at the option of obtaining city water for the development.

Commissioner Hall questioned whether the applicant would also be able to hook into the city sewer system, once water is obtained.

Jennissen stated he did not know.

Commissioner McCollam noted that the city does have a Vision 2013 plan to bring water to area.

**Moved by Coleman and seconded by Litzen to deny without prejudice Rezone / RZ 12-08 and Comprehensive Plan Amendment / CA 12-06.**

**All voting aye, the Motion carried 6 to 0.**

15. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commissions' recommendations from the August 13, 2012, Planning Commission meeting.

The Appeal of Conditional Use Permit / CU 12-17 for a Vacation Home Rental, Jon and Penny Fosheim, was approved by a 3 to 2 vote.

16. ITEMS FROM THE PUBLIC

There were no items from the public.

17. ITEMS FROM THE STAFF

A. Letter to SD Real Estate Commission. Patrick Grode, Deputy State's Attorney, informed the Planning Commission that he will have a draft letter to be reviewed at the next meeting.

B. Discussion of Supreme Court Case (Rapid City). Patrick Grode, Deputy State's Attorney, stated he prepared a memo that can be discussed at the next meeting.

18. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

19. DISCUSSION ITEMS

There were no discussion items.

20. ADJOURNMENT

**Moved by Litzen and seconded by Coleman to adjourn.**

**All voting aye, the Motion carried 6 to 0.**

The meeting adjourned at **9:16 a.m.**

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First Vice-Chairperson, Karen Hall