

**MINUTES**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**November 26, 2012 @ 9:00 a.m.**  
County Commissioners' Meeting Room - Pennington County Courthouse

MEMBERS PRESENT: Sig Zvejnieks, Karen Hall, Lori Litzen, Bill McCollam, Jim Coleman, and Ken Davis.

STAFF PRESENT: Dan Jennissen, Lysann Zeller, Mandi Schmierer, Patrick Grode (SAO) and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE NOVEMBER 13, 2012, MINUTES  
**Moved by Hall and seconded by McCollam to approve the November 13, 2012, Planning Commission minutes. Vote: unanimous (6 to 0).**
2. APPROVAL OF THE AGENDA  
**Moved by Coleman and seconded by Davis to approve the November 26, 2012, Planning Commission Agenda, including 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 08-10:** Verizon Wireless; K. W. Lindsay. To review a 300 foot communications tower and equipment shelter in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Tract Lake (also in Section 28), Section 27, T2N, R5E, BHM, Pennington County, South Dakota.

(Continued from the October 22, 2012, Planning Commission meeting.)

**To recommend approval of the extension of Conditional Use Permit / CU 08-10 with the following eight (8) conditions:**

1. **That Building Permits be obtained for any structure exceeding 144 square feet and located on a permanent foundation, which include necessary site plans to be reviewed and approved by the Planning Director;**

2. That the security fence be maintained around the tower and equipment shelter;
3. That two (2) parking spaces on the site be maintained in a dust free manner;
4. That any future additions of equipment to the site or tower require this Conditional Use Permit to be reviewed by the Pennington County Planning Department;
5. That emergency radio communication equipment be allowed on the tower, if it does not interfere with their broadcast equipment;
6. That all utilities to reach the tower need to be on private land;
7. That all natural drainage ways be maintained; and,
8. That this Conditional Use Permit be reviewed on a complaint basis only.

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

4. **CONDITIONAL USE PERMIT REVIEW / CU 11-25:** Jeff Storm. To review a home occupation (remanufacturing of ammunition) in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 5, Block 2, Winton Subdivision, Section 26, T1N, R8E, BHM, Pennington County, South Dakota.

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

**To recommend approval of the extension of Conditional Use Permit / CU 11-25 with the following nine (9) 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 continues to adhere to all necessary County, State, and Federal regulations, and maintains the necessary permits to conduct the business;
3. That the home occupation be conducted by members of the family residing on the premises;
4. That all aspects of the business be conducted entirely within an enclosed structure and no stock in-trade shall be displayed outside the enclosed structure;

5. That the home occupation appears secondary to the primary, residential use of the property;
6. That reasonable measures are taken to control odors, fumes, dust, noise, vibration and lighting resulting from the home occupation so as to not constitute a nuisance to the general public;
7. That the applicant takes reasonable measures to prevent the disposal of materials into the on-site wastewater treatment system;
8. That the address for the property continues to be properly posted in accordance with Pennington County's Ordinance #20; and,
9. That this Conditional Use Permit be reviewed in five (5) years or on a complaint basis to verify that all conditions of approval are being met.

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

5. **PRELIMINARY PLAT / PL 12-38**: Nina McBride / Sandy Varney. To create Lot 1 of Chase Subdivision in accordance with Section 400.2 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: NE1/4SE1/4; Unplatted portion of Lot B; NW1/4SE1/4; and Lot B of SE1/4SE1/4 less Right-of-Way, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1 of Chase Subdivision located in Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

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

**To recommend to continue Preliminary Plat / PL 12-38 to the December 10, 2012, Planning Commission meeting.**

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

6. **REZONE / RZ 12-12**: Nina McBride / Sandy Varney. To rezone 3.046 acres from General Agriculture District to Low Density Residential District in accordance with Sections 207 and 508 of the Pennington County Zoning Ordinance.

Located on the following metes and bounds: A parcel of land located in NE1/4 of SE1/4 of Section 15, T2N, R6E, BHM and in Lot B of SE1/4 of SE1/4 of Section 15, T2N, R6E, BHM, Pennington County, South Dakota, said parcel of land is described as follows: Beginning at NE corner of said parcel from whence the E1/4 corner of said Section 15 bears N 13°13'34" E a distance of 1188.44'; thence S 24°15'00" E a distance of 79.85'; thence S 8°22'00" E a distance of 199.97'; thence along the arc of a curve to the left whose angle is 22°20'44" and whose radius is 418.80' a distance of 163.33'; thence S 72°34'26" W a distance of 374.19'; thence N 6°00'00" W a distance of 254.55'; thence N

73°03'00" E a distance of 505.00' to the Point of Beginning. Said parcel of land contains 3.046 acres more or less.

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

**To recommend to continue Rezone / RZ 12-12 to the December 10, 2012, Planning Commission meeting.**

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

7. **CONDITIONAL USE PERMIT / CU 12-31:** Nina McBride / Sandy Varney. To allow a single-wide mobile home to be used as a single-family residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Located on the following metes and bounds: A parcel of land located in NE1/4 of SE1/4 of Section 15, T2N, R6E, BHM and in Lot B of SE1/4 of SE1/4 of Section 15, T2N, R6E, BHM, Pennington County, South Dakota, said parcel of land is described as follows: Beginning at NE corner of said parcel from whence the E1/4 corner of said Section 15 bears N 13° 13' 34" E a distance of 1188.44'; thence S 24° 15' 00" E a distance of 79.85'; thence S 8° 22' 00" E a distance of 199.97'; thence along the arc of a curve to the left whose angle is 22° 20' 44" and whose radius is 418.80' a distance of 163.33'; thence S 72° 34' 26" W a distance of 374.19'; thence N 6° 00' 00" W a distance of 254.55'; thence N 73° 03' 00" E a distance of 505.00' to the Point of Beginning. Said parcel of land contains 3.046 acres more or less.

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

**To recommend to continue Conditional Use Permit / CU 12-31 to the December 10, 2012, Planning Commission meeting.**

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

8. **MINOR PLAT / PL 12-40 AND SUBDIVISION REGULATIONS VARIANCE / SV 12-14:** Parker Properties. To create Lot 2R Revised of Tract A of Home Sweet Home Placer MS 804 and to waive platting requirements in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 2R of Tract A (also in Section 34), Home Sweet Home Placer MS 804, Section 33, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 2R Revised of Tract A, Home Sweet Home Placer MS 804, Section 33, T1S, R5E, BHM, Pennington County, South Dakota.

**To recommend approval of Subdivision Regulations Variance / SV 12-14 to waive engineered road construction plans, percolation tests, soil profile information, Section Line Highway improvements, road improvements to Local Road standards for Watson Parker Road, topographic information at a five foot interval,**

**construction of a cul-de-sac on Watson Parker Road and information of the existing water system and approval of Minor Plat / PL 12-40 with the following two (2) conditions:**

- 1. That prior to any work being done within the boundaries of the 100-year floodplain, a Floodplain Development Permit must be obtained; and,**
- 2. That prior to filing the plat with Register of Deeds the Plat Heading be shown as: (formerly Lot 2R of Tract A..."**

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

## **END OF CONSENT CALENDAR**

9. REZONE / RZ 12-11 AND COMPREHENSIVE PLAN AMENDMENT / CA 12-07: RMS Lode/Matt Keck. To rezone 6.99 acres from Limited Agriculture District and General Agriculture District to Highway Service District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development District and General Agriculture District to Highway Service District in accordance with Sections 210 and 508 of the Pennington County Zoning Ordinance.

EXISTING LEGAL: GL 9, GL 10 and GL 11; and Lot A and Lot C of JR #5 Lodes MS 1864 located in Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1-3 of Addie Camp Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

(Continued from the October 22, 2012, Planning Commission meeting.)

Jennissen reviewed that this item had been continued indefinitely in order for a traffic study to be done by the applicants. Staff spoke with the Department of Transportation (DOT), who requested the traffic study be completed during the tourist season to obtain an accurate count, but the applicant wishes to proceed with the platting and rezoning of the property. The DOT is also recommending that one of the three approaches to the property be removed.

Jennissen noted the surrounding zoning districts support the properties to be rezoned and staff is recommending that Rezone 12-11 and Comprehensive Plan Amendment 12-07 be approved. Jennissen also added that staff is requesting the applicants be on notice that Building Permits may be withheld for future expansion until a traffic study has been completed.

Staff recommended approval of Rezone / RZ 12-11 and Comprehensive Plan Amendment / CA 12-07.

Commissioner Litzen questioned if the applicant is aware he may be required to remove one of the approaches to the property.

Jennissen responded yes and noted the applicants have indicated that they will do what is necessary for their proposed project.

Commissioner Davis expressed concern that Building Permits would be withheld from the applicants, based upon the DOT's recommendations.

Commissioner Litzen explained that, in order for staff to approve additional uses on the property, they would need the data to support the expansion.

Commissioner Zvejnieks asked staff if the DOT indicated that they would require the applicant to make a change.

Jennissen explained that the DOT considers approaches within close proximity to each other to be a hazard and this is why they are requesting the applicant to reduce their number of approaches. At this time, both the applicant and the DOT do not know where the two approaches would be placed.

Discussion followed.

**Moved by McCollam and seconded by Hall to approve of Rezone 12-11 and Comprehensive Plan Amendment 12-07.**

Commissioner Zvejnieks asked Mr. Keck why he chose to plat three lots instead of combining the properties into one lot.

Mr. Matt Keck, applicant, appeared and stated because of the financial structure for their proposed uses.

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

10. ORDINANCE AMENDMENT / OA 12-05: Pennington County. To amend Section 400.3-1-n-3, 6, and 10; Section 500.5-1-a-3-a; and Section 500.5 - Table 1 of the Pennington County Subdivision Regulations.

Jennissen stated that this item had been readvertised in order for minor changes to be made to the Ordinance Amendment.

Staff recommended approval of Ordinance Amendment / OA 12-05.

**Moved by Coleman and seconded by Hall to approve of Ordinance Amendment / OA 12-05.**

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

11. DISCUSSION OF SIGN ORDINANCE AMENDMENT.

Jennissen spoke of minor changes staff is considering making to Section 312 of the Zoning Ordinance (Signs). He asked that the Planning Commission review the changes and provide staff with any suggestions, which will then be discussed at the December 10, 2012, Planning Commission meeting.

Discussion followed.

12. DISCUSSION OF INFORMATION PRESENTED AT THE SD PLANNER'S CONFERENCE REGARDING COMMUNICATION OUTSIDE OF PUBLIC MEETINGS.

Commissioner Zvejnieks stated that he asked to have this item placed on the Agenda for discussion, regarding information that was presented by the City of Rapid City's Attorney at the SD Planner's Conference in Lead. He asked that the State's Attorney's Office research what was presented (i.e. site visits and communication outside Planning Commission meetings) and provides feedback to the Planning Commissioners and staff.

Mr. Patrick Grode, Deputy State's Attorney, informed the Planning Commission that he would review this matter further and prepare a memo to be discussed at the December 10, 2012, Planning Commission meeting.

Discussion followed.

13. COUNTY BOARD REPORT

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

14. ITEMS FROM THE PUBLIC

There were no items from the public.

15. ITEMS FROM THE STAFF

A. 319 Spring Creek Informational Meeting. Jennissen informed the Planning Commission that the meeting has been canceled.

16. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

17. DISCUSSION ITEMS

There were no discussion items.

18. ADJOURNMENT

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

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

The meeting adjourned at **10:03 a.m.**

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Chairperson, Sig Zvejnieks