

**MINUTES**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**November 23, 2015 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Karen Hall, Sig Zvejnieks, Lori Litzen, Jim Coleman, William McCollam, Barbara Landers, and Deb Hadcock.

STAFF PRESENT: PJ Conover, Brittney Molitor, Cassie Bolstad, Kelsey Rausch, Chutima Supboon, Kinsley Groote (SAO), and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE NOVEMBER 23, 2015, MINUTES  
**Moved by Zvejnieks and seconded by McCollam to approve the minutes of the November 23, 2015, Planning Commission Meeting. Vote: unanimous (6 to 0).**
2. APPROVAL OF THE AGENDA  
**Moved by Landers and seconded by Zvejnieks to approve the Agenda of the November 23, 2015, Planning Commission Meeting. Vote: unanimous (6 to 0).**

Commissioner Litzen appeared at the meeting at 9:02 a.m.

**Moved by Zvejnieks and seconded by Landers to approve the Consent Calendar of the November 23, 2015, Planning Commission Meeting, with the removal of Item #8 and Item #9. Vote: unanimous (7 to 0).**

3. RECOGNITION OF DESIGNATION - PJ Conover, Planning Director, and Brittney Molitor, Water Protection Coordinator, -- ASFPM Certified Floodplain Managers and also Certified Through SD DOT on the Field of Erosion and Sediment Control and Storm Water Management

**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.

4. CONDITIONAL USE PERMIT REVIEW / CU 98-46: Terrance Crowe (Chuck Voorhees – New Owner). To allow an analytic practice and law office as a home occupation in a Limited Agriculture Zoning District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 3 less Highway right-of-way, Palmer Gulch Placer M.S. 690, Section 27, T1S, R5E, BHM, Pennington County, South Dakota.

**To end Conditional Use Permit / CU 98-46.**

**Vote: unanimous (7 to 0).**

5. **CONDITIONAL USE PERMIT REVIEW / CU 00-58:** Mitch Morris / Dakota Kart Racers. To review a Go-Kart Race track in a General Commercial District in accordance with Sections 209 and 510 of the Pennington County Zoning Ordinance.

Lot 1 of the NW1/4SE1/4, Section 32, T1N, R8E, BHM, Pennington County, South Dakota.

(Continued from the October 26, 2015, Planning Commission meeting.)

**To approve of the extension of Conditional Use Permit / CU 00-58 with the following ten (10) conditions:**

1. **That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director;**
2. **That the applicant continues to provide trash receptacles and keep the property clean and free of rubbish, trash, and debris;**
3. **That the applicant continues to provide Port-a-Potties;**
4. **That the applicant continues to maintain and implement dust control measures during the races;**
5. **That the applicant acquires any necessary Sign Permits prior to locating any new signs on the property;**
6. **That prior to the possible future expansion of the racetrack, a site plan be submitted to the Planning Department and the applicant apply for a Conditional Use Permit Amendment, if the use of the racetrack is expanded or changed;**
7. **That the racetrack continues to follow the Official Track Specifications provided by the International Kart Federation;**
8. **That the applicant obtains and maintains any applicable state permits for the operation of the racetrack;**

9. That the applicant have not less than a 20-person first aid kit and not less than a 20ABC fire extinguisher on-site, both of which shall be kept current and up-to-date, or have a Fire Department First Responder personnel on-site during races; and,
10. That this Conditional Use Permit be reviewed on a complaint basis or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous (7 to 0).**

6. **CONDITIONAL USE PERMIT REVIEW / CU 02-20:** Ardyce Elwood. To review a single-wide mobile home to be used as a single-family residence on the subject property in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 8 of Hidden Springs Ranchettes, Section 6, T1N, R9E, BHM, Pennington County, South Dakota.

**To end Conditional Use Permit / CU 02-20.**

**Vote: unanimous (7 to 0).**

7. **CONDITIONAL USE PERMIT REVIEW / CU 08-45:** Elaine Andersen; Stephanie Andersen – Agent. To review a single-wide mobile home to be used as a temporary residence while constructing a single-family residence in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot C, Tract Olson Parcel #3, Section 11, T1S, R3E, BHM, Pennington County, South Dakota.

(Continued from the October 12, 2015, Planning Commission meeting.)

**To continue the review of Conditional Use Permit / CU 08-45 to the January 11, 2016, Planning Commission meeting.**

**Vote: unanimous (7 to 0).**

10. **CONDITIONAL USE PERMIT REVIEW / CU 13-25:** Prairie Berry, LLC; Matt Keck – Agent. To review two illuminated on-premise signs within 1,500 feet of a dwelling unit and residential zoning district in a Highway Service District in accordance with Sections 210, 312, and 510 of the Pennington County Zoning Ordinance.

Lot 1, Addie Camp Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 13-25 with the following three (3) conditions:**

- 1 That all lighting be installed and maintained so as to minimize spillage of light outside of the sign face so as not to create a nuisance and the sign must be effectively shielded to prevent beams or rays from being directed toward any portion of the traveled ways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle;**
- 2. That the signs conform to all regulations in Section 312 of the Pennington County Zoning Ordinance; and,**
- 3. That this Conditional Use Permit be reviewed on a complaint basis or as requested by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

**Vote: unanimous (7 to 0).**

- 11. CONDITIONAL USE PERMIT REVIEW / CU 14-13: Hisega Meadows Water, Inc.; Larry Deibert – Agent. To review a contractor's storage yard during the period of construction of the Hisega Water Line Project located in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.**

Lot 5, Lau Subdivision, Section 9, T1N, R6E, BHM, Pennington County, South Dakota.

**To end Conditional Use Permit / CU 14-13.**

**Vote: unanimous (7 to 0).**

- 12. CONDITIONAL USE PERMIT REVIEW / CU 14-31: Walter and Barbara Digmann. To review an existing residence to be used as a temporary residence while building a single-family residence in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.**

Lot B, Gold King Lode MS 2064, Section 28, T1S, R6E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 14-31 with the following four (4) conditions:**

- 1. That the applicant obtain a Removal Permit for the existing home and the existing home be removed from the property prior to the expiration of the applicant's Building Permit for the new residence and it is not inhabited or utilized as a single-family residence, prior to removal of the structure;**

2. That the property be kept clear of debris and inoperable automobiles;
3. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground which requires a site plan to be reviewed and approved by the Planning Director; and,
4. That this Conditional Use Permit be reviewed in November 2016 as deemed necessary by the Planning Commission or the Board of Commissioners, or on a complaint basis to verify that all Conditions of Approval are being met.

**Vote: unanimous (7 to 0).**

13. **CONDITIONAL USE PERMIT / CU 15-36:** Donald and Margaret Norton. To allow an existing shop building with living quarters to be used as a Guest House on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 1, Knotty Pine Subdivision, Section 33, T1S, R7E, BHM, Pennington County, South Dakota.

**To continue Conditional Use Permit / CU 15-36 to the December 7, 2015, Planning Commission meeting.**

**Vote: unanimous (7 to 0).**

#### **END OF CONSENT CALENDAR**

8. **CONDITIONAL USE PERMIT REVIEW / CU 09-33:** Colonial Pine Hills Sanitary District. 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 1A, Block 1, Whispering Pines Subdivision, Section 32, T1N, R7E, BHM, Pennington County, South Dakota.

Molitor provided the Planning Commission with updated addresses and an update of the Agent's Company Name.

**Moved by Zvejnieks and seconded by Litzen to approve of the extension of Conditional Use Permit / CU 09-33 with the following five (5) conditions:**

1. **That a minimum of two (2) off-street parking spaces continue to be provided. Each space shall measure at least nine (9) feet by 18 feet and shall be maintained in a dust-free manner;**
2. **That the facility continue to be secured with a fence at least six (6) feet in height, but no fencing or barriers shall be allowed in the Section Line Right-of-Way;**
3. **That the address continue to be properly posted so it is visible from Croyle Avenue in accordance with Ordinance #20;**
4. **That proper setbacks from the property lines and bordering Section Line continue to be maintained for all structures located on the property; and,**
5. **That this Conditional Use Permit be reviewed on a complaint basis or as directed by the Pennington County Planning Commission and/or Board of Commissioners to determine that all conditions are being met.**

**All voting aye, the Motion carried 7 to 0.**

9. CONDITIONAL USE PERMIT REVIEW / CU 13-07: Jack Bradt. To review the operation of a dude ranch to include lodging and horse trail rides in a General Agriculture District in accordance with Sections 205-C and 510 of the Pennington County Zoning Ordinance.

The W1/2 of the NW1/4, Section 21, T2S, R6E, BHM, Pennington County, South Dakota.

Rausch reviewed the Staff Report indicating that this a review of the applicant's Conditional Use Permit for the operation of a dude ranch to include lodging and horse trail rides in a General Agriculture District.

Staff recommended approval of the extension of Conditional Use Permit / CU 13-07 with the following ten (10) conditions:

1. That the permitted uses continue to be a dude ranch (recreational resort) which is to include; duplex, ranch hand residence, two bedroom guest quarters, single-family residence and trail riding;
2. That Building Permits be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director;
3. That a guest list be continually maintained;

4. That each sleeping room continues to have smoke detectors and each smoke detector be tested semi-annually for proper function. The smoke detectors must be Underwriters Laboratory (UL) listed and be either AC or battery operated and replaced in compliance with manufacturers' specifications;
5. That the applicant continue to have at least one 2ABC dry chemical fire extinguisher accessible to all guests at all times on each floor or structure and that they be serviced each year;
6. That one (1) wall sign and one (1) free-standing sign be allowed not to exceed twenty-four (24) square feet in area and that the free-standing sign shall not be located closer than seventeen (17) feet to the nearest street right-of-way line;
7. That the applicant continue to maintain a Sales Tax License and a Bed and Breakfast License from the State of South Dakota;
8. That the Section Line Road be maintained to a minimum of a 12-foot-wide driving surface from May 15th to November 15th;
9. That the address continue to be clearly posted on the property, at all access points, and for emergency purposes, the address be posted in each guest room; and,
10. That this Conditional Use Permit be reviewed in three (3) years, as deemed necessary by the Board of Commissioners or Planning Commission or upon a complaint basis.

Discussion followed.

**Moved by Hall and seconded by Landers to approve of the extension of Conditional Use Permit / CU 13-07 with the following ten (10) conditions:**

- 1. That the permitted uses continue to be a dude ranch (recreational resort) which is to include; duplex, ranch hand residence, two bedroom guest quarters, single-family residence and trail riding;**
- 2. That Building Permits be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director;**
- 3. That a guest list be continually maintained;**
- 4. That each sleeping room continues to have smoke detectors and each smoke detector be tested semi-annually for proper function. The smoke detectors must be Underwriters Laboratory (UL) listed and be either AC or battery operated and replaced in compliance with manufacturers' specifications;**

5. That the applicant continue to have at least one 2ABC dry chemical fire extinguisher accessible to all guests at all times on each floor or structure and that they be serviced each year;
6. That one (1) wall sign and one (1) free-standing sign be allowed not to exceed twenty-four (24) square feet in area and that the free-standing sign shall not be located closer than seventeen (17) feet to the nearest street right-of-way line;
7. That the applicant continue to maintain a Sales Tax License and a Bed and Breakfast License from the State of South Dakota;
8. That the Section Line Road be maintained to a minimum of a 12-foot-wide driving surface from May 15th to November 15th;
9. That the address continue to be clearly posted on the property, at all access points, and for emergency purposes, the address be posted in each guest room; and,
10. That this Conditional Use Permit be reviewed in three (3) years, as deemed necessary by the Board of Commissioners or Planning Commission or upon a complaint basis.

**All voting aye, the Motion carried 7 to 0.**

14. REZONE / RZ 15-14 AND COMPREHENSIVE PLAN AMENDMENT CA / 15-13: David and Lora Moore. To rezone 7.82 acres (Lot 5) from General Agriculture District to Low Density Residential District and to rezone 2.00 acres (Lot 6) from General Agriculture District to Suburban Residential District and to amend the Comprehensive Plan to change the Future Land Use from Light Industrial District to Low Density Residential District and Suburban Residential District in accordance with Section 508 of the Pennington County Zoning Ordinance.

Lot 5 and Lot 6, G-S Subdivision, Section 23, T2N, R8E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicants have applied to rezone 7.82 acres (Lot 5) from General Agriculture District to Low Density Residential District and to rezone 2.00 acres (Lot 6) from General Agriculture District to Suburban Residential District and to amend the Comprehensive Plan to change the Future Land Use from Light Industrial District to Low Density Residential District and Suburban Residential District.

Staff recommended approval of Rezone / RZ 15-14 and Comprehensive Plan Amendment / CA 15-13.

Discussion followed.



**Moved by Landers and seconded by Litzen approve of Rezone / RZ 15-14 and Comprehensive Plan Amendment / CA 15-13.**

**All voting, the Motion carried 6 to 1. Commissioner Hadcock voted no.**

15. REZONE / RZ 15-13 AND COMPREHENSIVE PLAN AMENDMENT CA / 15-12: Larry Teuber; Renner Associates – Agent. To rezone 1.309 acres from Limited Agriculture District to Suburban Residential District and to amend the Comprehensive Plan to change the Future Land Use from Limited Agriculture District to Suburban Residential District in accordance with Section 508 of the Pennington County Zoning Ordinance.

Commencing at a corner on the northerly boundary of Lot 2R2, Block 4, Spring Canyon Estates, common to the northeasterly corner of Lot 1R, Block 4, Spring Canyon Estates, common to a point on the southerly edge of Clarkson Road right-of-way, and the point of beginning; Thence, first course: S54°32'59"E, along the northerly boundary of said Lot 2R2, common to the southerly edge of said right-of-way, a distance of 76.84 feet; Thence, second course: S03°31'20"E, a distance of 78.16 feet; Thence, third course: S40°44'38"W, a distance of 159.24 feet; Thence, fourth course: S55°09'16"W, a distance of 191.40 feet; Thence, fifth course: S26°00'20"W, a distance of 33.00 feet, a point on the southerly boundary of said Lot 2R2; Thence, sixth course: N63°59'40"W, along the southerly boundary of said Lot 2R2, a distance of 116.10 feet, to a corner on the westerly boundary of said Lot 2R2; Thence, seventh course: N26°00'15"E, along the westerly boundary of said Lot 2R2, a distance of 33.00 feet, to a corner on the westerly boundary of said Lot 2R2, common to the southeasterly corner of said Lot 1R; Thence, eighth course: N44°38'45"E, along the westerly boundary of Lot 2R2, common to the easterly boundary of said Lot 1R, a distance of 423.99 feet, to the said point of beginning. Said Parcel contains 1.309 acres more or less.

Bolstad reviewed the Staff Report indicating the applicant has applied to rezone 1.309 acres from Limited Agriculture District to Suburban Residential District and to amend the Comprehensive Plan to change the Future Land Use from Limited Agriculture District to Suburban Residential District.

Staff recommended approval of Rezone / RZ 15-14 and Comprehensive Plan Amendment / CA 15-13.

Discussion followed.

Moved by Zvejnieks and seconded by Litzen to approve of Rezone / RZ 15-14 and Comprehensive Plan Amendment / CA 15-13.

Chairman Hall noted a correction to the application file numbers in the motion to be Rezone 15-13 and Comprehensive Plan Amendment 15-12.

**SUBSTITUTE MOTION: Moved by Zvejnieks and seconded by Litzen to approve of Rezone / RZ 15-13 and Comprehensive Plan Amendment / CA 15-12.**

**All voting aye, the Motion carried 7 to 0.**

16. MINOR PLAT / PL 15-26: Stacey Titus. To reconfigure lot lines to create Lots 4R, 5R, and 6R of Morse Subdivision #4 in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lots 4, 5, and 6 less the South 180 feet thereof, Morse Subdivision #4, Section 8, T1N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 4R, 5R, and 6R, Morse Subdivision #4, Section 8, T1N, R6E, BHM, Pennington County, South Dakota.

(Continued from the November 9, 2015, Planning Commission meeting.)

Bolstad reviewed the Staff Report indicating the applicant has applied for a Minor Plat to reconfigure lot lines to create Lots 4R, 5R, and 6R of Morse Subdivision #4.

Staff recommended approval of Minor Plat / PL 15-26 with the following four (4) conditions:

1. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
2. That prior to filing the Plat with the Register of Deeds, the applicant obtain approval from the South Dakota Department of Environment and Natural Resources for the requirements of SDAR 74:53:01:16 for the on-site wastewater treatment system on proposed Lot 4R;
3. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
4. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 15-26, which is available at the Planning Office.

Discussion followed.

**Moved by Litzen and seconded by Zvejnieks to approve of Minor Plat / PL 15-26 with the following four (4) conditions:**

- 1. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;**

2. **That prior to filing the Plat with the Register of Deeds, the applicant obtain approval from the South Dakota Department of Environment and Natural Resources for the requirements of SDAR 74:53:01:16 for the on-site wastewater treatment system on proposed Lot 4R;**
3. **That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,**
4. **That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 15-26, which is available at the Planning Office.**

**All voting aye, the Motion carried 7 to 0.**

17. SUBDIVISION REGULATIONS VARIANCE / SV 15-15: Stacey Titus. To waive platting requirements in accordance with Section 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lots 4, 5, and 6 less the South 180 feet thereof, Morse Subdivision #4, Section 8, T1N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 4R, 5R, and 6R, Morse Subdivision #4, Section 8, T1N, R6E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicant has applied for a Subdivision Regulations Variance to waive platting requirements in order to create Lots 4R, 5R, and 6R of Morse Subdivision #4.

Staff recommended approval of a portion of Subdivision Regulations Variance / SV 15-15 to waive submittal of: (1.) Requirement for street paving improvements; (2.) Requirement for sewer and water main design and construction; and, (3.) Requirement for installation of utility conduits and sidewalks; and denial of a portion of Subdivision Regulations Variance / SV 15-15 to waive submittal of the following requirement, based on approval being needed from the South Dakota Department of Environment and Natural Resources for the requirements of SDAR 74:53:01:16 for proposed Lot 4R: (4.) Minimum lot size requirements.

Discussion followed.

**Moved by Zvejnieks and seconded by McCollam to approve of a portion of Subdivision Regulations Variance / SV 15-15 to waive submittal of: (1.) Requirement for street paving improvements; (2.) Requirement for sewer and water main design and construction; and, (3.) Requirement for installation of utility conduits and sidewalks; and denial of a portion of Subdivision Regulations Variance**

**/ SV 15-15 to waive submittal of the following requirement, based on approval being needed from the South Dakota Department of Environment and Natural Resources for the requirements of SDAR 74:53:01:16 for proposed Lot 4R: (4.) Minimum lot size requirements.**

**All voting aye, the Motion carried 7 to 0.**

18. CONDITIONAL USE PERMIT / CU 15-20: Mitch Morris. To allow for Construction Equipment Sales on the subject property in a General Commercial District in accordance with Sections 209 and 510 of the Pennington County Zoning Ordinance.

Lot 1 of NW1/4SE1/4, Section 32, T1N, R8E, BHM, Pennington County, South Dakota.

(Continued from the November 9, 2015, Planning Commission meeting.)

Conover reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow Construction Equipment Sales on the subject property in a General Commercial District. The applicant has also requested to allow for the sales of construction supplies with the Conditional Use Permit application.

Staff recommended approval of Conditional Use Permit / CU 15-20 with the following fifteen (15) conditions:

1. That Conditional Use Permit / CU 15-20 be for Construction Equipment Sales only;
2. That the operation, condition and organization of the subject property be performed and maintained so as to not create a Public Nuisance, per Pennington County Ordinance 106;
3. That noise levels be kept at a level not to be characterized as a nuisance and that a six (6) foot tall privacy fence be constructed around the property ;
4. That sign(s) be allowed pursuant to Section 312 of the Pennington County Zoning Ordinance;
5. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
6. That porta-potties (1 per every 50 employees) are provided on-site;
7. That the addresses be posted in accordance with Pennington County's Ordinance #20;

8. That the applicant adheres to all necessary County, State, and Federal regulations, and maintains the necessary permits and licenses to conduct Commercial Sales on the subject property;
9. That there is no more than two (2) additional employees, excluding family members;
10. That there is a minimum of eleven (11) off-street parking spaces available at all times and kept in accordance with Section 310 of the Pennington County Zoning Ordinance;
11. That the hours of operation will be conducted between the hours of 7:00 a.m. and 6:00 p.m. with the allowance of limited after hour's operation so as not to be characterized as a nuisance;
12. That the inoperable vehicles and piles of motor vehicle parts, not intended for immediate sale, will be either removed from the property or shall be stored in an enclosed structure;
13. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual must be followed;
14. That the applicant signs the Statement of Understanding (SOU) for Conditional Use Permit / CU 15-20 and the Pennington County Noxious Weed Management Plan within ten (10) business days of approval. Both are available at the Planning Department; and,
15. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

If the Planning Commission chooses to add the sale of Construction Supplies with Construction Equipment Sales of the Conditional Use Permit, staff would recommend approval of Conditional Use Permit / CU 15-20 with the following (15) conditions:

1. That Conditional Use Permit / CU 15-20 be for Construction Equipment Sales and Construction \_\_\_\_ Sales only;
2. That the operation, condition and organization of the subject property be performed and maintained so as to not create a Public Nuisance, per Pennington County Ordinance 106;
3. That noise levels be kept at a level not to be characterized as a nuisance and that a six (6) foot tall privacy fence be constructed around the property;

4. That sign(s) be allowed pursuant to Section 312 of the Pennington County Zoning Ordinance;
5. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
6. That porta-potties (1 per every 50 employees) are provided on-site;
7. That the addresses be posted in accordance with Pennington County's Ordinance #20;
8. That the applicant adheres to all necessary County, State, and Federal regulations, and maintains the necessary permits and licenses to conduct Commercial Sales on the subject property;
9. That there is no more than two (2) additional employees, excluding family members;
10. That there is a minimum of eleven (11) off-street parking spaces available at all times and kept in accordance with Section 310 of the Pennington County Zoning Ordinance;
11. That the hours of operation will be conducted between the hours of 7:00 a.m. and 6:00 p.m. with the allowance of limited after hour's operation so as not to be characterized as a nuisance;
12. That the inoperable vehicles and piles of motor vehicle parts, not intended for immediate sale, will be either removed from the property or shall be stored in an enclosed structure;
13. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual must be followed;
14. That the applicant signs the Statement of Understanding (SOU) for Conditional Use Permit / CU 15-20 and the Pennington County Noxious Weed Management Plan within ten (10) business days of approval. Both are available at the Planning Department; and,
15. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

**Moved by Litzen and seconded by Landers to approve of Conditional Use Permit / CU 15-20 with the following (15) conditions:**

- 1. That Conditional Use Permit / CU 15-20 be for Construction Equipment Sales and Construction Material Sales only;**
- 2. That the operation, condition and organization of the subject property be performed and maintained so as to not create a Public Nuisance, per Pennington County Ordinance 106;**
- 3. That noise levels be kept at a level not to be characterized as a nuisance and that a six (6) foot tall privacy fence be constructed around the property;**
- 4. That sign(s) be allowed pursuant to Section 312 of the Pennington County Zoning Ordinance;**
- 5. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;**
- 6. That porta-potties (1 per every 50 employees) are provided on-site;**
- 7. That the addresses be posted in accordance with Pennington County's Ordinance #20;**
- 8. That the applicant adheres to all necessary County, State, and Federal regulations, and maintains the necessary permits and licenses to conduct Commercial Sales on the subject property;**
- 9. That there is no more than two (2) additional employees, excluding family members;**
- 10. That there is a minimum of eleven (11) off-street parking spaces available at all times and kept in accordance with Section 310 of the Pennington County Zoning Ordinance;**
- 11. That the hours of operation will be conducted between the hours of 7:00 a.m. and 6:00 p.m. with the allowance of limited after hour's operation so as not to be characterized as a nuisance;**
- 12. That the inoperable vehicles and piles of motor vehicle parts, not intended for immediate sale, will be either removed from the property or shall be stored in an enclosed structure;**
- 13. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual must be followed;**

**14. That the applicant signs the Statement of Understanding (SOU) for Conditional Use Permit / CU 15-20 and the Pennington County Noxious Weed Management Plan within ten (10) business days of approval. Both are available at the Planning Department; and,**

**15 That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.**

**All voting aye, the Motion carried 7 to 0.**

19. REZONE / RZ 15-08 AND COMPREHENSIVE PLAN AMENDMENT / CA 15-08: Mitch Morris. To rezone 30.49 acres from General Agriculture 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 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°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°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°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°04'45" East, a distance of 500.00 feet to the POINT OF BEGINNING and containing 30.49 acres, more or less, of land.

Conover provided the Planning Commission with an update on Rezone / RZ 15-08 and Comprehensive Plan Amendment / CA 15-08:

Staff recommended Rezone / RZ 15-08 and Comprehensive Plan Amendment / CA 15-08 be continued to the first possible Planning Commission meeting, after all updated routing comments are returned and staff is able to meet with the applicant to discuss them.

**Moved by Landers and seconded by Litzen to continue Rezone / RZ 15-08 and Comprehensive Plan Amendment / CA 15-08 to the first possible Planning Commission meeting, after all updated routing comments are returned and staff is able to meet with the applicant to discuss them.**

**All voting aye, the Motion carried 7 to 0.**



20. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the November 9, 2015, Planning Commission meeting.

21. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

22. ITEMS FROM THE STAFF

- A. Zoning Within The Three-Mile Platting Jurisdiction of Rapid City. Conover spoke of the City of Rapid City's and Pennington County's Zoning Districts.
- B. Floodplain Management. Conover spoke of floodplain management for Pennington County and meeting all criteria for the program.
- C. 2015 December Meeting Dates. Conover reminded the Planning Commission of the December 7<sup>th</sup> and December 21<sup>st</sup> Planning Commission meetings.
- D. Commissioners' Holiday Gathering. Subpoon informed the Planning Commissioners and Board of Commissioners of a Holiday get together scheduled for Monday, December 7<sup>th</sup> immediately following the Planning Commission meeting.

23. ITEMS FROM THE MEMBERSHIP

Commissioner Zvejnieks spoke of State and Local requirements and jurisdictional guidelines when subdividing property.

Commissioner Landers thanked the Planning Department staff for the work they have been doing.

24. ADJOURNMENT

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

**All voting aye, the Motion carried 7 to 0.**

**The meeting adjourned at 10:23 a.m.**

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Karen Hall, Chairperson