

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
November 12, 2019 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Rich Marsh, Kathy Johnson, Sonny Rivers, Travis Lasseter, Sandra Runde, Jim Coleman, and Deb Hadcock.

STAFF PRESENT: PJ Conover, Brittney Molitor, Jason Theunissen, Michael Hofmann (SAO) and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE OCTOBER 28, 2019, MINUTES
Moved by Johnson and seconded by Lasseter to approve the Minutes of the October 28, 2019, Planning Commission meeting. Vote: unanimous 7 to 0.

2. APPROVAL OF THE AGENDA
Moved by Lasseter and seconded by Hadcock to approve the Agenda of the November 12, 2019, Planning Commission meeting. Vote: unanimous 7 to 0.

Moved by Johnson and seconded by Lasseter to approve the Consent Agenda of the November 12, 2019, Planning Commission meeting. Vote: unanimous 7 to 0.

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 14-25:** Jeff DeVeny. To review two storage units to be located on the subject property in a Highway Service Zoning District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Lot J, Murray Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 14-25 with the following eleven (11) conditions:

1. **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;**

2. That a minimum of four parking spaces continue to be provided and a loading and unloading zone continue to be provided for all storage units that run along the units and must have four (4) inches of gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
3. That two (2) storage buildings continue to be allowed on the subject property not to exceed 50' x 100' and that there continue to be a minimum of 30-feet of separation between both structures for vehicle and trailer access. Any additional storage units will require a new hearing by the Planning Commission, to include advertising the request at owner's expense;
4. That the business address be posted on the property and clearly visible and maintained in accordance with Ordinance #20;
5. That any lighting used to illuminate off-street parking or on-premise lighting shall be so arranged as to deflect the light down and away from all nearby residences;
6. That an on-premise sign(s) shall be allowed in accordance with Pennington County Zoning Ordinance Section 312. The on-premise sign shall not exceed 25-feet in height and have a maximum display area of 250 square feet on each side and not have more than two sides;
7. That any additional disturbance within the 100-year floodplain boundary will require an approved Floodplain Development Permit and/or approved Letter of Map Revision or Amendment from FEMA, prior to the issuance of a Building Permit;
8. That the applicant ensure that all natural drainage ways continue to be maintained and are not blocked;
9. That any work encompassing over one (1) acre will require the applicant to obtain an approved Storm Water Construction Permit from the South Dakota Department of Environmental and Natural Resources;
10. That the hours of operation for the storage units be from 6:00 am to 10:00 pm and a sign be posted indicating after hours contact information with the owner's phone number, which must be clearly visible at the entrance of the lot; and,
11. That this Conditional Use Permit be reviewed by the Planning Commission in six (6) months, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to ensure that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 17-14:** David and Laura Jones. To review a Recreational Vehicle to be used as temporary living quarters while building a single-family residence on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 1R, Forty Oaks Ranch Subdivision, Section 18, T2S, R7E, BHM, Pennington County, South Dakota.

(Continued from the May 13, 2019, Planning Commission meeting.)

To end Conditional Use Permit / CU 17-14, per the applicant's request.

Vote: unanimous 7 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 18-43:** Border States Paving. To review a temporary asphalt batch plant and contractor's storage area on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

NE1/4NE1/4 Less Lot H-1; N1/2NW1/4 Less Lot H-1, Section 12, T4S, R17E, BHM, Pennington County, South Dakota.

(Continued from the September 9, 2019, Planning Commission meeting.)

To continue the review of Conditional Use Permit / CU 18-43 to the December 2, 2019, Planning Commission meeting.

Vote: unanimous 7 to 0.

6. **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 October 28, 2019, Planning Commission meeting.)

To continue the hearing of Conditional Use Permit / CU 19-01 to the November 25, 2019, Planning Commission meeting for purposes of advertisement.

Vote: unanimous 7 to 0.

7. **PLANNED UNIT DEVELOPMENT REVIEW / PU 06-07:** Rapid City MHP, LLC. (Cimarron Mobile Home Park). To review a Planned Unit Development to allow a mobile home park in accordance with Section 213 of the Pennington County Zoning Ordinance.

Tract C of Lot B of NE1/4 NW1/4 less Pengra Subdivision, Section 17, T2N, R7E, BHM, Pennington County, South Dakota.

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

To recommend to continue the review of Planned Unit Development / PU 06-07 to no later than the December 2, 2019, Planning Commission meeting with the following one (1) condition:

- 1. That any continuation hereafter caused by the applicants failure to meet Conditions of Approval will be fined \$100.00 per continuation in accordance with § 511(X) of the Pennington Counting Zoning Ordinance.**

Vote: unanimous 7 to 0.

- 8. MINOR PLAT / MPL 19-40: Great Western Bank for Dorothy Johnson Estate. To create Lots A, B, C, and D and Well Lot of Johnson Estates Subdivision in accordance with § 400.3 of the Pennington County Subdivision Regulations.**

EXISTING LEGAL: Balance of Lot 1 of the NW1/4NW1/4, Section 9, T1N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots A, B, C, and D and Well Lot of Johnson Estates Subdivision, Section 9, T1N, R6E, BHM, Pennington County, South Dakota.

To recommend approval of Minor Plat / MPL 19-40 with the following nine (9) conditions:

- 1. That the dimensions of the western boundary of Lot A be verified prior to filing the plat with the Register of Deeds;**
- 2. That prior to filing the plat with the Register of Deeds the percolation and soil profile hole information be submitted for proposed Lot A and Lot D or an approved Variance to the Subdivision Regulations be obtained waiving this requirement;**
- 3. That prior to filing the plat with the Register of Deeds, the plat meets all requirements of § 400.3 of the Pennington County Subdivision Regulations, or an approved Variance to the Subdivision Regulations be obtained waiving any of these requirements that are not met;**
- 4. That the existing approach is utilized off of W. Highway 44 for proposed Lots A, B, C, D and the Well Lot, as well as the 66-foot-wide Access and Utility Easement, as SDDOT will not allow additional direct access to W. Highway 44 as a result of this subdivision;**
- 5. That the Certifications on the plat be in accordance with § 400.3.1.n of the Pennington County Subdivision Regulations;**

6. That prior to filing the plat with the Register of Deeds the drawings and references to buildings, tanks, etc. be removed from the plat drawing;
7. That prior to filing the plat with the Register of Deeds the portion of the driveway for Lot B that lies in Lot A be included as part of the private access easement;
8. That the applicant ensures all-natural drainage ways are maintained and are not blocked; and,
9. That following platting of the proposed lots, any Onsite Wastewater Treatment System(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit.

Vote: unanimous 7 to 0.

END OF CONSENT AGENDA

9. MINOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 17-05: Tanner Colburn. To review the existing Sunset Ranch Planned Unit Development to reduce the setback from 25 feet to 12 feet along the west property line in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot 3, Block 4, Sunset Ranch Subdivision, Section 32, T2N, R10E, BHM, Pennington County, South Dakota.

(Continued from the October 14, 2019, Planning Commission meeting.)

Theunissen reviewed the Staff Report indicating this item was continued from the October 14, 2019, Planning Commission meeting to allow time for the applicant to contact staff.

Discussion followed.

Moved by Hadcock and seconded by Runde to refer Minor Planned Unit Development Amendment / PU 17-05 to the State's Attorney's Office for further action.

All voting aye, the Motion carried 7 to 0.

10. REZONE / RZ 19-16 AND COMPREHENSIVE PLAN AMENDMENT / CA 19-16: Richard Aldren. To rezone 107.24 acres from General Agriculture District to Limited Agriculture District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from General Agriculture District to Limited Agriculture District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.

NE1/4NW1/4 less West 520 feet of East 800 feet less ROW; the NE1/4NW1/4 less East 800 feet less ROW; the W1/2NW1/4NW1/4 less ROW; the E1/2NW1/4NW1/4 less ROW; and the NE1/4NE1/4 less ROW, all located in Section 34, T2N, R11E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant applied for a Rezone and Comprehensive Plan Amendment to rezone 107.24 acres from General Agriculture District to Limited Agriculture District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from General Agriculture District to Limited Agriculture District.

Conover further stated that, due to the Rapid City Journal failing to advertise one of the legal notices, this item will be continued to the December 2, 2019, Planning Commission meeting in order for the item to be re-advertised.

Moved by Hadcock and seconded by Lasseter to continue Rezone / RZ 19-16 and Comprehensive Plan Amendment / CA 19-16 to the December 2, 2019, Planning Commission meeting.

All voting aye, the Motion carried 7 to 0.

11. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the October 14th and October 28th Planning Commission meetings.

12. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

13. ITEMS FROM THE STAFF

- A. Building Permit Report. Conover reviewed the Building Permit Report for October 2019.
- B. Construction Permits. Conover discussed the process for Construction Permits and when they will be placed on Planning Commission Agendas to be heard.
- C. Comprehensive Plan – Update. Conover provided the Planning Commission with an update on the amendment to the Comprehensive Plan, and further stated the Board of Commissioners will start reviewing the document on December 4th and December 18th starting at 9 a.m.

- D. Holiday Potluck. Conover spoke of the holiday potluck in the office on December 2nd.
- E. December 16th Planning Commission meeting. Conover noted that this meeting will start at 2 p.m.

14. ITEMS FROM THE MEMBERSHIP

Commissioner Hadcock spoke of the upcoming Mining Ordinance.

15. ADJOURNMENT

Moved by Lasseter and seconded by Rivers to adjourn.

All voting aye, the Motion carried 7 to 0.

The meeting adjourned at 9:23 a.m.

Rich Marsh, Chairperson