

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
April 25, 2022 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Rich Marsh, Charlie Johnson, Karen McGregor, Mikal Lewis, Kevin Kuehn, and Ron Rossknecht.

STAFF PRESENT: Brittney Molitor, Madisen Ransom, Cody Sack, Jason Theunissen, and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE APRIL 11, 2022, MINUTES
Moved by Johnson and seconded by McGregor to approve the Minutes of the April 11, 2022, Planning Commission meeting, with a correction that Chairman Rich Marsh was not in attendance at the meeting. Vote: unanimous 6 to 0.

2. APPROVAL OF THE AGENDA
Moved by Rossknecht and seconded by McGregor to approve the Agenda of the April 25, 2022, Planning Commission meeting. Vote: unanimous 6 to 0.

Moved by Johnson and seconded by Lewis to approve the Consent Agenda of the April 25, 2022, Planning Commission meeting. Vote: unanimous 6 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, on certain items from this agenda, are recommendations to the Pennington County Board of Commissioners who will make the final decision.

3. **CONDITIONAL USE PERMIT REVIEW / CU 16-27:** Gene and Carlen Van Der Wert. To review a Vacation Home Rental in a Rural Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

Lot K, Brechtel #1 Subdivision, Section 34, T1S, R5E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 16-27 with the applicant's concurrence. Vote: unanimous 6 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 19-01:** Hayden Fuchs. To review a Vacation Home Rental in a Rural 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.

To end Conditional Use Permit / CU 19-01. Vote: unanimous 6 to 0.

END OF CONSENT AGENDA

5. CONDITIONAL USE PERMIT / CU 22-14: Four-Thirteen, LLC; Greg Hyde. To allow for storage units in a Commercial District in accordance with Sections 211 and 510 of the Pennington County Zoning Ordinance.

Lot 1 of SW1/4SE1/4, Section 32, T1N, R8E, BHM, Pennington County, South Dakota.

Ransom reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow for storage units on the subject property.

Staff recommended approval of Conditional Use Permit / CU 22-14 with the following fifteen (15) conditions:

1. That an approved 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 the minimum setback requirements of a Commercial District be maintained on the property;
3. That the applicant work with Black Hills Electric Cooperative to grant a Utility Easement for overhead power lines, within 90 days of approval of this Conditional Use Permit;
4. That prior to submitting a Building Permit, the Section Line used for access be improved to design standards of Ordinance 14 for a local/collector road for a Commercial District;
5. That the applicant obtain an approved Road Construction of Section Line Right-of-Way and name the road, prior to submittal of a Building Permit;
6. That, on the southern portion of the property, a minimum setback of 64 feet be maintained from the Section Line to allow for a collector road right-of-way of 78 feet identified in the Rapid City Major Street Plan;
7. That 21 storage buildings be allowed on the subject property, not to exceed 320-feet x 35-feet. Any additional storage units would require an amendment to this Conditional Use Permit;
8. That a minimum of 4 parking spaces be provided and a loading and unloading zone be provided for all storage units that run along the units and must have 4 inches of gravel, concrete, or asphalt and maintained in a dust free manner;
9. That the business address be posted on the property and clearly visible and maintained in accordance with Ordinance #20;
10. That an on-premise sign(s) shall be allowed with an approved Sign Permit;
11. That the applicant ensures that all natural drainage ways must be maintained and are not blocked;

12. That any work encompassing over 1 acre will require the applicant to obtain an approved Storm Water Permit from the South Dakota Department of Agriculture and Natural Resources and the Pennington County Planning Department;
13. That any work encompassing over 10,000 square feet, the applicant obtain an approved Storm Water Permit from the Pennington County Planning Department;
14. That the hours of operation for the storage units 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,
15. That this Conditional Use Permit be reviewed in 90 days, as deemed necessary by either the Board of Commissioners and/or Planning Commission and/or on a complaint basis to ensure that all conditions of approval are being met.

Discussion followed.

Moved by Rossknecht and seconded by McGregor to approve of Conditional Use Permit / CU 22-14 with the following fifteen (15) conditions:

- 1. That an approved 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 the minimum setback requirements of a Commercial District be maintained on the property;**
- 3. That the applicant work with Black Hills Electric Cooperative to grant a Utility Easement for overhead power lines, within 90 days of approval of this Conditional Use Permit;**
- 4. That prior to submitting a Building Permit, the Section Line used for access be improved to design standards of Ordinance 14 for a local/collector road for a Commercial District;**
- 5. That the applicant obtain an approved Road Construction of Section Line Right-of-Way and name the road, prior to submittal of a Building Permit;**
- 6. That, on the southern portion of the property, a minimum setback of 64 feet be maintained from the Section Line to allow for a collector road right-of-way of 78 feet identified in the Rapid City Major Street Plan;**
- 7. That 21 storage buildings be allowed on the subject property, not to exceed 320-feet x 35-feet. Any additional storage units would require an amendment to this Conditional Use Permit;**
- 8. That a minimum of 4 parking spaces be provided and a loading and unloading zone be provided for all storage units that run along the units and must have 4 inches of gravel, concrete, or asphalt and maintained in a dust free manner;**

9. That the business address be posted on the property and clearly visible and maintained in accordance with Ordinance #20;
10. That any on-premise sign(s) shall be allowed with an approved Sign Permit;
11. That the applicant ensures that all natural drainage ways must be maintained and are not blocked;
12. That any work encompassing over 1 acre will require the applicant to obtain an approved Storm Water Permit from the South Dakota Department of Agriculture and Natural Resources and the Pennington County Planning Department;
13. That any work encompassing over 10,000 square feet, the applicant obtain an approved Storm Water Permit from the Pennington County Planning Department;
14. That the hours of operation for the storage units 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,
15. That this Conditional Use Permit be reviewed in 90 days, as deemed necessary by either the Board of Commissioners and/or Planning Commission and/or on a complaint basis to ensure that all conditions of approval are being met.

All voting aye, the Motion carried 6 to 0.

6. VACATION OF RIGHT-OF-WAY / VR 22-01: Karen Fonseca. To vacate 430 feet of public right-of-way on Pretty Flower Lane, adjacent to Lot A of Lot 1 and Lot B of Lot 1 of Battle Creek Mountain Estates, in accordance with the Pennington County Zoning Ordinance.

Lot A of Lot 1 and Lot B of Lot 1, Battle Creek Mountain Estates, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

Ransom reviewed the Staff Report indicating the applicant has applied to vacate 430 feet of public right-of-way on Pretty Flower Lane

Staff recommended approval of Vacation of Right-of-Way / VR 22-01 with the following three (3) conditions:

1. That the applicant or agent provide the original Exhibit A to the Planning Department;
2. That the heading for Exhibit A is corrected to read Lots A and B of Lot 1 of Battle Creek Mountain Estates Subdivision; and,
3. That all necessary resolutions and exhibits vacating the public Right-of-Way be recorded by the applicant at the Register of Deeds.

Discussion followed.

Moved by Kuehn and seconded by Lewis to approve of Vacation of Right-of-Way / VR 22-01 with the following three (3) conditions:

- 1. That the applicant or agent provide the original Exhibit A to the Planning Department;**
- 2. That the heading for Exhibit A is corrected to read Lots A and B of Lot 1 of Battle Creek Mountain Estates Subdivision; and,**
- 3. That all necessary resolutions and exhibits vacating the public Right-of-Way be recorded by the applicant at the Register of Deeds.**

All voting aye, the Motion carried 6 to 0.

7. COMPREHENSIVE PLAN AMENDMENT / CA 22-07: Jack and Marie Ziemer. To amend the Comprehensive Plan to change the Future Land Use from Rural Residential District to Low Density Residential District in accordance with Sections 207, 208, and 508 of the Pennington County Zoning Ordinance.

Lot 8 and Lot 10, Block 3, Pactola Estates, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Comprehensive Plan Amendment to change the Future Land Use from Rural Residential District to Low Density Residential District.

Staff recommended approval of Comprehensive Plan Amendment / CA 22-07.

Discussion followed.

Moved by Johnson and seconded by Lewis to deny Comprehensive Plan Amendment / CA 22-07.

All voting, the Motion carried 4 to 2. Commissioners Johnson, McGregor, Marsh, and Lewis voted yes. Commissioners Kuehn and Rosknecht voted no.

8. REZONE / RZ 22-07: Jack and Marie Ziemer. To rezone 2.5 acres from Agriculture District to Low Density Residential District in accordance with Sections 205, 208, and 508 of the Pennington County Zoning Ordinance.

Lot 8 and Lot 10, Block 3, Pactola Estates, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 2.5 acres from Agriculture District to Low Density Residential District.

Staff had originally recommended approval of Rezone / RZ 22-07, but are now recommending to deny without prejudice.

Moved by Johnson and seconded by McGregor to deny without prejudice Rezone / RZ 22-07.

All voting aye, the Motion carried 6 to 0.

9. COMPREHENSIVE PLAN AMENDMENT / CA 22-08: Ron Weifenbach. To amend the Comprehensive Plan to change the Future Land Use from Suburban Residential District to Commercial District in accordance with Sections 209, 211, and 508 of the Pennington County Zoning Ordinance.

Located on the following metes and bounds description as follows: Commencing at the Center 1/4 Corner of Section 14, T1N, R8E, B.H.M., thence S57°14'25"W, 1081.81 feet to a point on the northerly right-of-way of U.S. Highway 44, and the point of beginning; Thence (1) With said northerly right-of-way, N49°16'24"W, 627.34 feet; Thence (2) Leaving said northerly right-of way, N40°43'36"E, 91.51 feet; Thence (3) On a curve turning to the left with an arc length of 62.92 feet, with a radius of 231.00 feet, with a chord bearing of N32°55'23"E, with a chord length of 62.73 feet; Thence (4) N25°07'11"E, 20.72 feet; Thence (5) N65°50'57"E, 15.33 feet; Thence (6) On a non-tangent curve turning to the left with an arc length of 49.59 feet, with a radius of 226.00 feet, with a chord bearing of S81°37'05"E, with a chord length of 49.49 feet; Thence (7) S87°54'41"E, 96.84 feet; Thence (8) S1°59'11"W, 103.03 feet; Thence (9) S83°18'39"E, 19.04 feet; Thence (10) S86°24'51"E, 210.29 feet; Thence (11) S1°37'23"W, 427.42 feet to the point of beginning; Containing 3.07 acres, more or less; Section 14, T1N, R8E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Comprehensive Plan Amendment to change the Future Land Use from Suburban Residential District to Commercial District.

Staff recommended approval of Comprehensive Plan Amendment / CA 22-08.

Discussion followed.

Moved by Rossknecht and seconded by Johnson to approve of Comprehensive Plan Amendment / CA 22-08.

All voting aye, the Motion carried 6 to 0.

10. REZONE / RZ 22-08: Ron Weifenbach. To rezone 3.07 acres from Agriculture District to Commercial District in accordance with Sections 205, 211, and 508 of the Pennington County Zoning Ordinance.

Located on the following metes and bounds description as follows: Commencing at the Center 1/4 Corner of Section 14, T1N, R8E, B.H.M., thence S57°14'25"W, 1081.81 feet to a point on the northerly right-of-way of U.S. Highway 44, and the point of beginning; Thence (1) With said northerly right-of-way, N49°16'24"W, 627.34 feet; Thence (2) Leaving said northerly right-of way, N40°43'36"E, 91.51 feet; Thence (3) On a curve turning to the left with an arc length of 62.92 feet, with a radius of 231.00 feet, with a chord bearing of N32°55'23"E, with a chord length of 62.73 feet; Thence (4) N25°07'11"E, 20.72 feet; Thence (5) N65°50'57"E, 15.33 feet; Thence (6) On a non-

tangent curve turning to the left with an arc length of 49.59 feet, with a radius of 226.00 feet, with a chord bearing of S81°37'05"E, with a chord length of 49.49 feet; Thence (7) S87°54'41"E, 96.84 feet; Thence (8) S1°59'11"W, 103.03 feet; Thence (9) S83°18'39"E, 19.04 feet; Thence (10) S86°24'51"E, 210.29 feet; Thence (11) S1°37'23"W, 427.42 feet to the point of beginning; Containing 3.07 acres, more or less; Section 14, T1N, R8E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 3.07 acres from Agriculture District to Commercial District.

Staff recommended approval of Rezone / RZ 22-08.

Discussion followed.

Moved by Lewis and seconded by Rossknecht to approve of Rezone / RZ 22-08.

All voting aye, the Motion carried 6 to 0.

11. REZONE / RZ 21-30: Paul HH Reinke Family Trust; Renner Associates - Agent. To rezone 9.541 acres from Suburban Residential District to Agriculture District in accordance with Sections 205, 209, and 508 of the Pennington County Zoning Ordinance.

Commencing at the northeasterly corner of Lot 1 of Block 2 of Copper Oaks #3 Subdivision, common to a point on the southerly edge of Wild Turkey Way right-of-way, and the point of beginning. Thence, first course: along the southerly edge of said Wild Turkey Way right-of-way, curving to the left, on a curve with a radius of 133.00 feet, a delta angle of 26°46'38", a length of 62.16 feet, a chord bearing of N 35°11'46" E, and chord distance of 61.59 feet; Thence, second course: along the southerly edge of said Wild Turkey Way right-of-way, N 22°44'38" E, a distance of 207.70 feet; Thence, third course: along the southerly edge of said Wild Turkey Way right-of-way, curving to the right, on a curve with a radius of 117.00 feet, a delta angle of 37°56'31", a length of 77.48 feet, a chord bearing of N 41°46'05" E, and chord distance of 76.07 feet; Thence, fourth course: along the southerly edge of said Wild Turkey Way right-of-way, N 60°46'34" E, a distance of 176.79 feet; Thence, fifth course: along the southerly edge of said Wild Turkey Way right-of-way, curving to the right, on a curve with a radius of 158.90 feet, a delta angle of 29°09'51", a length of 80.88 feet, a chord bearing of N 75°14'28" E, and chord distance of 80.01 feet, to a point on the section line common to Sections 7 and 8, T1S, R7E, BHM; Thence, sixth course: along the said section line, S 00°13'31" W, a distance of 1317.71 feet, to a point on the section ¼ line of said Section 7; Thence, seventh course: along the said section ¼ line, N 89°59'36" W, a distance of 66.80 feet, to a point on the northerly edge of Wilderness Canyon Road right-of-way; Thence, eighth course: along the northerly edge of said Wilderness Canyon Road right-of-way, curving to the left, on a curve with a radius of 560.13 feet, a delta angle of 13°14'06", a length of 129.39 feet, a chord bearing of N 41°13'32" W, and chord distance of 129.10 feet; Thence, ninth course: along the northerly edge of said Wilderness Canyon Road right-of-way, N 47°50'42" W, a distance of 218.98 feet; Thence, tenth course: along the northerly edge of said Wilderness Canyon Road right-of-way, curving to the right, on a curve with a radius of 410.94 feet, a delta angle of 10°17'55", a length of 73.86 feet, a chord bearing of N 42°40'14" W, and chord distance of 73.76 feet; Thence, eleventh course: along the northerly edge of said Wilderness Canyon Road right-

of-way, N 37°29'10" W, a distance of 49.76 feet, to the southeasterly corner of said Lot 1; Thence, twelfth course: along the easterly boundary of said Lot 1, N 00°09'14" E, a distance of 574.59 feet, to the said Point of Beginning. Said Parcel contains 9.541 acres more or less.

(Continued from the February 14, 2022, Planning Commission meeting.)

Sack stated this item had been continued from the February 14, 2022, Planning Commission meeting to allow the applicant time to file the mylar plat at the Register of Deeds.

Staff recommended to deny without prejudice Rezone / 21-30.

Moved by Johnson and seconded by McGregor to deny without prejudice Rezone / 21-30.

All voting aye, the Motion carried 6 to 0.

12. COMPREHENSIVE PLAN AMENDMENT / CA 22-06: Bruce or Sandra Rampelberg; KTM Design Solutions – Agent. To amend the Comprehensive Plan to change the Future Land Use from Agriculture District to Ranchette District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.

N1/2SW1/4NE1/4 Less Right-of-Way, Section 15, T1S, R7E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Comprehensive Plan Amendment to change the Future Land Use from Agriculture District to Ranchette District.

Staff recommended approval of Comprehensive Plan Amendment / CA 22-06.

Discussion followed.

Moved by Rossknecht and seconded by Johnson to approve of Comprehensive Plan Amendment / CA 22-06.

All voting aye, the Motion carried 6 to 0.

13. REZONE / RZ 22-06: Bruce or Sandra Rampelberg; KTM Design Solutions – Agent. To rezone 18.52 acres from Agriculture District to Ranchette District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.

N1/2SW1/4NE1/4 Less Right-of-Way, Section 15, T1S, R7E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Comprehensive Plan Amendment to change the Future Land Use from Agriculture District to Ranchette District.

Staff recommended approval of Rezone / RZ 22-06.

Discussion followed.

Moved by McGregor and seconded by Lewis to approve of Rezone / RZ 22-06.

All voting aye, the Motion carried 6 to 0.

14. PLANNED UNIT DEVELOPMENT OVERLAY / PU 22-06: Katie Smirnova and Brett Walfish. To allow a Planned Unit Development Overlay to allow a single-family residence to be used as a summer/winter educational music camp, to allow off-season musical performance concerts each year, to allow shed/cabins to be used for classes and rehearsals, and a Bed and Breakfast on the subject property in accordance with Section 216 of the Pennington County Zoning Ordinance.

Lot C2, Brassfield Subdivision, Section 28, T1S, R6E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicants have applied for a Planned Unit Development Overlay to allow a single-family residence to be used as a summer/winter educational music camp, to allow off-season musical performance concerts each year, to allow shed/cabins to be used for classes and rehearsals, and a Bed and Breakfast on the subject property.

Staff recommended denial without prejudice of Planned Unit Development / PU 22-06, until Klondike Road is improved.

Discussion followed.

Commissioner Rossknecht left the meeting at 10:07 a.m.

Commissioner Rossknecht returned to the meeting at 10:08 a.m.

Commissioner McGregor left the meeting at 11:13 a.m.

Commissioner McGregor returned to the meeting at 11:14 a.m.

Commissioner Lewis left the meeting at 12:01 p.m.

Commissioner Lewis returned to the meeting at 12:03 p.m.

Commissioner Rossknecht left the meeting at 12:03 p.m.

Commissioner Rossknecht returned to the meeting at 12:05 p.m.

Moved by Rossknecht and seconded by McGregor to deny without prejudice Planned Unit Development / PU 22-06.

All voting aye, the Motion carried 6 to 0.

The Planning Commission took a 10 minute recess.

15. ORDINANCE AMENDMENT / OA 22-01: Pennington County. To add Section 321 “Hard Rock Mining” [to add Section 321 “Hard Rock Mining”] to the Pennington County Zoning Ordinance.

(Continued from the March 28, 2022, Planning Commission meeting.)

Sack stated this item was continued from the March 28th Planning Commission meeting to allow staff time to perform additional research.

Staff recommended to continue Ordinance Amendment / OA 22-01 to the May 23, 2022, Planning Commission meeting for additional comments and changes.

Discussion followed.

Moved by Johnson and seconded by Rossknecht to continue Ordinance Amendment / OA 22-01 to the May 23, 2022, Planning Commission meeting for additional comments and changes.

All voting aye, the Motion carried 6 to 0.

16. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission’s recommendations from the April 11th meeting with the exception of:

Comprehensive Plan Amendment 22-04 and Rezone 22-04: Black Hills Industrial Center, LLC; KTM Design Solutions - Agent. To rezone 162 acres from Agriculture District to Heavy Industrial District. These two items were approved by the Board.

17. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

18. ITEMS FROM THE STAFF

There were no items from staff.

19. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

20. ADJOURNMENT

Moved by Rossknecht and seconded by Johnson to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at 1:28 p.m.

Rich Marsh, Chairperson