

LAWRENCE COUNTY PLANNING & ZONING BOARD

MINUTES OF MAY 3, 2018

REGULAR MEETING

The regular meeting of the Lawrence County Planning & Zoning Board was called to order by Chairman, Rick Tysdal on Thursday, May 3, 2018, at 1:30 p.m. in the County Commission Meeting Room, 90 Sherman Street, Deadwood, SD.

Present: Kelly Fuller, Rick Tysdal, Daryl Johnson, Scott Gullickson, Tom Brady, Julie Stone and Travis Schenk.

All motions passed by unanimous vote of all members present unless otherwise noted.

Moved-Seconded (Schenk-Stone) to approve minutes of the April 5, 2018, meeting. Motion Carried.

Moved-Seconded (Stone-Schenk) to approve the Agenda with the adding Item D as an Exempt Plat Vote. Motion Carried.

Declaration of Conflicts of Interest: Fuller - Items I and J.

FINAL PLAT for BH Development & BH Properties

Lots 3 & 7, Blk 1 of Ridgewood Addition of Powder House Pass in Sections 7 & 8, T4N, R3E. (legal shortened). Located off Hwy 85 in Powder House Pass. Creating new lots in an approved subdivision. Lot acreage is 1.350 for Lot 3 and .891 for Lot 7 and zoning is PUD-Planned Unit Development. The preliminary plat was approved in March of 2018 with road profiles and a few exceptions on cul-de-sacs from Ae2s Engineering. Infrastructure has been mostly completed and/or is included in the most recent bond also approved in April 2018.

Moved-Seconded (Brady-Schenk) motion to approve Final Plat. Motion Carried.

FINAL PLAT for Charlette & Vicki Callahan

Lot 22A of Spruce MT #2 in Sections 24, T6N, R4E. (legal shortened). Located off of Jackson Road near Whitewood on Antler Road. Combining Lot 22 and Lot 19 into one lot. The new lot will be 10.569 acres and zoning is PF- Park Forest. All roads are in and this subdivision has individual wells and septic systems.

Moved-Seconded (Brady-Stone) motion to approve Final Plat. Motion Carried.

FINAL PLAT for Andrew Sandford

Lot PR in Elkhorn No 4; Spokane No 4 and Elkhorn No 5, M.S. 1914, Sections 13, T5N, R2E. (legal shortened). Located off of Ida Grey Road in Maitland. Combining Lot P-1 and P-2 into one lot. Acreage is 3.900 acres and zoning is PF- Park Forest.

Moved-Seconded (Brady-Stone) motion to approve as an Exempt Plat. Motion Carried.

Moved-Seconded (Stone-Stone) motion to approve Final Plat. Motion Carried.

FINAL PLAT for Maitland Partners

Lot 89 of Paradise Acres III, Sections 17-20, T5N, R3E. (legal shortened). Located off of Morningstar Road in Maitland. Creating a new lot which substantially matches the preliminary plat. Acreage is 8.530 acres and zoning is PF- Park Forest. The roads are in and each lot has an

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individual septic system with a public water system.

Moved-Seconded (Stone-Schenk) motion to approve Final Plat. Motion Carried.

FINAL PLAT for Two-Bit LLC

Lot 20 of Golden Hills and dedicated public ROW all located in Sections 25 & 36, T5N, R3E and Sections 30 & 31, T5N, R4E (legal shortened). Located off of Two Bit Road. Creating a new lot in an already approved subdivision. Acreage is 9.063 acres and zoning is PF- Park Forest. The preliminary plat was approved in 2005 with road profiles by Brad Ellis. Over the years development has slowed and some of the roads do not meet the specs at this time because of overgrowth. The main road in off of Two-Bit is Noble Grand and that portion of the road is ok. This lot sits on Calendar Court and the current road needs to be cleaned up and re-graveled. Both Amber Vogt, Planning and Zoning Director and Allan Bonnema, Lawrence County Highway Superintendent visited the site. Bonnema requested the following after his visit: *The cul-de-sac doesn't appear to have any gravel on it. It appears to be built wide enough but is completely overgrown. It needs to be re-graveled as well as the road running up to it.* After the review at the March meeting and the denial of this plat due to the road not being updated the developer did hire McDirt to bring in gravel and bring it back to a 24' driving surface with a 4" rock base. The P&Z office took pictures and had Steve Ryan, Foreman for the Highway Dept reviewed it. He was ok with the road.

Moved-Seconded (Schenk-Stone) motion to approve Final Plat. Motion Carried.

FINAL PLAT for Two Bit LLC

Lot 21 of Golden Hills and dedicated public ROW all located in Sections 25 & 36, T5N, R3E and Sections 30 & 31, T5N, R4E (legal shortened). Located off of Two-Bit Road. Creating a new lot in an already approved subdivision. Acreage is 4.339 acres and zoning is PF- Park Forest. The preliminary plat was approved in 2005 with road profiles by Brad Ellis. Over the years development has slowed and some of the roads do not meet the specs at this time because of overgrowth. The main road in off of Two-Bit is Noble Grand and that portion of the road is ok. This lot sits on Calendar Court and the current road needs to be cleaned up and re-graveled. Both Vogt and Bonnema, visited this site as well as Lot 20 and he had requested the following after his visit: *The cul-de-sac doesn't appear to have any gravel on it. It appears to be built wide enough but is completely overgrown. It needs to be re-graveled as well as the road running up to it.* After the review at the March meeting and the denial of this plat due to the road not being updated the developer did hire McDirt to bring in gravel and bring it back to a 24' driving surface with a 4" rock base. The P&Z office took pictures and had Steve Ryan, Foreman for the Highway Dept reviewed it. He was ok with the road.

Moved-Seconded (Schenk-Stone) motion to approve Final Plat. Motion Carried.

PUBLIC HEARING-COZ #322 for Terry & Linda Nelson

Request to apply for a change of zoning from PF-Park Forest to HSC-Highway Service

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Commercial on property known as Tract 2B in Section 25, T4N, R3E (legal shortened). Located at the corner of Hwy 385 & Brownsville Road. The applicant Terry & Linda Nelson have owned the two parcels for a few years and they have cleaned up much of the property by removing the carnival rides and updating the general aesthetics of the land. They do not have an overall plan for the property at this time but would like to look at it for future commercial business. They are proposing to go from a partial PF/HSC zoning district to all HSC-Highway Service Commercial District. The acreage now consists of 16.416 acres as the 2 parcels were combined into one piece at the April 5, 2018 P & Z Meeting and April 10, 2018, County Commission Meeting. The property immediately adjacent to these parcels are Boondocks and the Brownsville Volunteer Fire Department. It sits at the intersection of Nemo Road, Brownsville Road and Hwy 385. A portion of this property was previously owned by someone else and in 2006 that person did a change of zoning request on the 10-acre parcel and it was denied, but at that time the plan was to create an amusement park; parking lot and concert venue. The Comprehensive Plan has no specific recommendation for this area, but it does call for commercial development to occur along main arterial roads. The staff has concerns about access, floodplain development, future development plans.

Proponents: Terry Nelson, the applicant informed the Board that he put in an approved culvert and approach to the property off of Brownsville Rd

Opponents: Gene Ruff- 12225 Nemo Rd, partial owner of adjoining property. He has concerns that HSC zoning going farther up the valley would end up turning the entire valley into a commercial area and causing highway congestion. He mentioned the Hwy 385/Brownsville Rd/ Nemo Rd intersection is already congested and feels this would add more congestion. He said that without a development plan some, business may going in and decrease the value of his property. He prefers it remains PF zoning and that a CUP be an option for the applicant. Dennis Anderson- 21583 Tuura Ln, is also a partial owner of the adjoining property is concerned that some of his neighbors were not fully informed about the Public Hearing and did not attend. He would like to keep the area a rural setting.

Proponents: Terry Nelson addressed the topic of notices that he sent out to the neighboring property owners. He said that he received an acknowledgment from almost all of them.

Opponents: Gene Ruff expressed concern that ATV congestion is getting worse and if an ATV business should go in there, it would be more congested for the roads.

Discussion: Johnson stated that if zoning is changed the future of the property is uncertain with certain plans for use. Fuller asked if a CUP would be a better option. Brady feels that capital improvements would not be done on the property under a CUP. Schenk asked if a COZ could be issued to a portion of the property. Tysdal recommended that the east half of the property be changed to HSC and to leave the rest as PF. It would give room for development but Mr. Nelson still needs a development plan. Brady questioned whether the easement access next to the fire dept is for commercial use? Gullickson was concerned with the fact that they do not

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know what the development plan will be. After a discussion about recommendation Stone requested that an exhibit of the surveyed zone line be added to the COZ.

Moved-Seconded (Schenk-Fuller) motion to change the Eastern portion of the property to HSC by taking the midpoint of the south boundary line and draw a perpendicular line to the north and everything in the easterly direction would be HSC and everything to the west would be PF and that the line be surveyed if the County Commission approves the COZ. Roll Call Vote: Aye: 4-Schenk, Stone, Brady, and Tysdal; Nay 3-Fuller, Johnson, and Gullickson. Motion Carried.

Public Hearing Set with County Commission: May 22, 2018. 9:00 AM.

PUBLIC HEARING-ORD 18-02 for David Wilson/Canyon Cab Co

Request to apply for a text amendment to the SRD zoning district to allow a Taxi Cab Co as a Conditional Use Permit as well as defining this term. These changes would affect any portion of property zoned as listed above. This specific terminology (Taxi Cab Co.) is not an option in the conditional uses for these requested zoning districts and the applicant would like to have the option if another property is purchased for the business.

Proponents: None.

Opponents: None.

Proponents: None.

Opponents: None.

Moved-Seconded (Brady-Stone) Motion to approve ORD 18-02.

Roll Call Vote: Aye: 5-Schenk, Stone, Brady, Tysdal, Johnson, a; Nay 1-Gullickson; Fuller abstained. Motion Carried.

Public Hearing Set with County Commission: May 22, 2018, 9:15 AM.

PUBLIC HEARING-CUP # 445 for David Wilson/Canyon Cab Co

Request to apply for a Taxi Cab Co CUP at 135 W Hwy 14 in Spearfish off of Old Hwy 14. Lot 2 of Hoffman Subdivision formerly Tract B-2 of Tract B of Lot 7 of Govt Lot 1 and A portion of Lot 8 of Govt Lot 1, located in Govt Lot, in Section 4, T6N, R2E as per plat doc # 2018-1704. The owner of the parcel in question is Joann J Hoffman Trustee, but the applicant for the CUP is the purchaser David Wilson, dba Canyon Cab Co. This CUP would be under consideration after Ordinance Amendment 18-02 is in effect. Property is currently zoned SRD-Suburban Residential District and is 2.012 acres. The applicant understands that if that ordinance amendment is not approved then this application is void. The property in question has been re-platted according to the City of Spearfish 3 Mile Platting regulations and was approved and recorded. The property has a lot of floodplain on it and will need to be reviewed and approved by the City of Spearfish as it is in their jurisdiction for the floodplain. The existing residence and garages on the property will remain and at this time he is not requesting any new structures.

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He would like to park the taxis at the back of the lot near the older garage. The surrounding properties are a mix of Commercial Crow Peak Brewing Co; gas station; campground etc and residential uses. This area is a growth area for the City of Spearfish/Lawrence County. The staff reminds that a 1)site plan will need to be approved at the time of a building permit being issued as it will need to meet setback; all FEMA Floodplain Regulations and offer a designated parking plan for the storage of the vehicles. 2)building Permits would be issued by the City of Spearfish. 3)access to the parcel and parking of the excess vehicles.

Proponents: Applicant David Wilson stated that he has been running a cab company since 2009 in the City of Spearfish. He explained how his business works and the daily traffic and noise associated.

Opponents: Jo Conda Dana, 160 W Hwy 14, Spearfish the neighbor across the road had questions about the impact of the future growth of the business and what happens if he sells it? Vogt explained that the business has to stay the same to have a CUP on this property. If the land sells then the Seller may or may not transfer the CUP with the property the County Commission would have to approve transfer.

Proponents: Mr. Wilson explained how employee parking will work at this site to provide for minimal disturbance.

Opponents: None.

Discussion: The Board reflected on all the conditions associated with this requested and asked the applicant were mechanical services would be taking place. Mr. Wilson said that he takes his vehicles to a local shop. Johnson suggested that a condition is put in place for the employee and cab parking on premises. Brady suggested that no unlicensed or dismantled vehicle on site be added as a condition and may that are in this condition be garaged. Stone suggested a privacy fence be added. Vogt shared that the County Highway dept did not approve a new approach for the ingress-egress that Mr. Wilson preferred, so he will have to use the access that is currently there.

Moved-Seconded (Brady-Stone) motion to approve CUP #445 with conditions revised as follows: ~~#9- One sign shall be allowed on-site to advertise the approved business according to the Lawrence County Sign Regulations, #13-~~ revised to, all parking and loading activities comply with LC Zoning Ordinance and occur on the south ½ of the subject property, **#18**-all vehicles shall be in operating order and currently licensed or must be garaged, **#19** a 6 ft tall privacy fence be built on the East boundary the length of are used for parking. Roll Call Vote: Aye: 5-Schenk, Stone, Brady, Tysdal, and Johnson, Nay 1-Gullickson; Fuller abstained. Motion Carried.

Public Hearing Set with County Commission: May 22, 2018, 9:15 AM.

INFORMATIONAL MEETING-CUP # 446 for Mike Kinzerski

Request to apply for a lodge, hall meeting place CUP on property zoned PF at 20829 Mattson

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Lane in Boulder Canyon. Property is known as Tract 37 in Section 24, T5N, R3E. (legal shortened). Vogt explained that the applicant would like to use the old barn on the property for events such as weddings and dances. The access is good and there is plenty of room for parking. Bruce Outka asked if there will be bands outside and suggested that Mr. Kindzerski contact the neighboring road district about road maintenance.

Public Hearing Set with Planning and Zoning: June 7, 2018, 1:30 PM.

Items from Planning & Zoning Board Members

Schenk asked about an update on the Perkins Rd Road District. Vogt said that the neighbors to the Wharf Mine with property off of that road have until October to respond.

Opportunity for Public Comment

None.

The meeting adjourned at 3 PM.

APPROVED: _____ Date: _____

Rick Tysdal, CHAIR

ATTEST: _____ Date: _____

Kelly Fuller, SECRETARY