

# LAWRENCE COUNTY PLANNING & ZONING BOARD

MINUTES OF JANUARY, 2019

REGULAR MEETING

The regular meeting of the Lawrence County Planning & Zoning Board was called to order by Chairman, Rick Tysdal on Thursday, January 10, 2019, at 1:30 p.m. in the County Commission Meeting Room, 90 Sherman Street, Deadwood, SD.

Present: Kelly Fuller, Rick Tysdal, Daryl Johnson, Tom Brady, and Julie Stone.

Absent: Scott Gullickson and Travis Schenk.

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

Moved-Seconded (Stone-Brady) to approve minutes of the December 6, 2018, meeting. Motion Carried.

Moved-Seconded (Brady-Stone) to approve the Agenda changing Item E legal from S1/2 to N1/2. Motion Carried.

Declaration of Conflicts of Interest: Tysdal: Item E, Stone: Item C, and Brady: Item D.

## **Election of Officers**

Moved-Seconded (Brady-Stone) to keep all of the officers the same as 2018, Chairman- Rick Tysdal, Vice- Chairman-Tom Brady and Secretary-Kelly Fuller. Motion Carried.

Moved-Seconded (Brady-Johnson) to approve meeting dates for 2019 to be on the first Thursday of the month except for May 9, June 10th, and July 11 all at 1:30 PM in County Commission Room. Motion Carried.

## **PRELIMINARY AND FINAL PLAT for Steve Schacht & Michael Scott & Elizabeth Ellederer**

Lots are 15R and 16R1 of Rochford Ridge Estates a sub of HES 125, located in W ½ of Section 32 and the E ½ of Section 31, T4N, R3E. The property is located off of Rochford Road. The zoning is PF and acreage is Lot 15R (6.157) and Lot 16R1 (5.561 acres). The request is to move lot lines between existing lots. This is an existing subdivision with a fire plan in place.

Moved-Seconded (Brady-Fuller) motion to approve Preliminary Plat. Motion Carried

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

## **REVISED PRELIMINARY PLAT for BH Development LLC/BH Properties LLC**

Lots 1, 4-7, 9, Blk 7 and Lots 2-10, Blk 8 of Wilderness Estates 2nd Addition in Powder House Pass (legal shortened). The property is located off of Hwy 85. The zoning is PUD. This is a Revised Preliminary to add a bit of acreage to each lot and designate Autumn Lane. Jerry Aberle spoke and said that the development company is starting to plat streets before platting lots. This will eliminate many complications that arise with utility easements and installations.

Moved-Seconded (Brady-Fuller) motion to approve Revised Preliminary Plat. Motion Carried, with Stone not voting.

## **FINAL PLAT for Frawley Ranches Inc**

Lot R of Frawley Ranch East in Section 7, T6N, R4E and Section 12, T6N, R3E and Section 7 & 18, T6N, R4E. (legal shortened) The property is located off of Acorn Ridge Road The plat will be

# LAWRENCE COUNTY PLANNING & ZONING BOARD

MINUTES OF JANUARY, 2019

REGULAR MEETING

creating an open space lot and well lot. The zoning is A-1, and the acreage is 1.289 acres.

Moved-Seconded (Stone-Fuller) motion to approve Final Plat. Motion Carried, with Brady not voting.

## **PRELIMINARY AND FINAL PLAT for Barbara Johnson**

Lots 1A & 1B of Redwater River Sub. Formerly S ½ of the NE ¼ of Section 12, T7N, R2E and Govt Lot 1 in Section 7, T7N, R3E. The nearest road is 194th Street. Zoning is A-1, and the lots are over forty acres each. The plat will create two lots to combine properties from the adjacent ground.

Moved-Seconded (Brady-Stone) motion to approve the Preliminary Plat. Motion Carried, with Tysdal not voting.

Moved-Seconded (Stone-Brady) motion to approve Final Plat. Motion Carried, with Tysdal not voting.

## **PUBLIC HEARING - CUP # 449 for Tia Ferguson & Daniel Berens/Barns at Aspen Acres**

The applicant is requesting a CUP for the operation of an event/retreat center for a parcel located off of Hwy 85 and Kellem Ln in the NW ¼ NW ¼ of Sections 23, T7N, R2E. R2E. Zoning is A-1, and it is approx 40 +/- acres. Amber Vogt, Planning & Zoning Admin. informed the board of letters received from proponents in the City of Spearfish and the SDDOT.

Proponents: Rick Furnish, 2310 Bridgestone St. Spearfish, gave positive comments regarding the applicants as neighbors and their concern for the surrounding property owners.

Opponents: Carole Kellem, 10978 Kellem Ln., stated that she is concerned about the road and traffic. She has had a few problems with people coming out to the area and smashing into her gate a fence. She also said that many times people get lost driving out there and end up turning around in her yard. She feels that would increase if events going on across the road.

Proponents: Applicant Daniel Berens addressed some of the road issues and said that they plan to maintain the road. Pastor Matt Branum of NorthPoint Church, 10959 Kellem Ln., stated that he was unaware of the cars and damage to the Ms. Kellems fences. He said the church has CCTV and is also well lit. Pastor Branum assured those present that events that have been held outside at the church had not been hampered by nearby operations with odors and smoke.

Opponents: Carole Kellem shared that often the rock quarry nearby has a toxic smoke that comes across the area and worries about its effects on events that are outside. Doug Schlabach, 11051 Kellem Ln, shared that he has put up a gate on his driveway and that has worked to deter the public from entering his property.

Discussion: The Board discussed condition #23 -music amplification inside and outside during events. It was decided to allow unamplified music outside for ceremonies. They also talked about signs, both directional and advertising. Brady suggested that the landowners work together on the way to make sure event goers stay out of Kellem's driveway.

# LAWRENCE COUNTY PLANNING & ZONING BOARD

MINUTES OF JANUARY, 2019

REGULAR MEETING

Moved-Seconded (Brady-Stone) motion to approve CUP #449 with Amendment to #23- Except for ceremonial music, band; concert; or electronic entertainment music to be played indoor and no speakers or amplifiers outdoors. Music to be concluded by and not later than at 12 AM. Motion Carried.

**Public Hearing with County Commission Scheduled- February 12, 2019, 9:15 AM.**

## **INFORMATIONAL MEETING- COZ # 328 for Guy & Beata Ferris**

The applicant is requesting a COZ from A-1 General Agriculture to C/LI Commercial light/Industrial for Tract F being a portion of NW ¼ SW ¼ all located in Section 32, T7N, R2E. The property is located off of Old Hwy 14. After discussion with the Board about billboards on the property and road access, the applicant decided to withdraw the request for COZ. He will be sending a written request to withdraw to Planning and Zoning.

## **Discussion Items**

None.

## **Items from Planning & Zoning Board Members**

None.

## **Opportunity for Public Comment**

None.

The meeting adjourned at 2:41 PM.

APPROVED: \_\_\_\_\_ Date: \_\_\_\_\_  
Rick Tysdal, CHAIR

ATTEST: \_\_\_\_\_ Date: \_\_\_\_\_  
Kelly Fuller, SECRETARY