

LAWRENCE COUNTY PLANNING & ZONING BOARD

MINUTES OF MARCH 7, 2019

REGULAR MEETING

The regular meeting of the Lawrence County Planning & Zoning Board was called to order by Chairman, Rick Tysdal on Thursday, March 7, 2019, 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, Travis Schenk, and Julie Stone.

Absent: Tom Brady

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

Moved-Seconded (Schenk-Gullickson) to approve minutes of February 7, 2019, meeting. Motion Carried.

Moved-Seconded (Johnson-Schenk) to approve the Agenda. Motion Carried.

Declaration of Conflicts of Interest: Tysdal: Item J, Stone: Items H & M.

LAYOUT PLAN for Alley Family LLC

The property owner is interested in platting a portion of the remainder of HES 162 Section 12, T3N, R4E. (legal shortened) Located off Nemo Road and Old Ridge Rd. Creating a new lot(s) of 15-16 acres to sell. Access will need to be joint if more than one lot is platted. Zoning: PF Acreage: 71.69 acres Parcel ID: 09000-00304-120-50

FINAL PLAT for Frawley Ranches Inc

Lot 62 of Frawley Ranch East in Section 7, T6N, R4E and Section 12, T6N, R3E and Section 7 & 18, T6N, R4E. (legal shortened) Located off Acorn Ridge Road Creating a new lot. Zoning: A-1 Acreage: 7.488 acres Parcel ID: 22650-00604-000-03

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

PRELIMINARY AND FINAL PLAT for W.T. Eaton Properties

Lot 1A-1 & 1A-2 of Redwater River Sub. Formerly Lot 1A, located in the W ½ of the NE ¼ of Section 12, T7N, R2E. Nearest Road is 194th Street Accessed from Lookout Mt Rd. Creating two lots to combine properties into the adjacent ground. Amber Vogt, Director of Planning and Zoning, discussed the issue of the parcels not meeting the 40 ac. needed for A-1 Zoning. She decided to bring it to the governing boards to decide this issue. Zoning: A-1 Acreage: (Lot 1A-1 37.157 acres and Lot 1A-2 39.604 acres) acres Parcel ID: 24070-00702-000-10

Moved-Seconded (Stone-Schenk) motion to approve Preliminary Plat for transfer purposes only with no building rights. Motion Carried

Moved-Seconded (Stone-Schenk) motion to approve the Final Plat or transfer purposes

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only with no building rights. Motion Carried.

Vogt paused processings to introduce P&Z Intern Jasmin Larry from Lead-Deadwood High School. She is assisting in the office from February to April for school credit and planning experience. The Board welcomed her. Vogt gave Larry the floor to present the next plats on the agenda.

FINAL PLAT for Maitland Partners LLC

Lot 90 of Paradise Acres III, Section 17, 18, 19, 20, T5N, R3E (legal shortened) Located off of Maitland Rd. This is a new lot in an existing subdivision Zoning: PF Acreage: 10.261 acres Parcel ID: 26684-00000-000-00

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

FINAL PLAT for Maitland Partners LLC

Lot 64 of Tract K of Paradise Acres II, Section 7, 8, 17, 18, T5N, R3E (legal shortened) Located off of Maitland Rd. This is a new lot in an existing subdivision Zoning: PF Acreage: 1.961 acres Parcel ID: 26683-01678-000-00

Moved-Seconded (Gullickson-Schenk) motion to approve the Final Plat. Motion Carried,

FINAL PLAT for Maitland Partners LLC

Lot 10 of Harley Estates, Section 19, 20, T5N, R3E (legal shortened) Located off of Maitland Rd. A Property is a new lot in an existing subdivision Zoning: PF Acreage: 4.076 acres Parcel ID: 26635-00000-000-00

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

PRELIMINARY PLAT for BH Development LLC/BH Properties LLC

Lots 1-27 of Dancing Sky Addition and Dedicated Public Right of Way being a subdivision of a portion of 2B of Wilderness Estates 2nd Addition and portions of Tract 2 and Tract 3 of Powder House Pass (legal shortened) Located off Hwy 85. This is the latest Preliminary Plat to add new lots. There is a concern about access to adjacent properties. Following past platting where Wilderness Estates vacated R.O.Ws within the CID; access to the north has been impeded. Bob Wilson, 1930 Mica Dr, Spearfish, the adjoining landowner and was present to let the Board know that he is meeting with the development owners and representatives to put an access easement in place. Zoning: PUD Parcel ID: 26455-00200-000-20

Moved-Seconded (Fuller-Schenk) motion to approve Preliminary Plat with the condition that the easement issues be resolved. Motion Carried.

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PUBLIC HEARING- COZ # 324 for Iron Creek LLC & Steele Real Estate LLC

M.S. 1193 Sumner Lodes 10-16 & Keldonian Lodes 10-15 except Iron Creek Lake located in Section 22, T5N, R1E. Located off Tinton Rd/Beaver Creek Rd & Iron Creek Rd. The applicant is requesting a COZ from PF-Park Forest & GC-General Commercial to all RC-Recreation Commercial. Vogt told the Board that a detailed site plan is to be presented to the P&Z Office before the new camping season starts- May 15th, 2019. As well as a development plan brought before the County Commission if there are to be any new campsites created. Staff is not making a recommendation on this application as it has a number of factors which would need to be a part of the decision-making process, but they can recommend that this is an appropriate location for the RC-Recreation Commercial District as the current and past use of the land is consistent with this zoning district. The Comprehensive Plan has a number of areas which relate to the recreational nature of this location, and it states: "Overview of Existing Conditions the Recreation Commercial must primarily serve those businesses that utilize the surrounding district for recreational purposes and provide recreation-related goods and services. She also mentioned letters that P&Z has received concerning this COZ. Acreage: 108 acres Parcel ID: 26460-01193-000-05

Proponents: Ken Barker from Barker Wilson Law Firm, the representative for Iron Creek LLC, updated the board about data being gathered for the lots that are planned for the new season.

Opponents: None.

Proponents: None.

Opponents: None.

Moved-Seconded (Schenk- Gullickson) motion to approve COZ #324 per ORD Chapter 17. Motion Carried.

Public Hearing with the County Commission Scheduled- March 26, 2019, 10:15 AM.

PUBLIC HEARING- COZ # 329 for McGuigan Inc

SE ¼ NE ¼ Ex Parcel 4, located in Section 31, T7N, R2E. Located off Westview Drive. The applicant is requesting a COZ from A-2 Residential Agriculture to RR-Rural Residential. Density would go from 3 new residences to 6. Acreage: 29.87 acres Parcel ID: 24000-00702-311-50

Proponents: Drew Skjoldal from Lyne, Jackson, Schilz and Lebrun P.C., a representative for McGuigan Inc. said that he talked to a few adjoining neighbors and most were concerned about the area being turned into another large development like nearby

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properties. He stated that that is not the plan for this property.

Opponents: None.

Proponents: None.

Opponents: None.

Moved-Seconded (Stone-Schenk) motion to approve COZ #329 per ORD Chapter 17.
Motion Carried.

Public Hearing with the County Commission Scheduled- March 26, 2019, 10:30 AM.

Extemporaneous change in the order of agenda to Items: M, K, L, N, and O.

RECOMMENDATION MEETING- PUD Minor Amendment #291-19 for Powder House Pass

Powder House Pass Community Improvement District Located off of Hwy 85. The applicant is requesting a Minor Amendment to the PUD Master Plan to update the total plan for design & layout Acreage: All inclusive of the CID acres. Vogt stated that this amendment allows for more detail about how infrastructure is planned. Jerry Aberle, the representative for the property owners, said that they would be showing particular phases of infrastructure going in. He also said there are no density changes at this time.

Moved-Seconded (Schenk-Fuller) motion to approve Recommendation to County Commission for PUD Minor Amendment #291-19. Motion Carried.

Presentation before County Commission Scheduled- March 12, 2019, 10:15 AM.

PUBLIC HEARING - ORD 19-01 Zoning & Subdivision Edits

Recent edits reviewed during the meeting. They are also available online. Edits include Building Permits; District Regulations; Guest Houses; Subdivision Regulations etc.

Public Hearing with County Commission Scheduled- March 26, 2019, 10:45 AM.

INFORMATIONAL MEETING - ORD 19-02 Adoption of 2018 International Building Code with Amendments and Additions

This Ordinance will update from the 2012 codes to the 2018 codes of the International Building Code.

Public Hearing with Planning and Zoning Board Scheduled- April 4, 2019, 1:30 PM.

Items from Planning & Zoning Board Members

Johnson complimented P&Z Intern Larry and thanked P&Z staff for the work that they do for Lawrence County.

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Opportunity for Public Comment

None.

The meeting adjourned at 2:50 PM.

APPROVED: _____ Date: _____
Rick Tysdal, CHAIR

ATTEST: _____ Date: _____
Kelly Fuller, SECRETARY