

All Planning Commission Meetings are recorded.

**CITY OF CUSTER PLANNING AND ZONING COMMISSION
AGENDA**

**Tuesday January 8th, 2019 at 5:00 P.M.
Custer City Hall, 622 Crook Street, Custer, SD 57730**

Call to Order - Roll Call:

Approve Agenda: January 8th, 2018

Approve Minutes: December 11th, 2018

Declaration of Conflict of Interest:

New Business:

Minor Plat – Custer Park Subdivision

Block 82 – Park Avenue Right of Way Vacation Request (Adjacent to Lot 14)

Old Business:

Discussion Items:

Rewrite of Custer City's Comprehensive Plan

Planning Administrator Updates:

Communications from The Public:

Adjournment:

ADA Compliance: The City of Custer City fully subscribes to the provisions of the Americans with Disabilities Act. If you desire to attend this public meeting and are in need of special accommodations, please notify the Finance Office 24 hours prior to the meeting so that appropriate services are available.

DRAFT

MINUTES OF THE December 11th, 2018 MEETING OF THE OF THE CITY OF
CUSTER PLANNING COMMISSION

Roll Call: 5:00 pm

Members Present: Jerad Tennyson-Chairman; Joe Uhrich-Vice Chairman; Larry Maciejewski; Joe Harbach; Scott Olson; Rick Hudson; Marc Moore – Alternate (quorum commission, non-voting).

Members Absent: Fred Mills – Alternate.

Other Parties Present: Tim Hartmann-Planning Administrator; Mayor Herman; Dixie Whittaker – Council Representative; Lysann Zeller-BHCLG; Public Attendees.

Agenda: Commissioner Maciejewski moved, with a second by Commissioner Uhrich to approve the agenda. Motion unanimously carried.

Minutes: Commissioner Uhrich moved, with a second by Commissioner Hudson to approve the November 13th, minutes. Motion unanimously carried.

Declaration of Conflict of Interest: None stated.

New Business:

Minor Plat – A Plat of Schneller Tract Revised, and Omodt Tract Planning Administrator, Planning Commissioners and Mayor Herman discussed the minor plat. After the discussion, Commissioner Maciejewski moved, with a second by Commissioner Uhrich to recommend approval of the minor plat by the Council. Motion unanimously carried.

Minor Plat – A Plat of Calvird Tract of Block 89 Planning Administrator, Planning Commissioners and Mayor Herman discussed the minor plat, with the discussion being focused around the nearby street vacations, and the remaining 25' x 25' square right of way near the S/W corner of the proposed plat. The discussion, commissioner Maciejewski moved, with a second by Commissioner Uhrich to table the plan until further discussion and investigation was completed on the possibilities of vacating the 25' x 25' square within the 10th Street and Pine Street Vacations (near the southwest corner of the plat). Motion failed with all voting members voting no. Commissioner members discussed the issue further. After the discussion, Commissioner Harbach moved, with a second by Commissioner Olson, to recommend approval of the minor plat as presented by the Council, with a requirement that the Planning Administrator discuss vacating the 25' x 25' area of right of way with the property owner prior to such plat being forwarded to the City Council. Motion unanimously carried.

Minor Plat – A Plat of Ozum Tract of Block 125 Planning Administrator, Planning Commissioners and Mayor Herman discussed the minor plat. After the discussion, Commissioner Uhrich moved, with a second by Commissioner Maciejewski to recommend approval of the minor plat by the Council. Motion unanimously carried.

Old Business:

Discussion Items:

Rewrite of Custer City's Comprehensive Plan Lysann provided the commission an update on recent developments with the project. Update included the status of the survey and next step of setting up stakeholder meetings. After discussion, stake holder meetings will be scheduled for January 10th and January 15th 2018, with an afternoon and evening meeting each day (4 total). Public notification of such meetings will begin soon.

Planning Administrator Updates

Planning Administrator and commission members gave various updates.

Communications from The Public

No communications from the public were heard.

Adjournment:

Being no further business before the Commission, Commissioner Maciejewski moved, with a second by Commissioner Uhrich to adjourn. Motion unanimously carried. The meeting adjourned at 6:08 pm.

Approved:

Attest:

Jerad Tennyson, Chairman

Tim Hartmann, Planning Administrator

CUSTER PARK SUBDIVISION

PLAT OF TRACT 1 AND TRACT 2 (FORMERLY TRACT A OF CUSTER PARK PLACER M.S. 828)
LOCATED IN W1/2 SECTION 16 AND NE1/4 SECTION 17, T3S, R4E, BHM
CUSTER COUNTY, SOUTH DAKOTA

NOTE

CUSTER LIMESTONE ROAD IS A 66' PUBLIC ACCESS AND UTILITY EASEMENT.

WATER PROTECTION STATEMENT

PURSUANT TO SDCL 11-3-8.1 AND 11-3-8.2 THE DEVELOPER OF THE PROPERTY DESCRIBED WITHIN THIS PLAT SHALL BE RESPONSIBLE FOR PROTECTING ANY WATERS OF THE STATE INCLUDING GROUNDWATER, LOCATED ADJACENT TO OR WITHIN SUCH PLATTED AREA FROM POLLUTION FROM SEWAGE FROM SUCH SUBDIVISION AND SHALL IN PROSECUTION OF SUCH PROTECTIONS CONFORM TO AND FOLLOW ALL REGULATIONS OF THE SOUTH DAKOTA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES RELATING TO THE SAME.

NOTE

A 20' WIDE UTILITY EASEMENT SHALL EXIST CENTERED ON ALL SUBDIVISION LOT LINES NOT ADJACENT TO PUBLIC RIGHTS-OF-WAY OR UNPLATTED LAND AND ON THE INTERIOR SIDE OF LOT LINES THAT BORDER LAND THAT HAS NOT BEEN SUBDIVIDED, UNLESS OTHER SUITABLE UTILITY EASEMENTS HAVE BEEN SHOWN.

NOTE

TRACT A OF CUSTER PARK PLACER M.S. 828 IS RECORDED IN PLAT BOOK 1 ON PAGE 93, CUSTER PARK PLACER M.S. 828 IS RECORDED IN BILLINGS, MONTANA AT BLM OFFICE.

NOTE

FDR ROAD 240 1A EASEMENT IS RECORDED MISC 32 PAGE 536. FOREST SERVICE EASEMENT IS RECORDED MISC 40 PAGE 722.

NOTE

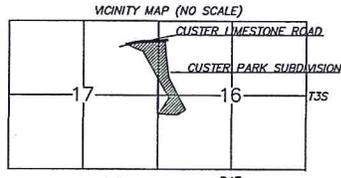
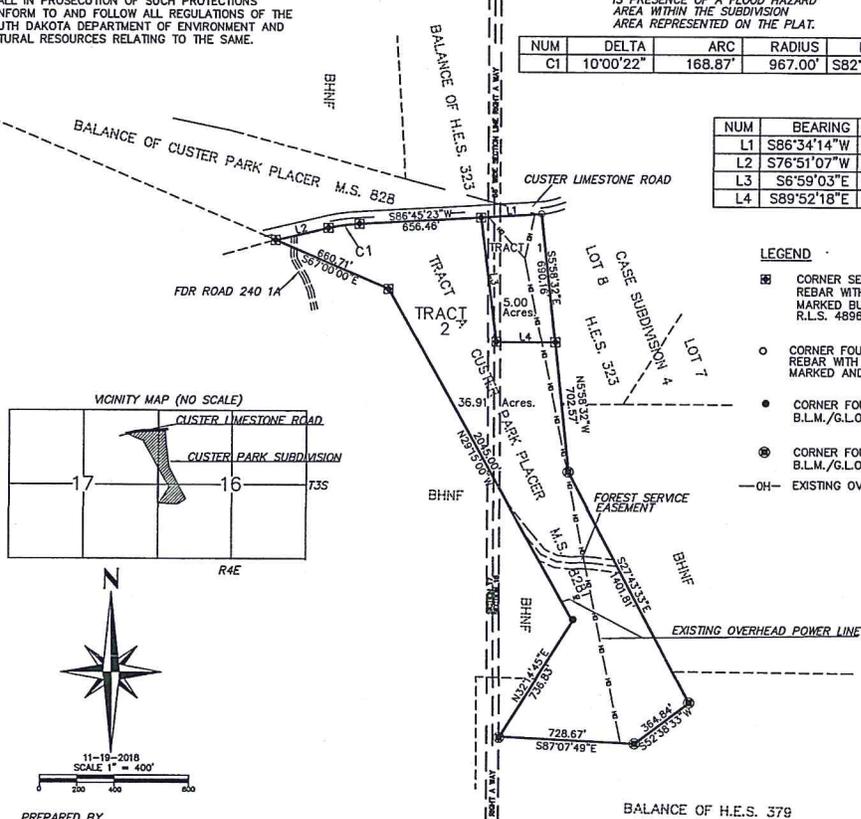
FIRM PANEL 46033C 0095 F DATED JANUARY 01, 2012 INDICATES THERE IS PRESENCE OF A FLOOD HAZARD AREA WITHIN THE SUBDIVISION AREA REPRESENTED ON THE PLAT.

NUM	DELTA	ARC	RADIUS	BEARING	DISTANCE
C1	10°00'22"	168.87'	967.00'	S82°30'29"W	168.66'

NUM	BEARING	DISTANCE
L1	S86°34'14"W	327.89'
L2	S76°51'07"W	292.98'
L3	S6°59'03"E	671.06'
L4	S89°52'18"E	317.55'

LEGEND

- ⊠ CORNER SET THIS SURVEY REBAR WITH ALUMINUM CAP MARKED BUCKHORN SURVEYING R.L.S. 4896
- CORNER FOUND THIS SURVEY REBAR WITH ALUMINUM CAP MARKED ANDERSON ENGINEERING
- CORNER FOUND THIS SURVEY B.L.M./G.L.O. BRASS MONUMENT
- ⊙ CORNER FOUND THIS SURVEY B.L.M./G.L.O. STONE MONUMENT
- OH- EXISTING OVERHEAD POWER LINE



PREPARED BY
JACK H. KNUST
 BUCKHORN SURVEYING INC
 25053 LEYSON LOOP
 CUSTER, SOUTH DAKOTA 57730
 (605) 673-5452

STATE OF SOUTH DAKOTA
 COUNTY OF CUSTER S.S.
 I, _____ DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND SHOWN AND DESCRIBED HEREIN AND THAT WE DO AUTHORIZE AND DO HEREBY APPROVE THE SURVEY AND WITHIN PLAT OF SAID LAND. WE FURTHER CERTIFY THAT DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION, AND SEEDING CONTROL REGULATIONS.
 OWNERS: _____
 ON THE _____ DAY OF _____ 20____ BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED
 KNOWN BY ME TO BE THE PERSON(S) DESCRIBED IN THE FOREGOING CERTIFICATE AND ACKNOWLEDGED TO ME THAT THEY
 NOTARY PUBLIC: _____
 MY COMMISSION EXPIRES _____
 EXECUTED THE SAME.

STATEMENT OF SURVEYOR
 FOR BUCKHORN SURVEYING INC
 I, JACK H. KNUST, REGISTERED LAND SURVEYOR NO. 4896 OF THE STATE OF SOUTH DAKOTA, DO HEREBY STATE THAT I HAVE AUTHORIZED THE SURVEY AND WITHIN PLAT OF THE LAND SHOWN AND DESCRIBED HEREIN TO BE MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE WITHIN PLAT IS A REPRESENTATION OF SAID SURVEY. IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL
 THIS _____ DAY OF _____ 20____



CERTIFICATE OF COUNTY TREASURER
 I, TREASURER OF CUSTER COUNTY, DO HEREBY CERTIFY THAT ALL TAXES WHICH ARE DUE UPON THE WITHIN DESCRIBED LANDS ARE FULLY PAID ACCORDING TO THE RECORDS OF MY OFFICE. DATED THIS _____ DAY OF _____ 20____
 TREASURER: _____

STATE OF SOUTH DAKOTA
 CITY OF CUSTER S.S.
 WHEREAS THERE HAS BEEN PRESENTED TO THE CITY OF CUSTER, SOUTH DAKOTA, THE WITHIN PLAT OF THE ABOVE DESCRIBED DESCRIBED LANDS AND IT APPEARING TO THE COMMON WEAL
 a. THE SYSTEM OF STREETS SET FORTH THEREIN CONFORM TO THE SYSTEM OF STREETS OF THE EXISTING PLATS OF THE MUNICIPALITY.
 b. ALL PROVISIONS OF ANY THREE MILE LUMP SUBDIVISION REGULATIONS HAVE BEEN COMPLIED WITH.
 c. ALL TAXES AND SPECIAL ASSESSMENTS UPON THE SUBDIVISION HAVE BEEN FULLY PAID, AND
 d. THE PLAT AND SURVEY THEREOF HAVE BEEN EXECUTED ACCORDING TO LAW.
 NOW THEREFORE, BE IT RESOLVED THAT SAID PLAT IS HEREBY APPROVED IN ALL RESPECTS.
 THIS _____ DAY OF _____ 20____
 MAYOR OF THE CITY OF CUSTER: _____
 I, FINANCE OFFICER OF THE CITY OF CUSTER, DO HEREBY CERTIFY THAT AT AN OFFICIAL MEETING HELD ON _____
 OF THE CITY OF CUSTER, BY RESOLUTION OF APPROVE THE PLAT AS SHOWN HEREON.
 CUSTER CITY FINANCE OFFICER: _____

CERTIFICATE OF DIRECTOR OF EQUALIZATION
 I, DIRECTOR OF EQUALIZATION OF CUSTER COUNTY DO HEREBY CERTIFY THAT I HAVE ON RECORD A COPY OF THE WITHIN DESCRIBED PLAT. DATED THIS _____ DAY OF _____ 20____
 DIRECTOR OF EQUALIZATION: _____

CERTIFICATE OF HIGHWAY AUTHORITY:
 IF IT APPEARS THAT EVERY LOT HAS AN ACCEPTABLE APPROACH LOCATION ONTO A PUBLIC ROAD AND THE LOCATION OF THE INTERSECTION(S) OF ANY PROPOSED SUBDIVISION ROAD(S) OR PRIVATE ACCESS ROAD(S) WITH THE EXISTING PUBLIC ROAD IS HEREBY APPROVED
 HIGHWAY AUTHORITY: _____

CERTIFICATE OF REGISTER OF DEEDS
 FILED FOR RECORD THIS _____ DAY OF _____ 20____ AT _____ O'CLOCK ____ A.M.
 AND RECORDED IN BOOK _____ OF PLATS ON PAGE _____
 REGISTER OF DEEDS, CUSTER COUNTY: _____



Planning Department
622 Crook Street
Custer, SD. 57730
Phone: 673-4824 Fax: 673-2411
e-mail: timh@cityofcuster.com

Staff Report

Request: Minor Plat, Custer Park Subdivision
Applicant: Raver Family LTD
Location: Approximately 2 miles North West of Custer Cemetery. Custer Limestone Road
Legal Desc.: Custer Park Subdivision - Plat of Tracts 1 and 2
Fee Paid: \$450.00
Date Prepared: December 28, 2018
Planning Commission Meeting: January 8, 2019
Prepared by Tim Hartmann, Planning Administrator

GENERAL

This plat is for a subdivision plat that is not within the city of Custer but is subject to review by the City under the City's extraterritorial jurisdiction. The proposed plat will divide the existing Tract A (45.00 acres) into two Tracts, Tract 1 (5.0 Acres) and Tract 2 (36.91 acres).

The area is in the county and therefore has no zoning.

COMPREHENSIVE PLAN

The land use section of the Comprehensive Plan identifies this area as Rural Residential.

ROUTING SHEET RESPONSES

CC Planning – Various redline corrections
CC Highway – No concerns
USFS – No concerns
SDDOT – No concerns

ACCESS

Existing access to the area is provided from US Hwy 16/385, Medicine Mountain Road, to Custer Limestone Road.

The adjacent Custer Limestone Road is a previously dedicated 66' Public Access and Utility Easement serving numerous properties as it continues west.

The proposed Tract 1 and proposed Tract 2 will retain frontage directly to Custer Limestone Road.

REGULATORY FLOODPLAIN

A portion of the land contained within this plat is affected by a Special Flood Hazard Area (SFHA). The presence of the flood hazard has been noted on the plat.

FS EASEMENTS

Staff would like to note two easements within the proposed plat previously granted by the property owner to the Forest Service, US Dept of Agriculture for the reconstruction, maintenance, and full, free and quiet use and enjoyment of the existing road as it is presently located.

Easement at the NW corner of the proposed plat granted November 1985. 30' wide, 15' each side of centerline.
Easement within the center of the plat granted May 2003. 66' wide, 33' each side of centerline.

These easements have both been noted on the plat. No special comments received from USFS during routing.

SUMMARY AND STAFF RECCOMENDATION

Redline items have been addressed by the surveyor. The existing Custer Limestone Road will serve the two proposed parcels. Staff supports a recommendation to the Council for approval of the minor plat.



Planning Department
622 Crook Street
Custer, SD. 57730
Phone: 673-4824 Fax: 673-2411
e-mail: timh@cityofcuster.com

Staff Report

Request: Vacation of Park Avenue, Contiguous to Lot 14, Block 82
Applicant: Jason & Machelle Williams
Location: See Information Below and attached "Exhibit A"
Fee: \$400.00
Date: January 2, 2019
Planning Commission Meeting: January 8, 2019
Prepared by Tim Hartmann, Planning Administrator

GENERAL

The applicant has requested by application and petition to vacate 10' of Park Avenue contiguous to Lot 14 in Block 82. The applicant owns the property adjacent to the proposed vacation, Lot 14 in Block 82, at the corner of Canal Street and Park Avenue. That area of Park Avenue contiguous to the proposed vacation is currently a 66' Public Right of Way and exists as a grassy area. The area does contain a City sewer line and nearby telecommunications infrastructure. In consideration of such sewer line and telecommunications infrastructure, the application and petition contain request to vacate the Right-of-Way with a specific clause to retain all utility easement.

This street vacation is brought forward by the applicant as a first step to resolve a setback issue with a recently placed manufactured home. In the building permit process, the Planning Administrator approved a site plan showing adequate setbacks from all property lines. Prior to placement of such home, the property owner laid out the home in conjunction with what they believed to be the property corner monuments. The home was placed. As the excavation contractor and City crews worked to establish services to the structure, an additional property pin was found. The surveyor then returned to verify property pin location and determined the actual property line was approximately 10' west of the original location. Causing a setback issue, not with the already set home but with the desire to establish a deck and stairs on the east facing door of the structure. The east side of the home is currently setback six (6) feet from the east property line. Should the proposed vacation be granted this would allow additional area to establish a landing (minimum 36" wide in direction of travel) and stairs from the dwellings main egress door.

Planning Administrator and Applicants have discussed the need to plat such vacation within the existing parcel, should street vacation be granted.

Note: Residential Zoning Setback Requirements (Time of Permit Issuance) CMC 17.12.060

Front yard of not less than 30 feet

Rear yard of not less than 25 feet

Each side yard not less than 6 feet

PUBLIC HEARING

A Public Hearing will be held at the next available City Council meeting in conjunction with the appropriate public notifications.

PREVIOUS VACATIONS IN THE AREA

After a review of the area, previous vacations within Block 125 include;

- Resolution – dated April 1st, 1971
 - West 5' of Park Avenue, between the E/W alley of Block 82 to a point 25' South of the South line of Block 82. Contiguous to lot 16. (5' x 175')
- Resolution
 - The East 8' of Park Avenue between the E/W alley and Pine Street. Contiguous to Lot 1 of Pleasant Acres Addition. (8' x 185')

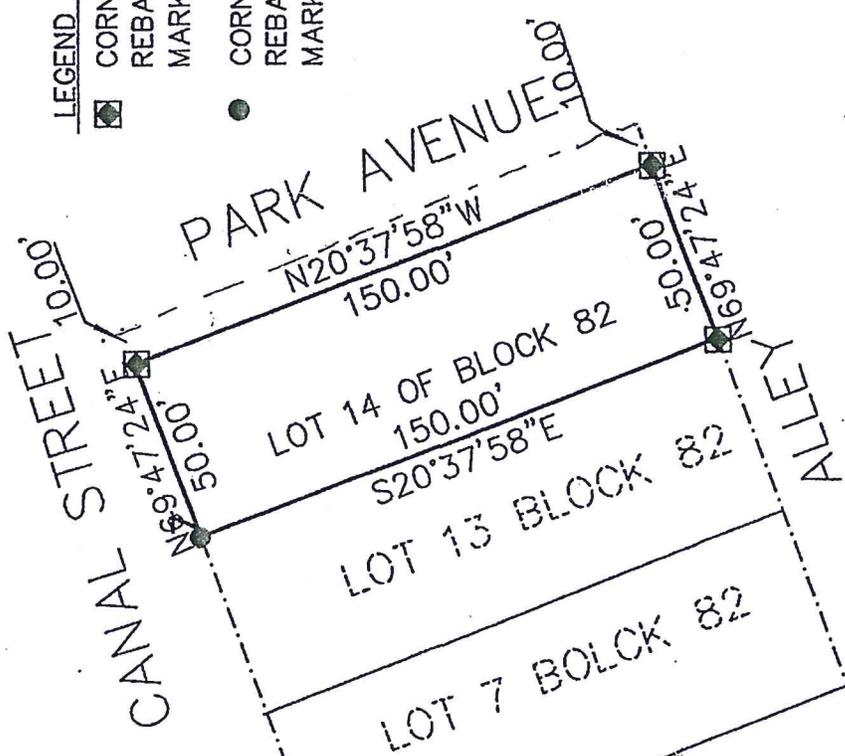
SUMMARY & RECOMMENDATIONS

Upon review of the situation, pertaining city standards, surrounding area, and other right of way vacations within the area staff believes vacation of a portion of Park Avenue is appropriate. Staff is recommending refusal of the vacation as presented but does recommend granting a vacation of 8' in width contiguous to Lot 14 of Block 82 with a strong recommendation to retain all utility easement.

Staff feels it is important to take appropriate measures to retain a minimum of 50' Public Right of Way, in conjunction with City subdivision "minor" road standards. The narrowest portion of the Park Avenue Right of Way to the South of this proposal has retained 53' in Right of Way. Should the area adjacent to Lot 14 be granted 8' of vacation the existing Right of Way would be consistent with the nearby area and also bring forward effort to not negatively affect the adjacent property to the East. Staff feels this is proper planning anticipation to retain the minor road 50' Right of Way. For these reasons, staff recommends a recommendation to Council for approval of 8' Park Avenue street vacation adjacent to Lot 14 of Block 82. Such vacation having said dimension of 8' x 150'.



EXHIBIT "A"
 1156 CANAL STREET LOT 14 OF BLOCK 82 CUSTER CITY
 AND THE PORTION OF PARK AVENUE CONTIGUOUS TO LOT 14
 FOR WHICH A 10' VACATION IS BEING REQUESTED WITH AN
 EASEMENT FOR ANY UTILITIES WITHIN THE VACATED AREA
 CUSTER, CITY, CUSTER COUNTY, SOUTH DAKOTA



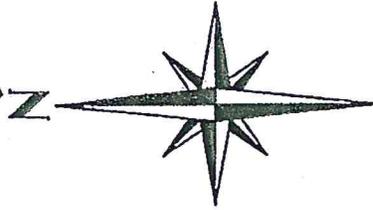
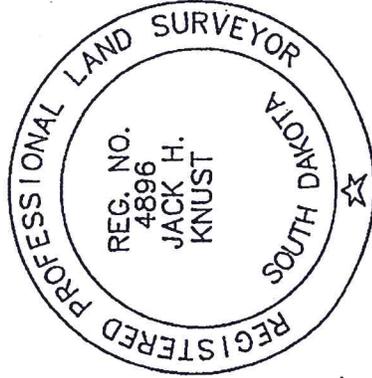
LEGEND

- ◻ CORNER SET THIS SURVEY REBAR WITH ALUMINUM CAP MARKED BUCKHORN R.L.S. 4896
- CORNER FOUND THIS SURVEY REBAR WITH ALUMINUM CAP MARKED BRYANT RLS 2196

Statement of surveyor
 I, Jack H. Knust, Registered Land Surveyor No. 4896 of the State of South Dakota, do hereby state that being so authorized, I made the survey on the land shown and described hereon and that I personally supervised and state that in the best of my knowledge and beliefs, that in all things is true and correct

in witness whereof, I have hereunto set my hand and seal this 17th day of December 20 18.

Jack H. Knust
 BUCKHORN SURVEYING INC.
 By Jack H. Knust
 Registered Land Surveyor



SCALE 1" = 50'

PREPARED BY:
 JACK H. KNUST, LS
 BUCKHORN SURVEYING INC.
 25053 LEYSON LOOP
 CUSTER, SOUTH DAKOTA 57730
 (605) 673-5462