

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

Tuesday January 9, 2018 at 5:00 P.M.

Custer City Hall, 622 Crook Street, Custer, SD 57730

Call to Order - Roll Call:

Approve Agenda: January 9, 2018

Approve Minutes: December 12, 2017

Declaration of Conflict of Interest:

Old Business:

New Business:

Preliminary Plat – Rosse Subdivision 2

Preliminary Plat – Ramsey Subdivision Phase II

Discussion Items:

Planning Administrator Updates:

Communications from The Public:

Adjournment:

DRAFT
**MINUTES OF THE December 12th, 2017 MEETING OF THE OF THE
CITY OF CUSTER PLANNING COMMISSION**

Roll Call: 5:00 pm

Members Present: Jerad Tennyson-Chairman; Craig Walz; John Dvorak; Joe Uhrich-Vice Chairman; Jerry Stites; Rick Hudson – 3 Mile Representative; Tim Hartmann–Planning Administrator.

Members Absent: Tim Behlings - Alternate;

Other Parties Present: Larry Maciejewski – Council Representative;

Agenda: Rick Hudson moved, with a second by Joe Uhrich, to approve the December 12th, 2017 agenda, Motion Carried.

Minutes: Joe Uhrich moved, with a second by Jerry Stites, to approve the November 28th, 2017 minutes. Motion carried.

Declaration of Conflict of Interest: None

Discussion Items:

Intent to Rezone – West Central Business Zoning Expansion – Planning Administrator explained the current zoning map and discussed the issues with some businesses being non-zoning compliant in the Highway Commercial Zone. Planning Commission discussed the possible zone change and some concerns with this, including parking needs and requirements, and the need to maintain a downtown walkable city feel. Additional ways to approach the situation were also discussed including amending the zoning ordinance(s) or continuing with a conditional use approach.

Revisions to the 2031 Comprehensive Plan – Planning Commission members reviewed the preliminary performance contract with Black Hills of Local Governments. The contract will continue for review by the city legal department and City Council.

Planning Administrator Updates

Planning Administrator and Commission Members gave various updates.

Communications from The Public

No public comments were heard.

Adjournment:

Being no further business before the Commission, Jerry Stites moved, with a second by Craig Walz, to adjourn. Motion carried. The meeting adjourned at 5:58 pm.

Approved:

Jerad Tennyson, Chairman

Attest:

Tim Hartmann, Planning Administrator



Planning Department
622 Crook Street
Custer, SD. 57730

Phone: 673-4824 Fax: 673-2411
e-mail: timh@cityofcuster.com

Staff Report

Request: Preliminary Plat, Rosse Subdivision 2
Applicant: Lampert Properties
Location: Adjacent to W Mount Rushmore Road, west of Little Teton Rd, Custer SD
Legal Desc.: Tracts 1 and 2, Rosse Subdivision 2
Date Prepared: December 20, 2017
Planning Commission Meeting: January 09, 2018
Prepared by Tim Hartmann, Planning Administrator

GENERAL

This plat is for a subdivision that is within the corporate limits of the City of Custer. City utilities are near and will serve the parcels. The area was most recently platted in 2008 but that plat was later vacated.

COMPREHENSIVE PLAN

The comprehensive plan identifies this area as suburban residential on the north side of the plat while the southern part is identified as suburban commercial.

ROUTING SHEET RESPONSES

CC Planning – Various easement comments. Previous vacated plat contains a smaller utility easement still in effect.

CC ROD – 4 Plat 109 & 110 show a 25' access easement.

Custer Public Works – 30' utility easement should be established adjacent to Hwy 16 ROW.

SDDOT – Access questions and discussion

ACCESS

Access to the area is provided by Little Teton Road to the north east and Pinewood Lane to the west. These roads access directly to Mount Rushmore Road.

Little Teton Road currently crosses the north-east side of the property via a 30 Access easement. CMC Chapter 16 requires all collector routes provide 66' feet of legal access from local streets to arterial streets. Staff believes Little Teton Road provides access to multiple parcels and should be treated as a collector route. An additional easement exists on the west side of the plat. This easement provides legal access to 2 parcels directly to the arterial street. Therefore, staff believes marginal access standards are applicable and has requested this 30' easement be expanded to 50'. The upgraded easements will provide adequate access to the proposed Tract 2 as well as other adjacent parcels. The proposed Tract 1 will have legal access from Little Teton Road, Pinewood Lane and directly on to Mount Rushmore Road. After some discussion with the SDDOT access to Mount Rushmore Road should be feasible along a large portion of the property line directly adjacent to the highway right of way.

PREVIOUS PLAT WITHIN THE AREA

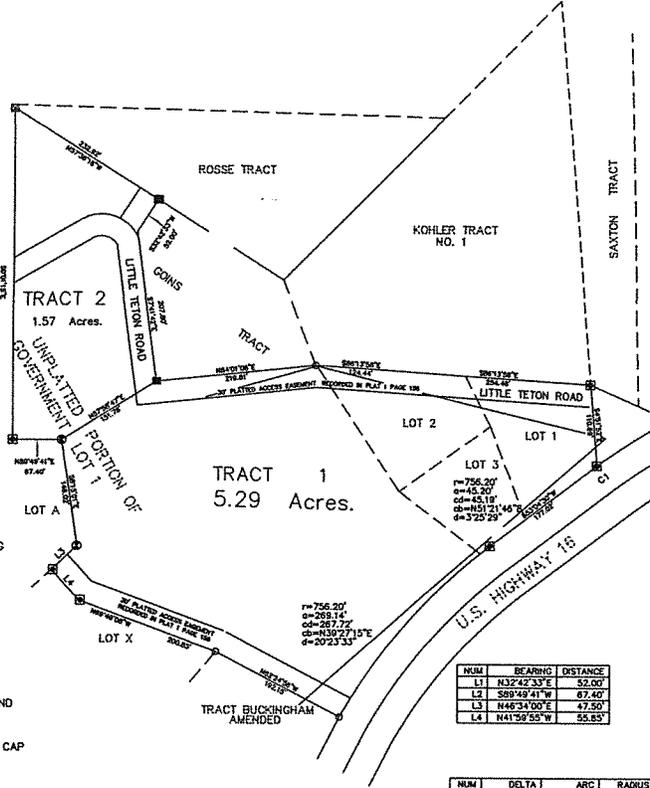
The proposed subdivision area was platted in a similar way in 2008. That plat was later vacated, however all rights to maintain or establish utilities or subsequent easements was retained with the vacation. The proposed plat will not affect any of the retained easements but will further define and expand them.

ROSSE SUBDIVISION 2

PLAT OF TRACTS 1 AND 2 OF LOTS 1 THROUGH 3 AND THE REMAINING UNPLATTED PORTION OF GVT. LOT 1 (FORMERLY RECORDED AS THE E1/2 SE1/4 NE1/4) LOCATED IN SECTION 27, T5S, R4E, BHM CUSTER COUNTY, SOUTH DAKOTA



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



- 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 BRYANT 4896
 - ⊙ CORNER FOUND THIS SURVEY REBAR WITH CAP MARKED FMG LS 1019
 - ⊠ B.L.M. BRASS MONUMENT FOUND THIS SURVEY
 - ⊞ FOUND 5/8" REBAR WITH NO CAP
 - FOUND 1/2" IRON PIPE

NUM	BEARING	DISTANCE
L1	N33°42'33"E	52.00'
L2	S89°49'41"W	67.40'
L3	N46°34'00"E	47.50'
L4	N41°59'55"W	55.65'

NUM	DELTA	ARC	RADIUS
CL	0°28'20"	6.45'	756.20'

CENTERLINE OF 20' OVERHEAD POWERLINE 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
ACCORDING TO FIRM PANEL 45103 C 1575 H DATED JUNE 03, 2013 THERE IS NO FLOOD PLAIN INVOLVED ON THIS PLAT.

NOTE
U.S. HIGHWAY 16 IS AN 80' DEDICATED PUBLIC RIGHT-OF-WAY. LITTLE TETON ROAD IS 30' ACCESS EASEMENT PLATTED IN PLAT BOOK 1 PAGE 156, 4 PLATS PAGE 109 AND PLAT BOOK 11 PAGE 539. THE ACCESS EASEMENT TO LOT A IS A 30' ACCESS PLATTED IN PLAT BOOK 1 PAGE 156.

NOTE
LOTS 1-3 ARE RECORDED IN PLAT BOOK 1 PAGE 156. THE UNPLATTED PORTION OF GVT. LOT 1 OF SECTION 27 HAS NEVER BEEN PLATTED.

NOTE
10 FEET EACH SIDE OF REAR AND SIDE LOT LINES ARE RESERVED FOR UTILITY EASEMENT

STATE OF SOUTH DAKOTA
COUNTY OF CUSTER S.S.
I, WE
DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND SHOWN AND DESCRIBED HEREON AND THAT WE DO AUTHORIZE AND DO HEREBY APPROVE THE SURVEY AND THIS PLAT OF SAID LAND. WE FURTHER CERTIFY THAT DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION, AND SEWERAGE 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 DECEASED THE SAME.
NOTARY PUBLIC
MY COMMISSION EXPIRES _____

RESOLUTION OF GOVERNING BOARD
STATE OF SOUTH DAKOTA
COUNTY OF CUSTER S.S.
WHEREAS THERE HAS BEEN PRESENTED TO THE COUNTY COMMISSIONERS OF CUSTER COUNTY, S.D. THE BOOK DESCRIBED LINES AND IT APPEARS TO THE COMMISSIONERS
A. THE SYSTEM OF ROADS CONFORMS TO THE SYSTEM OF ROADS OF EXISTING PLATS AND IS ADEQUATE PROVISION IS MADE FOR ACCESS TO ADJACENT UNPLATTED LINES BY PUBLIC HIGHWAYS AND PRIVATELY ACCESSIBLE;
B. ALL PROVISIONS OF THE COUNTY SUBDIVISION REGULATIONS HAVE BEEN COMPLIED WITH;
C. ALL TAXES AND SPECIAL ASSESSMENTS UPON THE PROPERTY HAVE BEEN FULLY PAID; AND
D. THE PLAT AND SURVEY HAVE BEEN CAREFULLY EXAMINED.
NOW THEREFORE, BE IT RESOLVED THAT SAID PLAT IS HEREBY APPROVED THIS _____ DAY OF _____, 20____.
COUNTY COMMISSIONERS
I, ALCORN OF CUSTER COUNTY, DO HEREBY CERTIFY THAT AT AN OFFICIAL MEETING HELD ON _____ DAY OF _____, 20____, THE COUNTY COMMISSIONERS BY RESOLUTION DO APPROVE THE PLAT AS SHOWN HEREON.
CUSTER COUNTY ALCORN

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



STATE OF SOUTH DAKOTA
CITY OF CUSTER S.S.
WHEREAS THERE HAS BEEN PRESENTED TO THE CITY OF CUSTER, SOUTH DAKOTA, THE WITHIN DESCRIBED PLAT APPEARING TO THE COMMISSIONERS
A. THE SYSTEM OF STREETS SET FORTH THEREIN CONFORMS TO THE SYSTEM OF STREETS OF THE CITY OF CUSTER;
B. ALL PROVISIONS OF ANY ORDINANCE THAT RELATES TO THE PLAT HAVE BEEN FULLY COMPLIED WITH;



Planning Department

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Custer, SD. 57730

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Staff Report

Request: Preliminary Plat, Ramsey Subdivision Phase 2
Applicant: Bill Hartmann
Location: Adjacent to Sunset Lane near the Custer County airport
Legal Desc.: Tracts 1 and 2, Ramsey Subdivision
Date Prepared: January 4, 2018
Planning Commission Meeting: January 09, 2018
Prepared by Tim Hartmann, Planning Administrator

GENERAL

This plat is for a subdivision that is not within the corporate limits of the City of Custer but is within the City's extraterritorial jurisdiction. Private wells and septic systems serve the parcels. The plat is performing a lot line adjustment between proposed Tract 1 and Tract 2 in order to resolve a building setback issue. The lot line between the proposed Tract 1 and Tract 2 has been shifted east 90' making proposed Tract 1 2.99 acres and proposed Tract 2 2.01 acres.

COMPREHENSIVE PLAN

The comprehensive plan identifies this area as countryside residential.

ACCESS

Access to the subdivision is gained via Sunset Lane which is accessed directly from US Highway 385. Sunset Lane provides adequate access per Custer County Ordinance #2 as a 66' easement does exist. Sunset Lanes Contains 35' easement on the adjacent north properties and 31' on the adjacent south properties.

RECCOMENDED ACTION BY PLANNING COMMISSION

County subdivision standards appear to be satisfied. Adequate access has been provided, lot size is compliant, no road upgrades should be needed. Staff has no concerns with this plat. Staff supports a recommendation to the council for approval of the preliminary plat.

Rec 1/11/16
R

RAMSEY SUBDIVISION PHASE II

TRACTS 1 AND 2 OF RAMSEY SUBDIVISION (FORMERLY LOTS 1 AND 2 OF RAMSEY SUBDIVISION, OF LOT A OF TRACT RAMSEY OF HES 177) LOCATED IN SECTION 2, T4S, R4E, BHM, CUSTER COUNTY, SOUTH DAKOTA

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

FIRM PANEL 46033C 0425 F DATED JANUARY 06, 2012 INDICATES NO PRESENCE OF A FLOOD HAZARD AREA WITHIN THE SUBDIVISION AREA REPRESENTED ON THIS PLAT

NOTE

LOTS 1 AND 2 OF RAMSEY SUBDIVISION IS RECORDED IN PLAT BOOK 12 PAGE 625. LOT A OF RAMSEY SUBDIVISION IS RECORDED IN PLAT BOOK 12 PAGE 345.

NOTE

SUNSET LANE IS 66' PUBLIC ACCESS AND UTILITY EASEMENT AS PER SDCL 31-3-1

NOTE

ANY CONSTRUCTION WITHIN A DESIGNATED FLOOD HAZARD AREA SHALL REQUIRE A PERMIT AND BE IN ACCORDANCE WITH CUSTER COUNTY ORDINANCE 6

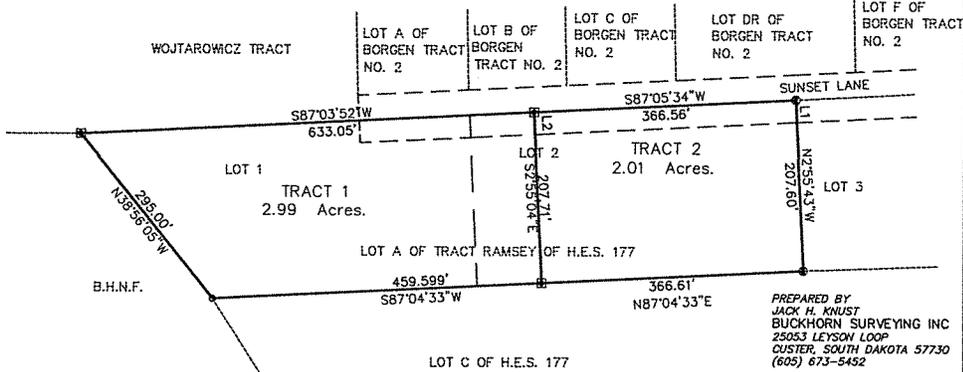
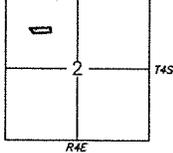
WATER PROTECTION STATEMENT

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.

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 REBAR WITH CAP MARKED BUCKHORN SURVEYING

VICINITY MAP (NO SCALE)



NUM	BEARING	DISTANCE
L1	S2°55'43"E	31.00'
L2	N2°55'04"W	31.00'

STATE OF SOUTH DAKOTA
COUNTY OF CUSTER S.S.

I, WE, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND SHOWN AND DESCRIBED HEREON 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 SEWAGE CONTROL REGULATIONS.

OWNERS:
ON THE _____ DAY OF _____ 20____ BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED

SHOWN BY ME TO BE THE PERSON(S) DESCRIBED IN THE FOREGOING CERTIFICATE AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAID.
NOTARY PUBLIC _____

MY COMMISSION EXPIRES _____

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 BEING SO AUTHORIZED, THE SURVEY AND WITHIN PLAT OF THE LAND SHOWN AND DESCRIBED HEREON WERE 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____

BY JACK H. KNUST, REGISTERED LAND SURVEYOR
BUCKHORN SURVEYING INC.



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: _____

CERTIFICATE OF HIGHWAY AUTHORITY:
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

NOTARY ACKNOWLEDGE: _____

RESOLUTION OF GOVERNING BOARD

STATE OF SOUTH DAKOTA
CITY OF CUSTER S.S.
WHEREAS THESE PLANS HAVE BEEN PRESENTED TO THE CITY OF CUSTER, SOUTH DAKOTA, THE WITHIN PLAT OF THE ABOVE DESCRIBED RESUBDIVISION LOTS AND IF APPEARING TO THE BOARD, THAT:
1. THE SYSTEM OF STREETS SET FORTH HEREIN CONFORM TO THE SYSTEM OF STREETS OF THE EXISTING PLATS OF THE NEIGHBORHOOD.
2. ALL PROVISIONS OF ANY THREE YEAR LATE SUBDIVISION REGULATIONS HAVE BEEN COMPLIED WITH.
3. ALL LOTS AND SPECIAL ASSIGNMENTS UPON THE SUBDIVISION HAVE BEEN FULLY PAID, AND NOW THEREFORE, BE IT RESOLVED THAT SAID PLAT IS HEREBY APPROVED IN ALL RESPECTS, THIS _____ DAY OF _____ 20____

SEWER OF THE CITY OF CUSTER:
I, FINANCE OFFICER OF THE CITY OF CUSTER, DO HEREBY CERTIFY THAT AT AN OFFICIAL MEETING HELD ON _____ THE CUSTER CITY COUNCIL, BY RESOLUTION DID APPROVE THE PLAT AS SHOWN HEREIN.
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 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: _____