

All Planning Commission Meetings are recorded.

CITY OF CUSTER
PLANNING AND ZONING COMMISSION AGENDA
Tuesday December 10th, 2019 at 5:00 P.M.
Custer City Hall, 622 Crook Street, Custer, SD 57730

- 1. Call to Order - Roll Call:**
- 2. Approve Agenda:** December 10th, 2019
- 3. Approve Minutes:** November 26th, 2019
- 4. Declaration of Conflict of Interest:**
- 5. Public Hearings:**
 - a. Rezoning Request – Lots F, G, H, I, & J (Formerly Lots A-C) of Pleasant Acres 2nd Addition
- 6. ~~Old Business~~**
 - a. —
- 7. New Business:**
 - a. Right of Way Vacation Request - Block 41, Mountain Avenue, East/West Alley, Montgomery Street
 - b. Minor Plat – A Plat of Gleiter Tract of Pleasant Valley Ranch Sub and Gregg Tract
- 8. Discussion Items:**
 - a. Rewrite of Custer City’s Comprehensive Plan
 - b. Custer City Sidewalk Policies
- 9. Public Comments** (3-minute max. per person, with total communication period to not exceed 15 minutes):
- 10. Planning Administrator Updates:**
- 11. 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 November 26th, 2019 MEETING OF THE OF THE CITY OF CUSTER PLANNING COMMISSION

Roll Call: 5:00 pm

Members Present: Jerad Tennyson-Chairman; Joe Uhrich-Vice Chairman; Scott Olson; Rick Hudson; Fred Mills – Alternate; Marc Moore – Alternate.

Members Absent: Larry Maciejewski; Kathy Johnson.

Other Parties Present: Tim Hartmann–Planning Administrator; Dixie Whittaker – Council Representative; Lysann Zeller - BHCOLG.

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

Minutes: Commissioner Olson moved, with a second by Commissioner Hudson to approve the November 12th, 2019 minutes. Motion unanimously carried.

Declaration of Conflict of Interest: None stated.

Public Hearings:

a.

Old Business:

a.

New Business:

a.

Discussion Items:

- a. **Rewrite of Custer City’s Comprehensive Plan**
Lysann presented an update on the project to the Commission. Main topics of discussion included the draft mission statement and draft land use maps that will accompany the comp plan. Lysann is expecting to present a draft document to the Commission at the end of the year with a goal of adoption in the early months of 2020.

Public Comments:

Public comments were heard by the Commission.

Planning Administrator Updates

Planning Administrator and commission members gave various updates and discussed scheduling.

Adjournment:

Being no further business before the Commission, Commissioner Hudson moved, with a second by Commissioner Moore to adjourn. Motion unanimously carried. The meeting adjourned at 6:07 pm.

Approved:

Attest:

Jerad Tennyson - Chairman

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: Zoning Request, Lots F Through J of Pleasant Acres 2nd Addition
Applicant: Schriner Investments, L.L.C.
Legal Desc.: Lots F Through J of Pleasant Acres 2nd Addition
Fee Paid: \$400.00
Date Prepared: December 5, 2019
Planning Commission Meeting: December 10, 2019
Prepared by Tim Hartmann, CFM Planning Administrator

GENERAL

These parcels are a part of the Pleasant Acres 2nd Addition located near the intersection of Canal and Bluebell Lane. The former Lots A, B, and C were recently re-platted to Lots F, G, H, I and J. Per Custer City's zoning map the parcels are currently zoned Highway Commercial. The applicant now wishes to rezone the properties to Residential as they continue to prep such for marketable residential home sites.

The area would infill the residential neighborhood to the West and South, South/West. Some Commercially zoned property does exist to the north across French Creek.

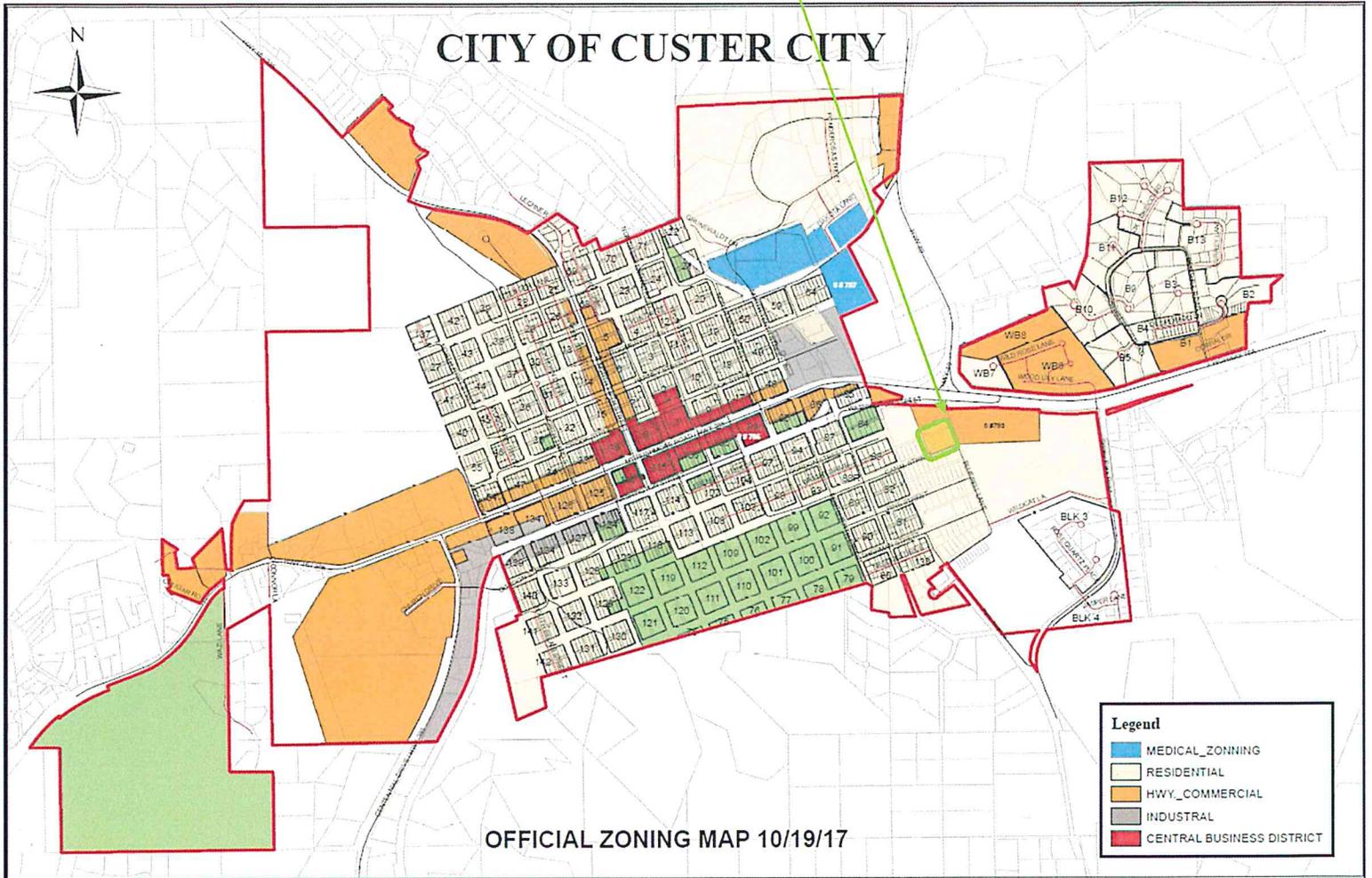
COMPREHENSIVE PLAN

The land use study of the 2031 Comprehensive Plan shows this area as Suburban Residential. The Commission did also discuss the area on our draft land use plan in conjunction with the comp plan rewrite, and plan to show these parcels as residential.

CONSIDERATIONS

Staff feels the zoning request is consistent with current and draft land use study's of the comp plan, and the proposed zone is a more fitting use of the area. Upon further review of CMC 17.44.060, Considerations for approval or denial, a recommendation of approval for the zoning request is appropriate. The plan is consistent with owners planned developments, seems to be more consistent with the zoning intent of the City, and will create positive continuity with the area and surrounding zoning and uses.

Rezoning Request – Lots F, G, H, I, & J
(Formerly Lots A-C)



Tim Hartmann

From: dthom@gwtc.net
Sent: Thursday, December 5, 2019 2:26 PM
To: Tim Hartmann
Subject: Re-zoning request

Tim: Thank you for the assistance on the phone re the Shriner's application for re-zoning in the Pleasant Acres addition. It makes sense to me that those lots would be zoned Residential rather than Commercial. And, if the intent is to allow for more residential construction, it is consistent with the community need for more housing, particularly near the school.

Thank you for the opportunity to comment.

Dave Thom
1219 Pine Street
Custer, SD

[REDACTED]
[REDACTED]



Affidavit of Certification for Neighboring Property Owner Notification

I hereby state that to the best of my knowledge all property owners within 250 feet, exclusive of rights of way and any properties under the same ownership, of my property have been notified by Certified Mail or Hand Delivered at least 10 days prior to the upcoming public hearing.

Dated this the 25 day of November, 20 19.

[Handwritten Signature]
Signed

Shane Schoriner
Name Printed

STATE OF SOUTH DAKOTA

COUNTY OF Pennington

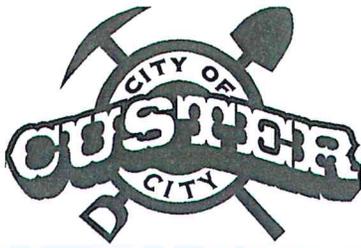
Subscribed and sworn before me this the 25th day of November, 20 19.

[Handwritten Signature]
Notary Signature

Kale R. McNaboe
Notary Name Printed



2-4-21
Commission Expires



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

Staff Report

Request: Vacation of a portion of Mountain Avenue, Montgomery St, and the E/W Alley
Applicant: Craig and Rebecca Black
Location: See Information Below and attached "Exhibit"
Fee: \$400.00
Date: December 6, 2019
Planning Commission Meeting: December 10, 2019
Prepared by Tim Hartmann, Planning Administrator

GENERAL

The applicant has requested by application and petition to vacate a portion of Mountain Avenue, Montgomery Street, and the East West alley, all adjacent to or within Block 41. Per the applicants petition, they have requested the vacation of the 12.5' by 150' section of Mountain Avenue located contiguous to Lot 1, Block 41; the West 30' by 75' section of East/West Alley contiguous to Lot 1, the West half of Lot 2, Lot 12, and the West half of Lot 11, Block 41; the North 30' by 150' section of Montgomery Street contiguous to Lots 1,2,3.

Should such street vacations be granted, it would be in the applicant's interest and would need to be incorporated within a plat if such was to be used for consideration of building permitting setbacks.

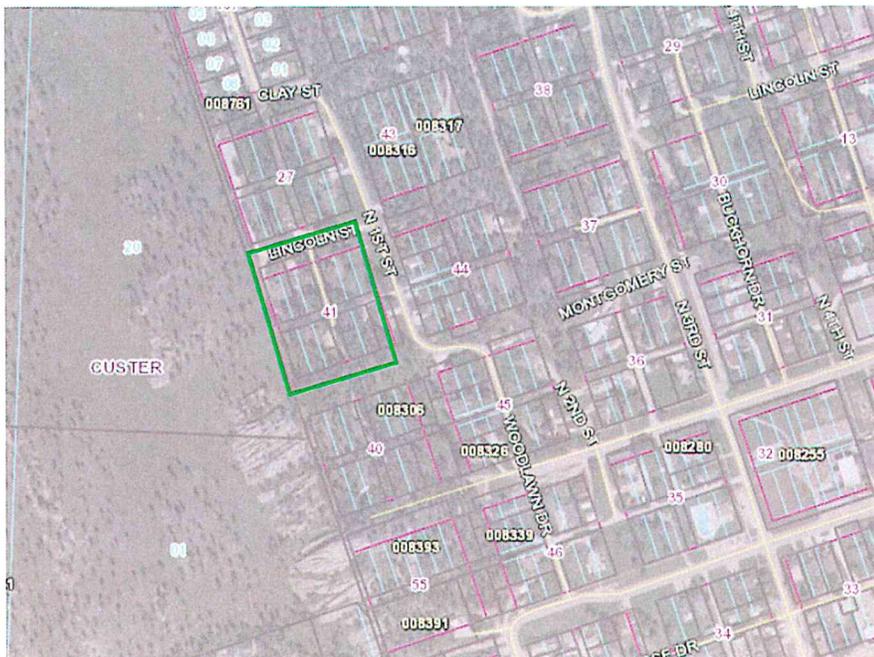
PUBLIC HEARING

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

SUMMARY & RECOMMENDATIONS

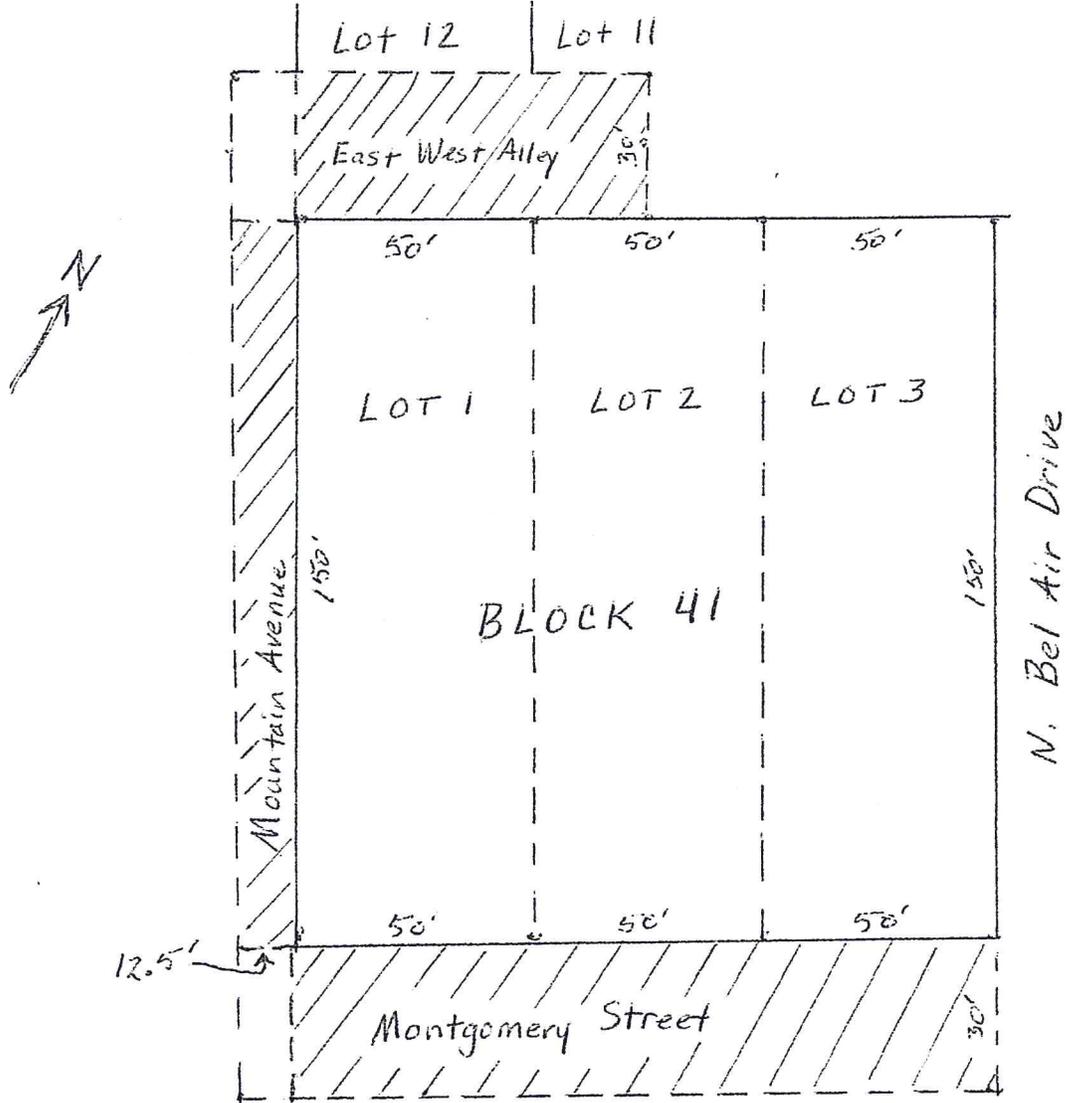
Staff has some concerns and does not support the petition as presented. Such concerns relate to the proposed street vacations and potential development of the land to the West. Although affected by topography staff does feel retainage of the East/West Right of Ways is important due to unknown development plans of the property to the West. Staff also does not support leaving the remaining portions of Rights of Way in the intersections of Mountain Avenue and Montgomery Street and Mountain Avenue and the East West alley. I believe that failure to vacate such, should the request be approved, would create discontinuity in Custer's Rights of Ways and private properties.

Staff could support a vacation of the portion of Mountain Avenue directly adjacent to the West line of Lot 1 Block 41. (width of Mountain Avenue x 150'.)



AMENDED EXHIBIT "A"

LOTS 1-3 IN BLOCK 41, CITY OF CUSTER, SOUTH DAKOTA



REQUEST TO VACATE

The 12.5' by 150' section of Mountain Avenue located contiguous to Lot 1, Block 41; the West 30' by 75' section of East/West Alley contiguous to Lot 1, the West half of Lot 2, Lot 12, and the West half of Lot 11, Block 41; the North 30' by 150' section of Montgomery Street contiguous to Lots 1, 2, 3 in Block 41.



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

Staff Report

Request: Minor Plat, Gleiter Tract and Gregg Tract
Applicant: Gregg Warne
Location: Approximately 2.8 miles West of Custer. Near the int of Pleasant Valley Road & Wind Song Valley Road
Legal Desc.: Gleiter Tract of Pleasant Valley Ranch Sub and Gregg Tract See Plat for full legal
Fee Paid: \$450.00
Date Prepared: December 5, 2019
Planning Commission Meeting: December 10, 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 Warne (64.20 acres) into two Tracts, Gleiter Tract (5.00 acres) and Gregg Tract (59.21 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

SDDOT – No comments

CC Planning – Discussion and minor redline changes.

ACCESS

Existing access to the area is provided from US Hwy 385, Pleasant Valley Rd, and Windsong Valley Rd.

Pleasant Valley Road is a Public Access serving numerous properties as it continues south. Windsong Valley Road is a Public Access serving properties to the west before it dead ends.

REGULATORY FLOODPLAIN

A portion of the proposed Gregg Tract do have regulatory floodplain present. The presence of the flood hazard has been noted on the plat and any development within such special flood hazard area would be subject to Custer Countys flood damage prevention regulations.

SUMMARY AND STAFF RECOMMENDATION

The proposed parcels appear to have adequate access directly onto the existing roads. The proposed parcels will also remain of adequate size and dimension to support private well and septic systems if needed. Staff supports a recommendation to Council for approval.

A PLAT OF
**GLEITER TRACT OF PLEASANT VALLEY RANCH SUBDIVISION AND GREGG TRACT LOCATED
 IN GOVT. LOTS 8 AND 11 OF SECTION 5, AND THE N 1/2 NW 1/4 OF SECTION 8, ALL IN T4S, R4E,
 BHM, CUSTER COUNTY, SOUTH DAKOTA**
 FORMERLY TRACT WARNE



DATE SURVEYED
 5 Nov. 2019

BASIS OF BEARING - GPS OBSERVATION
 taken N01°49'25"W 1936.51' from the NW corner
 of GREGG TRACT
 OPUS STATIC SOLUTION NAD83(2011)
 LAT: 43°43'57.03528"
 LONG: -103°40'31.14887"

NOTE: A 10' WIDE UTILITY
 EASEMENT IS RESERVED
 ALONG ALL LOT LINES NOT
 ABUTTING PUBLIC ROW.

NOTE: See Book 12 of
 Plats on Page 604 for plat
 of TRACT WARNE OF
 PLEASANT VALLEY SUB.

S 1/2 OF WINDSONG VALLEY
 RD. WAS DEDICATED AS
 PUBLIC ROW WITH PLAT
 FILED IN BOOK 12 OF PLATS
 ON PAGE 604

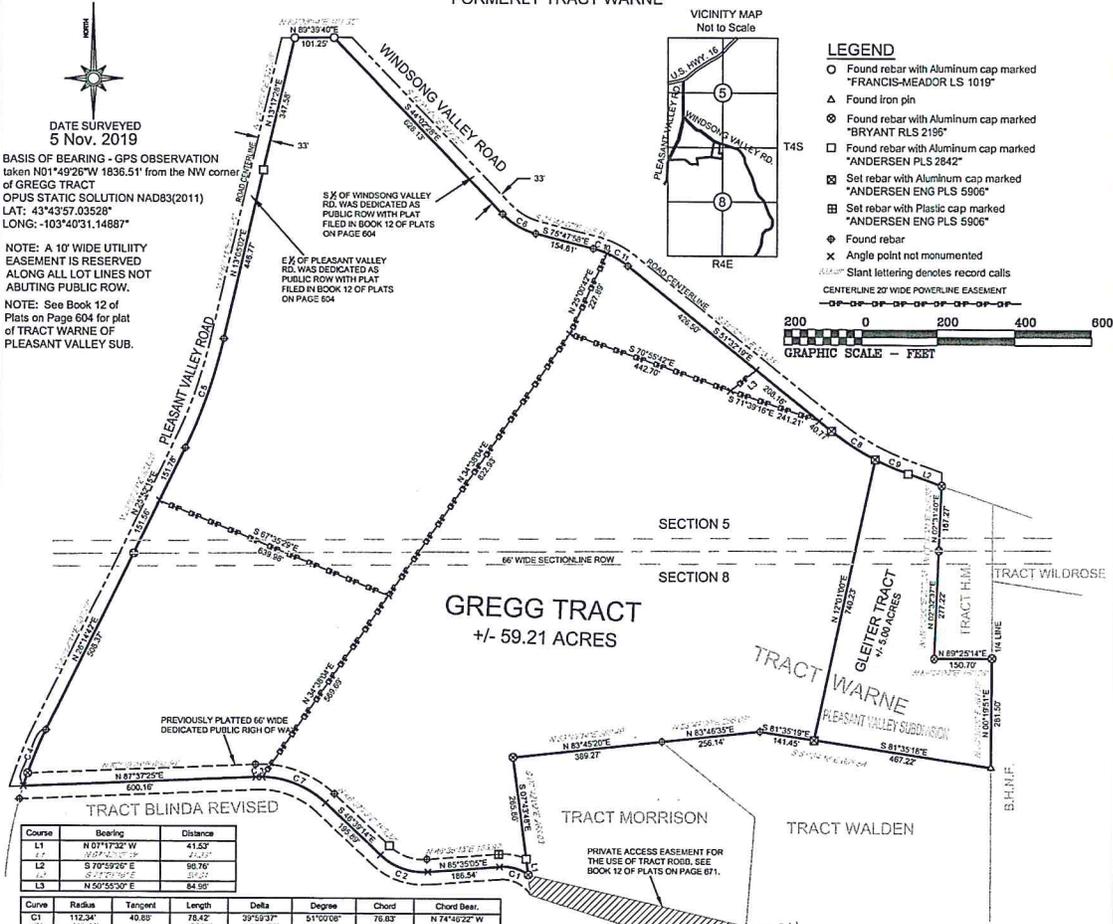
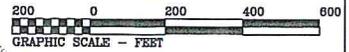
E 1/2 OF PLEASANT VALLEY
 RD. WAS DEDICATED AS
 PUBLIC ROW WITH PLAT
 FILED IN BOOK 12 OF PLATS
 ON PAGE 604

VICINITY MAP
 Not to Scale



LEGEND

- Found rebar with Aluminum cap marked "FRANCIS-MEADOR LS 1019"
- △ Found iron pin
- ⊙ Found rebar with Aluminum cap marked "BRYANT RLS 2196"
- Found rebar with Aluminum cap marked "ANDERSEN PLS 2842"
- ⊠ Set rebar with Aluminum cap marked "ANDERSEN ENG PLS 5906"
- ⊡ Set rebar with Plastic cap marked "ANDERSEN ENG PLS 5906"
- ◆ Found rebar
- × Angle point not monumented
- Slant lettering denotes record calls
- CENTERLINE 20' WIDE POWERLINE EASEMENT



Course	Bearing	Distance
L1	N 07°17'32" W	41.53'
L2	S 70°59'26" E	96.76'
L3	N 50°55'30" E	84.58'

Curve	Radius	Tangent	Length	Delta	Degree	Chord	Chord Bear.
C1	112.34'	49.85'	78.42'	39°53'37"	51°02'58"	76.83'	N 74°02'22" W
C2	154.85'	72.10'	134.00'	49°50'05"	31°00'03"	130.72'	N 70°23'58" W
C3	247.65'	8.26'	16.52'	3°49'55"	23°11'31"	16.52'	N 89°19'26" E
C4	1044.33'	78.39'	156.49'	8°35'08"	5°29'11"	156.34'	N 21°31'03" E
C5	1328.30'	148.71'	298.16'	12°52'51"	4°19'12"	297.83'	N 10°21'04" E
C6	163.77'	51.70'	100.79'	31°25'25"	31°10'41"	99.53'	S 58°52'12" E
C7	247.65'	94.46'	180.45'	41°50'57"	23°11'31"	178.46'	S 67°50'08" E
C8	669.62'	87.47'	134.49'	11°30'29"	8°33'23"	134.27'	S 07°18'17" E
C9	669.62'	48.45'	92.75'	7°56'05"	8°33'23"	92.61'	S 67°01'36" E
C10	239.84'	18.95'	37.81'	9°02'00"	23°53'21"	37.77'	S 71°09'23" E
C11	239.84'	31.82'	63.28'	15°08'58"	23°53'21"	63.09'	S 59°03'00" E

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.

CERTIFICATE OF SURVEYOR

I, John D. McBride Registered Land Surveyor No. 5906 in the State of South Dakota, do hereby certify that being so authorized, I have prepared the within plat of land shown and described hereon from notes taken during an actual survey made by me or under my direct supervision, and that to the best of my knowledge and belief, the same is a true and correct representation of said survey.
 IN WITNESS WHEREOF, I hereunto set my hand and official seal.
 Dated this ___ day of ___, 2019.

John D. McBride SDRLS No. 5906

STATE OF _____ COUNTY OF _____

The Greg L. Warne Trust, does hereby certify that it is the owner of the within described lands and that the within plat was made at its direction for the purposes indicated therein, and that the development of this land shall conform to all existing zoning, subdivision, and erosion and sediment control regulations.
 Dated this ___ day of ___, 2019.

Greg L. Warne (TRUSTEE)

ACKNOWLEDGMENT OF OWNERSHIP

On this the ___ day of ___, 2019, before me, the undersigned officer, personally appeared Greg L. Warne, Trustee of Greg L. Warne Trust, known to me or satisfactorily proven to be the person described in the foregoing instrument, and acknowledged that she executed the same in the capacity therein stated and for the purposes therein contained.
 IN WITNESS WHEREOF I hereunto set my hand and official seal.

Notary Public

My commission expires _____

OFFICE OF THE REGISTER OF DEEDS

Filed for record this ___ day of ___, 2019, at ___ o'clock ___ M., and recorded in Book ___ of Plats on page ___.

Custer County Register of Deeds

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 the proposed subdivision road(s) with the existing public road(s) is hereby approved.

Highway Authority _____ Date: _____

CERTIFICATE OF COUNTY DIRECTOR OF EQUALIZATION

I, Director of Equalization of Custer County, do hereby certify that my office has been furnished with a true copy of the within plat.
 Dated this ___ day of ___, 2019.

CERTIFICATE OF COUNTY TREASURER

I, Custer County Treasurer, do hereby certify that all taxes and special assessments which are liens upon the within described lands are fully paid according to the records of this office.
 Dated this ___ day of ___, 2019.

RESOLUTION OF THE CITY COUNCIL

Whereas there has been presented to the City Council of Custer, South Dakota, the within plat of the above described lands, and it appearing to the Council that said plat conforms to the existing plats of said City, that the streets set forth therein conforms to the system of streets of the municipality, that all provisions of the subdivision regulations have been complied with, that all taxes and special assessments upon the tract have been fully paid, and that said plat and the survey thereof have been executed according to law, now therefore,
BE IT RESOLVED, that said plat is hereby approved in all respects.
 Dated at Custer, South Dakota this ___ day of ___, 2019.

Mayor _____

CERTIFICATE OF CITY FINANCE OFFICER

I, Finance Officer of the City of Custer, South Dakota, do hereby certify that the foregoing instrument is a true and correct copy of the resolution adopted by the City Council of Custer, South Dakota at a meeting held on the ___ day of ___, 2019.

Custer City Finance Officer

Prepared by
ANDERSEN ENGINEERS
 Land Surveyors, Professional Engineering, & Environmental Consultants

Drawn by DR	Date 11/13/2019	P.O. Box 446 Edgemont, SD 57735 (605) 662-5500 andersenengineers@gwcc.net
Approved by McB	Date 11/13/2019	
Scale 1"=200'	Sheet 1 of 1	File Name: PLEASANT_VALLEY_RANCH_SUB_2019