

All Planning Commission Meetings are recorded.

CITY OF CUSTER
PLANNING AND ZONING COMMISSION AGENDA
Tuesday February 11th, 2020 at 5:00 P.M.
Custer City Hall, 622 Crook Street, Custer, SD 57730

1. Call to Order - Roll Call:

2. Approve Agenda: February 11th, 2020

3. Approve Minutes: December 10th, 2019

4. Declaration of Conflict of Interest:

5. Public Hearings:

- a. Conditional Use Permit Request Short Term Rental – 265 Desperado Lane
- b. Conditional Use Permit Request Convalescent, Nursing/Rest Home and Family Day Care – 722 Crook Street
- c. Variance Request Maximum Allowable Sign Area – 245 Centennial Drive

6. ~~Old Business~~

a. —

7. ~~New Business:~~

a. —

8. Discussion Items:

- a. Rewrite of Custer City's Comprehensive Plan
- b.

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

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**MINUTES OF THE December 10th, 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; Kathy Johnson; Scott Olson; Fred Mills – Alternate; Marc Moore – Alternate.

Members Absent: Larry Maciejewski; Rick Hudson.

Other Parties Present: Tim Hartmann–Planning Administrator; Dixie Whittaker – Council Representative; Public Attendees.

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

Minutes: Commissioner Mills moved, with a second by Commissioner Uhrich to approve the November 26th, 2019 minutes. Motion unanimously carried.

Declaration of Conflict of Interest: None stated.

Public Hearings:

- a. **Rezoning Request – Lots F, G, H, I & J (Formerly Lots A-C) of Pleasant Acres 2nd Addition.**
Planning Commission reviewed the rezoning request. Public comments were taken. After a short discussion Commissioner Uhrich moved, with a second by Commissioner Mills to recommend approval by the Council of the rezoning request. Uhrich's motion carried with Commissioners Uhrich, Johnson, Olson & Mills voting yes.

Old Business:

a.

New Business:

- a. **Right of Way Vacation Request – Block 41, Mountain Avenue, East/West Alley, Montgomery Street.**
The Commission and Planning Administrator discussed the street vacation request with input from the applicant. Discussion included but was not limited to specifics of the area to be vacated, potential access use of the area to be vacated and the areas of intersection left behind in the vacation request. After the discussion, Commissioner Uhrich moved with a second by Commissioner Mills to recommend approval of the street vacation by the Council. Uhrich's motion carried.
- b. **Minor Plat – Plat of Gleiter Tract of Pleasant Valley Ranch Sub and Gregg Tract.**
The Commission and Planning Administrator discussed the minor plat. The applicant's agent was present. Discussion included but was not limited to the location of the property being divided, the adjacent public rights of way and easements, and any structures on the property. After the discussion, Commissioner Mills moved, with a second by Commissioner Olson to recommend approval of the minor plat by the Council. Mills motion carried unanimously.

Discussion Items:

- a. **Rewrite of Custer City's Comprehensive Plan**
Planning Administrator briefly presented the interactive online Land Use Map. Planning Administrator will send the Commission a link for the map.
- b. **Custer City Sidewalk Policies**
Planning Administrator provided the Commission sidewalk ordinance regulations from Titles 12 and 16 of the Custer Municipal Code. The Commission had a discussion regarding the current regulations.

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 Uhrich moved, with a second by Commissioner Johnson to adjourn. Motion unanimously carried. The meeting adjourned at 6:09 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: 265 Desperado Ln - Conditional Use Permit, Short Term Rental
Applicant: Kevin & Karen Houtwed
Fee Paid: \$200.00
Location: Boot Hill Ranch Subdivision Phase 1 - Lot x of Lot 1 of Block 4, on the NW corner of intersection Desperado Lane and Boot Hill Rd.
Date: January 21, 2020
Planning Commission Meeting: February 11, 2020
Prepared by Tim Hartmann, Planning Administrator

GENERAL

The City has received application for a Conditional Use Permit review of the above referenced property to consider a request to continue the existing use of a short-term rental. As specified in the application, the applicant utilizes the structure as a short-term rental in the summer and as a vacation home for the family throughout the year. The property owner desires to continue such use. Per Custer Municipal Code 17.12.050 short term rentals are a permitted conditional use.

SURROUNDING AREA

The immediate area surrounding 265 Desperado is composed mainly of other residential uses.

The adjacent properties to the North, East, South, and West are within the Residential Zone. To staff's knowledge, all adjacent properties currently exist as residential uses. An existing short-term rental with an approved CUP is active 4 properties to the West and there is commercially zoned property to the south across Desperado Lane and Boot Hill Road.

VEHICULAR ACCESS AND PARKING

Staff has viewed the property from an access and parking standpoint in correlation with the proposed use, size, and parking provided. The applicant has specified a two-car garage with parking on one side available of guests and an approach/driveway leading up to the garage capable of supporting an additional 2 cars. Staff believes this site is capable of supporting parking for the two bed, two bath unit.

OTHER ORDINANCE CONCERNS

Staff conducted an in-office review and a windshield survey of the property on January 21, 2020. No ordinance violations were found.

SUMMARY & RECOMMENDED ACTION BY PLANNING COMMISSION

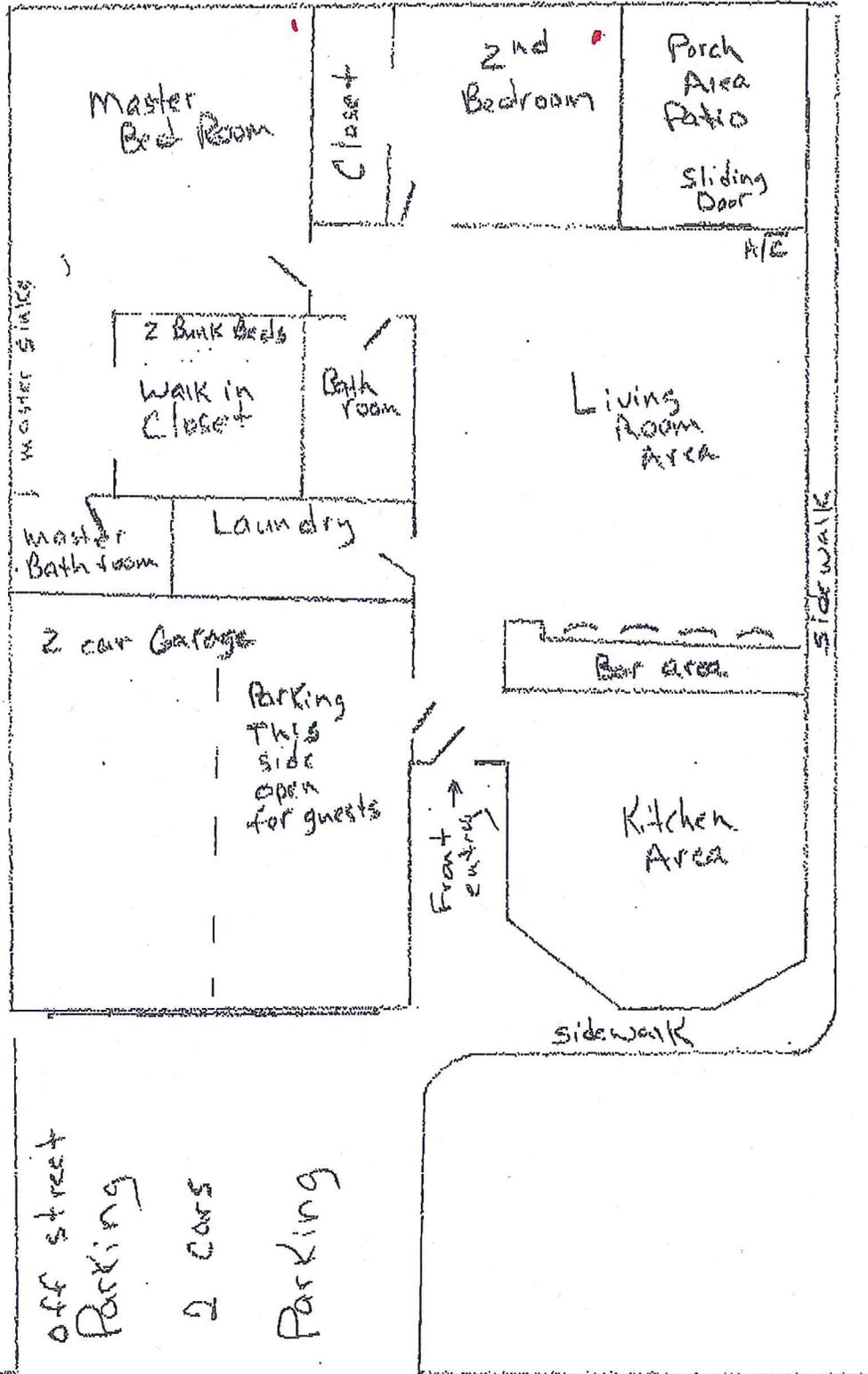
All applicable public notification has been completed. Per our residential zoning ordinance, a townhome although connected to another unit, is treated like a residential structure. Upon review of the CUP review criteria staff feels the criteria are satisfied. Staff supports approval of the Conditional Use Permit by the Planning Commission.

1-15-20

Kevin Houtwed
265 Desperado Lane
Custer, S.D. 57730
308.391.1813

Open Lot

ATT.
Tim Hartmann
605-673-2411 Fax



265 Desperado Lane

Street

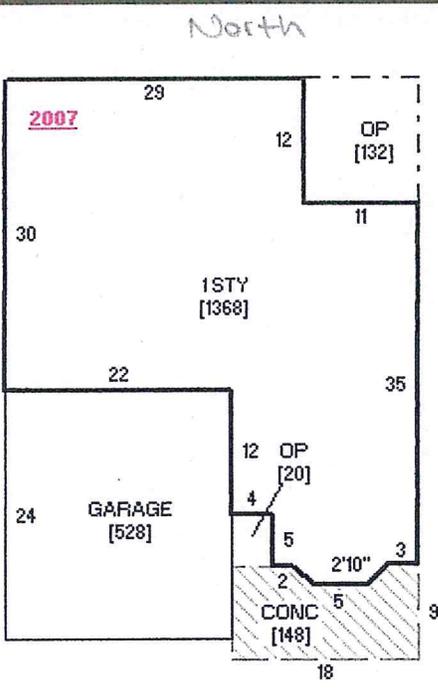
From: **Kim Conwell** kim@cityofcuster.com
Subject: Sent from Snipping Tool
Date: January 6, 2020 at 4:23 PM
To: kevin@hotwoods.com

Open Lot



Kevin Hartwed
265 Desperado Lane
Custer, S.D. 57730

West



East
Street

CONC 22 X 24 = 528 SQFT

Sketch by www.camavision.com

South
Street

Tim Hartmann

From: Faith Lewis <faithlewis@kw.com>
Sent: Monday, February 3, 2020 2:55 PM
To: Tim Hartmann
Subject: Re: conditional use permit boot hill

I am in favor of letting Kevin J. Houtwed get a special use permit to short term rent his home at 265 Desperado Lane.

thank you ~

Faith Lewis
605-863-0725 faithlewis@kw.com
Keller Williams/Lewis Realty



You Gotta Have Faith!
If you are lucky enough to live in the Black Hills,
you are lucky enough!



FAITH LEWIS

PO Box 97 • Custer, SD 57730

605-863-0725

faithlewis@kw.com

www.lewisrealtyblackhills.com

Tim Hartmann

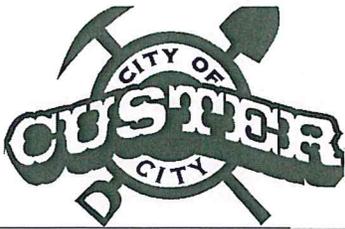
From: Richard Kotrous <richlkot@gpcom.net>
Sent: Tuesday, February 4, 2020 10:24 AM
To: Tim Hartmann
Subject: Conditional Use Permit

Dear Sir:

Yes, its OK with me that Kevin Houtwed have a Conditional Use Permit for for the property located at 265 Desperado Lane. Kevin Houtwed is a very responsible person, I know he screens applicants. I think most of them are his business associates.

Weather permitting, I plan on attending the hearing so I can voice in favor of the Conditional Use Permit. I'm sure the business places in Custer appreciates the extra income that they leave behind.

Richard L Kotrous
PO Box 272
Verdigre, NE 68783-272 263 Desperado LN Custer, SD 57730



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

Staff Report

Request: 722 Crook Street - Conditional Use Permit
Applicant: Gloria Wolf
Fee Paid: \$200.00
Location: Lot 10 plus the West $\frac{1}{2}$ of Vacated N/S Alley, Block 9
Date: February 6, 2020
Planning Commission meeting: February 11, 2020
Prepared by Tim Hartmann, Planning Administrator

GENERAL

The City has received application for a Conditional Use Permit review of the above referenced property to consider a request for the property to be used as a convalescent, nursing/rest home and a family day care. As noted on the application, specific uses requiring a conditional use permit include tutoring, classes, adult day care and some school age "drop in" childcare. The property has previously been used as a single-family residence. The property owner desires to continue such use plus the proposed uses. Per Custer Municipal Code 17.12.050 a convalescent, nursing/rest home and family day cares are permitted conditional uses. A single-family dwelling is a principal use.

SURROUNDING AREA

The property at 722 Crook Street sits just inside the residential zone and is near Custer's Central Business district.

The adjacent properties are comprised of other residences and commercial business. To the North and East are primarily other residences while the property to the West and South are within the Central Business district and are primarily commercial properties.

VEHICULAR ACCESS AND PARKING

Staff has viewed the property from an access and parking standpoint in correlation with the proposed use, size, and parking provided. The owner's site plan survey has specified the vacated alley to the East and area near the 3-car garage is available for parking. As the intended use is not planned to support a large amount of occupant's staff feels this is adequate.

OTHER ORDINANCE CONCERNS

Staff conducted an in-office review and a windshield survey of the property on January 31st. No ordinance violations were found.

LEGAL REVIEW

Submittal of commercial liability insurance has been discussed but is pending.

RECOMMENDED ACTION BY PLANNING COMMISSION

Due to a delay in sending mail notifications, pending submittal of insurance and continued discussion and clarification of the applicants planned use(s) of the property staff is requesting the Planning Commission table this CUP request.

North
↑

Gloria Wolf
722 Crook St.
1/17/2020

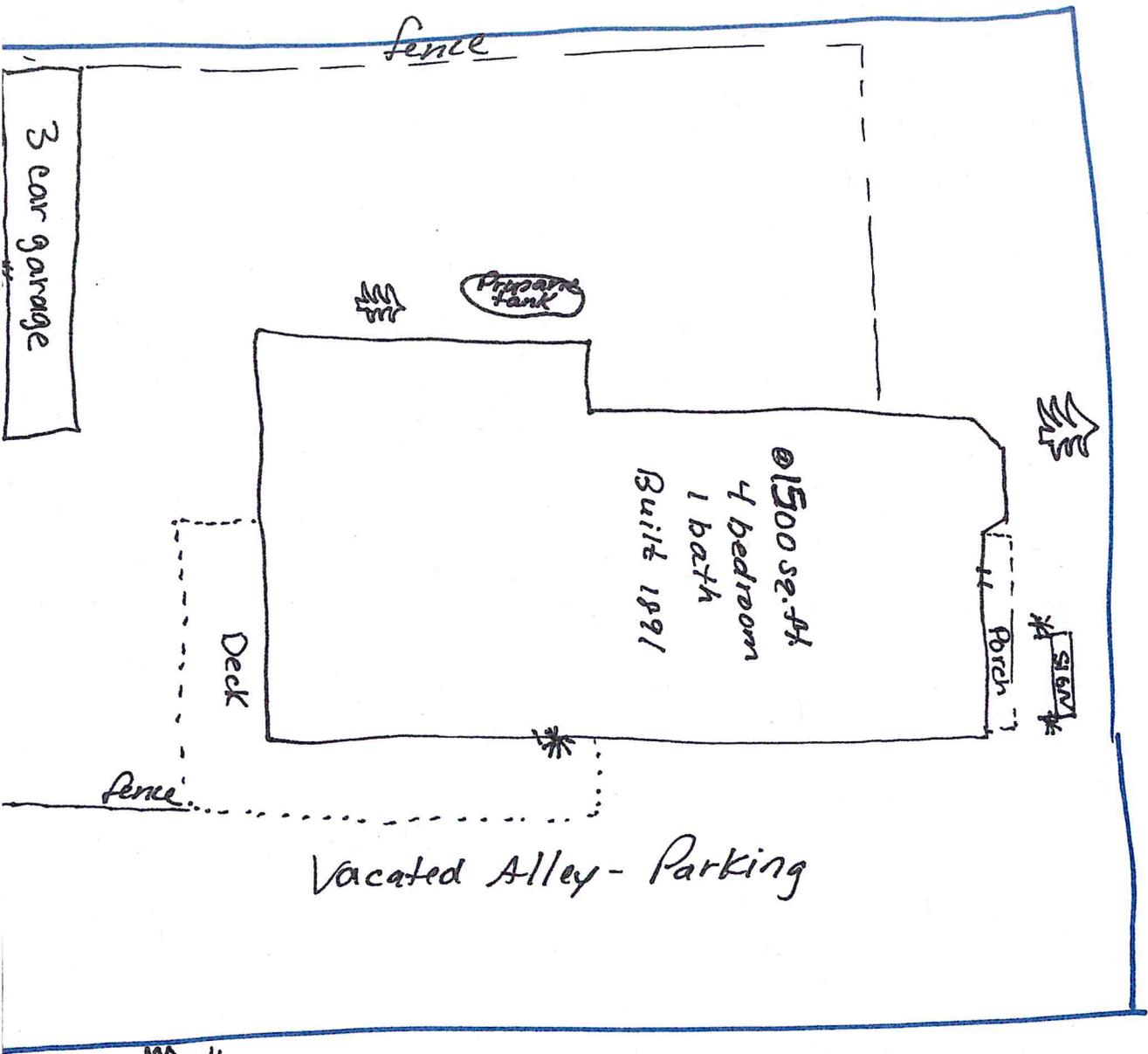
Crook St

curb Line

Residential
Housing
512 Crook St.

Residential
Housing
732 Crook St.

.44 acres



* Lights/no additional

tree

— property line

House is to scale
Lot is not



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

Staff Report

Request: Variance to the Maximum Allowable Sign Area for Each Sign, *CMC 15.10.070*
Applicant: Custer Hospitality, LLC
Fee Paid: \$250.00
Location: 245 Centennial Drive
Date: February 2, 2020
Planning Commission Meeting: February 11, 2020
Prepared by Tim Hartmann, Planning Administrator

GENERAL

The planning office has received a request for a variance to Custer City Sign Regulations, specifically section 15.10.070, On-premise business signs in Highway Commercial and Industrial Districts. Per CMC 15.10.070 a property within the highway commercial district is allotted 3 square feet of signage per 1 lineal feet of commercial street frontage. With this requirement the property at 245 Centennial Drive has 3600 square feet of signage available to them with the 1200 linear feet of frontage of the parcel. The total area of signage is adequate for the owner's signage plans the variance concern is specific to the maximum allowable area of each sign. Per CMC 15.10.070 each double-sided pole sign shall not exceed 200 square feet and wall mounted and monument signs shall not exceed 100 square feet.

The owners feel that fewer signs of a larger size would better support there signing needs while also better aligning with the purpose and intent of the ordinance.

Please also note the letter from Custer Hospitality dated January 23,2020.

VARIANCE

The variance request is to allow a variance from Custer Municipal Code 15.10.070. If approved the variance would allow an increased size in signs on the property. Each sign would not exceed 550 square feet. All other stipulations within the sign ordinance would stand. Each new sign would be subject to a sign permit.

PUBLIC HEARING

A Public Hearing will also be held at the March 2, 2020 Board of Adjustment Meeting.

Variance Request

January 23, 2020

Custer Hospitality, LLC

Property: Buffalo Ridge Camp Resort
245 Centennial Dr.
Custer, SD 57730

Regulation Exception: 15.08.110 Sign Regulations

- A. This parcel is unique in the fact that it has over 1,200 lineal feet of frontage.
- B. The ordinance allows 3 square feet of signage per every lineal foot of frontage, which equals approximately 3,630 square feet of signage allowed for this parcel.
 - 1. The ordinance requires signs to be a minimum of 75' apart which amounts to a maximum of 16 signs to be placed on this parcel.
 - 2. The ordinance requires each sign face not to exceed 100 square feet which would amount to a maximum of 200 square feet for a double-sided sign.
 - 3. Therefore, based on these restrictions the maximum signage allowed by the ordinance is 3,200 square feet, which is only 2.66 square feet per lineal foot of frontage.
 - 4. As a result, this parcel cannot enjoy the same amount of signage as other commercial properties without violating the size restrictions or spacing requirements of the ordinance.
- C. None of these conditions or circumstances were the result from the actions of the applicant.
- D. Granting this variance will not confer any special privilege, conversely it would allow this parcel to enjoy the same ratio of signage as other commercial properties.
- E. No grounds for this application are based on non-conforming uses of neighboring lands, structures, or buildings.

Our desire is to invest in our highway frontage by improving and expanding upon the current signage to be more aesthetically appealing. We would like to eliminate signs, enlarge signs, relocate signs, and build a new entry monument. We currently only have 2,200 square feet of signage and would like to increase this to not exceed the approximately 3,630 square feet allowed. In order to utilize the maximum amount of signage allowed a variance is required.

We are asking for a variance to the size restriction of each sign face because enforcing the maximum size would result in the proliferation of more signs, which contradicts the purpose and intent of the ordinance. Each sign would vary in size but would not exceed 550 square feet per face and the total combined area of all sign faces will not exceed 3,630 square feet. We believe this variance request is congruent with the intent of the ordinance because it reduces the number of new signs and will improve the aesthetics of the city.

Thank you for your consideration of this variance request.

[Print](#)

Custer, SD Code of Ordinances

15.10.070 On-premise business signs in Highway Commercial and Industrial Districts.

- A. Total allotted sign area shall be limited to three square feet (3 sq. ft.) of sign space per one (1) lineal feet of commercial street frontage, except that any bona fide business shall have not less than fifty square feet (50 sq. ft.) of sign space allotted to them. Where a parcel of land has reduced street frontage because it is located behind another parcel that abuts the street, the sign allotment shall be calculated from the width of the rear parcel for the length that it parallels the street it is accessed from.
- B. Double-sided pole signs shall not exceed two-hundred square feet (200 sq. ft.) of aggregate sign area and shall not exceed thirty feet (30') in height measured from the top of the sign.
- C. Wall mounted signs shall be limited to one-hundred square feet (100 sq. ft.). A wall sign may project not more than six inches from the storefront.
- D. Monument signs not to exceed one hundred square feet (100 sq. ft.) in size, exclusive of the supporting elements, provided that no part of the sign or structure exceeds six feet (6') in height and complies with corner lot sightline regulations.
- E. Double-sided projecting signs are allowed to have a maximum of fifty square feet (50 sq. ft.) of sign area and shall be subject to the provisions of the Maintenance and Encroachment Agreement between the State of South Dakota and the City of Custer.
- F. Signs shall be placed adjacent to the street upon which the sign allowance was calculated.
- G. No sign or element thereof shall be constructed closer than five feet (5') to any property line.
- H. Sign structures, pole signs and monument signs shall not be placed closer than seventy-five feet (75') to any other like sign structure, pole sign or monument sign.
- I. Company emblems, logos, and Trademark names architecturally designed into fuel station canopies do not count towards the aggregate sign area.
- J. Sign structures housing signs for multiple businesses, such as a mall or shopping complex, shall be considered a commercial structure and shall be regulated through the building permit process. (Ord. 832, 2019)



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 29th day of January, 20 20.

[Handwritten Signature]
Signed

JERAD TENNYSEN
Name Printed

STATE OF SOUTH DAKOTA

COUNTY OF Custer

Subscribed and sworn before me this the 29 day of January, 20 20.

[Handwritten Signature]
Notary Signature

AMANDA BLUME
Notary Name Printed

Sept 20, 2025
Commission Expires