

All Planning Commission Meetings are recorded.

CITY OF CUSTER
PLANNING AND ZONING COMMISSION AGENDA
Tuesday May 28th, at 5:00 P.M.
Custer City Hall, 622 Crook Street, Custer, SD 57730

- 1. Call to Order - Roll Call:**
- 2. Approve Agenda:** May 28th, 2019
- 3. Approve Minutes:** May 14th, 2019
- 4. Declaration of Conflict of Interest:**
- 5. Oath of Office – Planning Commission Member Fred Mills**
- 6. Public Hearings:**
 - a. Public Hearing - Conditional Use Permit Request, Short Term Rental – 1118 Needles Drive
 - b.
- 7. ~~Old Business~~**
 - a. —
- 8. New Business:**
 - a. Minor Plat – A Plat of J and J Tract, Wellington Tract, and a Private Access Easement
 - b.
- 9. Discussion Items:**
 - a. Rewrite of Custer City’s Comprehensive Plan
 - b.
- 10. Public Comments** (3-minute max. per person, with total communication period to not exceed 15 minutes):
- 11. Planning Administrator Updates:**
- 12. 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 May 14th, 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; Rick Hudson; Fred Mills – Alternate; Marc Moore – Alternate (voting in place of Commissioner Maciejewski).

Members Absent: Larry Maciejewski.

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

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

Minutes: Commissioner Moore moved, with a second by Commissioner Hudson to approve the April 23rd, 2019 minutes. Motion unanimously carried.

Declaration of Conflict of Interest: None stated.

Public Hearings:

- a. Public Hearing – Conditional Use Permit Request Short Term Rental – 330 N 3rd Street
Planning Administrator provided a staff review of the property. Commissioner Uhrich moved, with a second by Commissioner Johnson to approve the short-term rental Conditional Use Permit. Commissioner Uhrichs motion carried unanimously with Commissioners Uhrich, Johnson, Olson, and Moore all voting Yes. A brief discussion was held mainly concerning the multifamily and short-term rental portion of the request. After the discussion, Commissioner Uhrich moved, with a second by Commissioner Moore to approve the Conditional Use Permit (short term rental/multifamily unit). Commissioner Uhrichs motion carried unanimously with Commissioners Johnson, Olson, Moore, and Uhrich all voting Yes.

Old Business:

- a. Conditional Use Permit Request – Home Occupation – 1027 Pine Street
Commissioner Tennyson gave the commission a brief explanation of the Conditional Use Permit Request and previous action and discussion. Planning Administrator also briefly explained and discussed Home Occupations within a Residential Zone. Commissioner Johnson moved, with a second by Commissioner Olson to approve the Conditional Use Permit. Johnsons motion carried unanimously with Commissioners Johnson, Olson, Moore, and Uhrich all voting Yes.

New Business:

- a. Minor Plat – Custer Athletic Field Rev, Lot C Rev, Tr Hospital Rev, Tract S&R
Planning Administrator and Planning Commissioners discussed the minor plat. Discussion included but was not limited to the specifics of lot line changes, property ownership, Summit Street alignment and current zoning of the parcels. After the discussion, Commissioner Moore moved, with a second by Commissioner Uhrich to recommend approval of the minor plat by the Council. Moore’s motion unanimously carried with Commissioners Moore, Uhrich, Johnson, and Olson all voting yes.

Discussion Items:

Public Comments:

No public comments were heard.

Planning Administrator Updates

Planning Administrator and commission members gave various updates.

Adjournment:

Being no further business before the Commission, Commissioner Hudson moved, with a second by Commissioner Johnson to adjourn. Motion unanimously carried. The meeting adjourned at 5:41 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: 1118 Needles Drive - Conditional Use Permit, Short Term Rental
Applicant: Marjorie Miles
Fee Paid: \$200.00
Location: Needles Drive, at the intersection of the N/S Alley, Block 136
Date: May 23, 2019
Planning Commission Meeting: May 28, 2019
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 a long-term rental in the winter. The property owner desires to continue such use. Per Custer Municipal Code 17.12.050 short term rentals are a permitted conditional use. A long-term rental is a principle use.

SURROUNDING AREA

The immediate area surrounding 1118 Needles Drive 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.

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 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 2 bed two bed, 1 bath unit.

OTHER ORDINANCE CONCERNS

Staff conducted an in-office review and a windshield survey of the property on May 16th. No ordinance violations were found.

RECOMMENDED ACTION BY PLANNING COMMISSION

All applicable public notification has been completed. Upon review of CUP review staff feels the criteria are satisfied. Staff supports approval of the Conditional Use Permit by the Planning Commission.

622 Crook Street
Custer, SD 57730

Planning Department

Phone: (605) 673-4824
Fax: (605) 673-2411

Conditional Use Permit Application

Applicant Information			
Applicant	Marjorie Miles		
Address	1555 O'Farrell St San Francisco, CA 94115		
City	State	Zip	
Phone	206.370.9692		
E-mail:	marjorie_miles@yahoo.com		

(Owner of property if different than applicant)			
Owner	_____		
Address	_____		
City	State	Zip	
Phone	_____		
E-mail:	_____		

Proposed Conditional Use 24/7 Contact			
Name	as above		
Address	_____		
City	State	Zip	
Phone	_____		
E-mail:	_____		

Please Note
- If applicant is not the owner, written authorization of such application from the owner will be required.
- The applicant shall be responsible for mail notification of such application.
- Planning Commission meets the 2 nd Tuesday of each month. Application and supporting documents must be provided to the Planning Administrator 20 days prior to the meeting.

Property Address 1118 Needles Dr, Custer, SD 57730

Legal Description _____

Lot 3 Block 136 Subdivision _____

Size .186 (acres)(square feet) Property Zoning District residential

Water Services city Sewer Services city

Describe Current Use Short term rental in summer and long term in the winter.

Describe Proposed Use (Include Site Plan) Short term rental

I hereby confirm that I have completed and possess all applicable South Dakota State licensing requirements.

MJ
Initial
MJ
Initial

I hereby confirm that the proposed use will maintain appropriate Commercial Liability Insurance.

Please include the Following Information as Required at least 20 days prior to the Planning Commission meeting.

- Site Plan and or Floor Plan as Needed – A Site Plan is mapped or drawn to scale information to show buildings, parking and new or existing features that implement the CUP.
- Certificate of appropriate commercial liability insurance.
- Written authorization from the property owner. (if applicant is not the property owner.)
- Conditional Use Permit Criteria narrative
- Conditional Use Permit Fee Payment

Owner/Applicant Signature: Marjorie Miles

Date: 4/26/19

Conditional Use Permit Application

Conditional Use Permit Criteria Narrative

(Applicant shall complete)

The following are considerations, per CMC 17.52.040, that the Planning Commission shall use in determining the approval or denial of a Conditional Use Permit. Please provide comment on the below criteria.

- A. that adequate utilities, public safety, water supply, sewage disposal, surface drainage, flood control, soil conservation, access roads, drainage and other necessary facilities have been considered and/or are being provided; *yes. We are on city water*
- B. that the Conditional Use is consistent with the surrounding area in terms of character and density; *yes, I am very strict with limiting number of guests. I don't allow smoking, pets or parties. I limit to 4 guests.*
- C. that the Conditional Use conforms with and is a compatible use within the Comprehensive Plan;
- D. The proposed use shall be in compliance with all other ordinances.
- E. The proposed use shall comply with all specific restrictions and requirements of the zone district.
- F. The proposed use shall be eligible for a Conditional Use Permit based on the Zoning District.
- G. Lighting shall be designed so that it presents a minimal impact to adjacent property. All exterior light sources must be shielded and directed downward.
- H. The proposed use shall have adequate vehicular access and parking to serve the proposed use. *The house has a driveway and two car garage.*
- I. The proposed use shall comply with all applicable state licensing requirements and/or regulations. *I am registered with the state health department and Airbnb pays sales taxes directly.*
- J. The proposed use shall maintain appropriate commercial liability insurance. *House carries rental insurance.*

622 Crook Street
Custer, SD 57730

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Conditional Use Permit Application

K. that the Planning Commission may impose reasonable conditions in granting a Conditional Use on the condition that the individual accepting those conditions is bound by them; and that the Commission may consider any public comments and comments from public officials.

Official Use Only	
Date Filed <u>4/20/19</u>	Permit Fee <u>\$200⁰⁰</u>
Permit/Receipt Number <u>46326</u>	Parcel ID # _____
Planning Commission/Public Hearing Date <u>5/28/19</u>	
Received By <u>TnH/KC</u>	



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 1 day of May, 20 19.

Marjorie Miles
Signed

Marjorie Miles
Name Printed

STATE OF SOUTH DAKOTA
COUNTY OF Custer

Subscribed and sworn before me this the 2 day of May, 20 19.

[Signature]
Notary Signature

Sydney M Gramkow
Notary Name Printed

June 7th 2024
Commission Expires



Planning Department
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Custer, SD. 57730
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e-mail: timh@cityofcuster.com

Staff Report

Request: Minor Plat, J and J Tract and Wellington Tract
Applicant: Rick and Connie Wellington
Location: Approximately 0.7 miles North North/East of Custer. Near the int of Hwy 89 and Elk Valley Road
Legal Desc.: J and J Tract and Wellington Tract - See Plat for full legal
Fee Paid: \$450.00
Date Prepared: May 3, 2019
Planning Commission Meeting: May 28, 2019
Prepared by Tim Hartmann, Planning Administrator

GENERAL

This plat is for a two-parcel subdivision 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 Raymond South (20.58 acres) into two Tracts, J and J Tract (7.00 acres) and Wellington Tract (13.58 acres). The existing Tract Raymond South has an existing dwelling near the east boundary. Such dwelling has a private well and septic system. The proposed J and J Tract will remain of adequate size to support well and septic.

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 - The DOT will grant a variance for the proposed access location. The site distance requirements are easily met.

BHE - No Issues

CC Highway - How is access provided to Wellington Tract

CC ROD - Minor redline corrections.

ACCESS

Existing access to the area is provided from SD Hwy 89 (Sylvan Lake Road) and Elk Valley Road.

Elk Valley Road is a 66' Public Access Easement.

Proposed Wellington Tract is planned to access from Elk Valley Road and a 40' Private Access Easement. Per Custer County Ordinance #2, Page 23, Private Access Easements are permissible and do not have to be developed, provided they only serve 1 parcel unless otherwise approved by the Board. Staff feels the private access easement located over the existing driveway is sufficient.

The applicant has stated the preferred access for proposed J and J Tract is directly from Hwy 89. After further discussion with SDDOT, they will grant a variance to their access criteria for J & J Tract. DOT stated they will not need a specific access location noted on the plat.

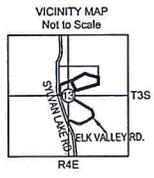
SUMMARY AND STAFF RECOMMENDATION

The proposed two lot subdivision has established access, the new parcel appears large enough to support private waste water and water services and all other applicable City and County subdivision standards seem to be met. Staff supports a recommendation to Council for approval of the minor plat.

(B)

A PLAT OF
**J AND J TRACT, WELLINGTON TRACT, AND A PRIVATE ACCESS EASEMENT IN
 CHARD SUBDIVISION, LOCATED IN THE SW 1/4 NE 1/4 AND THE SE 1/4 NW 1/4 OF
 SECTION 13, T3S, R4E, BHM, CUSTER COUNTY, SOUTH DAKOTA**
 (FORMERLY TRACT RAYMOND SOUTH)

NOTE: See Book 12 of
Plats on Page 743 for plat
of Tract Raymond South.

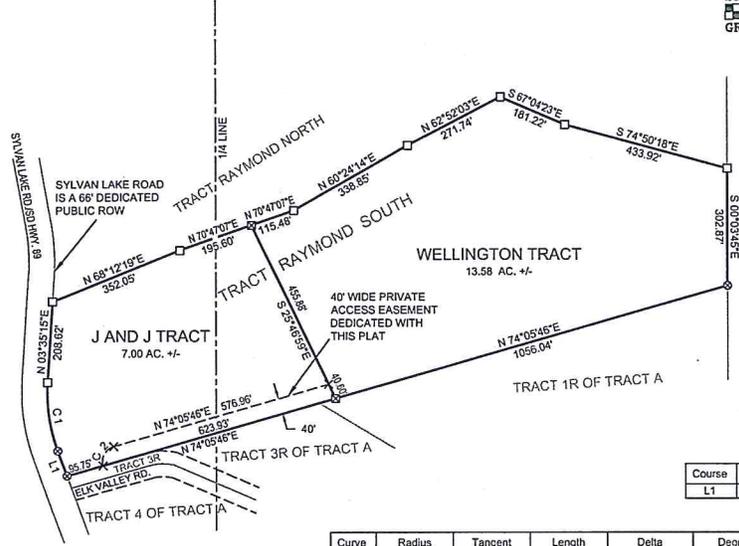
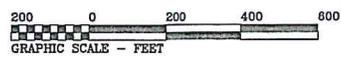


BASIS OF BEARING - GPS OBSERVATION
 taken S 74°10'21"W 747.54' from the SE corner
 of Wellington Tract.
 OPUS STATIC SOLUTION NAD83(2011)
 LAT: 43°47'23.72604"
 LONG: -103°35'09.08941"

LEGEND

- ⊙ Found rebar with AL cap marked "BRYANT PLS 2196"
 - Found rebar with AL cap marked "ANDERSEN ENG PLS 5906"
 - ⊗ Set rebar with AL cap marked "ANDERSEN ENG PLS 5906"
 - × Angle point not monumented
- 2017 Slant lettering denotes record calls

NOTE: ELK VALLEY RD.
IS A 66' PUBLIC ACCESS
EASEMENT



Course	Bearing	Distance
L1	S 20°00'28" E	68.38'

Curve	Radius	Tangent	Length	Delta	Degree	Chord	Chord Bear.
C1	441.57'	91.12'	179.72'	23°19'12"	12°58'32"	178.49'	S 08°04'21" E
C2	40.00'	40.00'	62.83'	90°00'00"	143°14'22"	56.57'	N 29°05'46" E

NOTE: 10 FEET EACH SIDE OF REAR
AND SIDE LOT LINES ARE RESERVED
FOR UTILITY EASEMENTS. IF BOTH
SIDES OF THE LOT LINES ARE NOT
CONTROLLED BY THIS PLAT THE
ENTIRE 20' WIDE EASEMENT WILL BE
TAKEN FROM THE LOT.

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

**NOTE: 10 FEET EACH SIDE OF REAR
AND SIDE LOT LINES ARE RESERVED
FOR UTILITY EASEMENTS. IF THE LINE
ABUTS LANDS NOT SUBDIVIDED UNDER
THE PROVISIONS OF CUSTER COUNTY
SUBDIVISION ORDINANCE #2, THE
ENTIRE 20' WIDE EASEMENT WILL BE
TAKEN FROM THE LOT.**

No area of special flood hazard exists within this
subdivision according to Flood Hazard Insurance Rate Map
Panel No. 48033C0125F, effective date: Jan. 6, 2012.

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.

STATE OF _____ COUNTY OF _____
 We, Constance Lee Wellington and Ricky Dale Wellington, do hereby certify that we are the owners of the within
 described lands and that the within plat was made at our 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.

Constance Lee Wellington

Ricky Dale Wellington

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.

Custer County Treasurer

ACKNOWLEDGMENT OF OWNERSHIP

STATE OF _____ COUNTY OF _____
 On this ___ day of ___, 2019, before me, a Notary Public, personally appeared Constance Lee Wellington
 and Ricky Dale Wellington, known to me to be the person(s) described in the foregoing instrument, and
 acknowledged to me that they signed the same.
 IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public
 My commission expires _____

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 ___, 2018.

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 ___, 2018.

Custer City Finance Officer

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.

Director of Equalization of Custer County

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

Prepared by

ANDERSEN ENGINEERS
 Land Surveyors, Professional Engineering, & Environmental Consultants

Drawn by RW	Date 4/30/2019	P.O. Box 446 Edgemont, SD 57735
Approved by McB	Date 5/1/2019	(605)-662-5500 andersenengineers@gwic.net
Scale 1"=200'	Sheet 1 of 1	File Name: TR_RAYMOND_SOUTH