

All Planning Commission Meetings are recorded.

CITY OF CUSTER
PLANNING AND ZONING COMMISSION AGENDA
Tuesday June 11th, 2019 at 5:00 P.M.
Custer City Hall, 622 Crook Street, Custer, SD 57730

1. Call to Order - Roll Call:
2. Approve Agenda: June 11th, 2019
3. Approve Minutes: May 28th, 2019
4. Declaration of Conflict of Interest:
5. Public Hearings:
 - a.
6. Old Business
 - a. —
7. New Business:
 - a. Minor Plat – Akers Subdivision, Plat of Tract Wendell 1, Tract Wendell 2 and Tract Effertz
 - b.
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

MINUTES OF THE May 28th, 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 (voting in place of Commissioner Maciejewski); Marc Moore – Alternate.

Members Absent: Larry Maciejewski.

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

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

Minutes: Commissioner Uhrich moved, with a second by Commissioner Hudson to approve the May 14th, 2019 minutes. Motion unanimously carried.

Declaration of Conflict of Interest: None stated.

Oath of Office – Planning Commission Member Fred Mills

Fred Mills read aloud and signed his Oath of Office

Public Hearings:

- a. Public Hearing – Conditional Use Permit Request Short Term Rental – 1118 Needles Drive
Planning Administrator provided a staff review of the proposal. Commissioner Mills moved, with a second by Commissioner Uhrich to approve the short-term rental Conditional Use Permit. Public input was gathered, and minor discussion was held mainly concerning the public notification process of the request. Commissioner Mills motion carried unanimously with Commissioners Johnson, Olson, Mills and Uhrich all voting Yes.

Old Business:

- a.

New Business:

- a. Minor Plat – A plat of J and J Tract, Wellington Tract, and a Private Access Easement
Planning Administrator and Planning Commissioners discussed the minor plat. Discussion included but was not limited to the recent plat involving such parcel and access into each parcel. After the discussion, Commissioner Hudson moved, with a second by Commissioner Olson to recommend approval of the minor plat by the Council. Hudson's motion unanimously carried with Commissioners Olson, Hudson, Mills, Uhrich, and Johnson 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 Uhrich to adjourn. Motion unanimously carried. The meeting adjourned at 6:08 pm.

Approved:

Attest:

Jerad Tennyson, Chairman

Tim Hartmann, Planning Administrator

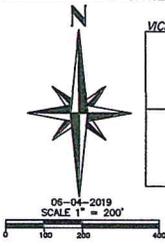
6/5/19

AKERS SUBDIVISION

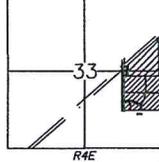
PLAT OF TRACT WENDELL 1, TRACT WENDELL 2, AND TRACT EFFERTZ
(FORMERLY TRACT WENDELL REVISED, TRACT WENDELL, TRACT LYLE-ROSE, LOT 1,
AND LOT 2 OF AKERS SUBDIVISION) LOCATED IN THE NE1/4 SE1/4 AND SE1/4 NE1/4
OF SECTION 33, T3S, R4E, B.H.M. CUSTER COUNTY, SOUTH DAKOTA

NUM	BEARING	DISTANCE
L1	N89°45'30"E	121.54'
L2	N0°07'42"W	33.09'
L3	S89°23'56"E	117.10'
L4	S6°43'41"E	163.67'
L5	N20°00'10"E	233.42'
L6	N20°03'07"E	28.86'
L7	N0°08'28"W	26.13'
L8	N0°08'28"W	155.89'
L9	N0°00'30"E	159.75'
L10	S2°26'40"W	160.44'
L11	S0°14'07"E	603.45'

NUM	DELTA	ARC	RADIUS	BEARING	DISTANCE
C1	1°22'14"	66.14'	2764.79'	N50°23'05"E	66.14'



VICINITY MAP (NO SCALE)



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 BUCKHORN SURVEYING
- CORNER FOUND THIS SURVEY REBAR WITH ALUMINUM CAP MARKED BRYANT RLS 2196
- CORNER FOUND THIS SURVEY B.L.M./G.L.O. BRASS MONUMENT
- POWER POLE
- P- CENTERLINE OF 20' POWER LINE EASEMENT

NOTE

FIRM PANEL 46033C 0400 F DATED JANUARY 09, 2012 INDICATES THERE IS NO PRESENCE OF A FLOOD HAZARD AREA WITHIN THE SUBDIVISION AREA REPRESENTED ON THIS PLAT

NOTE

A 20' WIDE UTILITY EASEMENT SHALL EXIST CENTERED ON ALL SUBDIVISION LOT LINES NOT ADJACENT TO PUBLIC RIGHTS-OF-WAY OR UNLIMITED 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.

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

US HIGHWAY 16 IS 120', AND STAGG ROAD IS 66' PUBLIC ACCESS AND UTILITY EASEMENTS AS PER SDCL 31-3-1. STAGG ROAD IS A 66' DEDICATED PUBLIC ACCESS AND UTILITY EASEMENTS AS PER SDCL 31-3-1.

NOTE

TRACTS WENDELL REVISED OF AKERS SUBDIVISION IS RECORDED IN PLAT BOOK 12 PAGE 683. LOTS 1-4 OF AKERS SUBDIVISION ARE RECORDED IN PLAT BOOK 12 PAGE 259. TRACTS WENDELL AND LYLE-ROSE OF AKERS SUBDIVISION ARE RECORDED IN PLAT BOOK 11 PAGE 430. TRACTS 1 AND AKERS OF AKERS SUBDIVISION ARE RECORDED IN PLAT BOOK 9 PAGE 193.

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 APPROVE AND DO HEREBY APPROVE THE SURVEY AND RETURN PLAT OF SAID LAND. WE FURTHER CERTIFY THAT COMPLIANCE OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION, AND SECTOR CONTROL REGULATIONS.

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

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

NOTARY PUBLIC: _____

BY COMMISSION EXPIRES: _____

I, WE _____ DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND SHOWN AND DESCRIBED HEREON AND THAT WE DO APPROVE AND DO HEREBY APPROVE THE SURVEY AND RETURN PLAT OF SAID LAND. WE FURTHER CERTIFY THAT COMPLIANCE OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION, AND SECTOR CONTROL REGULATIONS.

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ON THE _____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPROVED

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

NOTARY PUBLIC: _____

BY COMMISSION EXPIRES: _____

I, WE _____ DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND SHOWN AND DESCRIBED HEREON AND THAT WE DO APPROVE AND DO HEREBY APPROVE THE SURVEY AND RETURN PLAT OF SAID LAND. WE FURTHER CERTIFY THAT COMPLIANCE OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION, AND SECTOR CONTROL REGULATIONS.

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

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

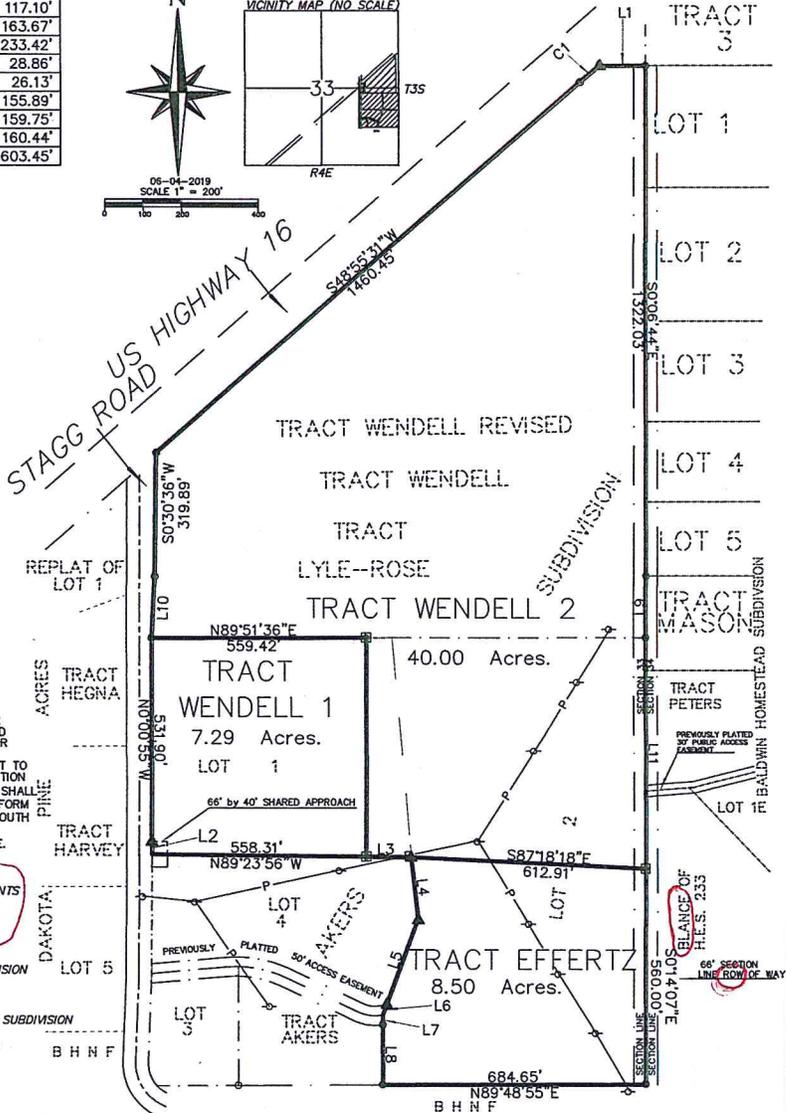
NOTARY PUBLIC: _____

BY COMMISSION EXPIRES: _____

STATEMENT OF SURVEYOR
FOR BUCKHORN SURVEYING INC
I, JACK H. KNUST, REGISTERED LAND SURVEYOR IN THE STATE OF SOUTH DAKOTA, DO HEREBY STATE THAT BEING SO AUTHORIZED, THE SURVEY AND RETURN PLAT OF THE LAND SHOWN AND DESCRIBED HEREON WERE MADE UNDER MY RESPONSIBLE SUPERVISION AND SUPERVISION AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE RETURN PLAT IS A REPRESENTATION OF SAID SURVEY. IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL.

THIS _____ DAY OF _____, 20____.

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



CERTIFICATE OF COUNTY TREASURER

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

TREASURER: _____

RESOLUTION OF GOVERNING BOARD STATE OF SOUTH DAKOTA CITY OF CUSTER

I, DIRECTOR OF THE PROPOSED ACCESS ROAD ADJACENT TO THE COUNTY OR STATE HIGHWAY OR THE CITY STREET, AS SHOWN HEREON IS HEREBY APPROVED. ANY CHANGE IN THE LOCATION OF THE PROPOSED ACCESS SHALL REQUIRE ADDITIONAL APPROVAL.

HIGHWAY AUTHORITY: _____

CERTIFICATE OF DIRECTOR OF EQUALIZATION
I, DIRECTOR OF EQUALIZATION OF CUSTER COUNTY DO HEREBY CERTIFY THAT I HAVE ON RECORD A COPY OF THE RETURN 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 OR 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, Akers Subdivision
Applicant: Mark Wendell
Location: East side of Stagg Road, at the intersection of Stagg Road and US HWY 16
Legal Desc.: Tract Wendell of Tract 1 in Sec. 3, T3S, R4E and Tract Lyle-Rose of Tract 1 in Sec. 3, T3S, R4E
Date Prepared: May 22, 2019
Planning Commission Meeting: June 11, 2019
Prepared by Tim Hartmann, Planning Administrator

GENERAL

The Plat is for a lot line adjustment (non-subdivision) that is not within the corporate limits of the City of Custer but is subject to approval by the City under the 3-mile extraterritorial jurisdiction. Individual wells and wastewater systems serve the proposed Tract Wendell 2 and Tract Effertz. A well is installed on the proposed Tract Wendell 1. Access is from Stagg Road.

This plat will shift two lot lines involving the existing Tract Wendell Revised (30.20 acres), Lot 1 of Tract 1 (8.50 acres), and Lot 2 of Tract 1 (17.09 acres). Creating the proposed Tract Wendell 2(40.00 acres), Tract Wendell 1 (7.29 acres) and Tract Effertz (8.50 acres).

This property is in the county and has no zoning.

COMPREHENSIVE PLAN

The Comprehensive Plan identifies this area for Rural Residential development.

ROUTING SHEET RESPONSES

SDDOT – No concerns.
CC ROD – Redline items.
CC Planning – Redline items.

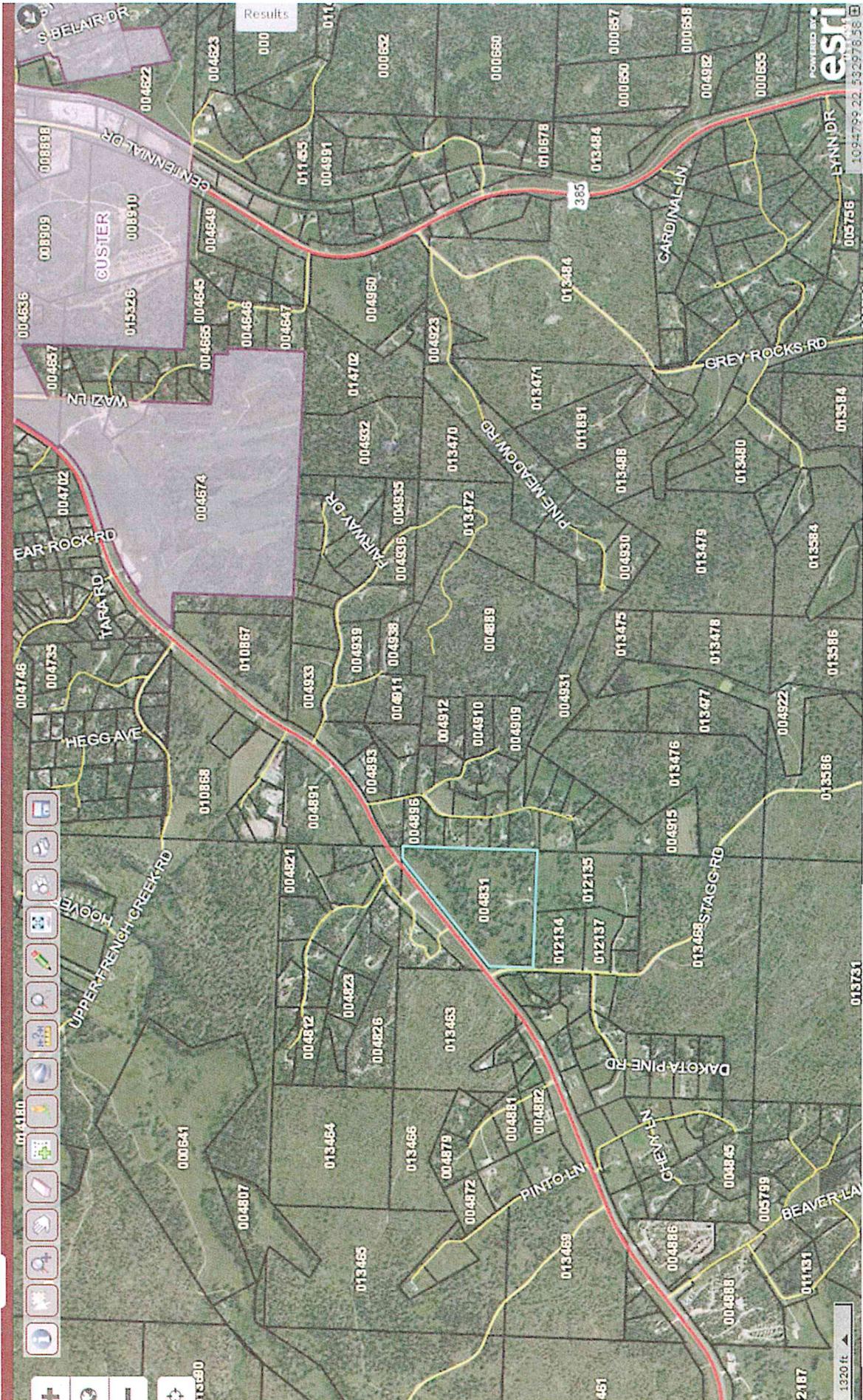
ACCESS

Existing access to the proposed Tract Wendell 1 and Tract Wendell 2 has been provided by Stagg Road.

The proposed Tract Effertz is accessed from Stagg Road, and then via a previously platted 50' Access Easement (Plat Book 9, page 193).

SUMMARY AND STAFF RECCOMENDATION

This plat is presented as a non-subdivision plat with no changes to the existing access points, established well and septic systems and all other applicable City and County subdivision standards appear to be met. Once the three final redline items are addressed by the surveyor staff supports approval. Staff is recommending a recommendation for approval to the City Council contingent upon redline items as presented in this packet being addressed.



Tim Hartmann

From: Lysann Zeller <lzeller@tie.net>
Sent: Thursday, June 6, 2019 1:54 PM
To: Tim Hartmann
Subject: Tuesday's P&Z Meeting

Hey Tim,

I just wanted to let you know that, if there's time available on the agenda, I am still planning to come to your P&Z meeting next Tuesday to talk about the comprehensive plan vision.

We are actually working on finalizing a draft vision statement and should have it sent to you soon, but I wanted to make sure I caught you in time for the agenda.

Thanks,

Lysann Zeller
Community Development Planner | GIS Specialist
Black Hills Council of Local Governments
730 East Watertown St., Suite 102 | Rapid City, SD 57701
P: (605) 394-2681 | E: lzeller@tie.net