

All Planning Commission Meetings are recorded.

CITY OF CUSTER
PLANNING AND ZONING COMMISSION AGENDA
Tuesday July 9th, at 5:00 P.M.
Custer City Hall, 622 Crook Street, Custer, SD 57730

1. **Call to Order - Roll Call:**
2. **Approve Agenda:** July 9th, 2019
3. **Approve Minutes:** June 23rd, 2019
4. **Declaration of Conflict of Interest:**
5. **Public Hearings:**
 - a. Public Hearing – Setback Variance Request, 1203 Bluebell Lane, Lot 2 of Block 2 – Woodland Estates
 - b.
6. **Old Business**
 - a.—
7. **New Business:**
 - a. Preliminary Plat – Spring Subdivision Lot 2R and Lot 3
 - b.
8. **Discussion Items:**
 - a.
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 June 25th, 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; Fred Mills – Alternate (voting in place of absent members); Marc Moore – Alternate (voting in place of absent members).

Members Absent: Larry Maciejewski; Kathy Johnson; Rick Hudson.

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

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

Minutes: Commissioner Mills moved, with a second by Commissioner Moore to approve the June 11th, 2019 minutes. Motion unanimously carried.

Declaration of Conflict of Interest: None stated.

Public Hearings:

- a. Public Hearing – Conditional Use Permit Request Short Term Rental – 511 Park Avenue
Planning Administrator provided a staff review of the proposal. Commissioner Uhrich, moved with a second by Commissioner Moore to approve the short-term rental Conditional Use Permit. The applicants were present and provided input and answered any questions of the commission. Commissioner Uhrich's motion carried unanimously with Commissioners Olson, Mills, Moore and Uhrich all voting Yes.

Old Business:

- a.

New Business:

- a. Minor Plat – Homestead Addition, Plat of Tract Matranga.
Planning Administrator and Planning Commissioners discussed the minor plat. Discussion included but was not limited to the Homestead Drive Right of Way and the approximately 20' Right of Way adjacent to the parcel. After the discussion, Commissioner Uhrich moved, with a second by Commissioner Moore to recommend approval of the minor plat by the Council. Uhrich's motion carried unanimously.
- b. Minor Plat – Beaver Lake Campground Subdivision, Plat of Tract Beaver Lake Campground and Tract Hammer
Planning Administrator and Planning Commissioners discussed the minor plat. Discussion included but was not limited to the portion of lot line being adjusted and any nearby structures and setbacks of such. 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:

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 Uhrich moved, with a second by Commissioner Olson to adjourn. Motion unanimously carried. The meeting adjourned at 5:30 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: Carport Setback Variance CMC 15.08.055
Applicant: Derrick Reifenrath
Fee Paid: \$250.00
Location: Lot 2 of Block 2 - Woodland Estates, 1203 Bluebell Lane
Date: July 2, 2019
Planning Commission Meeting: January 09, 2019
Prepared by Tim Hartmann, Planning Administrator

GENERAL

The planning office has received a request for a setback variance of a proposed manufactured steel carport. A single-family home with an attached garage and detached garden shed currently exist on the property. The owner has proposed an 18' x 10' carport to be placed from the south/east corner of the garage. The proposed carport would be placed 12.5' from the front property line and about 18' from the curb of Bluebell Lane. Per CMC 15.08.055 a standard front carport setback is 20', therefore requiring a variance of 7.5'. No concerns with the side setbacks exist.

Bluebell Lane is a 50' Right-of-Way.

VARIANCE

The variance request is to allow a variance from Custer Municipal Code 15.08.055. CMC requires a carport be setback 20' from the front property line. If granted the carport would be setback 12.5' from the Bluebell Lane ROW. The 0.30-acre property may be restricted from a building standpoint due the standard size lot having no alley access from the rear.

PUBLIC HEARING

A Public Hearing will also be held at the August 5, 2019 Board of Adjustment Meeting.

622 Crook Street
Custer, SD 57730

Planning Department

Phone: (605) 673-4824

Fax: (605) 673-2411

VARIANCE PERMIT APPLICATION

Applicant Information		
Applicant <u>Derrick Reifemuth</u>		
Address <u>1203 Bluebell Ln</u>		
<u>Custer</u>	<u>SD</u>	<u>57730</u>
City	State	Zip
Phone <u>605-252-5345</u>		
E-mail: <u>dreifemr@gmail.com</u>		

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

PROPERTY INFORMATION

Describe Current Use Owner Occupied home

Project Address 1203 Bluebell Ln

Lot 2 Block 2 Legal description Woodland Estates - Lot 2 Block 2 (Replat of block 2) 0.30 AC, Custer City

Size 0.30 (acres) (square feet) Zoning District Residential Water City Sewer City

REGULATION EXCEPTION

Describe Regulation Exception Install 18' x 10' Manufactured Steel Carport 18' 5" from front road curb & 12' 5" from front property line. Property line is 6' back from curb. There are no utilities in front of property. Carport will be 29' & 30' from side property lines.

Applicant Signature [Signature] Date 6/10/19

(Required) Owner's Signature [Signature] Date 6/10/19

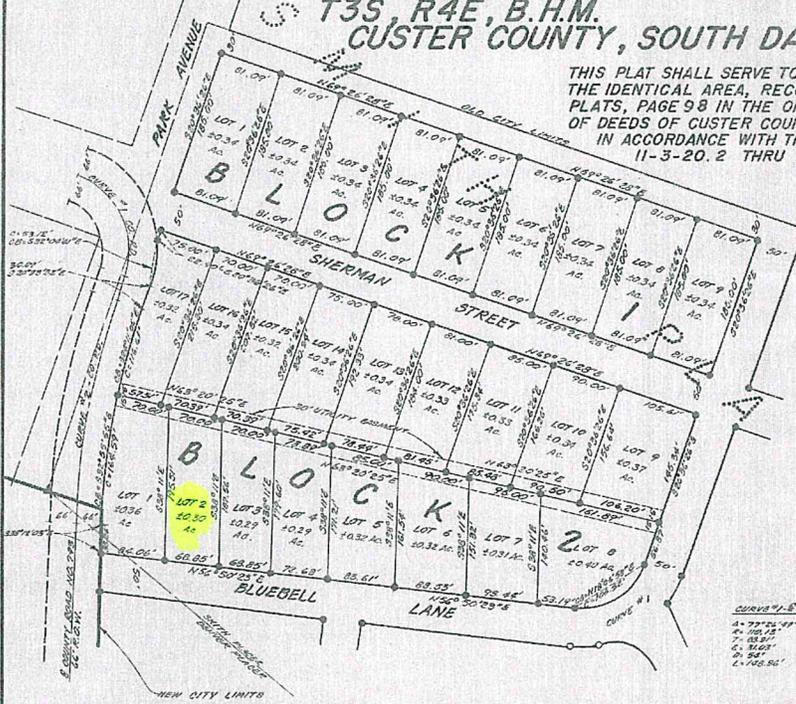
Office Use Only	
Date Filed	_____
Permit Fee	<u>1250.00</u>
Permit / Receipt number	<u>46557</u>
Received By	<u>InH/KC</u>
Date	<u>6/10/19</u>

REPLAT OF BLOCK 2 AND PLAT OF
 BLOCK 1 (SAME AS PREVIOUSLY
 PLATTED) OF WOODLAND ESTATES
 ADDITION TO THE CITY OF CUSTER
 CITY, CUSTER, SOUTH DAKOTA. A
 SUBDIVISION OF PORTIONS OF SMITH
 PLACER NO. 507 AND DENVER PLACER
 NO. 701. LOCATED IN E 1/2 SECTION 25,
 T3S, R4E, B.H.M.
 CUSTER COUNTY, SOUTH DAKOTA

THIS PLAT SHALL SERVE TO VACATE THE PLAT FOR
 THE IDENTICAL AREA, RECORDED AS BOOK 9 OF
 PLATS, PAGE 98 IN THE OFFICE OF THE REGISTER
 OF DEEDS OF CUSTER COUNTY, SOUTH DAKOTA
 IN ACCORDANCE WITH THE PROVISIONS OF S.D.C.L.
 11-3-20.2 THRU 11-3-20.4

COUNTY ROAD & CURVE DATA

CURVE #1	CURVE #2
8° 59' 40"	11° 47' 40"
R=100.00'	R=125.00'
L=100.00'	L=125.00'
P=51.52'	P=51.52'
D=60'	D=60'
L=150.20'	L=201.51'

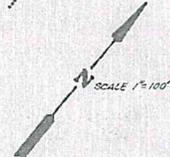


PREPARED BY
BRYANT SURVEYING
 CUSTER, SOUTH DAKOTA
 JULY, 1980

LEGEND:
 ● INDICATES CORNER SET
 IN THIS SURVEY WITH
 REBAR AND CAP MEASURED
 BY THE S.D.C. 2196
 ○ INDICATES REBAR AND NO
 CAP SET IN THIS SURVEY
 ▲ INDICATES BRASS CAP
 FOUND

CURVE #1 & 2

11° 47' 40"
R=125.00'
L=125.00'
P=51.52'
D=60'
L=201.51'



STATE OF SOUTH DAKOTA
 COUNTY OF CUSTER s.d.

I, We Leonard J. Wood & Orville Wood

do hereby certify that we are the owners of the tract of land shown and described hereon, that the survey was done at our request for the purpose indicated hereon, and that we do hereby approve the survey and within plat of said land.

In witness whereof, we have hereunto set our hand and seal.

Witness: Leonard J. Wood
Orville Wood

On the 15th day of Sept, 1980, before me, a Notary Public, personally appeared Leonard J. Wood & Orville Wood

known to me to be the persons described in the foregoing instrument and acknowledged to me that they signed the same.

Notary Public: Frank A. Bryant
 My commission expires: Sept 18, 1981

CERTIFICATE OF CITY FINANCE OFFICER

I, Finance Officer of Custer City, do hereby certify that all taxes which are liens upon the within described lands are fully paid according to the records of my office.

Dated this 15th day of Sept, 1980.
 Finance Officer: _____

CERTIFICATE OF COUNTY TREASURER

I, Treasurer of Custer County, do hereby certify that all taxes which are liens upon the within described lands are fully paid according to the records of my office.

Dated this 18th day of September, 1980.
 County Treasurer: Walter Schneider, Deputy

CERTIFICATE OF DIRECTOR OF EQUALIZATION

I, Director of Equalization of Custer County, do hereby certify that I have on record in my office a copy of the within described plat.

Dated this 22nd day of December, 1980.
 Director of Equalization: Barbara Reed, Deputy

STATEMENT
 SUBMITTED FOR USE OF SAME
 PROPERTY TO BE USED FOR
 RECREATIONAL PURPOSES

BASED FOR DEARNESS
 RECORDED BEHIND OF
 EAST LINE OF PLACER
 ACROSS SECOND ADDITION
 TO THE CITY

CERTIFICATE OF SURVEYOR

I, Frank A. Bryant, Registered Land Surveyor No. 2196 of the State of South Dakota, do hereby certify that being so authorized, I made the survey and within plat of the land shown and described hereon and that the same is, in all things, true and correct.

Registered Land Surveyor: Frank A. Bryant

On the 15th day of September, 1980, before me, a Notary Public, personally appeared Frank A. Bryant, known to me to be the person described in the foregoing instrument and acknowledged to me that he signed the same.

Notary Public: Eric A. Bryant
 My commission expires: October 11, 1985

RESOLUTION BY GOVERNING BOARD

STATE OF SOUTH DAKOTA
 COUNTY OF CUSTER
 CITY OF CUSTER CITY s.d.

I, Finance Officer of Custer City, do hereby certify that an official meeting held on the 2 day of September, 1980,

the Custer City Council by RESOLUTION did approve the plat as shown hereon.

Finance Officer: Barbara Reed

STATE OF SOUTH DAKOTA, COUNTY OF CUSTER s.d. 45646

Filed this 8th day of October, 1980, at 11:50 o'clock A.M.

BOOK 9 PLATS PAGE 109
 Register of Deeds: Shannon Wright





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 28 day of June, 20 19.

Signed

Derrick Reifeurath

Name Printed

STATE OF SOUTH DAKOTA

COUNTY OF Custer

Subscribed and sworn before me this the 28 day of June, 20 19.

Notary Signature

Sydney M. Gramkow
Notary Name Printed

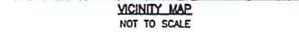
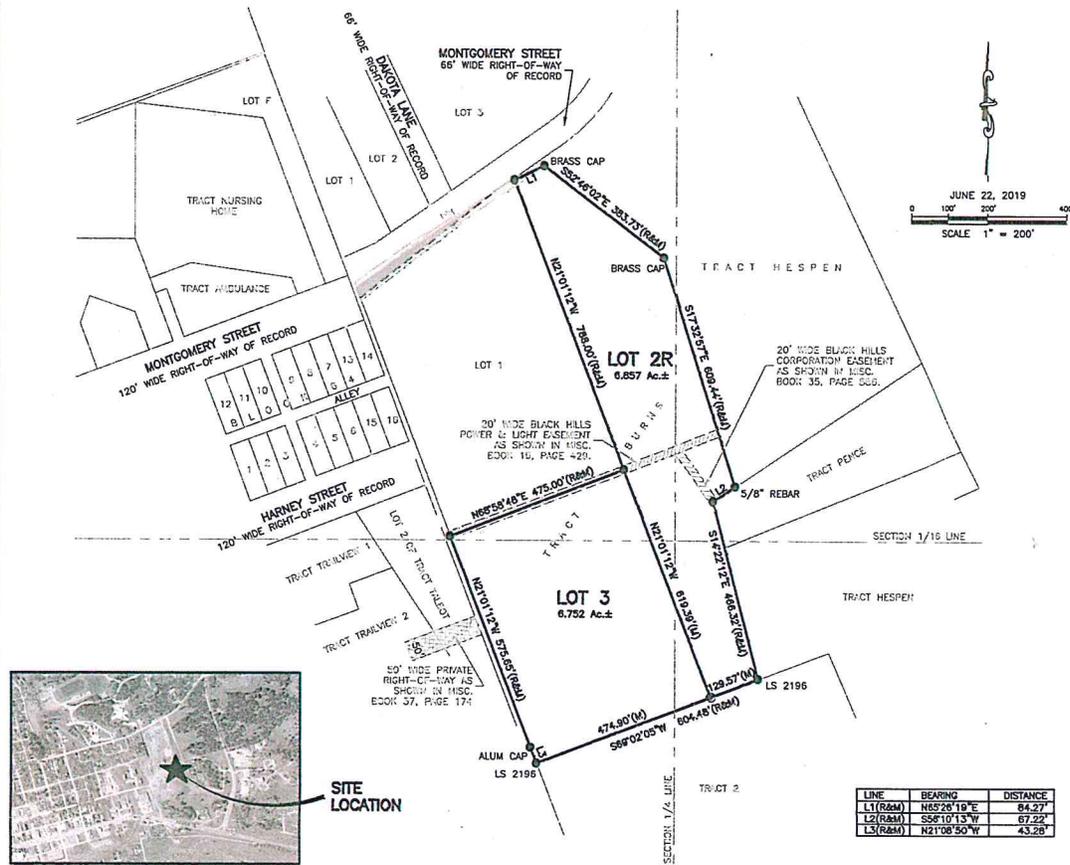
June 7th 2024
Commission Expires

A
6/24/19

SPRING SUBDIVISION

LOTS 2R AND 3 OF TRACT BURNS OF TRACT 1 AND 3 OF TRACT W OF CLARK PLACER M.S. 506 AND HALL PLACER M.S. 594

(formerly Spring Subdivision Lots 1-2 of Tract Burns of Tract 1 and 3 of Tract W of Clark Placer M.S. 506 and Hall Placer No. 594)
LOCATED IN SECTION 24, T3S, R4E, BHM, CUSTER COUNTY, SOUTH DAKOTA



NOTE:
FLOOD PLAN DOES NOT EXIST ON SUBJECT PROPERTY.
PREVIOUS PLAT OF SUBJECT PROPERTY IS SHOWN ON PLAT BOOK 12, PAGE 640.

PURSUANT TO SDCL 11-3-5.1 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 OWNERSHIP
State of South Dakota
County of Custer S.S.

I, the undersigned do hereby certify that I am the owner of the tract of land shown and described herein, that said land is free from any encumbrance, that I did authorize and do hereby approve the survey and within plot of said land for the purposes indicated herein. I further certify that the development of this land shall conform to all existing applicable zoning, subdivision, erosion and sediment control regulations.

Any land shown on the within plot as dedicated to public right-of-way is hereby dedicated to public use and public utility use as such forever, but such dedication shall not be construed to be a donation of the fee of such land.

In witness whereof, I have set my hand and seal.
OWNER: Matthew Hesperen

On the _____ day of _____, 20____, before me, a Notary Public, personally appeared Matthew Hesperen, known to me to be the person described in the foregoing instrument and acknowledged to me that he signed the same.

NOTARY PUBLIC: _____
My commission expires: _____

CERTIFICATE OF DIRECTOR OF EQUALIZATION
I, Director of Equalization of Custer County, do hereby certify that I have received a copy of such plat.
Dated this _____ day of _____, 20____.

APPROVED: _____
Director of Equalization Custer County

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 _____, 20____.
City Finance Officer

LEGEND
⊙ Denotes set rebar with survey cap marked "Renner - Assoc. 9213"
● Denotes Found Survey Monument marked LS 9213, unless otherwise noted.
(R) Denotes Recorded in previous plat or description.
(M) Denotes Measured in this survey.

Basis of Bearings: Geodetic North as determined by Global Positioning System. (GPS) WGS 84.

UTILITY EASEMENT: 10' wide on the interior sides of all side and rear lot lines.



CERTIFICATE OF SURVEYOR
State of South Dakota
County of Pennington S.S.

I, Eric D. Howard, Registered Land Surveyor No. 9213 in the State of South Dakota, do hereby certify that at the request of the owners listed herein, I have surveyed the tract of land shown, and to the best of my knowledge and belief, the within plot is a representation of said survey. Easements or restrictions of miscellaneous record or private easements that are not known to me are not shown herein.

In witness whereof, I have hereunto set my hand and seal.
Eric D. Howard, Registered Land Surveyor Date: _____

RESOLUTION OF CITY COUNCIL
Whereas there has been presented to the City Council of Custer, South Dakota, the within plot of the above described lands, and it appearing to the Council that said plot conforms to the existing plats of said City, that the 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 the said plot and the survey thereof have been executed according to law.

Now therefore, BE IT RESOLVED, that said plot is hereby approved in all respects.
Dated at Custer, South Dakota this _____ day of _____, 20____.

Mayor _____ Finance Officer _____

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.

Dated this _____ day of _____, 20____.
Highway Authority _____

CERTIFICATE OF COUNTY TREASURER
I, Treasurer of Custer County, do hereby certify that all taxes that are liens upon any land included within the Plat, as shown by the records of his/her office, have been fully paid.
Dated this _____ day of _____, 20____.

Treasurer of Custer County _____

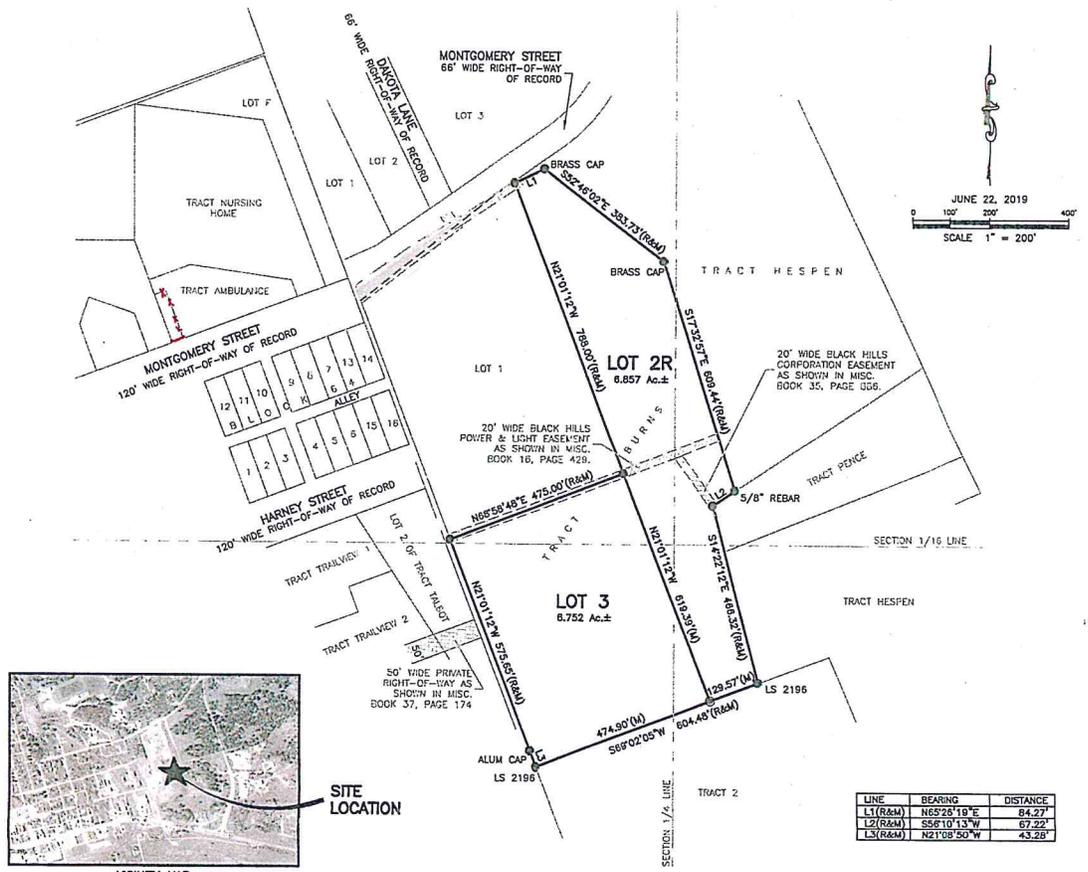
CERTIFICATE OF REGISTER OF DEEDS
State of South Dakota
County of Custer S.S.

Filed this _____ day of _____, 20____, at _____ o'clock _____ M.,
in Book _____ of Plots, Page _____
Fee: \$ _____
Register of Deeds

Redline

6/24/19

SPRING SUBDIVISION
LOTS 2R AND 3 OF TRACT BURNS OF
TRACT 1 AND 3 OF TRACT W OF CLARK PLACER M.S. 506 AND HALL PLACER M.S. 594
 (formerly Spring Subdivision Lots 1-2 of Tract Burns of Tract 1 and 3 of Tract W of
 Clark Placer M.S. 506 and Hall Placer No. 594)
 LOCATED IN SECTION 24, T3S, R4E, BHM, CUSTER COUNTY, SOUTH DAKOTA



VICINITY MAP
NOT TO SCALE

An area of special flood hazard does not exist on.....

NOTE:
FLOOD-PLAIN DOES NOT EXIST ON SUBJECT PROPERTY.
PREVIOUS PLAT OF SUBJECT PROPERTY IS SHOWN ON PLAT BOOK 12, PAGE 640.

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.

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Any land shown on the within plat as dedicated to public right-of-way is hereby dedicated to public use and public utility use as such forever, but such dedication shall not be construed to be a donation of the fee of such land.
In witness whereof, I have set my hand and seal.

OWNER:
Matthew Hespen

On the ____ day of _____, 20____, before me, a Notary Public, personally appeared Matthew Hespen, known to me to be the person described in the foregoing instrument and acknowledged to me that he signed the same.

NOTARY PUBLIC:
My commission expires: _____

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I, Director of Equalization of Custer County, do hereby certify that I have received a copy of such plat.
Dated this ____ day of _____, 20____

Director of Equalization Custer County

APPROVED:

Director of Equalization Custer County

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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 _____, 20____.

City Finance Officer

- LEGEND**
- ⊙ Denotes set rebar with survey cap marked "Renner - Assoc. 9213"
 - ⊛ Denotes Found Survey Monument marked "LS 9213, unless otherwise noted."
 - (R) Denotes Recorded in previous plat or description.
 - (M) Denotes Measured in this survey.

Base of Bearings: Geodetic North as determined by Global Positioning System, (GPS) WGS 84.

UTILITY EASEMENT: 10' wide on the interior sides of all side and rear lot lines.

CERTIFICATE OF SURVEYOR
State of South Dakota
County of Pennington S.S.

I, Eric D. Howard, Registered Land Surveyor No. 9213 in the State of South Dakota, do hereby certify that at the request of the owners listed herein, I have surveyed the tract of land shown, and to the best of my knowledge and belief, the within plat is a representation of said survey. Easements or restrictions of miscellaneous record or private easements that are not known to me are not shown herein.
In witness whereof, I have hereto set my hand and seal.

Eric D. Howard, Registered Land Surveyor Date: _____

RESOLUTION OF 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 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 the said plat and the survey thereof have been executed according to law.

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Dated at Custer, South Dakota this ____ day of _____, 20____.

Mayor Finance Officer

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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.
Dated this ____ day of _____, 20____.

Highway Authority

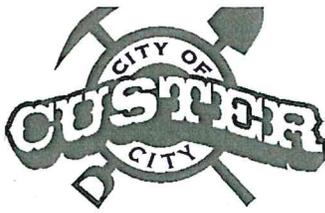
CERTIFICATE OF COUNTY TREASURER
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Dated this ____ day of _____, 20____.

Treasurer of Custer County

CERTIFICATE OF REGISTER OF DEEDS
State of South Dakota
County of Custer S.S.

Filed this ____ day of _____, 20____ at ____ o'clock ____ M.
in Book ____ of Plots, Page ____.

Register of Deeds Fee: \$ _____



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

Staff Report

Request: Preliminary Plat, Spring Subdivision Lots 2R & 3
Applicant: Matt Hesper
Legal Desc.: Spring Subd - Lots 2R and 3 - See Plat for full legal
Fee Paid: \$650.00
Date Prepared: July 5, 2019
Planning Commission Meeting: July 9, 2019
Prepared by Tim Hartmann, Planning Administrator

GENERAL

This plat is for a subdivision of land adjacent to the E, N/E side of the City. Per SDCL 11-3-6 the City is responsible for reviewing and approving plats adjoining the City. The proposed plat will divide the existing Lot 2 (13.608 acres) into two proposed lots, Lot 3 (6.752 acres) and Lot 2R (6.857 acres). The existing Lot 2 currently does not have any structures upon such.

The proposed plat is the initial phase of some planned development with this parcel and area East of the new Custer Regional Hospital.

The area is currently in the county and therefore has no zoning.

COMPREHENSIVE PLAN

The plat is within the area projected as Suburban Residential on the Comprehensive Plan.

ROUTING SHEET RESPONSES

SDDOT – No concerns.
CC Planning – Legal desc.

ACCESS AND PUBLIC SERVICES

Access to the proposed Lot 3 will be primarily provided by the 50' in width Crook Street Right of Way. After completion of this plat, the proposed Lot 3 may be incorporated within the adjacent Lot 1.

The remaining portion of existing Lot 2, the proposed Lot 2R will retain access directly from Montgomery Street.

City water and sewer services are available near the West property line of the proposed Lot 3 within the Crook Street Right of Way. Water services have also been stubbed just past the N/E corner of the neighboring Lot 1.

City staff will continue to research recommendation and requirements pertaining to water and sewer extensions.

ANNEXATION AND ZONING

City staff and City legal counsel will continue to discuss and research annexation and zoning for the proposed parcels.

STAFF RECCOMENDATIONS

Staff recommends the Planning Commission assist staff in developing recommendations for any specific improvements and conditions for plat approval, and then recommend approval of the preliminary plat by the Council.