

**CITY OF CUSTER PLANNING AND ZONING COMMISSION
AGENDA**

**Tuesday August 14th, 2018 at 5:00 P.M.
Custer City Hall, 622 Crook Street, Custer, SD 57730**

Call to Order - Roll Call:

Approve Agenda: August 14, 2018

Approve Minutes: June 10, 2018

Declaration of Conflict of Interest:

New Business:

Minor Plat – Plat of Tract Kuehl and Tract Morrow

Sketch Plan – Lot 7 & 8 of Block 118 plus Vacated Gordon Street

Old Business:

Discussion Items:

Revisions to the 2031 Comprehensive Plan

Planning Administrator Updates:

Communications from The Public:

Harassment Video:

Adjournment:

DRAFT
MINUTES OF THE July 10th, 2018 MEETING OF THE OF THE CITY OF
CUSTER PLANNING COMMISSION

Roll Call: 5:00 pm

Members Present: Jerad Tennyson-Chairman; Joe Uhrich-Vice Chairman; Joe Harbach; Scott Olson; Rick Hudson; Larry Maciejewski.

Members Absent: John Dvorak; Tim Behlings – Alternate.

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

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

Minutes: Commissioner Hudson moved, with a second by Commissioner Olson to approve the June 26th, 2018 minutes. Motion unanimously carried.

Declaration of Conflict of Interest: None stated.

New Business:

Minor Plat – Keupp Subdivision (Tract Spargur and Tract Kitty Revised). Planning Administrator and Planning Commissioners discussed the plat. Discussion included but was not limited to the encroachment being addressed, the lot line being adjusted and zoning setback compliance with the lot line adjustment. After the discussion, Commissioner Uhrich moved, with a second by Commissioner Olson, to recommend approval of the minor plat by the Council, as presented. Motion Unanimously carried.

Potential Development of Lots 1,2,3,10,11 & 12 of Block 108. Planning Administrator and Planning Commissioners discussed, with input from the public, the potential development in the west half of Block 108. After the discussion, Commissioner Harbach moved, with a second by Commissioner Uhrich, to recommend the property owner and/or developer provide sewer services, water services, and an adequate access road (as designed by Custer Municipal Code Chapter 16) to the property and individual units at the cost of the property owner and/or developer.

Old Business:

Discussion Items:

Discussion of the Feb 2018 Custer Comprehensive Housing Study. Planning Administrator and Commission explained and updated new members on the comprehensive study. A brief discussion was held concerning the housing study and potential housing opportunities.

Planning Administrator Updates

Planning Administrator and commission members gave various updates.

Communications from The Public

Mike Carter, Custer County Emergency Manager, provided comment and thanked the Commission for consideration on the importance of safety response and quality infrastructure while reviewing developments.

Adjournment:

Being no further business before the Commission, Commissioner Uhrich moved, with a second by Commissioner Maciejewski to adjourn. Motion unanimously carried. The meeting adjourned at 5:46 pm.

Approved:

Attest:

Jerad Tennyson, Chairman

Tim Hartmann, Planning Administrator

TRACT KUEHL AND TRACT MORROW

CONTAINING ALL OF TRACT MORRIS OF TRACT BOWDEN OF TRACT A (LESS LOT H1), TRACT TURNER OF TRACT BOWDEN OF TRACT A (LESS LOT H1), AND THAT PORTION OF VACATED TRACT FREEWAY LYING ADJACENT TO SAID LOTS, ALL IN THE CITY OF CUSTER, CUSTER COUNTY, SOUTH DAKOTA

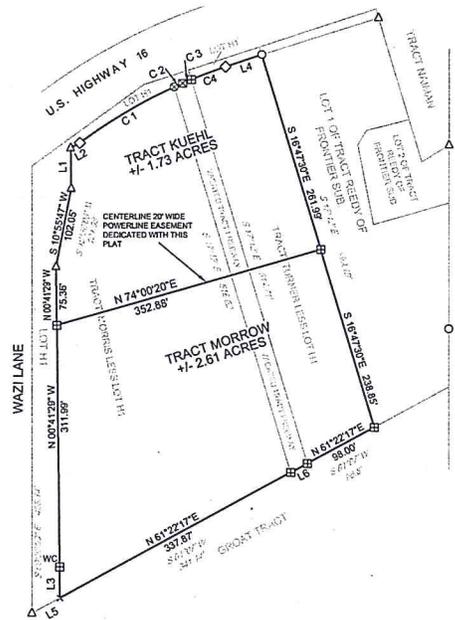
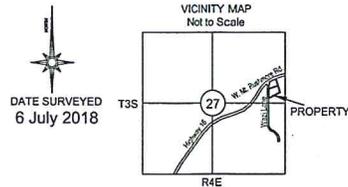
NOTE: See Book 1 of Plats on Page 139 for plat of Tract Morris.

NOTE: See Book 5 of Plats on Page 35 for plat of Lot H1 of Tract Morris.

NOTE: See misc. book 46M on page 350 for the resolution vacating Tract Freeway.

NOTE: See Book 1 of Plats on Page 142 for plat of Tract Turner.

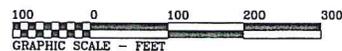
NOTE: See Book 5 of Plats on Page 23 for plat of Lot H1 of Tract Turner.



LEGEND

- △ Found rebar with Aluminum Cap marked "Bryant RLS 2195"
 - △ Found "T" bar
 - ⊠ Set rebar with aluminum cap marked "ANDERSEN PELS 2842"
 - × Angle point not monumented
 - Found rebar
 - ⊙ Set "PK" nail in asphalt
- SLANT LETTERING DENOTES RECORD CALLS*

BASIS OF BEARING - GPS OBSERVATION
taken S 63°48'32"E 183.89' from the NW corner of Tract Morris.



Course	Bearing	Distance
L1	S 00°28'26" E	52.10'
L1	S 00°28'26" E	52.10'
L2	S 60°55'20" W	13.51'
L2	S 59°14'30" W	10.90'
L3	N 00°41'29" W	40.00'
L3	S 00°00" W	
L4	N 71°22'56" E	49.12'
L4	N 71°04'30" E	38.11'
L5	N 61°22'17" E	40.96'
L5	N 60°44'30" E	40.50'
L6	N 61°22'17" E	24.40'
L6	N 61°10" E	24.40'

Curve	Radius	Tangent	Length	Delta	Degree	Chord	Chord Bear.
C1	676.20'	70.90'	141.29'	11°58'19"	8°26'24"	141.04'	N 59°15'54" E
C2	676.20'	6.02'	12.03'	1°01'10"	8°28'23"	12.03'	N 65°45'39" E
C3	676.20'	6.01'	12.02'	1°01'05"	8°28'24"	12.02'	N 66°46'51" E
C4	676.20'	23.48'	46.95'	3°56'41"	8°28'24"	46.94'	N 69°16'39" E
C4	676.20'	23.48'	46.95'	3°56'41"	8°28'24"	46.94'	N 69°16'39" 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.

An area of special flood hazard exists within this subdivision according to Flood Hazard Insurance Rate Map Panel No. 46033C0113F, effective date: Jan. 6, 2012. The placement of fill, any new construction, substantial improvements, or another development within the 100-year flood plain as designated by the County's Flood Insurance Rate Maps and Flood Boundary and Floodway Maps, shall be in conformity with the City of Custer City's Flood Ordinance.

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 ___, 2018.

John D. McBride SDRLS No. 5906

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

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 ___, 2018.

Director of Equalization of Custer County

STATE OF _____ COUNTY OF _____

Black Hills Pizza Hut, Inc., does hereby certify that it is the owners 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 ___, 2018.

Jody Maruska (President)

ACKNOWLEDGMENT OF OWNERSHIP

STATE OF _____ COUNTY OF _____
On this ___ day of ___, 20___, before me, the undersigned officer, personally appeared Jody Maruska, who acknowledged himself to be the President of Black Hills Pizza Hut, Inc., a corporation, and that he, as such President being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as President.
IN WITNESS WHEREOF I hereunto set my hand and official seal.

Notary Public

My commission expires _____

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 ___, 2018.

Custer County Treasurer

OFFICE OF THE REGISTER OF DEEDS

Filed for record this ___ day of ___, 2018, at ___ o'clock ___ M, and recorded in Book ___ of Plats on page ___.

Custer County Register of Deeds

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

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

Drawn by RW	Date 7/14/2018	P.O. Box 446 Edgemont, SD 57735 (605)-662-5500 andersenengineers@qtvc.net
Approved by DR	Date 7/15/2018	
Scale 1"=100'	Sheet 1 of 1	File Name: TRACT_MORRIS_2018_FLAT_MORROW_KUEHL



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

Staff Report

Request: Minor Plat, Tract Kuehl and Tract Morrow
Applicant: Black Hills Pizza Hut, Inc
Location: Just East of the Intersection of US Hwy 16 and Wazi Lane
Legal Desc.: A Plat of Tract Kuehl and Tract Morrow - See Plat for full legal
Fee Paid: \$125.00
Date Prepared: July 19, 2018
Planning Commission Meeting: August 14, 2018
Prepared by Tim Hartmann, Planning Administrator

GENERAL

This plat is for a lot line adjustment with two parcels that are within the corporate limits of the City of Custer. City utilities serve the proposed Tract Kuehl. Proposed Tract Morrow could be connected to city services if needed.

The area was annexed into the city in 2008 but currently has no zoning.

The plat is performing a lot line adjustment. The existing N/S lot line between the existing Tract Morris and Tr Turner is proposed to be eliminated. The parcel will then be divided with an E/W property line placed in conjunction with an overhead power service crossing the property. An easement has been dedicated along the bisecting property line to provide easement for the power line.

COMPREHENSIVE PLAN

The land use section of the Comprehensive Plan identifies this area as Suburban Commercial.

ROUTING SHEET RESPONSES

SDDOT – Additional access locations from US16 will not be permitted.
CC ROD – Items incorporated into red line plat sent to surveyor.
CC Planning - Items incorporated into red line plat sent to surveyor.
Custer City Public Works – No concern with an approach and access from Wazi Lane.

ACCESS

Existing access to the area is provided from W Mount Rushmore Road/ Hwy 16.

Proposed Tract Kuehl will contain approximately 144 feet of frontage on W Mount Rushmore Road. Access will remain from W Mount Rushmore Rd/Hwy 16. Note SDDOT routing response.

Proposed Tract Morrow will be accessed directly from Wazi Lane on the West.

Wazi Lane right of way (ROW) notes

- Lot H-1, 40.96' width of ROW was acquired for highway right of way purposes adjacent to the property being platted (Tract Morris) in the mid-1970s.
- Wazi Lane is constructed on Tract Mae of Tract A, approximately 15' from the adjacent Lot H-1 property line. No specific right of way can be found on the neighboring Tract Mae of Tract A as this parcel is and has been City owned and therefore public.

REGULATORY FLOODPLAIN

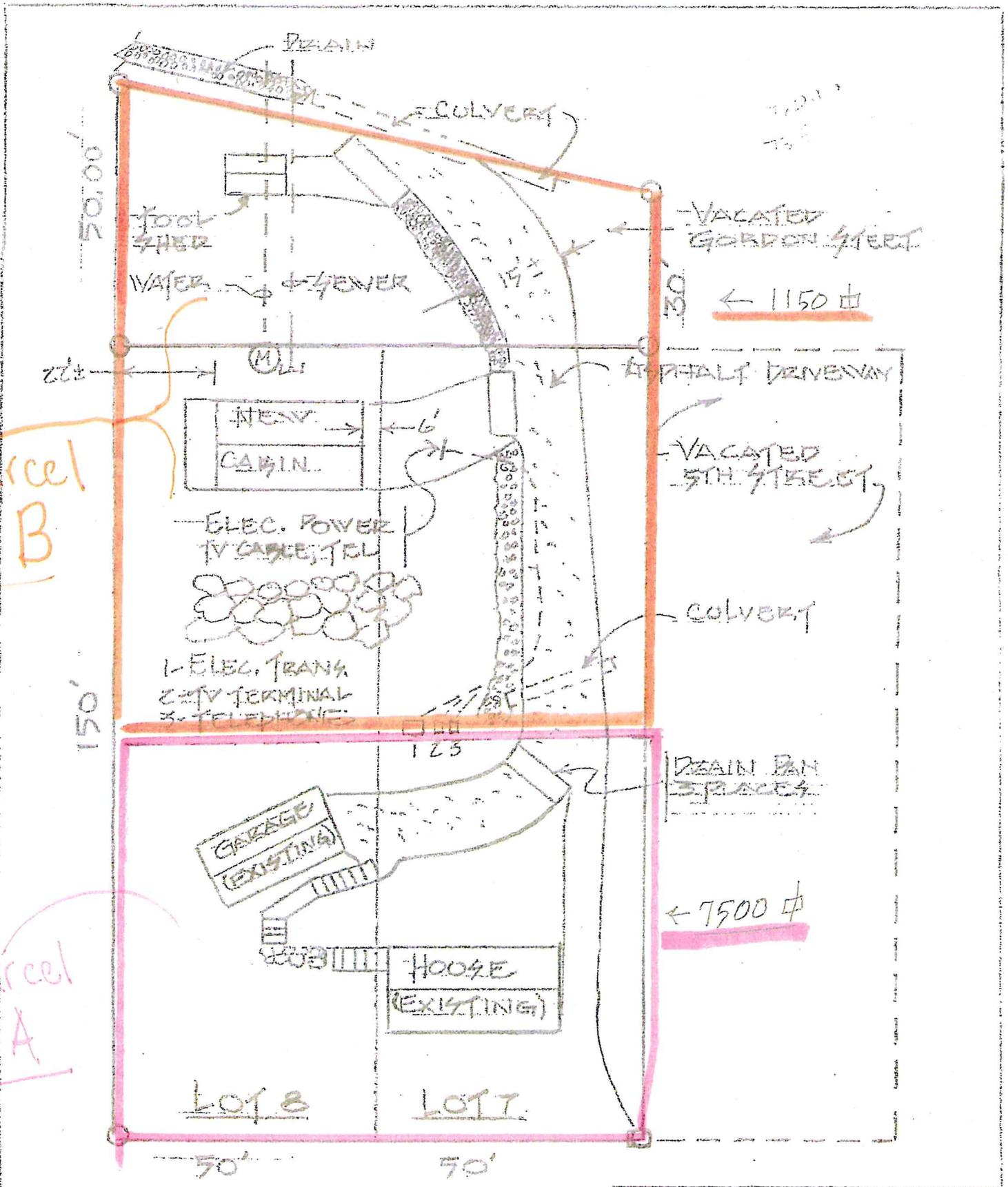
A large portion of the proposed Tract Morrow is affected by are in the floodway. The presence of the flood hazard has been noted on the plat. All work and/or development within the floodplain will be governed by Custer Municipal Code Chapter 15.16, Flood Damage Prevention.

SUMMARY AND STAFF RECCOMENDATION

Staff supports a recommendation to Council for approval of the Minor Plat.

Parcel B

Parcel A



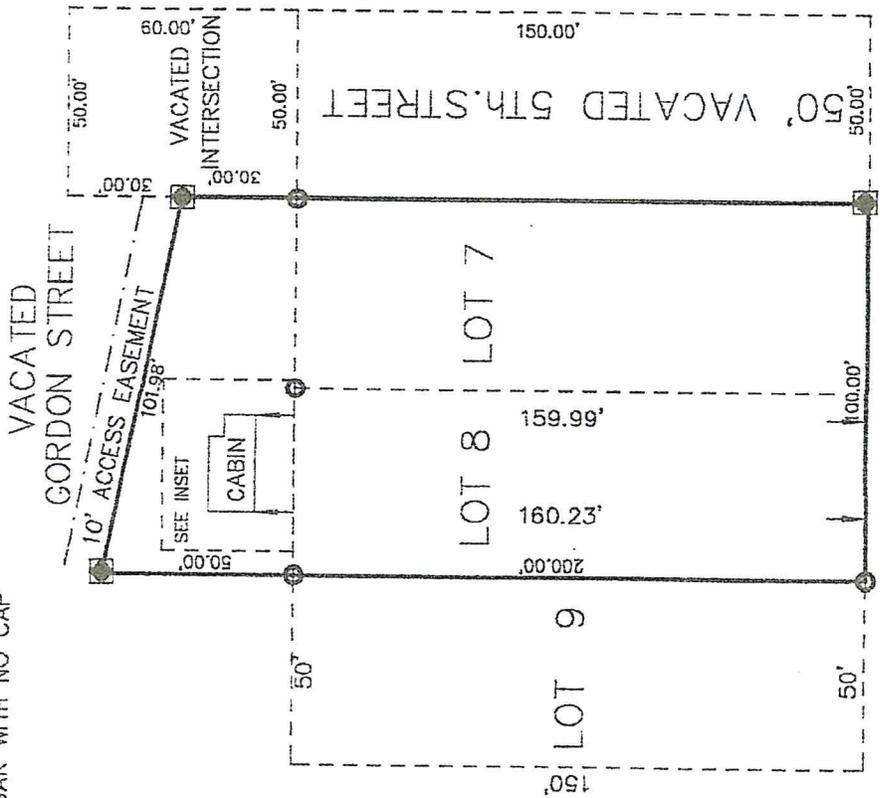
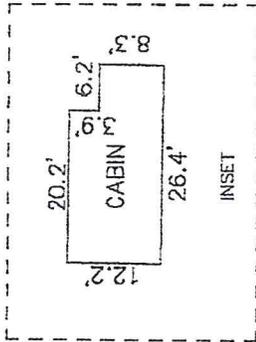
SITE PLAN
 GUEST CABIN

HOUSE LOCATION SURVEY ON:

LOTS 7 AND 8 OF BLOCK 118 AND PORTIONS OF VACATED GORDON STREET. CUSTER CITY, SOUTH DAKOTA

LEGEND

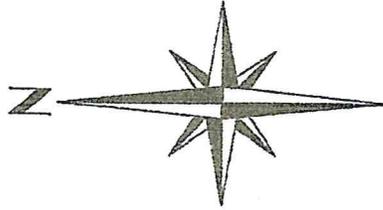
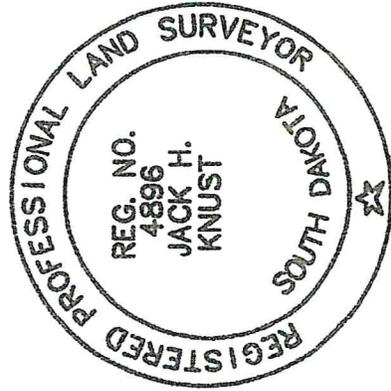
- CORNER SET THIS SURVEY
REBAR WITH ALUMINUM CAP
MARKED BUCKHORN SURVEYING
R.L.S. 4896
- CORNER FOUND THIS SURVEY
REBAR WITH NO CAP



Statement of surveyor
I, Jack H. Knust, Registered
Land Surveyor No. 4896 of the
State of South Dakota, do hereby
state that being so authorized,
I made the house location on
the land shown and described
hereon and that I personally
supervised and state that in
the best of my knowledge and
beliefs, that in all things
is true and correct

in witness whereof, I have
hereunto set my hand and seal
this _____ day of _____
20_____.

BUCKHORN SURVEYING INC.
By Jack H. Knust
Registered Land Surveyor



SCALE 1" = 50'

PREPARED BY:
JACK H. KNUST, LS
BUCKHORN SURVEYING INC.
25053 LEYSON LOOP
CUSTER, SOUTH DAKOTA 57730
(605) 673-5452



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

Staff Report

Request: Sketch Plan, Lots 7 & 8 Block 118 plus Vacated Gordon Street
Applicant: Arley and Pam Fadness
Location: N/E Corner of Block 118, Adjacent to the Gordon and S 5th Street Right of Way
Legal Desc.: Lots 7 & 8 of Block 118 Plus Vacated Gordon Street
Date Prepared: August 9, 2018
Planning Commission Meeting: August 14, 2018
Prepared by Tim Hartmann, Planning Administrator

GENERAL

Mr. Arley Fadness has inquired concerning potential platting on his property, which contains all of lots 7 & 8 in Block 118 plus 4000 square feet of vacated Gordon Street. (total area 19,000 square feet) The property is currently under single ownership and is described as one parcel. The Fadness's are researching platting options that would be feasible with the location of structures and city platting regulations, should they decide to sell a portion of the property. The sketch plan has been provided shows two separate parcels, for discussion purposes to be Parcel A and Parcel B. Parcel A is proposed to contain 7500 square feet, and Parcel B would contain 11500 square feet.

COMPREHENSIVE PLAN

The land use section of the Comprehensive Plan identifies this area as Suburban Residential.

STRUCTURES ON THE PROPERTY

Existing structures on the property include;

Proposed Parcel A

- Home (approximate foot print of 1100 square feet)
- Detached Garage (approximate foot print of 650 square feet)

Proposed Parcel B

- Cabin (approximate foot print of 730 square feet)
- Detached storage shed (approximate foot print of 120 square feet)

ACCESS & EASEMENTS

Access to the existing parcel is provided by a 10' access easement across the neighboring Lot 1 adjacent to the southernmost property line of Lot 1. Staff has not yet identified any access or utility easement on neighboring street vacations connecting to the Gordon street public right of way.

The north property line of the proposed Parcel B and the southernmost property line of the neighboring Lot 1 do share a 20' wide powerline easement centered on the existing powerline.

ITEMS TO CONSIDER

Lot sizes

Location of primary structures and accessory structures

Legal access leading to the parcels involved in this sketch plan

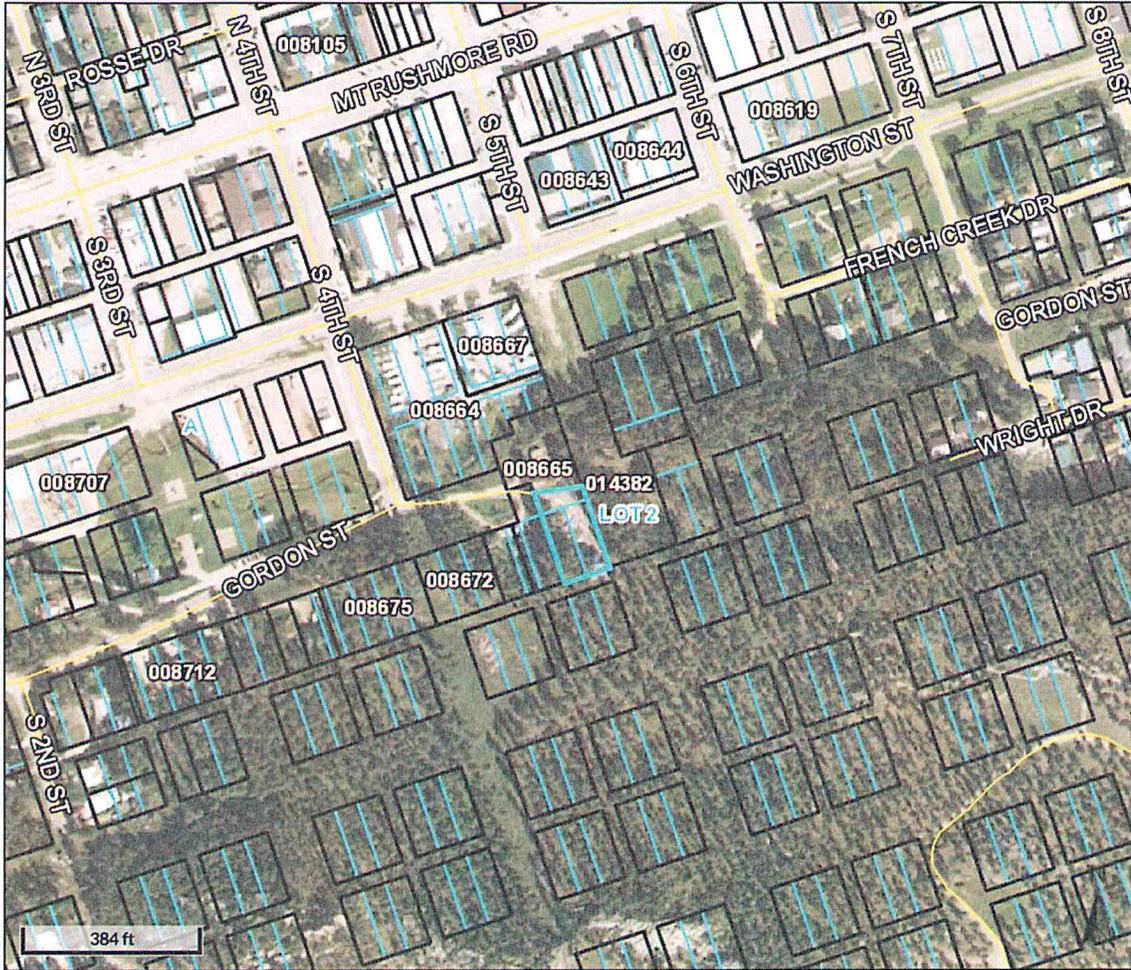
Legal access through the parcels involved in this sketch plan

Multiple ROW vacations in the area

Topography

SUMMARY AND STAFF RECCOMENDATION

Staff has discussed and worked with Mr. Fadness to consider lot size compliance (min 7500 square feet) and the location of the structures on the land. Staff would recommend the addition of a maximum of 50' wide Private Access and Utility Easement across proposed Parcel B for proposed Parcel A. Adequate access across the neighboring parcels may also need to be addressed.



Overview



Legend

- Highways
 - SD Hwy
 - US Hwy
- Roads
 -
- Lots
 -
- Parcels
 -

Parcel ID	008669	Alternate ID	n/a	Owner Address	FADNESS ARLEY K & PAMELA J
Sec/Twp/Rng	n/a	Class	Residential		442 GORDON ST
Property Address	442 GORDON ST	Acreage	0.542		CUSTER SD 57730-1903
	CUSTER				
District	16.1-1-0-1-0-0				
Brief Tax Description	LOTS 7 & 8 BLOCK 118 + VACATED GORDON ST, CUSTER CITY				
	7300005011800700				
	(Note: Not to be used on legal documents)				

Parcels are not adjusted to match aerial background. GIS information is for reference purposes only and is not a legal document. Data may contain errors.

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