

**BOX ELDER PLANNING & ZONING COMMISSION DRAFT MEETING MINUTES FOR THE
REGULAR MEETING OF AUGUST 13, 2018 AT 7:00 P.M. TO BE HELD IN THE COUNCIL
CHAMBERS OF BOX ELDER CITY HALL**

Call Meeting to order:

Chairman Rick called the meeting to order at 7:00 PM.

ROLL CALL

Hegel, Irwin, Labine, Rick & Zuhlsdorf

Commission Members Absent: Base Rep.

Staff present: Planning Director Koan

Number of guests present: 18

Council Present: Hanson & Allen

APPROVAL OF AGENDA:

1. To approve the regular meeting August 13, 2018.

Motion by Zuhlsdorf Second by Hegel to approve the August 13, 2018 P & Z agenda.

Vote: Passed Unanimously

Motion by Irwin Second by Hegel to convene as the Board of Adjustment.

Vote: Passed Unanimously

2. Commission Chairman read aloud this was the time a place for the public hearing on application for Variance #180149 by Jerry Maine to allow 16 feet tall accessory structure sidewalls for a proposed 40' x 48' pole barn at 305 Cactus Court (Lot 31 of Prairie Oak Subdivision in Section 25, T2N, R8E, B.H.M., Box Elder, Pennington County, SD).

Discussion: Planning Director Koan advised that the ordinance in residential zoning regarding accessory structures permits 10' max. sidewalls, and Mr. Maine has request 16' sidewalls, thus the variance application. Mr. Maine is in the audience if you have any questions.

Commissioner Rick asked if there are other similar buildings in the area. Commissioner Hegel and Mr. Koan advised there are several in the Prairie Oaks subdivision with taller sidewalls.

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Commissioner Rick closed the hearing at 7:05 PM

3. Recommendation to Council on application for Variance #180149 by Jerry Maine to allow 16 feet tall accessory structure sidewalls for a proposed 40' x 48' pole barn at 305 Cactus Court (Lot 31 of Prairie Oak Subdivision in Section 25, T2N, R8E, B.H.M., Box Elder, Pennington County, SD).

Motion by Irwin Second by Labine to approve the Variance Application #180149 and recommend the City Council do the same.

Vote: Passed Unanimously

4. Commission Chair Wes Rick advised this was the time a place for the public hearing on application for Rezone # 180113 by KTM Design Solutions on behalf of Dan Guderjan to rezone from Residential to Residential – Mixed Use property located at the intersection of 225th Street and Prairie Road (The E¹/₄NW¹/₄NE¹/₄ Less Fox Borough Subdivision and Less Right-of-Way in Section 17, T2N, R9E, B.H.M., Box Elder, Pennington County, SD).

Discussion: Ms. Shirley Freeman from 602 Prairie Road asked if this rezoning was across from her property.

Koan advised no, this particularly property involves three lots on the north end of the existing parcel, all of which are along 225th Street. Koan further explained this concept was part of the previously approved Planned Unit Development, and Mr. Guderjan spoke about multi-family along 225th. The Commission had an exhibit in their packets, and he showed the audience the exhibit of the three lots highlighted in Orange.

Koan advised the Commission, in the publication we had to describe the whole parcel as it is not platted yet, and send notifications to the appropriate persons within 300'. However, in your motion, I would ask that you reference the proposed Lots A, B & C regarding the mix-use residential zoning.

A citizen asked what we meant by Mix Use.

Koan explained, it involves multi-family dwellings.

The citizen then ask if they could do business in this area.

Koan advised, yes, professional shops, and could do a convenience store with a Conditional Use Permit.

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The citizen advised he is apposed due to the road (Prairie), it is too narrow, my neighbors got run off the road. There are signs at both ends of the road that say no heavy trucks, no thru trucks, and there are trucks on the road. If you live over there you get run over, there are children that play on the road and I am afraid we are going to have a death of a child, and this will bring more traffic. I don't mind the residential, but if these are rentals and not home owners, they don't pay attention as much as home owners. There is a big difference, if you own a home you will understand that problem. The road should be taken care of before anything more happens, it is to narrow. Ms. Freeman lives on that road, and she can't go to her mailbox without jumping in the ditch. Somebody needs to do something instead of just talking about it; that is all we hear is lip service. I am against any development, it is just going to bring more problems.

Ms. Freeman asked how many apartments are they talking about?

Koan, advised Mr. Guderjan is not here tonight, and in am not going to speak for him; but I believe there were three 12 plexs planned for the proposed lots being zoned.

Ms. Freeman, are they going to have a park too, and have a walking trail?

Koan advised, the City cannot require that of the developer.

Ms. Freeman why not?

Another citizen, they already have a walking trail thru the property.

Koan advised Mr. Guderjan who owns the property is working with us regarding the trail, but he could shut the trail off at any time, and we cannot require him to keep the trail open if he chooses not to.

Citizen, there are a lot of children who use that trail and what is going to happen you are going to force them to walk on Prairie Road and 225th causing more risk and danger.

A citizen from Swallow asked if the developer could develop down to their property.

Koan advised yes, and that is the plan to develop the entire property with up to four plex units, the exception of the north end where the proposed apartments are planned.

Ms. Freeman, what is he permitted to do with the little creek that runs through the property?

Koan advised not much, as it takes a flood development permit to do make changes or improvements. It is possible to make changes, but FEMA and CORP would have to

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approve the changes. However, the owner has not stated he plans any changes to the drainage.

Ms. Freeman, I am just concerned for the wildlife who live along the creek. Every time I try to clean up the drainage beside me, I have been told you cannot as it is national wildlife area.

Koan asked who was telling her this.

Ms. Freeman advised a mayor some time ago told her this, and there are also springs in the drainage.

Koan advised you are allowed to clean up the drainage, you cannot alter the drainage. Ms. Freeman do you own the drainage.

Ms. Freeman advised she owned a little parcel and the City owns the rest. You can some City people the boys are not doing anything, get them down there and clean out the garbage, railroad ties, etc.

Another citizen asked what this development would do to their valuation of property. I live on Trail drive and these people are going to be walking across my back yard to go to school. What is he going to do near my property?

Koan advised he is planning single family homes and up to four plex units for that area.

Ms. Freeman asked if these would be low income.

Koan advised you can't ask that question, it is discriminatory, you can't ask about income or rentals, etc. You can ask, but we cannot answer.

Koan advised, Council does have Prairie Road on their list over the next four or five years depending on funding. We would encourage everyone to be involved in the budget process.

A citizen from Meadowlark spoke and advised she did not have speeders as they do on Prairie, but I have seen the large trucks.

Another citizen commented she was concerned about the amount of traffic this will generate. She advised she use to work at the old Vandenberg school location and the intersections were backed up all the time.

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Koan advised, there recently was a traffic study completed of the area, as discussed at the last meeting. The study took into consideration this development as well as another to the west. The level of service at the intersections still is within the accepted design parameters.

City Attorney Vetri advised she has been asked by the Council to look into road load limits, thru trucks, speed, etc. we need to develop an ordinance that is enforceable, we don't want to develop something we cannot enforce.

Citizen, speed and enforcement is a larger part of this, there is not enforcement.

Ms. Vetri advised there won't be an ordinance for a few months, but she will be working on the matter.

Unidentified citizen in the back of the room wanted to go on the record objecting to the project overall due to property value, traffic and that we are already stretched to the max. I am new to the area and object to more traffic in the area.

Gerald Maine commented that everyone is complaining about the trucks, but if you put a load of gravel in your driveway, how did the gravel get to that location? If you develop, you going to have trucks. You can stop local truck traffic. You have garbage trucks, etc.

Commissioner Zuhlsdorf advised, Prairie Road has been in discussion for some time, and I encourage you to come to the Council meetings. Our job tonight is to determine if the zoning fits the property, and it does fit the proposed use.

I can't vote no on this matter, as this development fits the property.

Being no other comments, Chairman Rick closed the hearing 7:30 PM.

5. Recommendation to Council on application for Rezone # 180113 by KTM Design Solutions on behalf of Dan Guderjan to rezone from Residential to Residential – Mixed Use property located at the intersection of 225th Street and Prairie Road (The E $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ Less Fox Borough Subdivision and Less Right-of-Way in Section 17, T2N, R9E, B.H.M., Box Elder, Pennington County, SD).

Motion by Irwin Second by Hegel to approve the Zoning Application #180113 for Lots A, B & C in proposed future plat and recommend the City Council do the same.

Vote: Passed Unanimously

Motion by Zuhlsdorf Second by Hegel to adjourn the Board of Adjustment and reconvene as the Planning Commission.

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Vote: **Passed Unanimously**

OLD BUSINESS:

6. To approve the minutes of the P & Z Commission's regular meeting of July 30, 2018.

Motion by **Zuhlsdorf** Second by **Labine** to approve the July 30, 2018 P & Z meeting minutes.

Vote: **Passed Unanimously**

NEW BUSINESS:

7. Application for Floodplain Development Permit #180152 by Donnie Kirschenman for an attached garage at 479 Stealth Lane (Lot 23 of Block 12 of Thunderbird Subdivision in Section 24, T2N, R8E, B.H.M., Box Elder, Pennington County, SD).

Discussion: *Koan advised the property is partially in the floodplain, and the proposed attached garage will require a floodplain development permit before a building permit could be issued.*

Motion by **Zuhlsdorf** Second by **Labine** to approve Floodplain Development Application #180152 and recommend City Council do the same.

Vote: **Passed Unanimously**

8. Application for Floodplain Development Permit #180158 by the City of Box Elder for a portion of the Ellsworth Road – 225th Street Water Line project located in the unplatted portion of NE¼NW¼ of Section 17, T2N, R9E, B.H.M., Box Elder, Pennington County, SD).

Discussion: *Koan advised the City is preparing to install a water main on 225th and the project crosses a floodplain/floodway and development permit is required.*

Motion by **Irwin** Second by **Hegel** to approve Floodplain Development Application #180158 and recommend City Council do the same.

Vote: **Passed Unanimously**

9. Application for Preliminary Plat # 180113 by KTM Design Solutions on behalf of Dan Guderjan for Lot A, B, C, 1A & 1B – 7A & 7B, 8 – 11, 12A & 12B – 18A & 18B of Block 1, Lot 1-34 of Block 2 of Foxborough Subdivision and Dedicated Right-of-Way

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(formerly a portion of the E½ of the NW¼ of the NE¼) located in the E¼ of the NW¼ of the NE¼, Section 17, T2N, R9E, B.H.M., Box Elder, Pennington County, SD.

Discussion: Koan advised the proposed plat is the same as was approved for the Planned Unit Development that has been previously approved by Planning and Council.

Motion by Zuhlsdorf, Second by Irwin to approve Minor Plat #180113 and recommend the City Council do the same.

Vote: Passed Unanimously

GUEST INPUT: No further guest input was offered.

ADMINISTRATIVE REPORTS

- A. Distribution of July 2018 Building & Moving Permit and License Reports.
- B. Distribution of July 2018 Building Inspection Reports.

COMMISSION INPUT

Irwin: Mr. Irwin questioned what happened with the discussion regarding the requirement for concrete floors in shops, and the pole barn discussion.

City Attorney Vetri advised she could not remember what the outcome was, but would check into the matter.

Hegel: Spoke about the trees in the Railroad R.O.W. and if the railroad is not going to get the cross arms installed, we need to do something.

Koan advised the RR is to install the arms by the end of October, but we can't hold them to the project.

Labine: N/A

Rick: N/A

Zuhlsdorf: In regards to Prairie Road, is it restricted to certain truck traffic.

Koan advised it is not a truck road.

Zuhlsdorf, if citizens continue to complain about trucks, it just cost you more money in the long run. I deal with this every day. If you restrict the load weight, then you have more loads and more cost.

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ADJOURNMENT:

Being no other business, motion by *Hegel*, Second by *Labine* to adjourn the August 13, 2018 Planning & Zoning Commission.

Vote: *Passed Unanimously* **Time:** *7:45 PM*