

**BOX ELDER PLANNING & ZONING COMMISSION MEETING MINUTES  
FOR THE REGULAR MEETING OF JANUARY 9, 2017 AT 7:00 P.M.  
HELD IN THE COUNCIL CHAMBERS OF BOX ELDER CITY HALL**

**CALL TO ORDER**

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

**ROLL CALL**

**Hanson, Irwin, Labine, Rick, Zuhlsdorf & Fry**

*Commission Members Absent: None*

*Staff present: Planning Director Koan*

*Number of guests present: 6*

*Council Present: Allen*

**APPROVAL OF AGENDA**

1. To approve the agenda for the **January 9, 2016** regular meeting.

*Motion by Rick, seconded by Labine, to approve the agenda for **January 9, 2016** as presented, with the exception of rescheduling item #6 for the January 30, 2017 meeting.*

*Vote: Passed Unanimously*

**OLD BUSINESS**

2. To approve the minutes of the Commissions regular meeting of **December 27, 2016**.

*Motion by Labine, seconded by, Hanson to approve the **December 27, 2016** Planning Commission Minutes as presented.*

*Vote: Passed Unanimously*

Motion by Irwin, Seconded by, Labine to suspend the Planning Commission and convene as the Board of Adjustment.

*Vote: Passed Unanimously (7:01 PM)*

**BOARD OF ADJUSTMENT**

3. Public Hearing on application for Rezone #160155 by Elk Vale Business Park LLC to rezone a portion of the S½SW¼Se¼ of Section 27 and a portion of the N½NW¼NE¼ of Section 34, Less Right-of-Way and Less Northern Lights Subdivision (future Lot 1 of Northern Lights Commercial Park) all located in T2N, R8E, B.H.M., Box Elder, Pennington County, SD. The applicant wishes to rezone the portion of the property in Section 27 from Commercial to

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Highway Service and the portion of the property in Section 34 from Agricultural to Highway Service.

**Discussion:** Mr. Estes, the landowner was present to speak about his master plan for the proposed area. He advised, eventually he would like to install a street that parallels Cheyenne Blvd. that would run west across the City limits line, tying the together the commercial areas of Rapid City and Box Elder.

Planning Director Koan advised the proposed rezoning is in line with the future land use map and allows compatible use similar to those currently permitted to the west into Rapid City.

No other discussion was offered by the Commission or the public. Commission Chair Hanson closed the hearing at 7:07 PM.

4. Recommendation to Council on application for Rezone #160155 by Elk Vale Business Park LLC to rezone a portion of the S½SW¼Se¼ of Section 27 and a portion of the N½NW¼NE¼ of Section 34, Less Right-of-Way and Less Northern Lights Subdivision (future Lot 1 of Northern Lights Commercial Park) all located in T2N, R8E, B.H.M., Box Elder, Pennington County, SD. The applicant wishes to rezone the portion of the property in Section 27 from Commercial to Highway Service and the portion of the property in Section 34 from Agricultural to Highway Service.

**Discussion:** No further discussion was offered on the above matter.

Motion by Hanson seconded by, Rick to approve to approve rezoning a portion of the S½SW¼Se¼ of Section 27 and a portion of the N½NW¼NE¼ of Section 34, Less Right-of-Way and Less Northern Lights Subdivision (future Lot 1 of Northern Lights Commercial Park) all located in T2N, R8E, B.H.M., Box Elder, Pennington County, SD. The applicant wishes to rezone the portion of the property in Section 27 from Commercial to Highway Service and the portion of the property in Section 34 from Agricultural to Highway Service.

Vote: Passed Unanimously

Motion by Irwin, Seconded by, Rick to adjourn the Board of adjustment and reconvene as the Planning Commission.

Vote: Passed Unanimously (7:08 PM)

## **NEW BUSINESS**

5. Application for Floodplain Development Permit #170000 by Semmler Construction on behalf of Harvest Time Baptist Church for a new non-residential structure at 616 Box Elder Road

West (Lot A-1 of Tract 2 of Tract A located in the N½SW¼ (S of I-90) in Section 24, T2N, R8E, B.H.M., Box Elder, Pennington County, SD).

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**Discussion:** Planning Director Koan explained the proposed development application was in relation to rebuilding of the Baptist Church that burned a couple of years ago. Koan further explained that all initial surveying requirements have been completed in regards to meeting the City's and FEMA regulations to move the project forward.

Motion by Rick seconded by, Zuhlsdorf to approve to Flood Development Application #170000, and recommend the City Council do the same.

Vote: Passed Unanimously

6. Annual Review of Conditional Use Permit by Ken Jobbins at 502 Box Elder Road West (Lot 2 of Tract B located in the NE¼SW¼ OF Section 24, T2N, R8E, B.H.M., Box Elder, Pennington County, SD).

**Deferred to January 30, 2017**

7. Discussion and recommendation to City Council in regards to 493 Coyote Trail (Lot 6 of Block 7 of Creekside Estates Subdivision in Section 30, T2N, R9E, B.H.M., Box Elder, Pennington County, SD).

**Discussion:** Koan advised the City has been dealing with this property for more than two years now and the contractor (Energy Smart Homes) has created an unsafe nuisance for the Creekside neighborhood. Koan advised he is seeking a motion to assist the City Council in abating this issue.

Motion by Zuhlsdorf seconded by, Rick to recommend the City Council take any and all legal avenues to pursue abatement of the safety and nuisances issues present at 493 Coyote Trail created by lack of activity and expiration of the Building permit.

Vote: Passed Unaniuously

**MAYORS REPORT:** Not Present.

**GUEST INPUT:** Dean Scott from DC Scott Surveying was present on behalf of a client to speak about the possibility of de-annexation of a small parcel (50' X 50') from Box Elder to an adjacent lot in Rapid City. Mr. Scott passed out an exhibit of the proposed parcel to be removed from Box Elder.

After some discussion, it was suggested that the matter could be handled by an easement and not require de-annexation of property from Box Elder.

Mr. Scott was questioned in regards to what the small parcel is being utilized. Mr. Scott advised it was a cistern, but was unsure if it was water or sewer.

Further discussion pursued in regards to the availability of public utilities present that could service the property. City water from Box Elder and City sewer from Rapid City.

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Mr. Scott advised he would take all the discussion under advisement and have a conversation with his client on how to proceed forward.

Lenard Gonzalez was present to update the Commission in regards progress concerning mobile homes at 313 & 325 West Sunnydale Road. Mr. Gonzalez advised he had hired a contractor to finish leveling the homes. In addition, the contractor had met with City staff in regards to tie downs, etc.

Planning Director Koan questioned whom the contractor had met with, as it was none of the Planning Staff. Mr. Gonzalez advised it was someone in a Blue truck. Koan advised that was not the appropriate person(s) to approve anything other than utilities, and the contractor needed to contact the Planning Office.

Jane Maine, a resident of W. Sunnydale area, questioned the side setback for the home at 313. Mr. Gonzalez advised the home met the minimum setback.

Planning Director Koan advised he had looked at the property, but will look again and advise.

Mr. Gonzalez also advised he had hired a utility contractor to install the utilities.

Curt Meier advised he believed the Thrift Store at Fresh Start was again open, Koan advised they are not be open and would follow up on the matter.

**ADMINISTRATIVE REPORTS:**

Koan advised Keith Walker, Code Enforcement is no longer employed by the City (Dave St. Pierre is filling in until we get someone hired)

Koan advised the design on East Mall Drive project is progressing, and further advised that a Pre-engineering report and environmental study needs to be completed before financing could be secured from USDA.

Koan advised that utility work on Liberty Landing is progressing, although slowed by the colder temperatures.

Koan advised the design review by City staff and recommendations have been made to the developer in regards to Freedom Landing Phase #2. Construction is anticipated yet this spring.

Koan advised, in addition to the zoning amendment request this evening, design is in progress for the next phase of Northern Lights Subdivision.

Koan advised utility work in the next phase of Cheyenne Pass is planned to begin before the end of January.

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Koan advised the City has received an initial letter from the Bradsky's requesting the City to create an assessment district to complete Seger Drive and Americas Way, not included in the East Mall Drive project.

Koan gave an update on the Ghere Well rehabilitation project: Initial investigative fixes and work required in order to obtain water samples had been completed, and water samples have been taken and sent to the lab for testing. Koan further advised if the samples come back acceptable, additional work will be required to develop the well in order for it be utilized.

Public works will be bidding out chip seal of certain streets and rebuilding of certain gravel roads this summer, and these projects are planned for bidding in Mid. May.

**COMMISSION INPUT:**

Base Representative: Advised the implementation of a Drone no fly zone inside the base boundary was being implemented, otherwise nothing further to add.

Hanson: Mr. Hanson advised people should not complain about the Accident Potential Zones (APZ), as they have a purpose. He then referenced the recent incident with a B-52 losing an engine near the Minot, ND AFB.

Irwin: Nothing further to add.

Labine: Nothing further to add.

Rick: Mr. Rick responded to Mr. Hanson statement, and advised the APZ affects our community and the planes do not stay in the APZ area taking off and landing unless leaving loaded.

Zuhlsdorf: Nothing further to add.

**ADJOURNMENT**

Being no further business, motion by Irwin, seconded by Rick, to adjourn **January 9, 2017 Planning Commission Meeting.**

**Vote: Passed Unanimously**

The Commission meeting was adjourned at 7:34 PM.