

**BOX ELDER PLANNING & ZONING COMMISSION MEETING JANUARY 30, 2017
AT 7:00 P.M. MEETING MINUTES**

CALL TO ORDER

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

ROLL CALL

Hanson, Irwin, Rick, Zuhlsdorf & Fry

Commission Members Absent: Al Labine

Staff present: Planning Director Koan

Number of guests present: 12

Council Present: Allen, Hegel & Mayor

APPROVAL OF AGENDA

1. To approve the agenda for the regular meeting of **January 30, 2017**.

Motion by Rick, seconded by Irwin, to approve the agenda for **January 30, 2017** as presented.

Vote: Passed Unanimously

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

Vote: Passed Unanimously

BOARD OF ADJUSTMENT

2. Public Hearing on application for Variance #170003 by High Country Erectors to allow front and exterior side setbacks of 20 feet at 365 Cimarron Drive (Lot 2B of Block 2 of Cimarron Subdivision, located in the NW¼ of Section 20, T2N, R9E, B.H.M., Box Elder, Pennington County, SD).

Discussion: Planning Director Koan advised the commission, after further discussion with the developer only a variance on the west side of the property would be required for 14', and with proposed business to the west being a distribution terminal, there were no objections from staff in granting the variance due to the irregular shape of the property.

No public input was offered during the hearing in favor or in opposition to the proposed variance and development.

**BOX ELDER PLANNING & ZONING COMMISSION MEETING JANUARY 30, 2017
AT 7:00 P.M. MEETING MINUTES**

The Public Hearing was closed at 7:03 PM by Chairman Hanson.

3. Recommendation to Council on application for Variance #170003 by High Country Erectors to allow front and exterior side setbacks of 20 feet at 365 Cimarron Drive (Lot 2B of Block 2 of Cimarron Subdivision, located in the NW¼ of Section 20, T2N, R9E, B.H.M., Box Elder, Pennington County, SD).

Discussion: *No further discussion was held on this matter.*

Motion by **Irwin** seconded by, **Rick** to approve to approve Variance #170003 by High Country Erectors to allow West side setback of 14 feet at 365 Cimarron Drive (Lot 2B of Block 2 of Cimarron Subdivision, located in the NW¼ of Section 20, T2N, R9E, B.H.M., Box Elder, Pennington County, SD) to accommodate the construction of an animal care facility and self-storage units to be constructed, and recommend the City Council do the same.

Vote: **Passed Unanimously**

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

Vote: **Passed Unanimously**

OLD BUSINESS

4. To approve the minutes of the Commissions regular meeting of **January 9, 2017**.

*Motion by **Rick**, seconded by, **Irwin** to approve the **January 9, 2017 Planning Commission Minutes as presented.***

Vote: **Passed Unanimously**

5. 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). This item was deferred from the January 9, 2017 Commission meeting.

Discussion: *Planning Director Koan advised the Commission a timeline regarding this case was in their packets. Koan further advised this was the time and place for the annual review of Mr. Jobbins CUP regarding 502 Box Elder Road West business.*

Discussion was held in regards to existing operations, and questions in regards to Mr. Jobbins residence status.

**BOX ELDER PLANNING & ZONING COMMISSION MEETING JANUARY 30, 2017
AT 7:00 P.M. MEETING MINUTES**

Discussion was held in regards to possible rezoning of the area to Highway Service Zoning, which would eliminate the need for the CUP relating to the business, and Mr. Jobbins would then only need to apply for a CUP if he were living at the business.

Legal Counsel (Rex Hagg) was present for the meeting and also recommended rezoning to eliminate the need for the CUP and presented the previously developed Affidavit for Mr. Jobbins to sign, which states he was not living at his business at 502 Box Elder Road. Mr. Jobbins signed the affidavit and witnessed by City Attorney Hagg.

A copy of the Affidavit has hereby attached to the minutes as record to the signing of the document.

Mr. Jobbins was advised by the Commission they will be pursuing rezoning of his property, and he agreed to cooperate, but would like a copy of the proposed regulations for review. Planning Director Koan Advised he would provide Mr. Jobbins with a copy of the regulations.

Motion by Hanson, Seconded by, Irwin to recommend the continuation 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), and recommend the City Council do the same.

Vote: Passed Unanimously

NEW BUSINESS

6. Election of officers.

Discussion: No discussion was held on this matter.

Motion by Irwin, Seconded by, Zuhlsdorf, to keep the current officers as previously elected.

Chair: Mike Hanson

Vice Chair: Wes Rick

Vote: Passed Unanimously

7. Discussion on application for Sign Permit #170001 by Rosenbaum Signs for signage at 621 Watiki Way (Lot 4 of Isis Subdivision in Section 27, T2N, R8E, B.H.M., Box Elder, Pennington County, SD).

**BOX ELDER PLANNING & ZONING COMMISSION MEETING JANUARY 30, 2017
AT 7:00 P.M. MEETING MINUTES**

Discussion: Planning Director Koan presented a revised sign proposal for the Home 2 Suits Hotel, and advised the proposal was in line with existing regulations.

Motion by **Zuhlsdorf**, Seconded by, **Irwin** to approve Sign Permit application #170001 by Rosenbaum Signs for signage at 621 Watiki Way (Lot 4 of Isis Subdivision in Section 27, T2N, R8E, B.H.M., Box Elder, Pennington County, SD), and recommend the City Council do the same.

Vote: **Passed Unanimously**

8. Application for Minor Plat #170002 by City of Box Elder on behalf of Betty Smith for Lot AR of Bison Acres Subdivision (formerly Lot A and Lot B of Bison Acres Subdivision and vacated Radar Hill Road Right-of-Way) located in the SE¼SE¼ of Section 36, T2N, R8E, B.H.M., and in Government Lot 4 of Section 31, T2N, R9E, B.H.M., Pennington County, SD.

Discussion: Planning Director Koan advised the Minor Plat was generated by the City in regards to agreement with Mrs. Betty Smith during the Radar Road project completed in 2012. Lot B of Bison Acres Subdivision was at the end of the road project, be conveyed to Mrs. Smith. However, the transfer never took place, and the City now fulfilling that agreement by plating this parcel combining it with existing Smith property, so legal counsel can develop a quit claim deed to complete the transfer of property.

Motion by **Rick** seconded by, **Irwin** to recommend approval of Minor Plat #170002 by City of Box Elder on behalf of Betty Smith for Lot AR of Bison Acres Subdivision (formerly Lot A and Lot B of Bison Acres Subdivision and vacated Radar Hill Road Right-of-Way) located in the SE¼SE¼ of Section 36, T2N, R8E, B.H.M., and in Government Lot 4 of Section 31, T2N, R9E, B.H.M., Pennington County, SD, and recommend City Council do the same.

Vote: **Passed Unanimously**

MAYORS REPORT: The mayor spoke about current state legislation that may effect the City. He also spoke about the proposed Spearfish Canyon State Park proposal. The mayor advised that it appeared that VRC Metals was proceeding with their plan to acquire the old Vandenberg School building. The mayor also advised that initial testing for Radiological elements in the Ghere Well have taken place and the City is waiting on the results. If the Radiological elements in the water are within require parameters, then additional testing and further development of the well will take place.

GUEST INPUT: Mr. Jim Berger was present to discuss the possibility of building duplex's on property he owned on Radar Hill Road that is currently zoned Commercial. The commission tentatively agreed they would be in favor of platting, and rezoning the a portion of the property for residential use. It was explained that all subdivision regulations would need to be followed such as installation of streets, utilities, etc.

Mr. Richard Walter and his wife were present to discuss the possibility of placing an 1994 – 16' wide mobile home on their property located at 14745 Country Road. After much discussion, the commission advised they would not be inclined to grant a variance for a mobile home older than 20 years of age, as required by ordinance.

**BOX ELDER PLANNING & ZONING COMMISSION MEETING JANUARY 30, 2017
AT 7:00 P.M. MEETING MINUTES**

Mr. Walter explained he believed there was a hardship as related to his health and financial well being and would like make the request for a variance.

Planning Director Koan, advised the commission there was no hardship in this case, and read the definition of hardship, as stated in City Ordinance to the commission and audience. In conclusion, Chairman Hanson advised again, the commission would not discourage someone from applying for a variance as provided in ordinance, however, the commission was not likely inclined to grant approval.

ADMINISTRATIVE REPORTS:

Planning Director Koan advised that Dave St. Pierre continues to conduct building inspections, and the City has received applications to fill the open position of Code Enforcement Officer, and will be conducting interviews in the near future.

ADJOURNMENT

Being no further business or discussion, motion by Irwin, seconded by Rick, to adjourn **January 30, 2017** Planning Commission Meeting.

Vote: Passed Unanimously

The Commission meeting was adjourned at 8:00 PM.