



City of Box Elder

Planning & Zoning Agenda

Monday, March 30, 2020

**BOX ELDER
PLANNING & ZONING COMMISSION AGENDA
Monday, March 30, 2020
7:00 P.M. Meeting – City Hall, 420 Villa Drive, 2nd Floor, Box Elder**

TO ENCOURAGE THE PRACTICE OF SOCIAL DISTANCING, THE CITY OF BOX ELDER RECOMMENDS YOU REMOTELY ATTEND THE MARCH 30, 2020 PLANNING COMMISSION MEETING VIA A SCHEDULED ZOOM MEETING. INSTRUCTIONS ON JOINING THE ZOOM MEETING ARE PROVIDED BELOW.

THE CITY OF BOX ELDER ENCOURAGES WRITTEN SUBMISSION OF PUBLIC COMMENT BY EMAIL TO: BLAISE.EMERSON@BOXELDER.US. ALL SUCH WRITTEN COMMENTS WILL BE READ ALOUD AT THE MEETING DURING THE PUBLIC COMMENT PERIOD. PLEASE INCLUDE YOUR NAME AND ADDRESS IN ALL WRITTEN PUBLIC COMMENT SUBMISSIONS.

IF YOU PLAN ON ATTENDING IN PERSON, PLEASE ENTER THROUGH THE CITY EVENT CENTER DOORS. A PUBLIC PARTICIPATION AREA WILL BE SET UP IN THE EVENT CENTER.

Join Zoom Meeting

<https://zoom.us/j/417214913>

Meeting ID: 417 214 913

Dial by your location

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Meeting ID: 417 214 913

CALL TO ORDER – PLANNING AND ZONING COMMISSION

ROLL CALL

APPROVAL OF AGENDA

1. To approve the agenda for the meeting of March 30, 2020.

NEW BUSINESS

2. Minor Plat - #200034 – Application by F. Lee Baldwin for Lot 2 Revised and Lot 4 Revised of D.B. Subdivision and Lot 4 Revised of D.A. Subdivision (formerly Lot 2 of D.B. Subdivision and Lot 4 of D.A. Subdivision) Located in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 11, T2N, R9E, B.H.M., Pennington and Meade County, South Dakota.

**BOX ELDER
PLANNING & ZONING COMMISSION AGENDA
Monday, March 30, 2020
7:00 P.M. Meeting – City Hall, 420 Villa Drive, 2nd Floor, Box Elder**

3. Preliminary and Final Plat #200035 – Application by Mark Biggs on behalf of B & G Development LLC for Lots 1 & 2 of Biggs Subdivision (formerly Lot H4 of SW¼) All in Section 17, T2N, R9E, B.H.M., Box Elder, Pennington County, South Dakota.
4. Developers Agreement for off-site improvements regarding Phase 1 of Alpha Omega Subdivision.

OLD BUSINESS

5. To approve the minutes of the meeting of March 9, 2020.

GUEST INPUT

ADMINISTRATIVE REPORTS

COMMISSION INPUT

ADJOURNMENT – PLANNING AND ZONING COMMISSION

Planning & Zoning Commission Report

Date Submitted: 2/20/20 Prepared by: Blaise Emerson

Meeting Date: 3/30/20 Submitted by: D.C. Scott Surveying

AGENDA ITEM: Minor Plat - #200034 – Application by F. Lee Baldwin for Lot 2 Revised D.B. Subdivision and Lot 4 Revised of D.A. Subdivision, Section 11, T2N, R9E, B.H.M., Pennington and Meade County, South Dakota more generally described as 1 mile east of the intersection of 151st Avenue and 225th Street

Application Information:

Applicant	F. Lee Baldwin		
Agent	Howe Land Surveying		
Owner	Same		
Legal Description	Lot 2 Revised and Lot 4 Revised of D.B. Subdivision		
Acreage	90 acres		
Location	1 mile east of the intersection of 151st Avenue and 225th Street		
Zoning	General Agricultural – Pennington County and NA - Meade County		
Future Land Use Designation	Rural Residential		
Neighboring Zoning			
North:	NA - Meade County	East:	NA - Meade County
South:	General Agricultural - Pennington County	West:	NA - Meade County
Utilities	City (East Base) Water and Private Sewer		

General Information:

The owner is reconfiguring an existing lot line. The applicant is changing the lot configuration so the driveway for Lot 2 does not cross Lot 4. Both properties are served by the East Base Water Line.

Staff Comments:

Staff has reviewed the plat and finds it in compliance with all applicable regulations. Staff has noted that the Section Line Highway was not previously platted and that through this plat needs to be dedicated as public right-of-way.

Findings:

Staff find the plat in general compliance with the subdivision regulation and other related ordinances and regulations

Recommendation:

Staff recommend that Minor Plat #200034 be approved with the following conditions:

- 1. That the north 33 feet of the section line highway be dedicated as public right-of-way.**
- 2. That the dimensions and acreages for the portions of each lot in each county be detailed on the plat.**

Vicinity Map

 **Beacon**TM Meade County, SD



Overview



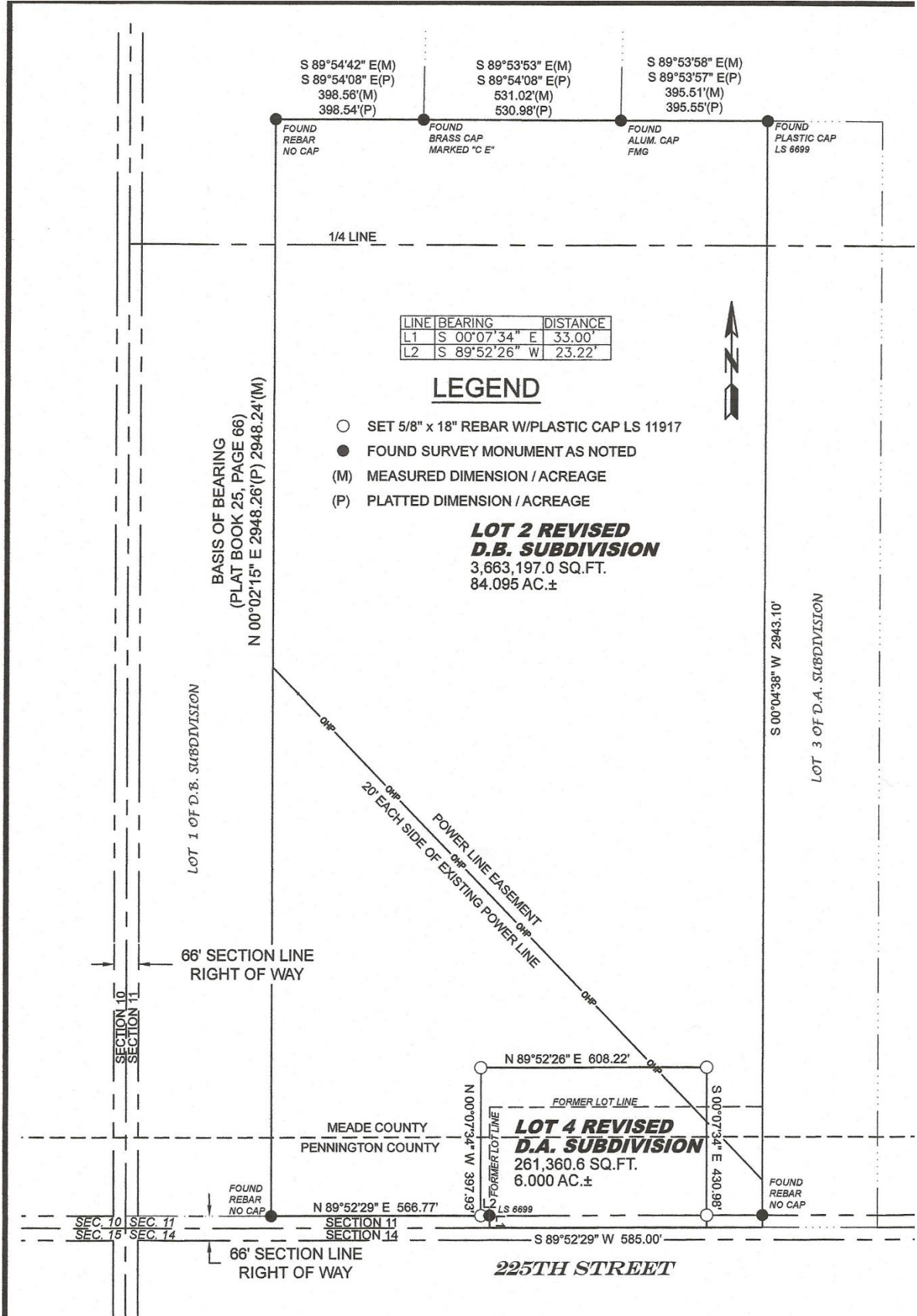
Legend

-  Parcels 2020
-  Roads
-  Box Elder City Limits
-  Sturgis City Limits
-  Summerset City Limits
-  Buffalo Chip City Limits
-  Faith City Limits
-  Piedmont City Limits

Date created: 3/12/2020
Last Data Uploaded: 3/11/2020 11:35:47 PM

Developed by 

Plat



Planning & Zoning Commission Report

Date Submitted: 2/26/20 Prepared by: Blaise Emerson

Meeting Date: 3/30/20 Submitted by: Mark Biggs

AGENDA ITEM: Preliminary and Final Plat #200035 – Application by Mark Biggs on behalf of B & G Development LLC for Lots 1 & 2 of Biggs Subdivision (formerly Lot H4 of SW¹/₄) All in Section 17, T2N, R9E, B.H.M., Box Elder, Pennington County, South Dakota more generally described as south of the intersection of Villa Drive and Briggs Street.

Application Information:

Applicant	B & G Development LLC		
Agent	KTM Design Solutions		
Owner	Mark Biggs		
Legal Description	Lots 1 & 2 of Biggs Subdivision		
Acreage	7.31 acres		
Location	South of the intersection of Villa Drive and Briggs Street		
Zoning	General Commercial		
Future Land			
Use Designation	Commercial/Mixed Use		
Neighboring Zoning			
North:	General Commercial/GR3	East:	General Commercial
South:	Highway Service	West:	General Commercial
Utilities	City Water and Sewer		

General Information:

The applicant is proposing to divide the subject property into two lots. The property fronts Liberty Boulevard, Villa Drive and Ellsworth Road. The property was created at the time that Liberty Boulevard was constructed. The right-of-way for Briggs Street was dedicated at that time but was never constructed. With this proposed plat, the applicant is being required to construct Briggs Street.

Staff Comments:

The applicant had engineering plans for Briggs Street completed in 2007. However, the engineer of record who stamped those plans no longer lives in the state. Based on State Law, the engineer of record must certify that the construction was done according to plans. In addition, there are changes of the conditions and improvements that need to be reflected on the engineering plans. The applicant is working on getting revised engineering plans but those have not been completed. Until Staff has time to review the plans, Staff cannot make a recommendation on the plat.

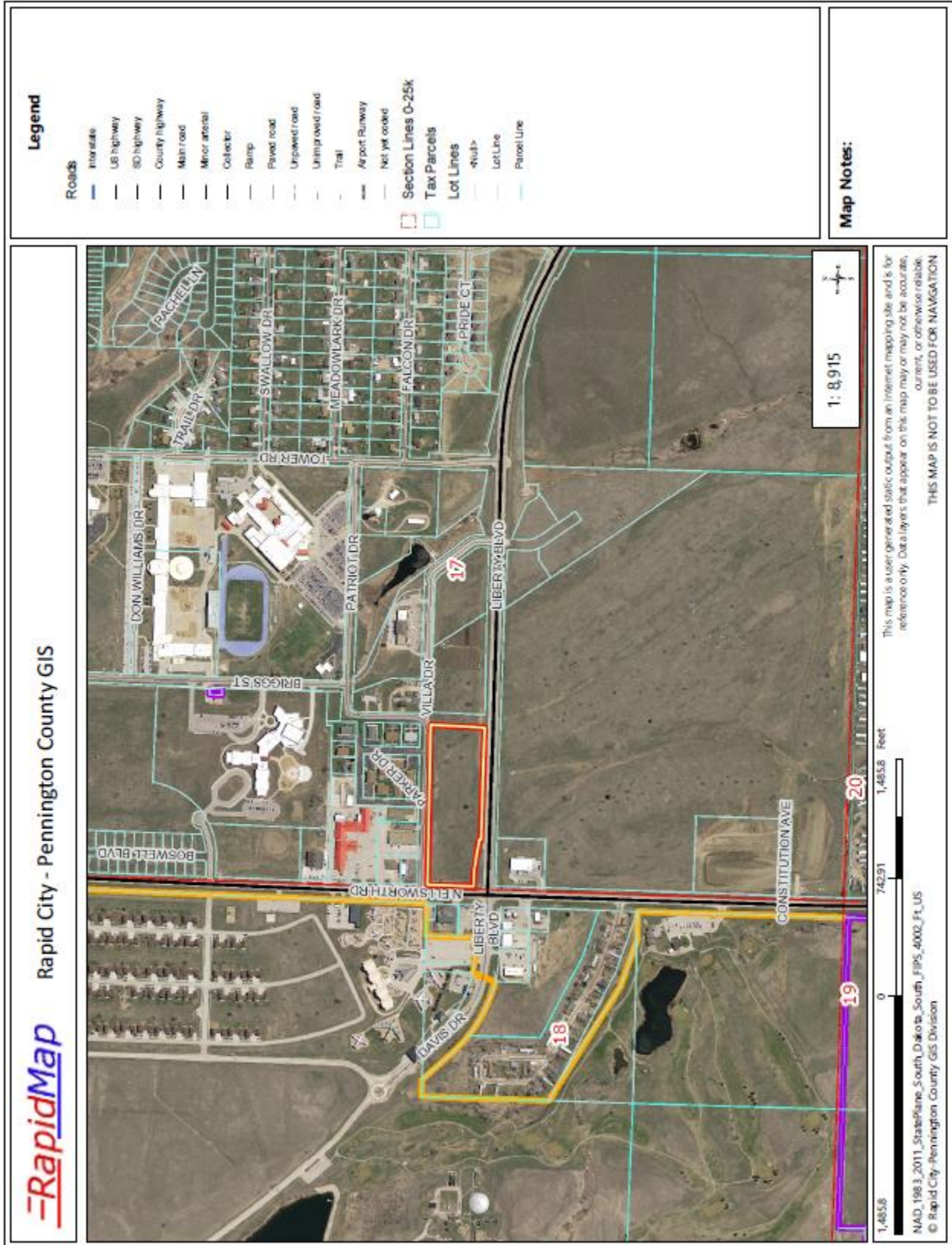
Findings:

None at this time

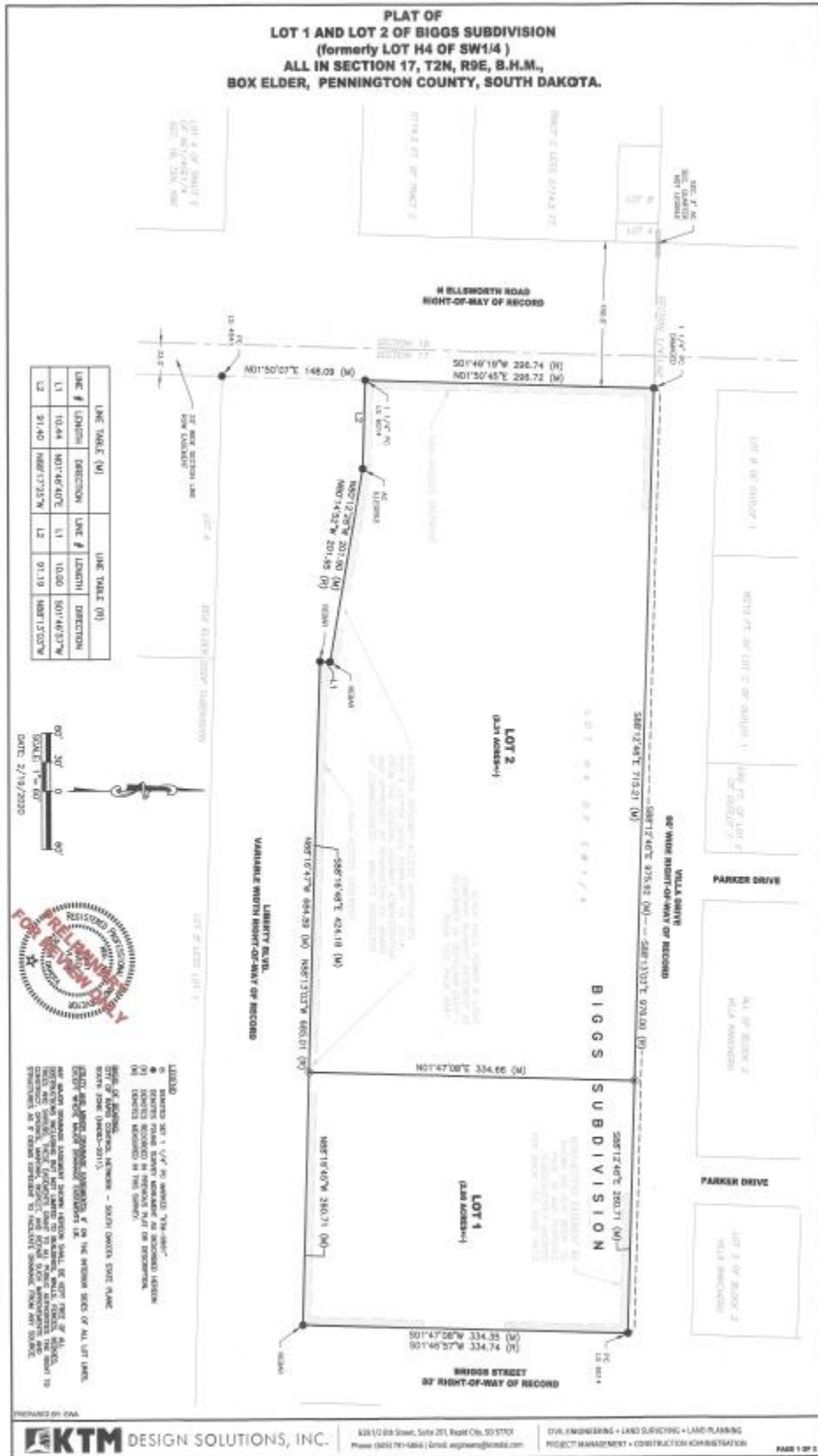
Recommendation:

Staff recommend that Preliminary and Final Plat #200035 be continued to the April 13, 2020 Planning Commission meeting to allow the applicant time to submit engineering plans.

Vicinity Map



Plat



Alpha Omega Subdivision Off-Site Improvements

1. The developer will enter into a Haul Road Agreement for the maintenance of the West Sunny Dale Road. The agreement shall detail the responsibility of the developer to maintain West Sunny Dale Road through the construction of their development.
2. Construction of West Sunny Dale Road
 - A. The Developer shall be responsible for the following:
 - i. Design plans for a collector street with curb and gutter, sidewalk on one side, and all related drainage and utility improvements;
 - ii. The construction of rural section paved street from Radar Hill Road to Alpha Omega development.
 - The rural section shall be designed and constructed as a 36-foot wide drive surface to allow for future curb and gutter with minimal pavement removal or addition.
 - The pavement section shall be design for a 5 inches pavement over the geotechnical recommendation for base. The developer will be only responsible for the 1st lift of pavement at thickness of 3 inches.
 - The construction shall include all drainage improvements and crossings.
 - B.The City shall be responsible of the following:
 - i. Any water valve or sewer manhole adjustments needed;
 - ii. The construction of 2nd lift of pavement, curb and gutter, sidewalks and any other related items.
3. Timing of West Sunny Dale Road Improvements
 - A. The Developer may plat two (2) lots east of the City well lot prior to having to post any surety;
 - B. The Developer shall post surety \$800,000 prior to Final Plat approval of Phase 1A;
 - C. The improvements shall be completed and be part of the final subdivision improvements inspection for Phase 2 or by 2023;
 - D. The City shall construct their agreed to improvements at the time the West Gate Road and Sunny Dale Road are connected.
 - E. The City shall agree to use Tax Increment Financing for the improvements of West Gate Road and the West Sunny Dale Road including the portion through the Dejong and Prairie Oak Subdivision to Radar Hill Road. The City shall determine the portion of cost that will be associated with the Tax Incremental District.

**BOX ELDER BOARD OF ADJUSTMENT
AND
PLANNING & ZONING COMMISSION DRAFT MINUTES
Monday, March 9, 2020**

7:00 P.M. Meeting – City Council Chambers, 420 Villa Drive, 2nd Floor, Box Elder

Board of Adjustment meeting called to order at 7:00 p.m. by Vice Chairman Rick.

Roll was taken. Present were Vice Chairman Rick, Commission members Hirschfeld, Irwin, and Labine. Also present were Community and Economic Development (CED) Director Blaise Emerson and Planning Assistant Michelle Clavadetscher.

Approve the order of business

Motion by Irwin to approve the agenda for the meeting of March 9, 2020. Seconded by Hirschfeld. Vote: Aye. Unanimous. Motion passed.

NEW BUSINESS

Variance #200026 – Application by Donna Hartshorn on behalf of the Lyle Hartshorn Revocable Living Trust requesting a reduction in the front yard setback from twenty-five (25) feet to five (5) feet and a reduction in the north side yard setback from ten (10) feet to seven (7) feet for 424 Line Road Lot 4 (Lot 4 of Block 1 of D-T Ellis Subdivision in Section 20, T2N, R9E, B.H.M., Box Elder, Pennington County, South Dakota).

CED Director Emerson explained that the request is for altered front yard and side yard setbacks. The applicant owns all of the lots at 424 Line Road, which are individually platted. The lots are odd shaped, with a hammer head style terminus at the end of the access road. The owner proposes to place a larger manufactured home on Lot 4. The property is in the AICUZ, but the proposed manufactured home would meet the sound attenuation requirements, being of 2 x 6 construction. The location of the utilities, specifically the gas and sewer stub outs, are largely the reason for the requested variance, but are not a factor that can be considered in allowing the minimum variance possible to set the manufactured home on the property. Due to the odd shape side yard setback the side yard variance is not needed. Staff recommendation is to allow a twenty (20) foot front yard setback. The applicant is in the audience if anyone has any questions.

Vice Chairman Rick asked if the applicant had questions.

Donna Hartshorn, the owner, asked the Commission to confirm that they are asking that they place the proposed manufactured home farther to the west.

CED Emerson responded that was the recommendation.

Mrs. Hartshorn indicated they were hoping not to have to move the utilities and asked where the front setback is now.

CED Emerson indicated he didn't know and that the review is based on the information they provided.

Motion by Hirschfeld to approve reduction of the front setback to 20 feet and no reduction to the side setback. Seconded by Labine. Vote: Aye. Unanimous.

ADJOURNEMENT – BOARD OF ADJUSTMENT

Motion by Irwin to adjourn the March 9, 2020 Board of Adjustment meeting. Seconded by Hirschfeld. Vote: Aye. Unanimous. Board of Adjustment adjourned at 7:11 p.m.

**BOX ELDER BOARD OF ADJUSTMENT
AND
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Monday, March 9, 2020**

7:00 P.M. Meeting – City Council Chambers, 420 Villa Drive, 2nd Floor, Box Elder

Planning and Zoning meeting called to order at 7:11 p.m. by Vice Chairman Rick.

Roll was taken. Present were Vice Chairman Rick, Commission members Hirschfeld, Irwin, and Labine. Also present were Community and Economic Development (CED) Director Blaise Emerson and Planning Assistant Michelle Clavadetscher.

Approval of the order of business

Motion by Hirschfeld to approve the agenda for the meeting of March 9, 2020. Seconded by Irwin. Vote: Aye. Unanimous.

NEW BUSINESS

Minor Plat #200027 – Application by Don Pelletier on behalf of JoAnn Pelletier for Tract A of Pelletier Addition, located in the S½ SW¼ of Section 19, T2N, R9E, B.H.M., Box Elder, Pennington County, South Dakota more generally described as northeast corner of Radar Hill Road and Wilo Road.

CED Director Emerson described the reason for the plat was due to an issue filing the deed with the Register of Deeds Office. There area couple of issues with the plat. First, the right-of-way dedication width. Radar Hill Road is located on a Section Line Highway adjacent to the subject property. Radar Hill Road is identified as an arterial street. The plat shows thirty-three (33) feet of dedicated right-of way, but arterial street right-of-way should be a total of one hundred (100) feet, so staff requests an additional seventeen (17) feet of right-of-way be dedicated or a total of fifty (50) feet to meet the one hundred (100) feet arterial width. Second, Wilo Street is also a Section Line Highway, the south thirty-three (33) feet of which has been dedicated as right-of-way through Lot B and lots 1 and 2 of Lot C of Wilo Subdivision. Staff requests the north thirty-three (33) feet of the Section Line be platted as dedicated right-of-way to the east property line of Lot 1 of lot C of Wilo Subdivision to match the previously dedicated right-of-way. The east property line of Lot 1 of Lot C of Wilo Subdivision is a reasonable end point for the right-of-way dedication, as the parcel adjacent to the east is one large property which is not suited for development due to the position of the creek. Third, The City has a Sewer Main that crosses the subject property on the plat from Wilo Street to Highway 1416. The plat does not identify the sewer easement but it should.

Staff recommendation is to approve Minor Plat #200027 with the following conditions:

1. That the east 33 feet of Section Line Highway plus and additional 17 feet of right-of-way shall be dedicated for Radar Hill Road;
2. That the north 33 feet of Section Line Highway shall be dedicated as right-of-way for Wilo Road to the east property line of Lot 1 of Lot C of Wilo Subdivision; and,
3. The Box Elder sewer main easement shall be identified on the plat.

Dean Scott of Dean Scott Surveyors introduced himself as the applicant's representative and indicated they did not have any issues with the proposed conditions.

Motion by Hirschfeld to approve with the recommended conditions Minor Plat #200027. Seconded by Labine. Vote: Aye. Unanimous.

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Minor Plat #200028 – Application by Ruth O’Neill for Tract A1 and Tract A2 of Hindman Subdivision, Section 9, T2N, R9E, B.H.M., Meade County, South Dakota more generally described as 660 feet north of the intersection of 150th Avenue and Tyler Trail.

CED Director Emerson explained that the request is to split a 19.6 acre lot into a 3.5 acre lot and a 16.11 acre lot. Currently, the property has an existing single-family dwelling located on the proposed Tract A2. The property is on the East Base Waterline. There is currently a moratorium on new water services outside of the city limits that did not have a prior agreement. The new lot needs to be serviced by a new well or cistern, though it is not certain that DENR (Department of Environment and Natural Resources) would allow a new well in that area. Emerson indicated he spoke with Meade County and that they are aware of the fact that a new dwelling would not be hooked into Box Elder water service.

Dean Scott, the Surveyor for the property owner, indicated that there was a question on the section line right-of-way, which may or may not be dedicated in that area.

Ruth O’Neill, the applicant, stood up and indicated her MOA (Memorandum of Agreement) with the base allows more than one (1) tap. She was informed she needs to bring the MOA in to be reviewed by the Public Works Director, who must approve any additional hook ups for out of town properties as valid due to a pre-existing agreement at the time the current moratorium went into effect.

Dean Scott, the Surveyor, requested clarification that the plat may be approved and the issue on receiving city water service be determined later, as it is a separate issue.

CED Emerson responded that Mr. Scott was correct and that the Staff recommendation is to approve the plat.

Motion by Hirschfeld to approve Minor Plat #200028. Seconded by Labine. Vote: Aye. Unanimous. Motion passed.

Discussion on proposed temporary second access for Northern Lights Development.

CED Director Emerson requested the Commission determine a policy to adopt on requiring a second access for the future. Everyone is aware of the Rapid City rule requiring a second access at forty (40) units, which was eventually written into their policy. It doubles the twenty (20) units allowed on a cul-de-sac in Rapid City’s standards. Some of the reasoning for the standard they adopted came from Fire Codes about the time of the Westberry Trails Fire in 1988, which led to the forty (40) unit standard being written into their policy in the mid 1990’s.

Emerson informed the Commission that the City of Sioux Falls handles the issue based on Level of Service (LOS), which is how traffic engineers think of it. LOS B indicates one thousand (1,000) vehicles per day, typically on a residential two (2) lane street. Evaluating some of our own areas with this method, the areas of Freedom Estates, West Sunnysdale Road, and Northern Lights would fit in the LOS B category. The calculations consider the type of dwelling units involved to generate the number of trips per day. Single family dwellings are each valued at 10 trips per day. Multi-family dwellings are valued at 7.33 trips per day per unit. There are some other things to look at, such as street condition, hazard impacts, and other mitigating factors such as a three (3) lane street being able to carry more traffic.

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Commission member Irwin asked for clarification. He stated that to him, a second access needs to be a totally separate route, not onto the same road as the existing access.

Daene Boomsma, who indicated he is the developer for the Northern Lights area, stood and introduced himself. He stated that there is a point where you have to stop counting cars. Northern Lights Boulevard and Denali Drive are wider, so they are Collectors. Second accesses are to Collectors. Box Elder needs to allow and encourage development and should allow a special development area to encourage development of Cheyenne Boulevard. He wants money to concentrate on Cheyenne Boulevard being developed. He asked what specific safety concerns are the issue and indicated that the design of the Northern Lights Subdivision is such that traffic for the existing areas is not affected by work being done on the successive phases.

CED Director Emerson indicated he is looking for direction and the Commission's input on additional things to be considered.

Vice Chairman Rick said he thinks we need to go down Cheyenne Boulevard pretty quick.

CED Director Emerson stated that from a development side, Cheyenne Boulevard is a transportation solution and West Sunnydale Road is more on the Community Development side, as it involves a neighborhood.

Commission member Labine expressed the opinion that it is time for Cheyenne Boulevard.

Commission member Irwin asked if you develop Cheyenne Boulevard, why not take it all the way over to Exit 67 instead of stopping is a Radar Hill Road and reflected that at one point, when the Rapid City Regional Airport was initially being planned, there were discussion of having that type of connection from Exit 67 to the airport.

CED Director Emerson indicated he will move ahead in developing Second Access Policy details.

OLD BUSINESS

Approval of the minutes of the meeting of February 24, 2020.

Motion by Irwin to approve the minutes for the meeting of February 24, 2020. Seconded by Hirschfeld.
Vote: Aye. Unanimous. Motion passed.

Continued discussion of proposed updated Zoning Ordinance Title 153.

CED Director Emerson indicated he did not have anything for this meeting.

GUEST INPUT

Jane Maine asked what is happening to the Old Conoco and stated that Timmons Market made the announcement they were coming to Box Elder and everyone is happy.

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CED Director Emerson responded in regard to the old Truck Stop is that all he knows is that it is under new ownership and indicated that he was going to mention the Timmons Market announcement in his reports.

ADMINISTRATIVE REPORTS

CED Director Emerson indicated he has been working with Timmons Market since about a year ago. They are proposing to add some additional square footage to the location they have chosen, which has an existing structure, to meet their desired floorplan. The plan is currently to have a similar floorplan to their existing store on Elk Vale with a similar produce area, deli, and meat market but less freezer space. They will also be using their existing facility's storage spaces to serve the Box Elder location.

Plans review for the Daycare facility is currently in process. Staff anticipates the building permit will be issued in the next week or so.

Regarding the nuisance violation at the end of Line Road, they had brought a dumpster in at one point, then it was removed and not brought back. The City then put a dumpster in and hauled it out. Vice Chairman Rick said a surprising amount of progress had been made. Emerson indicated the City is working on removing vehicles, starting on the top ten (10) and working our way down. The property on the end of Line Road and another Line Road location, the old Root property, were among the top ten (10) they were looking to start with.

COMMISSION INPUT

Commission member Labine indicated he will miss the next two (2) meetings.

ADJOURNMENT – PLANNING AND ZONING COMMISSION

Motion by Irwin to adjourn the March 9, 2020 Planning Commission meeting. Seconded by Hirschfeld. Vote: Aye. Unanimous. Motion passed. Meeting adjourned at 8:25 p.m.