

**AGENDA**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**May 22, 2023 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

Recommendations of the Planning Commission, on certain items from this agenda, will be considered by the Board of Commissioners at their regular meeting on June 6, 2023, at 10:30 a.m. The Planning Commission utilizes Speaker Request Forms, which are available in the Commission Chambers during the meeting.

\*\*If unable to attend the meeting, please submit your comments via e-mail to [plz@penmco.org](mailto:plz@penmco.org) or by mail to the attention of the Pennington County Planning Department, 130 Kansas City St., Ste. 200, Rapid City, SD 57701, or, if appearing by teleconference, contact the Planning Department at 605-394-2186, twenty-four (24) hours prior to the scheduled meeting.

ROLL CALL

1. APPROVAL OF THE MAY 8, 2023, MINUTES
2. APPROVAL OF THE AGENDA

**CONSENT AGENDA**

The following items have been placed on the Consent Agenda for action to be taken on all items in accordance with staff's recommendation by a single vote. Any item may be removed from the Consent Agenda, by any Planning Commissioner, staff member, or audience member for separate consideration. The findings of this Planning Commission, on certain items from this agenda, are recommendations to the Pennington County Board of Commissioners who will make the final decision.

3. **CONDITIONAL USE PERMIT REVIEW / CU 96-14:** Mark Hirsch. To review a manufactured home as a caretaker's residence in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 3 of Tract 2 in NW<sup>1</sup>/<sub>4</sub>, Section 31, T1N, R7E, BHM, Pennington County, South Dakota

To recommend approval of the extension of Conditional Use Permit / CU 96-14 with conditions.

4. **CONDITIONAL USE PERMIT REVIEW / CU 17-44:** Gregory Yates. To review a Vacation Home Rental in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Tract 1, Annie Lode MS 1721, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 17-44 with conditions.

5. **CONDITIONAL USE PERMIT REVIEW / CU 18-06:** Milbert and Lila Rohrbach. To review an existing single-wide mobile home as the owner's residence, an existing single-wide mobile home to remain as storage, and an existing double-wide mobile home to remain as a rental unit on the subject property in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot W 165 feet of W½ of Lot 3 less N10 feet; Plateau Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 18-06 with conditions.

6. **CONDITIONAL USE PERMIT REVIEW / CU 19-02:** Greg and Angelina Anderson. To review a Vacation Home Rental on the subject property in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 8, Block 2, Whispering Pines Subdivision, Section 32, T1N, R7E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 19-02 with conditions.

7. **CONDITIONAL USE PERMIT REVIEW / CU 19-19:** Dale and Sarah Gadbois. To review a secondary structure prior to a primary residence in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

SE¼SE¼, Section 8, T2S, R7E, BHM, Pennington County, South Dakota.

To recommend to end Conditional Use Permit / CU 19-19 with the applicant's concurrence.

8. **CONDITIONAL USE PERMIT REVIEW / CU 19-20:** Cody Rust Butler; Jeannie Marr – Agent. To review a Vacation Home Rental in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

Tract A of Lot 2 of SW¼NW¼, Section 19, T1S, R5E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 19-20 with conditions.

9. **CONDITIONAL USE PERMIT REVIEW / CU 20-25:** Jessica Hessler / 7 Wonders, LLC. To review a Vacation Home Rental in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 1A of Lot C of NW¼SE¼, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 20-25 with conditions.

10. **CONDITIONAL USE PERMIT REVIEW / CU 21-04:** Cole or Renae Foster. To review a Bed and Breakfast being utilized above the garage on the subject property in an Agriculture District in accordance with the Pennington County Zoning Ordinance
- E200 ft of N947 ft of E½SW¼NE¼; S373 ft of SE¼SW¼NE¼, Section 32, T1S, R7E, BHM, Pennington County, South Dakota.
- To recommend approval of the extension of Conditional Use Permit / CU 21-04 with conditions.
11. **CONDITIONAL USE PERMIT REVIEW / CU 21-25:** Jessica Hessler, 7 Wonders, LLC. To review a Vacation Home Rental in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.
- Lots 1 and 2 of Lot 7 and 8 (Replatted) of Clear Creek Placer MS 1184, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.
- To recommend approval of the extension of Conditional Use Permit / CU 21-25 with conditions.
12. **CONDITIONAL USE PERMIT REVIEW / CU 21-56:** Alex and Holly Niemann, ANH Enterprises, Inc. To review the rental of 36 UTVs (6 back-ups) and 6 slingshots to include a washing area, parking area, and 36-40 employees in a Highway Service District in accordance with the Pennington County Zoning Ordinance.
- Lot G, Murray Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.
- To recommend approval of the extension of Conditional Use Permit / CU 21-56 with conditions.
13. **CONDITIONAL USE PERMIT REVIEW / CU 22-11:** Justin Kistler. To review living in the existing double-wide mobile home while building a single-family residence on the subject property in an Agriculture District in accordance with the Pennington County Zoning Ordinance.
- Tract 2A Valley View Estates, Section 7, T1N, R9E, BHM, Pennington County, South Dakota.
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- To recommend to end Conditional Use Permit / CU 22-11 with the applicant's concurrence.
14. **CONDITIONAL USE PERMIT REVIEW / CU 22-09:** David and Mary Grover. To review living in a pole barn/shop building while building a single-family residence on the subject property in a Ranchette District in accordance with the Pennington County Zoning Ordinance.
- Lot B, Mills Ranch Subdivision, Section 32, T1S, R5E, BHM, Pennington County, South Dakota.
- To recommend approval of the extension of Conditional Use Permit / CU 22-09 with conditions.

15. **PLANNED UNIT DEVELOPMENT OVERLAY REVIEW / PU 22-04:** John and Tracy Wiebe. To review a Specialty Resort to include three tent spots, one tree house with living quarters, and a caretaker/manager's residence in accordance with the Pennington County Zoning Ordinance.

Lot 2 of Tract A in NE $\frac{1}{2}$  and Tract 0061, Section 10, T2S, R6E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Planned Unit Development Overlay / PU 22-04 with conditions.

16. **MINING PERMIT REVIEW / MP 14-02:** Pennington County Highway Department. To review the excavation and extraction of gravel in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$  Lying South of the Railroad Right-of-Way, E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$  Lying South of the Railroad Right-of-Way, E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$  Excepting Railroad and Highway Right-of-Way; Government Lot 1,5,6 and 7, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$  SE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$  Lying North of the Railroad Right-of-Way, W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$  NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Excepting Railroad and Highway Right-of-Way, Section 6, T1N, R12E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Mining Permit / MP 14-02 with conditions.

#### **END OF CONSENT AGENDA**

17. **CONDITIONAL USE PERMIT / CU 23-11:** SADL Properties, LLC; Stacey Kutil. To allow a Vacation Home Rental on the subject property in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 2 (of Lot D), Gussler Subdivision, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

(Continued from the April 24, 2023, Planning Commission meeting.)

18. **CONDITIONAL USE PERMIT / CU 23-15:** James and Linda Rensch. To allow a Vacation Home Rental in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

Lot C, Pineville Acres, Section 20, T1S, R7E, BHM, Pennington County, South Dakota.

19. CONDITIONAL USE PERMIT / CU 23-16: Lynne Messersmith. To allow a Vacation Home Rental on the subject property in accordance with the Pennington County Zoning Ordinance.

Lot 1B, T and J Price Subdivision, Section 1, T2S, R5E, BHM, Pennington County, South Dakota.

20. CONDITIONAL USE PERMIT / CU 23-17: David Allard. To allow a Bed and Breakfast on the subject property in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 17 of Block 5 of Pine Cliff Subdivision, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

21. MINOR PLAT / MPL 23-09: Glenn and Michelle Bintliff. To subdivide and create Lots 1 and 2 of Bintliff Subdivision in accordance with the Pennington County Subdivision Regulations Variance.

EXISTING LEGAL DESCRIPTION: Lot S and Lot C of the E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ ; Parcel 4 of SW $\frac{1}{4}$ NE $\frac{1}{4}$  Less Lot 3R of Lot A of Feldman Sub., Section 36, T1N, R9E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL DESCRIPTION: Lots 1 and 2 of Bintliff Subdivision, Section 36, T1N, R9E, BHM, Pennington County, South Dakota.

22. LOT LINE ADJUSTMENT PLAT / LAPL 23-11: Paul Von Fischer. To combine two lots to create Lot 3R of Tract 11 of National Placer MS 688 in accordance with the Pennington County Subdivision Regulations Variance.

EXISTING LEGAL DESCRIPTION: Lot 2 of Tract 11 and Lot 3 of Tract 11 of National Placer MS 688, Section 34, T2N, R4E, BHM, Pennington County, South Dakota

PROPOSED LEGAL DESCRIPTION: Lot 3R of Tract 11 of National Placer MS 688, Section 34, T2N, R4E, BHM, Pennington County, South Dakota

23. REZONE / RZ 23-06: Free Range Rentals, LLC; Davis Engineering - Agent. To rezone 7.2 acres from Agriculture District to Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Tract A of Willison B White HES No. 2440 and That PT of the W $\frac{1}{2}$ NE $\frac{1}{4}$  lying E of Tract A of Willison B White Homestead, HES #2440 and W of Gold Mountain Subdivision, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

(Continued from the April 24, 2023, Planning Commission meeting.)

24. COMPREHENSIVE PLAN AMENDMENT / CA 23-05: Pink Cabin, LLC; KTM Design Solutions - Agent. To amend the Comprehensive Plan to change the Future Land Use from Suburban Residential District to Urban Residential District in accordance with the Pennington County Zoning Ordinance.

The subject property is located on the following metes and bounds description: Commencing at the Northeast corner of Lot 1, Block 2, of Colvins Subdivision, located in Section 14, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; THENCE (1) with the easterly boundary of said Colvins Subdivision, South 2°04'19" West, 17.00 feet to the point of beginning; THENCE (2) leaving said easterly boundary, South 88°17'25" East, 63.58 feet to a point on the westerly boundary of Murphy Ranch Estates Subdivision, being the northwest corner of Lot 10, Block 1; THENCE (3) with said westerly boundary, South 1°54'30" West, 90.63 feet to the beginning of a curve; THENCE (4) continuing with said westerly boundary, on a curve turning to the left with an arc length of 67.75 feet, with a radius of 67.00 feet, with a chord bearing of South 27°03'26" East, with a chord length of 64.88 feet; THENCE (5) continuing with said westerly boundary, South 56°00'19" East, 109.04 feet to the beginning of a non-tangent curve; THENCE (6) continuing with said westerly boundary, on a curve turning to the left with an arc length of 108.82 feet, with a radius of 52.00 feet, with a chord bearing of North 87°25'04" East, with a chord length of 90.02 feet to the beginning of a curve; THENCE (7) continuing with said westerly boundary, on a curve turning to the right with an arc length of 15.87 feet, with a radius of 40.50 feet, with a chord bearing of North 38°41'39" East, with a chord length of 15.77 feet to the northwest corner of Lot 1, Block 12; THENCE (8) continuing with said westerly boundary, South 2°04'39" West, 99.54 feet; THENCE (9) continuing with said westerly boundary, South 2°06'42" West, 76.62 feet; THENCE (10) continuing with said westerly boundary, South 2°03'07" West, 76.10 feet; THENCE (11) continuing with said westerly boundary, South 2°03'41" West, 75.87 feet; THENCE (12) continuing with said westerly boundary, South 2°01'40" West, 75.97 feet; THENCE (13) continuing with said westerly boundary, South 2°05'17" West, 75.86 feet; THENCE (14) continuing with said westerly boundary, South 1°57'23" West, 76.10 feet to the northwest corner of Lot 8, Block 12; THENCE (15) continuing with said westerly boundary, South 1°57'23" East, 15.45 feet to the beginning of a non-tangent curve; THENCE (16) continuing with said westerly boundary, on a curve turning to the left with an arc length of 86.07 feet, with a radius of 236.00 feet, with a chord bearing of South 8°08'06" East, with a chord length of 85.59 feet to the beginning of a curve; THENCE (17) continuing with said westerly boundary, on a curve turning to the left with an arc length of 18.88 feet, with a radius of 236.00 feet, with a chord bearing of South 20°52'25" East, with a chord length of 18.87 feet; THENCE (18) continuing with said westerly boundary, South 23°50'25" East, 57.98 feet; THENCE (19) continuing with said westerly boundary, South 23°27'08" East, 70.00 feet to the southwest corner of Lot 10, Block 12; THENCE (20) continuing with said westerly boundary, North 66°14'23" East, 9.95 feet to the beginning of a non-tangent curve; THENCE (21) continuing with said westerly boundary, on a curve turning to the right with an arc length of 88.59 feet, with a radius of 886.47 feet, with a chord bearing of South 18°16'37" East, with a chord length of 88.55 feet to the beginning of a curve and being on the northerly right-of-way of Springfield Road; THENCE (22) continuing with said westerly boundary, on a curve turning to the right with an arc length of 52.20 feet, with a radius of 886.47 feet, with a chord bearing of South 13°43'31" East, with a chord length of 52.19 feet to the southerly right-of-way of Springfield Road; THENCE (23) leaving said westerly boundary, South 81°11'31" West, 13.97 feet to the beginning of a curve; THENCE (24) on a curve turning to the left with an arc length of 98.18 feet, with a radius of 174.00 feet, with a chord bearing of South 65°01'40" West, with a chord length of 96.88 feet; THENCE (25) North 41°08'11" West, 26.00 feet; THENCE (26) North 41°08'11" West, 26.00 feet; THENCE (27) North 41°08'11" West, 84.05 feet; THENCE (28) North 88°02'41" West, 222.96 feet to a point on the easterly line of Colvins Subdivision; THENCE (29) continuing with said easterly boundary, North 1°47'44" East, 138.09 feet; THENCE (30) continuing with said easterly boundary, North 1°53'35" East, 234.91 feet; THENCE (31) continuing with said easterly

boundary, North 1°58'44" East, 114.92 feet; THENCE (32) continuing with said easterly boundary, North 1°54'11" East, 115.99 feet; THENCE (33) continuing with said easterly boundary, North 1°49'45" East, 115.95 feet; THENCE (34) continuing with said easterly boundary, North 1°42'12" East, 116.43 feet; THENCE (35) continuing with said easterly boundary, North 2°04'19" East, 213.64 feet to the point of beginning; Said parcel contains 6.52 acres more or less; Section 14, T1N, R8E, BHM, Pennington County, South Dakota

25. REZONE / RZ 23-08: Pink Cabin, LLC; KTM Design Solutions - Agent. To rezone 0.13 acre from Urban Residential District to Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

The subject property is located on the following metes and bounds description: Commencing at the Southeast corner of Lot 2, Block 3, of Colvins Subdivision, located in Section 14, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, being monumented with a ½ inch rebar; THENCE (1) contiguous with the easterly boundary of said Colvins Subdivision, North 1°47'44" East, 68.92 feet to the point of beginning; THENCE (2) continuing with said easterly boundary of Colvins Subdivision, North 1°47'44" East, 23.13 feet; THENCE (3) leaving said easterly boundary, South 88°02'41" East, 222.96 feet; THENCE (4) South 41°08'11" East, 84.05 feet; THENCE (5) North 48°43'36" West, 60.36 feet; THENCE (6) North 88°02'33" West, 233.61 feet to the point of beginning; Said parcel contains 0.13 acres (5616 sq. ft.) more or less; Section 14, T1N, R8E, BHM, Pennington County, South Dakota.

26. ORDINANCE AMENDMENT / OA 23-01: Pennington County. To amend Section 319 Vacation Home Rental [to amend and supersede the existing Section 319 Vacation Home Rental] of the Pennington County Zoning Ordinance.

(Continued from the May 8, 2023, Planning Commission meeting.)

27. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the May 8, 2023, Planning Commission meeting.

28. ITEMS FROM THE PUBLIC

29. ITEMS FROM THE STAFF

30. ITEMS FROM THE MEMBERSHIP

31. ADJOURNMENT

**ADA Compliance: Pennington County fully subscribes to the provisions of the Americans with Disabilities Act. If you desire to attend this public meeting and are in need of special accommodations, please notify the Planning Department so that appropriate auxiliary aids and services are available.**