

**OFFICIAL MINUTES**  
**SUMMERSET PLANNING AND ZONING COMMISSION**  
**REGULAR MEETING**  
**DECEMBER 27, 2022 @ 6:00 P.M.**

The meeting was called to order by Commissioner Oldfield at 6:00 p.m.

**ROLL CALL:** Brody Oldfield, Dustin Hirsch, Casey Kenrick, John Hough, and Mike Martin present. Also present was the City Administrator, Talbot Wiczorek, Counsel and Lindsay Shagla, Engineer.

**CALL FOR CHANGES:** Motion by Kenrick, second by Martin to approve the agenda of the meeting for December 27th, 2022. Motion carried.

**CONSENT CALENDAR:** Motion by Kenrick, second by Hirsch to approve the minutes of the regular meeting of November 22nd, 2022. Motion carried.

**RCS STORAGE – VARIANCE REQUEST**

Motion by Martin, second by Kenrick, to open discussion. Motion carried.

City Administrator Lisa Schieffer presented the variance along with the review of Engineer Lindsay Shagla requesting 28.7’ instead of the 30’ between storage unit aisles. The standard 30” is in between each aisle and 28.7’ is on the end and not in between aisles. Engineering found no problem with the variance request.

Motion by Hough, second by Hirsch, to close discussion. Motion carried.

Motion by Kenrick, second by Martin to recommend approval of the variance to the Board.

**TAB INDUSTRIAL PARK – VARIANCE REQUESTS:**

**VARIANCE #1 TO ORDINANCE 115 (E) ANNEXATION**

Motion by Hirsch, second by Hough, to open discussion. Motion carried.

Jessica Larson, Attorney for the applicant, stated that the annexation would cause an undue hardship and there are no current plans in place to extend the City sewer, along with restrictions for use of the property. Instead, possibly an agreement could be reached in a Declaration of Future Voluntary Annexation and Restrictive Covenants to alleviate the concerns of the City.

Robert Embree, residing at 7680 Angus Lane, asked if commercial property were to go in that area that they would like to have a privacy fence put up between the commercial property and their residential property.

Tyson Waddell, residing at 7700 Angus Lane, asked what the City does get out of this regarding annexation.

Attorney Talbot Wiczorek cited the ordinances in which Summerset is operating under wherein annexation takes place if any portion of the subdivision adjacent to the City’s municipal boundary. The term adjacent ignores any right of way or dedication that lies between the municipal boundary and the subdivision boundary. Wiczorek went on to discuss if the variance

meets the intent, just because someone does not want to be annexed. Discussion ensued on what other services besides sewer the City provides.

Motion by Hough, second by Kenrick to close discussion. Motion carried.

Motion by Kenrick, second by Martin, to deny the variance. Motion carried.

**VARIANCE #2 TO SUMMERSET IDCM – CURB/GUTTER**  
**VARIANCE #3 TO SUMMERSET IDCM – RIGHT OF WAY WIDTH**  
**VARIANCE #4 TO ORDINANCE 115 – ONSITE WASTEWATER TREATMENT SYSTEM**

Motion by Martin, second by Hirsch to open discussion. Motion carried.

Leah Berg, Aces Engineering, spoke to the remaining three variances. Berg stated that there does not need to be a curb and gutter system in that area. The open ditch drainage meets the needs. Said businesses will not generate pedestrian traffic. Berg stated that the right of way widths that are in the City of Summerset are at 66' and that utilities would fit into the same. Lastly, there is no sewer available from the City so an onsite wastewater treatment system would be put into place.

Lindsay Shagla, HDR Engineering, stated that there is currently curb and gutter in the Black Hawk area, and that sidewalk would probably not be needed as it is going to be more of an industrial type setting. As far as the width goes, most right of ways were developed before Summerset was incorporated but Shagla did not see a problem with the same along with the septic system.

Dianna Meeker, residing at 8405 Captain Soelzer expressed her concerns of not knowing what is going on and receiving a notification regarding the same. Meeker stated that they are established there and that they are not wanting to have any of these services in the future.

Talbot Wieczorek, Counsel, had asked who maintains the end of Black Hawk Road and whether the road would be pushed through to Buckaroo Court or if a cul-de-sac would be put in. Additionally has there been access granted to have an entrance into Lot 4. Also, it would be wise if the City asked for setbacks in the area for future sidewalk if it were to be put in.

It was then discussed that there is a road district at the end of Black Hawk Road and that half is owned by them and the other half is in a different district. The discussion ensued about getting property access and who has jurisdiction.

Motion made by Martin, second by Hirsch, to close discussion. Motion carried.

Motion by Kenrick to recommend denying Variance #2 on the curb/gutter due to lack of information. Motion failed for lack of a second.

Motion by Martin, second by Hough, for no recommendation on Variance #2 Curb/Gutter to the Board for lack of information. Voting yes: Martin, Oldfield, Hirsch, and Hough. Voting no: Kenrick. Motion carried.

Motion by Kenrick, second by Hirsch to recommend approval of Variance #3 – Right of Way width. Motion carried.

Motion by Martin, second by Kenrick, to recommend approval of Variance #4 Onsite Wastewater Treatment System. Motion carried.

**TAB INDUSTRIAL PARK – PRELIMINARY PLAT**

Plat of Lots 1 through 8 and Dedicated Public Right of Way for Buckaroo Court all of Tab Industrial Park. All Located in SE1/4 of Section 6, Township 2 North, Range 7 East, Black Hills Meridian, Meade County, South Dakota.

Motion by Kenrick, second by Martin to open discussion. Motion carried.

Discussion was had regarding the requirements needed for the preliminary plat and how the variances tie in.

Motion by Hough, second by Hirsch, to close discussion. Motion carried.

Motion by Hirsch, second by Martin, to recommend denying the preliminary plat to the Board based on the plat fails to comply with the requirements set out in the ordinances of the City of Summerset and more information is needed regarding the same. Motion carried.

**ADJOURNMENT**

Motion by Martin, second by Kenrick, to adjourn the meeting at 7:36 p.m. Motion carried.

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Candace Sealey, Finance Officer

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Brody Oldfield, Chairman

Published once 1/4/2023 at a cost of \$146.24.