

ORDINANCE NO. 780

AN ORDINANCE TO AMEND THE LIBERTY PLAZA SUBDIVISION PLANNED DEVELOPMENT DETAILS

BE IT ORDAINED by the City of Box Elder, South Dakota, that the Liberty Plaza Subdivision Planned Unit Development Details be amended in accordance with the change to the related plat document submitted to Pennington County by way of a Surveyor’s Affidavit of Correction as follows:

That the three (3) permitted parking lots referenced in item 4.b. of the section titled ‘Additional Public Improvements and Development Standards, Single-family Residential (Henry Potter Rd., Nighthawk Dr., & Yelner Dr.),’ be indicated as follows:

- i. Lot 15 of Block 3 on Henry Potter Drive
- ii. Lot 13 of Block 6 on Nighthawk Drive
- iii. Drainage Lot A of Block 7

BE IT FURTHER ORDAINED by the City of Box Elder, South Dakota, that the Liberty Plaza Subdivision Planned Unit Development Details be amended to adding the following to the ‘Additional Public Improvements and Development Standards, Single-family Residential (Henry Potter Rd., Nighthawk Dr., & Yelner Dr.),’ as item 4.d.:

The off-street parking on Henry Potter Road and Nighthawk Drive be paved and the no-parking signs on Henry Potter Road and Nighthawk be installed no later than 6/30/2026.

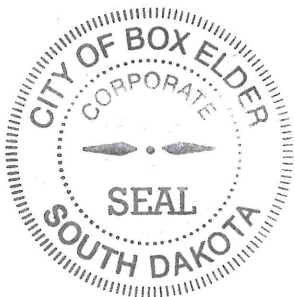
PASSED AND APPROVED ON FIRST READING this 18th day of November, 2025

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this 2 day of December, 2025.

Larry Larson, Mayor

ATTEST: Renee Baker, Finance Officer

(SEAL)



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ATTESTATION

I, Chaz Kokesh, the City Clerk of the City of Box Elder, South Dakota, do hereby attest and state the above ordinance was published on December 11, 2025 in the manner required by law and that all procedures required by the State of South Dakota law were complied with. This ordinance shall become effective on the twentieth day after its publication, that date being: December 30, 2025.



Chaz Kokesh, City Clerk

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Planning Department
 420 Villa Drive, Box Elder, SD 57719
 Phone: 605-923-1404 Fax: 605-923-4264
 This institution is an equal opportunity provider

**Liberty Plaza Planned Unit Development:
 As of 12/02/202**

Proposed Lot Layout Details:

	<u>Single Family</u>	<u>Multi -Family & Mixed Use</u>	<u>Commercial & Tech</u>
Minimum Lot Size	0.14 acres (6,000 sq ft)	10,000 sq ft	1 Acre (43,560)
Minimum Lot Frontage	60'	100'	100'
Front Setback	25'	0'	25'
Rear Setback	20'	0'	30'
Interior Side Setback	8'	0'	15'
Exterior Side Setback	15'	0'	15'
Maximum Building Coverage	45%	75%	75%
Max Building Height	24'	5 stories (75')	5 stories (75')
Max Density	-	1,200 sq ft / unit (36 units/acre)	-

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Liberty Plaza Planned Unit Development

Proposed Permitted Land Uses:

(See existing Zoning Regulations for examples)

Single Family Residential:

Attached Single Family

Detached Single Family

Accessory and incidental uses

No commercial, industrial, or multi-family residential uses shall be permitted.

Multi-family & Mixed Use:

Attached Single family homes of 4 or more units, also known as townhouses.

Multi-family dwelling units, such as apartments or condominiums, of 4 or more units

Mixed use buildings with a combination of residential and non-residential uses

Retail stores, including personal and business services if located within a mixed-use building

Eating and drinking establishments, except drive-in establishments and on-sale liquor establishments

Offices, studios, clinics, and laboratories

Medical services including out-patient facilities, dental, optometry, physical therapy, and similar services.

Personal and business service establishments

Health, wellness, and fitness facilities

Libraries and similar civic or educational facilities

Utility buildings and facilities

Assisted living centers and long-term care facilities

Child and adult day care centers if registered with the State of South Dakota

Commercial & Technology Uses:

Offices, studios, clinics, and laboratories

Light manufacturing and assembly

Office administration

Research & Development facilities

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Liberty Plaza Planned Unit Development

Additional Public Improvements and Development Standards:

(Street Design, Public Parks, Landscaping, etc.)

*Yelner Dr * was previously labeled Constitution Avenue, Berky Drive was previously labeled Raider Drive

Single-family Residential (Henry Potter Rd., Nighthawk Dr., & Yelner Dr. *)

1. Right-of-Way:

- a. The Subdivision ordinance explicitly prohibits on-street parking within a 60' ROW. |
- b. The minimum pavement width (26') and related appurtenances can be accommodated within a 50' ROW.
- c. Local residential streets utilizing 50' ROWs are consistent with previously allowed subdivisions such as Creekside and Prairie View. The Rights-of-Way for streets currently labeled as Henry Potter Rd. and Nighthawk Dr. should be reduced to 50'.
- d. Street will be constructed in accordance with **Exhibit A**

2. Residential Access:

- a. Single Family Residential lots shall not be directly accessed from 80' arterial roadways (Main Street).
- b. Residential lots may be accessed from an 80' ROW if the street is designed in accordance with the Residential 80' standard (Street section #5) included in **Exhibit A**.

3. Yelner Dr. *:

- a. Yelner Dr. * has been reduced to 66' from Main Street East. 36' of pavement width has been provided to accommodate on-street parking.
- b. Sidewalk bump-outs shall be extended into the street by 8' measured from the boulevard in order to shield the on-street parking. Landscaping should be included in areas within the extensions that are not intended for pedestrian traffic.

4. Parking:

- a. On-street parking will be allowed in these areas:
 - i. Yelner Drive *
 - ii. Main Street, south of Yelner Drive *
 - iii. Donald Smith Street to be constructed in Phase 2.
- b. There will be three (3) permitted parking lots:
 - i. Lot 15 of Block 3 on Henry Potter Drive
 - ii. Lot 13 of Block 6 on Nighthawk Drive
 - iii. Drainage Lot A of Block 7
- c. Parking disclosure added to closing documents.
- d. The off-street parking on Henry Potter Road and Nighthawk Drive be paved and the no-parking signs on Henry Potter Road and Nighthawk Drive be installed no later than 6/30/2026."

5. Garages:

- a. Minimum of two-stall garages on each lot.

6. Driveways: An impervious driveway connecting the garage to public ROW will be required.

- a. Minimum of two driveway parking spaces on each lot.

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Liberty Plaza Planned Unit Development

Main Street (Mixed-Use & Commercial Uses)

1. **Street names:** The street be renamed in accordance with Pennington County requirements.
2. **Access:** No Single-family residential uses shall be directly accessed from the street currently labeled as Main Street.
3. **On-street parking:**
 - a. On-street Parking shall not be permitted within 30' of an intersection, access easement or driveway. Sidewalk extensions will be installed to address this stipulation.
 - b. Street sections accommodating on-street parking will be designed in accordance with **Exhibit A.**
 - c. On-street parking will be allowed south of Yelner Drive *
4. **Street Sections:**
 - a. Sections of Main Street abutting Single-family residential uses shall be designed in accordance with **Exhibit A.**

Lots 1-3 of Block 2 and Lots 1-2 of Block 3 (Mixed-Use & Multi-Family)

1. **Build-to Line:** Multi-family, mixed-use, or commercial developments abutting Main Street shall utilize a 0' build-to line and will have a minimum of 60% of the street frontage occupied by building façade. Lots with more than one street frontage will utilize the required build-to line and frontage development on each side fronting a street.
2. **On-street Parking:** On-street Parking shall be in accordance with **Exhibit A.**
3. **Off-street Parking:** Parking lots will not be permitted adjacent to the public right-of-way. Parking lots should be located behind buildings when possible. Public spaces or appropriate landscaping may be used to provide separation of parking lots and the public right-of-way. Parking lots not separated from the right-of-way by a structure, landscaping, or developed public space will be subject to a 60' setback requirement.
4. **Pedestrian Access:** Buildings located on lots 1-3 of lock 2 and lots 1-2 of block 3 will be directly accessible to pedestrians from the Main Street right-of-way. Store fronts, commercial uses, and ground level residential uses shall be oriented toward the public ROW when appropriate. Issuing of building permits will be contingent on meeting the above build-to line and frontage requirements.

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Liberty Plaza Planned Unit Development:

Street	ROW	Min. Paved Area	Curb & Gutter	Sidewalk	Boulevard	Occupied Width	Notes
1 Local Residential (Henry Potter & Nighthawk)	50'	26'	2.67'	5'	3.33'	45'	No on-street parking permitted
2 Local Residential (Yelner Dr ¹)	66'	36'	2.67'	5'	6.33'	47'	On-street parking
3 Local Residential / Arterial	50'	24'	2.67'	Exhibit A	0'	47'	Intersection Sidewalk Extension included on Local street
4 Berky Dr ²	66**	40'	2.67'	5'	3.33'	64'	* H lots/leasehold West of Main Street, ROW East of Main Street
5 Berky Dr ² / Traffic Circle	66'	24'	2.67'	Exhibit A	0'	59'	Intersection (pavement area includes two 12' vehicle lanes measured from face of curb to face of curb. Sidewalk extensions provided)
6 Main St (On-street parking)	80'	55'	2.67'	5'	3.83'	79'	{11' center shared turn lane (no median used)}
7 Main St (No On-street parking)	80'	41'	2.67'	5'	10.83'		{11' center shared turn lane (no median used)}
8 Main St / Traffic Circle Residential 80' - Turn Ln (See Main St (On-street parking))	80'	34'	2.67'	Exhibit A	0'	67'	Intersection 12' wide lanes will be separated by an 8' median (pavement area includes two 12' vehicle lanes and two bicycle lanes measured from face of curb to face of curb. Sidewalk extensions provided.)
9 Main St (On-street parking)	80'	36'	2.67'	6'		63'	12' wide median to transition to turn lane within 30' of intersection

¹ Yelner Drive was previously labeled as Constitution Avenue

² Berky Drive was previously labeled as Raider Drive