

**Planning Conditions of Approval**  
**Commission Meeting Date: November 7, 2023**

**ITEMS FROM PLANNING & ZONING**

**UNCONTESTED HEARINGS:**

- b. MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 16-03: Dan and Nancy Evangelisto / Century Home Crafters, LLC; Century Land Holdings, LLC; and Summer Creek Inn, LLC. To review an existing Planned Unit Development to allow for a Specialty Resort Development to include uses, such as vacation home rentals, weddings, receptions, picnics, family reunions, single-family residences, bed and breakfast, storage, gift shop, spa, cabana, bistro, detached accessory structure with living quarters, duplex, etc., on the subject properties, in accordance with the Pennington County Zoning Ordinance.

MOVED by Hadcock and seconded by Lasseter to approve of the review of Major Planned Unit Development Amendment / PU 16-03 with the following forty-five (45) conditions: Vote: Unanimous

1. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
2. That the Developer [hereafter known as Century Construction LLC and/or its successor or the Custer Trail Subdivision One Home Owners architectural review committee] ensure the residential character of the property is maintained;
3. That daily and event operations be conducted by owners, on-site manager, and staff as necessary;
4. That all natural drainage paths be continually maintained;
5. That the business sign, the one proposed, by the applicant, for placement on the brick wall, which directs attention to the Inn shall be allowed with an approved Sign Permit. Such sign shall not exceed the area of the existing subdivision sign square feet and shall be limited to one such sign per approved home occupation use. Such sign shall be either a wall sign or a ground sign and shall not be located in any public right-of-ways;
6. That prior to the placement of any on and off-premise signs by the Developer [hereafter known as Century Construction LLC and/or its successor or the Custer Trail Subdivision One Home Owners architectural review committee], the applicant must obtain approval of a Sign Permit. That every effort will be made for signs within the PUD to use natural materials, i.e. stone, concrete, native woods and blend into the surrounding area and to have a minimal impact. Signs must be approved in writing by Developer prior to the issuance of a Sign Permit issued by the Planning Director;

7. That the following be permissible, with approved Sign Permits reviewed and signed by the Planning Director (where applicable): an existing and approved development/subdivision entrance sign located on Lot 3; two (2) additional entrance signs immediately off of Carbon Loop Road; one (1) event site sign located on retaining wall on Lots 10, 11, 12, similar to the development sign; and other signs as needed. All signs within the PUD must comply with the Pennington County Sign Ordinance unless otherwise specified within PUD 16-03;
8. That the address be properly and continually posted on both the residence and at the approach, for all structures with addresses, so it be visible in both directions of the approach, in accordance with Pennington County's Ordinance #20;
9. That the applicant maintain an Emergency Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
10. That a minimum of 34 parking spaces be provided on-site, each measuring a minimum of 9 feet by 18 feet and maintained in a dust-free manner in accordance with the Pennington County Zoning Ordinance. Existing and approved required parking for 150 guests must be located on Lots 3, 4, 10, 11, and 12 with over flow parking on Lot 45;
11. That Summer Creek Drive have a 24-foot-wide driving surface and four (4) inches of gravel; the other two-way roads, within the PUD, have 16- to 18-foot-wide driving surfaces, with four (4) inches of gravel; and all one-way roads, have a 12-foot-wide driving surface, with four (4) inches of gravel. The responsible Street Authority shall meet or exceed roadway requirements, per State and County regulations;
12. That the intensity and duration of sounds from any and all sources, within the lots of the Planned Unit Development, are in compliance with South Dakota Codified Law 22-18-35;
13. That quiet hours for all non-residential lots in the Planned Unit Development / PU 16-03, be from 11:00 p.m. to 7:00 a.m. on Friday and Saturday and from 10:00 p.m. to 7:00 a.m. Sunday through Thursday;
14. That all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
15. That any Specialty Resort, Bed and Breakfast or Vacation Home Rental within Planned Unit Development / PU 16-03, obtain all necessary permits from other governing bodies for operation of a Specialty Resort, Bed and Breakfast or Vacation Home Rental including, but not limited to, approval from the South Dakota Department of Health and Sales Tax License from the South Dakota Department of Revenue;
16. That a smoke detector be placed in each sleeping room utilized for a Specialty Resort, Bed and Breakfast or Vacation Home Rental with a minimum of at least one (1) smoke detector per floor;
17. That a portable fire extinguisher with a minimum 2 A-BC rating shall be placed on each floor level of a Specialty Resort, Bed and Breakfast, or

Vacation Home Rental so it is accessible to all guests at all times and the fire extinguisher shall be inspected and tagged annually;

18. That the maximum number of people staying at any Specialty Resort, Bed and Breakfast establishment or Vacation Home Rental be in compliance with the South Dakota Lodging Establishments Health and Safety Manual and South Dakota Department of Agriculture and Natural Resources;
19. That the applicants comply with South Dakota Codified Law 34-18;
20. That the physical address of each structure be posted in each guest room utilized for Bed and Breakfasts, the Specialty Resort, and Vacation Home Rental(s);
21. That all onsite wastewater treatment systems require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Environment and Natural Resources and must be in compliance with Pennington County Zoning Ordinance (PCZO) § 204-J and South Dakota Administrative Rules 74:53:01;
22. That the Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land, as determined by the Planning Director, shall require an amendment to this Planned Unit Development / PU 16-03;
23. That for structures located on Lots 10, 11, and 12 a portable fire extinguisher with a minimum 2 A-BC rating shall be placed at each exit door and shall be inspected and tagged annually; records of said inspection shall be maintained. Fire extinguishers shall be permanently mounted 5'3" from the floor or the ground to the gauge, each Exit Door shall be unlocked during occupancy; each Exit Door in the commons area shall be equipped with Panic Hardware or with Self Closing swing away door with push plates opening to the outside allowing unobstructed exiting of the area by patrons; each Exit Door area shall be equipped with emergency exit lighting; that a minimum of one 36-unit first aid kit be provided and accessible to the public at all times; First aid kit needs to be inspected monthly with consumables and dated items replaced as needed. Appropriate records are to be maintained that no open fire shall be permitted, unless approved and granted a permit by the South Dakota Division of Wildland Fire. (Phone: 605-393-8011/2582/2583) Copies of the permit shall be available for inspection during normal business hours or anytime the Camp Fire Permit is in use by the Johnson Siding Fire Chief and or his designated representative; that barbecue pits, fireplaces, and incinerators shall be located, constructed, maintained, and used as to minimize fire hazard and smoke nuisance, both on and off the property;
24. That no on-street vehicular parking shall be permitted, except in accordance with reasonable standards, which may be established by the Road District and may be reviewed by local Public Safety agencies to ensure emergency vehicle pass-ability on the interior roadways;
25. That written approval from the Developer [hereafter known as Century Construction LLC and/or its successor or the Custer Trail Subdivision One

Home Owners architectural review committee] be obtained prior to issuance of permits;

26. That Lots 3, 4, 10, 11 and 12 of Planned Unit Development / PU 16-03 be a Specialty Resort and event structure with up to 10 guest rooms, and events such as: weddings, receptions, corporate events, family reunions, bridal and baby showers, Christmas parties and other types of gatherings similar in nature, up to a maximum of 150 daily guests. The Specialty Resort would also be allowed to have: Beer and wine sales (with proper permits), a bistro/Restaurant, gift shop, spa cabana/gazebo, storage shed, event structure, kitchen, bathrooms and to also be used for a Vacation Home Rental in accordance with PCZO Section 319 and private single-family residence;
27. That the event structure, referred to in Condition #26, shall be for the existing 40' x 100' event area that is currently covered by the 40' x 100' membrane tent and used as open space and covers the existing kitchen and bathroom. The event structure shall be made of six (6) inch thick insulated stick-built sides, which tie into the existing stick-built kitchen and bathroom structure. A membrane roof shall be permitted to remain;
28. That Lots 13, 14, 15, 16, 17, 18, 20, 21, 28, 29, 30-37, and 41 each allow of the following with approved permits: single-family dwelling, Vacation Home Rental; Bed and Breakfast, or Specialty Resort;
29. That Lot 7 allow for three (3) Recreational Vehicle (RV) sites, not to include Park Models, in accordance with PCZO §306 or for one (1) of the following with approved permits: single-family dwelling, Vacation Home Rental, Bed and Breakfast, and Specialty Resort. The existing on-site wastewater treatment systems must comply with the PCZO §204-J;
30. That Lots 19 and 22 each allow for one (1) of the following with approved permits: single-family residence with guest house living quarters within a detached accessory building, duplex, Vacation Home Rental, Bed and Breakfast, and Specialty Resort;
31. That Lot 23B allow for one (1) of the following with approved permits: Single-family dwelling, Vacation Home Rental, Bed and Breakfast, Specialty Resort, and easement (with proper permits) for future underground holding tanks for designed and engineered water system;
32. That Lot 27 allow for one (1) of the following with approved permits: the existing garage/accessory building, single-family dwelling with guest quarters, living quarters within a detached accessory building, duplex, Vacation Home Rental, Bed and Breakfast, and Specialty Resort;
33. That Lots 41, 42, 43, and 44 allow for one (1) of the following with approved permits: Specialty Resort, Bed and Breakfast, single-family dwelling, and Vacation Home Rental;
34. That Lot 45 allow for one (1) of the following with approved permits (if applicable): parking lot, Specialty Resort, Bed and Breakfast, single-family dwelling and Vacation Home Rental;
35. That Lots 3-4 have a zero (0) foot setback on all interior lot lines, a fifteen (15) foot front and rear yard setback, and a ten (10) foot side yard setback;

36. That Lots 7, 13, 14, 15, 17, 18, 27, 28, 32, 33, 34, 36, 37, 41, 42, 44 and 45 have a fifteen (15) foot front and rear yard setback, and a ten (10) foot side yard setback;
37. That Lots 10, 11, 12 have a zero (0) foot setback on all interior lot lines, a fifteen (15) foot front and rear yard setback, and a ten (10) foot side yard setback;
38. That Lots 20, 21, 30, 31, 35 and 43 have a ten (10) foot setback on all property lines and that this PUD replaces any existing setback requirements previously approved;
39. That Lot 29 has a fifteen (15) foot front, rear and side yard setbacks;
40. That Lots 16, 19, 22 and 23B have a fifteen (15) foot front, rear and side yard setback on all property lines not adjacent to the Right-of-Way. Lot lines adjacent to the Right-of-Way will have a zero (0) foot setback;
41. That proposed Guest Houses, on specified lots, must comply with PCZO §318;
42. That Vacation Home Rentals must comply with PCZO §319;
43. That Bed and Breakfast establishments must comply with PCZO §323;
44. That the Planning Director has the final determination on the location of Lot Setbacks and on the interpretation of conflicting Conditions of Approval; and,
45. That this Planned Unit Development be reviewed upon complaint basis, or as deemed necessary by either the Planning Commission or Board of Commissioners to ascertain all the Conditions of Approval are being met.

**CONTESTED HEARINGS:**

- f. PLANNED UNIT DEVELOPMENT OVERLAY / PU 23-06: Horse Creek, LLC; Garret Kuchenbecker. To allow a Recreational Resort in a Commercial District in accordance with the Pennington County Zoning Ordinance.

MOVED by Rossknecht and seconded by Drewes to approve of Planned Unit Development Overlay / PU 23-06 with the following twenty-four (24) conditions:

1. That the approved uses of the Recreational Resort include: cabin rentals (vacation home rentals), park models, bath houses, laundry facilities, staff offices, event venue, and recreational vehicle sites;
2. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
3. That daily and event operations be conducted by owners, on-site manager, and local contact as necessary;
4. That guest count for events and the restaurant be combined, not to exceed the maximum occupancy of the restaurant;
5. That all natural drainage paths be continually maintained;
6. That the applicant obtains an approved Sign Permit prior to the placement of any on or off-premise sign;

7. That all assigned addresses be properly and continually posted in accordance with Pennington County's Ordinance #20;
8. That the applicant maintains an Emergency Plan and provides copies to all overnight guests in case there is a need to evacuate guests from the property and that a copy of said plan be kept on file at the Planning Department;
9. That a minimum of 80 parking spaces be provided on-site, each measuring a minimum of 9 feet by 18 feet and maintained in a dust-free manner in accordance with the Pennington County Zoning Ordinance (PCZO) § 310;
10. That quiet hours in the Recreational Resort be from 11:00 p.m. to 7:00 a.m.;
11. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors;
12. That any Vacation Home Rental within the Recreational Resort obtain all necessary permits from other governing bodies including, but not limited to, approval from the South Dakota Department of Health and South Dakota Department of Revenue;
13. That a smoke detector be placed in each sleeping room utilized for a Vacation Home Rental, with a minimum of at least 1 smoke detector per floor;
14. That the proper permits be obtained from South Dakota Wildland Fire prior to utilizing fire pits on the property and any applicable fire restrictions or bans be adhered to at all times;
15. That a portable fire extinguisher with a minimum 2-A:10-B:C rating be placed on each floor level of a Vacation Home Rental so it accessible to guests at all times and that the fire extinguisher be inspected and tagged annually;
16. That the maximum number of people staying at any Vacation Home Rental adhere to the South Dakota Lodging Establishment's Health and Safety Manual, South Dakota Department of Agriculture and Natural Resources, and Pennington County requirements;
17. That the applicants comply with South Dakota Codified Law 34-18;
18. That all on-site wastewater treatment systems (OSWTS) require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Agriculture and Natural Resources and must adhere to PCZO § 331 and South Dakota Administrative Rules 74:53:01;
19. That any Vacation Home Rentals must comply with PCZO §319;
20. That any Recreation Vehicle Park / Site must comply with PCZO §306;
21. That setbacks for all structures shall comply with those required in a Commercial District;
22. That an approved Floodplain Development Permit be obtained prior to any disturbance or placement of structures within the boundaries of the Special Flood Hazard Area;
23. That significant changes in the use or impacts on the subject property, as determined by the Planning Director, shall require an amendment to this Planned Unit Development Overlay; and,

24. That this Planned Unit Development Overlay be reviewed in 6 months, on a complaint basis, or as deemed necessary by the Planning Director, the Planning Commission, or Board of Commissioners to verify all Conditions of Approval are being met.

g. PRELIMINARY PLAN / PPL 23-17: Dakota Land & Cattle. To create Lot 5R and Lot 6, Lot 7, Lot 8, and Lot 9 and Reservoir Lot 1 of Block 4 of The Ranch at Black Gap in accordance with the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 5, Block 4, The Ranch at Black Gap of Section 8 and Water Lot Revised-2, The Ranch at Black Gap of Section 9, all located in T1S, R8E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 5R and Lot 6, Lot 7, Lot 8, and Lot 9 and Reservoir Lot 1 of Block 4 of The Ranch at Black Gap, Sections 8 and 9, T1S, R8E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Lasseter to approve of Preliminary Plan / PPL 23-17 with the following eight (8) conditions:

1. That at the time of submittal of the Final Plat, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
2. That at the time of submittal for the Final Plat, the plat meets all the requirements of the Pennington County Subdivision Regulations, or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met;
3. That prior to the mylar being filed at Register of Deeds, any road improvements to Vantage Point Ct. be completed or surety for the road improvements be posted.
4. That at the time of submittal of the Final Plat, the proposed Plat be prepared by a Registered Land Surveyor;
5. That the applicant ensures all natural drainage ways are maintained and are not blocked and all necessary drainage ways are noted on the plat;
6. That at the time of submittal of the Preliminary Plan, the Certifications on the Final Plat be in accordance with § 1701 and 1703 of the Pennington County Subdivision Regulations;
7. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
8. That approval of this Preliminary Plan does not constitute approval of any further applications to be submitted for the above-described property.