

Planning Conditions of Approval
Commission Meeting Date: August 1, 2023

ITEMS FROM PLANNING & ZONING

VARIANCE HEARING(S):

- a. VARIANCE / VA 23-12: Scott Mohr. To reduce the side yard setback to allow for a two-story multi-family residence (4-plex) on the subject property in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot A of Tract H, Murphy Ranch Estates Subdivision, Section 14, T1N, R8E, BHM,
Pennington County, South Dakota

MOVED by Drewes and seconded by Lasseter to approve Variance / VA 23-12 to reduce the side yard setback to the south property line with the following three (3) conditions:

1. That this Variance only applies to the side yard setback for construction of a two-story, four-plex;
2. That the setback is no less than 8-feet; and,
3. That the applicant obtains an approved Building Permit, prior to construction, and adheres to any building inspection requirements.

Vote: The motion carried 4-1 with Hadcock voting no.

- b. VARIANCE / VA 23-13: Scott Mohr. To reduce the side yard setback to allow for a two-story multi-family residence (4-plex) on the subject property in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot B of Tract H, Murphy Ranch Estates Subdivision, Section 14, T1N, R8E, BHM,
Pennington County, South Dakota

MOVED by Drewes and seconded by Rossknecht to approve Variance / VA 23-13 to reduce the side yard setback to be no less than eight (8) feet with the following three (3) conditions:

1. That this Variance only applies to the side yard setback for construction of a two-story, four-plex;
2. That the setback is no less than 8-feet; and,
3. That the applicant obtains an approved Building Permit, prior to construction, and adheres to any building inspection requirements.

Vote: The motion carried 4-1 with Hadcock voting no.

- c. VARIANCE / VA 23-14: Scott Mohr. To reduce the side yard setback to allow for a two-story multi-family residence (4-plex) on the subject property in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot C of Tract H, Murphy Ranch Estates Subdivision, Section 14, T1N, R8E, BHM, Pennington County, South Dakota

MOVED by Drewes and seconded by Lasseter to approve Variance / VA 23-14 to reduce the side yard setback to the north property line with the following three (3) conditions:

1. That this Variance only applies to the side yard setback for construction of a two-story, four-plex;
2. That the setback is no less than 8-feet; and,
3. That the applicant obtains an approved Building Permit, prior to construction, and adheres to any building inspection requirements.

Vote: The motion carried 4-1 with Hadcock voting no.

CONSENT HEARING:

- D. MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 15-02:
Deerfield Park Condominiums Council of Co-Owners. To review an existing Planned Unit Development in accordance with the Pennington County Zoning Ordinance.

Deerfield Park Condominiums Family Units 1 through 10, Section 2, T1S, R3E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by Drewes to approve the Planning and Zoning consent agenda as presented. Vote: Unanimous.

Planning Commission recommended approval of the review of Major Planned Unit Development Amendment / PU 15-02 with the following thirteen (13) conditions:

1. That the specific uses of this Planned Unit Development continue to be for single-family residences not to exceed ten (10) units located in not more than five (5) structures, of which only Units 5, 7, and 9 may be used for nightly/weekly tourist rental and accessory structures;
2. That the Planned Unit Development continues to be kept clean of all trash, debris and junk;
3. That each residential condominium unit (1-4, 6, 8, and 10) continue to have a minimum of two (2) off street parking spaces. All off street parking spaces on the site shall measure at least nine (9) feet by eighteen (18) feet and be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;

4. That only Condominium Units 5, 7, and 9 may be used for night/weekly rental or normal residential use;
5. That Condominium Units 5, 7, and 9 continue to have a minimum of four (4) off street parking spaces. All off street parking spaces on the site shall measure at least nine (9) feet by eighteen (18) feet and be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
6. That the maximum occupancy for the night/weekly rental units (Units #5, #7, #9) shall be two (2) people per bedroom and two (2) people for each living room or family room;
7. That smoke detectors are installed in sleeping rooms and common hallways and tested annually as requested by the Pennington County Fire Coordinator. The smoke detectors must be Underwriters Laboratory (UL) listed and be either AC or battery operated;
8. That 2 lb. ABC dry chemical fire extinguishers continue to be accessible to all guests at all times on each floor or structure as requested by the Pennington County Fire Coordinator;
9. That the nightly/weekly rental units remain licensed with the South Dakota Department of Health as a Vacation Home Rental;
10. That the applicants continually have a Sales Tax License as required by the South Dakota Department of Revenue;
11. That signs be allowed to advertise the nightly/weekly rental units in accordance with Section 312 of the Pennington County Zoning Ordinance;
12. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which includes the necessary site plans to be reviewed and approved by the Planning Director; and,
13. That this Planned Unit Development be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County Board of Commissioners or Planning Commission to verify that all Conditions of Approval are being met.

CONTESTED HEARINGS:

- h. PUBLIC HEARING OF MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 23-07: Black Elk Resort, LLC; Daniel Roth. To amend an existing Planned Unit Development to allow an additional Recreational Vehicle site on the subject property in accordance with the Pennington County Zoning Ordinance.

Lot 1, Whispering Wind Subdivision, Section 27, T1S, R5E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by Lasseter to approve Major Planned Unit Development Amendment / PU 23-07 with twenty-five (25) conditions. Vote: Unanimous.

1. That the uses allowed with this Planned Unit Development be a nine (9) site RV Park, six (6) attached cabins for rental purposes with restroom facilities, one (1) duplex with a residence and rental unit, one (1) single-family residence, one (1) garage, one (1) low water bridge, one (1) central pavilion, two (2) detached rental cabins, an outdoor meeting space to include a bar area, fireplace, and cooking area, and including any associated improvements;
2. That twenty-five (25) foot setbacks be maintained along all exterior lot lines, which abut properties under different ownership;
3. That each campsite (RV or tent) must include one (1) parking space for a vehicle (in addition to the recreation vehicle, where applicable) and the parking space must be constructed so no portion of the vehicle extends onto any interior roadway;
4. That the interior one-way road shall be a minimum of 15 feet in width and surfaced with gravel (minimum of 4 inches) or concrete or asphalt and maintained in a dust free manner. All other interior roads shall be a minimum of 24 feet in width and surfaced with gravel (minimum of 4 inches) or concrete or asphalt and maintained in a dust free manner;
5. That a Floodplain Development Permit shall be submitted for review and approval prior to any work or placement of any structure(s) within the boundaries of the 100-year floodplain;
6. That natural drainage paths be maintained and/or any alterations to the natural drainage paths be adequately compensated for in accordance with the County Drainage Engineer's comments;
7. That natural drainage be diverted around the absorption area for the new on-site wastewater system so as to prevent run-off into Palmer Creek;
8. That the applicant maintain some type of barrier (i.e. fence, boulders) around the on-site wastewater system to prevent any parking and/or camping over top of the on-site wastewater system and that proper setbacks to the on-site wastewater system be maintained;
9. That any new On-site Wastewater systems be installed in accordance with all Department of Environment and Natural Resources regulations, including a minimum 100 foot setback for the absorption area from the high water line of the Palmer Creek;
10. That a minimum ten (10) foot separation be maintained at all times between each RV site;
11. That the internal road network not exceed a maximum of an eight (8) percent grade;

12. That each RV and tent site has a lot number clearly posted and Guests made aware of the complete address should they need to call 9-1-1;
13. That the RV Park conforms to all regulations in Section 306 of the Pennington County Zoning Ordinance;
14. That the applicants conform to all applicable State and County regulations, including those established by the South Dakota Department of Environmental and Natural Resources and Health;
15. That all other conditions of approval of the original PUD are still valid and applicable to the subject property with the exception of Condition #3 regarding the allowed uses and Condition #10 pertaining to setbacks;
16. That Operating Permits be obtained for all existing on-site wastewater treatment systems on the property;
17. That the applicant notify the Pennington County Onsite Wastewater Specialist concerning the overall plan for the onsite wastewater treatment systems for review and approval by the Pennington County Environmental Planner and South Dakota Department of Environment and Natural Resources (SD DANR);
18. That the property address be posted so that it is visible from both directions of S. Highway 16, in accordance with Pennington County's Ordinance #20;
19. That each habitable structure be identified with a unique unit number that is posted on the exterior of the cabin, next to the main entrance door, using characters that are reflective and at least 4" in height by 3" wide. Guests at the cabin should be advised or given a card that lists the complete address in the event they need to call 9-1-1;
20. That the new residence have a separate physical address from the existing house, and the address number be posted on the new house in accordance with County Ordinance #20;
21. That an approved Construction Permit be obtained for any land disturbance greater than 10,000 square feet. Construction must meet all the requirements of the Pennington County Stormwater Quality Manual;
22. That the comments provided by the U.S. Forest Service be adhered to at all times;
23. That prior to installation of the low-water bridge, the applicant obtain the proper permits and approvals from all applicable agencies;
24. That the applicant maintain the appropriate permits from Pennington County and any other appropriate agency to selling Beer and Wine on the subject property; and,
25. That this Planned Unit Development Amendment be reviewed in two (2) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to ensure that all Conditions of Approval are being met.