

**MINUTES**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**September 11, 2023 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Charlie Johnson, Karen McGregor, Mikal Lewis, Kevin Kuehn, Jim Coleman, and Travis Lasseter.

STAFF PRESENT: Brittney Molitor, Megan Talmage, Kelsey Rausch, Christine Phillip, TJ Doreff, Jason Theunissen, Cody Sack, Jeri Ervin, Kim Baxter, and Alexa Moeller (SAO).

ROLL CALL

1. APPROVAL OF THE AUGUST 28, 2023, MINUTES  
**Moved by McGregor and seconded by Coleman to approve the Minutes of the August 28, 2023, Planning Commission meeting, with a correction to add the word “seconded” to a Motion at the end of Page 12. Vote: unanimous 6 to 0.**

2. APPROVAL OF THE AGENDA  
**Moved by Lewis and seconded by McGregor to approve the Agenda of the September 11, 2023, Planning Commission meeting. Vote: unanimous 6 to 0.**

**Moved by Kuehn and seconded by Lasseter to approve the Consent Agenda of the September 11, 2023, Planning Commission meeting. Vote: unanimous 6 to 0.**

**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 13-18:** Rochford Community Club.  
To review a Community Center in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 4A, Block 2, Dakota Lode M.S. 2109, Section 23, T2N, R3E, BHM, Pennington County, South Dakota.

**To approve the review of Conditional Use Permit / CU 13-18 with the following eight (8) conditions:**

1. **That information regarding the portable toilet located on-site be made available to the Planning Department upon request, including the name of facility handling the waste, the schedule of the pumping, and pumping receipts;**

2. That prior to any expansion of the Rochford Community Hall, including issuance of a Building Permit for the proposed addition, the existing on-site wastewater disposal system be reviewed and approved by the South Dakota Department of Environment and Natural Resources;
3. That no parking be allowed over the holding tank and the applicant take the necessary measures to ensure this;
4. That the outhouse structure continue to be used for storage only and not as a restroom facility, unless a vault privy is installed, in which approval of an On-site Wastewater Construction Permit would be required;
5. That a Building Permit be obtained for the proposed addition;
6. That a Sign Permit be obtained prior to the installation of any new signs on the property;
7. That the property not be used for overnight accommodations by any campers or RVs; and,
8. That this Conditional Use Permit be reviewed on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 6 to 0.**

4. **CONDITIONAL USE PERMIT REVIEW / CU 17-25:** Donald Wojciechowski; Lisa Loerzel – Agent. To review one (1) pole barn and three (3) greenhouse structures on the NW1/4NE1/4SW1/4 in Section 31, T1N, R7E, BHM; and to review one (1) pole barn structure located on the E1/2 GL3, Section 31, T1N, R7E, BHM; and to allow the one (1) pole barn structure to remain on the E1/2 GL3, Section 31, T1N, R7E, BHM, when the principle structure is removed from the property in the future, in a Suburban Residential District, in accordance with the Pennington County Zoning Ordinance.

NW1/4NE1/4SW1/4, and E1/2 GL3, all located in Section 31, T1N, R7E, BHM, Pennington County, South Dakota.

(Continued from the August 28, 2023, Planning Commission meeting.)

**To continue the review of Conditional Use Permit / CU 17-25 to the September 25, 2023, Planning Commission meeting.**

**Vote: unanimous 6 to 0.**

5. **CONDITIONAL USE PERMIT REVIEW / CU 18-27:** John and Vicki Hansen. To review a Recreational Vehicle to be used for no more than 180 calendar days on the subject property (seasonally) and to also allow a carport to cover the Recreational Vehicle and deck in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 5 (also in Section 20), Black Metal Lode MS 1986, Section 19, T1S, R5E, BHM, Pennington County, South Dakota.

**To approve the review of Conditional Use Permit / CU 18-27 with the following ten (10) conditions:**

- 1. That there be no more than one (1) Recreational Vehicle (RV) allowed to be utilized as living quarters on the subject property (Lot 5, Black Metal Lode MS 1986) at any time;**
- 2. That the RV may not be utilized as living quarters for more than 180 days per calendar year;**
- 3. That the applicants be allowed to construct one (1) RV carport and one (1) deck, with the issuance of approved Building Permits;**
- 4. That the applicant works with South Dakota Wildland Fire to develop a Fire Mitigation plan and a copy of the plan be provided to the Planning Department;**
- 5. That the address assigned for the property (12491 Tall Pine Road) continue to be clearly posted on the RV while it is being utilized as living quarters and at the driveway, in accordance with Pennington County's Ordinance #20;**
- 6. That while the RV is being used as living quarters it be hooked into an approved On-Site Wastewater Treatment System;**
- 7. That the minimum setback requirements of a Rural Residential District be continually maintained on the subject property, or an approved Setback Variance be obtained;**
- 8. That the subject property continues to remain free of debris and junk vehicles, in accordance with Ordinance #106;**
- 9. That an approved Building Permit be obtained for any structure 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,**
- 10. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

**Vote: unanimous 6 to 0.**

6. **CONDITIONAL USE PERMIT REVIEW / CU 21-13:** Heath Freeman. To review living in an existing residence while building a new single-family residence and to allow the existing residence to remain as a ranch hand residence in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

W1/2 of NE1/4, E1/2NW1/4, S1/2 Less ROW, Section 10, T1N, R13E, BHM, Pennington County, South Dakota.

**To approve the review of Conditional Use Permit / CU 21-13 with the following six (6) conditions:**

1. **That an approved Building Permit be obtained for the proposed single-family residence prior to any construction, which requires a site plan to be reviewed and approved by the Planning Director;**
2. **That an approved On-Site Wastewater Treatment System Construction Permit be obtained prior to the installation of any On-Site Wastewater Treatment System on the property;**
3. **That the addresses, 23050 and 23054 175th Avenue, be properly posted on each residence and at the end of the driveway clearly visible from both directions of travel along 175th Ave, in accordance with Pennington County Ordinance #20;**
4. **That the minimum setback requirements for an Agriculture District be maintained on the property or the appropriate Variance(s) be obtained;**
5. **That a Building Permit be obtained for any structure 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,**
6. **That this Conditional Use Permit be reviewed in July 2024, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

**Vote: unanimous 6 to 0.**

7. **CONDITIONAL USE PERMIT REVIEW / CU 21-38:** David and Nancy Miller. To review food trucks to be parked and operated on the subject property in a Highway Service District in accordance with the Pennington County Zoning Ordinance.

Lots 10-16, Block 2, Old Town Subdivision, Section 26, T1N, R7E, BHM, Pennington County, South Dakota.

**To end Conditional Use Permit / CU 21-38, as the use was never established and the applicant no longer owns the property.**

**Vote: unanimous 6 to 0.**

8. **PLANNED UNIT DEVELOPMENT OVERLAY REVIEW / PU 19-01:** Brink Constructors, Inc.; BCI Properties, LLC; Zane Brink – Agent. To review an apprenticeship training facility for linemen of Brink Construction in a Planned Unit Development Overlay in accordance with the Pennington County Zoning Ordinance.

SW1/4SE1/4 less ROW, Section 24, T2N, R9E, BHM, Pennington County, South Dakota.

(Continued from the August 28, 2023, Planning Commission meeting.)

**To recommend to continue the review of Planned Unit Development Overlay / PU 19-01 to the September 25, 2023, Planning Commission meeting.**

**Vote: unanimous 6 to 0.**

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

9. **CONDITIONAL USE PERMIT / CU 23-30:** Jack and Katherine Egge. To allow a Vacation Home Rental in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 29, Block 5, Pine Cliff Subdivision, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

Talmage reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a Vacation Home Rental.

Staff recommended to continue Conditional Use Permit / CU 23-30 to the September 25, 2023, Planning Commission meeting.

Discussion followed.

**Moved by Kuehn and seconded by McGregor to continue Conditional Use Permit / CU 23-30 to the September 25, 2023, Planning Commission meeting.**

**All voting aye, the Motion carried 6 to 0.**

10. **CONDITIONAL USE PERMIT / CU 23-31:** Michael and Maren Berven. To allow a Vacation Home Rental in an Agriculture District in accordance with the Pennington County Zoning Ordinance

SE1/4NE1/4NE1/4 Less Lot 4 of Agape Land Subdivision and Less Right-of-Way; S15 feet of NE1/4NE1/4NE1/4, Section 26, T1S, R6E, BHM, Pennington County, South Dakota.

Rausch reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a Vacation Home Rental.

Staff recommended approval of Conditional Use Permit / CU 23-31 with the following seventeen (17) conditions:

1. That the maximum overnight occupancy, based on The South Dakota Department of Agriculture & Natural Resources (DANR) approval, be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);
2. That all necessary permits are obtained prior to any additions and/or alterations to the structure or upgrades/alterations to the on-site wastewater treatment system;
3. That the applicant obtains proper permits prior to utilizing a fire pit on the subject property and all fire restrictions be followed at all times. A copy of said permit shall be filed with the Conditional Use Permit file at the Pennington County Planning Department;
4. That the applicant provides the phone number and/or internet site address to clients, so they may be made aware of the current day's fire conditions and restriction, as pertaining to the use of a fire pit;
5. That each review of Conditional Use Permit / CU 23-31, be subject to PCZO § 511(Q), which includes a \$100 fee per review;
6. That the applicants continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
7. That the applicant maintains an Evacuation (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;
8. That a minimum of two (2) off-street parking space(s) be provided on-site, per Pennington County Zoning Ordinance (PCZO) § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
9. That an interior informational sign be updated and posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and contact information of the Pennington County Sheriff Department and the nearest Fire Department respectively, during operation of the Vacation Home Rental, as well as floodplain map per § 319(G)(1)(n);

10. That the lot address (23913 S. Rockerville Road) be continually posted on the residence at all times and where the driveway meets S. Rockerville Road so it is clearly visible from both directions of travel on S. Rockerville Road in accordance with Pennington County's Ordinance #20;
11. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
12. That if the person designated as the Local Contact is ever changed, from Michael Reilly, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
13. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
14. That an approved Sign Permit be obtained prior to the placement of any sign(s);
15. That the applicant work with the Pennington County Highway Department to obtain an approved Approach Permit prior to operation of the Vacation Home Rental;
16. 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;
17. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

**Moved by Coleman and seconded by Kuehn to approve of Conditional Use Permit / CU 23-31 with the following seventeen (17) conditions:**

- 1. That the maximum overnight occupancy, based on The South Dakota Department of Agriculture & Natural Resources (DANR) approval, be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);**
- 2. That all necessary permits are obtained prior to any additions and/or alterations to the structure or upgrades/alterations to the on-site wastewater treatment system;**

3. That the applicant obtains proper permits prior to utilizing a fire pit on the subject property and all fire restrictions be followed at all times. A copy of said permit shall be filed with the Conditional Use Permit file at the Pennington County Planning Department;
4. That the applicant provides the phone number and/or internet site address to clients, so they may be made aware of the current day's fire conditions and restriction, as pertaining to the use of a fire pit;
5. That each review of Conditional Use Permit / CU 23-31, be subject to PCZO § 511(Q), which includes a \$100 fee per review;
6. That the applicants continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
7. That the applicant maintains an Evacuation (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;
8. That a minimum of two (2) off-street parking space(s) be provided on-site, per Pennington County Zoning Ordinance (PCZO) § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
9. That an interior informational sign be updated and posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and contact information of the Pennington County Sheriff Department and the nearest Fire Department respectively, during operation of the Vacation Home Rental, as well as floodplain map per § 319(G)(1)(n);
10. That the lot address (23913 S. Rockerville Road) be continually posted on the residence at all times and where the driveway meets S. Rockerville Road so it is clearly visible from both directions of travel on S. Rockerville Road in accordance with Pennington County's Ordinance #20;
11. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
12. That if the person designated as the Local Contact is ever changed, from Michael Reilly, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
13. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;



14. That an approved Sign Permit be obtained prior to the placement of any sign(s);
15. That the applicant work with the Pennington County Highway Department to obtain an approved Approach Permit prior to operation of the Vacation Home Rental;
16. 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;
17. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 7 to 0.

11. MINOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 23-09: Donovin and Debra Sprague. To reduce the setback to the east property line in a Planned Unit Development District in accordance with the Pennington County Zoning Ordinance.

Lot 13R, Block 4, Windmere Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Minor Planned Unit Development Amendment to reduce the setback to the east property line to add an addition to the single-family residence.

Staff recommended to deny Minor Planned Unit Development Amendment / 23-09, as no special condition exists to reduce the setback and the applicant has the ability to build a 9' x 20' addition.

If the Planning Commission disagrees, staff recommends the following seventeen (17) conditions be included:

1. Prior to County Board approval, a drainage plan shall be submitted by the developer and approved by the Western Pennington Flood Management Commission's Drainage Coordinator including the appropriate drainage development fees;
2. A landscape plan showing a proposed landscaping buffer along Reservoir Road and the entire south property line shall be submitted prior to County Board. The location, amount and type of landscaping material shall be shown. In addition, irrigation and maintenance shall be provided;

3. Provisions be made for the maintenance of the Community Park area. A detailed plan outlining a development plan and future maintenance shall be submitted and filed with the PUD;
4. Access onto Twilight Drive to include a left turn lane;
5. All approaches to the property be a minimum of 230 feet from the intersection of Twilight Drive and 180 feet from Reservoir Road;
6. All development shall comply with applicable requirements of the South Dakota Fire Code;
7. Prior to the issuance of any Building Permits for the property, the roadway through the proposed manufactured housing/stick-built home subdivision shall be named;
8. All manufactured housing and stick built housing lots shall not be less than 6,500 square feet of lot area;
9. The south approach onto the 50-foot public right-of-way accessing the 36 multi-family units to be eliminated;
10. The internal streets be constructed at a twenty-five (25) foot width. In addition, the hammerhead T's shall be replaced with cul-de-sac with a sufficient radius to allow for emergency vehicles to turn around in;
11. Lots abutting East 53rd Street and Twilight shall have access onto interior subdivision streets only. No direct access shall be allowed onto East 53rd Street. Rear yard set-backs for all external and internal lots excluding those adjacent to East 53rd Street and Twilight Drive shall be five (5) feet for detached accessory structures (i.e., garages and sheds) and twenty-five (25) feet for all principal structures;
12. That the Minimum front yard setback for all principal structures shall be eighteen (18) feet and the minimum rear yard setback for all principal structures shall be twenty (20) feet on the following lots: Lots 7 and 9, Block 2, Lots 2-11 and 13-15, block 3 and all future interior lots intended for single family residential development;
13. That the minimum front yard setback for all principal structures shall be 18 feet on the following lots: Lots 2-5, Block 2, Lots 2-4 and 6, Block 1, and;
14. That all decks and patios shall maintain a minimum eight (8) foot rear yard setback within the Windmere Planned Unit Development; however, a minimum twenty-five (25) foot setback shall be maintained from all external project boundaries.
15. That the rear yard setback for Lot 13R, Block 4 of Windmere subdivision be 15-feet;

16. That the applicant obtains a survey stamped by a surveyor that shows the addition with a 15-foot setback prior to obtaining a Building Permit, and;
17. That this Planned Unit Development be reviewed on a complaint basis only.

Discussion followed.

Moved by Lewis and seconded by Coleman to deny without prejudice Minor Planned Unit Development Amendment / PU 23-09.

All voting, the Motion to deny without prejudice failed 3 to 3. Roll call Vote: Commissioners Kuehn, Lasseter, McGregor voted yes. Commissioners Lewis, Coleman, and Johnson voted no.

**Moved by McGregor and seconded by Coleman to table Agenda Item #11 - Minor Planned Unit Development Amendment / PU 23-09 and to hear it after Item #15.**

**All voting, the Motion carried 4 to 2. Commissioners Coleman, McGregor, Lasseter, and Kuehn voted yes. Commissioner Johnson and Lewis voted no.**

12. SPECIAL CONSIDERATION TO TRAILWOOD VILLAGE PLANNED UNIT DEVELOPMENT / PU 23-10: Forrest Foster. A special consideration to PUD 79-02 to allow a Home Occupation for a gunsmithing and machining business in the Trailwood Village Planned Unit Development in accordance with the Pennington County Zoning Ordinance.

Lot 8, Block 24, Trailwood Village, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

Phillip reviewed the Staff Report indicating the applicant has applied to amend the Trailwood Village Planned Unit Development to allow a gunsmithing and machining business.

Staff recommended approval of Special Consideration to Trailwood Village Planned Unit Development / PU 23-10 with the following twelve (12) conditions:

1. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored, which requires a site plan to be reviewed and approved by the Planning Director;
2. That the gunsmithing and machining business shall be operated completely within the attached garage located on the property;
3. That no business sign be posted on the property;
4. That no on-premise retail sales be allowed;

5. That the home occupation, including all associated storage, be conducted entirely indoors;
6. That the applicant complies with all applicable local, state, and federal laws;
7. That the address on the structure being used for the business be properly posted so it is visible in both directions from Leola Lane in accordance with Pennington County's Ordinance #20;
8. That the applicant acquires an Excise Sales Tax License as required by the South Dakota Department of Revenue prior to operation;
9. That reasonable measures are taken to control odors, fumes, dust, noise, vibration and lighting resulting from the home occupation so as to not constitute a nuisance to the general public;
10. That the Conditional Use Permit shall be revoked upon sale or transfer of the subject property;
11. That the home occupation shall only be operated by Forrest Foster who resides on the premises; and,
12. That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as deemed necessary by the Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.

Discussion followed.

**Moved by Lasseter and seconded by Kuehn to approve of Special Consideration to Trailwood Village Planned Unit Development / PU 23-10 with the following twelve (12) conditions:**

- 1. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored, which requires a site plan to be reviewed and approved by the Planning Director;**
- 2. That the gunsmithing and machining business shall be operated completely within the attached garage located on the property;**
- 3. That no business sign be posted on the property;**
- 4. That no on-premise retail sales be allowed;**
- 5. That the home occupation, including all associated storage, be conducted entirely indoors;**
- 6. That the applicant complies with all applicable local, state, and federal laws;**

7. **That the address on the structure being used for the business be properly posted so it is visible in both directions from Leola Lane in accordance with Pennington County's Ordinance #20;**
8. **That the applicant acquires an Excise Sales Tax License as required by the South Dakota Department of Revenue prior to operation;**
9. **That reasonable measures are taken to control odors, fumes, dust, noise, vibration and lighting resulting from the home occupation so as to not constitute a nuisance to the general public;**
10. **That the Conditional Use Permit shall be revoked upon sale or transfer of the subject property;**
11. **That the home occupation shall only be operated by Forrest Foster who resides on the premises; and,**
12. **That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as deemed necessary by the Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.**

**All voting aye, the Motion carried 6 to 0.**

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

Lot 17 Less Outlot 1 and Right-of-Way (also in Section 3) and Outlot 1 of Lot 17 and 30 feet Right-of-Way, all located in Saxon Placer MS 1250, Section 2, T1S, R5E, BHM, Pennington County, South Dakota.

(Continued from the August 14, 2023, Planning Commission meeting.)

Theunissen stated this item was continued from the August 14, 2023, Planning Commission meeting to allow the applicant time to address concerns of Staff.

Staff recommended to continue Planned Unit Development Overlay / PU 23-06 to the October 10, 2023, Planning Commission meeting to allow the applicant to address Staff concerns.

Discussion followed.

**Moved by Coleman and seconded by Kuehn to continue Planned Unit Development Overlay / PU 23-06 to the October 10, 2023, Planning Commission meeting to allow the applicant to address Staff concerns.**

**All voting aye, the Motion carried 6 to 0.**

**Moved by Lewis and seconded by McGregor to wave rules to discuss similar Agenda Items #14 and #15 at the same time. All voting aye, the Motion carried 6 to 0.**

14. COMPREHENSIVE PLAN AMENDMENT / CA 23-08: Blake and Alison Thompson. To amend the Comprehensive Plan to change the Future Land Use from Highway Service District to Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 1, Raspberry Oaks Subdivision, Section 24, T1S, R6E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied to amend the Comprehensive Plan to change the Future Land Use from Highway Service District to Rural Residential District.

Staff recommended approval of Comprehensive Plan Amendment / CA 23-08.

Discussion followed.

**Moved by Kuehn and seconded by Coleman to approve of Comprehensive Plan Amendment / CA 23-08.**

**All voting aye, the Motion carried 6 to 0.**

15. REZONE / RZ 23-11: Blake and Alison Thompson. To rezone from Highway Service District to Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 1, Raspberry Oaks Subdivision, Section 24, T1S, R6E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone from Highway Service District to Rural Residential District.

Staff recommended approval of Rezone / RZ 23-11.

Discussion followed.

**Moved by Lewis and seconded by McGregor to approve of Rezone / RZ 23-11.**

**All voting aye, the Motion carried 6 to 0.**

16. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the August 14<sup>th</sup> and August 28<sup>th</sup> Planning Commission meetings, with the exception of: Comprehensive Plan Amendment 23-07 and Rezone 23-10 -- Aren Wells to change to Suburban Residential District, and, Comprehensive Plan Amendment

23-06 and Rezone 23-09 – Adam Weaver to change to Low Density Residential District. These items were approved by the Board of Commissioners.

17. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

18. ITEMS FROM THE STAFF

A. Building Permit Report. Molitor reviewed the August 2023 Building Permit Report.

**Moved by McGregor and seconded by Lasseter to reconsider and hear Item #11. All voting aye, the Motion carried 6 to 0.**

11. MINOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 23-09: Donovin and Debra Sprague. To reduce the setback to the east property line in a Planned Unit Development District in accordance with the Pennington County Zoning Ordinance.

Lot 13R, Block 4, Windmere Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Minor Planned Unit Development Amendment to reduce the setback to the east property line to add an addition to the single-family residence.

Staff recommended to deny Minor Planned Unit Development Amendment / 23-09, as no special condition exists to reduce the setback and the applicant has the ability to build a 9' x 20' addition.

If the Planning Commission disagrees, staff recommends the following seventeen (17) conditions be included:

1. Prior to County Board approval, a drainage plan shall be submitted by the developer and approved by the Western Pennington Flood Management Commission's Drainage Coordinator including the appropriate drainage development fees;
2. A landscape plan showing a proposed landscaping buffer along Reservoir Road and the entire south property line shall be submitted prior to County Board. The location, amount and type of landscaping material shall be shown. In addition, irrigation and maintenance shall be provided;
3. Provisions be made for the maintenance of the Community Park area. A detailed plan outlining a development plan and future maintenance shall be submitted and filed with the PUD;
4. Access onto Twilight Drive to include a left turn lane;

5. All approaches to the property be a minimum of 230 feet from the intersection of Twilight Drive and 180 feet from Reservoir Road;
6. All development shall comply with applicable requirements of the South Dakota Fire Code;
7. Prior to the issuance of any Building Permits for the property, the roadway through the proposed manufactured housing/stick-built home subdivision shall be named;
8. All manufactured housing and stick built housing lots shall not be less than 6,500 square feet of lot area;
9. The south approach onto the 50-foot public right-of-way accessing the 36 multi-family units to be eliminated;
10. The internal streets be constructed at a twenty-five (25) foot width. In addition, the hammerhead T's shall be replaced with cul-de-sac with a sufficient radius to allow for emergency vehicles to turn around in;
11. Lots abutting East 53rd Street and Twilight shall have access onto interior subdivision streets only. No direct access shall be allowed onto East 53rd Street. Rear yard set-backs for all external and internal lots excluding those adjacent to East 53rd Street and Twilight Drive shall be five (5) feet for detached accessory structures (i.e., garages and sheds) and twenty-five (25) feet for all principal structures;
12. That the Minimum front yard setback for all principal structures shall be eighteen (18) feet and the minimum rear yard setback for all principal structures shall be twenty (20) feet on the following lots: Lots 7 and 9, Block 2, Lots 2-11 and 13-15, block 3 and all future interior lots intended for single family residential development;
13. That the minimum front yard setback for all principal structures shall be 18 feet on the following lots: Lots 2-5, Block 2, Lots 2-4 and 6, Block 1, and;
14. That all decks and patios shall maintain a minimum eight (8) foot rear year setback within the Windmere Planned Unit Development; however, a minimum twenty-five (25) foot setback shall be maintained from all external project boundaries.
15. That the rear yard setback for Lot 13R, Block 4 of Windmere subdivision be 15-feet;
16. That the applicant obtains a survey stamped by a surveyor that shows the addition with a 15-foot setback prior to obtaining a Building Permit, and;
17. That this Planned Unit Development be review on a complaint basis only.



Discussion followed to reduce the east property line setback from 20 feet to 17 feet.

**Moved by McGregor and seconded by Lasseter to approve Minor Planned Unit Development Amendment / 23-09 with the following seventeen (17) conditions:**

- 1. Prior to County Board approval, a drainage plan shall be submitted by the developer and approved by the Western Pennington Flood Management Commission's Drainage Coordinator including the appropriate drainage development fees;**
- 2. A landscape plan showing a proposed landscaping buffer along Reservoir Road and the entire south property line shall be submitted prior to County Board. The location, amount and type of landscaping material shall be shown. In addition, irrigation and maintenance shall be provided;**
- 3. Provisions be made for the maintenance of the Community Park area. A detailed plan outlining a development plan and future maintenance shall be submitted and filed with the PUD;**
- 4. Access onto Twilight Drive to include a left turn lane;**
- 5. All approaches to the property be a minimum of 230 feet from the intersection of Twilight Drive and 180 feet from Reservoir Road;**
- 6. All development shall comply with applicable requirements of the South Dakota Fire Code;**
- 7. Prior to the issuance of any Building Permits for the property, the roadway through the proposed manufactured housing/stick-built home subdivision shall be named;**
- 8. All manufactured housing and stick built housing lots shall not be less than 6,500 square feet of lot area;**
- 9. The south approach onto the 50-foot public right-of-way accessing the 36 multi-family units to be eliminated;**
- 10. The internal streets be constructed at a twenty-five (25) foot width. In addition, the hammerhead T's shall be replaced with cul-de-sac with a sufficient radius to allow for emergency vehicles to turn around in;**
- 11. Lots abutting East 53rd Street and Twilight shall have access onto interior subdivision streets only. No direct access shall be allowed onto East 53rd Street. Rear yard set-backs for all external and internal lots excluding those adjacent to East 53rd Street and Twilight Drive shall be five (5) feet for detached accessory structures (i.e., garages and sheds) and twenty-five (25) feet for all principal structures;**

12. That the Minimum front yard setback for all principal structures shall be eighteen (18) feet and the minimum rear yard setback for all principal structures shall be twenty (20) feet on the following lots: Lots 7 and 9, Block 2, Lots 2-11 and 13-15, block 3 and all future interior lots intended for single family residential development;
13. That the minimum front yard setback for all principal structures shall be 18 feet on the following lots: Lots 2-5, Block 2, Lots 2-4 and 6, Block 1, and;
14. That all decks and patios shall maintain a minimum eight (8) foot rear year setback within the Windmere Planned Unit Development; however, a minimum twenty-five (25) foot setback shall be maintained from all external project boundaries.
15. That the rear yard setback for Lot 13R, Block 4 of Windmere subdivision be 17-feet;
16. That the applicant obtains a survey stamped by a surveyor that shows the addition with a 17-foot setback prior to obtaining a Building Permit, and;
17. That this Planned Unit Development be reviewed on a complaint basis only.

All voting aye, the Motion carried 6 to 0.

19. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

20. ADJOURNMENT

Moved by Lasseter and seconded by Coleman to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at 10:06 a.m.

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Charlie Johnson, Chairperson