

Planning Conditions of Approval

Commission Meeting Date: November 1, 2022

ITEMS FROM PLANNING & ZONING

BOARD OF ADJUSTMENT: (Requires a super majority vote (4 affirmative))

- a. VARIANCE / VA 22-21: No Bad Days Campground, LLC; Rob Livingston. To reduce the setback to a residential zoning district from 500 feet to 105 feet for a telecommunications tower in accordance with Sections 212, 316, and 509 of the Pennington County Zoning Ordinance.

A tract of land known as Utility Lot of No Bad Days Subdivision; formerly Tract Lake of the SW1/4SW1/4 of Section 27 and SE1/4 of Section 28, T2N, R5E, BHM, Pennington County, South Dakota, and being more particularly described as follows: Commencing at the southwest corner of said Section 27, said corner being a found rebar, Thence following the southerly line of said Section 27 S89°49'32"E a distance of 778.25' to a set pin and cap stamped "LS11918", said pin and cap being the southwest corner of the herein described lot and the true point of beginning of said lot; Thence continuing along said southerly line S89°53'47"E a distance of 246.93' to a set pin and cap stamped "LS11918"; Thence departing said southerly line N00°00'00"E a distance of 176.75' to a set pin and cap stamped "LS11918"; Thence N90°00'00"W a distance of 246.45' to a set pin and cap stamped "LS11918"; Thence S00°09'22"W a distance of 176.43' to the point of beginning; The herein described lot having an area of 1.00 acre more or less; Section 27, T2N, R5E, BHM, Pennington County, South Dakota

MOVED by Hadcock and seconded by LaCroix to approve VA 22-21 with three (3) conditions based on the State's Attorney's review and deed restrictions and to make sure it gets filed with the Register of Deeds. Vote: Unanimous with the following three (3) conditions be included:

1. That the applicant submits a survey stamped by a registered surveyor which shows that the telecommunications tower will be at least 105 feet from the property line.
2. That prior to the mylar being filed at Register of Deeds, the applicant files a permanent deed restriction at Register of Deeds stating that no dwelling units be allowed within 340 feet of the telecommunications tower; and;
3. That the State's Attorney review the deed restriction before it is filed at Register of Deeds.

- b. VARIANCE / VA 22-22: No Bad Days Campground, LLC; Rob Livingston. To reduce the setback from 1.1 times the height of the telecommunications tower to a non-residential zoning district in accordance with Sections 212, 316, and 509 of the Pennington County Zoning Ordinance.

A tract of land known as Utility Lot of No Bad Days Subdivision; formerly Tract Lake of the SW1/4SW1/4 of Section 27 and SE1/4 of Section 28, T2N, R5E, BHM, Pennington County, South Dakota, and being more particularly described as follows: Commencing at the southwest corner of said Section 27, said corner being a found rebar, Thence following the southerly line of said Section 27 S89°49'32"E a distance of 778.25' to a set pin and cap stamped "LS11918", said pin and cap being the southwest corner of the herein described lot and the true point of beginning of said lot; Thence continuing along said southerly line S89°53'47"E a distance of 246.93' to a set pin and cap stamped "LS11918"; Thence departing said southerly line N00°00'00"E a distance of 176.75' to a set pin and cap stamped "LS11918"; Thence N90°00'00"W a distance of 246.45' to a set pin and cap stamped "LS11918"; Thence S00°09'22"W a distance of 176.43' to the point of beginning; The herein described lot having an area of 1.00 acre more or less; Section 27, T2N, R5E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by Hadcock to approve VA 22-22 with three (3) conditions based on the State's Attorney's review and deed restrictions and to make sure it gets filed with the Register of Deeds. Vote: Unanimous with the following three (3) conditions included:

1. That the applicant submits a survey stamped by a registered surveyor which shows that the telecommunications tower will be at least 48 feet from the property line.
2. That prior to the mylar being filed at Register of Deeds, the applicant files a permanent deed restriction at Register of Deeds stating that no dwelling units, including Recreational Vehicle, be allowed within 340' feet of the telecommunications tower; and;
3. That the State's Attorney review the deed restriction before it is filed at Register of Deeds.

CONTESTED HEARING(S)

- e. PUBLIC HEARING OF MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 22-13: Blue Wing Recreation Corporation; Ron Rossknecht. To amend the existing Planned Unit Development to reduce the required building setback from Blue Wing Road from 10 feet to 5 feet in accordance with Section 216 of the Pennington County Zoning Ordinance.

Tract 0129A; All Less the North 10 acres and Less Tract 0129C of Malory Lode MS 1483; Part of Hudson Lode MS 1483; Part of Just Lode MS 1483; and Lot 1 Less Right-of-Way of Boulder #3 Lode MS 1483 all located in Section 13, T1S, R5E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Lassester to approve PU 22-13 with nine (9) conditions. Vote: The motion carried 4-0 with Rossknecht abstaining. Approved with the following nine (9) conditions:

1. That the permitted uses of the Planned Unit Development be limited to a total of 116 recreational resort sites, which may be occupied by a mobile home, recreational vehicle, or stick-built dwelling unit, a watercraft storage area, 24' x 24' shop building, 10' x 16' shed and accessory structures;
2. That the addition of accessory structures, (not exempted by County requirements) be allowed through the issuance of a Building Permit which will include necessary site plans to be reviewed and approved by the Planning Director;
3. That upon expansion of living space of any existing recreational resort site or the replacement of any recreational unit, the applicant shall submit information detailing the existing on-site wastewater treatment disposal system for review and approval by the County Environmental Planner. Upgrades and replacement may be required upon determination of the County Environmental Planner;
4. That a solid fence at least 5-foot-high be constructed and maintained along the west property line of the boat and watercraft storage area;
5. That prior to the development of any future recreational sites, the applicant shall improve Blue Lead Mountain Road and that portion of Sheridan Loop from the intersection of Blue Lead Mountain Road to Bluewing Road to a driving surface of 16 feet with a 4-inch gravel surface and grades not to exceed 15 percent;
6. That the setbacks for all future recreational sites and structures shall be a minimum of 20 feet between units, 5 feet from Bluewing Road, 10 feet from all other access roads, 0 feet from interior lot lines, 25 feet from exterior lot lines, and 58 feet from any existing and relocated Section Lines;
7. That all future recreational sites have a minimum of 2 off-street parking spaces each measuring at least 9 feet by 18 feet and be maintained in a dust free manner;
8. That all recreational sites be provided with 2 off-street parking spaces. Existing and future parking spaces shall be either gravel or grass, provided the grass is maintained in a healthy condition. Should traffic increase to an amount so as to kill the grass in the parking area, the applicant shall gravel the parking spaces; and,
9. That this Planned Unit Development be reviewed on a complaint basis only.