

Planning Conditions of Approval

Commission Meeting Date: December 20, 2022

ITEMS FROM PLANNING & ZONING

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

- b. **VARIANCE / VA 22-26: Matt Leon.** To allow a residential structure that does not meet the minimum dimension requirement of 20 feet x 20 feet in accordance with Sections 205 and 509 of the Pennington County Zoning Ordinance.

PT SE1/4SE1/4, Section 7, T2N, R6E, BHM, Pennington County, South Dakota.

MOVED by Lasseter and seconded by LaCroix to continue this item until the January 3, 2022, meeting. Vote: Unanimous.

MOVED by LaCroix and seconded by Lasseter to reconsider item 20B. Vote: Unanimous.

MOVED by Rossknecht and seconded by LaCroix to approve VA 22-26, with one (1) condition because there is no electricity to the structure.

1. That the applicant obtain an approved Road Construction in a Section Line Right-of-Way and waiver to Ordinance #14 Standards for the existing access road.

CONSENT AGENDA

MOVED by LaCroix and seconded by Lasseter to approve the Planning and Zoning consent agenda as presented. Vote: Unanimous. (Items c. & d.)

- c. **PRELIMINARY PLAN / PPL 22-55: Michael and Lisa Gennaro; KTM Design Solutions - Agent.** To reconfigure lot lines to create Tracts A and B of Gennaro Subdivision in accordance with Section 500 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: All Less S360 ft, Less Glendale Sub and Less ROW (Also in Sec 14) of Hermosa #2 Lode MS 1111, and All, President Lode MS 1111 both in Section 14; and Glendale Tract Located in Section 23 and Section 14 of Gennaro Subdivision, Section 23, T2S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tracts A and B of Gennaro Subdivision, Sections 14 and 23, T2S, R6E, BHM, Pennington County, South Dakota.

1. That at the time of submittal of the Final Plat, the Plat meet requirements of § 600;
2. That at the time of submittal of the Final Plat, the Note on Page 1 be corrected, per Register of Deeds comments;
3. That at the time of submittal of the Final Plat, the required certifications be added and corrected, per §1700; and,

4. That approval of this Preliminary Plan does not constitute approval of any further applications to be submitted for the above-described property.

- d. **CONDITIONAL USE PERMIT REVIEW / CU 21-39: Paul and Carol Niemann.** To review a Recreational Vehicle Park on the subject property in an Agriculture District in accordance with Sections 205, 306, and 510 of the Pennington County Zoning Ordinance.

Niemann Trust Land Tract of the SE1/4SE1/4, Section 15, T1N, R5E, BHM, Pennington County, South Dakota.

1. That the Recreational Vehicle (RV) Park shall consist of no more than 6 RV sites;
2. That the RV Park be for personal use only, and no commercial use is allowed, and operate up to 180 days per calendar year;
3. That the RV Park not be utilized as a nightly, weekly vacation rental, or commercial use;
4. That the RV Park can only be operated after the approved OSWTS has been installed;
5. That all RVs dispose of waste through the approved OSWTS;
6. That any alterations or additions to the OSWTS be reviewed and approved by the Pennington County Environmental Planner and/or South Dakota Department of Agriculture and Natural Resources (SD DANR);
7. That the address be properly posted in accordance with Pennington County Ordinance #20, so it is clearly visible from both directions of travel along Custer Gulch Road;
8. That each RV site has a lot number clearly posted;
9. That a minimum 10-foot separation be maintained between each RV site;
10. That the RV Park conforms to all regulations in Pennington County Zoning Ordinance (PCZO) § 306;
11. That the minimum setback requirements of Agriculture District be maintained on the subject property, or approved Setback Variance(s) be obtained;
12. That the minimum 58-foot Section Line setback be maintained on the property;
13. 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;
14. That the subject property remains free of debris and junk vehicles;
15. That the applicant adheres to (PCZO) § 510;
16. That this Conditional Use Permit be reviewed if the RV park is no longer utilized for personal use;
17. That upon sale or transfer of the subject property, this Conditional Use Permit shall end; and,
18. That this Conditional Use Permit be reviewed in 6 months, 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.

CONTESTED HEARINGS:

- e. **VACATION OF PLAT / VP 22-01: Joy Jojola and Traci Mescher.** To vacate notes on the plat of Lot 3, Block 1 of Mountain Meadows Subdivision in Section 17, T2S, R7E.

Lot 3, Block 1 of Mountain Meadows Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Hadcock to approve VP 22-01 with two (2) conditions. Vote: Unanimous.

1. That notes #7, #9, #13, and #14 be vacated for only Lot 3, Block 1, of Mountain Meadows Subdivision; and,
2. That all necessary resolutions for Vacation of Plat / VP 22-01 be recorded by the applicant at the Register of Deeds office.

- f. **PUBLIC HEARING OF PLANNED UNIT DEVELOPMENT OVERLAY / PU 22-16: Black Hills Weddings, LLC / Andy and Jen Pfister.** To allow a Planned Unit Development Overlay for a Specialty Resort in accordance with Section 216 of the Pennington County Zoning Ordinance.

Lot 1R, CL Subdivision, Section 9, T1N, R6E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Hadcock to approve PU 22-16 with the following sixteen (16) conditions. Vote: Unanimous.

1. That the permitted use allows a wedding venue, event structure, chapel, office, and caretaker's residence, and any use that is a use by right in a Highway Service District;
2. That daily and event operations be conducted by owners, on-site managers, and staff as necessary;
3. That all-natural drainage paths be continually maintained;
4. That an address be assigned and posted on the venue so it is clearly visible, in accordance with Pennington County Ordinance #20;
5. That access to the site be only from the approved South Dakota Department of Transportation (SDDOT) approach and if any future warrants are met, turning lanes be installed, per SDDOT comments;
6. That off-street parking is provided in accordance with Pennington County Zoning Ordinance (PCZO) §310(A)(9)(z)(ff);
7. 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 Agriculture and Natural Resources and must comply with PCZO § 204-J and South Dakota Administrative Rules 74:53:01;

8. That the hours of operation, for the above-mentioned venue/event center, shall be between 8:00 a.m. and 12:00 a.m. only and that quiet hours be from 12:00 a.m. to 8:00 a.m.;
9. That outdoor music be limited to only that which supports wedding ceremonies from 12 p.m. to 8 p.m., all other music must be indoors;
10. That prior to the placement of any on-premise or off-premise signs, the applicant must adhere to PCZO § 312;
11. That all lighting to be installed is maintained to minimize spillage of light outside of the area, so as not to create a nuisance. Lighting must be effectively shielded to prevent beams or rays from being directed towards any portion of the traveled ways and must not be of such intensity or brilliance as to cause glare or impair the vision of any motor vehicle drivers;
12. That the applicant creates an Emergency Plan to evacuate guests from the property in the event of an emergency. The Emergency Plan must be posted in the structure at all times and a copy of said plan shall be submitted to the Planning Department;
13. That the applicant obtains all necessary permits from other governing bodies for the operation, including, but not limited to, a South Dakota Department of Revenue Sales Tax License, Department of Health License, and Liquor License;
14. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director;
15. That the Planning Director may allow additional uses, which are consistent with the uses approved in this permit. Significant changes in the use or impacts on adjacent lands shall require an amendment to this permit; and,
16. That this Planned Unit Development Overlay be reviewed in 1 year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to ensure compliance with the PCZO, Conditions of Approval, and state law.

- i. **MARIJUANA BUSINESS LICENSE / ML 22-01: M & M Medical Solutions; Timothy McMahan.** To allow a Marijuana Business License in a Heavy Industrial District in accordance with Sections 214 and 328 of the Pennington County Zoning Ordinance.

NE1/4SE1/4, Section 32, T1N, R8E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by Hadcock to approve ML 22-01 with three (3) conditions. Vote: Unanimous.

1. That the Conditional Approval of the County Marijuana Business License be valid for one year;
2. That if, after one year, the licensee has not obtained a State License and received final approval of the County License, the Conditional Approval will end; and,

3. That this Marijuana Business License be reviewed in one (1) year, 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.