

Planning Conditions of Approval
Commission Meeting Date: May 17, 2022

ITEMS FROM PLANNING & ZONING

CONSENT AGENDA ITEMS:

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

- E. **MINOR PLAT / MPL 22-12: Little Guys, LLC/Benjamin Brink; KTM Design Solutions - Agent.** To create Lots 1 and 2 of Powder House Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Also in Section 6 2S-6E, Maine Lode MS 1715; Less Lot H1, H2 and H3, West State Lode MS 1533; Less Lot H1 – Lot H6 and Less Beckman Sub #2, State Lode MS 1533, all of Section 5, T2S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2, Powder House Subdivision, Sections 5 and 6, T2S, R6E, BHM, Pennington County, South Dakota.

1. That prior to filing the mylar with the Register of Deeds, the Certifications on the Minor Plat be in accordance with § 400.3.1(n) of the Pennington County Subdivision Regulations;
2. That prior to the mylar being filed at Register of Deeds, the entire 66 feet of Section Line rights-of-way be dedicated and improved by the developer or a Subdivision Regulations Variance be obtained, waiving this requirement;
3. That prior to the mylar being filed at Register of Deeds, the property owner either remove the 2 cabins located within the Section Line right-of-way or relocates or vacates the Section Line right-of-way;
4. That following the mylar being filed at Register of Deeds, a Major Planned Unit Development Amendment is applied for to account for the change in density and new arrangement of lots;
5. That the applicant ensures all natural drainage ways are maintained and not blocked;
6. That following platting of the proposed lot, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit; and,
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.

- F. **MINOR PLAT / MPL 22-14: Allan Knutson; D.C. Scott Surveyors.** To reconfigure lot lines to create Lot BR of Lot 1 and Lot CR of Lot 1 of Battle Creek Mountain Estates Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot A of Lot 1; Lot B of Lot 1 and Lot C of Lot 1, Battle Creek Mountain Estates Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot BR of Lot 1 and Lot CR of Lot 1 of Battle Creek Mountain Estates Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

1. That prior to filing the mylar with the Register of Deeds, the Certifications on the Minor Plat be in accordance with § 400.3.1(n) of the Pennington County Subdivision Regulations;
2. That prior to filing the mylar with the Register of Deeds, the designated platted turnarounds meet the Subdivision Regulation dimensions or the proper Subdivision Regulation Variance be obtained waiving the requirement;
3. That prior to filing the mylar with the Register of Deeds, the vacated portion of right-of-way be transferred to the existing owner or the original owner needs to sign the plat;
4. That following platting of the proposed lot, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;
5. That the applicant ensures all natural drainage ways are maintained and are not blocked; and,
6. 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.

- G. **MINOR PLAT / MPL 22-13: Martha Washington Place, LLC / Rodney Johnson.** To subdivide and create Lot A of Lot 1 of Martha Washington Place Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1 (also in Section 2), Martha Washington Place Subdivision, Section 3, T2S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot A of Lot 1, Martha Washington Place Subdivision, Section 3, T2S, R5E, BHM, Pennington County, South Dakota.

1. That prior to Final Plat submittal, the Certifications on the Final Plat be in accordance with §1702 of the Pennington County Subdivision Regulations;

2. That prior to Final Plat submittal, the plat meets the requirements of §602 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any requirements that are not met;
3. That prior to Final Plat submittal, 8-foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines;
4. That the applicant ensures all natural drainage ways are maintained and not blocked; and,
5. That following platting of the proposed lot, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit.

UNCONTESTED HEARINGS:

- L. **PUBLIC HEARING OF PLANNED UNIT DEVELOPMENT OVERLAY / PU 22-08: Black Hills Tiny Resort, LLC / Joleen Zoller.** To allow a Recreational Resort to include a Recreational Vehicle Park, Vacation Home Rentals, and a caretaker/manager's residence on the subject property in accordance with Sections 205, 212, 306, 319, and 216 of the Pennington County Zoning Ordinance.

Lot 1, BHTR Subdivision, Section 3, T1S, R7E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by Drewes to approve PU 22-08 with twenty-three (23) conditions. Vote: Unanimous.

1. That the approved uses are limited to 48 full-service tiny home sites and 15 full-service RV sites; 2 short-term rentals; 5 employee cabins or tiny homes; 10 canvas rental tents; a dog park; playground; storage building(s); and a caretaker/manager residence to include an office;
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 operations be conducted by the owners, on-site manager, and staff as necessary;
4. That all natural drainage paths be continually maintained;
5. That the applicant obtains an approved Sign Permit prior to the placement of any on- or off-premise sign;
6. That all the assigned addresses be properly and continually posted in accordance with Pennington County's Ordinance #20;
7. That each of the tiny home rentals be clearly marked with a unique number and that the assigned address of the property be posted in each tiny home;
8. That each RV parking spot be marked with a unique unit number clearly visible from the driveway;

9. 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;
10. That a minimum of 87 parking spaces be provided on-site (one for each tiny home, tent and RV site; two for each short-term rental; one for each employee tiny home site; and four for the caretaker/manager residence) 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;
11. That a detailed site plan be submitted with each Building Permit, to include a detailed parking plan depicting adequate parking as specified in § 310 of the Pennington County Zoning Ordinance;
12. That quiet hours in the Planned Unit Development be from 11:00 p.m. to 7:00 a.m.;
13. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors or obstruct the vision of motor vehicle operators on Highway 16;
14. That prior to operation, any rental or RV site within the Planned Unit Development have 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 and that these permits be provided to the Planning Department;
15. That a smoke detector be placed in each sleeping room/area;
16. That a portable fire extinguisher with a minimum 2 A-BC rating be placed on each floor level of any rental so it is accessible to guests at all times and that the fire extinguisher be inspected and tagged annually;
17. That the maximum number of people staying at any rental comply with the South Dakota Lodging Establishments Health and Safety Manual and South Dakota Department of Agriculture and Natural Resources requirements;
18. That the applicants comply with South Dakota Codified Law 34-18;
19. That all on-site wastewater treatment systems (OSWTS) require proper permitting and review of the system by both the City of Rapid City and South Dakota Department of Agriculture and Natural Resources and must comply with Rapid City municipal code and South Dakota Administrative Rules 74:53:01;
20. That the Recreation Vehicle Park must comply with PCZO §306;
21. That setbacks for all structures shall be in accordance with PCZO § 212;
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; and,

23. That this Planned Unit Development be reviewed in 1 year, on a complaint basis, or as deemed necessary by either the Planning Commission or Board of Commissioners to verify all Conditions of Approval are being met.