

**Planning Conditions of Approval**  
**Commission Meeting Date: July 5, 2022**

**ITEMS FROM PLANNING & ZONING**

**BOARD OF ADJUSTMENT:**

A. VARIANCE / VA 22-16: Judy and John Kinsella. To reduce the front yard setback from 25 feet to 5 feet in a Suburban Residential District in accordance with Sections 209 and 509 of the Pennington County Zoning Ordinance.

Lot 11, Graycliff Subdivision, Section 5, T1N, R6E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by Hadcock to approve VA 22-16 with one (1) condition as there is a special condition on the property and the topography of the property combined with the floodway restricts the buildable area which creates a hardship. Vote: Unanimous.

1. That the applicant submits a survey stamped by a registered surveyor which shows that the proposed residential addition will be at least 5-feet from the center of the Section Line.

**CONSENT AGENDA:**

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

C. PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 08-10: JKRK Properties / Ryan Kaski. To review the Sunset Ranch Planned Unit Development in accordance with Section 216 of the Pennington County Zoning Ordinance.

Block 1, Lots 1-17; Block 2, Lots 1-19; Block 3, Lots 1-16; Lots 1-10 of Block 7, Lots 1-16 of Block 8, and Lots 9-24 of Block 9 of Sunset Ranch Subdivision; W½ less Sunset Ranch, Less Tipton Properties Subdivision, and Less ROW; Sections 32, 33, 4 and 5, T1N and T2N, R10E, BHM, Pennington County, South Dakota

1. The density of the Planned Unit Development shall not exceed 148 residential lots;
2. That the common areas include a golf driving range, mini golf course, hiking-biking trails, frisbee course, picnic area, picnic shelter, recreation pond/lake, archery area, exercise/community building, pool/water park, kid play equipment, softball field, football field, basketball court, tennis court, volleyball court, skate park, garden plots, hobby plane/paraplane flying area, horseshoe pits and paintball area;
3. That a horse boarding/arena/barn be allowed on Common Lot 1, Block 1 and that the horse area be for the residents of the Sunset Ranch and their guests;

4. That a BMX racetrack, motor cross and ATV track be allowed on Common Lot 16, Block 6 and that the racetracks be for the residents of the Sunset Ranch and their guests only;
5. That the Special Animal Keeping Regulations, as outlined in Section 204 of the Pennington County Zoning Ordinance and no more than one (1) large animal be housed on three (3) acres, be continually followed;
6. The minimum lot size for the development shall five (5) acres;
7. That a minimum of eighty (80) acres is maintained as Common Area;
8. The approved uses of the Planned Unit Development shall be for up to 148 stick-built, single-family residences and accessory structures;
9. All residences must meet the standards for stick-built and manufactured homes as outlined in Section 204;
10. The applicant submits an engineered individual wastewater disposal system to be approved by the Pennington County Environmental Planner;
11. That the entire portion of 156th Avenue to 229th Street be paved and improved in accordance with the approved Construction Plans prior to issuance of the fifty-first (51st) Building Permit or Surety be posted that will expire within six (6) months after the issuance of the fifty-first (51st) Building Permit;
12. That the applicant obtains an approved Floodplain Development Permit for any construction work within the 100-year floodplain;
13. That prior to platting, the applicant provides documentation from Dakota, Minnesota & Eastern Railroad allowing the two (2) primary routes through the railroad right-of-way;
14. That prior to any plat approval, the applicant provide lighted warning devices at the two (2) primary route crossings through DM&E railroad right-of-way;
15. That 229th Street is maintained according to Ordinance 14 Standards;
16. That prior to County Board approval of the Planned Unit Development, the applicant shall submit a Fire Protection Plan for review and approval by the Pennington County Fire Coordinator. The Pennington County Fire Coordinator will determine the number of fire hydrants and exact locations;
17. The minimum setbacks for the Planned Unit Development shall be twenty-five (25) feet from all property lines and fifty-eight (58) feet from all Section Lines;
18. That a Homeowner's Association be created for the maintenance of the road, community water system, and all use within the Common Areas;
19. That one wind generator be allowed on each lot and the wind generator not exceed a height of 55 feet;
20. That the applicant signs a Noxious Weed Plan to control noxious weeds located on the property;
21. That this Planned Unit Development be reviewed upon a complaint basis only; and
22. That this Planned Unit Development Amendment is not valid until the applicant signs the Statement of Understanding, which is available at the Planning Office.

**CONTESTED HEARINGS:**

- I. VACATION OF UTILITY AND MAJOR DRAINAGE EASEMENTS / VE 22-01: JKRK Properties, LLC; Ryan Kaski. To vacate 20 foot Utility and Major Drainage Easements in accordance with the Pennington County Zoning Ordinance.

Lots 10, 11, and Lots 14, 15, and 16, Block 9, Sunset Ranch Subdivision, Section 5, T1N, R10E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Lasseter to approve VE 22-01 with one (1) condition. Vote: Unanimous.

1. That all necessary resolutions and exhibits vacating the easement be recorded by the applicant at the Register of Deed's Office.