



*Planning Commission  
Agenda*

The City of Sturgis Planning Commission will hold a meeting on Tuesday, October 3, 2017 at 5:30 p.m. in the front conference room at Sturgis City Hall, 1040 Harley-Davidson Way, Sturgis, South Dakota.

**5:30pm - Call to Order**

**Approval of the Minutes from the September 6, 2017 regular meeting**

**Agenda Items** (subject to changes announced at meeting time)

**1. Vacate – LPN Holdings**

Applicant is requesting to vacate the 33' section line right-of-way located on his property in a Highway Service district

**Location:** Lot 2 of the NE ¼ NE ¼ of Section 8-5-5

**Action Required:** Consider the request and make a recommendation to the Sturgis City Council for the November 6 meeting

**2. Preliminary Plat – LPN Holdings**

Applicant is requesting to re-plat portions of his property to create Lots 1A, 1B and 1C of LPN Holdings Addition

**Location:** Lot 1 of the S1/2 S1/2 of Section 5-5-5, and Lot 8, 7-24 in Block 1, Lots 11-13 of Block 3, and Blocks 4 & 5 of Schnell's Addition

**Action Required:** Consider the request and make a recommendation for final plat approval

**3. Variance – Richard Schieffer (Sturgis Motorsports)**

Applicant is applying for an 11.79' rear setback variance to allow for an addition onto an existing commercial building located in a Highway Service district

**Location:** 2695 Lazelle Street (Lot A and AB of Lot 1A of Schnell's Addition)

**Action Required:** Consider the request and make a recommendation to the Sturgis City Council for the October 16 meeting

**4. Use on Review – Terry Jensen**

Applicant would like to operate an in-home business to build a tiny house to sell within a Low-Density Residential Housing district

**Location:** 2175 Dolan Creek Road (Lot A of Lot 1 of Murray Tract #1)

**Action Required:** Consider the request and make a recommendation to the Sturgis City Council for the October 16 meeting

**5. Zoning Amendment – Sturgis Regional Health (Massa Berry Clinic)**

Request to rezone a portion of their property from Medium-Density Residential to Highway Service

**Location:** 890 Lazelle St (Tracts 1 & 2 of Ft. Meade Addition)

**Action Required:** Consider the request and make a recommendation to the Sturgis City Council for the October 16 meeting

**6. Variance – Lifespring Wesleyan Church**

Request 7' variance to 10' required setback to install parking blocks on a paved parking area abutting a residential district.

**Location:** 1706 Junction Ave (Tracts A&B of Block 5 of Potter's end Addition)

**Action Required:** Consider the request and make a recommendation to the Sturgis City Council for the October 16 meeting

**7. Use on Review Renewal – Lynette Mart**

Yearly Use on Review renewal for in-home quilting business

**Location:** 1409 Pine View Drive (Lot 20-A of Block H of Pine Acres Subdivision)

**Action Required:** Review and consider the renewal of the Use on Review for another year

**8. Use on Review Renewal – Tom Price**

Yearly Use on Review renewal for in-home firearms business

**Location:** 2003 Hurley Drive (Lot 1A of Hurley Subdivision)

**Action Required:** Review and consider the renewal of the Use on Review for another year

All other items brought before the Planning and Zoning Commission by the public.



## Planning Commission

### Minutes

The City of Sturgis Planning Commission held a regular meeting on Wednesday, September 6, 2017 at 5:30pm in the front conference room at Sturgis City Hall, 1040 Harley-Davidson Way, Sturgis, SD.

#### **Present:**

Chairman Judy Hughes  
Commissioner Courtney Mack

Commissioner Mark Norstegaard  
Commissioner Kyle Treloar

#### **Absent:**

Commissioner John Gerberding  
Commissioner San Monahan

Commissioner Suzanne Olson

#### **Also present:**

Dave Smith (Planning and  
Permitting Director)  
Daniel Ainslie (City Manager)  
Laura Abernathy (Planning  
Coordinator)  
Ron Waterland (City Council)  
Mike Bachand (City Council)

Bob Herbst (Baseline  
Surveying)  
Mike Leveque  
Rachel Snow  
Loretta Mason  
Kari Nordstrom (Morman  
Law firm)

Ashley Katchmark (Morman  
Law firm)  
Rachel Hale (Hilpert & Hale  
law firm)  
Steve Anders  
Paige Guy  
Kelsey Terpening

Hughes called the meeting to order at 5:37pm. Motion by Mack, second by Norstegaard to approve the minutes of the Tuesday, July 18 special Planning Commission meeting. Motion carried.

#### **Agenda Item #1 - Variance – Kevin Bauer**

Kevin Bauer of 2114 Cooper Loop (Lot 8R of Block 7 of Hillview Subdivision) is applying for a 5.16' rear setback variance to install a new garage in a Medium-Density Residential Housing district. The applicant was not present but was represented by Bob Herbst of Baseline Surveying. Abernathy presented the information provided in the commissioners' report, including the site plan and reason for the request. **Motion by Mack to recommend approval of request, seconded by Treloar. Motion carried unanimously.**

The public hearing for this item will take place during the Sturgis City Council meeting on Monday, September 18 at 6:30pm at the Meade County Erskine Building located at 1300 Sherman Street.

#### **Agenda Item #2 – Vacate – LPN Holdings**

Mike Leveque of LPN Holdings is requesting to vacate the section line right-of-way on his property. The request is described as the 33' of right-of-way running north and south along Lot 2 of the NE ¼ of the NE ¼ of Section 8, T5N, R5E. Abernathy presented the information provided to the

commissioners, and stated that the city recommended approval of the section line vacation as it no longer serves a useful purpose to the public and is unused. The applicant will be required to turn in the petition requiring neighboring landowners' signatures and letters from utility companies acknowledging the vacation.

**Motion by Treloar, second by Norstegaard to recommend approval for the vacation of the section line right-of-way on the property. Motion carried unanimously.**

The public hearing for this item will take place during the Sturgis City Council meeting on Monday, September 18 at 6:30pm at the Meade County Erskine Building located at 1300 Sherman Street.

*(Note: this was originally identified incorrectly as Tract A of the NE ¼ of the NE ¼ of Section 8-5-5 during the meeting. The item will come before the Planning Commission again with a correct legal description).*

### **Agenda Item #3 – Preliminary Plat – LPN Holdings**

Mike Leveque of LPN Holdings is requesting to re-plat portions of his property to create Lots 1A, 1B and 1C of LPN Holdings Addition. The re-plat will involve portions of Lot 1 of the S1/2 S1/2 of Section 5-5-5, and Lots 8, 7-24 in Block 1, Lots 11-13 of Block 3, and all of Blocks 4 & 5 of Schnell's Addition. Lot 1A contains portions of land that were both in and out of city limits. The applicant will be required to submit a voluntary annexation petition for those portions that were previously outside of city limits for Lot 1A. The applicant does not intend to annex Lots 1B, but will annex Lot 1C at a later date when the lot is developed. The applicant has signed the voluntary annexation form for Lot 1A.

Abernathy presented the information provided in the commissioners' report, and stated that the city does not recommend approval of the preliminary plat as Lot 1B does not have a frontage to a public right-of-way, as required by the regulations set forth in the 3-Mile agreement between Meade County and the City of Sturgis. The 3-mile agreement states that plats involving property within a certain distance of city limits will be subject to follow zoning requirements as stated in the City Ordinance. City staff also recommended that all the lots presented on the plat be annexed in to city limits.

There was no action by the commission as the plat did not meet city requirements for lot frontage and other requirements as stated in the 3-mile agreement upheld by Meade County and the City. The applicant will be required to submit a plat that follows these guidelines, which will be presented at a future Planning Commission meeting.

### **Agenda Item #4 – Preliminary Plat – Meade School District**

Meade School District is requesting to re-plat a portion of Tract 37 to create Lot 1 and 2 of Meade 46-1 Sturgis Brown High School, East Campus Subdivision. The property is the Sturgis Brown High School located at 12930 South Dakota Highway 34. The South Dakota National Guard has expressed interest in purchasing approximately 30 acres from the school district. These 30 acres are denoted as Lot 2 on the plat. Abernathy presented the information provided to the commission, and stated that the only recommended change would be to add a wastewater easement for the City of Sturgis. **Motion by Treloar, second by Norstegaard to recommend approval of the plat, with the recommendation that the wastewater easement be recorded on the final plat. Motion carried, with Mack abstaining.**



**Agenda Item #5 – Use on Review Renewal – Rachel Snow**

Rachel Snow currently has a Use on Review issued for her property at 2349 Palisades Loop (described as Lot 6R of Block 5 of Palisades Subdivision) to operate an in-home daycare. The applicant had applied for this Use on Review on August 30, 2016, but the developer cites that the covenants in the Palisades Subdivision does not allow for in-home businesses. On March 6, 2017, Sturgis City Council approved the Use on Review with a review after six months, with the hope that the applicant can come into compliance with the covenants of her subdivision within this timeframe.

The applicant was present alongside Rachel Hale of Hilpert & Hale law firm. Kari Nordstrom of Morman Law firm was present on behalf of the developer. Hale stated that Snow had acquired approximately 75% of the required 90% approval needed from the landowners in the subdivision in order to amend the covenants. She also stated that compliance with the covenants was outside of the scope of the city's enforcement. Nordstrom stated that the developer had given the applicant a generous allotment of time to gather all of the required signatures. **Commissioner Mack stated that the city should not be involved with enforcing civil contracts, and made a motion to approve the Use on Review. Seconded by Treloar. Motion carried unanimously.**

The public hearing for this item will take place during the Sturgis City Council meeting on Monday, September 18 at 6:30pm at the Meade County Erskine Building located at 1300 Sherman Street.

**Agenda Item #6 – Use on Review Renewal – Loretta Mason**

Loretta Mason currently has a Use on Review issued for her property at 2109 Meadowlark Drive (described as Lot 11 of Murray Tract Subdivision #1) to operate an in-home dog grooming business within a Low-Density Residential zoning district. The business has been in operation for several years at this location, and the annual review period has ended. There have been no complaints or violations issued on this property. **Motion by Norstegaard, second by Hughes to recommend approval of the renewal for another year. Motion carried unanimously.**

Smith updated the commission on the plans for the Francis Case development and a request from Mountain View Care of 1681 Joedy Street to extend the timeframe to install a handicap ramp at the adult care facility.

No other matters came before the Planning and Zoning Commission. Meeting was adjourned by Hughes at 6:38pm.

The next regular meeting will be held on Tuesday, October 3, 2017.

Respectfully submitted,

Laura Abernathy

*\*Minutes are not considered official until approved by the Planning Commission*



## **Planning Commission Staff Report**

October 3, 2017

Laura Abernathy, Planning Coordinator

Vacate – LPN Holdings, Lot 2 of NE ¼ NE ¼ of Section 8-5-5

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### **Background/History**

LPN Holdings, LLC is requesting to vacate the section line right-of-way located on their property, described as a portion of the section line right-of-way being the west 33' along the east property line of Lot 2 of the NE ¼ of the NE ¼ of Section 8, T5N, R5E. The 33' section line right-of-way is located along the east property line between Sections 8 and 9. The landowner plans to eventually re-plat this parcel and surrounding property, and the section line right-of-way has never been used and has not been used for public travel.

This item was previously presented before the Planning Commission at the September 6 meeting as Tract A of the NE ¼ of the NE ¼ of Section 8, but it was discovered by the applicant that the legal description was incorrect.

The applicant has filled out the updated petition that requires the signatures of adjacent landowners and will also be required to notify utility companies of the vacation.

### **Recommendations**

Staff has no objections to the plat application and right-of-way vacations as the right-of-way serves no useful purpose and has not been used by the public in years.

### **Budget Impact**

At this time there is no direct financial impact to the City budget.

**PETITION TO VACATE: SECTION LINE R.O.W.**

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**TO THE STURGIS CITY COUNCIL:**

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The owners of real property in The City of Sturgis, SD, petition the Council to vacate the portion of the Section Line R.O.W. described below, because it has not been used, no longer serves any useful public purpose and has not been used for public travel for several years.

An exhibit of the proposed portion of the section line to be vacated is attached and made a part of this petition.

We request that you have this petition filed, set a hearing date and give notice of the time and place of the hearing as required by law. After the hearing, we request that you vacate the portion of the Section Line Right-Of-Way by resolution as provided by law.

**1) LEGAL DESCRIPTION:**

A Portion of Section Line R.O.W. being the West 33' (feet) along the East Property Line of Lot 2 being the East 173' (feet) of Lot 2 of the NE1/4 of the NE1/4 of Section 8.

Located along the section line common to Section 8 and Section 9, Township 5 North, Range 5 East, Black Hills Meridian, City of Sturgis, Meade County, South Dakota.

Michael P. Leveque, Managing Member

LPN Holdings, LLC., Land Owner

Michael P, Leveque, Managing Member

State of South Dakota

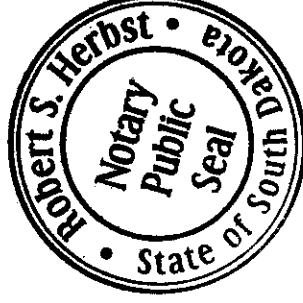
County of Meade

Subscribed and sworn to before me this 11<sup>TH</sup> day of September, 2017.

[Signature]

12/10/21

Notary Public—South Dakota



My Commission Expires





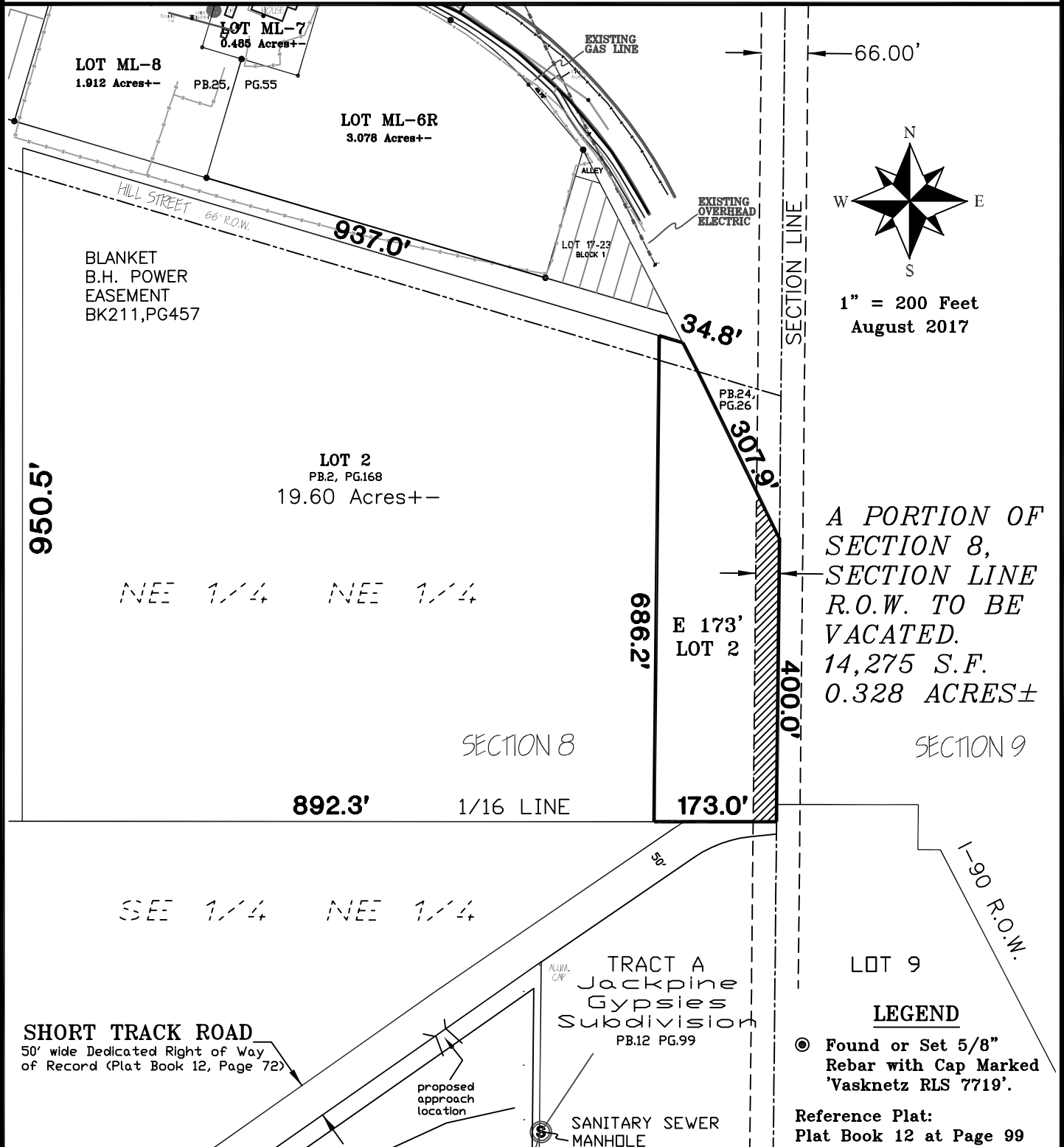
Disclaimer: Meade County, SD makes no representations or warranties, express or implied, with respect to the use or reuse of the data provided herein, regardless of the format or the means of transmission. THE DATA IS PROVIDED "AS IS" WITH NO GUARANTEE OR REPRESENTATION ABOUT THE ACCURACY, CURRENCY, SUITABILITY, PERFORMANCE, MERCHANTABILITY, RELIABILITY, OR FITNESS OF THE DATA FOR ANY PARTICULAR PURPOSE. Meade County, SD, shall not be liable for any direct, indirect, special, incidental, compensatory or consequential damages or third party claims resulting in the use of this data, even if Meade County, SD, has been advised of the possibility of such potential loss or damage. This data may not be used in sales that do not allow the exclusion or limitation of incidental or consequential damages.

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## LEVEQUE LOT 2 NE1/4NE1/4 S8-5-5

September 07, 2017

**'EXHIBIT A'**  
**Section Line Right-Of-Way Vacation**  
 East 173' of Lot 2 of the NE 1/4 of the NE 1/4 of Section 8.  
 Located in Section 8, Township 5 North, Range 5 East,  
 B.H.M., City of Sturgis, Meade County, South Dakota.



**PREPARED BY: Baseline Surveying Inc.**

1921 Lazelle Street, Sturgis, SD 57785 Phone (605) 490-1401

Job No. 17-169

8/08/2017

**LEVEQUE SECTION LINE, STURGIS PROJECT**

**JOB # 17-169**

To: *Utility Company Representative*

We are requesting the City of Sturgis to vacate the section line right-of-way identified on the attached exhibit and description of proposed vacated right-of-way. When vacating a section line right-of-way, the City reserves the entire right-of-way as an easement if no request has been made to remove the easement.

Please review the enclosed exhibit and description of proposed vacated right-of-way. If you have facilities that are located within the right-of-way that must remain there, please let us know so a new easement can be created or the utility can be relocated. If you do not have, nor plan on having facilities located within this right-of-way, please let us know.

All costs associated with easement drawings and/or facility relocation will be the responsibility of the petitioner.

Please return this form by fax or email to our address after furnishing the requested information. If you have any questions or concerns about the proposed vacation, please contact us.

Thank you for your assistance.

Name of Utility Company: Black Hills Power

Utility Contact Person: Ken Meirose, Construction Manager

Address: 1251 Otter Rd., Sturgis SD 57785

Telephone Number: (605) 347-3656 Email: ken.meirose@blackhillscorp.com

- ☐ We have no facilities in the proposed vacated right-of-way.
- ☒ We need to maintain an easement for our facilities in the current location.
- ☐ Arrangements need to be made for relocation of our facilities.
- ☐ Additional Comments.

Utility Contact: Ken Meirose Date: 08-8-17

Signature: 

Comments: \_\_\_\_\_

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Attach separate sheet for additional comments:

Please return to: *Baseline Surveying*  
1921 Lazelle St. Sturgis, SD 57785  
(605)490-1401  
(605)347-9333(fax)  
baseline7719@gmail.com



To: *Utility Company Representative*

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All costs associated with easement drawings and/or facility relocation will be the responsibility of the petitioner.

Please return this form by fax or email to our address after furnishing the requested information. If you have any questions or concerns about the proposed vacation, please contact us.

Thank you for your assistance.

Name of Utility Company: CENTURY LINK  
Utility Contact Person: Jamie Higgins, Engineer  
Address: Rapid City, SD 57701  
Telephone Number: (605) 394-4588    Email: jamie.higgins@centurylink.com

- ☒ We have no facilities in the proposed vacated right-of-way.
- ☐ We need to maintain an easement for our facilities in the current location.
- ☐ Arrangements need to be made for relocation of our facilities.
- ☐ Additional Comments.

Utility Contact: Jamie Higgins      Date: 8/8/17

Signature: Jamie Higgins

Comments: N/A

---

Attach separate sheet for additional comments:

Please return to: *Baseline Surveying*  
1921 Lazelle St. Sturgis, SD 57785  
(605)490-1401  
(605)347-9333(fax)  
baseline7719@gmail.com

8/08/2017

**LEVEQUE SECTION LINE, STURGIS PROJECT**

**JOB # 17-169**

To: *Utility Company Representative*

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All costs associated with easement drawings and/or facility relocation will be the responsibility of the petitioner.

Please return this form by fax or email to our address after furnishing the requested information. If you have any questions or concerns about the proposed vacation, please contact us.

Thank you for your assistance.

Name of Utility Company: MDU

Utility Contact Person: Toby Bordewyk, Northern Hills District Manager

Address: 718 Steele Ave., Rapid City SD 57701

Telephone Number: (605) 355-4054 Email: toby.bordewyk@mdu.com

- ☐ We have no facilities in the proposed vacated right-of-way.
- ☒ We need to maintain an easement for our facilities in the current location.
- ☐ Arrangements need to be made for relocation of our facilities.
- ☐ Additional Comments

Utility Contact: Toby Bordewyk Date: 8/31/2017

Signature: Toby Bordewyk

Comments: \_\_\_\_\_

*MDU does have a pipeline that crosses through this ROW within short track road ROW - facilities will need to remain in place*

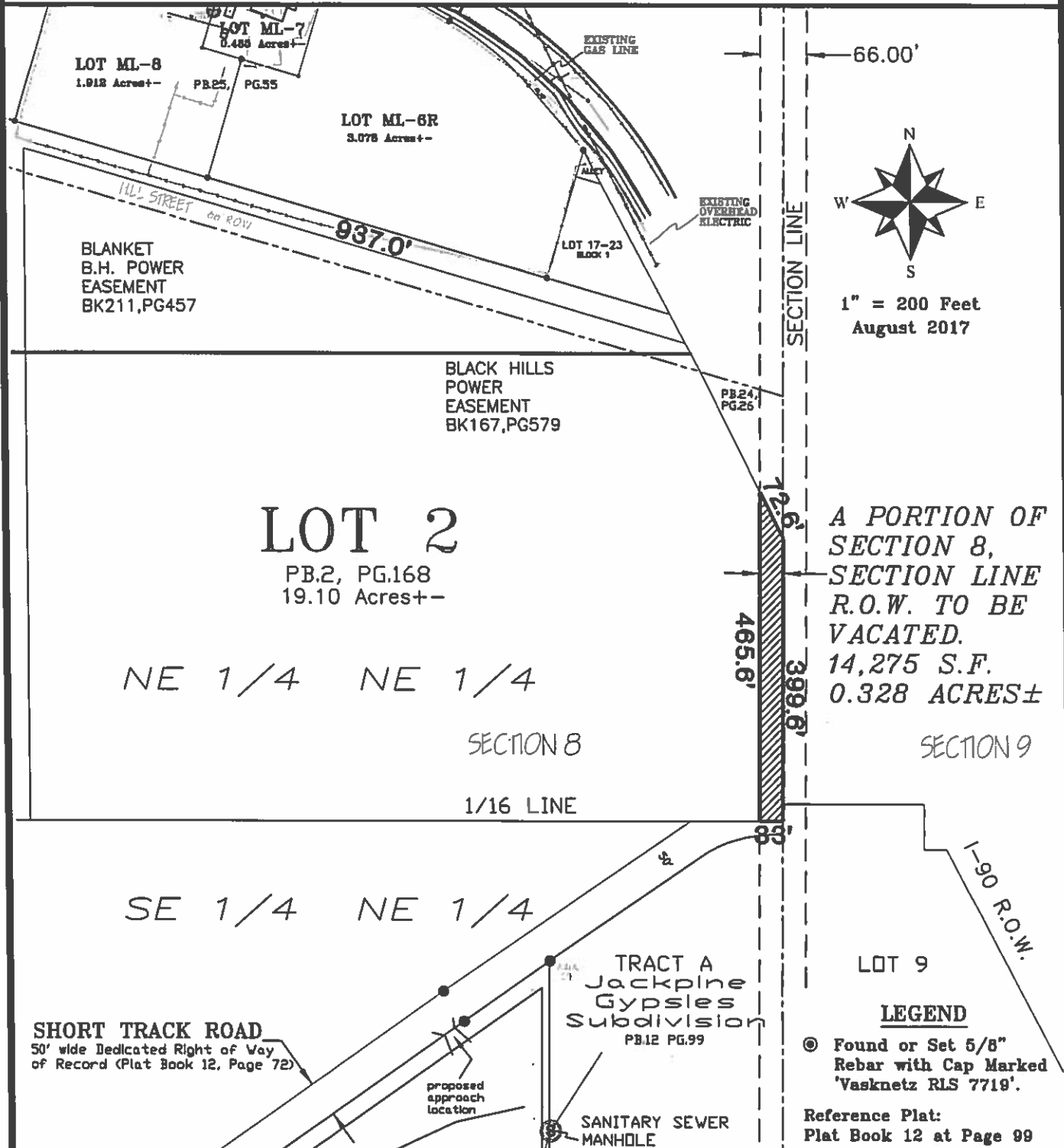
Attach separate sheet for additional comments:

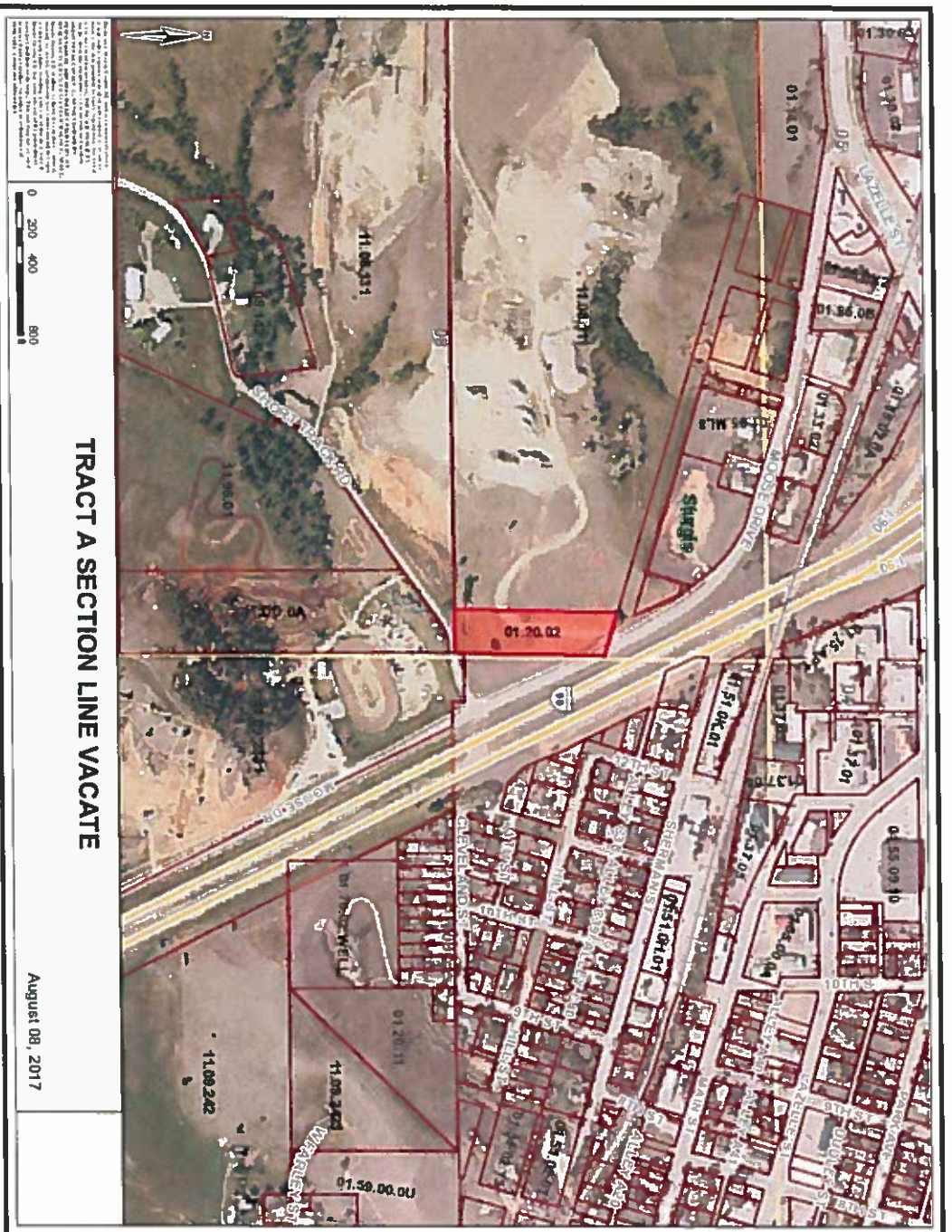
*but would be covered by short track Rd ROW.*

Please return to: Baseline Surveying  
1921 Lazelle St. Sturgis, SD 57785  
(605)490-1401  
(605)347-9333(fax)  
baseline7719@gmail.com



**'EXHIBIT A'**  
**Section Line Right-Of-Way Vacation**  
**Lot 2 of the NE 1/4 of the NE 1/4 of Section 8.**  
 Located in Section 8, Township 5 North, Range 5 East,  
 B.H.M., City of Sturgis, Meade County, South Dakota.





8/08/2017

LEVEQUE SECTION LINE, STURGIS

PROJECT JOB # 17-169

To: Utility Company Representative

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Please review the enclosed exhibit and description of proposed vacated right-of-way. If you have facilities that are located within the right-of-way that must remain there, please let us know so a new easement can be created or the utility can be relocated. If you do not have, nor plan on having facilities located within this right-of-way, please let us know.

All costs associated with easement drawings and/or facility relocation will be the responsibility of the petitioner.

Please return this form by fax or email to our address after furnishing the requested information. If you have any questions or concerns about the proposed vacation, please contact us.

Thank you for your assistance.

Name of Utility Company: MIDCO

Utility Contact Person: Joe Jarding, Regional Construction Manager

Address: 537 Century Rd., Rapid City, SD 57701

Telephone Number: (605) 791-7121 Email: joe.jarding@midco.com

- ☐ We have no facilities in the proposed vacated right-of-way.
- ☒ We need to maintain an easement for our facilities in the current location.
- ☐ Arrangements need to be made for relocation of our facilities.
- ☐ Additional Comments.

Utility Contact: JOE JARDING / MIDCO Date: 8/8/2017

Signature: 

Comments: \_\_\_\_\_

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Attach separate sheet for additional comments:

Please return to: *Baseline Surveying*  
1921 Lazelle St. Sturgis, SD 57785  
(605)490-1401  
(605)347-9333(fax)  
baseline7719@gmail.com

8/08/2017

**LEVEQUE SECTION LINE, STURGIS PROJECT**

**JOB # 17-169**

To: *Utility Company Representative*

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All costs associated with easement drawings and/or facility relocation will be the responsibility of the petitioner.

Please return this form by fax or email to our address after furnishing the requested information. If you have any questions or concerns about the proposed vacation, please contact us.

Thank you for your assistance.

Name of Utility Company: Vast


Utility Contact Person: Genny Williams, Construction Coordinator

Address: 809 Deadwood Ave., Rapid City SD 57702

Telephone Number: (605) 431-9378 Email: genny.williams@vastbroadband.com

- ☐ We have no facilities in the proposed vacated right-of-way.
- ☒ We need to maintain an easement for our facilities in the current location.
- ☐ Arrangements need to be made for relocation of our facilities.
- ☐ Additional Comments

Utility Contact: Genny Williams Date: 8/9/17

Signature: 

Comments: \_\_\_\_\_

Vast Broadband is attached to Black Hills Energy's poles in the Section line ROW. As long as an easement is retained and facility relocation is not required, or relocation costs are reimbursed 100% to Vast Broadband, Vast Broadband not contest this vacation.

Attach separate sheet for additional comments:

Please return to: *Baseline Surveying*

1921 Lazelle St. Sturgis, SD 57785

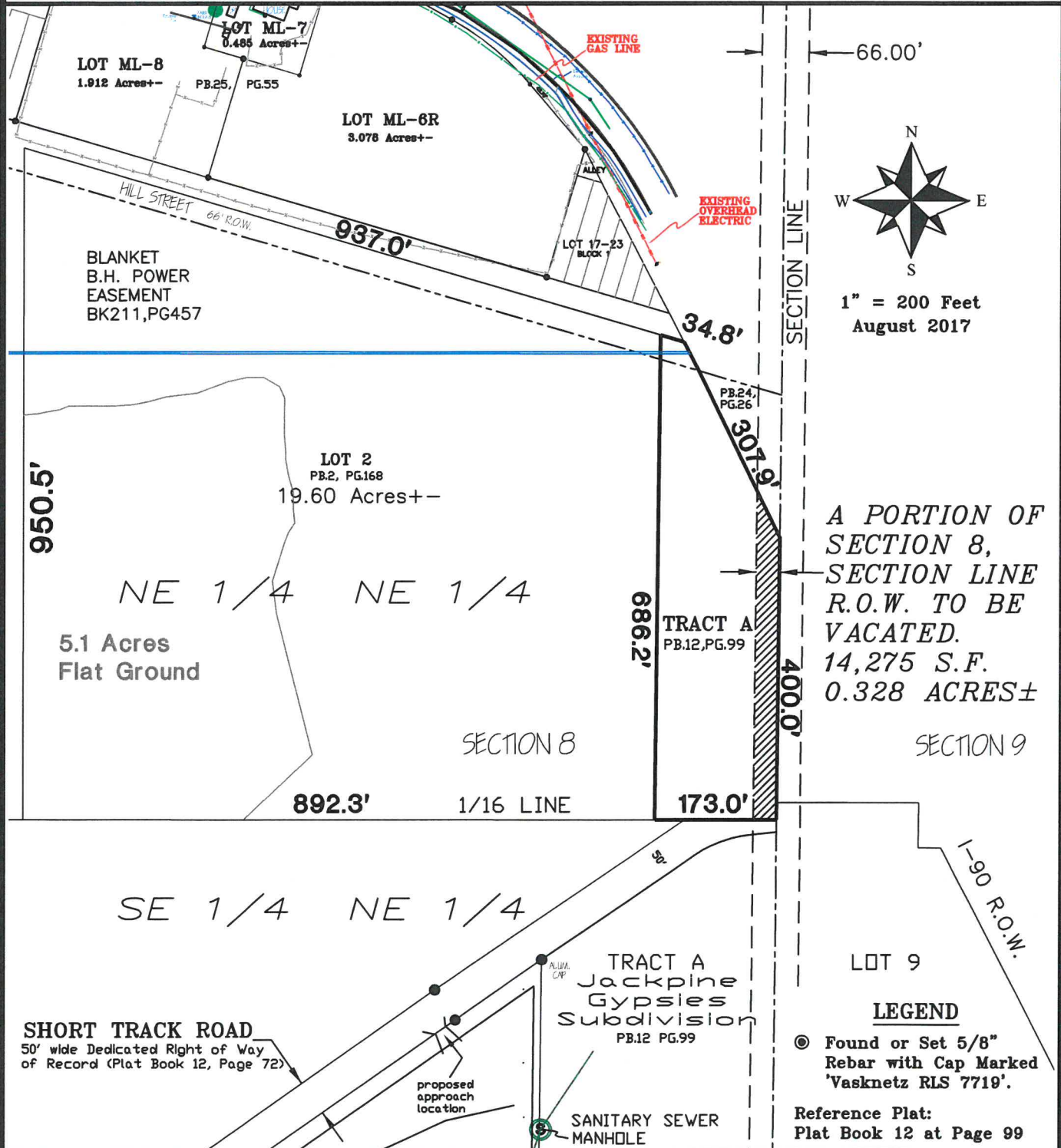
(605)490-1401

(605)347-9333(fax)

baseline7719@gmail.com



**'EXHIBIT A'**  
**Section Line Right-Of-Way Vacation**  
**Tract A of the NE 1/4 of the NE 1/4 of Section 8.**  
 Located in Section 8, Township 5 North, Range 5 East,  
 B.H.M., City of Sturgis, Meade County, South Dakota.



**PREPARED BY: Baseline Surveying Inc.**

1921 Lazelle Street, Sturgis, SD 57785 Phone (605) 490-1401

Job No. 17-169

## PETITION TO VACATE: SECTION LINE R.O.W.

---

TO THE STURGIS CITY COUNCIL:

The owners of real property in The City of Sturgis, SD, petition the Council to vacate the portion of the Section Line R.O.W. described below, because it has not been used, no longer serves any useful public purpose and has not been used for public travel for several years.

An exhibit of the proposed portion of the section line to be vacated is attached and made a part of this petition.

We request that you have this petition filed, set a hearing date and give notice of the time and place of the hearing as required by law. After the hearing, we request that you vacate the portion of the Section Line Right-Of-Way by resolution as provided by law.

### 1) LEGAL DESCRIPTION:

Section Line R.O.W. along the East Property Line of Tract A of the NE1/4 of the NE1/4 of Section 8 which is also the section line.

Located along the section line common to Section 8 and Section 9, Township 5 North, Range 5 East, Black Hills Meridian, City of Sturgis, Meade County, South Dakota.

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LPN Holdings, LLC., Land Owner

Michael P, Leveque, Managing Member

State of South Dakota

County of Meade

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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Notary Public—South Dakota

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My Commission Expires



Shanon Vasknetz &lt;baseline7719@gmail.com&gt;

**Section Line Vacate Petition**





2 messages

**Shanon Vasknetz** <baseline7719@gmail.com>  
To: genny.williams@vastbroadband.com

Tue, Aug 8, 2017 at 2:23 PM

Genny,  
Please see the attached request and sign and return to me.  
Thanks,  
Bob Herbst, Baseline Surveying

**4 attachments**

-  **SECTION LINE VAST COMMUNICATIONS.docx**  
16K
-  **17-169 LEVEQUE SECTION 8-9 VACATE EXHIBIT.pdf**  
125K
-  **17-169 LEVEQUE SECTION 8-9 VACATE PETITION.pdf**  
36K
-  **17-169 LEVEQUE VICINITY.pdf**  
510K

**Genny Williams** <Genny.Williams@vastbroadband.com>  
To: Shanon Vasknetz <baseline7719@gmail.com>

Wed, Aug 9, 2017 at 3:29 PM

Attached is Vast Broadband's response to the Leveque Section Line, Sturgis Project Job #17-169. Vast Broadband is attached to Black Hills Energy's pole in the section line ROW. As long as an easement is retained and facility relocation is not required, or relocation costs are reimbursed 100% to Vast Broadband, Vast Broadband does not contest this vacation. Please let me know if there are any questions or you need further information.

Thank you,

**Genny Williams**

Construction Coordinator



809 Deadwood Ave  
Rapid City, SD 57702  
[\(605\) 431-9378](tel:6054319378) Cell

**VASTbroadband.com**

[Quoted text hidden]

-  **Vast Broadband Response - Leveque Section Line Job #17-169.pdf**  
1046K



## **Planning Commission Staff Report**

October 3, 2017

Laura Abernathy, Planning Coordinator

Preliminary Plat – LPN Holdings, Lot 1A, 1B and 1C of the S1/2 S1/2 of Section 5-5-5

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### **Background/History**

LPN Holdings, LLC has put in an application to re-plat portions of their property into three new parcels. The re-plat will include the southern portion of Lot 1 of the S1/2 S1/2 of Section 5-5-5, and Lots 8, 7-24 in Block 1, Lots 11-13 in Block 3, and all of Blocks 4 & 5 of Schnell's Addition, as well as a portions of Lot 1 and 2 of the NW ¼ NE ¼ of Section 8-5-5. The new plat will reflect the creation of Lots 1A, Lot 1B and 1C of LPN Holdings Addition. The applicant is intending to sell Lots 1A and 1C to allow for future development along Lazelle Street.

The landowner intends to annex all of the lots presented on the plat, and has been provided the voluntary annexation petition. Any future development on Lots 1A and 1C will be able to hook up to the current city utility infrastructure.

The applicant has also applied for a zoning variance to the 100' of frontage required for Lot 1B as per Title 18 of the City Ordinance. As presented on the preliminary plat, there is only 66' of frontage to the public right-of-way for Lot 1B. The variance request will be presented alongside the final plat at a future meeting.

Since the re-plat will incorporate portions of land previously outside of city limits, the plat has also been sent to Meade County for their review.

### **Recommendations**

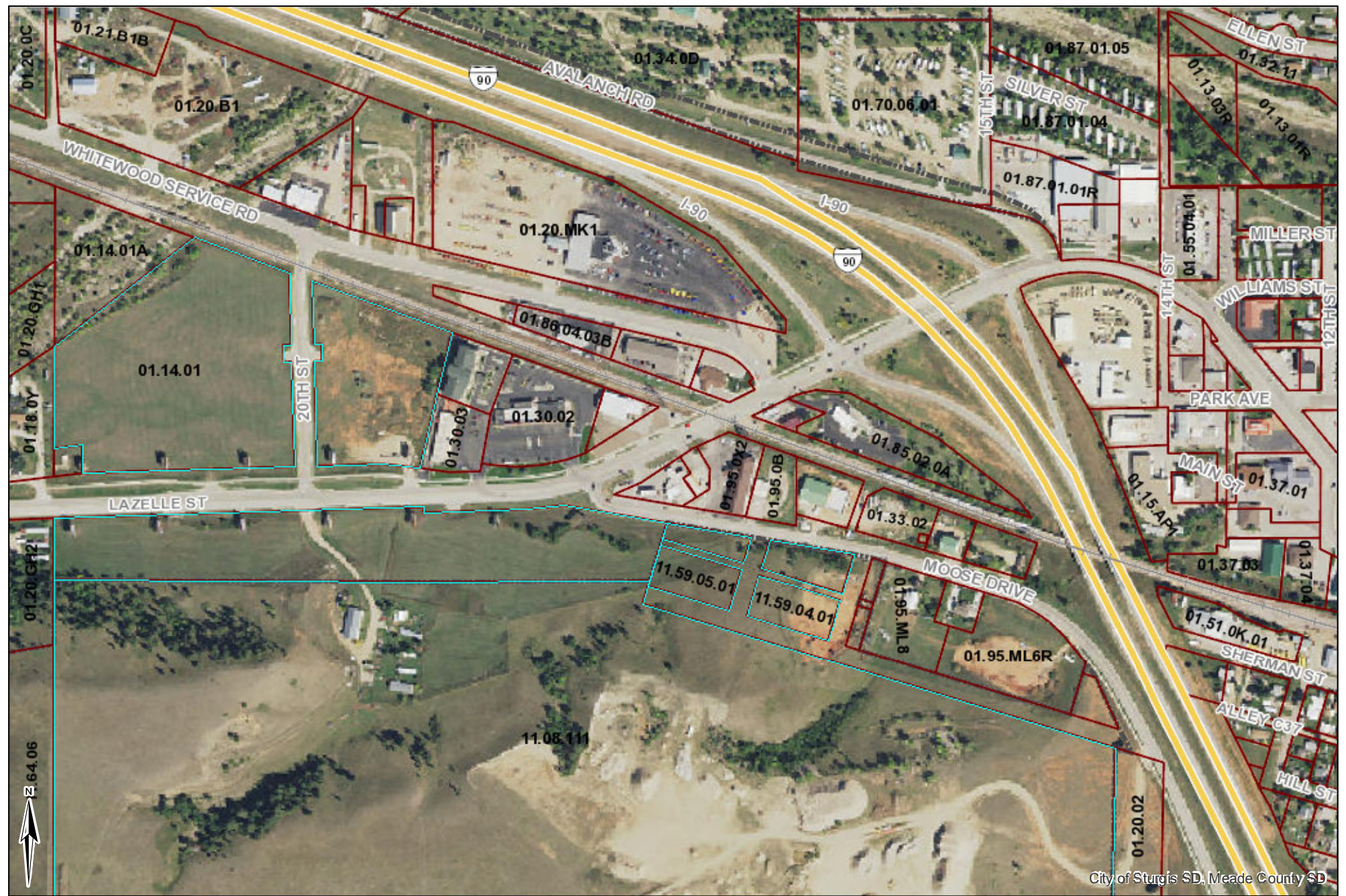
City staff recommends approval of the preliminary plat, pending the presentation of the variance request at a future Planning Commission meeting. City staff will be in support of the variance to the 100' frontage requirement.

### **Budget Impact**

The potential sale of this frontage along Lazelle Street would encourage development and have a positive impact for the City of Sturgis.

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City of Sturgis SD, Meade County SD

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## LPN Holdings Replat

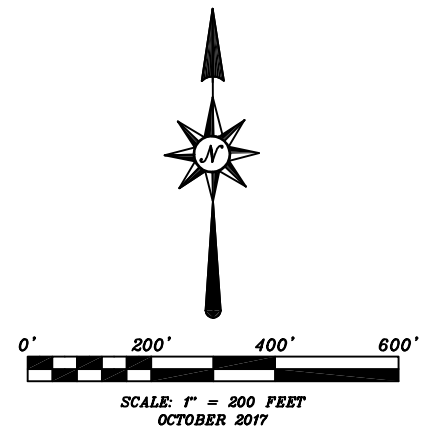
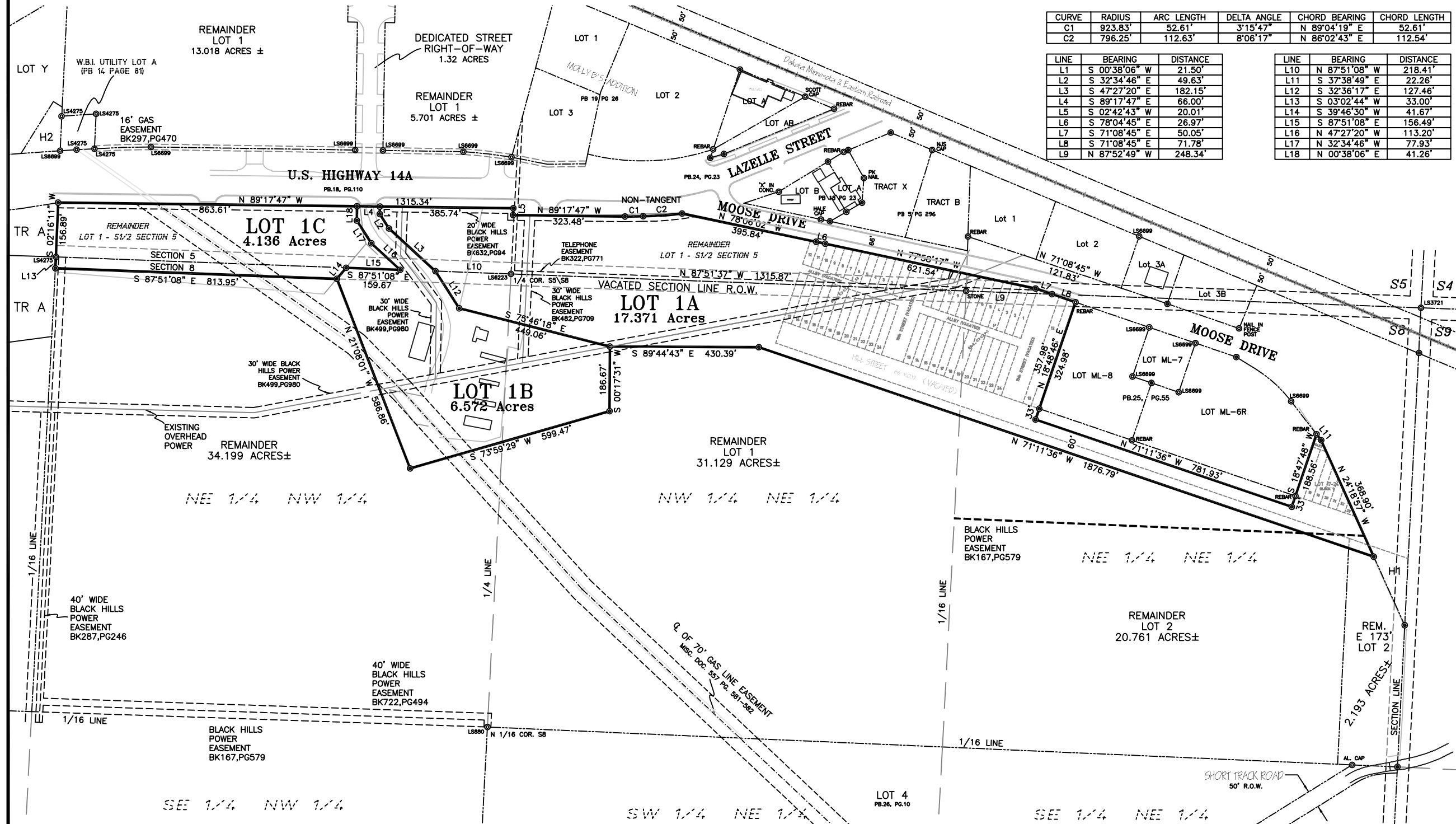
0 195 390 780  
ft

August 31, 2017



Preliminary Plat of  
Lot 1A, Lot 1B and Lot 1C of LPN Holdings Addition to the City of Sturgis.

Formerly a portion of Lot 1 of the South 1/2 of Section 5;  
Formerly a portion of Lot 1 of the NW1/4NE1/4 of Section 8, Lot 2 of the NE1/4NE1/4 of Section 8 and the NE1/4NW1/4 of Section 8;  
AND Formerly Lots 8, 17-24 in Block 1; Lots 11-14 in Block 3; Lots 1-24 in Block 4; Lots 1-24 in Block 5 of Schnell's Addition.  
All Located in Township 5 North, Range 5 East, Black Hills Meridian, City of Sturgis, Meade County, South Dakota.



LEGEND

- ⊙ Found or Set 5/8" Rebar with Cap Marked "Vasknetz RLS 7719".
- ⊙ Found Survey Monument as Noted.
- (R) Denotes Dimensions Previously Recorded.
- (M) Denotes Dimensions Per this Survey.

SURVEYOR'S NOTES

- 1) Basis of Bearings using Geodetic North Determined from Global Positioning System (GPS).
- 2) Building Restrictions: Per Most Recently Adopted International Building Code (IBC).
- 3) Utility & Minor Drainage Easements: 8' Wide on the interior side of all lot lines.
- 4) Building Setbacks: 25' Front and Rear, 8' on all Side Lot Lines and 25' where adjacent to all Right-Of-Way Lines.
- 5) Documents of Record as Reference: Plat Book 1 at Page 147, Plat Book 20 at Page 216-217, Plat Book 23 at Page 65 and Miscellaneous Document Book 258 at Page 355 as Recorded at the Meade County Register of Deeds Office, Sturgis, South Dakota.
- 6) The Limits of the 100 Year Flood Plain as shown on FEMA Mapping per Panel 46093C 1166F, Effective Date 9/16/2011 include the areas North of Highway 14A (Zone AO) and along Moose Drive (Zone AE).

*Preliminary Plat of  
Lot 1A, Lot 1B and Lot 1C of LPN Holdings Addition to the City of Sturgis.  
Formerly a portion of Lot 1 of the South 1/2 of Section 5;  
Formerly a portion of Lot 1 of the NW1/4NE1/4 of Section 8, Lot 2 of the NE1/4NE1/4 of Section 8 and the NE1/4NW1/4 of Section 8;  
AND Formerly Lots 8, 17-24 in Block 1; Lots 11-14 in Block 3; Lots 1-24 in Block 4; Lots 1-24 in Block 5 of Schnell's Addition.  
All Located in Township 5 North, Range 5 East, Black Hills Meridian, City of Sturgis, Meade County, South Dakota.*

COUNTY TREASURER'S CERTIFICATE

I, Treasurer of Meade County, South Dakota, do hereby certify that all taxes which are liens upon the land described hereon, as shown by the records of my office, are fully paid.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ , 20\_\_\_\_ .

\_\_\_\_\_  
Meade County Treasurer

STURGIS COMMON COUNCIL

We, the undersigned, as authorized representatives of the Sturgis City Common Council, do hereby certify that at an official meeting held

on this \_\_\_\_\_ day of \_\_\_\_\_ , 20\_\_\_\_ , that  
We did Approve this Plat.

Attest: \_\_\_\_\_ Mayor: \_\_\_\_\_  
City Auditor

PLANNING COMMISSION

Approved by the City of Sturgis Planning Commission,  
Meade County, South Dakota.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ , 20\_\_\_\_ .

Signed: \_\_\_\_\_  
Chairman

Attest: \_\_\_\_\_  
Secretary

OFFICE OF REGISTER OF DEEDS

\_\_\_\_\_  
Meade County Register of Deeds

CERTIFICATE OF HIGHWAY OR STREET AUTHORITY

The location of the proposed access to the Highway or Street as shown hereon is hereby approved. Any change in the location of the proposed access shall require additional approval.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ , 20\_\_\_\_ .

\_\_\_\_\_  
Highway or Street Authority

CERTIFICATE OF DIRECTOR OF EQUALIZATION

I, Director of Equalization of Meade County, South Dakota, do hereby certify that I have on record in my office a copy of the within described plat.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ , 20\_\_\_\_ .

\_\_\_\_\_  
Meade County  
Director of Equalization

SURVEYOR'S CERTIFICATE

I, Shanon E. Vasknetz, 1921 Lazelle Street, being a Registered Land Surveyor in the State of South Dakota, do hereby state that at the request of the Owner listed hereon, I have surveyed and platted the property shown and described hereon. I have marked upon the ground the boundaries in the manner shown, and that the plat is correct to the best of my knowledge, information and belief.

IN WITNESS WHEREOF  
I hereunto set my hand and seal

this \_\_\_\_\_ day of \_\_\_\_\_ , 20\_\_\_\_ .

\_\_\_\_\_  
Shanon E. Vasknetz  
Registered Land Surveyor No. 7719

OWNER'S CERTIFICATE

We, LPN Holdings, LLC., do hereby certify that we are the Owners of the land shown and described hereon and that we did authorize and do join in and approve the survey and plat.  
We further certify that the development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations. Dedicated right-of-way as shown hereon is dedicated to public use.

IN WITNESS WHEREOF  
We hereunto set our hands

this \_\_\_\_\_ day of \_\_\_\_\_ , 20\_\_\_\_ .

\_\_\_\_\_  
Michael P. Leveque, Managing Member

ACKNOWLEDGEMENT OF OWNERS

STATE OF SOUTH DAKOTA }  
COUNTY OF \_\_\_\_\_ } SS

On this \_\_\_\_\_ day of \_\_\_\_\_ , 20\_\_\_\_ , before  
me, the undersigned officer, personally appeared Michael P. Leveque,  
known to me to be the person who executed the foregoing Owner's  
Certificate and acknowledged to me that he executed the same for  
purposes therein contained.

IN WITNESS WHEREOF, I hereby set my hand and official seal.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
My commission expires:



## Annexation Petition

To the Mayor and City Council  
Sturgis City Hall  
Sturgis, SD 57785

Petition No. :  
Date Received:  
Receipt No.:  
Filing Fee \$50.00:

Mayor and Council Members:

I the undersigned, do hereby petition the Mayor and the City Council of Sturgis, South Dakota, to annex the following described property:

### Legal Description:

Lot 1A, Lot 1B and Lot 1C of LPN Holdings Addition to the City of Sturgis. Formerly a portion of Lot 1 of the South ½ of Section 5; Formerly a portion of Lot 1 of the NW1/4NE1/4 of Section 8, Lot 2 of the NE1/4NE1/4 of Section 8 and the NE1/4NW1/4 of Section 8; AND Formerly Lots 8, 17-24 in Block 1, Lots 11-14 in Block 3, Lots 1-24 in Block 4 and Lots 1-24 in Block 5 of Schnell's Addition to the City of Sturgis. All Located in Township 5 North, Range 5 East, Black Hills Meridian, Meade County and the City of Sturgis, Meade County, South Dakota.

### Address:

Approximately 3334 Lazelle Street, Sturgis, South Dakota 57785

### General Location or Street Network:

Near the intersection of Lazelle Street/U.S. Highway 14 A and Moose Drive, south of Lazelle Street/U.S. Highway 14A, adjoining the city limits of the City of Sturgis.

### Current Land use and Residential Density:

Current land use is vacant Highway Service and Residential.

### Proposed Land Use(s) and Residential Densities:

Proposed Highway Service and Low Density-Residential, Less than five people.

### Size of Parcel (s):

19.534 Acres

### Existing Land Use:

Vacant Highway Service and Residential.

### Surrounding Land Use: (within 1/4 mile)

North: Established Highway Service District,  
East: Vacant Highway Service District, Residential,  
South: Vacant agricultural, General Industrial,  
West: Established Mobile Home 2 Zoning District.

Proposed Utility Use and Schedule:

It is expected that any purchaser of the property will connect with the established city utility network at the time of development.

Property Owner's Name:

LPN Holdings, LLC  
3334 Lazelle Street  
Sturgis, SD 57785

**Acknowledgement**

I hereby certify that as Petitioner I am the owner of the majority of the property sought to be annexed by this petition into the City of Sturgis. Furthermore, I certify that I own *at least*  $\frac{3}{4}$  of the total value of the property sought to be annexed, and that I constitute  $\frac{3}{4}$  or more of the registered voters residing within the property sought to be annexed. I understand that this petition if approved applies only to the land use and is not approval or assurance of compliance with any other City regulation, code or ordinance. Any information, technical assistance, or review comments by any City official are intended solely as informal guidance, and are neither a determination of compliance with existing ordinances nor binding on any agency with code enforcement responsibilities for the City.

\_\_\_\_\_  
Signature of Petitioner, LPN Holdings, LLC

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Petitioner, Michael Leveque

\_\_\_\_\_  
Date



## **Planning Commission Staff Report**

October 3, 2017

Laura Abernathy, Planning Coordinator

Variance – Richard Schieffer (Sturgis Motorsports), 2695 Lazelle Street

---

### **Background/History**

Richard Schieffer of Sturgis Motorsports has applied for a variance at the property located at 2695 Lazelle Street. The applicant is asking for a setback variance of 11.79' into the 15' rear setback to allow for an expansion of the commercial business. The expansion of the business will include an 80' addition to east of the existing building, and will replace the 36'x40' office building as shown on the attached site plan. The addition will be in line with the existing structure, which is already encroaching into the 15' setback.

The property is located in a Highway Service zoning district.

### **Notifications**

Neighboring landowner concerns: 7 official notifications were sent to neighboring land owners within 200' of the property. Those notifications resulted in the following results based on assessed property values:

Approve = 58.64% (5)

No Response = 29.13% (2)

Disapprove = 0% (0)

A landowner in favor of the request included the following statement: "I think this will be a great addition."

### **Recommendations**

Staff recommends approval of the variance request, as the new addition will be at the same setback as the existing structure.

### **Budget Impact**

There will be a small impact on the City budget in the form of the collection of building permit fees, and potential increase in tax revenue for the total assessed value of the business.

SITE PLAN AND BOUNDARY  
LOT A & AB OF LOT 1A OF SCHNELL'S ADDITION  
TO THE CITY OF STURGIS.

All Located in the SW 1/4 of the SE 1/4 of Section 5,  
Township 5 North, Range 5 East, Black Hills Meridian,  
City of Sturgis, Meade County, South Dakota.

PREPARED FOR STURGIS MOTORSPORTS  
SHOWING THE PROPOSED COMMERCIAL BUILDING ADDITION.  
2695 LAZELLE STREET, STURGIS SD 57785

SQUARE FOOTAGE CALCULATIONS:

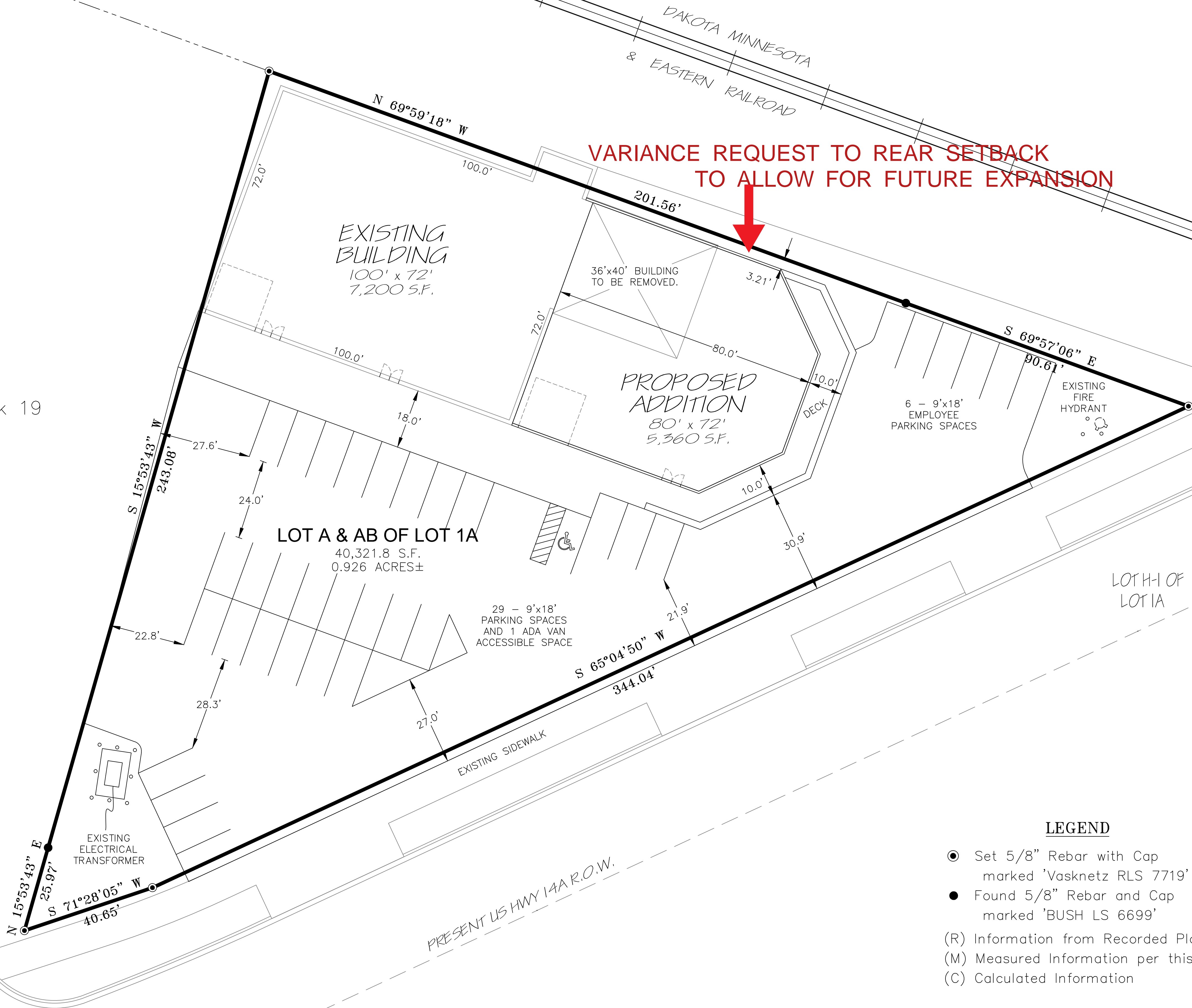
Existing Building - 11,506 S.F.  
Proposed Addition - 5,360 S.F.  
Total Combined 16,866 S.F.

36 Total Parking Spaces

VARIANCE REQUEST TO REAR SETBACK  
TO ALLOW FOR FUTURE EXPANSION

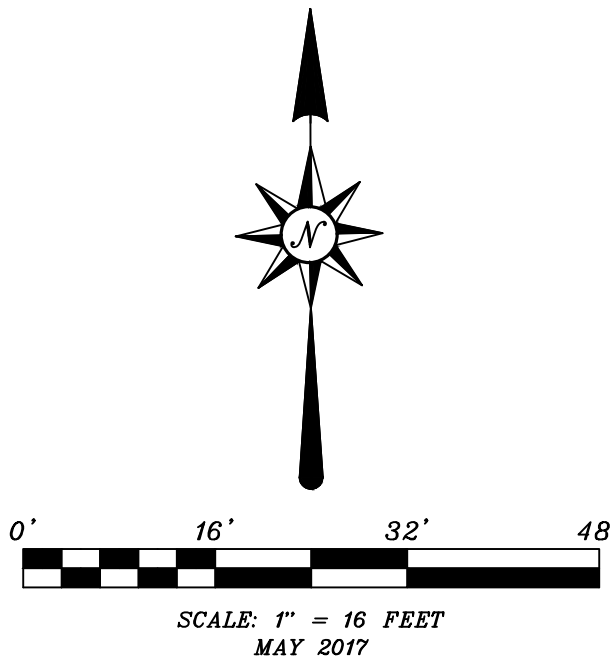
LOT 2

Plat Book 19  
Page 26



LEGEND

- Set 5/8" Rebar with Cap  
marked 'Vasknetz RLS 7719'
- Found 5/8" Rebar and Cap  
marked 'BUSH LS 6699'
- (R) Information from Recorded Plats
- (M) Measured Information per this Survey
- (C) Calculated Information











## **Planning Commission Staff Report**

October 3, 2017  
Laura Abernathy, Planning Coordinator  
Use on Review – Terry Jensen, 2175 Dolan Creek Road

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### **Background/History**

Terry Jensen of 2175 Dolan Creek Road has applied for a Use on Review in order to build a tiny house for a client on his property located in a Low-Density Residential Zoning District. The applicant is a registered contractor within the City as “The Ole Woodworker.” He has a custom order to build the tiny home for a client and a Use on Review will be needed to allow for construction. The proposed home will be around 300-400 square feet and will be constructed outside on a gravel lot on his property. After completion, the tiny home will be moved offsite to its new owner.

### **Notifications**

Neighboring landowner concerns: 14 official notifications were sent to neighboring land owners within 200’ of the property. Those notifications resulted in the following results based on assessed property values:

Approve = 42.32% (7)

No Response = 51.37% (7)

Disapprove = 0% (0)

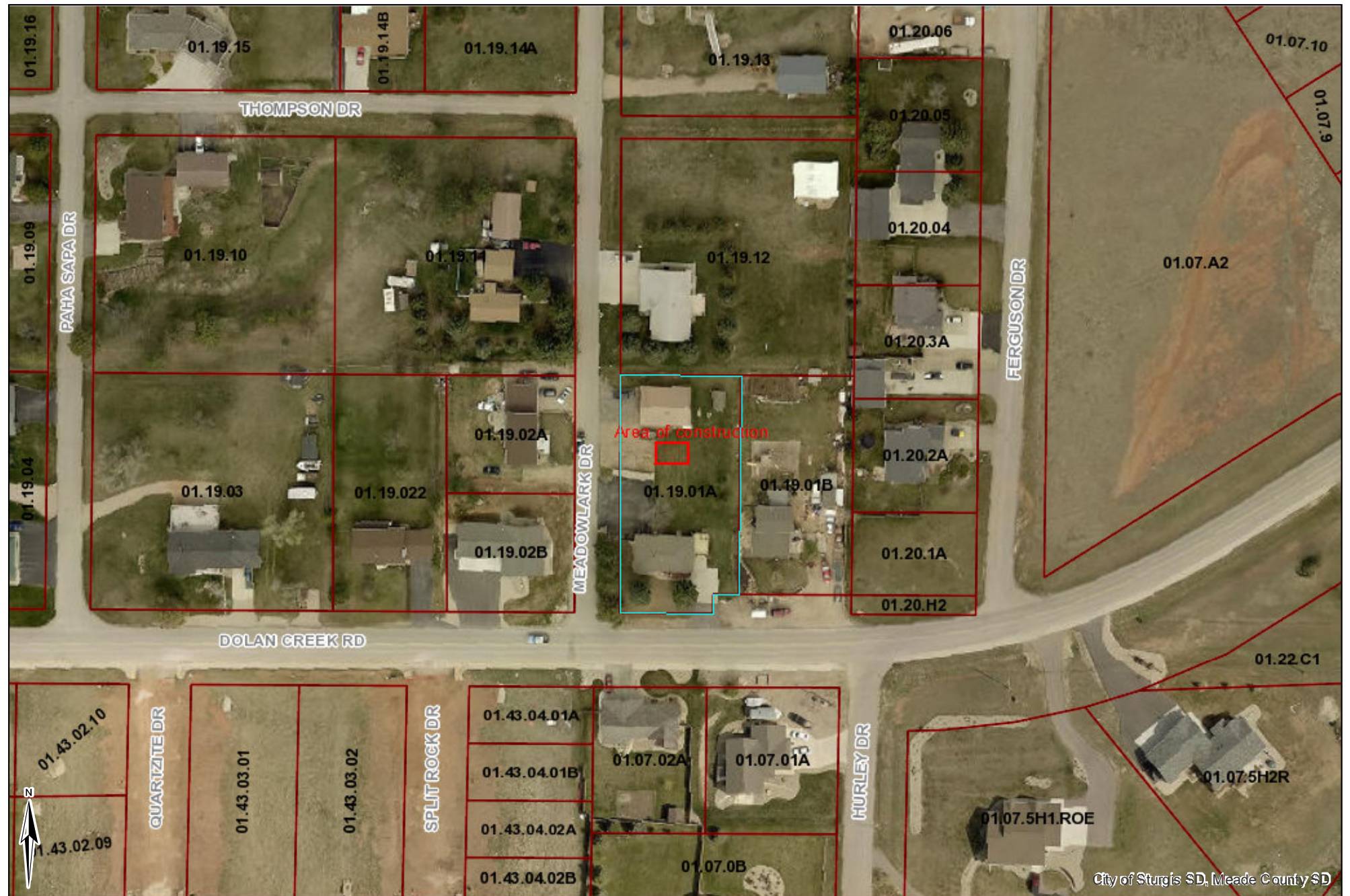
A neighboring landowner showing approval of the request stated, “I have no problems with this. They have a nice place and I’m assuming he’ll keep it that way.”

### **Recommendations**

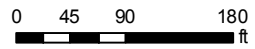
City staff has reviewed the request, and recommends approval for the Use on Review for this project. If his business expands to include the construction of more tiny homes, it would be recommended that the applicant find a location where construction businesses are allowed, such as the Industrial Park.

### **Budget Impact**

At this time there is no direct financial impact to the City budget.



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## 2175 Dolan Creek Road - Tiny Home Business

August 25, 2017

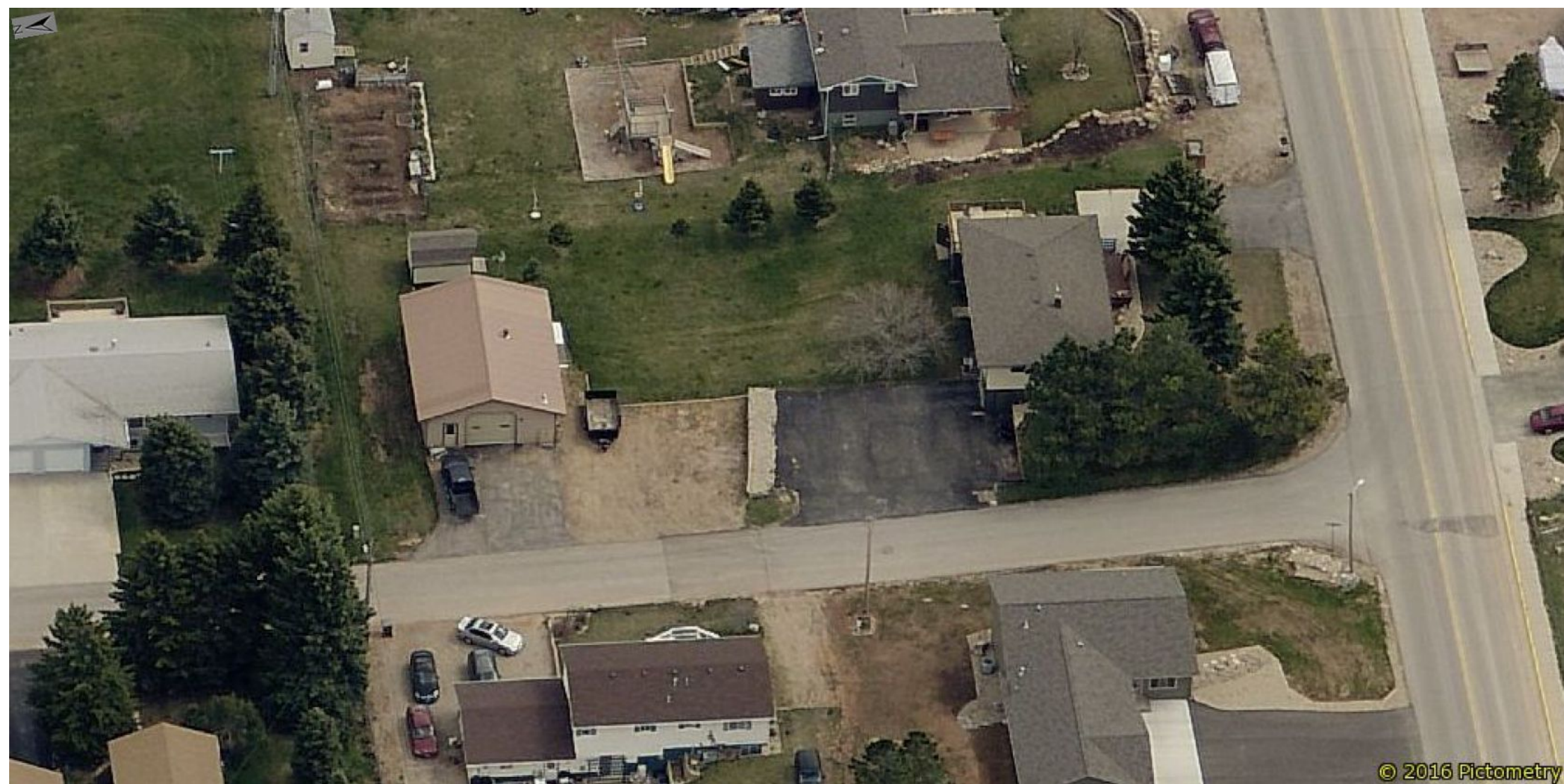
City of Sturgis SD, Meade County SD







# 2175 Dolan Creek



© 2016 Pictometry

## File Summary Report: 17-002650

09/26/2017

**Case Information:****Case #:** 17-002650**Status:** Open **Disposition:****Address:****Neighborhood:**

2175 Dolan Creek Rd

**Priority:**

Sturgis SD 57785

**Open Date:** 08/23/2017**Property Owner:**JENSEN,TERRY **Parcel Number:**01.19.01A **Sub-Division:****How Received:****Close Date:****Responsible User:** Laura Abernathy**Type:** Permitting**Approximate Location:****Description:** Use on Review to build a tiny home and sell it**Legal Description:** MURRAY TRACT # 1 LOT A OF LOT 1**Categories:****Permits:**

Permit #	Permit Type	Status	Application Date	Issue Date
UR17-000027	In Home Business (non Day Care)	Pending P&Z Review	08/23/2017	08/23/2017
<b>Description</b>	Use on Review to build a tiny home and sell it			

**Citizens:**

Name	Home Address	Home Phone	Business Phone	Association
Terry Jensen	Home Address: 2175 Dolan Creek Dr	605-347-3928		

**Chronological History:**

Date	Type	User	Activity Status
08/28/2017	Zoning Related Review	Liz Wunderlich	Completed
<b>Comments:</b>	Please review request. Building a tiny home here for a client		
	I have no objections if it is on his lot, and does not block street. Will it be on trailer? Do you want to give him a time limit? Like a year?		
08/29/2017	Zoning Related Review	Dave Smith	Completed
<b>Comments:</b>	Please review request. Building a tiny home here for a client. Will this be for just one home or is the applicant wanting to construct several one at a time. Manufacturing should be completed in the industrial park or inside a garage		
08/29/2017	Zoning Related Review	Scott Rovere	Completed
<b>Comments:</b>	Please review request. Building a tiny home here for a client		
	Lot is of larger size, no issues		
09/06/2017	Zoning Related Review	Laura Abernathy	Completed
<b>Comments:</b>	If this is just one or two homes, that should be fine. However, if this is a continuing business, it should be conducted out in the Industrial Park. Will review after one year if approved.		
10/03/2017	Planning Commission Hearing	Laura Abernathy	Pending
<b>Comments:</b>			
10/16/2017	City Council Public Hearing	Laura Abernathy	Pending
<b>Comments:</b>			

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## **Planning Commission Staff Report**

October 3, 2017

Laura Abernathy, Planning Coordinator

Zoning Amendment – Sturgis Regional Hospital (Massa Berry Clinic) – 890 Lazelle Street

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### **Background/History**

Sturgis Regional Hospital has made an application for a Zoning Amendment change for their property at 890 Lazelle Street, known as the Massa Berry Medical Clinic. Massa Berry Clinic will soon move into the new hospital addition at 949 Harmon Street in Sturgis when the addition is completed. The building in which the clinic is currently located is listed for sale.

The north half of the property at 890 Lazelle Street is zoned as Highway Service and the south half is zoned as Medium-Density Residential. Since a medical facility can be placed in any zone, the current landowners did not have a need to change the zoning for the entire parcel at the time. To allow for a new commercial business at this location, it will be necessary for the entire parcel to be zoned as Highway Service.

### **Notifications**

Neighboring landowner concerns: 18 official notifications were sent to neighboring land owners within 150' of the property. Those notifications resulted in the following results based on assessed property values:

No Response = 67.07% (10)

Approve = 32.93% (8)

Disapprove = 0% (0)

### **Recommendations**

City staff recommends approval of the request as it will properly allow for a commercial business to exist at this location. The zoning change will also eliminate any future issues that may occur if the parcel is not designated as a Highway Service zoning district.

### **Budget Impact**

At this time there is no direct financial impact to the City budget.



# Massa Berry Clinic









## **Planning Commission Staff Report**

October 3, 2017

Laura Abernathy, Planning Coordinator

Variance – Lifespring Wesleyan Church, 1706 Junction Avenue

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### **Background/History**

Lifespring Wesleyan Church has applied for a variance at the property at 1706 Junction Avenue to allow for the installation of parking stop blocks on an asphalt parking lot. The applicant is asking for a 7' variance to the 10' required setback for when a parking lot abuts side lot lines to a residential zoning district, as stated in Article V, Section 5 of Title 18 of the City Ordinance. The parking lot is installed, but the applicant will need a variance to this section of the Ordinance to allow for the installation of the stop blocks for the parking spaces within the 10' setback.

The parking lot is in a Single-Family Residential/Office Commercial zoning district, and abuts a Medium-Density Residential zoning district as presented on the attached map.

### **Notifications**

Neighboring landowner concerns: 17 official notifications were sent to neighboring land owners within 200' of the property. Those notifications resulted in the following results based on assessed property values:

Approve = 57.91% (9)

No Response = 38.86% (5)

Disapprove = 3.23% (1)

### **Recommendations**

Staff recommends approval of the request, as the parking stop blocks are required by City Ordinance.

### **Budget Impact**

At this time there is no direct financial impact to the City budget.





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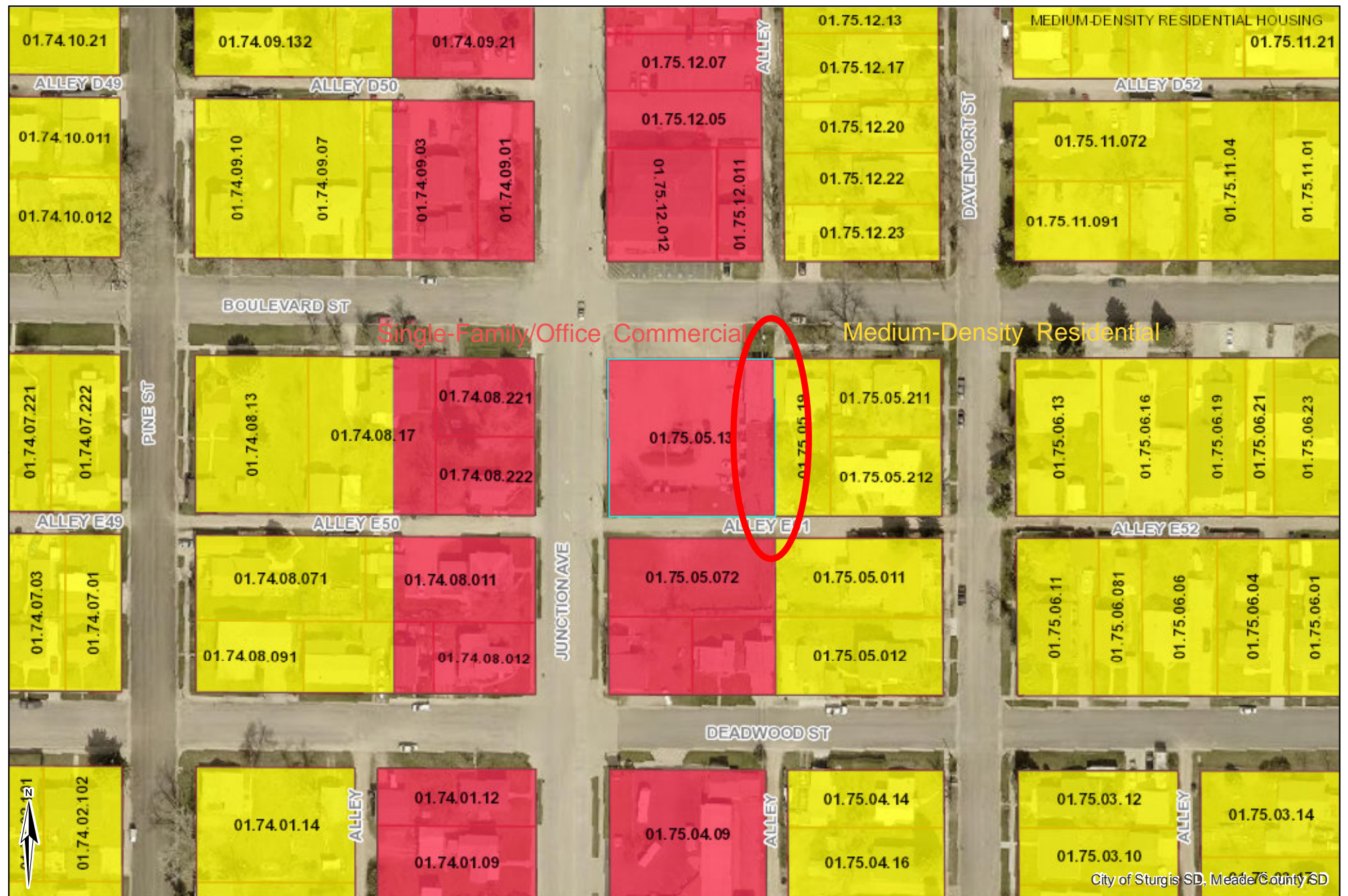
0 45 90 180  
ft

## Wesleyan Church Parking Lot Variance

September 08, 2017

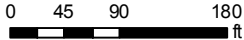
City of Sturgis SD, Meade County SD





# 1706 Junction Ave Zoning

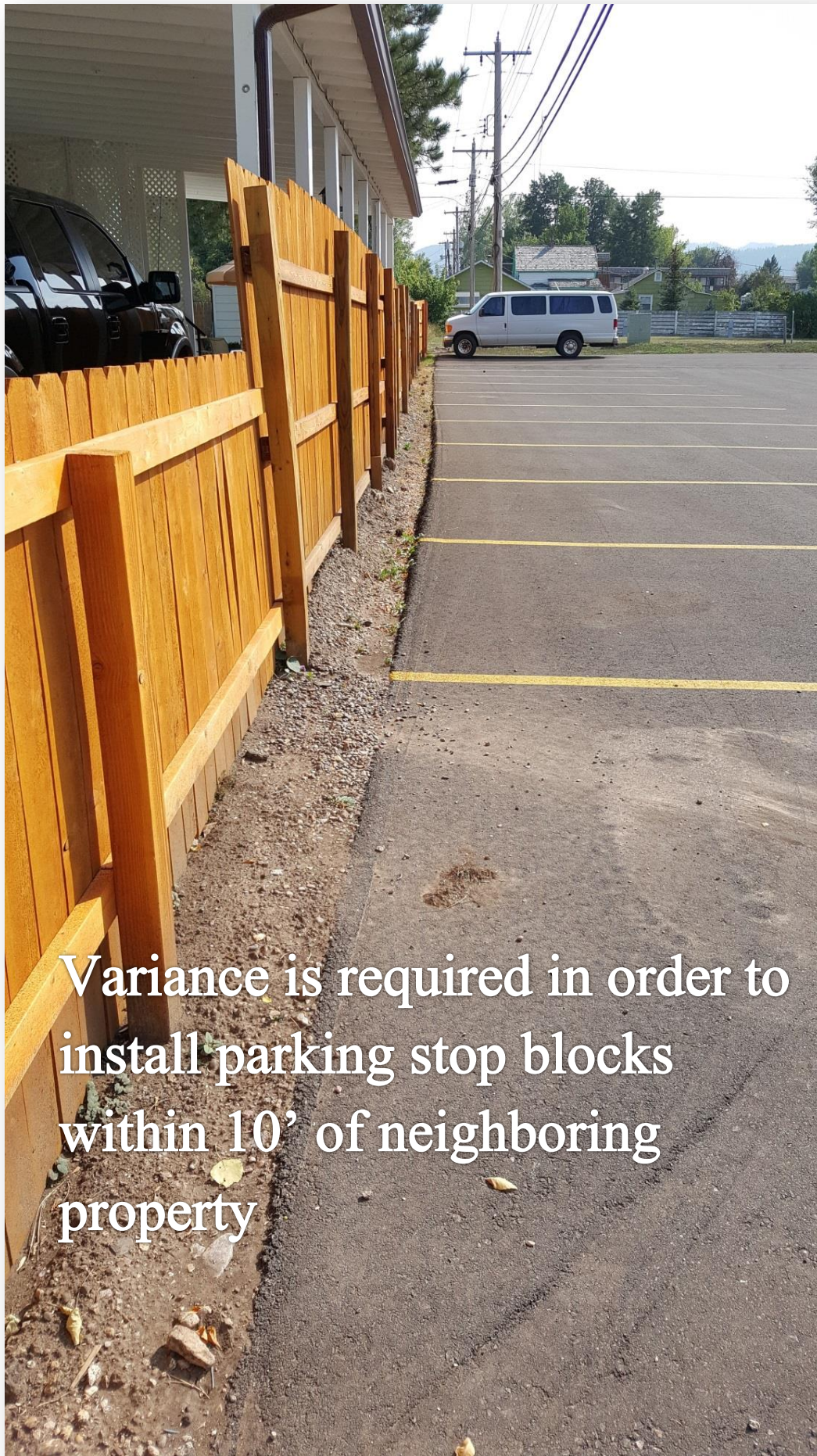
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September 11, 2017

City of Sturgis SD, Meade County SD





Variance is required in order to  
install parking stop blocks  
within 10' of neighboring  
property

# File Summary Report: 16-003388

10/02/2017

---

## Case Information:

**Case #:** 16-003388**Status:** Open **Disposition:****Address:****Neighborhood:**

1409 PINE VIEW Dr

**Priority:**

STURGIS SD 57785

**Open Date:** 09/23/2016**Property Owner:** MART, JAY R **Parcel Number:** 01.73.0H.20A **Sub-Division:****How Received:****Close Date:****Responsible User:** Tom Trigg**Type:** Permitting**Approximate Location:****Description:** approval for quilting business**Legal Description:** PINE ACRES SUB LOT 20-A BLK H**Categories:**

---

## Permits:

Permit #	Permit Type	Status	Application Date	Issue Date
UR17-000029	In Home Business (non Day Care)	Pending P&Z Review	09/08/2017	
<b>Description</b>	Annual Review			

---

## Citizens:

Name	Home Address	Home Phone	Business Phone	Association
Lynette Mart	Home Address: 1409 Pine View Dr	(605) 561-0168		Applicant

---

## Chronological History:

Date	Type	User	Activity Status
10/03/2017	Planning Commission Hearing	Laura Abernathy	Pending
<b>Comments:</b>	Review permit and consider renewal for another year. No issues or complaints. Staff recommends use continue for another year.		

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## File Summary Report: 16-003396

10/02/2017

**Case Information:****Case #:** 16-003396**Address:**2003 HURLEY Dr  
STURGIS SD 57785**Property Owner:** PRICE, THOMAS E **Parcel Number:** 01.07.01A **Sub-Division:****How Received:****Responsible User:** Tom Trigg**Approximate Location:****Description:** use on review for in home business (firearms) conditions: Maintain FFL, SD Sales tax, City biz license and**Legal Description:** HURLEY SUB LOT 1A**Categories:****Status:** Open **Disposition:****Neighborhood:****Priority:****Open Date:** 09/23/2016**Close Date:****Type:** Permitting**Permits:**

Permit #	Permit Type	Status	Application Date	Issue Date
UR16-000108	In Home Business (non Day Care)	Issued	08/13/2015	08/13/2015
<b>Description</b>	Use on review for in home business (firearms) conditions: Maintain FFL, SD Sales tax, City biz license and			
UR17-000031	In Home Business (non Day Care)	Pending P&Z Review	09/08/2017	
<b>Description</b>	Annual review			

**Citizens:**

Name	Home Address	Home Phone	Business Phone	Association
Tom Price	Home Address: 2003 Hurley Dr	(605) 864-1199		

**Chronological History:**

Date	Type	User	Activity Status
09/19/2017	Activity Assigned	Laura Abernathy	Completed
<b>Comments:</b>	See if he's still operating; schedule for Oct. review - left message on 9/19. He called back and said he is still operating and can provide any materials we may need.		
10/03/2017	Planning Commission Hearing	Laura Abernathy	Pending
<b>Comments:</b>	Review the permit and consider use to continue for another year. No issues or complaints. Staff recommends approval for another year.		