

Planning Commission Minutes

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

Present:

Chairman Judy Hughes
Commissioner John Gerberding
Commissioner Mark Norstegaard

Commissioner Courtney Mack
Commissioner San Monahan

Absent:

Commissioner Kyle Treloar Commissioner Suzanne Nelson

Also Present:

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

Kim Reed
Corrina Ross
Shanon Vasknetz (Baseline Surveying)
Aaron Schoon
Dan Roe

Hughes called the meeting to order at 5:31pm. Motion by Gerberding, second by Norstegaard to approve the minutes of the Tuesday, November 14 special Planning Commission meeting. Motion carried.

Agenda Item #1 – Plat – Believer's Fellowship

Believer's Fellowship has submitted a plat to subdivide their property located at 180 Old Stone Road. The plat submitted reflects the creation of Lots B2 and B3 of Fellowship Subdivision. The church building will be located on 3.16 acres on Lot B2, and Lot B3 will be 11.061 acres of vacant property. The property is zoned as Medium-Density Residential zoning. Shanon Vasknetz of Baseline Surveying was present on behalf of the applicant. Abernathy presented the information provided in the staff report, in which the staff recommended approval as the lots presented met all criteria as defined in its zoning district, including frontage and setbacks for the existing buildings. Mack questioned what the plans were for Lot B3. Vasknetz stated that the church board created the lot to be able to sell at a later date, but there were no immediate plans. Bachand questioned where the access for Lot B3 was, prompting discussion among the commissioners about the three frontages depicted on the plat, and if it was necessary to create easements for access to Lot B3. Monahan stated he was not in favor of the narrower 60' frontage on the eastern edge of Lot B3, as he believes those "flagpole lots" can lead to issues. Vasknetz stated that he felt the 60' frontage made sense as it could potentially be reserved as

a dedicated right-of-way, and the 60' width is typical of a city street in Sturgis. **Motion by Norstegaard to recommend approval of the plat, second by Gerberding. Motion carried 4-1.**

Agenda Item #2 – Use on Review – William Dittmer

William Dittmer of 1-Stop Weed and Pest Control has applied for a Use on Review to operate an in-home weed and pest control business at 1204 Baldwin Street. This item was tabled at the November 14 special Planning Commission meeting after the Planning Commission requested that the applicant provide Material Safety Data (MSD) Sheets, an emergency action plan and pictures of the pesticide storage area on his property. The applicant was not present, but had contacted the office of Planning Permitting the day before the meeting to let city staff know that all pesticides have been removed from 1204 Baldwin Street, and all that remains at that property is his work truck and fresh water tanks. Kim Reed was present and confirmed the applicant has moved the chemicals offsite and had offered his property outside of town to the applicant to clean his spraying tanks when necessary. Ainslie took this opportunity to discuss the Use on Review provisions as found in Title 18 of the City Ordinance. Considering the new information regarding the in-home business, the applicant currently does not trigger those provisions that would require a Use on Review. The applicant's options are to either continue with the Use on Review process, or pull the application before the public hearing as the Use on Review is no longer required. The commission discussed these options, and determined that denying the Use on Review would not prevent the applicant from operating his business as it is currently set up. **Motion by Gerberding to take the item from the table, seconded by Mack. Motion carried unanimously. Gerberding made a motion to deny the Use on Review, second by Monahan, with all members present voting yes to recommend the denial of the Use on Review.** It was reiterated that even if the Use on Review was denied, the applicant is still able to operate his business as it currently is. City staff will contact the applicant and provide him a list of "don'ts" for the applicant to remain compliant with the City.

Pending contact with the applicant, the public hearing for this item is currently scheduled for Monday, December 18 at 6:30pm at the Meade County Erskine Building located at 1300 Sherman Street.

Agenda Item #3 – Use on Review – Corrina Ross

Corrina Ross has submitted an application for a Use on Review to operate an in-home daycare at 2544 Meadows Drive. Abernathy presented the information provided in the commissioners' reports. Mack brought up the recent case in which a daycare was denied a Use on Review based on violating covenants in its subdivision. This prompted a discussion amongst the commission in which Ainslie responded that the City Council has requested that the commissioners take the covenants into consideration specifically for when in-home businesses apply for a Use on Review and covenants for a neighborhood are in place. The covenant in Dolan Creek Subdivision states that "each residential lot shall be used for residential purposes only and not for any business, trade, commercial or industrial purpose whatsoever except that individuals may conduct non-nuisance, inoffensive businesses from their homes." City staff had received comment from the developer that an in-home daycare in this neighborhood would be a "positive". The applicant was present and stated she works within business hours, has never received a complaint, and usually has nine children in her care. She stated she was aware of the existing covenants when she purchased the property. Monahan had a concern with Meadows Drive being a narrower street and that it could be an issue with the incoming traffic for a daycare. Ross said she has a three-spot driveway that her clients are able to pull in and use. After

further discussion regarding covenants in relation to the Use on Review process, **Mack made a motion to recommend approval of the Use on Review. Second by Gerberding. Motion carried unanimously.**

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

Agenda Item #4 – Zoning Amendment – Dan Roe/Black Hills Title Co.

Dan Roe of Black Hills Title Company has submitted an application to rezone two parcels of property located at 1801 Ball Park Road. The property is currently vacant and is zoned as Medium-Density Residential zoning. The applicant is requesting to rezone those parcels as Single-Family Residential/Office Commercial to match his adjacent property located at 1855 Ball Park Road. The applicant plans to develop that property into an office commercial site. Abernathy presented the information provided in the commissioners' report, and shared a copy of the proposed zone's regulations as found in Title 18.05.11. Depending on the applicant's plans for the property, Abernathy made the applicant aware that it may be necessary to replat the parcels into one for a larger office building to be able to meet the proposed zoning's setbacks. **Motion by Gerberding to recommend approval of the zoning amendment. Second by Mack. Motion carried unanimously.**

Agenda Item #5 – Vacate – Aaron Schoon/Jake's Collision Repair

Aaron Schoon of Jake's Collision Repair of Sturgis has submitted an application to vacate the remainder of the alley located behind his property at 2418 Junction Avenue. The southern portion of the alley was vacated in 2015 for the purpose of a Maverik store. The applicant had submitted the required petition, which listed the property owners abutting the alley as additional petitioners, and also included letters from the utility companies requesting to maintain existing easements. **Motion by Mack to recommend approval of the vacation. Second by Gerberding. Motion carried unanimously.**

The meeting was adjourned by Hughes at 7:01 pm.

The next regular meeting will be held on Wednesday, January 3, 2017.

Respectfully submitted,

Laura Abernathy

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