



Planning Commission

Minutes

The City of Sturgis Planning Commission held a special meeting on Tuesday, November 27, 2018 at 5:30pm in the front conference room at Sturgis City Hall, 1040 Harley-Davidson Way, Sturgis, SD.

Present:

Chairman Kyle Treloar

Commissioner Courtney Mack

Commissioner Suzanne Nelson

Commissioner Jon Olson

Absent:

Vice-Chair John Gerberding

Commissioner Mark Norstegaard

Commissioner Cody Weber

Also Present:

Dave Smith (Director of Planning and Permitting)

Laura Abernathy (Planning Coordinator)

Daniel Ainslie (City Manager)

Mike Bachand (City Council)

Max Fjelstad

Shanon Vasknetz (Baseline Surveying)

Chairman Treloar called the meeting to order at 5:56pm and announced a quorum was present. Motion by Mack, second by Olson to approve the minutes from the regular Planning Commission meeting held on Tuesday, November 6, 2018. Motion carried.

Agenda Item #1 – Variance Application Appeal – Max Fjelstad (Prairie Emporium)

The applicant has appealed a decision made by City staff to pull an application that requested a variance to the timeframe in which temporary structures are allowed, a variance to the maximum size restrictions for a storage structure used in conjunction with a retail business, and a variance to allow a storage structure within the front setback of a property located within the Downtown Overlay district. The property location is 1020 Junction Avenue. The property is zoned as General Commercial and is within the Downtown Overlay district. Abernathy explained the timeline of events and said the application to allow a 300+/- square foot, temporary storage building was pulled due to the property's location within the floodway. She said that no new structures would be allowed in the floodway without an engineering study completed to determine a "no rise". Shortly after the variance application to request a temporary storage building was pulled, a code violation letter was sent to the property for a truck trailer used for storage on the property. Per the violation letter, the property was in violation of Title 18.5.15.03, which states that outdoor storage areas should be shielded from view of the street. Abernathy said the staff recommendation was to uphold the decision to discontinue the variance application process and that the trailer should be removed. She said that staff does not believe there are alternative storage solutions available for that lot. Olson asked what the decision process should be for the commission. Smith explained that the issue currently at hand is that the storage for the business is publicly visible from the public right-of-way. He said that the applicant can appeal the department's decision to pull the

variance application and request for the trailer removal, or to allow the applicant to ask for a variance to the outdoor storage and keep the trailer where it is, or continue to look at building a small temporary storage shed. He said under the FEMA floodway regulations, staff does not allow new buildings within the floodway. Mack asked if he wanted to leave the semi-trailer on a long term basis. Fjelstad said he originally wanted to build a small storage building that would be moved out during rally, and found that the property was in the floodway and was told he could not build within the floodway. He said he was told that he could have something with wheels for 180 days in the parking lot. He said he uses the trailer for staging and storage. He said he has been in business for five years on Main Street, and said that this was the only building he could rent year-round. Olson asked Smith if it was true that the Ordinance said that something on wheels was allowable for 180 days. Smith said no, and he said that visible storage was not allowable in the overlay district. Olson said that the ordinance verbiage was not strong enough and is not definitive. Smith said he received several complaints regarding the trailer. Mack asked why it needed to be so close to the business. Fjelstad said that he receives items daily and needs storage, and he has been moving out from the other location. Treloar asked how big the trailer is. Fjelstad said that it is 64 feet. Ainslie asked staff if there was a possibility that a building could be built in the floodway. Smith said that it would have to be permanent and would have to have an engineering study done and receive a no rise certificate. Olson asked if a temporary structure could be set up for four months. Ainslie said that the term temporary structure referred to tents or greenhouses. Smith listed several examples. Mack asked Fjelstad wanted to set up a tent. Fjelstad said he would in the summer. Mack asked what would happen to the trailer if he set up a tent. He said he would have enough storage and it would be removed. Fjelstad said he questioned the complaints received by the Planning and Permitting department. Olson said that a trailer by definition is not a structure. Smith said it was being used for storage. Mack said that the City's goal is to make downtown look nice, and the trailer is an eyesore. Fjelstad said he wanted to come to the commission to see if there was a solution. Nelson said that a trailer at a busy intersection is not the persona the city would want to show off. Olson asked if a variance to the timeframe to allow a temporary storage could still be considered, or if it would be an issue for FEMA. Smith said that may set a precedent. Ainslie said that the current timeframe to allow temporary structures has had complaints from residents. Mack asked if he could work something out with his neighbors. Ainslie said that there was city property two lots east of the location. Olson asked if it was an option to park the trailer on city property. Smith said he could not give permission for a personal trailer to be parked on city property, and that it would have to be approved by the City Council. Ainslie said it was not a permanent solution. Nelson asked if it was allowed to park the trailer on city property, if a lease would be drawn up between the applicant and the city. Ainslie said that it would have to be a legal document, but if that is the solution the Planning Commission could come up with, it can be considered. Mack said that she understands the applicant does not have a lot of options and it could be a compromise. Ainslie said that if it was understood that it is only for a temporary timeframe, it would be more acceptable. Treloar said that he does not like to negotiate the use of city land, and there would have to be hard terms defined saying that another solution must be found. He said he understood the applicant's hardship with the floodway, and it could be possible to get a no rise certificate, but thought it would be unlikely. Fjelstad asked if the floodplain and floodway issue is something that the city could take care of. Several commissioners said that it is a federal regulation. Nelson asked if, after September, if a permanent solution for storage could be found. Fjelstad said a tent would help, but said he would prefer a more permanent structure that could be removed within a couple of days. The discussion continued with staff and the commission explaining how the FEMA floodplain and floodway are regulated. Mack asked again if there would still be an issue after the May-September temporary structure allowance. Fjelstad said it could be an ongoing issue, but he would

work with the city to follow their recommendations. Discussion continued regarding the use of a smaller trailer on the lot, and if trailers used for storage are defined within the ordinance. **Mack made a motion to recommend the City Council consider a temporary, six-month lease to park the semi-trailer on the Main Street City lot with access from the alleyway, drop the code violation, and to allow a variance to allow visible storage within the downtown overlay district. Second by Olson. Motion passed unanimously.**

Agenda Item #2 – Final Plat – Sturgis Meat Service

The applicants have submitted a plat application for Lot SMS in Block 12 of Comstock’s Addition. The property is located at 2350 Park Avenue. The property is currently described as Lots 1-7 in Block 12, including the north half of the vacated alley abutting Lots 1-7, and the west half of vacated 13th Street adjoining and abutting Lot 1, all in Block 12 of Comstock’s Addition. The purpose of the plat is to show the new property boundary as a result of the partial vacation of Park Avenue approved in October 2018. **Motion by Olson to approve the final plat. Second by Mack. Motion passed unanimously.**

Agenda Item #3 – Plat – City of Sturgis

The City of Sturgis has submitted a plat of Park Lot 1 and Park Lot 2 in Block 1 of Hillview Subdivision. The purpose of the plat is to subdivide Park Lot to prepare the property for surplus. Park Lot 1 would be 19,650.3 sq. ft, and Park Lot 2 would be 1,660.1 sq. ft. Abernathy presented the information provided in the packet and said that two adjacent landowners were interested in purchasing portions of Park Lot. Abernathy said the owner of Lot 8 would be required to plat Park Lot 2 into her existing property, and due to the size of Park Lot 1, the owner of Lot 9 would not be required to replat her property if the lot was zoned as Open Space. Brief discussion included the proposed use and limited access to Park Lot 1. **Motion by Mack to recommend approval of the preliminary and final plat. Second by Olson. Motion passed unanimously.**

Agenda Item #4 – Update – Goodall-Peterson Voluntary Development Agreement

Staff gave an update about the voluntary development agreement for Lot 1A and Lot 1B in Block 1 of Glover’s Third Addition. Abernathy told the Commission that the landowners will no longer consider a secondary residence for Lot 1A, and all references to the secondary residence have been removed from the agreement. The agreement is currently scheduled to be presented to the City Council on December 3.

Agenda Item #5 – Update – Hotel Sturgis

Staff gave an update about the progress of The Hotel Sturgis at 1144 Main Street. The property has been purchased by PSU Enterprises, LLC, and the building will be remodeled into a boutique hotel with 22 rooms. Abernathy shared the floor plan layout and design concepts of the building received by the Planning and Permitting department.

The meeting was adjourned at 6:52pm. There will be no regular meeting on December 4 due to lack of applications. The next regular meeting will be held on Tuesday, January 8, 2019.

Respectfully submitted,
Laura Abernathy

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