



Planning Commission Minutes

The City of Sturgis Planning Commission held a special meeting on Tuesday, November 14, 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 Kyle Treloar

Absent:

Commissioner Courtney Mack

Commissioner San Monahan

Commissioner Suzanne Nelson

Also Present:

Dave Smith (Director of Planning and Permitting)

Laura Abernathy (Planning Coordinator)

Ron Waterland (City Council)

Mike Bachand (City Council)

Greg Barnier (City Attorney)

Shanon Vasknetz (Baseline Surveying)

William Dittmer (1-Stop Pest Control)

Kim Reed

Mel Lutz

Rachel Snow

Gina Anders

Paige Guy

Mike Strain (Morman Law Firm)

Hughes called the meeting to order at 5:29pm. Motion by Treloar, second by Gerberding to approve the minutes of the Tuesday, October 17 special Planning Commission meeting. Motion carried.

Agenda Item #1 – Plat – JD Wetsit

JD Wetsit and Megan Brown of 7703 N Wild Turkey Drive have applied to replat a portion of their property and the neighboring property owned by Patrick and Lisa Shieffer of 7715 N Wild Turkey Drive. The properties are described as Lot 10R and Lot 11R of Pine Cone Estates. The properties are located just north of Sturgis city limits and fall within Area #1 of the 3-Mile Platting Jurisdiction. The plat would reflect a minor change in the lot line between the properties and create Lots 10R-2 and Lot 11R-2. Vasknetz was present on behalf of the applicant, and answered questions for the commission.

Motion by Gerberding to recommend approval of the plat, second by Norstegaard. Motion carried unanimously.

The plat will be reviewed at the Sturgis City Council meeting on Monday, December 4 at 6:30pm at the Meade County Erskine Building located at 1300 Sherman Street.

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. Abernathy presented the information included in the report packet, and stated that city staff would recommend to deny the application due to the complaints and concerns from the neighboring landowners and the potential safety issues with storing weed and pest chemicals in a residential home. Dittmer was present and described the nature and status of his business, which he had downsized considerably since his move to Sturgis. He stated that he could potentially move the business out of that location by mid-summer of 2018 after the next spraying season concludes. Kim Reed was present in support of the applicant and clarified some of the concerns that are typically had with a weed and pest control business. Lutz was present and stated his concerns as a neighboring landowner. Gerberding stated he was not comfortable with the situation and would like to see more information regarding what is being stored on the property, how much of it is stored, and what safety protocols are in place. **After discussion amongst the commission and the involved parties, Gerberding made a motion to table the item until the next regular Planning Commission meeting for the applicant to provide more information. Second by Norstegaard. Motion passed 3-1.**

The item will be revisited at the December 5 Planning Commission hearing. The public hearing for this item will be rescheduled from its original public hearing date of Monday, November 20 to Monday, December 18 at 6:30pm at the Meade County Erskine Building located at 1300 Sherman Street.

Agenda Item #3 – Use on Review – Rachel Snow

Rachel Snow has submitted a new application for a Use on Review to continue to operate an in-home daycare at 2349 Palisades Loop. The six-month Use on Review approved at the March 6, 2017 City Council meeting has expired, during which the applicant was to come into compliance with the covenants in her subdivision. Abernathy presented the information in the report packet, and stated that with the initial approval of the Use on Review, the Council sought to protect the landowners' interests while providing an opportunity to amend the covenants. The applicant has not amended the covenants to allow an in-home business, so city staff recommended the denial of the application. Snow was present alongside Anders, who said that they were unsuccessful in changing the covenants, but the opponents were more against changing the covenants more so than being against the daycare itself. Strain was present as the developer and commended the applicant for her efforts, but explained the reasoning for having covenants in a development, and 90% of the neighborhood would have to be in favor of changing the covenants. Hughes stated that neighborhoods experience "growing pains" and that a covenants is only as strong as the landowners living under them. Gerberding stated that while he realizes that municipalities may consider covenants under South Dakota Codified Law (SDCL 11-5-3), the matter is a "civil issue" between the applicant and her neighbors and that he believes the city is not prepared to "go down that road" and interpret and enforce the covenants. Norstegaard also agreed that he also sees it as a civil issue. Treloar asked the City Attorney his interpretation of enforcing covenants, who responded that the notion that "there is no authority for cities to enforce a covenants" is not an accurate statement and the way the law is written it is a "discretionary choice" for a community, and the planning commission should consider the developer's opinion to help "balance growth and good development." After further discussion of the matter, **Gerberding made a motion to recommend approval of the Use on Review for one year. Second by Treloar. Motion passed unanimously.**

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The public hearing for this item will take place at the Sturgis City Council meeting on Monday, December 4 at 6:30pm at the Meade County Erskine Building located at 1300 Sherman Street.

The meeting was adjourned by Hughes at 6:53pm.

The next regular meeting will be held on Tuesday, December 5, 2017.

Respectfully submitted,

Laura Abernathy

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