

Planning Commission Minutes

The City of Sturgis Planning Commission held a regular meeting on Tuesday, March 7, 2017 at 5:30pm in the front conference room at Sturgis City Hall, 1040 Harley-Davidson Way, Sturgis, SD.

Present:

Commissioner John Gerberding
Chairman Judy Hughes
Commissioner Courtney Mack
Commissioner San Monahan

Commissioner Mark Norstegaard
Commissioner Suzanne Olson
Commissioner Kyle Treloar

Also present:

Dave Smith (Planning and
Permitting Director)
Daniel Ainslie (City Manager)
Laura Abernathy (Planning
Coordinator)

Mike Bachand (City Council)
Tony Dargatz (City Council)
Ron Waterland (City Council)
Candi Thomson
Scott Upton

Nick of Iron Horse Saloon
Lorraine Kissack
Judy Morris
Dana Dietz
Shanon Vasknetz

Chairman Hughes called the meeting to order at 5:31pm. The minutes of the February 7, 2017 regular Planning and Zoning Commission meeting were approved by the commission.

Agenda Item #1: Variance – Dollar General (Abeln and Associates) of 1940 Lazelle St

Abeln and Associates, representing 1940 Lazelle Street (described as Lots 13-16 of Blocks 13 & 14 of Ash's Extension of the City of Sturgis), are requesting a rear setback variance of 8.5 feet to allow for the construction of a new retail commercial store. The current rear setbacks for property in the Highway Service zoning district are 30 feet, and the planned building will be 21.5 feet from the property line. All other requirements for parking and building construction have been met. The applicants were not present. Discussion was held regarding existing utilities in the area, and if there was enough space in the alley for emergency vehicles. There was a question if there was going to be a loading dock and how semi truck trailers would access the rear building. Smith stated that the alley would be improved since it will be the primary access point for trucks to enter and exit the property. Ainslie stated that this is the fifth lot in the city that this business has tried to build on. The lot is currently empty. Treloar made a motion to approve the application, with Norstegaard seconding. The commission voted 5-2 to approve the application, with Monahan and Olson voting no. The item will be presented to the Common Council on Monday, March 20, 2017 at 6:30pm in the Commissioner's Room at the Erskine Building at 1400 Sherman Street, Sturgis, SD.

Agenda Item #2: Variance – Iron Horse Saloon of 941 Lazelle St

This item was previously presented to the Planning and Zoning commission on February 7, 2017, where the application was unanimously denied. The representatives were not able to attend the February 7 meeting. The item was scheduled for a public hearing at the February 21 City Council meeting, but the council remanded this item back to Planning and Zoning for further review when the applicants were present.

Mack questioned why the item was remanded, and asked how items should be handled when the applicants are not present, and whether or not the items should be tabled if applicants are not present. She stated applicants frequently do not show up at their scheduled Planning Commission meetings and decisions are made even when they are not present. Ainslie stated that the item was remanded by city council on his recommendation because further questions were raised and no representatives were present to answer. Scott Upton and Candi Thomson, attorney for Iron Horse Saloon, answered questions.

The applicants have requested a setback variance for seven (7) temporary structures on the side of their property at 941 Lazelle Street (described as Lots 40-50 of Block 7 in Ft. Meade Addition of the City of Sturgis). The property is located in the special flood hazard area, and the Federal Emergency Management Agency (FEMA) had only allowed temporary structures to be placed in the special flood hazard for 180 days. The structures have been constructed to meet FEMA requirements to remain in the floodplain, and are now considered permanent structures. The Planning and Permitting department requested the applicants apply for a setback variance to allow the structures to remain where they are currently placed. Thomson said the owners complied with all permits issued by the city on June 14, 2016, when the structures built were deemed “temporary” due to their location in a floodplain. Smith stated that FEMA had required that the structures only remain in the floodplain for 180 days, and the structures were “temporary” to meet those recommendations. The structures were also allowed to be constructed within the setbacks because of the existing chain link fence on the property line, and the nature of their existence was temporary. However, to make them permanent in their current position, a variance request is now needed. Thomson asked if the structures could remain temporary, in which Smith responded that, per the city ordinance, temporary structures can only be placed for a total of 30 days in a calendar year. Thomson asked the applicants if they were aware that they would need to apply for a variance. The applicants stated they were not told they would need to apply for a variance. Upton said that they had invested almost \$30,000 in these structures, and moving them would not be a simple thing since there was electricity hooked up to them. Ainslie had told the commission earlier that, if made permanent, these structures are taxable. Mack asked what the permit had stated when issued, in which Thomson replied the permit noted that they were temporary structures. The applicants were under the impression that the structures could remain in the current location as long as the walls were taken down, in accordance to FEMA guidelines. In the time of the construction, Smith said that city staff learned that FEMA had since changed their 180-day limits on temporary structures on the floodplain, and now has only made that a suggestion. Thomson stated that it was not clear whether they should follow the 30-day or 180-day guidelines. Smith said it wasn’t a 30-day temporary structure placement permit, but a building permit for the structures to be built as temporary. Smith said the intent was not to have Iron Horse move the structures in 30 days. The 180-day guideline was based on FEMA requirements at the time.

Waterland questioned why the variance was not brought up to Iron Horse Saloon earlier since city staff was present during the construction of the structures. Staff and commission acknowledged that the situation could be handled better. Thomson said that since construction was under the city's supervision, the need for a variance should have been made clear at an earlier time. Smith noted that he has only received one complaint on the structures, as opposed to other complaints the property has received. Lorraine Kissack of 811 Middle Street was present to address issues she has noticed as the owner of a four-plex behind Iron Horse saloon, including issues with snow in the alley. She said she was willing to make a compromise with the Iron Horse property owners if they allowed the structures to be more mobile for rally vending purposes.

Motion by Mack to deny the request, seconded by Monahan. All members voted to deny the variance request. The item will be presented to the Common Council on Monday March 20, 2017 at 6:30pm in the Commissioner's Room at the Erskine Building at 1400 Sherman Street, Sturgis, SD.

Agenda Item #3: Use on Review Permit Review – Dana Morris-Dietz

Applicant currently has a Use on Review to operate a state-licensed, in-home daycare at 1913 Sunset Street. She is under a corrective action plan issued by the Department of Social Services (DSS) regarding an incident on August 26, 2016 in which two children left the premises. On December 6, 2016, the Planning Commission reviewed the Use on Review agreed to allow the operation of the in-home daycare to continue as long as the applicant followed the rules set by DSS and successfully completed the required training by the state under the corrective action plan. Site checks by DSS on October 14, 2016, and February 3, 2017, found that the applicant was out of compliance with safe sleep requirements. Since the city issued the Use on Review, DSS has requested that the city review the daycare operation and consider if the use should continue. Judy Morris and Dana Morris-Dietz were present and explained the situation to the commission. Mack questioned why this is being handled by the city and not the state, especially when Dietz can still run a daycare in the city without being licensed with the state. Smith explained that the state issues the license, but leaves it up to the municipality to stop operations at their discretion if issues are reported. Dietz stated she was open with her clients and said that none had an issue with her being in violation with state requirements. Waterland and Norstegaard gave verbal support of Dietz based on their grandchildren's experience attending the daycare. Gerberding made a motion to allow the Use on Review to continue for another year based on the stipulations set by the state. After brief discussion, Gerberding amended his motion for the Use on Review to continue for another year regardless of restrictions set by the state. Seconded by Norstegaard and unanimously approved. The Use on Review will come before the Planning Commission for renewal in March of 2018.

Agenda Item #4: Façade Improvement Permit – Journey Holdings SD LLC (Inessa Hansen) of 1109 Main St

Inessa Hansen of Journey Holdings SD LLC/One Sexy Biker Chick has applied for a low-interest loan from the city to finance a new awning at 1109 Main Street (described as Lot 3 of Block 16 in the Original Town subdivision of the City of Sturgis). City staff has asked the commission to consider the request for the loan and to give input on the overall design of the project since the property lies within the Downtown Business Improvement District. After discussion about the logo and the design, Olson

made a motion to deny the request for financing, and Gerberding seconded the motion. The motion passed 6-1 with Norstegaard voting no. Mack made a motion to deny the application as it is currently submitted. Gerberding seconded the motion, and the motion passed 6-1 with Norstegaard voting no. City staff will contact the applicant to suggest designs to better fit what is recommended within the BID district as defined in Title 18.

Agenda Item #5: Plat – City of Sturgis and Meade School District

The commission was presented a re-plat of property owned by the City of Sturgis and Meade School District (described as Lots PS-1 and PS-2 of Block 10 of Potter’s Second Addition to the City of Sturgis, formerly Lots 13-19 of Block 10 of Potter’s Second Addition and formerly Lots 1-12, Lots 20-24, Lot 24A and the vacated alley abutting and adjoining Lots 1-24 of Block 10, and Lot 6A, Lot 7A, and ROW Lot 13 of Block 9 of Potter’s Second Addition to the City of Sturgis). Ainslie described the intended use of the property, which will include residential development. Treloar made a motion to approve the plat as presented, with Gerberding seconding the motion. The commission approved the plat, with Mack abstaining. The plat will be presented to the Common Council on Monday March 20, 2017 at 6:30pm in the Commissioner’s Room at the Erskine Building at 1400 Sherman Street, Sturgis, SD.

Agenda Item #6: Plat – City of Sturgis and Meade School District

Item was removed from the agenda. Plat is not complete and will be scheduled at a later date.

Agenda Item #7: Use on Review Renewal – Corrina Ross-Chavez of 1405 Davenport Street

Corrina Ross-Chavez of 1405 Davenport Street currently has a Use on Review to operate an in-home daycare within a Medium-Density Residential housing zone. No issues have been reported at this location. Motion by Gerberding, seconded by Mack with all members voting yes to approve the use for another year. The Use on Review will come before the Planning Commission for renewal in March of 2018.

Agenda Item #8: Use on Review Renewal – Shannah Genz-Williams (Discovery Kids University) of 198 Old Stone Rd

Shannah Genz-Williams, representing Discovery Kids University at 198 Old Stone currently has a Use on Review to operate a daycare facility within a Medium-Density Residential housing zone. No issues have been reported at this location. Motion by Gerberding, seconded by Monahan with all members voting yes to approve the use for another year. The Use on Review will come before the Planning Commission for renewal in March of 2018.

Agenda Item #9: Use on Review Renewal – Mario DeLudos of 1309 Pine View Dr

Mario DeLudos of 1309 Pine View Drive currently has a Use on Review to operate an in-home firearm sales business within a Low-Density Residential housing zone. No issues have been reported at this location. Motion by Mack, seconded by Gerberding and approved 5-2 to approve the use for another year. Monahan and Olson voted no, with Monahan stating he feels it should be done in a brick-and-

mortar setting. The Use on Review will come before the Planning Commission for renewal in March of 2018.

Agenda Item #10: Review of Sign Ordinance

The commission was presented with changes made to Title 30 – City Beautification and Regulation of Advertising. No action was needed by the commission.

Agenda Item #11: Discussion of Cell Tower Concealment

Smith gave an information update regarding cell towers placed on the top of 1117 Main Street. He requested guidance from the commission as he has received several complaints on the look of the towers. He also noted that the final design is not what the Planning and Permitting department approved. The commission gave recommendation that “it is what it is.”

Agenda Item #12: Discussion of Key City Moonlite Drive-In

Smith notified the commission that Richard Marsh of Key City Moonlite Drive-In will be applying for variances to allow for a drive-in movie theater at 1002 Ball Park Road (described as Lot SLE-2 of Ismay Subdivision of the City of Sturgis). The item will be presented at the special planning and zoning meeting on March 21, 2017.

Additional Items

Smith notified the commission that Gold Pan Pizza at 1133 Main Street is looking at replacing the signage on the building. Smith presented preliminary drawings and said the item will be placed on the agenda for the April 4, 2017 meeting.

A Special Planning Commission meeting is scheduled for Tuesday, March 21 at 5:30pm in the front conference room at City Hall.

No other matters came before the Planning and Zoning Commission. Meeting was adjourned by Chairman Hughes at 7:22pm.

Respectfully submitted,

Laura Abernathy

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