



1040 Harley-Davidson Way
Sturgis, SD 57785
www.sturgis-sd.gov

Phone: (605) 347-4422 ext. 212
Fax: (605) 347-4861
labernathy@sturgisgov.com

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*