

1040 2nd Street, Suite 103
Sturgis, SD 57785
www.sturgis-sd.gov



Voice: (605) 347-4422
Fax: (605) 347-9187

Chairman Hughes called the June 12, 2012 Planning Commission to order at 6:29pm with the following members present:

Judy Hughes	Judy Iverson	Pete Bonefield
Suzanne Olson	Arvid Meland	San Monahan

Not present: Dan Roe

Also present:

Rick Bush (Community Development Director)	Dale Mack
Laura Swanson (GIS Coordinator)	Ashley Myers
Joe DesJarlais (City Council)	Jenn Tobin
Daniel Ainslie (City Manager)	Margaret Hunt
Michael Strain (GSGS, LLC)	Curt Wood
Keith A. Bender	Dan & Jonni Larson
Erin Wolff	Dennis & Kim Roberts
Pat & Bev Urbaniak	Stuart Johnson
	Elliot Jensen

The minutes from the May 29, 2012 Planning Commission meeting were reviewed, with a motion by Iverson, second by Meland to approve the minutes.

Bush presented Agenda Item No. 1 – a Zoning Variance request from Keith A. Bender, Lot 1 and Lot 2 of Cruickshank Addition to the City of Sturgis, Meade County, South Dakota. The applicant has submitted the variance request to allow for the construction of a detached 20'x32' garage and is asking to waive the requirement for the driveway to be hard surfaced from the garage to the street. The applicant plans to place the garage in the rear of the property, where the road leading to the proposed site is currently gravel and would be a longer access road compared to other alternative sites on the property. After reviewing the property, staff feels that the landowner should consider placing the garage closer to the public right-of-way as to avoid the financial hardship of having to pave the entire length of the existing gravel road leading to the rear of the property. Bender approached the commission, stating that he is planning to use the garage for storage in the meantime, but plans to build a house in the vicinity of the proposed garage, and plans to meet all requirements when that happens. He also stated that he feels that to meet the requirements to hard surface the road would cost too much money for a garage being used for storage. Monahan responded that it is difficult to accept these types of requests when other residents may request to construct garages without the hard surface requirements as defined in the ordinance. Monahan asked Bender if he could place the garage on top of the property, closer to the public right-of-way. Bender responded that he currently has six RV hookups that he uses for family and friends that visit, and has always planned to develop the rear of the property and would like to keep those hookups where they are. It was questioned why Bender could not ask for an easement off of the road leading to the Methodist Church, and Bush responded that Bender did not request that, but it could be an alternative access point. Bender responded that he had already asked for an easement from the church, but said they would not allow it. Olson wanted to clarify what was the purpose of this

variance request was, and Bush responded that certain requirements as defined in the ordinance should be followed, but Bender is creating his own hardship by proposing where the garage should be built, and by allowing this to happen it is difficult to set precedents that may be hard to deny when future requests are received.

Monahan motioned to deny the application, with a second by Olson. All members voted to deny the variance application. The item will be presented to the Common Council on Monday, July 2, 2012 at 6:30pm in the Commissioner's Room at the Erskine Building, Sturgis SD.

Bush presented Agenda Item #2 – a Zoning Variance request from Blake and Jenny Karp, Lot 38 in Block 5 of Pine Acres Subdivision to the City of Sturgis, Meade County, South Dakota. The applicants have applied for a Variance Request to allow for the construction of a 24'x26' detached garage with less than the required rear yard setback, going from a 25' to 16' setback. All adjoining landowners approve, and the applicants will follow all other requirements as stated by the Ordinance. Motion by Iverson, second by Bonefield to approve the application, and all members voted yes to recommend approval. The item will be presented to the Common Council on Monday, July 2, 2012 at 6:30pm in the Commissioner's Room at the Erskine Building, Sturgis, SD.

Bush presented the final agenda item – a Zoning Amendment request from GSGS, LLC (Michael Strain), Lots 9, 10 and 11 of Block 4 of Palisades Subdivision, City of Sturgis, Meade County, South Dakota. The applicant has submitted an application for a Zoning Amendment to change the current zoning district from a General Residential 2 (GR-2) to a General Residential 3 (GR-3) district in order to develop the property. Bush presented a map representing adjoining landowner's consent and all nearby GSGS-owned property, showing that a majority of the landowner's consent letters were not received, which would assume an approval vote for the amendment request. Currently in the GR-2 zoning district, attached single family structures housing from two to eight families are currently allowed. The applicant has presented plans for the development of the property in question, as well as surrounding lots owned by the applicant, and the plans submitted show that the proposed buildings, which would contain no more than five units, are currently allowed under the GR-2 definitions. Bush also presented the definition of a GR-3 zone, which would allow larger units, such as apartment complexes and group homes to be built. Bush continued that in order to approve the request to rezone the three lots in question, other adjoining lots owned by Strain (Lots 2H, 3H2, and 4H of Hurley Subdivision) must also be zoned GR-3 to avoid spot zoning. Olson clarified that the reasoning behind the Zoning Amendment request was for the land owner to be able to claim a tax credit to develop in a GR-3 zone, as authorized by Meade County, which Bush and Strain confirmed. Strain came before the council and presented plans for the area and gave examples of the types of townhomes to be built and assured the audience that there are no plans to build an apartment complex, and planned to put buildings that would easily transition from the existing single-family residences to the planned townhomes. Monahan asked if this is what was originally planned when the property was purchased. Strain said this was always the plan, with Bush and Bonefield confirming that these were the same plans drafted years ago. Bush referred to the Comprehensive Plan that calls for plans to develop a GR-3 zone, and with a reputable developer, these plans should work. Bush also emphasized that the zoning amendment is for the landowner to claim a tax incentive and be able to develop the property much faster. Monahan asked if there were plans to develop commercial property, and Strain replied that this would not be fair to the residents. Strain stated that although these properties would mostly be rented out, it would help fulfill the demand for rentals and affordable housing. He also stated since this property will be developed with private money, there will be more control over what type of housing will be constructed. Several members of the audience had concerns over the quality of housing and property values. It was also mentioned that several surrounding landowners did submit letters of disapproval, but were not received by the City. Bush addressed those concerns and said that this type of housing is currently allowed in the GR-2 zone and the landowner could begin building immediately if he wanted to. Strain said he plans to have this property developed within five years. Several members of the audience had concerns about a large apartment complex being built, as would be allowed in a GR-3 zone, but Strain said

that these concerns could be listed within the landowner covenant. Although the City does not enforce covenants, civil action may be enforced to stop anything prohibited in the covenant. Ainslie asked Strain if the covenant could be amended, and clarified that even if the property was developed and sold, the covenant would still stand. Bush confirmed this, and said that covenants are much stricter than the City Ordinance but are enforced by the residents. Monahan stated that the solution must be determined between the developer and the surrounding residents in order to define what would and what would not be allowed in this development. Iverson motioned to table the item until Thursday, June 28 and move the public hearing to Monday, July 16. Motion died for lack of a second. Ainslie suggested that the landowner and surrounding residents revise the covenant to prohibit the construction of an apartment complex, and that the commission could approve the request, adding the stipulation that considerations be made to the covenant. Chairman Hughes called for a motion to approve the application, with a motion by Bonefield and second by Monahan, on the grounds that considerations for revising the covenant to not allow apartment complexes be considered. Bonefield amended his motion to also include these stipulations. Bonefield, Iverson and Meland voted yes to approve the application with the stipulation, with Hughes and Monahan voting no and Olson abstaining. The item will be presented to the Common Council on Monday, July 2, 2012 in the Commissioner's Room at the Erskine Building, Sturgis, SD.

The next scheduled meeting will be Tuesday, July 10, 2012 at 6:30pm in City Hall Meeting Room B.

Meeting was adjourned by Chairman Hughes at 8:00pm.

Respectfully submitted,

Laura Swanson

**Minutes pending approval*