



Spearfish Planning Commission

Agenda

Tuesday, May 19th, 2020 - 3:00 PM

Meeting Location: City Hall City Council Chambers, 625 N Fifth Street, Spearfish SD 57783

A. Call To Order

B. Roll Call

C. Approve the Minutes from April 7th, 2020

D. Declaration of Conflicts of Interest

E. Items for Action

1. Request: Approve an amendment to a Conditional Use Permit

Location: 1004 Main Street

Applicant: Collin Cantalope

Action: Set public hearing for June 2nd, 2020

2. Request: Approve rezoning from PUD (Planned Unit Development) to DRD (Development Review District) and amend setback standards.

Location: Countryside Subdivision Tracts 2R, 3R, 4R east of Woodlands Dr.

Applicant: City of Spearfish

Action: Set public hearing for June 2nd, 2020

F. City Council Update

G. Public Comment

Public comments are welcome at this time, however, no action will be taken.

H. Adjournment



Spearfish Planning Commission Staff Report
Meeting Location: City Council Chamber, 625 Fifth Street, Spearfish SD 57783

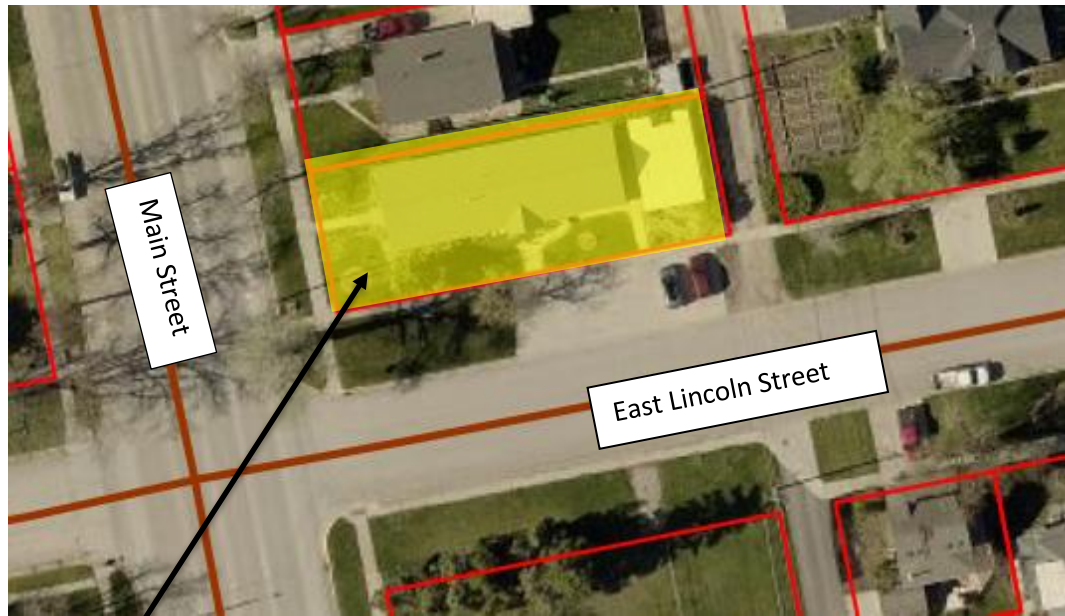
Meeting time and date: Tuesday May 19th, 2020 at 3pm

Applicant: Collin Cantalope

Request: Approve an amendment to a conditional use permit (CUP)

Action: Set a public hearing for June 2nd, 2020

Location:



1004 N Main St.

Proposal Summary: Current CUP on property allows for retail uses in an R2 zone. Approval of this amendment will allow for the CUP on the property to include office uses in addition to retail.

BACKGROUND AND HISTORY:

A conditional use permit was issued for the property in 1998 to allow a retail quilt store to operate. The property is in the R2 – One- and Two-Family Residential zoning district, which does allow retail uses as a conditional use. Between 2001 and 2002, the CUP was transferred from the original applicant to new owners. In 2003, the CUP was amended to allow for an 18' x 24' addition on the east side of the property. In 2011, the ownership changed, and the CUP was transferred again. Now, the property has changed ownership again and the current applicant planned on updating and transferring the current CUP, per Article VI. Section 3.K of the Zoning Code, with the intention of continuing the current use and keeping the current tenant. Plans have since changed and said retail quilt shop tenant is no longer located at this property. Applicant now seeks to amend the CUP to add office as use type allowed on the property. The R-2 zoning lists Office use as something permitted with a CUP.

REVIEW CRITERIA:

Per the City of Spearfish Revised Code of Ordinances, Appendix A - Zoning, Article VI. Administration and Enforcement, Section 5 Conditional Use Permits:

A. Generally.

1. Each zoning district enumerates certain uses permitted by right and certain conditional uses. A conditional use is a use that is not permitted by right, but which may be permitted in a zoning district, based upon the review of compliance with specific criteria, public hearing, and imposed conditions.
2. The City of Spearfish recognizes that diversity and the blending of compatible uses is essential to a healthy and dynamic community. Toward that end, the following procedure is established to properly integrate conditional uses with permitted uses in various zoning districts, which the common council finds to be in accordance with the objectives of the comprehensive plan.
3. Each category of conditional use is listed in individual zoning districts. If a use is not identified on the list of conditional uses, or if the zoning administrator is unable to make an interpretation that a proposed use is analogous to those listed, the use is not permitted in that particular zoning district.

B. Approving authority. Application for a CUP shall be approved or denied by the planning commission following a recommendation from the zoning administrator. A CUP shall be considered approved by the planning commission if the application receives an affirmative vote by a simple majority of the present and voting members.

C. *Evaluation criteria.* In either making a recommendation to approve or deny, or acting to approve or deny an application for a CUP, the following criteria shall be considered:

1. The proposed use shall comply with other ordinances. A CUP may not be issued to allow a use otherwise prohibited specifically identified as being eligible for a CUP;
2. The proposed use shall be eligible for a CUP based on the zoning district;
3. The proposed use shall comply with the setback, lot coverage, height, and other requirements of the zoning district, unless the subject property is currently legally nonconforming or a request for

- a variance is simultaneously submitted with the application for a CUP;
4. The proposed use shall be compatible with the location, physical character, and topographic features of the property;
 5. Buffering measures along parcel boundaries shall exist or be incorporated to mitigate any visual impact of outdoor use areas onto adjacent property;
 6. If applicable, lighting from all sources shall be designed so that it does not unreasonably affect adjacent property;
 7. The proposed use shall not create an unreasonable public safety issue relating to the property or its surroundings, nor increase the risks of an existing public safety issue;
 8. The proposed use shall have adequate pedestrian and vehicular access, circulation, and parking, including those related to bicycle transportation and transportation by persons with physical disabilities;
 9. The proposed use shall not result in any unusual or unreasonable parking impacts.
 10. The proposed use shall not result in an unusual or unreasonable number of vehicle trips per day as measured against the character of the neighborhood of the subject property and the street network serving it;
 11. The proposed use shall not result in an unusual or unreasonable level of noise;
 12. Adequate public services and utilities shall be available to accommodate the proposed use; and
 13. Additional imposed conditions, if any, will mitigate any probable adverse impacts of the proposed use.
 14. For applications for small wind energy systems (SWES) only, the specific conditional use permit criteria for the SWES has been met.

STAFF ANALYSIS:

The property has been used as a retail store previously. The current structure has been compliant with all relevant district and CUP requirements while operating as a retail store. The applicant is interested in allowing the property to be used as office space in addition to the already allowed retail use, which is a conditional use permitted within the R2 zoning district.

Per the code, parking for office uses requires 1 space for every 200 square feet of building. This would require the property to provide 11 parking spaces should the structure be used for office space. The property currently has 9 parking spaces available (the paving must be expanded to include the 9th space) along Lincoln Street, and two beneath a shade structure in the rear of the building. Because the previous CUP's allowed the parking within the public right of way to be credited to this property, a variance is not necessary.

Findings: Per the evaluation criteria set out in Article VI. Section 5.C (see applicant's completed questionnaire for further details):

1. The CUP amendment does not alter the structures of the property in any significant way and the property has been compliant with other ordinances while operating under a different conditional use. There is an issue with the parking ordinance, see #9 for details.
2. Per Article IV. District Regulations, Section 3. R2- One- and Two-Family Residential, subsection C. *Uses eligible for a conditional use permit*, Item 10, Office use is permitted with a CUP.
3. The property's structures will not be changing and have been compliant previously.
4. Physical characteristics will be unchanged.
5. No buffer needed: no outdoor use proposed
6. No additional lighting proposed
7. Use does not create any new or unique risks

8. Property provides adequate pedestrian space but does not currently have parking available for disabled persons
9. Per Article V. Section 3, office uses generate 1 parking space per 200 square feet while retail generates 1 parking space per 300 square feet. Parking for the lot was designed to accommodate the retail requirement and the current parking provided may not be sufficient for the increased requirement for office uses.
10. Use will likely not generate any additional trips than previous use did.
11. Use will likely not generate any additional noise than previous use did.
12. Utilities and public services already present
13. not applicable
14. not applicable

STAFF RECOMMENDATION: Set public hearing for June 2nd, 2020

PUBLIC COMMENTS:

Notice of the public hearing will be mailed to all property owners within 140 feet of the property; published in the official newspaper 10 days before the hearing; and a sign will be posted 10 days before the hearing on the property indicating the date, time, and location of the hearing.

ATTACHMENTS:

Page 5 – Aerial Map

Page 6 – CUP application questionnaire

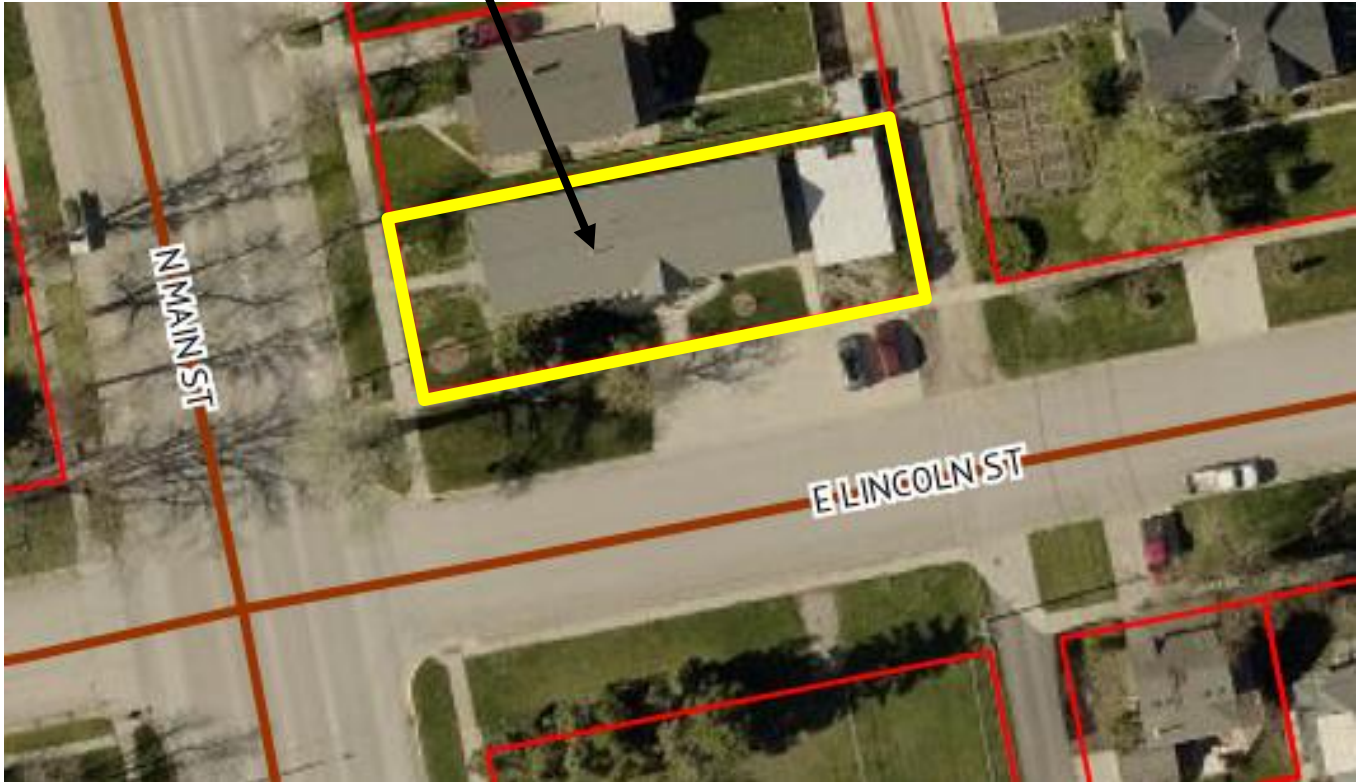
STAFF CONTACTS:

Jayna Watson, City Planner, 605-717-1122; jayna.watson@cityofspearfish.com

Daniel Van Holland, Assistant City Planner, 605-717-1126; daniel.vanholland@cityofspearfish.com

Location of CUP amendment at 1004 Main Street

9 spaces located on Lincoln Street
2 spaces located on east side of building under shade structure



City of Spearfish
CONDITIONAL USE PERMIT CRITERIA CHECKLIST

Applicant Name: Chris Combs

Type of CUP Requested: Amendment to Current CUP

Please describe in detail how your application for a Conditional Use Permit meets the following criteria: (Yes/No answers and referring to the submittal will not be accepted)

1. Describe how the proposed use is compatible with the location, physical character, and topographic features of the property:
Current layout of the property interior makes it suitable for two separate office locations. Flat lot & side street parking will make current use more ideal.
2. Describe buffering measures along parcel boundaries that exist or will be or be incorporated to mitigate any visual impact of outdoor use areas onto adjacent property:
There is fencing along north property line on landscape shrubbery along and fenced parking pad to reduce noise & visual impact. Alley located on west property boundary.
3. If new lighting is proposed, describe how it is designed so that it does not unreasonably affect adjacent property:
I would like to have digital signage where the current sign location is. The location of sign would not be in the line of sight adjacent property to the north.
4. Describe the public safety issues related to the proposed use of the land, or surroundings, and if will there be an increased risk of an existing public safety issue:
There would not be any additional public safety from what property is currently used for. Traffic & parking would be only impact on public safety.
5. Describe the existing or proposed pedestrian and vehicular access and parking including accommodations for bicycle transportation and transportation by persons with physical disabilities:
There is currently side street proposed interior parking with side walk between parking & building with one handicap spot. It is not over head access to building.
6. Describe the methods to address any impacts to the adjacent properties that may result from parking; include dimensions of fencing, types of landscape or other buffering to be provided:
The current parking is on the south side of the lot, the building, current fencing, pergola & landscaping will not parking minimally visible to adjacent property.
7. Describe the number of vehicle trips per day resulting from the use of the property, and compare it to the existing traffic volume on the adjoining street network:
I expect the traffic volume to remain about the same, possibly less to two per hour & standard traffic for employee.
8. Describe what types of noise may result from the property and compare it to the existing noise levels of the adjoining land uses.
I expect minimal noise to be produced from office business. Potential noise sources being from the parking & loading but traffic & general noise from office activity.

9. Describe what public services and utilities are available to accommodate the proposed use, and if these may adequately serve the use:

*City water, sewer, garbage. Bell - electric.
MOU natural gas*

10. Describe any existing property features, or planned improvements that will make the proposed use compatible with the surrounding area.

*I am in the process of a complete rebar renovation,
landscape renovations. I am planning to add parking bumpers
to increase safety on sidewalk. Turn around, a loading or parking
lot & re-painting parking stripes.*



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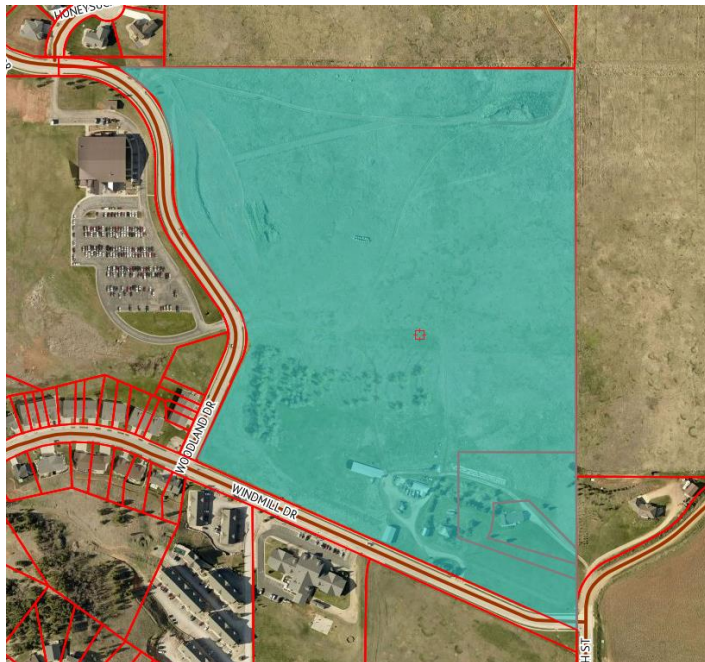
Applicant: City of Spearfish/Jim Boke

Request: Approve a change in zoning from PUD (Planned Unit Development) to DRD (Development Review District) and approve a revision to the setbacks.

Action: Set public hearing for June 2, 2020

Tracts 2R, 3R, and 4R of the Countryside Subdivision and Lot 1C of Lot 1A of Lot 1 all of the Spring Creek Addition to the City of Spearfish – known as Phase G at Countryside.

Location:



Proposal Summary: Update the zoning from PUD to DRD and amend the building setbacks along the Red Fern and Gooseberry Rd. Frontages.

BACKGROUND AND HISTORY:

Annexed and rezoned to PUD in November of 2001 which included a concept plan showing a single-family phase, a 'small lot residential/ churches allowed' phase, and a phase of multi-family/office uses along Windmill Drive.

In 2003, the Development Review District zoning text was first adopted, and repealed the language of the Planned Unit Development. All PUD approvals for this property were considered vested at that time for land use and lot layout and building setbacks would be according to standard zoning regulations.

In 2006, a revision to the PUD concept plan was approved along with preliminary plat that further defined the 'small lot residential' concept to be duplex townhouses. Standard building setbacks for duplex and single family were approved at 25 feet front and back, 8 feet sides, 0 feet where duplexes share the common wall on property line.

In 2019, final engineering approval was given to begin road construction and the first phase of infrastructure is expected to be complete by this summer with the duplex/townhouse homes built first.

REVIEW CRITERIA:

Because the applicant wishes to amend the standard zoning setbacks, it requires that the zoning be updated to DRD given the lack of any published PUD standards that would otherwise guide this process. The property has development approval through final engineering and therefore no changes to the previously approved project layout, streets, or the land uses are possible. The criteria that guide rezoning requests for DRD do not apply in this instance since development of the property is consistent with all previous approvals.

The DRD is being applied at the City's request to clarify the zoning regulations for the future administration of this parcel. This approval will document the following as the final plan approval: (see attachment on page 5 for locations of each)

- Duplex-townhouse
- Single Family
- Multi-Family and Office
- Amendments to building setbacks as noted below

The only governing criteria that applies to the setback amendment is from the zoning code and a minimum distance of 20 feet is required between the sidewalk and the front of a garage door to enable a parking space between the two. This request complies since none of the setbacks proposed for amendment are on streets with a sidewalk.

STAFF ANALYSIS:

For the locations described below, this request will result in homes being 7 feet closer to the street curb when compared to the same distance normally found in a standard zoning district.

Because the fronts of the homes along the south side Red Fern will be oriented toward the internal north/south streets, the Red Fern side of the home functions more as a side yard and the proposal is for the homes to be placed at 29 feet from the back of the curb/ 15 feet from the Red Fern public right of way. Gooseberry Road also has same conditions as Red Fern and the applicant proposes the same for the building setback along the west side of this street at 29 feet from back of curb/ 15 feet from the public right of way. In both locations the sidewalk is on the opposite side of the street.

STAFF RECOMMENDATION: set public hearing for June 2, 2020
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PUBLIC COMMENTS:

Property owners within 200 feet will be notified of this request.

ATTACHMENTS:

Page 4 - Aerial Map

Page 5 - Approved preliminary plat 2006

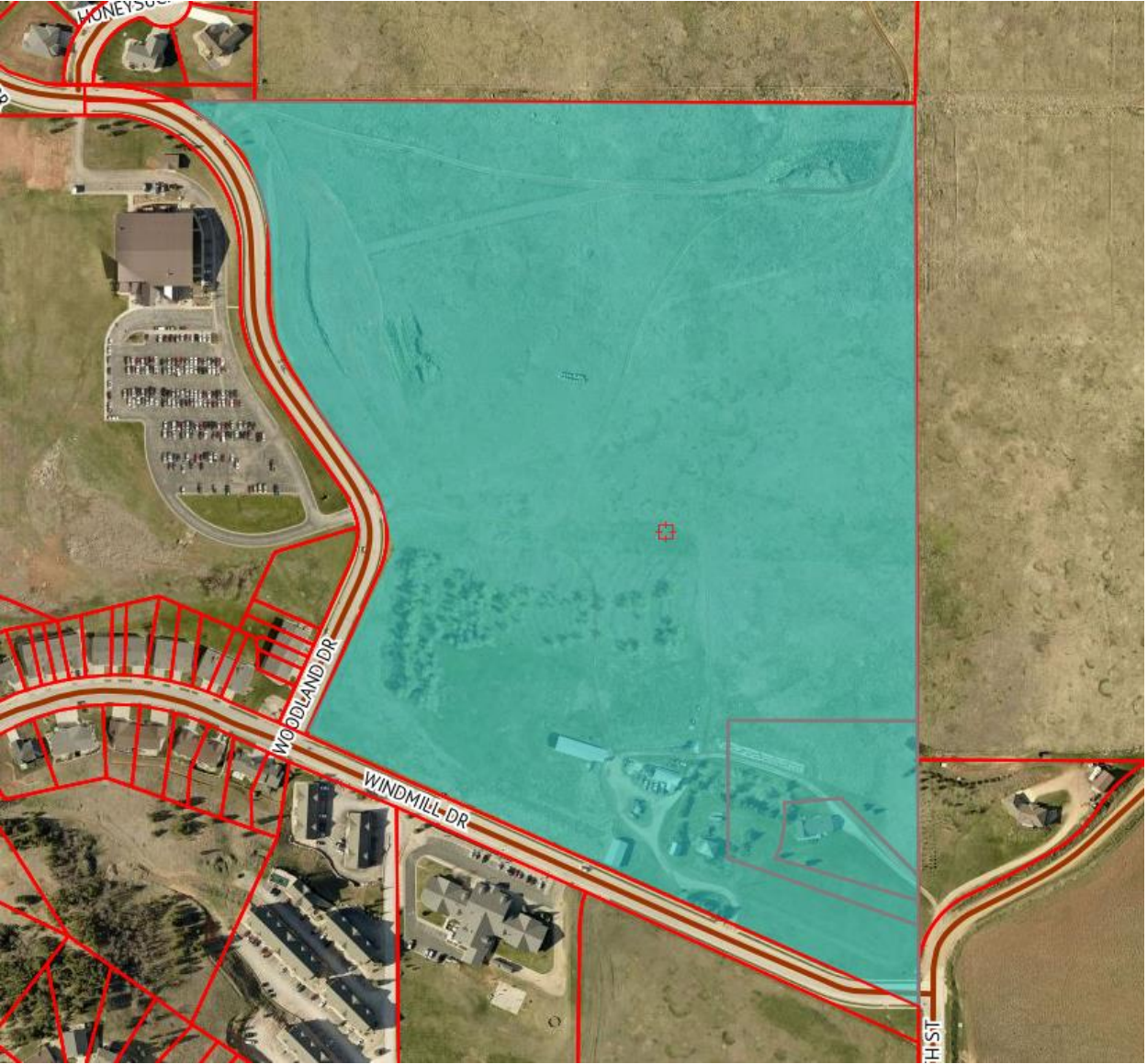
Page 6 - Street cross section with setback reference

Page 7 - Original 2001 PUD land use approval

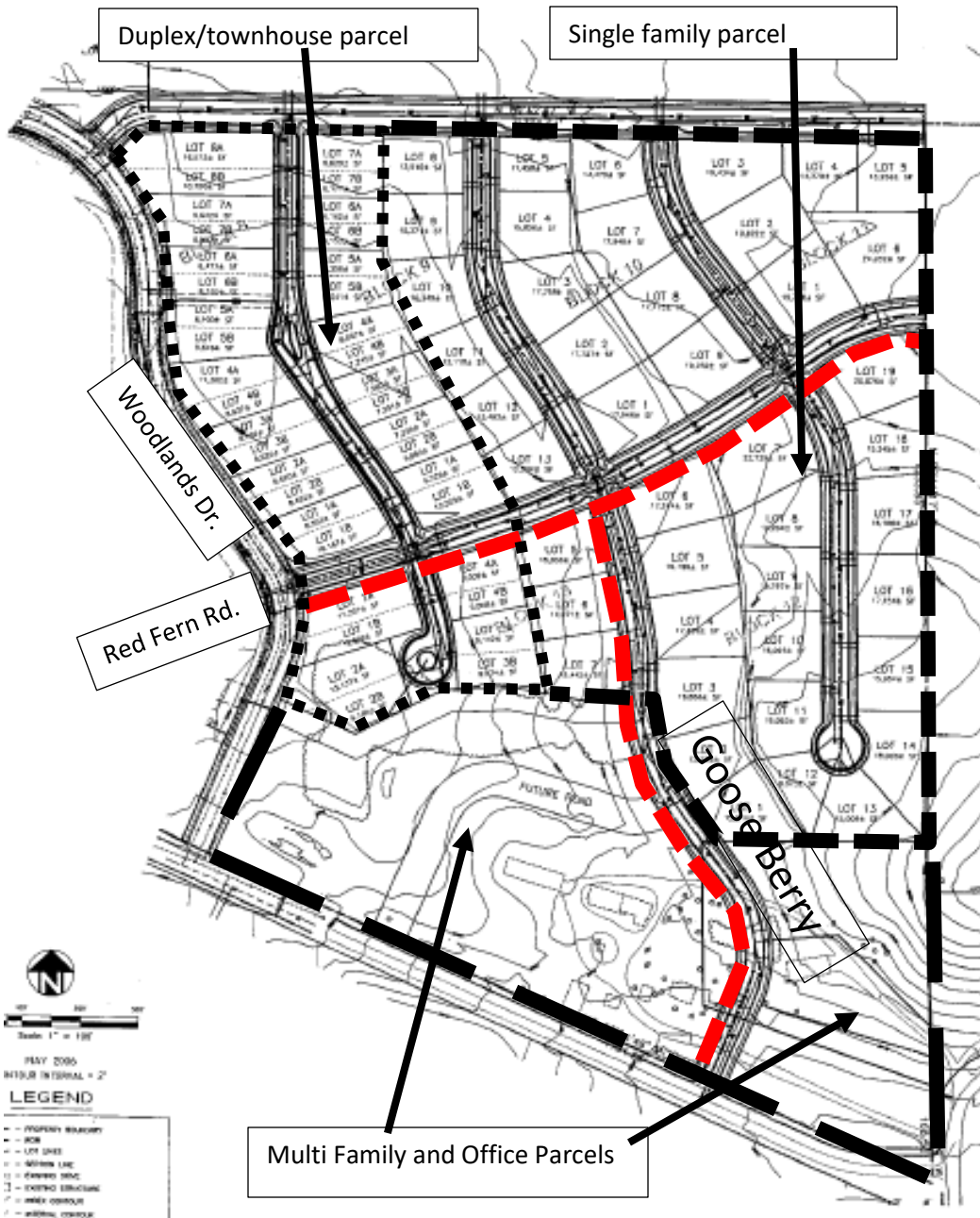
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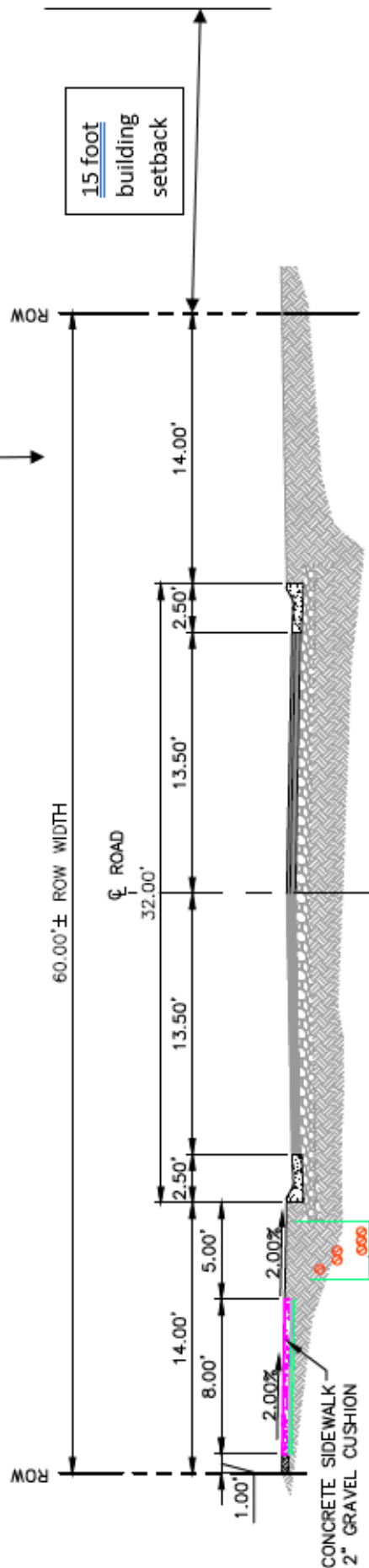


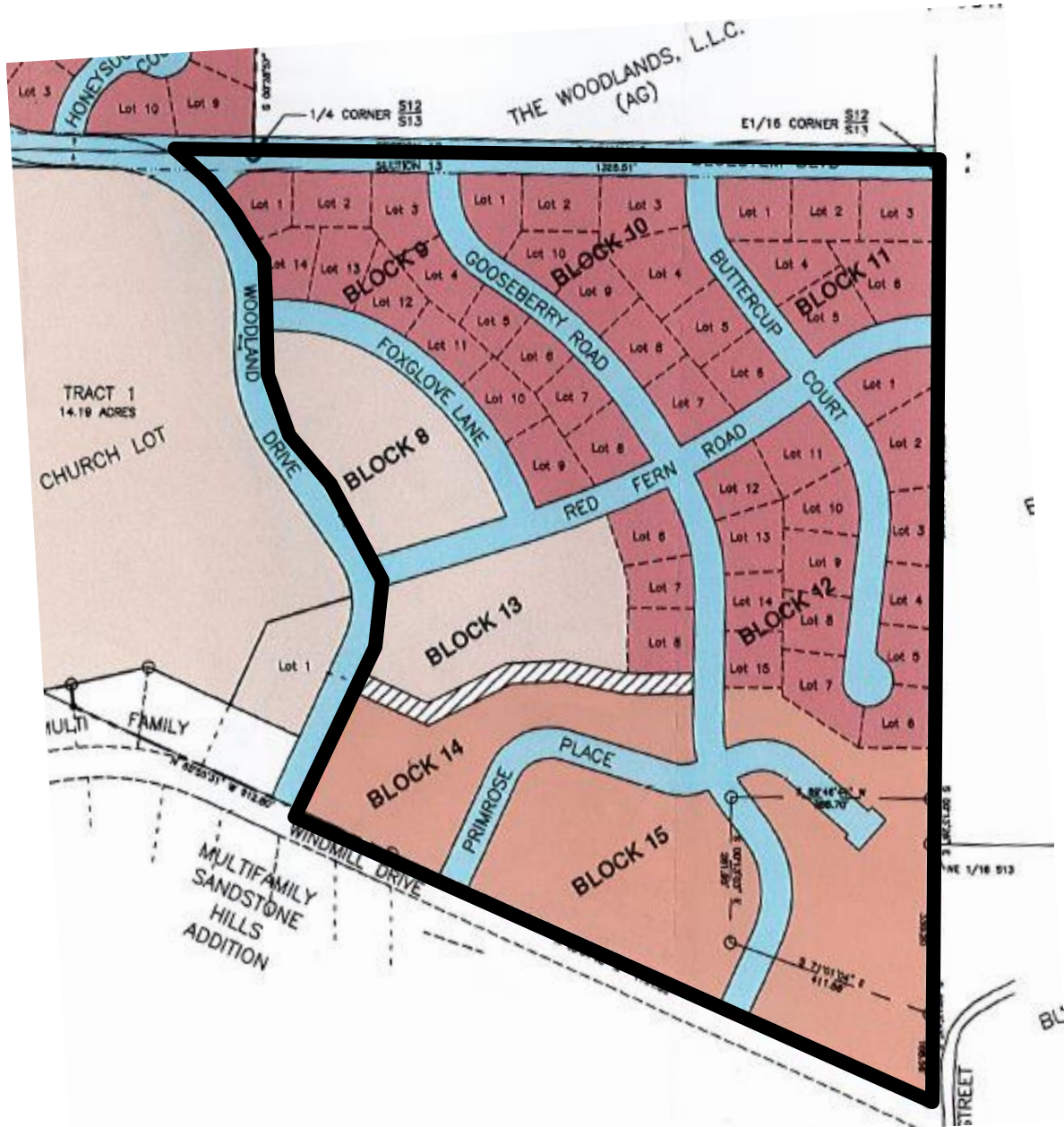
Approved Preliminary Plat and Land Use Final Plan



- Proposed building setback along the west side of Gooseberry Rd. and south side of Red Fern Rd. frontages:
 - 29 feet from back of curb/ 15 feet from property line.
 - No sidewalks will be present along these locations.

South side of Red Fern Road Right of Way and
 West side of Gooseberry Road Right of Way





- SINGLE FAMILY RESIDENTIAL
- SMALL LOT RESIDENTIAL / CHURCHES ALLOWED
- MULTIFAMILY / OFFICE
- LINEAR PARKWAY

Original PUD approval from 2001

