

**Spearfish Planning Commission
Agenda
Tuesday, November 17, 2020 - 3:00 PM
Meeting Location: Zoom**

Join Zoom Meeting

<https://us02web.zoom.us/j/87894603143?pwd=V1FMZ0xLYnJmd01yemh2THhpTi83dz09>

Meeting ID: 878 9460 3143

One tap mobile

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Find your local number: <https://us02web.zoom.us/u/kdpLK3nuSd>

A. Call To Order

B. Roll Call

C. Approve the Minutes from October 20, 2020

D. Declaration of Conflicts of Interest

E. Items for Action

- Request:** Approve a change of zoning from (AG - Agriculture) to (RLS – Rural large lot single family)
Location: 525 Rio Drive
Applicant: Roger and Penny Gunderson
Action: Set a public hearing for December 1, 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
Regular Session Minutes
October 20, 2020

The Spearfish Planning Commission met in regular session on Tuesday, October 20th, 2020 at 3:00 p.m. Chairman Kruskamp called the meeting to order at 3:00 pm. Roll call was taken with the following members present: Toby Bordewyk, Larry Vavruska, Barbara Zwetzig, Greg Kruskamp, Meghan Byrum, and Bob Meyer joined by phone. Absent: Drew Skjoldal. Also present: City Planner Jayna Watson, City Attorney Ashley McDonald, and Assistant City Planner Daniel Van Holland.

APPROVAL OF MINUTES:

Byrum moved, Vavruska seconded and the Planning Commission voted 4-1, with Meyer dissenting, to approve the minutes of the October 6, 2020 Planning Commission meeting.

DECLARATIONS OF CONFLICTS OF INTEREST:

Kruskamp called for any potential conflicts of interest to be identified. No conflicts were expressed.

- 1. Request: Amend Appendix A. Zoning, Article V. Supplementary Regulations, Section 7. Nonconforming uses.**
Location: R1, R2, and R3 zoning districts
Applicant: City of Spearfish
Action: Hold a public hearing and make a recommendation to the City Council.

Watson explained the proposal. Commissioners discussed the frost protected footing requirements and what buildings could qualify. Chairman Kruskamp opened the public hearing. No comments received. Chairman Kruskamp closed the public hearing. **Vavruska moved, Zwetzig seconded, and all voted the recommend approval.**

- 2. Request: Approve a conditional use permit (CUP) to allow a publicly owned facility in an R2 district**
Location: Original Town Lots 9, 10, 11 & 12 Block 65
Applicant: City of Spearfish
Action: Postpone taking action, and set a new public hearing date for November 3, 2020

Watson explained the City needs time to review public comments received regarding this proposal. **Bordewyk moved, Byrum seconded, and all voted to set the public hearing for November 3, 2020**

- 3. Request: Review and approve changes (if needed) to the 2021 Planning Commission public meeting schedule**

Watson reviewed schedule options for 2021. Commissioners discussed their preferences. **Vavruska moved, Byrum seconded, and all voted to hold the June 2021 meetings at 2:00 pm on the first and third Tuesdays.**

CITY COUNCIL UPDATE:

Watson updated the Commission on previous City Council business, including the passing of the update to the subdivision code to allow septic tanks in AG zoning.



Spearfish Planning Commission
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PUBLIC COMMENT

No public comment received.

ADJOURNMENT:

Chairman Kruskamp adjourned the meeting of the Planning Commission at 3:22 PM.



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

Meeting time and date: November 17, 2020 at 3pm

Applicant: Roger and Penny Gunderson

Request: Approve a change of zoning from (AG - Agriculture) to (RLS – Rural large lot single family)

Action: Set a public hearing for December 1, 2020

525 Rio Drive

Location:



Proposal Summary:

This change of zoning will allow the property to be subdivided into 3 lots without needing to connect to City water or sewer and sets the minimum lot size at 8 acres, the minimum size for parcels to waive connecting to water or sewer.

BACKGROUND AND HISTORY:

- Annexed and rezoned to AG in 2007
- Surrounding zoning and development patterns:
 - North and South (county zoning) zoned A-1 general agriculture
 - County Suburban Residential District (SRD) South of Interstate
 - East and West (City zoning) AG
 - C-2 zoning East across Interstate
- Site data:
 - Parcel size 37.26 acres
 - To be subdivided into 3 RLS parcels

PROJECT DATA:

Parcel size: 37.26 acres

Number of lots: 1 existing;3 proposed

Number of dwellings: 1 existing

Setbacks required (for AG):

Front: 25

Rear: 8

Side: 25

Proposed setbacks (for RLS):

Front: 35

Rear: 20

Side: 35

REVIEW CRITERIA AND STAFF ANALYSIS:

This ordinance revision is guided by the City of Spearfish Revised Code of Ordinances, Appendix A-Zoning, Article VI. Administration and Enforcement, Section 5. Amendments. Staff’s analysis follows each statement in *italic text*.

A. *Standards for amendments.* A proposed amendment shall be considered on its own merits using the following criteria as a guide.

1. Text or map amendments. Proposed amendments shall:
 - a) Be necessary because of substantially changed or changing conditions of the area and district affected, or in the ordinance generally. *The surrounding area north of the interstate is largely undeveloped. The area is not currently identified as a major growth area because there currently are no water or sewer connections available. The feasibility of utility extensions into the area is limited due to the presence of the Interstate and the distance from existing infrastructure.*
 - b) Be consistent with the intent and purposes of the ordinance. *Applicant plans to subdivide the parcel into three lots to be used as residential properties. AG zoned properties within may utilize private wastewater systems ONLY if they are connected to City water or if they are 200 feet away from existing infrastructure. This parcel does not meet either criteria. A rezone to RLS would allow the applicant to develop the three rural residencies and utilize onsite water and wastewater systems.*
 - c) Not directly or indirectly adversely affect any other part of the ordinance. *Not applicable*

- d) Be consistent with and not in conflict with the Spearfish comprehensive plan. *Strategy 1 for the Developing City* says “The overall location and arrangement of land uses for new development should follow a basic hierarchy starting with the more intense land uses on the major streets, and the less intense uses on the minor/local streets.” *The property is adjacent to Rio Drive and Brookview Road – neither of which are major thoroughfares of the City. This less intense use corresponds with these minor roads. Further, the proposed use has a rural character, corresponding with the rural nature of the two streets.*
- Strategy 2 for the Developing City* says, “Create lower intensity land uses and open space corridors to buffer existing land use and proposed land uses of different densities.” *South of the Interstate is a more intense residential area. East of Highway 85 is a commercial/industrial area. This parcel is within a corridor that is currently a rural/low intensity buffer leading into and out of more urban areas. The proposal does not change the rural character of this corridor and, thus, maintains the current buffer zone. While this is not a deliberate planning strategy for this corridor, until infrastructure becomes available, a more urban character is not possible. Ultimately, the division of this land is for the purpose of dividing an estate between several heirs, and NOT to solidify a rural character.*

STAFF RECOMMENDATION: Set public hearing for December 1, 2020

PUBLIC COMMENTS:

Notice of a public hearing will be published on November 21, 2020.

ATTACHMENTS:

Page 4 - Zoning Map

Page 5-7 - Applicant Narrative

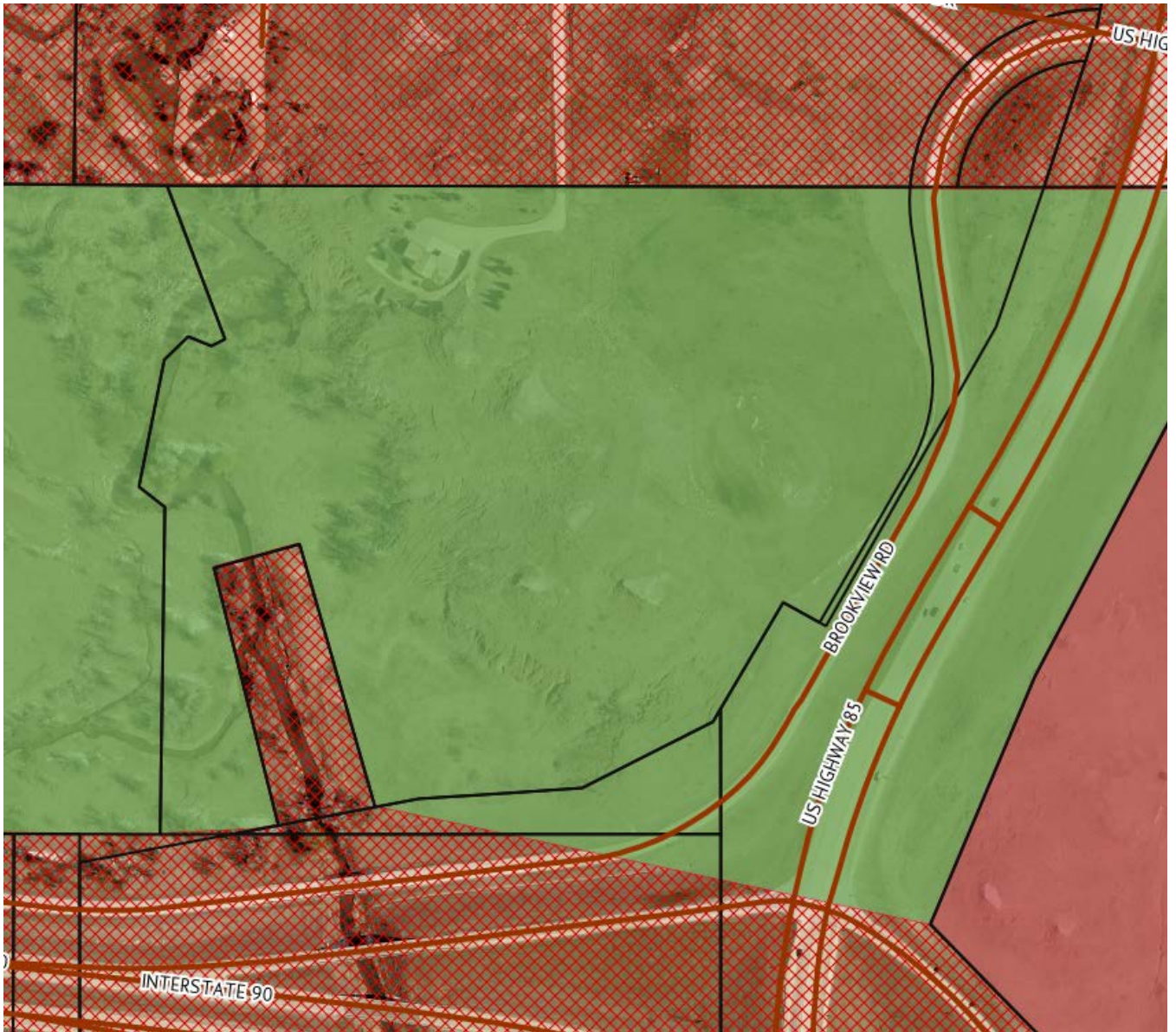
Page 8 - Preliminary Site Plan

Page 9 – Preliminary Plat

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



Green = AG – Agriculture (City zoning)
Red Checkered = A-1 General Agriculture (County zoning)
Solid Red = C2 – Highway Service Commercial (City zoning)



**City of Spearfish Comprehensive Plan Questionnaire
Change of Zoning**

Please provide complete written responses to the following questions concerning your request.

1. **In general, describe features of your project that make it compatible to the existing development patterns around your parcel.** The project will take HMC Lot D and replat the existing Lot into 3 new lots.

2. **If the land uses that are adjacent to your property are of a lesser land use intensity, describe specific buffering methods to be used that will reduce the impacts to the lesser intensity land uses.** The adjacent property is currently Zoned AG within the City of Spearfish and A-1 in Lawrence County.

3. **Describe changes or upgrades needed to the street network to accommodate traffic from your project.** There are no changes or upgrades anticipated at this point other than SDDOT approved approaches.

4. **Describe changes to proposed site access points if they are different from any previous zoning, conditional use permit or DRD concept plan approval.** Current property owner is working with SDDOT to acquire access approach permits off Brookview Road, as this portion of Brookview Road is SDDOT controlled access

5. **Describe the locations of sidewalks and paths that will be extended along the site frontage or through the property.** There are no sidewalks and/or paths in proximity to the project location.

6. **Identify the dimensions of the proposed building setbacks, and if they are more, less, or the same as what is required by existing zoning on the adjacent property.** The adjacent property is currently Zoned City of Spearfish AG and Lawrence County AG. The proposed Zoning of RLS (Rural Large Lot) has larger setback requirements than the current zoning of AG on the property. All existing structures will be in conformance with the proposed zoning.

7. **Identify the proposed building height, and if it is more, less, or the same as what is required by existing zoning on the adjacent property.** The adjacent property is currently Zoned City of Spearfish AG and Lawrence County AG. The proposed Zoning of RLS (Rural Large Lot) has a more restrictive height requirement than the current zoning of AG on the property. All existing structures will be in conformance with the proposed zoning.

8. **Does open space on the property function as: (mark all that apply)**
 - a. Undeveloped space between the project and adjacent development
 - b. Passive recreation (walking/biking paths, benches/tables)
 - c. Active recreation (playground structures, sports courts/fields)
 - d. Other (explain) No open space is planned with this project

9. **Describe if any existing vegetation will be removed from the site or from the public right of way.** The only construction activities associated with this project will be for the proposed shared driveways for access to the proposed parcels. These activities will be limited in nature.

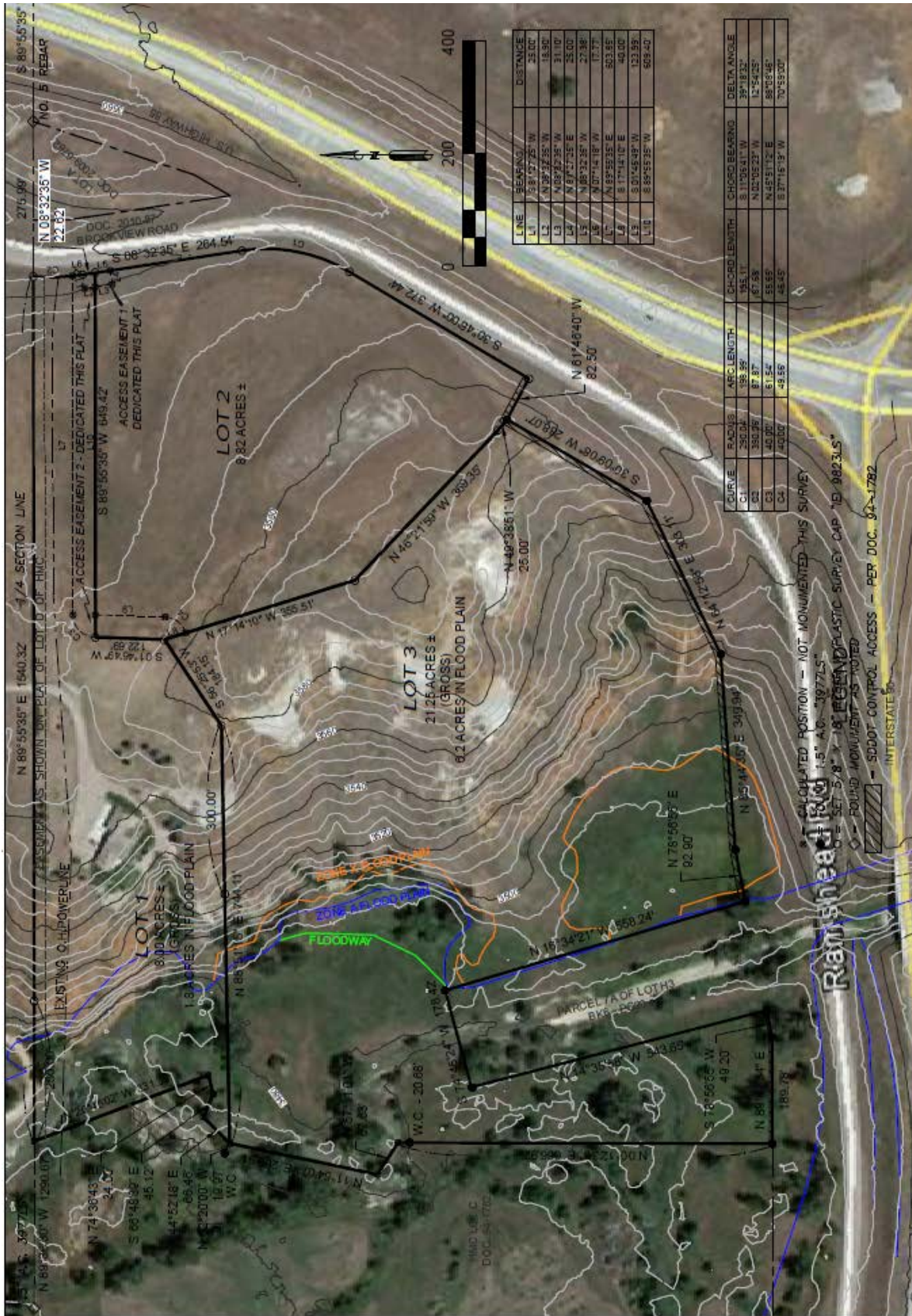
10. **If your project promotes or supports Black Hills State University by offering services, programs, facilities, housing or other benefits to the University, describe what is being provided.** There is no impact to Blacks Hills State University as part of this project.

11. **Describe any affordable housing goals that could be met by your project.** The intent of this project is to create a tract of record for an existing home and the possibility of two future building locations. The proposed layout is for larger acreage building locations.

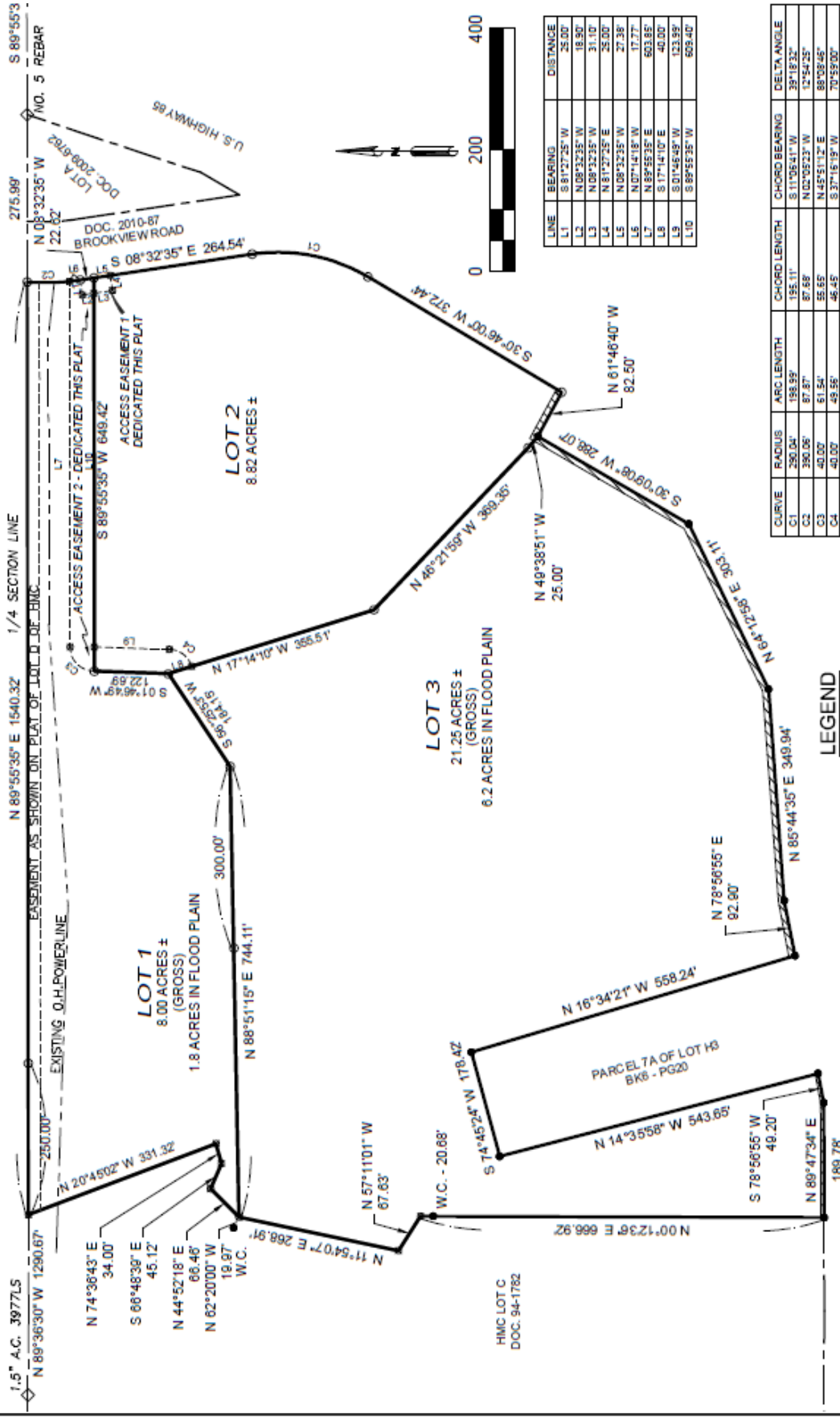
12. Describe any other features of your project not addressed above that contribute to the overall well-being and development of the community. This request fits with the overall use of the adjacent property.

Please email completed form to: jayna.watson@cityofspearfish.com or mail to:

Jayna Watson
City Planner
City of Spearfish
625 Fifth Street
Spearfish SD 57783



BEING ALL OF HMC LOT D, HIGC



LINE	BEARING	DISTANCE
L1	S 81°27'25" W	25.00
L2	N 08°32'35" W	18.90
L3	N 08°32'35" W	31.10
L4	N 81°37'35" E	35.00
L5	N 08°32'35" N	37.36
L6	N 07°14'10" W	17.77
L7	N 89°55'35" E	603.85
L8	S 17°14'10" E	40.00
L9	S 01°45'49" W	123.99
L10	S 89°55'35" W	609.40

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	290.04'	198.99'	195.11'	S 11°05'41" W	39°18'33"
C2	390.06'	87.87'	87.68'	N 02°05'23" W	12°54'25"
C3	40.00'	61.54'	56.56'	N 45°51'12" E	88°03'46"
C4	40.00'	49.56'	46.45'	S 37°16'18" W	70°59'00"