



Spearfish Planning Commission

Agenda

Tuesday, November 5, 2019 - 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 October 15, 2019

D. Declaration of Conflicts of Interest

E. Items for Action

1. **Request:** Approve a preliminary plat and variance for the Blue Star Subdivision in the NW1/4 NW1/4 of Section 29, T6N, R2E, BHM, Lawrence County
Location: Approximately 700 feet south of Maitland Road and east of McDermott Road
Applicant: Blue Star Trust/Devin McDermott
Action: Hold a public hearing and make recommendation to City Council

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

Staff Contact:

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

MEETING DATE AND TIME:	November 5, 2019 at 3pm
APPLICANT:	Blue Star Trust/Devin McDermott
REQUEST:	Approve a preliminary plat and variance for the Blue Star Subdivision of the NW1/4 NW1/4 Section 29 T6N R3E BHM, Lawrence County, South Dakota
ACTION:	Hold a public hearing and make recommendation to City Council.
LOCATION:	<p>+/- 700 feet south of Maitland Road, east of McDermott Road</p> 
SUMMARY:	This request will allow for the platting of 8 single family lots on a 40 acre parcel located in the three mile extra platting territory. The request also includes a variance to not require a full 66 foot wide right of way.

BACKGROUND AND HISTORY:

The surrounding lands are:

- County Commission approved a change from County Ag-1 zoning to County Rural Residential with zoning change effective November 8, 2019.
- County Agriculture zoning exists on the north, east, and south.
- County Suburban Residential zoning on the west.

PROPOSAL DETAILS:

- The preliminary plat shows 8 lots. The applicant has revised the plat to show a total of 40 acres on the overall parcel boundary.
- A variance is requested to not require the full 66 foot wide right of way.
- At the time this report was written, the applicant was still making adjustments to the grade on the road. The Fire Chief will review the grade before the public hearing. 10 percent is the maximum but near the front entry, this standard may have to be exceeded. An update on this matter will be provided at the public hearing.
- Lots will be served with onsite septic and either individual or shared wells.

STAFF ANALYSIS:

The purpose of the City's involvement in the review of subdivision plats within three miles is to ensure that the future street network develops according to the major streets plan of the Master Transportation Plan (MTP). There are no major street corridors that are noted on the MTP, therefore no new major street alignments or rights of way will be required.

This proposal complies with the County's Rural Residential zoning requirements for minimum lot size of 2 acres with the minimum lot size at 3 acres.

The applicant requests a variance to the 3 mile subdivision ordinance that requires a 66 foot wide right of way. They propose a 36 foot wide private access easement. There will be no County or City ownership of this local road which is the basis of the 66 foot standard. A survey is underway to determine the grade of this access road and it is likely that a variance to the 10 percent maximum grade will be needed for a portion of the road where it climbs a bluff, pending approval from the Fire Code official. Photos of the road are attached to the staff report.

The following are the ordinance criteria concerning the variance, with staff's comments in italics.

(a) The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property in the area in which it is located; *a 36 foot wide road access easement is sufficient for the level of improvements required to serve the property. If the grade is steeper than what can be reasonably accessed by a fire truck, there are other options to provide fire protection.*

(b) The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property. *The only existing way to access the property is from McDermott Road. The majority of the property is on an elevated bluff*

approximately 20 feet higher than McDermott, no other choices for access exist.

(c) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out; *The applicant could route the road to be more parallel to the slope, however it would result in significantly more earth moving which is a hardship.*

(d) The variances will not in any manner vary the provisions of the Official Zoning Map, Comprehensive Plan, Major Street Plan and Master Neighborhood Park Plan. *None of these codes or policies are affected by this variance.*

PUBLIC COMMENTS: A copy of this report has been forwarded to the County Planning and Zoning Director. Adjacent property owners were notified by sign posting and mailed notice.

STAFF RECOMMENDATION: Approve preliminary plat and variance request.

ATTACHMENTS:

Page 3 – Aerial map

Page 4 – Preliminary Plat

Page 6 - Site photos of entry road



**PLAT OF LOTS 1, 2, 3, 4, 5, 6, 7, AND 8 OF BLUE STAR SUBDIVISION,
LOCATED IN THE NW $\frac{1}{4}$ NW $\frac{1}{4}$ OF SECTION 29, T6N, R3E, B.H.M., LAWRENCE COUNTY, SOUTH DAKOTA**

NOTES

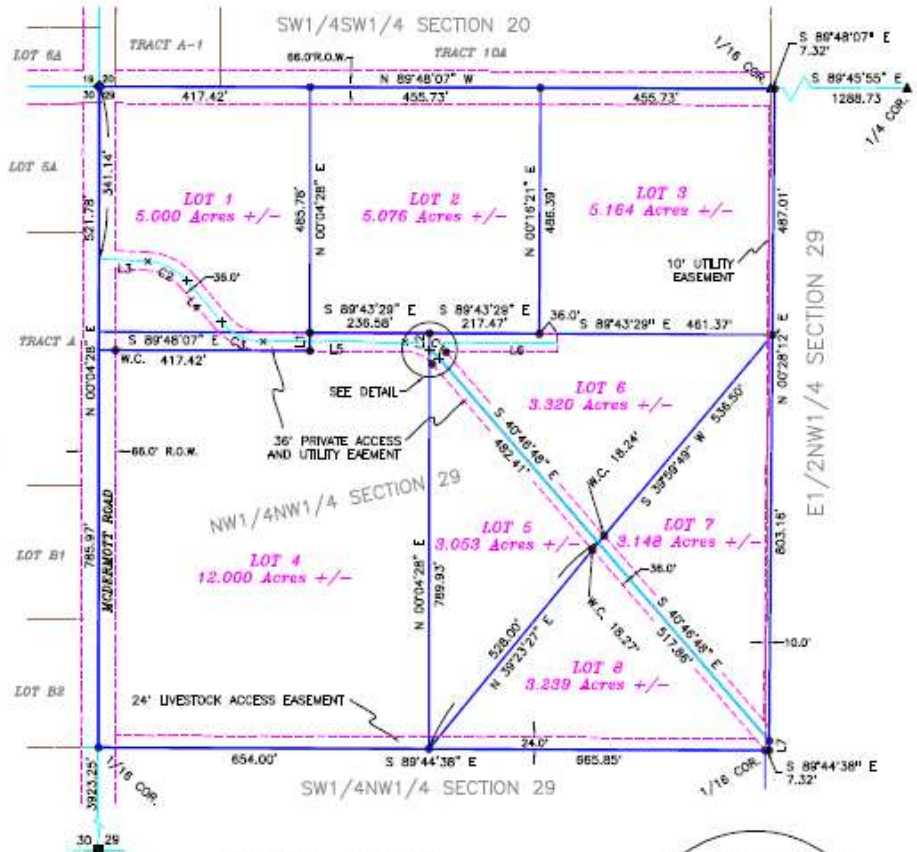
- 1) BASIS OF BEARING WGS84
- 2) 5' UTILITY EASEMENT IS HEREBY DEDICATED ALONG THE INTERIOR SIDE OF ALL LOT LINES ON THIS PLAT UNLESS OTHERWISE SHOWN
- 3) TOTAL AREA PLATTED THIS PLAT 40.000 ACRES +/-
- 4) PROPERTY SHOWN ON THIS PLAT IS SUBJECT TO ZONE X SPECIAL FLOOD HAZARD AREAS AS SHOWN ON FIRM OF LAWRENCE COUNTY, SOUTH DAKOTA PANEL NUMBER 45061C0200F EFFECTIVE DATE 4/17/2012
- 5) 36' PRIVATE ACCESS AND UTILITY EASEMENT IS FOR THE USE OF AND BENEFIT OF LOTS 1-8 IN THE NW $\frac{1}{4}$ NW $\frac{1}{4}$ OF SECTION 29 AND THE E $\frac{1}{2}$ NW $\frac{1}{4}$ OF SECTION 29

OWNER:

BLUE STAR TRUST
10318 RIVIERA DRIVE
ANDERSON ISLAND, WA
98303

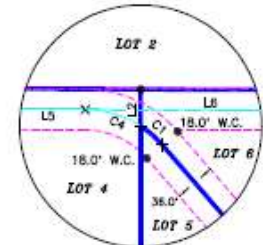


- REBAR & CAP (VREM LS6577)
- ◆ REBAR & CAP (LS11478)
- ▲ REBAR & CAP (SCOTT ENGINEERING)
- REBAR & CAP



LINE	BEARING	DISTANCE
L1	N 00°04'28" E	36.00
L2	N 00°04'28" E	32.39
L3	N 82°53'29" E	89.73
L4	S 40°04'13" E	114.22
L5	N 89°43'29" W	280.08
L6	S 89°43'29" E	302.16
L7	N 00°28'12" E	18.93

CURVE	ARC LENGTH	CHORD	ANGLE	CHORD BEARING
C1	25.26	89.96	18°05'29"	N 48°49'32" W
C2	89.05	106.60	48°58'50"	S 6°33'38" E
C3	83.77	106.20	48°59'18"	S 0°05'
C4	51.58	89.98	32°51'13"	S 73°17'53" E



DETAIL NOT TO SCALE

Looking north on McDermott Rd at the bluff



Looking east and up the new road entry off McDermott

