



**Minutes
Spearfish Planning Commission Meeting
January 19, 2016 3PM**

The Spearfish Planning Commission met in regular session on Tuesday, January 19, 2016 at 3:00 p.m. in the council chambers of Spearfish City Hall. Members present: Toby Bordewyk, Dan Green, Ken Halsey, Greg Kruskamp, Bob Meyer and Larry Vavruska. Members Absent: None. Also present: City Planner Jayna Watson and City Attorney Eric Davis.

Chairman Bordewyk called the meeting to order at 3:00 p.m. Bordewyk noted for the audience that a revised agenda was distributed just prior to the meeting which contains a correction pertaining to the action requested for item #1. Additional copies of the revised agenda for the general public were placed on the podium.

APPROVAL OF MINUTES:

Halsey moved to approve the minutes of the Planning Commission meeting of January 5, 2016 as presented. The motion was seconded by Kruskamp and passed unanimously.

DECLARATION OF CONFLICTS OF INTEREST:

Bordewyk asked for any potential conflicts of interest to be identified. None were declared.

1. HOLD A PUBLIC HEARING FOR A CONDITIONAL USE PERMIT (CUP) FOR PRIVATE EDUCATION SERVICES.

Applicant: Jared Capp

**Location: Lots 6A-2 & 7C of Lot 6 and Lot 9A of Lot 9 of the Swisher Addition to the City of Spearfish/
609 Nellie Lane.**

For the record, Green, Meyer and Halsey each disclosed having been contacted by adjacent property owners regarding today's public hearing for a Conditional Use Permit (CUP) for private educational services at 609 Nellie Lane. Green and Meyer fielded telephone calls from members of the Running family who reported scheduling conflicts with today's public hearing and were seeking information about a continuance. Halsey disclosed that Gerald Johnson, owner of the property located at 240 Evans Lane, stopped by his home for a brief conversation on the proposed CUP.

The applicant, Jared Capp, appearing in person, presented a request for a Conditional Use Permit (CUP) to teach educational workshops on a 3-acre parcel in the Swisher Addition at 609 Nellie Lane during the summer months. The applicant has developed a curriculum that covers a variety of sustainability topics including alternative construction methods, zoning and building code compliance, natural building techniques using local, sustainable materials and alternative energy sources. The workshops will range in duration from 2 days to 10 days and the sessions will be conducted between the hours of 7 a.m. and 5 p.m. with the target audience being architects, engineers, builders and homeowners. The maximum number of participants on the property will not exceed twenty (20) persons. Because the instruction involves construction activity, some sessions will also take place on an actual jobsite.

City Planner Jayna Watson distributed copies of public comments directed to her which will be retained for the record and placed in the project file for 609 Nellie Lane.

Key issues identified by Watson include the number of workshop participants and levels of in-out traffic generated by the participants; temporary onsite unpaved parking; and, Mr. Capp's decision to allow limited onsite camping to interested participants. Watson noted, however, that city ordinance does allow camping in residential zones for up to ten (10) days. Verification has been received from the South Dakota Department of Health which finds that what the applicant proposes is not interpreted to be a campground which would require state licensure.

Watson referred the commission to the CUP Findings and Conditions of Approval reported in Attachment 6. As she briefed the commission on the findings for each Criteria 1 through 11, it was noted that Criteria 7, Item 2 should be corrected to read *"The use of the property for intermittent gatherings of fewer than 20 people by invitation only does not create a public safety issue."* Regarding Criteria #10, Watson stated the toilet facility on the property is a composting toilet which does have limitations. Mr. Capp will provide portable toilets on site when there are more than five (5) workshop participants. Staff recommends approval with seven (7) additional imposed Conditions of Approval.

At approximately 3:35 p.m., Mr. Bordewyk opened the public hearing.

The following individuals spoke in support of Mr. Capp's application for a Conditional Use Permit with the Conditions of Approval: Andy Johnson, resident of 610 Nellie Lane; Bonnie Klunder, resident of 625 Nellie Lane; Carson Wika, resident of 618 Nellie Lane; Dr. Bob McIntosh; Tobias Kaufman and Ellen DeVine. Gerald Johnson, owner of adjacent property located at 240 Evans Lane, was also present at the public hearing and informed the commission that Mr. Capp is already doing all the activities outlined in the CUP application. Watson explained that because Capp plans to pursue a commercial enterprise in an ag-zoned district, a Conditional Use Permit is necessary.

At this time, Watson addressed issues which had been submitted by Ms. Gebhardt and Ms. Running who were not able to attend today's public hearing.

Hearing no further comments from the audience and no objections from the Planning Commission, Bordewyk closed the public hearing at 3:56 p.m.

Meyer moved to approve a Condition Use Permit (CUP) for private educational services on an ag-zoned parcel located at Lots 6A-2 & 7C of Lot 6 and Lot 9A of Lot 9 of the Swisher Addition to the City of Spearfish proposed by the Applicant, Jared Capp, with the following conditions from the staff report plus added conditions 8 and 9 by the Commission:

Conditions of Approval:

- 1) Uses of the property shall be according to that described on the site plan attached to the Spearfish Planning Commission staff report of 1-19-2016.**
- 2) To mitigate the potential for the impact of outdoor use areas onto adjacent property, hours of workshop instruction shall be from 7am to 5pm.**
- 3) Workshops shall not exceed ten consecutive days.**
- 4) To mitigate the potential for the impact of outdoor use areas onto adjacent property and the potential for increased vehicular traffic in the neighborhood, a maximum of 20 workshop participants shall be permitted.**
- 5) To mitigate the potential for the impact of outdoor use areas onto adjacent property, camping and parking shall be limited to the areas shown on the site plan with a maximum of 15 people permitted to camp.**
- 6) To ensure that public services and utilities will be available to accommodate the proposed use, portable toilets shall be required when the size of the group exceeds 5 workshop participants.**
- 7) Handicapped access to workshop functions shall be provided when the participant requests such an accommodation to be provided by the applicant.**
- 8) No individual campfires will be allowed by workshop participants; and**

- 9) **A maximum of three (3) workshops per year are allowed, unless otherwise approved by the Planning Commission via a new public hearing.**

The aforementioned motion was seconded by Vavruska. Bordewyk asked Watson to speak to the transferability of a conditional use permit. CUP's are transferrable but it is important to remember the use criteria and any conditions of approval transfer along with it. **There being no further discussion, upon vote being taken thereon, the motion passed unanimously.**

2. SET A PUBLIC HEARING DATE FOR A TEXT AMENDMENT TO THE DEVELOPMENT REVIEW DISTRICT (DRD) TO MODIFY THE TEXT REGARDING CERTAIN USES.

Applicant: City of Spearfish
Location: Citywide, where DRD zoning exists.
Action: Set a public hearing date for February 2, 2016.

Watson referred the commission to the staff report which provides an explanation to the somewhat unusual timing of this matter due to the MLK holiday which postponed the city council's meeting to this evening.

Kruskamp spoke against changing the DRD zoning text to allow vehicle sales and building material sales types of land uses in the DRD. He is of the opinion that this area is not intended for recreational vehicle sales however, as residential construction continues to occur, there might be cause for a convenience store or coffee shop. The intent of the DRD zoning was to serve as a good screening tool. **Kruskamp moved, Halsey seconded and motion passed unanimously to set a public hearing for February 2, 2016, to amend the Development Review District (DRD) zoning text.**

3. ADJOURNMENT:

There being no further business to come before the commission, Meyer moved, Halsey seconded and motion passed unanimously to adjourn the meeting at 4:25 p.m.