



Planning Commission Minutes

The City of Sturgis Planning Commission held a special meeting on Wednesday, December 23, 2015 at 5:30 p.m. in the front conference room at Sturgis City Hall, 1040 Harley-Davidson Way, Sturgis SD.

Present: Commissioners Mack, Hughes, Treloar, Gerberding and Monahan.
City Council Liaison: Jason Anderson
Staff: City Manager and Planning Coordinator.

5:30 Call to order by Chairman Hughes

1. Plat and variances – Guy Edwards/Phil-Town Inn (continuation)

The applicant is requesting a split of parcel 01.61.00.0C9 located at 2431 Junction Ave. The parcel currently has one structure that houses both the Best Western hotel and Caddy's restaurant. The property split would create two parcels of land and would also separate the two businesses into individual properties.

Variance #1. Variance for 0 side setback and omission of a platted 8' utility easement along the property line in the Highway Service zone. The side setback would be considered the point along the property line where the two businesses share a common fire wall. This variance would be for both parcels following the split.

Variance #2. Variance for a shared ingress/egress (driveway) that would service both properties. This variance includes shared parking areas as noted on the plat. A parking agreement would need to be signed by all property owners regarding maintenance and authorization for joint use. The existence of this agreement would need to be noted on the plat and the agreement would need to be recorded so that it would appear on title searches.

Variance #3. Variance to the requirement for separate sewer lines to each property (requirement in both Zoning and Sanitation titles of the City Ordinances).

The City Manager provided an overview to the Planning Commission. The applicant was given a list of items that would need to be completed prior to re-platting when the original application was submitted in September. The list included completion of the firewall between the two businesses, a written agreement with the MUB for shared water services, agreement by private utility companies, separating the sewer lines and a written parking agreement between the new property owners. The list also included bringing existing code

violations into compliance. Those requirements were all met with the exception of the separation of the sewer line and final completion of the Parking Agreement. Because the sewer line is not being addressed due to cost, a variance is being requested. As part of the initial review for the sewer line variance, the City Attorney determined that the Planning Commission may not have authority to grant a variance to Title 11 which regulates Health & Sanitation (sewer line separation).

Following discussion with the applicant who was present, the Commission made the following recommendations:

Variance #1 zero side setback and waiver of the utility easement along the shared property line. A motion was made by Gerberding to approve. 2nd made by Monahan. All members voting to approve the motion and recommend approval of the variance.

Variance #2 Shared ingress/egress and shared parking areas. A motion to approve by Gerberding. 2nd by Mack. All members voting to approve the motion and recommend approval of the variance subject to completion of a signed Parking Agreement which can be recorded.

Variance #3 Shared sewer line. Due to the questionable authority of the Commission on this item, a motion was made by Mack to deny. 2nd by Gerberding. 3 members voting to approve the motion and deny the variance request. 2 members voting no on the motion. The motion to deny carried with a recommendation of denial going to the City Council. The Commissioners later stated that even if there was authority to grant a variance to the Title 11 Sanitation requirements, they did not believe that it was a wise course since it will very likely have a negative impact and cause frustration with future land owners and will likely become a precedent for other properties to seek to split a single structure into two separate properties.

Plat – Motion by Gerberding to approve the plat as presented. 2nd by Monahan. All members voting to approve the motion and recommend approval to the City Council (this would mean that the first two variances are approved and once the sewer line is split, the plat could be recorded).

There were no other items brought before the Planning & Zoning Commission by the public.

Meeting adjourned at 6:15.

Minutes are not considered official until approved by the Planning Commission.