



Spearfish Planning Commission Agenda

November 2, 2021 at 3:00 p.m.

**Meeting Location: City Council Chamber, 625 Fifth Street, Spearfish, SD
And Zoom Online Meeting**

Join Zoom Meeting

<https://us02web.zoom.us/j/81244138728>

Meeting ID: 812 4413 8728

Or Dial in:

1 253 215 8782 and enter Meeting ID

A. Call To Order

B. Roll Call

C. Approve the Minutes from October 5, 2021

D. Declaration of Conflicts of Interest

E. Items for Action

1. **Request:** Approve a conditional use permit for a two family dwelling with a shared wall on a common lot line
Location: 314 and 316 Peoria Street
Applicant: Mark Schwartz
Action: Set a public hearing for November 16, 2021

2. **Request:** Approve an exception to landscape points
Location: 3935 E Colorado Boulevard
Applicant: Shawn Darling
Action: Make a 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
Regular Session Minutes
October 5, 2021 at 3:00 p.m.

The Spearfish Planning Commission met in regular session on Tuesday, October 5, 2021 at 3:00 p.m. in the council chamber of city hall and via Zoom video conference. Chairman Bordewyk called the meeting to order at 3:00 p.m. Roll call was taken with the following members present: Toby Bordewyk, Meghan Byrum, Abe Kean, Bob Meyer, Larry Vavruska (agenda item 2 only), and Barbara Zwetzig. Absent: Greg Kruskamp. Also present: City Planner Jayna Watson

APPROVAL OF MINUTES:

Zwetzig moved, Kean seconded and all voted to approve the minutes of the September 7, 2021 Planning Commission meeting.

DECLARATIONS OF CONFLICTS OF INTEREST:

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

PUBLIC COMMENT:

No comments were provided.

CITY COUNCIL UPDATE:

Watson noted that there are minor revisions being done on the licensing ordinance for cannabis establishments. The Spearfish Creek pedestrian bridge at Jorgensen Park remains closed while an assessment is being done for how to repair the bridge.

- 1. Request:** Colorado Boulevard Land Use Plan
Location: East Colorado Boulevard Corridor
Applicant: City of Spearfish
Action: Provide Input

Watson provided an overview of the staff memo and the scope of work involved. Comments from the Planning Commission included to involve area land owner(s) and SD Department of Transportation staff in the study group. A draw of names resulted in Meghan Byrum to be the Planning Commission representative on the study group with Bob Meyer as an alternate. No action was taken.

- 2. Request:** Landscape Exception
Location: 3595 East Colorado Boulevard
Applicant: Shawn Darling
Action: Hold an on-site meeting

At approximately 3:20 p.m. Chairman Bordewyk announced that the meeting would move from City Hall to the above address for an on-site visit about this request noting the public is welcome to attend as the meeting is still in session. The Planning Commission arrived at 3595 East Colorado Boulevard at approximately 3:35 p.m. Watson provided an overview of the request and ordinance requirements. Shawn Darling presented his request. Following a tour of the property, a discussion was held concerning possible revisions to the landscape code, additional plant material to be added to the site, and watering methods. No action was taken.

- 3. Adjournment** - Bordewyk adjourned the meeting at 4:12 p.m.



Spearfish Planning Commission Staff Report
Meeting Location: City Council Chamber, 625 Fifth Street, Spearfish SD 57783
and by Zoom Teleconference, see page 3 for instructions to join.

Meeting Date and Time:

November 2, 2021 at 3:00 p.m.

Applicant:

Mark Schwartz

Request:

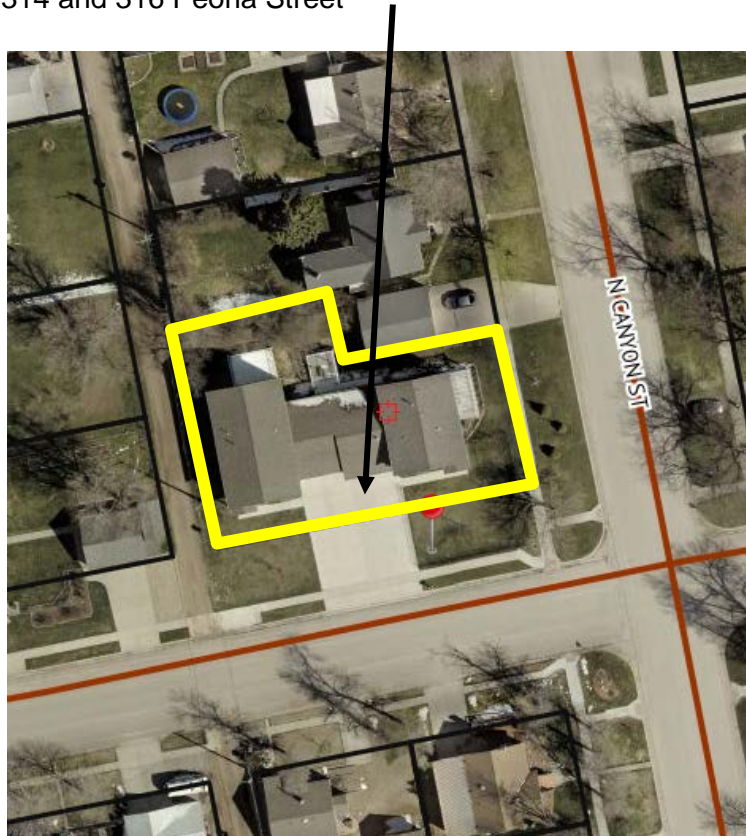
Approve a conditional use permit for a two family dwelling with a shared wall on a common lot line

Action:

Set a public hearing for November 16, 2021

Location:

314 and 316 Peoria Street



Proposal Summary: This will enable the property owner to divide this single lot along a shared common wall so that each dwelling unit may be sold separately.

BACKGROUND AND HISTORY:

- Zoned R-2, one and two family residential
- Property is a duplex on one lot and was built in this configuration in 2016 after the existing structure was demolished

The reason this request requires a conditional use permit is so that each lot can be restricted to one dwelling per lot once a final plat for each lot has been recorded. Without a CUP imposed restriction, each dwelling could be further remodeled to provide one additional unit on each lot, possibly resulting in 4 connected dwellings. While this satisfies the maximum number of units allowed on each lot, it would violate the total number of units allowed to be connected to each other in the R2 which is only a maximum of 2. This would also violate the building code since multi-family construction requirements are different than two family townhouse or duplex. To track this, the conditional use permit tool was created several years ago to limit the overall density on each lot to one dwelling.

PROJECT DATA:

The R2 standards governing this request are attached to the staff report with pertinent data highlighted.

Setbacks required/provided:

Lot 6A – Front 25 feet from both streets (corner lot); side 8 feet/8.3 feet and 0 where attached to lot 6B

Lot 6B – Front and rear 25 feet, side 8 feet/11 feet and 0 where attached to lot 6A

Lot size:

No minimum lot size is required since if a duplex is permitted on a standard lot, the placement of a lot line between the units makes lot size a moot point.

Lot 6A – 6003 square feet

Lot 6B – 5908 square feet

The R2 standards permit lot sizes for two attached dwellings to be less than 8,000 square feet.

Individual home square footage:

Lot 6A – 1810 square feet

Lot 6B – 2080 square feet

Parking required/provided: 2 off street parking stalls are required/provided for each dwelling.

Lot coverage maximum/provided:

Lot 6A – 40%/30%

Lot 6B - 40%/35%

Lot width required/provided:

No minimum since a duplex is permitted on a standard lot, the placement of a lot line between the units makes minimum lot width a moot point.

REVIEW CRITERIA AND STAFF ANALYSIS:

This request is guided by the Conditional Use Permit criteria. A complete analysis of the criteria and findings/conditions of approval will be provided in the next staff report, however the property meets all zoning ordinance and building code criteria to qualify for the approval.

PUBLIC COMMENTS:

Owners within 140 feet of the property will be notified of the public hearing via first class mail 10 days before the public hearing. The property will also have a notice sign posted on it and notice of the public hearing will also be published in the official newspaper, both 10 days prior to the public hearing.

STAFF RECOMMENDATION: Set a public hearing for November 16, 2021

ATTACHMENTS:

Page 4 – Aerial Map
Page 5 – Site Plan/sketch plat
Page 6 – R2 Zoning Standards

Staff Contact:

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

Join by zoom teleconference:

<https://us02web.zoom.us/j/81244138728>

Meeting ID: 812 4413 8728

Or Dial In: 1 253 215 8782 and enter Meeting ID



314 and 316 Peoria

Existing duplex proposed to be platted into two lots to enable a defined lot and legal description for each dwelling.

Section 3. R2 one- and two-family residential district.

Bold text = applicable code provisions to 314/316 Peoria Street C.U.P. request

A. *General description.* This is a residential district to provide for medium population density. The principal uses of land are for single-family detached and two-family attached dwellings.

B. *Primary uses permitted.* Property and structures in an R2 residential district shall be used for the following purposes:

1. Any use permitted in an R1 district. Maximum of two (2) detached dwellings per lot.
2. Two-family dwelling on one common lot.
3. Accessory structures and uses customarily incidental to a primary use when located on the same lot, after the primary use has been established.
4. Home Occupation Type 1 where fifteen percent (15%) or less of the floor area of the structure is dedicated to the home occupation.

5. Photovoltaic (PV) systems.

C. *Uses eligible for a conditional use permit.* Conditional use permits may be granted to properties for the following land uses:

1. Bed and breakfast.
2. Cemetery.
3. Child care center.
4. Church or place of worship.
5. Group home.
6. Historic monument/place.
7. Home Occupation Type 2 with greater than fifteen percent (15%) of the floor area of the structure dedicated to the home occupation.

8. Personal services.

9. Publicly owned structure/facility/park.

10. Office.

11. Privately owned recreational use.

12. Private school or educational service.

13. Public utility substation.

14. Retail.

15. Two-family dwellings having a shared wall at a common lot line, according to the criteria in paragraph D.

16. Telecommunications facilities.

D. *Area regulations.* All setbacks shall be measured from the property line.

1. Front setback.

a. Twenty-five (25) feet.

b. If a lot abuts a one-hundred (100) foot wide public right-of-way, the front setback may be a minimum of twelve (12) feet and provided that a garage door facing the street is a minimum of twenty (20) feet from the public sidewalk.

2. Side setback.

a. Primary uses, eight (8) feet; five (5) feet if platted prior to April of 1980.

b. Unattached structures of accessory use, five (5) feet.

c. Two-family dwelling per paragraph C.15, zero (0) feet at property line where dwellings attach, eight (8) feet from outside lot lines which may be approved at five (5) feet if applicant can demonstrate that adequate provisions are made for drainage and maintenance.

3. Rear setback.

- a. **Twenty-five (25) feet;**
 - b. Unattached structures of accessory use, five (5) feet.
- 4. Minimum lot width.
 - a. Seventy-five (75) feet at the front setback line. Lots platted before April 1980 are not subject to this requirement.
 - b. **Two-family dwelling per paragraph C.15. No minimum.**
- 5. Maximum number of dwellings per lot.
 - a. Primary uses - two (2).
 - b. **Conditional use permit uses - one (1).**
- 6. Minimum lot size.
 - a. Eight-thousand (8,000) square feet.
 - b. **Two-family dwelling per paragraph C.15, no minimum lot size.**
- 7. **Maximum number of attached dwellings - two (2).**
- 8. **Maximum lot coverage - Forty percent (40%).**
- 9. Maximum structure height:
 - a. **Thirty-five (35) feet.**
 - b. Accessory structures shall not exceed fifteen (15) feet.
- 10. **Off-street parking and loading requirements. As regulated in Article V, Sections 3, 4 and 5 (2 stalls per dwelling required)**



Spearfish Planning Commission Staff Report
Meeting Location: City Council Chamber, 625 Fifth Street, Spearfish SD 57783
and by Zoom Teleconference, see page 3 for instructions to join.

Meeting Date and Time:

November 2, 2021 at 3:00 p.m.

Applicant:

Shawn Darling

Request:

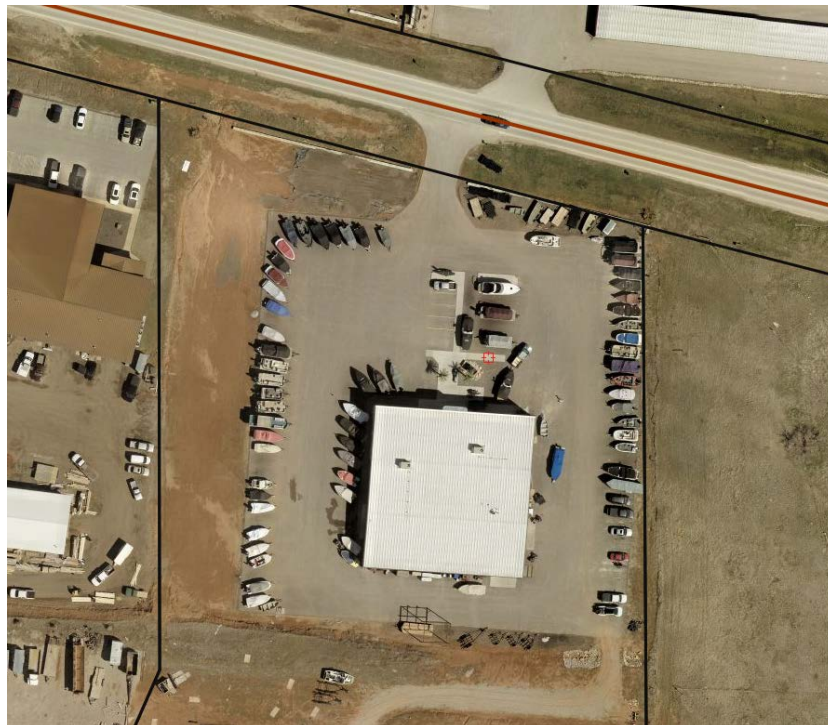
Approve an exception to landscape requirements per Chapter 19 of City Code

Action:

Make a recommendation to City Council

Location:

3935 E Colorado Boulevard



Proposal Summary: This request will enable the owner to reduce the landscape required.

BACKGROUND AND HISTORY:

- Property was developed in 2018 as a boat dealership
- Applicant installed a portion of the required plant material in the last year

ORDINANCE REQUIREMENTS:

Site development area	125,700 square feet
<u>Building footprint</u>	<u>- 13,000 square feet</u>
Required points	112,700 points

Points are based on a table that describes plant material choices, see page 4 of the staff report.

The applicant proposes a total of 25,250 points be approved for the property, which represents a 78% reduction in the required plant material. As of this writing, 14,750 points exist and another 10,500 are proposed to be added: 4 trees (2000 each) and 10 shrubs (250 each).

REVIEW CRITERIA AND STAFF ANALYSIS:

Since the last meeting, the applicant has requested to be considered under an *exemption* from a section of the code that pertains to planter islands for parking lots having 50 or more spaces. This provision simply designated places where the landscape points must be located. This is not a separate requirement. Further, Staff's interpretation is that this requirement and *exemption* only applies to dealers of passenger cars and trucks, and is not interpreted to apply to any other type of vehicle unless the Planning Commission wished to interpret the ordinance to include boats, RVs, ATV's, etc. The full text of the landscape section 19.102 is attached starting on page 4.

The intent of the landscape requirements in chapter 19 of city code are described below:

Sec. 19-100. Purpose.

The purpose of these regulations is to provide for the orderly, safe, healthful and aesthetic development of the city and to promote the health, safety and general welfare of the community. The objectives of these regulations are as follows:

- (1) To aid in regulating and controlling vehicular and pedestrian circulation in parking areas;
- (2) To enhance the environmental and aesthetic conditions of the community;
- (3) To protect and enhance the value of property and to provide wildlife habitat;
- (4) To reduce heat and noise, wind and air turbulence, and the glare of sunlight and vehicle lights, erosion and air pollution.

This section of the allows exceptions to be granted when conditions can be met:

Sec. 19-106. Exceptions. The common council, upon the recommendation of the planning commission, shall have the power to grant exceptions in special cases where there are unusual and practical difficulties or unnecessary hardships created in meeting the requirements of these regulations. The guidelines to be used in determining whether a variance should be granted are as follows:

(1) That the hardships or difficulties of meeting the requirements of these regulations are peculiar to that property, and not general in character.

(2) Financial hardship due to meeting the requirements of these regulations is not sufficient to show unnecessary hardship, unless the financial difficulties amount to confiscation of property.

Upon a review of the site, there remains several locations on the property where new plant material can be added along the west property boundary and along the Colorado Boulevard frontage. Staff does not support the amount of reduction in landscape plant material for the following reasons as guided by 19-106:

- There are not any conditions on this parcel that present a hardship or difficulty in meeting the points. All businesses must provide landscape plant material per the code.
- The applicant stated in the October 5 meeting that they have difficulty in delivering water to the plant material, and that the plant material will block visibility of inventory. Neither of these are a possible justification for the landscape reduction that is requested.

A reduction in plant material is generally reserved for when the intent of the code has been met. Staff's opinion is that reducing the points by 78 percent does not serve the intent as described by 19-100, especially paragraph 2 concerning environmental and aesthetic enhancement of the community.

STAFF RECOMMENDATION: Deny the request as submitted and direct the applicant to re-submit a landscape plan consistent with the intent of the ordinance.

ATTACHMENTS:

Page 4 – Section 19-102 – Landscape Requirements

Page 6 – Applicant's narrative

Staff Contact:

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

Join by zoom teleconference:

<https://us02web.zoom.us/j/81244138728>

Meeting ID: 812 4413 8728

Or Dial In: 1 253 215 8782 and enter Meeting ID

Sec. 19-102. Landscape requirements.

The following requirements are considered to be minimum and shall be approved on the basis of a landscape plan submitted by the applicant to the building official, accompanied, when required, by a guarantee approved by the city attorney, and installed as per the approved plan:

(1) The amount and type of material shall be based on a point system determined by the square footage of a lot not covered by a building. In phased development, the planning commission shall determine lot area for the purpose of this article. Trees, shrubs, grass and ground cover, both existing and proposed, shall receive points towards landscape requirements according to the following table:

LANDSCAPE MATERIAL POINTS TABLE			
	New landscape material points	Existing Mature Landscape Material (Points)	
Large trees	A minimum mature spread of 45 feet. Conifers which reach a mature height over 20 feet	2000	5000
Medium trees	A minimum mature spread of 25 feet. Conifers reaching a mature height of at least 20 feet	1000	2500
Small trees	A minimum mature spread of 15 feet. Conifers reaching a mature height of less than 3 feet	500	1500
Shrubs	A minimum mature height of 2 feet	250	500
Live ground cover	1 square yard	100	300
Grass	1 square yard	10	10
Opaque hedge	Minimum 15 lineal feet, minimum 5 feet in height	500	1000

EXAMPLE:

Lot = 20,000 square feet
 Structure = 7,000 square feet
 20,000 square feet
-7,000 square feet
 = 13,000 square feet not covered by a building
 13,000 points of material needed

Possible solution to required points:

4 new large trees @ 2000 points each = 8000 points
 20 new small shrubs @ 250 points each = 5000 points
 TOTAL = 13,000 points

Applicant requests this provision be applied

(2) In large parking lots of fifty (50) spaces and more, interior planter areas shall be provided at a ratio of two hundred (200) square feet for every fifty (50) spaces, shall contain trees and shrubs.

Exception: Upon application, new and/or used vehicle dealer lots may be exempted in whole or in part, by the planning commission.

(3) To prevent traffic hazards, landscaping in sight triangles required by the zoning ordinance (ten (10) feet at accessways, thirty (30) feet at the intersection of two (2) or more rights-of-way) shall provide unobstructed cross-visibility level between three (3) and six (6) feet.

(4) Maintenance: The owner of the building or his manager or agent shall be responsible for the maintenance of all landscape areas which shall be maintained so as to present a healthy, neat, and orderly appearance at all times and shall be kept free from refuse and debris. Maintenance shall include the replacement of all dead plant material.

(5) If at the time of final inspection all the requirements of these regulations have not been satisfactorily completed, a certificate of occupancy shall not be issued unless a guarantee has been provided.

(Ord. No. 698, 3-18-91)

www.RECSTATION.net

3595 E. Colorado Blvd.

Spearfish, SD 57783

(605) 717-4FUN

10/12/21

Attn: City of Spearfish Planning Commission

RE: Landscaping at Recreation Station

Planning Commission:

Thank you for the on-site meeting last week to view our situation. It was nice to hear your opinions. I really liked the idea to add some type of drip line, which seems a lot more feasible than hand-watering or installing underground sprinklers. Please see our letter dated 8/18/21 explaining other hardships we face on the property.

One of the ideas was to add a hedge across the front of the property. Sec. 19-102 calls for that hedge to be 5' tall, and being that the road is already approximately 5' lower, that would greatly hamper our drive-by visibility. I have found that I can gain the same number of points with adding (4) trees as with 250' of hedge.

What we intend on doing in the near future:

1. Adding (4) more trees.
2. Watch and replace any trees that do not survive (so far, doing OK!).
3. Replace any/all Lilacs that did not survive which will create over 100' of hedge.
4. Replace the shrubs in the North lot with something heartier that will hopefully do better there. Quantity: 6. Type TBD by nursery.
5. Add to the number of shrubs in the right-of-way where we hopefully won't have to worry about them being dug up by utility companies. Quantity: 4.
6. Re-color/stain our concrete retaining walls.
7. Asphalt Pitch-Black re-seal in September. Done.
8. Maintain all landscaping going into the future.

We are asking that you approve our landscaping per this letter, and per:

Sec. 19. Exception: Upon application, new and/or used vehicle dealer lots may be exempted in whole or in part, by the planning commission.

And,

Sec. 19. Exceptions. The common council, upon the recommendation of the planning commission, shall have the power to grant exceptions in special cases where there are unusual and practical difficulties or unnecessary hardships created in meeting the requirements of these regulations. The guidelines to be used in determining whether a variance should be granted are as follows:

- (1) That the hardships or difficulties of meeting the requirements of these regulations are peculiar to that property, and not general in character.

Thank you for your time and consideration.

Sincerely,

Shawn Darling President, Recreation Station, Inc.