



LAWRENCE COUNTY
SOUTH DAKOTA
"Where Beauty and Adventure Meet"

Planning & Zoning Staff Report

Date of PZ Meeting: May 5, 2022 @ 1:30 p.m.

Date of CC Meeting: May 24, 2021 @ 9:45 a.m.

Prepared by: Amber Vogt, P & Z Director

OVERVIEW:

PUBLIC HEARING: CUP # 62-22 **APPLICANT:** Old Belle Road Enterprises LLC **LEGAL DESCRIPTION:** Tract 1 of the Rizzi sub located in the SE¼ NE ¼ and NE ¼ NE ¼ of Section 32, T7N, R2E **VICINITY LOCATION:** Old Belle Road **SUMMARY:** Amend existing CUP to add Tract 1 to Tract A2 as an additional space for outdoor storage for campers and trucks. **APPROVAL/DEFERMENT:** 24000-00702-321-65 **ACTION REQUIRED:** Approval/Deferral

Links to Documents:

- [CUP 62-22 Application.pdf](#)
- [CUP 62-22 Amended Application.pdf](#)
- [CUP 62-22 Plat.pdf](#)
- [CUP 62-22 Exhibit A.pdf](#)



SUMMARY/INFRASTRUCTURE:

The original applicant (Arnio) had CUP #62 since November 2018 for outdoor storage and maintenance building for use in the operation of a business. The request was approved as an amendment to the original CUP to update the legal description. The request was to change the boundary of the parcel to 10 acres; add construction business; rental of garages, units for campers, etc. The new legal description would be the North ½ of the NE ¼ all in Section 32, T7N, R2E. This new proposal includes the legal description as listed above, but it will continue to be used for the same purpose.

This parcel of land is located within the City of Spearfish and is also contemplated for commercial development in the following: "Considering the concentration of population in the area, land uses such as schools, churches, commercial services are intended for this area and are currently planned within the Reserve master plan. If additional lands need to be considered for commercial use, they should be oriented toward major streets and away from locations where traffic impacts, noise, and activity would be incompatible with the adjacent properties." The above property was specifically mentioned in the Old Belle Road Study as being a use already in effect on this parcel.

STAFF RECOMMENDATION:

After reviewing the Comprehensive Plan, the Zoning Ordinance and the Old Belle Road Study Area staff recommends approval of CUP #62-22 with the change to the additional acreage as described above and to continue the land to be used for a parking area for outside storage of campers, etc.

PROPOSED CONDITIONS:

1. The owner and operator shall comply with all applicable County, State, and Federal regulations regulating the business.
2. The applicant shall be required to obtain a South Dakota Sales Tax License.
3. The lot shall be kept in a neat and in an uncluttered fashion. No scrap metal shall be allowed to be stored onsite.
4. No overnight stays shall be allowed in the storage areas. Campers, RV's Boats etc shall be kept in an uncluttered fashion.
5. If a water system is developed it will comply with jurisdictional authority and codes.
6. If a connection to the City of Spearfish sewer is proposed, the owner of the CUP shall be responsible for coordinating a request to the City of Spearfish for their review.
7. All access shall be approved by the Lawrence County Highway Superintendent.
8. Any new construction and moving of buildings onto the property shall require a building permit from the City of Spearfish and shall comply with all adopted codes.
9. One sign shall be allowed on-site to advertise the approved business according to the Lawrence County Sign Regulations.
10. Litter containers, including dumpsters or trash cans, shall have lids and be strategically placed in and around the building. All trash containers shall be emptied on a regular basis.
11. All noxious weeds shall be controlled within the lot per the Lawrence County Weed Department regulations.
12. The applicant shall submit a light fixture cut sheet (a page from the manufacturer's brochure or catalog) which will show the exterior lighting plans for the property. All lighting shall be "downthrow" lighting.
13. Any loading and unloading activities shall comply with the Lawrence County Zoning Ordinance.
14. This CUP is subject to transfer only upon the approval of the County Commission. It is the duty of the permit holder(s) to promptly notify the Planning and Zoning Office of any change of property ownership.
15. This permit shall be reviewed on an annual basis or on an as-needed basis to assure compliance with the attached conditions, at which time additional conditions may be attached or the permit may be canceled if deemed necessary for the protection of the public interest.
16. If any term, condition or regulation stipulated in the Conditional Use Permit, the Lawrence County Zoning Ordinance or applicable state and federal regulations are not fully complied with in all respects, this permit shall be reviewed and may be suspended or revoked.
17. Use of the private road, Vista Hills Place will not be allowed for commercial entry/exit.
18. All lighting will be reviewed and will be "downthrow" lighting.

BOARD & COMMISSION RECOMMENDATIONS:

P & Z: May 5, 2022 There will be no new entrances to the property. Vogt shared two letters that had been submitted by Erica Bussiere and Jay and Beth Crotty.

Proponents: Mr. Delahoyde stated that he is working with the Sheriff's Dept. on security. He said the City of Spearfish originally called him to see if he would be expanding to offer service for residents due to the new City ordinance that does not allow parking RVs on the street inside the city anymore. He added that he regularly sprays for weeds.

Opponents: Erica Bussiere, 3915 Gallatin Ave, shared concern about the lighting and visual buffer for the development across the street. She also has submitted a letter.

Jay Crotty, 3907 Gallatin Ave, voiced concern over lighting and dust on Vista Hills Place. He requested that no tractor-trailer parking be allowed due to noise and dust. His wife Beth shared worry about the weed spray drifting to the residences across the street.

Proponents: Delahoyde said that he will address the lighting issue and has not received any direct complaints from anyone. He added that most of the tractor-trailer parking rentals he has are from residents of the same subdivision across the street. He does use mag to keep the dust down on the property.

Opponents: Beth Crotty, 3907 Gallatin Ave, feels that a business like this will have a negative impact on home values. Her husband Jay suggested a different type of parking cover to help with dust.

Discussion: The Board recommended adding trees as a visual buffer and using millings in the parking area.

Vogt shared that the City of Spearfish has done a night sky review as part of the original submittal, but we could request it be reviewed again. Moved-Seconded (Allen-Schenk) motion to Approve CUP Amendment #62-22 with the addition of conditions that there will be no use of the private road, Vista Hills Place and that lighting will be reviewed per Lawrence County Zoning Ordinance Chapter 19. Motion Carried

CC PH: May 24, 2022 @ 9:45 am

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