

CITY OF DEADWOOD

PLANNING AND ZONING COMMISSION

March 7, 2012

JOINT MEETING

The Joint Meeting of the Deadwood Planning and Zoning Commission was called to order by Chairperson Jim Shedd on Wednesday March 7, 2012 at 5:00 p.m. in the Deadwood City Hall Meeting Room located at 102 Sherman Street, Deadwood, SD 57732.

PRESENT PLANNING & ZONING: Jim Shedd, Marie Farrier, Sheree Green and Mark Speirs.

ABSENT PLANNING & ZONING: Mel Allen.

PRESENT BOARD OF ADJUSTMENT: Mayor Francis Toscana, Georgeann Silvernail, Joe Peterson, Gary Todd and Jim Van Den Eykel. Also Present: Jason Campbell, City Attorney.

All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES:

It was moved by Mr. Speirs and seconded by Ms. Farrier to approve the minutes of the February 15, 2012 Meeting. Aye - All. Motion carried.

CONTINUED FROM FEBRUARY 15, 2012 - DEADWOOD EXPRESS (KLK VENTURES)

Mr. Keith Umenthum stated that the application had been withdrawn.

CONTINUED FROM FEBRUARY 15, 2012 - CANYON VIEW AMISH FURNITURE AND GIFT STORE (GARY SCHMALTZ)

Mr. Umenthum stated that the applicant requested the sign permit be continued until the March 21, 2012 meeting.

It was moved by Mr. Speirs and seconded by Ms. Green to continue the sign permit application for Canyon View Amish Furniture and Gift Store (Gary Schmaltz) until the March 21, 2012 Meeting. Aye - All. Motion carried.

CENTURYLINK - 644 MAIN STREET

Mr. Umenthum stated that the applicants were requesting permission to replace an existing wall sign at 644 Main Street. Mr. Umenthum stated that the signage would be 8'x 2' or 16 square feet and made of painted aluminum. The sign would replace the "Qwest" sign and no variances were needed. Staff recommended approval of the sign permit.

It was moved by Ms. Farrier and seconded by Mr. Speirs to approve the sign permit application for Century Link at 644 Main Street. Aye - All. Motion carried.

Mr. Speirs questioned if the sign contractor, Rosenbaum Sign would be penalized for placing the sign before the application had been approved. Mr. Umenthum stated that the sign had been removed until the application had been reviewed by Planning & Zoning. Mr. Campbell stated that because they had taken the sign down no further action would be taken against the contractor or applicant.

BLACK HILLS HARLEY DAVIDSON - 696 MAIN STREET

Mr. Umenthum stated that the applicants were requesting permission to move an existing projecting sign at 645 Main Street to the new location of the Black Hills Harley Davison at 696 Main Street. Mr. Umenthum stated that the signage would be 4'x 3' or 12 square feet and made of painted wood. The sign complies with the Sign Ordinance and staff recommended approval of the sign permit application.

It was moved by Mr. Speirs and seconded by Ms. Green to approve the sign permit application for the relocation of a sign for Black Hills Harley Davidson at 696 Main Street. Aye - All. Motion carried.

PUBLIC HEARINGS:

REQUEST FOR A 15' VARIANCE FROM SECTION 17.40.040.B - FRONT YARD SETBACK REQUIREMENTS AND 4' 1/4" VARIANCE FROM SECTION 17.40.040.E - HEIGHT REQUIREMENT OPTIMA LLC 322 MAIN STREET

Mr. Robert Nelson, Zoning Administrator, reviewed the following Staff Report:

STAFF REPORT
REQUEST FOR VARIANCE
FROM CHAPTER 17.40
SECTION 17.40.040.B and E

APPLICANTS: OPTIMA LLC

SIZE AND LOCATION: The parcel of land located at 322 Main Street consisting of 2.69 + acres.

ADDRESS: 322 Main Street

LEGAL DESCRIPTION: Tract B-3 being a portion of MS 335 and of MS 308 and of Lots 8, 9, and 10 in Block A of Noble's Addition and of a portion of Tract 1 of MS 1054, all located in the N1/2 of Section 23, T5N, R3E, BHM, City of Deadwood, Lawrence County, South Dakota, as set out in Plat document No. 2006-6964.

ZONE: CH – Commercial Highway District

REQUEST: OPTIMA LLC has applied for a fifteen (15) foot variance from Section 17.40.040.B - Area and Bulk requirements, Front Yard Setbacks and a seven (7') foot four and one-quarter (4 1/4") inch variance from Section 17.40.040.E – Area and Bulk requirements, Height Requirement.

EXISTING ZONING AND LAND USE: The property is currently zoned CH – Commercial Highway District. The land is currently being used for a parking lot for a hotel, restaurant, and gambling hall.

ADJACENT ZONING AND LAND USES: The property to the north is zoned CH – Commercial Highway District, parking lot and vacant land. The land to the south is zoned PU – Public Use District, a recreational trail. The land to the east is zoned PU – Public Use District, a public sports complex. The land to the west is the zoned CH – Commercial Highway District, a hotel, gambling hall and restaurant.

BACKGROUND: OPTIMA LLC has requested variances from the Front Yard Setback Requirement of fifteen feet and the Height Requirement of forty-five feet in CH – Commercial Highway Zoning.

The request is for a fifteen foot variance from the Front Yard Setback and a seven foot four and one-quarter inch variance from the Height Requirement. OPTIMA LLC is proposing the construction of a four story hotel and meeting facility with a large pool area. The proposed hotel previously had been approved through Deadwood's Historic Preservation Commission but will have to go through the review process again on March 14, 2012 because of some minor changes and time from approval to starting the project. As proposed the front of the pool room would be on the front lot line, however there would still be approximately 14' of land between the building and the roadway. The height of the building will appear to be shorter when looking at the skyline of the building in comparison to the existing building at 360 Main Street. The topography of the existing lot at 322 Main Street is lower than the adjacent property which makes the proposed building taller than the existing building at 360 Main Street.

Environmental Corridor Status: The property is located outside of the Flood Area.

COMPLIANCE:

1. The Zoning Officer provided notice identifying the applicant, describing the project and its location and giving the scheduled date and time of the public hearing in accordance with Section 17.80.010.B of the City of Deadwood Code of Ordinances. This notice was mailed to property owners within 300 feet of the subject property.
2. A sign was posted on the property for which the request was filed as required by Section 17.80.010.B of the City of Deadwood Code of Ordinances.
3. Notice of the time and place for the public hearing was published ten (10) days in advance of the hearing in the designated newspaper of the City of Deadwood as required by Section 17.80.010.B of the City of Deadwood Code of Ordinances.

VARIANCE: The purpose of a variance is to modify the strict application of the specific requirements of this Ordinance in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional (Amended 99-952) conditions, whereby, such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his or her land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his or her lot as the Zoning Ordinance intended.

The Board shall consider and decide all applications for variances within 30 days of such public hearing and in accordance with the standards provided below.

STANDARDS FOR VARIANCES: In granting a variance, the Board shall ascertain that the following criteria are met, and presented at the public hearing or otherwise included in the record.

1. A variance may be appropriate where, by reason of exceptional narrowness, shallowness, or shape or by reason of other exceptional topographic conditions or other extraordinary conditions on a piece of property, the strict application of any regulation enacted under this Ordinance would result in peculiar, exceptional, and undue hardship on the owner of the property. The previously mentioned circumstances or conditions shall be set forth in the Findings of the Board. The shape of the lot in this case does not impact the use of the property in question. The request for variance is to maximize the flat portion of the property. The lot is not irregular in shape but the topography of the parcel of land does hinder its use.
2. Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested. The subject use is a use by right in the CH – Commercial Highway District.
3. Any variance granted under the provisions of this section shall be the minimum adjustment necessary for the reasonable use of the land. That within the intent and purposes of this application for variance, if granted, the minimum adjustment necessary to afford relief or the reasonable use of the land should be considered along with the required number of parking spots throughout the property along with the number of parking spots currently and reasonable use of the property. The height variance is being requested for several factors including floor levels in relation to the adjacent building, construction methods, and site restrictions.
4. The granting of any variance is in harmony with the general purposes and intent of this Ordinance and will not be injurious to the neighborhood, and/or detrimental to the public welfare, or in conflict with the established policies of the City of Deadwood. The granting of the variances in review have no evidence that they will be injurious to the neighborhood. The proposed structure will not be detrimental to fire safety, clearance, preservation of light and open space.
5. There must be proof of practical difficulty, which may be based upon sufficiently documented economic factors but such proof shall not be based solely upon or limited to such economic factors. Furthermore, the hardship complained of cannot be self-created; nor can it

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be established on this basis by one who purchases with or without the knowledge of the restrictions; it must result from the application of this Ordinance; it must be suffered directly by the property in question; and evidence of variance granted under similar circumstances shall not be considered.

The applicant must show practical difficulty to grant the variances and not be based solely on economic factors. Ownership or representatives for the ownership will be present at the hearing to answer questions in regards to hardship. As well they have provided this office with some of the reasons for the variance requests and they are as follows:

- 1) Underground Parking - not just to help with parking for Deadwood, but the need for a dedicated lot for the project. As the grade falls away to the North, about half of that level becomes uncovered resulting in a taller structure - but just on the North end.
- 2) Site restrictions - due to the narrow site created by the hill side to the West, and the property line being located so far off the street to the East, we are requesting to build to the East lot line for the structure to function properly.
- 3) Function - as the two structures are sharing a common stair tower (SpringHill Suites and Cadillac Jack's) it is necessary for the floors of both hotels to line up with stair landings.
- 4) Visually - We were able to lower the entire structure by 4'-8" so that visually it will read as being shorter than Cadillac Jack's. However, due again to the grade falling away to the North, we will still require a variance. We've also designed a pool structure in front of the North end of the building to help break up the facade and give the appearance of stepping up the hillside.
6. That the proposed variance will not impair an adequate supply of light and air to adjacent properties, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood. The proposed variances will not impair an adequate supply of light and air to adjacent properties. The proposed hotel is designed to have a buffer between it and the nearest residence and the entrances appear to be designed to allow for efficient traffic flow.
7. The fee, as adopted by resolution, was paid to the Zoning Administrator as agent for the Board to cover the costs of notices and other expenses incidental to the hearing. OPTIMA LLC has paid the \$75.00 fee to process the variance and have the public hearing.
8. The applicant has proven that he or she is the owner of the property, or is his or her officially designated agent and has presented proof thereof. OPTIMA LLC has proven to the City of Deadwood Planning and Zoning office that it is the current owner of the subject property.

Requirements for the Granting of a Variance:

Before the Board shall have the authority to grant a variance, the person claiming the variances has the burden of showing:

1. That the granting of the permit will not be contrary to the public interest;
2. That the literal enforcement of the Ordinance will result in unnecessary hardship; and,
3. That by granting the permit, substantial justice will be done.

A variance shall be null and void two (2) years from the date it is granted unless completion or substantial construction has taken place. The Board of Adjustment may extend the variance for an additional period not to exceed one (1) year upon the receipt of a written request from the applicant demonstrating good cause for the delay.

If upon review by the Zoning Administrator, a violation of any condition, imposed in approval of a variance is found, the Administrator shall inform the applicant by registered mail of the violation and shall require compliance within sixty (60) days, or the Administrator will take action to revoke the permit. The Administrator's letter, constituting Notice of Intent to Revoke Variance may be appealed to the Board of Adjustment within thirty (30) days of its mailing. The Board of Adjustment shall consider the appeal and may affirm, reverse, or modify the Administrator's Notice of Intent to Revoke. The applicant must comply with the Board of Adjustment's Order on Appeal of Notice of Intent to Revoke Variance within thirty (30) days of the Board's decision.

ACTION REQUIRED:

1. Recommendation by Planning and Zoning to approve/deny/approve with conditions a fifteen (15) foot variance from the front yard setback requirements in the CH – Commercial Highway District and a seven (7) foot four and one-quarter (4 ¼) inch variance from the height requirements in the CH – Commercial Highway District.
2. Approve/deny/or approve with conditions from Board of Adjustment.

Mr. Nelson stated that the height of the building will appear to be shorter when looking at the skyline of the building in comparison to the existing building at 360 Main Street however the topography of the existing lot at 322 Main Street is lower than the adjacent property which makes the proposed building taller than the existing building at 360 Main Street. He explained that the highest point was located on the north corner of the proposed building.

Mr. Cameron Lund of Lund Associates presented a presentation of the proposed Springhill Suites project. Mr. Lund explained a brief history of the project from the first design that resulted in a lawsuit to the current proposed smaller design.

Mr. Lund explained that after consulting with structural engineers and assessing the topography the need for the variances was discovered. He explained that they lowered the proposed building approximately 4' 8", therefore lowering the drive-up grade to the building to ten percent.

He noted the lower retaining wall design that would make the building more visible but pointed out that the building is setback from the highway.

Ms. Farrier asked Mr. Lund to explain the proposed 15' variance. Mr. Lund explained that due to the proposed construction of the retaining wall, to be placed 16" from the property lot line, a 15' variance was needed.

He noted that approval for variances from Planning & Zoning had been received in May of 2011 however the design had changed slightly creating a need for the proposed variances.

Mr. Speirs questioned if there would be a visual barrier between the properties adjacent to Farris' home. Mr. Lund stated that there would be a privacy fence built.

Mr. Todd questioned why the City of Deadwood Zoning Ordinances were not taken into consideration when designing the proposed structure therefore creating the need for variances.

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Mr. Lund replied many designs were taken into consideration; however, the hillside posed a problem with design.

Ms. Farrier questioned if Staff recommended approval. Mr. Nelson stated that the lot line does pose a problem with designing in the parameters of the Zoning Ordinance and stated the design makes sense to align the buildings.

Ms. Green questioned if any comments were received from adjacent landowners. Mr. Nelson stated that no comments were received. Mr. Speirs questioned Mr. Farris if he had any problem with the proposed structure. Mr. Farris stated that the project did not bother him and questioned where the swimming pool would be placed.

Mr. Matt Pike questioned if the setback was needed because ownership wanted a pool. Mr. Lund stated that a pool was required due to the Marriot/Springhill Suites flagship. Mr. Pike questioned if the height variance was required because the flagship required that amount of suites. Mr. Lund stated that the amount of rooms was not the reason for the height variance; it was because they were tying into the stairwell of the existing building. Mr. Pike questioned that if they took the top floor of the proposed building a height variance would not be required. Mr. Lund stated that if they took away the top level the project would not be feasible.

Mr. Speirs stated that he liked the sightlines of the project and that the building is setback and would not be exposed to the elements, such as mud or snow, coming off the highway. Mr. Lund stated that losing the unsightly retaining wall in the design helped to create a better sightline. Mr. Speirs noted that he heated sidewalks would help with patrons.

It was moved by Mr. Speirs and seconded by Ms. Green to the approve the fifteen (15) foot variance from the front yard setback requirements and a seven (7) foot four and one-quarter (4 1/4) inch variance from the height requirements. Aye - All. Motion carried.

Mr. Shedd closed the Planning & Zoning Meeting.

Mr. Toscana opened the Board of Adjustment.

Mr. Todd questioned if the Historic Preservation Commission would review the project. Mr. Toscana stated that the next step in the process would require the project to be reviewed by the Historic Preservation Commission (HPC) and that the Planning & Zoning Commission's approval does not bind the approval of the HPC.

It was moved by Ms. Silvernail and seconded by Mr. Van Den Eykel to follow the recommendation of the Planning & Zoning Commission to approve the fifteen (15) foot variance from the front yard setback requirements and a seven (7) foot four and one-quarter (4 1/4) inch variance from the height requirements. Aye - All. Motion carried.

Mr. Toscana closed the Board of Adjustment and turned the meeting over to the Planning and Zoning Commission.

REQUEST FOR A CHANGE OF LOCATION FOR A CONDITIONAL USE PERMIT FOR A TATTOO AND PIERCING STUDIO TATTOOED LIFE RADIO INC. / DAN COLLINS 134 SHERMAN STREET

Mr. Robert Nelson, Zoning Administrator, reviewed the following Staff Report:

STAFF REPORT
PLANNING AND ZONING
AMENDMENT TO EXISTING CONDITIONAL USE PERMIT

APPLICANT:	Tattooed Life Radio Inc. / Dan Collins
PURPOSE:	Change Location of an existing Conditional Use Permit
LEGAL DESCRIPTION:	Lots 2, 4, 6, and 8 Block 37 Original Town Deadwood, South Dakota
ADDRESS:	134 Sherman Street
ZONE:	C1 - Commercial District
FILE STATUS:	All legal obligations have been completed.

STAFF FINDINGS:

Surrounding Zoning:	Surrounding Land Uses
North: C1 - Commercial District	Parking Lot / Vacant Building
South: C1 - Commercial District	Retail Businesses
East: PU - Public Use	Gordon Park
West: C1 - Commercial District	Parking / Vacant Building
R-1 - Residential District	Water Street

SUMMARY OF REQUEST

The petitioner has submitted a request for an amendment to an existing Conditional Use Permit for a Tattoo and Piercing Studio. The amendment would consist of moving the permit from 376 Main Street to 134 Sherman Street. The property at 134-136 Sherman Street currently has an art gallery, real estate office, cellphone store, ebay store and an insurance office within it and the tattoo studio would occupy the portion of the building furthest to the North. The tattoo and piercing studio has been in Deadwood since December 2010, had a one year review performed by this office on the operation of the business in December 2011, and there have not been any complaints to this office in regards to Mr. Collins or his business.

FACTUAL INFORMATION

1. The property is currently zoned C1 – Commercial District.
2. The property is comprised of 625, plus or minus, square feet. (Rented Space)
3. The property has on street parking in front of the building currently.
4. The property has access from Sherman Street.
5. The property is located within an area close to parking lots, commercial businesses, and a park. There is a variety of commercial use in the vicinity. The land is located in a commercial zone and is classified as City Center on the adopted Land Use Map in the Deadwood Comprehensive Plan. This encourages a mixture of personal service businesses.
6. The land is located in Flood Zone X – Area's of 500 year flood and areas of 100-year flood.
7. Adequate public facilities are available to serve the property.
8. The area is characterized by mixed commercial, public, and residential uses.

STAFF DISCUSSION

A requirement of any conditional use permit is that they are not transferrable from person to person or place to place without an amendment to the original permit. The location in this instance is what is proposed to change. The permit will remain with Mr. Dan Collins.

COMPLIANCE:

1. The Zoning Officer provided notice identifying the applicant, describing the project and its location and giving the scheduled date of the public hearing in accordance with Chapter 17.76.
2. A sign was posted on the property for which the request was filed in accordance with Chapter 17.76.
3. Notice of the time and place was published in the designated newspaper of the City of Deadwood in accordance with Chapter 17.76.

GENERAL USE STANDARDS FOR CONDITIONAL USE PERMITS:

In reviewing any application under the authority of this chapter and as a further guide to its decision upon the facts of the case, the Commission(s) shall consider, among other things, the following facts:

A. The proposed use shall be in harmony with the general purposes, goals, objectives, and standards to the City Policy Plan, the ordinance, the district in which it is located, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice by the City of Deadwood.

The use, as proposed, provides a commercial business for the Deadwood area. The use is listed under Conditional Uses in the C1 – Commercial District. This use is in harmony with the general purpose of the Comprehensive Plan and Zoning Ordinance. Conditional uses are those uses which have some special impact or uniqueness since their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location.

B. Whether or not a community need exists for the proposed use at the proposed location in light of existing and proposed uses of a similar nature in the area and of the need to provide or maintain a proper mix of uses both within the city and also within the immediate area of the proposed use: (a) the proposed use in the proposed location shall not result in either a detrimental over concentration of a particular use from previously permitted uses within the city or within the immediate area of the proposed use.

A review of the location, configuration and impact has been conducted and compared to uses by right. A variety of commercial businesses are all located in the vicinity, as well as large vacant building.

The review determines whether the proposed use should be permitted by weighing public need for and benefits to be derived from the use, against the local impact which it may cause. There are not any other CUPs in the town for a tattoo and piercing studio.

C. The proposed use at the subject site shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way.

The proposed use would not result in a substantial or undue adverse effect on adjacent property nor will it alter the character of the neighborhood. The building will remain the same size and the appearance will not change. The establishment, maintenance, and operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

To support a denial of a conditional use permit on the grounds that it will cause increased traffic problems, there must be a high degree of probability that the increase would pose a substantial threat to the health and safety of the community.

D. Whether or not the proposed use increases the proliferation of non-conforming uses as well as previously approved Conditional Use Permits which are still in use, when influenced by matters pertaining to the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of the Policy Plan, this ordinance, or any other plan, program, map or ordinance adopted, or under consideration pursuant to official notice, by the city or other governmental agency having jurisdiction to guide growth and development.

For any Conditional Use, lot and performance standards shall be the same as similar type uses located in specific districts. The character and use of buildings and structures adjoining or near the property mentioned in the application shall be considered in their entirety.

The proposed use will not increase the proliferation of non-conforming uses. The subject area is comprised of residential and commercial uses.

E. Whether or not the proposed use in the proposed area will be adequately served by and will not impose an undue burden on any of the improvements, facilities, utilities, and services specified in this section.

There will be no significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation or other services. Existing services are available onsite.

CONDITIONS GOVERNING APPLICATIONS AND PROVISIONS:

A. Following the issuance of a conditional use permit pursuant to the provisions of this ordinance, such permit may be amended, varied, or altered only pursuant to the standards and procedures established by this section for its original approval.

B. The Board of Adjustment can revoke conditional use permits, once granted, for cause after a hearing is held before them. Complaints seeking the revocation of such permit shall be filed with the Zoning Administrator and may be initiated by the Planning and Zoning Commission OR any three (3) residents within three hundred (300) feet of the property lines of which the application has been filed. All such revocation hearings shall be conducted in the same manner as for the Conditional Use Permit application hearings.

C. The Planning and Zoning Commission shall have the authority to review Conditional Use Permits at any time and/or on an annual basis and place additional stipulations to mitigate a problem.

D. If the use permitted under the terms of a Conditional Use Permit has not been started within six (6) months of the date of issuance thereof, said permit shall expire and be canceled by the City Planning Department. Written notice thereof, shall be given to the person(s) affected, together with notice that further use or work as described in the canceled permit shall not proceed, unless and until a new conditional use permit has been obtained.

E. If the use permitted under the terms of a Conditional Use Permit, ceases, for whatever reason, for a period of twelve (12) months, said permit shall expire and be canceled by the City Planning Department. Written notice thereof, shall be given to the person(s) affected, together with notice that further use or work as described in the canceled permit shall not proceed, unless and until a new conditional use permit has been obtained.

ACTION REQUIRED FOR AMENDED CONDITIONAL USE PERMIT:

1. Recommendation by Planning and Zoning Commission for approval/denial with conditions/denial.
2. Approval/denial with conditions/denial by Board of Adjustment.

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It was moved by Ms. Green and seconded by Ms. Farrier to approve the Amendment to Conditional Use Permit for a Tattoo and Piercing Studio at from 376 Main Street to 134 Sherman Street. Aye - All. Motion carried.

Mr. Shedd closed the Planning & Zoning Meeting.

Mr. Toscana opened the Board of Adjustment.

It was moved by Ms. Silvernail and seconded by Mr. Peterson to follow the recommendation of the Planning & Zoning Commission to approve the Amendment to Conditional Use Permit for a Tattoo and Piercing Studio from 376 Main Street to 134 Sherman Street. Aye - All. Motion carried.

Mr. Toscana closed the Board of Adjustment and turned the meeting over to the Planning and Zoning Commission.

FINDINGS OF FACT:

CONTINUED FROM FEBRUARY 15, 2012 FINDINGS OF FACT AND CONCLUSIONS FOR VARIANCES FOR FRONT AND SIDE YARD SETBACKS - 360 MAIN STREET

Mr. Nelson stated that the Findings of Fact and Conclusions was the final step to close the file. Mr. Nelson noted the letter attached addressing the issue of the sidewalk and stated that the sidewalk might be completed with the TIFD funding. The Planning & Zoning Commission discussed with Mr. Lund the sidewalk and street widening with the project.

It was moved by Ms. Green and seconded by Ms. Farrier to approve the Findings of Fact and Conclusions for a Variance for Front and Side Yard Setbacks at 360 Main Street. Aye - All. Motion carried.

Mr. Shedd closed the Planning & Zoning Meeting.

Mr. Toscana opened the Board of Adjustment.

It was moved by Ms. Silvernail and seconded by Mr. Peterson to follow the recommendation of the Planning & Zoning Commission to approve the Findings of Fact and Conclusions for a Variance for Front and Side Yard Setbacks at 360 Main Street. Aye - All. Motion carried.

Mr. Toscana closed the Board of Adjustment and turned the meeting over to the Planning and Zoning Commission.

OPEN

None.

ADJOURNMENT:

It was moved by Ms. Farrier and seconded by Mr. Speirs to adjourn the Joint Meeting of the Planning and Zoning Commission. Aye - All. Motion carried.

There being no further business, the Planning & Zoning Commission adjourned at 5:50 p.m.

ATTEST:

Mr. Jim Shedd
Chairman
Planning and Zoning

Ms. Sheree Green
Secretary
Planning and Zoning