

CITY OF DEADWOOD

PLANNING AND ZONING COMMISSION

February 21, 2007

JOINT MEETING

The Joint Meeting of the Deadwood Planning and Zoning Commission was called to order by Chairperson Marie Farrier on Wednesday February 21, 2007 at 5:00 p.m. in the Deadwood City Hall Meeting Room located at 102 Sherman Street, Deadwood, SD 57732.

PRESENT PLANNING & ZONING: Larry Ryan, Marie Farrier, Sheree Green, Mel Allen & Jim Shedd.

ABSENT PLANNING & ZONING: Sheree Green.

PRESENT BOARD OF ADJUSTMENT: Francis Toscana, Mark Speirs, Georgeann Silvernail, and Mike Klamm.

ABSENT BOARD OF ADJUSTMENT: Nyla Griffith.

APPROVAL OF MINUTES

Minutes had not been submitted for approval.

REQUEST FOR CONDITIONAL USE PERMIT FOR LARGE DAYCARE

NAME: Christine Job

LEGAL DESCRIPTION: Tract N, Block B, Being a portion of Lot 1A and all of Lot 2, Block B of the Subdivisions of the Stebbin Placer, M.S. 1035, and a portion of abandoned Railroad Spur, All located in the NE ¼ of Section 34, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota, also known as 2 Pluma Hill Road.

ADDRESS: 2 Pluma Hill Road

ZONE: R1 - Residential District

Ms. Williams referred to the following staff report:

**STAFF REPORT
PLANNING AND ZONING
REQUEST FOR CONDITIONAL USE PERMIT
FOR A LARGE DAYCARE USE**

APPLICANT: Christine Job

PURPOSE: Request for Large Day Care for 12 children.

GENERAL LOCATION: 2 Pluma Hill Road

GENERAL PLAN DESIGNATION: Low – density residential

LEGAL DESCRIPTION: Tract N, Being a portion of Lot 1A and all of Lot 2, Block B of the Subdivisions of the Stebbin Placer, M.S. 1035, and a portion of abandoned Railroad Spur, All located in the NE ¼ of Section 34, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota, also known as 2 Pluma Hill Road

ADDRESS: 2 Pluma Hill Road

ZONE: R1 -Residential District

FILE STATUS: All legal obligations have been completed.

CITIZENS RESPONSE: **FOR:** **AGAINST:**

STAFF FINDINGS:

Surrounding Zoning:

North:
South:
East:
West:

Surrounding Land Uses

Hillside/BHP below
Vacant Residential land
Single-family, residences
Vacant Hillside

SUMMARY OF REQUEST

The petitioner has submitted a request for a Conditional Use Permit to allow a Large Day Care Use. Large Day Care facilities are defined as **“Day care, large” means a facility that provides care for six or more children that are primarily present during daytime hours, and do not regularly stay overnight. Basic requirements for a large day care facility are: 1) Operator must comply with the standards of the state Fire Marshal relating to the subject of fire and life safety in large day care facilities; 2) The applicant shall be licensed by the State of South Dakota as a day care facility; 3) Applicant shall develop and distribute information to the day care clients stating the need not to disrupt the neighborhood when dropping off and picking up children; 4) Off-street parking shall be provided for employees of the day care facility; 5) Drop-off and pick-up areas are designated for clients.** Ms. Job currently has a state day care license which allows for 12 children.

FACTUAL INFORMATION

1. The property is currently zoned R1 – Residential District.
2. The property used for the day care is comprised of 0.34 acres or 14,698 square feet, more or less.
3. The residence has ample parking in her drive-way (up to six vehicles).
4. The subject property has access from Pluma Hill Road.
5. The properties are located within an area that has limited residences and it is isolated from other subdivisions. The land is classified as low residential on the adopted Land Use Map in the Deadwood Comprehensive Plan.
6. The property is located in Flood Zone X – Area’s determined to be outside the 500 year flood.
7. Adequate public facilities are available to serve the property.
8. The area is characterized by residential uses and vacant lands.

STAFF DISCUSSION

The petitioner has submitted an application for Conditional Use for a Large Day Care facility in her home. Ms. Job already has a licensed state daycare license, however, she no longer will meet the city’s ordinance. She is applying for a Conditional Use Permit in order to come into compliance with the city’s ordinance.

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.**

CONDITIONAL USE PERMIT

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 daycare service that is a needed service in the Deadwood area. At this time, Ms. Job is the only state licensed daycare in Deadwood. The proposed use is listed under Conditional Uses in the R1 – Residential District. 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.

Ms. Job currently operates a daycare for 10 children; however, due to her daycare needs changing, and the fact that she has exceeded the number of children under the city's definition for "Small Daycare", she is requesting a Conditional Use Permit for a daycare allowing 12 children. Ms. Job has never had a complaint lodged against her. A review of the location, configuration and impact has been conducted and compared to uses by right. A small daycare is allowed by right in the R1 – Residential District. A small daycare is defined as "Day care, small," means a resident occupied dwelling that provides care for five or less children who do not reside in the dwelling, are present primarily during daytime hours, and do not regularly stay overnight. Basic requirements for a small daycare facility are: 1) The caregiver must live in the residence and be the main care provider; 2) A fire extinguisher is provided onsite; 3) Smoke detectors are provided in appropriate areas. The building inspector performs an onsite inspection to insure the above items are provided; 4) Landowners within three hundred feet (300') are notified of the use by first class mail; and 5) Fee for small day facilities is fifty dollars (\$50.00) to cover administrative and mailing costs.

The review determines whether the proposed use should be permitted by weighing public need for, and benefit to be derived from the use, against the local impact which it may cause. Ms. Job has been licensed with the State of South Dakota since May of 2004.

The subject area is zoned R1 Residential District. The R1 – Residential District is intended to provide locations for medium density, residential development commensurate with an urban area. The primary use is single-family detached residences.

- C. The proposed use at the proposed location 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 or the character of the neighborhood and the use will not alter the character of the neighborhood. 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. The structures remain the same size and the appearance of the structures does not change.

- 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 use is intended to be a service to the community. The subject area is comprised of single-family dwelling and vacant lands. There are no other Conditional Use Permits in this area nor are there any legal non-conforming 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. Drop-off and pick-up is designated in the paved driveway to the garage. The drive-way measures 22'x63'; therefore, approximately 6 cars can park in the driveway. Also, Pluma Hill Road has additional parking spaces that could be used if needed. Normally, a minimum of three parking spaces are required for large daycare services or 1 parking space per 1,000 square feet of the structure. Our current ordinance does not delineate a number of parking spaces for daycare services. There are approximately five (5) residences total in this area.

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.

The CUP runs with the applicant not the property. Ms. Williams stated Ms. Job was in the audience if there were any questions for her.

Mr. Ryan moved to approve the Conditional Use Permit for a Large Daycare located at 2 Pluma Hill Road for Ms. Christine Job. Mr. Allen second and the motion carried.

All in Favor - 4
Opposed - 0

Chairman Farrier adjourned the Planning and Zoning meeting and turned the meeting over to the Board of Adjustment.

DEADWOOD BOARD OF ADJUSTMENT

Mayor Toscana called the Board of Adjustment to order.

Ms. Silvernail moved to except the recommendation by Planning & Zoning for approval of the Conditional Use Permit for a Large Daycare located at 2 Pluma Hill Road for Ms. Christine Job. Mr. Klamm seconded and the motion carried.

All in Favor - 4
Opposed - 0

Mayor Toscana adjourned the Board of Adjustments and turned the meeting over to the Planning and Zoning Commission.

Chairman Farrier called the Planning and Zoning meeting back to order.

REQUEST FOR A CHANGE OF ZONING - AMENDMENT TO ZONING MAP

NAME: Ten Textkota/Slime Plant

LEGAL DESCRIPTIONS:

Tract S of Block 1 of Fairview Addition No. 1 to the City of Deadwood, Lawrence County, South Dakota, according to Plat recorded as Plat Document No. 90-2220
AND

Lot A being a subdivision of the Lawrence County Courthouse Lot located in the SE ¼ of Section 22 and the SW ¼ of Section 23, T5N, R3E, B.H.M., O.T., City of Deadwood, Lawrence County, South Dakota, according to plat recorded as Plat Document No. 2003-1444

AND

The "Carter Lot" located partially or all on M.S. 45, City of Deadwood, as shown on plats recorded in the Office of the Lawrence County Register of Deeds as Document No. 90-2220 and Plat Book 3, Page 271

AND

Tract A, McGovern Hill Addition, Located in the SE ¼ of Section 22, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota, according to Plat Document No. 2003-4122

AND

Tract B, McGovern Hill Addition, Located in the NW ¼ of Section 26, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota

ADDRESS: 12 Pine Street

CURRENT ZONES: PU – Public Use District – R1 – Residential District and PF – Park Forest District

PROPOSED ZONE: C1 – Commercial District

Ms. Williams referred to the following staff report:

CITY OF DEADWOOD
REZONING ANALYSIS
REQUEST FOR
AMENDMENT TO
ZONING MAP

APPLICANTS: Ten Texkota/Deadwood City Limits/McDavid/Barrick

LEGAL DESCRIPTION: Tract S of Block 1 of Fairview Addition No. 1 to the City of Deadwood, Lawrence County, South Dakota, according to Plat recorded as Plat Document No. 90-2220
AND

Lot A being a subdivision of the Lawrence County Courthouse Lot located in the SE ¼ of Section 22 and the SW ¼ of Section 23, T5N, R3E, B.H.M., O.T., City of Deadwood, Lawrence County, South Dakota, according to plat recorded as Plat Document No. 2003-1444

The "Carter Lot" located partially or all on M.S. 45, City of Deadwood, as shown on plats recorded in the Office of the Lawrence County Register of Deeds as Document No. 90-2220 and Plat Book 3, Page 271
AND

Tract A, McGovern Hill Addition, Located in the SE ¼ of Section 22, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota, according to Plat Document No. 2003-4122
AND

Tract B, McGovern Hill Addition, Located in the NW ¼ of Section 26, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota

ADDRESS: 12 Pine Street

CURRENT ZONES: PU – Public Use District/PF – Park Forest District/R1 – Residential District

PROPOSED ZONE: C1 – COMMERCIAL DISTRICT

ASSESSOR'S NO: 30250-00100-530-10; 30025-03100-000-10; 30610-00000-010-00; 30610-000-020-00; The Carter Lot does not have a number, otherwise, the Assessor's numbers follow the description above.

BACKGROUND:

The request for a Change of Zoning was initiated by Ten Texkota after staff informed them that a portion of the property was zoned PU – Public Use. After further review, it was found that some of the properties were also zoned PF – Park Forest and R1 – Residential District(s). The portion of the property zoned Public Use had been zoned as

such to show that a governmental entity owned the property. The Slime Plant sets on Lot S (1.68 Acres) and it had previously been used by the Lawrence County Highway Department. The request submitted is for a rezoning FROM PU – Public Use; R1 – Residential District; and PF – Park Forest Districts TO C1 – Commercial for the purpose of developing the Slime Plant into a Commercial Enterprise. Mr. William McDavid purchased Lot A of the Courthouse Lot, which is the employee parking lot area. An agreement had been signed with Lawrence County under this purchase that when a parking ramp was constructed in this area that Lawrence County would be provided with X amount of parking spaces for their employees. The proposed parking ramp would accommodate both county employees and parking for the Slime Plant. Also, Tract B (5.51 Acres), located to the south was purchased by McDavid. They are currently in the process of purchasing Tract A (1.68 Acres) from Barrick Mining, and the land is located on the westerly side of the property. Since the land is still under the ownership of Barrick Mining, Todd Duex, has signed off for Barrick Mining, on the application. All of the above properties are surround the Slime Plant. The Comprehensive Land Use Plan designates the subject area, as Community Commercial. A portion of the lands are steep hillside and the majority of it is undeveloped, excepting the Slime Plant itself. The Park Forest designation had been applied to the land since there were no utilities or improvements on the land. The portion of the land zoned residential is very small. When the zoning map was drawn up, arbitrary lines were placed on map; therefore, some lots have more than one zoning designation.

Due to the number of zoning designations in the subject area, a Change of Zoning is required in order to operate a commercial business.

COMPLIANCE:

4. **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 Section 17.96.020**
5. **A sign was posted on the property for which the requests were filed.**
6. **Notice of the time and place was published in the designated newspaper of the City of Deadwood on February 10, 2007.**

SECTION 17.100.030 - STANDARDS OF REVIEW:

In reviewing an amendment to the text of this Ordinance or an amendment to the Official Zoning District Map, the City Commission and Planning and Zoning Commission shall consider the following:

- A. **Whether the proposed amendment is in conflict with any applicable portions of this Ordinance.**

The application is not in conflict with the City of Deadwood Zoning Code and the amendment to the zoning map is required in order to bring the lands into the proper zoning district.

- B. **Whether the proposed amendment is consistent with all elements of the Deadwood Comprehensive Plan.**

The Comprehensive Plan Land Use Plan designates this area as Community Commercial; therefore, the zoning is consistent with the land use plan. The Comprehensive Plan states: "The Slime Plant is a candidate for reuse as either a major new destination exhibit attraction to tell the story of Deadwood's Wild West era, a major conference/meeting center, or a combination of both."

- C. **Whether the proposed amendment is compatible with surrounding Zone Districts and land uses, considering existing land use and neighborhood.**

The Slime Plant is located above Pine Street and in the core district. The C1 – Commercial Zone allows for gaming and commercial uses. A bank, gaming establishments, Lawrence County Courthouse, Visitors Center/Parking Lot are all located around the Slime Plant. Residential is located above (McGovern Hill Subdivision). The westerly lot abuts the City Water Tanks Lot.

- D. Whether and the extent to which the proposed amendment would result in demands on public facilities, and the extent to which the proposed amendment would exceed the capacity of such public facilities, including, but not limited to transportation facilities, sewage facilities, water supply, parks, drainage, schools, and emergency medical facilities.**

Staff has requested letters from the Lead-Deadwood Sanitary District and from Jim Raysor, Public Works Director in regards to this section.

Ms. Williams stated that Mr. Jim Raysor, Public Works director and City Planner had submitted a letter regarding the impact on City resources. Mr. Raysor stated in the letter it was unknown what the effect would be and that a complete analyzes could not be determined until an actual plan was submitted for the lands.

Mr. Allen requested to see the area in question on a GIS map. Ms. Williams supplied him with the map of the area in question.

Mr. Joel Westcott, adjacent landowners, questioned which parcels would be changed. Ms. Williams and Mr. Wayne Lund, Lund Associates stated it would effect Tracts A and B of McGovern Hill Addition. Mr. Lund pointed out where the tracts were located. Mr. Westcott questioned if the vacant lands would then be zoned commercial, and further questioned what the plans were for the vacant lands and where the ingress/egress was located to enter the parcels. Mr. Lund explained an entertainment venue was planned for the area and the access would be from the proposed parking ramp on a bridge that would cross the creek. He noted the existing road to the Slime Plant would be eliminated since the Department of Transportation did not want ingress/egress from that location. Mr. Wescott expressed his concerns with the possible access from McGovern Hill Road. Mr. Lund stated there were no plans for access to the property from McGovern Hill Road.

The Planning & Zoning Commission discussed the access and plans for the area. Ms. Marlene Barrett, Assistant to the Lawrence County Commission noted that the Lawrence County Commission was concerned since Carney Street needed to stay open for the South Dakota Highway Patrol Officers and the Sheriff's Office. She also pointed out that the utilities currently ran in the Carney Street right-of-way.

Mr. Wescott questioned if residential could be placed in this area after the change of zoning. Ms. Williams stated the owners would be required to apply for a Conditional Use Permit and that action would activate a public hearing.

Ms. Williams stated she would like to clarify for the record that access to a commercial project, from McGovern Hill Road, a residential district, would not be allowed under zoning regulations. She pointed out that McGovern Hill Road could not handle the traffic and also it was not acceptable to send commercial traffic through a residential zone where families live. Mr. Lund stated that long-standing platted roads in the subject areas had been vacated two years ago when the old subdivisions had been vacated and a new plat had been drawn up and it depicted Mc Govern Hill Road.

Mr. Allen moved to approve the Change of Zoning for the following legal descriptions: Tract S of Block 1 of Fairview Addition No. 1 to the City of Deadwood, Lawrence County, South Dakota, according to Plat recorded as Plat Document No. 90-2220 AND Lot A being a subdivision of the Lawrence County Courthouse Lot located in the SE ¼ of Section 22 and the SW ¼ of Section 23, T5N, R3E, B.H.M., O.T., City of Deadwood, Lawrence County, South Dakota, according to plat recorded as Plat Document No. 2003-1444 AND The "Carter Lot" located partially or all on M.S. 45, City of Deadwood, as shown on plats recorded in the Office of the Lawrence County Register of Deeds as Document No. 90-2220 and Plat Book 3, Page 271 AND Tract A, McGovern Hill Addition, Located in the SE ¼ of Section 22, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota, according to Plat Document No. 2003-4122 AND Tract B, McGovern Hill Addition, Located in the NW ¼ of Section 26, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota . Mr. Shedd second and the motion carried.

Opposed - 0

Chairman Farrier adjourned the Planning and Zoning meeting and turned the meeting over to the Board of Adjustment.

DEADWOOD BOARD OF ADJUSTMENT

Mayor Toscana called the Board of Adjustment to order. Mr. Toscana questioned if this would be the First Reading for a change of zoning ordinance. Ms. William stated correct and Second Reading would be the following Monday February 26, 2007 at the regular City Commission meeting.

Mr. Klamm moved to approve recommendation of the Planning & Zoning Commission for the Change of Zoning for the following legal descriptions: Tract S of Block 1 of Fairview Addition No. 1 to the City of Deadwood, Lawrence County, South Dakota, according to Plat recorded as Plat Document No. 90-2220 AND Lot A being a subdivision of the Lawrence County Courthouse Lot located in the SE ¼ of Section 22 and the SW ¼ of Section 23, T5N, R3E, B.H.M., O.T., City of Deadwood, Lawrence County, South Dakota, according to plat recorded as Plat Document No. 2003-1444 AND The "Carter Lot" located partially or all on M.S. 45, City of Deadwood, as shown on plats recorded in the Office of the Lawrence County Register of Deeds as Document No. 90-2220 and Plat Book 3, Page 271 AND Tract A, McGovern Hill Addition, Located in the SE ¼ of Section 22, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota, according to Plat Document No. 2003-4122 AND Tract B, McGovern Hill Addition, Located in the NW ¼ of Section 26, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota . Ms. Silvernail second and the motion carried.

All in Favor - 4 Roll call: Aye - All. Motion Carried.
Opposed - 0

Mayor Toscana adjourned the Board of Adjustments and turned the meeting over to the Planning and Zoning Commission.

Chairman Farrier called the Planning and Zoning meeting back to order.

PLAT(Continued) - Lots R1-E1 and R1-A1 and Dedicated Carney Street, Formerly Lot R1-E and R1-A and vacated Carney Street, City of Deadwood Railroad Property, All located in the NW ¼ of Section 26, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota.

Ms. Williams stated the following plat was continued from the last meeting due to the many errors on the plat. Ms. Williams stated the changes had been made.

PLAT REPORT PLANNING AND ZONING

NAME: City of Deadwood

LEGAL DESCRIPTION: Lots R1-E1 and R1-A1 and Dedicated Carney Street, Formerly Lot R1-E and R1-A and vacated Carney Street, City of Deadwood Railroad Property, All located in the NW ¼ of Section 26, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota.

Location: 150 Sherman Street

Zoning: CH – Commercial Highway/PU – Public Use District

PURPOSE:

The purpose of the plat is to re-establish Carney Street since Cemetery Street is going to be a one-way street in this area. The City of Deadwood owns all the property involved and the lot lines are being relocated to better fit what is on the ground. Original Lot R1-A will be joined with a part of original Lot R1-E since that is the area where there is a parking area for the FL Thorp Building. That lot will be named Lot R1-A1. Carney Street will remove a part of original Lot R1-E; therefore, Lot R1-E becomes smaller and is being renamed R1-E1.

Mr. Allen moved to approve the PLAT - Lots R1-E1 and R1-A1 and Dedicated Carney Street, Formerly Lot R1-E and R1-A and vacated Carney Street, City of Deadwood Railroad Property, All located in the NW ¼ of Section 26, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota until the corrections could be made on the final plat. Mr. Ryan seconded and the motion carried.

All in Favor - 4
Opposed - 0

Chairman Farrier adjourned the Planning and Zoning meeting and turned the meeting over to the Board of Adjustment.

DEADWOOD BOARD OF ADJUSTMENT

Mayor Toscana called the Board of Adjustment to order.

Ms. Silvernail moved to approve the recommendation by the Planning & Zoning Commission for the PLAT - Lots R1-E1 and R1-A1 and Dedicated Carney Street, Formerly Lot R1-E and R1-A and vacated Carney Street, City of Deadwood Railroad Property, All located in the NW ¼ of Section 26, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. Mr. Klamm seconded and the motion carried.

All in Favor - 4
Opposed - 0

Mayor Toscana adjourned the Board of Adjustments and turned the meeting over to the Planning and Zoning Commission.

Chairman Farrier called the Planning and Zoning meeting back to order.

OPEN

Ms. Farrier asked the Planning & Zoning Commission to clarify their votes on the Change of Zoning and the Plat.

Change of Zoning

All in Favor - 4 (Ryan, Allen, Shedd & Farrier)
Opposed - 0

Plat

All in Favor - 4 (Ryan, Allen, Shedd & Farrier)
Opposed - 0

Ms. Williams encouraged all of the Planning & Zoning Commission to attend the Workforce Housing Meetings on Tuesday and Wednesday, February 27 & 28, 2007.

ADJOURNMENT

Mr. Allen moved to adjourn the Joint Meeting of the Planning and Zoning Commission. Mr. Ryan seconded and the motion carried.

All in favor - 4
Opposed - 0

There being no further business, Planning & Zoning Commission adjourned at 5:40p.m.

ATTEST:

Ms. Marie Farrier
Chairman (Acting)
Planning and Zoning

Ms. Sheree Green
Secretary (Acting)
Planning and Zoning