

CITY OF DEADWOOD

PLANNING AND ZONING COMMISSION

March 15, 2006

JOINT MEETING

The Joint Meeting of the Deadwood Board of Adjustment and Deadwood Planning and Zoning Commission was called to order by Chairman Larry Ryan on Wednesday March 15, 2006 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 and Robert Thorp.

ABSENT: Mel Allen.

PRESENT BOARD OF ADJUSTMENT: Francis Toscana, Ronda Feterl, Mark Speirs, Nyla Griffith, & Georgeann Silvernail.

REQUEST FOR A CONDITIONAL USE PERMIT FOR A RESIDENTIAL PARKING AREA - ADRIAN & ANNETTE HOINES

Location: 2 Terrace Street
Zone: R-1 Residential District

Ms. Williams referred to the following staff report:

STAFF REPORT
PLANNING AND ZONING

APPLICANT: Lou and Linda Stojack
OWNER: Adrian and Annette Hoines
PURPOSE: Request for a Residential Parking Lot
GENERAL LOCATION: 2 Terrace Street
LEGAL DESCRIPTION: Tract 1 a subdivision of Probate Lot 8 and a portion of Probate Lot 298 & all of Lot 10, Highland Addition; and, Tract 2, being a portion of Probate Lot 8, located in the City of Deadwood, Lawrence County, South Dakota
FILE STATUS: All legal obligations have been completed.

CITIZENS RESPONSE: FOR: AGAINST:

STAFF FINDINGS:

<u>Surrounding Zoning:</u>	<u>Surrounding Land Uses</u>
North: C1 – Commercial District	Hospital & Clinic
South: R1 –Residential District	Residential Homes/apartments
East: R1 – Residential District	Single-family dwellings/apartments
West: R1 – Single-family Residential	Single-family dwellings/apartments

SUMMARY OF REQUEST

The petitioner has submitted a request for a Conditional Use Permit for a Neighborhood Parking Lot at the intersection of Terrace and Stewart Streets. Anyone that wishes to rent space(s) for parking must be located within 300’ from the lot lines. The property was originally owned by the City of Deadwood. There is a storm sewer easement that runs through the middle of the vacant portion of the lots; therefore, it is difficult to build any structures on it without building over the storm sewer line.

Lou and Linda Stojack, the applicants, purchased 63 Stewart Street from the City of Deadwood. At that time, there was a stipulation placed on the sale that the tri-plex would be required to be converted into a duplex, due to the parking problems on Stewart Street.

Stojacks' have communicated with the Hoines to work out a parking plan for a tri-plex; however, they will not appear before the City Commission to request the continuation of the use as a tri-plex until the Neighborhood Parking Lot was approved by Planning and Zoning and the Board of Adjustment.

FACTUAL INFORMATION

1. The property is currently zoned R1 – Residential District.
2. The property is comprised of approximately 14,500 square feet.
3. The subject property has access from Stewart/Terrace Streets.
4. The subject property is located within a low density residential land use classification on the adopted Land Use Map.
5. The property is not located in a flood area.
6. The area is characterized mostly by single-family residences.

STAFF DISCUSSION

The petitioner(s) submitted a request for a Conditional Use Permit for a Neighborhood Parking Lot under Section 17.24.030. The Neighborhood Parking Lot is allowed as a Conditional Use Permit in the R1 – Residential District. Since the site is located in a residential district, the Conditional Use Permit runs with the landowner; therefore, the use would be voided under new ownership.

The Zoning Code requires the following:

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 Section 17.96.020.D.2.**
2. **A sign was posted on the property for which the requests were filed as required by Section 17.76.060.J.**
3. **Notice of the time and place was published in the designated newspaper of the City of Deadwood as required by Section 17.76.060.J.**

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 current zoning ordinance allows Neighborhood Parking Lots in residential areas since there are frequently parking problems in a neighborhood and this type of use alleviates parking congestion.

- 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.

The proposed use in the subject location does not result in a detrimental over concentration of this particular use since many neighborhoods do not have vacant land to offer for off-street parking requests.

- 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 would not alter the character of the neighborhood. More than likely, the use will facilitate a need in the area.

- 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 Neighborhood Parking Lot will not increase the proliferation of non-conforming uses. The major use in this area is residential in nature.

- 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.

The proposed use will not cause adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation or other services. This type of use does not demand services.

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.

Again, the Conditional Use Permit runs with the applicants in the residential areas of Deadwood; therefore, should the Hoines sell their property, the Conditional Use Permit will be voided.

Staff Recommendations for the motion: Insert the following wording into the motion: Approval of the Conditional Use Permit for a Neighborhood Parking Lot does in no way affect the vote of the City Commission regarding the status for the tri-plex located at 63 Stewart Street.

Mr. Thorp questioned how many parking spots would be available. Ms. Williams stated that it could be rented to more than one due to the size of the lot; however tenants must live within 300 feet of the parking lot. Ms. Delores Hertel, adjacent landowner, requested that the 300 feet be defined. Ms. Williams stated that people wishing to use the lot must live within 300 feet of the lot. Ms. Green questioned if tenants could park a camper in the lot for winter. Ms. Williams stated the lot would fall under the same rules for campers around the City of Deadwood. Ms. Hertel stated she had lived in the neighborhood for fifty years and did not see the need for a commercial parking lot. Ms. Hertel questioned who would manage the paid parking lot when the owners lived out of the area, and would the lot be filled with non-running vehicles. Ms. Hertel stated it would devalue their properties and the neighborhood and stated her opposition to the commercial parking lot. Ms. Hertel questioned the setbacks and RV parking. Ms. Hertel requested P & Z and BOA Commissions' deny the request for a Conditional Use Permit.

Mr. Ryan questioned Ms. Hertel who owned the vacant lot across the road from 27 Stewart Street. Ms. Hertel stated that it was owned by Mr. George Mitchell and there were no problems with that lot and nobody rented parking spaces on that vacant lot. Ms. Williams stated there

was an ordinance that prohibited blockage of the triangle of site and also the nuisance ordinance for inoperable and unlicensed vehicles. Ms. Williams pointed out that since it was a Conditional Use Permit, the commission could place restrictions on the permit and limit the usage. She also pointed out the owner/applicant could be recalled at anytime if problems occurred. Ms. Hertel explained the history of the area in question. Mr. Brian Katon questioned the 300 feet distance and limiting the use to those living in the area. Ms. Williams stated the ordinance limited the use to landowners within 300 feet of the proposed lot.

Mr. Speirs questioned if Lou and Linda Stojack were proposing to appeal the restriction placed by the city in regards to the property being a duplex if the parking lot was approved. Ms. Williams stated that was what she understood to be correct. Ms. Feterl questioned the need for parking due to the fact there was already a vacant lot in the area that was not utilized at this time. Ms. Williams noted that a Conditional Use Permit was required and it was the choice of the landowner if they wished to provide such a service. Ms. Williams pointed out the stipulation of the sale on the Stojacks' property regarding making the triplex into a duplex was due to the parking problems on Stewart Street. Ms. Williams stated one other neighborhood in Deadwood had a residential parking lot and it had facilitated the need. Mr. Toscana questioned if they would have to blacktop the parking lot. Ms. Williams stated she would have to research that issue. Ms. Silvernail questioned if they were charging rent for the spaces then would it then be considered commercial. Ms. Williams stated they would be collecting money for the spaces; however, it was limited commercial. Ms. Williams stated the current ordinances did not address what type of design standards would be required for this type of parking lot; however they could be held to the same as the commercial standards but, if they were held to the same standards, the use would more than likely not be completed due to the costs. Ms. Williams stated the committee could define what would be adequate for the area. Ms. Hertel questioned who would monitor the lot and who would want to live by a parking lot.

Ms. Farrier moved to table the CUP pending a discussion with the Historic Preservation Commission and research from Ms. Williams regarding commercial use of the lot. Mr. Thorp seconded and the motion carried.

All in favor - 4
Opposed - 0

FINAL PLAT - Plat for J-Mak Distributors/Mike Trucano

Location: 155 Sherman Street
Zone: C-1 Commercial District

Ms. Williams referred to the following staff report:

FINAL PLAT

BACKGROUND:

J-Mac Distributors purchased Dakota Deuces, located at 155 Sherman Street. Mr. Mike Trucano owns J-Mac Distributors and he has been working with the city to clear title to the Adams House property. The property boundaries had been disputed in the past and the challenge has not been completely advanced to clear title to the Adams House & Gift Shop.

1. The purpose of the plat is to clear up the boundaries of the Adams House property and to provide an alternate access to the Adams House.
2. The North Arrow is shown on the plat with a direct reference to the city coordinate mapping system.
3. Date is shown on the plat and serves to "fix in time" the data represented on the plat.
4. Surveyor's Certificate is shown with the name of the surveyor and his registered land surveyor number.
5. All other certifications are indicated and correct on the plat.
6. Dimensions, angles and bearings are shown along the lot lines.
7. Scale of the plat is shown and accompanied with a bar scale.
8. Location of Monuments are shown and described on the final plat.

Ms. Green moved to approve the Final Plat for J-Mak Distributors/Mike Trucano. Mr. Thorp seconded and the motion carried.

All in favor - 4
Opposed - 0

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

DEADWOOD BOARD OF ADJUSTMENT

Mayor Toscana called the Board of Adjustment to order. Mayor Toscana stated the history of the property in question was that it had been in litigation for many years. Mayor Toscana stated that Mr. Trucano had graciously agreed to deed the portion of lands needed by the City to establish the boundary lines to the Adams House Museum and Gift Shop and to provide an alternate access, to the museum, from Sherman Street. Mayor Toscana commended Mr. Trucano for his actions.

Ms. Feterl moved to approve the recommendation of Planning and Zoning for the Final Plat for J-Mak Distributors/Mike Trucano. Ms. Silvernail seconded and the motion carried.

All in Favor - 5
Opposed - 0

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

Mr. Ryan called the Planning and Zoning meeting back to order.

CHUCK VANDERZIEL RE: TIFD #7 FIRST GOLD - PROJECT PLAN

Mr. Vanderziel reviewed the project plan for the First Gold. Mr. Vanderziel stated the First Gold expansion would be a \$6.2 million project including 103 motel rooms. Mr. Vanderziel stated new construction would encroach on the existing utilities, so they were creating a new utility corridor. Mr. Vanderziel noted the proposed sewer lines located on the First Gold properties would be oversized and extended to the rear of their property to accommodate a proposed housing development in the area.

Mr. Vanderziel stated the \$6.2 million project would create approximately an increase of \$4.2 million in taxable value and provide \$128,000 a year in taxes. The first phase of the project would cost \$360,000 and the second, portion of the TIFD included another \$70,000 for a total of \$430,000. He noted the hotel will be completed in 2006 and would be placed on the tax rolls in 2007 and increment payments would begin in 2008. Mr. Vanderziel stated his projections indicated that the entire TIFD would be paid off in four and a half (4 ½) years.

Ms. Farrier moved to approve the Project Plan for TIFD #7 First Gold. Mr. Ryan seconded and the motion carried.

All in Favor - 4
Opposed - 0

DISCUSSION ON AMENDED PARKING REGULATIONS WITH PARKING AND TRANSPORTATION

Ms. Williams stated that the Planning & Zoning Commission and the Parking and Transportation committee had working on the current parking regulations.

Ms. Williams referred to the proposed changes:

Section 17.64.060 OFF STREET PARKING PROPOSAL

The following amounts of off-street parking facilities are deemed to be minimums. Where there is a combination of uses on a lot, the required number of parking spaces shall be the sum of that

found for each use. A deferral to these parking requirements may be granted under the procedure outlined in Section 17.64.020.

A. New construction or new uses in buildings:

USE	NUMBER OF PARKING SPACES REQUIRED
Dwelling Units	2/DU
Hotels/Motels	1/guest room plus 1/500 square feet of common area
Restaurant/Bar	1/100 gross square feet
Retail/Casino	1/200 gross square feet
Medical/Dental Office	1/200 gross square feet
General Business/Office	1/300 gross square feet
Museums	1/500 gross square feet
Industry	1/500 gross square feet
Warehouse	1/500 gross square feet
Theatre/Auditoriums/Convention	1/3 seats
School (Elementary)	1/Classroom
School (Secondary)	6/Classroom
Church	1/4 Seats
Assisted Living	1.5/4 beds

Ms. Williams stated she was open for questions.

Mr. George Milos, Deadwood Chamber of Commerce and Visitor Bureau, stated he would like to commend those who did the work on this ordinance change; however, he felt the changes prevented the growth of retail. Mr. Milos stated that under this plan a small business owner with a 3,000 square foot building with two employees would have to pay an additional \$100,000 for parking in-lieu if they could not provide their own parking. Mr. Milos stated the plan prevented growth and he did not feel it was the right plan for controlled growth. Mr. Milos stated he would like to see the Chamber, the BID district, residents and this group work together to form a parking plan that benefited everyone.

Ms. Williams stated that Historic Preservation needed to get involved in this process because it affected Unit 4 of the Historic District.

Mr. Chuck Turbiville, Deadwood Economic Development Corporation, felt there was an alternate parking plan that better suited the City of Deadwood. Mr. Turbiville explained two current projects that would be adversely affected by these restrictions. Mr. Turbiville agreed with Mr. Milos's suggestion to work with all groups to find a better solution. Mr. Turbiville suggested a possible parking structure similar to the Broadway Parking ramp.

Mr. Ryan suggested using the Slime Plant as a parking alternative.

Mr. Brian Katon felt the BID committee did not accurately portray the business in Deadwood. Mr. Katon recommended those businesses step forward and absorb some of the impact of the parking issue.

Mr. Milos pointed out that the city was completely full approximately ten times (10) a year during special events. Mr. Milos reiterated he believed the changes were anti-retail, especially for small business owners.

Mayor Toscana stated the purpose of the changes were not to be anti-retail but to address parking complaints received by people who live here, own businesses and are customers in the City of Deadwood.

Mr. Mike Rodman, a member of Parking and Transportation, stated that he opposed the proposed changes. Mr. Rodman recommended working with the BID district to find a compromise to these changes.

Mr. Kelly Fuller, Deadwood Police Chief, felt the proposed changes were pro-active to the parking problems in the city and would help with the growth in the future.

Mr. Dave Larson, owner of Deadwood Dick's, stated he was a building owner in Unit 4 of the core historic district. Mr. Larson felt the proposed changes would adversely affect owners of the historic buildings, in Unit 4, that would eventually renovate the top floors of their buildings.

Ms. Silvernail, Deadwood City Commissioner, thanked and defended the Parking and Transportation Committee for working on the proposed parking changes.

After additional discussion, Mayor Toscana recommended the following entities be involved in discussions regarding parking: George Milos - Deadwood Chamber of Commerce; Chuck Turbiville - Deadwood Economic Development; Brian Katon - Business Improvement District; Mel Allen - Deadwood Planning and Zoning; Darin Derosier - Deadwood Historic Preservation; Mayor Francis Toscana - City Commission of Deadwood; Mike McLain - Cadillac Jacks; and, all members of Parking and Transportation Committee.

APPROVAL OF MINUTES

Ms. Farrier moved approve the minutes of the February 15, 2006 Joint meeting. Mr. Thorp seconded and the motion carried.

<u>All in favor</u>	<u>-</u>	<u>4</u>
<u>Opposed</u>	<u>-</u>	<u>0</u>

ADJOURNMENT

Mr. Thorp moved to adjourn the Joint Meeting of the Planning and Zoning Commission. Ms. Farrier seconded and the motion carried.

<u>All in favor</u>	<u>-</u>	<u>4</u>
<u>Opposed</u>	<u>-</u>	<u>0</u>

There being no further business, Planning & Zoning Commission adjourned at 6:15 p.m.

ATTEST:

Larry Ryan
Chairman (Acting)
Planning and Zoning

Marie Farrier
Secretary (Acting)
Planning and Zoning