**CITY OF DEADWOOD**

**PLANNING AND ZONING COMMISSION**

April 1, 2009 JOINT MEETING

The Joint Meeting of the Deadwood Planning and Zoning Commission was called to order by Chairperson Marie Farrier on Wednesday April 1, 2009 at 5:00 p.m. in the Deadwood City Hall Meeting Room located at 102 Sherman Street, Deadwood, SD 57732.

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

PRESENT BOARD OF ADJUSTMENT: None.

ABSENT BOARD OF ADJUSTMENT: Francis Toscana, Georgeann Silvernail, Joe Peterson, Lenny Schroeder & Mike Klamm. *

*** Due to inclement weather on March 30, 2009, the City Commission Meeting was rescheduled to April 1, 2009. Therefore the Joint Meeting for the Planning & Zoning Meeting was held without the Board of Adjustment. The Board of Adjustment decisions would be made at the April 6, 2009 City Commission Meeting.**

**APPROVAL OF MINUTES:**

**Mr. Ryan moved to approve the minutes of the March 18, 2009 Regular Meeting, as mailed. Mr. Shedd seconded and the motion carried.**

**All in favor - 5**
**Opposed - 0**

**SIGNS:**

**Deadwood Hospitality Resort, LLC (Deadwood Gulch Resort) – 304 Cliff Street – Request for two (2) new wall signs.**

Mr. Umenthum stated the applicant was requesting two wall sign for the restaurant, to be placed on the south and east wall of the building. Mr. Umenthum explained that the requested signs measured 5′x3′6″ or 17′6″ square feet. He noted a variance was required for the height of the wall sign. Mr. Umenthum explained the height requirement in the sign ordinance was applicable to wall signs on historic Main Street; however, he did not feel the restriction should apply outside of the historic district. He stated the signs in the historic district were only allowed to be 2′ high because they needed to fit between the sills of the second story and the façade. Mr. Umenthum recommended approval of the signs.

Ms. Farrier called for a motion to allow one sign on the south wall and east wall for the Creekside Restaurant to have a 1′6″variance in order to have two signs each 5′x3′6″ or 17′6″ square feet.

**Mr. Allen moved approve the sign on the south wall and one sign on the east wall for the Creekside Restaurant and to grant the 1′6″variance in order to allow two signs each measuring 5′x3′6″ or 17′6″ square feet. Mr. Ryan seconded and the motion carried.**

**All in favor - 5**
**Opposed - 0**

Mr. Allen questioned if the ordinance should be changed to allow larger signs outside of the Historic District. Mr. Umenthum stated Ms. Williams and he had discussed the possibility of changing or deleting some sign ordinances for areas located outside of the district.

Mr. Allen requested that future Staff Reports contain the following information: proposed location, what is allowed by ordinance, and what is being requested from the application, to avoid confusion in the future. The Planning & Zoning Commission members concurred with Mr. Allen's recommendation.

Ms. Williams clarified that the Commission wanted the section cited from the ordinance being requested for the variance, how much of a variance was being requested and any previous variances that had already been approved in the past concerning the existing location of the sign(s). The Planning & Zoning Commission stated yes, those were the main points they were requesting.

Mr. Mike Olsen, Historic Preservation Representative, stated that the proposed design guidelines would help clarify the sign ordinance, when it was completed. Mr. Olsen agreed that adding the Ordinance to the Staff Report would help to understand the applications.

**NEW BUSINESS:**

**CONDITIONAL USE PERMIT FOR CELL SITE APPLICANT – 531 Main Street – Mr. Scott Goble/ Hampton Inn – Request for Two equipment cabinets in the center of the roof on a 10'x12' steel platform and installation of 3 jaybeam wireless PCSA090-13 pane antennas on individual Andrew TP-6238-72 Tripod Mounts on the Hampton Inn.**

Ms. Williams referred to the following staff report:

**STAFF REPORT**
PLANNING AND ZONING
REQUEST FOR CONDITIONAL USE PERMIT
FOR A CELL TOWER SITE
MEETING DATE – APRIL 1, 2009

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**APPLICANT:** Mr. Scott Goble/ Hampton Inn

**PURPOSE:** Request for Two equipment cabinets in the center of the roof on a 10'x12' steel platform and installation of 3 jaybeam wireless PCSA090-13 pane antennas on individual Andrew TP-6238-72 Tripod Mounts on the Hampton Inn.

**GENERAL LOCATION:** 531 Main Street

**ZONING:** C1- Commercial District

**LEGAL DESCRIPTION:** Tract 1, being a portion of Lots 18-30, Block 12, O.T., as shown on the PL Rogers Map of the City of Deadwood, Lawrence County, South Dakota, according to plat document #90-2202 AND all of Lots 13, 15, 21 and 23, and they Northerly 70 feet of Lot 19, Block 13, City of Deadwood Lawrence County, South Dakota.

**FILE STATUS:** All legal obligations have been completed.

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**CITIZENS RESPONSE:** FOR: 0 AGAINST: 0

**STAFF FINDINGS:**

| | Surrounding Zoning: | Surrounding Land Uses |
|---|---|---|
| North: | C1 – Commercial District | 4 Acres Parking Areas |
| South: | PF – Park Forest/PU – Public Use | Trail/vacant hillside |
| East: | PU – Public Use District | Municipal Parking Lot |
| West: | C1 – Commercial District | Tin Lizzies/Dwd Gulch Saloon |

**SUMMARY OF REQUEST**

The petitioner has submitted a request for a Conditional Use Permit to allow cell tower sites on the Hampton Inn located at 531 Main Street. The project includes the following: Installation of two (2) equipment cabinets in the

center of the roof on a 10'x12' steel platform and installation of three (3) jaybeam wireless PCSA090-13 panel antennas on individual Andrew TP-6238-72 Tripod Mounts.

**FACTUAL INFORMATION**

1. The property is currently zoned C1 – Commercial District and is located in Historic Unit 4.

2. The property is comprised of 26,861.5 square feet, more or less.

3. The equipment will be placed on the roof of the Hampton Inn.

4. The property has access from Main Street.

5. The properties are located within a commercial area at the confluence of the state highway and entrance to Historic Main Street. .

6. The land is located in Flood Zone X – Area's of 500 year flood; areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 100-year flood.

7. Public facilities are not required for this use.

**STAFF DISCUSSION**

Project approval was given by the Deadwood Historic Preservation Commission on January 14, 2009.

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 proposed use is in harmony with the general purposes, goals, objectives and standards of the Comprehensive Plan and the district in which it is located. The proposed cell tower site is not immediately obvious to the public. The Deadwood Comprehensive Plan states that improved opportunities should be designed with sensitivity. The project has been carefully designed and is partially screened from public view.

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 use, as proposed is a needed service in the area. The projected use was not listed under Conditional Uses in the C1 – Commercial District; therefore, the use was treated as a Conditional Use in order to inform the public and to initiate the process for a Public Hearing for public input . 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. 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. The use does not have a great deal of impact, if any.*

*C.* The intended use at the projected 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 planned use would not result in a substantial or undue adverse effect on adjacent property or alter the character of the neighborhood. The structure will 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. Again, the use is intended to be a service to the community. The subject area is comprised of high density 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 adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation or other services. Existing services are not required for this type of use. .*

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.

Mr. Allen questioned if the Conditional Use Permit ran with present owner of the property. Ms. Williams stated the CUP did run with the property, not the applicant. Ms. William stated Mr. Scott Goble planned to be present however he had to be present at the City Commission Meeting as well to discuss a different matter.

Ms. Farrier called for a motion to approve two equipment cabinets in the center of the roof on a 10′x12′ steel platform and installation of 3 jaybeam wireless on the Hampton Inn at 531 Main Street.

**Mr. Shedd moved approve the Conditional Use Permit for two equipment cabinets in the center of the roof on a 10′x12′ steel platform and installation of 3 jaybeam wireless on the Hampton Inn at 531 Main Street. Mr. Allen seconded and the motion carried.**

**All in favor - 5**
**Opposed - 0**

**REQUEST FOR CHANGE OF ZONING FROM R1 – RESIDENTIAL DISTRICT TO C1 – COMMERCIAL DISTRICT – 822 MAIN STREET – L&L INVESTMENTS LLC**

Ms. Williams stated two objections for the request had been received from Ferd Balkehol owner of 834 Main and Keith Shostrom of 830 Main Street. Mr. Richard Granberg and Ms. Dee Maeschen were present to represent the request for Penny′s Motel.

Ms. Williams referred to the following staff report:

**RICHARD L. GRANBERG**
**REZONING ANALYSIS**
FOR
AMENDMENT TO
ZONING MAP

APPLICANT: **Richard L. Granberg**

OWNER: **L&L Investments LLC**

LEGAL DESCRIPTION: **Lot 9, Block B, EXCEPTING the southwesterly 10' adjacent to Lot 8, Sunnyside Addition, City of Deadwood, Lawrence County, South Dakota**

ADDRESS: **822 Main Street**

**EXISTING ZONE:** R1 – Residential District

PROPOSED ZONE: **C1 – Commercial District**

ASSESSOR'S NO: **30800-00200-090-10**

BACKGROUND:

A Change of Zoning Application has been submitted for the property known as 822 Main Street containing approximately 2,574 square feet, plus or minus, and is located on the Northern side of Upper Main Street. The current zoning of the subject property is R1 – Residential District and it is being proposed as C1 – Commercial District. The proposed zoning is being requested in order to allow the single-family residence to be used as a nightly rental for the Penny Motel. Penny's Motel has parking available for the use.

The current base zone (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.

THE USES PERMITTED BY RIGHT IN THE R1 – RESIDENTIAL DISTRICT ARE:

1. **Day care, small;**
2. **Dwelling unit, single-family;**
3. **Parks, recreation land; and**
4. **Wildlife preserves.**

The R1 - Residential District is the most stringent zoning classification in the Zoning Code. Section 17.24.020 – Uses permitted by right (shown above) describes the type of low density of the uses allowed in this zone.

COMPLIANCE:

1. **The Zoning Officer provided adjacent landowner 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**

2. **A sign was posted on the property for which the request was filed.**

3. **Notice of the time and place was published in the designated newspaper of the City of Deadwood.**

**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.**

*When gaming was approved in 1989, three (3) properties were considered for commercial purposes in this area. They were Penny's Motel, Gold Country Inn and Twin City Dry Cleaners. These businesses had previously been zoned commercial and gaming "rights" were very much a consideration in this matter; therefore, these 3 properties were allowed to continue with a commercial zoning classification. The surrounding area, located below Penny's Motel, is in transition and the zoning has been changed from R1 – Residential District to R-2 Multi-family Residential District. Many historic homes have been restored in this area and they have become residential rentals.*

*Eight twenty-two (822) Main Street is the entrance to the most stringently zoned residential neighborhood which again, is zoned R1 – Residential District. One of the questions in regards to this proposal is whether or not the proposed change in zoning promotes the good of the community.*

*A letter has been submitted from Keith and Joyce Shostrom of 830 Main Street, requesting denial of the request for a change of zoning. (See attachment). Also, Ferd Balkenhol called staff to voice his objection to the change of zoning.*

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

*The application is inconsistent with the Comprehensive Land Use Plan. The Comprehensive Plan depicts this area as Moderate-Density Residential and the structure currently acts as a buffer between the commercial and residential areas. The Comprehensive plan is aimed at preserving our small town character and approval of the request for a change of zoning could jeopardize that goal.*

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

***The subject property is adjoined by residential properties to the Northwest of Main Street and the majority is single-family residences. Grace Lutheran Church is located across the street, and the remaining south side of Main Street is single-family residential. If the commission was to approve this change of zoning, it would set precedent and the landowner's investments in their residential properties could be compromised.***

***A line must be drawn between conflicting uses and it was drawn and adopted in 1989 and re-adopted in 1992 on the zoning map. The purpose of allowing the 3 commercial entities to remain in this area was in consideration of allowing the existing uses to continue and retain gaming rights; it did not promise that the uses could be expanded.***

***The City should examine this request as a serious matter since it could open doors to other similar requests once precedent has been set. Boundaries need to be carefully reviewed on a comprehensive basis, not on a lot-by-lot basis.***

The Planning and Zoning Commission By-Laws state that the number of votes necessary to transact business shall be a majority of those present (as long as a quorum is present).

Ms. Williams read the letter of objection and history of the property from Mr. Keith Shostrom, on file at City Hall 108 Sherman Street.

Mr. Granberg stated they owned the 15 room Penny's Hotel which was off the beaten path. Mr. Granberg stated they were interested in purchasing 822 Main Street property to generate more revenue and noted prior owners of Penny's had owned the subject property. Mr. Granberg noted that they provide nineteen off-street parking and three on-street parking (in front of the Branch House). Mr. Granberg pointed out that during special events, there were parking issues; however, he felt that was the only time parking was a problem.

Mr. Granberg stated the change of zoning would help them generate additional revenue and allow them to hire additional staff. He stated they had been making improvements on the property on a regular basis. Mr. Granberg stated if they were approved for the Change of Zoning they were considering a name change to "The Penny Lodge" and run the establishment similar to a Bed & Breakfast. He noted they had also considered living in the house at 822 Main Street in the winter time because they currently lived in Boulder Canyon.

Mr. Allen stated if they were going to live in the house, then they would not want to change the zoning but would apply for a Conditional Use Permit for a Bed & Breakfast. Ms. Maeschen stated they would only live in the residence in the winter when the weather was bad. Ms. Maeschen stated it often takes them five days after a storm to get out of their home in Boulder Canyon. She pointed out the hotel was usually closed for those days.

Ms. Maeschen stated they would only rent out 822 Main Street in the summer and during events and noted that previous owners owned that property. Ms. Maeschen questioned if it would make a difference with the Zoning if they lived there part-time. Mr. Allen reiterated if they purchased the house and used it as a residence then a change of zoning would not be necessary. Mr. Allen stated if you rent the property as a motel unit then it would be a commercial use and the change of zoning was required.

Ms. Williams stated when Mr. Balkenhol had called and objected to the Change of Zoning he indicated he would also like to rent his house on a nightly basis. Mr. Allen stated he felt the property was residential and a problem had been created when they spot zoned for gaming rights around the Deadwood Pavilion. Mr. Ryan felt allowing the change of zoning would create more issues with Changes of Zoning in the vicinity and the property should be left residential. Mr. Allen agreed and noted more applications could come in and the basis to deny would be difficult since precedence would be set by this application. He noted this was one of the few last residential areas in Deadwood that were truly residential in nature. Mr. Shedd

agreed and pointed out other residential areas in Deadwood could also request changes of zoning to commercial.

Ms. Green stated that the application was inconsistent with the Deadwood Comprehensive Land Use Plan and felt approving the change would set a bad precedence. Ms. Williams agreed and stated it could then move up the street into more residential homes and noted the line between residential and commercial had been drawn on both the 1989 and 1992 zoning maps. She noted the Zoning of the properties had been controversial at that time and special meeting had been held to address the rights of the commercial properties.

Ms. Maeschen questioned the status of the two Bed & Breakfasts in the area and if they had required a change of zoning. Ms William explained that the Bed & Breakfasts had Conditional Use Permits and some ran with the landowner and some ran with the property if sold. Ms. Williams stated that if any complaints are made, the CUP can be revoked at any time. She noted that once the property is zoned commercial, there were no restrictions on any use on the property if the use is allowed under the commercial category in the zoning code and that a change of zoning stayed in effect under a change of ownership.

Ms. Maeschen felt their success in Deadwood was limited by only having 15 units and they had invested a lot of time and money into the business and purchasing this property would help them to succeed. She noted they had looked into other options such as the property at 817 1/2 Main Street but felt the undertaking of that property would not be economically feasible.

Ms. Maeschen stated they have had success in owning the Penny Motel however, need to generate more income and purchasing the property would help them prosper. Ms. Maeschen stated she understood the issues but felt they had to apply to give it a shot.

Ms. Farrier pointed out it was the Planning & Zoning Commission's duty to follow the ordinance as it was written and it should not be bent for these circumstances. Ms. Farrier questioned if a roll call vote should be called. Ms. Williams stated it would be a good idea to take a roll call vote.

**Ms. Green moved to deny the request for a Change of Zoning for the property located at 822 Main Street based upon the precedence it would set and because it was inconsistent with the Comprehensive Land Use Plan. Mr. Ryan seconded**

**Roll call Vote: Green, Ryan, Allen, Shedd& Farrier – Aye – Ney - None**

**All in favor - 5**
**Opposed - 0**

**The motion carried.**

**REVIEW OF EASEMENT WITH CLAIMJUMPERS**

Ms. Williams referred to the following staff report:

TO: Deadwood Planning and Zoning Commission

FROM: Bernadette Williams, Zoning Administrator

DATE: March 27, 2009

RE: Easement with Claim jumpers

At the time that Charles Street was vacated for the Mohr's' and Bob Blue, the Fritz's requested an easement with the City of Deadwood to cross the trail in order to provide two forms of ingress/egress. One of the reasons stated by the Fritzes was for emergency exiting since they only had one form of ingress/egress access. At that time, the Commission recommended that

the Planning and Zoning Commission review the easement prior to submittal to the City Commmission.

Ralph Hoggatt, Fritz's attorney has drawn the enclosed easement. Jason Campbell, City Attorney, has reviewed the proposed easement and has indicated that a second egress point would be appropriate in case of emergency; however, he was uncomfortable with the fact of opening up the area to the public due to the fact that another crossing would be placed across the trail. Staff informed the Fritz's' of his concerns and they have requested their tenants at least be allowed to cross in this area if they have a rental unit since it would alleviate the tenant from having to go all the way around to Walnut Street.

Ms. Williams pointed out there were other crossings across the Mickelson Trail and the liability did lie with the City.

Ms. Farrier asked for clarification on the staff report map as to where the proposed easement was located. Ms. Williams stated it was the dotted lines on the map.

Ms. Green questioned who the easement was for. Ms. Williams stated that the easement was for an emergency exit for the tenants or renters of the storage units at Claim Jumper Mobile Home Park. Ms. Williams explained in conversations with Larry and Linda Fritz they wanted another ingress/egress point from their properties. At one time, they thought they had a second ingress/egress point on Charles Street. Ms. Green stated as a user of the trail she would not be in favor of emergency access on the trail. She stated that in the case of a fire or emergency, people could use this as an exit with or without an easement. She did not feel that the easement would be a good idea. Ms. Williams stated an easement for emergency assess would be hard to patrol or control. Mr. Allen questioned if the area was currently being used. Ms. Williams and Ms. Green stated it is not used at this time. Ms. Green did not feel that it is a good idea to have additional vehicle traffic on yet another section of the trail.

Ms. Farrier questioned the liability of City on the trail. Ms. Williams stated that liability could or would lie with the City if an accident happened on the trail.

Mr. Shedd questioned the e-mail contained in the staff report from Ms. Fritz. It stated that the Fritz would sign off on the vacation of Charles Street and the City would grant the easement. Ms. Williams stated that the City Commission agreed to work with the Fritz's by coming to Planning & Zoning. Ms. Green questioned if it was stated in the minutes. Ms. Williams stated the minutes were not clear; however, she remembered that an emergency easement had been discussed.

Ms. Williams noted the Fritz's had indicated the realtor had promised the property had two ingress/egress points and that issue sealed the sale.

Ms. Green expressed strong opposition to the proposed easement. Mr. Allen agreed because of the liability to the City. Mr. Shedd stated he felt an additional egress point was needed in case of a fire since the entire mobile home park could burn. Ms. Green suggested an egress at the end of Deadwood Gulch Resort. Ms. Williams stated the trail had been brought up as an option and in case of a fire, they could use the trail without a formal easement.

Mr. Olsen pointed out Taylor Avenue had only one way in and one out. Ms. Williams stated Burnham hill was in a similar situation.

Ms. Farrier stated the liability to the City was a big issue. Mr. Shedd reiterated an emergency exit was needed, but, it should not be at the liability to the City. Mr. Shedd stated the easement should be at least 24 feet wide. Ms. Williams stated a 24' easement would accommodate two-way traffic and the public could use it for everyday use. Ms. Williams stated the applicants would more than likely, bring up the other areas where traffic crosses the trail. Ms. Farrier stated she did not feel comfortable placing more liability on the City by allowing another area that crosses the trail. Mr. Ryan stated the Black Hills Inn also crossed the trail; however , the bridge was their responsibility.

Ms. Farrier stated the Planning & Zoning Commission was only making a recommendation to the City Commission regarding the easement.

**Ms. Green moved to recommend denial of the easement for Claim Jumpers for safety issues. Mr. Allen seconded and the motion carried.**

**All in favor - 5**
**Opposed - 0**

**OPEN:**

Ms. Green stated she would like to address designated pet areas for future hotel/motel developments. Ms. Green felt there were problems with public establishments that allowed pets and the guests take their pets to residential areas and do not clean up after them. Ms. Green stated she would like to make this mandatory for new developments that allow pets.

Mr. Olsen provided the Planning & Zoning Commission an update on the status of the Cadillac Jacks and First Gold proceedings.

**ADJOURNMENT:**

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

**All in favor - 5**
**Opposed - 0**

There being no further business, Planning & Zoning Commission adjourned at 5:55 p.m.

ATTEST:

| | |
|---|---|
| Ms. Marie Farrier | Ms. Sheree Green |
| Chairman (Acting) | Secretary (Acting) |
| Planning and Zoning | Planning and Zoning |