

CITY OF DEADWOOD

PLANNING AND ZONING COMMISSION

April 4, 2012

REGULAR MEETING

The Regular Meeting of the Deadwood Planning and Zoning Commission was called to order by Chairperson Jim Shedd on Wednesday April 4, 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, Mel Allen, Marie Farrier, Sheree Green and Mark Speirs. Also Present: Mayor Francis Toscana, Georgeann Silvernail, Jim Van Den Eykel and Jason Campbell, City Attorney.

All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES:

It was moved by Ms. Farrier and seconded by Ms. Green to approve the minutes of the March 21, 2012 Meeting. Aye - All. Motion carried.

SIGNS:

Continued From March 21, 2012 - Canyon View Amish Furniture and Gift Store (Gary Schmaltz)

Mr. Keith Umenthum, Building Inspector stated that the application had been continued since November 16, 2011. The proposed sign location is 250 Highway 14-A, and will be constructed of aluminum and acrylic. Mr. Umenthum explained that the Sign Ordinance Amendment #1126 allows internally illuminated and plastic signs outside of the Federally Designated Landmark District; therefore the proposed reader board sign is in compliance with the revised Sign Ordinance. Staff recommends approval. Mr. Campbell noted the Sign Ordinance Amendment went into effect on April 4, 2012.

It was moved by Ms. Farrier and seconded by Mr. Speirs to approve the sign permit application for Canyon View Amish Furniture and Gift Store (Gary Schmaltz) at 250 Hwy 14-A as presented. Aye - All. Motion carried.

Sweet Revenge Candies (Dave Iverson) - 614 Main Street - Projecting Sign

Mr. Umenthum stated that the applicants were requesting permission to install a projecting sign at 614 Main Street. Mr. Umenthum stated that the signage would be 32" x 48" or 10.66 square feet and made of MDF sign board. Mr. Umenthum stated that the sign is in compliance with the Sign Ordinance and Staff recommended approval.

It was moved by Mr. Speirs and seconded by Mr. Allen to approve the projecting sign as presented for Sweet Revenge Candies (Dave Iverson) at 614 Main Street. Aye - All. Motion carried.

Rescind Amendment for a Conditional Use Permit from 376 Main Street to 134 Sherman Street

Mr. Nelson referred to the following Memorandum:

Date: March 30, 2012
To: Planning and Zoning Commission
From: Robert E. Nelson Jr., Zoning Administrator
Re: Amendment to Conditional Use Permit at 376 Main Street

At a public hearing on March 7, 2012 the Planning and Zoning Commission as well as the Board of Adjustment approved an amendment to an existing Conditional Use Permit at 376 Main Street. The proposed amendment would allow for the Conditional Use Permit to be moved to 134 Sherman Street. Dan Collins, the permit holder, was not able to agree to the lease terms with the landlord at 134 Sherman Street since the time of the public hearing and will not be relocating to 134 Sherman Street. As a result this office would request the Planning and Zoning Commission rescind the action from the March 7th meeting which would place the permit still an active CUP at 376 Main Street. The CUP will remain valid for a twelve (12) month period from the time Mr. Collins ceased operation at 376 Main Street. If he has not resumed his business at that location within the twelve (12) month period this office will notify Mr. Collins that the CUP is no longer valid.

Action Required: Motion to rescind the action from March 7, 2012 Planning and Zoning Meeting

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in regards to the Amendment for a Conditional Use Permit at 376 Main Street to 134 Sherman Street.

Mr. Nelson stated that by rescinding the motion the CUP would revert back to Mr. Collins' original location of 376 Main Street and be valid until March 1, 2013. Ms. Green questioned if Mr. Collins was in business at the 376 Main Street location. Mr. Nelson stated that he was not in business at the location due to a leasing issue. Mr. Nelson noted that only one CUP is allowed at a location. Ms. Green questioned why Mr. Collins would want it to revert back to the 376 Main Street location when he is not in business there. Ms. Farrier stated that it would prevent someone from applying for a CUP at that the 376 Main Street location.

It was moved by Ms. Farrier to rescind the action from March 7, 2012 Planning and Zoning Meeting in regards to the Amendment for a Conditional Use Permit at 376 Main Street to 134 Sherman Street.

Mr. Nelson stated that he would bring forth the matter to the Board of Adjustment at the April 9, 2012 City Commission Meeting. Ms. Green stated she did not understand why the CUP would revert back to the original location when he is not in business at the location. Mr. Campbell stated that Mr. Collins was actively seeking a permanent location for his business then he could seek another amendment.

The motion was seconded by Ms. Green. Aye - All. Motion carried.

OPEN
None.

ADJOURNMENT:

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

There being no further business, the Planning & Zoning Commission adjourned at 5:20 p.m.

ATTEST:

Mr. Jim Shedd
Chairman
Planning and Zoning

Ms. Sheree Green
Secretary
Planning and Zoning