

CITY OF DEADWOOD

PLANNING AND ZONING COMMISSION

April 18, 2012

REGULAR MEETING

The Regular Meeting of the Deadwood Planning and Zoning Commission was called to order by Acting Chairperson Marie Farrier on Wednesday April 18, 2012 at 5:00 p.m. in the Deadwood City Hall Meeting Room located at 102 Sherman Street, Deadwood, SD 57732.

PRESENT PLANNING & ZONING: Mel Allen, Marie Farrier, Sheree Green and Mark Speirs.
Also Present: Georgeann Silvernail and Jason Campbell, City Attorney.

ABSENT PLANNING & ZONING: Jim Shedd.

All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES:

It was moved by Mr. Allen and seconded by Ms. Green to approve the minutes of the April 4, 2012 Meeting. Aye - All. Motion carried.

SIGNS:

Verizon Wireless (Real Estate Center) - 376 Main Street - Wall Sign

Mr. Keith Umenthum, Building Inspector stated that the applicant requested permission to install a wall sign. Ms. Farrier questioned Mr. Umenthum if the 360 Main Street address listed on the Staff Report was correct. Mr. Umenthum stated that it was not correct and the correct address was 376 Main Street.

Mr. Umenthum stated that the proposed sign would be 10'x 2' or 20 square feet, constructed of MDO sign board. He stated that a variance would be required for a second wall sign. He noted that the Liberty Tax Service sign would be removed and the Tattoo and Piercing sign had already been removed.

Mr. Umenthum stated that he had requested a letter from the applicant explaining the reasons for the variance and he had not received the letter. Mr. Umenthum stated that he would suggest continuing the application until the letter is received.

It was moved by Ms. Farrier and seconded by Mr. Speirs to continue the sign permit application for Verizon Wireless (Real Estate Center) at 376 Main Street. Aye - All. Motion carried.

Days of '76 Museum - 18 Seventy-Six Drive - Wall Signage

Mr. Umenthum reviewed the following Staff Report and letter:

STAFF REPORT

April 12, 2012

The applicant requests permission to install two wall signs.

Applicant: Days of 76 Museum
Address: 1876 Drive

Sign #1 - Days of 76 Museum wall sign mounted on the front façade of the museum.

Size: 9'7" x 8'4" or 80 square feet

Location: On the projecting roof gable

Material: Aluminum

Is a variance required? Yes - 2 variances

Comments: The amended sign ordinance now allows wall signs within 15 feet of a city street a maximum area of 60 square feet and a maximum vertical dimension of 3 feet. (Section 15.32.310 B.1.c. City of Deadwood Sign Ordinance) The variances asked are for an area variance of 20 square feet from the maximum 60 square feet and a height variance of 5'4" from the maximum height allowed of 3'.

Sign #2 - Days of 76 Museum wall sign on the back façade of the museum.

Size: 15'6" x 15' or 223 square feet

Location: On the projecting roof gable at the back of the museum

Material: Aluminum

Is a variance required? Yes

Comments: The amended sign ordinance now allows a sign set back more than 50 feet from a city street a maximum area of 250 square feet and a maximum vertical dimension of 10 feet. Section 15.32.310B.1.a. City

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of Deadwood Sign Ordinance The variance asked is for 5' in height from the maximum height allowed by ordinance of 10 feet.

All variances must comply with Section 15.32.080 B of the sign ordinance where the commission finds "there are special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures, distance or other matters on adjacent lots or within the adjacent public right-of-way that would substantially restrict the effectiveness of the sign is question and such special circumstances or conditions are peculiar to the particular business or enterprise to which the applicant desires to draw attention and do not apply general to all businesses or enterprises in the area."

The applicant has submitted a letter and will be present to explain the reasoning for the variances. Staff recommends approval of the Days of '76 signage if the commission finds the variances appropriate for the Days of '76 Museum.

Deadwood History Inc.
150 Sherman St
Deadwood, SD 57732

City of Deadwood
Planning and Zoning Commission
ATTN: Keith Umenthum
108 Sherman St.
Deadwood, SD 57732

Thursday, April 05, 2012

Dear Planning and Zoning Commission:

On behalf of Deadwood History, Inc.'s board of directors, I would like to request a variance in Deadwood's sign ordinance for the Days of '76 Museum to produce and install signs on the new museum building at 18 Seventy Six Drive. As you are aware the city-owned building is a very prominent feature on the lower end of town to motorists and visitors entering Deadwood from that direction. The front of the building is also very prominent to those people viewing the building from the rodeo grounds side of the site. It is our belief placing the proposed signs on the building will greatly enhance our ability to attract visitors to the museum. This building houses a not-for-profit educational institution existing for the greater good of Deadwood and the surrounding communities. Furthermore we believe because of the location, nature of business, and complications of the site in general, topography, issues in right of ways and adjacent lots that we are eligible for a variance based on the ordinance in section 15.32.080 B regarding variances which states:

there are special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures, distance or other matters on adjacent lots or within the adjacent public right-of-way that would substantially restrict the effectiveness of the sign in question and such special circumstances or conditions are peculiar to the particular business or enterprise to which the applicant desires to draw attention and do not apply generally to all businesses or enterprises in the area.

The first set of unique conditions concern the rear of the building facing Highway 85 and the proposed signs on that portion of the building. The museum is quite a distance from the highway and there are many cottonwood trees along the creek that obstruct the view of the building. Larger signs will make the museum more visible to visitors and motorists entering Deadwood from that direction.

The new building includes over 30,000 square feet of the highest quality museum space in the community. However, this space is expensive to operate and we estimate the museum will cost approximately \$300,000 per year to operate. Because the building is such a prominent landmark we plan on using it as its own marketing tool. This will be accomplished by the large, yet tasteful signs we have proposed. These signs will help us attract visitors who will pay the admission to visit the museum. Admission to the facility is an eagerly anticipated and significant source of income for the new museum. It is our goal for admission to offset much of the annual operation expense of the building. Should the Planning and Zoning Commission not grant this variance the signs allowed by law will be too difficult for visitors on this Highway 85 route to see, resulting in a dramatic loss of revenue for this precious city and community resource.

The second set of unique circumstance includes issues relating to adjacent buildings, topography and other matters on adjacent lots concerning the front of the Days of '76 building and the signage proposed thereon. The first is a matter of logical perception. Although Seventy Six Drive is a dedicated City Street, it is unrecognizable as such to those without specialized knowledge of Deadwood's street layout.

There is but one street sign for Seventy Six Drive on the corner of it and highway 85 (please see photo one). The street appears to dead end at Crescent Street after only a short distance (less than 100 yards). In fact, were a vehicle to go straight through the intersection of Crescent and Seventy Six Drive it would collide head on into the extremely large and pronounced Rodeo grounds gate post (please see photo two). Larger signage on the front of the building will entice visitors to enter and allow visitors to more clearly see the museum signs from that direction and greater distance.

Another set of unusual circumstances is that Seventy Six Drive is closed from time to time by a locked gate at the rodeo grounds. In fact, during the Days of '76 Rodeo itself, and on other occasions this gate is locked (please see photo three.) From that distance the proposed larger signs will also assist in attracting visitors, as they entice visitors to turn left on Crescent street and enter the museum from the campground area.

A third set of unique conditions regarding right of way and adjacent property is that Seventy Six drive is not actually recognizable as a street once a vehicle passes through the '76 Rodeo grounds gate. In fact, once through the gate the street appears to dissolve into a parking lot. There are no distinct street features on this part of the drive, no curbs, sidewalks, or anything other than yellow parking lot markings that would otherwise indicate that it is a street. The painted markings for bus and large RV parking lie directly in the path of the museum from the rodeo grounds gate. Large vehicles parked in those designated areas pose both a physical and a visual obstruction that the larger signs would help overcome. In fact, the whole area appears to be a large parking lot encircling the football field. From many areas of this parking lot, structural features of the football field block out large portions of the museum building. The grandstands, the scoreboard, and generally vehicles parked in the lot (please see photos 4-10) Because of this parking lot situation and the other limiting factors mentioned visitors will often view the museum building from a greater distance. The larger signs as proposed will allow Deadwood History Inc. to overcome these greater distances and confusion of the sight.

Deadwood History Inc. and the Days of '76 Museum would therefore respectfully ask the Planning and Zoning Commission to grant this vitally important sign variance to Deadwood History Inc. for the placement of the proposed signs on the Days of '76 Museum.

Thank you for your consideration of this matter.

Sincerely,

Bill Peterson
CEO, Deadwood History Inc.

Sign #1: Mr. Umenthum stated that the signage would be 9'7" x 8'4" or 80 square feet and made of aluminum. Mr. Umenthum stated that the sign would be located on the front façade of the Days of '76 Museum and that two variances would be required. Mr. Bill Peterson, representing the Day of '76 was present to answer questions.

Mr. Peterson stated that it would be difficult to see the signage due to the setback of the museum therefore larger signage is needed in order to be seen. He noted that the bus traffic and vegetation would prevent a smaller sign from being seen.

Ms. Green questioned how many motions and variances would be needed for approval of the Sign #1. Mr. Campbell stated that two variances were needed for height and area of the sign. Mr. Campbell reminded the Planning & Zoning Commission that a lot of time was spent on revising the Sign Ordinance and that he had concerns with the amount of variances requested for the signage on a City-owned building. Mr. Campbell stated that Planning & Zoning must review all evidence and it must justify the approval of the variances. He noted that a City-owned building should be held to the same standards as a non-City owned building.

Mr. Speirs stated that he felt that according to Section 15.32.080 B, regarding special circumstances, the proposed signage met the criteria.

Ms. Farrier asked Mr. Campbell if the signage was approved by Planning & Zoning, could he defend their decision if another applicant wanted to erect a similar sized sign. Mr. Campbell stated that the record must clearly state the reasons for approval.

Mr. Nelson questioned if the billboard at the entrance would be removed. Mr. Peterson stated that he understood that it would be removed.

Mr. Jon Mattson, representative of the Days of '76 Committee, stated that the building needed to be able to be identified from the highway and the signage is need for the financial success of the museum. Mr. Mattson stated that the Days are limited on placing signage due to their location to the highway and that in the past they could not get permission from the Department of Transportation to place signage close to the highway.

Mr. Speirs stated that he felt that due to the vegetation, the signage meets the criteria and stated that he was unaware that the area in front of the museum was a designated street. Mr. Speirs noted that the sign on the front of the building will be difficult to see no matter what size of the signage.

Ms. Green questioned if the signage could be implemented in a different way. Mr. Peterson stated that he could not answer that and that the building was designed with the proposed signage in mind. He noted that it was his understanding that Mr. Kevin Kuchenbecker, Historic Preservation Officer would be proposing some new way finding information to clarify the location of the museum. Mr. Peterson stated that most people believe the area in front of the museum is a parking lot, not a street; therefore a larger sign would help identify the building. Mr. Mattson question who designated the area a street because to his recollections it was not a street. Mr. Campbell stated that 911 addressing mandated the area to be a designated street.

Ms. Green stated that she felt this was a difficult decision because of the changes made to the Sign Ordinance since the variance requested is very large. Mr. Speirs suggested that the applicant submit a proposal of the signage that fit the Sign Ordinance in order for the Commission to compare the proposed signage. Mr. Peterson stated that it would be a significant drop in the size and make it difficult to see.

Mr. Allen stated that it was his opinion that he does not see a problem with the proposed signs with the variances because of the size and location of the building from the highway.

It was moved by Mr. Speirs and seconded by Mr. Allen to approve the wall sign as presented with two variances for area and height for the Days of '76 Museum at 18 Seventy-Six Drive. Aye - All. Motion carried.

Sign #2: Mr. Umentum stated that the signage would be 15'6" x 15' or 223 square feet and made of aluminum. Mr. Umentum stated that the sign would be located on the back façade on the projecting roof gable and a variance would be required for height. Mr. Umentum stated that Mr. Campbell had questioned if there was a public entrance on the back of the museum; if there was not, an additional variance would be required for one sign per public entrance.

Mr. Peterson stated that there was a public entrance however it is not visible in the photos presented to the Commission. Mr. Campbell questioned if the entrance would be used for public entry every day. Mr. Speirs questioned if he would have a sign stating "Entrance". Mr. Peterson stated that he did not have a plan for sign permit at the moment.

Mr. Speirs questioned if the proposed sign would be lit. Mr. Peterson stated that the sign would not be lit.

Mr. Speirs questioned how many variances would be needed for approval. Mr. Campbell stated that since Mr. Peterson indicated that there is a public entrance on the back of the building, only one variance for height is needed.

Ms. Farrier asked Mr. Umentum to clarify the variance needed to approve the sign. Mr. Umentum stated that the variance is for 5' in height from the maximum 10' allowed by the Sign Ordinance. Ms. Green questioned if special circumstance included distance. Mr. Campbell stated that distance is a special circumstance but felt distance is addressed in the Sign Ordinance by allowing the applicant the maximum 250 square feet and maximum vertical dimensions of 10'.

Ms. Green stated that by producing a sign within the conforms of the Sign Ordinance it would greatly affect the effectiveness of the sign, in this case; therefore it could qualify as a special circumstance. Mr. Speirs stated that when viewing the sign, most people will be more than 200 feet away.

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It was moved by Ms. Green and seconded by Mr. Allen because the effectiveness of the sign would be substantially restricted without the variance, a special circumstance exist, therefore moved to approve the wall sign as presented with a variance for 5' height requirement for the Days of '76 Museum at 18 Seventy-Six Drive. Aye - All. Motion carried.

Mr. Campbell explained to the applicants that they must seek approval from the City Commission to erect signage on a City owned building. He noted that it would be place on the Monday April 23, 2012 City Commission meeting.

Annual Report

The Planning & Zoning Commission thanked Staff for the Annual Report.

OPEN

None.

ADJOURNMENT:

It was moved by Mr. Speirs and seconded by Mr. Allen 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 5:45 p.m.

ATTEST:

Mr. Jim Shedd
Chairman
Planning and Zoning

Ms. Sheree Green
Secretary
Planning and Zoning