

CITY OF DEADWOOD

PLANNING AND ZONING COMMISSION

May 15, 2013

JOINT MEETING

The Joint Meeting of the Deadwood Planning and Zoning Commission and Board of Adjustment * was called to order by Chairperson Jim Shedd on Wednesday, May 15, 2013 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 and Mark Speirs.

ABSENT PLANNING & ZONING: Sheree Green.

PRESENT BOARD OF ADJUSTMENT: Georgeann Silvernail and Jim Van Den Eykel.

ABSENT BOARD OF ADJUSTMENT: Chuck Turbiville, Joe Peterson and Gary Todd

* Due to lack of a quorum, the Board of Adjustment did not convene; therefore, the Final Plat was presented at the May 20, 2013 City Commission Meeting.

APPROVAL OF MINUTES:

It was moved by Mr. Speirs and seconded by Mr. Allen to approve the minutes of the May 1, 2013 Meeting. Aye - All. Motion carried.

SIGNS:

Big D Oil Company - 402 Main Street - Request for signage; Replace faces on the existing freestanding sign with new logo and colors and replace existing canopy wrap with logo with a new wrap with logo.

Mr. Keith Umenthum stated that the applicant requested permission to replace the canopy wrap that would contain two logos upon it and replace the faces on the existing freestanding sign with new logos. Mr. Umenthum stated that the Big D Gas Station would now be a Mobil Big D Gas Station and noted that the canopy wrap had already been changed. He stated that the contractor, Conrad Big "C" Signs was notified and they had applied for the sign permit application.

Mr. Speirs questioned if the contractor could be penalized or fined for not having the permits prior to the placement of the signage. Mr. Umenthum stated that fines only applied in building permits, not sign permits. Mr. Speirs questioned if Big "C" Signs was a licensed contractor in Deadwood. Mr. Umenthum stated that they are. Mr. Speirs stated that it was his opinion that if they are licensed in Deadwood they must adhere to the Ordinances and could be fined. Mr. Umenthum stated that it was not written in the Sign Ordinances for fines. Mr. Nelson corrected Mr. Umenthum and stated that a fine could be imposed to up to \$500.00, according to the section 15.32.090 of the Sign Ordinance. Mr. Speirs stated that he himself is a licensed contractor and it is his obligation to make sure the proper permits are in place or face fines for not doing so. Ms. Farrier noted that the Sign Ordinance stated that a fine could be imposed and questioned what that procedure would be to impose the fine. Mr. Nelson stated that the Planning & Zoning Commission would make a recommendation to impose a fine and it would then be directed to Legal Counsel to impose the fine.

Mr. Nelson stated that in speaking with Ms. Vicky Fenhaus of Big "C" Signs, it was an honest oversight and had apologized to the Commission in the letter attached to the Staff Report.

Ms. Fenhaus stated that it was not the intention of the company to not get the permit; she had overlooked it.

It was moved by Ms. Farrier to approve the application to replace the existing canopy wrap with logos with a new wrap with logos.

After discussion, the Planning & Zoning Commission decided to approve the application for the signage in one motion.

Ms. Farrier rescinded her motion.

It was moved by Ms. Farrier and seconded by Mr. Allen to approve the application to replace the faces on the existing freestanding sign with a new logo and to replace the existing canopy wrap with logos with a new wrap with logos for Big D Oil Company at 402 Main Street. Aye - All. Motion carried.

Mr. Nelson stated that the freestanding sign had not been changed.

Steven Hertel (Aspen Storage Inc.) - 20783 Whitewood Creek Road - Request for signage.

1. *Replace existing freestanding sign with new freestanding sign.*

Mr. Umentum stated that the applicant requested permission to replace an existing freestanding sign. Mr. Umentum stated that he had provided the Commission a copy of a letter from the South Dakota Department of Transportation. He stated that according to the letter the applicant would need to apply for a permit from the State, place the sign 100' away from other off-premise signs and for the lights to be positioned as to not distract drivers.

Mr. Umentum stated the sign would replace the sign on highway 14A.

It was moved by Ms. Farrier and seconded by Mr. Allen to approve the application to replace an existing freestanding sign with a new freestanding sign, for Steven Hertel at 20783 Whitewood Creek Road. Aye - All. Motion carried.

2. *Install a second new freestanding sign.*

Mr. Umentum stated that the applicant requested permission to install a second freestanding sign that would be placed by Highway 85. He noted that the sign is not considered a billboard but an on-premise sign. He stated the size of the sign would be 6' x 12'.

It was moved by Mr. Speirs and seconded by Ms. Farrier to approve the application for a new freestanding sign, for Steven Hertel at 20783 Whitewood Creek Road. Aye - All. Motion carried.

Brian Holcomb (Celebrity Hotel) - 629 Main Street - Request for Projecting Reader Board sign.

Mr. Umentum stated that the applicant requested permission to install a projecting reader board sign. Mr. Umentum explained the sign is similar to the ones approved and installed at the Four Aces.

It was moved by Mr. Speirs and seconded by Ms. Farrier to approve the application for a projecting reader board sign for Brian Holcomb (Celebrity Hotel) at 629 Main Street. Aye - All. Motion carried.

The Real Estate Group and Angel's Attic - 732 Main Street - Request for two freestanding signs.

Mr. Umentum stated that the applicant requested permission for two freestanding signs, with a total of 10 square feet each. Mr. Umentum explained that the signs would be made of metal with a vinyl wrap on a wood frame. He stated they would be placed on a common support system.

Mr. Speirs questioned if vinyl was allowed according to the Sign Ordinance. Mr. Umentum stated that the signs meet the Sign Ordinance.

It was moved by Mr. Speirs and seconded by Ms. Farrier to approve the application for two freestanding signs for The Real Estate Group and Angel's Attic at 732 Main Street. Aye - All. Motion carried.

FINAL PLAT: Plat of Lot 23, Block 2 of Palisades Tract of Deadwood Stage Run Addition, All located in the SW 1/4 of Section 14, the SE 1/4 of Section 15, the NE 1/4NE 1/4 of Section 22 and the N 1/2 NW 1/4 of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota.

Mr. Nelson stated that the purpose of the plat was to facilitate the sale of the property. He noted that the address would be 781 Stage Run.

It was moved by Ms. Farrier and seconded by Mr. Allen to approve the Final Plat of Lot 23, Block 2 of Palisades Tract of Deadwood Stage Run Addition.. Aye - All. Motion carried.

Update on Conditional Use Permit review hearing for a Bed and Breakfast located at 7 Spring Street.

Mr. Nelson stated that the Bed and Breakfast located at 7 Spring Street had provided occupancy reports to him for the last six months. He stated that they have been in compliance for the last six

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months. Mr. Nelson stated that he would continue to monitor the Bed and Breakfast on a less formal basis and would only bring forth new information if a complaint is received.

OPEN

Mr. Nelson stated that he was writing a letter of support for a Transportation and Enhancement grant for the former Ice House and Kilaraney Motel property.

ADJOURNMENT:

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

There being no further business, the Planning & Zoning Commission adjourned at 5:32 p.m.

ATTEST:

Mr. Jim Shedd
Chairman
Planning and Zoning

Ms. Sheree Green
Secretary
Planning and Zoning