

CITY OF DEADWOOD

PLANNING AND ZONING COMMISSION

May 16, 2012

REGULAR MEETING

The Regular Meeting of the Deadwood Planning and Zoning Commission was called to order by Chairperson, Jim Shedd on Wednesday, May 16, 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 and Sheree Green.
Also Present: Jason Campbell, City Attorney.

ABSENT PLANNING & ZONING: Mark Speirs.

All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES:

It was moved by Ms. Green and seconded by Ms. Farrier to approve the minutes of the May 2, 2012 Meeting. Aye - All. Motion carried.

SIGNS:

Results of a Phone Vote Conducted on May 3, 2012 for Verizon Wireless (Real Estate Center) - 376 Main Street - Wall Sign

Mr. Keith Umenthum, Building Inspector, stated that the application was continued from the May 2, 2012 meeting. He referred to the following memo:

MEMO

Date: May 10, 2012
To: Planning and Zoning Commission
From: Keith Umenthum
Re: The Verizon sign at 376 Main Street

On May 3, I delivered a revised staff report for the Verizon wall sign at 376 Main Street to all of the P and Z commissioners after inspection of the site and determining the proposed sign is in compliance with the ordinance.

A telephone voice vote was held on May 4, with Sherry, Marie, Mel and Jim voting to approve the sign permit. Mark did not respond.

Mr. Jason Campbell, City Attorney, stated that Planning & Zoning Commission must ratify the phone vote conducted on May 3, 2012, with a motion.

It was moved by Ms. Farrier and seconded by Mr. Allen to ratify the phone vote regarding the approval of the sign permit application for Verizon Wireless (Real Estate Center) at 376 Main Street. Aye - All. Motion carried.

Black Hill Cigar Company (Deadwood Mountain Grand) - 1906 Deadwood Mountain Drive Request for an 18' x 2' wall sign

Mr. Umenthum stated that the applicant requested permission to install a wall sign. He noted that the building frontage is 42' with an allowable 84 square feet of signage for the building. Mr. Umenthum noted that there was a correction to the size, from 18' to 16'. He explained that the sign would be 16' x 2' or 32 square feet and made of painted wood. Mr. Umenthum stated that the sign would be placed above the entrance of the Black Hills Cigar Company. Mr. Umenthum stated that the sign is in compliance with the Sign Ordinance and he recommended approval. Mr. Umenthum provided the Commission photos of where the sign would be placed on the building.

Mr. Adrian stated that the sign would be a replica of the sign that is inside of the building. Ms. Green questioned if the building is separate from the larger Deadwood Mountain Grand building. Mr. Allen stated that it was the old assay office.

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It was moved by Mr. Allen and seconded by Ms. Green to approve the wall sign as presented for Black Hill Cigar Company (Deadwood Mountain Grand) at 1906 Deadwood Mountain Drive. Aye – All. Motion carried.

Platinum Ventures, LLC dba Four Aces - 531 Main Street - Request to replace an existing free standing sign parking lot sign with a combination parking lot and reader board sign

Mr. Umenthum stated that the applicant requested permission to replace an existing free standing sign parking lot sign with a combination parking lot and reader board sign. Mr. Umenthum referred to the following Staff Report:

May 10, 2012

The applicant requests permission to replace an existing free standing parking lot sign with a combination parking lot and reader board sign.

Address: 531 Main Street
Applicant: Platinum Ventures, LLC dba Four Aces

Size: 6'x6' or 36 square feet

Allowable size: The square footage is calculated at 2/3 square foot per parking space not to exceed 36 square feet per face. The applicant has 56 parking spaces thus allowing the 36 square feet.

Location: This sign would replace the existing parking lot sign located at the corner of Historic Main Street and Volin Street. The existing sign meets the sign code for size, material and content.

Material: Dibond sign board with vinyl graphics

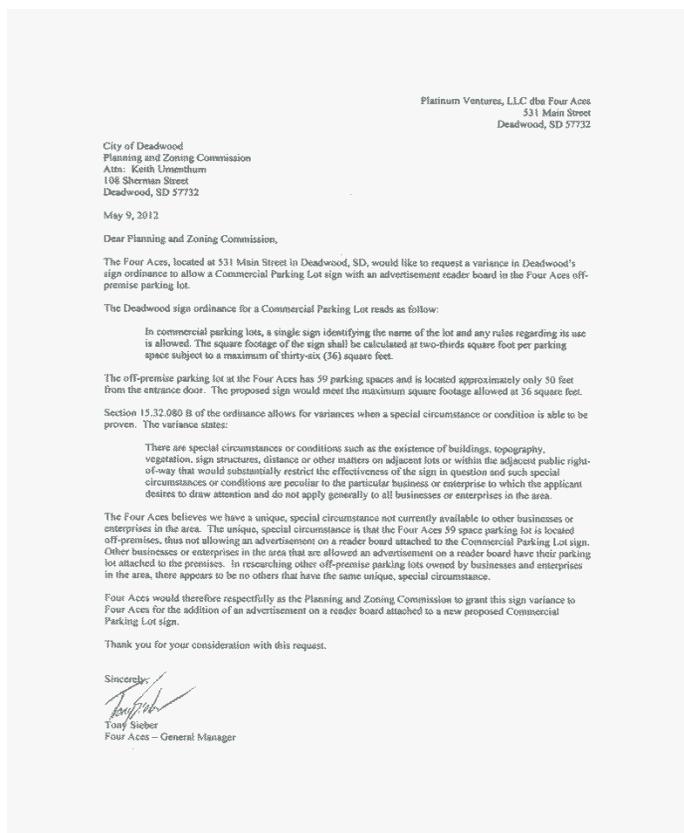
Is a variance required? Yes, several

Comments: The applicant has enclosed a letter requesting and stating a reason for a variance. "In commercial parking lots, a single sign identifying the name of the lot and any rules regarding its use is allowed." Section 15.32.300 #8 The allowance of a variance may set precedence in allowing off premises signs and reader boards within the historic district. The variance would allow off premises advertisement for Four Aces by way of the additional sign board. Off premises advertising is not allowed by Section 15.32.130 #5 – Disallowed signs.

If approved variances would be needed for the following:

- 15.32.300.8 – For advertising more than just the parking.
- 15.32.130.5 – The sign is disallowed because it would be classified as an off premise sign.
- Reader boards are only allowed under 15.32.300© for building frontage or under 15.32.300©1(d) as a free standing sign where buildings are set back.
- 15.32.130.4 – Plastic signs shall not be allowed. The reader board has 6" letters with a vinyl (plastic) header.

Consideration of this variance should take into account Section 15.32.030 G of the sign ordinance titled "Purpose". This sign may adversely impact historic resources given the proposed location at the entrance to Historic Main Street.



Mr. Umenthum stated that several variances were needed to approve the sign.

Mr. Tony Sieber, of Platinum Venture, LLC dba Four Aces was in the audience to represent the sign application. Mr. Sieber stated that he feels that they have a unique, special circumstance because the Four Aces parking lot is located off-premise and is only 50 feet from the entrance door. He stated that in researching other businesses, there were no other businesses that have the same special circumstance. Mr. Sieber explained that the sign would advertise featured events that the guests of the Four Aces would attend. Mr. Sieber thanked the Commission for their time and consideration of the sign permit application.

Mr. Shedd stated that he would like to receive the opinion of Mr. Kevin Kuchenbecker, Historic Preservation Officer on the proposed signage and the potential impact on the historic resources. He recommended continuing the sign permit application. Mr. Campbell stated that Sign Ordinance does allow signage in parking lots to identify the lot and the printed rules of the lot; however, it does not allow advertisements, such as "Easy Cash Sunday". Mr. Campbell stated that advertisement of specific events is not a valid reason for granting a variance.

Mr. Campbell cited the Sign Ordinance #15.32.080 that,

"...unless it 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 in question..."

a variance cannot be granted. He stated that the applicant's current signage identifying the parking lot follows the Sign Ordinance and it is his recommendation to deny the application due to the inappropriate use of the parking lot sign.

Ms. Green stated that sign permit application does not meet the criteria for special circumstances for granting a variance. Mr. Umenthum added that he had reviewed the sign application with Mr. Kuchenbecker and he had stated to him that it was not an appropriate sign for the historic Main Street District.

It was moved by Ms. Green and seconded by Mr. Allen to DENY the free standing sign as presented by Platinum Ventures, LLC dba Four Aces at 531 Main Street. Aye - All. Motion carried.

OPEN:

Mr. Nelson stated that he had received two vendor applications for the Sturgis Rally; however the applications were incomplete and is awaiting the additional information. He noted that the application deadline is June 1, 2012 for the Rally.

Mr. Nelson stated that the final plat for Miller Street would be presented at the next meeting, as well as an amendment to Tax Increment Financing District (TIFD) #9 for Cadillac Jacks.

ADJOURNMENT:

It was moved by Ms. Farrier 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 5:25 p.m.

ATTEST:

Mr. Jim Shedd
Chairman
Planning and Zoning

Ms. Sheree Green
Secretary
Planning and Zoning