

CITY OF DEADWOOD

PLANNING AND ZONING COMMISSION

September 7, 2005

REGULAR MEETING

The Regular Meeting of the Deadwood Planning and Zoning Commission was called to order by Chairman Larry Ryan on Wednesday, September 7, 2005, at 5:05 p.m. in the Deadwood City Hall Meeting Room located at 102 Sherman Street, Deadwood, SD 57732.

PRESENT PLANNING & ZONING: Larry Ryan, Mel Allen, Sheree Green, Marie Farrier and Robert Thorp arriving at 5:07.

APPROVAL OF August 17, 2005 MINUTES

Ms. Green moved to approve the minutes of August 17, 2005 as mailed. Ms. Farrier seconded and the motion carried.

All in Favor - 5
Opposed - 0

FINAL PLAT - BRANDON FLANAGAN Plat of Tara's Tract, subdivision of a portion of the Wilmington Placer, M.S. 848, Located in the NW 1/4 and SW 1/4 of Section 13, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota

Ms. Williams noted that Mr. Brandon Flanagan was representing the plat. Ms. Williams referred to the following staff report:

STAFF REPORT
PLANNING AND ZONING
September 1, 2005

APPLICANT: Brandon Flanagan

PURPOSE: To delineate the boundaries of the unplatted portion of Wilmington Placer, M.S. 848

GENERAL LOCATION: East of Deadwood/adjacent to Aspen Storage

LEGAL DESCRIPTION: Plat of Tara's Tract, subdivision of a portion of the Wilmington Placer, M.S. 848, Located in the NW 1/4 and SW 1/4 of Section 13, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota

FILE STATUS: All legal obligations have been completed.

ZONE: CH – Commercial Highway District

CITIZENS RESPONSE: FOR: NA AGAINST: NA

STAFF FINDINGS:

<u>Surrounding Zoning:</u>	<u>Surrounding Land Uses</u>
North: CH – Commercial Highway	Undeveloped
South: CH – Commercial Highway	Undeveloped
East: Land is located in county	
West: CH – Commercial Highway	Undeveloped

SUMMARY OF REQUEST

The petitioner has submitted a Final Plat in order to provide a legal description for an unplatted portion of M.S. 848. Lawrence County took the property for nonpayment of taxes, penalties, interests and costs for the years of 1997, 1998, 1999, 2000, 2001 and 2002. Mr. Flanagan purchased the property on July 24, 2003, at a private sale at the office of the County Treasurer. Mr. Flanagan's ownership was challenged; however, the previous owner, gave him deed to the land; therefore, he legally owns the property. The property is located on the easterly end of Deadwood. There is no address for this property and it is currently vacant land.

FACTUAL INFORMATION

1. The property is currently zoned CH – Commercial Highway District.
2. Tara’s Tract contains 1.43 acres.
3. The subject property gains access by a previously registered easement – Document No. 80-1671.
4. The subject property is located within a tourist service designation. The majority of the property is hillside.
5. Tara’s Tract is partially located within the A – Zone - No base flood elevations determined on the FIRM Flood Insurance Rate Map, Revised May 7, 2001.
6. Public facilities are not available to serve the property.
7. The area is characterized by open space, an old railroad grade, Aspen Storage Business and vacant lands.

Ms. Williams noted that each commissioner had been provided with a copy of the title commitment for the property. Ms. Farrier stated that she was concerned with the judgment and the lawsuit against Mr. Flanagan. She questioned if the motion should address this issue. Mr. Flanagan stated he had obtained a Quit Claim deed from the previous owner, Mr. Craig Hayes and the result of the judgment was that he, Mr. Flanagan, was the legal owner of the property. Ms. Farrier restated her question if the motion should include the judgment issue. Ms. Williams stated that Mr. Flanagan had addressed the issue when he obtained the deed from the previous owner. Ms. Farrier questioned if he would sign the plat as the owner. Mr. Flanagan stated he would and explained that he taken care of any additional problems that would have arose with the plat before he came before the Planning and Zoning Committee.

Ms. Farrier moved to approve Plat of Tara’s Tract, subdivision of a portion of the Wilmington Placer, M.S. 848, Located in the NW ¼ and SW ¼ of Section 13, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. Ms. Green seconded and the motion carried.

All in Favor - 5
Opposed - 0

OPEN

Ms. Williams updated the Commission on the status of Mr. Thad Fuller’s property. Ms. Williams provided the Committee a copy of the Environmental Overlay Zone. Ms. Williams stated under the Environmental Overlay Zoning, Mr. Fuller must come before the Planning and Zoning Committee to present his plans for the property. Ms. Williams stated she had informed Mr. Fuller that he would need to provide plans for the subject property. Ms. Williams stated that engineering had been completed and NJS was in the process of drawing the profiles. Ms. Green questioned why he would have to present to the Planning and Zoning Committee. Ms. Williams stated that the property in question is located in the flood hazard zone and the Environmental Overlay Zone required him to present his plans to the Planning and Zoning Commission.

Mr. Allen stated that dirt work had begun on the Ramkota project. Ms. Williams stated that the owner would come forth with plans in the near future.

Mr. Ryan questioned the status of the Change of Zoning on Bill Mathieu/4 Aces Hotel Corporation. Ms. Williams stated that it had been approved by the City Commission.

ADJOURNMENT:

Ms. Green moved to adjourn the Regular Meeting of the Planning and Zoning Commission. Mr. Thorpe seconded and the motion carried.

All in favor - 5
Opposed - 0

Regular Meeting
September 7, 2005

There being no further business, Planning & Zoning Commission adjourned at 5:15 p.m.

ATTEST:

Larry Ryan
Chairman (Acting)
Planning and Zoning

Marie Farrier
Secretary (Acting)
Planning and Zoning