

CITY OF DEADWOOD

PLANNING AND ZONING COMMISSION

October 1, 2008

JOINT MEETING

The Joint Meeting of the Deadwood Planning and Zoning Commission was called to order by Chairperson Marie Farrier on Wednesday October 1, 2008 at 5:00 p.m. in the Deadwood City Hall Meeting Room located at 102 Sherman Street, Deadwood, SD 57732.

PRESENT PLANNING & ZONING: Marie Farrier, Jim Shedd, Mel Allen, & Larry Ryan. Mr. Jason Campbell, City Attorney was also present.

ABSENT PLANNING & ZONING: Sheree Green.

PRESENT BOARD OF ADJUSTMENT: Francis Toscana, Georgeann Silvernail, Mike Klamm, Joe Peterson & Lenny Schroeder.

APPROVAL OF MINUTES:

Mr. Ryan moved to approve the minutes of the September 17, 2008 Regular Meeting, as mailed. Mr. Allen seconded and the motion carried.

<u>All in favor</u>	<u>-</u>	<u>4</u>
<u>Opposed</u>	<u>-</u>	<u>0</u>

SIGN PERMITS:

Pat Roberts - Best Western - 137 Charles Street

Ms. Williams stated Mr. Keith Umenthum, Deadwood Building Inspector, was not present since he was out of the office. She stated she would review the staff reports with the Commission members.

Ms. Williams stated that the existing sign is a nonconforming off-premises sign advertising Best Western Hickok House at 137 Charles Street. The non-conforming sign is located in the Gold Dust Gaming parking lot, located at 575 Main Street. The applicant proposes adding the phone number to the existing sign and adding an additional sign to the back of the sign structure. Ms. Williams stated staff recommended approval of the phone number to be added to the existing sign, however, Mr. Umenthum recommend denial of the addition of a sign to the backside of the sign structure. The sign would be in violation of Section 15.32.130.5of the Deadwood Sign Ordinance - Title 15.32, "Off-premises advertising signs shall not be allowed".

Mr. Allen moved to approve addition of the text to the existing freestanding off-premises sign at the Gold Dust Parking Lot. Mr. Ryan seconded and the motion carried.

<u>All in favor</u>	<u>-</u>	<u>4</u>
<u>Opposed</u>	<u>-</u>	<u>0</u>

Ms. Williams stated by approving the additional sign it would be increasing the non-conformity of the sign. Mr. Pat Robert, representing Best Western Hickok House was present in the audience to answer any questions. Mr. Roberts pointed out the sign was grandfathered-in to the district and stated allowing the backside sign would enhance and make the sign look better. Mr. Roberts stated he had questioned Mr. Umenthum regarding the change to the sign; he felt it was unfair that he must pay a forty dollar fee to change the existing sign when the Lamar owned billboard signs in Deadwood could change at any time. Mr. Roberts reiterated the addition of the backside sign would make the sign structure more appealing and it would thank the people you are staying and spending money in Deadwood.

Ms. Farrier explained that she had visited the site of the sign and suggested painting the sign structure to enhance the appearance. She did not feel the second sign could be approved since it was not allowed by the sign ordinance.

Mr. Allen state he agreed with Mr. Roberts that the addition of the sign would enhance structure; however it is the duty of the Commission to follow the Sign Ordinance as it is written.

Mr. Allen moved to deny the addition of a back sign to the existing freestanding off-premises sign at the Gold Dust Parking Lot. Mr. Shedd seconded and the motion carried.

All in favor - 4
Opposed - 0

NEW BUSINESS:

CHANGE OF ZONING: Deadwood Hospitality Resort, LLC LEGAL DESCRIPTION: Tract A of Deadwood Gulch Addition II, Being a portion of Deadwood Gulch Addition II, All located in the NE ¼ SE ¼ and SW ¼ of Section 27, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota

Ms. Williams reviewed the following staff report:

DEADWOOD HOSPITALITY RESORT, LLC
REZONING ANALYSIS
FOR
AMENDMENT TO
ZONING MAP

APPLICANT: **Deadwood Hospitality Resort, LLC**

LEGAL DESCRIPTION: **Tract A of Deadwood Gulch Addition II, Being a portion of Deadwood Gulch Addition II, all located in the NE ¼ SE ¼ and SW ¼ of Section 27, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota, according to Plat Document # 2008-3469.**

ADDRESS: **304 Cliff Street**

EXISTING ZONE: PF - Park Forest District

PROPOSED ZONE: CH - Commercial Highway District

ASSESSOR'S NO: **30210-00100-000-00**

BACKGROUND:

A request for a Change of Zoning has been submitted for a rezoning from PF – Park Forest District to CH – Commercial Highway District for the purpose of possible future development on Tract A, Deadwood Gulch Addition II. The PF – Park Forest District is intended to provide areas in forested section of the city to be used for low-density single-family residential development while minimizing potential adverse affects on the surrounding environment. The CH – Commercial Highway District is intended to provide locations for commercial uses, which require access to roads and highways, and, substantial amounts of parking.

The property, currently zoned PF – Park Forest District is situated in the upper area of Tract A and currently consists of vacant lands. In 1992, when the city adopted a new zoning map, imaginary lines were drawn between the districts; therefore, some properties have more than one zoning designation on their property. This is the case in this instance and the applicants are requesting their entire lot be rezoned to one zoning classification.

COMPLIANCE:

- 1. The Zoning Officer provided notice identifying the applicant, describing the project and its location and giving the scheduled date of the public hearing in accordance with Section 17.96.020**
- 2. A sign was posted on the property for which the request was filed.**
- 3. Notice of the time and place was published in the designated newspaper of the City of Deadwood.**

SECTION 17.100.030 - STANDARDS OF REVIEW:

In reviewing an amendment to the text of this Ordinance or an amendment to the Official Zoning District Map, the City Commission and Planning and Zoning Commission shall consider the following:

- A. Whether the proposed amendment is in conflict with any applicable portions of this Ordinance.**

The application is not in conflict with the City of Deadwood Zoning Code or Land Use Plan.

- B. Whether the proposed amendment is consistent with all elements of the Deadwood Comprehensive Plan.**

The Comprehensive Plan Land Use Map depicts the area as "Tourist Service" - Areas designated as tourist service are intended to contain uses that primarily support the Deadwood tourist industry.

- C. Whether the proposed amendment is compatible with surrounding Zone Districts and land uses, considering existing land use and neighborhood.**

The subject property abuts Claimjumpers Mobile Home Park, owned by Larry and Linda Fritz. Their property is also zoned CH - Commercial Highway District. The remainder of the land surrounding the area is zoned PF- Park Forest District.

- D. Whether and the extent to which the proposed amendment would result in demands on public facilities, and the extent to which the proposed amendment would exceed the capacity of such public facilities, including, but not limited to transportation facilities, sewage facilities, water supply, parks, drainage, schools, and emergency medical facilities.**

The city systems can accommodate the future use. The portion of PF - Park Forest District is not located within a flood zone.

Ms. Williams stated she received two phone calls regarding the change and did not get any negative feedback.

Mr. Roger Tellinghusen, representing Deadwood Hospitality Group was present in the audience to answer any questions. Mr. Tellinghusen stated all of the property in question was all in Tract A and the applicant is only asking for all of their property to be in one zoning district.

Mr. Allen moved to approve the Change of Zoning for Deadwood Hospitality Group Resort to Commercial Highway. Mr. Shedd seconded and the motion carried.

All in favor - 4
Opposed - 0

Chairperson Farrier adjourned the Planning and Zoning meeting and turned the meeting over to the Board of Adjustment.

DEADWOOD BOARD OF ADJUSTMENT

Mayor Toscana called the Board of Adjustment to order. Mr. Toscana stated the action would be First Reading for the Change of Zoning and questioned if Second Reading could take place at

the next City Commission Meeting on October 6, 2008. Ms. Williams stated yes, because five (5) days would have lapsed. Mr. Toscana requested a roll call vote.

Ms. Silvernail moved to approve the recommendation of the Planning & Zoning for approval of the Change of Zoning for Deadwood Hospitality Group Resort to Commercial Highway. Mr. Klamm seconded and the motion carried.

Roll Call Vote: Voting Aye - Klamm, Toscana, Peterson, and Schroeder & Silvernail. Voting Nay: None.

Mayor Toscana adjourned the Board of Adjustment and turned the meeting back over to the Planning and Zoning Commission.

PLANNING AND ZONING

Chairperson Farrier called the Planning and Zoning meeting back to order.

PLAT FOR TRANSFER PURPOSES - Deadwood Stage Run, LLC - Bill Pearson/Clay Johnson GENERAL LOCATION: Off Mount Roosevelt Road LEGAL DESCRIPTION: Plat of Lots 4 and 5, Block 1 of Palisades Tract of Deadwood Stage Run Addition, All located in the SW ¼ Section 14, the SE ¼ of Section 15, the NE ¼ NE ¼ of Section 22 and the N ½ NW ¼ of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota
Ms. Williams referred to the following staff report:

**PLAT STAFF REPORT
PLANNING AND ZONING
October 1, 2008**

APPLICANTS: Deadwood Stage Run, LLC – Bill Pearson/Clay Johnson

PURPOSE: To plat two lots off for transfer purposes.

GENERAL LOCATION: Off Mount Roosevelt Road

LEGAL DESCRIPTION: Plat of Lots 4 and 5, Block 1 of Palisades Tract of Deadwood Stage Run Addition, All located in the SW ¼ Section 14, the SE ¼ of Section 15, the NE ¼ NE ¼ of Section 22 and the N ½ NW ¼ of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota

FILE STATUS: All legal obligations have been completed.

CITIZENS RESPONSE: FOR: NA AGAINST: NA

STAFF FINDINGS:

Surrounding Zoning:

North: PF – Park Forest District
South: PF – Park Forest District
East: CH & PF Districts
West: PF District

Surrounding Land Uses

Rural environment
Vacant lands
Deadwood Resorts/USFS
USFS/Vacant

SUMMARY OF REQUEST

The purpose of the plat is for transfer purposes.

FACTUAL INFORMATION

1. The properties were zoned under a Planned Unit Development. The Zones are R1 – Residential District; R2 – Multi-family Residential District; and C1 – Commercial District.
2. The street right-of-way measures 50’.
3. The properties gain access from Mt. Roosevelt Road.
4. The area is not designated under our current Comprehensive Plan.
5. Public facilities will be available to serve the property.

6. The neighborhood is characterized by rural development.

STAFF DISCUSSION

- The plat has a North Arrow.
- Signature and seal of the surveyor
- Dimensions are shown on all sides of the property
- Scale of drawing is shown
- Acknowledgements are shown
- Certification for City and County are shown

All requirements have been met to process the subject plat.

Mr. Shedd moved to approve the Plat of two lots for transfer purposes for Deadwood Stage Run LLC. Mr. Allen seconded and the motion carried.

All in favor - 4
Opposed - 0

Chairperson Farrier adjourned the Planning and Zoning meeting and turned the meeting over to the Board of Adjustment.

DEADWOOD BOARD OF ADJUSTMENT

Mayor Toscana called the Board of Adjustment to order.

Ms. Silvernail moved to approve the Plat of two lots for transfer purposes for Deadwood Stage Run LLC, as recommended by Planning and Zoning Commission. Mr. Klamm seconded and the motion carried.

All in favor - 5
Opposed - 0

Mayor Toscana adjourned the Board of Adjustment and turned the meeting back over to the Planning and Zoning Commission.

PLANNING AND ZONING

Chairperson Farrier called the Planning and Zoning meeting back to order.

OPEN:
None

ADJOURNMENT:

Mr. Ryan moved to adjourn the Joint Meeting of the Planning and Zoning Commission. Mr. Shedd seconded and the motion carried.

All in favor - 4
Opposed - 0

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

ATTEST:

Ms. Marie Farrier
Chairman (Acting)
Planning and Zoning

Ms. Sheree Green
Secretary (Acting)
Planning and Zoning

