

CITY OF DEADWOOD

PLANNING AND ZONING COMMISSION

November 2, 2011

REGULAR MEETING

The Regular Meeting of the Deadwood Planning and Zoning Commission was called to order by Chairperson Jim Shedd on Wednesday November 2, 2011 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, Sheree Green and Mark Speirs.

All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES:

It was moved by Ms. Farrier and seconded by Mr. Allen to approve the minutes of the October 5, 2011 Joint Meeting. Aye - All. Motion carried.

SIGNS:

KLK VENTURES (NUGGET SALOON)

Mr. Umenthum stated that the applicants were requesting permission to replace a face on an existing projecting sign at 604 Main Street. Mr. Umenthum stated that the signage would be 4' x 5' or 20 square feet and made of painted metal. The existing text of "The Nugget Sports Bar" would be replaced by "Nugget Saloon." Staff recommended approval of the text change for the existing sign.

It was moved by Mr. Allen and seconded by Ms. Green to approve the text change for the existing projecting sign for KLK Ventures (Nugget Saloon) at 604 Main Street. Aye - All. Motion carried.

REAL ESTATE CENTER (LIBERTY TAX SERVICE)

Sign #1: Request for a 6' x 3' wall sign.

Mr. Umenthum stated that the applicants were requesting permission to install a wall sign at the Real Estate Center building located at 376 Main Street. Mr. Umenthum stated that the signage would be 6' x 3' or 18 square feet and made of painted sign board. Mr. Umenthum noted that the sign would require two variances: for the number of wall signs per public entrances and for the height of the sign. He stated that a variance was granted for the Tattoo and Piercing sign that was approved by the Planning & Zoning Commission and if approved there would be a total of three signs on the building. Mr. Umenthum stated that three signs would create an unsightly proliferation of signage contrary to the Sign Ordinance section 15.32.030. A. and G. Staff recommended denial of the sign.

Mr. Allen questioned if it was Mr. Umenthum's opinion that three signs were too many for the building. Mr. Umenthum stated that Mr. Allen was correct and noted that one variance had already been approved for the Tattoo and Piercing business.

Mr. Umenthum stated that it had come to his attention that the sign in display for the Tattoo and Piercing business was not the sign that was approved. He stated that the size and material are not permitted and appears to be a banner.

Mr. Shedd read the following from the Deadwood Sign Ordinance 15.32.030:

- A. *To require signs to respect the historic architectural styles of the community, and more specifically, the style of the structure on which the sign will be placed. The city has adopted a set of design guidelines for use within the historic district and they are referenced by this section.*
- G. *To protect and improve the public health, safety, and general welfare by preventing adverse impacts to historic resources and assuring that new signs are in keeping with the city's historic character.*

Mr. Shedd stated he felt that the Liberty Tax Service and Real Estate Center owners should meet with Mr. Umenthum to find a compromise for the sign permit application.

It was moved by Mr. Speirs and seconded by Ms. Green to deny the wall sign at 376 Main Street for the Real Estate Center (Liberty Tax Service).

Mr. Ken Wagenman of Liberty Tax Service asked to address the Planning & Zoning Commission. He questioned the issuance of a variance for the Tattoo and Piercing sign since according to the Sign Ordinance a sign is permitted for public entrances located at least ten feet apart and there are two entrances. He pointed out that the Real Estate Center and Tattoo and Piercing Business do not use the same entrance. Mr. Umenthum stated that the intent of the Sign Ordinance is to allow one wall sign per public entrance to avoid many signs on one building.

Ms. Green asked Mr. Jason Campbell, City Attorney, for his opinion on the matter. Mr. Campbell stated according to the Sign Ordinance signage is entrance specific; therefore, the signage must be placed at least ten feet apart. Mr. Campbell recommended continuing the application and working with all parties to reach a compromise on the signage. Mr. Campbell suggested that if the applicants possibly move existing signage and reduce the size of the proposed signage the adverse effect could be lessened.

Mr. Campbell stated that the Planning & Zoning Commission could not take any formal action in regards to the Tattoo and Piercing sign and directed Mr. Umenthum to place the illegal signage on the November 16, 2011 agenda.

Mr. Allen questioned if one larger sign could be placed with Tattoo and Piercing and Liberty Tax displayed. Mr. Umenthum stated that two smaller signs would be more appropriate.

It was moved by Mr. Speirs and seconded by Ms. Green to rescind the motion to deny the wall sign at 376 Main Street for the Real Estate Center (Liberty Tax Service). Aye - All. Motion carried.

Ms. Correen Dammen, Liberty Tax Service questioned if the other signage was moved and if the size of the proposed signage were reduced, if it would help to receive approval. Mr. Wagenman stated that he did not know how willing the owners of the Real Estate Center would be to move their own sign. Mr. Shedd directed Mr. Umenthum to work with all of the parties to reach a compromise.

It was moved by Mr. Speirs and seconded by Ms. Green to continue the wall sign at 376 Main Street for the Real Estate Center (Liberty Tax Service) until the November 16, 2011 Meeting. Aye - All. Motion carried.

Sign # 2: Request for a Statue of Liberty sign.

Mr. Umenthum stated that the applicants were requesting permission to display a Statue of Liberty sign at the Real Estate Center building located at 376 Main Street. Mr. Umenthum stated that the signage would be located in front of the existing freestanding sign in the Department of Transportation (DOT) right of way. Mr. Umenthum stated that because of its location, a permit from the DOT would need to be obtained. Staff does not recommend approval of the statue because it would be adverse to the stated purpose of the Sign Ordinance.

It was moved by Mr. Speirs and seconded by Ms. Green to deny the statue at 376 Main Street for Real Estate Center (Liberty Tax Service). Aye - All. Motion carried.

FINDINGS OF FACT:

FINDINGS OF FACT AND CONCLUSIONS FOR A VARIANCE FOR A CONDITIONAL USE PERMIT FOR A MASSAGE THERAPY OFFICE - 802 MAIN STREET

Mr. Nelson stated that the Findings of Fact and Conclusions was the final step to close the file.

It was moved by Mr. Speirs and seconded by Mr. Allen to approve the Findings of Fact and Conclusions for Conditional Use Permit for Massage Therapy Office at 802 Main Street for Connie Atkinson and Keri Hopkins. Aye - All. Motion carried.

OPEN

Ms. Green questioned if Staff monitored approved signage to avoid issues such as wrong signage at the Tattoo and Piercing business. The Planning & Zoning Commission discussed the issue of signage and agreed that Staff should follow up to insure correct signage is placed.

ADJOURNMENT:

It was moved by Ms. Green and seconded by Ms. Farrier 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 5:26 p.m.

ATTEST:

Mr. Jim Shedd
Chairman
Planning and Zoning

Ms. Sheree Green
Secretary
Planning and Zoning