

CITY OF DEADWOOD

PLANNING AND ZONING COMMISSION

November 7, 2012

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 November 7, 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, Sheree Green and Mark Speirs.

PRESENT BOARD OF ADJUSTMENT: Francis Toscana, Georgeann Silvermail, Joe Peterson, and Gary Todd.

ABSENT BOARD OF ADJUSTMENT: Jim Van Den Eykel.

APPROVAL OF MINUTES:

It was moved by Ms. Green and seconded by Mr. Speirs to approve the minutes of the October 17, 2012 Meeting. Aye - All. Motion carried.

SIGNS:

Paul Bradsky, Representing Cadillac Jacks/Springhill Suites (Optima LLC.) at 322 Main Street - Discussion regarding the approved free standing sign with conditions.

Mr. Paul Bradsky stated that he would ask the Planning & Zoning Commission to reconsider the conditions of removing the two existing free standing sign placed on the approval of the free standing monument sign. Mr. Bradsky stated that it was his understanding that once the Springhill Suite is complete they would meet the square footage requirement to allow the monument sign without removing the two existing signs. Mr. Bradsky provided a rendering all of the signage.

Mr. Bradsky stated he is asking that Planning & Zoning allow them to keep the two signs up and after the building permit is issued for the parking structure they would apply to relocate the two existing signs.

Mr. Nelson stated that the applicant should resubmit the application and it be considered at the next Planning & Zoning Commission meeting.

It was moved by Mr. Speirs and seconded by Mr. Allen to have the applicant resubmit the application for a free standing monument sign for consideration at the next Planning & Zoning Commission meeting. Aye - All. Motion carried.

Mr. Francis Toscana stated that due to the resignation of Mr. Jason Campbell, City Attorney, the City has contracted legal counsel from the law offices of Gunderson, Palmer, Nelson, Ashmore from Rapid City. Mr. Toscana introduced Mr. Quentin Riggins who would be representing the Planning & Zoning Commission.

PUBLIC HEARING - REQUEST FOR A CONDITIONAL USE PERMIT A SINGLE UNIT BED AND BREAKFAST WITH THREE BEDROOMS

Mr. Nelson reviewed the following Staff Report:

STAFF REPORT

PLANNING AND ZONING AND BOARD OF ADJUSTMENT
REQUEST FOR A CONDITIONAL USE PERMIT

APPLICANT:	Dustin and Laura Floyd
PURPOSE:	Request for a Single Unit Bed and Breakfast with Three Bedrooms
GENERAL LOCATION:	21 Lincoln Avenue
LEGAL DESCRIPTION:	Lots 1, 2, and 3 and Southerly 10 Feet of Lots 12, 13, and 14 and the Vacated Alley, Block Forty-two (42), Original Town, City of Deadwood, Lawrence County, South Dakota.

FILE STATUS: All legal obligations have been completed.

STAFF FINDINGS:

Surrounding Zoning:

North: R1 - Residential District
South: R1 - Residential District
East: R1 - Residential District
West: PU - Public Use

Surrounding Land Uses

Residential Housing
Multi-family Housing
Residential Housing
Park and Housing

SUMMARY OF REQUEST

The petitioner has submitted a request for a Conditional Use Permit to operate a Bed and Breakfast establishment on this property. The subject property is located in the first block of Lincoln Avenue on the Northwest side of the street.

FACTUAL INFORMATION

1. The property is currently zoned R1 - Residential District.
2. The property comprises approximately 5,566 square feet ±.
3. The site was originally developed in 1903 and used as an apartment building until the 1940's and as a Bed and Breakfast from the 1990's until 2007. The non-conforming use status for a Bed and Breakfast runs with the property but new permit holders must apply and be approved by the City of Deadwood.
4. The subject property has access from Lincoln Avenue.
5. The subject property is located within a very low density land use classification on the adopted Land Use Map.
6. The property is located outside of Flood Zone AE – Area's of 100 year flood and Flood Zone X – Area's of 500 year flood.
7. Adequate public facilities are available to serve the property.
8. The area is characterized by a mixture single family dwellings and multi-family dwellings.

STAFF DISCUSSION

The petitioner has submitted a request for a Conditional Use Permit for a Bed and Breakfast establishment and the city regulations permit Bed and Breakfast establishments in the R1 – Residential District with a Conditional Use Permit.

The subject property is currently utilized as a residential dwelling. The petitioner indicates they intend to rent up to three bedrooms at one time. The Deadwood Zoning Code requires a bed and breakfast establishment to be occupied by the owner(s). The code also states a requirement of one off-street parking space per guestroom in section 17.64.060 of the ordinance book. This particular establishment is unique in that it has non-conforming status with the City of Deadwood for a Bed and Breakfast which does not allow for the City to enforce the parking requirement. However the property does have two off-street and what appears to be one on-street parking spot on or near the property.

According to the City regulations defining a bed and breakfast, it cannot be situated on a lot closer than two hundred (200) feet or eight (8) residences, whichever is greater, from any other lot containing a bed and breakfast home. In this instance there is a bed and breakfast use within the two required buffers. Donna Nelson has a current Bed and Breakfast CUP at 28 Lincoln Avenue but again the existence of the non-conforming status of the property allows for the CUP to be reinstated with application and approval. The code also defines that the Building Inspector is to inspect the premises to ensure compliance with the Building Code.

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 10.10.B.**
- 2. A sign was posted on the property for which the requests were filed.**
- 3. Notice of the time and place was published in the designated newspaper of the City of Deadwood.**

GENERAL USE STANDARDS FOR CONDITIONAL USE PERMITS:

In reviewing any application under the authority of this chapter and as a further guide to its decision upon the facts of the case, the Commission(s) shall consider, among other things, the following facts:

- A. The proposed use shall be in harmony with the general purposes, goals, objectives, and standards to the City Policy Plan, the ordinance, the district in which it is located, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice by the City of Deadwood.
The City Comprehensive Plan encourages a variety of uses and a mixture of housing types. Preserve the existing stock of historic structures by working with the individuals and guiding the uses is an acceptable means. Traffic and parking should not significantly affect the neighborhood. This area has a mixture of single family and multi-family dwellings
- B. Whether or not a community need exists for the proposed use at the proposed location in light of existing and proposed uses of a similar nature in the area and of the need to provide or maintain a proper mix of uses both within the city and also within the immediate area of the proposed use: (a) the proposed use in the proposed location shall not result in either a detrimental over concentration of a particular use from previously permitted uses within the city or within the immediate area of the proposed use.
The subject area is zoned R1 - Residential District. The R1 – Residential District is intended to provide locations for low to medium density residential. Medium density residential is designed to provide apartment and multi-family dwellings as well as parks and recreation areas. There is one B&B within 200 feet of the proposed B&B.
- C. The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites, or rights-of-way.
The proposed use would not result in a substantial or undue adverse effect on adjacent property or the character of the neighborhood and the use would not alter the character of the neighborhood. There will be no change in the size of the dwelling. To support a denial of a conditional use permit on the grounds that it will cause increased traffic problems, there must be a high degree of probability that the increase would pose a substantial threat to the health and safety of the community.
- D. Whether or not the proposed use increases the proliferation of non-conforming uses as well as previously approved Conditional Use Permits which are still in use, when influenced by matters pertaining to the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of the Policy Plan, this ordinance, or any other plan, program, map or ordinance adopted, or under consideration pursuant to official notice, by the city or other governmental agency having jurisdiction to guide growth and development.
For any conditional use, lot and performance standards shall be the same as similar type uses located in specific districts. The character and use of buildings and structures adjoining or near the property mentioned in the application shall be considered in their entirety.
The proposed use would not increase the proliferation of non-conforming uses. The subject residence is located in an area that has apartment buildings and an additional B and B. The appearance of the structure will not change; therefore, the character and use of the buildings and structures adjoining the subject property will not be adversely affected.
- E. Whether or not the proposed use in the proposed area will be adequately served by and will not impose an undue burden on any of the improvements, facilities, utilities, and services specified in this section.
The proposed use will not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation or other services. Existing services are available onsite.

CONDITIONS GOVERNING APPLICATIONS AND PROVISIONS:

- A. Following the issuance of a conditional use permit pursuant to the provisions of this ordinance, such permit may be amended, varied, or altered only pursuant to the standards and procedures established by this section for its original approval.
- B. The Board of Adjustment can revoke conditional use permits, once granted, for cause after a hearing is held before them. Complaints seeking the revocation of such permit shall be filed with the Zoning Administrator and may be initiated by the Planning and Zoning Commission OR any three (3) residents within three hundred (300) feet of the property lines of which the application has been filed. All such revocation hearings shall be conducted in the same manner as for the Conditional Use Permit application hearings.
- C. The Planning and Zoning Commission shall have the authority to review Conditional Use Permits at any time and/or on an annual basis and place additional stipulations to mitigate a problem.
- D. If the use permitted under the terms of a Conditional Use Permit has not been started within six (6) months of the date of issuance thereof, said permit shall expire and be canceled by the City Planning Department. Written notice thereof, shall be given to the person(s) affected, together with notice that further use or work as described in the canceled permit shall not proceed, unless and until a new conditional use permit has been obtained.
- E. If the use permitted under the terms of a Conditional Use Permit, ceases, for whatever reason, for a period of twelve (12) months, said permit shall expire and be canceled by the City Planning Department. Written notice thereof, shall be given to the person(s) affected, together with notice that further use or work as described in the canceled permit shall not proceed, unless and until a new conditional use permit has been obtained.

If approved, staff recommendations for stipulation(s):

- 1. The Conditional Use Permit runs with the applicant and not the land; therefore, should the property be sold, the Conditional Use Permit is null and void and the non-conforming status could be voided from the property.
- 2. The Bed and Breakfast must be owner occupied.
- 3. Proof of a state excise number shall be provided to the Planning and Zoning Office for their files.
- 4. Proof that the Building Inspector has inspected the building and it meets all of the building codes.
- 5. Proper paperwork is filed with the City of Deadwood Finance office for BID taxes.

ACTION REQUIRED FOR CONDITIONAL USE PERMIT:

- 1. Recommendation by Planning and Zoning Commission for Approval / Approval with conditions / Denial by Planning and Zoning Commission
- 2. Approval / Approval with conditions / Denial by Board of Adjustment

Mr. Nelson stated that Mr. Umenthum had not completed the inspection of the property and that it would need to be completed. He stated that if the CUP was approved the applicants would need to set up BID tax with the Finance Office.

It was moved by Ms. Farrier and seconded by Mr. Allen to approve the Conditional Use Permit for Bed & Breakfast for Dustin and Laura Floyd at 21 Lincoln Avenue. Aye - All. Motion carried.

Mr. Shedd closed the Planning & Zoning Meeting.

Mr. Toscana opened the Board of Adjustment.

Mr. Toscana questioned if off street parking was required. Mr. Nelson stated that typically it is a requirement; however the existing CUP with the property did not require off street parking. Mr. Nelson stated that there are two off street parking spots. Mr. Nelson noted that the CUP ran with the property not the owner of the property.

It was moved by Ms. Silvernail and seconded by Mr. Todd to approve the Conditional Use Permit for Bed & Breakfast for Dustin and Laura Floyd at 21 Lincoln Street, as recommended by Planning & Zoning. Aye - All. Motion carried.

Mr. Toscana closed the Board of Adjustment and turned the meeting over to the Planning and Zoning Commission.

Tentexkota (Deadwood Mt. Grand) - 1906 Deadwood Mt. Drive - Request to relocate an existing wall sign.

Mr. Keith Umenthum stated that the applicant requested permission to relocate an existing east facing wall sign to the north wall of the former Assay Office. He stated that the sign was 320 square feet and externally lit. Mr. Umenthum explained that the sign is in compliance with the Deadwood Sign Ordinance.

It was moved by Ms. Farrier and seconded by Ms. Green to approve the application for relocation of an existing wall sign for Tentexkota - Deadwood Mountain Grand at 1906 Deadwood Mt. Drive. Aye - All. Motion carried.

Berg Jewelry and Gift (Dale Berg) - 650 Main Street - Request for a projecting sign.

Mr. Umenthum stated that the applicant requested permission to install a projecting sign made of painted aluminum. He stated that it would be 6' x 5' or 30 square feet. Mr. Umenthum explained that the sign had already been hung. He noted that the sign is in compliance with the Deadwood Sign Ordinance.

It was moved by Mr. Speirs and seconded by Ms. Farrier to approve the application for a projecting sign for Berg Jewelry and Gift at 650 Main Street. Aye - All. Motion carried.

Ms. Farrier questioned if Sign Ordinance allows Staff to assess a fine for placing signs without approval. Mr. Nelson stated that it does not; however, the Sign Ordinance could be changed to address accessing a fine.

PUBLIC HEARING - REVIEW HEARING FOR A CONDITIONAL USE PERMIT A BED AND BREAKFAST

Mr. Nelson reviewed the following Staff Report:

STAFF REPORT
PLANNING AND ZONING AND BOARD OF ADJUSTMENT
CONDITIONAL USE PERMIT REVIEW HEARING

CUP HOLDER: Ken and Lee Steier
PURPOSE: Review of a Single Unit Bed and Breakfast with Five Bedrooms
GENERAL LOCATION: 7 Spring Street
LEGAL DESCRIPTION: Lots X, a replat of Lots 1, 2, and 3, Block 1, Miricks Addition and a portion of MS 735, located in the City of Deadwood, Lawrence County, South Dakota.

FACTUAL INFORMATION

1. The property is currently zoned R2 – Multi-family Residential District.
2. The property comprises approximately 13,000 square feet ±.
3. The subject property has access from Spring Street.
4. The subject property is located within a very low density land use classification on the adopted Land Use Map.
5. The property is located outside of Flood Zone AE – Areas of 100 year flood and Flood Zone X – Area’s of 500 year flood.
6. Adequate public facilities are available to serve the property.
7. The area is characterized by a mixture single family dwellings and multi-family dwellings.

STAFF DISCUSSION

The procedure for review of the Conditional Use Permit (CUP) falls under City of Deadwood Code of Ordinances Chapter 17.76.060, comprising the conditions governing applications and provisions of Conditional Use Permits. Sections D and E will be used in this case. Section E states the Planning and Zoning Commission shall have the authority to review Conditional Use Permits at any time and on an annual basis and place additional stipulations to mitigate a problem. Complaints have been filed with the Zoning Department thus the request for a Review Hearing.

The Planning and Zoning Commission has the authority to place additional stipulations on the CUP or to recommend a revocation of the CUP to the Board of Adjustment. Section D states: Conditional Use Permits, once granted, can be revoked by the Board of Adjustment for cause after a hearing is held before them. Complaints seeking the revocation of such permit shall be filed with the Zoning Administrator and may be initiated by the Planning and Zoning Commission or any three residents within three hundred (300) feet of the property lines of which the application has been filed. All such revocation hearings shall be conducted in the same manner as for the Conditional Use Permit application hearings.

The Planning and Zoning Commission shall consider options are to remedy the problem(s) based upon the complaints of record and the conditions of the use permit. The Planning and Zoning Commission must take the following actions: 1) Take no action; 2) Recommend placing additional stipulations on the permit; or 3) Recommend revoking the permit to the Board of Adjustment.

The original application for the Conditional Use Permit was for a Bed and Breakfast which is defined by the City of Deadwood as follows:

“Bed and breakfast establishment” means:

1. A single detached dwelling where temporary lodging or sleeping accommodations with no more than three guest rooms is provided with a breakfast meal to the traveling public, by the owner and his or her immediate family for a payment and such use shall be subordinate to the principle use of the dwelling as an owner occupied residence;
2. No bed and breakfast home shall be located on a lot closer than two hundred (200) feet or eight residences, whichever is greater, from any other lot containing a bed and breakfast home. However, the planning and zoning commission may waive the distance limitation if the structure is listed on the National Register of Historic Places or eligible for individual listing on the National Register of Historic Places. The Deadwood building inspector shall inspect the premises to insure compliance with the Uniform Building Code;
3. Applicants proposing tandem parking shall be required to provide a control board for the keys of the guests. The owner/manager shall be responsible for the control board. The subject residence proposed for a bed and breakfast shall be required to provide the following: (a) water meter, if one has not been installed on the subject premises; (b) proof of a state excise tax number shall be provided to the planning and zoning office for their files; and (c) proof that the business improvement district has been notified of the bed and breakfast establishment.

Planning and Zoning Commission’s approval of the original application for the Conditional Use Permit allowed the applicant to run the Bed and Breakfast using a manager not staying at the property and the applicant was allowed to rent up to five bedrooms or a maximum of ten guests.

Attachments to this Staff Report include the various written complaints filed with the City of Deadwood from 2003 through 2012 regarding the operation of the Bed and Breakfast. Summary of the complaints submitted include the following issues: parking challenges; use of the property; occupancy; and trash on the property. Also attached are the minutes of the required review of the use permit performed on August 20, 2003.

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 10.10.B.**
2. **A sign was posted on the property for which the requests were filed.**
3. **Notice of the time and place was published in the designated newspaper of the City of Deadwood.**

ACTION REQUIRED FOR CONDITIONAL USE PERMIT REVIEW:

1. Take no action
2. Recommend additional stipulations to the use permit
3. Recommend revocation of use permit

Note:

Action of either additional stipulations or the revocation of the Conditional Use Permit will require action by the Board of Adjustment.

Mr. Nelson stated that the CUP for the Bed & Breakfast was approved in 2003 without a manager onsite when guests are present and allowed up to 10 guests; those conditions are not typically allowed. He stated that there had been records of complaints that date back from 2003; however all of the complaints had been resolved. He noted a parking complaint in which they had resolved by creating more parking.

Mr. Nelson stated that he found an advertisement on the internet for 18 guests and he had contacted the property manager who then changed the ad.

Mr. Nelson stated the most recent complaint was that they were holding events, such as a wedding, on the premises. Mr. Nelson stated that he has no way to monitor the event or the people who stay at the Bed & Breakfast.

Mr. Ernie Rupp of Executive Lodging of the Black Hills and Mr. Mike Day, Attorney were present to represent Mr. and Mrs. Steir who could not be there because of an illness in the family.

Mr. Rupp stated that his company had been representing the property since 2004. He stated that the wedding that was held at the property was a family wedding in which the Steirs were in attendance. He noted that the entire guests in attendance at the wedding did not stay at the property. He stated that he did not think there were any restrictions on visitors during the day to the property.

Mr. Rupp stated that they have addressed every complaint and noted that all the complaints had come from the same person. Mr. Rupp stated he does not believe other neighbors have issues with the B&B and noted that neighbors water plants at the property.

Mr. Rupp stated that the garbage issue was address as well as the parking issues and they have worked to resolve every issue. Mr. Nelson stated that the owners had acquired adjacent property to allow for more parking.

Mr. Day stated that he had reviewed the file on the property and that his clients had rectified all the complaints. He noted that the last complaint in the file was in 2006. Mr. Day explained that the technical use to the City of Deadwood is a commercial Bed & Breakfast; however the property is still a personal residence of the owner. Mr. Day stated that they hosted the wedding for their niece and not every guest stayed at the property. He stated that all but one complaint from the City regarding snow removal had come from one person.

Mr. Day stated that he felt no action should be taken against his client. Mr. Allen questioned if they had made a parking lot for the guest. Mr. Rupp stated that additional parking was made for the property.

Mr. Allen stated that the property owners had made many improvements to the property. Mr. Allen explained that Planning & Zoning has not dealt with many Review Hearings and questioned if it was property to put a six month or a year review on the property. Mr. Nelson stated that when the CUP was approved in 2003, it had a three month review. Mr. Allen suggested that the review be placed on the property. Mr. Nelson questioned the representatives if they could provide him a report of how many guests stay at the property over the next six months. Mr. Day questioned if Mr. Nelson wanted the report monthly or at the end of the six months. Mr. Nelson stated he preferred it be sent monthly. Mr. Day and Mr. Rupp agreed with the monthly report.

Mr. Speirs stated that according to a letter from 2012, there had been six incidents during the summer. Mr. Rupp stated he was unaware of the incidents and explained that he had given neighbors his business card and told them to contact him if any problems had arose. Ms. Farrier questioned if Mr. Rupp had contacted Mr. Nelson with his information. Mr. Rupp stated that he had not contacted Mr. Nelson. Ms. Farrier suggested that he needed to give this information to Mr. Nelson so that he could be contacted if any complaints were reported to the City.

Mr. Gary Todd questioned what the definition of "Bed and Breakfast" was and if they must provide a meal for the quests. Mr. Nelson explained that when the CUP was granted in 2003, an onsite manager and a meal were not required. Mr. Todd questioned why the CUP was granted without the requirements. Mr. Day stated that the City's Zoning Ordinance did not address this type of use and was grandfathered in. Mr. Rupp stated that the state definition of a "Bed and

Breakfast" does not require someone onsite and allows a voucher for a meal at a local establishment.

Ms. Green stated that she remembered when the CUP was passed and at the time the Zoning Ordinance did not address the requirement of an onsite manager however it was changed shortly after the CUP was approved.

Mr. Toscana questioned if the City allowed Vacation Home Rentals. Mr. Nelson stated that the City does not, with the exception of the Sturgis Rally. Mr. Day stated that the property is not a Vacation Home Rental and it's the owner's personal vacation home. Mr. Day stated that the owner's do rent the home, but have personal events such as the wedding and they hope to retire and live in the home full time.

Mr. Speirs stated he personally felt the property is a Vacation Home Rental because there is no onsite manager and it does not provide a meal.

Mr. Rupp stated that he could provide a monthly report and agreed to the six month review. He stated that his company works with all the cities and counties and they address every issue that may arise.

Ms. Green questioned if Staff had a recommendation on action to be taken. Mr. Riggins stated that Planning & Zoning could recommend placing a six month review and require a monthly report of occupancy.

Mr. Rupp pointed out that often times renters of the property will have guests come over to visit that do not stay overnight at the property, which gives the illusion that more than ten people are staying at the property.

It was moved by Mr. Allen and seconded by Ms. Farrier to place a six month review and to provide a monthly occupancy report to the Zoning Administrator for the Conditional Use Permit for a Single Unit Bed & Breakfast with five rooms at 7 Spring Street. Aye - All. Motion carried.

Mr. Shedd closed the Planning & Zoning Meeting.

Mr. Toscana opened the Board of Adjustment.

Mr. Toscana stated that Mr. Todd had questioned if he had a conflict of interest because he was a neighbor to the property. Mr. Toscana stated they could take no action and bring forth the recommendation of Planning & Zoning at the following City Commission meeting pending legal council's opinion.

Mr. Todd stated that he would be recusing himself due to a conflict of interest.

Ms. Silvernail questioned if the parking issue has been addressed because the street is narrow and if guest were parking on the street emergency vehicles could not pass through. Mr. Toscana stated that the parking issue had been addressed by the acquisition of adjacent property and creating parking areas. Mr. Toscana questioned Mr. Jim Raysor, Public Works Director, if there were any issues with snow removal. Mr. Raysor stated that any issues had been addressed with the addition of the parking areas.

It was moved by Ms. Silvernail and seconded by Mr. Peterson to place a six month review and to provide a monthly occupancy report to the Zoning Administrator for the Conditional Use Permit for a Single Unit Bed & Breakfast with five rooms at 7 Spring Street, as recommended by Planning & Zoning. Aye - All. Motion carried.

Mr. Toscana closed the Board of Adjustment and turned the meeting over to the Planning and Zoning Commission.

FINAL PLAT: Plat of Lot 6A, Block 2 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, T.5N, R.3E, 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 749 Stage Run. He explained that the purchaser of the property bought two lots, as shown in the preliminary plat.

It was moved by Ms. Green and seconded by Mr. Speirs to approve the final Plat of Lot 6A, Block 2 of Palisades Tract of Deadwood Stage Run Addition. All Aye - All. Motion carried.

FINAL PLAT: Plat of Tract 1 of the Miller Street Subdivision, and Public Access and Utility Easements, Formerly part of Lot 28, Lot 29 and Lot H1 of Lot 25 of Block 30; Lot R-5-B of Lot R-5 of the City of Deadwood Railroad Property; A Portion of the Railroad R.O.W.; Probate Lots 500, 237, 54, 117, 193 and a portion of Probate Lot 53; The North half of Lot 40 and Lots 42 thru 58 of Block 35; And portions of Miller Street, Pine Street, and Center Street; Original Town of Deadwood Per P.L. Rogers Map; All Located in the SW1/4 of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota.

Mr. Nelson stated that the plat was being resubmitted due to an error on the drawing of the mylar but noted that the legal description was correct. He stated that Lot 1, Block 34 was included in the boundary which was incorrect. Mr. Nelson stated that the previous plat was vacated.

It was moved by Ms. Green and seconded by Mr. Allen to approve the final Plat of Tract 1 of the Miller Street Subdivision. Aye - All. Motion carried.

Mr. Shedd closed the Planning & Zoning Meeting.

Mr. Toscana opened the Board of Adjustment.

FINAL PLAT: Plat of Lot 6A, Block 2 of Palisades Tract of Deadwood Stage Run Addition, All located in the SW 1/4 Section 14, the SE 1/4 of Section 15, the NE 1/4 NE 1/4 of Section 22 and the N 1/2 NW 1/4 of Section 23, T.5N, R.3E, B.H.M., City of Deadwood, Lawrence County, South Dakota.

Mr. Toscana stated that Mr. Peterson indicated that he would be abstaining due to a conflict of interest.

It was moved by Ms. Silvernail and seconded by Mr. Todd the final Plat of Lot 6A, Block 2 of Palisades Tract of Deadwood Stage Run Addition, as recommended by Planning & Zoning. Aye - All. Motion carried.

FINAL PLAT: Plat of Tract 1 of the Miller Street Subdivision, and Public Access and Utility Easements, Formerly part of Lot 28, Lot 29 and Lot H1 of Lot 25 of Block 30; Lot R-5-B of Lot R-5 of the City of Deadwood Railroad Property; A Portion of the Railroad R.O.W.; Probate Lots 500, 237, 54, 117, 193 and a portion of Probate Lot 53; The North half of Lot 40 and Lots 42 thru 58 of Block 35; And portions of Miller Street, Pine Street, and Center Street; Original Town of Deadwood Per P.L. Rogers Map; All Located in the SW1/4 of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota.

Mr. Toscana stated that Mr. Peterson indicated that he would be abstaining due to a conflict of interest.

It was moved by Ms. Silvernail and seconded by Mr. Todd to approve the final Plat of Tract 1 of the Miller Street Subdivision, as recommended by Planning & Zoning. Aye - All. Motion carried.

Mr. Toscana closed the Board of Adjustment and turned the meeting over to the Planning and Zoning Commission.

OPEN

None.

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.

Joint Meeting
November 7, 2012

There being no further business, the Planning & Zoning Commission adjourned at 5:55 p.m.

ATTEST:

Mr. Jim Shedd
Chairman
Planning and Zoning

Ms. Sheree Green
Secretary
Planning and Zoning