

CITY OF DEADWOOD

PLANNING AND ZONING COMMISSION

November 17, 2010

REGULAR MEETING

The Regular Meeting of the Deadwood Planning and Zoning Commission was called to order by Chairperson Jim Shedd on Wednesday November 17, 2010 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 Larry Ryan.

APPROVAL OF MINUTES:

Mr. Ryan moved to approve the minutes of the November 3, 2010 Joint Meeting, as mailed. Mr. Allen seconded and the motion carried.

All in favor - 5  
Opposed - 0

SIGNS:

DEADWOOD THYME AND BISTRO - TEMPORARY VALANCE SIGNAGE - 87 SHERMAN STREET

Mr. Umenthum stated that the applicants were requesting permission to install a temporary valance sign on the awning. Mr. Umenthum explained that a variance is required for the use of vinyl. Mr. Umenthum stated that the signage would be displayed temporarily until the existing awning is replaced in the spring or summer of 2011. Staff recommends approval.

Ms. Kathleen McShane and Mr. Mike McShane, owners of Deadwood Thyme were present.

Mr. Allen questioned if the variance would be lifted when they replace the awning. Mr. Umenthum stated that it would be. Mr. McShane explained that when the awning is replaced it will look like the temporary signage however it will conform to the sign ordinance without a variance. Mr. Umenthum questioned when the applicants replace the awning if it would be constructed out of appropriate materials. The McShane's stated it would be.

Ms. Green questioned the length of a temporary variance. Mr. Umenthum stated that a date could be placed in the motion. Mr. McShane stated that June 1, 2011 would be sufficient time to replace the awning. Any new signage will need approval from the Planning and Zoning Commission.

Ms. Green moved to approve the temporary variance for materials (vinyl) for a valance sign at 87 Sherman Street with an expiration date of June 1, 2011. Mr. Ryan seconded and the motion carried.

All in favor - 5  
Opposed - 0

CELEBRITY HOTEL - WALL SIGNAGE - 629 MAIN STREET

Mr. Umenthum stated that the applicants were requesting permission to move an existing sign. Mr. Umenthum explained that the Celebrity Hotel sign would be moved from the current location to above the rear entrance near the parking lot of the building. Staff recommends approval.

Mr. Ryan moved to approve the moving of the existing sign to the parking lot side at 629 Main Street Celebrity Hotel. Mr. Allen seconded and the motion carried.

All in favor - 5  
Opposed - 0

**UPDATE ON PROPOSED AMENDMENTS TO CHAPTER 5.28 CITY OF DEADWOOD CODE OF ORDINANCES**

Mr. Nelson stated that he is working with City Attorney, Mr. Jason Campbell on the proposed changes to the Vending Ordinance.

Mr. Shedd questioned Mr. Nelson on changing the cost of the vending fee. Mr. Nelson stated that he was not working on that portion of the ordinance at this time. Ms. Green questioned the how much the vending fee was. Mr. Nelson stated that it was \$750 outdoors and \$250 for indoor vending; he noted that it was changed from \$1,000 in the past. The Commission directed Mr. Nelson to find out why it was changed from \$1,000.

Mr. Shedd stated he was not satisfied with the current fees and believed they should be higher.

Ms. Farrier stated that the Commission needs to know if there are grounds in order to deny a vending application and stated that it is not currently explained in the ordinance. Ms. Farrier stated that if the applicant time is changed from 60 days to 30, the Commission will need to have set forth reason for denial; Ms. Farrier directed Mr. Nelson to consult with Mr. Campbell.

Mr. Jim VanDenEykel stated that he would like to see the fees higher for temporary vending and for restrictions on tents on Main Street. Mr. VanDenEykel stated that these temporary vendors compete with established businesses and other towns charge up to \$3,000 for vending.

Ms. Green questioned how many days the permits were valid. Mr. Nelson stated that they were valid for 14 days.

Ms. Farrier questioned Mr. Nelson on how much Sturgis charges for vending permits. Mr. Nelson stated he did not have the information with him. Ms. Farrier stated she would like the information at the next meeting.

Mr. McShane agreed that these vendors take away revenue from established year around business.

Mr. Nelson stated that he had visited with Anthony Galbraith, the new manager at the Lodge at Deadwood regarding vending in the Convention Center. Mr. Nelson noted that vending at the Lodge or any convention center is subject to the vending fees. Mr. Nelson stated that he was unaware of the ordinance and Mr. Galbraith was willing to come into compliance.

Ms. Green stated that she felt that not all people vending at a convention are selling at the facility, only showcasing a product, such as high powered scanners. Ms. Green stated if that vendor is subject to the fee they many not come to conventions and disagreed with the ordinance.

Mr. Nelson stated he complied a draft Convention Center Vending permit with a fee of \$50 per vendor for three days. Mr. Allen questioned how much Planning & Zoning can regulate what goes on on private property. Mr. Nelson explained how Rapid City regulates vending.

Ms. Green stated that at conventions she has attended most of the vendors have paid to sponsor the event and they are often informational to the attendees. Ms. Ronda VanDenEykel stated that ultimately the vendor could be making a sale and stated another issue would be where the sale tax would be collected.

Mr. McShane stated that the more fees accessed to a vendor at a convention center, could result in less conventions. Ms. VanDenEykel stated that sales tax needs to be collected.

After discussion, it was decided that proposed vending change discussion would be continued to the next meeting.

**OPEN:**  
None

Regular Meeting  
November 17, 2010

**ADJOURNMENT:**

**Mr. Ryan moved to adjourn the Regular Meeting of the Planning and Zoning Commission. Ms. Farrier seconded and the motion carried.**

All in favor - 5  
Opposed - 0

There being no further business, Planning & Zoning Commission adjourned at 5:25 p.m.

ATTEST:

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Mr. Jim Shedd  
Chairman  
Planning and Zoning

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Ms. Sheree Green  
Secretary  
Planning and Zoning