

**CITY OF DEADWOOD**

**PLANNING AND ZONING COMMISSION**

December 6, 2006

JOINT MEETING

The Joint Meeting of the Deadwood Planning and Zoning Commission was called to order by Chairman Larry Ryan on Wednesday, December 6, 2006 at 5:00 p.m. in the Deadwood City Hall Meeting Room located at 102 Sherman Street, Deadwood, SD 57732.

PRESENT PLANNING & ZONING: Larry Ryan, Marie Farrier, Sheree Green, and Mel Allen.

PRESENT BOARD OF ADJUSTMENT: Francis Toscana, Mark Speirs, and Mike Klamm. Nyla Griffith entered 5:05.

ABSENT BOARD OF ADJUSTMENT: Georgeann Silvernail.

**APPROVAL OF MINUTES**

**Ms. Green moved to approve the minutes of the November 3, 2006, Regular Meeting, as mailed. Ms. Farrier seconded and the motion carried.**

**All in favor - 4**  
**Opposed - 0**

**REQUEST FOR 7' VARIANCE FROM FRONT YARD SETBACK REQUIREMENTS**

**APPLICANTS: Thomas and Nyla Griffith**  
**ADDRESS: 12 Ryan Road**

**LEGAL DESCRIPTION: Lot 8 of the replat of Probate Lot 140 and U.S. Mineral Survey 1253 into Ryan Addition, City of Deadwood, located in the SW ¼ of Section 26, T5N, R3E, B.H.M., Lawrence County, South Dakota, according to the plat filed in the office of the Lawrence County Register of Deeds as Plat Document NO. 78-3074 and as amended in Document No. 91-1970, subject to easements, reservations and restrictions of record.**

Ms. Williams referred to the following staff report:

**STAFF REPORT**  
**REQUEST FOR VARIANCE**  
**FROM CHAPTER 17.24**  
**SECTION 17.24.040.B**

**APPLICANTS:** Thomas and Nyla Griffith

**SIZE AND LOCATION:**The approximate 0.42 acre property is located at the end of Ryan Road.

**ADDRESS:** 12 Ryan Road

**LEGAL DESCRIPTION:** Lot 8 of the replat of Probate Lot 140 and U.S. Mineral Survey 1253 into Ryan Addition, City of Deadwood, located in the SW ¼ of Section 26, T5N, R3E, B.H.M., Lawrence County South Dakota, according to the plat filed in the office of the Lawrence County Register of Deeds as Plat Document NO. 78-3074 and as amended in Document No. 91-1970, subject to easements, reservations and restrictions of record.

**EXISTING ZONING AND LAND USE:** The property is currently zoned R1 – Residential District and there is an existing home with a two-stall garage on the site.

**ADJACENT ZONING AND LAND USES:**

The property to the north and west is zoned PF – Park Forest District. The land to the east is zoned R1 – Residential District and is made up of single-family dwellings. The land to the south is PF – Park Forest District and is made up of BLM lands and a campground.

**ATTACHMENTS:**

Attached for review is a location map and aerial photo

**BACKGROUND:**

The proposed project consists of a two (2) stall garage with an accessory living space on the second floor. The applicants are requesting approval of a 7' variance from the front yard setback requirements. The lot is triangular in shape and there is a hillside in the rear of the proposed project site. Placement of the structure is limited by the shape of the lot and the hillside.

The intention of the additional structure is to store a 4-wheeler vehicle and motorcycle and also for basic storage. The second level would be used as a work area. The Griffiths have both written a book and basically they want an area where they can work without being disturbed.

The Comprehensive Plan designates this land as Low Density Residential. The low density category is intended for predominately single family detached residential development, similar to that found in many existing city neighborhoods. In some areas, a mix of single family homes, duplexes, townhouses, and low-rise apartments would also be suitable, provided that the average density of such area does not exceed 5 dwelling units per acre

The property is located within Zone X – Other Areas zoned X – areas determined to be outside the 500 year flood plain.

**COMPLIANCE:**

1. **The Zoning Officer provided notice identifying the applicant, describing the project and its location and giving the scheduled date and time of the public hearing in accordance with Section 17.80.010.B. This notice was mailed to property owners within 300 feet of the subject property.**
2. **A sign was posted on the property for which the request was filed as required by Section 17.80.010.B.**
3. **Notice of the time and place for the public hearing was published ten (10) days in advance of the hearing in the designated newspaper of the City of Deadwood as required by Section 17.80.010.B.**

**VARIANCE:**

**The purpose of a variance is to modify the strict application of the specific requirements of this Ordinance in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional (Amended 99-952) conditions, whereby, such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his or her land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his or her lot as the Zoning Ordinance intended.**

**The Board shall consider and decide all applications for variances within 30 days of such public hearing and in accordance with the standards provided below.**

**STANDARDS FOR VARIANCES:**

**In granting a variance, the Board shall ascertain that the following criteria are met, and presented at the public hearing or otherwise included in the record.**

1. **A variance may be appropriate where, by reason of exceptional narrowness, shallowness, or shape or by reason of other exceptional topographic conditions or other extraordinary conditions on a piece of property, the strict application of any regulation enacted under this Ordinance would result in peculiar, exceptional, and undue hardship on the owner of the property. The previously mentioned circumstances or conditions shall be set forth in the Findings of the Board.**

*There are special circumstances unique to this property. These special circumstances involve the shape, size, and topography, of the property -- in short, a physical constraint which is unique to this site. Special circumstances are not interpreted to be something intangible, such as lack of knowledge of the Code or misinformation given at the time that the land was purchased. The term undue hardship encompasses virtually any problem and the hardship only need to be practical. Because of the particular physical surroundings and the shape of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of regulations were carried out. Several of the adjoining lots are much larger and some even extend across the street and they are also rectangular in shape and not triangular. Approving the variance request would enable the reasonable use of the property.*

2. Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.

*The zoning ordinance does not preclude the construction of the garage and working space located on the second floor since the owners will be utilizing the space. The R1 – Residential District can include greater impact uses than the use being presently submitted and the Comprehensive Plan recommends a mixture of uses in this area, when located properly. This property is located at the end of the street, and there is an existing cul-de-sac which fronts the Griffith lot.*

3. Any variance granted under the provisions of this section shall be the minimum adjustment necessary for the reasonable use of the land.

*That within the intent and purposes of this application for variance, if granted, is the minimum adjustment necessary to afford relief or the reasonable use of the land without disturbing the rear hillside. The remaining bulk and height regulations are all met (i.e. side and rear setback requirements and height).*

4. The granting of any variance is in harmony with the general purposes and intent of this Ordinance and will not be injurious to the neighborhood, and/or detrimental to the public welfare, or in conflict with the established policies of the City of Deadwood.

*The granting of the variance would not be detrimental to public health, safety or general welfare. A variance cannot be granted if it would pose any threat to the public health or safety. This finding includes concerns such as fire safety, structural stability, clearance, preservation of light and open space, and visual and aesthetic concerns. The design and materials for the planned structure have been approved by the Historic Preservation Commission.*

*The granting of the variances in the subject area would not be injurious to the area in general. Again, the garage use is an allowed accessory use in the R1 – Residential District. The subject lot is surrounded by Bureau of Land Management property and this is the last lot in the subdivision. The variance would not alter the essential character of the neighborhood in which the property is located; substantially or permanently impair the appropriate use or development of adjacent property.*

5. There must be proof of practical difficulty, which may be based upon sufficiently documented economic factors but such proof shall not be based solely upon or limited to such economic factors. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without the knowledge of the restrictions; it must result from the application of this Ordinance; it must be suffered directly by the property in question; and evidence of variance granted under similar circumstances shall not be considered.

*Once more, the natural steep hillside in the rear and the odd shaped lot pose practical difficulties and a literal enforcement of the provisions of the zoning ordinance would involve either substantial hardship, financial or otherwise to the petitioners. The hardship was not self created by the applicant(s). The granting of the variance would not constitute a special privilege. Again, the remaining lot's shapes in the district are rectangular in shape and this lot is shaped triangularly.*

6. That the proposed variance will not impair an adequate supply of light and air to adjacent properties, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood.

*The use and value of the area adjacent to the property included in the variance request will not be affected in a substantially adverse manner. There will be no significant adverse impacts on water supply, fire protection, schools, or other services. The granting of the variance would not be detrimental to public health, safety or general welfare. A variance cannot be granted if it would pose any threat to the public health or safety. This finding includes concerns such as fire safety, structural stability, and visual and aesthetic concerns.*

7. The fee, as adopted by resolution, was paid to the Zoning Administrator as agent for the Board to cover the costs of notices and other expenses incidental to the hearing.

8. The applicant has proven that he or she is the owner of the property, or is his or her officially designated agent and has presented proof thereof.

**Requirements for the Granting of a Variance:**

**Before the Board shall have the authority to grant a variance, the person claiming the variances has the burden of showing:**

- 1. That the granting of the permit will not be contrary to the public interest;**
- 2. That the literal enforcement of the Ordinance will result in unnecessary hardship; and,**
- 3. That by granting the permit, substantial justice will be done.**

**A variance shall be null and void two (2) years from the date it is granted unless completion or substantial construction has taken place. The Board of Adjustment may extend the variance for an additional period not to exceed one (1) year upon the receipt of a written request from the applicant demonstrating good cause for the delay.**

**If upon review by the Zoning Administrator, a violation of any condition, imposed in approval of a variance is found, the Administrator shall inform the applicant by registered mail of the violation and shall require compliance within sixty (60) days, or the Administrator will take action to revoke the permit. The Administrator's letter, constituting Notice of Intent to Revoke Variance may be appealed to the Board of Adjustment within thirty (30) days of its mailing. The Board of Adjustment shall consider the appeal and may affirm, reverse, or modify the Administrator's Notice of Intent to Revoke. The applicant must comply with the Board of Adjustment's Order on Appeal of Notice of Intent to Revoke Variance within thirty (30) days of the Board's decision.**

Ms. Williams stated the applicant Mr. Tom Griffith was in the audience. Mr. Griffith thanked the Planning & Zoning Commission for allowing him to appear. Mr. Griffith stated they wanted to build a 23'x25' two stall garage with a writing studio on the second floor. He noted they were requesting the variance in order to limit the impact on the hillside, located at the rear of the property. He noted the variance would allow them to minimize the cut of the rear slope. Mr. Griffith stated they had no intentions of renting, leasing or allowing any extended visitors to live in the structure. He stated he would not be renting the unit for the Sturgis Rally. Mr. Griffith stated he also understood that if it was to be rented for an extended period of time it would require a Conditional Use Permit (CUP) and they were not planning such a move at any time in the future.

Mr. Griffith stated he believed the plans as presented to the Historic Preservation Commission would not have an adverse effect on the National Historic Landmark district. He stated the siding would be log to match their existing home, and there would be a walkway from the house to the unit and the area would be landscaped. Mr. Griffith noted because the proposed garage was located at the end of the cul-de-sac, the addition would not be readily visible, and only the people who would view it were the ones driving to the end of the street. Mr. Griffith noted that the Jerry and Ronda Feterl's home, 10 Ryan Road, faces away from the planned addition and the side setback requirement had been met to the adjacent property. He explained the courses of action they had taken when constructing their home to insure proper drainage. Mr. Griffith stated they had complied with the Historic Preservation Commission's recommendation and City staffs; where, they had hired American Technical Service for soils engineering regarding any drainage issues associated with the garage. He noted the advice of the engineers would be incorporated into the construction plan. Mr. Griffith provided a copy of the engineering report to the commission.

Mr. Allen questioned the size of the structure. Mr. Griffith stated it would measure 23' x 25', a standard garage size. Mr. Ryan questioned if the ravine was located in the area of the proposed garage. Mr. Griffith stated the ravine was located on the other side of his home.

Ms. Green questioned if any comments were received regarding the variance request. Ms. Williams stated she had been contacted by Dennis Bucher, Outdoor Recreation Planner from the Bureau of Land Management (BLM). Ms. Williams stated his concern was in regards to whether or not the Griffiths would need to cross BLM land for access. Ms. Williams stated BLM land was located to the rear of the Griffith's property and they gained access from Ryan Road.

Ms. Ronda Feterl, 10 Ryan Road, requested her concerns be heard by the Planning & Zoning Commission. Ms. Feterl questioned what the applicants were requesting and expressed her concerns with cutting into the hillside and she feared water damage to her home. Ms. Feterl questioned the definition of a home office. Ms. Feterl stated she felt that they were building a

second residence on the same lot. She questioned if there were any ordinances or codes that would govern over building this type of structure.

Ms. Feterl stated that if the applicants sell the property, the space could then be used as a rental or a retail space. She questioned if there were covenants in the area in question. Ms. Feterl stated she felt an office was a commercial use; therefore, it would create an increase of traffic to the area impacting her driveway which is often used to turn around in. Ms. Feterl pointed out that the cul-de-sac was not a full cul-de-sac, but a half one. Ms. Feterl felt the hardship was self created if the structure was being constructed due to a lack of storage and office space.

Ms. Feterl referred to the City of Deadwood Comprehensive plan and stated that according to the Comprehensive Plan, mixed uses were allowed; however, she did not feel that included studios or offices and she felt that neighborhoods must be preserved. Ms. Feterl pointed out there were no commercial uses in the area.

Ms. Feterl stated she was pleased that the Griffith's had hired a soil engineering; however, she was not sure if it would address the impact on her home and she was still very concerned with runoff water to her basement. Ms. Feterl stated that the size of the structure would block sunlight to her home, resulting in ice build up in the winter.

Ms. Feterl restated her concerns for her home, parking issues runoff to their home and that the cul-de-sac was not of an appropriate size. Ms. Feterl stated she wished to have the Commission consider her concerns.

Ms. Williams stated she hoped she could answer some of Ms. Feterl's questions. She noted that the City did not get involved with subdivision covenants and she stated the Feterls' should have received a copy of the covenants when they purchased the land. She noted sometimes the covenants were on file at the Register of Deeds. Ms. Williams stated any change in use would require a CUP; however, at this time, the Planning & Zoning Commission could only review what was being proposed at this time regarding the use and variance. Ms. Williams explained that the hardship was not related to the studio, it had to relate to the land under zoning laws. Ms. Williams stated due to the triangle shape of the lot and the hillside in rear, it was an appropriate request for a variance. Ms. Williams stated the City of Deadwood ordinance was vague and simple in regards to accessory uses. She noted it only required that the use be subordinate to the primary use, which was the residence. Ms. Williams pointed out the use on the second floor was not a commercial office but a working space; therefore, the use was not generating any additional traffic.

Ms. Feterl stated she was unsure of the use. Ms. Williams stated that Planning & Zoning Ordinance considers the use an accessory use. Ms. Feterl stated she believed it was a second house on the same lot.

Mr. Griffith clarified the structure would be a 23' x 25' garage with a writing studio and it would be used for storage and working space. Mr. Griffith pointed out the garage would not obstruct the neighbor's sunlight and they would have a short driveway. Mr. Griffith restated that it would not be rented for the Sturgis Rally or as a monthly rental.

Ms. Farrier questioned the status of the soil engineering. Mr. Griffith stated it was completed and he provided a copy of the report. Mr. Griffith stated he had communicated their plans to Mr. Feterl and he had sensed that he did not have a problem with the garage.

Ms. Feterl invited the Planning & Zoning Commission to view the rise and fall of the sun at her home. Ms. Feterl restated that she felt they were building an additional home on the lot. She restated her concerns: the half cul-de-sac, the additional traffic, the cut away of the hillside, the water runoff, and the impact to her home. Ms. Feterl stated Mr. Feterl had concerns but could not attend the meeting since he was working.

Ms. Williams referred to the following Zoning and Land Use Controls:

"It is an accepted zoning practice to allow certain accessory uses and structures on property that are related to the primary permitted uses. To this end, zoning ordinances generally provide that uses deemed "customarily incidental" (1) to the main activity may be conducted on the

same property. The purpose of accessory use provisions is to permit uses that are necessary, expected or convenient in conjunction with the principle use of the land.”

“Accessory uses may be allowed for any permitted use in any use district. There may be agreement that the home is more than a place for food and shelter, that it is, as one court has said, a place where social, religious, educational, cultural and recreational activities may be conducted. People have varying views; however, on what is appropriately done in and around the home. Legislative and judicial efforts to regulate home uses illustrate a tension between conflicting goals. Protecting the quiet environment of the residential district may require limiting accessory uses. Adopting too narrow a view, though, may unduly curb individual freedom. Accessory use legislation attempts to allow some degree of freedom to pursue a variety of activities at home while minimizing the harm such activities cause to others.”

Accessory structures, which are frequently essential or necessary to almost any concept of residential use, constitute another category. Such uses may include garages, carports and storage buildings, and may arise in relation to any use. But even where such a structure constitutes a valid accessory use, it may be subject to size and location regulations. “

Ms. Williams stated the application had met all of the area and bulk requirements except for the 7' variance from front yard setbacks. Ms. Feterl questioned the future use of the home. Ms. Williams stated the Planning & Zoning Commission could only review the use being proposed at this time. Ms. Feterl questioned the design of the garage. Ms. Williams stated the Historic Preservation Commission approved the design. She noted Planning & Zoning reviewed the use and area and bulk regulations.

Ms. Feterl questioned if the covenants could effect the variance. Ms. Williams stated no, the city did not get involved with subdivision covenants. Ms. Green stated if there were covenants, they would be filed at the Register of Deeds; however, City Ordinances would override covenants. Mr. Allen commended Mr. Griffith and Ms. Feterl for their research on this issue. Mr. Allen pointed out there had been retail uses in the area in question. He noted Gary Swenson had a music shop and Glenn Stratton had a gun shop in the vicinity.

Mr. Allen stated he understood Ms. Feterl's concerns with possible impacts to her home; however, he felt that Mr. Griffith had addressed these concerns with the soils engineering. Mr. Allen pointed out that Deadwood had open residential rentals during the Sturgis Rally and he felt the Griffiths' could rent during that time.

Ms. Feterl explained the cul-de-sac issue that had taken place after the flood. Mr. Ken Hawki agreed.

Ms. Green questioned the soils engineering report and if they would be following the report. Mr. Griffith stated they would be following the report and a Geo-technician would be present, from time to time, during construction.

**Ms. Farrier moved to approve the request for a 7' variance from Section 17.24.040.B, front yard setback requirements at 12 Ryan Road. Mr. Allen seconded and the motion carried.**

<b><u>All in favor</u></b>	<b><u>-</u></b>	<b><u>3</u></b>
<b><u>Opposed</u></b>	<b><u>-</u></b>	<b><u>1 (Green)</u></b>

Chairman Ryan adjourned the Planning and Zoning meeting and turned the meeting over to the Board of Adjustments.

#### **DEADWOOD BOARD OF ADJUSTMENT**

Mayor Toscana called the Board of Adjustment to order.

Ms. Griffith stated she was removing herself from any discussion and voting on this issue.

Mr. Toscana stated he was not happy with this recommendation since he also felt it was a second housing unit on one lot. Mr. Toscana stated in conversations with Ms. Williams, he was told that if a CUP came forth for the structure it would be difficult to deny. Ms. Williams stated

yes. Mr. Toscana stated he tried to be consistent with protecting neighborhoods and explained an instance at the Rodeo Grounds.

Mr. Klamm felt the Comprehensive plan supported mixed uses and he did not have a problem with this structure.

**Mr. Klamm moved to except the recommendation by Planning & Zoning regarding the request for a 7' variance from the front yard setback requirement at 12 Ryan Road. Mr. Speirs seconded and the motion carried.**

<b>All in Favor</b>	-	<b>3</b>
<b>Opposed</b>	-	<b>0</b>
<b>Abstain</b>	-	<b>1 (Griffith)</b>

Mr. John Fredrickson, City Attorney, suggested that findings be adopted for standards from Ms. Williams's staff report.

At this time, Mayor Toscana stated the Board of Adjustments would not be taking action on TIFD No. 8.

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

Chairman Ryan called the Planning and Zoning meeting back to order.

**STAGE RUN TIFD NO. 8 - BOUNDARY AND PROJECT PLAN - PRESENTATION BY CHUCK VANDERZIEL - BLACK HILLS COUNCIL OF LOCAL GOVERNMENTS**

Mr. Vanderziel reviewed the project plan and boundaries for TIFD No. 8 on file at City Hall.

Mr. Allen questioned if the developers had been granted permission to pave Mt. Roosevelt Road since it was a Forest Service road. He did not feel comfortable with this expenditure being in the TIFD due to past problems with obtaining permission to work on Forest Service properties. Mr. Bill Pearson, Deadwood Stage Run, stated they were in negotiations with the Forest Service and they would possibly not pave the road. Mr. Allen pointed out they would also have to cross Forest Service property with the water and sewer lines.

Mr. Allen questioned if there would be single family housing. Mr. Vanderziel stated there would be and showed them on the drawing. Mr. Allen questioned the price ranges of the homes. Mr. Vanderziel stated that would be the developer's decision. Mr. Allen that he was under the impression there would be affordable housing in the development. Mr. Vanderziel provided the proposed average prices for the lots.

Mr. Mike Olsen, Historic Preservation Commission representative, stated he did not see the cost of Archaeology in the plan and stated that was a requirement through Historic Preservation. Mr. Vanderziel questioned if the city would require this in the plan. Mr. Olsen stated they would.

Ms. Griffith questioned how long a person could own the lot without building since it would affect the payment of the TIFD. Mr. Pearson stated they would require a home to be built within two (2) years of the purchase date and noted such would be stated within the covenants.

Mr. Vanderziel explained how a development agreement could address the issues.

Mr. Phil Breland questioned if there were any requirements for the type of housing to be built. Mr. Vanderziel stated no. Mr. Lynn Namminga pointed out that Deadwood was moving in the direction of Aspen, Colorado and resort communities. He felt the type of homes that would be built in this area would range from \$250,000 - \$750,000 and they would be bought by out-of-state people and would not be lived in by local people. Mr. Namminga stated the City needed to force the developers to build affordable housing from \$80,000- \$100,000 range or else no one will be able to afford to live here, due to the wages.

Mr. Vanderziel stated he believed affordable housing would be available in this project and he used the Governor's house program as an example. Mr. Pearson stated his partner Mr. Clayton Johnson had been working with Ms. Joy McCracken at Neighborhood Housing Services. Mr. Pearson stated also wanted affordable housing in the area. Mr. Namminga questioned what was going to hold them to build affordable housing. Mr. Pearson stated the agreement with the City of Deadwood.

Mr. Vanderziel stated because of the TIFD the developers want to have housing built as soon as possible to pay off the TIFD because of the timeline. He pointed out if it is not paid off in the time line the developer was responsible for paying off the TIFD.

Mr. Toscana questioned what was considered affordable housing? Mr. Vanderziel stated the South Dakota Housing Development Authority had guidelines for each county.

Ms. Griffith questioned what would be the minimum square footage. Mr. Pearson stated possibly 1,500 square feet. Ms. Griffith stated a Governor's home is 900 or 1,200.

Mr. Speirs questioned the use of the commercial lots in the development. Mr. Pearson stated possibly a convenience store.

Ms. Farrier questioned the sizes of the lots. Mr. Vanderziel stated the land had not been platted.

Ms. Deb Tridle questioned the time line for repayment. Mr. Vanderziel stated it would pay out in six years.

Mr. Speirs questioned if any of the roads would connect to the Denver Street area. Mr. Pearson stated no, not at this time.

Mr. Allen stated he would like to have the First Gold Agreement in writing for the record.

Mr. Vanderziel presented the project plan for TIFD No. 8 on file at City Hall.

Mr. Toscana expressed concern with the Forest Service agreement. Mr. Vanderziel stated the developers could opt out to pave Mt. Roosevelt Road; however, they still would need access through Forest Service land for water and sewer lines.

Ms. Tridle questioned how long it would be off of the tax rolls. Mr. Vanderziel explained that it was an Economic Development project.

Ms. Williams questioned if workforce housing could be a condition of the TIFD if a limited time period was included. Mr. Vanderziel questioned the definition of workforce housing. Ms. Williams stated people with low-moderate incomes. Mr. Vanderziel stated the City could propose it but he did not know how to go about doing it but it could be discussed.

Mr. Johnson stated he was working with Ms. McCracken for affordable housing but it was a join effort with the entities.

Mr. Toscana stated a housing task force had been researching this type of housing with people from Aberdeen.

Mr. Vanderziel questioned if Ms. McCracken was in the position to purchase any of these lots. Mr. Toscana stated she was interested in the lots but lacked financial backing at this time.

Ms. Tridle questioned if manufactured homes were going to be allowed in the development. Mr. Johnson stated that had not been determined; however, they wanted a clean well mannered development.

**Mr. Allen moved to approve Stage Run TIFD No. 8, Boundary and project plan, with the stipulation that the developers will work with the City Commission on different aspects of moderate and work force housing. Ms. Green seconded and the motion carried.**

All in Favor - 4  
Opposed - 0

**REQUEST FOR CHANGE OF ZONING FROM CE - COMMERCIAL ENTERPRISE TO PU - PUBLIC USE DISTRICT**

Mr. Toscana questioned that by changing the zoning back to PU, would that affect the Bike Shop. Ms. Williams stated it would not affect his business since it was a recreational use.

**Ms. Farrier moved to approve the request to change the zoning for the Engine House from CE - Commercial Enterprise back to PU - Public Use District. Ms. Green seconded and the motion carried.**

All in Favor - 4  
Opposed - 0

Mr. Allen questioned if this encompassed the plat as well. Ms. Williams stated it did not. Ms. Farrier stated she would like to vacate the plat of the Engine House.

**Ms. Farrier moved to recommend the vacation of Engine House plat, of Bank Lot two at 180 Sherman Street. Ms. Green seconded and the motion carried.**

All in Favor - 4  
Opposed - 0

**OPEN**

Ms. Farrier stated that the Planning & Zoning Commission has been without a fifth member for quite some time and she requested a new member be appointed. Mr. Toscana stated he would make an appointment.

Ms. Farrier recommended a committee be formed to address a new sub-division ordinance for new developments. Ms. Williams agreed to form a small committee. Ms. Green suggested looking to other communities for guidance.

**ADJOURNMENT**

**Ms. Green moved to adjourn the Joint Meeting of the Planning and Zoning Commission. Ms. Farrier seconded and the motion carried.**

All in favor - 4  
Opposed - 0

There being no further business, Planning & Zoning Commission adjourned at 7:35 p.m.

ATTEST:

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Larry Ryan  
Chairman (Acting)  
Planning and Zoning

\_\_\_\_\_  
Marie Farrier  
Secretary (Acting)  
Planning and Zoning