

CITY OF DEADWOOD

PLANNING AND ZONING COMMISSION

April 16, 2008

REGULAR MEETING

The Regular Meeting of the Deadwood Planning and Zoning Commission was called to order by Chairperson Marie Farrier on Wednesday April 16, 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, Sheree Green, Mel Allen, Larry Ryan, & Jim Shedd. Mr. Jason Campbell, City Attorney was also present.

APPROVAL OF MINUTES

Mr. Ryan moved to approve the minutes of the April 2, 2008 Regular Meeting, as sent. Mr. Shedd seconded and the motion carried.

All in favor - 5
Opposed - 0

Mr. Allen clarified to the Planning & Zoning Commission his comments regarding if Ms. Williams could write the draft ordinance for the height definition. Mr. Allen stated his intent was not to offend Ms. Williams; but to clarify whether Mr. Lund had voluntarily offered to draft the wording for the height definition.

OLD BUSINESS:

CONTINUED FINAL PLAT: Tom Blair/ABWC2 - Plat of Tract 1, being a portion of Deadwood Gulch Campground Tract and a portion of vacated McDonald Street, Located in the E 1/2 of Section 27, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota

Ms. Williams referred to the following staff report:

STAFF REPORT
PLANNING AND ZONING
APRIL 16, 2008 MEETING

APPLICANT: Tom Blair/ABMC2

PURPOSE: For transfer purposes and creation of a residential lot for a family member.

GENERAL LOCATION: 235 Cliff Street

LEGAL DESCRIPTION: Plat of Tract 1, being a portion of Deadwood Gulch Campground Tract in Deadwood Gulch Addition II and a portion of vacated McDonald Street, located in the E 1/2 of Section 27, T5N, R3E, B.H.M., Lawrence County, South Dakota

FILE STATUS: All legal obligations have been completed.

CITIZENS RESPONSE: FOR: NA AGAINST: NA

STAFF FINDINGS:

<u>Surrounding Zoning:</u>	<u>Surrounding Land Uses</u>
North: R1 – Residential	Single-family Residences
South: PF – Park Forest District	Deadwood Gulch
	Campground
East: R1 – Residential District	Single –family Residences
West: CH – Commercial Highway District	Comfort Inn/Amusement Park

SUMMARY OF REQUEST

The petitioners are subdividing a lot from the Deadwood Gulch Campground Tract and creating two (2) lots. Mr. Blair is platting off a lot for a family member for a residence. Section 17.20.040 Area and Bulk Requirements,

requires one (1) acre for the lot size. The plat meets the lot size. The plat was submitted at the April 2, 2008, Regular Meeting of the Planning and Zoning Commission. At that time it was tabled since the legal description was incorrect. It was then recommended that the plat be placed on the April 16, 2008 agenda.

FACTUAL INFORMATION

1. The property is currently zoned PF – Park Forest District. A single-family dwelling is a use permitted by right in this zoning classification.
2. The subject lot has 1.03 Acres/44,866.8 square feet.
3. The property gains access from Peck Street.
4. The area under discussion is located within a moderate density residential designation in the Comprehensive Plan.
5. Tract 1 is partially located in Zone X – Other areas – areas of 500 year flood; areas of 100 year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 100 year flood. FIRM Flood Insurance Rate Map, Revised May 7, 2001.
6. Public facilities are available to serve the property.
7. The neighborhood is characterized by residential uses/campground and open space vacant lands. Ryan and Peck Additions are zoned R1 - Residential District and are improved with single-family residences which are in close proximity to the subject lot (across the street).

STAFF DISCUSSION

Tract 1 is currently a part of the Campground Tract, but is not used much due to the nearness to the Ryan and Peck Residential Areas.

- The plat has a North Arrow.
- Signature and seal of the surveyor
- Dimensions are shown on all sides of the property
- The Creek is depicted
- 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.

Ms. Green moved to approve the Final Plat for Tom Blair/ABWC2 - Plat of Tract 1, being a portion of Deadwood Gulch Campground Tract and a portion of vacated McDonald Street, Located in the E 1/2 of Section 27, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. Mr. Allen seconded and the motion carried.

<u>All in favor</u>	<u>-</u>	<u>5</u>
<u>Opposed</u>	<u>-</u>	<u>0</u>

NEW BUSINESS:

BOUNDARY PLAT - PLAT OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION, FORMERLY TRACTS E, F, G, H, I, J, K AND L, AND THE REMAINING PORTION OF M.S. 696 PALISADES STONE PLACER, ALL LOCATED IN THE SW 1/4 SECTION 14, THE SE 1/4 OF SECTION 15, THE NE 1/4NE1/4 OF SECTION 22, AND THE N1/2NW1/4 OF SECTION 23, T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA

Ms. Williams referred to the following staff report:

**PLAT SUBMITTAL - STAFF REPORT
FINAL PLAT - PALISADES TRACT OF
DEADWOOD STAGE RUN ADDITION
REVISED**

MEETING DATE: Planning and Zoning - April 16, 2008
City Commission -- April 21, 2008

OWNERS: Deadwood Stage Run, LLC

REQUEST: Approval of boundary plat

PURPOSE: Commercial and Residential Development

LOCATION: SW 1/4 Section 14; SE 1/4 Section 15; NE 1/4NE1/4 Section 22; and,N1/2 NW 1/4 of Section 23, All located in T5N, R3E, B.H.M.

GENERAL LOCATION: West of Deadwood off Mount Roosevelt Road

ADDRESS: Vacant lands - no addresses at this time.

ZONING: R1 - Residential District; R2 - Multi-family Residential District; PU - Public Use and, C1 - Commercial District

DESCRIPTION OF SITE AND SURROUNDINGS:

The site currently consists of vacant land. Approximately 100 acres of the site was annexed into the Deadwood City Limits. Abutting the site is rural residential in the county and U.S. Forest Service lands. Access to the property will come off of Mount Roosevelt Road, a Forest Service Road. The City of Deadwood will maintain this road in the future. Internal road systems are proposed at 49' and 50'. All streets shall be designed and constructed to Deadwood guidelines and approved by the Public Works Director. The proposed lots more than meet the lot size requirements for the subject zoning classifications. Utilities will be placed underground and a 50' drainage easement is depicted on the preliminary plat. A portion of the utility easement also includes a 24' emergency egress which leads to First Gold Hotel. The egress is depicted on the preliminary plat. The emergency exit must be passable so that all vehicles may safely exit the area. A letter from Mike Gustafson of First Gold Hotel and Gaming has been made part of the file, and indicates that they may travel through First Gold Hotel for an emergency egress along the utility easement to Highway 14A/85.

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

Ms. Williams noted additional Final plats would come forward as the lots were sold.

Ms. Williams stated Mr. Clayton Johnson and Mr. Bill Pearson, two of the co-owners were in the audience to answer any questions.

Mr. Allen questioned if Ms. Green had reviewed the plat with the owners. Ms. Green stated she had reviewed the plat.

Mr. John Arleth pointed out that the Plat also vacated Tracts E, F, G, H, I, J, K and L within M.S. 696.

Ms. Green moved to approve the Plat of Palisades Tract of Deadwood Stage Run Addition, Formerly Tracts E, F, G, H, I, J, K AND L, and the remaining portion of M.S. 696 Palisades Stone Placer, All located in the SW 1/4 Section 14, the SE 1/4 of Section 15, the NE 1/4NE1/4 of Section 22, and the N1/2NW1/4 of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. Mr. Allen seconded and the motion carried.

All in favor - 5
Opposed - 0

PRELIMINARY PLAT - Lots 1-22, Block 1; Lots 1-18, Block 2; Lots 1-12 and 38-42, Block 3; Dedication of a 50' and 49' Public Street; a 40' Private Access and Underground Utility Easement; Drainage Easement and Trail Easement; Being a subdivision of the Palisades Tract of Deadwood Stage Run Addition, All located in the SW1/4 Section 14, SE1/4 of Section 15, the NE1/4NE1/4 of Section 22 and the N1/2NW1/4 of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota

Ms. Williams referred to the following staff report:

STAFF REPORT
PLANNING AND ZONING
PRELIMINARY PLAT
April 16, 2008

APPLICANT: Deadwood Stage Run

PURPOSE: For Residential and Commercial Development

GENERAL LOCATION: Above First Gold Hotel - 207 Main Street

LEGAL DESCRIPTION: Preliminary Plat of Lots 1-22, Block 1; Lots 1-18, Block 2; Lots 1-2 and 38-42, Block 3; Dedication of a 50' and 49' Public Street; a 40' Private Access and underground Utility Easement; Drainage Easement and Trail Easement; Being a subdivision of the Palisades Tract of Deadwood Stage Run Addition; All located in the SW 1/4 of Section 14, the SE 1/4 of Section 15, the NE 1/4 NE 1/4 of Section 22 and the N 1/2NW1/4 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

SUMMARY OF REQUEST

The petitioners were approved for a Planned Unit Development. At the same time a Change of Zoning was completed for the entire project. The preliminary plat depicts the First Phase of the project. The zoning in Phase I is Ch - Commercial Highway; R1 - Residential District; R2 - Multi-family District and PU - Public Use District according to the PUD Layout Plan. Tracts E, F, G, H, I, J, K and L within M.S. 696 and the 50' private Access Easement were vacated by the boundary final plat (previously approved).

FACTUAL INFORMATION

1. The property is currently zoned as R1 - R2 - CH and PU.
2. The total land area has 121.37 acres and Phase 1 contains 66.43 Acres.
3. For Phase I - Total Residential Lots = 40.29 Acres -- Total Commercial Lots 12.21 Acres -- Total Common Area = 4.83 Acres and Total R-O-W = 4.83 Acres.
4. The subject property gains access from Mount Roosevelt Road.
5. The subject parcel is located in Zone X according to FEMA Map, Community Panels 460045 0002C, Effective Date May 7, 2001 and 460094 0125B, Effective Date May 17, 1990. A Tax Increment District was approved for city water and sewer to serve the property.
6. The area is characterized by rural residential uses and open space vacant lands.
7. The Planned Unit depicted the entire subdivision.
8. Utility and access easements were negotiated and depicted on Tract 1 of M.S. 1054 and Tract B-1 of Tract B of M.S. 751 owned by Les Auer.
9. Sample covenants were submitted at the PUD stage.
10. The Street layout for Phase One was submitted at the PUD Phase.
11. Jim Raysor, Public Works Director, has signed off on the sanitary and storm sewer plans.
12. Changes of zoning were accomplished at the PUD stage.

All requirements have been met.

Ms. Green questioned if the Planning & Zoning Commission was the only entity to approve the preliminary plat. Ms. Williams stated yes, it did not proceed to the City Commission. John Arleth, Surveyor, requested that the City Commission get a copy of the preliminary plat for informational purposes.

Ms. Green moved to approve the PRELIMINARY PLAT - Lots 1-22, Block 1; Lots 1-18, Block 2; Lots 1-12 and 38-42, Block 3; Dedication of a 50' and 49' Public Street; a 40' Private Access and Underground Utility Easement; Drainage Easement and Trail Easement; Being a subdivision of the Palisades Tract of Deadwood Stage Run Addition, All located in the SW1/4 Section 14, SE1/4 of Section 15, the NE1/4NE1/4 of Section 22 and the N1/2NW1/4 of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota
Mr. Allen seconded and the motion carried.

<u>All in favor</u>	<u>-</u>	<u>5</u>
<u>Opposed</u>	<u>-</u>	<u>0</u>

Mr. Pearson questioned if the Boundary Plat would be on the City Commission agenda on Monday, April 21, 2008 meeting. Ms. Williams stated yes, it would be on the agenda.

Mr. Pearson stated there would be convents in the new development and questioned if Historic Preservation would have a say in the type of materials used in the new development. Mr. Olsen stated Mr. Pearson would need to provide a copy of the covenants to Historic Preservation and would need to speak with Mr. Kevin Kuchenbecker, Historic Preservation Officer for design guidelines. Mr. Olsen stated some of the subject area was located in the 1981 boundary limits.

Ms. Farrier questioned if Planning & Zoning approved convents. Ms. Green questioned if they could have convents because they were in city limits and the City's ordinances overrule them. Mr. Pearson stated that city ordinances do take precedence but they still wanted guidelines to ensure a nice subdivision. Ms. Williams stated that the City does not have anything to do with convents and the association deals with the covenants. She noted the city only addressed the regulations of the zoning ordinance.

ADJOURNMENT:

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

<u>All in favor</u>	<u>-</u>	<u>5</u>
<u>Opposed</u>	<u>-</u>	<u>0</u>

There being no further business, Planning & Zoning Commission adjourned at 5:30 p.m.

ATTEST:

Ms. Marie Farrier
Chairman (Acting)
Planning and Zoning

Ms. Sheree Green
Secretary (Acting)
Planning and Zoning