

CITY OF DEADWOOD

PLANNING AND ZONING COMMISSION

August 20, 2008

REGULAR MEETING

The Regular Meeting of the Deadwood Planning and Zoning Commission was called to order by Chairperson Marie Farrier on Wednesday August 20, 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, & Jim Shedd.

ABSENT PLANNING & ZONING: Mel Allen, & Larry Ryan.

APPROVAL OF MINUTES:

**Mr. Shedd moved to approve the minutes of the August 6, 2008 Regular Meeting, as mailed. Ms. Green seconded and the motion carried.**

All in favor - 3

Opposed - 0

SIGN PERMITS:

**Projecting Sign - 604 Main Street - The Nugget Sports Bar/Pizza**

Mr. Keith Umenthum, Deadwood Building Inspector, stated the applicant had requested permission to replace the existing sign with a new sign. It will be placed on the same bracket as the former sign. The sign meets all of the criteria and he recommended approval.

**Mr. Shedd moved to approve the projecting sign at the Nugget Sports Bar/Pizza at 604 Main Street. Ms. Green seconded and the motion carried.**

All in favor - 3

Opposed - 0

**Projecting Sign - 612 Main Street - Deadwood's Lucky Nugget Gambling Hall**

Mr. Umenthum, Deadwood Building Inspector, stated the applicant had requested permission to place a sign by the second story window, near the right side of the building. He noted the sign would require variances for the location and size. Mr. Umenthum stated he recommended the sign be located near the entrance doors on either side of the building and the maximum allowable size of the sign was 25 square feet per sign face to avoid having variances. If the applicant agreed to the changes he would recommend approval. Mr. Umenthum stated Mr. David Beroza, Badlands Gaming, was in the audience to answer any questions.

Mr. Beroza pointed out he was requesting a duplicate of the Lucky Nugget sign had been granted a variance by the Historic Preservation Commission. Mr. Beroza explained that the location and size of the sign were consistent with the current sign and others on Main Street. He stated the sign would be placed between two buildings therefore they had taken the frontage size of both of the buildings to come up with 36 square feet. Mr. Beroza stated they would be willing to place it over the entrance. Mr. Beroza reviewed pictures with the Commission and reiterated that a variance had been granted for the existing sign.

Mr. Umenthum stated a variance had previously been granted from Historic Preservation since an awning had been on the building; however, the awning had since been removed and he did not feel a variance should be granted in this case. He noted a smaller sign would be more appropriate.

Ms. Farrier questioned Mr. Umentum what his recommendation was regarding the sign. Mr. Umentum recommended denial as applied for in the existing sign application.

Ms. Green stated she did not agree with the concept of using the two buildings as an average for the size. Mr. Umentum agreed.

**Ms. Green moved to deny the sign application as requested by the applicant. Mr. Shedd seconded and the motion carried.**

<b>All in favor</b>	<b>-</b>	<b>3</b>
<b>Opposed</b>	<b>-</b>	<b>0</b>

**Historic Sign - 624 ½ Main Street**

Mr. Umentum, Deadwood Building Inspector, explained that the applicant was requesting permission to replicate for a pre-existing historic sign, which is allowed by the sign ordinance. Mr. Umentum suggested placement of the proposed sign on the wall, by the theater, and not on a post as shown in the historic photograph. Mr. Umentum instructed the applicant to consult with Mr. Kevin Kuchenbecker, Historic Preservation Officer for the size and type of material to be used for the sign and he recommended approval for permission to replicate the historic sign.

Ms. Farrier questioned if the application should be denied until the commission reviewed the size and materials. Mr. Beroza stated they would like to place the subject sign above the doorway. Mr. Umentum stated he did not have a problem with placement over the doorway and suggested the location could be approved. Mr. Beroza stated he did not have dimensions or final design of the sign since he had not met with Mr. Kuchenbecker. Mr. Jason Campbell, City Attorney, recommended the sign application be continued until a definite design and size were determined. Mr. Beroza noted the size would be a foot wide by a foot wide. Mr. Campbell stated the Commission needed to see an actual plan before approval. Mr. Umentum reiterated that Mr. Beroza needed to work with Mr. Kuchenbecker.

**Mr. Shedd moved to continue the sign application for 624 1/2 Main Street. Ms. Green seconded and the motion carried.**

<b>All in favor</b>	<b>-</b>	<b>3</b>
<b>Opposed</b>	<b>-</b>	<b>0</b>

**Projecting Sign - 622 Main - Calamity's Country**

Mr. Umentum, Deadwood Building Inspector, stated the applicant had requested permission for a projecting sign to be placed in between and above two entrance doors. He noted the sign met all of the criteria and he recommended approval.

**Ms. Green moved to approve the sign at Calamity Country at 622 Main Street. Mr. Shedd seconded and the motion carried.**

<b>All in favor</b>	<b>-</b>	<b>3</b>
<b>Opposed</b>	<b>-</b>	<b>0</b>

**Sidewalk Sign - 8 Charles Street - Dakota Coffee**

Mr. Umentum, Deadwood Building Inspector, stated the applicant had requested permission for a 24" x 60" folding daily special sign. He noted the sign met all of the criteria and he recommended approval.

**Mr. Shedd moved to approve the sign at Dakota Coffee at 8 Charles Street. Ms. Green seconded and the motion carried.**

All in favor - 3  
Opposed - 0

Real Estate Sign - 199 1/2 Cliff - Cappa Estate

Mr. Umenthum, Deadwood Building Inspector, stated the applicant had requested permission to place a real estate sign. Mr. Umenthum stated real estate signs were allowed without a permit if they did not exceed 5 square feet in area and were less than 4 feet in height. He noted the proposed sign measured 8' x4' or 32 square feet; therefore, it required a permit and variances for size and height. Mr. Umenthum felt the variances were appropriate since the house and garage were located toward the rear of the property and he recommended approval.

Ms. Farrier questioned the distance from the highway. Mr. Umenthum stated it was approximately 50 feet. Ms. Farrier questioned if a time frame should be placed in the motion. Mr. Umenthum stated a year would be a reasonable amount of time.

Ms. Green moved to approve the sign with variances for height and size and a time limit of one year for 199 1/2 Cliff Street. Mr. Shedd seconded and the motion carried.

All in favor - 3  
Opposed - 0

Lead-Deadwood Elementary Parent Teacher Organization - Temporary Banner & Sign Fee Waived

Mr. Umenthum, Deadwood Building Inspector, stated the applicant had requested a temporary banner fee be waived. Mr. Umenthum stated the Sign Ordinance allowed for the permit fee to be waived for "Not-for-profit" groups and he recommended approval.

Mr. Shedd moved to waive the sign permit fee for the Lead-Deadwood Elementary Parent Teacher Organization. Ms. Green seconded and the motion carried.

All in favor - 3  
Opposed - 0

FINAL PLAT - John Williams/Raul Ponce-de-Leon Plat of Lot 3A, Block O, Being a part of the remainder of Lot A, Block N, and all of Lot 3, Block O, O.T. All located in the SE 1/4 of Section 22, 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  
AUGUST 20, 2008

**APPLICANT:** John Williams/Raul and Catherine Pone de leon

**PURPOSE:** For transfer purposes only

**GENERAL LOCATION:** 24 Raymond/10 Denver

**LEGAL DESCRIPTION:** Plat of Lot 3A, Block O, Being a part of the remainder of Lot A of Block N, and all of Lot 3, Block O, O.T., Located in the SE 1/4 of Section 22, T5N, R3E, B.H.M., Lawrence County, South Dakota

**FILE STATUS:** All legal obligations have been completed.

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**CITIZENS RESPONSE:** FOR: NA AGAINST: NA

**STAFF FINDINGS:**

Surrounding Zoning:

Surrounding Land Uses

North:	PF – Park Forest District	Vacant land
South:	R1 – Residential District	Mixed Residential uses
East:	R1 – Residential District	Mixed Residential uses
West:	R1 - Residential District	Mixed Residential uses

#### SUMMARY OF REQUEST

The purpose of the plat is for transfer purposes only. The Ponce de leons' own property, at 10 Denver Street that extends up the hill to Raymond Street. Mr. Williams lives at 24 Raymond Street and his garage sets on a portion of the Ponce de leon property; therefore, they have agreed to sell Mr. Williams approximately 0.09 acres so as to clear up any discrepancies in the future.

Ponce de leon's will be required to sign off on the plat since some of their land is involved. A Quit Claim Deed will be required from Ponce de leon's to Williams stating they Quit Claim any interest they may have in Lot 3A.

#### FACTUAL INFORMATION

1. The property is currently zoned R1 – Residential District. All existing uses are permitted by right in this zoning classification.
2. The subject lot has 0.53 Acres/23,086 square feet.
3. The property gains access from Raymond Street.
4. The area under discussion is located within a low density residential designation in the Comprehensive Plan.
5. The land is located outside of the Flood Zone.
6. Public facilities are available to serve the property.
7. The neighborhood is characterized by mixed residential uses and open space vacant lands.

#### STAFF DISCUSSION

The subject plat is a necessity to clear a clouded title to the property.

- The plat has a North Arrow.
- Signature and seal of the surveyor
- Dimensions are shown on all sides of the property
- 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 John Williams/Raul Ponce-de-Leon Plat of Lot 3A, Block O, Being a part of the remainder of Lot A, Block N, and all of Lot 3, Block O, O.T. All located in the SE ¼ of Section 22, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. Mr. Shedd seconded and the motion carried.**

<b>All in favor</b>	<b>-</b>	<b>3</b>
<b>Opposed</b>	<b>-</b>	<b>0</b>

**FINAL PLAT - Bob & Barbara Blue/Jerry Mohr and Sharon Schafer/Jerry and Linda Bryant Plat of Lots X, Y and Z of Riverside Addition, City of Deadwood, Located in portions of Railroad R.O.W. (A.K.A. Mickelson Trail), Probate Lots 82 and 420, vacated Charles Street and including Lots 1, 2, 3, 4 and 5A of Riverside Addition, City of Deadwood, All in the NE ¼ of Section 27, T5N, R3E, B.H.M., Lawrence County, South Dakota.**

Ms. Williams referred to the following staff report:

STAFF REPORT  
PLANNING AND ZONING  
AUGUST 20, 2008

**APPLICANTS:** Bob & Barbara Blue/Jerry Mohr/Sharon Schaefer/Jerry & Linda Bryant

**PURPOSE:** To clear title and set boundaries for the three parties.

**GENERAL LOCATION:** 64 – 66-74 Cliff Street

**LEGAL DESCRIPTION:** Plat of Lots X, Y and Z of Riverside Addition, City of Deadwood, Located in portions of Railroad R.O.W. (A.K.A Mickelson Trail), Probate Lots 82 and 420, vacated Charles Street and including Lots 1, 2, 3, 4 and 5A of Riverside Addition, City of Deadwood, All in the NE ¼ of Section 27, T5N, R3E, B.H.M., Lawrence County, South Dakota

**FILE STATUS:** All legal obligations have been completed.

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**CITIZENS RESPONSE:** FOR: NA AGAINST: NA

**STAFF FINDINGS:**

<u>Surrounding Zoning:</u>	<u>Surrounding Land Uses</u>
North: CH- Commercial Highway District	Commercial Uses
South: CH – Commercial Highway District	Commercial Uses
East: R2 – Multi-family Residential	Townhouses
West CH-Commercial Highway	Claimjumpers Mobile Home
	Park

**SUMMARY OF REQUEST**

The purpose of the plat is to clear title to the three (3) properties. Two (2) of the properties were located on platted Charles Street. Charles Street has since been vacated and new lot lines have been drawn. The plat will provide correct legal descriptions for the properties involved and clear the cloud over their titles.

**FACTUAL INFORMATION**

1. The properties are currently zoned CH – Commercial Highway District. All existing uses are permitted as non-conforming uses in this zoning classification.
2. Lot X contains – 0.324 Acres; Lot Y contains – 0.314; and, Lot Z contains – 0.610 Acres.
3. The properties gain access from Cliff Street.
4. The area under discussion is located within a moderate density residential designation in the Comprehensive Plan.
5. Portions of the lands are located inside of the Flood Zone AE – Base flood determined.
6. Public facilities are available to serve the property.
7. The neighborhood is characterized by mixed residential and commercial uses.

**STAFF DISCUSSION**

The subject plat is a necessity to clear several clouded titles to their property.

- The plat has a North Arrow.
- Signature and seal of the surveyor
- Dimensions are shown on all sides of the property
- 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. Williams noted the process to vacate Charles Street and replat the properties had taken approximately a year.

**Mr. Shedd moved to approve the Final Plat for Bob & Barbara Blue/Jerry Mohr and Sharon Schaefer/Jerry and Linda Bryant Plat of Lots X, Y and Z of Riverside Addition, City of Deadwood, Located in portions of Railroad R.O.W. (A.K.A. Mickelson Trail), Probate Lots 82 and 420, vacated Charles Street and including Lots 1, 2, 3, 4 and 5A of Riverside Addition,**

**City of Deadwood, All in the NE 1/4 of Section 27, T5N, R3E, B.H.M., Lawrence County, South Dakota. Ms. Green seconded and the motion carried.**

**All in favor - 3**  
**Opposed - 0**

**OPEN:**

**ADJOURNMENT:**

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

**All in favor - 3**  
**Opposed - 0**

There being no further business, Planning & Zoning Commission adjourned at 5:35 p.m.

ATTEST:

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Ms. Marie Farrier  
Chairman (Acting)  
Planning and Zoning

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Ms. Sheree Green  
Secretary (Acting)  
Planning and Zoning