

CITY OF DEADWOOD

PLANNING AND ZONING COMMISSION

September 17, 2008

REGULAR MEETING

The Regular Meeting of the Deadwood Planning and Zoning Commission was called to order by Chairperson Marie Farrier on Wednesday September 17, 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, Mel Allen, & Larry Ryan. Mr. Jason Campbell, City Attorney was also present.

APPROVAL OF MINUTES:

Mr. Shedd moved to approve the minutes of the September 3, 2008 Regular Meeting, as mailed. Mr. Allen seconded and the motion carried.

All in favor - 5
Opposed - 0

SIGN PERMITS:

First Gold, Inc. - 270 Main Street -- Informational Signs

Ms. Williams stated Mr. Keith Umentum, Deadwood Building Inspector, was not present since he was attending an out-of-town conference. She stated she would review the staff reports with the Commission members. Mr. Jerry Anderson representing the First Gold was present in the audience to answer any questions.

Ms. Williams stated the owner is requesting a permit for five informational signs to direct guest around the facility. The Sign Ordinance allows "Directory Signs" without a permit if the size is no larger than six square foot in area. Ms. Williams noted these signs exceeded the allowable size; therefore, each sign would need a variance. She noted Staff recommended approval of all the informational signs.

Mr. Ryan moved to approve the First Gold sign, file name FG Parking 2d with a 1.5' variance. Mr. Allen seconded and the motion carried.

All in favor - 5
Opposed - 0

Mr. Allen move to approve the First Gold sign, file name FG Parking 1d with a 1.5' variance. Mr. Ryan seconded and the motion carried.

All in favor - 5
Opposed - 0

Ms. Green moved to approve the First Gold sign, file name FG Parking 3e with a 27 square foot variance. Mr. Shedd seconded and the motion carried.

All in favor - 5
Opposed - 0

Mr. Shedd moved to approve the First Gold sign, file name FG Parking Lower Ramp 3 with a 24 square foot variance. Mr. Ryan seconded and the motion carried.

All in favor - 5
Opposed - 0

Mr. Ryan to approve the First Gold sign, file name FG Registration 3 with a 4.3 square foot variance. Mr. Shedd seconded and the motion carried.

All in favor - 5
Opposed - 0

Patrick Mollman - South Side Service - 157 Charles - Painted MDO two-sided sign

Ms. Williams noted Mr. Pat Mollman was present in the audience to answer any questions the Commission may have.

Ms. Williams stated the owner was requesting a sign permit to modify an existing freestanding sign at 157 Charles Street. The existing sign was approved by Historic Preservation in 2002 which replaced a previous freestanding sign. She noted the British Petroleum (BP) franchise had left South Dakota; therefore, the logos were required to be removed from the sign. The applicant proposed to replace the top of the sign with a 6'x6' two sided painted MDO sign. Ms. Williams noted that staff had recommended approval of the sign.

Mr. Allen moved approve the sign for the South Side Service. Mr. Ryan seconded and the motion carried.

All in favor - 5
Opposed - 0

Robert & Donna Nelson - 28 Lincoln - The Backyard Cottage B&B - Banner Sign

Ms. Williams noted the Nelsons' were in the audience if the Commission had any questions. Ms. Williams stated the owner was requesting a sign permit for a banner sign at 28 Lincoln Street. Ms. Williams stated the banner would be placed near the back gate leading to the cottage. Ms. Williams stated the sign was in compliance with Home Occupations in a Residential Zone and Mr. Umentum had recommended approval.

Ms. Williams stated Mr. & Mrs. Nelson were in the audience to answer any questions.

Mr. Shedd moved to approve sign for The Backyard Cottage B&B at 28 Lincoln Street. Mr. Allen seconded and the motion carried.

All in favor - 5
Opposed - 0

PLATS:

RE: MARY HENSLEY PLAT: Ms. Williams requested the Hensley Plat be presented at the end of the meeting so Mr. Loren Vrem, surveyor, had additional time to submit Ms. Hensley's plat with the change that had been requested. She noted if he did not make it in time for the meeting, the plat would be continued to the next meeting.

FINAL PLAT - NEIGHBORHOOD HOUSING SERVICES OF THE BLACK HILLS/FRANK PAVICH - AMERICAN FAMILY INSURANCE - Plat of Lot 4A and Lot 5A, Grantz Addition, Formerly Lots 4, 5 and 6 Grantz Addition and former Railroad R-O-W, City of Deadwood, Lawrence County, South Dakota, Located in the SE 1/4 of Section 22, T5N, R3E, B.H.M.

Ms. Williams referred to the following staff report:

**PLAT STAFF REPORT
PLANNING AND ZONING
SEPTEMBER 17, 2008 MEETING**

APPLICANTS: Neighborhood Housing Services of the Black Hills and Frank Pavich, American Family Insurance

PURPOSE: The purpose of the plat is to replat their properties and include an old Railroad r-o-w which runs behind their lands. The strip of Railroad land was recently quiet titled by the applicants.

GENERAL LOCATION: 789 Main/795 Main

LEGAL DESCRIPTION: Plat of Lot 4A and Lot 5A, Grantz Addition, Formerly Lots 4, 5 and 6 Grantz Addition and former Railroad R-O-W, City of Deadwood, Lawrence County, South Dakota, Located in the SE ¼ of Section 22, T5N, R3E, B.H.M.

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: R2- Multi-family Residential PF – Park Forest District	Single-family dwellings State 4-lane highway	South:
East: R2- Multi-family Residential	Single-family dwellings	
West C1 – Commercial/R2	Motel/offices/single-family	

SUMMARY OF REQUEST

The purpose of the plat is to join the abandoned Railroad r-o-w to Lots 4, 5 and 6. The property has been Quiet Titled and the plat will clear up their property boundaries as well as their legal descriptions. **FACTUAL INFORMATION**

1. The subject area has a mixture of uses and commercial uses are zoned C1 – Commercial District (motels) and the remainder of the area is zoned R2 – Multi-family Residential District. The area is made of apartments and single-family dwelling (owner occupied) properties.
2. The properties gain access off of Main Street. Both parties have off-street parking for their businesses.
3. There are two separate zoning classifications for these properties. Neighborhood Housing is zoned C1 – Commercial District. This was the zone on the previous zoning map and it was decided to keep such zoning in place due to gaming rights issues. Frank Pavich’s property is zoned R2 – Multi-family Residential District and the office is allowed under a Conditional Use Permit.
4. The Comprehensive Plan designates this area as High Density Residential. The high density residential category provides for apartment and condominium complexes ranging from 13 or higher net dwelling units per acre. This category also includes such supporting land uses as parks and recreation areas, religious institutions, and schools. A full range of urban services and infrastructure is required.
5. Public facilities are available to serve the properties.
6. Lots 5 and 6 and railroad r-o-w are replatted into Lot 5A which contains 0.212 Acres/9,244.9 Sq. ft.
7. Lot 4 and railroad r-o-w was replatted into Lot 4A which contains 0.095 Acres/4,135.6 Sq. ft. Lot 4A requires an 864.4 square foot variance from Section 17.28.040.A. – Lot Size Minimum lot area: five thousand (5,000) square feet. Since the non-conforming lot (Lot 4) had 3,920.4 square feet to start with and the replat adds 215 square feet, the replat is improving the situation. Based on the previously platted lot and the location of the abandoned railroad r-o-w, the non-conforming lot can incorporate the railroad r-o-w and increase the size of the non-conforming lot. The 5,000 square foot lot size requirement cannot be achieved in this instance due to the existing conditions surrounding the subject land. The lands abutting the subject site are privately owned and are in use; therefore, Mr. Pavich cannot purchase additional property to meet the lot size requirement. Strict interpretation of the law would deprive the applicant (Mr. Pavich) from replatting the railroad property into the non-conforming lot and that would not be using good judgment. The circumstances did not result from any actions of the applicant and it would be proper to grant the variance.

COMPLIANCE

- 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 explained that the purpose of the plat was to combine the abandoned Railroad right-of-way, which was quiet titled, into the adjacent existing lots of record.

Mr. Allen questioned if the subject properties were the only lands that had Railroad r-o-w running in the rear of their lots. Ms. Williams stated more than likely not; however, until someone went to plat their property, they would not know about it. Ms. Williams stated this r-o-w was found because of a survey to identify the rear lot line for construction of an addition to the NHS structure.

Ms. Williams pointed out that an 864.4 sq. ft variance, from lot size requirements in the R2 - Multi-family Residential District is required prior to taking action on the plat. Ms. Williams stated the circumstances did not result from any actions of Mr. Pavich and it was proper to grant the variance.

Mr. Allen moved to approve the variance of 864.4 square feet from Section 17.28040.A. Mr. Shedd seconded and the motion carried.

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

Mr. Shedd moved to approve the Final Plat for Neighborhood Housing Services of the Black Hills/Frank Pavich - American Family Insurance - Plat of Lot 4A and Lot 5A, Grantz Addition, Formerly Lots 4, 5 and 6 Grantz Addition and former Railroad R-O-W, City of Deadwood, Lawrence County, South Dakota, Located in the SE ¼ of Section 22, T5N, R3E, B.H.M. Mr. Allen seconded and the motion carried.

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

OPEN:

Review of Deadwood Gulch Resort Meeting by P&Z Representative

Mr. Allen stated that the meeting went well with the new owners of Deadwood Gulch Resort. He noted that the owners discussed several items regarding possible future plans. He noted they had discussed the access into the Convention lot. Mr. Allen noted that SDDOT would need to get involved if the approach locations were changed. He noted they also wished to change their zoning to one classification. The property is partially zoned PF - Park Forest District and CH - Commercial Highway District. They wish to rezone to CH - Commercial Highway District for the entire parcel. Mr. Allen stated it was a very nice and informative meeting with the gentlemen.

Informational - Sign Ordinance corrections and 1st Reading.

Ms. Williams stated first reading of the sign ordinance with corrects regarding Planning & Zoning.

ADJOURNMENT:

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

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

There being no further business, Planning & Zoning Commission adjourned at 5:20p.m.

Mr. Vrem entered at 5:21p.m.

The Regular Meeting of the Deadwood Planning and Zoning Commission was reconvened by Chairperson Marie Farrier at 5:22p.m.

FINAL PLAT - Mary Hensley - Plat of Lot A-1, Block A, Sunnyside Addition, City of Deadwood, Formerly Lots 2 & 3, Block A, Sunnyside Addition, Located in the SE 1/4 of Section 27, T5N, R3E, B.H.M., Lawrence County, South Dakota

**STAFF REPORT
PLANNING AND ZONING
SEPTEMBER 17, 2008 MEETING**

APPLICANT: Mary Hensley

PURPOSE: To combine lots, under her ownership, into one lot.

GENERAL LOCATION: 839 Main Street

LEGAL DESCRIPTION: Plat of Lot A-1, Block A, Sunnyside Addition, City of Deadwood, Formerly portions of Lots 2 & 3, Block A, Sunnyside Addition, Located in the SE 1/4 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:

Surrounding Zoning:

North: PF – Park Forest District
South: PF – Park Forest District
East: R2 – Multi-family Residential District
West: R1 - Residential District

Surrounding Land Uses

Vacant land
Vacant Land/Highway 14
Mixed Residential uses
Single-family Residential

SUMMARY OF REQUEST

The purpose of the plat is to combine two (2) lots into one (1) lot. Ms. Hensley owns both lots. At the September 3, 2008 Planning and Zoning Meeting, this plat was continued for more information. The question was why the Lot 3 was shorter than shown on the PL Rogers Map. Staff did contact Loren Vrem, Ponderosa Land Surveys and he noted that portions of Lots 2 and 3 had been taken into the State Right-of-way. Staff then requested that the Legal Description be changed to reflect that portions of Lots 2 and 3 were being platted.

FACTUAL INFORMATION

8. The property is currently zoned R1 – Residential District. All existing uses are permitted by right in this zoning classification.
9. The subject lot has 0.194 Acres/8,461.6 square feet.
10. The property gains access from Main Street.
11. The area under discussion is located within a low density residential designation in the Comprehensive Plan.
12. A portion of the land is located within Zone X – 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 sq. mile; and areas protected by levees from 100 year flood.
13. Public facilities are available to serve the property.
14. The neighborhood is characterized by single-family residential uses and open space vacant lands.

STAFF DISCUSSION

The purpose of the plat is to combine two lots into one lot.

- 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.

ACTION REQUIRED:

1. Approval/approval with conditions/denial by Deadwood Planning and Zoning Commission.

Mr. Vrem presented the corrected plat to the Commission for review; Lot A changed to Lot A-1.

Ms. Green moved to approve the Final Plat of Lot A-1, Block A, Sunnyside Addition, City of Deadwood for Mary Hensley. Mr. Allen seconded and the motion carried.

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

ADJOURNMENT:

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

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

There being no further business, Planning & Zoning Commission adjourned at 5:26p.m.

ATTEST:

Ms. Marie Farrier
Chairman (Acting)
Planning and Zoning

Ms. Sheree Green
Secretary (Acting)
Planning and Zoning