

CITY OF DEADWOOD

PLANNING AND ZONING COMMISSION

April 8, 2008

SPECIAL MEETING

The Special Meeting of the Deadwood Planning and Zoning Commission was called to order by Chairperson Marie Farrier on Tuesday April 8, 2008 at 4:00 p.m. in the Deadwood City Hall Century 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.

Also present: Mr. Jim Raysor, City Planner; Mr. Michael Olsen, Historic Preservation Commission Representative; Mr. Wayne Lund, Lund Associates; and Mr. Tim Conrad; Business Owner.

NEW BUSINESS:

Discussion on Height Definition

Ms. Williams stated the purpose of the special meeting was to discuss an amendment to the height definition. She stated she had proposed changing the Zoning Ordinance height definition to a more simplified definition that gave more flexibility in design. Ms. Williams felt the height needed more flexibility at times such as the future Cadillac Jacks project which was being constructed next to a single-family residence (Ferris house). She noted the current zoning ordinance does not address this type of situation and she noted all properties within the zone must be treated equally. She noted one of the goals was to require a lower height at the residential end of the property and then step-up the project as it moved away from the residential use. She noted the current zoning ordinance allowed a 45' height in the commercial zones and it did not address commercial development being constructed next to a single-family residence that was zoned commercial. She noted it only addressed commercial development next to a residential zone, not use. She questioned if an average height measurement would be appropriate for that type of goal or possibly an overlay zone.

Ms. Williams also pointed out that the floor area ratio (FAR) was not working properly. She noted the FAR should address the bulk and mass of structures; however, landowners owned several acres of hillside and that allowed a much larger building on the buildable portion of the property. Mr. Lund commented that the floor area ratio only worked in flat buildable areas, which are not usually found in Deadwood. Ms. Williams agreed and stated the hillside acreage contributed to the total number for square footage of a property; however, the buildable area was limited by the hillside. She stated the formula worked against the goal and what happens is that developments are crammed into small buildable areas. Ms. Williams felt the current height definition and the floor area ratio were the two issues not working in the Zoning Ordinance. Ms. Williams felt that possibly using an average height measurement, from the finished grade, instead of the whole structure being allowed 45', would not be as inflexible and would lend itself to better designs of buildings.

Mr. Lund stated his firm had been using the line of sight from the property line to 35', with elevator over run and setbacks far enough that it did not hit the line of site. The firm would then go back to the 45', then taking an average of 50% of the building grade. This could then create more than 45' on the downhill side. Mr. Lund noted this had been taken from the International Building Codes (IBC). Mr. Raysor stated some areas could be more than 65' and still meet the criteria. Mr. Lund stated the difficulty with using an average is determining the grade.

Mr. Allen agreed and stated the Mineral Palace was a good example because of the 1' Variance that was given due to their grade. Mr. Lund pointed out the Slime Plant measured 69' from peak from street level but the average from the grade is less because of the hillside. Mr. Lund stated during Mr. Jim Wilson's tenure (former Historic Preservation Officer), his firm often used what was seen from the public way as the appropriate height for historic preservation

measures. Mr. Lund stated they related height directly from the IBC. This was 50% of grade around the building.

Ms. Williams reiterated the current definition for height was rigid and often conflicted with Historic Preservations goals. Mr. Lund stated the current ordinance was not hard to understand but it was often hard to comply with on some sites, therefore creating the need for requests for variances.

Mr. Raysor suggested establishing the mid point of the grade to take elevation. Mr. Lund and Mr. Raysor drew a visual representation on the board to help understand the concept. Mr. Lund referred to an example of a long building that would allow transitions to lower mass to create a smaller looking building with using the average. He noted that type of formula would create a image more like what Deadwood was attempting to accomplish.

Mr. Lund stated that hillsides cause problems with the current definition; the Slime Plant with the new hotel portion fits the current ordinance. The hotel is 45' but the end is a straight 60'.

Mr. Olsen questioned if the National Park Service had commented on the height of their project. Mr. Lund stated he had not received any input regarding height.

Mr. Lund offered to draft a sample definition that supported transition, not mass, and would vary from 45' with a percentage. Mr. Raysor suggested an either/or approach to the ordinance to vary from the 45'. Mr. Lund stated that would be all that the ordinance could do; however, massing could possibly come from the Historic Preservation Commission.

Ms. Williams reiterated that the floor area ratio was meant to address the massing of a structure; however, it did not always work because of the additional acreage of the hillside portion of the land. Mr. Lund suggested that the massing be related to adjacent structures within the vicinity. Ms. Williams questioned if an overlay zone could address this type of situation?

Mr. Lund stated that it was easier for lands on Main Street to comply with the 45' because it was mostly flat. Mr. Lund stated a possibility would be for developers to be given some leeway on the high end if they will fluctuate on the lower end of buildings. Mr. Raysor agreed and stated this would then model Main Street due to the current varying heights of the historic structures. Mr. Lund pointed out that some projects, such as the Slime Plant, were a special challenge and in some places one rule would not work for the whole district. Ms. Williams noted on several occasions, she had received negative feedback regarding the length of Cadillac Jacks building. She noted the buildings design had been broken up to represent several buildings; however, the length of the building was obvious.

Mr. Lund suggested creating a point system, similar to what the City of Rapid City used for landscaping architecture.

Mr. Lund stated tightening the ordinance that will control height won't totally prevent variances. Mr. Lund felt there was a need to separate actions for the historic core district and lands outside the district. Mr. Lund suggested a tighter ordinance in the core district and some leeway in the outer districts with a possible step up process. He noted that currently, the Historic Preservation Commission was using Unit 4's design standards outside of the district.

Mr. Olsen stated according to the Secretary of Interior Standards, new construction was required to fit the existing historic fabric however; the manner in which Deadwood was developed, with the mix of assorted construction styles and uses made it difficult to follow. Mr. Olsen stated the ordinances needed to fluctuate in order to create an appropriate fit. Ms. Williams stated that was the problem with zoning, all were required to be treated equally according to the zoning classification and that was why standards were applied equally to all.

Mr. Lund felt the massing needed to be addressed; however, at times he disagreed with Historic Preservation's interpretation of the Secretary of Interior Standards because Deadwood was different from Cities such as Boston.

Mr. Olsen pointed out that the 1981 city boundaries of Deadwood were considered the Historic Landmark, Boston's boundaries were not. He noted specific buildings were considered historic in Boston; therefore, the City of Deadwood was a unique situation. Mr. Olsen noted that making changes within the historic landmark district affected how the U.S. Park Service rated the community and stated there was a fine line.

Mr. Lund suggested to Mr. Olsen that advice be provided from the U.S. Park Service regarding appropriate materials and appearances outside of the core district.

Mr. Olson noted a new conference center in Lake Placid had reinforced the Olympic Center and complimented its neighboring 1932 and 1980 rinks by respecting the fact that their designs reflected the eras in which they had been built. Mr. Raysor felt that to maintain an accurate historic perspective the Historic Preservation Commission would want to allow different types of architecture from other time periods of Deadwood's history. He felt that new buildings should be a product of their own time. Mr. Olsen agreed and stated he felt modern architecture had a place in Deadwood even in the core district, but it should be in character and done with a balance to compliment each other. Mr. Olsen noted the pyramid at the Louvre Museum in Paris, France was a good example of a new model blending in with the old. Mr. Olsen stated Historic Preservations task was to ensure that new construction met the Secretary of Interior Standards in order to maintain the Historic Landmark Status.

Ms. Williams stated developers needed specific guidelines perhaps in the form of a booklet which depicted what was appropriate for each district. Mr. Olsen stated Historic Preservation has budgeted money to have design guidelines drawn up for each planning unit. Mr. Lund stated something that would aid in producing the guidelines was having an ordinance in place that applied to the individual districts. Mr. Ryan felt there should be different rules for each district. Mr. Lund and Mr. Olsen agreed with that statement. Ms. Williams noted the majority of the historic buildings were located in Unit 4 - the core district. She noted the remaining areas were considered Planning Units and they had not been adopted as historic districts on the local level as Unit 4 had been adopted. Mr. Olsen stated the core district ordinance would be fairly simple; however, outside the district would be more complicated because of the adjoining residential areas. Ms. Williams noted the core district already had design guidelines.

Ms. Williams stated the current ordinance did not differentiate between historic residential districts. Ms. Farrier questioned where the core district ended. Ms. Williams explained the boundaries of the core district. She pointed out that Cadillac Jacks was located outside of Unit 4. Mr. Olsen pointed out that Deadwood did not have design guidelines for outside of the core district. Ms. Green questioned if the Secretary of Interior's guidelines only pertained to the 1981 boundaries. Mr. Olsen stated yes, the U.S. Park Service had designated the 1981 city limit boundary as the Historic Landmark District of Deadwood. Ms. Green question if the Ramkota project was outside the district. Mr. Lund stated Ramkota was located outside; however, they still needed to adhere to the same ordinances for the City. Ms. Green noted that there were actually three historic districts in Deadwood: the core district, the 1981 City limit boundary and everything else. Ms. Williams reiterated that in zoning, each district was required to be treated equally and the same rules applied to everyone. Ms. Williams pointed out the city had a short supply of buildable land and that fact would not change unless the City considered annexation in the future.

Mr. Ryan questioned the status of the Slime Plant. Mr. Lund stated a possibility at the Slime Plant could be the step up construction; allowable by the ordinance. He noted that could be used creating the look of a 150' building using the 50% of grade step back building. Ms. Williams stated the current ordinance required a 25' height for that type of construction.

Mr. Olsen stated in Colorado, the Cities of Blackhawk and Central City regret cutting back into rim of the hillside and wished they had had ordinances to avoid what happened with the large construction and concrete walls. Ms. Williams noted that Central City had done an excellent job in historic preservation; however, there was not much history left in Blackhawk. Ms. Williams stated that in Deadwood that could be avoided with a ridge and hillside protection ordinance. Mr. Raysor pointed out developing the rim of Deadwood would be very costly for developers because of the water issues.

Mr. Lund stated that by focusing on some particular issues a draft could be completed for the core district and outside; however, it would not solve all problems. Ms. Williams agreed.

Mr. Lund commented that he liked the idea of a bonus clause to encourage doing something less to get more on the other end. The committee agreed. Mr. Lund stated he would draft sample ordinances using the point system and/or average to allow variables.

Ms. Farrier questioned if a motion was needed. Ms. Williams stated no action was needed at this time.

Mr. Raysor questioned where the height would be determined from. Mr. Olsen questioned what could be done about development in the Burnham hill area. Mr. Lund stated the ordinance would have to address both construction on hillsides and flat lands.

Mr. Lund requested some maps to help aid in writing the draft ordinance.

ADJOURNMENT:

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

All in favor - 5
Opposed - 0

There being no further business, Planning & Zoning Commission adjourned at 5:00 p.m.

ATTEST:

Ms. Marie Farrier
Chairman (Acting)
Planning and Zoning

Ms. Sheree Green
Secretary (Acting)
Planning and Zoning