

**CITY OF DEADWOOD**  
**PLANNING AND ZONING COMMISSION**  
**Wednesday, June 20, 2018**

The meeting of the Deadwood Planning and Zoning was called to order by Chairman Biesiot on Wednesday, June 20, 2018, at 5:00 p.m. in the Deadwood City Hall Meeting Room, located at 102 Sherman Street, Deadwood, SD 57732.

**Planning and Zoning Commission Present:** Tony Biesiot, Jim Shedd, Bill Rich, John Martinisko and Brett Runge

**Absent:**

**Board of Adjustments Present:**

**Staff Present:**

Bob Nelson Jr., Trent Mohr and Bonny Anfinson

**Approval of June 6, 2018 Minutes:**

*It was moved by Mr. Shedd and seconded by Mr. Rich to approve the June 6, 2018 meeting minutes as presented. Aye - All. Motion carried.*

**Sign Review Commission:**

Chairman Biesiot stated since 766 Main Street, 770 Main Street and 772 Main Street are all under the same ownership they will be voted on together unless anyone opposes.

**766 Main Street - Norgaard House - Shirlene Joseph for Dragon Belly, LLC - Install New Freestanding Sign**

Mr. Mohr stated the applicant is requesting permission to install a freestanding sign to advertise a nightly rental property. The sign will be the same style and size as the "Tucker Inn" sign at 771 Main Street. The proposed sign and requested location are compliant with the sign ordinance and requires no variances.

**770 Main Street - The Daning - Shirlene Joseph for Dragon Belly, LLC - Install New Freestanding Sign**

Mr. Mohr stated the applicant is requesting permission to install a freestanding sign to advertise a nightly rental property. The sign will be the same style and size as the "Tucker Inn" sign at 771 Main Street. The proposed sign and requested location are compliant with the sign ordinance and requires no variances.

**772 Main Street - The Rovang Place- Shirlene Joseph for Dragon Belly, LLC - Install New Freestanding Sign**

Mr. Mohr stated the applicant is requesting permission to install a freestanding sign to advertise a nightly rental property. The sign will be the same style and size as the "Tucker Inn" sign at 771 Main Street. The proposed sign and requested location are compliant with the sign ordinance and requires no variances.

Mr. Nelson Jr. stated these will be operated as a B&B not a nightly rental. Mr. Martinisko asked if this area is zoned to operate as a nightly rental. Mr. Nelson Jr. stated the area is zoned residential and these are an extension of the Tucker Inn and Ms. Joseph has made an amendment to her B&B to include them. Her brother is staying in one of them and she has hired an onsite manager for the other building.

*It was moved by Mrs. Runge and seconded by Mr. Shedd to approve the signs for 766 Main Street - Norgaard House, 770 Main Street - The Danning and 772 Main Street (The Rovang Place). Aye - All. Motion carried.*

**622 Main Street - Elk's Building - Request For Variance Banner Permit**

Mr. Mohr stated the applicant is requesting an appeal to a denied banner permit for the Elk's Building. The reason the banner was denied is because a banner has already been approved for this building. Per City Ordinance only one banner is allowed per structure. Last year two banners were erroneously approved for this building and wasn't discovered until later. This is the Elk's building and there are two other businesses subletting. Howard Bernstein is requesting a variance based on the unique setup in there are three different businesses located in this building. Restricting to one banner is harmful to two of the remaining businesses. Mr. Martinisko asked if there will be a request for a third banner. Mr. Bernstein stated he was not aware of any. Mr. Martinisko asked where they would be placed on the building. Mr. Bernstein stated one would be on each side of the door under the awning. Mr. Mohr stated the normal approval process for a banner is through staff. If appealed it then goes before the Planning and Zoning Commission which is the final say in the appeal process. Mrs. Runge asked if this is a temporary banner. Mr. Nelson Jr. stated it is used for special events. *It was moved by Mr. Martinisko and seconded by Mr. Rich to approve the request for variance for the second banner on the Elk's building. Aye - All. Motion carried.*

## **Planning and Zoning Commission and Board of Adjustments:**

### **Revision to the Sign Ordinance**

Mrs. Runge asked why historic accuracy and historic information was taken out. Mr. Nelson Jr. stated primarily the sign ordinance was written when HP was dictating signage. When HP gave the ordinance to P&Z a lot of stuff had to be given up such as paint colors and fonts. Some items were inadvertently left behind. Originally there were going to be design guidelines but they were never completed by HP. Part of it was written into the code but not written into the guidelines. Mr. Martinisko said it doesn't affect the decision on the signs themselves. It is just a little extra information. Mr. Mohr stated if you take the ordinance as a whole it was written historically minded with no plastic, etc. We have never evaluated signs by the guidelines but by the letter of the ordinance. Mr. Ruth Jr. stated the process of the city adopting the guidelines written in here like this opens up the possibility for something to be thrown out of court but if we do have to take it they could argue there are no guidelines the city has officially adopted.

Mrs. Runge thought it was interesting the statement provisions need to be made for incentives to create signs and be historically accurate. It would be a good idea such as no fees. Something to give them an incentive besides being a historic town. Mr. Nelson Jr. stated at one time it was going to be a HP program.

Mr. Nelson Jr. stated he is waiting on billboard information from Quentin. How to enforce the billboards when they change ownership or be able to enforce the ordinance. Need to meet with HP to get direction on lighting standards, the use of the word "Casino" and commemorative tablets and corner stones. Mr. Mohr stated if we are continually granting variances then we need to look at the ordinance. Mr. Nelson Jr. stated he would like to completely re-write the banner ordinance to include updating the deadline date so people aren't applying the day before their event. The sign fund has been struck out because there is no such thing in the city. Change the word Building Inspector with Code Official. Mr. Martinisko recommended writing a better definition of illuminating signs and the use of plastic or composite material. We have been granting a lot of variances on plastic signs.

Mrs. Runge asked about allowing window signs on the exterior. Mr. Mohr stated the definition applies to the inside of the windows. If it is on the exterior then it is not a window sign. Mr. Martinisko stated what we are looking for is if it's in the window it's a window sign. Mr. Nelson Jr. stated painted, applied or attached regardless if it's interior or exterior. Mr. Martinisko directed Mr. Nelson Jr. to go through HP to assure we are not affecting the landmark status. Mr. Rich stated when Mr. Nelson Jr. meets with HP to discuss the idea of an incentive program for signs.

### **Items From Staff** (no action taken)

- Cadillac Jacks: Mr. Mohr stated they are working on the occupancy of the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> floors; working on the laundry room; electrical final completed; working on plumbing final; the Hilton will be bringing in trainers; planning for a July 4 opening; RCS put off the street work for one week.
- City Pavilion: Mr. Nelson Jr. stated the parking lot is open. The pay kiosk will be delivered on Friday.
- Vacation Rentals: Mr. Nelson Jr. stated there are three vacation rentals who are not responding to the guidelines. Staff has been contacting them through their web sites. One will not respond and the other two are not being truthful. 52 Washington has been sent a summons.

### **Adjournment:**

*It was moved by Mrs. Runge and seconded by Mr. Shedd to adjourn the Regular Meeting of the Planning and Zoning Commission. Aye - All. Motion carried.*

There being no further business, the Planning and Zoning Commission adjourned at 5:37 p.m.

ATTEST:

---

Chairman, Planning & Zoning Commission

---

Secretary, Planning & Zoning Commission

Bonny Anfinson, Planning & Zoning Office/Recording Secretary