

**CITY OF DEADWOOD**  
**PLANNING AND ZONING COMMISSION**  
**Wednesday, October 19, 2016**

The meeting of the Deadwood Planning and Zoning was called to order by Chairperson Jim Shedd on Wednesday, October 19, 2016, 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:** Jim Shedd, Mel Allen, Marie Farrier, Brett Runge and Tony Biesiot

**Absent:**

**Board of Adjustments Present:** Mayor Chuck Turbiville and Mark Speirs

**Staff Present:**

Bob Nelson Jr., Trent Mohr and Bonny Anfinson

**Approval of September 21, 2016 Minutes:**

*It was moved by Mr. Biesiot and seconded by Mr. Allen to approve the September 21, 2016 meeting minutes. Aye - All. Motion carried.*

**Sign Review Commission:**

**50 Cliff Street – Greg and Matt Klein – Install New Free Standing Sign**

Mr. Mohr stated the applicant is requesting permission to replace the existing freestanding sign with a new freestanding sign of a different design in the same location. The planter box will remain in its current location. The planter box has been granted a variance by the South Dakota Department of Transportation as the encroachment is less than one foot. The proposed sign would not be allowed to encroach into the right of way. *It was moved by Mr. Biesiot and seconded by Mrs. Runge to approve the replacement of the existing freestanding sign with a new freestanding sign at 50 Cliff Street. The sign will not encroach into the right of way. Aye - All. Motion carried.*

**645 and 647 Main Street – Carol Tellinghuisen – The Pour House**

Mr. Mohr informed the Commission the applicant wishes to install two proposed signs on the entrances of her businesses since the summer of 2015. The proposed signs and their location are compliant with the sign ordinance. *It was moved by Mrs. Runge and seconded by Ms. Farrier to approve the installation of the two signs at 645 and 647 Main Street as presented. Aye - All. Motion carried.*

**650 Main Street – Dale Berg – Berg Jewelry – Installing Awning and Valance**

Mr. Mohr informed the Commission the applicant is restoring historic features to the building through the Historic Preservation Façade Program. The applicant has removed the marquee sign and will replace it with an awning and valance sign. The proposed sign and its location are compliant with the sign ordinance. *It was moved by Mr. Biesiot and seconded by Mr. Allen to approve the removal of the marquee sign and replace with an awning and valance at 650 Main Street. Aye—All. Motion carried.*

**650 Main Street – Dale Berg – Berg Jewelry – Raise Sign and Propose Awning**

Mr. Mohr stated this items has been withdrawn from the agenda.

**Planning and Zoning Commission:**

**Optima LLC – Create One Tract of Property**

Mr. Nelson Jr. stated the applicant is requesting permission to create one tract of property, take in vacated Williams street, and create dedicated Williams street right-of-way. The property consists of Bradsky Tract Revised, Bradsky Tract Number 2 and Relocated Williams Street Right-of-Way; A Replat of the Bradsky Tract of M.S. 308, Lots 1A, 2A, 3 and 4 of Tract A of M.S. 81, A Portion of M.S. 308 Described with 50' on Main St, Lots A, B, C, D, E, F, 15, 16, 17, 18, 19, 20, 21, and 22 of Block 3 of the Fountain City Addition to the

City of Deadwood, and the Relocated Williams Street Right-of-Way Located in the NW1/4 of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. *It was moved by Ms. Farrier and seconded by Mr. Allen to approve the plat presented for Bradsky Tract Revised, Bradsky Tract Number 2 and Relocated Williams Street Right-of-Way; A Replat of the Bradsky Tract of M.S. 308, Lots 1A, 2A, 3 and 4 of Tract A of M.S. 81, A Portion of M.S. 308 Described with 50' on Main St, Lots A, B, C, D, E, F, 15, 16, 17, 18, 19, 20, 21, and 22 of Block 3 of the Fountain City Addition to the City of Deadwood, and the Relocated Williams Street Right-of-Way Located in the NW1/4 of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. Aye – All. Motion carried.*

Van Rokel Properties/Karl and Deelaina Webb – Property Transfer

Mr. Nelson Jr. stated the applicant is requesting permission to transfer land. The property is located on Cliff Street adjacent to the Mickelson Trail legally described as Tract C1 and 4A of Deadwood Gulch Addition II, Formerly Tract C of Deadwood Gulch Addition II and Lot 4 of Arnio Subdivision, Being A Portion of Deadwood Gulch Addition II and M.S. 107, All Located in the NE1/4, SE1/4 and SW ¼ of Section 27, T.5N, R.3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. *It was moved by Ms. Farrier and seconded by Mrs. Runge to approve the plat presented as Tract C1 and 4A of Deadwood Gulch Addition II, Formerly Tract C of Deadwood Gulch Addition II and Lot 4 of Arnio Subdivision, Being A Portion of Deadwood Gulch Addition II and M.S. 107, All Located in the NE1/4, SE1/4 and SW ¼ of Section 27, T.5N, R.3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. Aye – All. Motion carried.*

Bob and Carmen Walton – Adverse Possession Claim

Mr. Nelson Jr. stated the applicant is submitting an adverse possession claim by court order recorded document 2015-5244 for located on Taylor Avenue legally described as Lots 59A Being a Portion of Lots 59 and 60, Block 35, Original Townsite, City of Deadwood, Located in the SW ¼ of Section 23, T5N, R3E, B,H,M., City of Deadwood, Lawrence County, South Dakota. *It was moved by Ms. Farrier and seconded by Mr. Biesiot to approve the plat presented as Lots 59A Being a Portion of Lots 59 and 60, Block 35, Original Townsite, City of Deadwood, Located in the SW ¼ of Section 23, T5N, R3E, B,H,M., City of Deadwood, Lawrence County, South Dakota. Aye – All. Motion carried.*

Deadwood Sign Run LLC/Palisades LLC – Property Transfer

Mr. Nelson Jr. stated the applicant is requesting a transfer of land located off Mt. Roosevelt Road. The property is located at Lot 6B, Block 2 of Palisades Tract of Deadwood Stage Run Addition, All located in the SW ¼ Section 14, the SE ¼ of Section 15, the NE ¼ NE ¼ of Section 22 and the N ½ NW ¼ of Section 23, T.5N, R.3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. *It was moved by Ms. Farrier and seconded by Mrs. Runge to approve the plat presented as Lot 6B, Block 2 of Palisades Tract of Deadwood Stage Run Addition, All located in the SW ¼ Section 14, the SE ¼ of Section 15, the NE ¼ NE ¼ of Section 22 and the N ½ NW ¼ of Section 23, T.5N, R.3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. Aye – All. Motion carried.*

Neighborhood Housing Services of the Black Hills – Request for Variance

Mr. Nelson Jr. stated the applicant is requesting a five foot variance from front yard setback requirements for the construction of four living units. All public comment received so far has been distributed to the Planning and Zoning Commission. Joy McCracken, Executive Director with Neighborhood Housing Services, presented preliminary plans for the project. McCracken stated it is a very narrow piece of land located next to a very steep hill so the foot print has to be very small. The plan is to build four very small little homes with tuck under garage, living room, kitchen, bathroom on the second floor and two bedrooms and bathroom on the third floor. The reason for the variance is to keep the price as low as they can so they can meet incomes of people living in Deadwood for workforce housing. This would make the driveways five feet shorter so they would not have to cut into the hillside which would cost more. Everyone would have off street parking. Mrs. Runge asked how far they are expecting to cut into the hillside. Is there an estimate as to how much will be cut? Mrs. McCracken stated the foot print will be 42 feet back. Ms. Ferrier stated she measured from the street to the hill and it was 57 feet. Mrs. McCracken stated there is a deck off the back that is four to five feet. Mr. Nelson Jr. stated that is why they need the five feet because of the deck and the overhang in the front. Mrs. Runge asked if the driveways are 20 feet. Mr. Nelson Jr. stated

they range from 17 feet eight inches to 15 feet nine and three quarters. Mrs. Runge asked if there is concerns as far as digging into the hillside and stability. Has there been tests done? Mrs. McCracken stated it will be engineered to assure the cut is sufficient. The concrete around the garage will work as a retaining wall as well. Mr. Allen stated him and Ms. Farrier went to the property and took measurements. Mr. Allen stated he has questions regarding parking and sees that garages would answer that question. There is no parking in the streets in that area. When I was parking on the street reviewing this property I had to move my vehicle in order for the UPS truck to get through. There is a question regard the hill and possibility of it sliding if not properly pined. Ms. Farrier stated one of the concerns is pickups with an extended cab. They would not fit in the driveway. You can think that everyone would have a little car but it doesn't work that way. Bonnie Krueger, 9 Calamity Lane, stated she lives directly across from the proposed project. Ms. Krueger stated her main concern is safety. There are covenients in this neighborhood stating no overnight parking on the street, no unused vehicles parked in a driveway and no parking in any of the empty lots. These covenients are not enforced. People who own property there need to go to owners and say are not allowed to park there. If one of the townhomes had a fire and someone was parked on the street I don't believe a fire truck could get through.

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

- Mr. Nelson Jr. stated there will be a meeting next week at City Hall regarding the Lead-Deadwood School Focus Group.
- Mr. Mohr stated they are pouring concrete on the walkway opposite Whitewood Creek at the Welcome Center. They are framing and installing membrane on the roof.
- Mr. Nelson Jr. stated the trail will open this weekend along Whitewood Creek just in time for the Zombie run.
- Mr. Nelson Jr. stated DOT is working on the punch list and the lights for the Highway 85 project.

**Adjournment:**

*It was moved by Mr. Biesiot and seconded by Ms. Farrier 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:

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Chairman, Planning & Zoning Commission  
Bonny Anfinson, Planning & Zoning Office/Recording Secretary

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Secretary, Planning & Zoning Commission