

DEADWOOD PLANNING AND ZONING COMMISSION

Wednesday, March 4, 2020 – 5:00 p.m.

City Hall, 102 Sherman Street, Deadwood, SD

AGENDA

1. Call Meeting to Order
2. Approval of February 19, 2020 Minutes
3. Sign Review Commission
Mike Gustafson (Travelodge) – 250 Main Street – Reface Travelodge Signs
Action Required:
 - a. Approval/Denial by Sign Review Commission**Rachetto Law Office – 470 Main Street – Install New Window Sign**
Action Required:
 - a. Approval/Denial by Sign Review Commission
4. Planning and Zoning Commission/Board of Adjustments
Revised Memorandum of Agreement – Second Stage LLC – Roadways
Explanation of responsibilities in regards to developer infrastructure and roads.
Action Required:
 - a. Approval/Denial by Planning and Zoning Commission
 - b. Approval/Denial by Board of Adjustments
5. Items from Staff
6. Adjourn

CITY OF DEADWOOD
PLANNING AND ZONING COMMISSION
Wednesday, February 19, 2020

The meeting of the Deadwood Planning and Zoning Commission was called to order by Chairperson John Martinisko on Wednesday, February 19, 2020 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: John Martinisko, Jeff Lawler, Brett Runge, Bill Rich and Josh Keehn

Board of Adjustments Present: David Ruth, Jr., Charlie Struble, and Mike Johnson

Staff Present:

Jeramy Russell, Trent Mohr, Bob Nelson Jr. and Bonny Anfinson

Approval of February 5, 2020 Minutes:

It was moved by Mrs. Runge and seconded by Mr. Rich to approve the February 5, 2020 meeting minutes. Aye - All. Motion carried.

Planning and Zoning Commission/Board of Adjustments:

Deadwood Stage Run, LLC

Mr. Russell stated this plat is for development purposes to facilitate the housing development of Phase 2 of Stage Run. This new development will be completed in phases. This plat contains only block 3A and 4A. Each individual lot will require a plat as they sell. Legally described as Plat of Block 3A, Block 4A and Dedicated Right of Way of Palisades Tract of Deadwood Stage Run Addition to the City of Deadwood all located in the SW1/4 of Section 14, the SE1/4 of Section 15, the NE1/4NE1/4 of Section 22 and the N1/2NW1/4 of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. *It was moved by Mr. Lawler and seconded by Mr. Keehn to approve the Plat of Block 3A, Block 4A and Dedicated Right of Way of Palisades Tract of Deadwood Stage Run Addition to the City of Deadwood all located in the SW1/4 of Section 14, the SE1/4 of Section 15, the NE1/4NE1/4 of Section 22 and the N1/2NW1/4 of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. Aye - all. Motion carried.*

It was moved by Mr. Rich and seconded by Mrs. Runge to adjourn the Planning and Zoning Commission meeting. Aye - all. Motion carried.

Board of Adjustments:

Mayor Ruth called the meeting of the Board of Adjustments to order.

It was moved by Ms. Struble and seconded by Mr. Johnson to approve the Plat of Block 3A, Block 4A and Dedicated Right of Way of Palisades Tract of Deadwood Stage Run Addition to the City of Deadwood all located in the SW1/4 of Section 14, the SE1/4 of Section 15, the NE1/4NE1/4 of Section 22 and the N1/2NW1/4 of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. Aye - all. Motion carried.

It was moved by Ms. Struble and seconded by Mr. Johnson to adjourn the Board of Adjustments. Aye - all. Motion carried.

Planning and Zoning Commission

Chairman Martinisko called the meeting of the Planning and Zoning Commission to order.

Public Meeting - Deadwood City Ordinance 17.53 Transient Commercial Use of Residential Property

Mr. Russell gave an overview of what issues Deadwood is experiencing with vacation rentals in Deadwood. This meeting is to hear public comments regarding vacation rentals in Deadwood.

Listed below are comments/issues/talking points/complaints

There are eight illegal vacation rentals on Washington Street.

On 15 Washington there are parties until early morning disturbing neighbors and the owner is not on premises. There needs to be a person on premise. They take parking spaces of the residents.

Vacation rentals are changing the character of neighborhoods. This disrupts safety of permanent residents. Neighborhoods are compromised.

The vacation rental owners do not remove snow from driveway or sidewalks because they are not on site. Their yards are not kept up in the summer months. They need to pay commercial garbage and not use neighbor's garbage. Do background checks. OK with it if it is structured right.

A process needs to be established. These types of steps are important.

There should be a required off street parking space for each bedroom.

They are not shoveling snow and using my personal garbage can.

Set up a management company for the vacation rentals to go through.

There are a lot of them parking on Williams Street. They need to be paying taxes.

Limit the number of conditional use permits allowed and review them yearly.

Make them follow same rules as a B&B.

Throwing garbage in my yard.

We are losing our community. If residents move out this will affect our schools and residential neighborhoods.

We need to enforce the ordinance.

Make the fine \$1,000 for first infraction, \$2,000 for second infraction and cancel their license on 3rd.

Let the residents know who they should call regarding illegal rentals or violations.

The public needs to help police.

Check with other similar communities.

There are bad actors. Why aren't we enforcing the ordinance? Let public know who they should call.

Enforce the ordinance and make rentals be compliant.

Check out what Seattle is doing.

They need to be paying bid tax to support the Chamber.

Change the ordinance to collect taxes and require quiet time in the residential neighborhoods.

Put a lien on property to collect fines if owners don't pay.

Adjournment:

It was moved by Mr. Keehn and seconded by Mr. Lawler 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 6:45 p.m.

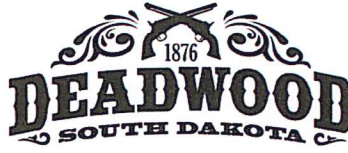
ATTEST:

Chairman, Planning & Zoning Commission

Bonny Anfinson, Planning & Zoning Office/Recording Secretary

Secretary, Planning & Zoning Commission

OFFICE OF
Planning & Zoning
108 Sherman Street
Telephone (605) 578-2082
Fax (605) 578-2084



"The Historic City of the Black Hills"
Deadwood, South Dakota 57732

TRENT MOHR
Building Inspector
Dept. of Planning & Zoning
Telephone: (605) 578-2082
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SIGN PERMIT STAFF REPORT

Sign Review Commission
March 4, 2020

Applicant: Mike Gustafson

Address: 270 Main Street, Deadwood, SD 57732

Site Address of Proposed Signage: 250 Main Street (Travelodge)

Computation of Sign Area

Building Frontage: 334 Feet

Total Available Signage: 668 Square Feet

Existing Signage: Two freestanding signs "Registration" (108 Square Feet total), One freestanding sign "Travelodge" (72 Square Feet), and one wall sign "Travelodge" (60 Square Feet).

Remaining Available Signage Area: 448 Square Feet

Proposed Sign Project: Reface the Travelodge signs with no other changes to these signs.

Proposed Building Materials: Plastic and Metal. (see attached rendering).

Proposed Lighting of the Signs: Internally Illuminated.

Location of Proposed Sign: The location of the existing signs will not be changing.

Discussion

The sign permit application in review is proposed at a location outside the locally-designated historic district and inside the national historic landmark district which is regulated by chapter 15.32.310 of the sign ordinance. The current signage at the subject property is compliant with the sign ordinance. The sign proposed in the current application is regulated by 15.32.090 of the Sign Ordinance, reference below.

- A. *Before any sign can be erected or altered in any way, a valid permit must be issued. Any further alteration of the sign shall require an amendment of the existing permit or the issuance of a new permit. Such changes, as well as original permits, shall be issued pursuant to review by the sign review commission. It is unlawful to display, construct, erect, locate or alter any sign without first obtaining a sign permit for such sign.*

The applicant wishes to reface these two sign to represent the current name of the franchise. These signs are changing from "Travelodge Inn and Suites" to "Travelodge by Wyndham". These signs were originally granted permits in October of 2017. At that time they required variances for materials (use of plastics) and internal illumination. After the latest ordinance revision, the use of plastics in these signs no longer requires a variance. I have received no negative comments about these signs being internally illuminated since they were installed.

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The proposed signs and their location are compliant with the sign ordinance.

Variances

The sign permit application in review as proposed requires no new variances from the sign ordinance. Signage variances may be obtained if the sign review commission is able to find *"special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures, distance or other matters on adjacent lots or within the adjacent public right-of-way that would substantially restrict the effectiveness of the sign in question and such special circumstances or conditions are peculiar to the business or enterprise to which the applicant desires to draw attention and do not apply generally to all businesses or enterprises in the area."* However, it is the responsibility of the applicant to provide adequate evidence of such special circumstances or conditions.

Sign Review Commission Action

Motion to approve permit to reface two signs at 250 Main Street

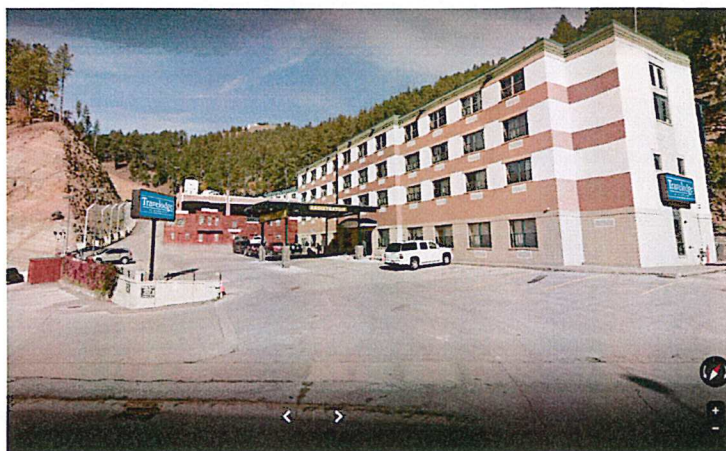
OR

Motion to deny proposed sign permit application as submitted.

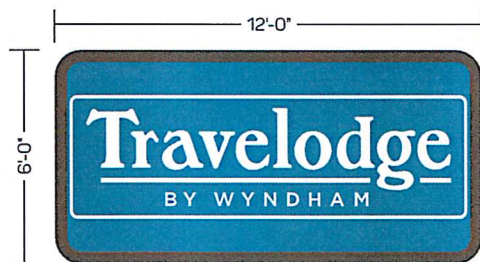
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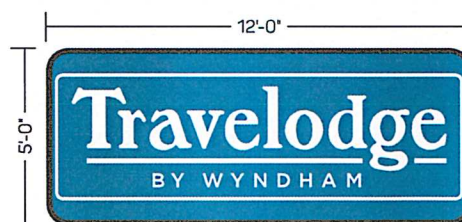
EXISTING:
PYLON: 6' X 12'
WALL SIGN: 5' X 12'



PROPOSED



PYLON SIGN DETAIL
SCALE: 1/4" = 1'-0"




WALL SIGN DETAIL
SCALE: 1/4" = 1'-0"

APPROVAL BOX - PLEASE INITIAL

CUSTOMER APPROVAL

Date

NOTE: Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

Customer: TRAVELODGE	Date: 7/18/19	Prepared By: JS	<small>Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.</small>	 persona SIGNS LIGHTING IMAGE	DISTRIBUTED BY SIGN UP COMPANY 700 21st Street Southwest PO Box 210 Watertown, SD 57201-0210 1.800.843.9888 • www.personasigns.com
Location: DEADWOOD, SD	File Name: 194035 - DEADWOOD, SD	Eng: -			

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SIGN PERMIT STAFF REPORT

Sign Review Commission
March 4, 2020

Applicant: Rachetto Law Office

Address: PO Box 574, Deadwood, SD 57732

Site Address of Proposed Signage: 470 Main Street (formerly Ensignal)

Computation of Sign Area

Building Frontage: 55 Feet

Total Available Signage: 110 Square Feet

Existing Signage: None

Remaining Available Signage Area: 110 Square Feet

Proposed Sign Project: Install new window sign (6.6 Square Feet, counted at 25% towards total allowed = 1.65 Square Feet).

Proposed Building Materials: Vinyl. (see attached photograph).

Proposed Lighting of the Signs: None.

Location of Proposed Sign: Attached is a photograph showing the sign in its location.

Discussion

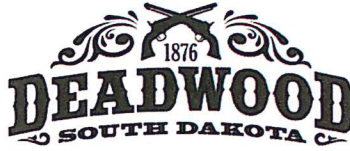
The sign permit application in review is proposed at a location inside the locally-designated historic district which is regulated by chapter 15.32.300 of the sign ordinance. The current signage at the subject property is compliant with the sign ordinance. The sign proposed in the current application is regulated by 15.32.090 of the Sign Ordinance, reference below.

- A. *Before any sign can be erected or altered in any way, a valid permit must be issued. Any further alteration of the sign shall require an amendment of the existing permit or the issuance of a new permit. Such changes, as well as original permits, shall be issued pursuant to review by the sign review commission. It is unlawful to display, construct, erect, locate or alter any sign without first obtaining a sign permit for such sign.*

The applicant has sold his building on Sherman Street and relocated his business to this location. The sign is to advertise his business at this new location.

The proposed sign and its location are compliant with the sign ordinance.

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Variances

The sign permit application in review as proposed requires no variances from the sign ordinance. Signage variances may be obtained if the sign review commission is able to find *"special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures, distance or other matters on adjacent lots or within the adjacent public right-of-way that would substantially restrict the effectiveness of the sign in question and such special circumstances or conditions are peculiar to the business or enterprise to which the applicant desires to draw attention and do not apply generally to all businesses or enterprises in the area."* However, it is the responsibility of the applicant to provide adequate evidence of such special circumstances or conditions.

Sign Review Commission Action

Motion to approve permit for new window sign at 470 Main Street

OR

Motion to deny proposed sign permit application as submitted.







MEMORANDUM

Date: February 27, 2020
To: Planning and Zoning Commission
From: Jeremy Russell, Planning and Zoning Administrator
Re: Revised Memorandum of Agreement with Second Stage LLC

During the February 5, 2020 Planning and Zoning Commission meeting there was discussion and approval of a Memorandum of Agreement for Second Stage LLC. This MOA stated "Aspen Road and Stage Run Loop" would remain private roadways and all maintenance and snow removal would be the responsibility of Second Stage LLC.

Recently, The City of Deadwood and Second Stage LLC came to an agreement to make "Aspen Road and Stage Run Loop" public roadways. Maintenance and snow removal of said roadways will become the responsibility of the City of Deadwood. Staff recommends approval of the revised Memorandum of Agreement with Second Stage LLC.

Recommended Motion: *Move to approve the revised Memorandum of Agreement with Second Stage LLC.*

MEMORANDUM OF AGREEMENT

BETWEEN

**THE CITY OF DEADWOOD,
A MUNICIPAL GOVERNMENT**

AND

Second Stage LLC

I. PARTIES

This document constitutes an agreement between the **CITY OF DEADWOOD**, a municipal corporation, with its principal office at 102 Sherman Street, Deadwood, South Dakota 57732 (DEADWOOD), and **Second Stage LLC**, a South Dakota corporation, with its principal office at PO Box 1282, Spearfish, South Dakota 57783.

II. PURPOSE

A. Background

As part of its project to construct residential housing known hereafter as the "Project", SECOND STAGE LLC previously submitted plans for access roadways with infrastructure which was approved by DEADWOOD; all of the components of the infrastructure will remain owned by SECOND STAGE, LLC. The maintenance and upkeep of the roadway and its components will become the responsibility of the City of Deadwood. SECOND STAGE, LLC wishes for these access roadways to be given the names of "ASPEN ROAD and STAGE RUN LOOP" and assign future residential structures with appropriate addresses associated to said street names. Both SECOND STAGE LLC and DEADWOOD agree that any access roadways shall remain public roadways with all maintenance to be performed by DEADWOOD.

B. Purpose

DEADWOOD requires assurances that "ASPEN ROAD and STAGE RUN LOOP" shall remain public roadways, wholly the responsibility of DEADWOOD.

III. MUTUAL INTEREST OF THE PARTIES

DEADWOOD and SECOND STAGE LLC each have a mutual interest in being able to assign addresses to SECOND STAGE LLC's Project, while defining responsibilities for each with regard to the roadways used for such addresses.

IV. RESPONSIBILITIES OF THE PARTIES

A. General.

1. The Parties agree to jointly participate in the assignment of addresses to the Project.

B. DEADWOOD.

DEADWOOD agrees to perform the following activities and provide the following resources in support of the Project:

1. DEADWOOD shall recognize the roadways perpendicular to existing Stage Run named "ASPEN ROAD and STAGE RUN LOOP".
2. DEADWOOD shall recognize "ASPEN ROAD and STAGE RUN LOOP" as official public streets and will maintain said public drives.
3. DEADWOOD shall establish a code compliant address system for 911 purposes as the development begins to be constructed.
4. DEADWOOD shall maintain the asphalt surface, concrete curb, and perform street cleaning and snow removal, as well as install and maintain any regulatory signage required.

C. SECOND STAGE LLC.

SECOND STAGE LLC agrees to perform the following activities and provide the following resources in support of the Project:

1. SECOND STAGE LLC shall be responsible for all costs of construction of the roadways perpendicular to Stage Run known as "ASPEN ROAD and STAGE RUN LOOP".
2. SECOND STAGE LLC shall be responsible construction and maintenance of all sidewalks adjacent to the roadways known as "ASPEN ROAD and STAGE RUN LOOP" as well as all costs associated.

V. COSTS

Costs shall be born as stated above, under this Agreement. This Agreement contemplates no transfer of funds between the Parties.

VI. PERIOD OF AGREEMENT AND MODIFICATION/TERMINATION

This Agreement will become effective when signed by all parties. The Agreement shall remain in perpetuity, but may be amended at any time by mutual agreement of the parties.

Dated this ____ day of _____, 20__.

CITY OF DEADWOOD

David Ruth Jr., Mayor

ATTEST:

Jessica McKeown
Finance Officer

Dated this ____ day of _____, 20__.

SECOND STAGE LLC

By: _____
Leroy Stuen, Member

State of South Dakota)
) SS
County of _____)

On this ____ day of _____, 20__, before me, the undersigned officer, personally appeared Scott Munro, known to me or satisfactorily proven to be the President of SECOND STAGE LLC, whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have set my hand and official seal.

(SEAL)

Notary Public: _____

My Commission Expires: _____