

DEADWOOD PLANNING AND ZONING COMMISSION

Wednesday, August 21, 2019 – 5:00 p.m.

City Hall, 102 Sherman Street, Deadwood, SD

AGENDA

1. Call Meeting to Order
2. Approval of August 7, 2019 Minutes
3. Sign Review Commission

Ronald Rhebb (Chip Shot Golf) – 306 Cliff Street – Install Two New Marquee Signs

Action Required:

- a. Approval/Denial by Sign Review Commission

Todd & Jill Weber – 251 US Hwy 14A – Install New Freestanding Sign

Action Required:

- a. Approval/Denial by Sign Review Commission

4. Planning and Zoning Commission

Change of Zoning – Steven Hertel – 20783 Whitewood Creek Road

Aspen Storage 3 of Wilmington Placer M.S. 848, Located in the unplatted portion of Wilmington Placer, M.S. 848, in the SW1/4 Section 13, T5N, R3E, B.H.M.

Action Required:

- a. Recommend Approval/Denial by Planning and Zoning Commission

5. Items from Staff

- a. Outlaw Square
- b. Hwy 14A/85
- c. Whitewood Creek

6. Adjourn

CITY OF DEADWOOD
PLANNING AND ZONING COMMISSION
Wednesday, August 7, 2019

The meeting of the Deadwood Planning and Zoning Commission was called to order by Vice Chairperson Brett Runge on Wednesday, August 7, 2019 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, Brett Runge, Josh Keehn, Jeff Lawler and Bill Rich

Absent:

Board of Adjustments Present:

Staff Present:

Bob Nelson Jr., Trent Mohr and Cindy Schneringer

Approval of July 17, 2019 Minutes:

It was moved by Mr. Martinisko and seconded by Mr. Rich to approve the July 17, 2019 meeting minutes. Aye – All. Motion carried.

Election of Officers

Chairman

It was moved by Mr. Rich and seconded by Mr. Keehn to nominate John Martinisko for Chairman. Aye – All. Motion carried.

Vice Chairman

It was moved by Mr. Martinisko and seconded by Mr. Keehn to nominate Mrs. Runge for Vice Chairman. Aye – All. Motion carried.

Secretary

It was moved by Mr. Martinisko and seconded by Mr. Keehn to nominate Mr. Rich for Secretary. Aye – All. Motion carried.

Sign Review Commission

Kelsie Darling, QuikSigns – HUB Insurance – 460 Main Street – Install New Projecting Sign / New Window Sign / New Valance

Mr. Mohr stated the applicant is wanting to install new projecting sign, new window sign on door and lettering on valance of new awning. HUB Insurance has purchased First Western Insurance and is requesting to change the exiting signs to reflect that it is a different company now. The proposed signs and their locations are compliant with the sign ordinance. *It was moved by Mrs. Runge and seconded by Mr. Rich to approve the sign permit for three signs at 460 Main Street. Aye – All. Motion carried.*

Christina Kibler – 628 Main Street – Install New Wall Sign on Wall Street Side of Building

Mr. Mohr stated the applicant is wanting to install new wall sign on the wall street side of building. The applicant has leased the lobby area of the Franklin Hotel for her business and wishes to install a wall sign to advertise the same. The proposed sign and its location are compliant with the sign ordinance. *It was moved by Mr. Rich and seconded by Mrs. Runge to approve the sign permit for a new wall sign at 628 Main Street. Aye – all. Motion carried.*

Anthony Galbraith – FIB Properties - 137 Charles Street – Re-face Existing Freestanding Sign

Mr. Mohr stated the applicant is wanting to re-face existing freestanding sign. This property is bank owned and the management company is requesting to change the existing freestanding sign to comply with a name change required by the owner. A banner permit has been obtained to cover the sign until August 13th when banners during the Sturgis rally have to be removed. It is intended that the permanent sign will be installed at that time. The proposed sign and its location are compliant with the sign ordinance. *It was moved by Mrs. Runge and seconded by Mr. Keehn to approve the sign permit to re-face the freestanding sign at 137 Charles Street. Aye – All. Motion carried.*

Maurice Miller Jr., Conrad Signs (for Burnouts Pizza) – 65 Sherman Street – Install New Projecting Sign

Mr. Mohr stated the applicant is wanting to install a new projecting sign. The applicant wishes to install a projecting sign to advertise the business at this location. The sign will be on an existing mount. This sign has been planned since the business opened last year. The proposed sign and its location are compliant with the sign ordinance. *It was moved by Mr. Rich and seconded by Mr. Lawler to approve the permit for new projecting sign at 65 Sherman Street. Aye – All. Motion carried.*

Planning and Zoning Commission:

Conditional Use Permit – Jessica Knee and Christopher Fedor, “Lone Wolf Tattoo” – 470 Main Street

Mr. Nelson Jr. stated the petitioner has submitted a request for a Conditional Use Permit for a Tattoo Business. Legally described as Lots 1,2,3,4,5 & 6 BLK 1, Fargo and Geis addition, Original Town Deadwood, Lawrence County, South Dakota. Zoned Commercial Highway District. Tattoo business, regardless of where it's located in Deadwood, requires a CUP. The property at 470 Main Street is currently vacant in the former location of the Verizon Wireless Store. The building has facilities. Is located in a mixed use area. I am compliant with publication in the paper, posting the property as well as notification to adjacent landowners within 500 feet. Prior CUP's: 652 Main Street has an active CUP for a tattoo shop, 376 Main Street had one for about three years until property removed for Cadillac Jacks, and 79 Sherman Street has been voided because the building sale fell through. Mr. Martinisko asked if he received any public comments. Mr. Nelson Jr. stated none, not even a phone call. Mr. Martinisko asked if it was in the paper, and a sign at the sight? Mr. Nelson Jr. said yes and the mailers that went out. Mr. Nelson Jr. state the only action tonight is a recommendation to City Council on the Conditional Use Permit. Mr. Martinisko mentioned that one of the key things about the tattoo business is that it's the State that regulates the health and safety of the business. The City just issues the permit. *It was moved by Mr. Rich and seconded by Mrs. Runge to recommend approval of the CUP for the tattoo business to City Commission. Aye – All. Motion Carried.*

Define Property Boundary, Correct Prior Plat – Gary and Marlene Todd – Spring Street

Mr. Nelson Jr. stated this is to define property boundary and correct prior plat. General location is Spring Street. Legally described as Lots E1 and E2 of M.S. 335, Formerly Lot E of M.S. 335, City of Deadwood, Lawrence County, South Dakota. Zoned R2 Multi-Family. Lot sizes are conforming. Have infrastructure in place. There is no planned building on this. We actually get the Spring Street right-of-way created. There was an error on the prior plat with the boundary at adjacent Lot X near lot E2. Frank from Arleth Surveying is here and is familiar with the research that has gone on for seven months. Frank stated Lot E plat is the one currently sub-dividing that was incorrect. *It was moved by Mrs. Runge and seconded by Mr. Lawler recommend approval of plat for Lots E1 and E2 of M.S. 334, Formerly Lot # of M.S. 334, City of Deadwood, Lawrence County, South Dakota to City Commission. Aye – All. Motion Carried.*

Items From Staff (no action taken)

- Outlaw Square: Mr. Mohr reported he was there last week and inspected the roof structure so they could install ceiling and dry wall. Today inspected top of firewall so they can proceed with that. Talked to the superintendent on site, sounds like they are going to start the flat work for the skating rink area pouring that concrete could be as early as next week. Things are happening. A lot of underground utilities going in. Were able to open Deadwood Street up on Monday to service the Legends Ride and went well. Things are proceeding. Nothing major has happened since last time we met. Mr. Nelson Jr. reported you will see a lane closure go up for masonry on the highway side of the building starting as soon as Monday and anticipated for 14 days unless they can go faster. See lane closure through Kool Deadwood Nights.
- Highway 14A/85: Mr. Nelson reported a lot of the concrete will be torn out after Kool Deadwood Nights. The cement was put in a hurry for the rally. Putting in sidewalks, pulling utilities and doing reclamation off the road. Project could go into November. Still have to replace panels from one end to the other and major excavation at First Gold and Deadwood Bunkhouse.
- Mr. Nelson Jr. provided information on a potential box culvert project for 2026.

Adjournment:

It was moved by Mr. Shedd and seconded by Mrs. Runge 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 5:13 p.m.

ATTEST:

Chairman, Planning & Zoning Commission

Secretary, Planning & Zoning Commission

Wittmis, Planning & Zoning Office/Recording Secretary

SIGN PERMIT STAFF REPORT

Sign Review Commission
August 21, 2019

Applicant: Ronald Rhebb

Address: 306 Cliff Street, Deadwood, SD 57732

Site Address of Proposed Signage: 306 Cliff Street (Chip Shot Golf)

Computation of Sign Area

Building Frontage: 66 Feet

Total Available Signage: 132 Square Feet

Existing Signage: One Freestanding (to be replaced)

Remaining Available Signage Area: 154 Square Feet

Proposed Sign Project: Install two new marquee signs (27.5 Square Feet each).

Proposed Building Materials: Vinyl Letters. (see attached rendering).

Proposed Lighting of the Signs: None.

Location of Proposed Sign: On two sides of the marquee.

Discussion

The sign permit application in review is proposed at a location outside the locally-designated historic district and outside the national historic landmark district which is regulated by chapter 15.32.315 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 opened this business a couple of years ago and wishes to add this signage to advertise his business.

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

Variances

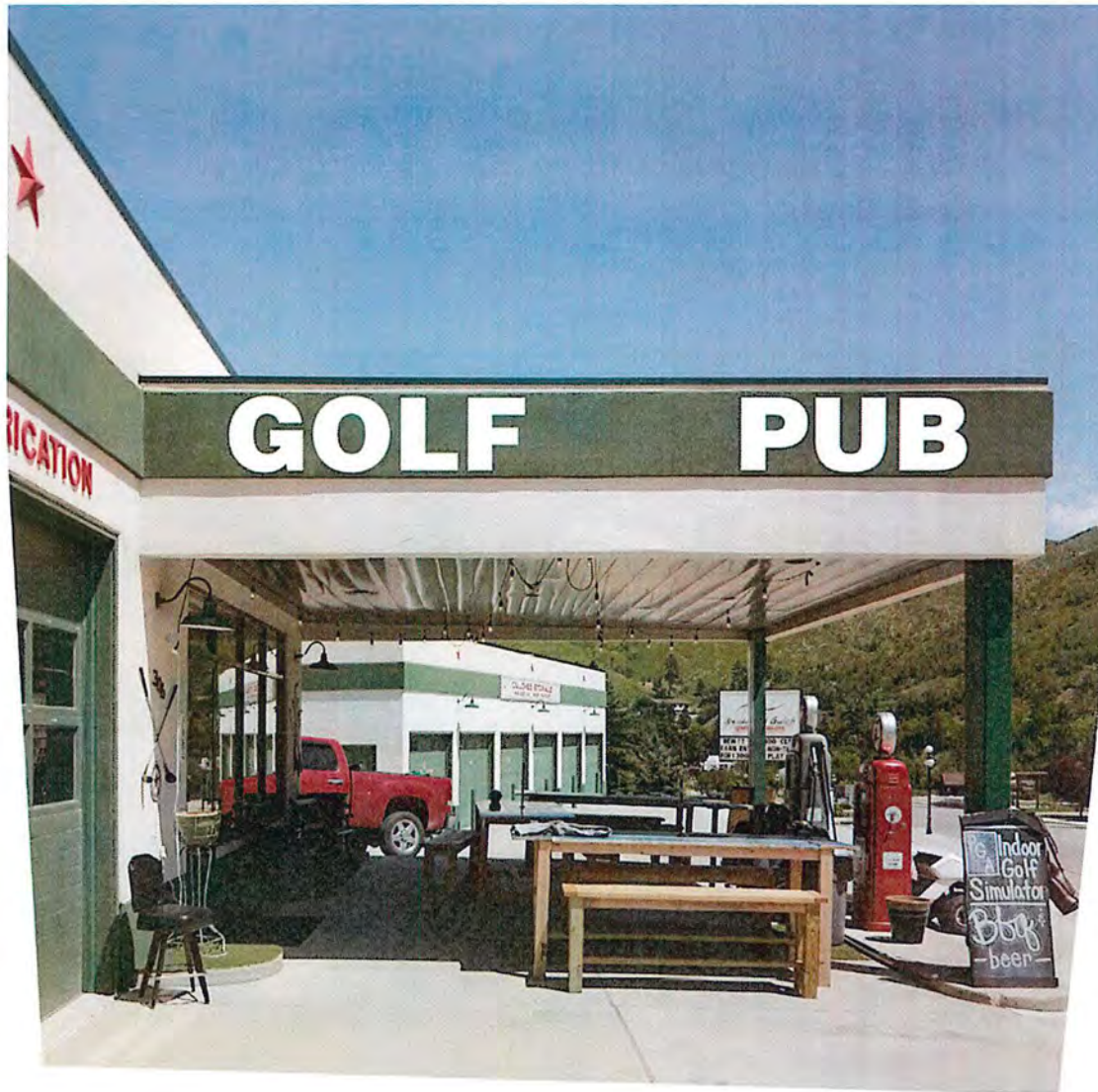
The sign permit application in review as proposed requires no variances from the sign ordinance. Signage variances may be obtained if the sign review commission is able to find *"special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures, distance 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 two new marquee signs at 306 Cliff Street

OR

Motion to deny proposed sign permit application as submitted.



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Customer	Date	Quantity	Material	Size	Job Number
Chip Shot Golf	14 August 2019	2 sets	White cast vinyl RTA	21" h x 164" w	12073

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Changes requested
(Check all that apply)

☐ Color ☐ Size ☐ Spelling ☐ Other

If all is correct and project
is approved, please sign
and date this proof.

Signature Date / /

NOTE: Color output will not be exact when viewing artwork on your computer monitor or printout. If colors are not correct please provide the correct CMYK formulas, PMS codes or RGB color codes.

Graphic Designer *Gil Garcia*

1161 Deadwood Ave Suite #7 • Rapid City, SD 57702 • Phone: 605.721.6465 • Fax: 605.721.6467

SIGN PERMIT STAFF REPORT

Sign Review Commission
August 21, 2019

Applicant: Todd and Jill Weber

Address: 562 Williams Street, Deadwood, SD 57732

Site Address of Proposed Signage: 251 US Highway 14A (Slag Pile)

Computation of Sign Area

Building Frontage: 1997 Feet

Total Available Signage: 3994 Square Feet

Existing Signage: None

Remaining Available Signage Area: 3994 Square Feet

Proposed Sign Project: Install new freestanding sign (32 Square Feet).

Proposed Building Materials: Wood (see attached rendering).

Proposed Lighting of the Signs: None.

Location of Proposed Sign: Attached is a rendering showing the proposed location near the entrance to the property.

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 has relocated their horse rescue ranch to this location from Nevada and it will be open to the public.

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

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 freestanding sign at 251 US Highway 14A

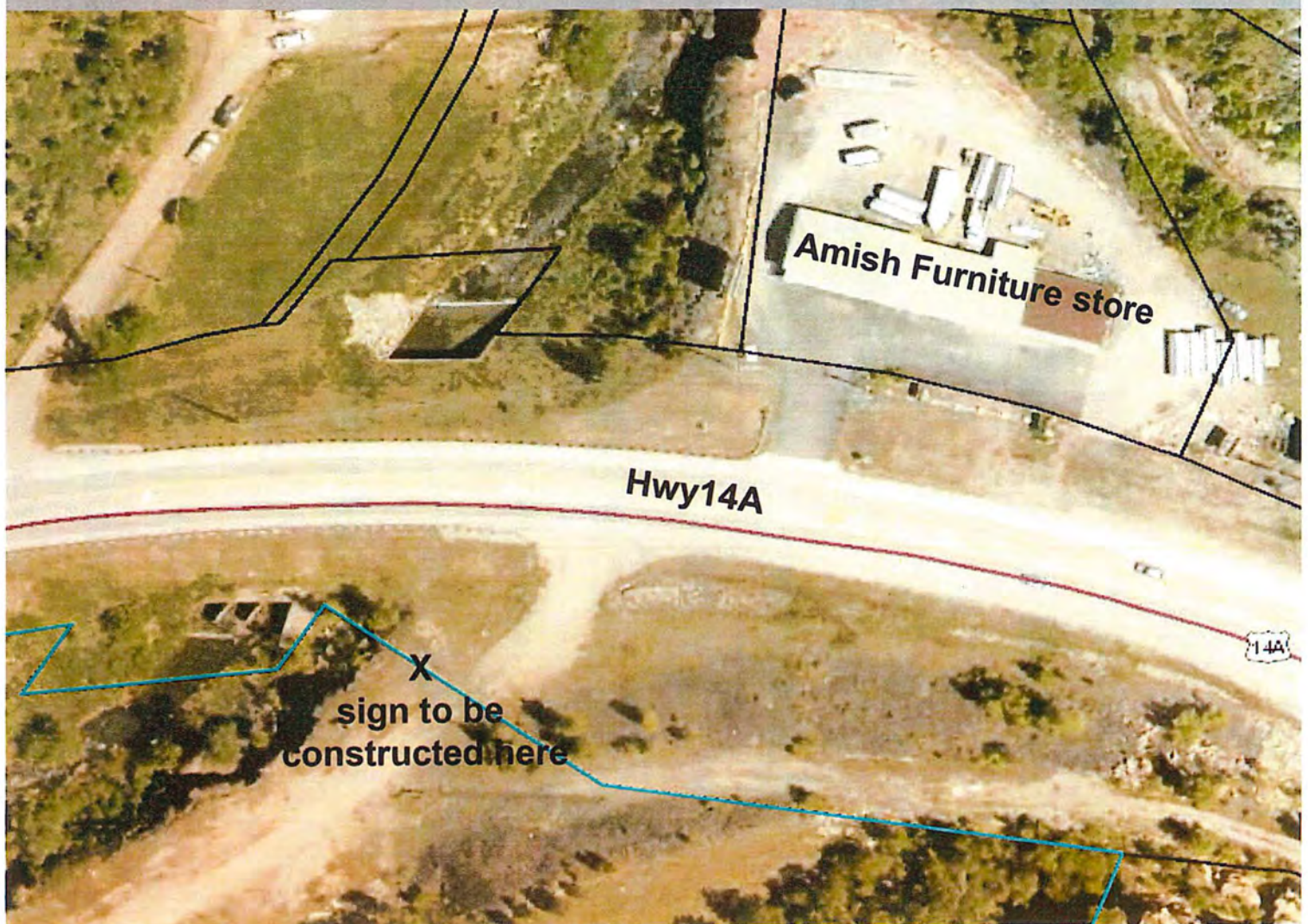
OR

Motion to deny proposed sign permit application as submitted.



4x4x10 sunk 3' in ground

2 sided Sign made of 4x8 sheet of 3/4" plywood painted white with vinyl letters



**CITY OF DEADWOOD
REZONING ANALYSIS
REQUEST FOR
AMENDMENT TO
ZONING MAP**

NAME: Steven Hertel

LEGAL DESCRIPTION: Aspen Storage 3 of Wilmington Placer M.S. 848, Located in the unplatted portion of Wilmington Placer, M.S. 848, in the SW1/4 of Section 13, T5N, R3E, B.H.M.

ADDRESS: 20783 Whitewood Creek Road

PRESENT ZONE: CH – Commercial Highway District

PROPOSED ZONE: R1 - Residential District

ASSESSOR'S NO: 30900-00848-000-03

BACKGROUND:

The applicant has submitted to the City a rezoning request from CH – Commercial Highway District to R1 - Residential District to allow for residential use of property. The R1 – Residential District is intended to provide locations for areas worthy of housing. The R1 - Residential District is intended to be a setting for a predominance of large lot, single family housing in a rural setting.

The subject property is situated in North Deadwood at the North Boundary on the Whitewood Creek Road. Mr. Hertel has indicated he intends to construct his personal residence adjacent his commercial business.

COMPLIANCE:

1. The Zoning Officer provided notice identifying the applicant, describing the project and its location and giving the scheduled date of the public hearing in accordance with Section 17.96.020
2. A sign was posted on the property for which the requests were filed.
3. Notice of the time and place was published in the designated newspaper of the City of Deadwood.

SECTION 17.100.030 -STANDARDS OF REVIEW:

In reviewing an amendment to the text of this Ordinance or an amendment to the Official Zoning District Map, the City Commission and Planning and Zoning Commission shall consider the following:

- A. Whether the proposed amendment is in conflict with any applicable portions of this Ordinance.

The property in review currently has CH – Commercial Highway Zoning to the South and the City limits boundary on the North boundary of the lot. Consideration may be given to spot zoning, not prohibited by ordinance but not encouraged. Residential Zoning in this instance would be more restrictive.

- B. Whether the proposed amendment is consistent with all elements of the Deadwood Comprehensive Plan.

The Comprehensive Plan Land Use Map depicts the area as Tourist Service and intended to contain a uses that primarily support the Deadwood tourist industry. The location does not fit the current land use determination per the Comprehensive Plan and a change to Residential may be more appropriate.

- C. Whether the proposed amendment is compatible with surrounding Zone Districts and land uses, considering existing land use and neighborhood.

The subject property is adjacent land zoned CH – Commercial Highway District and the boundary of the City.

- D. Whether the extent to which the proposed amendment would result in demands on public facilities, and the extent to which the proposed amendment would exceed the capacity of such public facilities, including, but not limited to transportation facilities, sewage facilities, water supply, parks, drainage, schools, and emergency medical facilities.

The proposed project will not impact the demand on the public facilities. The subject property is not located in Zone X – Areas of 500-year floods; areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees-from 100-year flood. The property is proposed to construct a new residential structure to be serviced by a well and septic.

- E. The effect of the proposed amendment on traffic generation and road safety.

Currently the property has a low volume of pedestrian traffic and vehicular traffic and the owner also owns much of the adjacent lands.

- F. Whether the proposed amendment is consistent and compatible with the community character in the City of Deadwood.

With a proposed additional residential structure to the property the proposed amendment is in harmony with the overall character of existing development of Deadwood.

- G. Whether there have been changed conditions affecting the subject parcel or the surrounding neighborhood, which support the proposed amendment.

With the growth of the owner's storage business, the owner desires to reside at the property to ensure security of the customers stored items.

- H. Whether the proposed amendment would be in conflict with the public interest, and is in harmony with the purpose and intent of this Ordinance.

**City of Deadwood
Change of Zoning
2019**

The proposed amendment may or may not be in conflict with the public interest. There have been no comments in support or against this amendment. Two adjacent landowners have contacted the City of Deadwood inquiring about the proposed change but had no concerns with the Zoning Change. Findings of Fact will determine the public interest based on feedback from the public.

ACTION REQUIRED:

- 1. Recommendation by Planning and Zoning Commission**
- 2. First Reading by City Commission**

ORDINANCE NO.
AN ORDINANCE AMENDING TITLE 17 - ZONING
CITY OF DEADWOOD
ZONING MAP

Pursuant to a Petition of the City of Deadwood for a Change of Zoning of an area, located in the City of Deadwood, Lawrence County, South Dakota and pursuant to approval by the Deadwood City Commission.

BE IT ORDAINED: By the City of Deadwood, Lawrence County, South Dakota, that an ordinance amending the City of Deadwood Zoning District Map be amended so as to remove the following described real property, to-wit:

Aspen Storage 3 of Wilmington Placer M.S. 848, Located in the unplatted portion of Wilmington Placer, M.S. 848, in the SW1/4 of Section 13, T5N, R3E, B.H.M.

FROM: CH – Commercial Highway District
TO: R1 - Residential District

BE IT ORDAINED BY THE CITY OF DEADWOOD COMMISSION IN REGULAR SESSION DULY ASSEMBLED THAT:

The official Zoning District Map of the City of Deadwood is hereby amended to change the zoning classification of the following described parcel from CH – Commercial Highway District to R1 - Residential District, to-wit:

Aspen Storage 3 of Wilmington Placer M.S. 848, Located in the unplatted portion of Wilmington Placer, M.S. 848, in the SW1/4 of Section 13, T5N, R3E, B.H.M.

The Zoning Administrator for the City of Deadwood, South Dakota, is hereby directed to make the necessary and appropriate changes and amendments to the Official Zoning Map of the City of Deadwood, on which mentioned property is located, designating said property as **R1 - Residential District**. The parcel contains 1.42 Acres, more or less.

This ordinance shall take effect twenty (20) days after the date of its publication following approval and adoption.

CITY OF DEADWOOD

BY:
David R. Ruth Jr, Mayor
City of Deadwood

ATTEST:

Jessicca McKeown, Finance Office
City of Deadwood

First Reading:
Second Reading:
Published:
Adopted: