#### **DEADWOOD PLANNING AND ZONING COMMISSION**

### Wednesday, May 1, 2019 - 5:00 p.m.

City Hall, 102 Sherman Street, Deadwood, SD

#### **AGENDA**

- 1. Call Meeting to Order
- 2. Approval of April 17, 2019 Minutes
- 3. Sign Review Commission

#### Optima LLC - 372 Main Street - Install Two Additional Wall Signs

Action Required:

- a. Approval/ Denial by Sign Review Commission
- 4. Planning and Zoning Commission

#### Plat – Twin City Fruit, LLC – Consolidate Parcels

Tract A of Block 30, O.T. Deadwood; Formerly Lots 36 thru 49, O.T. Deadwood, and Lot R-6B of the Deadwood Railroad Property, All of Block 30, City of Deadwood, Lawrence County, South Dakota

#### **Action Required:**

- a. Approval/Denial by Planning and Zoning Commission
- b. Approval/Denial by Deadwood Board of Adjustment
- 5. Items from Staff
  - a. Outlaw Square
  - b. Hwy 14A/85
  - c. Whitewood Creek
  - d. City Hall Parking Lot
- 6. Adjourn

# CITY OF DEADWOOD PLANNING AND ZONING COMMISSION

Wednesday, April 17, 2019

The meeting of the Deadwood Planning and Zoning was called to order by Chairperson Tony Biesiot on Wednesday, April 17, 2019 at 5:00 p.m. in the Deadwood City Hall Meeting Room, located at 102 Sherman Street, Deadwood, SD 57732.

<u>Planning and Zoning Commission Present:</u> Tony Biesiot, Brett Runge, Jim Shedd, Bill Rich and John Martinisko

#### Absent:

**Board of Adjustments Present:** Charlie Struble

#### **Staff Present:**

Bob Nelson Jr., Trent Mohr and Meghan Wittmis

#### Approval of March 20, 2019 Minutes:

It was moved by Mr. Shedd and seconded by Mr. Rich to approve the March 20, 2019 meeting minutes. Aye – All. Motion carried.

#### **Sign Review Commission**

#### Vacant Building Window Displays

Mr. Nelson Jr. stated this is for information only. Main Street Initiative Design Committee came up with the idea to hang historic photographs behind the glass, not attached to the window, in some of the vacant buildings on Main Street. Historic Preservation is supporting this project. They will be framed pictures hanging inside, they don't classify as a sign.

#### Tony Farhat - 614 Main - Replace Existing Sign

Mr. Mohr stated the applicant has submitted a sign permit for 614 Main Street to replace the existing projecting sign for Ava Apparel. This sign will replace the current ice cream cone sign. This requires no new variances. Mr. Martinisko asked why there is a variance on the existing sign. Mr. Mohr stated because of the location on the building, it is higher than it should be because of the awning. *It was moved by Mr. Martinisko and seconded by Mrs. Runge to approve the sign at* 614 Main Street. Aye – All. Motion Carried.

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

#### Tax Increment District #12 Project Plan

Mr. Nelson Jr. stated the only action item tonight is a recommendation to City Commission on the Project Plan. The two resolutions and contract are for review only. All four items will go before City Commission on May 6th. The developer is proposing 38 units at the bottom of Stage Run development. These will be duplex units like the unit currently in Stage Run. The eligible cost is \$1.241 million; they are requesting \$300,000 of the construction cost plus eligible fees. Based on the assessed value of the district there is an estimate of \$189,000 with the estimated assessed value of the project being \$3.6 million. Mrs. Runge stated she was concerned with one of the parcels is in TIF 8, therefore the value added will not be able to be used for the new TIF until the other TIF is paid off. Mr. Nelson Jr. stated that is correct, the City has met with the bank and the developer to make arrangement so the payments go properly to the loans. The Stage Run Block Club has concerns with the amount of traffic there will be on the one road in and out of the development. There needs to be another road and the hope is with all the new residents a new road will happen faster. Mr. Martinisko asked if the new buildings will be visible from downtown. No they will not be visible. Mr. Biesiot stated as a resident of Stage Run he has the same concerns about the traffic. He also asked if the road would be built before the housing. Mr. Nelson Jr. stated the responsibility of the road falls to the City. The road project will need to be moved up the Capitol Improvement priority list. Both the commission and the residents of Stage Run agree additional housing is needed in Deadwood. It was moved by Mrs. Runge and seconded by Mr. Martinisko to approve the Tax Increment District 12 project plan. Aye - All. Motion carried.

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

- Outlaw Square: The foundations are going in but progress has been slowed down by weather. The final bid is out there; believe the opening is on the 26<sup>th</sup>. We do not have a guaranteed maximum price yet, unsure of why we don't. Mr. Mohr stated the footing and foundation for the back of the bathroom have been put in.
- Highway 14A/85: The construction has started by Big D. They made it 60 feet before hitting a problem. There was really bad soil under the concrete. All in all they are making good progress. GTI will get so far down the road with water and sewer, and then another contractor will come in and start putting the conduits in for power and communications. As they move down the road, Journey Construction will come in to put the road back. There is a fourth contractor to come in after that to do the surfacing. There is great communication

- between GTI and the City.
- Whitewood Creek: We have not started yet due to weather, work should start in the next week or two up by the Comfort Inn. In the next month the City will be spraying for noxious weeds.
- City Hall Parking Lot: Mr. Nelson Jr. has not seen a draft yet, as soon as he does he'll share with the commission. They have met with Family Dollar and the Church and are working together to resolve the jersey barriers.
- Asphalt Maintenance: The City will be sealing the parking lot in front of Thunder Cove. They have easements
  to use that parking. The City will give it to them in good condition then it will be their responsibility to keep
  up with the maintenance. The Gordon Park and the ball field parking lots will also be getting asphalt work
  done.
- Horse Sanctuary: That is not the location of the horse sanctuary; it will actually be one level above the slag pile in the trees. The storage containers will not be used; they will be building a barn. The current conditions are not the way it will inevitably be.
- First Gold: You will start to see another excavation begin at the First Gold within the next two weeks. It has been approved by Historic Preservation. It will be a significant cut into the hill. Following the excavation construction will begin on a parking garage.
- Mrs. Runge asked about the meeting time changes. Mr. Nelson Jr. stated he hasn't heard. To comment call City Hall or email Bonny or Meghan.

#### 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 Z	Zoning Commission adjourned at 5:21 p.m.
ATTEST:	
Chairman, Planning & Zoning Commission	Secretary, Planning & Zoning Commission
Meghan Wittmis, Planning & Zoning Office/Recording	a Cacratami

OFFICE OF
PUBLIC WORKS
67 Dunlop Avenue
Telephone (605) 578-3082
Fax (605) 578-3101



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

TRENT MOHR
Building Inspector
Dept. of Public Works
Telephone: (605) 578-3082
Fax: (605) 578-3101

## SIGN PERMIT STAFF REPORT

Sign Review Commission May 1, 2019

Applicant: Optima LLC

Address: 360 Main Street, Deadwood, SD 57732

Site Address of Proposed Signage: 372 Main Street (Tru Hotel)

#### Computation of Sign Area

**Building Frontage: 334 Feet** 

**Total Available Signage:** 668 Square Feet

Existing Signage: Three wall signs (263 Square Feet total) and three freestanding signs (190

Square Feet total)

Remaining Available Signage Area: 215 Square Feet **Proposed Sign Project:** Install two additional wall signs:

Sign "A" Marcos Pizza (54 Square Feet)Sign "B" Earl of Sandwich (28 Square Feet)

**Proposed Building Materials**: Metal, acrylic, and vinyl. (see attached rendering).

**Proposed Lighting of the Signs:** Internal Illumination **Location of Proposed Sign:** See attached drawing.

#### **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 place two additional wall signs advertising food vendors that are tenants in this building. These signs were planned since the construction of Tru Hotel, but the applicant delayed applying for the permits to take advantage of the recent ordinance change allowing internal illumination at this location without a variance. The two proposed signs do

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require a variance from ordinance 15.32.300 para 1, which states "One wall sign per public entrance so long as such entrances and signs are at least ten (10) feet apart". The public entrances on this side of the building already have existing signs associated with them.

Other than stated above, the proposed signs and locations are compliant with the sign ordinance.

#### **Variances**

The sign permit application in review as proposed requires a variance 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 sign permit for two additional wall signs, granting a variance at 372 Main Street

OR

Motion to deny proposed sign permit application as submitted.

## Bradsky, Bradsky, & Bradsky, P.C.

ATTORNEYS AT LAW

WALTER J. BRADSKY DAVID A. BRADSKY PAUL J. BRADSKY ASHLEY L. BRADSKY

April 23, 2019

Attn: Deadwood Sign Commission City of Deadwood 67 Dunlop Avenue Deadwood, SD 57732

Re: Optima LLC & B.Y. Development Inc. Sign Variance Application: Exterior Wall Signs for Marcos Pizza & Earl of Sandwich

Dear Deadwood Sign Commissioners:

As you know, Optima LLC finalized construction of the Tru by Hilton building at 372 Main Street last summer. As part of this project, the entire first floor was leased by sister-entity, B.Y. Development Inc. dba Cadillac Jacks Gaming Resort, who in turn sub-leased to food court Tenants Flyt Steakhouse by Alpine Inn and Marcos Pizza. Also in the food court is Earl of Sandwich (EOS), owned and operated by B.Y. Development Inc.

Josh Holdinghausen formed PRG Deadwood LLC and is leasing the Marcos Pizza location inside the food court from B.Y. Development Inc.

Both Marcos and EOS are requesting exterior wall signs at the complex to advertise their respective eating establishments.

Thus, we are seeking a variance for installing a wall sign without a public entrance specifically dedicated just to that business, as apparently required by City Ordinance. This variance request would apply to both the EOS and Marcos Pizza exterior wall sign permit application.

Please note that our buildings are set back approximately 135 feet from the highway curb to the buildings face. Because of this distance from the highway roadway, the businesses located inside the buildings must be identifiable from a distance.

The variance requested for each particular sign is justified by the business model of the food court concept. Each eating establishment inside the food court (and inside Cadillac Jacks Gaming Resort) needs to be able to market to potential customers. There are two public entrances in fairly close proximity to these proposed sign locations. We do not want multiple doors on the front side of this building; however, the businesses inside do need a way to market themselves. Thus, the food court concept and the clustering of eateries that go along with that concept create a special circumstance or condition peculiar to this complex that justifies this variance request.

Sincerely,

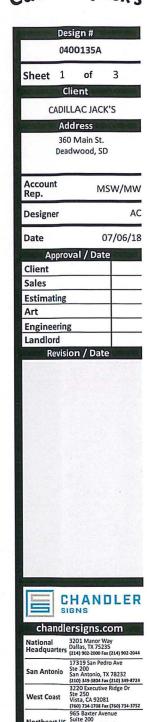
Bradsky, Bradsky & Bradsky, P.C.

Paul J. Bradsky pbradsky@aol.com

cc: Optima LLC & B.Y. Development Inc. PRG Rushmore LLC (via email only)

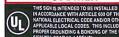


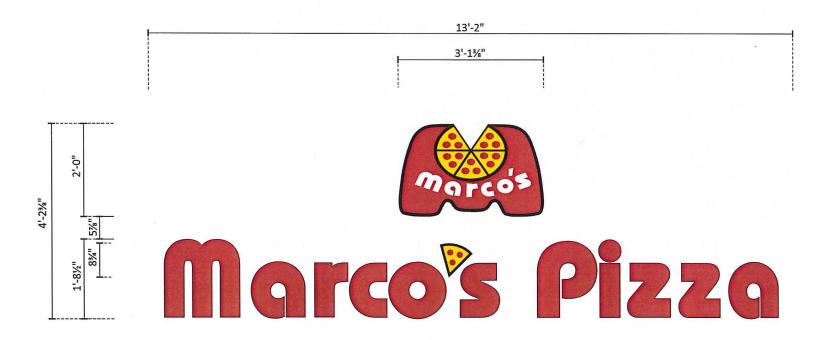
## Cadillac Jack's



2584 Sand Hill Point Circle Davenport, FL 33837 (863) 420-1100 Fax (863) 424-1160

FINAL ELECTRICAL CONNECTION BY CUSTOMER







#### **FACE LIT CHANNEL LETTERS (EXISTING SIGN)**

SCALE: 1/2" = 1'-0"

ONE [1] REQUIRED - INSTALL ONLY

EXISTING CHANNEL LETTERS TO BE INSTALLED MOUNTED FLUSH TO WALL AS REQUIRED

REMOVE ANY ATTACHED BACKGROUND FRAMEWORK

## Cadillac Jack's

Design# 0400135A Sheet 2 of 3 CADILLAC JACK'S 360 Main St. Deadwood, SD Account MSW/MW Designer AC 07/06/18 Date Client Sales **Estimating** Art Engineering Landlord CHANDLER

## chandlersigns.com

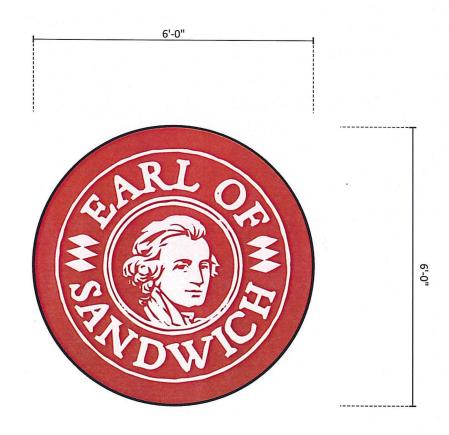
# (214) 902-2000 Fax (214) 902-2000 Fax (214) 902-200 San Antonio Se 200 San Antonio, TX 78232 (210) 903-9804 Fax (210) 903-9804

Vista, CA 92081 (760) 734-1708 Fax (760) 734-965 Baxter Avenue Suite 200 Louisville, KY 40204 (502) 479-3075 Fax (502) 412-

South Texas
Portland, Tx 78374
(361) 563-5599 Fax (361) 643-653
This drawing is the property of
Chandler Signs, LLC

FINAL ELECTRICAL CONNECTION BY





#### S/F CABINET SIGN

SCALE: 1/2" = 1'-0"

ONE [1] REQUIRED - MANUFACTURE & INSTALL

5"DEEP ALUMINUM CABINET PAINTED BLACK WITH #7328 WHITE ACRYLIC FACE 1ST SURFACE APPLIED VINYL 3M 3640-43 TOMATO RED WITH SHOW-THRU WHITE GRAPHICS

INTERNALLY ILLUMINATED WITH WHITE LEDS AND SELF-CONTAINED POWER SUPPLY(S)

WALL-MOUNTED FLUSH TO FASCIA AS REQUIRED

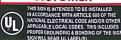


**SIDE VIEW** 

## Cadillac Jack's

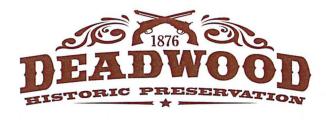
Design# 0400135A Sheet 3 of 3 CADILLAC JACK'S Address 360 Main St. Deadwood, SD Account Rep. MSW/MW Designer 07/06/18 Estimating Engineering Landlord CHANDLER

FINAL ELECTRICAL CONNECTION BY CUSTOMER



OFFICE OF
PLANNING, ZONING AND
HISTORIC PRESERVATION

108 Sherman Street Telephone (605) 578-2082 Fax (605) 578-2084



Bob Nelson, Jr.
Planning & Zoning
Administrator
Telephone (605) 578-2082
bobjr@cityofdeadwood.com

#### STAFF REPORT PLANNING AND ZONING MAY 1, 2019 MEETING

**APPLICANT:** Twin City Fruit, LLC

**PURPOSE:** To Consolidate Parcels

**GENERAL LOCATION:** Parking lot located North of Branch House on Sherman St

**LEGAL DESCRIPTION:** Tract A of Block 30, O.T. Deadwood; Formerly Lots 36 thru 49, O.T. Deadwood, and Lot R-6B of the Deadwood Railroad Property, All of Block 30,

City of Deadwood, Lawrence County, South Dakota

**FILE STATUS:** All legal obligations have been completed.

**ZONE:** C1 - Commercial District

#### **STAFF FINDINGS:**

Surrounding Zoning: Surrounding Land Uses:

North: C1 - Commercial District Parking Lot

South: C1 - Commercial District Branch House/Parking

East: C1 - Commercial District Vacant Hillside
West: C1 - Commercial District Main Street/Hotels

#### **SUMMARY OF REQUEST**

The Final Plat of Tract A of Block 30 has been submitted to consolidate parcels.

#### **FACTUAL INFORMATION**

- 1. The property is currently zoned C1 Commercial District District
- 2. Tract A is comprised of 0.845 acres +
- 3. Tract A meets the minimum lot size requirement of 2,500 square feet.
- 4. The subject property is located within a high density residential designation.
- 5. The subject property is located within the 500 year flood zone.
- 6. City water is available to serve the property. City wastewater colletion is available to serve the property.
- 7. The area is currently characterized by open space used as a parking facility.

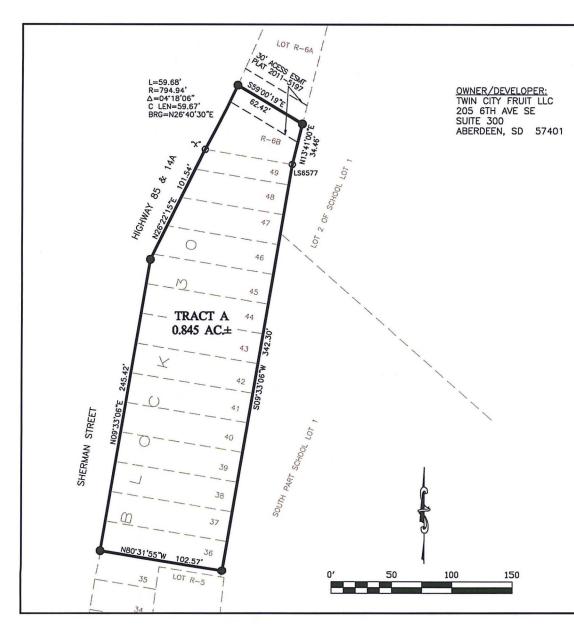
#### STAFF DISCUSSION

The subject property is currently used for parking and will continue to be used for parking. This plat consolidates parcel.

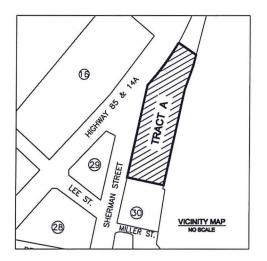
- 1. The North Arrow is shown on the plat with a direct reference to the coordinate mapping system.
- 2. Land is identified with a new legal description for the transfer of the land.
- 3. Surveyor's Certificate is shown with the name of the surveyor and his registered land surveyor number.
- 4. A date is shown on the plat and serves to "fix in time" the data represented on the plat.
- 5. The street bounding the lot is shown and named.
- 6. All certifications are indicated and correct on the plat.
- 7. Dimensions, angles and bearings are shown along the lot lines.
- 8. Scale of the plat is shown and accompanied with a bar scale.

#### **ACTION REQUIRED:**

- 1. Approval / denial by Deadwood Planning and Zoning Commission.
- 2. Approval / denial by Deadwood Board of Adjustment.



PLAT OF TRACT A OF BLOCK 30, O.T. DEADWOOD; FORMERLY LOTS 36 THRU 49, O.T. DEADWOOD, AND LOT R-6B OF THE DEADWOOD RAILROAD PROPERTY, ALL OF BLOCK 30, CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA



SET REBAR AND CAP STAMPED ARLETH & ASSOC. LS 3977
O FOUND MONUMENT AS NOTED

NOTES:
1. PROPOSED LOT AREA = 0.845 ACRES±; PROPOSED R-O-W AREA = 0.00 ACRES±; AVERAGE DENSITY PER LOT = 0.845 ACRES± TOTAL PROPOSED PLATTED AREA: 0.845 ACRES $\pm$  EASEMENTS INCLUDED IN ALL AREAS.

2. S' UTILITY EASEMENT ON INTERIOR OF ALL LOT LINES.
3. ZONING IS C1 PER DEADWOOD ZONING MAP.
4. WE HEREBY GRANT EASEMENTS TO RUN WITH THE LAND FOR WATER, DRAINAGE, SEWER, GAS, ELECTRIC, TELEPHONE, OR OTHER PUBLIC UTILITY LINES OR SERVICES UNDER, ON OR OVER THOSE PORTIONS OF LAND DESIGNATED HEREON AS EASEMENTS.

SHEET 1 OF 2

PREPARED BY: ARLETH LAND SURVEYING, LLC

24 CLIFF ST. DEADWOOD, SD 57732 1-605-578-1637

DATE: APRIL 10, 2019 REV: SCALE: 1"=50'

APPROVED: JMA DRAWN: FD FILE: 9906.dwg

SURVEYOR'S CERTIFICATE STATE OF SOUTH DAKOTA  I, JOHN M. ARLETH, 24 CLIFF STREET, DEADWOOD, SD, DO HEREBY CERTIFY THAT I AM A LICENSED LAND SURVEYOR IN THE STATE OF SOUTH DAKOTA.  THAT AT THE REQUEST OF THE OWNER AND UNDER MY SUPERVISION, I HAVE CAUSED TO BE SURVEYED AND PLATTED THE PROPERTY SHOWN AND DESCRIBED HEREON. TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE PROPERTY WAS SURVEYED IN GENERAL CONFORMANCE WITH THE LAWS OF THE STATE OF SOUTH DAKOTA AND ACCEPTED METHODS AND PROCEDURES OF SURVEYING.  DATED THISDAY OF, 20		
JOHN M. ARLETH, R.L.S. 3977		
OWNER'S CERTIFICATE STATE OF SOUTH DAKOTA  COUNTY OF LAWRENCE		
OWNER:		
ADDRESS:		
ACKNOWLEDGMENT OF OWNER STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE ON THISDAY OF, 20, BEFORE ME THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEAREDKNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE. MY COMMISSION EXPIRES:		
CERTIFICATE OF COUNTY TREASURER STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE I,, LAWRENCE COUNTY TREASURER, DO HEREBY CERTIFY THATTAXES WHICH ARE LIENS UPON THE HEREIN PLATTED PROPERTY HAVE BEEN PAID. DATED THISDAY OF		
APPROVAL OF HIGHWAY AUTHORITY STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE THE LOCATION OF THE PROPOSED ACCESS ROADS ABUTTING THE COUNTY OR STATE HIGHWAY AS SHOWN HEREON, IS HEREBY APPROVED. ANY CHANGE IN THE PROPOSED ACCESS SHALL REQUIRE ADDITIONAL APPROVAL.		
HIGHWAY AUTHORITY:		

PLAT OF TRACT A OF BLOCK 30, O.T. DEADWOOD; FORMERLY LOTS 36 THRU 49, O.T. DEADWOOD, AND LOT R-6B OF THE DEADWOOD RAILROAD PROPERTY, ALL OF BLOCK 30, CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA

APPROVAL OF THE CITY OF DEADWOOD STATE OF SOUTH DAKOTA COUNTY THIS PLAT APPROVED BY THE CITY OF OF	OF LAWRENCE DEADWOOD PLANNING COMMISSION THISDAY
CITY PLANNER	CHAIRMAN
VIEWED THE WITHIN PLAT, DO HEREBY A	OF LAWRENCE ADWOOD BOARD OF COMMISSIONERS HAVING APPROVE THE SAME FOR RECORDING IN THE AWRENCE COUNTY, S.D. DATED THISDAY
ATTEST:FINANCE_OFFICER	MAYOR
OFFICE OF THE COUNTY DIRECTOR OF E STATE OF SOUTH DAKOTA COUNTY I, LAWRENCE COUNTY DIRECTOR OF EQU RECEIVED A COPY OF THIS PLAT. DATED 20	EQUALIZATION  OF LAWRENCE JALIZATION, DO HEREBY CERTIFY THAT I HAVE  O THISDAY OF,
LAWRENCE COUNTY DIRECTOR OF EQUAL	IZATION
OFFICE OF THE REGISTER OF DEEDS STATE OF SOUTH DAKOTA COUNTY OF FILED FOR RECORD THIS	, 20,ATO'CLOCK,M., AND
LAWRENCE COUNTY REGISTER OF DEEDS	FEE:\$

PREPARED BY:
ARLETH LAND
SURVEYING, LLC

24 CLIFF ST.
DEADWOOD, SD 57732
1-605-578-1637

DATE: APRIL 10, 2019
REV:
SCALE: 1"=50'

SHEET 2 OF 2 APPROVED: JMA DRAWN: FD FILE: 9906.dwg