DEADWOOD PLANNING AND ZONING COMMISSION

Wednesday, August 15, 2018 - 5:00 p.m.

City Hall, 102 Sherman Street, Deadwood, SD

AGENDA

- 1. Call Meeting to Order
- 2. Approval of July 18, 2018 Minutes
- 3. Sign Review Commission

760 Main Street - St Ambrose Catholic Church - Install New Wall Sign

Action Required:

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

Transfer of Property - 160 Timm Lane - Mike Bjerga

Lot 5A of Arnio Subdivision to the City of Deadwood, Lawrence County, South Dakota. Being a Portion of Placer Claim No. 107 Located in the SE¼ of Section 27, T5N, R3E, B.H.M. Formerly Lot 5 of Arnio Subdivision and portion of Tract C-1 of Deadwood Gulch Addition II

Action Required:

- a. Approval/Denial by Planning and Zoning Commission
- b. Approval/Denial by Deadwood Board of Adjustment

<u>Transfer of Property – 703 Main Street – Hotel Franklin Inc.</u>

Lots 4A1 and 4A2, Block 20, Original Townsite of Deadwood, Formerly Lot 4A and A Portion of Lot A, Block 20; City of Deadwood, Lawrence County, South Dakota

Action Required:

- c. Approval/Denial by Planning and Zoning Commission
- d. Approval/Denial by Deadwood Board of Adjustment
- 5. Items from Staff
 - a. Sign Ordinance Revisions
- 6. Adjourn

<u>CITY OF DEADWOOD</u> PLANNING AND ZONING COMMISSION

Wednesday, July 18, 2018

The meeting of the Deadwood Planning and Zoning was called to order by Vice Chair Runge on Wednesday, July 18, 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: Jim Shedd, Bill Rich, John Martinisko and Brett Runge

Absent: Tony Biesiot

Board of Adjustments Present: Dave Ruth Jr.

Staff Present:

Bob Nelson Jr., Trent Mohr and Meghan Wittmis

Approval of June 20, 2018 Minutes:

It was moved by Mr. Rich and seconded by Mr. Martinisko to approve the June 20, 2018 meeting minutes as presented. Aye – All. Motion carried.

Sign Review Commission:

693 Main Street - Lisa Jorgenson - Install Valance Sign on New Awning

Mr. Mohr stated the applicant has approval from HP for the awning. They would like to add a sign on the valance. The proposed sign and location are compliant with the sign ordinance and does not require a variance. It was moved by Mr. Rich and seconded by Mr. Shedd to approve the sign permit for new valance sign at 639 Main Street. Aye-All. Motion Carried.

692 Main Street - Carol Tellinghusien - Install New Hanging Sign

Mr. Mohr stated the applicant, Carol Tellinghusien, owns the Pink Door Boutique in the Elks building. She wishes to add a new sign that will hang from the awning in front of the entrance to her business. The proposed sign and its location are compliant with the sign ordinance and does not require a variance. It was moved by Mr. Rich and seconded by Mr. Shedd to approve the sign permit for a new hanging sign at 692 Main Street for Pink Door Boutique. Aye-All. Motion Carried.

Planning and Zoning Commission and Board of Adjustments:

Define Property Lines, create Legal Description - 200 Block of Charles Street - City of Deadwood

Mr. Nelson Jr. stated this is a final plat submitted by the City of Deadwood to define property lines and create legal descriptions in the location of the 200 Block of Charles Street. Legally described as Lots MK2 thru MK6 of the Mickelson Trail; Being Portions of M.S. 207, Probate Lots 89, 417 and 420, School Lot 19, Charles Street, Part of Former Railroad Right of Way and Part of Lots 3 thru 23 of Block 70 of O.T. Deadwood; Lawrence County, South Dakota. This is all zoned Commercial Highway. A couple of the lots are not conforming to the code but working with adjacent land owners. They have expressed interest in acquiring these small parcels and will work on platting them into their property once they are transferred. It was moved by Mr. Rich and seconded by Mr. Shedd to re-plat lots MK2 thru MK6 of the Mickelson Trail. Aye-All. Motion Carried.

Items From Staff (no action taken)

- Cadillac Jacks: Mr. Mohr stated the hotel is up and running. Last Friday they were given occupancy for the
 underground parking. Guadalajara's opened a week ago. The restaurants on the first floor all are hoping to
 have occupancy by August 1st. RCS has completed the paving on Williams Street and the rear parking lot.
 They still have some filler and sidewalk to finish up.
- City Pavilion: Mr. Nelson Jr. stated the parking lot is done and the parking kiosk is installed but not operational yet. The kiosk will be operational on Tuesday.
- Vacation Rentals: Mr. Nelson Jr. stated the owner of 15 Washington has moved here and is living downstairs.
 He has made application for CUP. Mr. Martinisko asked since the owner is living there it could be
 a B&B. Mr. Nelson Jr. stated yes it could become a B&B and he is licensed with the State. There are
 still problems with 52 Van Buren and 41 Washington.
- Sign Ordinance Revisions: Mr. Nelson Jr. stated he discussed illumination with the HP Commission and they
 are comfortable with expanding the illumination. The HP Commission would like to see some kind of design
 criteria with freestanding signs. The HP Commission wants to leave the word "Casino". Mr. Mohr stated we

don't have any kind of regulation for contractor signs in people's yards. He likes the idea of not allowing contractors to place signs in yards until there is a building permit. Mr. Nelson Jr. stated he will have a closer revision ready by the next meeting. The HP Commission asked Mr. Nelson Jr. to bring back an incentive proposal for non-conforming signs.

Mr. Ruth Jr. stated he noticed there is a new freestanding signs outside of the Elks. It is about six feet tall and basically looks like a coat rack.

Adjournment:

It was moved by Mr. Martinisko 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 5:14 p.m.

ATTEST:

Chairman, Planning & Zoning Commission

Secretary, Planning & Zoning Commission

Meghan Wittmis, Planning & Zoning Office/Recording Secretary

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 August 15, 2018

Applicant: Mark Javersak for St Ambrose Catholic Church

Address: 141 Siever Street, Lead, SD 57754

Site Address of Proposed Signage: 760 Main Street (St Ambrose)

Computation of Sign Area

Building Frontage: 85 Feet

Total Available Signage: 170 Square Feet

Existing Signage: One Shadow box (12 Square Feet) **Remaining Available Signage Area:** 158 Square Feet

Proposed Sign Project: Install new wall sign (8 Square Feet).

Proposed Building Materials: Wood, (see attached description and rendering).

Proposed Lighting of the Signs: None.

Location of Proposed Sign: Attached is a submitted photograph with the location shown in

red outline.

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 wishes advertise the Returning Catholics Program. This sign would not be displayed year round (see attached description). Other area churches are advertising with banners. The sign as presented has been tailored to comply with City Ordinances.

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 sign permit for new wall sign at 760 Main Street OR

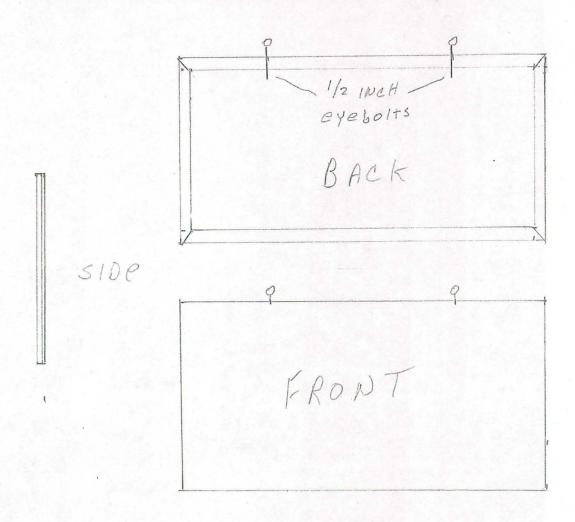
Motion to deny proposed sign permit application as submitted.

St. Ambrose Parish

This sign will be displayed at St. Ambrose three times a year for six to eight weeks each time.

It is 2 ft. by 4 ft. on ¼ inch plywood with a 1x2 frame around the outer edge. We will use ½ inch eyebolts and ½ in hooks to anchor it to the wall.

The picture of the banners used in Lead shows the color and information used on the sign.

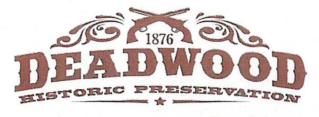






OFFICE OF
PLANNING, ZONING AND
HISTORIC PRESERVATION
108 Sherman Street
Telephone (605) 578-2082

Fax (605) 578-2084



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

STAFF REPORT PLANNING AND ZONING AUGUST 1, 2018 JOINT MEETING

APPLICANT: Mike Bjerga

PURPOSE: To transfer property.

GENERAL LOCATION: 160 Timm Lane

LEGAL DESCRIPTION: Lot 5A of Arnio Subdivision to the City of Deadwood, Lawrence County, South Dakota. Being a Portion of Placer Claim No. 107 Located in the SE1/4 of Section 27, T5N, R3E, B.H. M. Formerly Lot 5 of Arnio Subdivision and a portion of Tract C-1 of Deadwood Gulch Addition II

FILE STATUS: All legal obligations have been completed.

ZONE: CH – Commercial Highway District

STAFF FINDINGS:

<u>Surrounding Zoning:</u> <u>Surrounding Land Uses:</u>

North: PF - Park Forest Vacant South: PF - Park Forest Vacant East: CH - Commercial Highway Motel West: PF - Park Forest Vacant

SUMMARY OF REQUEST

The Final Plat of Lot 5A of Arnio Subdivision has been submitted to facilitate the transfer of land. The property is located on Cliff Street adjacent the Mickelson Trail.

FACTUAL INFORMATION

- 1. The property is currently zoned CH Commercial Highway District
- 2. Lot 5A is comprised of 1.563 Acres±.
- 3. The subject property is located within a low density residential designation.
- 4. The property is located within a flood zone and flood hazard zone.
- 5. Public facilities are not available to serve the property.
- 6. The area is currently characterized by open space, various commercial buildings, and recreational property.

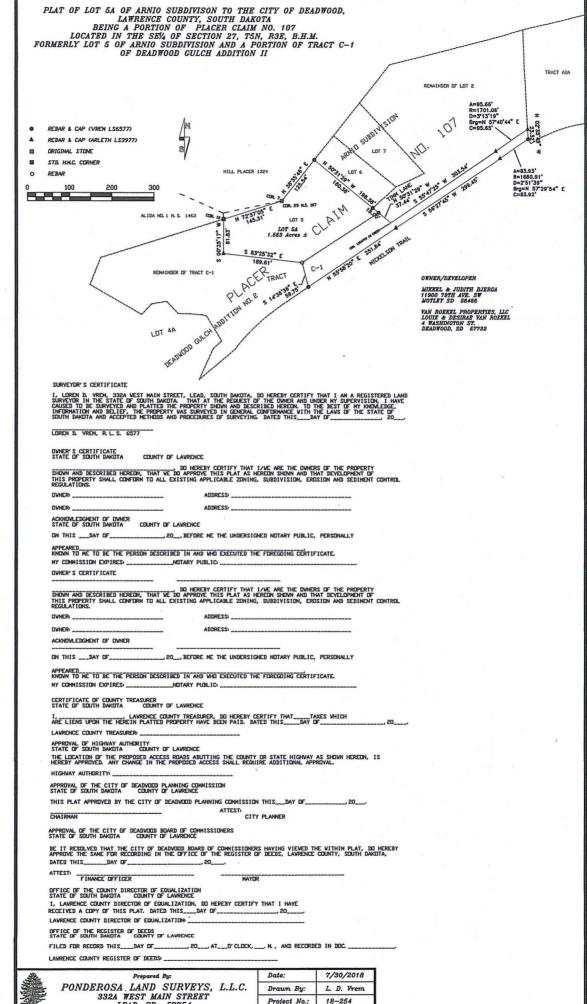
STAFF DISCUSSION

The subject property is currently occupied by a storage building. The lot meets the area and bulk requirements for square footage.

- 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.
- 9. Area's taken out of the mineral survey and remaining acreage is indicated on the plat.

ACTION REQUIRED:

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





PONDEROSA LAND SURVEYS, L.L.C.
332A WEST MAIN STREET
LEAD, SD 57754
(805) 722-3840

Date:	7/30/2018
Drawn By:	L. D. Vrem
Project No.:	18-254
Dwg. No.:	18-254.dwg

OFFICE OF
PLANNING, ZONING AND
HISTORIC PRESERVATION

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



Bob Nelson, Jr.

Planning & Zoning Administrator
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STAFF REPORT PLANNING AND ZONING

AUGUST 1, 2018 REGULAR MEETING

APPLICANT: Hotel Franklin Inc.

PURPOSE: Transfer Property

GENERAL LOCATION: 703 Main Street, (Motor Lodge)

LEGAL DESCRIPTION: Lots 4A1 and 4A2, Block 20, Original Townsite of Deadwood, Formerly Lot 4A and A Portion of Lot A, Block 20; 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 – CommercialCity Owned ParkingSouth: C1 – CommercialGaming EstablishmentEast: PU – Public UseCity Owned ParkingWest: C1 – CommercialHotel and Gaming Est.

SUMMARY OF REQUEST

The Final Plat of Lot 4A1 and 4A2 has been submitted to facilitate the transfer of Lot 4A2.

FACTUAL INFORMATION

- 1. The property is currently zoned C1 Commercial
- 2. Lot 4A1 is comprised of 0.112 Acres± Lot 4A2 is comprised of 0.033 Acres+
- 3. The subject property is located within an area designated "City Center" by the City of Deadwood's Comprehensive plan of 2001. This area is intended to contain a mixture of uses in an urbanized environment.
- 4. The subject lot is located within the 500 year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile.

5. Public facilities are available to serve the property.

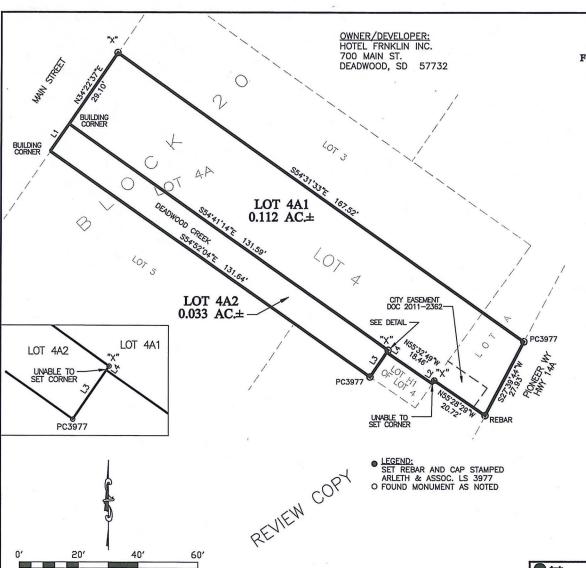
STAFF DISCUSSION

The property involved in this plat is zoned C1 – Commercial and the lot size is compliant with the area and bulk requirements in the City of Deadwood code of ordinances.

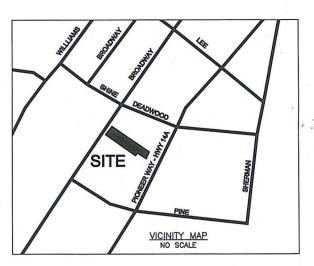
- 1. The North Arrow is shown on the plat with a direct reference to the coordinate mapping system.
- 2. Land is identified with a new legal description.
- 3. Surveyor's Certificate is shown with the name of the surveyor and his registered land surveyor number.
- 4. A date is shown on the plat and serves to "fix in time" the data represented on the plat.
- 5. The street bounding the lot lots 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.
- 9. Area's taken out of the mineral survey and remaining acreage is indicated on the plat.

ACTION REQUIRED:

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



PLAT OF LOTS 4A1 AND 4A2, BLOCK 20, ORIGINAL TOWNSITE OF DEADWOOD FORMERLY LOT 4A, BEING LOT 4 AND A PORTION OF LOT A, BLOCK 20; CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA



- NOTES:
 1. PROPOSED LOT AREA = 0.145 ACRES±; PROPOSED R-O-W AREA = 0.00 ACRES±; TOTAL PROPOSED PLATTED AREA: 0.145 ACRES± EASEMENTS INCLUDED IN ALL AREAS.
- 2. LOT 4A RECORDED IN PLAT DOC# 2013-2426.
- 3. 5' UTILITY EASEMENT INSIDE OF ALL LOT LINES EXCEPT FOR THE SIDE LINES OF LOT 4A2.
- 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. DRADWOOD, SD 57732 1-605-578-1637 DATE: JULY 18, 2018 APPROVED: JMA REV: SCALE: 1"= 20"

DRAWN: FD FILE: 8711.dwg

SURVEYOR'S CERTIFICATE STATE OF SOUTH DAKOTA I, JOHN M. ARLETH, 24 CLIFF STREET, DEADWOOD, SD, HEREBY CERTIFIES 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	
DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON, THAT WE DO APPROVE THIS PLAT AS HEREON SHOWN AND THAT DEVELOPMENT OF THIS PROPERTY SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION, EROSION AND SEDIMENT CONTROL REGULATIONS.	
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:	
NOTARY PUBLIC:	
CERTIFICATE OF COUNTY TREASURER STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE ,,LAWRENCE COUNTY TREASURER, DO HEREBY CERTIFY THATTAXES WHICH ARE LIENS UPON THE HEREIN PLATTED PROPERTY HAVE BEEN PAID. DATED THISDAY OF, 20	131
LAWRENCE COUNTY TREASURER:	
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 LOTS 4A1 AND 4A2, BLOCK 20, ORIGINAL TOWNSITE OF DEADWOOD FORMERLY LOT 4A, BEING LOT 4 AND A PORTION OF LOT A, BLOCK 20; CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA

PREPARED BY: ARLETH LAND SURVEYING, LLC 24 CLIFF ST. DEADWOOD, SD 57732 DATE: JULY 18, 2018 REV: SCALE: 1*= 20' FILE: 8711.dwg
LAWRENCE COUNTY REGISTER OF DEEDS SHEET 2 OF
FEE:\$
FILED FOR RECORD THISDAY OF, 20,ATO'CLOCK,M., AND RECORDED IN DOC
OFFICE OF THE REGISTER OF DEEDS STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE
LAWRENCE COUNTY DIRECTOR OF EQUALIZATION
OFFICE OF THE COUNTY DIRECTOR OF EQUALIZATION STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE I, LAWRENCE COUNTY DIRECTOR OF EQUALIZATION, DO HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS PLAT. DATED THISDAY OF, 20
ATTEST:
APPROVAL OF THE CITY OF DEADWOOD BOARD OF COMMISSIONERS STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE BE IT RESOLVED THAT THE CITY OF DEADWOOD BOARD OF COMMISSIONERS HAVING VIEWED THE WITHIN PLAT, DO HEREBY APPROVE THE SAME FOR RECORDING IN THE OFFICE OF THE REGISTER OF DEEDS, LAWRENCE COUNTY, S.D. DATED THISDAY OF
CITY PLANNER CHAIRMAN
APPROVAL OF THE CITY OF DEADWOOD PLANNING COMMISSION STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE THIS PLAT APPROVED BY THE CITY OF DEADWOOD PLANNING COMMISSION THISDAY OF