

**DEADWOOD PLANNING AND ZONING COMMISSION**

**Wednesday, May 16, 2018 – 5:00 p.m.**

City Hall, 102 Sherman Street, Deadwood, SD

**AGENDA**

1. Call Meeting to Order

2. Approval of April 18, 2018 Minutes

3. Sign Review Commission

**28 Lincoln – Robert and Donna Nelson -- Plaque Approval**

Action Required:

- a. Approval/ Denial by Sign Review Commission

**54 Sherman Street – Adams Museum – Install New Freestanding Sign in Place of Existing Sign**

Action Required:

- a. Approval/ Denial by Sign Review Commission

4. Planning and Zoning Commission and Board of Adjustments

**Consolidate Parcels for Development – 555 to 579 Main Street – Blue Sky Gaming, Inc.,  
Deadwood Parking Lots LLC**

Lots 1 and 2 of Four Points Subdivision (Formerly all of Lot 2 of Block 12, a portion of vacated Rypkema Street, and Lots 63, 65, and 67, all in Block 14 of the Original Town, City of Deadwood; all of Tract B-1 of Block 14 of the Original Town, City of Deadwood and all of Martindale Tract of Block 12 of the P.L. Rogers Map of the City of Deadwood) located in the SW ¼ of Section 23, T5N, R3E, B.H.M., 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. Cadillac Jacks
- b. City Pavilion
- c. CPAW
- d. Vacation Rentals

6. Adjourn

CITY OF DEADWOOD  
PLANNING AND ZONING COMMISSION  
Wednesday, April 18, 2018

The meeting of the Deadwood Planning and Zoning was called to order by Chairperson Tony Biesiot on Wednesday, April 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: Tony Biesiot, Jim Shedd, John Martinisko, Bill Rich and Brett Runge

Absent:

Board of Adjustments Present: Dave Ruth Jr.

Staff Present:

Bob Nelson Jr., Trent Mohr and Meghan Wittmis

Approval of March 21, 2018 Minutes:

*It was moved by Mr. Rich and seconded by Mr. Shedd to approve the March 21, 2018 meeting minutes with the correction to the vote of the Conditional Use Permit. Aye – All. Motion carried.*

Sign Review Commission:

250 US Hwy 14A – Gary Schmaltz (Canyon View Amish Furniture/Canyon 14 A Soda Shop) Repaint Sign with New Design

Mr. Mohr stated this sign permit application is for 250 US Hwy 14A, the Amish Furniture Store. The owner is starting a new business where the Shade Winery tasting room was. It is now a soda shop. He has refaced the existing sign which makes this a new sign. The sign and its location are in compliance with the ordinances and requires no variances. *It was moved by Mrs. Runge and seconded by Mr. Shedd to approve the sign permit to alter the existing freestanding sign at 250 US Hwy 14A for the Canyon View Soda Shop. Aye – All. Motion carried.*

Planning and Zoning Commission and Board of Adjustments:

Findings of Fact and Conclusions – 7 Fillmore Street – Christine Mikla

Mr. Nelson Jr. stated this is a Finding of Fact and Conclusions for the duplex at 7 Fillmore Street. Approving will close this file unless review is requested by the neighborhood or the Commission. This will go before City Commission as well. *It was moved by Mr. Martinisko and seconded by Mr. Rich to approve the Findings of Fact and Conclusions for 7 Fillmore Street. Aye – Mr. Rich, Mr. Martinisko, Mr. Shedd. Nay – Mrs. Runge. Motion carried.*

Project Plan Amendment #2 – Tax Increment District Nine

Mr. Nelson Jr. stated this is an amendment to TIF district number nine. Mr. Emersen is present to discuss the amendment and amended contract. Planning and Zoning's role is to give a recommendation to the City Commission. Mr. Emersen stated TIF number nine is for Springhill Suites, this is a number of years old already. This amendment is only for time, there is no cost amendment. The first factor of why they are asking for an amendment is due to delays the project was not completed in 2012 as projected, the project was completed in 2013. Due to the delays an extra year of interest accrual that was not originally projected in addition to a delay in principal payments. The major factor is the final assessed value of the property. In the Project Plan the estimated assessed value was \$11,520,000. However, the current assessed value is only \$6,581,551, only 57% of the assessed value in the Project Plan. This means a much lower payment going into them paying property taxes and the payment on the TIF loan. Mr. Emersen stated they are looking at changing the Project Plan time frame from 8 years to 20 years, should be paid off a little sooner than that but this gives a little flexibility. Mr. Emersen stated the only real change to the Contract for Private Development is there was a question on how the interest worked, they removed the section that states this much interest with the changing of terms, they just removed this section due to the interest changing over time. The total amount did not change. All this does is stretch out the number of years the payments will be made. Mr. Biesiot asked how this will work with the School District receiving money. Mr. Nelson Jr. stated the school will receive the base tax.

*It was moved by Mrs. Runge and seconded by Mr. Rich to approve the Project Plan Amendment #2. Aye- All. Motion Carried.*

*It was moved by Mrs. Runge and seconded by Mr. Shedd to approve the Contract for Private Development Amendment #2. Aye – All. Motion Carried.*

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

- Cadillac Jacks: Mr. Mohr stated the TIF work still has not resumed, should resume by the first part of next month. This work is the completion of Williams Street, the parking area behind the building. Tru Hotel work is progressing, looking at mid-July for completion. Owners are hoping to get partial occupancy for the building before the building is 100% finished. Part of the project flows into Cadillac Jacks on the 2<sup>nd</sup> floor, the new laundry room will be shared by both properties. They can't take out the laundry in Cadillac Jacks until the laundry in the Tru Hotel is completed. Cadillac Jacks Property Improvement Plan – received occupancy on the 4<sup>th</sup> floor, tomorrow will hopefully receive occupancy on 3<sup>rd</sup> floor.
- City Pavilion: Mr. Nelson Jr. stated the project has been awarded to RCS Construction. The building has been disconnected from all utilities, work should begin Monday. Time frame on the completed project is June 14<sup>th</sup>.
- CPAW: Mr. Nelson Jr. stated the team from CPAW was here and they met on policies with the Comprehensive Plan committee. We should have a recommendation for the Comp Plan next week.
- Vacation Rentals: Mr. Nelson Jr. stated we are going to test our ordinance; the attorney will be going after a few of them.

**Adjournment:**

*It was moved by Mr. Shedd and seconded by Mr. Rich 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

*Meghan Wittmis, Planning & Zoning Office/Recording Secretary*





# HISTORIC HOME



CIRCA 1885



15x15 Rustic Bronze Background Color: Red Oxide/Leath  
Mounting: Front-Masonry 4/13/18



## SIGN PERMIT STAFF REPORT

Sign Review Commission  
May 2, 2018

**Applicant:** Deadwood History, Inc.  
**Address:** PO Box 252, Deadwood, SD 57732  
**Site Address of Proposed Signage:** 54 Sherman Street (Adams Museum)

### Computation of Sign Area

**Building Frontage:** 160 Feet  
**Total Available Signage:** 320 Square Feet  
**Existing Signage:** One Wall Sign (20 Square Feet)  
One Freestanding (to be replaced)  
**Remaining Available Signage Area:** 300 Square Feet  
**Proposed Sign Project:** Install new freestanding sign (15 Square Feet) in place of existing sign.  
**Proposed Building Materials:** Wood, metal and high density urethane.  
**Proposed Lighting of the Signs:** Exterior Illumination.  
**Location of Proposed Sign:** Attached is a photograph showing the current sign. New sign would be in this same 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 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 replace the existing freestanding sign with a new freestanding sign of a different design in the same location.

The proposed sign is larger than the existing sign and requires a variance for size. It exceeds the 10 square foot limit in the ordinance. The proposed sign also requires a variance for height as its bottom edge will be lower than the 8 feet minimum in the ordinance. The existing sign is at a similar height.

## Variances

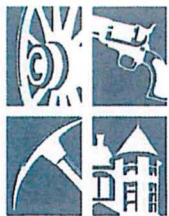
The sign permit application in review as proposed requires variances from the sign ordinance. Signage variances may be obtained if the sign review commission is able to find *"special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures, distance or 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 freestanding sign at 54 Sherman Street granting variances to the sign ordinance

OR

Motion to deny proposed sign permit application as submitted.



DEADWOOD  
HISTORY Inc.

Administrative Offices  
P.O. Box 252  
Deadwood, SD 57732  
605-722-4800

May 2, 2018

Trent Mohr  
Building Inspector, Department of Public Works  
67 Dunlop Avenue  
Deadwood, SD 57732

Dear Mr. Mohr,

It is the intent of the Deadwood History, Inc. board of directors to request variances for the square footage and for the height above the ground for a new sign at the Adams Museum.

The square footage and height variances proposed for the Adams Museum sign will provide better visibility for the public, whether they are pedestrians or visitors traveling in vehicles, from the streetscape on Deadwood and Sherman Streets; it will not alter the essential character of the Sherman Street business district; and due to the unique circumstances of the museum not being located on Historic Main Street, the need for high visibility without destroying the historic character of the building is essential.

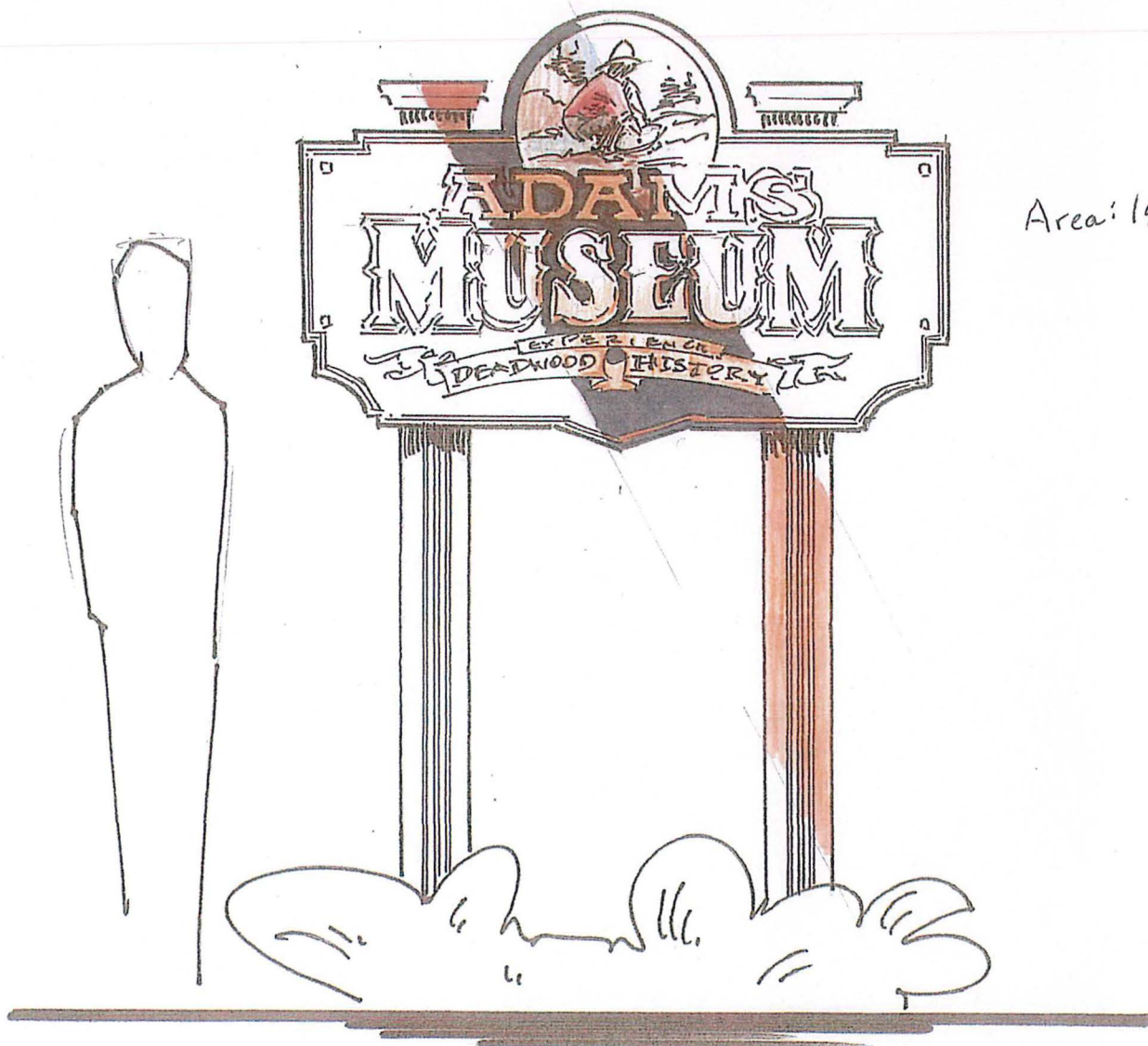
Please be advised that Deadwood History, Inc. is interested in assuring you that our request should not adversely affect the historic district.

Sincerely,

Carolyn Weber  
Executive Director



No 5



Area: 15 ft<sup>2</sup>

Designed exclusively for:

DEADWOOD HISTORY - CAROLYN

Date:

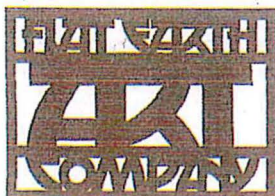
11/3/17

Address:

54 SHERMAN ST.

Phone:

513-1714 (MUS.)



Tim Peterson  
ARTIST

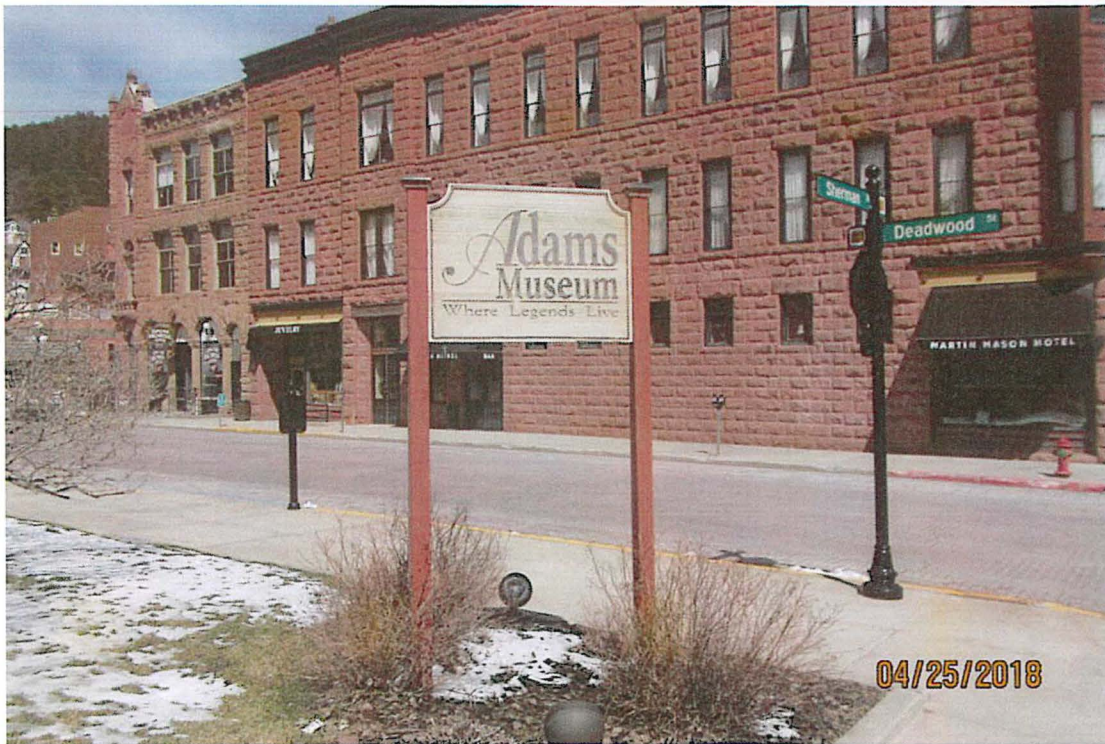
3123 E. FAIRGROUNDS LOOP STE. C  
SPEARFISH, SD 57783

(605) 642-5794

50% DEPOSIT REQUIRED ON ALL  
WORK. BALANCE DUE ON  
COMPLETION.

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**STAFF REPORT**  
**PLANNING AND ZONING JOINT MEETING**  
April 4, 2018

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**APPLICANT:** Blue Sky Gaming, Inc.  
Deadwood Parking Lots LLC  
502 West Boulevard  
Rapid City, SD 57701

**PURPOSE:** Consolidate Parcels for Development

**GENERAL LOCATION:** 555 to 579 Main Street

**LEGAL DESCRIPTION:** Lots 1 and 2 of Four Point Subdivision (Formerly all of Lot 2 of Block 12, a portion of vacated Rypkema Street, and Lots 63, 65, and 67, all in Block 14 of the Original Town, City of Deadwood; all of Tract B-1 of Block 14 of the Original Town, City of Deadwood and all of Martindale Tract of Block 12 of the P.L. Rogers Map of the City of Deadwood) located in the SW1/4 of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota

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

**ZONE:** C1 – Commercial District

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**STAFF FINDINGS:**

Surrounding Zoning:

North: C1 – Commercial District  
South: C1 – Commercial District  
East: C1 – Commercial District  
West: C1 – Commercial District

Surrounding Land Uses:

Parking and Gaming  
Parking and Highway  
Parking and Retail  
Lodging

**SUMMARY OF REQUEST**

The Final Plat of Lots 1 and 2 of the Four Point Subdivision has been submitted to develop property. The property is located on Main Street in the area of Tin Lizzie Gaming Resort.

**FACTUAL INFORMATION**

1. The property is currently zoned C1 – Commercial District



2. Lot 1 is comprised of 0.56 Acres $\pm$ .  
Lot 2 is comprised of 0.30 Acres $\pm$ .
3. The subject property is located within the City Center designation.
4. The property is located within areas of 500 year flood.
5. Public facilities are available to serve the property.
6. The area is located near residential properties while being on Main Street and a State Highway.

#### **STAFF DISCUSSION**

Lot 1 is currently utilized for parking and Lot 2 is the original Tin Lizzie Gaming Establishment. The owner intends to build on Lot 1 in the near future and the lots meet 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.

#### **ACTION REQUIRED:**

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

Plat of Lots 1 and 2 of Four Point Subdivision

(Formerly all of Lot 2 of Block 12, a portion of vacated Rypkema Street, and Lots 63, 65, and 67, all in Block 14 of the Original Town, City of Deadwood;  
all of Tract B-1 of Block 14 of the Original Town, City of Deadwood  
and all of Martindale Tract of Block 12 of the P.L Rogers Map of the City of Deadwood)  
located in the SW <sup>1</sup>/<sub>4</sub> of Section 23, T5N, R3E, BHM, City of Deadwood,  
Lawrence County, South Dakota

Owner/Developer:  
Blue Sky Gaming, Inc  
Deadwood Parking Lots LLC  
502 West Boulevard  
Rapid City, SD 57701  
(605) 342-8970

Prepared by:  
Fisk Land Surveying  
& Consulting Engineers, Inc.  
P.O. Box 8154  
Rapid City, SD 57709  
605-348-1538  
Project # 18-02-03

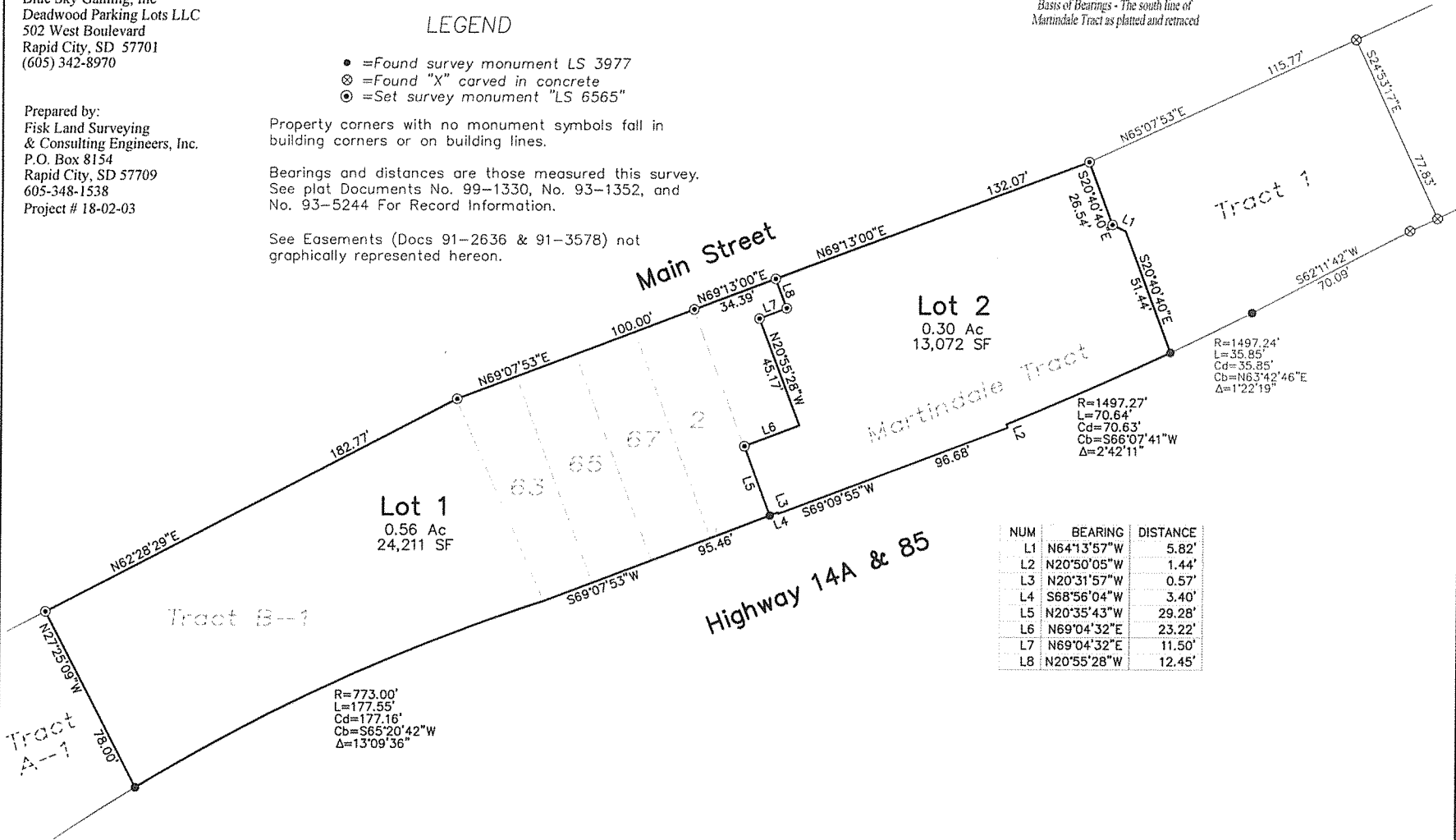
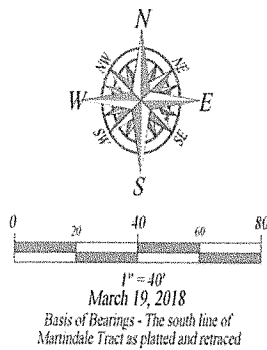
LEGEND

- =Found survey monument LS 3977
- ⊗ =Found "X" carved in concrete
- ⊙ =Set survey monument "LS 6565"

Property corners with no monument symbols fall in building corners or on building lines.

Bearings and distances are those measured this survey.  
See plat Documents No. 99-1330, No. 93-1352, and No. 93-5244 For Record Information.

See Easements (Docs 91-2636 & 91-3578) not graphically represented hereon.



NUM	BEARING	DISTANCE
L1	N64°13'57\"W	5.82'
L2	N20°50'05\"W	1.44'
L3	N20°31'57\"W	0.57'
L4	S68°56'04\"W	3.40'
L5	N20°35'43\"W	29.28'
L6	N69°04'32\"E	23.22'
L7	N69°04'32\"E	11.50'
L8	N20°55'28\"W	12.45'

CERTIFICATE OF SURVEYOR State of South Dakota County of Pennington ss

I, Ronald W. Fisk, Registered Land Surveyor No. 6565 in the State of South Dakota, do hereby certify that being so authorized, I made the survey and within plat of the land shown and described hereon and that the same is, in all things, true and correct to the best of my knowledge and belief. In Witness Whereof, I have hereunto set my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Ronald W. Fisk  
Registered Land Surveyor No. 6565 \_\_\_\_\_

CERTIFICATE AND ACKNOWLEDGEMENT OF OWNERSHIP State of South Dakota County of Pennington ss

I, Donnie Patton, do hereby certify that I/we are the owners of the above described lands and that I/we did authorize and do hereby approve the survey and within plat of said land, and that development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations.

Donnie Patton (President) Blue Sky Gaming, Inc. (Owner) \_\_\_\_\_  
502 West Boulevard, Rapid City, SD 57701

Donnie Patton (Member) Deadwood Parking Lots LLC. (Owner) \_\_\_\_\_  
502 West Boulevard, Rapid City, SD 57701

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public, personally appeared Donnie Patton, known to me to be the person described in the foregoing instrument and acknowledged to me that he signed the same.

Notary Public \_\_\_\_\_ My Commission Expires \_\_\_\_\_

CERTIFICATE AND COUNTY TREASURER State of South Dakota County of Lawrence ss

I, Treasurer of Lawrence County, do hereby certify that all taxes which are liens upon the within described lands have been fully paid according to the records of my office.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ Lawrence County Treasurer \_\_\_\_\_

CERTIFICATE OF STREET AUTHORITY State of South Dakota County of Lawrence ss

The location of the proposed access road to the County of State highway or City Street as shown hereon is hereby approved. Any change in the location of the proposed access shall require additional approval.

Street Authority \_\_\_\_\_ Date \_\_\_\_\_

APPROVAL OF THE CITY OF DEADWOOD PLANNING COMMISSION State of South Dakota County of Lawrence ss

This plat approved by the City of Deadwood Planning Commission.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ City Planner \_\_\_\_\_ Chairman \_\_\_\_\_

APPROVAL OF THE CITY OF DEADWOOD BOARD OF COMMISSIONERS State of South Dakota County of Lawrence ss

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 this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ Attests City Finance Officer \_\_\_\_\_ Mayor \_\_\_\_\_

CERTIFICATE OF DIRECTOR OF EQUALIZATION State of South Dakota County of Lawrence ss

I, Director of Equalization of Lawrence County, do hereby certify that I have on file in my office a copy of the within plat.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ Lawrence County Director of Equalization \_\_\_\_\_

CERTIFICATE OF THE REGISTER OF DEEDS State of South Dakota County of Lawrence ss

Filed for record this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and recorded as Document No. \_\_\_\_\_  
Page \_\_\_\_\_

Lawrence County Register of Deeds \_\_\_\_\_