

DEADWOOD PLANNING AND ZONING COMMISSION

Wednesday, March 21, 2018 – 5:00 p.m.

City Hall, 102 Sherman Street, Deadwood, SD

AGENDA

1. Call Meeting to Order
2. Approval of March 7, 2018 Minutes
3. Sign Review Commission
4. Planning and Zoning Commission and Board of Adjustments
Request for a Conditional Use Permit – 7 Fillmore Street - Christine Mikla
PT of Lots 1-2 & 3 Block 63, Original Town, City of Deadwood, Lawrence County, South Dakota
Action Required:
 - a. Approval/Approval with conditions/Denial by Planning and Zoning
 - b. Approval/Approval with conditions/Denial by Board of Adjustments
Temporary Vending Application – Michael Snyder – Leather Headquarters – Rally Vending
Action Required:
 - a. Approval/Denial of the vendor license for Leather Headquarters
5. Items from Staff
 - a. Cadillac Jacks
 - b. City Pavilion
 - c. Comprehensive Plan Community Visioning Meetings
March 27 or March 29, 1:00-2:00 p.m. or 5:30-6:30 p.m.
Days of 76 Museum Mary Adams Room
6. Adjourn

CITY OF DEADWOOD
PLANNING AND ZONING COMMISSION
Wednesday, March 7, 2018

The meeting of the Deadwood Planning and Zoning was called to order by Chairperson Tony Biesiot on Wednesday, March 7, 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:

Staff Present:

Bob Nelson Jr., Trent Mohr and Meghan Wittmis

Approval of February 7, 2018 Minutes:

It was moved by Mr. Shedd and seconded by Mr. Rich to approve the February 7, 2018 meeting minutes. Aye - All. Motion carried.

Sign Review Commission:

360 Main Street - B Y Development Inc. (Cadillac Jacks/Double Tree) - Install New Wall Sign

Mr. Mohr stated the applicant B Y Development Inc. would like to install a new wall sign. They are currently remodeling to become a Double Tree franchise. The applicant is present if there are questions. The sign is for Guadalajara's which will be replacing the Brown Rocks Café. The proposed sign requires two variances. First is for the proposed illumination back lit letters and internal illumination, back lit letters are only allowed in the ordinance on new construction since this is an existing building it will require a variance for the back lit letters. The second for the use of plastic which is used to accommodate the proposed illumination. *It was moved by Mr. Shedd and seconded by Mr. Martinisko to approve the sign permit for a new wall sign at 360 Main Street granting variances. Aye - All. Motion Carried.*

360 Main Street - B Y Development Inc. (Cadillac Jacks/Tru Hotel) - Install New Wall Sign

Mr. Mohr stated these two new proposed signs will be at 372 Main Street. Wall sign A is for the Flyt Steakhouse in the Tru Hotel. Sign C is for a Cadillac Jacks wall sign. Sign A requires a variance for the use of plastic materials. Sign C requires a variance for vertical dimension greater than 10 feet, top of the sign higher than the lowest point of the roof, internal illumination and use of plastic materials. *It was moved by Ms. Runge and seconded by Mr. Shedd to approve the sign permit for two new wall signs at 372 Main Street granting variances from the sign ordinance. Aye - All. Motion Carried.*

10 Lee Street - Jason Mook (Deadwood Custom Cycles/Gallows) - Install New Signs

Mr. Mohr stated this request is for four signs, three wall signs, labeled A, B and D, and one window sign labeled C. These signs will be advertising a new business Mr. Mook will be opening at this location. Sign A requires three variances; square footage greater than 50 SF limit in the sign ordinance, vertical dimension greater than two foot limit in the sign ordinance, located on a side of the building without a public entrance (existing wall sign on same side of the building). Sign B requires one variance; located on a side of the building without a public entrance (existing wall sign on same side of the building). Sign D requires two variances; square footage greater than 50 SF limit in the sign ordinance and vertical dimension greater than two foot limit in the sign ordinance. Sign C does not require a variance. Mr. Martinisko asked if Mr. Mook would be running both businesses and if there would be additional signs later. Mr. Mook stated he would be running both businesses and he plans to replace the Gallows signs down the road with smaller signs that will say something like Tavern. *It was moved by Mr. Martinisko and seconded by Ms. Runge to approve the sign permit for three wall signs and one window sign at 10 Lee Street granting variances from the sign ordinance. Aye - All. Motion Carried.*

645 Main Street - Michael Ballard (Deadwood Distilling) - Install New Projecting Sign

Mr. Mohr stated this sign application is for a projecting sign at 645 Main Street. The applicant actually put the sign up and was not aware they needed a permit. There are already window signs at this location. The sign will need to be moved up approximately four inches. Other than that the sign is compliant and requires no variances. *It was moved by Ms. Runge and seconded by Mr. Martinisko to approve the sign permit for new projecting sign at 645 Main Street. Aye - All. Motion Carried.*

647 Main Street – Michael Ballard (Bloody Nose Saloon) – Install New Wall Sign

Mr. Mohr stated this application is for a wall sign at 647 Main Street, Bloody Nose Saloon. This sign will also need to be moved up. Other than that this sign requires no variances. *It was moved by Mr. Rich and seconded by Mr. Shedd to approve the sign permit for a wall sign at 647 Main Street. Aye – All. Motion Carried.*

Planning and Zoning Commission and Board of Adjustments:

Gulches LLC

Mr. Nelson Jr. stated the applicant is Gulches LLC and the purpose is to create new boundary lines and divide property. The general location is 225 Cliff Street. Legally described as Tracts 3A and 4A of Deadwood Gulch Addition II; Consisting of Deadwood Gulch's of Fun Tract 1, Lot AB1 and Lot AB10, All located in the E1/2 of Section 27, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. Zoned as CH - Commercial Highway District. Lot sizes are conforming. One note, on the plat it says in the heading "of of" but that has been corrected on the Mylar. *It was moved by Mr. Rich and seconded by Mr. Shedd to approve the new boundary lines and divide property. Aye – All. Motion Carried.*

Mr. Nelson Jr. stated this will go before the Board of Adjustment on March 19, 2018 for approval.

Items From Staff (no action taken)

- Cadillac Jacks: Mr. Mohr stated Cadillac Jacks is in a layoff period for the TIF work, waiting for better weather. Utilities have been trenched in. Tru Hotel work has moved to the rear of the building. They are looking at the end of June for a completion date. Mr. Bradsky introduced the owners of Guadalajara's and Flyt Steakhouse.
- City Pavilion: Mr. Nelson Jr. stated the project is out to bid, plans should be available on the 13th for contractors to pick up. Expect to open bids on the 27th and report to the Commission on the 4th with bid amounts. The project is demolition and construction of a code compliant parking lot.
- Comprehensive Plan Community Visioning Meetings: Mr. Nelson Jr. stated there will be visioning meetings on March 27th or March 29th at 1:00 – 2:00 p.m. or 5:30 – 6:30 p.m. at the Days of 76 Museum Mary Adams Room. He encourages all to attend.

Adjournment:

It was moved by Mr. Shedd and seconded by Ms. 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 5:15p.m.

ATTEST:

Chairman, Planning & Zoning Commission

Secretary, Planning & Zoning Commission

Meghan Wittmis, Planning & Zoning Office/Recording Secretary

STAFF REPORT
PLANNING AND ZONING AND BOARD OF ADJUSTMENT
REQUEST FOR A CONDITIONAL USE PERMIT

APPLICANT: Christine Mikla

PURPOSE: Single Family Dwelling conversion to Duplex Dwelling

GENERAL LOCATION: 7 Fillmore Street

LEGAL DESCRIPTION: PT of Lots 1-2 & 3 Block 63, Original Town, City of Deadwood, Lawrence County, South Dakota.

FILE STATUS: All legal obligations have been completed.

STAFF FINDINGS:

Surrounding Zoning:

North: R1 - Residential District
South: PF – Park Forest District
East: R1 – Residential District
West: R1 – Residential District

Surrounding Land Uses

Residential Housing
Vacant Land
Residential Housing
Residential Housing

SUMMARY OF REQUEST

The petitioner has submitted a request for a Conditional Use Permit Property to convert a single-family home to a duplex providing additional (needed) rentals. The entrance to the home will stay as is. There will be a foyer area inside the front door to include a shared laundry facility and two secured entries to the upper and lower units. There are currently two available parking spots in front of the home within the street side property lines which will be available for use by the two units. Current water, sewage and disposal is set for a 4 bedroom/1.5 bath single family home which could house up to 8 people. Once completed, the two units will consist of 3 bedrooms/ 2 baths limiting housing to 6 people. No additional outdoor storage will be provided and no signage is requested. The subject property is located at 7 Fillmore Street.

FACTUAL INFORMATION

1. The property is currently zoned R1 - Residential District.
2. The property comprises approximately 4,100 square feet \pm .

3. The site was originally developed in 1895 as a house and has had many alterations to the structure which makes it a non-contributing structure.
4. The subject property has access from Fillmore Street.
5. The subject property is located within a very low density land use classification on the adopted Land Use Map.
6. The property is located outside of Flood Zone AE – Areas of 100 year flood and Flood Zone X – Areas of 500 year flood.
7. Adequate public facilities are available to serve the property.
8. The area is characterized by a mixture single family dwellings and multi-family dwellings.

STAFF DISCUSSION

The petitioner has submitted a request for a Conditional Use Permit for a Duplex and the city regulations allow Duplex in the R1 – Residential District with an approved Conditional Use Permit.

With no exterior alterations to convert the single family dwelling to a duplex an approved Conditional Use Permit could be reversed in the future relatively easy. With current housing demands in Deadwood the potential change would add an additional housing unit while being parking code compliant.

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 10.10.B.**
- 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.**

GENERAL USE STANDARDS FOR CONDITIONAL USE PERMITS:

In reviewing any application under the authority of this chapter and as a further guide to its decision upon the facts of the case, the Commission(s) shall consider, among other things, the following facts:

- A. The proposed use shall be in harmony with the general purposes, goals, objectives, and standards to the City Policy Plan, the ordinance, the district in which it is located, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice by the City of Deadwood.

The City Comprehensive Plan encourages a variety of uses and a mixture of housing types. Preserve the existing stock of historic structures by working with the individuals and guiding the uses is an acceptable means. Traffic and parking should not significantly affect the neighborhood. This area has a mixture of single family and multi-family dwellings.

- B. Whether or not a community need exists for the proposed use at the proposed location in light of existing and proposed uses of a similar nature in the area and of the need to provide or maintain a proper mix of uses both within the city and also within the immediate area of the proposed use: (a) the proposed use in the proposed location shall not result in either a detrimental over concentration of a particular use from previously permitted uses within the city or within the immediate area of the proposed use.

The subject area is zoned R1 - Residential District. The R1 – Residential District is intended to provide locations for low to medium density residential. Medium density residential is designed to provide apartment and multi-family dwellings as well as parks and recreation areas. There are various multi-family dwellings currently located in the Presidential Neighborhood.

- C. The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites, or rights-of-way.

The proposed use would not result in a substantial or undue adverse effect on adjacent property or the character of the neighborhood and the use would not alter the character of the neighborhood. There will be no change in the size of the dwelling. To support a denial of a conditional use permit on the grounds that it will cause increased traffic problems, there must be a high degree of probability that the increase would pose a substantial threat to the health and safety of the community.

- D. Whether or not the proposed use increases the proliferation of non-conforming uses as well as previously approved Conditional Use Permits which are still in use, when influenced by matters pertaining to the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of the Policy Plan, this

ordinance, or any other plan, program, map or ordinance adopted, or under consideration pursuant to official notice, by the city or other governmental agency having jurisdiction to guide growth and development.

For any conditional use, lot and performance standards shall be the same as similar type uses located in specific districts. The character and use of buildings and structures adjoining or near the property mentioned in the application shall be considered in their entirety.

The proposed use would not increase the proliferation of non-conforming uses. The subject residence is located in an area that has apartment buildings and single family dwellings. The appearance of the structure will not change; therefore, the character and use of the buildings and structures adjoining the subject property will not be adversely affected.

- E. Whether or not the proposed use in the proposed area will be adequately served by and will not impose an undue burden on any of the improvements, facilities, utilities, and services specified in this section.

The proposed use will not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation or other services. Existing services are available onsite.

CONDITIONS GOVERNING APPLICATIONS AND PROVISIONS:

- A. Following the issuance of a conditional use permit pursuant to the provisions of this ordinance, such permit may be amended, varied, or altered only pursuant to the standards and procedures established by this section for its original approval.
- B. The Board of Adjustment can revoke conditional use permits, once granted, for cause after a hearing is held before them. Complaints seeking the revocation of such permit shall be filed with the Zoning Administrator and may be initiated by the Planning and Zoning Commission OR any three (3) residents within three hundred (300) feet of the property lines of which the application has been filed. All such revocation hearings shall be conducted in the same manner as for the Conditional Use Permit application hearings.
- C. The Planning and Zoning Commission shall have the authority to review Conditional Use Permits at any time and/or on an annual basis and place additional stipulations to mitigate a problem.
- D. If the use permitted under the terms of a Conditional Use Permit has not been started within six (6) months of the date of issuance thereof, said permit shall

expire and be canceled by the City Planning Department. Written notice thereof, shall be given to the person(s) affected, together with notice that further use or work as described in the canceled permit shall not proceed, unless and until a new conditional use permit has been obtained.

- E. If the use permitted under the terms of a Conditional Use Permit, ceases, for whatever reason, for a period of twelve (12) months, said permit shall expire and be canceled by the City Planning Department. Written notice thereof, shall be given to the person(s) affected, together with notice that further use or work as described in the canceled permit shall not proceed, unless and until a new conditional use permit has been obtained.

ACTION REQUIRED FOR CONDITIONAL USE PERMIT:

1. Approval/Approval with conditions/Denial by Planning and Zoning Commission
2. Approval/Approval with conditions/Denial by Board of Adjustment

DEADWOOD

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

OFFICE OF
PLANNING, ZONING
AND HISTORIC PRESERVATION
108 Sherman Street
Telephone (605) 578-2082
Fax (605) 578-2084

DEADWOOD CITY HALL
102 Sherman Street
Telephone (605) 578-2600

VENDOR APPLICATION

Date: March 5, 2018
To: Planning and Zoning Commission
From: Robert E. Nelson, Jr., Zoning Administrator
Re: Rally Vending

The vendor permit before you has met the conditions of temporary vending within the city limits of Deadwood. The application was received before the review deadline, payment for the permit was received, and the vending is to be outdoors. Leather Headquarters has been a vendor in Deadwood and has done business in South Dakota and has reported sales tax to the state in the past. They do have a current sales tax number with the State Revenue Office. The location is to be at 555 Main Street. Staff recommends approval of the vendor permit for Michael Snyder dba Leather Headquarters.

Merchandise: Leather Goods, Accessories, Event T-Shirts, and Patches

Action:

Approval /denial of the vendor license for Leather Headquarters

Application Date: 3/2/18
Payment Received: _____

Application for Temporary Vendors License

The Deadwood Zoning Administrator and Planning & Zoning Commission review all applications.

Applicant: Michael Snyder
Name of Business: dba Leather Headquarters LHQ Inc.
Applicant's mailing address: 4245 Boulder Highway Las Vegas NV 89121
Telephone: (702) 431 - 8808 Cell: (310) 480 - 2665

Please select your type of vending:

- * Outside of a structure – \$750.00 ✓
- * Inside of an existing structure – \$250.00 _____

For a period of fourteen (14) days: Beginning: August 1 2018
Ending: August 13 2018


South Dakota Sales Tax Number: 5000 - 0127 - SE will bring IN when I pick up permit if OK

Physical street address of vending location: 555 Main Street Deadwood SD 57732
Lin Lizzy Casino - Upper Main Street Parking lot

Contact Name and phone number of property owners: _____
Chris Walker - GM 605-578-1893

Complete description of goods and/or services: Retail Sales of Leather Goods & Accessories
Event T-Shirts & Event Product, Sewing of Patches

I agree that any falsification, misstatements or omissions, including those related to location and goods to be sold, shall result in immediate revocation of this license and forfeiture of the right to operate within the City Limits of Deadwood. It is further understood that payment of applicable state and city sales tax is made a provision of this license.

Applicant's signature:  Date submitted: 2/26/18