

**DEADWOOD PLANNING AND ZONING COMMISSION**

**Wednesday, February 7, 2018 – 5:00 p.m.**

City Hall, 102 Sherman Street, Deadwood, SD

**AGENDA**

1. Call Meeting to Order
2. Approval of January 17, 2018 Minutes
3. Sign Review Commission  
**270 Main Street – Mike Gustafson – Removal of Terrace Motel Sign – Continued from 1/17/18 Meeting**
  - a. Removal of landmark sign  
Action Required:
  - b. Approval/ Denial by Sign Review Commission
4. Planning and Zoning Commission and Board of Adjustments  
**Findings of Fact and Conclusion – Debra Kahler 56 Taylor Avenue**

Lots A-D-E S/D of Lots 66-67 & 68 Block 35, Original Town, City of Deadwood, Lawrence County, South Dakota  
Action Required:

  - a. Approval/Denial by Planning and Zoning  
**Findings of Fact and Conclusion – James & Susan Trucano 124 Charles Street**

All EX 10' Strip of Lot 2 and Lot 4 Block 76, Original Town, City of Deadwood, Lawrence County, South Dakota  
Action Required:

  - a. Approval/Denial by Planning and Zoning  
**Deadwood Stage Run, LLC and John Thayer**

Lot 31A, Block 2 of Palisades Tract of Deadwood Stage Run Addition to the City of Deadwood, All located in the SW ¼ of Section 14, the SE ¼ of Section 15, the NE ¼ NE1/4 of Section 22 and the N ½ NW ¼ of Section 23, T5N, R3E, B.H.M. City of Deadwood, Lawrence County South Dakota, Formerly Lot 31 and a Portion of Palisades Tract of Deadwood Stage Run Addition.  
Action Required:

  - a. Approval/Denial by Planning and Zoning  
**City of Deadwood**

Lot MK1 of the Mickelson Trail; Being a portion of Probate Lots 321 and 420, A Portion of M.S. 107 and A Portion of Tract A of M.S. 107; All located in the City of Deadwood, Lawrence County South Dakota,  
Action Required:

  - a. Approval/Denial by Planning and Zoning
5. Items from Staff
  - a. Cadillac Jacks
  - b. City Pavilion
  - c. Whitewood Creek
  - d. Frawley Annexation
  - e. Visitor Survey
6. Adjourn

CITY OF DEADWOOD  
PLANNING AND ZONING COMMISSION  
Wednesday, January 17, 2018

The meeting of the Deadwood Planning and Zoning was called to order by Chairperson Tony Biesiot on Wednesday, January 17, 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:** None

**Board of Adjustments Present:** Dave Ruth, Jr.

**Staff Present:**  
Trent Mohr and Meghan Wittmis

**Approval of November 15, 2017 Minutes:**  
*It was moved by Mr. Shedd and seconded by Mrs. Runge to approve the December 6, 2017 meeting minutes. Aye – All. Motion carried.*

**Sign Review Commission:**  
**270 Main Street – Mike Gustafson – Removal of Terrace Motel Sign**  
Mr. Mohr stated the applicant is requesting permission to remove a sign, normally this does not require a permit, but in this case this is a landmark sign. In the packet is a letter from the owner stating why they wish to remove the sign along with a memo from Kevin Kuchenbecker stating that the sign is a landmark sign. The City Ordinance prohibits the removal of landmark signs; therefore this request requires a variance. Jerry Anderson was present from First Gold to answer questions. Mr. Martinisko stated the sign is part of Deadwood’s history and also part of First Gold’s history so he doesn’t want to see the sign put in storage somewhere because then that’s the end of it. He believes it needs to be maintained as part of the history of Deadwood. He asked could the sign be displayed in the lobby as part of the history. Mr. Biesiot stated hotels don’t want to display a sign of another hotel; it is a conflict of interest. Mr. Martinisko stated the hotel doesn’t exist anymore therefore there shouldn’t be any conflict of interest. Mr. Anderson stated why would we want to put the sign inside the building? Mr. Martinisko stated to maintain that piece of history; make it a display piece telling the history of the hotel. Mrs. Runge stated does the sign have to be in the exact same place, does it have to be on the property. Mr. Biesiot stated all that is being approved tonight is whether or not the sign can be removed, not where or what will happen to the sign once removed. Mr. Martinisko is opposed to the sign just going away. Mr. Ruth, Jr. stated if your decision is going to be based on what will happen to the sign once removed, he recommends continuing the discussion until a conversation is had with Historic Preservation on the possibilities for the sign before saying yes it can be removed or no it may be removed. Mr. Anderson stated they have told Mr. Kuchenbecker he can have the sign. Mr. Ruth, Jr. stated without Mr. Kuchenbecker present to give his input they would need to have something in writing stating the City would or wouldn’t accept the sign. Mr. Biesiot suggested a motion be made to continue the discussion until after further discussion with Mr. Kuchenbecker.

*It was moved by Mrs. Runge and seconded by Mr. Martinisko to table the removal of the Terrace Motel Sign. Aye – All. Motion Carried.*

**Planning and Zoning Commission and Board of Adjustments:**  
**Defining and Realigning Property Lines – 11494 US Highway 14A**  
Lots R1, R2, R3, and R4; A Subdivision of Lot A of Placer 601 and Lot A of Placer 108 Located in the NW ¼ of Section 28, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota  
Mr. Mohr stated the applicant is Robert and May Ruth, 11494 US Hwy 14A, Deadwood, SD. The propose is the defining and realigning of property lines. The general location is 11494 US Hwy 14A. There will need to be a correction to the legal description presented; it is actually the NE ¼ of Section 28. All legal obligations have been completed. The final plat of Lots R1, R2, R3, and R4 has been submitted to define and realign property lines. The property is currently zoned commercial highway. The subject property is located within a mixed use district. The property is not located within a flood zone or flood hazard zone. Public facilities are available to serve the property. Under Staff Discussion the subject property is not currently the Mickelson Trail, this was a cut and paste error, everything else is correct.



*It was moved by Mrs. Runge and seconded by Mr. Shedd to approve the Plat of Lots R1, R2, R3 , and R4; A Subdivision of Lot A of Placer 601 and Lot A of Placer 108 Located in the NE ¼ Section of 28, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota with the correction. Aye – All. Motion Carried.*

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

- Mr. Mohr stated Cadillac Jacks is installing windows this week. They have the stairwell in so there shouldn't be anyone on ladders from one story to another anymore. The water and sewer lines are scheduled to be pressure tested on Friday. Mr. Biesiot asked if they are on or behind schedule. Mr. Mohr stated he wasn't really sure but thinks they are still behind, but he didn't think they were a full two months behind. Mr. Biesiot asked what the original completion date was. Mr. Mohr stated sometime in May, he was not aware if there was ever a specific date.

**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 5:11 p.m.

ATTEST:

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Chairman, Planning & Zoning Commission

\_\_\_\_\_  
Secretary, Planning & Zoning Commission

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

## SIGN PERMIT STAFF REPORT

Sign Review Commission  
January 17, 2018

**Applicant:** Mike Gustafson

**Address:** 270 Main Street, Deadwood, SD 57732

**Site Address of Proposed Signage:** 250 Main Street (First Gold / Travelodge)

### Computation of Sign Area

**Building Frontage:** N/A

**Total Available Signage:** N/A

**Existing Signage:** N/A

**Remaining Available Signage Area:** N/A

**Proposed Sign Project:** Remove "Terrace Motel" sign.

**Proposed Building Materials:** N/A

**Proposed Lighting of the Signs:** N/A

**Location of Proposed Sign:** N/A

### 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 15.32.320 of the Sign Ordinance, reference below.

*15.32.320 Existing landmark signs.*

*To be considered a landmark sign, the sign must be so certified by the historic preservation officer of the city. Until such certification, all signs in the city that are twenty-five (25) years of age or more are assumed to have provisional landmark status.*

*A. No existing landmark sign shall be removed or altered.*

The applicant wishes to remove the Terrace Motel sign in conjunction with the Travelodge franchising. Normally removal of a sign does not require a permit but in this instance the sign is designated a landmark sign and its removal is prohibited by ordinance. The proposed removal of this sign would require a variance from 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 to remove the Terrace Motel sign at 250 Main Street granting a variance

OR

Motion to deny proposed sign permit application as submitted.



January 9, 2018

To: City of Deadwood Sign Review Commission

First Gold Gaming Resort is requesting either, remove to storage or donation to the City of Deadwood, of the Terrace Motel sign. We currently have a Travelodge banner on the sign, and now that the permanent Travelodge signs are up, Wyndham requires that their signage, be the only signage allowed next to the building.

The Terrace Motel sign has been moved and altered three times on First Gold's property. With the Travelodge franchise requirements being imposed, and the fact that the Terrace Motel doesn't exist anymore, we are requesting that the Terrace Motel sign either, be removed to storage or donated, to the City of Deadwood.

Thank you for your consideration

Kim Morris  
Marketing Director  
First Gold Gaming Resort



Existing Sign







## MEMORANDUM

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**Date:** January 12, 2018  
**To:** Deadwood Sign Commission/Planning & Zoning Commission  
**From:** Kevin Kuchenbecker, Historic Preservation Officer  
**Re:** Terrace Motel Sign

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The Historic Preservation Office has been asked to provide historical information regarding the application for removal of the Terrace Motel sign at First Gold Hotel, 250 Main Street in Deadwood. Deadwood Codified Ordinance addresses existing landmark signs under Chapter 15. Specifically, the following section:

15.32.320 Existing landmark signs.

To be considered a landmark sign, the sign must be so certified by the historic preservation officer of the city. Until such certification, all signs in the city that are twenty-five (25) years of age or more are assumed to have provisional landmark status.

- A. No existing landmark sign shall be removed or altered.
- B. Landmark signs can be restored under the guidance of the city's historic preservation officer. Such signs are exempt from compliance with the regulations of this chapter, provided they are structurally sound and are not hazardous due to fire, electrical shock or other reasons.
- C. Such signs shall be maintained in a safe condition by the owner of the signs or the buildings in which the signs are displayed. Failure to maintain a landmark sign in a safe condition shall be considered a violation of this chapter.
- D. Landmark signs shall be counted at fifty (50) percent of their actual size when computing sign area pursuant to Article V of this chapter.

It is my opinion the Terrace Motel sign meets the criteria of an existing landmark sign due to its age and general location. Based on newspaper research, this office has been able to identify the Terrace Motel operating as early as 1955 and based on a postcard the sign appears to be in existence at least in the late 1960s to early 1970s. (See following images)





Staff acknowledges the sign was removed from the site and restored by the applicant around 2007 and subsequently reinstalled. It was again moved around 2008 and the “First Gold” wording added above the sign by the applicant.

Staff recognizes the sign is not in its original configuration or exact location and through actions of the applicant the “Terrace Motel” no longer exists nor does the applicant desire to use the name “Terrace Motel”; however, the sign does exist on or near the same property and is readily recognizable as a historic landmark sign.

**There is ample evidence the sign is at least 25 years of age and based on the ordinance I hereby certify the “Terrace Motel” sign as officially a Landmark Sign.**



***Preservation Commission and Blake and Melanie Haverberg; Martin Mason Restoration, LLC. The initial term of this agreement will expire December 31, 2022. Aye - All. Motion carried.***

**New Matters before the Deadwood Historic District Commission**

**New Matters before the Deadwood Historic Preservation Commission**

PH H1801 – Earnest & Linda Gry – 51 Taylor – Move Front Door/Replace Back and Basement Doors/Install New Siding – Exhibit C

Mr. Kuchenbecker stated the applicant is requesting permission to move the front door three feet to the right so that the entrance is in the main area of the house and not the master bed room. Also requesting permission to replace the basement door, back door, install stone to the front face of the house, install new horizontal lap siding, and build steps from the drive way to the front deck. The applicant has agreed to a 6” lap siding providing a 5” reveal. The proposed work and changes do not encroach upon, damage or destroy a historic resource or have an adverse effect on the character of the building or the historic character of the State and National Register Historic Districts or the Deadwood National Historic Landmark District. ***It was moved by Ms. Posey and seconded by Ms. Ochse based upon all of the evidence presented, I find that the project does not encroach upon, damage, or destroy any historic property included in the national register of historic places or the state register of historic places, and therefore move to grant a project approval. Aye - All. Motion carried.***

**Items from Citizens not on Agenda**

**Staff Report:** *(items will be considered but no action will be taken at this time.)*

Mr. Kuchenbecker thanked Ms. Anfinson and Chair Johnson for partaking in the Tourism Conference. While there a check and plaque was presented to the Pierre/Ft. Pierre Historic Foundation for work on the chateau. It was in the Pierre Journal the following day. On Thursday we were at the court house serving breakfast and lunch to the legislators. The South Dakota Hall of Fame had their awards in the rotunda of the Capital building. The Deadwood Historic Preservation Commission was recognized for their support of the west river trails project. There were 14 legislature and staff sitting at our tables during the GALA.

Mr. Kuchenbecker showed a picture that was purchased on e-bay. The picture is of a freight train, 1881, Rapid City to Deadwood. It says Evans Transportation Company. Fred Evans was in Deadwood and ended up in Hot Springs.

Last week the Planning and Zoning Commission continued a topic with First Gold on the Terrace Hotel Sign. The First Gold has changed from the Terrace Hotel, the First Gold Hotel and now Travel Lodge. They are requesting to take the Terrace sign down. Under the City Ordinance that is not allowed because it is a landmark sign. It is 25 years of age or older. This body has no say on whether they issue a variance. One of the things the applicant is requesting is if they are allowed to take it down they would like to donate it to the City. Is this something the HP Commission would accept. Mr. Ruth stated he was the one who encouraged them to continue the discussion because regardless of the discussion happening at that time they felt they needed to know the ultimate outcome of the sign. If they gave the variance they didn’t want the sign to disappear but at that time they didn’t know if HP would be interested in receiving the sign whether you put it in cold storage until you find an appropriate place to display or just store it. The concern is that at some point it could be left to its own devices and deteriorate or get run into or come down and disappear. I just verified with Mr. Anderson if P & Z gave them the variance to move the sign they would give it to HP and not ask for anything in return, just a gift. The question I have to Mr. Kuchenbecker is it better if we step in and save it by preserving it in a different location like the spot liquor sign. It would be a shame for the variance to be granted and the sign to never be seen again. It is Planning and Zoning decision as far as the ordinance goes. Ms. Ochse stated they wanted to take it down about sixteen years ago and at that time it was denied. Mr. Ruth stated it has been moved multiple times and he would not want to see it turn into a casualty like the Sinclair Station. Ms. Posey stated this isn’t the first time we have taken over a sign. We have the Lariat which was donated to Deadwood History and on display at Days of 76. We own the Tootsie Sign and the Wild Bill Sign which is lease back to the Wild Bill Bar. Mr. Kuchenbecker stated he would reach out to Deadwood History and see if they would want it on display otherwise it would go into cold storage until a location is found.

*1-24-18 HP Meeting*

Mr. Kuchenbecker stated in 2008 the sign responsibilities shifted to Planning and Zoning from the Historic Preservation Commission. It was allowed to be moved and it was allowed to be added to. Mr. Toews would much rather see a place for the sign and not storage. Mr. Berg concurred. Mr. Blair recommended the commission look around town and see if they locate a spot where the sign would fit and bring it to the next meeting. Mr.

Kuchenbecker stated he will let Bob Nelson Jr. know, should P & Z make a decision to grant the variance, the HP Commission would want the sign. HP would then put it in storage or find a location.



**FINDINGS OF FACT AND CONCLUSIONS  
FOR CONDITIONAL USE PERMIT FOR  
BED AND BREAKFAST**

**NAME:** Debra Kahler

**PURPOSE:** Request for a two bed, Bed and Breakfast.

**ADDRESS:** 56 Taylor Avenue

**LEGAL DESCRIPTION:** Lots A-D-E S/D of Lots 66-67 & 68 Blk 35, Original Town, City  
of Deadwood, Lawrence County, South Dakota.

**ASSESSORS NO.:** 30025-03500-680-10

**RE:** Request for Conditional Use Permit for a single unit Bed and Breakfast with five  
bedrooms.

WHEREAS, the above application for a Conditional Use Permit for a two bed Bed and Breakfast in  
a R1 - Residential District came on review before the Deadwood Planning and Zoning Commission at a  
Joint Meeting held on Wednesday, December 6, 2017. The application was recommended for approval  
by the Deadwood Planning and Zoning Commission. The Deadwood Board of Adjustment approved the  
request for a two bed Bed and Breakfast at 56 Taylor Avenue as recommended by the Planning and  
Zoning Commission on December 18, 2017.

WHEREAS, all present members of the Deadwood Planning and Zoning Commission and the  
Deadwood Board of Adjustment having reviewed the Conditional Use Permit request and having  
considered all comments offered and all of the evidence and testimony presented for the application;  
and, after discussion and consideration of the application and being fully advised in the premises, the  
Deadwood Planning and Zoning Commission and Deadwood Board of Adjustment hereby enter their:

**FINDINGS OF FACT AND CONCLUSIONS**

1. Staff provided public notice identifying the applicant, describing the project and its location, and  
giving the scheduled date of the public hearing in accordance with Section 17.76.020. Notice  
was placed in the designated newspaper of the City of Deadwood, ten (10) days in advance of  
the hearing as required by Section 17.76.060.J
2. An official sign was posted on the property for which the Conditional Use Permit was filed as  
required by Section 17.76.060.J
3. Property owners within three hundred (300) feet of the boundaries of the subject land were  
notified by first class mail as required by Section 17.76.060.J.
4. The subject property is located within a very low density land use classification on the adopted  
Land Use Map.
5. The subject area is zoned R1 - Residential District. The area near the subject property consists  
of a mixture of single family and multi-family dwellings.



Debra Kahler  
Conditional Use Permit  
Bed and Breakfast  
2018

- 6. The use, as proposed 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 area. The structure is not being enlarged or altered.
- 7. The granting of the conditional use permit would not increase the proliferation of non-conforming uses. The use is expressly allowed in the R1 - Residential District under certain conditions and the conditions were met.
- 8. The use would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation or other services. This type of use does not demand a high degree of services.
- 11. Based on these findings, the Deadwood Planning and Zoning Commission recommended approval of the request for a Bed and Breakfast. The Deadwood Board of Adjustment approved the request as recommended by the Planning and Zoning Commission.

ATTEST:

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Ms. Mary Jo Nelson, Finance Officer  
City of Deadwood  
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Mr. Charles Turbiville, Mayor  
City of Deadwood  
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Mr. Tony Biesiot, Chairman  
Planning and Zoning  
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Mr. John Martinisko, Secretary  
Planning and Zoning  
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**FINDINGS OF FACT AND CONCLUSIONS  
FOR CONDITIONAL USE PERMIT FOR  
BED AND BREAKFAST**

**NAME:** James and Susan Trucano

**PURPOSE:** Request for a single bed, Bed and Breakfast.

**ADDRESS:** 124 Charles Street

**LEGAL DESCRIPTION:** All EX 10' Strip of Lot 2 and Lot 4 Block 76, Original Town, City of Deadwood, Lawrence County, South Dakota.

**ASSESSORS NO.:** 30025-07600-040-00

**RE:** **Request for Conditional Use Permit for a single bed, Bed and Breakfast.**

WHEREAS, the above application for a Conditional Use Permit for a single unit Bed and Breakfast in the R1 - Residential District came on review before the Deadwood Planning and Zoning Commission at a Joint Meeting held on Wednesday, December 6, 2017. The application was recommended for approval by the Deadwood Planning and Zoning Commission. The Deadwood Board of Adjustment approved the request for a single unit Bed and Breakfast at 124 Charles Street as recommended by the Planning and Zoning Commission on December 18, 2017.

WHEREAS, all present members of the Deadwood Planning and Zoning Commission and the Deadwood Board of Adjustment having reviewed the Conditional Use Permit request and having considered all comments offered and all of the evidence and testimony presented for the application; and, after discussion and consideration of the application and being fully advised in the premises, the Deadwood Planning and Zoning Commission and Deadwood Board of Adjustment hereby enter their:

**FINDINGS OF FACT AND CONCLUSIONS**

1. Staff provided public notice identifying the applicant, describing the project and its location, and giving the scheduled date of the public hearing in accordance with Section 17.76.020. Notice was placed in the designated newspaper of the City of Deadwood, ten (10) days in advance of the hearing as required by Section 17.76.060.J
2. An official sign was posted on the property for which the Conditional Use Permit was filed as required by Section 17.76.060.J
3. Property owners within three hundred (300) feet of the boundaries of the subject land were notified by first class mail as required by Section 17.76.060.J.
4. The subject property is located within a high density land use classification on the adopted Land Use Map.
5. The subject area is zoned R1 - Residential District. The area near the subject property consists of a mixture of single family and multi-family dwellings.

James and Susan Trucano  
Conditional Use Permit  
Single Unit Bed and Breakfast  
2018

- 6. The use, as proposed 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 area. The structure is not being enlarged or altered.
- 7. The granting of the conditional use permit would not increase the proliferation of non-conforming uses. The use is expressly allowed in the R1 - Residential District under certain conditions and the conditions were met.
- 8. The use would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation or other services. This type of use does not demand a high degree of services.
- 11. Based on these findings, the Deadwood Planning and Zoning Commission recommended approval of the request for a Bed and Breakfast. The Deadwood Board of Adjustment approved the request as recommended by the Planning and Zoning Commission.

ATTEST:

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Ms. Mary Jo Nelson, Finance Officer  
City of Deadwood  
/ / /18

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Mr. Charles Turbiville, Mayor  
City of Deadwood  
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Mr. Tony Biesiot, Chairman  
Planning and Zoning  
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Mr. John Martinisko, Secretary  
Planning and Zoning  
/ / /18



**STAFF REPORT**  
**PLANNING AND ZONING**  
**FEBRUARY 7, 2018 JOINT MEETING**

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**APPLICANT:** Deadwood Stage Run, LLC and John Thayer

**PURPOSE:** To transfer property.

**GENERAL LOCATION:** Stage Run Subdivision

**LEGAL DESCRIPTION:** Lot 31A, Block 2 of Palisades Tract of Deadwood Stage Run Addition to the City of Deadwood, All located in the SW ¼ of Section 14, the SE ¼ of Section 15, the NE ¼ NE ¼ of Section 22 and the N ½ NW ¼ of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota, Formerly Lot 31 and a Portion of Palisades Tract of Deadwood Stage Run Addition

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

**ZONE:** R1 – Residential District

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**STAFF FINDINGS:**

<u>Surrounding Zoning:</u>	<u>Surrounding Land Uses</u>
North: R1 Residential	Residential Housing
South: PF Park Forest	Vacant
East: PF Park Forest	Vacant
West: R1 Residential	Residential Housing

**SUMMARY OF REQUEST**

The Final Plat for Lot 31A of Block 2, Stage Run Addition has been submitted to facilitate a transfer of land. The property is located off of Mt. Roosevelt Road and it fronts Stage Run. The address is 799 Stage Run.

**FACTUAL INFORMATION**

1. The property is currently zoned R1 – Residential District
2. Lot 31A, Block 2, is comprised of 2.056 Acres  $\pm$ .
3. The subject property is located within a low density residential designation.

4. Lot 31A is not located within a flood zone or flood hazard zone.
5. Public facilities are available to serve the property.
6. The area is currently characterized by many residential structures.

#### **STAFF DISCUSSION**

The subject property currently has a residential structure on the far North end of the lot and the owner is acquiring additional property adjacent for preservation of the green space.

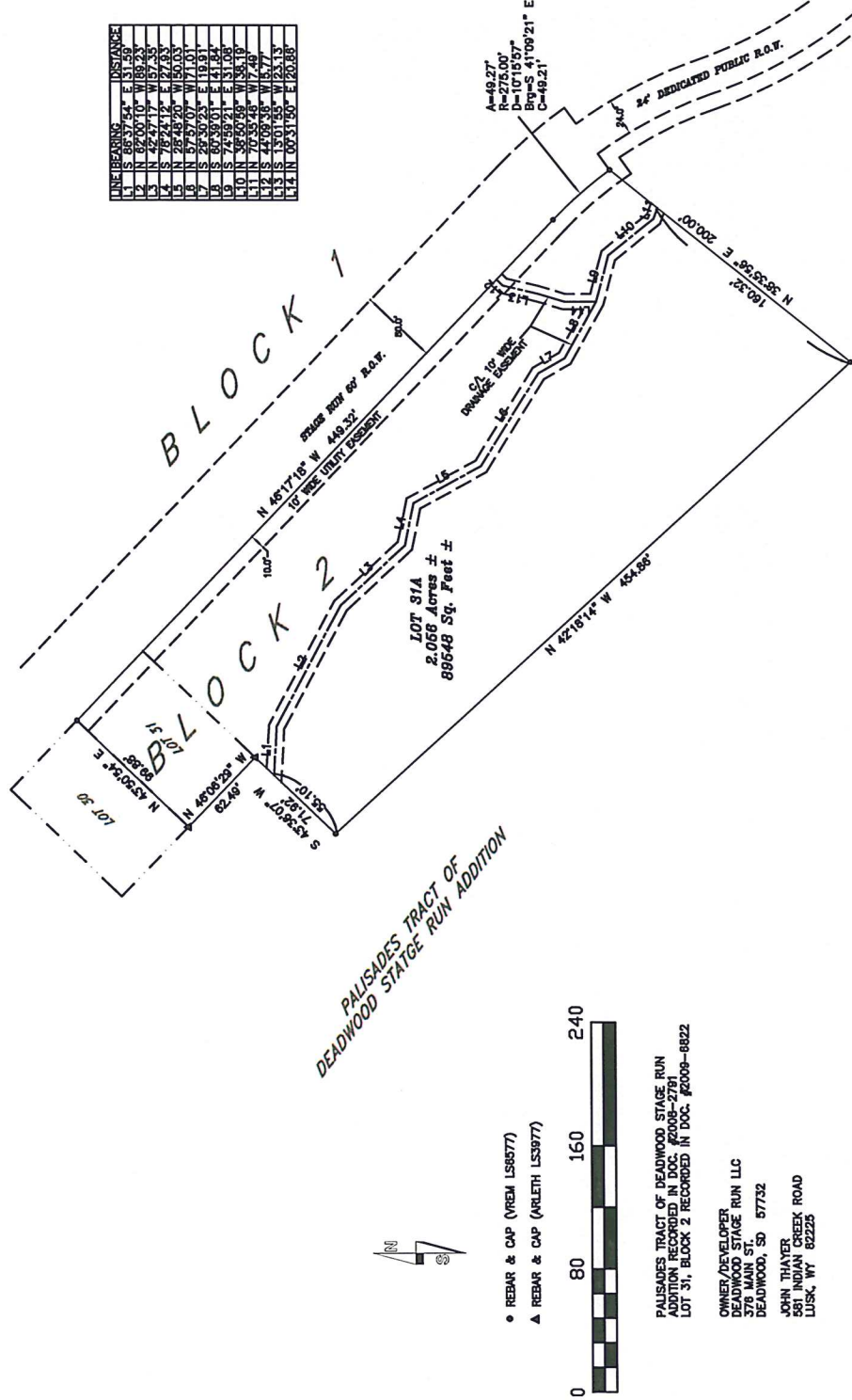
1. The North Arrow is shown on the plat with a direct reference to the coordinate mapping system.
2. Land is identified with a new legal description for the transfer of the land.
3. Surveyor's Certificate is shown with the name of the surveyor and his registered land surveyor number.
4. A date is shown on the plat and serves to "fix in time" the data represented on the plat.
5. The street bounding the lot 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 LOT 31A, BLOCK 2 OF PALISADES TRACT OF DEADWOOD  
STAGE RUN ADDITION TO THE CITY OF DEADWOOD  
ALL LOCATED IN THE SW¼ OF SECTION 14, THE SE¼ OF SECTION 15,  
THE NE¼NE¼ OF SECTION 22 AND THE N¼NW¼ OF SECTION 23, T5N,  
R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA  
FORMERLY LOT 31 AND A PORTION OF PALISADES TRACT OF  
DEADWOOD STAGE RUN ADDITION



SURVEYOR'S CERTIFICATE

I, LOREN D. VREM, 332A WEST MAIN STREET, LEAD, SOUTH DAKOTA, DO HEREBY CERTIFY THAT I AM A REGISTERED 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 THIS \_\_\_\_ DAY OF \_\_\_\_, 20\_\_.

LOREN D. VREM, R.L.S. 6577  
OWNER'S CERTIFICATE  
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

DO HEREBY CERTIFY THAT I/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: \_\_\_\_\_

OWNER: \_\_\_\_\_ ADDRESS: \_\_\_\_\_

ACKNOWLEDGMENT OF OWNER  
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

ON THIS \_\_\_\_ DAY OF \_\_\_\_, 20\_\_, BEFORE ME THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY

APPEARED, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE.

MY COMMISSION EXPIRES: \_\_\_\_\_ NOTARY PUBLIC: \_\_\_\_\_

OWNER'S CERTIFICATE  
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

DO HEREBY CERTIFY THAT I/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: \_\_\_\_\_

OWNER: \_\_\_\_\_ ADDRESS: \_\_\_\_\_

ACKNOWLEDGMENT OF OWNER  
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

ON THIS \_\_\_\_ DAY OF \_\_\_\_, 20\_\_, BEFORE ME THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY

APPEARED, KNOWN 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

I, \_\_\_\_\_, LAWRENCE COUNTY TREASURER, DO HEREBY CERTIFY THAT \_\_\_\_\_ TAXES WHICH ARE LIENS UPON THE HEREIN PLATTED PROPERTY HAVE BEEN PAID. DATED THIS \_\_\_\_ DAY OF \_\_\_\_, 20\_\_.

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: \_\_\_\_\_

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 THIS \_\_\_\_ DAY OF \_\_\_\_, 20\_\_.

CHAIRMAN \_\_\_\_\_ ATTEST: \_\_\_\_\_ CITY PLANNER

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, SOUTH DAKOTA,

DATED THIS \_\_\_\_ DAY OF \_\_\_\_, 20\_\_.

ATTEST: \_\_\_\_\_ FINANCE OFFICER \_\_\_\_\_ MAYOR

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 THIS \_\_\_\_ DAY OF \_\_\_\_, 20\_\_.

LAWRENCE COUNTY DIRECTOR OF EQUALIZATION: \_\_\_\_\_

OFFICE OF THE REGISTER OF DEEDS  
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

FILED FOR RECORD THIS \_\_\_\_ DAY OF \_\_\_\_, 20\_\_, AT \_\_\_\_ O'CLOCK, \_\_\_\_ M., AND RECORDED IN DOC. \_\_\_\_\_

LAWRENCE COUNTY REGISTER OF DEEDS: \_\_\_\_\_



Prepared By:

PONDEROSA LAND SURVEYS, L.L.C.

332A WEST MAIN STREET

LEAD, SD 57754

(605) 722-3840

Date:	1/29/2018
Drawn By:	L. D. Vrem
Project No.:	17-402
Dwg. No.:	17-402.dwg



**STAFF REPORT  
PLANNING AND ZONING  
FEBRUARY 7, 2018 JOINT MEETING**

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**APPLICANT:** City of Deadwood  
102 Sherman Street  
Deadwood, SD 57732

**PURPOSE:** Define Property Lines, Create Legal Description and Easements

**GENERAL LOCATION:** 200 Block of Cliff Street

**LEGAL DESCRIPTION:** Lot MK1 of the Mickelson Trail; Being a Portion of Probate Lots 321 and 420, A Portion of M.S. 107 and A Portion of Tract A of M.S. 107; All Located in the City of Deadwood, Lawrence County, South Dakota

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

**ZONE:** CH – Commercial Highway

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**STAFF FINDINGS:**

Surrounding Zoning:

North: CH – Commercial  
South: CH – Commercial  
East: CH - Commercial  
West: CH – Commercial

Surrounding Land Uses:

Commercial Structures  
Commercial Structures  
Commercial Structures  
Commercial Structures

**SUMMARY OF REQUEST**

The Final Plat of Lot MK1 has been submitted to define property lines and create a legal description and easements.

**FACTUAL INFORMATION**

1. The property is currently zoned CH – Commercial Highway District
2. Lot MK1 of the Mickelson Trail is comprised of 0.645 ± Acres
3. The subject property is located within a mixed use district.

4. The property is not located within a flood zone or flood hazard zone.
5. Public facilities are available to serve the property.
6. The area is currently characterized by commercial structures.

#### **STAFF DISCUSSION**

The subject property currently is the Mickelson Trail. The lots meet the area and bulk requirements.

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:**

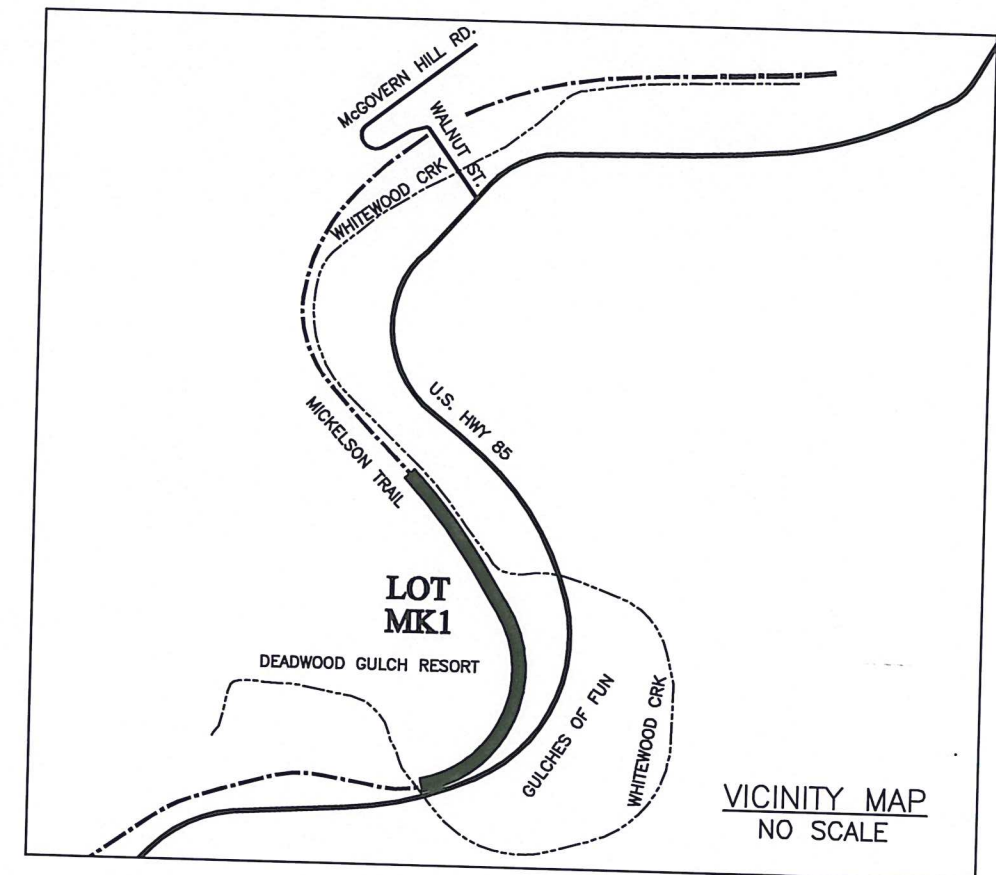
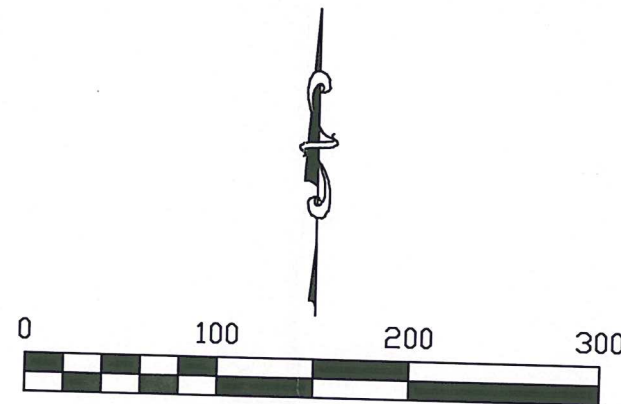
1. Approval / denial by Deadwood Planning and Zoning Commission.
2. Approval / denial by Deadwood Board of Adjustment.



**PLAT OF LOT MK1 OF THE MICKELSON TRAIL;  
BEING A PORTION OF PROBATE LOTS 321 AND 420,  
A PORTION OF M.S 107 AND A PORTION OF TRACT A OF M.S 107;  
ALL LOCATED IN THE CITY OF DEADWOOD,  
LAWRENCE COUNTY, SOUTH DAKOTA**

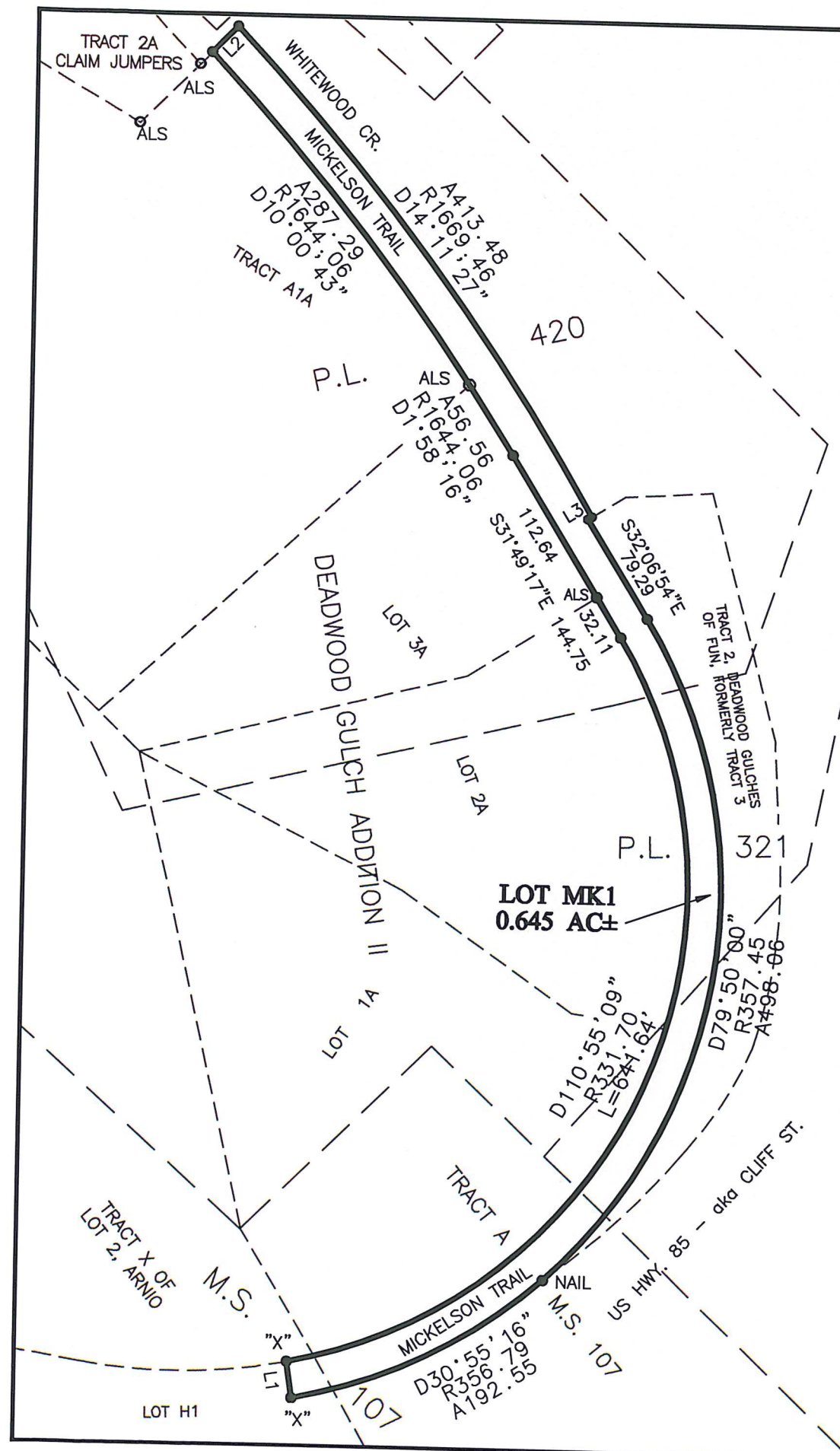
OWNER/DEVELOPER:  
CITY OF DEADWOOD  
102 SHERMAN ST.  
DEADWOOD, SD 57732

LINE	BEARING	DISTANCE
L1	N08°30'23"W	25.02
L2	N44°38'31"E	25.00
L3	S57°52'27"W	3.15



- LEGEND:**
- SET REBAR AND CAP STAMPED "LS 3977" UNLESS NOTED
  - FOUND MONUMENT AS NOTED
  - "X" X ETCHED IN BRIDGE WALL

- NOTES:**
1. PROPOSED LOT AREA = 0.645 ACRES±;  
PROPOSED R-O-W AREA = 0.00 ACRES±;  
AVERAGE DENSITY PER LOT = 0.645 ACRES±  
TOTAL PROPOSED PLATTED AREA: 0.645 ACRES±  
EASEMENTS INCLUDED IN ALL AREAS.
  2. A BLANKET UTILITY EASEMENT AND BLANKET NON-VEHICULAR PUBLIC ACCESS EASEMENT IS HEREBY GRANTED THIS PLAT THROUGHOUT LOT MK1.
  3. 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.
  4. SUBJECT PROPERTY CONVEYED TO CITY OF DEADWOOD BY BURLINGTON NORTHERN RAILROAD CO. VIA QUIT CLAIM DEED DOC# 85-4400 AND CORRECTION QUIT CLAIM DEED DOC# 88-6617.





### SURVEYOR'S CERTIFICATE

### OWNER'S CERTIFICATE

OWNER: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

MY COMMISSION EXPIRES:\_\_\_\_\_

NOTARY PUBLIC:\_\_\_\_\_

LAWRENCE COUNTY TREASURER:\_\_\_\_\_

## HIGHWAY AUTHORITY:\_\_\_\_\_

ATTEST:

\_\_\_\_\_ FEE: \$ \_\_\_\_\_

LAWRENCE COUNTY REGISTER OF DEEDS



SHEET 2 OF 2

**APPROVED: JMA**  
**DRAWN: FD**  
**FILE: 9647.dwg**