DEADWOOD PLANNING AND ZONING COMMISSION

Wednesday, January 17, 2018 – 5:00 p.m. City Hall, 102 Sherman Street, Deadwood, SD

AGENDA

- 1. Call Meeting to Order
- 2. Approval of December 6, 2017 Minutes
- 3. Sign Review Commission

<u>270 Main Street – Mike Gustafson – Removal of Terrace Motel Sign</u>

a. Removal of landmark sign

Action Required:

- b. Approval/ Denial by Sign Review Commission
- 4. 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 $\frac{1}{4}$ of Section 28, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota

Action Required:

- a. Approval/Denial by Planning and Zoning
- 5. Items from Staff
 - a. Cadillac Jacks
- 6. Adjourn

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

Wednesday, December 6, 2017

The meeting of the Deadwood Planning and Zoning was called to order by Chairperson Tony Biesiot on Wednesday, December 6, 2017, at 5:00 p.m. in the Deadwood City Hall Meeting Room, located at 102 Sherman Street, Deadwood, SD 57732.

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

Absent: None

Board of Adjustments Present: None

Staff Present:

Bob Nelson, Jr. and Meghan Wittmis

Approval of November 15, 2017 Minutes:

It was moved by Mr. Shedd and seconded by Mrs. Runge to approve the November 15, 2017 meeting minutes. Aye – All. Motion carried.

Sign Review Commission:

20577 US Hwy 85 - GTI Properties, LLC - Install New Free Standing Sign

Mr. Nelson Jr. stated this is a sign application from GTI Properties located at 20577 US Hwy 85. The building frontage is 233 feet with total available signage of 466 square feet. They are requesting one freestanding sign, 32 square feet, no variances. They do plan on coming back with a permanent solution; because they just moved in they wanted to get a sign up.

It was moved by Mr. Martinisko and seconded by Mr. Rich to approve the sign permit for a new freestanding sign at 20577 US Hwy 85. Aye – All. Motion Carried.

322 Main Street - B.Y. Development Inc. & Optima LLC - Install New Free Standing Sign in Place of Existing Sign Mr. Nelson Jr. stated this property has 295 feet of building frontage, 590 square feet of available signage. Three wall signs exist, total of 383 square feet, they do have square footage available. They are proposing to install a new freestanding sign to replace the existing sign. The sign will be made of metal and acrylic. Applicant is requesting internal illumination. Mr. Martinisko stated he likes the proposed sign better than the old one. He likes what Cadillac Jacks is doing to bring people in to Deadwood. However, the city has a sign ordinance in place for the landmark status and we keep chipping away at that and granting variances for signs. Mr. Martinisko appreciates the letter from Hilton regarding these signs. He feels like we have an ordinance for a reason. Mr. Nelson Jr. stated he would be willing to discuss with Historic Preservation this ordinance and how to handle future requests that are outside the landmark district. Mr. Bradsky presented examples of how the current sign is lit compared to how the new sign will look. The letters on the new sign will be internally lit and stick out an half an inch. Only the letters and the logo will be internally lit.

It was moved by Mr. Shedd and seconded by Mr. Rich to approve the sign permit for a new freestanding sign at 322 Main Street granting variances for internal illumination and use of plastic. Aye – Mr. Shedd, Mr. Biesiot, Mr. Rich, and Mrs. Runge. Nay – Mr. Martinisko. Motion Carried.

360 Main Street - B.Y. Development Inc. & Optima LLC - Install One New Wall Sign, One New Marquee Sign and One New Free Stand Sign

Mr. Nelson Jr. stated this request is for 360 Main. They have 300 feet of building frontage, total available signage of 600 square feet with existing signage of three wall signs and two freestanding signs. The request is to replace two of the wall signs, one of the freestanding signs and remove one freestanding sign. The remaining available signage area is 558 square feet. The first sign to consider is a new wall sign "A", a variance is required for vertical dimension of sign (88 square feet), will be located on the building and have backlit letters which is allowed in ordinance only for new construction. Mr. Biesiot asked what the height is of the current sign. Mr. Nelson Jr. stated variances were granted for the current sign's height and location on building.

It was moved by Mr. Rich and seconded by Mr. Shedd to approve Cadillac Jack's Sign "A" at 360 Main granting variances requested by applicant. Aye – All. Motion Carried.

Mr. Nelson Jr. now addressed Sign "G", 108 square feet marquee sign with backlit letters. Mr. Bradsky stated this sign will help identify the main entrance to the building. The sign will be on the end of the awning and not directly on the building.

It was moved by Mrs. Runge and seconded by Mr. Shedd to approve Cadillac Jack's sign "G" granting variances requested by applicant. Aye – All. Motion Carried.

Mr. Nelson Jr. next addressed Sign "B", a 180 square feet free standing sign. This sign will require variances for internal illumination and use of plastic. The reader board is plastic; the rest will be metal and acrylic. Mr. Martinisko asked how the letters will be put on the sign. Mr. Bradsky stated they will slide in. This sign will replace the current main sign.

It was moved by Mr. Shedd and seconded by Mr. Martinisko to approve Cadillac Jack's sign "B" granting variances requested by applicant. Aye -All. Motion Carried.

372 Main Street - B.Y. Development Inc. & Optima LLC - Install One New Wall Sign & Three New Free Standing Signs

Mr. Nelson Jr. stated this property, Tru Hotel, is under construction. The building frontage is 334 feet; total available signage is 668 square feet, with no existing signage. Starting with new wall sign "A", 71 square feet. Mr. Martinisko asked if it will just be the three letters lit and if the sign will be plastic. Mr. Bradsky answered the blue background will be lit also and yes the sign is plastic. Mr. Martinisko asked if the variances on this are for plastic and internally lit. Mr. Bradsky answered yes and for vertical dimension.

It was moved by Mr. Shedd and seconded by Mr. Rich to approve sign "A" granting variances requested by applicant. Aye – Mr. Shedd, Mr. Rich, Mrs. Runge and Mr. Biesiot. Nay – Mr. Martinisko. Motion Carried.

Mr. Nelson Jr. continued with sign "B", a new 120 square feet free standing pylon sign located at the corner of the new Williams Street and Main Street. Mrs. Runge asked what the variances are for this one. Mr. Nelson Jr. stated the variances are for internal illumination and plastic.

It was moved by Mr. Rich and seconded by Mr. Shedd to approve sign "B" granting variances requested by applicant. Aye - Mr. Shedd, Mr. Rich, Mrs. Runge and Mr. Biesiot. Nay - Mr. Martinisko. Motion Carried.

Mr. Nelson Jr. next addressed sign "C" and "D", new 35 square feet free standing signs that meets the code for size. These are parking identification signs. They wish to have the Cadillac Jack's logo on them. Applicant is requesting internal illumination for the "P" only.

It was moved by Mr. Shedd and seconded by Mrs. Runge to approve sign "C" granting variance requested by applicant. Aye – All. Motion Carried.

It was moved by Mr. Rich and seconded by Mrs. Runge to approve sign "D" granting variance requested by applicant. Aye – All. Motion Carried.

Planning and Zoning Commission and Board of Adjustments:

Request for a Conditional Use Permit - 124 Charles Street - James and Susan Trucano

All EX 10' Strip of Lot 2 and Lot 4 Block 76, Original Town, City of Deadwood, Lawrence County, South Dakota Mr. Nelson Jr. stated this is a request for a conditional use permit from James and Susan Trucano for a single bed Bed and Breakfast located at 124 Charles Street. This is residentially zoned duplex with off street parking. Applicants have already reached out to the Department of Health for a lodging license. We received zero public comment on this request.

It was moved by Mrs. Runge and seconded by Mr. Shedd to approve the Conditional Use Permit with the stipulations that the Bed and Breakfast must be owner occupied, proof of a state excise number shall be provided to the Planning and Zoning Office, proof that the Building Inspector has inspected the building and it meets all of the building codes, proper paperwork if filed with the City of Deadwood Finance office for BID taxes and proof of South Dakota Department of Health Lodging License must be provided to the Planning and Zoning Office. Aye – All. Motion Carried.

Request for a Conditional Use Permit - 56 Taylor - Debra Kahler

Lots A-D-E S/D of Lots 66-67 & 68 BLK 35, Original Town, City of Deadwood, Lawrence County, South Dakota Mr. Nelson stated this is a request for a Conditional Use Permit from Debra Kahler for a two bed Bed and Breakfast located at 56 Taylor Avenue. This property is a triplex and the applicant lives in one unit. The neighborhood is zoned R-1

and she does have the required off street parking. There were a few comments from neighbors on congestion of parking but they didn't seem overly concerned.

It was moved by Mr. Martinisko and seconded by Mr. Rich to approve the Conditional Use Permit with the stipulations that the Bed and Breakfast must be owner occupied, proof of a state excise number shall be provided to the Planning and Zoning Office, proof that the Building Inspector has inspected the building and it meets all of the building codes, proper paperwork if filed with the City of Deadwood Finance office for BID taxes and proof of South Dakota Department of Health Lodging License must be provided to the Planning and Zoning Office. Aye – All. Motion Carried.

Items From Staff (no action taken)

- Mr. Nelson Jr. stated before the snow Cadillac Jacks progress was catching up. They are running water,
 power and storm sewer to the employee parking lot behind the new building. They are trying to get the
 employee parking lot and the ramp to the underground parking finished. Hopefully the next step is to get
 Williams Street back.
- Mr. Nelson Jr. had a copy of the Community Survey results for everyone. Another component to this is Mike Runge was awarded the CPAW, Community Planning Awareness for Wildfire, Award. This will become another section of the Comprehensive Plan.

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 2	Zoning Commission adjourned at 5:26 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
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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.

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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.

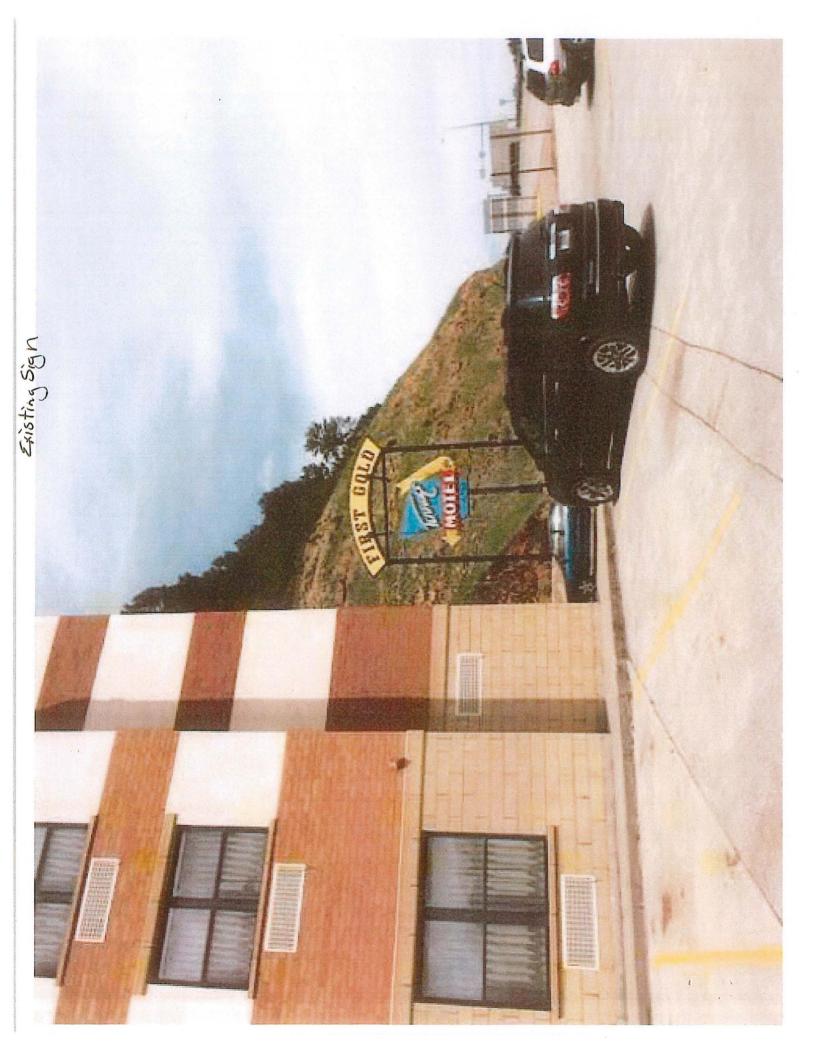
The Terrace Motel sign has been moved and altered three times on First Gold's property. With the Travelodge franchise requirements being imposed, and the fact that the Terrace Motel doesn't exist anymore, we are requesting that the Terrace Motel sign either, be removed to storage or donated, to the City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

Thank you for your consideration

Kim Morris

Marketing Director

First Gold Gaming Resort



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



Kevin Kuchenbecker
Historic Preservation Officer
Telephone (605) 578-2082
kevin@cityofdeadwood.com

MEMORANDUM

Date:

January 12, 2018

To:

Deadwood Sign Commission/Planning & Zoning Commission

From:

Kevin Kuchenbecker, Historic Preservation Officer

Re:

Terrace Motel Sign

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)

Firemen Control Small Grass Fire

A small grass fire at the Indian campground near the Deadwood Amusement Park was extinguished by members of the Deadwood Fire Department Tuesday evening at about 6:13 p. m.

The call, which was made from the Terrace Motel on Lower Main, was answered with the fire jeep because of the danger of the fire possibly spreading into the nearby forrest.

It was believed to have been started by three children who had been playing in the campground. No damage was reported.

The Black Hills Weekly (Deadwood, South Dakota) · Wed, Jun 29, 1955 · Page 2

Downloaded on Jan 12, 2018

TERRACE MOTEL

O Main Street Deadwood, South Dakot 17 Attractive Modern Units

17 Attractive Modern Units

See the "Trial of Jack McCall" for the killing of Wild Bill
Hickol; the Broken Boot Gold Mine; the Adams Memoria
Museum; and the Mt. Moriah Cometery, for a good view of

"Spectra-Color"
POSTCARD

STAMP



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.

STAFF REPORT PLANNING AND ZONING JANUARY 3, 2018 JOINT MEETING

APPLICANT: Robert and Claramae Ruth

11494 US Highway 14A Deadwood, SD 57732

PURPOSE: Defining and Realigning Property Lines

GENERAL LOCATION: 11494 US Highway 14A

LEGAL DESCRIPTION: Lots R1, R2, R3, and R4; A Subdivision of Lot A of Placer 601 and Lot A of Placer 108 Located in the NW1/4 of Section 28, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota

FILE STATUS: All legal obligations have been completed.

ZONE: CH – Commercial Highway

STAFF FINDINGS:

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

North: CH – Commercial KOA Campground

South: Lawrence County

East: CH - Commercial

West: Lawrence County

Vacant Land

Residential

SUMMARY OF REQUEST

The Final Plat of Lots R1, R2, R3, and R4 have been submitted to define and realign property lines.

FACTUAL INFORMATION

- 1. The property is currently zoned CH Commercial Highway District
- 2. The subject property is located within a mixed use district.
- 3. The property is not located within a flood zone or flood hazard zone.
- 4. Public facilities are available to serve the property.

6. The area is currently characterized by residential 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 LOTS R1, R2, R3 AND R4 A SUBDIVISION OF LOT A OF PLACER 601 AND LOT A OF PLACER 108 LOCATED IN THE NW4 OF SECTION 28,T5N, R3E,B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA		
To Sale		
SCOTT & CRIST PLACER M.S. 601 Sequence of the		
19 200		
3453 Sq. Feet ± 107 M 15 15 15 Sq. Peet ± 107 M 15 15 15 Sq. Peet ± 107 M 146 Sq. Peet ± 107 M 146 N 175 22 N 1		
1		
PLACER 108		
REBAR & CAP (VREM LS6577)		
■ CHISELED 'X' IN CONCRETE		
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 CONPORTACE WITH THE LAWS OF THE STATE OF SOUTH DAKOTA AND ACCEPTED METHODS AND PROCEDURES OF SURVEYING. DATED THISDAY OF		
, 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, SUBDIMISION, EROSION AND SEDIMENT CONTROL REGULATIONS.		
OWNER: ADDRESS: OWNER: ADDRESS:		
OWNER: ADDRESS: ACKNOWLEDGMENT OF OWNER STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE		
ON THISDAY 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,		
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 THISDAY OF		
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 THISDAY OF		
ATTEST: ————————————————————————————————————		
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 LAWRENCE COUNTY DIRECTOR OF EQUALIZATION:		
OFFICE OF THE REGISTER OF DEEDS STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE		
FILED FOR RECORD THISDAY OF,20ATO'CLOCK,M., AND RECORDED IN DOC LAWRENCE COUNTY REGISTER OF DEEDS:		
Prepared By: Date: 12/21/2017 PONDEROSA LAND SURVEYS, L.L.C. Drawn By: L. D. Vrem 332A WEST MAIN STREET		



A WEST MAIN STRI LEAD, SD 57754 (605) 722-3840

Date:	12/21/2017
Drawn By:	L. D. Vrem
Project No.:	17-433
Dwg. No.:	17-433.dwg