DEADWOOD PLANNING AND ZONING COMMISSION

Wednesday, December 6, 2017 - 5:00 p.m.

City Hall, 102 Sherman Street, Deadwood, SD

AGENDA

- Call Meeting to Order
- 2. Approval of November 15, 2017 Minutes
- 3. Sign Review Commission

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

Install New Free Standing Sign

Action Required:

b. Approval/ Denial by Sign Review Commission

<u>322 Main Street - B.Y. Development Inc. & Optima LLC - Install New Free Standing Sign in Place of Existing Sign</u>

Install New Free Standing Sign

Action Required:

b. Approval/ Denial by Sign Review Commission

<u>360 Main Street – B.Y. Development Inc. & Optima LLC – Install One New Wall Sign,</u> One New Marquee Sign and One New Free Stand Sign

a. Install New Free Standing Sign, New Wall Sign and New Marquee

Action Required:

b. Approval/ Denial by Sign Review Commission

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

Install New Free Standing Signs and New Wall Sign

Action Required:

- Approval/ Denial by Sign Review Commission
- 4. 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

Action Required:

- Approval/Denial by Planning and Zoning
- b. Approval/Denial by Board of Adjustments

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

Action Required:

- a. Approval/Denial by Planning and Zoning
- b. Approval/Denial by Board of Adjustments
- 5. Items from Staff
 - a. Cadillac Jacks
 - b. Community Survey Results
- 6. Adjourn

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

Wednesday, November 15, 2017

The meeting of the Deadwood Planning and Zoning was called to order by Chairperson Tony Biesiot on Wednesday, November 15, 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 1, 2017 Minutes:

It was moved by Mr. Shedd and seconded by Mrs. Runge to approve the October 18, 2017 meeting minutes with the adjustment to remove the c from Shedd in the last paragraph. Aye – All. Motion carried.

Planning and Zoning Commission and Board of Adjustments:

<u>Define Property Lines/Roadway Boundary/Encroachments/Utility Easements - City of Deadwood and Black Hills</u> Housing LLC

Lot 1A of Meverden Addition, Formerly Lots 1 thru 7 of the Meverden Addition and Lots 1 thru 3 of Block G of Fargo's Addition and Block D of Weisflog Addition and a portion of Merverden Street; All located in M.S. 81 and M.S. 283, City of Deadwood, Lawrence County, South Dakota. This is all zoned R2 Multi Family; the lot size is conforming to the Zoning Code. The Utility Easement was necessary to connect to Meverdan and Fargo Street which then in turn connects to a parcel of land across from the Lower Main parking lot grated out during the construction of the Welcome Center. The owner of that property is putting together plans for housing but we need to insure Utility Easement is in place. There was a garage encroachment at 20 McKinley, Deadwood Housing has agreed to give them an easement for the encroachment.

It was moved by Mr. Shedd and seconded by Mr. Rich to approve the defined property lines/roadway boundary/encroachments/utility easements-City of Deadwood and Black Hills Housing LLC. Aye - All. Motion carried.

Request for Amendment to Zoning Map - 36 Water Street - Tim Conrad

Mr. Nelson Jr. stated this is a request for rezoning, an amendment to the Zoning Map. The petitioner is Tim Conrad. Legally described as Tract A, an 8' Platted Alley and a Portion of Lot R-1 of the City of Deadwood Railroad Property all Located in the Hillsdale Addition to the City of Deadwood, in the NW ¼ of Section 26, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota AND Tract B-1, McGovern Hill Addition of the City of Deadwood, Located in the NW1/4NW1/4 of Section 26 T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. The address is 36 Water Street currently zoned R1 residential the request is for C1 commercial. The request is basically for some light commercial out of the garage. Mr. Conrad stated he would like to have bike rentals to serve people on the Mickelson Trail. He would like to work with the City to extend the Trail to connect with his property and make it safer. Mr. Martinisko asked if there were any comments on the mailers and sings. Mr. Nelson Jr. said no there were no comments. Mr. Rich stated the only thing he would bring up is we say there isn't enough housing in Deadwood and this would eliminate housing. Mr. Nelson Jr. stated that Mr. Conrad still intends to use the house for housing; the business would be out of the garage. Mr. Conrad stated that the house is a historic building and the housing isn't going away.

It was moved by Mrs. Runge and seconded by Mr. Martinisko to approve the request for amendment to the Zoning Map from residential to commercial. Aye – All. Motion carried.

Items From Staff (no action taken)

Mr. Nelson Jr. stated Cadillac Jacks is putting together their sign package to present at either the December 6th
or the next meeting after that. It is a sign package for all of their properties, they will be updating all of their
signs. Wall panels are being built off site and trucked in so you might not see progress but it is actually
happening.

It was moved by Mr. Shedd and seconded by Mr. Ric Commission. Aye – All. Motion carried.	h to adjourn the Regular Meeting of the Planning and Zoning
There being no further business, the Planning and Zor	ning Commission adjourned at 5:08 p.m.
ATTEST:	
Chairman, Planning & Zoning Commission	Secretary, Planning & Zoning Commission

Meghan Wittmis, Planning & Zoning Office/Recording Secretary

Adjournment:



"The Historic City of the Black Hills"

Deadwood, South Dakota 57732

TRENT MOHR Building Inspector Dept. of Public Works Telephone: (605) 578-3082 Fax: (605) 578-3101

SIGN PERMIT STAFF REPORT

Sign Review Commission December 6, 2017

Applicant: GTI Properties, LLC

Address: 20577 US Hwy 85, Deadwood, SD 57732 **Site Address of Proposed Signage:** 20577 US Hwy 85

Computation of Sign Area

Building Frontage: 233 Feet

Total Available Signage: 466 Square Feet

Existing Signage: None

Remaining Available Signage Area: 466 Square Feet

Proposed Sign Project: Install new freestanding sign (32 Square Feet). **Proposed Building Materials:** Wood and Metal. (see attached photos).

Proposed Lighting of the Signs: None.

Location of Proposed Sign: Attached is a photograph showing the sign installed.

Discussion

The sign permit application in review is proposed at a location outside the locally-designated historic district and outside the national historic landmark district which is regulated by chapter 15.32.315 of the sign ordinance. The current signage at the subject property is compliant with the sign ordinance. The sign proposed in the current application is regulated by 15.32.090 of the Sign Ordinance, reference below.

A. Before any sign can be erected or altered in any way, a valid permit must be issued. Any further alteration of the sign shall require an amendment of the existing permit or the issuance of a new permit. Such changes, as well as original permits, shall be issued pursuant to review by the sign review commission. It is unlawful to display, construct, erect, locate or alter any sign without first obtaining a sign permit for such sign.

The applicant recently open a business at this location this is a temporary sign to advertise this business. A permanent sign is planned for. At that time another permit will be required.

The sign and its location are compliant with the sign ordinance.



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Dept. of Public Works
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Variances

The sign permit application in review as proposed requires no variances from the sign ordinance. Signage variances may be obtained if the sign review commission is able to find "special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures, distance or other matters on adjacent lots or within the adjacent public right-of-way that would substantially restrict the effectiveness of the sign in question and such special circumstances or conditions are peculiar to the business or enterprise to which the applicant desires to draw attention and do not apply generally to all businesses or enterprises in the area." However, it is the responsibility of the applicant to provide adequate evidence of such special circumstances or conditions.

Sign Review Commission Action

Motion to approve sign permit for new freestanding sign at 20577 US Hwy 85 $\overline{\text{OR}}$

Motion to deny proposed sign permit application as submitted.







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Deadwood, South Dakota 57732

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SIGN PERMIT STAFF REPORT

Sign Review Commission December 6, 2017

Applicant: B.Y. Development Inc. & Optima LLC Address: 360 Main Street, Deadwood, SD 57732

Site Address of Proposed Signage: 322 Main Street (SpringHill Suites)

Computation of Sign Area

Building Frontage: 295 Feet

Total Available Signage: 590 Square Feet

Existing Signage: Three wall signs (total of 383 Square Feet)

One freestanding sign (to be replaced)

Remaining Available Signage Area: 207 Square Feet

Proposed Sign Project: Install new freestanding sign (170 Square Feet) in place of existing

sign.

Proposed Building Materials: Metal and Acrylic (see attached rendering).

Proposed Lighting of the Signs: Internal Illumination.

Location of Proposed Sign: Same location as existing sign. (see attached rendering and

photographs).

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 15.32.090 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.

In coordination with the construction of the Tru Hotel at 372 Main Street the applicant wishes to replace the existing freestanding sign with a new freestanding sign of a different design in the same location.



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The proposed sign requires variances from the sign ordinance for internal illumination and the use of plastic in the sign faces.

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 322 Main Street granting variances for internal illumination and use of plastic

OR

Motion to deny proposed sign permit application as submitted.



AERIAL VIEW

NOT TO SCALE



0394606Ar16

Sheet 17 of 17

DOUBLETREE

360 MAIN STREET DEADWOOD, SD

Designer

Date 3.30.17

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Engineering	-
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Revision/ Dabb

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Chandler Signs

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SCALE: 3/8"=1'-0"

REMOVE / DISPOSE OF EXISTING SIGN AND REPLACE WITH NEW BRICK BASE TO BE RE-USED WITH NEW SIGN



PROPOSED MONUMENT NIGHT VIEW

SCALE: 3/8"=1'-0"



DOUBLETREE

3.30.17

r1-RG/4-28-17; options 12-RFF 05.08,17 update 12-RFF.05.01.17 update rS-RFF 05.28.17 add L.J. K sizns r6-RFF 07.03.17 update

r8-RG 07.28,17 update 12-ES 8/8/17 Appt2 del Boot3 revise Brands C"&" G ltr "K" radio

(10-RFF 01.21.17 update b & c c11-10/01/17(CIR):Revised*B&C*

r13-ES 10/15/17 debt I&K added t14-50M-10/23/17-rev "B" & "C" c15-RM510-31-17 Change G

116-MAN/11-8-17: R-O/P-T "B-C"

Chandler Signs

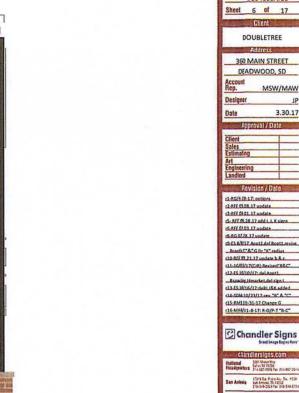




(1) REQUIRED - MANUFACTURE & INSTALL



END VIEW





DOUBLETREE Work Order # Sheet 6 of 17

> DOUBLETREE 360 MAIN STREET DEADWOOD, SD MSW/MAW 3.30.17 Approval / Date

(1-RG/4-11-17: options

rS-RFF 05.28.17 add 1, L K siens c6-RFF d103.17 update r2-8G 0728 17 update c3-ES A/H17 Appt2 del Boott revise

Beards C*&* G ltr *X* radius (10-RFF 27.21.17 undate h & c (11-16/61/17/CIR)-Revised*8&C*

114-SOM 10/23/17-cey *8* 8 *C* c15-RM\$10-31-17 Change G

Chandler Signs



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Deadwood, South Dakota 57732

TRENT MOHR Building Inspector Dept. of Public Works Telephone: (605) 578-3082 Fax: (605) 578-3101

SIGN PERMIT STAFF REPORT

Sign Review Commission December 6, 2017

Applicant: B.Y. Development Inc. & Optima LLC **Address:** 360 Main Street, Deadwood, SD 57732

Site Address of Proposed Signage: 360 Main Street (Cadillac Jacks / Double Tree)

Computation of Sign Area

Building Frontage: 300 Feet

Total Available Signage: 600 Square Feet **Existing Signage:** Three wall signs

Upper "Cadillac Jacks" (to be replaced)Lower "Cadillac Jacks" (to be replaced)

"Brown Rocks" (42 Square Feet)

Two freestanding signs

"Cadillac Jacks" (to be replaced)

"Brown Rocks" (to be removed)

Remaining Available Signage Area: 558 Square Feet

Proposed Sign Project:

One new wall sign "A" (88 Square Feet)

One new marquee sign "G" (108 Square Feet)
One new freestanding sign "B" (180 Square Feet)

Proposed Building Materials: Metal and Acrylic (see attached rendering).

Proposed Lighting of the Signs: Back lit lettering on the wall and marquee signs and internal

Illumination for the freestanding sign.

Location of Proposed Sign: Same locations as existing signs. (see attached rendering and photographs).

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 15.32.090 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



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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.

In coordination with the construction of the Tru Hotel at 372 Main Street the applicant wishes to replace the two existing wall signs with a new wall sign "A" in place of the upper wall sign and a marquee sign "G" in place of the lower wall sign. The existing "Cadillac Jacks" freestanding sign will be replaced with a new freestanding sign "B". Lastly the existing "Brown Rocks" freestanding sign will be removed.

The proposed signs require variances from the sign ordinance as follows:

- "A" wall sign requires variances for vertical dimension of sign (greater than two feet), location on building (above bottom sill of second story windows), and backlit letters (allowed in ordinance only for new construction).
- Note existing sign required and was granted variances for vertical dimension and location on building.
- -"G" marquee sign requires variances for vertical dimension of sign (greater than two feet) and backlit letters (allowed in ordinance only for new construction).
- Note existing sign required and was granted a variance for vertical dimension.
- -"B" freestanding sign requires variances for internal illumination and use of plastic.

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 permits for three new signs at 360 Main Street granting variances requested by applicant

OR

Motion to deny proposed sign permit application as submitted.

NOT TO SCALE

AERIAL VIEW

9

MSW/MAW

360 MAIN STREET
DEADWOOD, SD

DOUBLETREE

NOTICE TO 17

Sheel 17 of 17

DOUBLETREE

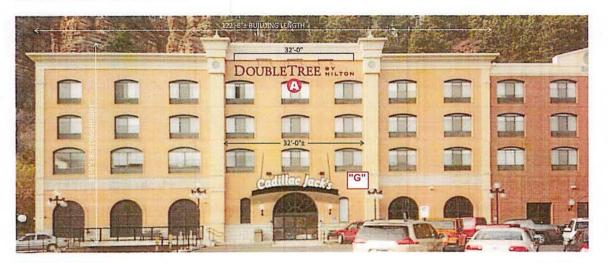




EXISTING ELEVATION

SCALE: 1/16"=1'-0"

REMOVE / DISPOSE EXISTING "CADILLAC JACK'S" LETTERS



PROPOSED ELEVATION

SCALE: 1/16"=1'-0"

40" BETWEEN TOP OF BRICK ARCH & BOTTOM OF LIGHT FIXTURE BRACKET



Work Order #

0394606Ar16

Sheet 1 of 17

DOUBLETREE

Address 360 MAIN STREET

DEADWOOD, SD

MSW/MAW

Designer

Date 3.30.17

Approval / Date

(1-RG/4-78-17; options 12-RFF 05:08.17 update r3-RFF 0601,17 update

r5-8FF.06.28.17 add L.J. K slens (6-RFF.07.03.17 update (8-RG 07.25.17 update

r9-E3 E/W17 Apot2 del Boot1 revise_ Beards C'& G ltr "K" radius

r10-8ff 01.21.17 update h & c c11-10/0W17(CIR):Revised*B&C* r32-F5 19/10/17: del Angt1

Broader Henarket del sien I r13.ES 10/15/17:delH.ISK added 124-SDM-10/23/17-rev *8* & *C*

c15-RM510-31-17 Change G 15-MAA/11-8-17: R-O/P-T*B-C*

Chandler Signs

chandlersigns.com National Sect Have May Date, to 75215 Headquarkers 114-902-2006 for 214-902-2004

West Court 100 Cartinus Propo Gr. Suite 200 Vine. CA 52001 200-214-2102 Fax 200-214-2102

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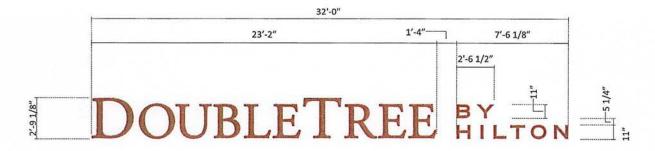
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FINAL ELECTRICAL CONNECTION BY





5" DEEP REVERSE CHANNEL LETTERS

SCALE: 1/4" = 1'-0"

(1) SET REQUIRED - MANUFACTURE & INSTALL



LIGHTING SIMULATION



0394606Ar16

DOUBLETREE

DEADWOOD, SD

3.30.17

Client	
Sales	
Estimating	
Art	
Engineering	
Landlord	

Landlord	
Revision / Date	
c1-8G/425-17; options	
12-Rff (508.17 update	
(3-855.0501.17 update	
(5-RFF 05 28 17 add L L K	lens.
rG-REE 0103.17 update	

(8-8G 05/28.17 update r9-ES 8/N17 Apot2 del Boot1 revise.

Bearts C'B" G Ite "X" radius c10:8/#09:21.17 update b & c 111-10/01/17/CIRL Revised PACT

(12-ES 15/10/17: del Apot1

114-SDM10/23/17-rev "R" A "C" #15-RM\$10-31-17 Change G 116-MAN11-8-17: R-O/P-T "B-C"

Chandler Signs

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I	Mational Headquarters	3001 Share You Bullet TA 75235 214-562-2000 Fax	211-902

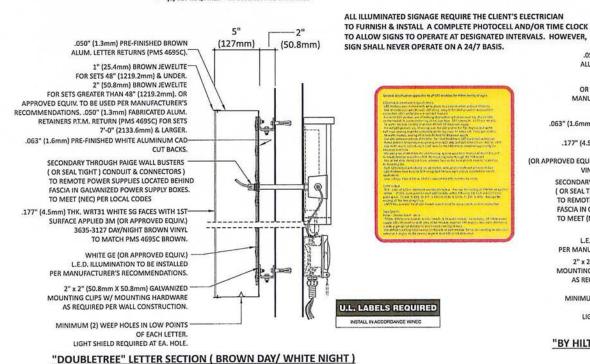
FINAL ELECTRICAL CONNECTION BY CUSTOMER



5" DEEP REVERSE CHANNEL LETTERS (CUSTOM)

SCALE: 1/4" = 1'-0"

(1) SET REQUIRED - MANUFACTURE & INSTALL



HIGH to MID LEVEL SIGNAGE

5" (127mm) (50.8mm) .050" (1.3mm) PRE-FINISHED BROWN ALUM. LETTER RETURNS (PMS 4695C). 1" (25.4mm) BROWN JEWELITE -OR APPROVED EQUIV. TO BE USED PER MANUFACTURER'S RECOMMENDATIONS. .063" (1.6mm) PRE-FINISHED WHITE ALUMINUM CAD CUT BACKS. .177" (4.5mm) THK, WRT31 WHITE SG FACES -WITH 1ST SURFACE APPLIED 3M (OR APPROVED EQUIV.) 3635-3127 DAY/NIGHT BROWN VINYL TO MATCH PMS 4695C BROWN. SECONDARY THROUGH PAIGE WALL BUSTERS (OR SEAL TIGHT) CONDUIT & CONNECTORS) TO REMOTE POWER SUPPLIES LOCATED BEHIND FASCIA IN GALVANIZED POWER SUPPLY BOXES. TO MEET (NEC) PER LOCAL CODES WHITE GE (OR APPROVED EQUIV.) L.E.D. ILLUMINATION TO BE INSTALLED PER MANUFACTURER'S RECOMMENDATIONS. 2" x 2" (50.8mm X 50.8mm) GALVANIZED MOUNTING CLIPS W/ MOUNTING HARDWARE AS REQUIRED PER WALL CONSTRUCTION. MINIMUM (2) WEEP HOLES IN LOW POINTS OF EACH LETTER LIGHT SHIELD REQUIRED AT EA. HOLE.

"BY HILTON" LETTER SECTION (BROWN DAY/ WHITE NIGHT)

U.L. LABELS REQUIRED



Work Order # 0394606Ar16

Sheet 18 of 17

DOUBLETREE

Andress

360 MAIN STREET DEADWOOD, SD

Account Rep. MSW/MAV

Designer JP
Date 3.30.17

Approval / Date

Client
Sales
Estimating
Art
Englacering

Revision / Date

r1-8G/438-17: options r2-8FF 0508-17 update r2-8FF 0601-37 update

rS-BEE 0628-17 add L.J. Kalens rG-BEF 0103-17 update r8-BG 07.18-17 update

c9-ES 8/N/17 Appt 2 del Boot 1_revise __Bcards C'& CG ltr TK radius

c10-RFF 09-21-17 update h & c c11-10/81/17 (CIR):Revised*8&C* c12-ES-18/10/17: del Appt 1

Espacing Honarket del sign i 13-55 19/16/17 delhi IEK added 14-50M-10/23/17-ress "B" & "C"

r15-RM\$10-31-17 Change G r16-MAN11-8-17: R-O/P-T *B-C*

Chandler Signs

chandlersigns.com

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17319 for Principles Acres See 200-

210 February Far 216 Sept Cont.

A20 February Roya St. San 25
February

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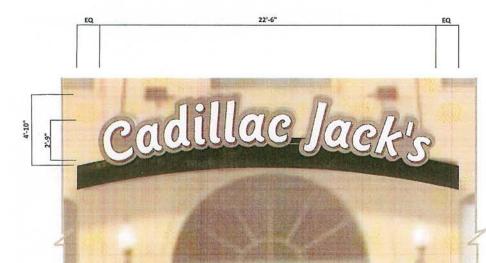
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#18.725 4852 For 210 0x5-07

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FINAL ELECTRICAL CONNECTION BY CUSTOMER







Scale=1/4"=1'-0"

(1) SET REQUIRED - MANUFACTURE & INSTALL

NOTE: SURVEY REQUIRED FOR RADIUS



LIGHTING SIMULATION



0394606Ar16

Sheet 10 of 17

DOUBLETREE

360 MAIN STREET

DEADWOOD, SD

MSW/MAW

3.30.17

(No. 1)	
Client	
Sales	
Estimating	
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Revision / Date (1-RG/4-25-17: options 12-RFF 05.08.17 update c3-REF 04.01.17 update rS-RFF 06.28.17 add I. J. K tiens

rG-RFF 07.03.17 update (8-8G 0728-17 update r9-ES 8/W17 Apot2 del Boot1 revise

Beards C* 5* G Br *K* radius c10 855 09.21.17 update b & c (11-16/01/17(CIR):Revised*88C*

c12-f5 19/10/17: del Apot1 Brosche Hmarket del sign 1

c13-ES 10/1G/17:debt.I&K added 114-SDM-10/23/17-rev. "8" & "C" r15-RM510-31-17 Change G

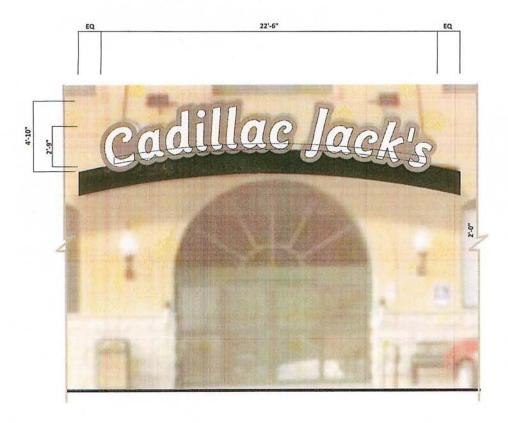
116-MM/11-8-17: R-O/P-T*B-C*

Chandler Signs

17 Winebox Part Criet Destance: Q4 20534 678-725-6512 Fm 215-816-8724

CONNECTION BY



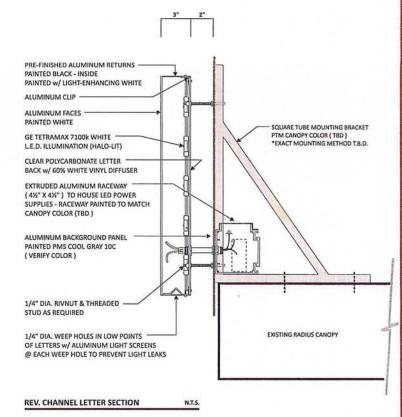


3" DEEP REVERSE CHANNEL LETTERS (CUSTOM)

Scale=1/4"=1'-0"

(1) SET REQUIRED - MANUFACTURE & INSTALL

NOTE: SURVEY REQUIRED FOR RADIUS



DOUBLETREE

Work Order #

0394606Ar16 Sheet 24 of 17

DOUBLETREE

Address

360 MAIN STREET DEADWOOD, SD

MSW/MAW

Designer

Date 3.30.17

Approval / Date

r1-8G/4-78-17; options r2-RFF 05.05.17 update cl-REF 0501.17 update rS-RFF 66.28.17 add I, J. K signs

r6-REF 07/01.17 undate r8-RG 07.18.17 update r9-ES E/M12 Apot2 del Boot1 revise

Brands C* & * G ttr * C* radius 110.RFF (1.21.17 undate h & c

(11-16/05/17(CIS): Revised*B&C* 112-ES 19/10/17: del Acet1.

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(1G-MAR/11-8-17: R-O/P-T*8-C*

Chandler Signs

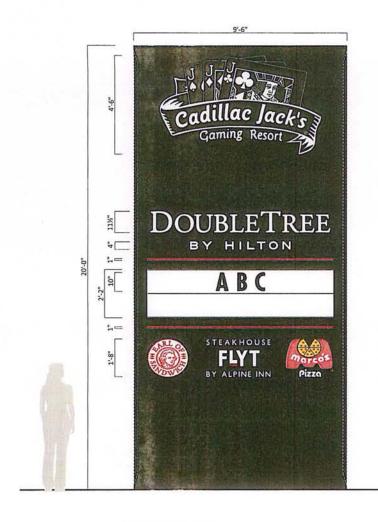
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oping is the property of actor Signs, L.P., L.L.P.

FINAL ELECTRICAL CONNECTION BY CUSTOMER







END VIEW



SCALE: 3/8"=1'-0"



Work Order # 0394606Ar16

Sheet 4 of 17

DOUBLETREE

DEADWOOD, SD

MSW/MAW Designer

Date 3.30.17

Approval / Date

(1-RG/4-25-17: options 12-RFF 05 08-17 update (1-REF-06-01.17 update rS-RFF 05-28.17 add 1.1.K siens tG-RFF 0103.17 update 18-8G 07.28.17 update c9.ES 8/8/17 Apot2 del Boot3 revise BeardsC*R*G for *K* radius c10-RFF (0),21.17 update b & c 111-10/01/17(CIN)-Revised*B&C* 112-F5.35/10/17: del Acot1 Basaring Himarket del sign I r11-ES-10/1G/17-debt.USK added 114-SOM 10/23/12-rev. "B" A "C" t15-8M510-31-17 Change G

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to friending in the property of Chandler Signs, L.F., L.L.P.

FINAL ELECTRICAL CONNECTION BY CUSTOMER



FABRICATED ALUMINUM CABINET PAINTED BLACK SEMI GLOSS - SIDES TO BE INDENTED & PAINTED RED TO MATCH 3M 3630-33 RED -INTERNALLY ILLUMINATED w/ WHITE LED's

"CADILLAC JACK'S" GRAPHICS TO BE ROUTED OUT & BACKED w/ 1" THICK CLEAR ACRYLIC PUSHING THRU 3/4" w/ 1st SURFACE 3M 3630-20 WHITE (TRANSLUCENT) & 3630-22 BLACK (OPAQUE) VINYL GRAPHICS & 2nd SURFACE WHITE DIFFUSER

"DOUBLE TREE BY HILTON" GRAPHICS TO BE ROUTED OUT & BACKED w/ 1" THICK CLEAR ACRYLIC PUSHING THRU 3/4" w/ 1st SURFACE 3M 3630-20 WHITE (TRANSLUCENT) VINYL OVERLAYS & 2nd SURFACE WHITE DIFFUSER

READERBOARD TO BE #7328 WHITE ACRYLIC FACES w/ ZIP-TRACK SPACED FOR (2) LINES OF CHANGEABLE 10" BLACK COPY - INCLUDE (2) FULL SETS OF CHANGEABLE **BLACK COPY AS NEEDED -**

LOCKABLE HINGED RETAINER SYSTEM PAINTED BLACK w/ CLEAR POLYCARBONATE FACES - PROP RODS TO SUPPORT **COVER WHEN OPEN & CHANGER ARM INCLUDED**

ACCENT LINES, "EARL OF SANDWICH", "FLYT" & "MARCO'S PIZZA" LOGOS TO BE ROUTED OUT & BACKED W/ 1" THICK CLEAR ACRYLIC PUSHING THRU 3/4" w/ 1st SURFACE TRANSLUCENT VINYL GRAPHICS AS INDICATED - 2nd SURFACE WHITE DIFFUSER

3M 3630-33 RED w/ SHOW-THRU WHITE COPY (EARL OF SANDWICH & STEAKHOUSE + NIGHTCLUB)

DIGITALLY PRINTED VINYL GRAPHICS (MARCOS)

EXACT SUPPORT(S) & FOUNDATION(S) TO BE DETERMINED PER LOCAL CODES, PER WINDLOAD, SOIL CONDITIONS, ETC.

END VIEW





SCALE: 3/8"=1'-0"

DOUBLETREE

0394606Ar16 Sheet 19 of 17

DOUBLETREE

360 MAIN STREET

DEADWOOD, SD

MSW/MAW

Designer 3.30.17

Approval / Date

r1-RG/4-26-17: potions 12-RFF 05.08,17 update 12-855 04 01.17 update rS-RFF M 28 17 add L J. K siens cG-RFF 07.03.17 update rE-RG 07.25,17 update r9-ES 8/V17 Appt2 del Boot1 revise Beards C"B" G ltr "K" radius (10-85569.21.17 update b & c (11-10/0/1/17(CIR) Revised B&C c12-f5 fW10/17; del Appt1 Banache Himarket del sien I 133.65.10/16/17:de24.I&K added 114-50M 10/23/17-rev "8" & "C" r15-RMS10-31-17 Change G 116-MAN/11-8-17: R-O/P-T "B-C"

Chandler Signs

Mattenal 2011 Manus Phy Burne To Parts Headquarters 114 000-200 Fee 214-205-2014

100

FINAL ELECTRICAL CONNECTION BY CUSTOMER



"The Historic City of the Black Hills"

Deadwood, South Dakota 57732

TRENT MOHR
Building Inspector
Dept. of Public Works
Telephone: (605) 578-3082
Fax: (605) 578-3101

SIGN PERMIT STAFF REPORT

Sign Review Commission December 6, 2017

Applicant: B.Y. Development Inc. & Optima LLC Address: 360 Main Street, Deadwood, SD 57732

Site Address of Proposed Signage: 372 Main Street (Tru Hotel)

Computation of Sign Area

Building Frontage: 334 Feet

Total Available Signage: 668 Square Feet

Existing Signage: None

Remaining Available Signage Area: 668 Square Feet

Proposed Sign Project: One new wall sign "A" (71 Square Feet)

One new freestanding sign "B" (120 Square Feet) One new freestanding sign "C" (35 Square Feet) One new freestanding sing "D" (35 Square feet)

Proposed Building Materials: Metal and Acrylic (see attached renderings).

Proposed Lighting of the Signs: Internal Illumination.

Location of Proposed Sign: See attached renderings and photographs.

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 15.32.090 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.

With the construction of the Tru Hotel at this location the applicant wishes to install the proposed signs to advertise this new business.



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

TRENT MOHR
Building Inspector
Dept. of Public Works
Telephone: (605) 578-3082
Fax: (605) 578-3101

The proposed signs require variances from the sign ordinance for internal illumination and use of plastic in the sign faces.

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 permits for four new signs at 372 Main Street granting variances for internal illumination and use of plastic

OR

Motion to deny proposed sign permit application as submitted.

Bradsky, Bradsky, & Bradsky, P.C.

ATTORNEYS AT LAW

WALTER J. BRADSKY DAVID A. BRADSKY PAUL J. BRADSKY ASHLEY L. BRADSKY

November 30, 2017

Attn: Deadwood Sign Commission City of Deadwood 67 Dunlop Avenue Deadwood, SD 57732

Re: Optima LLC & B.Y. Development Inc. Sign Variance Application

Dear Deadwood Sign Commissioners:

As you know, Optima LLC is in the middle of construction of a 108 room franchised Tru by Hilton hotel (floors 2-4) at 372 Main Street.

As part of this project, the adjoining and existing Cadillac Jacks Gaming Resort, whose address is 360 Main Street and which is owned by sister-entity B.Y. Development Inc., is being remodeled: the hotel is being completely renovated (floors 2-4) into a franchised DoubleTree by Hilton. 4 additional hotel rooms will be added so the total room count at the DoubleTree will be 107 guest rooms (103 existing + 4 new). The Cadillac Jacks Casino on 1st floor is also being remodeled as part of this project.

The entire 1st floor of the Tru building is dedicated to: new lobby and front desk for the DoubleTree by Hilton; new and expanded Black Jack pit; Flyt by Alpine Inn Steakhouse (& Nightclub); Earl of Sandwich franchise eatery; Marcos Pizza franchise eatery; Made Market by Hilton with We Proudly Serve Starbucks Coffee.

The adjoining 78 room franchised SpringHill Suites by Marriott, whose address is 322 Main Street, is also owned by Optima LLC. Marriott is requiring that the existing pylon sign logo be changed to reflect their newest brand standards.

In order to comply with the exterior sign requirements of the various franchises, we are seeking variances for both material (i.e. use of plastic) and internal illumination on certain external signs within the resort complex. Our goal is to not only meet franchise requirements, but to also clean up the look and feel of the complex with even, LED energy efficient lighting and removal of the existing Brown Rock pylon sign along the highway.

Please note that our buildings are set back from the highway. In order to be seen from the highway, the channel letters that make up the building signage request need to be slightly larger to be seen. This is the reason for the variance requests for vertical dimension and location on building.

Attached for your reference is a letter from franchisor, Hilton Worldwide Inc. .

My email address is below. My cell phone is: 605-431-3160, if you need to contact me directly or have any questions..

Sincerely,

Bradsky, Bradsky & Bradsky, P.C.

Paul J. Bradsky

pbradsky@aol.com

PJB:pb

cc: Optima LLC

B.Y. Development Inc.



Hilton 755 Crossover Lane Memphis, TN 38117 USA

TO:

Deadwood Sign Commission 102 Sherman St. Deadwood, SD 57732

RE: DoubleTree by Hilton and TRU by Hilton Hotels 322, 360, & 372 Main Street Deadwood, SD 57732

To Whom it May Concern:

Hilton Exterior Signage Program is in support of the variance cases for the proposed signage for 322, 360, and 372 Main Street. The use of plastic letter faces on the freestanding signs and wall signs is very important to achieve face-lighted letters to achieve appropriate lighting at night that our customers have become accustomed to nationwide.

The proposed sign specifications are consistent with our national brand standard, which reflect how the DoubleTree by Hilton and TRU by Hilton exterior signs are lighted and displayed on Hilton properties across the USA.

Thank you for consideration of our request to maintain our nationally known specs for these two recognizable brands.

Sincerely,

Malisa L. Gillum

Hilton Exterior Signage Coordinator

WE ARE HILTON WE ARE HOSPITALITY





































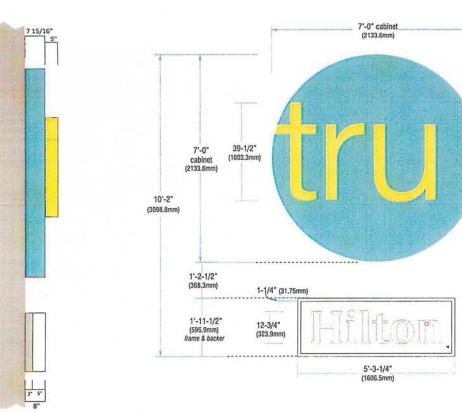


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1370 Executive Ridge Cr., Suite 256 Vista, CA 92061 PSO-F34-1706 Fax 760-F34-3752



HILTON NATIONAL BRAND STANDARD







SCALE: 1/2"=1'-0"





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Chandler Signs

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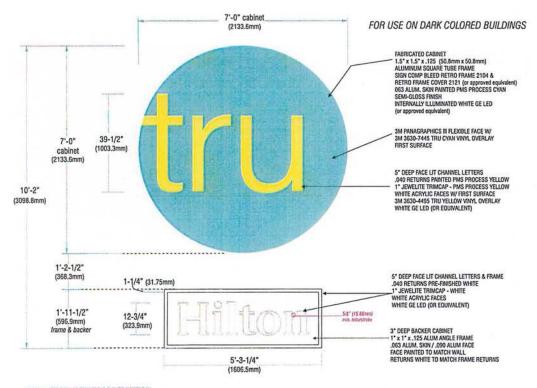
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West Cost	3720 Europine Ridge Dr., Sales 755 Vista, CA \$2001 750-734-1708 Fax 760-731-3752
Northead US	965 Bady Armue, Suite 200 Louiside, EY 40234 502-478-3075 Fax 502-412-0013
Florida	2554 Save HA Pure Circle Coverport, FL 33837 853-420 1100 Fax 863-424-1165



BUILDING SIGN - tru 7 ft

HILTON NATIONAL BRAND STANDARD

SCALE: 3/4"=1'-0" 71.16 SQUARE FEET



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SCALE: 1/2"=1'-0"

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37 Waterhoas Part Court Gowsonelle, CA 30534 679-725-8852 Fax 215-349-6724

South True Po Su 121, 205 Dark Dive Parties, To 20374 361-963-5599 Far 261-643-6533

This couling is the property of Chiedler Signs, L.P., L.L.P.
All rights its use for reproduction are reserved by Chandler Signs, L.P., L.L.P.

BUILDING SIGN - tru 7 ft

SHIELD REQUIRED AT EA HOLE

DETAIL B - TRU CHANNEL LETTER SECTION

SCALE: 1-1/2"=1'-0"

ALL PAINT FINISHES TO BE SEMI-GLOSS

ALL ILLUMINATED SIGNAGE REQUIRE THE CLIENT'S ELECTRICIAN TO FURNISH & INSTALL A COMPLETE PHOTOCELL AND/OR TIME CLOCK TO ALLOW SIGNS TO OPERATE AT DESIGNATED INTERVALS. HOWEVER, SIGNS SHALL REVER OPERATE ON A 24/7 BASIS



0394144ar13

TRU BY HILTON

Address

372 MAIN STREET

DEADWOOD, SD

Designer

R1-ES 5/19/17 Oction 2 "A"

R3-MAS/7-28-17: Add "8" opt. R4:IP/8-717/added sign "8" note;

RS-08/12/17(CIR): Added "C & D" RG KMc \$/18/17: update C1 & D R7 RFF 0813.17 update a R8 RFF 0802.17 update c & d

R9-10/03/17(CIR): Chgd specs on

"A". Added site/section for "B".

R10 CS 107/17: "C" revised R11-SDM-10/13/17 R12 RMS11-2-17 chage A to Halo

R13 SOM 11/9/17

Added sign "E". Revised "C & D".

Chandler Signs

chandlersigns.com

onal 3201 Marer Way Surve, TX 75235 Spparters 214-902-2000 Fax 214-502-2044

> 3220 Even/ve Ridge Dr., Suite 210 Vera, CA 90081 750-734-1766 Fax 750-734-3752

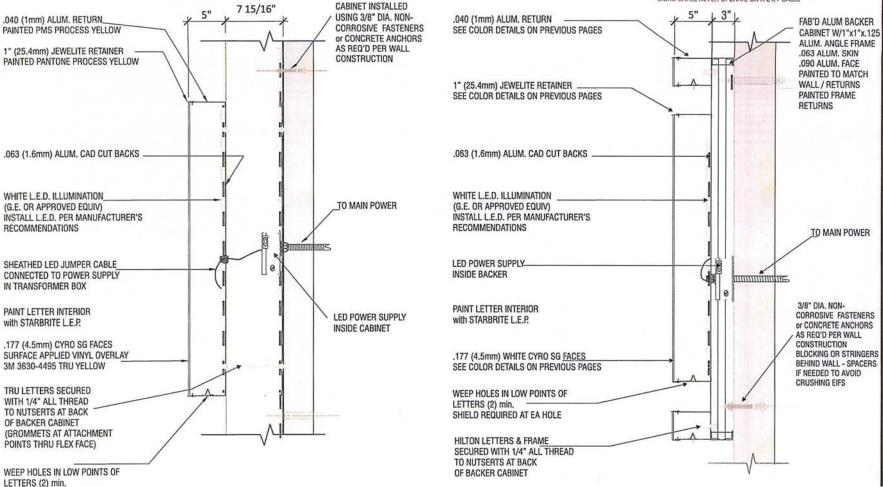
PO. Sox 125, 206 Dars Drive Portand, TX 25374 361-563-5539 Fax 361-643-6

R2-RFF 05.01, 17 Update

MSW/MAW

3-7-17
Approval / Date

Sheet 14 of 18



DETAIL B - HILTON CHANNEL LETTER, FRAME & BACKER SECTION

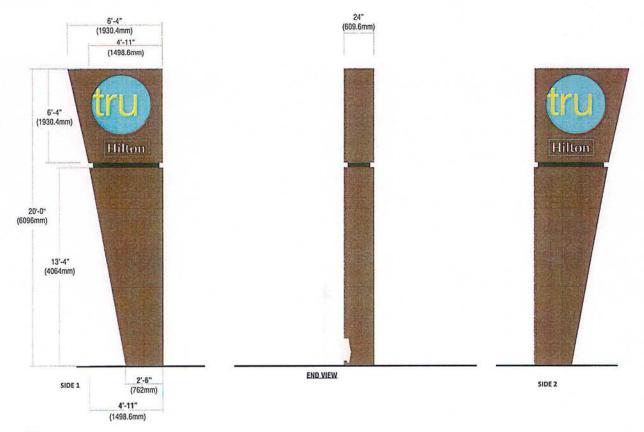
SCALE: 1-1/2"=1'-0"



PYLON - tru P-40 40.1 SQUARE FEET

HILTON NATIONAL BRAND STANDARD





B PYLON ELEVATION SCALE: 1/4" = 1'-0" MFG. & INSTALL (1) NEW SIGN AS SHOWN ***SIGN MUST BE LOCATED OUTSIDE OF 20' x 20' VISIBILITY TRIANGLE

NOTE: INTERNALLY ILLUMINATED

Design#
0394144ar13
Sheet 5 of 18
Client
TRU BY HILTON
Address
372 MAIN STREET
DEADWOOD, SD
Account
Designer
3-7
Approval / Date
CHent
Himpling
Engineering Landford
Revision / Date
R7-RFF 06.01.17 Update
R3-MAB/7-28-17: Add "6" opt. R4-JP/8-7.17/added sign "8" not
deleted T option 2
RS-08/17/17(CIR): Added *C & D
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١	San Antonia	17319 San Pellio Ave. Str. #200 San Antonio. 13 76233 210-349-3604 Fax: 210-349-872
1	West Cossi	3220 Executive Ridge Dr., Suite 2: Vinta, CA 92081 FEG-734-1708 Fax 760-734-3750
1	Northeast US	905 Barbir Arenue, Suite 200 (autorite, 87 40204 502 479-3075 Fax 502-412-0013
ŀ	Florida	2584 Sang Hit Plant Grote Orverport, Ft. 33837 863-439-1100 Fax 863-424-1160
1	Georgia	37 Water from Part Court Constantials, GA 30534 676-725-8532 Fax 210-349 6724
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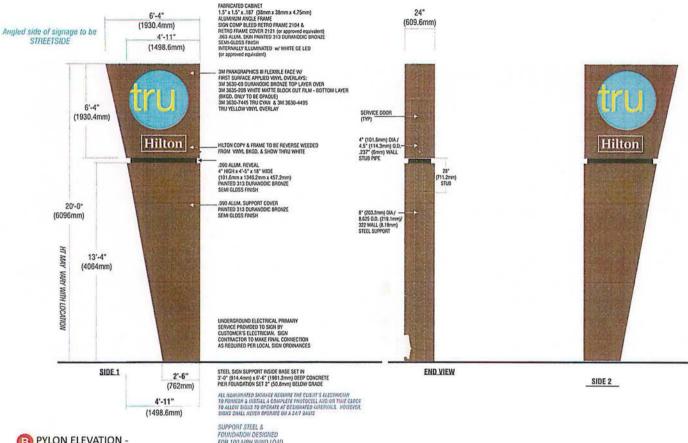


PYLON - tru P-40

HILTON NATIONAL BRAND STANDARD

ALL PAINT FINISHES TO BE SEMI-GLOSS

40.1 SQUARE FEET



PYLON ELEVATION -SCALE: 1/4" = 1'-0" MFG. & INSTALL (1) NEW SIGN AS SHOWN FOR 100 MPH WIND LOAD

STEEL SIGN SUPPORT MOUNTED IN CONCRETE PIER TYPE FOUNDATIONS - SIZE & DEPTH SHOWN TO BE CONFIRMED BY LOCAL CODE / CONDITIONS & ENGINEERING REQUIREMENTS

SIGN MUST BE LOCATED OUTSIDE OF 20' x 20' VISIBILITY TRIANGLE



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Sheet 16 of 18	
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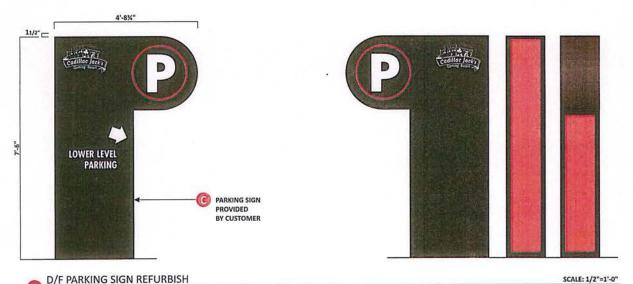
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3776 Everusiva Ridge Sr., Suite 250 Vota, CA 92581 760-734-1758 Fax 760-734-3752





TOP VIEW



D/F PARKING SIGN REFURBISH

SIGN TO BE PROVIDED BY CUSTOMER

INTERNAL L.E.D. ILLUMINATION



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TRU BY HILTON

Address

372 MAIN STREET

Account Rep. MSW/M/

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Designer RMS

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Chandler Signs

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1	San Antonio	17319 San Prote Ave, Sec. #200 San Amorea, TX 78232 219-349-3804 Fax. 219-349-873
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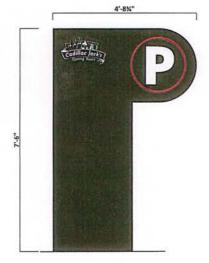
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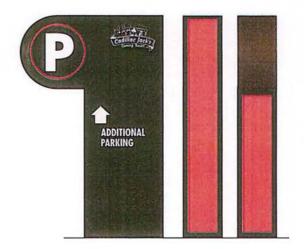
This crowing is the property of Chardier Signs, L.P. L.L.P. All rights is its use for reproduction and receives by Chandler Signs, L.P., L.L.P.





TOP VIEW





D/F PARKING SIGN REFURBISH

SCALE: 1/2"=1'-0"

SIGN TO BE PROVIDED BY CUSTOMER

INTERNAL L.E.D. ILLUMINATION



0394144ar13 Sheet 7 of 18

Client

TRU BY HILTON

372 MAIN STREET DEADWOOD, SD

MSW/MAW Designer RMS 3-7-17

Approval / Date

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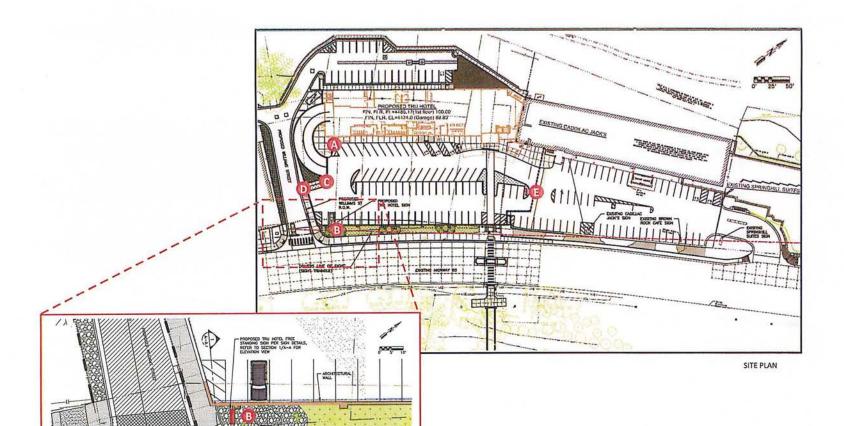
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Added Sign "E". Revised "C & D".
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R13 SOM 11/9/17

Chandler Signs

3770 Checuline Ridge Co. Suite 250 Victa, CA 92081 700-734-1708 Fax 710-734-3752







SITE PLAN DETAIL

***SIGN MUST BE LOCATED OUTSIDE OF 20' x 20' VISIBILITY TRIANGLE



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STAFF REPORT

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

APPLICANT: James and Susan Trucano

PURPOSE: Request for a Single Bed, Bed and Breakfast

GENERAL LOCATION: 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.

FILE STATUS: All legal obligations have been completed.

STAFF FINDINGS:

Surrounding 2	Coning:	Surrounding	Land	Uses

North: R1 - Residential District Residential Housing
South: C1 - Commercial District Motel and Housing
East: R1 - Residential District Residential Housing
West: R1 - Residential District Residential Housing

SUMMARY OF REQUEST

The petitioners have submitted a request for a Conditional Use Permit to operate a Bed and Breakfast establishment on this property. The subject property is located on Charles Street on the North side of the street.

FACTUAL INFORMATION

- 1. The property is currently zoned R1 Residential District.
- 2. The property comprises approximately 6,878 square feet \pm .
- 3. The site was originally developed in 1895 and was altered to duplex at some time since being constructed.
- 4. The subject property has access from Charles Street.

- 5. The subject property is located within a high density land use classification on the adopted Land Use Map.
- 6. The property is located inside 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, multi-family dwellings and commercial business.

STAFF DISCUSSION

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

The subject property is currently utilized as a multi-family residential dwelling. The petitioner indicates they intend to operate the second unit as a B & B. The State of South Dakota Department of Health requires a bed and breakfast establishment to be occupied by the owner(s) during occupancy. City of Deadwood Code states a requirement of one off-street parking space per guestroom in section 17.64.060 of the City of Deadwood Code of Ordinances. The subject property meets the parking requirement for the proposed use.

According to the City regulations defining a bed and breakfast, it cannot be situated on a lot closer than two hundred (200) feet or eight (8) residences, whichever is greater, from any other lot containing a bed and breakfast home. The subject property is compliant with the buffer between bed and breakfast establishments. The code also defines that the Building Inspector is to inspect the premises to ensure compliance with the Building Code and the property must be licensed and inspected by the South Dakota Department of Health.

COMPLIANCE:

- 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, multi-family dwellings, and commercial enterprises. Community commercial land use district attracts a regional or community-wide market as well as tourism based businesses.

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 no B&B establishments within 200 feet of the proposed B&B. The applicant intends on leaving the property as it is today.

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 motels, 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.

If approved, staff recommendations for stipulation(s):

- 1. The Bed and Breakfast must be owner occupied.
- 2. Proof of a state excise number shall be provided to the Planning and Zoning Office for their files.
- 3. Proof that the Building Inspector has inspected the building and it is meets all of the building codes.
- 4. Proper paperwork is filed with the City of Deadwood Finance office for BID taxes.
- 5. Proof of South Dakota Department of Health Lodging License must be provided to the Planning and Zoning Office for their files.

ACTION REQUIRED FOR CONDITIONAL USE PERMIT:

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

STAFF REPORT

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

APPLICANT: Debra Kahler

PURPOSE: Request for a Two Bed, Bed and Breakfast

GENERAL LOCATION: 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.

FILE STATUS: All legal obligations have been completed.

STAFF FINDINGS:

Surrounding Zoning: Surrounding Land Uses

North: R1 - Residential District Residential Housing
South: PU - Public Use District Recreation Center
East: R1 - Residential District Residential Housing
West: R1 - Residential District Residential Housing

SUMMARY OF REQUEST

The petitioner has submitted a request for a Conditional Use Permit to operate a Bed and Breakfast establishment on this property. The subject property is located on Taylor Avenue on the Southwest side of the street.

FACTUAL INFORMATION

- 1. The property is currently zoned R1 Residential District.
- 2. The property comprises approximately 21,375 square feet \pm .
- The site was originally developed in 1955 and has been used as Triplex since being constructed.
- 4. The subject property has access from Taylor Avenue.

Debra Kahler Request for CUP – Bed and Breakfast December 15, 2017

- 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 multifamily dwellings.

STAFF DISCUSSION

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

The subject property is currently utilized as a multi-family residential dwelling. The petitioner indicates she intends to rent up to two bedrooms. The State of South Dakota Department of Health requires a bed and breakfast establishment to be occupied by the owner(s) during occupancy. City of Deadwood Code states a requirement of one off-street parking space per guestroom in section 17.64.060 of the City of Deadwood Code of Ordinances. The subject property meets the parking requirement for the proposed use.

According to the City regulations defining a bed and breakfast, it cannot be situated on a lot closer than two hundred (200) feet or eight (8) residences, whichever is greater, from any other lot containing a bed and breakfast home. The subject property is compliant with the buffer between bed and breakfast establishments. The code also defines that the Building Inspector is to inspect the premises to ensure compliance with the Building Code and the property must be licensed and inspected by the South Dakota Department of Health.

COMPLIANCE:

- 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.
- Notice of the time and place was published in the designated newspaper of the City of Deadwood.

Debra Kahler Request for CUP – Bed and Breakfast December 15, 2017

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.

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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.

Debra Kahler Request for CUP – Bed and Breakfast December 15, 2017

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.

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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.

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- 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.

If approved, staff recommendations for stipulation(s):

- 1. The Bed and Breakfast must be owner occupied.
- Proof of a state excise number shall be provided to the Planning and Zoning Office for their files.
- 3. Proof that the Building Inspector has inspected the building and it is meets all of the building codes.
- 4. Proper paperwork is filed with the City of Deadwood Finance office for BID taxes.
- 5. Proof of South Dakota Department of Health Lodging License must be provided to the Planning and Zoning Office for their files.

ACTION REQUIRED FOR CONDITIONAL USE PERMIT:

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

56 Taylor Ave - Map Exhibit

