

DEADWOOD PLANNING AND ZONING COMMISSION

Wednesday, November 15, 2017 – 5:00 p.m.

City Hall, 102 Sherman Street, Deadwood, SD

AGENDA

1. Call Meeting to Order
2. Approval of November 1, 2017 Minutes
3. Sign Review Commission
4. Planning and Zoning Commission and Board of Adjustments
Define Property Lines/Roadway Boundary/Encroachments/Utility Easements – City of Deadwood and Black Hills 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

Action Required:
 - a. Approval/Denial by Planning and Zoning
Request for Amendment to Zoning Map – 36 Water Street – Tim Conrad
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

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

CITY OF DEADWOOD
PLANNING AND ZONING COMMISSION
Wednesday, November 1, 2017

The meeting of the Deadwood Planning and Zoning was called to order by Chairperson Tony Biesiot on Wednesday, November 1, 2017, 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: None

Staff Present:

Bob Nelson, Jr., Trent Mohr and Bonny Anfinson

Approval of October 4, 2017 Minutes:

It was moved by Mr. Shedd and seconded by Mr. Rich to approve the October 18, 2017 meeting minutes. Aye - All. Motion carried.

Sign Review Commission:

250 Main Street-Mike Gustafson-Install New Free Standing Sign and New Wall Sign-Continued from Oct. 18th

Mr. Mohr stated the applicant is requesting permission to install a new free standing sign and new wall sign at 250 Main Street. The proposed signs are plastic and metal and will be internally illuminated. The upper two buildings on this property are going to be operated under a franchise agreement with Travel Lodge Inn and Suites Inc. The proposed new signs are to advertise the new franchise. The proposed sign locations are compliant with the sign ordinance. The proposed materials and illumination require a variance from the sign ordinance. Mr. Martinisko stated he was expecting the Travel Lodge to present a sign that meets standards. There is no indication anyone has talked to the Travel Lodge Corporate Office. All that is referenced is the standard operations of a sign. Other corporate companies have made adjustments to their signs to accommodate the city ordinances. Mr. Rich stated he has done a site visit and went to Rapid City and viewed the Travel Lodge signage there and has no trouble of granting a variance for this sign. Mr. Martinisko stated the sign should be more appropriate for Deadwood. There has been no compromise at all from the applicant from day one of this request. Mrs. Runge stated from our first meeting the commission had discussed other design options. Our problem is not with the eternal illumination but with the sign design. It doesn't fit in. Our request wasn't communicated to you from our original meeting. Mr. Shedd stated the height of the sign is an issue but because of other variances he is OK with allowing it. Mr. Martinisko stated he has not seen enough evidence from Travel Lodge. It would have been nice to see more documentation from Travel Lodge and not the sign manufacturer.

It was moved by Mr. Rich and seconded by Mr. Shedd to approve the variance for the new free standing sign and the new wall sign at 250 Main Street. Aye - Mr. Biesiot, Mr. Shedd, Mr. Rich. Nay - Mr. Martinisko, Mrs. Runge. Motion carried.

Items From Staff (no action taken)

- Mr. Mohr stated the heavy lifting is done at Cadillac Jacks. The utilities are being moved to the back of the building. More of the structure is being completed.
- Mr. Nelson Jr. stated the Department of Revenue approached the city regarding vacation rentals. They are contacting all violators.

Adjournment:

It was moved by Mrs. Runge and seconded by Mr. Shedd 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 5:20 p.m.

ATTEST:

Chairman, Planning & Zoning Commission

Secretary, Planning & Zoning Commission

Bonny Anfinson, Planning & Zoning Office/Recording Secretary

**STAFF REPORT
PLANNING AND ZONING
NOVEMBER 15, 2017 JOINT MEETING**

APPLICANT: City of Deadwood Black Hills Housing LLC
 102 Sherman Street 18 McKinley Street
 Deadwood, SD 57732 Deadwood, SD 57732

PURPOSE: Define Property Lines, Clear Up Roadway Boundary, Clear Encroachments and Create Utility Easement

GENERAL LOCATION: Meverden Street / McKinley Street

LEGAL DESCRIPTION: 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 Meverden Street; All Located in M.S. 81 and M.S. 283, City of Deadwood, Lawrence County, South Dakota

FILE STATUS: All legal obligations have been completed.

ZONE: R2 – Multi-Family Residential District

STAFF FINDINGS:

Surrounding Zoning:

North: R2 – Residential

South: R2 – Residential

East: R2 - Residential

West: PU – Public Use

Surrounding Land Uses:

Residential Structures

Vacant Land

Residential Structures

Municipal Parking

SUMMARY OF REQUEST

The Final Plat for Lots 1A of Meverden Addition has been submitted to define property lines, remove a portion of private property from the roadway, clear encroachments, and create a utility easement. This will also clear up property lines for a public street and a landowner.

FACTUAL INFORMATION

1. The property is currently zoned R2 – Multi-family Residential District

2. Lot 1A, Meverden Addition, is comprised of $1.279 \pm$ Acres
3. The subject property is located within a moderate-density residential district.
4. The property is 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 open space and residential structures.

STAFF DISCUSSION

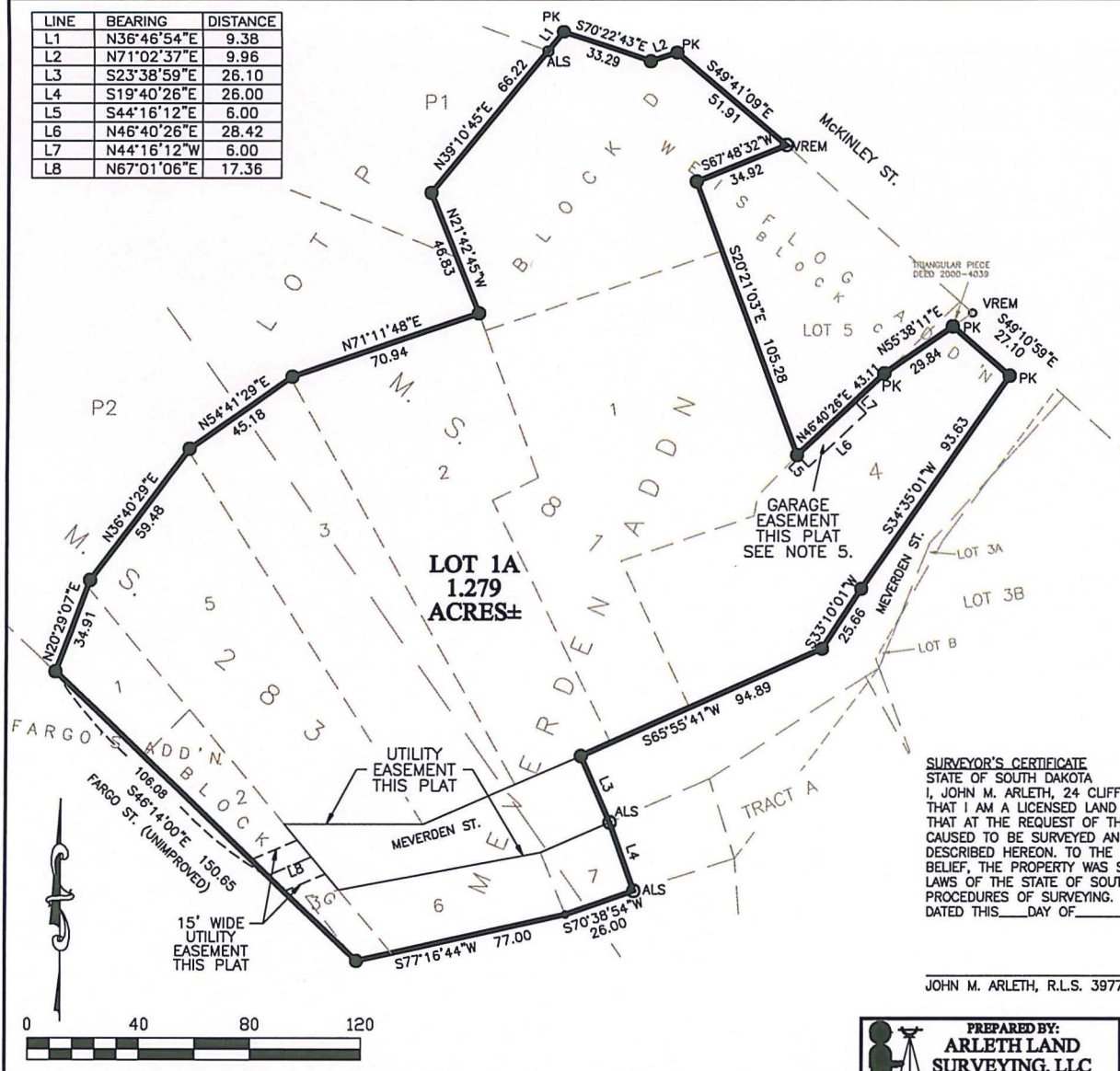
The subject property currently houses a portion of Meverden Street as well as a multi-family residential structure. The lot meets the area and bulk requirements for square footage.

1. The North Arrow is shown on the plat with a direct reference to the coordinate mapping system.
2. Land is identified with a new legal description for the transfer of the land.
3. Surveyor's Certificate is shown with the name of the surveyor and his registered land surveyor number.
4. A date is shown on the plat and serves to "fix in time" the data represented on the plat.
5. The street bounding the lot is shown and named.
6. All certifications are indicated and correct on the plat.
7. Dimensions, angles and bearings are shown along the lot lines.
8. Scale of the plat is shown and accompanied with a bar scale.
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.

LINE	BEARING	DISTANCE
L1	N36°46'54"E	9.38
L2	N71°02'37"E	9.96
L3	S23°38'59"E	26.10
L4	S19°40'26"E	26.00
L5	S44°16'12"E	6.00
L6	N46°40'26"E	28.42
L7	N44°16'12"W	6.00
L8	N67°01'06"E	17.36



**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 MEVERDEN STREET;
ALL LOCATED IN M.S. 81 AND M.S. 283,
CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA.**

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

BLACK HILLS HOUSING LLC
C/O MCKINLEY ST. APARTMENTS
18 MCKINLEY ST.
OFFICE
DEADWOOD, SD 57732

LEGEND:
● SET REBAR AND CAP STAMPED "LS 3977" UNLESS NOTED
○ FOUND MONUMENT AS NOTED

NOTES:
1. PROPOSED LOT AREA = 1.28 ACRES±;
PROPOSED R-O-W AREA = 0.00 ACRES±;
EASEMENTS INCLUDED IN ALL AREAS.
2. 5' UTILITY EASEMENT ON INTERIOR OF ALL LOT LINES.
3. ZONING IS R2 PER CITY OF DEADWOOD ZONING MAP.
4. 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.
5. GARAGE EASEMENT IS FOR THE BENEFIT OF LOT 5, BLOCK 2 OF
WEISFLOG ADDITION AND WILL REMAIN IN EFFECT UNTIL SUCH TIME
AS THE EXISTING GARAGE MAY BE REMOVED.

SURVEYOR'S CERTIFICATE
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE
I, JOHN M. ARLETH, 24 CLIFF STREET, DEADWOOD, SD, DO HEREBY CERTIFY
THAT I AM A LICENSED 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____.

JOHN M. ARLETH, R.L.S. 3977

SHEET 1 OF 2

	PREPARED BY: ARLETH LAND SURVEYING, LLC	24 CLIFF ST. DEADWOOD, SD 57732 1-605-578-1637	DATE: OCTOBER 2, 2016 REV: SCALE: 1" = 40'	APPROVED: JMA DRAWN: FD FILE: 9370.dwg

OWNER'S CERTIFICATE

STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

DO HEREBY CERTIFY THAT 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: _____

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 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: _____

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 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____.

CITY PLANNER

CHAIRMAN

**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 MEVERDEN STREET;
ALL LOCATED IN M.S. 81 AND M.S. 283,
CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA.**

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 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, S.D. 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

FEE: \$ _____



PREPARED BY:
**ARLETH LAND
SURVEYING, LLC**

24 CLIFF ST.
DEADWOOD, SD 57732
1-605-578-1637

DATE: OCTOBER 2, 2016
REV:
SCALE: 1" = 20'

APPROVED: JMA
DRAWN: FD
FILE: 9370.dwg

**CITY OF DEADWOOD
REZONING ANALYSIS
REQUEST FOR
AMENDMENT TO
ZONING MAP**

NAME: Tim Conrad

LEGAL DESCRIPTION: 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

ADDRESS: 36 Water Street

PRESENT ZONE: R1 - Residential District

PROPOSED ZONE: C1 - Commercial District

ASSESSOR'S NO: 30525-00100-110-00 and 30610-00000-020-10

BACKGROUND:

The applicant has submitted to the City a rezoning request from R1 - Residential District to C1 - Commercial District to allow for commercial use of property. The R1 - Residential District is intended to provide locations for areas worthy of housing due to their proximity to neighborhoods. The C1 - Commercial District is intended to provide locations for the development of commercial service establishments primarily catering to the hospitality service and merchandise needs of the local population as well as the tourism industry.

The subject property is situated in Central Deadwood at the intersection of Water Street and Cemetery Street. Mr. Conrad has indicated he intends to operate a small business in the garage of the property to cater to trail users and pedestrian traffic.

COMPLIANCE:

1. The Zoning Officer provided notice identifying the applicant, describing the project and its location and giving the scheduled date of the public hearing in accordance with Section 17.96.020
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.

SECTION 17.100.030 -STANDARDS OF REVIEW:

In reviewing an amendment to the text of this Ordinance or an amendment to the Official Zoning District Map, the City Commission and Planning and Zoning Commission shall consider the following:

- A. Whether the proposed amendment is in conflict with any applicable portions of this Ordinance.

The property in review currently has C1 – Commercial Zoning directly in the rear and front currently along with PU – Public Use Zoning to the South. Spot zoning would not be an issue in this application.

- B. Whether the proposed amendment is consistent with all elements of the Deadwood Comprehensive Plan.

The Comprehensive Plan Land Use Map depicts the area as Commercial City Center and intended to contain a mixture of uses in an urbanized environment. Also to have emphasis on pedestrian-scaled amenities and intimate retail settings.

- C. Whether the proposed amendment is compatible with surrounding Zone Districts and land uses, considering existing land use and neighborhood.

The subject property is adjacent on two sides also zoned C1 – Commercial District. The property is located in an area with a mix of uses.

- D. Whether the extent to which the proposed amendment would result in demands on public facilities, and the extent to which the proposed amendment would exceed the capacity of such public facilities, including, but not limited to transportation facilities, sewage facilities, water supply, parks, drainage, schools, and emergency medical facilities.

The proposed project will not substantially impact the demand on the public facilities. The subject property is located in Zone X – Areas of 500-year floods; areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees-from 100-year flood. The property is not proposed to change in regards to structures or facilities serving the property.

- E. The effect of the proposed amendment on traffic generation and road safety.

Currently the property has a high volume of pedestrian traffic and the owner intends on providing services to the users. Municipal parking is located nearby along with one off-street parking space at the property which would be the requirement of City of Deadwood Code.

- F. Whether the proposed amendment is consistent and compatible with the community character in the City of Deadwood.

With no proposed alterations to the property the proposed amendment is in harmony with the overall character of existing development in the vicinity of the subject property.

- G. Whether there have been changed conditions affecting the subject parcel or the surrounding neighborhood, which support the proposed amendment.

**City of Deadwood / 36 Water Street
Change of Zoning
2017**

With the development of Powerhouse Park, improved walkability, and enhancements to the Deadwood Mickelson Trailhead, added pedestrian traffic has created pedestrian traffic significant enough to make the subject property appealing as a commercial property.

- H. Whether the proposed amendment would be in conflict with the public interest, and is in harmony with the purpose and intent of this Ordinance.

The proposed amendment may or may not be in conflict with the public interest. There have been no comments in support or against this amendment. Findings of Fact will determine the public interest based on feedback from the public.

ACTION REQUIRED:

- 1. Recommendation by Planning and Zoning Commission**
- 2. First Reading by City Commission**

Change of Zoning Exhibit 2017



ORDINANCE NO.
AN ORDINANCE AMENDING TITLE 17 - ZONING
CITY OF DEADWOOD
ZONING MAP

Pursuant to a Petition of the City of Deadwood for a Change of Zoning of an area, located in the City of Deadwood, Lawrence County, South Dakota and pursuant to approval by the Deadwood City Commission.

BE IT ORDAINED: By the City of Deadwood, Lawrence County, South Dakota, that an ordinance amending the City of Deadwood Zoning District Map be amended so as to remove the following described real property, to-wit:

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

FROM: R1 - Residential District
TO: C1 - Commercial District

BE IT ORDAINED BY THE CITY OF DEADWOOD COMMISSION IN REGULAR SESSION DULY ASSEMBLED THAT:

The official Zoning District Map of the City of Deadwood is hereby amended to change the zoning classification of the following described parcel from R1 - Residential District to C1 – Commercial District, to-wit:

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 Zoning Administrator for the City of Deadwood, South Dakota, is hereby directed to make the necessary and appropriate changes and amendments to the Official Zoning Map of the City of Deadwood, on which mentioned property is located, designating said property as **C1 - Commercial District**. The parcels contain 0.20 Acres, more or less.

This ordinance shall take effect twenty (20) days after the date of its publication following approval and adoption.

CITY OF DEADWOOD

BY:
Charles M. Turbiville, Mayor
City of Deadwood

ATTEST:

Mary Jo Nelson, Finance Office
City of Deadwood

First Reading:
Second Reading:
Published:
Adopted: