

DEADWOOD PLANNING AND ZONING COMMISSION

Wednesday, March 15, 2017 – 5:00 p.m.
City Hall, 102 Sherman Street, Deadwood, SD

AGENDA

1. Call Meeting to Order
2. Approval of February 15, 2017 Minutes
3. Sign Review Commission
No items for review.
4. Planning and Zoning Commission and Board of Adjustments
Plat - PALISADES, LLC - 772 Stage Run
Lot 11, Block 1 of Palisades Tract of Deadwood Stage Run Addition, All located in the SW ¼ Section 14, the SE ¼ of Section 15, the NE ¼ NE ¼ of Section 22 and the N ½ NW ¼ of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota
Action Required:
 - a. Approval/Denial by Planning and Zoning
 - b. Approval/Denial by Deadwood Board of Adjustments
5. Items from Staff
 - a. Welcome Center Update
 - b. Whitewood Creek
 - c. Cadillac Jacks
6. Adjourn

CITY OF DEADWOOD
PLANNING AND ZONING COMMISSION
Wednesday, February 15, 2017

The meeting of the Deadwood Planning and Zoning was called to order by Chairperson Tony Biesiot on Wednesday, February 15, 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: Marie Farrier, Tony Biesiot, John Martinisko and Brett Runge

Absent: Jim Shedd

Board of Adjustments Present: None

Staff Present:

Bob Nelson Jr., Trent Mohr and Bonny Anfinson

Approval of January 4, 2017 Minutes:

Mr. Martinisko stated the minutes need to reflect a question that was asked during the variance discussion of the February 1, 2017 meeting and recommended amending the minutes adding "Would new construction be compliant with the ordinance? Mr. Nelson Jr. stated yes". *It was moved by Ms. Farrier and seconded by Mr. Martinisko to approve the February 1, 2017 meeting minutes as amended. Aye - All. Motion carried.*

Sign Review Commission:

681 Main Street - Hog Wild, LLC d.b.a. Deadwood Harley Davidson - Install New Projecting Sign

Mr. Mohr stated the applicant, Hog Wild, LLC is requesting permission to install a new projecting sign on the structure located at 681 Main Street. This sign was previously on the former location of Deadwood Harley Davidson across the street. The proposed sign application does not require a variance from the sign ordinance. *It was moved by Mrs. Runge and seconded by Mr. Martinisko to approve the projecting sign at 681 Main Street, Hog Wild, LLC. Aye - All. Motion carried.*

Planning and Zoning Commission

Rally Vending

Mr. Nelson, Jr. stated the vending permit is for a booth during the rally. The vendor has met the conditions of temporary vending within the city limits, the application was received before the deadline, payment has been received and the vending is to be outdoors. Staff recommends approval. *It was moved by Mrs. Runge and seconded by Mr. Martinisko to approve the temporary vendor license for Leather Headquarters.*

Planning and Zoning Commission and Board of Adjustments:

Request for Variance - Jim and Rhonda Van Den Eykel - 36 Water Street

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., Lawrence County, South Dakota.

Mr. Nelson, Jr. stated this is a variance request for property located at 36 Water Street. The owner is requesting a six foot variance from the front yard setback requirements of 20 feet. The property is currently zoned R1 - Residential District. The applicant intends on building a new residential structure and removing the existing garage, in addition the applicant intends on platting their property into two tracts to separate the two houses on two tracts of land. The proposed use is a use by right. The property to the north is zoned PU - Public Use District and is currently an outdoor recreation area known as Powerhouse Park. The land to the South is zoned PU - Public Use District and the current use is municipal parking. The land to the east is zoned C1 - Commercial District with a variety of commercial business. To the west is vacant land and residential dwellings on residentially zoned land. The property is located in a special flood hazard area and a floodplain development permit will be required. Mr. Nelson, Jr. did

receive legal opinion from City Attorney, Quentin Riggins. A copy was distributed to PZ Commission and will be filed with the packet. Mr. Martinisko stated if the project could be done without the variance there is no reason to approve the variance. Denying the variance would not prevent reasonable use of the land. Mr. Nelson Jr. stated by not allowing the variance it would not cause a hardship. The applicant could still build the house and garage but the garage would be smaller. *It was moved by Mr. Martinisko and seconded by Mrs. Runge to recommend to the Board of Adjustment to deny the Request for Variance - Jim and Rhonda Van Den Eykel - 36 Water Street - 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., Lawrence County, South Dakota. Aye - All. Motion carried.*

Items From Staff (no action taken)

- Mr. Mohr stated the Welcome Center is on track with meeting the completion deadline. Lots of activity going on in the inside and outside of the building with a completion date of May 1.
- Mr. Nelson stated the Whitewood Creek project is out for bid and will be awarded the third week of March. A grant application has been submitted and they have requested verifications on where the money will be allocated. They are meeting this week to determine an answer.
- Mr. Mohr stated the TIF work is proceeding on Cadillac Jacks. New waterline is being put in. The steel casing for the boring of the storm sewer is in place. The final design on the soil nail wall is done. Demolition and excavation for the foundation started this week. Mrs. Runge asked what is anticipated to be done this year. Mr. Mohr stated the parking garage area should be done before Rally and the hotel will have substantial completion around May 2018.
- Mr. Nelson Jr. stated the roof project on the grandstands was awarded.

Adjournment:

It was moved by Mrs. Runge and seconded by Ms. Farrier 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 5:17 p.m.

ATTEST:

Chairman, Planning & Zoning Commission
Bonny Anfinson, Planning & Zoning Office/Recording Secretary

Secretary, Planning & Zoning Commission



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

APPLICANT: PALISADES, LLC

PURPOSE: For building purposes and to transfer the property.

GENERAL LOCATION: Off of Mt. Roosevelt Road

LEGAL DESCRIPTION: Lot 11, Block 1 of Palisades Tract of Deadwood Stage Run Addition, All located in the SW ¼ Section 14, the SE ¼ of Section 15, the NE ¼ NE ¼ of Section 22 and the N ½ NW ¼ of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota

FILE STATUS: All legal obligations have been completed.

ZONE: R1 – Residential District

STAFF FINDINGS:

Surrounding Zoning Lot 11:

North: Lawrence County
South: R1 - Residential
East: R1 - Residential
West: R1 – Residential

Surrounding Land Uses Lot 11:

Vacant Land
Residential Housing
Residential Housing
Residential Housing

SUMMARY OF REQUEST

The Final Plat for Lot 11 of Block 1 of the Stage Run Addition has been submitted to facilitate the transfer of land. The property is located off of Mt. Roosevelt Road and the lot fronts Stage Run. The address for Lot 11 of Block 1 is 772 Stage Run.

FACTUAL INFORMATION

1. The property is currently zoned R1 – Residential District
2. Lot 11, Block 1, is comprised of 1.08 Acres±.
3. The subject property is located within a low density residential designation.

Lot 11 of Block 1
Stage Run Addition
March 15, 2017

4. Lot 11, Block 1 is not located within a flood zone or flood hazard zone.
5. Public facilities are available to serve the property.
6. The area is currently characterized by open space and a many new homes.

STAFF DISCUSSION

The subject property is currently vacant however in the near future construction will begin on a new home. Lot 11 meets the area and bulk requirements for square footage.

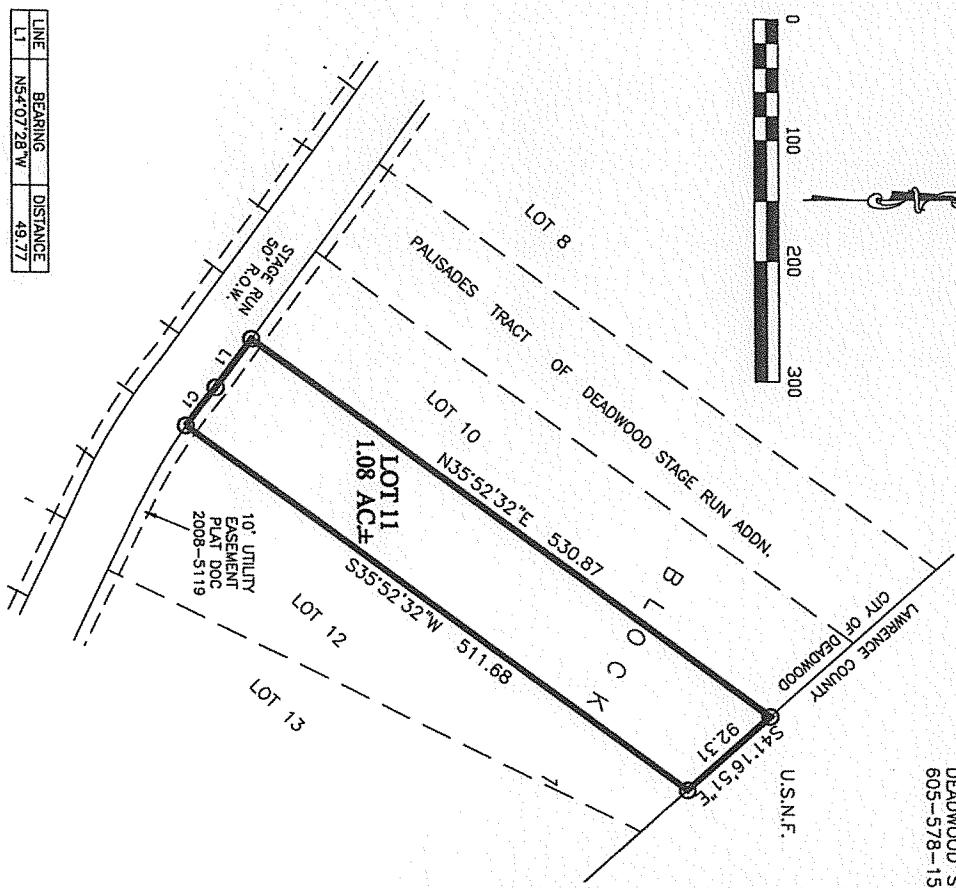
1. The North Arrow is shown on the plat with a direct reference to the coordinate mapping system.
2. Land is identified with a new legal description for the transfer of the land.
3. Surveyor's Certificate is shown with the name of the surveyor and his registered land surveyor number.
4. A date is shown 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.

ACTION REQUIRED:

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

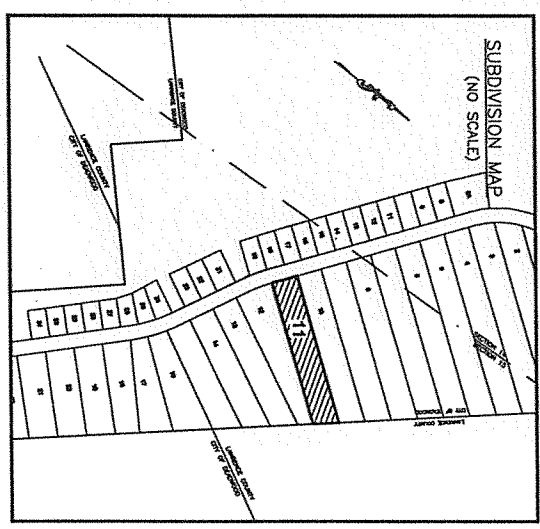
OWNER/DEVELOPER:
PALISADES LLC
376 MAIN ST.
DEADWOOD SD 57732
605-578-1567

PLAT OF LOT 11, BLOCK 1 OF
PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION,
ALL LOCATED IN THE SW1/4 SECTION 14, THE SE1/4 OF SECTION 15,
THE NE1/4 AND SE1/4 OF SECTION 22 AND
THE NW1/4 OF SECTION 23 T.5N, R.3E, B.4M,
CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA



LINE	BEARING	DISTANCE
L1	N54°07'28\"W	49.77
C1	475.00	40.27
C2	NS2°14'08\"W	40.25

NOTE: CURVE C1 IS NON-TANGENT



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

- NOTES:
1. TOTAL AREA PLATTED THIS PLAT: 1.08 ACRES±.
 2. TOTAL AREA LOTS THIS PLAT: 1.08 ACRES±.
 3. REMAINING AREA PALISADES TRACT: 86.33 ACRES±.
 4. STAGE RUN AND MYSTERY WAGON RD. PREVIOUSLY RECORDED IN PLAT DOCUMENT NO. 2008-5119.
 5. PALISADES TRACT OF DEADWOOD STAGE RUN PREVIOUSLY RECORDED IN DOCUMENT NO. 2008-2791.
 6. WITH AFFIDAVIT OF CORRECTION RECORDED IN DOCUMENT NO. 2008-5295.
 7. 3. DRAINAGE AND UTILITY EASEMENTS HEREBY GRANTED ALONG BOTH SIDES OF ALL LOT LINES.
 8. 4. BASIS OF BEARING IS DEADWOOD COORDINATE SYSTEM.

PREPARED BY:
ARLETH LAND
SURVEYING, LLC

24 CLIFF STREET
DEADWOOD, SD 57732
605-578-1637

DATE: FEB. 24, 2017
JOB#: 7271
SCALE: 1" = 100'

APPROVED: JMA
DRAWN: JPD
DWG: 7271 LOT 11.dwg

SURVEYOR'S CERTIFICATE
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

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 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: _____

PLAT OF LOT 11, BLOCK 1 OF
PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION,
ALL LOCATED IN THE SW1/4 SECTION 14, THE SE1/4 OF SECTION 15,
THE NE1/4 & SE1/4 OF SECTION 22 AND
THE NW1/4 & SW1/4 OF SECTION 23 T.5N, R.3E, B.H.M.,
CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA

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

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: _____ MAYOR
FINANCE OFFICER

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 STREET
DEADWOOD, SD 57732
605-578-1637

DATE: FEB. 24, 2017
JOB#: 7271
SCALE: 1" = 100'

APPROVED: JMA
DCA/N: FD
DW: 7271 LOT 11.dwg