

DEADWOOD PLANNING AND ZONING COMMISSION

Wednesday, December 7, 2016 – 5:00 p.m.

City Hall, 102 Sherman Street, Deadwood, SD

AGENDA

1. Call Meeting to Order
2. Approval of November 2, 2016 Minutes

3. Sign Review Commission

196 Cliff Street – Princeton Inc., Super 8 – Install New Entrance Signs

- a. Install three new free standing signs at entrance

Action Required:

- b. Approval/ Denial by Sign Review Commission

79 Sherman Street – Justin Stephens, High Mountain Outfitters – Install New Signs

- a. Install two wall signs and one projecting sign

Action Required:

- b. Approval/ Denial by Sign Review Commission

4. Planning and Zoning Commission and Board of Adjustments

Neighborhood Housing Services of the Black Hills – Findings of Fact and Conclusions

Tract H being a portion of Probate Lot 327, Lot 1 of Murray Subdivision of Probate Lot 327 and a portion of Lot 5 of Pecks Garden Subdivision and a portion of School Lot 16, all located in the City of Deadwood in the NW1/4 of Section 27, T5N, R3E, B.H.M, Lawrence County, South Dakota, according to Plat Document No. 99-2448 and affidavit of correction recorded as Document No. 2000-656; LESS & EXCEPT Peck's Garden Townhomes Subdivision Lots 1 thru 7 according to Plat Document No. 2004-6763 and Lots 14 thru 17 according Plat Document No. 2005-6936, and LESS & EXCEPT Tract A of SKY Subdivision formerly a portion of Tract H as shown in Plat Document No. 2014-3180 and LESS & EXCEPT Lot A of Tract H deeded to State of South Dakota for highway as recorded in Document NO. 2014-3176;

-and-

Tract A of SKY Subdivision formerly a portion of Tract H as shown in Plat Document No. 2014-3180, all located in the City of Deadwood

Action Required:

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

Optima LLC -- 360 Main Street – Rezoning Analysis – Amendment to Zoning Map

Bradsky Tract Number 2 and Relocated Williams Street Right-of-Way; A Replat of the Bradsky Tract of M.S. 308, Lots 1A, 2A, 3 and 4 of Tract A of M.S. 81, A Portion of M.S. 308 Described with 50' on Main St, Lots A, B, C, D, E, F, 15, 16, 17, 18, 19, 20, 21, and 22 of Block 3 of the Fountain City Addition to the City of Deadwood, and the Relocated Williams Street Right-of-Way Located in the NW1/4 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. DOT
- d. Retaining Walls
- e. Cadillac Jacks

6. Adjourn

CITY OF DEADWOOD
PLANNING AND ZONING COMMISSION
Wednesday, November 2, 2016

The meeting of the Deadwood Planning and Zoning was called to order by Chairperson Jim Shedd on Wednesday, November 2, 2016, 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: Jim Shedd, Marie Farrier, Brett Runge, and Tony Biesiot

Absent: Mel Allen

Board of Adjustments Present: Mayor Chuck Turbiville, Mark Speirs, and Dave Ruth

Staff Present:

Bob Nelson Jr. and Jerity Krambeck

Approval of October 19, 2016 Minutes:

It was moved by Mr. Biesiot and seconded by Mrs. Runge to approve the October 19, 2016 meeting minutes. Aye - All. Motion carried.

Chair Shedd closed the Planning and Zoning Meeting

Mayor Turbiville called the meeting to order of the Board of Adjustments

Optima LLC - Create One Tract of Property

Deadwood Planning and Zoning Commission recommended to the City Commission approval on October 19, 2016. Bradsky Tract Revised, Bradsky Tract Number 2 and Relocated Williams Street Right-of-Way; A Replat of the Bradsky Tract of M.S. 308, Lots 1A, 2A, 3 and 4 of Tract A of M.S. 81, A Portion of M.S. 308 Described with 50' on Main St, Lots A, B, C, D, E, F, 15, 16, 17, 18, 19, 20, 21, and 22 of Block 3 of the Fountain City Addition to the City of Deadwood, and the Relocated Williams Street Right-of-Way Located in the NW1/4 of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. It was moved by Mr. Ruth and seconded by Mr. Speirs to approve the plat presented for Bradsky Tract Revised, Bradsky Tract Number 2 and Relocated Williams Street Right-of-Way; A Replat of the Bradsky Tract of M.S. 308, Lots 1A, 2A, 3 and 4 of Tract A of M.S. 81, A Portion of M.S. 308 Described with 50' on Main St, Lots A, B, C, D, E, F, 15, 16, 17, 18, 19, 20, 21, and 22 of Block 3 of the Fountain City Addition to the City of Deadwood, and the Relocated Williams Street Right-of-Way Located in the NW1/4 of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. Aye - All. Motion carried.

Van Rokel Properties/Karl and Deelaina Webb - Property Transfer

Deadwood Planning and Zoning Commission recommended to the City Commission approval on October 19, 2016. Tract C1 and 4A of Deadwood Gulch Addition II, Formerly Tract C of Deadwood Gulch Addition II and Lot 4 of Arnio Subdivision, Being A Portion of Deadwood Gulch Addition II and M.S. 107, All Located in the NE1/4, SE1/4 and SW 1/4 of Section 27, T.5N, R.3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. It was moved by Mr. Speirs and seconded by Mr. Ruth to approve the plat presented as Tract C1 and 4A of Deadwood Gulch Addition II, Formerly Tract C of Deadwood Gulch Addition II and Lot 4 of Arnio Subdivision, Being A Portion of Deadwood Gulch Addition II and M.S. 107, All Located in the NE1/4, SE1/4 and SW 1/4 of Section 27, T.5N, R.3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. Aye - All. Motion carried.

Bob and Carmen Walton - Adverse Possession Claim

Deadwood Planning and Zoning Commission recommended to the City Commission approval on October 19, 2016. Lots 59A Being a Portion of Lots 59 and 60, Block 35, Original Townsite, City of Deadwood, Located in the SW 1/4 of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. It was moved by Mr. Ruth and seconded by Mr. Speirs to approve the plat presented as Lots 59A Being a Portion of Lots 59 and 60,

Block 35, Original Townsite, City of Deadwood, Located in the SW ¼ of Section 23, T5N, R3E, B,H,M., City of Deadwood, Lawrence County, South Dakota. Aye - All. Motion carried.

Deadwood Sign Run LLC/Palisades LLC - Property Transfer

Deadwood Planning and Zoning Commission recommended to the City Commission approval on October 19, 2016. Lot 6B, Block 2 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, T.5N, R.3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. *It was moved by Mr. Speirs and seconded by Mr. Ruth to approve the plat presented as Lot 6B, Block 2 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, T.5N, R.3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. Aye - All. Motion carried.*

Neighborhood Housing Services of the Black Hills - Request for Variance

Deadwood Planning and Zoning Commission recommended to the City Commission denial on October 19, 2016. Tract H being a portion of Probate Lot 327, Lot 1 of Murray Subdivision of Probate Lot 327 and a portion of Lot 5 of Pecks Garden Subdivision and a portion of School Lot 16, all located in the City of Deadwood in the NW1/4 of Section 27, T5N, R3E, B.H.M, Lawrence County, South Dakota, according to Plat Document No. 99-2448 and affidavit of correction recorded as Document No. 2000-656; LESS & EXCEPT Peck's Garden Townhomes Subdivision Lots 1 thru 7 according to Plat Document No. 2004-6763 and Lots 14 thru 17 according Plat Document No. 2005-6936, and LESS & EXCEPT Tract A of SKY Subdivision formerly a portion of Tract H as shown in Plat Document No. 2014-3180 and LESS & EXCEPT Lot A of Tract H deeded to State of South Dakota for highway as recorded in Document NO. 2014-3176;

-and-

Tract A of SKY Subdivision formerly a portion of Tract H as shown in Plat Document No. 2014-3180, all located in the City of Deadwood. *It was moved by Mr. Ruth and seconded by Mr. Speirs to deny the variance of the five foot set back to Neighborhood Housing Services for construction at 10, 12, 14, and 16 Calamity Lane. Aye - All. Motion carried.*

Mrs. Joy McCracken, Neighborhood Housing Services, stated the Planning and Zoning Commission heard comments at the last meeting as well as Commissioner Speirs and Mayor Turbiville. Mrs. McCracken stated she asked the Mayor to speak a little bit tonight because she has heard what the neighborhood has said and she does understand that there are some issues over there and she believes it does warrant more discussion. Mrs. McCracken stated denying of the variance does not solve the problems the neighborhood is facing and it does not help NeighborWorks in the development of their lot. Mrs. McCracken asked the Commission to have further discussion and do further research about what might be the options for the residents of that neighborhood, as well as NeighborWorks and what we do with our lot. Mayor Turbiville stated that was reasonable and stated she could suggest a meeting and invite the members to sit down with a couple of members of the City Commission and go through the options that are available; whether it is finding adjacent parking or leaving the lots the way they are. Mayor Turbiville stated there is a City Commission meeting Monday, November 7, 2016 and two Commissioners to work with her on this, the City would be happy to do it. Mr. Turbiville stated there were complaints that were brought to the Commissioners that they did not know were issues and they can see if there is something they can do to solve the problems. Ms. Bonny Krueger stated she thought it was a reasonable request; however, they have been to two meetings already and now have to show up at a third meeting. Mayor Turbiville stated nothing says they have to show up to a third meeting. Mrs. McCracken stated she thought this would come down to a small committee to talk about different options and then bring it back to the neighborhood, NeighborWorks, or the City to see if they can resolve this so it works for the neighborhood and NeighborWorks, and it also addresses some of the issues in the neighborhood. Commission Speirs stated this particular neighborhood has been a distressed area for quite some time and it would be great to have some synergy between the developer and the community to see what would work for both parties. Ms. Krueger stated it was a reasonable request and she would like to attend the committee meetings just to hear the suggestions. Ms. Krueger stated people already park on the street and she cannot back out of her driveway so it is a safety issue to her. Mayor Turbiville stated all the comments would be well received.

Mayor Turbiville closed the of the Board of Adjustments

Chair Shedd opened the Planning and Zoning Meeting

Items From Staff (no action taken)

- Mr. Nelson Jr. stated the Welcome Center the Chamber portion of the building is being dry walled and mechanicals are being installed; the roof should be finished in the next few weeks; the trail is now open to the bridge.
- Mr. Nelson stated RCS Construction has completed the creek clean up/removal from 76 Drive to McKinley Street Bridge and Tall Grass Landscape Architecture are doing a planting plan for that portion; the City is working on a plan from McKinley Street to the box culverts so that whole portion will be done by the end of next year, with a grant to fund 80 percent of the work next year.
- The DOT project; there is a little bit of work on the hand rails and then the restrooms should be done at the end of this week and the parking lot will be open for trail access.
- Retaining Walls; there will be minor delays in the Guy/Forest area due to pouring concrete near that intersection.
- 3 Shine Street; the wall is all in and they are back filling with the foundation next to be underway.
- Cadillac Jacks; 52 & 54 Williams will be demolished next week and then some excavation will begin.

Adjournment:

It was moved by Ms. Farrier and seconded by Mrs. Runge 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 6:15 p.m.

ATTEST:

Chairman, Planning & Zoning Commission
Jerity Krambeck, Planning & Zoning Office/Recording Secretary

Secretary, Planning & Zoning Commission

SIGN PERMIT STAFF REPORT

Sign Review Commission

December 7, 2016

Applicant: Princeton Inc – DBA Super 8

Address: 196 Cliff Street, Deadwood, SD 57732

Site Address of Proposed Signage: 196 Cliff Street (Super 8)

Computation of Sign Area

Building Frontage: 328 Feet

Total Available Signage: 656 Square Feet

Existing Signage: One wall sign on storage building (5 Square Feet)
One freestanding sign near storage building (49 Square Feet)
One wall sign above main covered entrance (33 Square Feet)
One freestanding sign near main covered entrance (128 Square Feet)
One wall sign above covered entrance to north (33 Square Feet)
One wall sign on north face of building (10.5 Square Feet)

Remaining Available Signage Area: 396 Square Feet

Proposed Sign Project: Install 3 new freestanding signs

Sign A (18.25 Square Feet)

Sign B (8 Square Feet)

Sign C (8 Square Feet)

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

Proposed Lighting of the Signs: Internally illuminated.

Location of Proposed Sign: Attached are photographs showing the proposed locations.

Discussion

The sign permit applications in review are 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 signs proposed in the current applications are 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 wishes to install three new freestanding signs at the entrances to the parking lots. Although two of the proposed locations south of the hotel are currently in the highway right of way, there are plans to re-plat the property. I have spoken to the DOT and they are okay with the signs being placed before this happens. The applicant will have to coordinate with the DOT to ensure the signs do not encroach after the property lines are adjusted.

The proposed signs and their locations are compliant with the sign ordinance.

Variances

The sign permit applications in review as proposed require 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 permits for new freestanding signs at 196 Cliff Street that they not encroach into the highway right of way

OR

Motion to deny proposed sign permit applications as submitted.

Sign "A"



GRAPHIC DETAIL
SCALE: 3/4" = 1'-0"

APPROVAL BOX - PLEASE INITIAL

CUSTOMER APPROVAL

10-87-16

NOTE: Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

Customer:	DATE:	Prepared By:	Note: Our signs are made of high quality materials and are designed to last. Please refer to the installation instructions for more information.	Eng:
SUPER 8	09/02/16	IDV		
Location:	File Name:			
DEADWOOD, SD	150069 - R1 - DEADWOOD, SD			

persona
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700 2nd Street Southwest
PO Box 210
Watertown, SD 57201-0210
1.800.843.9888 • www.personasigns.com

Signs "B" + "C"

NON ILLUMINATED SIGN

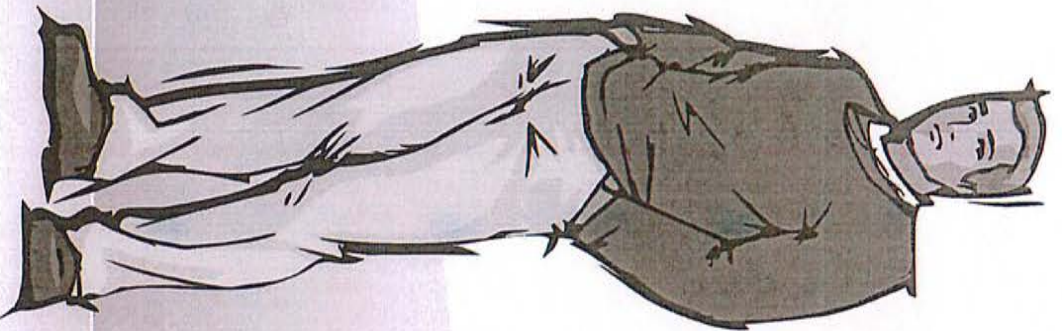
4'-0 3/8"

2'-0 3/8"

5'-0"



X2



GRAPHIC DETAIL
SCALE: 1" = 1'-0"

APPROVAL BOX - PLEASE INITIAL

CUSTOMER APPROVAL

NOTE: Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

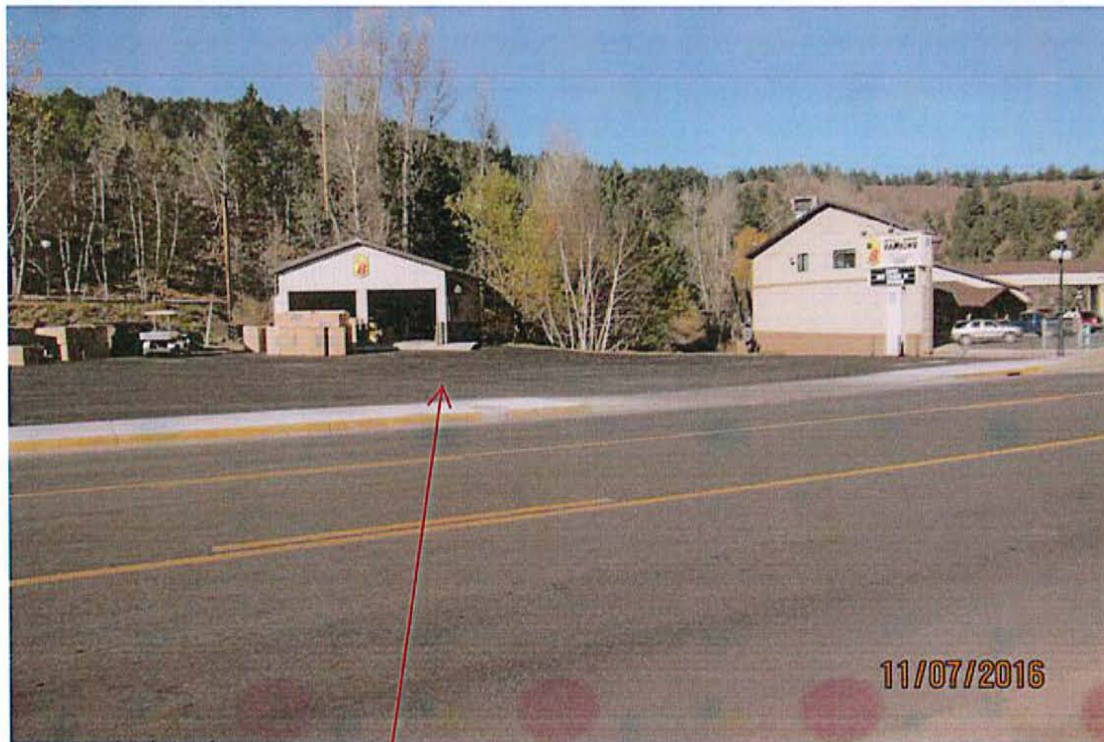
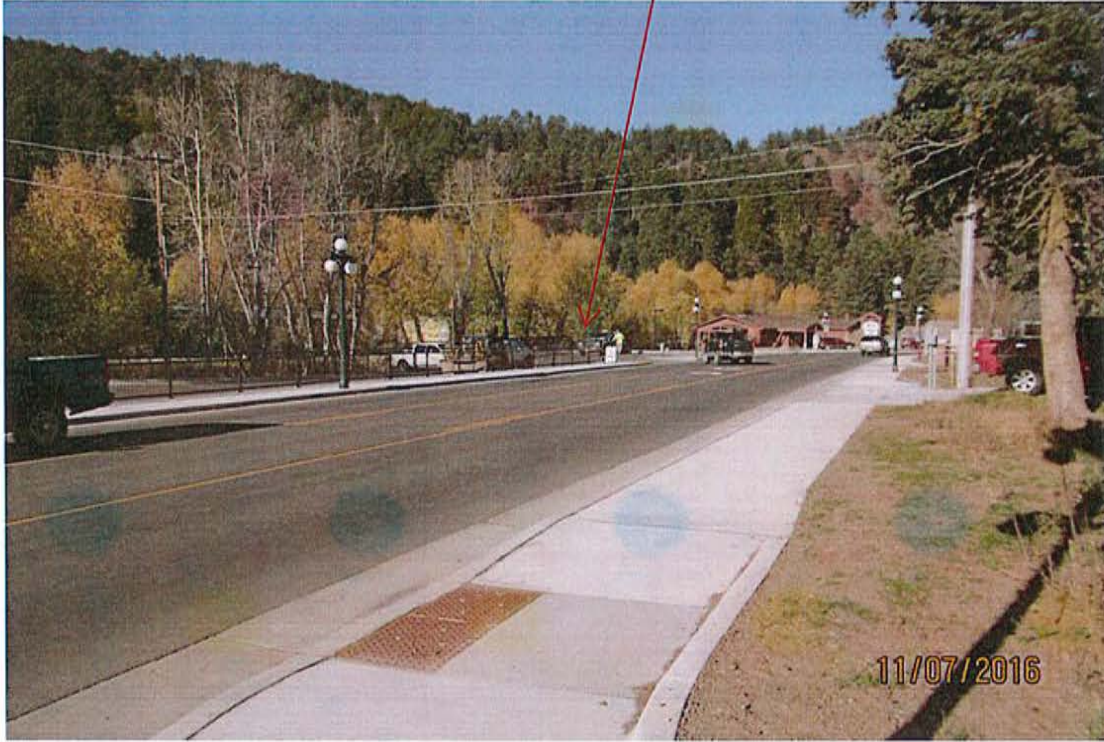
Customer:	DATE:	Prepared By:	Note: Do not use signpost as a support for the sign. A signpost is a support for the sign. A signpost is a support for the sign. A signpost is a support for the sign.	Eng:
SUPER 8	09/02/16	IDV		
Location:	File Name:			
DEADWOOD, SD	150069 - R1 - DEADWOOD, SD			

persōna

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Sign "A"

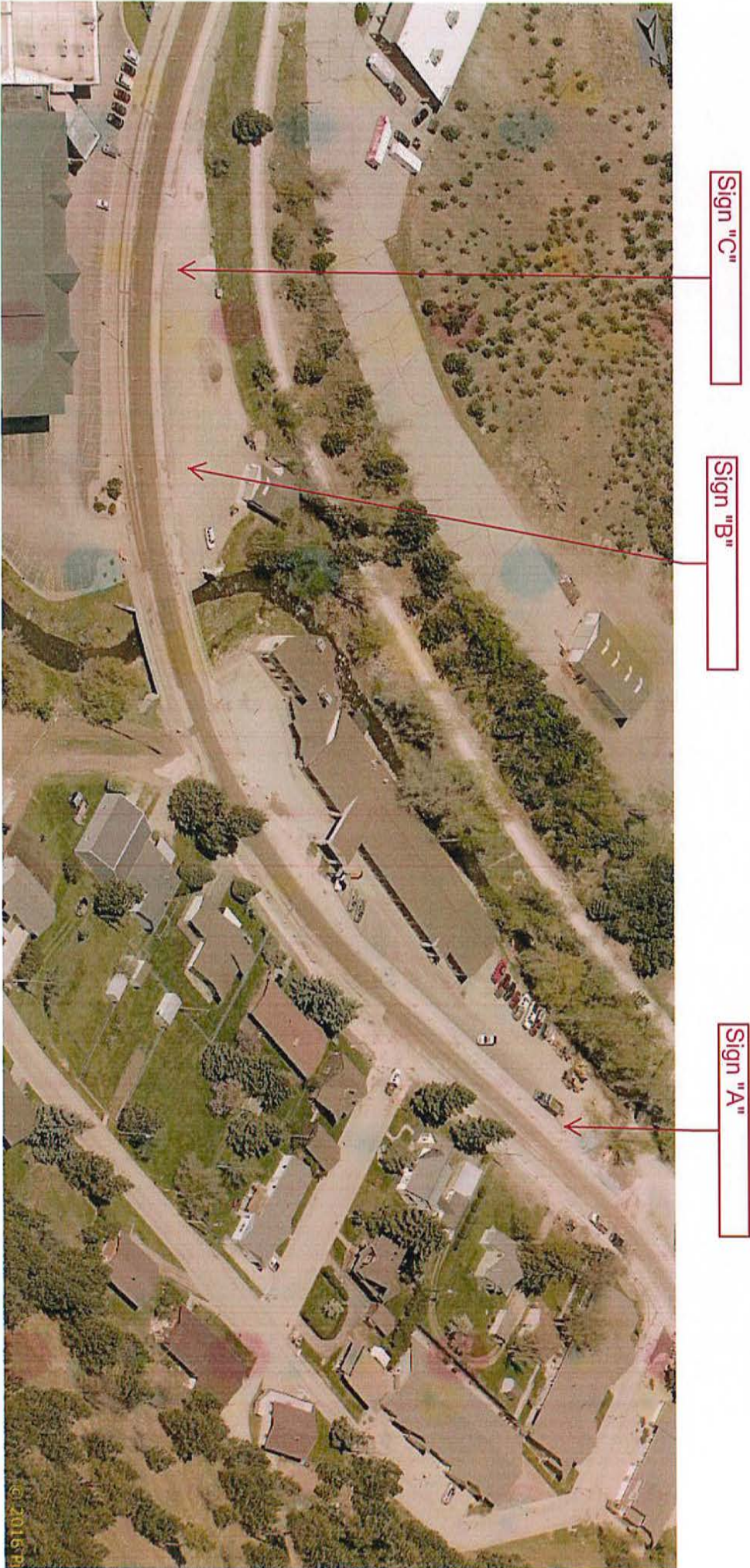


Sign "B"

Sign "C"



Super 8 sign locations



SIGN PERMIT STAFF REPORT

Sign Review Commission
December 7, 2016

Applicant: Justin Stephens – High Mountain Outfitters
Address: 1412 N. Canyon Street, Spearfish, SD 57783
Site Address of Proposed Signage: 79 Sherman Street (formerly ABC Business Supply)

Computation of Sign Area

Building Frontage: 116 Feet
Total Available Signage: 232 Square Feet
Existing Signage: None
Remaining Available Signage Area: 232 Square Feet
Proposed Sign Project: new wall sign – Sherman Street side (20 Square Feet).
new wall sign – parking lot side (20 Square Feet).
new projecting sign (3 Square Feet).
Proposed Building Materials: Wood and Metal. (see attached rendering).
Proposed Lighting of the Signs: None.
Location of Proposed Sign: See attached renderings.

Discussion

The sign permit applications in review are proposed at a location inside the locally-designated historic district which is regulated by chapter 15.32.300 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 leased this property and moved his business from Lead. The signs are to advertise his business at this location.

The proposed signs and their locations are compliant with the sign ordinance.

Variances

The sign permit applications in review as proposed require 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 permits for one projecting and two wall signs at 79 Sherman Street
OR

Motion to deny proposed sign permit applications as submitted.



APPAREL
FOOTWEAR
BOOKS - MAPS

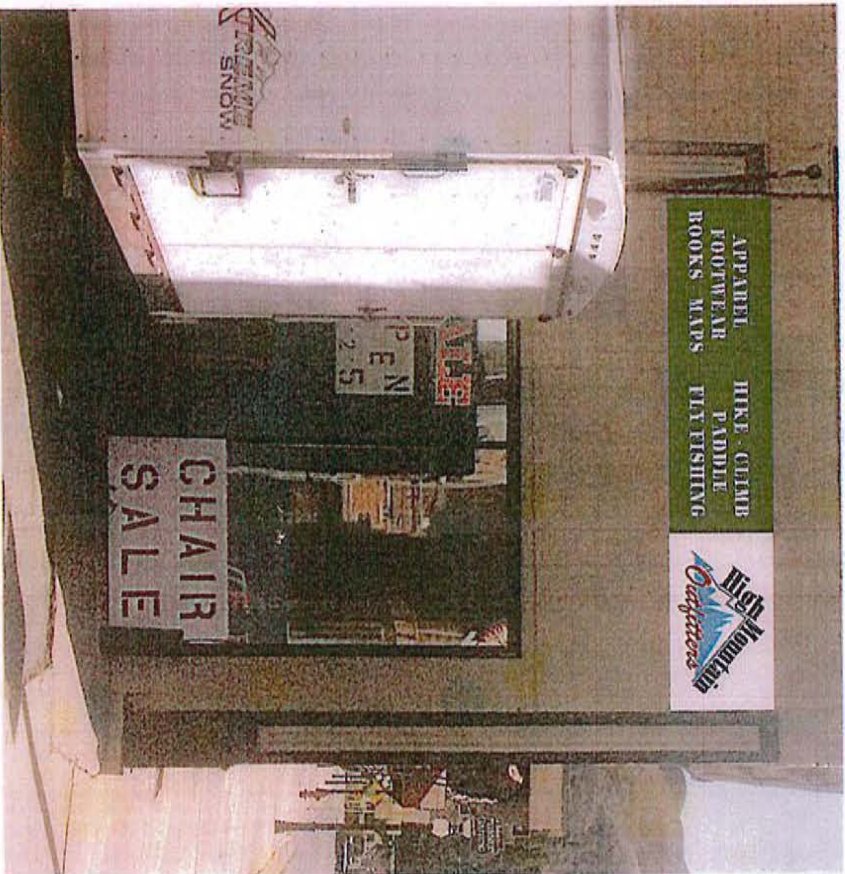
HIKE - CLIMB
PADDLE
FLY FISHING



2 ft

10 ft

Sign printed on vinyl, laminated and mounted on Nudo substrate





APPAREL
FOOTWEAR
BOOKS - MAPS
HIKE - CLIMB
PADDLE
FLY FISHING

2 ft

10 ft

Sign printed on vinyl, laminated and mounted on Nudo substrate



Existing perpendicular sign from
Leed location is wooden. 2' tall x 3' wide.
will attach to black beam,
centered above door.



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



Bob Nelson, Jr.
Planning & Zoning Administrator
Telephone (605) 578-2082
bobjr@cityofdeadwood.com

FINDINGS OF FACT AND CONCLUSIONS

REQUEST FOR VARIANCE
FROM SECTION 17.28.040.B.1 –
FRONT YARD SETBACK REQUIREMENTS
R2 – MULTI-FAMILY RESIDENTIAL DISTRICT

APPLICANTS: Neighborhood Housing Services of the Black Hills Inc.

ADDRESS: 10, 12, 14, 16 Calamity Lane

LEGAL DESCRIPTION: Tract H being a portion of Probate Lot 327, Lot 1 of Murray Subdivision of Probate Lot 327 and a portion of Lot 5 of Pecks Garden Subdivision and a portion of School Lot 16, all located in the City of Deadwood in the NW1/4 of Section 27, T5N, R3E, B.H.M, Lawrence County, South Dakota, according to Plat Document No. 99-2448 and affidavit of correction recorded as Document No. 2000-656; LESS & EXCEPT Peck's Garden Townhomes Subdivision Lots 1 thru 7 according to Plat Document No. 2004-6763 and Lots 14 thru 17 according Plat Document No. 2005-6936, and LESS & EXCEPT Tract A of SKY Subdivision formerly a portion of Tract H as shown in Plat Document No. 2014-3180 and LESS & EXCEPT Lot A of Tract H deeded to State of South Dakota for highway as recorded in Document NO. 2014-3176;

-and-

Tract A of SKY Subdivision formerly a portion of Tract H as shown in Plat Document No. 2014-3180, all located in the City of Deadwood

PURPOSE: In the matter of the application of Neighborhood Housing Services for a 5' variance from Section 17.28.040.B.1 Front yard setback requiring a 20' setback for proposed new construction of residential units

ZONING: R2 – Multi-Family Residential District

WHEREAS, the above application for a Variance from Front Yard Setback was presented for public hearing on October 19, 2016, at 5:05 p.m. and was recommended for denial by the Deadwood Planning and Zoning Commission with the Deadwood Board of Adjustment denying the request at the regularly scheduled Board of Adjustment meeting on November 2, 2016.

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

FINDINGS OF FACT AND CONCLUSIONS

COMPLIANCE:

1. Staff provided public notice identifying the applicant, describing the purpose of the application and its location, and giving the scheduled date of the public hearing to adjacent landowners within 300' in accordance with Section 17.80.010.B.
2. Notice was placed in the designated newspaper of the City of Deadwood, ten (10) days in advance of the hearing as required by Section 17.80.B.
3. An official sign was posted on the property for which the Variances were filed as required by Section 17.80.
4. Application(s) requirements were met.

FINDINGS:

1. *There are special circumstances unique to this property. These special circumstances involve the shape of the lot and the hillside in the rear of the property, -- in short, the physical constraint may cause a hardship but does not prohibit reasonable use of the property.*
2. *The zoning ordinance does not preclude the construction of residential units in this zone; the use is permitted by right.*
3. *That within the intent and purposes of this application for variances, as denied, the minimum adjustment necessary to afford relief or the reasonable use of the land was not proven. The remaining bulk regulations are all met.*
4. *The granting of the variance would be detrimental to public health, safety or general welfare. A variance cannot be granted if it would pose any threat to the public health or safety. This finding includes concerns such as fire safety, structural stability, clearance, preservation of light and open space, and visual and aesthetic concerns.*
5. *The granting of the variance in the subject area would be injurious to the area in general. Again, the use is permitted by right in the R2-Residential District. The variance would alter the essential character of the neighborhood in which the property is located; substantially or permanently impair the appropriate use or development of adjacent property.*
6. *The hardship would be self-created by the applicant(s). The granting of the variance would constitute a special privilege.*
7. *The use and value of the area adjacent to the property included in the variance request will be affected in an adverse manner. There will be no significant adverse impacts on water supply, schools, or other services. The granting of the variance would be detrimental to public health, safety or general welfare.*
8. *The applicant has proven that he or she is the owner of the property, or is his or her officially designated agent and has presented proof thereof.*
9. *Substantial notice had been established by notification to adjacent landowners within 300' and notice posted on the property.*

- 10. For the abovementioned reasons, and based on the information and findings included in the Staff Report, Minutes, and other records of proceedings, the Deadwood Planning and Zoning Commission and Board of Adjustment denied the variance.**

ATTEST:

Ms. Mary Jo Nelson, Finance Officer
City of Deadwood
/ / /16

Charles Turbiville, Mayor
City of Deadwood
/ / /16

Jim Shedd, Chairperson
Planning and Zoning
City of Deadwood
/ / /16

Ms. Brett Runge, Secretary
Planning and Zoning
City of Deadwood
/ / /16

OFFICE OF
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Bob Nelson, Jr.
Planning & Zoning Administrator
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bobjr@cityofdeadwood.com

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

NAME: Optima LLC

LEGAL DESCRIPTION: Bradsky Tract Number 2 and Relocated Williams Street Right-of-Way; A Replat of the Bradsky Tract of M.S. 308, Lots 1A, 2A, 3 and 4 of Tract A of M.S. 81, A Portion of M.S. 308 Described with 50' on Main St, Lots A, B, C, D, E, F, 15, 16, 17, 18, 19, 20, 21, and 22 of Block 3 of the Fountain City Addition to the City of Deadwood, and the Relocated Williams Street Right-of-Way Located in the NW1/4 of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota

ADDRESS: 360 Main Street

PRESENT ZONE: R1 - Residential District
PROPOSED ZONE: CH - Commercial Highway District
ASSESSOR'S NO: 30350-00000-000-20

BACKGROUND:

The applicant has submitted to the City a rezoning request from R1 - Residential District to CH - Commercial Highway District to allow for commercial development. The R1 - Residential District is intended to provide locations for areas worthy of housing due to their proximity to neighborhoods. The CH - Commercial Highway 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 final plat has been recorded which defines the boundary of the zoning change.

The subject property is situated in North Deadwood at the intersection of Williams Street and Main Street. Cadillac Jacks Resort intends on an expansion of its facilities and amenities which include several businesses which will all be uses by right within commercial highway zoning.

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 application is not in conflict with the City of Deadwood zoning code. The CH – Commercial Highway Zone is an appropriate zoning classification.

- 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 Community Commercial and Tourist Oriented Business. This use would be appropriate for the subject area.

- 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 CH – Commercial Highway District. The proposed zoning amendment is appropriate and an addition to a large commercial highway zone.

- 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 in fact impacts to the property are being addressed with the proposed project and TIF #10. The subject property is not 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.

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

Traffic generation, road safety, and parking are all concerns that have been addressed by City Staff and SDDOT, which has generated some alterations to their plans to accommodate the increase in traffic and business.

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

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.

The long established uses in the subject area are no longer present in the area of the zoning change request which allows it to blend well with surrounding uses.

- 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 will not be in conflict with the public interest. There have been no comments in support or against this amendment. The change of zoning is in harmony with the purpose and intent of the ordinance.

ACTION REQUIRED:

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

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:

Bradsky Tract Number 2 and Relocated Williams Street Right-of-Way; A Replat of the Bradsky Tract of M.S. 308, Lots 1A, 2A, 3 and 4 of Tract A of M.S. 81, A Portion of M.S. 308 Described with 50' on Main St, Lots A, B, C, D, E, F, 15, 16, 17, 18, 19, 20, 21, and 22 of Block 3 of the Fountain City Addition to the City of Deadwood, and the Relocated Williams Street Right-of-Way Located in the NW1/4 of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota

FROM: R1 - Residential District
TO: CH - Commercial Highway 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 CH - Commercial Highway District, to-wit:

Bradsky Tract Number 2 and Relocated Williams Street Right-of-Way; A Replat of the Bradsky Tract of M.S. 308, Lots 1A, 2A, 3 and 4 of Tract A of M.S. 81, A Portion of M.S. 308 Described with 50' on Main St, Lots A, B, C, D, E, F, 15, 16, 17, 18, 19, 20, 21, and 22 of Block 3 of the Fountain City Addition to the City of Deadwood, and the Relocated Williams Street Right-of-Way Located in the NW1/4 of Section 23, 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 **CH - Commercial Highway District**. The parcel containing 2.025 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: December 19, 2016
Second Reading: January 3, 2017
Published: December XX, 2016
Adopted: January 23, 2017

Change of Zoning Exhibit 2016

