



## **DEADWOOD PLANNING AND ZONING COMMISSION**

**Wednesday, October 21, 2020 – 5:00 p.m.**

City Hall, 102 Sherman Street, Deadwood, SD

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### **AGENDA**

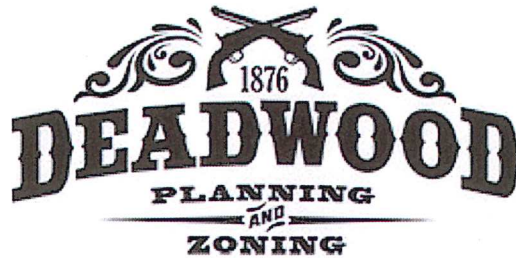
1. Call Meeting to Order
2. Approval of September 16, 2020 Minutes
3. Sign Review Committee
  - 360 Main Street (Double Tree) – B.Y. Development – Install New Wall Sign**  
Action Required:
    - a. Approval/Denial by Sign Review Commission
  - 596 Main Street (Beef Jerky Experience) – Mark Ostern – Install Three New Window Signs**  
Action Required:
    - a. Approval/Denial by Sign Review Commission
4. Items from Staff
5. Adjourn

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Planning and Zoning Commission meetings are not available by ZOOM unless requested.

Please practice CDC's social distancing recommendations.

Please be considerate of others and if you no longer have business activities during the meeting do not feel obligated to remain.



## PLANNING AND ZONING COMMISSION

Wednesday, September 16, 2020

The meeting of the Deadwood Planning and Zoning Commission was called to order by Chairperson John Martinisko on Wednesday, September 16, 2020 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:** John Martinisko, Bill Rich and Josh Keehn

**Absent:** Brett Runge

**Board of Adjustments Present:** Charlie Mook

**Staff Present:**

Jeramy Russell, Trent Mohr and Bonny Anfinson

**Approval of September 2, 2020 Minutes:**

*It was moved by Mr. Keehn and seconded by Mr. Rich to approve the September 2, 2020 meeting minutes. Aye - All. Motion carried.*

**Sign Review Committee**

**25 Lee Street (Hotel by Gold Dust) - Pineview Group, LLC - Install New Projecting Sign**

Mr. Mohr stated the applicant is requesting permission to install a new projecting sign at 25 Lee Street, Hotel by Gold Dust. The applicant is opening a new business in the basement and the sign is to advertise this business. The proposed sign and its location are compliant with the sign ordinance and require no variances from the sign ordinance. *It was moved by Mr. Keehn and seconded by Mr. Rich to approve the new projecting sign at 25 Lee Street. Aye - All. Motion Carried.*

**Planning and Zoning Commission**

**Amendment to Planning and Zoning Tax Increment District Twelve**

**Tax Increment District #12 Project Plan Amendment #1**

Representatives of the Tax Increment District #12 presented a brief overview of the amendment and answered questions. *It was moved by Mr. Keehn to make no recommendation to the City Commission on the Tax Increment District #12 Project Plan Amendment #1. Motion died due to lack of second. It was moved by Mr. Rich and seconded by Mr. Martinisko to recommend to the City Commission approval of Tax Increment District #12 Project Plan Amendment#1. Aye - All. Motion Carried.*

**Resolution approving Amendment #1 for Project Plan for Tax Increment District #12**

*It was moved by Mr. Rich and seconded by Mr. Martinisko to recommend to the City Commission approval of Amendment #1 for Project Plan for Tax Increment District #12. Aye - All. Motion Carried.*

**Contract for Private Development Amendment #1**

*It was moved by Mr. Rich and seconded by Mr. Martinisko to take no action on the contract for Private Development Amendment #1. Aye - All. Motion Carried.*

Mr. Rich stated the reason for voting for the amendment is because it will put the project in jeopardy. We are very aware of materials costs. This will put the TIF in a bad situation.

**Findings of Fact and Conclusions – Conditional Use Permit – 21 Lincoln Avenue – Nyla and Tom Griffith**

*It was moved by Mr. Keehn and seconded by Mr. Rich to approve the findings of fact and conclusions for conditional use permit for specialty resort bed and breakfast for 21 Lincoln Avenue, Lots 1, 2, and 3 and Southerly 10 feet of Lots 12, 13, and 14 and the Vacated Alley, Block Forty-two (42), Original Town, City of Deadwood, Lawrence County, South Dakota. Aye – All. Motion Carried.*

**Condensing Parcels/Construction – 79 Sherman Street – Scott and Sharon Jacobs**

Mr. Russell stated the applicant is requesting permission to combine parcels for future construction of a business located at Lot 17A, Block 34 Original Townsite, City of Deadwood, Located in the SW1/4 of Section 23, T5N, R3E, B.H.M., Lawrence County, South Dakota Formerly Lots 23A and 17, Block 34. *It was moved by Mr. Keehn and seconded by Mr. Rich to combine parcels located at Lot 17A, Block 34 Original Townsite, City of Deadwood, Located in the SW1/4 of Section 23, T5N, R3E, B.H.M., Lawrence County, South Dakota Formerly Lots 23A and 17, Block 34. Aye – All. Motion Carried.*

**Items from Staff** (no action taken)

Mr. Russell stated we are accepting applications for the Planning and Zoning Commission.

**Adjournment:**

*It was moved by Mr. Keehn and seconded by Mr. Rich to adjourn the Regular Meeting of the Planning and Zoning Commission. Aye – All. Motion carried.*

There being no further business, the Planning and Zoning Commission adjourned at 5:37p.m.

ATTEST:

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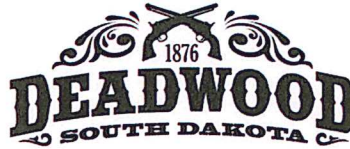
Chairman, Planning & Zoning Commission

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Secretary, Planning & Zoning Commission

*Bonny Anfinson, Planning & Zoning Office/Recording Secretary*

OFFICE OF  
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108 Sherman Street  
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Fax (605) 578-2084



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

TRENT MOHR  
Building Inspector  
Dept. of Planning & Zoning  
Telephone: (605) 578-2082  
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## SIGN PERMIT STAFF REPORT

Sign Review Commission  
October 21, 2020

**Applicant:** B.Y. Development

**Address:** 927 Main Street, Rapid City, SD 57701

**Site Address of Proposed Signage:** 360 Main Street (Double Tree – Cadillac Jacks Gaming Resort)

### Computation of Sign Area

**Building Frontage:** 300 Feet

**Total Available Signage:** 600 Square Feet

**Existing Signage:** Two wall signs  
- "Double Tree" (88 Square Feet)  
- "Guadalajara's" (42 Square Feet)

One freestanding sign (180 Square Feet)

**Remaining Available Signage Area:** 290 Square Feet

**Proposed Sign Project:** Install new wall sign in place of the "Cadillac Jacks" sign directly above the entrance doors (108 Square Feet).

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

**Proposed Lighting of the Signs:** Backlit letters.

**Location of Proposed Sign:** Attached is a photograph showing the current sign. New sign would be in this same location.

### 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.*



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In 2017 the applicant was granted a permit to install a marquee sign in this location with a variance for backlit letters. The canopy is now not going to be installed; therefore the applicant is requesting a permit to replace the wall sign at this location with a new wall sign incorporating backlit lettering.

The proposed sign requires two variances from the sign ordinance.

The first variance is for backlit letters. A variance was granted in 2017 for the proposed marquee sign in this location. Backlit signs are only allowed in the National Landmark District on newly constructed buildings. Excerpt of ordinance 15.32.200 follows:

*Outside the local historic district, opaque letters or designs set out from a building or sign face and lit by soft white illumination from behind the letters maybe allowed on new construction within the federally designated Deadwood National Historic Landmark District, as indicated on the zoning map (see 17.68.010(B)). However, no other type of internally illuminated signs shall be allowed within the federally designated Deadwood National Historic Landmark District, as indicated on the zoning map (see 17.68.010(B)), outside of the local historic district as established by Ordinance No. 777 and any amendment thereto.*

The second variance is for two wall signs associated with one public entrance. The "Double Tree" wall sign and the existing "Cadillac Jacks" wall sign are both associated with this entrance. A variance was not required for the "Double Tree" sign in 2017 as the proposed plan at that time was to replace the "Cadillac Jacks" wall sign with the previously mentioned marquee sign. Excerpt of ordinance 15.32.300 follows:

*Wall Sign. One wall sign per public entrance so long as such entrances and signs are at least ten (10) feet apart.*

## 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.

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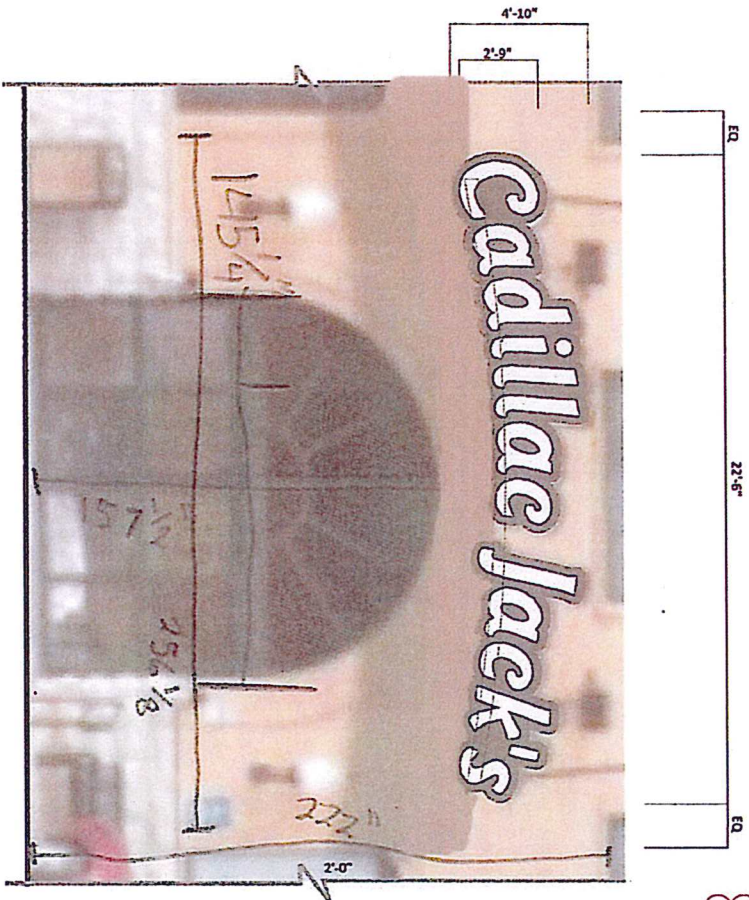
### **Sign Review Commission Action**

Motion to approve permit for new wall sign at 360 Main Street with requested variances

OR

Motion to deny proposed sign permit application as submitted.

# BACKLIT CHANNEL LETTERS



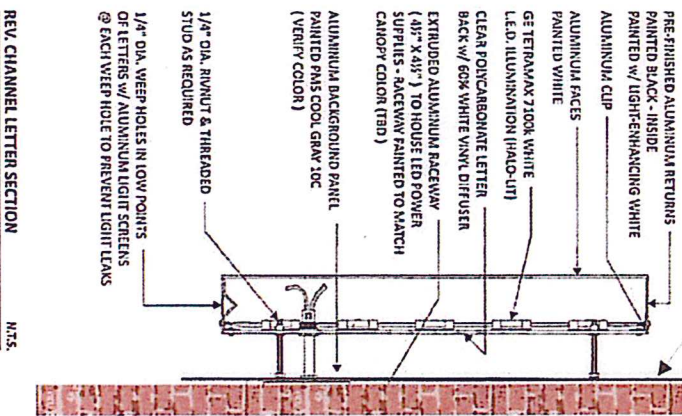
## 3" DEEP REVERSE CHANNEL LETTERS (CUSTOM)

(1) SET REQUIRED - MANUFACTURE & INSTALL  
NOTE: SURVEY REQUIRED FOR RADIOS

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

ALL POWER SUPPLIES  
MOUNTED BEHIND WALL.

ALL POWER SUPPLIES  
MOUNTED BEHIND WALL.



## REV. CHANNEL LETTER SECTION

N.T.S.

Signature

Date

FILE #

FILE

COMPANY

CONRAD'S BIG "C" SIGNS

ADDRESS

7740 E. NORTH ST.

RAVENS CTR. 50

CONTACT

NAME

PHONE

605-348-8724

EMAIL

sign@chill.net

DATE

01/02/2019

DRAWING

DANIEL LEE

DESIGNER

DANIEL LEE

SCALE

NOT TO SCALE



1740

East North St.

Rapid City

SD 57701

Phone:

605-348-8724

Fax:

605-388-6199

Email:

signs@chill.net





927 MAIN STREET  
BRADSKY PLAZA  
RAPID CITY, SOUTH DAKOTA 57701  
(605) 342-8970  
FAX (605) 342-8504

## Bradsky, Bradsky, & Bradsky, P.C.

ATTORNEYS AT LAW

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

October 16, 2020

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

*Re: B.Y. Development Inc.*

*Sign Variance Application: Replacing Exterior Wall Sign  
for Cadillac Jacks Gaming Resort*

Dear Deadwood Sign Commissioners:

As you know, Optima LLC finalized construction of the Tru by Hilton building at 372 Main Street during the summer of 2018. As part of this project, sister-entity, B.Y. Development Inc. dba Cadillac Jacks Gaming Resort, 360 Main Street, remodeled its casino floor and branded its hotel as the franchised DoubleTree by Hilton.

Back in November 2017, when the entire complex was under construction and/or remodel, B.Y. Development Inc. proposed to replace the existing Cadillac Jacks exterior entrance channel letter wall sign with a new entrance channel letter wall sign that was on a canopy and backlit with LED halo illumination. We submitted a variance request for backlit lighting of the letters on a marquee or canopy sign. This variance was approved; however due to cost constraints at the time with the new project, neither the canopy nor the new sign was installed.

B.Y. Development is now seeking to install that new LED backlit channel letter sign on the wall rather than on a canopy.

In order to accomplish this, we need a variance for (1) backlit lighting of the letters; and (2) for two wall signs associated with one public entrance. This second variance is required because, in addition to the existing Cadillac Jacks entrance sign, there is also an existing Doubletree wall sign that sets 3-stories above the Cadillac Jacks entrance sign.

Please note that our buildings are set back approximately 135 feet from the highway curb to the building face. Because of this distance from the highway roadway, the businesses located inside the buildings must be identifiable from a distance.

The variance for backlit lighting is justified in order to provide consistency with the other signs on the building (the DoubleTree sign is LED backlit as are the channel letters on the existing Guadalajaras Mexican Restaurant wall sign). The variance is also justified due to the stated visibility from the highway roadway that runs in front of the complex.

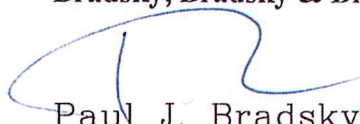
The second variance (two signs associated with one entrance) is also justified in order to achieve consistency with existing wall signs and better visibility from the roadway and parking lot. We are proposing to just replace an existing channel letter exterior lit sign with a much more energy efficient LED backlit channel letter sign, which sign was previously approved when it was on a canopy sign and part of the prior sign package. The DoubleTree wall sign sets at the level of the 4<sup>th</sup> story. The proposed sign is replacing an existing sign so we want to make it consistent with the DoubleTree sign (it is LED

backlit and energy efficient) and utilize the sign that was previously approved on a canopy sign that was never installed. We also feel that the proposed sign would be more visible to direct guests parking in the parking lot closest to this entrance.

We feel these special circumstance or conditions peculiar to this complex justify these two variance requests.

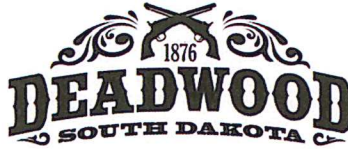
Sincerely,

**Bradsky, Bradsky & Bradsky, P.C.**



Paul J. Bradsky  
[pbradsky@aol.com](mailto:pbradsky@aol.com)

cc: B.Y. Development Inc.



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## SIGN PERMIT STAFF REPORT

Sign Review Commission  
October 21, 2020

**Applicant:** Mark Ostern

**Address:** 596 Main Street, Deadwood, SD 57732

**Site Address of Proposed Signage:** 596 Main Street (Beef Jerky Experience)

### Computation of Sign Area

**Building Frontage:** 23.5 Feet

**Total Available Signage:** 47 Square Feet

**Existing Signage:** None

**Remaining Available Signage Area:** 47 Square Feet

**Proposed Sign Project:** Install three new window signs:

- Upper window (13.4 Square Feet counted at 25% or 3.35 Square Feet against the total allowed).
- Lower windows (4.3 Square Feet each counted at 25% or 1.1 Square Feet each against the total allowed).

**Proposed Building Materials:** Vinyl. (see attached rendering).

**Proposed Lighting of the Signs:** None.

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

### Discussion

The sign permit application in review is 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 has leased this space and recently completed a remodel with the intent of operating a store selling beefy jerky and other assorted snack foods.

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The two lower signs are compliant with the ordinance. The upper sign requires a variance for size as it covers more than 50 percent of the window it is located in. Excerpt of ordinance 15.32.300 follows:

*Window Sign. One sign per window is allowed. Total sign size is not to exceed twenty (20) percent of the total area of all the windows of the story on which the sign is placed, nor fifty (50) percent of the window in which it is placed.*

### **Variances**

The sign permit application in review as proposed require a variance from the sign ordinance. Signage variances may be obtained if the sign review commission is able to find *"special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures, distance or other matters on adjacent lots or within the adjacent public right-of-way that would substantially restrict the effectiveness of the sign in question and such special circumstances or conditions are peculiar to the business or enterprise to which the applicant desires to draw attention and do not apply generally to all businesses or enterprises in the area."* However, it is the responsibility of the applicant to provide adequate evidence of such special circumstances or conditions.

### **Sign Review Commission Action**

Motion to approve permit for three new window signs at 596 Main Street granting a variance  
OR

Motion to deny proposed sign permit application as submitted.





## Trent Mohr

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**From:** Mark & Connie Ostern <bjo940@beefjerkyoutlet.com>  
**Sent:** Sunday, October 18, 2020 7:34 PM  
**To:** Trent Mohr  
**Cc:** Jeramy Russell  
**Subject:** Re: variance for sign

Good day all. I would like to request a variance required for the larger uppermost sign for the Beef Jerky Experience located at 596 Main Street Deadwood SD. This sign occupies the space above the front door of the property allowing for great visibility for Main Street traffic.

Mark Ostern  
Franchise Owner  
Beef Jerky Outlet  
Hill City, SD

701-306-8201 mobile  
605-574-2210 store

Store Address  
219 Main Street  
Hill City, SD 57745

Mailing Address  
PO Box 143  
Hill City, SD 57745

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**From:** Trent Mohr <[trent@cityofdeadwood.com](mailto:trent@cityofdeadwood.com)>  
**Date:** Friday, October 16, 2020 at 8:20 AM  
**To:** Mark & Connie Ostern <[bjo940@beefjerkyoutlet.com](mailto:bjo940@beefjerkyoutlet.com)>  
**Cc:** Jeramy Russell <[jeramyr@cityofdeadwood.com](mailto:jeramyr@cityofdeadwood.com)>  
**Subject:** RE: variance for sign

Yes. Please see the attached highlighted sections of ordinance for details.

Let me know if you have any questions.

Trent Mohr  
Building Inspector  
City of Deadwood  
Planning and Zoning  
108 Sherman Street  
(605)578-2082