

DEADWOOD PLANNING AND ZONING COMMISSION

Wednesday, September 16, 2015 – 5:00 p.m.

City Hall, 102 Sherman Street, Deadwood, SD

AGENDA

1. Call Meeting to Order
2. Approval of August 19, 2015 Minutes
3. Sign Review Commission

Darin Derosier – 804 Main Street – Security Insurance

1. Relocate Wall Sign

Action Required:

- a. Approval/Denial of Relocating Wall Sign

Timothy Patrick Klatte – 83 Sherman Street – Kodiak's Arcade & Shooting Gallery

1. Install New Sign

Action Required:

- b. Approval/Denial of Hanging Sign

4. Planning and Zoning Commission and Board of Adjustments

City of Deadwood Banner Ordinance -- Discussion

5. Items from Staff
 - Highway 85 Reconstruction Update
 - Mickelson Trail Boardwalk
 - Upcoming Projects
6. Adjourn

CITY OF DEADWOOD
PLANNING AND ZONING COMMISSION
Wednesday, August 19, 2015

Planning and Zoning Commission Present : Jim Shedd, Marie Farrier, Tony Biesiot, Mel Allen and Sheree Green.

Board of Adjustments Present : Dave Ruth Jr., Gary Todd and Mayor Chuck Turbiville

Staff Present:

Trent Mohr and Bonny Fitch

A quorum present Chair Shedd called the Planning and Zoning Commission meeting to order Wednesday, August 19, 2015 at 5:00 p.m. in Deadwood City Hall at 102 Sherman Street, Deadwood, SD.

Approval of August 5, 2015 Minutes:

It was moved by Mr. Biesiot and seconded by Ms. Farrier to approve the August 5, 2015 meeting minutes. Aye - All. Motion carried.

Sign Review Commission:

Carol Tellinghuisen - 647 Main - Miss Kitty's Pour House

Mr. Mohr informed the Commission that Carol Tellinghuisen wishes to install a new hanging sign to advertise a recently opened business at this location. The sign is vinyl wrapped metal attached to the awning frame with a chain. The sign request is compliant with the sign ordinance and requires no variances. *It was moved by Mr. Biesiot and seconded by Mr. Allen to approve the sign permit application to install a hanging sign at 647 Main. Aye - All. Motion carried.*

Planning and Zoning Commission and Board of Adjustment:

Dunbar Inc. - Water Tower Road - Deadwood Hill

Mr. Mohr stated Tract B of the Dunbar Subdivision of the City of Deadwood, being a part of Government Lots 11, 14, and 15, excepting there from Highway Right-of-Way, Lots H2 and H3 of Government Lot 11; all located in the NE1/4 and SE1/4 of Section 14, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. The Final Plat for Tract B of the Dunbar Subdivision has been submitted for transfer purposes. The property is located on Water Tower Road near the Lodge at Deadwood property on Deadwood Hill. The subject property is currently unoccupied, with that said there are various easements, right-of-ways, and a lease tied to the property involved in this plat. The lot meets the area and bulk requirements for square footage. *It was moved by Ms. Green and seconded by Ms. Farrier to approve the Plat of Tract B of the Dunbar Subdivision, City of Deadwood. Aye - All. Motion carried.*

City of Deadwood - Rear of Block on Main Street

Mr. Mohr stated Lot 23A, Block 16, O.T. Deadwood; formerly the Tract in the rear of Lot 23, Block 16, located between Lot 23 and the Bulkhead of Highway 85 and Red Creek, also known as Whitewood Creek, of Equal Width of Lot 23, all in the City of Deadwood, Lawrence County, South Dakota. The Final Plat of Lot 23A has been submitted to define property boundaries and identify the location of City owned property. The property is located between Highway 85 and rear of 643 Main Street. The property involved in this plat is zoned C1 - Commercial and there are no size requirements in the City of Deadwood code of ordinances area and bulk requirements for this district. This plat will establish clean property boundaries and legal description for the property. Mr. Allen questioned if this goes to the bulk head and is there going to be an easement behind the buildings so landowners couldn't construct a building and block access to other owners. Frank with Arleth Surveying believes this would be a descriptive easement. Ms. Green

stated they have done descriptive easements for years. *It was moved by Ms. Green and seconded by Ms. Farrier to approve the Plat Lot 23A, Block 16, O.T. Deadwood, City of Deadwood. Aye - All. Motion carried.*

Mr. Shedd closed the Planning and Zoning Meeting

Mr. Turbiville called the meeting to order of the Board of Adjustments

Dunbar Inc. - Water Tower Road - Deadwood Hill

Mr. Turbiville stated Tract B of the Dunbar Subdivision of the City of Deadwood, being a part of Government Lots 11, 14, and 15, excepting there from Highway Right-of-Way, Lots H2 and H3 of Government Lot 11; all located in the NE1/4 and SE1/4 of Section 14, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. *It was moved by Mr. Ruth and seconded by Mr. Todd to approve the Plat for Tract B of the Dunbar Subdivision of the City of Deadwood. Aye - All. Motion carried.*

City of Deadwood - Rear of Block on Main Street

Mr. Turbiville stated Lot 23A, Block 16, O.T. Deadwood; formerly the Tract in the rear of Lot 23, Block 16, located between Lot 23 and the Bulkhead of Highway 85 and Red Creek, also known as Whitewood Creek, of Equal Width of Lot 23, all in the City of Deadwood, Lawrence County, South Dakota. Mr. Todd asked if the City owns any other property in this area. Mr. Mohr stated he did not know. Frank with Arleth Surveying stated he did not know if the City did. *It was moved by Mr. Ruth and seconded by Mr. Todd to approve the Plat for Lot 23A, Block 16, O.T. Deadwood. Aye - All. Motion carried.*

It was moved by Mr. Todd and seconded by Mr. Ruth to adjourn the Board of Adjustments meeting. Aye - All. Motion carried.

Mr. Shedd called the Planning and Zoning Meeting back to order.

Items From Staff (no action taken)

- Highway 85 Reconstruction Update - Mr. Mohr stated there are conflicts with utility work and storm sewer in front of Cedarwood Inn. They may have to move sewer to other side of Charles Street. Construction will continue during Kool Deadwood Nights. Mr. Turbiville stated there is information going into the registrant's packets regarding the construction and road access.
- Mickelson Trail Boardwalk - Mr. Mohr stated the work is progressing. The deck is completely done and work is being done on the railing.

Adjournment:

It was moved by Ms. Farrier and seconded by Ms. Green 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:

Jim Shedd
Chairman, Planning & Zoning Commission
Bonny Fitch, Planning & Zoning Office/Recording Secretary

Sheree Green
Secretary, Planning & Zoning Commission

DEADWOOD

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

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

DEADWOOD CITY HALL
102 Sherman Street
Telephone (605) 578-2600

SIGN PERMIT STAFF REPORT

Sign Review Commission

September 16, 2015

Applicant: Darin Derosier

Address: 804 Main Street, Deadwood, SD 57732

Site Address of Proposed Signage: 804 Main Street, Deadwood (Security Insurance)

Computation of Sign Area

Building Frontage: 25 Feet

Total Available Signage: 50 Square Feet

Existing Signage: None

Remaining Available Signage Area: 50 Square Feet

Proposed Sign Project: Relocate one wall sign from former business location at 311 Cliff Street to current business location at 804 Main Street. (5 Square Feet)

Proposed Building Materials: Sign existing and remains the same, painted wood.

Proposed Lighting of the Signs: None.

Location of Proposed Sign: Above front door. (see attached photographs.)

Discussion

The sign project 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 signage project 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 purchased the property at 804 Main Street with the intent of using it for a business office. He has moved his office to this location from 311 Cliff Street and this permit would allow him to move his existing sign from its previous location at 311 Cliff Street to its current location at 804 Main Street with no alteration proposed to the sign. The sign and its location are compliant with the sign ordinance.

Variances

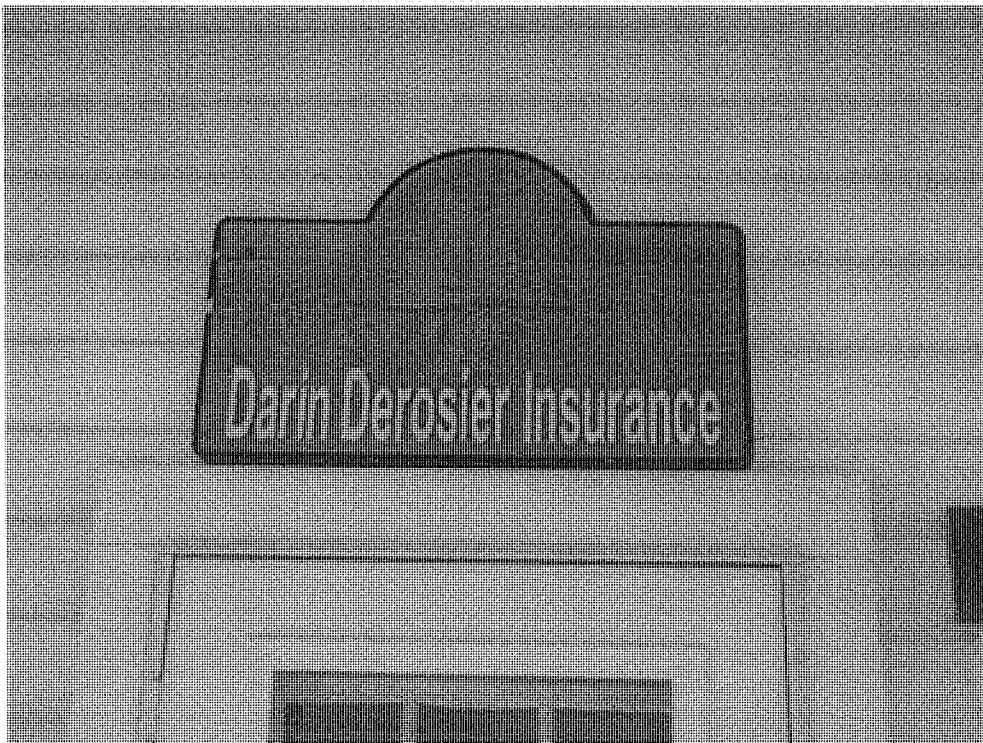
The sign application in review as proposed requires no variances from the sign ordinance. Signage variances may be obtained if the sign review commission is able to find “special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures, distance or other 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 application to relocate one wall sign from 311 Cliff Street to 804 Main Street as proposed

OR

Motion to deny proposed sign permit application as submitted.



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SIGN PERMIT STAFF REPORT

Sign Review Commission
September 16, 2015

Applicant: Timothy Patrick Klatte

Address: PO Box 213, Deadwood, SD 57732

Site Address of Proposed Signage: 83 Sherman Street, Deadwood (Kodiak's Arcade & Shooting Gallery)

Computation of Sign Area

Building Frontage: 25 Feet

Total Available Signage: 50 Square Feet

Existing Signage: None

Remaining Available Signage Area: 50 Square Feet

Proposed Sign Project: Install new projecting sign for newly opened business. (14.25 Square Feet)

Proposed Building Materials: Layered aluminum panels over wood/steel framework.

Proposed Lighting of the Signs: None noted in application.

Location of Proposed Sign: Centered on façade above existing metal canopy. (see attached renderings.)

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 signage project 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 opened a new business at the subject property. The requested permit is for the installation of a new projecting sign advertising said business. The sign and its location are compliant with the sign ordinance.

Variances

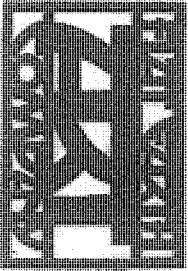
The sign application in review as proposed requires no variances from the sign ordinance. Signage variances may be obtained if the sign review commission is able to find “special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures, distance or other 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

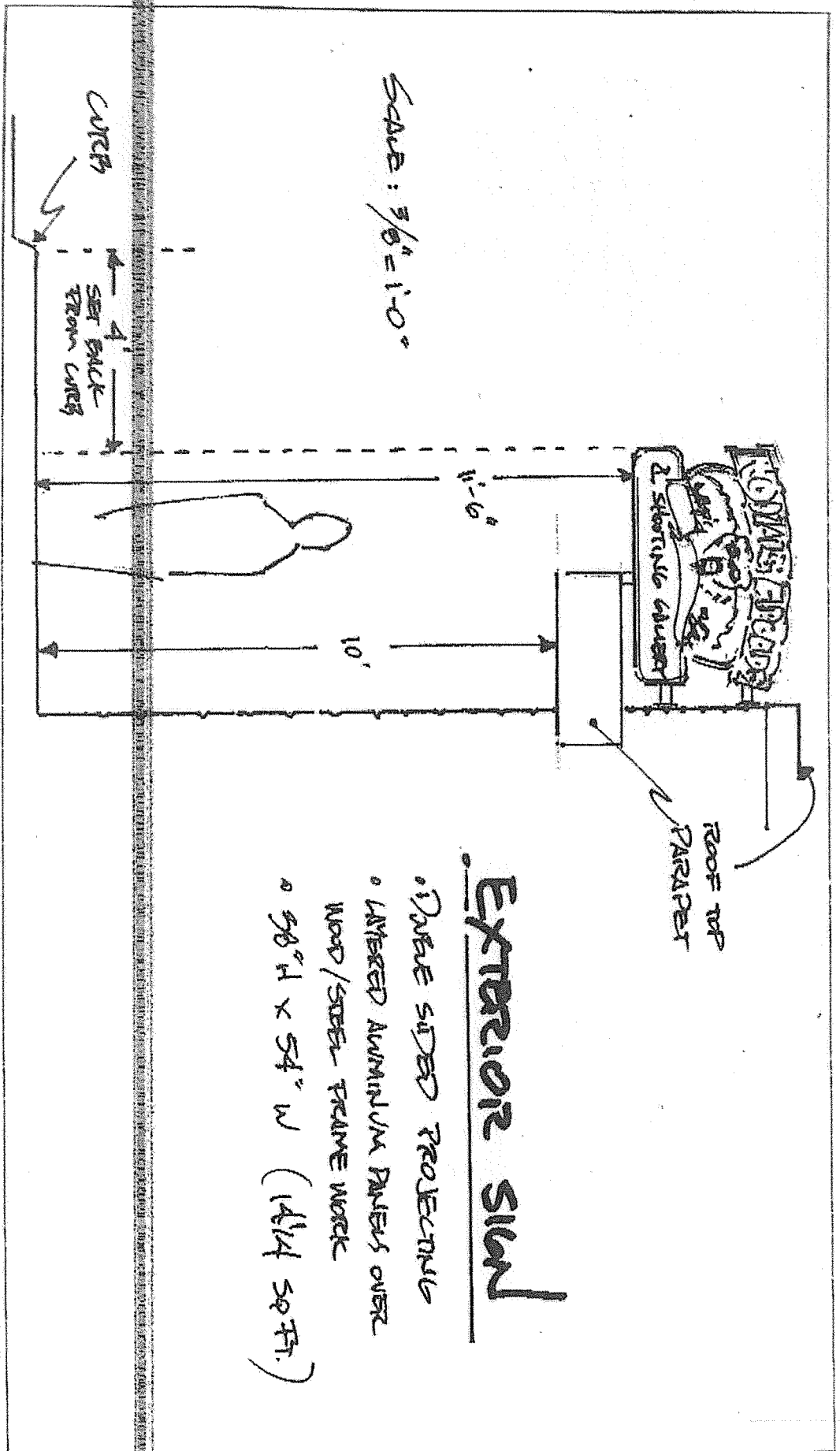
Motion to approve sign permit application to install one projecting sign at 83 Sherman Street as proposed

OR

Motion to deny proposed sign permit application as submitted.



Tim Peterson
 3123 E. PALMCOAST RD. SUITE C
 SPENCER, IA 57883
 (605) 642-5794



Designed exclusively for:

KODAK'S ARCADE - MARTHA HOLT

Date:

8/3/15

Address:

83 SHERMAN ST. DEANMOO

Phone:

591-9884

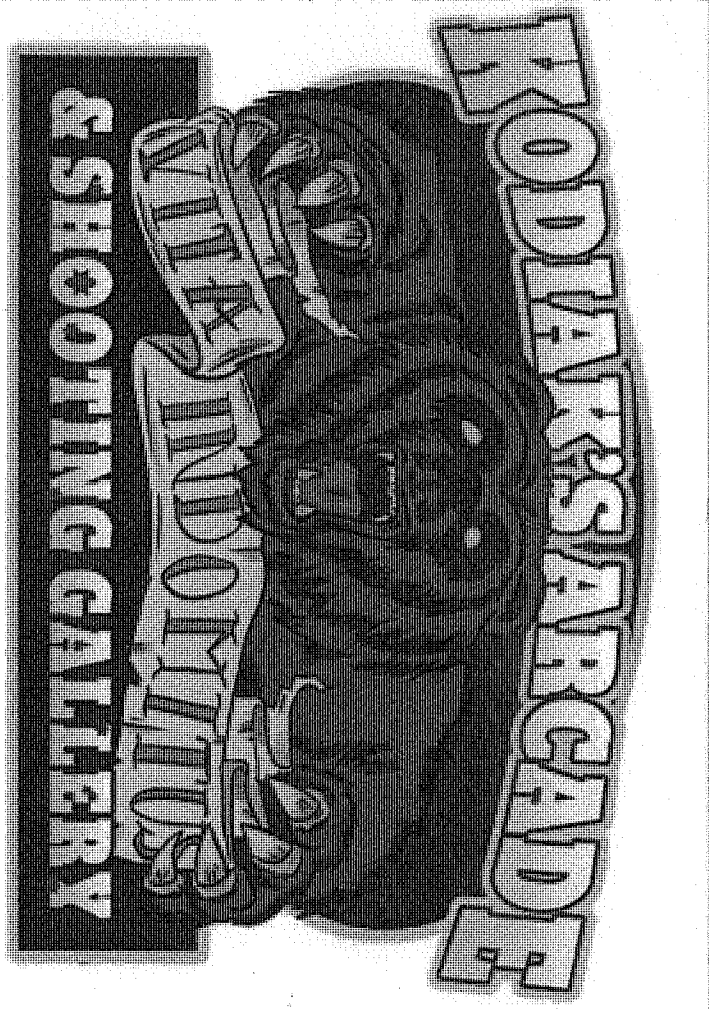
The prices, specifications, and conditions as described are satisfactory and are hereby accepted. You are authorized to do the work as specified.

50% DEPOSIT REQUIRED ON ALL WORK. BALANCE DUE ON COMPLETION.

Signature

Date

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CURRENT BANNER ORDINANCE

15.32.100 Definitions.

"**Banner**" means a long strip of flexible material, or machine-printed sign, of distinctive design displaying a decoration, slogan, advertising, etc., especially one suspended between two points, generally temporary in nature.

15.32.130 Disallowed signs.

26. **Banners** are generally not allowed. However, when used in connection with a special or civic event are allowed with a permit, available through the city, at a rate of sixty dollars (\$60.00) per business, per **banner**, per calendar year - multiple **banners** may be included in one application, however each **banner** in such application is subject to the fee; provided the event is sponsored by a not-for-profit organization or a governmental agency. Special events shall be designated by the city commission. The permit fee may be waived for a nonprofit organization, provided it obtains a permit from the city. All such **banners** and signs shall be allowed to be placed no sooner than seventy-two (72) hours prior to the beginning of the event and removed within forty-eight (48) hours after the termination of the event. All **banners** displayed under this clause must explicitly and clearly promote the special or civic event or include the promotion of Historic Deadwood by including the following language, "Welcome to Historic Deadwood." A permit must be obtained and issued by the zoning administrator and the building inspector. The **banners** must be approved by the zoning administrator and the building inspector.

Banners hung pursuant to this section must primarily and principally specify the special or civic event, OR with the text "Welcome to Historic Deadwood" primarily and principally displayed. The **banner** must be made of water-resistant materials and placed on a building facade during the promoted special or civic event in compliance with the existing sign ordinance. It may not exceed ninety-six (96) square feet in area. No variances to this size limit may be approved by the planning and zoning commission. It shall be a single-piece sign with no attachments or additions, including but not limited to, the addition of any handwritten letters or symbols. Only one (1) **banner** may be placed on any one (1) side of a building or facade. **Banners** may be placed on temporary structures, including but not limited to, stages or fences that are constructed for special or civic events. An applicant who wishes to appeal the decision of the zoning administrator and the building inspector may appeal to the planning and zoning commission as provided by statute.

15.32.170 Permit costs.

Sign and **banner** permits shall be charged sixty dollars (\$60.00) per business, per sign or **banner** - multiple signs or **banners** may be included in one application, however each sign or **banner** in such application is subject to the fee.

PROPOSED CHANGES OPTION #1

15.32.100 Definitions.

"Banner" means a long strip of flexible material, or machine-printed sign, of distinctive design displaying a decoration, slogan, advertising, etc., especially one suspended between two points, generally temporary in nature.

"Building" means any structure used or intended for supporting or sheltering any use or occupancy.

15.32.130 Disallowed signs.

26. Banners are generally not allowed. However, when used in connection with a designated special event set by city resolution are allowed with a permit, available through the city, at a rate of sixty dollars (\$60.00) ~~per business~~, per banner, per calendar year - ~~multiple two~~ banners may be included in one application, however each banner in such application is subject to the fee; provided the event is sponsored by a not-for-profit organization or a governmental agency. Special events shall be designated by the city commission. ~~The permit fee may be waived for a nonprofit organization, provided it obtains a permit from the city.~~ All such banners and signs shall be allowed to be placed no sooner than seventy-two (72) hours prior to the beginning of the event and removed within forty-eight (48) hours after the termination of the event. All banners displayed under this clause ~~must explicitly and clearly promote the special or civic event or include the promotion of Historic Deadwood by including the following language, "Welcome to Historic Deadwood."~~ must include the official Deadwood Logo under the use guidelines and be larger than one foot in vertical dimension. A permit must be obtained and issued by the zoning administrator and the building inspector. The banners must be approved by the zoning administrator and the building inspector.

~~Banners hung pursuant to this section must primarily and principally specify the special or civic event, OR with the text "Welcome to Historic Deadwood" primarily and principally displayed. The banner must be made of water-resistant materials and placed on a building facade during the promoted special or civic event in compliance with the existing sign ordinance. It may~~ Banners shall not exceed ~~ninety-six (96) fifty (50)~~ square feet in area. No variances to this size limit may be approved by the planning and zoning commission. It shall be a single-piece sign with no attachments or additions, including but not limited to, the addition of any handwritten letters or symbols. Only one (1) banner may be placed on any one (1) side of a building or ~~facade~~ facade with a maximum of two (2) banners allowed per building. Banners may be placed on temporary structures, including but not limited to, stages or fences that are constructed for special or civic events. Temporary structures shall only be permitted for one banner with a maximum of twenty (20) square feet in size. An applicant who wishes to appeal the decision of the zoning administrator and the building inspector may appeal to the planning and zoning commission as provided by statute.

The Deadwood Chamber of Commerce shall be allowed additional banners at no cost to be installed on performance stages and event areas in the public Right-of-Way and directional and public informational banners along public Right-of-Ways which will not require the Deadwood Logo upon approval of the Zoning Administrator and the Building Inspector.

15.32.170 Permit costs.

~~Sign and banner~~ permits shall be charged sixty dollars (\$60.00) per business, per sign ~~or banner~~ ~~multiple signs or banners~~ may be included in one application, however each sign ~~or banner~~ in such application is subject to the fee.

Banner permits shall be charged sixty dollars (\$60.00) per banner. A permit is valid for the calendar year January 1 thru December 31 and shall be the permit for all events regardless of the text or design. A maximum of two banner permits per building shall be permitted annually.

PROPOSED CHANGES OPTION #2

15.32.100 Definitions.

"Banner" means a long strip of flexible material, or machine-printed sign, of distinctive design displaying a decoration, slogan, advertising, etc., especially one suspended between two points, generally temporary in nature.

15.32.130 Disallowed signs.

26. ~~Banners are generally not allowed. However, when used in connection with a special or civic event are allowed with a permit, available through the city, at a rate of sixty dollars (\$60.00) per business, per banner, per calendar year. Multiple banners may be included in one application, however each banner in such application is subject to the fee; provided the event is sponsored by a not-for-profit organization or a governmental agency. Special events shall be designated by the city commission. The permit fee may be waived for a nonprofit organization, provided it obtains a permit from the city. All such banners and signs shall be allowed to be placed no sooner than seventy-two (72) hours prior to the beginning of the event and removed within forty-eight (48) hours after the termination of the event. All banners displayed under this clause must explicitly and clearly promote the special or civic event or include the promotion of Historic Deadwood by including the following language, "Welcome to Historic Deadwood." A permit must be obtained and issued by the zoning administrator and the building inspector. The banners must be approved by the zoning administrator and the building inspector.~~

~~—Banners hung pursuant to this section must primarily and principally specify the special or civic event, OR with the text "Welcome to Historic Deadwood" primarily and principally displayed. The banner must be made of water-resistant materials and placed on a building facade during the promoted special or civic event in compliance with the existing sign ordinance. It may not exceed ninety-six (96) square feet in area. No variances to this size limit may be approved by the planning and zoning commission. It shall be a single piece sign with no attachments or additions, including but not limited to, the addition of any handwritten letters or symbols. Only one (1) banner may be placed on any one (1) side of a building or facade. Banners may be placed on temporary structures, including but not limited to, stages or fences that are constructed for special or civic events. An applicant who wishes to appeal the decision of the zoning administrator and the building inspector may appeal to the planning and zoning commission as provided by statute.~~

15.32.170 Permit costs.

~~Sign and banner permits shall be charged sixty dollars (\$60.00) per business, per sign or banner. Multiple signs or banners may be included in one application, however each sign or banner in such application is subject to the fee.~~