

**DEADWOOD PLANNING AND ZONING COMMISSION**

**Deadwood Board of Adjustment**

**Wednesday, May 20, 2015 – 5:00 p.m.**

**City Hall, 102 Sherman Street, Deadwood SD**

**AGENDA**

1. Call meeting to Order
2. Approval of May 6, 2015 Minutes
3. Sign Review Commission:

**Ensignal Wireless – 470 Main Street**

1. Replace existing awning – new color and sign on valance
  - a. **Approval/denial of awning and sign**

**Jerry Greer's – 136 Sherman Street**

1. Install two wall signs, three projecting signs
  - a. **Approval/denial of new signs**

4. Planning and Zoning Commission and Board of Adjustment:

**City of Deadwood – Russ and Donna Smith – James and Laura Lee – Meverden Street  
Final Plat**

**Final Plat:** Lots 3A and 3B, Block C of Weisflog Addition, Formerly Lot 3, Block C of Weisflog Addition, A portion of Lot 9 of Meverden Addition and A portion of Tract ML of M.S. 81; and Lots A and B of Meverden Street Subdivision; Being a portion of M.S. 81; and Tract A of Meverden Addition, Formerly tract ML of M.S. 81, Lot 8 and a Portion of Lot 9 of Meverden addition; All located in M.S. 81, City of Deadwood, Lawrence County, South Dakota

**Address:** Meverden Street

**ACTION REQUIRED:**

- a. Approval / denial by Planning and Zoning.
- b. Approval / denial by Deadwood Board of Adjustment.

5. Open
  - Rodeo Grounds Grandstands Project
  - Highway 85 Reconstruction Update
  - Mickelson Trail Boardwalk
6. Adjourn

CITY OF DEADWOOD  
PLANNING AND ZONING COMMISSION  
Wednesday, May 6, 2015

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

Absent Planning and Zoning Commission: Mel Allen

Present Board of Adjustments: Dave Ruth, Gary Todd, Chuck Turbiville, and Mark Spears

A quorum present Chair Shedd called the Planning and Zoning Commission and Board of Adjustments meeting to order Wednesday, May 6, 2015 at 5:00 p.m. in Deadwood City Hall at 102 Sherman Street, Deadwood, SD.

Introduction:

Bob Nelson Jr. welcomed and introduced new Planning and Zoning Commissioner Tony Biesiot.

Approval of April 15, 2015 Minutes:

*It was moved by Ms. Green and seconded by Ms. Farrier to approve the April 15, 2015 meeting minutes. Aye - All. Motion carried.*

Sign Review Commission:

Greg Vecchi - 251 Highway 14A, Continued from 4/15/15 Meeting

Mr. Nelson Jr. informed the Commission that Greg Vecchi is requesting three signs to be placed at 251 Highway 14A. This item was carried over from the April 15, 2015 meeting. The sign application as proposed requires no variances from the sign ordinance. Sheree Green asked what are the legs on sign three (3) made of. Greg Vecchi stated that they are metal. *It was moved by Ms. Green and seconded by Ms. Farrier to approve the three (3) signs at 251 Highway 14A. Aye - All. Motion carried.*

Deadwood Gulch Resort - 304 Cliff Street

Mr. Nelson Jr. informed the Commission that Deadwood Gulch Resort is requesting to install a new wall sign on the exterior of the building above the main entrance. The sign will be metal face with reverse channel letters; internally illuminated. The sign application as proposed requires no variance from the sign ordinance. *It was moved by Ms. Farrier and seconded by Ms. Green to approve the sign application for a new sign at 304 Cliff Street as proposed. Aye -All. Motion carried.*

Optima LLC - 360 Main Street

Mr. Nelson Jr. informed the Commission that Optima LLC is requesting to install two new private directional signs in the parking lot. The signs will be vinyl wrapped metal faces with metal framework; non illuminating. The sign application as proposed requires no variance from the sign ordinance. Ms. Green asked if they are in the right of way. Mr. Nelson Jr. stated they are in the process of doing a vacation of right of way. *It was moved by Ms. Green and seconded by Mr. Biesiot to approve two private directional signs in the parking lot at 360 Main Street. Aye -All. Motion carried.*

Commercial Highway Zoning.

Mr. Nelson Jr. presented the Commission with an updated list of Permitted Uses and Conditional Uses within the Commercial Highway Zoning District that was reviewed at the last meeting. Mr. Nelson Jr. stated that he will have the City Attorney review before presenting the changes to the City Commission. No action was required.

Denise Parker – Animal Rights

Ms. Parker is speaking for the residents of Deadwood who are opposed to the Permitted Use of Fur-Ever Wild at 305 Cliff Street. Several residents of Deadwood made statements regarding the facility in Minnesota, proper care of animals, disease, safety to the public, noise and smell issues, and request the Commission deny the use.

Mr. Shedd stated the property upon which the proposed wolf attraction is located was zoned highway commercial; as such, no action from the Commission was necessary in order to have the group proceed. Nothing in the Deadwood municipal ordinances require any specific permit for this type of activity. The only requirement is that the proposed use must meet all state and federal regulations. The Planning and Zoning commission can take no action to remedy any concerns of the general public, it is the Commission's recommendation for any members of the public to take up any issues they have with the proposed use at the state or federal level. No action was taken.

Items From Staff (no action taken)

- Rodeo Grounds Grandstands Project – Mr. Nelson Jr. gave an update on the project and that the Projected timetable for completion is still on track.
- Highway 85 Reconstruction Update – Mr. Nelson Jr. stated the project is ongoing and they have been working in the rain.
- Mickelson Trail Boardwalk – Mr. Nelson Jr. informed the commission that construction would begin any day.
- Valet Parking Conditional Use Permit, 316 Main St. – Mr. Nelson Jr. stated that the permit is valid since 2006 but they have to have it on their property.

Adjournment:

*It was moved by Ms. Green 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 5:51 p.m.

ATTEST:

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

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Sheree Green  
Secretary, Planning & Zoning Commission





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

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PLANNING, ZONING  
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DEADWOOD CITY HALL  
102 Sherman Street  
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## SIGN PERMIT STAFF REPORT

Sign Review Commission  
May 20, 2015

**Applicant:** Blake Haverberg

**Address:** 470 Main Street Deadwood, SD 57732

**Site Address of Proposed Signage:** 470 Main Street (Ensignal Wireless)

### Computation of Sign Area

**Building Frontage:** 55 Feet

**Total Available Signage:** 110 Square Feet

**Existing Signage:** One projecting sign – 16 Square Feet

**Remaining Available Signage Area:** 94 Square Feet

**Proposed Sign Project:** Replace existing awning with new color and sign on valance. (see attached rendering.)

**Proposed Building Materials:** Fabric with printed lettering.

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

**Location of Proposed Sign:** Awning runs the length of the business frontage. (see attached rendering)

### 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 applications 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 application in review is for installation new awning 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 application to install new awning sign at 470 Main Street as proposed

OR

Motion to deny proposed sign application as submitted.





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## SIGN PERMIT STAFF REPORT

Sign Review Commission  
May 20, 2015

**Applicant:** Lore Ksenych

**Address:** P.O. Box 501 Deadwood, SD 57732

**Site Address of Proposed Signage:** 136 Sherman Street (Jerry Greer's)

### Computation of Sign Area

**Building Frontage:** 100 Feet

**Total Available Signage:** 200 Square Feet

**Existing Signage:** None

**Remaining Available Signage Area:** 200 Square Feet

**Proposed Sign Project:** Install two new wall signs (numbered 1 & 2) each being 20 square feet in size. Install three new projecting signs (numbered 3, 4 & 5) each being 3.5 square feet in size. (see attached rendering.)

**Proposed Building Materials:** Metal wrapped in vinyl.

**Proposed Lighting of the Signs:** Externally Illuminated.

**Location of Proposed Sign:** One wall sign on the front and one wall sign on the back of the building. Projecting signs on existing hardware on the front of the building. (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 applications is regulated by 15.32.090 of the Sign Ordinance, reference below.

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The application in review is for installation of five new signs. The signs and their locations are compliant with the sign ordinance.



### **Variances**

The sign 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.

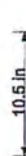
### **Sign Review Commission Action**

Motion to approve sign application to install five new signs at 136 Sherman Street as proposed  
OR

Motion to deny proposed sign application as submitted.

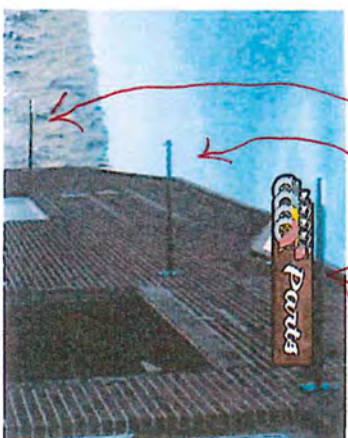


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Sign 1 →



signs 3, 4 & 5

Sign 2 →









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## STAFF REPORT PLANNING AND ZONING MAY 20, 2015 JOINT MEETING

**APPLICANT:** City of Deadwood      Russell and Donna Smith      James and Laura Lee  
102 Sherman Street      888 E. 3<sup>rd</sup> Street      24 Mckinley Street  
Deadwood, SD 57732      Parker, SD 57053      Deadwood, SD 57732

**PURPOSE:** Define Property Lines, Clear Up Roadway Boundary, Transfer Property

**GENERAL LOCATION:** Meverden Street

**LEGAL DESCRIPTION:** Lots 3A and 3B, Block C of Weisflog Addition, Formerly Lot 3, Block C of Weisflog Addition, A portion of Lot 9 of Meverden Addition and A portion of Tract ML of M.S. 81; and Lots A and B of Meverden Street Subdivision; Being a portion of M.S. 81; and Tract A of Meverden Addition, Formerly tract ML of M.S. 81, Lot 8 and a Portion of Lot 9 of Meverden addition; All located in M.S. 81, City of Deadwood, Lawrence County, South Dakota

**FILE STATUS:** All legal obligations have been completed.

**ZONE:** R2 – Multi-Family Residential District

### STAFF FINDINGS:

#### Surrounding Zoning:

North: R2 – Residential  
South: R2 – Residential  
East: R2 - Residential  
West: R2 – Residential

#### Surrounding Land Uses:

Residential Structures  
Vacant Land  
Residential Structures  
Apartment Building

### SUMMARY OF REQUEST

The Final Plat for Lots 3A, 3B, A, B, and Tract A located on the south side of Meverden Street has been submitted to define property lines and remove a portion of private property from the roadway. This will also clear up property lines for a public street and two landowners.

### FACTUAL INFORMATION

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

2. Lot 3B, Weisflog Addition, is comprised of 0.131 Acres±.  
Lot 3A, Weisflog Addition, is comprised of 104 sq. ft.  
Lot A, Meverden St. Subdivision, is comprised of 75 sq. ft.  
Lot B, Meverden St. Subdivision, is comprised of 23 sq. ft.  
Tract A, Meverden Addition, is comprised of 0.150 Acres
3. The subject property is located within a moderate-density residential district.
4. The property 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 residential structures.

#### **STAFF DISCUSSION**

The subject property is currently vacant and the owner intends on building a new house in the near future on the property. The lots meet the area and bulk requirements for square footage.

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

#### **ACTION REQUIRED:**

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

## SHEET 1 OF 1



NOTES:

1. TOTAL AREA PLATTED THIS PLAT: 0.068 ACRES.
2. TOTAL AREA LOTS THIS PLAT: 0.068 ACRES.
3. TOTAL AREA R-0-W THIS PLAT: 0.000 ACRES.
4. TOTAL GARAGE AND/OR GARDENING ARE ALLOWED TO BE GRANTED ALONG INSIDE OF ALL LOTLINES.
5. BASIS OF READING IS DEADWOOD COORDINATE SYSTEM.
6. LOTS 1 TO 10 TO 3A, 11 TO 13, 14 TO 15 AND 16 ARE INTENDED FOR TRANSFER FOR PURPOSES ONLY.
7. LOTS 1 TO 3C, 11 AND 12 AND 13-3.2, THE DEVELOPER OF THE PROPERTY DESCRIBED WITHIN THIS PLAT SHALL BE RESPONSIBLE FOR PROTECTING ANY WATERS OF THE STATE, INCLUDING GROUNDWATER, LOCATED TO OR WITHIN SUCH PLATTED AREA FROM POLLUTION FROM SEWAGE, OR OTHER SOURCES OF POLLUTION. PROTECTION OF SUCH PROTECTIVE AREAS SHALL BE TO FOLLOW ALL REGULATIONS OF THE SOUTH DAKOTA DEPARTMENT OF ENVIRONMENTAL AND NATURAL RESOURCES.

LAWRENCE COUNTY REGISTER OF DEEDS

