



Planning and Zoning Commission Regular Meeting Agenda

Wednesday, December 16, 2020 at 5:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

Masks are required to be worn while in City Hall. No exceptions!

1. **Roll Call**
2. **Call to Order**
3. **Approval of Minutes**
 - a. November 18, 2020 Minutes
4. **Sign Review Committee**
 - a. 677 Main Street (Midnight Star) - Lamar Feed & Grain, LLC - Install New Projecting Sign
Action Required:
 - a. Approval/Denial by Sign Review Commission
5. **Planning and Zoning Commission and Board of Adjustments**
 - a. Consolidating Parcels - Centennial Avenue - Robb & Wendy Nelson
Action Required:
 - a. Recommend Approval/Denial by Planning and Zoning Commission
 - b. Findings of Fact and Conclusions - 311 Cliff - Court & Kay French
6. **Items from Staff**
7. **Adjournment**

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, November 18, 2020

The meeting of the Deadwood Planning and Zoning Commission was called to order by Vice-Chairperson Brett Runge on Wednesday, November 18, 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: Bill Rich, David Bruce, Josh Keehn and Brett Runge

Absent: John Martinisko

Board of Adjustments Present: Charlie Mook

Staff Present:

Jeramy Russell, Trent Mohr and Bonny Anfinson

Approval of November 4, 2020 Minutes:

It was moved by Mr. Rich and seconded by Mr. Bruce to approve the November 4, 2020 meeting minutes. Aye - All. Motion carried.

Sign Review Committee

50 Cliff Street (Century 21) – Greg and Matt Klein – Reface Freestanding Sign

Mr. Mohr stated the applicant wishes to retrofit the existing freestanding sign to incorporate the new Century 21 logo for their business. The current signage is compliant with the sign ordinance. The sign requires no variances from the sign ordinance. *It was moved by Mr. Keehn and seconded by Mr. Rich to approve the permit to reface the existing freestanding sign at 50 Cliff Street. Aye - All. Motion carried.*

Planning and Zoning Commission

Conditional Use Permit for a Multiple Family Dwelling Unit – 311 Cliff Street – Court and Kay French

Mr. Russell stated the applicant has submitted a request for a Conditional Use Permit to operate a Multiple Family Dwelling Unit on this property. The property is located at 311 Cliff Street and has been operated as the Thunder Cove Hotel. Legally described as Lot 1 of Katon Subdivision, located in the SE1/4 of Section 27, T5N, R3E, B.H.M., City of Deadwood, and Lawrence County, South Dakota. The applicant is constructing efficiency apartments for long term rentals. *It was moved by Mr. Keehn and seconded by Mr. Bruce to approve the Conditional Use Permit for a multiple family dwelling unit for property located at 311 Cliff Street legally described as Lot 1 of Katon Subdivision, located in the SE1/4 of Section 27, T5N, R3E, B.H.M., City of Deadwood, and Lawrence County, South Dakota. Aye - All. Motion carried.*

Items from Staff (no action taken)

Mr. Russell reported at the December 2, 2020 Planning and Zoning Commission meeting, Toby Morris and Kevin Wagner will present a TIF 101 to provide members and staff a better understanding of the ins and outs of TIFs.

Adjournment:

It was moved by Mr. Bruce 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 5:05p.m.

ATTEST:

Chairman, Planning & Zoning Commission

Secretary, Planning & Zoning Commission

Bonny Anfinson, Planning & Zoning Office/Recording Secretary

OFFICE OF
Planning & Zoning
 108 Sherman Street
 Telephone (605) 578-2082
 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
 Fax: (605) 578-2084

SIGN PERMIT STAFF REPORT

Sign Review Commission

December 16, 2020

Applicant: Lamar Feed & Grain, LLC

Address: 677 Main Street, Deadwood, SD 57732

Site Address of Proposed Signage: 677 Main Street (Midnight Star)

Computation of Sign Area

Building Frontage: 50 Feet

Total Available Signage: 100 Square Feet

Existing Signage: Eight window signs (approximately 36 Square Feet total, counted at 9 Square Feet)

Remaining Available Signage Area: 91 Square Feet

Proposed Sign Project: Install new projecting sign (29 Square Feet)

Proposed Building Materials: Metal with Cellulose Acetate Butyrate (CAB) raised letters (see attached rendering)

Proposed Lighting of the Signs: External

Location of Proposed Sign: Attached is a photograph showing the proposed location

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 applicants are the new owners of this business. This is a newly designed sign that is to be placed where the previous projecting sign was located. That sign was removed when this business closed in 2017.

The proposed sign and its location are compliant with the sign ordinance.

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Variances

The sign permit 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.

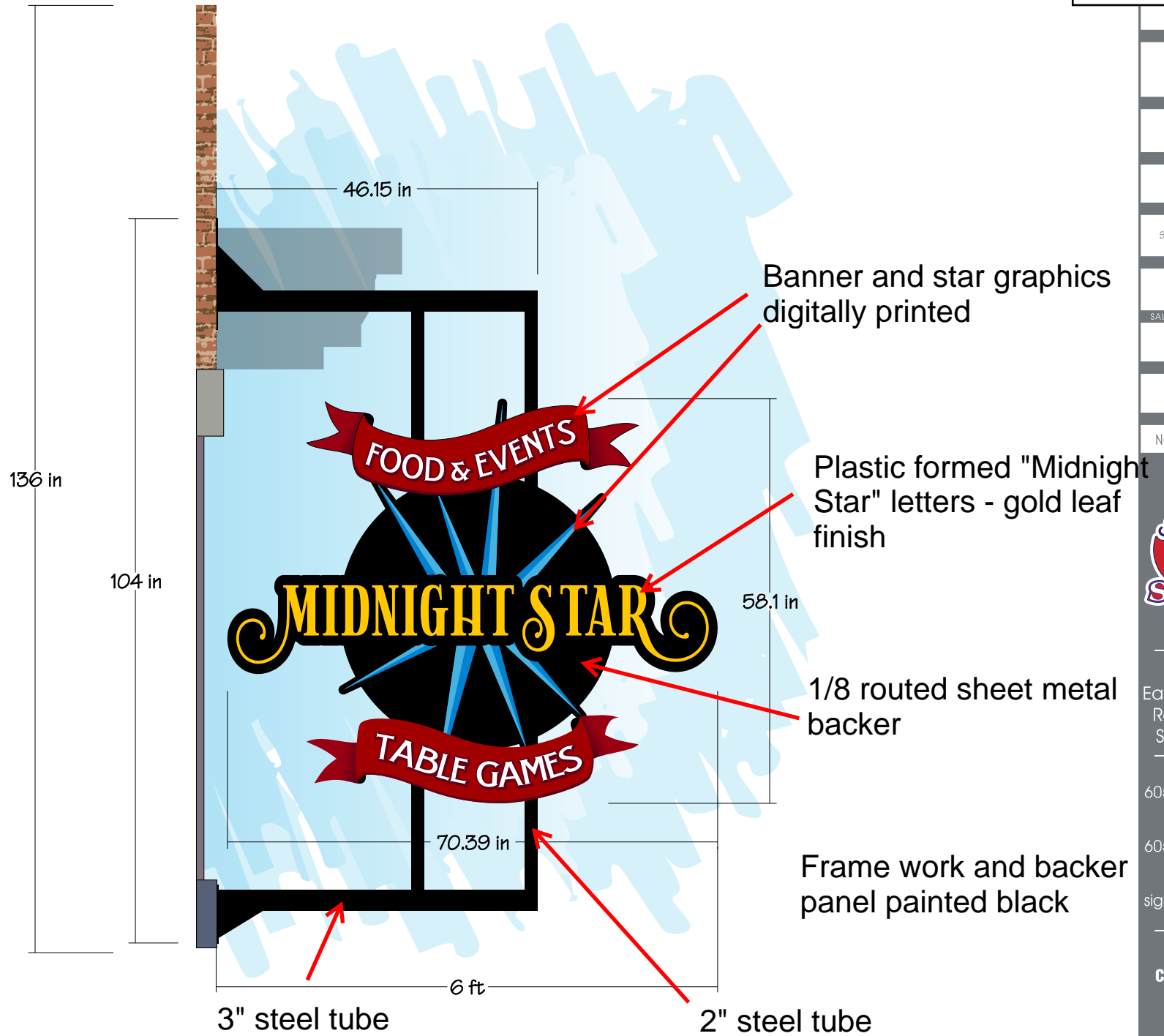
Sign Review Commission Action

Motion to approve permit for new projecting sign at 677 Main Street

OR

Motion to deny proposed sign permit application as submitted.





1740
East North St.
Rapid City
SD 57701

Phone:
605-348-8744

Fax:
605-388-6199

Email:
signs@hills.net



OFFICE OF
PLANNING, ZONING AND
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108 Sherman Street
Deadwood, SD 57732



Jeramy Russell
Planning and Zoning Administrator
Telephone (605) 578-2082
jeramy@cityofdeadwood.com
Fax (605) 578-2084

STAFF REPORT
PLANNING AND ZONING MEETING
December 9, 2020

APPLICANT: Robb & Wendy Nelson

PURPOSE: Consolidating Parcels

GENERAL LOCATION: Centennial Avenue

LEGAL DESCRIPTION: Lot 8A, Block K, Original Townsite, City of Deadwood,
Lawrence County, South Dakota Formerly Portions of Lots 8 and 9, Block K

FILE STATUS: All legal obligations have been completed.

ZONE: R1 – Residential District

STAFF FINDINGS:

Surrounding Zoning:

North: R1 – Residential
South: R1 – Residential
East: R1 – Residential
West: R1 – Residential

Surrounding Land Uses:

Residential Dwellings
Residential Dwellings
Residential Dwellings
Residential Dwellings

SUMMARY OF REQUEST

The Final Plat for Lot 8A, Block K has been submitted to consolidate parcels of common ownership. The property is located 18 Centennial Avenue and both lots front Centennial Avenue.

FACTUAL INFORMATION

1. The property is currently zoned R1 – Residential District
2. Lot 8A, Block k, is comprised of 0.218 Acres \pm .
3. The subject property is located within a low density residential designation.
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 contributing historical Victorian homes.

STAFF DISCUSSION

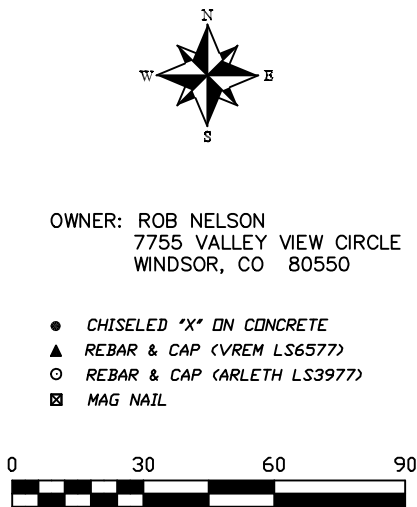
The subject property is owned by a Robb & Wendy Nelson and they desire to have two parcels consolidated into one for the purpose of building a garage. The lot meets the area and bulk requirements for square footage.

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

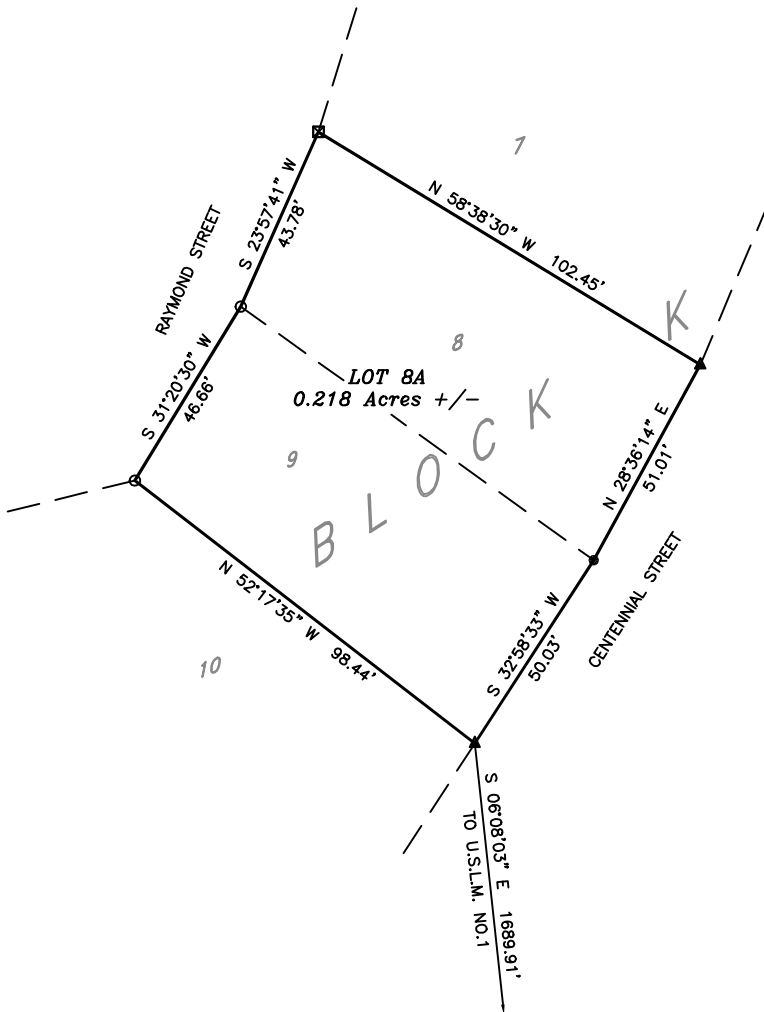
1. Approval/Denial by Deadwood Planning and Zoning Commission
2. Approval/Denial by Deadwood Board of Adjustment.

PLAT OF LOT 8A, BLOCK K, ORIGINAL TOWNSITE,
CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA
FORMERLY PORTIONS OF LOTS 8 AND 9, BLOCK K



OWNER: ROB NELSON
7755 VALLEY VIEW CIRCLE
WINDSOR, CO 80550

- CHISELED "X" ON CONCRETE
- ▲ REBAR & CAP (VREM LS6577)
- REBAR & CAP (ARLETH LS3977)
- ☒ MAG NAIL



SURVEYOR'S CERTIFICATE

I, LOREN D. VREM, 332A WEST MAIN STREET, LEAD, SOUTH DAKOTA, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF SOUTH DAKOTA. THAT AT THE REQUEST OF THE OWNER AND UNDER MY SUPERVISION, I HAVE CAUSED TO BE SURVEYED AND PLATTED THE PROPERTY SHOWN AND DESCRIBED HEREON. TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE PROPERTY WAS SURVEYED IN GENERAL CONFORMANCE WITH THE LAWS OF THE STATE OF SOUTH DAKOTA AND ACCEPTED METHODS AND PROCEDURES OF SURVEYING. DATED THIS____DAY OF_____, 20____.

LOREN D. VREM, R.L.S. 6577

OWNER'S CERTIFICATE
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

_____, DO HEREBY CERTIFY THAT I/WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON, THAT WE DO APPROVE THIS PLAT AS HEREON SHOWN AND THAT DEVELOPMENT OF THIS PROPERTY SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION, EROSION AND SEDIMENT CONTROL

REGULATIONS.

OWNER:_____

OWNER:_____

ADDRESS:_____

ADDRESS:_____

ACKNOWLEDGMENT OF OWNER
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

ON THIS ____DAY OF_____,20____,BEFORE ME THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY

APPEARED_____,
KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE.

MY COMMISSION EXPIRES:_____,NOTARY PUBLIC:_____

CERTIFICATE OF COUNTY TREASURER
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

I,_____, LAWRENCE COUNTY TREASURER, DO HEREBY CERTIFY THAT____TAXES WHICH
ARE LIENS UPON THE HEREIN PLATTED PROPERTY HAVE BEEN PAID. DATED THIS____DAY OF_____,20____.

LAWRENCE COUNTY TREASURER:_____

APPROVAL OF HIGHWAY AUTHORITY
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

THE LOCATION OF THE PROPOSED ACCESS ROADS ABUTTING THE COUNTY OR STATE HIGHWAY AS SHOWN HEREON, IS HEREBY APPROVED. ANY CHANGE IN THE PROPOSED ACCESS SHALL REQUIRE ADDITIONAL APPROVAL.

HIGHWAY AUTHORITY:_____

APPROVAL OF THE CITY OF DEADWOOD PLANNING COMMISSION
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

THIS PLAT APPROVED BY THE CITY OF DEADWOOD PLANNING COMMISSION THIS____DAY OF_____,20____.

CHAIRMAN

ATTEST:_____
CITY PLANNER

APPROVAL OF THE CITY OF DEADWOOD BOARD OF COMMISSIONERS
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

BE IT RESOLVED THAT THE CITY OF DEADWOOD BOARD OF COMMISSIONERS HAVING VIEWED THE WITHIN PLAT, DO HEREBY APPROVE THE SAME FOR RECORDING IN THE OFFICE OF THE REGISTER OF DEEDS, LAWRENCE COUNTY, SOUTH DAKOTA, DATED THIS____DAY OF_____,20____.

ATTEST: _____
FINANCE OFFICER MAYOR

OFFICE OF THE COUNTY DIRECTOR OF EQUALIZATION
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

I, LAWRENCE COUNTY DIRECTOR OF EQUALIZATION, DO HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS PLAT. DATED THIS____DAY OF_____,20____.

LAWRENCE COUNTY DIRECTOR OF EQUALIZATION:_____

OFFICE OF THE REGISTER OF DEEDS
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

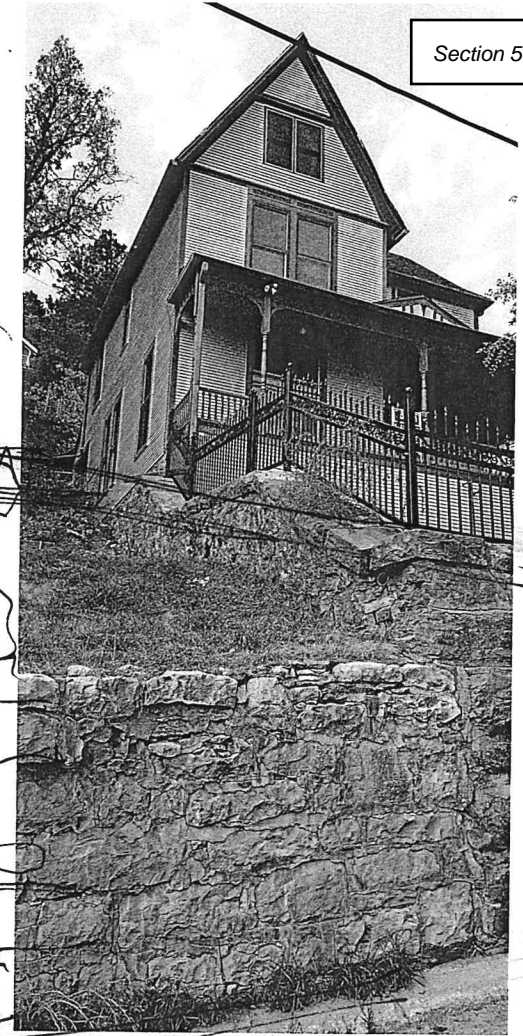
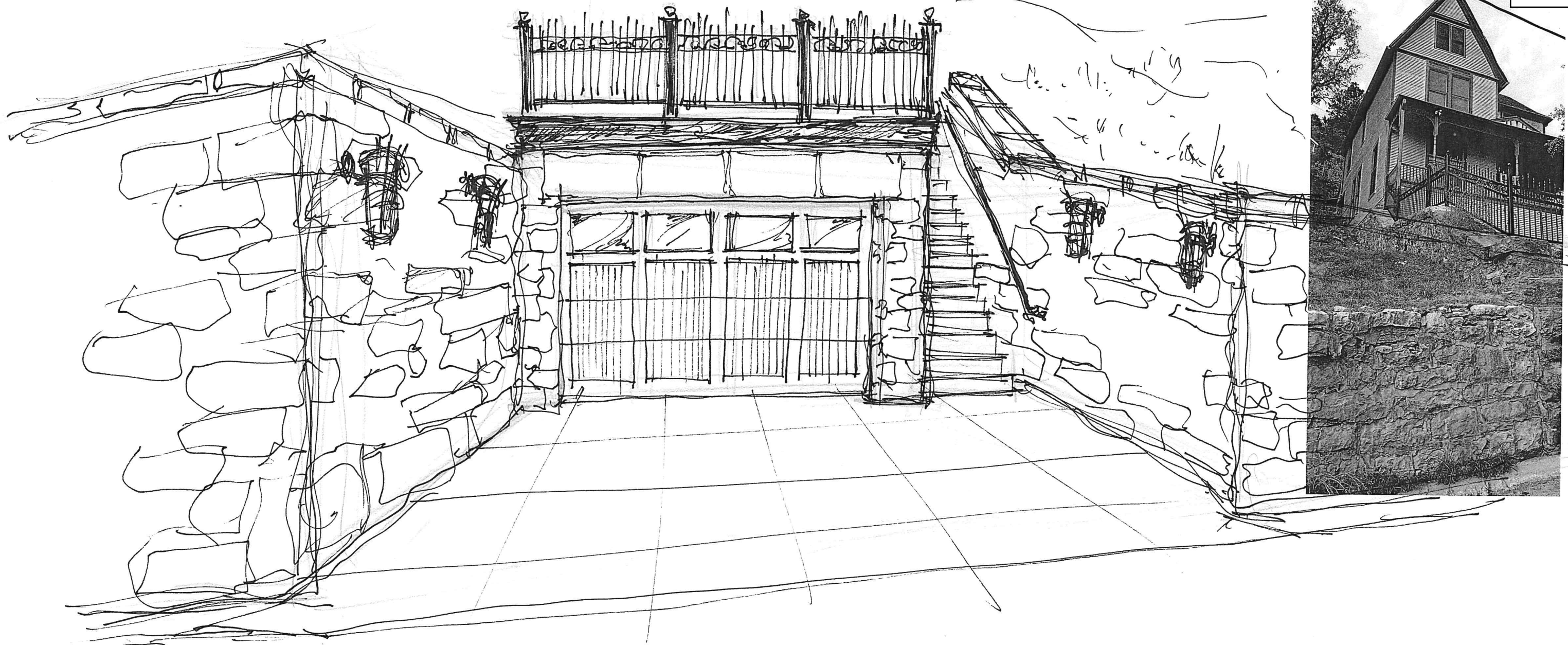
FILED FOR RECORD THIS____DAY OF_____,20____,AT____O'CLOCK,____M., AND RECORDED IN DOC._____.

LAWRENCE COUNTY REGISTER OF DEEDS:_____



Prepared By:
PONDEROSA LAND SURVEYS, L.L.C.
332A WEST MAIN STREET
LEAD, SD 57754
(605) 722-3840

Date:	11/25/2020
Drawn By:	L. D. Vrem
Project No.:	20-542
Dwg. No.:	20-542.dwg



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FINDINGS OF FACT AND CONCLUSIONS FOR CONDITIONAL USE PERMIT FOR MULTIPLE FAMILY DWELLING UNIT

NAME: Court & Kay French

PURPOSE: Conditional Use Permit for a Multiple Family Dwelling Unit

ADDRESS: 311 Cliff Street

LEGAL DESCRIPTION: Lot 1 of Katon subdivision, located in the SE1/4 of Section 27, T5N, R3E, B.H.M., City of Deadwood Lawrence County, South Dakota

ASSESORS NO.: 30900-00107-000-43

RE: Request for Conditional Use Permit for a Multiple Family Dwelling Unit

WHEREAS, the above application for a Conditional Use Permit for a Multiple Family Dwelling Unit in a CH – Commercial Highway district, came on review before the Deadwood Planning and Zoning Commission on Wednesday, November 18, 2020. The application was recommended for approval by the Deadwood Planning and Zoning Commission. The Deadwood Board of Adjustment approved the request as recommended by the Planning and Zoning Commission on December 7, 2020.

WHEREAS, all present members of the Deadwood Planning and Zoning Commission and the Deadwood Board of Adjustment having reviewed the Conditional Use Permit and having considered all comments offered and all of the evidence and testimony present for the application; and, after discussion and consideration of the application 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

1. Staff provided public notice identifying the applicant, describing the project and its location, and giving the scheduled date of the public hearing in accordance with Section 17.76.020. Notice was placed in the designated newspaper of the City of Deadwood, ten (10) days in advance of the hearing as required by Section 17.76.060.J.

Court & Kay French
Conditional Use Permit
Multiple Family Dwelling Unit
2020

2. An official sign was posted on the property for which the Conditional Use Permit was filed as required by Section 17.76.060.J.
3. Property owners within three hundred (300) feet of the boundaries of the subject land were notified by first class mail as required by Section 17.76.060.J.
4. The subject property is located within a very low density land use classification on the adopted Land Use Map.
5. The subject area is zoned CH – Commercial Highway district. The area near the subject property consists of a mixture of commercial business.
6. The use, as proposed, would not result in a substantial or undue adverse effect on adjacent property or the character of the neighborhood and the use would not alter the character of the area. The structure is not being enlarged or altered.
7. The granting of the conditional use permit would not increase the proliferation of non-conforming uses. The use is expressly allowed in the CH – Commercial Highway district under certain conditions and the conditions were met.
8. The use would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation or other services. This type of use does not demand a high degree of services.
9. Based on these findings, the Deadwood Planning and Zoning Commission recommended approval of the request for a Multiply Family Dwelling Unit. The Deadwood Board of Adjustment approved the request as recommended by the Planning and Zoning Commission with the following conditions:
 - **The Conditional Use Permit runs with the applicant and not the land; therefore, should the property be sold, the Conditional Use Permit is null and void.**
 - **Proof of a state excise number shall be provided to the Planning and Zoning Office for their files.**
 - **Proof that the Building Inspector has inspected the building and it meets all of the building codes.**
 - **Proper paperwork is filed with the City of Deadwood Finance Office for BID taxes if necessary.**
 - **Proof of City of Deadwood Business License.**

**Court & Kay French
Conditional Use Permit
Multiple Family Dwelling Unit
2020**

Section 5 Item b.

ATTEST:

Jessica McKeown, Finance Officer
City of Deadwood
/ /2020

David R. Ruth, Jr., Mayor
City of Deadwood
/ /2020

John Martinisko, Chairman
Planning and Zoning Commission
/ /2020

Bill Rich, Secretary
Planning and Zoning Commission
/ /2020