



Planning and Zoning Commission Regular Meeting Agenda

Wednesday, January 19, 2022 at 5:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

1. **Call to Order**

2. **Roll Call**

3. **Approval of Minutes**

a. Approval of December 15, 2021 Minutes

4. **Sign Review Commission**

a. 732 Main Street - Kristine Villafuerte - Install New Projecting Sign

Action Required:

a. Approval/Denial by Sign Review Commission

5. **Planning and Zoning Commission**

a. Change of Zoning – Kristine Villafuerte & Joel Livengood – 732 Main Street

Lot 3A, Block 1 of Kennedy and Cameron's Addition to the City of Deadwood, Lawrence County, South Dakota Formerly Portions of Lots 1 Through 5, Block 1 of Kennedy and Cameron's Addition.

Action Required:

a. Recommend Approval/Denial by Planning and Zoning Commission

6. **Items from Citizens not on Agenda**

(Items considered but no action will be taken at this time.)

7. **Items from Staff**

8. **Adjournment**

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



Planning and Zoning Commission Regular Meeting Minutes

Wednesday, December 15, 2021 at 5:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

1. Call to Order

The meeting of the Deadwood Planning and Zoning Commission was called to order by Vice-Chairman Keehn on Wednesday, December 15, 2021 at 5:00 p.m. in the Deadwood City Hall Meeting Room, located at 102 Sherman Street, Deadwood, SD 57732.

2. Roll Call

PRESENT

Commissioner (Vice-Chair) Josh Keehn

Commissioner (Secretary) Dave Bruce

Commissioner Kevin Wagner

Commissioner Vicki Dar

ABSENT

Commissioner (Chair) John Martinisko

STAFF PRESENT

Jeremy Russell, Planning and Zoning Administrator

Trent Mohr, Building Inspector

Bonny Anfinson, Program Coordinator

3. Approval of Minutes

a. Approval of December 1, 2021 Minutes

It was moved by Commissioner Wagner and seconded by Commissioner Dar to approve the December 1, 2021 minutes. Voting Yea: Bruce, Wagner, Dar, Keehn

4. Sign Review Commission

5. Planning and Zoning Commission

a. Final Plat - Creating New Parcel - Travelodge - Mike Gustafson

PLAT OF TRACT Q1 LOCATED IN A PORTION OF BAVARIAN LODGE M.S. 1054 SITUATED IN THE SE ¼ OF SECTION 14, T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA

Mr. Russell stated we have a final plat for your consideration. The applicant is Mike Gustafson. Representing Mr. Gustafson is the project manager Mike Green. The purpose of this plat is to create a new parcel located on the west side of the Travel Lodge legally described as Plat of Tract Q1 located in a portion of Bavarian Lodge M.S. 1054 situated in the SE 1/4 of Section 14, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. The applicant is planning to open a

cannabis establishment. The reason we have to replat this property is this parcel falls into the 500 foot buffer of the Days of 76 Event Complex. By re-platting they will fall within the ordinance requirements. An access easement will need to be recorded along with this plat as it would be a land locked property. I was notified this morning such easement is in place and a copy will need to be provided to the City with the final plat. The zoning fits with what is required for a cannabis establishment. ***It was moved by Commissioner Bruce and seconded by Commissioner Wagner to recommend to the City Commission approval of the final plat legally described as Plat of Tract Q1 located in a portion of Bavarian Lode M.S. 1054 situated in the SE 1/4 of Section 14, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. Voting Yea: Bruce, Wagner, Dar, Keehn.***

6. Items from Citizens not on Agenda

(Items considered but no action will be taken at this time.)

Commissioner Wagner stated there is a fundraiser for Mr. Ostund at the Charlie Utter Theater tomorrow night 5:00 - 8:00 p.m.

7. Items from Staff

8. Adjournment

It was moved by Commissioner Wagner and seconded by Commissioner Dar to adjourn the regular meeting of the Planning and Zoning Commission. Voting Yea: Bruce, Wagner, Dar, Keehn

There being no further business, the Planning and Zoning Commission adjourned at 5:10 p.m.

ATTEST:

Chairman, Planning & Zoning Commission

Bonny Anfinson, Planning & Zoning Office/Recording Secretary

Secretary, Planning & Zoning Commission

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

January 19, 2022

Applicant: Kristine Villafuerte

Address: 732 Main Street, Deadwood, SD 57732

Site Address of Proposed Signage: 732 Main Street (Angel's Attic)

Computation of Sign Area

Building Frontage: 52 Feet

Total Available Signage: 104 Square Feet

Existing Signage: None

Remaining Available Signage Area: 104 Square Feet

Proposed Sign Project: Install new projecting sign (8 Square Feet)

Proposed Building Materials: Painted metal composite (see attached rendering)

Proposed Lighting of the Signs: None

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 applicant has been working on rehabilitation of the façade of this building. Part of that project is new signage for the businesses located in this building.

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.

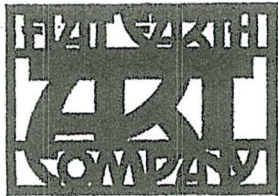
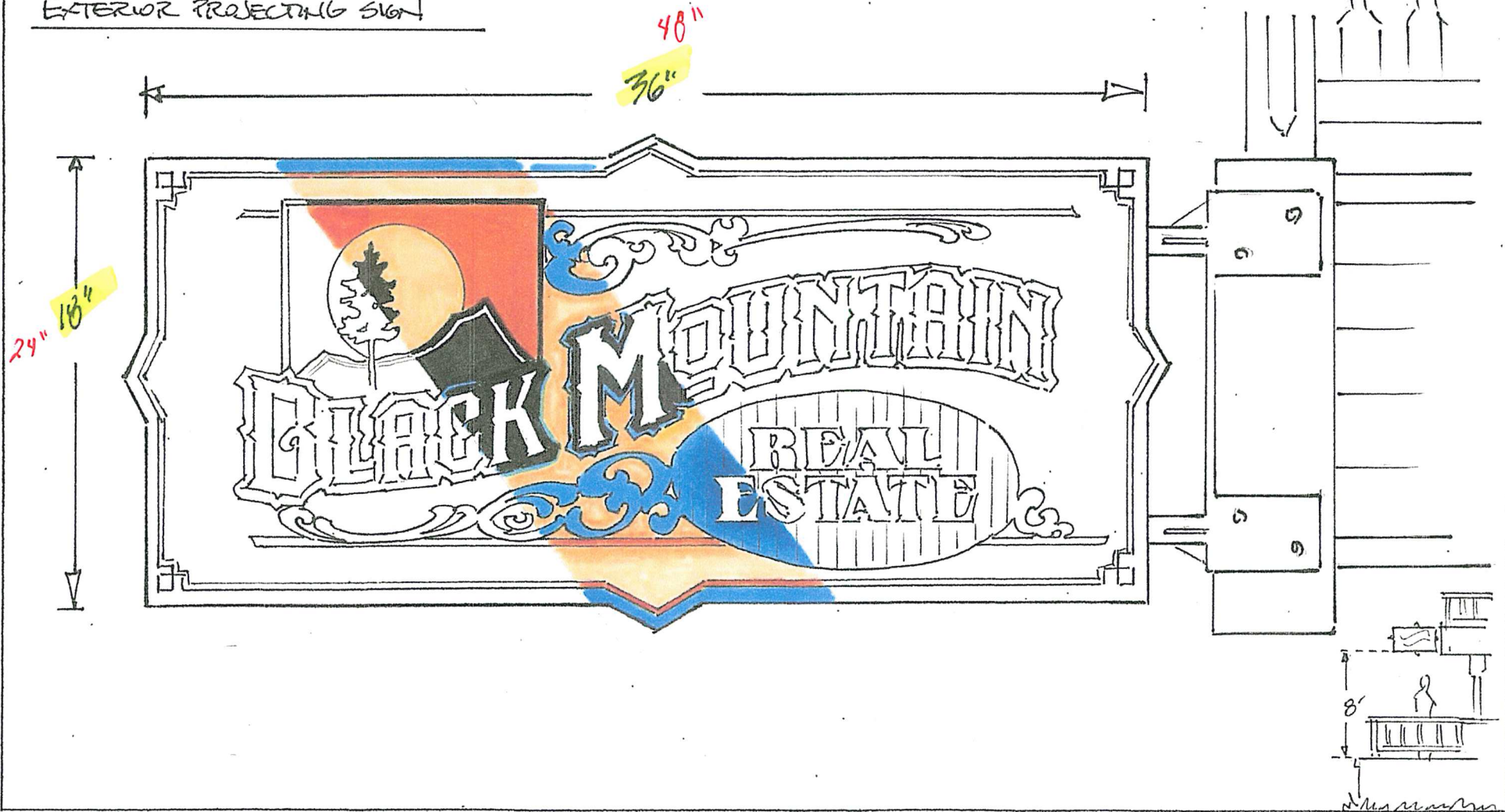
Sign Review Commission Action

Motion to approve permit for new projecting sign at 732 Main Street

OR

Motion to deny proposed sign permit application as submitted.

EXTERIOR PROJECTING SIGN



Tim Peterson
ARTIST

3123 E. FAIRGROUNDS LOOP STE. C
SPEARFISH, SD 57783

(605) 642-5794

Designed exclusively for:

BLACK MOUNTAIN REAL ESTATE

Address:

732 MAIN ST DEADWOOD

Date:

11/29/21

Phone:

591-2705

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.

This design is the property of the designer, and may not be reproduced in any manner without written permission.

Signature

Date

Black Mountain Real Estate revision

From: tim@flatearthart.com (tim@flatearthart.com)

To: kvillafuerte1@yahoo.com

Date: Saturday, December 4, 2021, 09:06 AM MST

Hi, Kristi!

Attached is the revised artwork showing the enlarged sign. I made one minor change to the artwork in that I altered the mountain graphic making it gray at the bottom where it meets BLACK to make it a bit more distinct. The inspiration for the typeface I used on "Black Mountain" is "Bandit" and can be found on letterheadfonts.com. As per our discussion, there is a bit of a price increase due to the size. Your specs are as follows:

One double sided projecting sign 24"h x 48"w

- Primary panel of aluminum composite material

- BLACK MOUNTAIN word blocks cut out of separate pieces and mounted on stand-offs

- All other graphics and lettering flat painted

- All aluminum components clear coated with automotive enamel

Installed on painted steel bracket

- Bracket has one rigid diagonal steel support tied to deck



proposed sign location

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



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

**STAFF REPORT
PLANNING AND ZONING
REZONING ANALYSIS
AMEDMANT TO ZONING MAP
December 10, 2021**

APPLICANT: Kristine Villafuerte & Joel Livengood

PURPOSE: Rezoning Request – Residential to Commercial

GENERAL LOCATION: 732 Main Street

LEGAL DESCRIPTION: LOT 3A, BLOCK 1 OF KENNEDY AND CAMERON'S ADDITION TO THE CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA FORMERLY PORTONS OF LOTS 1 THROUGH 5, BLOCK 1 OF KENNEDY AND CAMERON'S ADDITION

FILE STATUS: All legal obligations have been completed

CURRENT ZONING: Residential – R1

ASSESSOR'S NUMBER: 30600-00100-030-00

STAFF FINDINGS:

Surrounding Zoning:

North: Public Use
South: C1 - Commercial
East: C1 - Commercial
West: R1 – Residential District

Surrounding Land Uses:

Deadwood Elementary School
Commercial Businesses
Commercial Businesses
Residential Area/Williams Street

SUMMARY OF REQUEST

The applicant has submitted a request for a zoning amendment to change from Residential Zoning District to Commercial District. The location of this property is the old Catholic Benedictine Convent located at 732 Main Street and more recently operated as Angels Attic and Black Mountain Real Estate.

COMPLIANCE

1. The Zoning Officer followed the procedures for a petition for a zoning amendment in accordance with Deadwood City Ordinance Chapter 17.00 Amendments.
2. A sign was posted on the property for which the requests were filed.

STAFF DISCUSSION

The applicant has submitted a request for a change of zoning for the continued operation of their business. This location is considered a legal non-conforming lot since it has been operating as a commercial operation prior to its current R1 zoning classification. Approving this application will allow the current use to comply with the proper zoning district.

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.

No conflicts for the proposed zoning amendment.

- B. Whether the proposed amendment is consistent with all elements of the Deadwood Comprehensive Plan.

The Comprehensive Plan Future Land Use Map depicts the area as Commercial and is defined as follows: Areas of general commercial development located along main transportation routes in Deadwood, but outside of the historic commercial core; uses within this district serve the commercial needs of local residents for retail, services, and office space, support Main Street businesses, and also include tourism-oriented businesses like visitor attractions and lodging, dining, and entertainment establishments; and, the density and scale within this district greatly varies, but is generally at a lower intensity than the historic commercial core.

- C. Whether the proposed amendment is compatible with surrounding Zone Districts and land uses, considering existing land use and neighborhood.

The subject property is surrounded by a mixed use of zoning districts and this request is compatible with the surrounding zoning districts.

- 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 impact the demand on the public facilities. A small portion of the property is 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.

During City wide events, the property will have high volume of pedestrian traffic and vehicular traffic. Access to the property is off Main Street, which runs parallel to the building. The proposed amendment would have no effect on traffic generation or road safety.

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 of Deadwood.

- F. Whether there have been changed conditions affecting the subject parcel or the surrounding neighborhood, which support the proposed amendment.

The proposed amendment would have no effect on the surrounding neighborhood as this property is currently operation as a commercial business and has for some time.

- G. Whether the proposed amendment would be in conflict with the public interest and is in harmony with the proposed amendment may or may not be in conflict with the public interest.

At this time, there have been no comments in support or against this amendment and there will be a time for public comment prior to the discussion on this amendment.

ACTION REQUIRED:

1. Recommended **Approval or Denial** by Planning and Zoning Commission.

1/7/2022

City of Deadwood Zoning Commission

Attn: Zoning Administrator

To all whom it concerns:

Please accept this written letter as documentation for a change of zoning request for our property located at 732 Main Street. The property has always been used for a retail store since we began renting from St Ambrose Church in 2013. It has also served as a real estate office, both of which are commercial entities. We were under the impression that the building was zoned commercial when we purchased it in December 2020. All became obvious when we began the process of applying for our commercial signage. After a small conference meeting with Trent and Jeremy we were informed that we needed to complete the re-zoning application and compose this letter.

Thanks to all for their time in helping us with our commercial endeavor.

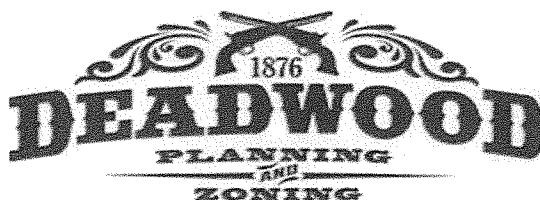
Sincerely and cordially,



Joel Livengood and Kristine Villafuerte

Owners of Villagood Properties, LLC.

Return Completed Form To:
Planning and Zoning
 108 Sherman Street
 Deadwood, SD 57732



Questions Contact:
Jeramy Russell
 (605) 578-2082 or
 jeramy@cityofdeadwood.com

Application No. _____

PETITION FOR ZONING AMENDMENT

Application Fee: \$200.00

Applicants: Please read thoroughly prior to completing this form. Only complete applications will be considered for review.

Name of Petitioner: KRISTINE VILLAFUERTE Telephone: 605-591-2705
JOEL LIVENGOOD Telephone: (605)-920-9376

Address: 508 CROWN ST. LEAD SD 57754
 Street City State Zip

Legal Description of Property: KENNEY & CAMERON ADDITION LOT 3A BLK 1

Description of Request: _____

Present Zoning Classification: R1 Requested Zoning Classification: C1 COMMERCIAL

Existing Use of Property: RETAIL SALES / WINE SALES / REAL ESTATE SERV

Signature of Applicant: [Signature] Date: 11/21/21

Signature of Property Owner: [Signature] Date: 11/21/21

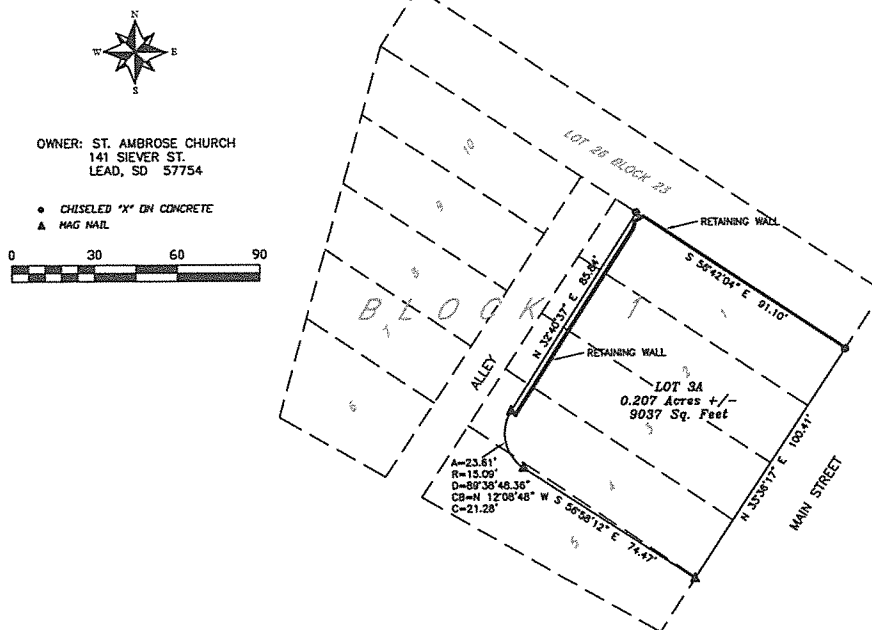
Fee: \$ _____ Paid On _____ Receipt Number _____

Legal Notice Published Date: _____ Hearing Date: _____

PLANNING AND ZONING ADMINISTRATOR:			
Approved/P&Z Administrator:	Yes	No	Signature: _____ Date: _____
PLANNING AND ZONING COMMISSION:			
Approved/P&Z Commission:	Yes	No	Date: _____
DEADWOOD BOARD OF ADJUSTMENT:			
Approved/City Commission:	Yes	No	Date: _____

Reason for Denial (if necessary): _____

PLAT OF LOT 3A, BLOCK 1 OF KENNEDY AND CAMERON'S ADDITION
TO THE CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA
FORMERLY PORTIONS OF LOTS 1 THROUGH 5, BLOCK 1 OF KENNEDY
AND CAMERON'S ADDITION



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: _____

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:	11/4/2020
Drawn By:	L. D. Vrem
Project No.:	20-527
Dwg. No.:	20-527.dwg