



Planning and Zoning Commission Regular Meeting Agenda

Wednesday, December 15, 2021 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 1, 2021 Minutes](#)
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

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 01, 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 Chairman Martinisko on Wednesday, December 1, 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 (Chair) John Martinisko

Commissioner (Secretary) Dave Bruce

Commissioner Kevin Wagner

Commissioner Vicki Dar

Mayor David R. Ruth, Jr.

City Commissioner Charlie Struble

City Commissioner Sharon Martinisko

ABSENT

Commissioner (Vice-Chair) Josh Keehn

STAFF PRESENT

Jeremy Russell, Planning and Zoning Administrator

Trent Mohr, Building Inspector

Kevin Kuchenbecker, Historic Preservation Officer

Jessicca McKeown, Finance Officer

Cindy Schneringer, Administrative Assistant

3. Approval of Minutes

- a. Approval of November 17, 2021 Minutes

It was moved by Commissioner Wagner and seconded by Commissioner Dar to approve the November 17, 2021 minutes. Voting Yea: Martinisko, Bruce, Wagner, Dar

4. Planning and Zoning Commission

- a. Public Comment Regarding Change of Zoning Request for 32 Charles Street

Mr. Ron Russo addressed the Planning and Zoning Commission and stated he owns 31 Charles Street which is directly across the street from this property. He came today to say he doesn't have any opposition to what Mr. Conrad is attempting to do with this property. He said he has never heard of this type of zoning before and hopes this doesn't keep himself or Mike Perceovich from getting that change in zoning at a later date.

b. Change of Zoning – Tim & Trinity Conrad – Charles Street

LOT I-1 BLK 70 EX H1 (301 SQ FT) & H2 (30 SQ FT) & E X I-1A (1515.69') & I-1B (2699") OF BLK 70 ORIGINAL TOWN DEADWOOD

LOT 107B BLK 71 ORIGINAL TOWN DEADWOOD

LOT RC BLK 70 (SITS BEHIND 32 CHARLES) ORIGINAL TOWN DEADWOOD

Mr. Russell stated today we have a request for change of zoning amendment to our zoning map. Our applicant today is Tim and Trinity Conrad. The rezoning request is to change from Commercial to Commercial Enterprise. The location is 26 and 32 Charles Street. Legally described as LOT I-1 BLK 70 EX H1 (301 SQ FT) & H2 (30 SQ FT) & E X I-1A (1515.69') & I-1B (2699") OF BLK 70 ORIGINAL TOWN DEADWOOD. LOT 107B BLK 71 ORIGINAL TOWN DEADWOOD. LOT RC BLK 70 (SITS BEHIND 32 CHARLES) ORIGINAL TOWN DEADWOOD. All of these properties are currently zoned C-1 Commercial. Our applicants today are requesting a zoning amendment to change form Commercial to Commercial Enterprise. You'll notice in the packet the applicants did submit a letter of intent for the purpose of this to become a cannabis establishment. We've recently adopted a new City Ordinance #1337 amending Ordinance #1328 creating zoning regulations for cannabis establishments and also our City zoning map which was recently adopted. This property doesn't currently possess a zoning district that does allow for the operation of cannabis. The light pink areas on the map are buffer zones that are either implemented by state statue or by city ordinance. The area the applicant is requesting the change for does not fall in the buffer. For the purpose of cannabis there is nothing that says the applicant can not request a change of zoning. In fact, in my opinion, it is important for us to take out the cannabis operation and look at if from strictly what the ordinance states for Commercial Enterprise. In my opinion, it was put in to protect a lot of the buildings and properties in town from being gobbled up by gaming establishments and to promote shopping and retail. The direction the Conrad's are going does fall in this line. ***It was moved by Commissioner Wagner and seconded by Commissioner Bruce to recommend approval for the Change of Zoning Request for Tim & Trinity Conrad, 26 & 32 Charles Street from Commercial to Commercial Enterprise. Voting Yea: Martinisko, Bruce, Wagner, Dar***

5. Items from Citizens not on Agenda

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

6. Items from Staff

Mr. Russell provided additional information regarding the zoning map.

7. Adjournment

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

There being no further business, the Planning and Zoning Commission adjourned at 5:24 p.m.

ATTEST:

Chairman, Planning & Zoning Commission

Secretary, Planning & Zoning Commission

Cindy Schneringer, Planning & Zoning Office/Recording Secretary

OFFICE OF
PLANNING, ZONING AND
HISTORIC
PRESERVATION
108 Sherman Street
Telephone (605) 578-2082
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Jeramy Russell
Planning and Zoning
Administrator
Telephone (605) 578-2082

STAFF REPORT
PLANNING AND ZONING
December 15, 2021 Meeting

APPLICANT: Mike Gustafson

PURPOSE: Creating new parcel

GENERAL LOCATION: West side of Travelodge

LEGAL DESCRIPTION: 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

FILE STATUS: All legal obligations have been completed.

ZONE: Commercial Highway

STAFF FINDINGS:

Surrounding Zoning:

North: Park Forest
South: Commercial Highway
East: Commercial Highway
West: Commercial Highway

Surrounding Land Uses:

Vacant Land
Commercial Businesses
Commercial Businesses
Commercial Businesses

SUMMARY OF REQUEST

The applicant is platting lot Q1 for the purpose of opening a medical cannabis establishment. This establishment will use an existing building that is currently used for employee housing.

FACTUAL INFORMATION

1. The property is currently zoned Commercial Highway
2. Lot Q1 is comprised .088 Acres±
3. The subject property is located within a commercial land use area as defined by the 2018 Comprehensive Plan.
4. The property is not located within a flood zone or flood hazard zone.
5. Public facilities are available to serve the property.

STAFF DISCUSSION

The applicant is required to replat a separate parcel that is situated outside of the 500 feet buffer of the Days of '76 Event Complex. According to Deadwood City Ordinance 1337 - *Regulations Relating to Cannabis Dispensaries*. *No cannabis dispensary may be located or operate at a location within the city's zoning jurisdiction except as provided in this section. A cannabis dispensary is a permitted use in the following zoning districts: CE Commercial Enterprise District and CH Commercial Highway. No cannabis dispensary may be located or operate within one thousand (1000) feet from the nearest property line of a public or private school, within 500 feet of any park, as defined herein or place of worship. No cannabis dispensary may be located or operate within 100 feet from the lot line of any other cannabis dispensary. All applicants must submit a survey from a registered land surveyor confirming these distance requirements have been met.*

An access easement will need to be recorded with this plat to ensure that lot Q1 will not be land locked.

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.

ACTION REQUIRED:

1. Approval / Denial by Deadwood Planning and Zoning Commission.

Lot Q1 - Travelodge

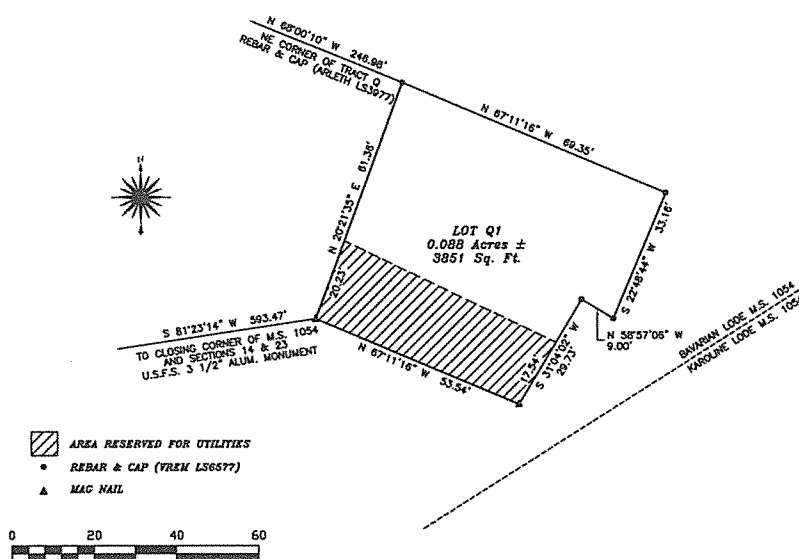
Section 5 Item a.



04/17/2020 - 05/17/2020



PLAT OF TRACT Q1
LOCATED IN A PORTION OF BAVARIAN LODGE M.S. 1054
SITUATED IN THE SE¼ OF SECTION 14, T5N, R3E, B.F.M.,
CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA



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: _____ ADDRESS: _____

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: _____ FEE \$ _____



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

Date:	12/10/2021
Drawn By:	L. D. Vrem
Project No.:	21-703
Dwg. No.:	21-703.dwg