



# Planning and Zoning Commission Regular Meeting Agenda

Wednesday, September 21, 2022 at 5:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

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1. **Call to Order**

2. **Roll Call**

3. **Approval of Minutes**

[a.](#) Approval of September 7, 2022 Minutes

4. **Sign Review Commission**

[a.](#) 130 Sherman Street - Eric Farrar (Rosenbaum Signs) - Reface Freestanding Sign and Install New Wall Sign in Place of Existing Sign

Action Required:

a. Approval/Denial by Sign Review Commission

5. **Planning and Zoning Commission**

[a.](#) Conditional Use Permit - Condominiums - 51, 53, 55 Sherman Street - Keating Resources

THE NORTHERN ONE FOOT SIX INCHES (1'6") OF LOT 17, ALL OF LOTS 19, 21, 23, 25 AND VACATED ALLEY BETWEEN LOT 23 AND LOT 25, AND ALL OF LOT 26, AND LOT 27, ALL IN BLOCK 30 OF THE CITY OF DEADWOOD ACCORDING TO THE P.L. ROGERS MAP OF THE CITY OF DEADWOOD. LESS AND EXCEPT TRACT 1 OF MILLER STREET SUBDIVISION ACCORDING TO PLAT DOCUMENT #2012-05646, AND LESS AND EXCEPT WILD BILL LOT ACCORDING TO PLAT DOCUMENT #2012-03484, ALL LOCATED IN THE SW1/4 OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 3 EAST OF THE BLACK HILLS MERIDIAN, CITY OF DEADWOOD, SOUTH DAKOTA.

Action Required:

a. 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, September 07, 2022 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, September 7, 2022 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 (Vice-Chair) Josh Keehn  
Commissioner (Secretary) Dave Bruce  
Commissioner Charles Eagleson

David R. Ruth, Jr., Mayor  
Sharon Martinisko, City Commissioner  
Charlie Struble, City Commissioner

ABSENT

Commissioner Kevin Wagner

STAFF PRESENT

Jeremy Russell, Planning and Zoning Administrator  
Trent Mohr, Building Inspector  
Cindy Schneringer, Administrative Assistant

## 3. Approval of Minutes

a. Approval of August 17, 2022 Minutes

***It was moved by Commissioner Eagleson and seconded by Commissioner Bruce to approve the August 17, 2022 minutes. Voting Yea: Martinisko, Keehn, Bruce, Eagleson***

## 4. Sign Review Commission

a. 32 Charles Street - Alicia Miller - Install New Wall Sign

Mr. Mohr stated for your consideration tonight is one sign permit application for 32 Charles Street. I would note there is a representative present for the business here. If you could identify yourself for the Commission and minutes, please.

Valerie Sandidge introduced herself as the compliance consultant for Trailhead Cannabis.

Mr. Mohr stated the applicant has been remodeling this property in order to create a retail space. This sign is a new addition to that building to advertise the business.

The sign and its location are compliant with the ordinances and requires no variances.

***After discussion of sign verbiage, it was moved by Commissioner Bruce and seconded by Commissioner Keehn to approve the parameters of the sign as described pending legal review of verbiage with determination there are no state prohibitions that would prevent it being accepted.***

***Voting Yea: Martinisko, Keehn, Bruce, Eagleson***

## **5. Planning and Zoning Commission**

- a. Public Comment - Change of Zoning - The Ridge Development

There were no citizens present for comment.

- b. Change of Zoning - The Ridge Development - TRD, LLC (Randy Horner)

LOTS 1 & 2, BLOCK 1B OF THE RIDGE DEVELOPMENT. FORMERLY A PORTION OF PREACHER SMITH TRACT LOCATED IN GOV'T LOTS 10 AND 12 OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 3 EAST, BLACK HILLS MERIDIAN, CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA.

Mr. Russell stated before you guys this evening we have a request for a zoning amendment for a change of zoning. Our applicant today is TRD, LLC which is the Ridge Development owned by Randy Horner. Leah Berg is here representing Mr. Horner in case you have any questions. This area is located approximately northeast of the Preacher Smith monument and is legally described as LOTS 1 & 2, BLOCK 1B OF THE RIDGE DEVELOPMENT. FORMERLY A PORTION OF PREACHER SMITH TRACT LOCATED IN GOV'T LOTS 10 AND 12 OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 3 EAST, BLACK HILLS MERIDIAN, CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA. The applicant has submitted a request for zoning amendment to change from park forest zoning district to a residential multi-family also known as R-2. The purpose of this zoning amendment is for workforce housing planned for that area. We have a great working relationship with Leah and her developers keeping us posted on what's going on.

***It was moved by Commissioner Keehn and seconded by Commissioner Bruce to approve the change of zoning from park forest zoning district to residential multi-family (R-2) legally described as LOTS 1 & 2, BLOCK 1B OF THE RIDGE DEVELOPMENT. FORMERLY A PORTION OF PREACHER SMITH TRACT LOCATED IN GOV'T LOTS 10 AND 12 OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 3 EAST, BLACK HILLS MERIDIAN, CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA. Voting Yea: Martinisko, Keehn, Bruce, Eagleson***

- c. Final Plat - Adjusting Lot Lines - Deadwood Stage Run Addition - Palisades LLC

PLAT OF LOT 24 REVISED AND LOT 25 REVISED, BLOCK 2 OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION TO THE CITY OF DEADWOOD FORMERLY LOTS 24 AND 25, BLOCK 2 OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION ALL LOCATED IN THE SW1/4 OF SECTION 14, THE SE1/4 OF SECTION 15, THE NE1/4 NE1/4 OF SECTION 22 AND THE N1/2NW1/4 OF SECTION 23, T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA

Mr. Russell stated the next one is a final plat for our applicants Merle and Dawn Carpenter, Corey and Allie Schultz, and Palisades LLC. The purpose of this plat is the final plat adjusting the property lines. Located in the Deadwood Stage Run Addition legally described as PLAT OF LOT 24 REVISED AND LOT 25 REVISED, BLOCK 2 OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION TO THE CITY OF DEADWOOD FORMERLY LOTS 24 AND 25, BLOCK 2 OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION ALL LOCATED IN THE SW1/4 OF SECTION 14, THE SE1/4 OF SECTION 15, THE NE1/4 NE1/4 OF SECTION 22 AND THE N1/2NW1/4 OF SECTION 23, T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA. For the record, there are a couple of errors on the exhibits for the final plat. Have been unsuccessful in getting a hold of Loren Brim, the surveyor, to get an updated copy. A couple of things identified is the legal description on the actual document in your packet shows Plat of Lot 124 that should be Lot 24. There are also only two signature sections but there should be a third as Palisades LLC needs to transfer the plat. According to Quentin, this should not hold up our approval process. The purpose of this plat is they've worked with the developer for Palisades LLC to expand their current lots, so they are just revising this plat. Those lots are going to become much larger, so they are adjusting the property lines.

***It was moved by Commissioner Keehn and seconded by Commissioner Eagleson to approve final plat for adjusting lot lines legally described as PLAT OF LOT 24 REVISED AND LOT 25 REVISED, BLOCK 2 OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION TO THE CITY OF DEADWOOD FORMERLY LOTS 24 AND 25, BLOCK 2 OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION ALL LOCATED IN THE SW1/4 OF SECTION 14, THE SE1/4 OF SECTION 15, THE NE1/4 NE1/4 OF SECTION 22 AND THE N1/2NW1/4 OF SECTION 23, T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA. Voting Yea: Martinisko, Keehn, Bruce, Eagleson***

- d. Final Plat - Transfer of Property - The Ridge Development - TRD, LLC (Randy Horner)

LOT 1 OF BLOCK 1A OF THE RIDGE DEVELOPMENT. FORMERLY A PORTION OF PREACHER SMITH TRACT. LOCATED IN GOV'T LOTS 13 AND 19 OF SEC. 11, AND GOV'T LOT 5 OF SEC. 11, T.5.N., R.3.E., B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA.

Mr. Russell stated again our applicant today is TRD, LLC also known as Randy Horner. Leah Berg is here as a representative. The purpose of this is to transfer property. The lot is located near the Preacher Smith monument and is legally described as LOT 1 OF BLOCK 1A OF THE RIDGE DEVELOPMENT. FORMERLY A PORTION OF PREACHER SMITH TRACT. LOCATED IN GOV'T LOTS 13 AND 19 OF SEC. 11, AND GOV'T LOT 5 OF SEC. 11, T.5.N., R.3.E., B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA. This lot is compliant with all of our zoning ordinances and I will let Leah fill you in on what the purpose of this lot is for.



Leah Berg stated on the Ridge Development this is a piece of the commercial area. We have someone looking to purchase a section of it for future development in a commercial use which fits into our master plan with the TIF district. We need to be able to plat it to transfer that property.

Mr. Russell stated obviously if it's a commercial use, we understand the zoning district is park forest and they will still have to go through an additional zoning change. The size of that lot is compliant with our current zoning ordinance for park forest.

***It was moved by Commissioner Bruce and seconded by Commissioner Eagleson to approve the final plat for transfer of property legally described as LOT 1 OF BLOCK 1A OF THE RIDGE DEVELOPMENT. FORMERLY A PORTION OF PREACHER SMITH TRACT. LOCATED IN GOV'T LOTS 13 AND 19 OF SEC. 11, AND GOV'T LOT 5 OF SEC. 11, T.5.N., R.3.E., B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA. Voting Yea: Martinisko, Keehn, Bruce, Eagleson***

***It was moved by Commissioner Keehn and seconded by Commissioner Bruce to adjourn the Planning and Zoning Commission meeting. Voting Yea: Martinisko, Keehn, Bruce, Eagleson***

### **Board of Adjustments**

Mayor Ruth called the meeting of the Board of Adjustments to order.

***It was moved by Commissioner Martinisko and seconded by Commissioner Struble to approve the change of zoning from park forest zoning district to residential multi-family (R-2) legally described as LOTS 1 & 2, BLOCK 1B OF THE RIDGE DEVELOPMENT. FORMERLY A PORTION OF PREACHER SMITH TRACT LOCATED IN GOV'T LOTS 10 AND 12 OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 3 EAST, BLACK HILLS MERIDIAN, CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA. Voting Yea: Ruth, Martinisko, Struble***

***It was moved by Commissioner Martinisko and seconded by Commissioner Ruble to approve final plat for adjusting lot lines legally described as PLAT OF LOT 24 REVISED AND LOT 25 REVISED, BLOCK 2 OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION TO THE CITY OF DEADWOOD FORMERLY LOTS 24 AND 25, BLOCK 2 OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION ALL LOCATED IN THE SW1/4 OF SECTION 14, THE SE1/4 OF SECTION 15, THE NE1/4 NE1/4 OF SECTION 22 AND THE N1/2NW1/4 OF SECTION 23, T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA. Voting Yea: Ruth, Martinisko, Struble***

***It was moved by Commissioner Martinisko and seconded by Commissioner Struble to approve the final plat for transfer of property legally described as LOT 1 OF BLOCK 1A OF THE RIDGE DEVELOPMENT. FORMERLY A PORTION OF PREACHER SMITH TRACT. LOCATED IN GOV'T LOTS 13 AND 19 OF SEC. 11, AND GOV'T LOT 5 OF SEC. 11, T.5.N., R.3.E.,***

***B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH  
DAKOTA. Voting Yea: Ruth, Martinisko, Struble***

***It was moved by Commissioner Martinisko and seconded by Commissioner Struble to adjourn the Board of Adjustment. Voting Yea: Ruth, Martinisko, Struble***

**Planning and Zoning Commission**

Chairman Martinisko called the Planning and Zoning Commission meeting to order.

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

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

**7. Items from Staff**

Mr. Russell thanked the Board of Adjustments for attending as well as Leah Berg. There will be a PUD coming forward in a couple of weeks. All have been super busy.

**8. Adjournment**

***It was moved by Commissioner Keehn and seconded by Commissioner Bruce to adjourn the Planning and Zoning Commission meeting. Voting Yea: Martinisko, Keehn, Bruce, Eagleson***

There being no further business, the Planning and Zoning Commission adjourned at 5:25 p.m.

ATTEST:

\_\_\_\_\_  
Chairman, Planning & Zoning Commission

*Cindy Schneringer, 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

September 21, 2022

**Applicant:** Eric Farrar – Rosenbaum Signs

**Address:** PO Box 987, Rapid City, SD 57709

**Site Address of Proposed Signage:** 130 Sherman Street (Family Dollar)

### Computation of Sign Area

**Building Frontage:** 154 Feet

**Total Available Signage:** 308 Square Feet

**Existing Signage:** One freestanding (to be refaced) and one wall sign (to be replaced)

**Remaining Available Signage Area:** 308 Square Feet

**Proposed Sign Project:** Reface freestanding sign (10 Square Feet) and install new wall sign (70 Square Feet) in place of existing sign

**Proposed Building Materials:** Vinyl wrapped metal and painted metal (see attached rendering)

**Proposed Lighting of the Signs:** External

**Location of Proposed Sign:** Please see attached, new signs will be in the same locations as the existing signs

### 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 signs proposed in the current application are 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.*

This store was recently remodeled to bring it to company standards for a Dollar Tree / Family Dollar location. The new signage is to advertise the change in the store from a Family Dollar store to a Dollar Tree / Family Dollar.

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The proposed refacing of the freestanding sign is compliant with the sign ordinance.

The existing wall sign was granted variances in 2013 to exceed the 50 square foot maximum area of a sign in the historic district and to exceed the maximum vertical dimension of 2 feet for a sign of this type in the historic district. The existing sign was 69 square feet with a vertical dimension of 6'3". The proposed wall sign is 70 square feet with a vertical dimension of 4'4". The applicant did revise the dimensions of the proposed sign to be closer to what was approved in 2013. Attached please find the variance request letter from 2013.

### **Variances**

The sign permit application in review as proposed requires no new 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 signs at 130 Sherman Street

OR

Motion to deny proposed sign permit application as submitted

## ELEVATION

**SIGN**  
**1**



### SCOPE OF WORK:

Remove and discard existing sign.  
Patch holes. Paint wall area seam to seam.  
Manufacture & install new non-illuminated channel letters.  
Remove and discard existing awning.  
Replace all 4 metal RAB brand shade cans on gooseneck lights.

It is the sign installers responsibility to connect the new sign to the existing electrical at the time of install.

### PAINTING SCOPE OF WORK:

Paint roof trim & goose neck lamps  
left side red & right side green as shown.

 Red - SW 2911 Pompeii Red  
 Green- SW 6925 Envy Green

## EXISTING



## PROPOSED



Section 4 Item a.



Address \_\_\_\_\_  
#10984  
124 Sherman Street  
City \_\_\_\_\_ Deadwood,  
State \_\_\_\_\_ SD 57732-1309

Account Representative:  
Kristy Ewell

This design and engineering is submitted as our proposal, and the right to use or exhibit in any form, is not authorized without written permission by Vixxo.

### Notes

\*  
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\*  
\*

Designer \_\_\_\_\_ Peter Cardinal  
Design # \_\_\_\_\_ Vx1103117 R2  
Original Date \_\_\_\_\_ 8/23/22  
Revision Date \_\_\_\_\_ 9/12/22

All electrical scope to be completed in a U.L. approved method and shall meet current N.E.C. standards



\* All electrical components shall be U.L. Listed.  
\* Sign shall be grounded per N.E.C. Article 250.  
\* Insulated conductors as per N.E.C. Code 310.8.  
type to be used - metallic insulated sealite.  
\* Disconnect switch as per N.E.C. Code 600.6.



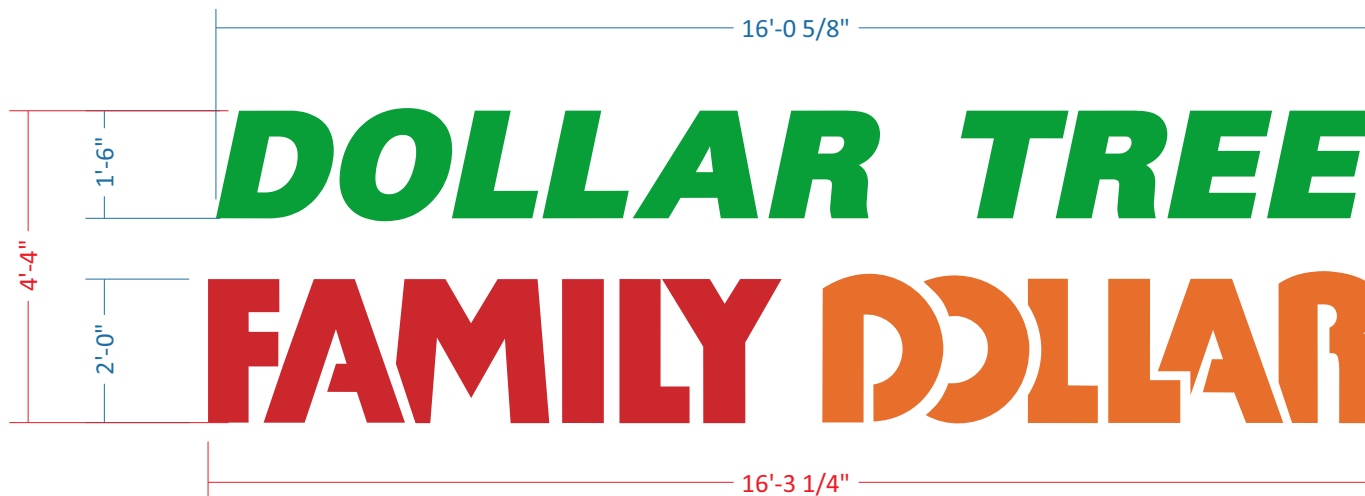
sign & lighting

page 5

The purchaser agrees to hold the seller harmless from any cause for action for damages which result of drilling for piers and foundations, limited to sewer, gas lines or any underground utilities which the purchaser or others may deem necessary.

SIGN  
1

71 sq/ft

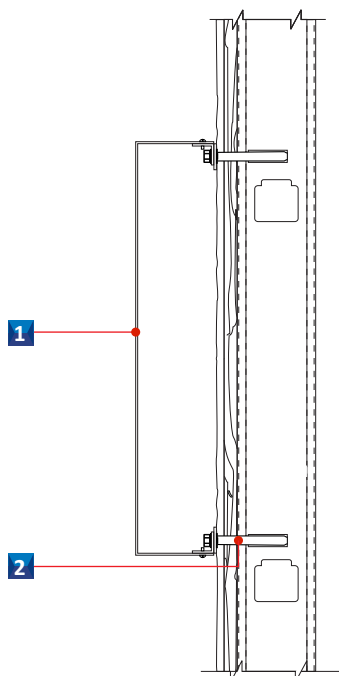


## SPECIFICATION

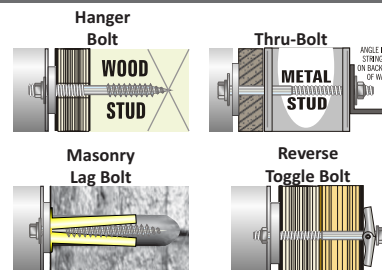
- 1 3" DEEP FABRICATED ALUMINUM LETTER  
PAINTED AS SHOWN
- 2 NON-CORROSIVE INSTALLATION HARDWARE

- Green- SW 6925 Envy Green
- Red - SW 2911 Pompeii Red
- Orange - paint to match Pantone 166c

## SECTION DETAIL



## MOUNTING DETAILS



\*All Hardware to be  
Galvanized and Non Corrosive

Address \_\_\_\_\_  
#10984  
124 Sherman Street  
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Account Representative:  
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Design # \_\_\_\_\_ Vx1103117 R2  
Original Date \_\_\_\_\_ 8/23/22  
Revision Date \_\_\_\_\_ 9/12/22

All electrical scope to be completed in a U.L. approved method and shall meet current N.E.C. standards



\* All electrical components shall be U.L. Listed.  
\* Sign shall be grounded per N.E.C. Article 250.  
\* Insulated conductors as per N.E.C. Code 310.8.  
type to be used - metallic insulated sealite.  
\* Disconnect switch as per N.E.C. Code 600.6.



sign &amp; lighting

page 6

The purchaser agrees to hold the seller harmless from any cause for action for damages which result from drilling for piers and foundation limited to sewer, gas lines or any underground utilities which the purchaser or others may deem.






## ELEVATION



### SCOPE OF WORK:

Remove & dispose of (2) two existing sign faces.  
 Manufacture & install (2) two new sign faces.  
 Split-paint cabinet SW2911 red & SW6925 green,  
 corresponding with face.  
 Paint pole(s) SW7037 balanced beige.

	Red - SW 2911 Pompeii Red
	Green- SW 6925 Envy Green
	SW-7037 Balanced Beige

**NOTE :**  
**NEW SOLID WOOD SPHERE POST CAP ARE NEEDED.**

## PROPOSED



## EXISTING



Section 4 Item a.



Address \_\_\_\_\_  
 #10984  
 124 Sherman Street  
 City \_\_\_\_\_ Deadwood,  
 State \_\_\_\_\_ SD 57732-1309

Account Representative:  
 Kristy Ewell

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 type to be used - metallic insulated sealtite.  
 \*Disconnect switch as per N.E.C. Code 600.6.



sign & lighting

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SIGN  
2

Double Sided



Address \_\_\_\_\_  
#10984  
124 Sherman Street  
City \_\_\_\_\_ Deadwood,  
State \_\_\_\_\_ SD 57732-1309

Account Representative:  
Kristy Ewell

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## Notes

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Designer \_\_\_\_\_ Peter Cardinal

Design # \_\_\_\_\_ Vx1103117 R2

Original Date \_\_\_\_\_ 8/23/22

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type to be used - metallic insulated sealite.  
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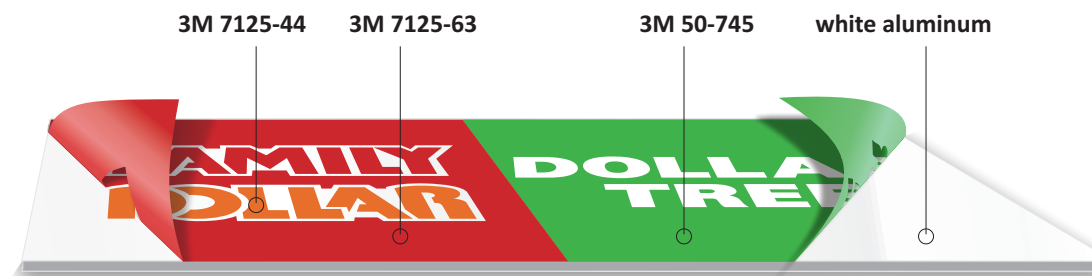
## ACM Face Specifications

○ Substrate - White .125" aluminum

● 3M 7125-63

● 3M 7125-44

● 3M 50-745



sign & lighting

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Excell Fund Development, LLC  
3400 E. Bayaud Ave. Ste 290  
Denver CO. 80209  
303-320-0003  
Fax 303-3776167

2013  
variance request

TO: Deadwood S.D. – Sign Review Commission,

RE: New Family Dollar Signage - Request for a Variance

The applicant, Excell Fund Development, LLC and Excell Deadwood, LLC propose to install a building sign of 60 SF on a new tower architectural element on the front of the closed grocery store at 124 Sherman St. where normally 276 SF of signage would be allowed. The applicant also proposes to install a monument style road sign of 18 SF where a pole sign of 10 SF would be allowed.

We are asking for two variances in the signage.

1. The applicant requests a variance for this 75.18 SF sign and it's 6'3" vertical dimension, as it is a strategic part of the applicants trademark identification and crucial to identification and attracting customers especially since the building being re-purposed sits back 120 feet off of the Sherman street frontage, a condition that does not effect other buildings in this zone. The sign is consistent with that necessary to be noticeable and recognizable both due to the set back from the street and its small size when placed on a building frontage in excess of 2100 SF.
2. The applicant requests a variance for the erection of a 18 SF monument sign as opposed to the code allowed 10 SF.

Should you have any questions, feel free to give me a call at 303-377-5335.

Thanks

Chad Knoth  
Excell Fund Development

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



**Jeramy Russell**  
Planning and Zoning Administrator  
Telephone (605) 578-2082  
[jeramyr@cityofdeadwood.com](mailto:jeramyr@cityofdeadwood.com)  
Fax (605) 578-2084

**STAFF REPORT  
PLANNING & ZONING  
BOARD OF ADJUSTMENT  
REQUEST FOR A CONDITIONAL USE PERMIT**  
*September 21, 2022*

**APPLICANT:** Keating Resources

**PURPOSE:** Application for CUP - Condominiums

**GENERAL LOCATION:** 51, 55, 53 Sherman Street

**LEGAL DESCRIPTION:** THE NORTHERN ONE FOOT SIX INCHES (1'6") OF LOT 17, ALL OF LOTS 19, 21, 23, 25 AND VACATED ALLEY BETWEEN LOT 23 AND LOT 25, AND ALL OF LOT 26, AND LOT 27, ALL IN BLOCK 30 OF THE CITY OF DEADWOOD ACCORDING TO THE P.L. ROGERS MAP OF THE CITY OF DEADWOOD. LESS AND EXCEPT TRACT 1 OF MILLER STREET SUBDIVISION ACCORDING TO PLAT DOCUMENT #2012-05646, AND LESS AND EXCEPT WILD BILL LOT ACCORDING TO PLAT DOCUMENT #2012-03484, ALL LOCATED IN THE SW1/4 OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 3 EAST OF THE BLACK HILLS MERIDIAN, CITY OF DEADWOOD, SOUTH DAKOTA.

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

**ZONE:** C1 – Commercial

**STAFF FINDINGS:**

Surrounding Zoning:

North: C1 – Commercial  
South: C1 – Commercial  
East: PU – Public Use  
West: PU – Public Use

Surrounding Land Uses:

Commercial Businesses  
Commercial Businesses  
Museum/Post Office  
Public Parking Lot

**SUMMARY OF REQUEST**

The applicant has submitted a request for a Conditional Use Permit to operate condominiums at 51, 53, 55 Sherman Street. The subject property is located at the intersection of Deadwood Street and Sherman Street. This area is surrounded by commercial businesses and public use spaces.

### **FACTUAL INFORMATION**

1. The property is currently zoned C1 – Commercial
2. The site was originally built in the late 1890's and is on the National Historic Registry.
3. The subject property has access from Sherman Street and Miller Street.
4. The property is located in Flood Zone X – Areas of 500-year flood.
5. Adequate public facilities are available to serve the property.
6. The area is characterized by a mixture of commercial businesses and public space.

### **STAFF DISCUSSION**

Condominiums are a conditional use within the Commercial District ordinance 17.32. Adequate parking for this use would be a discussion topic for this location as the property lacks sufficient parking spaces, however; according to Deadwood City Ordinance 17.64.060 Off-street parking:

Existing and new uses in buildings built pre-1941:

1. In planning unit 4, in the historic overlay zone, uses existing as of the date of the ordinance codified in this title and any new uses in buildings built prior to January 1, 1941, shall not be required to provide off-street parking facilities.
2. In all other planning units, the requirements of subsection A of this section shall apply. in planning unit 4, in the historic overlay zone, uses existing as of the date.

The Deadwood Zoning Code 17.08 defines a Condominium as the following:

Real property having more than one dwelling unit and the ownership of which consists of separate, divided, fee simple estates in individual air space units, together with an undivided fee simple interest in the common elements appurtenant to such units.

*Keating Resources intends to have condominiums on floors 2 – 4, while the first floor will become retail space.*

### **COMPLIANCE**

1. The Zoning Officer provided notice identifying the applicant, describing the project and its location, and giving the scheduled date of the public hearing in accordance with Section 10.10.B.
2. A sign was posted on the property for which the requests were filed.

3. Notice of the time and place was published in the designated newspaper of the City of Deadwood.

### **GENERAL USE STANDARDS FOR CONDITIONAL USE PERMITS**

In reviewing any application under the authority of this chapter and as a further guide to its decision upon the facts of the case, the Commission(s) shall consider, among other things, the following facts:

- A. The proposed use shall be in harmony with the general purposes, goals, objectives, and standards to the City Policy Plan, the ordinance, the district in which it is located, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice by the City of Deadwood.

*The City Comprehensive Plan encourages a variety of uses and a mixture of housing types. Preserve the existing stock of historic structures by working with the individuals and guiding the uses is an acceptable means. Traffic and parking should not significantly affect the neighborhood.*

- B. Whether or not a community need exists for the proposed use at the proposed location in light of existing and proposed uses of a similar nature in the area and of the need to provide or maintain a proper mix of uses both within the city and also within the immediate area of the proposed use: (a) the proposed use in the proposed location shall not result in either a detrimental over concentration of a particular use from previously permitted uses within the city or within the immediate area of the proposed use.

*The subject area is zoned C1 – Commercial District and is intended to provide locations coinciding with the downtown core commercial zone where certain commercial uses and gaming are permitted. One of the most important “needs” for the city currently is housing.*

- C. The proposed use at this location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvement, public sites, or rights-of-way.

*The proposed use 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 neighborhood. To support a denial of a conditional use permit on the grounds that it will cause increased traffic problems, there must be a high degree of probability that the increase would pose a substantial threat to the health and safety of the community.*

- D. Whether or not the proposed use increases the proliferation of non-conforming uses as well as previously approved Conditional Use Permits which are still in use, when influenced by matters pertaining to the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of the Policy Plan, this ordinance, or any other plan, program, map or ordinance

adopted, or under consideration pursuant to official notice, by the city or other governmental agency having jurisdiction to guide growth and development.

For any conditional use, lot and performance standards shall be the same as similar type uses located in specific districts. The character and use of buildings and structures adjoining or near the property mentioned in the application shall be considered in their entirety.

*The proposed use would not increase the proliferation of non-conforming uses. The subject location is surrounded by a variety of commercial uses. The appearance of the structure will not change; therefore, the character and use of the buildings and structures adjoining the subject property will not be adversely affected.*

- E. Whether or not the proposed use in the proposed area will be adequately served by and will not impose an undue burden on any of the improvements, facilities, utilities, and services specified in this section.

*The proposed use will not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services. Existing services are available onsite.*

#### **CONDITIONS GOVERNING APPLICATIONS AND PROVISIONS**

- A. Following the issuance of a conditional use permit pursuant to the provisions of this ordinance, such permit may be amended, varied, or altered only pursuant to the standards and procedures established by this section for its original approval.
- B. The Board of Adjustments can revoke conditional use permits, once granted, for cause after a hearing is held before them. Complaints seeking the revocation of such permit shall be filled with the Zoning Administrator and may be initiated by the Planning and Zoning Commission OR any three (3) residents within three hundred (300) feet of the property lines of which the application has been filed. All such revocation hearings shall be conducted in the same manner as for the Conditional Use Permit application hearings.
- C. The Planning and Zoning Commission shall have the authority to review Conditional Use Permits at any time and/or on an annual basis and place additional stipulations to mitigate a problem.
- D. If the use permitted under the terms of a Conditional Use Permit has not been started within six (6) months of the date of issuance thereof, said permit shall expire and be canceled by the City Planning Department. Written notice thereof, shall be given to the person(s) affected, together with notice that further use or work as described in the canceled permit shall not proceed, unless and until a new conditional use permit has been obtained.

- E. If the use permitted under the terms of a Conditional Use Permit ceases, for whatever reason, for a period of twelve (12) months, said permit shall expire and be canceled by the City Planning Department. Written notice thereof, shall be given to the person(s) affected, together with notice that further use or work as described in the canceled permit shall not proceed, unless and until a new conditional use permit has been obtained.

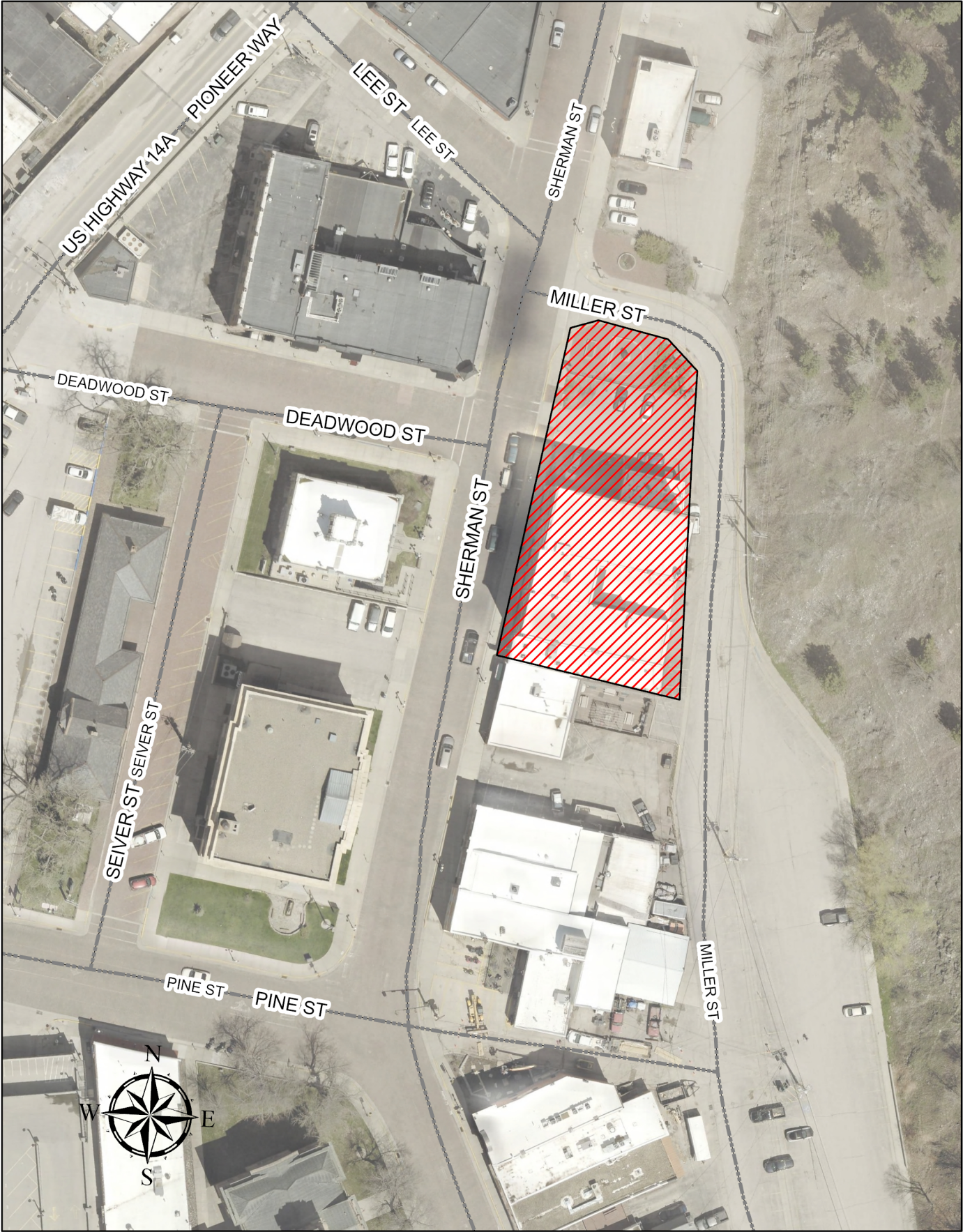
**If approved, staff recommends the following stipulation(s):**

1. 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.
2. Proof that the Building Inspector has inspected the building and it meets all the building codes.

**ACTION REQUIRED FOR CONDITIONAL USE PERMIT:**

1. Approve / Deny by the Planning and Zoning Commission.
2. Approve / Deny by the Board of Adjustment.





**51-53-55 SHERMAN STREET  
APPLICATION FOR CONDITIONAL USE PERMIT  
FOR CONDOMINIUMS.**



August 12, 2022

Jeramy Russell, Planning and Zoning Administrator  
City of Deadwood

Re: Conditional Use Application - Adams Block Building Rehabilitation

Dear Jeramy,

Keating Resources is requesting approval to construct condominiums on the second, third and fourth floors of the Adams Block Building located at 51, 53 and 55 Sherman Street, as allowed per section 17.32.030 Conditional Uses.

Attached, are the application, Alta Survey, and conceptual floor plans of the proposed eleven condos. The plans are preliminary, so the quantity and configuration could change.

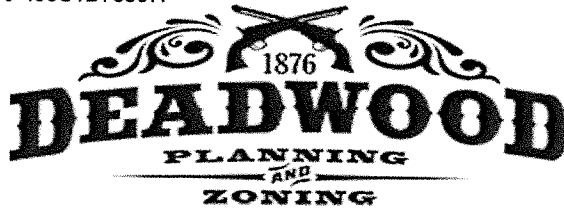
Thank you for your consideration.

Sincerely,

Bradley P. Burns, AIA  
Chamberlin Architects



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



Questions Cont

Section 5 Item a.

**Jeremy Russell**  
 (605) 578-2082 or  
 jeramyr@cityofdeadwood.com

Application No. \_\_\_\_\_

## APPLICATION FOR CONDITIONAL USE PERMIT

**Application Fee: \$200.00**

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

Name of Proposed Development: Adams Block Building Restoration

Street Location of Property: 51, 53, 55 SHERMAN ST.

Legal Description of Property: SEE ATTACHED ALTA SURVEY

Zoning Classification of Property: C1 COMMERCIAL DISTRICT

Name of Property Owner: KEATING RESOURCES Telephone: (402) 925-5113

Address: 107 MAIN ST. ATKINSON NE 68703  
Street City State Zip

Name of Applicant: GERARD KEATING Telephone: (402) 925-5113

Address: SAME AS PROPERTY OWNER

Street City State Zip

**1. The following documents shall be submitted:**

- An improvement survey, including all easements,
- Development plan, including site plan with location of buildings, usable open space, off-street parking, loading areas, refuse area, ingress/egress, screening, proposed or existing signage, existing streets, and
- A written statement addressing the criteria for approval.

Uses of Building or Land: GAMING ON 1ST FLOOR / CONDOMINIUMS ON 2ND, 3RD AND 4TH

Signature of Applicant: Gerard Keating Date: 8/12/2022  
DocuSigned by: C6A68B51B9DB440...

Signature of Property Owner: Gerard Keating Date: 8/12/2022  
DocuSigned by: C6A68B51B9DB440...

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): \_\_\_\_\_



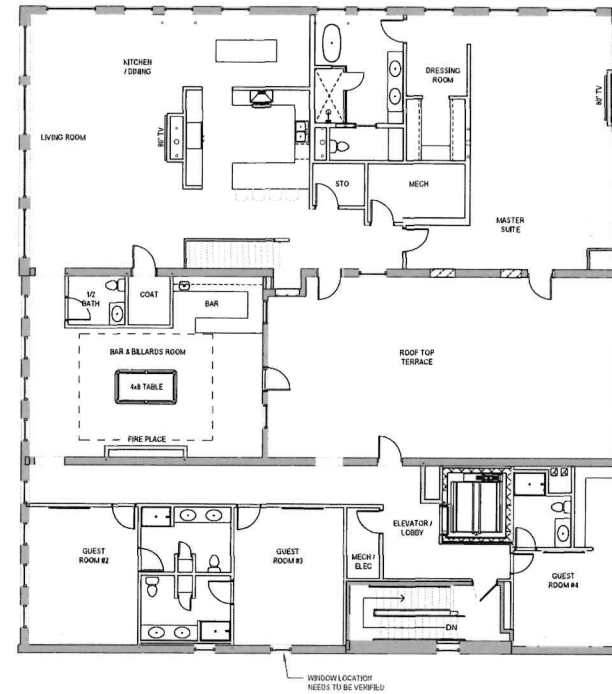




**chamberlin**

725 St. Joseph Street, Suite B1  
Rapid City, SD 57701  
605.355.6804  
chamberlinarchitects.com

NOT FOR CONSTRUCTION



# ADAMS BLOCK BUILDING RENOVATION

55 SHERMAN STREET  
DEADWOOD, SOUTH DAKOTA

## 4TH FLOOR PLAN

NO: ISSUED FOR: DATE:



PROJECT STATUS: 100% SD

DATE: 6/1/2021 SHEET NO: PROJECT NO: 20106 **A103**



CHAMBERLIN ARCHITECTS