



Planning and Zoning Commission Regular Meeting Agenda

Wednesday, October 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 October 5, 2022 Minutes
4. **Planning and Zoning Commission**
 - [a.](#) Change of Zoning - Planned Unit Development - The Ridge Development - Preacher Smith, LLC and TRD, LLC (Randy & Cheri Horner)

Preacher Smith Tract; Lot A of Gov't Lots 13 and 19 in Section 11; Lot B of Gov't Lots 19 in Section 11 and Gov't Lot 12 of Section 14 and Lots 1 and 2 in Block 1B of the Ridge Development, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. Less Lot A of the Ridge Development.

Action Required:
 - a. Approval/Denial by Planning and Zoning Commission
 - b. Approval/Denial by Board of Adjustment
5. **Items from Citizens not on Agenda**
(Items considered but no action will be taken at this time.)
6. **Items from Staff**
7. **Adjournment**

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



Planning and Zoning Commission Regular Meeting Minutes

Wednesday, October 05, 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 Vice-Chairman Keehn on Wednesday, October 5, 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 (Vice-Chair) Josh Keehn

Commissioner (Secretary) Dave Bruce

Commissioner Kevin Wagner

Commissioner Charles Eagleson

BOARD OF ADJUSMENT

David R. Ruth, Jr., Mayor

Mike Johnson, City Commissioner

Charlie Struble, City Commissioner

ABSENT

Commissioner (Chair) John Martinisko

STAFF PRESENT

Jeramy Russell, Planning and Zoning Administrator

Cindy Schneringer, Administrative Assistant

Kevin Kuchenbecker, Historic Preservation Officer and Interim Public Works Director

3. Approval of Minutes

- a. Approval of September 21, 2022 Minutes

It was moved by Commissioner Bruce and seconded by Commissioner Eagleson to approve the September 21, 2022 minutes. Voting Yea: Keehn, Bruce, Wagner, Eagleson

4. Sign Review Commission

- a. 753 Main Street - Kaylee Linn-Wellford - Replace Existing Wall Sign with Redesigned Wall Sign

Mrs. Schneringer stated we have one sign permit application for your consideration tonight for 753 Main Street to replace the existing wall sign with a redesigned wall sign. The applicant is Kaylee Linn-Wellford for First Steps Child Care. The building is undergoing exterior maintenance and repairs such as caulking and painting. The applicant wishes to update the sign with a different design in conjunction with this project. The proposed sign does require a variance of two feet for the vertical

dimension. This sign is four feet tall and the ordinance limits signs to two feet. The sign being replaced is also four feet tall and was granted a variance when approved in 2011. All other aspects of the proposed sign are compliant with the ordinance.

It was moved by Commissioner Eagleson and seconded by Commissioner Wagner to approve the sign permit for 753 Main Street to replace existing wall sign with a redesigned wall sign. Voting Yea: Keehn, Bruce, Wagner, Eagleson

5. Planning and Zoning Commission

- a. Request for Variance - Street Grades - Stage Run Subdivision - Dana Foreman (KLJ Engineering) and Bill Pearson (The Summit at Deadwood Stage Run)

Mr. Russell stated our applicant today is going to be the Summit at Deadwood Stage Run and representing KLJ Engineering is Dana Forman who is here on Bill Pearson's behalf. Bill is also here representing the Summit. The purpose of this variance with Deadwood City Ordinance 16.04.020 K. Street Grades and Alleys, the maximum street grades of an R1 Residential Zoning District being 9%. The general location of this is the Stage Run Subdivision and is legally described as follows the Palisades Tract of Deadwood Stage Run Addition, formerly Tracts E, F, G, H, I, J, K and L and the remaining portion of MS 696 Palisades Stone Placer, all located in the SW1/4, Section 14, the SE1/4 of Section 15, the NE1/4NE1/4 of Section 22 and the N1/2NW1/4 of Section 23, T5N, R3E, BHM, City of Deadwood, Lawrence County, South Dakota. As I said in the initial statement, the applicant has requested a variance to design standards required by Deadwood City Ordinance 16.04.020 the street grades. The ordinance allows for the grades of the streets in a residential zoning district to be a maximum grade of 9%. Their application states they're proposing longitudinal slopes in four areas that would be greater than the maximum allowed. Those grades are as follows: 9.98%, 10%, 11.42% and 12%. The application states the design engineer lowered the slopes as much as possible but existing conditions in bedrock prevented further lowering of the slopes to maintain buildable lots on both sides of the road. At this time, I will turn it over to our applicants so you can ask them any questions and maybe they can give you a more in depth look at what is going on up there. Since the package was very confusing with all the pages, Kevin was able to piece the pages together and color code them. Thank you Kevin. At some point we would like for you to transition over to the long table over there where you can visually see the percentages and different grades where they are at. On the right-hand side there you will see the original and where they started.

Mr. Foreman provided an updated on how they addressed staff's concerns with the grades and the measures taken to adjust the grades to meet the city's concerns.

Interim Public Works Director Kuchenbecker addressed the concerns of the public works departments and how they worked with the engineer and developer to lessen the impact.

Fire Chief Hamann discussed the concerns with fire apparatus accessing the area that were addressed.

It was moved by Commissioner Wagner and seconded by Commissioner Bruce to approve the request for variance for street grades legally described as the Palisades Tract of Deadwood Stage Run Addition, formerly Tracts E, F, G, H, I, J, K and L and the remaining portion of MS 696 Palisades Stone Placer, all located in the SW1/4, Section 14, the SE1/4 of Section 15, the NE1/4NE1/4 of Section 22 and the N1/2NW1/4 of Section 23, T5N, R3E, BHM, City of Deadwood, Lawrence County, South Dakota Voting Yea: Keehn, Bruce, Wagner, Eagleson

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

Board of Adjustment

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

It was moved by Commissioner Struble and seconded by Commissioner Johnson to approve the request for variance for street grades legally described as the Palisades Tract of Deadwood Stage Run Addition, formerly Tracts E, F, G, H, I, J, K and L and the remaining portion of MS 696 Palisades Stone Placer, all located in the SW1/4, Section 14, the SE1/4 of Section 15, the NE1/4NE1/4 of Section 22 and the N1/2NW1/4 of Section 23, T5N, R3E, BHM, City of Deadwood, Lawrence County, South Dakota Voting Yea: Ruth, Johnson, Struble

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

Planning and Zoning Commission

Vice-Chairman Keehn 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**
- 8. Adjournment**

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

There being no further business, the Planning and Zoning Commission adjourned at 5:28 p.m.

ATTEST:

Chairman, Planning & Zoning Commission

Cindy Schneringer, Planning & Zoning Office/Recording Secretary

Secretary, Planning & Zoning Commission



PLANNED UNIT DEVELOPMENT (PUD)

the RIDGE Development, Deadwood, SD

Applicant/Developer/Owner: Preacher Smith, LLC / TRD, LLC
 - Randy and Cheri Horner
 16 Peck Street, Deadwood, SD 57732

Project Agent: Leah M. Berg, P.E.
LBerg@proacesinc.com Cell: 605-545-1120

Legal Description: Preacher Smith Tract (Less Lot A of the Ridge Development) and Lots 1 & 2, Block 1B of the Ridge Development, The City of Deadwood, South Dakota.
(Plats attached)

Other: Economic Development TIF District #14
(TIF Plan and Resolution attached)

1. Objectives:

- Create an overall zoning district plan through the PUD for the RIDGE Development that is customized to work for the City of Deadwood and also compliments the uniqueness of the RIDGE Development.
 - The goal is to establish planned uses at the beginning and continue to be transparent with development plans from the start.
- the RIDGE Development was formed and consisted of a combined parcel with an area of 679.49 Acres. The plat for the Preacher Smith Tract along with the parcel that was platted out of the tract, Lot A, along Whitewood Creek Road that has been sold that was not connected to the overall development due to the topography and then the two apartment parcels that were platted out of the original Preacher Smith Tract.
- With the large area and infrastructure challenges the overall concept for the RIDGE requires a customized plan in order to be successful.

- the RIDGE includes an Economic Development TIF District with a variety of uses: single -family residential, multi-family residential and Commercial.
- Current Phases include Phase 1 – Residential, Phase 1A – Commercial and Phase 1B Multi-Family Residential.
- The Lots sizes range from 0.3 Acres to just over 12 Acres. The variety in sizes allows all the ability to find a Lot that would work for them.
- There is also a trail system planned that would help create an integrated recreation system for the public to utilize that will help the City of Deadwood diversify the family opportunities in the area.
- The Development has a desire to work with the City of Deadwood to create plans for trolley stops along Hwy 85 to help connect this area to the downtown core commercial zone and community areas.
 - This potential partnership would provide key opportunities for residents to be part of the workforce and the community. An expanded trolley system allows options for residents to be able to utilize the trolley system to get to and from work.
 - This also allows for visitors to the area to stay and park in the Development and travel into the City of Deadwood safely to enjoy their time. This will help alleviate some of the stress on the limited parking areas throughout the City of Deadwood, while contributing to the economy.

2. Development Schedule:

- The Project has been underway in the planning phases since 2020 with the Economic Development TIF District #14 being approved November 2021.
- This year, 2022, roads are being created and underground infrastructure is being designed and installed.
- Construction in this area is limited by the winter seasons and with the supply chain disruptions, the development has experienced a great deal of difficult circumstances. However, the local team of contractors have done an exceptional job so far with getting infrastructure underway for the first phase of the development which includes the workforce housing apartments. Currently the plan is to start construction of the workforce apartments this Fall 2022.
- Lift stations and utility connections are being coordinated with the City Public Works Department and will be implemented to meet the needs of

the development and City staff for use and maintenance. This work is planned to be completed late winter early spring 2023, just in time for possible structure occupancy opportunities.

- The commercial areas are busy with interest for a convenience store, bank, and luxury motorcoach park area. All could break ground in the Spring of 2023.
- The current phases and Lots available to be reserved are included on the attached Layout brochure.
- The multi-phased concept for the multi-family apartment area is included for reference.

3. Covenants and HOA:

- the RIDGE Development will include covenants and an HOA.
 - The current covenants are in 'draft for review' but will be recorded following the establishment of the PUD.
- The covenants are legally connected to each lot sold within the development and the HOA is in place to help enforce the established covenants.
- A copy of the draft covenants are attached.

4. PUD Criteria Requested:

- Within the boundary of the PUD - SETBACKS:
 - Due to extreme topography, it is requested that the following setbacks are allowed, to be only utilized by the HOA/Architectural Review Committee when necessary (the Covenants provide more stringent requirements for setbacks without an exception)

Requested Setbacks for the RIDGE PUD
Front (5) feet
Side (5) feet
Rear (5) feet

- PARKING:
 - Parking requirements are requested to be reduced by 20%

5. City of Deadwood Existing and Proposed Modified Zoning Districts included within the PUD Boundary:

- PUD map included in attachments and the proposed districts are as follows:

- A. **R1 – Residential District**
- B. **R1 Mod – Residential District RIDGE Modified**
 - Short Term Rentals Allowed
- C. **R2 – Multi-Family Residential District**
- D. **R2 Mod– Multi-Family Residential District RIDGE Modified**
 - Short Term Rentals Allowed
- E. **CH – Commercial Highway District**

6. Short Term Rentals in ‘RIDGE Modified’ R1 and R2:

- The City of Deadwood has diligently been and continues working to manage the residential environments established within the City limits for residents.
- One way that the RIDGE Development will be different, is that the short term rental concept and areas where it would be available/allowed will be established from day one of the development. This means that any property owner interested in purchasing a Lot and living on the RIDGE is informed of the option they have as well as their neighbors will have to utilize their residence as a short term rental, if they choose.
- The covenants will include sections for the short term rentals or Vrbo (vacation rental by owner) options. This section will inform potential property owners that the City of Deadwood has established requirements for short term rentals that must be followed. This will be included to further enforce the orderly establishment of short term rentals within the RIDGE.
- The ability for the RIDGE to offer short term rental opportunities to property owners is an absolute critical factor in the success of the development.

END OF APPLICATION

Attachments:

1. Plat of Preacher Smith Tract
2. Plat of Lot A of the Ridge Development
3. Plat of Lots 1 & 2, Block 1B of The Ridge Development
4. Economic Development Tax Increment Finance District at City Commission Meeting 11/15/2021 with Resolution 2021-23
5. the RIDGE Lot Layout
6. Multi-Family Apartment Site Plan Concept
7. Covenants – Draft 09/29/2022
8. PUD Map

OFFICE OF
PLANNING, ZONING AND
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STAFF REPORT

PLANNING AND ZONING AMENDMENT TO ZONING MAP - PLANNED UNIT DEVELOPMENT October 19, 2022

APPLICANT: Preacher Smith, LLC and TRD, LLC (Cheri & Randy Horner)

PURPOSE: Rezoning Request – Park Forest to Planned Unit Development

GENERAL LOCATION: Near the Preacher Smith Monument

LEGAL DESCRIPTION: *Preacher Smith Tract; Lot A of Gov't Lots 13 and 19 in Section 11; Lot B of Gov't Lots 19 in Section 11 and Gov't Lot 12 of Section 14 and Lots 1 and 2 in Block 1B of the Ridge Development, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. Less Lot A of the Ridge Development.*

FILE STATUS: All legal obligations have been completed

CURRENT ZONING: Park Forest

STAFF FINDINGS:

Surrounding Zoning:

North: Commercial Highway
South: Park Forest/Lawrence County
East: Lawrence County
West: Park Forest

Surrounding Land Uses:

Residential Business
Common Ownership
Lawrence County
Vacant/Common Ownership

SUMMARY OF REQUEST

The applicant has submitted a request for a zoning amendment to change from Park Forest zoning district with the creation of a Planned Unit Development (PUD). Within the PUD, the applicants request a variety of zoning districts and uses.

COMPLIANCE

1. The Zoning Officer provided notice identifying the applicant, describing the project and its location and giving the scheduled date of the public comment in accordance with Section 17.96.020
2. A sign was posted on the property for which the requests were filed.

STAFF DISCUSSION

Within the requested PUD, the applicant is requesting the following traditional zoning districts:

- ***R1 – RESIDENTIAL***
- ***R2 – RESIDENTIAL MULTI-FAMILY***
- ***CH – COMMERCIAL HIGHWAY***

The applicants are also requested the following stipulations within the boundary of the proposed PUD:

- ***R1 – MODIFIED***
- ***R2 – MODIFIED***

It should be noted that requests R1/R2 modified zoning districts would be for the purpose of allowing the use of short-term rentals.

- ***SETBACKS:***

Due to extreme topography, it is requested that the following setbacks are allowed to be only utilized by the HOA/Architectural Review Committee when necessary (the Covenants provide more stringent requirements for setbacks without an exception)

Requested Setbacks for the Ridge PUD:

Front (5) feet
Side (5) feet
Rear (5) feet

- ***PARKING:***

Parking requirements are requested to be reduced by 20%.

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 conflicts with any applicable portions of this Ordinance.

The purpose of planned units is to allow flexibility and encourage innovation in land use development, promote the most appropriate use of land, improve the design, character, and quality of new development, facilitate the adequate and economical provision of streets and utilities, and preserve the natural and scenic features of open space. The requested modifications for residential zoning districts for the purpose of operating short-term rentals would conflict with the current residential zoning districts and set a precedent. However, the entire purpose of a PUD is to allow flexibility and encourage innovation in land use.

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

The 2018 Comprehensive Plan Future Land Use Map identifies the area as Parks and Recreation use. The Ridge development plans to incorporate hiking and biking trails within the community for residents and visitors alike. In addition, the 2018 Comprehensive Plan also advises the City to continue to work with developers to encourage new housing developments and include a variety of housing types to meet the needs of Deadwood residents, while keeping the aesthetics of a small historic town in a natural forested setting.

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

The subject property is currently surrounded by primarily three zoning districts: Park Forest, Residential Multi-Family and Commercial Highway. Within these three zoning districts you will find commercial businesses, residential homes, and vacant land.

- 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 projected impacts on the public facilities are not currently known. The City is concerned about the substantial growth with three new subdivisions planned in the next few years and the impacts these developments may have on City infrastructure. A study of the Deadwoods water capacity is currently being developed.

The subject property is not located within any floodplain.

- E. The effect of the proposed amendment on traffic generation and road safety.

Currently the property has a low volume of pedestrian traffic and vehicular traffic going in and out of the property. Access to the property is off US Hwy 85 and turn lanes into The Ridge Development will be required by the Department of Transportation at some point in the future. Both the City and the developer have that understanding.

- F. 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.

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

The City of Deadwood is currently in a housing shortage and the proposed amendment would support the current housing need as described in the 2021 housing study.

- H. 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.

The City has received calls in support and against this project. All comments revolved around short-term rentals.

ACTION REQUIRED:

1. Recommended **Approval or Denial** by Deadwood Planning and Zoning Commission.
2. Approval/Denial by the Deadwood Board of Adjustment.

