



Planning and Zoning Commission Regular Meeting Agenda

Wednesday, November 16, 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 19, 2022 Minutes

4. **Sign Review Commission**

[a.](#) 68 Main Street - Cathy Volk - Install New Wall Sign Relocated From 250 US Hwy 14A

Action Required:

a. Approval/Denial by Sign Review Commission

5. **Planning and Zoning Commission**

[a.](#) Change of Zoning - Planned Unit Development - The Ridge Development - Preacher Smith, LLC and TRD, LLC (Randy & Cheri Horner) - Continued (Short-Term Rentals) 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. All request were approved on October 19, 2022 except the use of Short-Term Rentals which was continued.

Action Required:

a. Approval/Denial by Planning and Zoning Commission

[b.](#) Final Plat - 113 & 115 Mystery Wagon Road - WJP Holdings, LLC (William Pearson) LOTS 8A, 8B, 9A and 9B, BLOCK 4A OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION TO THE CITY OF DEADWOOD FORMERLY LOTS 8 and 9, BLOCK 4A LOCATED IN THE SW1/4 OF 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, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA

Action Required:

a. Approval/Denial by Planning and Zoning Commission

[c.](#) Findings of Fact and Conclusion - 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. Finding of Facts and Conclusions was approved by City Commission on October 17, 2022.

Action Required:

- a. Approval/Denial by Planning and Zoning Commission

- d. Findings of Fact and Conclusion - Request for Variance - Street Grades - The Summit at Deadwood Stage Run

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. Findings of Fact and Conclusion was approved by City Commission on October 17, 2022.

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, October 19, 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, October 19, 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 Kevin Wagner

Commissioner Charles Eagleson

ABSENT

Commissioner (Secretary) Dave Bruce

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 October 5, 2022 Minutes

It was moved by Commissioner Keehn and seconded by Commissioner Wagner to approve the October 19, 2022 minutes. Voting Yea: Martinisko, Keehn, Wagner, Eagleson

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.

Mr. Russell stated we have a request for a Change of Zoning, Planned Unit Development for The Ridge Development, Preacher Smith, LLC and TRD, LLC. The owners are Randy and Cheri Horner. Both are here along with Leah and Shannon. The purpose of this is a change of zoning request to go from Park Forest to a Planned Unit Development. General location is near the Preacher Smith monument. Legally described as follows 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. As I stated in the opening, ownership for The Ridge is requesting to transition this area from a Park Forest Zoning District to a Planned Unit Development. Within my staff report under the staff discussion you'll see some of the highlights for this is they are requesting the following zoning districts: R1 - Residential, R2 – Residential Multi-Family, and Commercial Highway. There has been some confusion in the packet because of the words being used as R1 Modified and R2 Modified. These are not new zoning districts you would be adopting. They will still be zoned R1, R2 and Commercial Highway. These are requests they are asking to be allowed uses within the Planned Unit Development. These are some of the questions we received whether it was from calls or emails. Requests from the public to clear them up. These are not new zoning districts to be adopted. These are what they put in their application was a modification and I transition into my staff report. As you can see on the map on the screen, there are portions of the development they are wanting to do short-term rentals. They are also asking for setback reduction and the parking requirements be reduced by 20%.

Leah Berg provided a presentation of the development and how their requests evolved.

Chairman Martinisko opened the meeting for public comment. After some discussions Chairman Martinisko closed the public comment.

The Planning and Zoning Commission reviewed the request for the Planned Unit Development additional items and chose to vote on each request individually.

It was moved by Commissioner Wagner and seconded by Commissioner Keehn to approve the Planned Unit Development boundary. Voting Yea: Martinisko, Keehn, Wagner, Eagleson

It was moved by Commissioner Wagner and seconded by Commissioner Eagleson to approve the setbacks as outlined in the Planned Unit Development application. Voting Yea: Martinisko, Keehn, Wagner, Eagleson

It was moved by Commissioner Keehn and seconded by Commissioner Wagner to approve the request to reduce the parking to 20% for R2. Voting Yea: Martinisko, Keehn, Wagner Nay: Eagleson

It was moved by Commissioner Wagner and seconded by Commissioner Eagles to continue the modified zoning request for short-term rentals pending review from the City's legal counsel and what is the next step in regards to the Mayor's Task Force. Voting Yea: Martinisko, Keehn, Wagner, Eagleson

5. Items from Citizens not on Agenda

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

6. Items from Staff

Mrs. Schneringer provided an update regarding the open meetings act requirements and how this affects the Planning and Zoning Commission going forward.

7. Adjournment

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

There being no further business, the Planning and Zoning Commission adjourned at 6:23 p.m.

ATTEST:

Chairman, Planning & Zoning Commission

Secretary, Planning & Zoning Commission

Cindy Schneringer, Planning & Zoning Office/Recording Secretary

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TRENT MOHR
Building Inspector
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Deadwood, South Dakota 57732

SIGN PERMIT STAFF REPORT

Sign Review Commission

November 16, 2022

Applicant: Cathy Volk

Address: PO Box 74, Deadwood, SD 57732

Site Address of Proposed Signage: 68 Main Street (Deadwood Station)

Computation of Sign Area

Building Frontage: 40 Feet (leased portion of the building)

Total Available Signage: 80 Square Feet

Existing Signage: none

Remaining Available Signage Area: 82 Square Feet

Proposed Sign Project: Install new wall sign (45 Square Feet) relocated from 250 US Hwy 14A

Proposed Building Materials: Painted wood with vinyl graphics (see attached rendering)

Proposed Lighting of the Signs: External illumination

Location of Proposed Sign: See attached photograph

Discussion

The sign permit application in review is proposed at a location outside the locally-designated historic district and inside the national historic landmark district which is regulated by chapter 15.32.310 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 is currently leasing space at 250 US Hwy 14A for her business. She will be moving her business to 68 Main Street. She is requesting permission to relocate a sign from her current location.

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

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"The Historic City of the Black Hills"
Deadwood, South Dakota 57732

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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 wall sign at 68 Main Street

OR

Motion to deny proposed sign permit application as submitted.



			
5		6	
605-342-0481 Fax: 605-342-9474 1650 Samco Road Rapid City, SD 57702		<i>Signage - Rapid City</i> <i>With Pride</i> <i>Since 1928</i> 	Customer: Salon 14-A Drawn By: Jonni Date: 10/7/2020
Customer Signature: _____		Notes: _____	



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

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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.

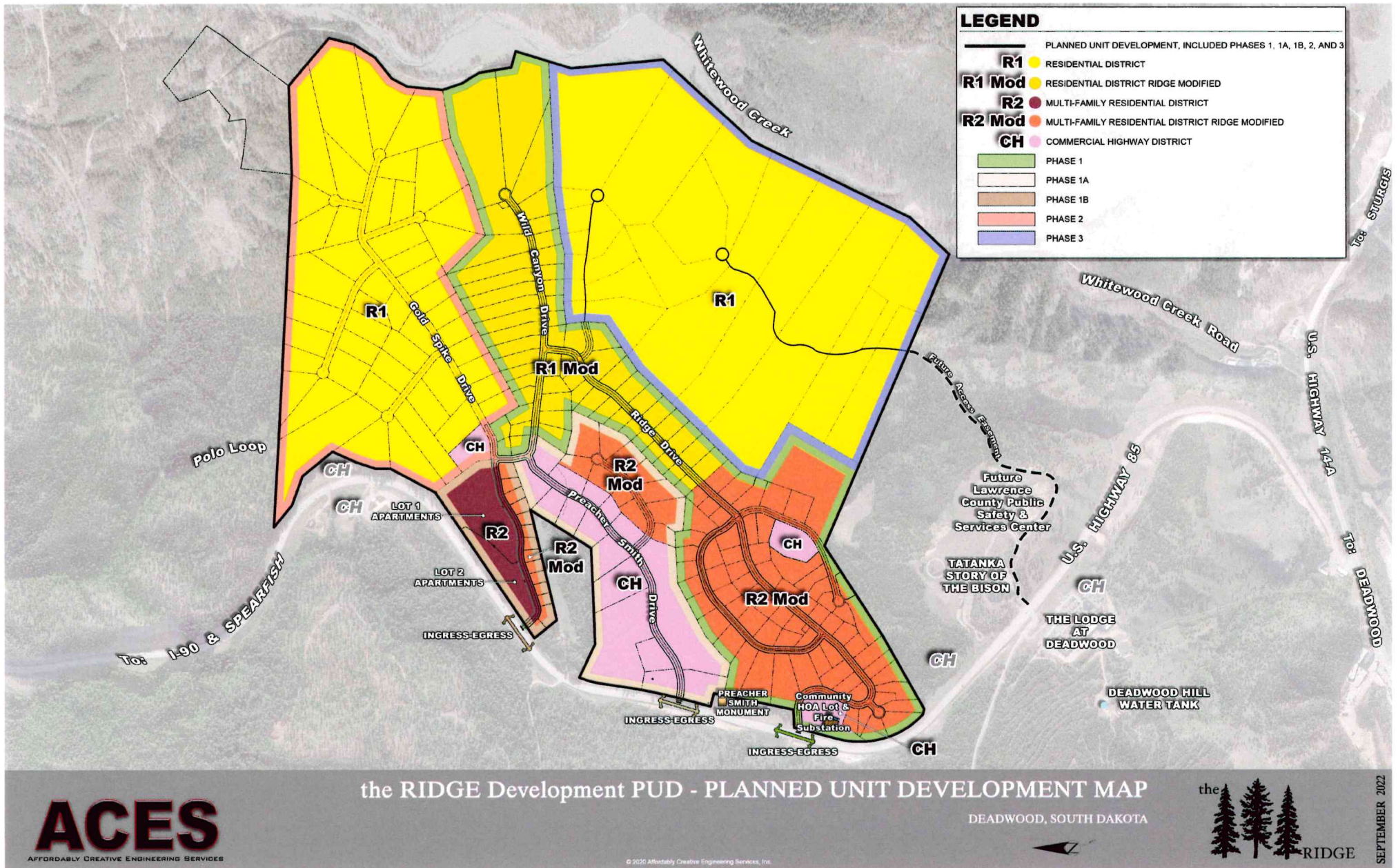
The City of Deadwood is currently in a housing shortage and the proposed amendment would support the current housing need as described in the 2021 housing study.

- 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. The following requests were approved by Deadwood Planning and Zoning Commission on October 19, 2022: PUD Boundary/Setback Reduction/Reduction of Parking Requirements in R2 (Residential Multi-Family).
2. Continued items – Allowing Short-Term Rentals within the Ridge Development.
3. Approval/Denial by the Deadwood Planning and Zoning Commission.



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STAFF REPORT
PLANNING AND ZONING
November 16, 2022 MEETING

APPLICANT: WJP Holdings, LLC (William Pearson)

PURPOSE: Transfer of land & Creating Property Lines.

GENERAL LOCATION: 113 & 115 Mystery Wagon Road (Stage Run Phase 2)

LEGAL DESCRIPTION: LOTS 8A, 8B, 9A and 9B, BLOCK 4A OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION TO THE CITY OF DEADWOOD FORMERLY LOTS 8 and 9, BLOCK 4A LOCATED IN THE SW1/4 OF 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, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA

FILE STATUS: All legal obligations have been completed.

ZONE: P.U.D. – Planned Unit Development

STAFF FINDINGS:

Surrounding Zoning:

North: P.U.D – Planned Unit Development
South: P.U.D – Planned Unit Development
East: P.U.D – Planned Unit Development
West: P.U.D – Planned Unit Development

Surrounding Land Uses:

Residential Homes
Residential Homes
Vacant Land
Vacant Land

SUMMARY OF REQUEST

The purpose of this plat is to facilitate the transfer of property and establish property lines. This plat describes the areas located at 113 and 115 Mystery Wagon Road. Duplexes have been constructed on these lots which now need to be separated by a property line down the center of the two structures prior to any transfer of property. This plat will create lots 8A, 8B, 9A and 9B, formerly lots 8 and 9.

FACTUAL INFORMATION

1. The property is currently zoned P.U.D. – Planned Unit Development.
2. The proposed lots are comprised of the following acreage: *Lot 8A 0.281 Acres±, Lot 8B 0.318 Acres±, Lot 9A 0.313 Acres, Lot 9B 0.275 Acres.*
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.

STAFF DISCUSSION

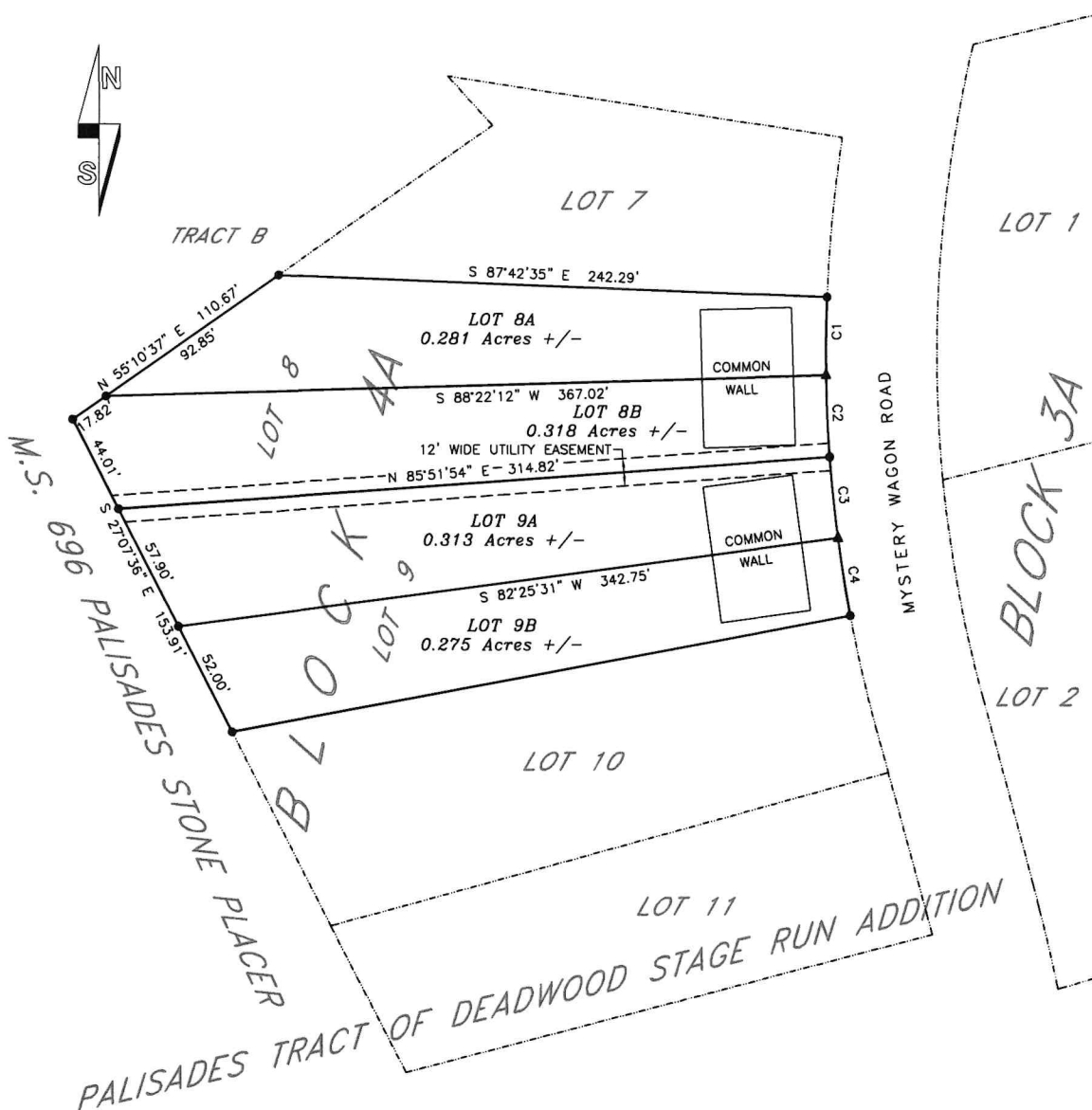
Phase 2 of Stage Run was laid out in the original master plan that Deadwood Stage Run LLC presented to the City of Deadwood in 2007. At that time, it was approved by the Deadwood Planning and Zoning Commission as well as the City Commission.

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

PLAT OF LOTS 8A, 8B, 9A AND 9B, BLOCK 4A OF PALISADES TRACT OF DEADWOOD
 STAGE RUN ADDITION TO THE CITY OF DEADWOOD
 FORMERLY LOTS 8 AND 9, BLOCK 4A
 LOCATED IN THE SW $\frac{1}{4}$ OF SECTION 14, THE SE $\frac{1}{4}$ OF SECTION 15, THE NE $\frac{1}{4}$ NE $\frac{1}{4}$
 OF SECTION 22 AND THE N $\frac{1}{2}$ NW $\frac{1}{4}$ OF SECTION 23, T5N, R3E, B.H.M.,
 CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA



- REBAR & CAP (VREM L56577)
- ▲ MAG NAIL



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	624.50'	34.30'	34.29'	S 00°43'01" W	3°08'48"
C2	624.50'	35.73'	35.73'	N 02°29'44" W	3°16'42"
C3	624.50'	35.69'	35.69'	N 05°46'19" W	3°16'29"
C4	624.50'	34.49'	34.49'	N 08°59'30" W	3°09'52"

NOTES:

- 1) PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION
 RECORDED IN DOC. #2008-2791
 BLOCKS 3A & 4A RECORDED IN DOC. #2020-3090
- 2) OWNER/DEVELOPER
 W.P. HOLDINGS LLC
 PO BOX 631
 DEADWOOD, SD 57732
- 3) A 5' DRAINAGE & UTILITY EASEMENT IS HEREBY GRANTED
 ALONG SIDE AND REAR LOT LINES AND 10' ALONG THE FRONT
 LOT LINES UNLESS OTHERWISE AS SHOWN



Prepared By:
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 LEAD, SOUTH DAKOTA 57754
 (605) 722-3840

Date:	10/26/2022
Drawn By:	L. D. Vrem
Project No.:	22-456
Dwg. No.:	22-456.dwg

**PLAT OF LOTS 8A, 8B, 9A AND 9B, BLOCK 4A OF PALISADES TRACT OF DEADWOOD
STAGE RUN ADDITION TO THE CITY OF DEADWOOD
FORMERLY LOTS 8 AND 9, BLOCK 4A
LOCATED IN THE SW $\frac{1}{4}$ OF SECTION 14, THE SE $\frac{1}{4}$ OF SECTION 15, THE NE $\frac{1}{4}$ NE $\frac{1}{4}$
OF SECTION 22 AND THE N $\frac{1}{2}$ NW $\frac{1}{4}$ OF SECTION 23, T5N, R3E, B.H.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 ST.
LEAD, SOUTH DAKOTA 57754
(605) 722-3840

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PAGE 2 OF 2

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

**FINDINGS OF FACT AND
 CONCLUSIONS
 CONDITIONAL USE PERMIT FOR
 CONDOMINIUMS**

APPLICANT: Keating Resources

PURPOSE: Request for a Conditional Use Permit for Condominiums.

ADDRESS: 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.

ASSESSORS NO.: 30025-03000-270-00, 30025-03000-170-00, 30025-03000-150-00

RE: Request for Conditional Use Permit

WHEREAS, the above application for a Conditional Use Permit for condominiums in the C – Commercial District came on review before the Deadwood Planning and Zoning Commission on Wednesday, September 21, 2022. The application was recommended for approval by the Deadwood Planning and Zoning Commission. The Deadwood Board of Adjustment approved the application for a Conditional Use Permit for condominiums in the C – Commercial District 51, 53, 55 Sherman Street as recommended by the Planning and Zoning Commission on October 3, 2022.

WHEREAS, all present members of the Deadwood Planning and Zoning Commission and the Deadwood Board of Adjustment having reviewed the Conditional Use Permit request and having considered all comments offered and all of the evidence and testimony presented 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

- 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.
- An official sign was posted on the property for which the Conditional Use Permit was filed as required by Section 17.76.060.J.
- 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.
- The subject area is zoned C – Commercial District. This area is surrounded by commercial businesses and public use spaces.
- 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.
- The granting of the conditional use permit would not increase the proliferation of non-conforming uses. The use is permitted in the C1 – Commercial District under certain conditions and the conditions were met.
- 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.
- Based on these findings, the Deadwood Planning and Zoning Commission recommended approval of the request for a Conditional Use Permit for condominiums. The Deadwood Board of Adjustment approved the request as recommended by the Planning and Zoning Commission with the following conditions:
 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 building code requirements.**

ATTEST:

Jessicca McKeown, Finance Officer
City of Deadwood
/ / /2022

David Ruth, Mayor
City of Deadwood
/ / /2022

John Martinisko, Chairman
Planning and Zoning Commission
/ / /2022

Dave Bruce, Secretary
Planning and Zoning Commission
/ / /2022

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

**FINDINGS OF FACT AND CONCLUSIONS
REQUEST FOR A VARIANCE
16.04.020 K STREET GRADES AND ALLEYS**

APPLICANT: The Summit at Deadwood Stage Run

ADDRESS: Deadwood Stage Run Development

LEGAL DESCRIPTION: 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.

PURPOSE: Request for Variance – 16.04.020 K Street Grades and Alleys. Maximum street grades R1 (Residential) District 9%.

ZONING: PF – Park Forest

WHEREAS, the above application for a variance from Deadwood City Ordinance 16.04.020 K Street Grades and Alleys (Maximum street grades R1 (Residential) District 9%) came on for public hearing on October 5, 2022, at 5:05 p.m. and was recommended for approval by the Deadwood Planning and Zoning Commission with the Deadwood Board of Adjustment approving the request as recommended by the Planning and Zoning Commission.

WHEREAS, all present members of the Deadwood Planning and Zoning Commission and the Deadwood Board of Adjustment having reviewed the variance request and having considered all comments offered and all of the evidence and testimony presented for the application; and, after discussion and consideration of the applications 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

COMPLIANCE:

1. Staff provided public notice identifying the applicant, describing the purpose of the application and its location, and giving the scheduled date of the public hearing to adjacent landowners within 300' in accordance with Section 17.80.010.B.
2. Notice was placed in the designated newspaper of the City of Deadwood, ten (10) days in advance of the hearing as required by Section 17.80.010 B.
3. An official sign was posted on the property for which the variance was filed as required by Section 17.80.010 B.
4. Application(s) requirements were met.

- There are special circumstances unique to this property. These circumstances involve the shape and size of the lot. This has created a physical constraint which is unique to this site. Approving the variance request enables the reasonable use of the property.
- That within the intent and purposes of this application for variance, as granted, is the minimum adjustment necessary to afford relief or the reasonable use of the land and substantial notices had been given regarding the application. The remaining bulk regulations are all met.
- The granting of the variance would not be detrimental to public health, safety or general welfare. A variance cannot be granted if it would pose any threat to the public health or safety. This finding includes concerns such as fire safety, structural stability, clearance, preservation of light and open space, and visual and aesthetic concerns.
- The granting of the variance in the subject area would not be injurious to the area in general. The variance would not alter the essential character of the neighborhood in which the property is located; substantially or permanently impair the appropriate use or development of adjacent property.
- The hardship was not self-created by the applicant(s). The granting of the variance would not constitute a special privilege.
- The use and value of the area adjacent to the property included in the variance request will not be affected in a substantially adverse manner. There will be no significant adverse impacts on water supply, fire protection, schools, or other services. The granting of the variance would not be detrimental to public health, safety, or general welfare.
- The applicant has proven that he or she is the owner of the property or is his or her officially designated agent, and has presented proof thereof.
- Substantial notice had been established by notification to adjacent landowners within 300' and notice posted on the property. Notice in the newspaper was run ten (10) days in advance of the hearing.
- For the above mentioned, reasons and based on the information and findings included in the Staff Report, Minutes, and other records of proceedings, the Deadwood Planning and Zoning Commission and Board of Adjustment recommended approval of the variance.

ATTEST:

Jessicca McKeown, Finance Officer
City of Deadwood
/ / /2022

David Ruth, Mayor
City of Deadwood
/ / /2022

John Martinisko, Chairman
Planning and Zoning Commission
/ / /2022

Dave Bruce, Secretary
Planning and Zoning Commission
/ / /2022