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**BOARD OF ADJUSTMENT  
AMENDMENT TO ZONING MAP  
– PLANNED UNIT DEVELOPMENT –**

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**Staff Report**

Date: August 3, 2023  
From: Kevin Kuchenbecker  
Planning, Zoning & Historic Preservation Officer  
RE: Rezoning Request – Planned Unit Development

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**APPLICANT(S):** The Summit at Deadwood Stage Run, LLC

**PURPOSE:** Amendment to Zoning Map – PUD –  
Planned Unit Development

**ADDRESS:** Stage Run Development – Phase III  
Deadwood, Lawrence County, South Dakota

**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.

**AND**

TRACT D-2, FORMERLY TRACT D OF M.S. 696  
PALISADES PLACER, ALL LOCATED IN THE NE1/4  
AND THE SE1/4, SECTION 15, T5N, R3E, B.H.M.,  
LAWRENCE COUNTY, SOUTH DAKOTA.

**AND**

TRACT B OF PALISADES STONE PLACER MS 696,  
LAWRENCE COUNTY, SOUTH DAKOTA, RECORDED  
IN PLAT DOC. #84-2419.

**ZONE:** PUD – Planned Unit Development with the following Zones:  
R1 – Residential District  
R2 – Multi-Family  
CH – Commercial Highway

**STAFF FINDINGS:**

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Surrounding Zoning:	Surrounding Land Uses:
North: Lawrence County	Black Hills National Forest
South: CH-Commercial Highway	Commercial Highway
East: Lawrence County	Bureau of Land Management
West: Lawrence County	Park Forest/Agriculture

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**SUMMARY OF REQUEST**

The applicant has submitted a request for a zoning amendment to change zoning district boundaries within the Planned Unit Development (PUD) and expand the PUD to areas previously annexed adjacent to the PUD. Within the PUD, the applicants request to amend the zoning districts and uses. This request takes action in the form of an official change to the City of Deadwood Zoning Map.

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**FACTUAL INFORMATION**

1. The property is currently zoned PUD – Planned Unit Development with zoning districts previously approved by the Planning and Zoning Commission and the Board of Adjustment.
2. The Planned Unit Development has overlaying TIF Districts and a development agreement with the City of Deadwood has been adopted.
3. The property is located outside of Flood Zone AE – Areas of 100-year flood and Flood Zone X – Areas of 500-year flood.
4. Public infrastructure and facilities are being constructed in Phase III, which will match the infrastructure in Phase I and Phase II, to serve the property but not yet accepted by the City of Deadwood.

## **COMPLIANCE**

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1. A sign was posted on the property for which the request was filed as required by Section 17.80.010.B.
2. Notice of the time and place for the public hearing was published ten (10) days in advance of the hearing in the designated newspaper of the City of Deadwood as required by section 17.80.010.B. [Exhibit A]

## **STAFF DISCUSSION**

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Within the existing Planned Unit Development there is 121.36 $\pm$  total acres with 35.04 $\pm$  acres dedicated to public right-of-way.

The original boundaries and zoning districts for the Stage Run Planned Unit development were set forth in Ordinance No. 1083. This includes the following legal parcels at the time:

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.

Tract D-2 was annexed into the City with Resolution 2009-11 in May 2009 and Tract B was annexed into the City with Resolution 2022-07 in April 2022. The applicant has requested to add the following two parcels into the Planned Unit Development which is done under separate action by the City Commission.

TRACT D-2, FORMERLY TRACT D OF M.S. 696 PALISADES PLACER,  
ALL LOCATED IN THE NE1/4 AND THE SE1/4, SECTION 15, T5N, R3E,  
B.H.M., LAWRENCE COUNTY, SOUTH DAKOTA.

AND

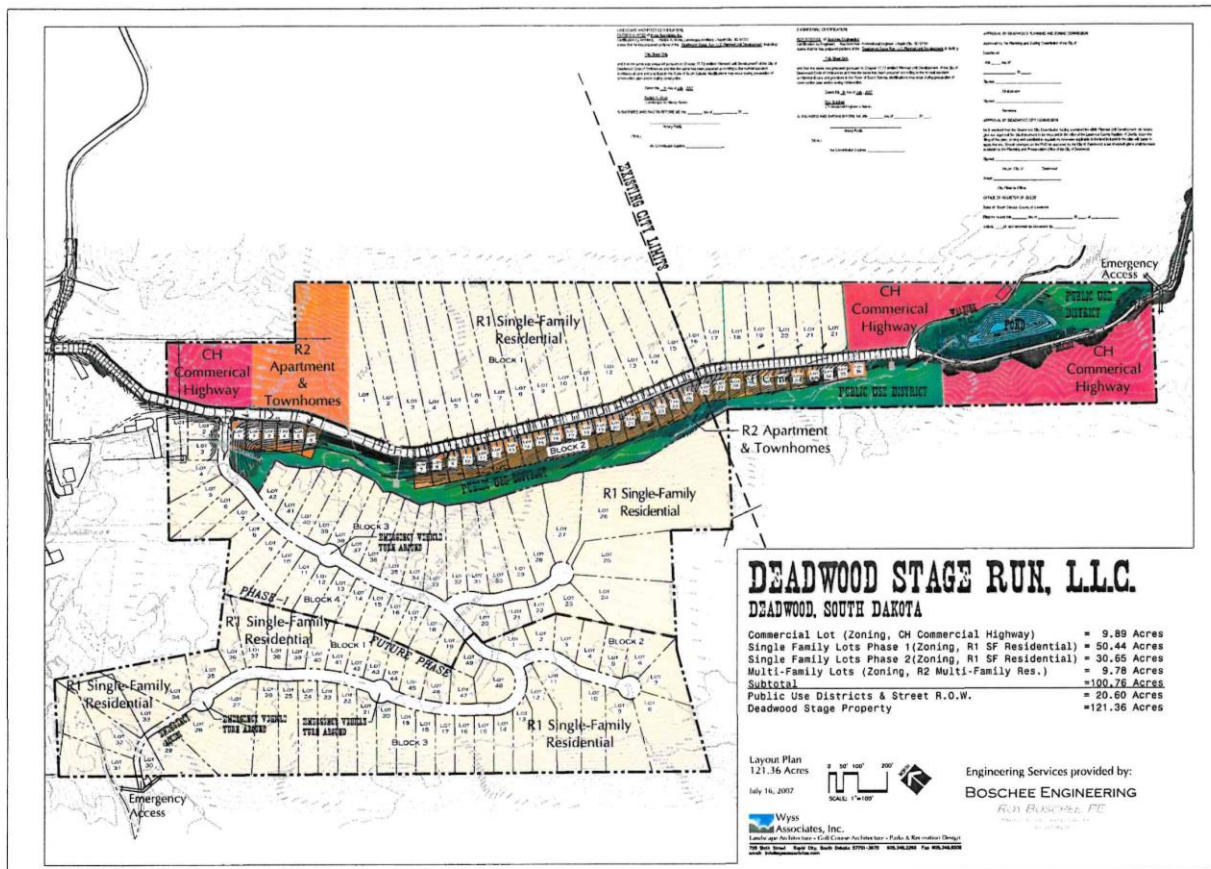
TRACT B OF PALISADES STONE PLACER MS 696, LAWRENCE  
COUNTY, SOUTH DAKOTA, RECORDED IN PLAT DOC. #84-2419.

An Ordinance is required to move these two tracts into the existing Planned Unit Development through an amendment to the PUD boundaries.

The original PUD project has been a phased development with the current approved zoning districts with 121.36 acres. This total does not include the addition of Tract D-2 and Tract B.

**Existing PUD Zoning**

The illustration shown below is the original Planned Unit Development Plan which shows the various zoning districts. The area which now comprises Phase III is R1 – Residential Zoning with 69+ Lots. Tract D-2 and Tract B are not part of the original PUD boundary.



**Proposed PUD Amendment**

The applicant is requesting the following changes to the approved Planned Unit Development specifically in the area of Phase III as submitted with the application. The request consists of the following zoning districts, acres, and number of lots.

Zoning – Phase III	Acres	
R1 – Residential District	44.11	74 Lots
R2 – Multi-Family Residential	8.66	17 Lots
CH – Commercial Highway	1.64	1 Lots

Furthermore, Tract D-2 would be zoned as PF – Park Forest and the CH – Commercial Highway lot (a portion of Tract B) is proposed to be the location of a mini-storage facility to accommodate the development.

**STANDARDS FOR REVIEW:**

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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 the planned unit development are to facilitate opportunities for additional multi-family lots in the form of an 80-unit apartment complex and townhomes / duplexes.*

- 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 initial plans for the Stage Run development included plans to incorporate single-family housing, multi-family housing and limited commercial highway uses. The plan includes sidewalks, curb & gutter and storm drainage system to accommodate walkability and a neighborhood feel. The 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.*

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

*The development is currently comprised of three primary zoning districts: Residential, Residential Multi-Family and Commercial Highway. Within these three zoning districts you will find commercial businesses, residential homes, and multi-family properties. The proposed amendment creates several additional R2 – Multifamily Residential lots to accommodate housing needs within Deadwood. All lots will be fully developed and serviced by City infrastructure.*

- 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; however, recent discussions have taken place to identify the impacts within the various city departments and through the commissions. The city currently serves this development with water, sewer and street services as well as police and fire. There is a concern about the substantial growth with three new subdivisions planned in the next few years and the impacts these developments may have on City infrastructure, staffing, growing expenses, and associated equipment. A study of the Deadwoods water capacity is currently being developed. Additional work is needed in identifying the full impact to the City of Deadwood.*

*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.*

- 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 the Stage Run Development and has a community feel with the public infrastructure.*

- 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.

*Staff has received a few calls to-date questioning the change of zoning sign posted at the entrance of Stage Run development. After explanation by staff of the proposed change, we have received no comments against this project.*

#### **PLANNING & ZONING COMMISSION ACTION**

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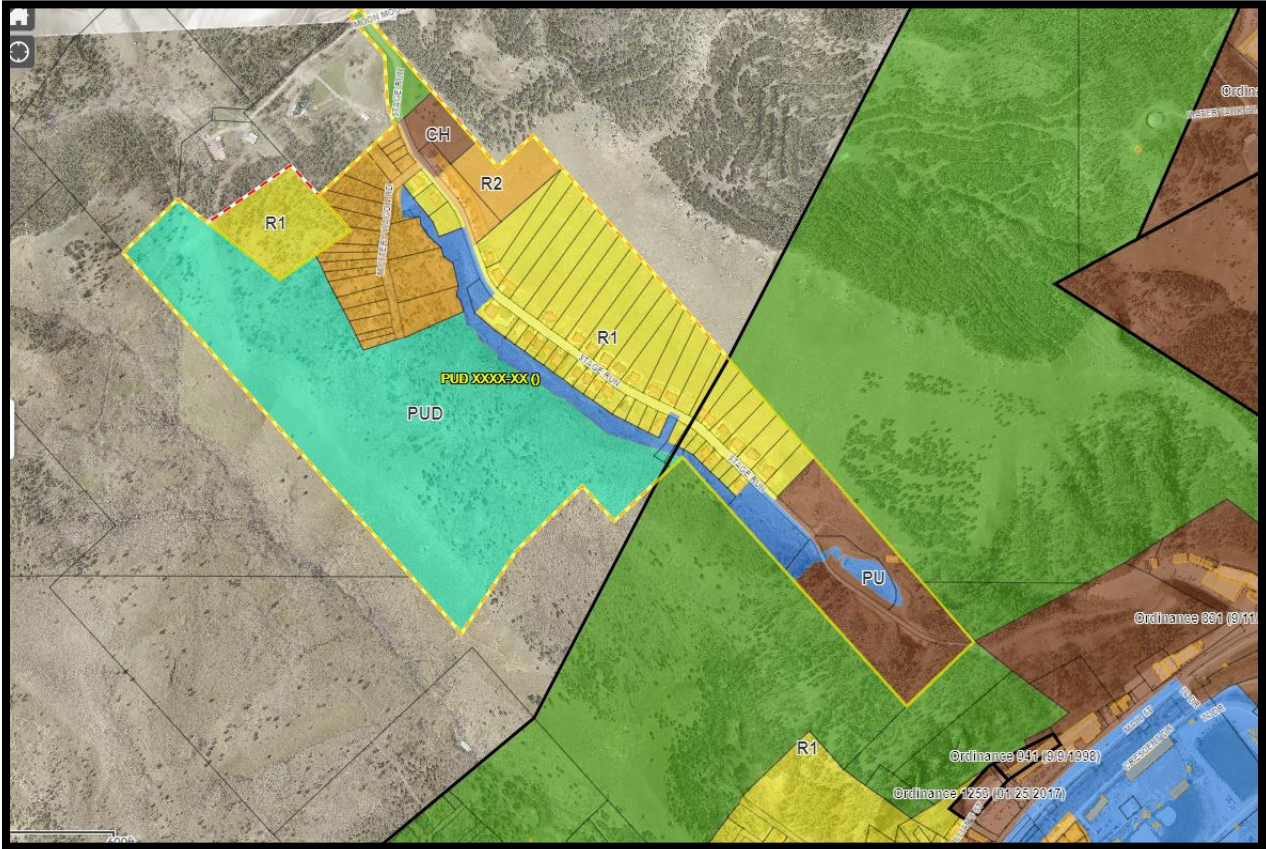
The Change of Zoning for the Planned Unit Development was approved on July 19, 2023, by the Deadwood Planning and Zoning Commission.

**ACTION REQUIRED**

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1. Act as Board of Adjustment to Approve/Deny/Approve with conditions for the proposed Amendment to Zoning Map with regards the Planned Unit Development.

**LOCATION MAP**



Map showing the general vicinity of the subject property.



**NOTICE OF PUBLIC HEARING**

**NOTICE OF PUBLIC HEARING  
BEFORE THE DEADWOOD BOARD OF ADJUSTMENT**

City of Deadwood  
Board of Adjustment  
Deadwood, South Dakota 57732

**NOTICE IS HEREBY GIVEN**, that the following person(s) has applied to the City of Deadwood Planning and Zoning Office for a Zoning Amendment for a Planned Unit Development as allowed under Section 17.100 Amendments.

**APPLICANTS:** The Summit at Deadwood Stage Run, LLC

**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.

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TRACT B OF PALISADES STONE PLACER MS 696, LAWRENCE COUNTY, SOUTH DAKOTA, RECORDED IN PLAT DOC. #84-2419.

**ADDRESS:** Stage Run Development – Phase III  
Deadwood, Lawrence County, South Dakota

**ZONE:** PUD – Planned Unit Development

**NOTICE IS FURTHER GIVEN** that said application will be heard by the Board of Adjustment within and for the City of Deadwood, State of South Dakota, at a regular meeting to be held Monday, August 7, 2023 in the Commission Room at 102 Sherman Street, Deadwood, South Dakota, will at 5:00 p.m. or soon thereafter as the matter at which time and place any such person interested may appear and show cause if there be any, why such special exception should not be granted.

**NOTICE IS FURTHER GIVEN**, that the proposed request for a Zoning Amendment for the Planned Unit Development is on file and available for public examination at the Deadwood Planning, Zoning Office located at 108 Sherman Street, Deadwood, South Dakota.

**ANY** interested person or his/her agent is invited to submit oral or written comments or suggestions regarding the request to the Commissions or their agent prior to or at the public hearing.

Dated this 13th of July, 2023.

City of Deadwood, Lawrence County, South Dakota



Kevin Kuchenbecker  
Planning, Zoning and Historic Preservation Officer

**PUBLISH:** Black Hills Pioneer: July \_\_, 2023

Published once at the total approximate cost of \$ \_\_\_\_\_