



BOARD OF ADJUSTMENT REQUEST FOR A CONDITIONAL USE PERMIT

Staff Report

Date: July 25, 2023
From: Kevin Kuchenbecker
Planning, Zoning & Historic Preservation Officer
RE: Request for Conditional Use Permit – RV Park

APPLICANT(S): B & L Properties, LLC (Brad Kooiker)

PURPOSE: Conditional Use Permit – RV Park

ADDRESS: 20577 US Highway 85
Deadwood, Lawrence County, South Dakota

LEGAL DESCRIPTION: LOT A IN LOT H2 OF H.E.S. NO. 613 IN THE NE/14
OF SECTION 11, T5N, R3E, BHM, LAWRENCE
COUNTY, SOUTH DAKOTA

AND

LOT C IN H.E.S. NO. 613 IN THE NE1/4 OF SETION
11, T5N, R3E, BHM, CITY OF DEADWOOD,
LAWRENCE COUNTY, SOUTH DAKOTA

FILE STATUS: All legal obligations have been completed.

ZONE: CH – Commercial Highway

STAFF FINDINGS:

Surrounding Zoning:

North: Federal Lands

South: Planned Unit Development

East: Planned Unit Development

West: Federal Lands

Surrounding Land Uses:

Black Hills National Forest

R2 – Multi-Family Housing

CH - Commercial Highway

R1 - Residential Housing

Black Hills National Forest

SUMMARY OF REQUEST

The applicant has submitted a request for a Conditional Use Permit to operate a RV Park for up to 15 units located at 20577 Highway 85. The subject property is alongside Highway 85 across from The RIDGE at Deadwood development in an area known locally as McMasters corner. The subject property is surrounded by the Black Hills National Forest and the new development on the north end of the Deadwood City Limits.

FACTUAL INFORMATION

1. The property is currently zoned CH – Commercial Highway.
2. The site was recently developed for an RV Park with 15 sites for full hookup with 50/30/20-amp electrical services and water and sewer connections to an engineered septic system and drain field. Water is provided with a private 700 foot well with water tests completed to meet South Dakota Department of Health requirements.
3. The subject property has access from US Highway 85 with parking for up to 15 RV sites – 6 pull through spaces and 9 back in spaces.
4. The subject property is located within a CH Commercial Highway zoning district across from Planned Unit Development called The RIDGE at Deadwood.
5. The property is not located within a flood zone.
6. Adequate facilities are available to serve the property.
7. The area is characterized as the new entrance into Deadwood due to recent annexation of property extending the City Limits to the north.

STAFF DISCUSSION

City regulations permit camping areas in Ch – Commercial Highway District with an approved Conditional Use Permit. The subject property was originally built as a large shop and was most recently used by GTI until the ownership changed. The owner has been coordinating with the South Dakota Department of Health which regulates campground facilities. Staff has been notified by the SD Department of Transportation that the applicant has not been in contact with the DOT regarding access to US Highway 85.

The Deadwood Zoning Code 17.08 defines a camping area as the following:

“Camping areas” means a platted parcel of land separately owned and developed for commercial use, offering to the traveling public overnight parking spaces for trailer campers and/or tent sites.

COMPLIANCE:

1. The Zoning Office provided notice identifying the applicant, describing the project and its location, and giving the scheduled date of the public hearings 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. Currently, three campgrounds exist within the City Limits of Deadwood. This campground will offer additional offerings to the traveling public during our busy tourist season. Traffic and parking should not significantly affect the highway traffic in this area.

- 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. 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 CH – Commercial Highway District and is intended to provide locations for commercial uses, which require access to roads and highways, and substantial amounts of parking. The Commercial Highway uses in this area is mainly service related with a towing company, the rock shop,

and an animal venue. There are no other RV Parks in the immediate area with the Days of 76 campground being the closest near the Deadwood Event Complex at 2.8 miles.

- 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 15-unit RV Park will not result in a substantial or undue adverse effect on adjacent property, or the character of the neighborhood. There will be no change in the size of the existing structure. The Recreation Vehicles will be visually seen from US Highway 85. 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 property is in an area that does not have a RV Park nearby. Any additional RV parks or campgrounds in the vicinity would also require a Conditional Use Permit. 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 private 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 filed 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 recommendations for 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 of a state sales tax number shall be provided to the Planning and Zoning Office for their files.
3. Proof that the Building Inspector has inspected the building and it meets all the building codes.
4. Proper paperwork is filed with the City of Deadwood Finance Office for Business Improvement District (BID) taxes.
5. Proof of City of Deadwood Business License.
6. Provide City copy of lodging license after inspection from the South Dakota Department of Health.
7. Provide City proof of permitted septic and water acceptance by the State of South Dakota Department of Agriculture and Natural Resources
8. Provide City written approval from South Dakota Department of Transportation for entrance(s).

ACTION REQUIRED FOR CONDITIONAL USE PERMIT:

Recommendation was made on July 19, 2023 by the Planning and Zoning Commission to approve the Conditional Use Permit – RV Park -17.08 (Camping Areas).

1. Deny / Approve / Approve with Conditions by the Board of Adjustment.

Possible suggestions to incorporate as conditions to the Conditional Use Permit are listed above in the staff report.