

OFFICE OF
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STAFF REPORT
PLANNING AND ZONING
BOARD OF ADJUSTMENT
December 20, 2021 Meeting

APPLICANT: Mike Gustafson

PURPOSE: Creating new parcel

GENERAL LOCATION: West side of Travelodge

LEGAL DESCRIPTION: TRACT Q1 LOCATED IN A PORTION OF BAVARIAN LODGE
M.S. 1054 SITUATED IN THE SE ¼ OF SECTION 14, T5N, R3E, B.H.M., CITY OF
DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA

FILE STATUS: All legal obligations have been completed.

ZONE: Commercial Highway

STAFF FINDINGS:

Surrounding Zoning:

North: Park Forest
South: Commercial Highway
East: Commercial Highway
West: Commercial Highway

Surrounding Land Uses:

Vacant Land
Commercial Businesses
Commercial Businesses
Commercial Businesses

SUMMARY OF REQUEST

The applicant is platting lot Q1 for the purpose of opening a medical cannabis establishment. This establishment will use an existing building that is currently used for employee housing.

FACTUAL INFORMATION

1. The property is currently zoned Commercial Highway
2. Lot Q1 is comprised .088 Acres±
3. The subject property is located within a commercial land use area as defined by the 2018 Comprehensive Plan.
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

The applicant is required to replat a separate parcel that is situated outside of the 500 feet buffer of the Days of '76 Event Complex. According to Deadwood City Ordinance 1337 - *Regulations Relating to Cannabis Dispensaries*. *No cannabis dispensary may be located or operate at a location within the city's zoning jurisdiction except as provided in this section. A cannabis dispensary is a permitted use in the following zoning districts: CE Commercial Enterprise District and CH Commercial Highway. No cannabis dispensary may be located or operate within 1000 feet from the nearest property line of a public or private school, within 500 feet of any park, as defined herein or place of worship. No cannabis dispensary may be located or operate within 100 feet from the lot line of any other cannabis dispensary. All applicants must submit a survey from a registered land surveyor confirming these distance requirements have been met.*

An access easement will need to be recorded with this plat to ensure that lot Q1 will not be land locked.

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. Approved by Deadwood Planning and Zoning Commission on December 15, 2021.
2. Approve/Deny by Deadwood Board of Adjustment.