



# Planning and Zoning Commission Regular Meeting Minutes

Wednesday, August 02, 2023 at 4:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

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## 1. Call to Order

The meeting of the Deadwood Planning and Zoning Commission was called to order by Chairman Martinisko on Wednesday, August 2, 2023, at 4:00 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 (Secretary) Dave Bruce  
Commissioner Charles Eagleson  
Commissioner Ken Owens

Michael Johnson, City Commissioner

STAFF PRESENT

Kevin Kuchenbecker, Planning, Zoning and Historic Preservation Officer  
Quentin Riggins, City Attorney  
Trent Mohr, Building Inspector  
Cindy Schneringer, Zoning Coordinator  
Lornie Stalder, Public Works Director

## 3. Approval of Minutes

a. Approval of July 19, 2023 Minutes

***It was moved by by Commissioner Keehn and seconded by Commissioner Owens to approve the July 19, 2023 minutes. Voting Yea: Martinisko, Keehn, Bruce, Eagleson, Owens***

## 4. Sign Review Commission

## 5. Planning and Zoning Commission

a. Final Plat - Adjusting Property Lines - 30 Burnham - Kevin Schilling

PLAT OF LOT 1A, BLOCK 9 1/2 OF HIGHLAND PARK ADDITION FORMERLY LOTS A, 2, AND 3, BLOCK 9 1/2 OF HIGHLAND PARK ADDITION AND A PORTION OF TRACT 2 OF PALISADE STONE PLACER, M.S. 794, LOCATED IN THE NW1/4 OF SECTION 23, T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWERNCE COUNTY, SOUTH DAKOTA

Mr. Kuchenbecker stated the applicant is here. This is adjusting the property lines for 30 Burnham. Legal description is PLAT OF LOT 1A, BLOCK 9 1/2 OF HIGHLAND PARK ADDITION FORMERLY LOTS A, 2, AND 3, BLOCK 9 1/2 OF HIGHLAND PARK

ADDITION AND A PORTION OF TRACT 2 OF PALISADE STONE PLACER, M.S. 794, LOCATED IN THE NW1/4 OF SECTION 23, T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA. This is clearing up a century old lot line. We have plats that go over the top of each other. Kevin is getting ready to sell his property. He has reached an agreement with his neighbor and what you have in front of you is the final plat. It is zoned R1 - Residential. Everything was on the plat. I would be happy to answer any questions you have.

***It was moved by Commissioner Keehn and seconded by Commissioner Owens to approve the final plat for adjusting property lines legally described as PLAT OF LOT 1A, BLOCK 9 1/2 OF HIGHLAND PARK ADDITION FORMERLY LOTS A, 2, AND 3, BLOCK 9 1/2 OF HIGHLAND PARK ADDITION AND A PORTION OF TRACT 2 OF PALISADE STONE PLACER, M.S. 794, LOCATED IN THE NW1/4 OF SECTION 23, T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA. Voting Yea: Martinisko, Keehn, Bruce, Eagleson, Owens***

- b. Change of Zoning - Planned Unit Development - Amend The RIDGE at Deadwood PUD - Preacher Smith, LLC and TRD, LLC (Randy & Cheri Horner)

PREACHER SMITH TRACT (LESS LOT A OF THE RIDGE DEVELOPMENT); 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.

Continued from the July 19, 2023 Planning and Zoning Commission meeting.

Mr. Kuchenbecker stated this was continued from July 19, 2023. It is for a request for change of zoning within a Planned Unit Development (PUD) legally described as PREACHER SMITH TRACT (LESS LOT A OF THE RIDGE DEVELOPMENT); 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. We have a staff report along with the applicant's submitted information and the notice of public hearing. In front of you is a change of zoning from R1 and R2 to commercial highway within the PUD. That is shown on the exhibits on the applicant's submittals. Surroundings is Lawrence County - Black Hills National Forest. Planned unit development and Tatanka are nearby and some commercial highway to the west. The applicants submitted a request for a zoning amendment to change zoning district boundaries within the PUD. The applicants request to amend a variety of zoning districts and uses. This request takes action in the form of an official change to the City of Deadwood Zoning Map. Within the PUD there are 666.20± total acres along with almost 30 acres of dedicated public right-of-way. It is a phased project within the current approved zoning districts and associated acres. I show that in the staff report on page 3. As well as what the proposed PUD would set forth. The applicant have Phase 1 as R1, R2, and Ch-commercial highway. Phase 1A as R2 and commercial highway. Phase 1B as R2 and commercial highway. Phases 2 and 3 are proposed R1. You will see the total number of lots there based on the submitted exhibit as 309 lots which is an

increase of 64 lots within the previously approved PUD. The majority of the 64 additional lots are located within Phase 2 and Phase 3. The developer and engineer of record has stated it is unknown when the construction and build-out of Phase 2 and Phase 3 will begin. The staff report goes through the standards for review. Whether the proposed amendment conflicts with any applicable portions of the amendment. I will state that in this they are increasing the commercial highway portion of it to meet the ordinances set forth that came out of our task force for Short-Term Rentals (STRs). Those would be limited to ten percent of the platted lots within the development that are provided city infrastructure. It talks about the comprehensive plan. Does it meet the elements of that? Initial plans include the incorporation of hiking and biking plan trails within the development. Recent discussions and drawings limit the trails in phases by others to act as sidewalks. The development also has not allowed for a park or common space which is a concern of staff. The comprehensive plan also states the city continue to work with the developers encouraging new housing developments to include a variety of housing types. Whether the proposed amendment is compatible with surrounding districts. Once again this is residential R1, R2 and commercial highway. They are planning to have commercial businesses, residential homes, and multi-family properties, and of course the STRs. Whether the proposed amendment will result in demands on public facilities and of course we are going through the water study. Recent discussions have taken place regarding the impacts to various departments. There is a variance that has been submitted. This item is later on the agenda for curb, gutter, and sidewalks. The commission should take no consideration in this change of zoning. It is not located in the flood plain. They are working with DOT on some additional turning lanes. The proposed amendment compatible with community character. That is stated there. Whether there have been changing conditions. As you all know, we are in a housing shortage. This proposed amendment does support the housing needs as described in the 2021 study. Finally, whether it is a conflict with public interest. We have received comments on this development over the time. Nothing on the change of zoning to date other than all the comments revolving around STRs earlier. Regarding this application, this office has not received any comments about the change of zonings. It is in front of you to consider to approve, deny, or approve with conditions. Should this be approved, legal counsel and staff put some of these considerations in front of you. Should it be approved, any action done tonight does not approve or accept the covenants. That is enforced by the homeowner's association (HOA), not the city. That the covenants do not limit the city from issuing permits for an activity that is limited by the homeowner's association. The HOA would be responsible of the enforcement of its covenants. Obviously, the covenants they would adopt cannot be less restrictive than the city ordinances. It should state in their covenants it recognizes it cannot be less restrictive than city ordinances. Does not waive any requirements under city ordinances that should they proceed with vacation home establishments it is limited to the ten percent of the lots platted and service by the city infrastructure. Those would all take conditional use permits. Finally, adoption of the change of zoning shall not have an impact on the decision of any future submitted variance requests. The applicants are here to answer any questions.

Commissioner Eagleson questioned the huge jump in commercial lots between the Existing PUD and the Proposed PUD Amendment.

Ms. Berg state it is based on the city ordinance changes through the task force to have the ability to have the option of a STR. By city ordinance, we had to rezone them to commercial highway and then it is limited on our map for which areas in the residential can be used for STR.

Commissioner Eagleson asked so the STR would be on the commercial highway?

Ms. Berg said yes, that is by city ordinance. That is the requirement that came out of that task force.

Mr. Kuchenbecker stated vacation home establishments. That is one of the sections of STRs.

Ms. Berg stated is that we had to rezone them to commercial highway even though they are going to be intended for residential use.

Commissioner Eagleson asked so they are not all commercial businesses?

Ms. Berg stated nope and that is limited. In that map, we tried to designate the residential areas that would be utilized that way that are not intended for full commercial use.

Commissioner Eagles asked how many lots along the highway would be for sure commercial and not zoned commercial because they are vacation rentals?

Mr. Kuchenbecker stated that is where we want to be careful because they are all commercial highway. If somebody comes in and asks for a gas station and it is a right to use. We would issue that permit and it would be up to the HOA to enforce or stop it. They are understanding that.

Commissioner Keehn asked does the ten percent still apply to the commercial district?

Mr. Kuchenbecker stated it is ten percent of the lots in the PUD that are developed and platted. Items 5C and D later in the agenda, you will be adopting plats. There is about thirty lots on those give or take. Those would then allow them, once they get city services and it is accepted, to have possibly up to three vacation rentals.

Commissioners Eagleson and Keehn wanted to know could all forty-nine be commercial properties.

Mr. Kuchenbecker stated only when it is done with the development and Phases 2 and 3 are platted and city services done. If we adopt this change of zoning and we approve the lots under items C and D and when they get the development completed where we accept the infrastructure, then they could apply for a CUP for a vacation rental based on the number of platted lots serviced by city services infrastructure. So, Phase 3 will not count towards their thirty until that is platted and serviced by city infrastructure. They are planning ahead to have the ability to have that many.

Ms. Berg stated we tried to designate our residential areas that could possibly be right out of the gates, so it is always known as the phases move forward.

Mr. Kuchenbecker stated it might be ten years before Phase 3 is fully developed. At that time, we will count the number of platted lots that are serviced by city infrastructure and that will be the maximum number of potential CUPs for vacation rentals.

Commissioner Keehn asked on the proposed, there is three hundred and nine total lots? Does that limit them to thirty-nine vacation rentals all said and done?

Mr. Kuchenbecker stated that is proposed as part of the preliminary plat and conceptual plan. It is three hundred and nine so it would be thirty.

Commissioner Keehn asked regardless of the forty-nine commercial lots? We've run into pretty much anything if it is commercial can be a bed and breakfast in the past. That is why I am asking.

Mr. Mohr stated that is a comment I was going to make. The reason they are rezoning these is to stay consistent with where they are allowed in existing areas in town. They must be commercial highway. That makes it consistent with where they are currently allowed in town. They would need the same zoning out there than they would need anywhere else in town.

Chairman Martinisko asked even if there are more than ten percent commercial highway lots, that doesn't matter. It would be ten percent of their allowed vacation rentals.

Mr. Kuchenbecker stated yes.

Commissioner Keehn asked did you increase the amount of lots to try and bring the prices down on the lots or just to sell more?

Mr. Horner stated we shrunk them.

Ms. Berg stated we shrunk the ones in Phase 1 just to make them more affordable trying to achieve better price points. Then also in Phase 2 and 3 just tried to give more of a possible layout and that is where that lot count came in.

Chairman Martinisko stated it would also increase the number of vacation rentals that you would ultimately be allowed.

Ms. Berg stated right but just in case that does happen. That possibility of Phase 2 and 3, we wanted to designate the STR areas so that they are not applied for in other locations.

Mr. Kuchenbecker stated that part of the reason the task force came up with the ten percent based on the number of lots and have the services let us say, for instance, ten years from now Randy and Cheri say "you know what we have sunk enough money into this, We are not going to do Phase 3" and they sell it off in five chunks. That dramatically changes from seventy-four projected lots to five. So it protects the city as well.

Chairman Eagleson asked so all the lots that are deemed commercial, even though you say some are for housing, what could be the maximum number of commercial businesses along that highway?

Ms. Berg stated the same number we had before. We had nineteen before. That is still the same for commercial use. All the rest of the commercial zoned lots are limited by covenants. You couldn't move into one of those.

Mr. Kuchenbecker stated just to clarify. If someone comes in for a pizza place and it fits the conditional use and zoned commercial highway, it is up to them to say no. Not the City.

Ms. Berg stated that is why we included the covenants so that you could see how we are going to limit those areas. Just as a reference point.

Chairman Martinisko stated being zoned commercial highway doesn't mean you are along the highway. It could be zoned internally.

Mr. Kuchenbecker stated there is some of those. One lot is by the apartments that the intent is to put storage units on. Now keep in mind that any of these commercial highways that are going to be residential, single family, would have to apply for a conditional use permit as well. They understand that.

Chairman Martinisko asked what the difference between commercial highway and commercial?

Mr. Kuchenbecker stated commercial is the core business district. You can go forty-five feet instead of thirty-five. The setbacks are zero versus setbacks in commercial highway. The city would not enforce the covenants. That is the HOA.

Commissioner Owens asked who is going to be the majority in the HOA board? The developer?

Ms. Berg stated in the beginning until there is enough to form the HOA.

Mr. Kuchenbecker stated one of the things, and we have experienced it within the city with Stage Run. They had an HOA and they disbanded it.

Chairman Martinisko stated an HOA can change the conditions with their rules and regulations.

Mr. Kuchenbecker stated that is why we should not adopt it nor have anything to do with that.

Ms. Berg stated the covenants are legally tied to each of the properties even if the HOA goes away.

Mr. Kuchenbecker stated and one of the things, you and I have talked, is we do want to have prior to filing it asking that you have something in there that says the covenants can be more restrictive than the city but cannot be less than the city.

Commissioner Keehn asked so down the road and you have forty houses built and thirty are vacation rentals but forty are. Will it fall back on the same system you are using now to police it? Where as you will send a violation letter.

Mr. Kuchenbecker stated for vacation rentals, we would do a letter and a cease and desist unless they have the CUP. If there was forty, they could have four CUPs that are applied for and operating legally. If there is a fifth vacation rental then we would have to take action. Correct.

City Attorney Riggins stated yes. Also, if they disbanded or did not have an HOA, the covenants themselves could give any homeowners within the subdivision the right to enforce the covenants too.

***It was moved by Commissioner Keehn and seconded by Commissioner Owens to approve the change of zoning to amend the Ridge PUD legally described as PREACHER SMITH TRACT (LESS LOT A OF THE RIDGE DEVELOPMENT); 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 with the following conditions that the acceptance of this Change of Zoning does not approve or accept the covenants drafted for the Homeowners Association by the developer, the covenants does not limit the City from issuing permits for an activity that is limited by the Homeowners Association and the Homeowners Association would be responsible for the enforcement of its covenants, the covenants cannot be less restrictive than Deadwood City Ordinances and shall state the covenants cannot be construed as less restrictive than City Ordinances, the acceptance of the Change of Zoning does not waive any requirements under the Deadwood City Ordinances, that vacation home establishments will be limited to 10% of the lots platted and serviced by city accepted infrastructure upon approval of each lot through the Conditional Use Permit process, and adoption of Change of Zoning shall have no impact on the decision on any future submitted variance requests. Voting Yea: Martinisko, Keehn, Bruce, Eagleson, Owens***

- c. Final Plat for Creating Lots - The Ridge Development

PLAT OF LOTS 90 THRU 94 OF BLOCK 1 OF THE RIDGE DEVELOPMENT.  
FORMERLY A PORTION OF BLOCK 1 OF THE RIDGE DEVELOPMENT.

**AND**

LOT 1 OF BLOCK 2 OF THE RIDGE DEVELOPMENT AND LOT 15 OF BLOCK 1B OF THE RIDGE DEVELOPMENT. FORMERLY A PORTION OF PREACHER SMITH TRACT.

**AND**

THE DEDICATED PUBLIC RIGHT-OF-WAY OF WILD CANYON DRIVE AND GOLD SPIKE DRIVE ALL LOCATED NIN GOV'T LOT 5 IN SECTION 12 AND GOV'T LOTS 10 & 12 IN SECTION 11 OF TOWNSHIP 5 NORTH, RANGE 3 EAST, BLACK HILLS MERIDIAN, CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA.

Continued from the July 19, 2023 Planning and Zoning Commission meeting.

Mr. Kuchenbecker stated these are the final plat for creating lots within the Ridge Development legally described as PLAT OF LOTS 90 THRU 94 OF BLOCK 1 OF THE RIDGE DEVELOPMENT. FORMERLY A PORTION OF BLOCK 1 OF THE RIDGE DEVELOPMENT. AND LOT 1 OF BLOCK 2 OF THE RIDGE DEVELOPMENT AND LOT 15 OF BLOCK 1B OF THE RIDGE DEVELOPMENT. FORMERLY A PORTION OF PREACHER SMITH TRACT. AND THE DEDICATED PUBLIC RIGHT-OF-WAY OF WILD

CANYON DRIVE AND GOLD SPIKE DRIVE ALL LOCATED NIN GOV'T LOT 5 IN SECTION 12 AND GOV'T LOTS 10 & 12 IN SECTION 11 OF TOWNSHIP 5 NORTH, RANGE 3 EAST, BLACK HILLS MERIDIAN, CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA. This was continued from the July 19, 2023 Planning and Zoning meeting. The staff report outlines the plats which are provided with you in your packet. This is all commercial highway. This reflects the proposed change of zoning. What it does is establish the different lots within this plat. The purpose is to create proposed property lines to establish lots for sale. The lots are proposed to be allowed for future storage facility on Lot 1 as well as vacation home establishments on Lots 15 and 90-94. So, this is a cluster at the end of the drive near the apartments. Those are through the covenants we just spoke about. Lot 1 is 3.697, Lot 15 is 0.567, Lot 90 is 0.867, Lot 91 is 0.568, Lot 92 is 0.707, Lot 93 is 0.478, and Lot 94 is 0.751. It is not in the flood zone and public facilities are being installed but are not accepted at this time. Everything else is on the plat as required. The only thing that should be noted is since these do not have city services yet, no building permits should be issued by the City until the plat thereof has been recorded at the Office of the Register of Deeds and any improvements required for services of that lot have been completed per codified Deadwood Ordinance 16.08.010. The reason being is we do not want to issue building permits and there be a delay in getting infrastructure there and put us into a bind where why did the city issue a building permit if there is no water and sewer. We did do that for the apartment complex there. We have a separate agreement that holds us harmless to that. We don't want to do that for thirty different parcels. If that makes sense? That is in our ordinance under 16.08.010 it says the city shall not issue a building permit until it is recorded with the county and there is public services there.

***It was moved by Commissioner Owens and seconded by Commissioner Keehn to approve the final plat for creating lots legally described as PLAT OF LOTS 90 THRU 94 OF BLOCK 1 OF THE RIDGE DEVELOPMENT. FORMERLY A PORTION OF BLOCK 1 OF THE RIDGE DEVELOPMENT. AND LOT 1 OF BLOCK 2 OF THE RIDGE DEVELOPMENT AND LOT 15 OF BLOCK 1B OF THE RIDGE DEVELOPMENT. FORMERLY A PORTION OF PREACHER SMTIH TRACT. AND THE DEDICATED PUBLIC RIGHT-OF-WAY OF WILD CANYON DRIVE AND GOLD SPIKE DRIVE ALL LOCATED NIN GOV'T LOT 5 IN SECTION 12 AND GOV'T LOTS 10 & 12 IN SECTION 11 OF TOWNSHIP 5 NORTH, RANGE 3 EAST, BLACK HILLS MERIDIAN, CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA with the following condition that no building permits shall be issued by the city until the plat thereof has been recorded in the office of the Register of Deeds of Lawrence County and any improvements required for the service of that lot have been completed per Deadwood Codified Ordinance 16.08.010. Voting Yea: Martinisko, Keehn, Bruce, Eagleson, Owens***



- d. Final Plat of Townhome Lots - The RIDGE at Deadwood - Randy & Cheri Horner  
PLAT OF UTILITY LOT 1 AND LOTS 3-14 OF BLOCK 1B OF THE RIDGE  
DEVELOPMENT. FORMERLY A PORTION OF PREACHER SMITH TRACT LOCATED IN  
GOV'T LOTS 10 AND 12 OF SECTION 11, T.5N., R.3E., B.H.M., CITY OF  
DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA

Mr. Kuchenbecker stated this is the final plat of townhome lots legally described as PLAT OF UTILITY LOT 1 AND LOTS 3-14 OF BLOCK 1B OF THE RIDGE DEVELOPMENT. FORMERLY A PORTION OF PREACHER SMITH TRACT LOCATED IN GOV'T LOTS 10 AND 12 OF SECTION 11, T.5N., R.3E., B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA. You do have your staff report here. Currently part of the PUD. If the change of zoning is passed by the City Commission, it would be commercial highway. Again, this is surrounded by the apartment complex and vacant land as part of the PUD. This establishes property lines for commercial highway to be allowed as townhomes and/or vacation home establishments. The developer understands conditional use permit is required for the operation of the townhomes as vacation home establishments. Again, the same condition that no building permits shall be issued until filed and the infrastructure is there.

***It was moved by Commissioner Bruce and seconded by Commissioner Keehn to approve creating property lines for transfer of property legally described as PLAT OF UTILITY LOT 1 AND LOTS 3-14 OF BLOCK 1B OF THE RIDGE DEVELOPMENT. FORMERLY A PORTION OF PREACHER SMITH TRACT LOCATED IN GOV'T LOTS 10 AND 12 OF SECTION 11, T.5N., R.3E., B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA with the following conditions that no building permits shall be issued by the city until the plat thereof has been recorded in the office of the Register of Deeds of Lawrence County and any improvements required for the service of that lot have been completed per Deadwood Codified Ordinance 16.08.010. Voting Yea: Martinisko, Keehn, Bruce, Eagleson, Owens***

- e. Discussion and recommendation to the Deadwood Board of Adjustment on request for variance for Curb, Gutters, Sidewalks, and Storm Sewer requirements - The RIDGE at Deadwood - Preacher Smith, LLC.

REMAINDER OF PREACHER SMITH TRACT (LESS LOT A OF THE RIDGE DEVELOPMENT); LOTS 1 & 22, BLOCK 1B OF THE RIDGE DEVELOPMENT; AND BLOCK 1 AND BLOCK 1A OF THE RIDGE DEVELOPMENT, CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA

Continued from the July 19, 2023 Planning and Zoning Commission meeting.

Mr. Kuchenbecker stated this is a discussion and recommendation to the Board of Adjustments on a request for variance of curb, gutters, sidewalks, and storm sewers at the Ridge Development. This was continued from the last Planning and Zoning meeting on July 19, 2023. It cannot be continued again. City departments, Commissioner of Public Works, and Commissioner Johnson have met with the engineer and developer, and various city staff on some of the concerns we have

regarding this variance. We have a scheduled meeting tomorrow at 1:00 p.m. and the following week as well. We are hoping the applicant can address some of these concerns regarding safety and other challenges the City has with this variance. In doing so, we have kind of come to an agreement where since we have advertised for a public hearing on August 7th for the City Commission it would still be held but continued until the next City Commission meeting and that is when any votes or action taken on the requested variance. To make that happen it would be a "no recommendation" by this body to the City Commission which will allow us to have the public hearing on Monday and then they would refer it back to us for the next meeting on August 16th. It is a little confusing be we are trying to work together on coming up with the City articulating its concerns and the applicant addressing them.

***It was moved by Commissioner Keehn and seconded by Commissioner Bruce due to ongoing meetings with the developer, and the recommendation from legal counsel there is no recommendation to the City Commission by the Planning and Zoning Commission. Voting Yea: Martinisko, Keehn, Bruce, Eagleson, Owens***

**6. Items from Citizens not on Agenda**

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

**7. Items from Staff**

Mr. Kuchenbecker stated we have been working with the Ridge on a variety of things. Our plate is full. We are also working with Stage Run on their Phase 3. I apologize to the City Commission as we have a seven-page agenda for the Monday of the rally. There are twenty-three items between Historic Preservation and Planning and Zoning. I think once we get through these change of zonings and the variances, it will help us a little bit with time management. All though I am expecting a lot of plats forthcoming. I know we already have two conditional use permits for the next meeting. I can't thank the staff enough for all their work. I do also want to publicly thank the fire department. We had a fire at 299 Williams, a historic resource. Trent and I went through it today and it is a miracle it was saved. Not as much damage as I anticipated. That is because of the brave men and women that fought the fire. I smell like a house fire, but it could have been a lot worse. The farmer's market has been going on across the street as well.

**8. Adjournment**

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

There being no further business, the Planning and Zoning Commission adjourned at 4:38 p.m.

ATTEST:

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Chairman, Planning & Zoning Commission

*Cindy Schneringer, Planning & Zoning Office/Recording Secretary*

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Secretary, Planning & Zoning Commission