

OFFICE OF
PLANNING, ZONING AND
HISTORIC PRESERVATION
108 Sherman Street
Deadwood, SD 57732



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**STAFF REPORT
PLANNING AND ZONING
REZONING ANALYSIS
AMEDMANT TO ZONING MAP
NOVEMBER 23, 2021**

APPLICANT: Tim & Trinity Conrad

PURPOSE: Rezoning Request – Commercial to Commercial Enterprise

GENERAL LOCATION: 26 & 32 Charles Street

LEGAL DESCRIPTION: LOT I-1 BLK 70 EX H1 (301 SQ FT) & H2 (30 SQ FT) & E X I-1A (1515.69') & I-1B (2699") OF BLK 70 ORIGINAL TOWN DEADWOOD

LOT 107B BLK 71 ORIGINAL TOWN DEADWOOD

AND

LOT RC BLK 70 (SITS BEHIND 32 CHARLES) ORIGINAL TOWN DEADWOOD

FILE STATUS: All legal obligations have been completed

CURRENT ZONING: Commercial – C1

ASSESSOR'S NUMBER: 30025-07000-000-00
30025-07100-000-16
30025-07000-000-15

STAFF FINDINGS:

Surrounding Zoning:

North: R1 – Residential District & Public Use
South: C1 - Commercial
East: C1 - Commercial
West: R1 – Residential District

Surrounding Land Uses:

Sherman Street Parking Lot
Monument Health
Businesses/Housing
Mickelson Trail Head/Sherman Lot

SUMMARY OF REQUEST

The applicant has submitted a request for a zoning amendment to change from Commercial zoning district to Commercial Enterprise. The location of this property is the old Deadwood lumber yard located at 26 & 32 Charles Street.

COMPLIANCE

1. The Zoning Officer provided notice identifying the applicant, describing the project and its location and giving the scheduled date of the public hearing in accordance with Section 17.96.020
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.

STAFF DISCUSSION

The applicant has submitted a request for a change of zoning for the purpose of operating a cannabis establishment. According to Deadwood City Ordinance 1337, An Ordinance amending Ordinance 1328, Creating Zoning Regulations for Cannabis Establishments, and the City of Deadwood Cannabis Establishment Zoning Map, this property's current zoning does not qualify for a cannabis establishment, however; the property does not fall into the prohibited areas identified by State statute and City ordinance. Because of this the applicant may request a zoning amendment.

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 is in conflict with any applicable portions of this Ordinance.

According to Deadwood City Ordinance 1337, An Ordinance amending Ordinance 1328, Creating Zoning Regulations for Cannabis Establishments, and the City of Deadwood Cannabis Establishment Zoning Map, this property's current zoning does not qualify for a cannabis establishment, however; the property does not fall into the prohibited areas identified by State statute and City ordinance. Because of this the applicant may request a zoning amendment.

- B. Whether the proposed amendment is consistent with all elements of the Deadwood Comprehensive Plan.

The Comprehensive Plan Future Land Use Map depicts the area as Commercial and is defined as follows: Areas of general commercial development located along main transportation routes in Deadwood, but outside of the historic commercial core; uses

within this district serve the commercial needs of local residents for retail, services, and office space, support Main Street businesses, and also include tourism-oriented businesses like visitor attractions and lodging, dining, and entertainment establishments; and, the density and scale within this district greatly varies, but is generally at a lower intensity than the historic commercial core.

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

The subject property is surrounded by a mixed use of zoning districts. There are currently 2 properties directly to the north that have Commercial Enterprise Zoning, the Engine House (Sherman Street Lot) and First Interstate Bank.

- 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 project will not impact the demand on the public facilities. The subject property is located in Zone X – Areas of 500-year floods; areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees-from 100-year flood.

- 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 Charles Street, which runs parallel to the building and may require a traffic plan depending on the success of the business. At this time, a traffic study is not needed.

- 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 proposed amendment would support the business plan documented in the letter from the applicant. The intent of a Commercial Enterprise District is defined as follows: The CE commercial enterprise district is intended to provide locations for the development of a shopping area or center which will include commercial service establishments primarily catering to the retail service and merchandise needs of the local population. Gaming is not a permitted use in this district.

- 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.

Tim & Trinity Conrad
Change of Zoning
November 23, 2021

At this time, there have been no comments in support or against this amendment and there will be a time for public comment prior to the discussion on this amendment.

ACTION REQUIRED:

1. Recommended **Approval or Denial** by Planning and Zoning Commission.