

OFFICE OF
PLANNING, ZONING AND
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**STAFF REPORT
PLANNING AND ZONING
REZONING ANALYSIS
AMENDMENT TO ZONING MAP
May 9, 2021**

APPLICANT: Nicole Ideus (Co-owner JNI Properties, LLC)

PURPOSE: Rezoning Request – Residential (R1) to Commercial

GENERAL LOCATION: 6, 8, 10 Water Street

LEGAL DESCRIPTION: Plat of Tract A revised, including Tract A, Lot B-2, Lot C of Water Street Right of Way and the remainder of probate Lot 318 lying West of the East Bulkhead of Whitewood Creek. Being a portion of Probate Lot 318 and Block 38, Original Town, City of Deadwood. All located in the SE1/4 of Section 22, and the SW1/4 of Section 23, T.5N., R.3E., B.H.M., Lawrence County, South Dakota. (Lot C and B-2 according to Plat Doc. #95-4001)

FILE STATUS: All legal obligations have been completed

CURRENT ZONING: Residential – R1

ASSESSOR'S NUMBER: 30025-03800-370-00

STAFF FINDINGS:

Surrounding Zoning:

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

Surrounding Land Uses:

Deadwood Mountain Grand Resort
Residential Housing
City Hall
Commercial Land (Vacant)

SUMMARY OF REQUEST

The applicant has submitted to the City a rezoning request from R1 – Residential District to C1 – Commercial District to allow for commercial use of property. The R1 – Residential District is intended to provide locations for areas worthy of housing due to their proximity to neighborhoods.

The C1 – Commercial District is intended to provide locations for the development of commercial service establishments primarily catering to the hospitality service and merchandise needs of the local population as well as the tourism industry.

The subject property is situated in Central Deadwood near the intersection of Water Street and Cemetery Street. The applicant has indicated she intends to operate a short-term rental in the top floor of the apartment building.

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.

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.

The property in review currently surrounded by a variety of zoning districts. Spot zoning would not be an issue with this application.

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

The Comprehensive Plan Land Use Map depicts the area as Commercial City Center and intended to contain a mixture of uses in an urbanized environment. Also to have emphasis on pedestrian-scaled amenities and intimate retail settings.

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

The subject property is adjacent on two sides also zoned C1 – Commercial District. The property is located in an area with a mix of uses.

- 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 high volume of pedestrian traffic and the owner intends on providing services to the users. Municipal parking is located nearby along with one off-street parking space at the property which would be the requirement of City of Deadwood Code.

- F. Whether the proposed amendment is consistent and compatible with the community character in the City of Deadwood.

With no proposed alterations to the property the proposed amendment is in harmony with the overall character of existing development in the vicinity of the subject property.

- G. Whether there have been changed conditions affecting the subject parcel or the surrounding neighborhood, which support the proposed amendment.

With the development of Powerhouse Park, improved walkability, and enhancements to the Deadwood Mickelson Trailhead, added pedestrian traffic has created pedestrian traffic significant enough to make the subject property appealing as a commercial property.

- 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.

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.
2. First Reading by the City Commission