

OFFICE OF
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108 Sherman Street
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**STAFF REPORT
BOARD OF ADJUSTMENT
REZONING ANALYSIS
AMENDMENT TO ZONING MAP
December 10, 2021**

APPLICANT: Kristine Villafuerte & Joel Livengood

PURPOSE: Rezoning Request – Residential to Commercial

GENERAL LOCATION: 732 Main Street

LEGAL DESCRIPTION: LOT 3A, BLOCK 1 OF KENNEDY AND CAMERON'S ADDITION TO THE CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA FORMERLY PORTIONS OF LOTS 1 THROUGH 5, BLOCK 1 OF KENNEDY AND CAMERON'S ADDITION

FILE STATUS: All legal obligations have been completed

CURRENT ZONING: Residential – R1

ASSESSOR'S NUMBER: 30600-00100-030-00

STAFF FINDINGS:

Surrounding Zoning:

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

Surrounding Land Uses:

Deadwood Elementary School
Commercial Businesses
Commercial Businesses
Residential Area/Williams Street

SUMMARY OF REQUEST

The applicant has submitted a request for a zoning amendment to change from Residential Zoning District to Commercial District. The location of this property is the old Catholic Benedictine Convent located at 732 Main Street and more recently operated as Angels Attic and Black Mountain Real Estate.

COMPLIANCE

1. The Zoning Officer followed the procedures for a petition for a zoning amendment in accordance with Deadwood City Ordinance Chapter 17.00 Amendments.
2. A sign was posted on the property for which the requests were filed.

STAFF DISCUSSION

The applicant has submitted a request for a change of zoning for the continued operation of their business. This location is considered a legal non-conforming lot since it has been operating as a commercial operation prior to its current R1 zoning classification. Approving this application will allow the current use to comply with the proper zoning district.

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.

No conflicts for the proposed 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 and this request is compatible with the surrounding zoning districts.

- 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. A small portion of the 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.

During City wide events, the property will have high volume of pedestrian traffic and vehicular traffic. Access to the property is off Main Street, which runs parallel to the building. The proposed amendment would have no effect on traffic generation or road safety.

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.

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

The proposed amendment would have no effect on the surrounding neighborhood as this property is currently operation as a commercial business and has for some time.

- G. 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 by Planning and Zoning Commission January 19, 2022.
2. Approve or Deny by the City of Deadwood Board of Adjustment.