



## STAFF REPORT

### PLANNING AND ZONING AMENDMENT TO ZONING MAP - PLANNED UNIT DEVELOPMENT October 19, 2022

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**APPLICANT:** Preacher Smith, LLC and TRD, LLC (Cheri & Randy Horner)

**PURPOSE:** Rezoning Request – Park Forest to Planned Unit Development

**GENERAL LOCATION:** Near the Preacher Smith Monument

**LEGAL DESCRIPTION:** *Preacher Smith Tract; 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. Less Lot A of the Ridge Development.*

**FILE STATUS:** All legal obligations have been completed

**CURRENT ZONING:** Park Forest

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### STAFF FINDINGS:

Surrounding Zoning:

North: Commercial Highway  
South: Park Forest/Lawrence County  
East: Lawrence County  
West: Park Forest

Surrounding Land Uses:

Residential Business  
Common Ownership  
Lawrence County  
Vacant/Common Ownership

### SUMMARY OF REQUEST

The applicant has submitted a request for a zoning amendment to change from Park Forest zoning district with the creation of a Planned Unit Development (PUD). Within the PUD, the applicants request a variety of zoning districts and uses.

## COMPLIANCE

1. The Zoning Officer provided notice identifying the applicant, describing the project and its location and giving the scheduled date of the public comment in accordance with Section 17.96.020
2. A sign was posted on the property for which the requests were filed.

## STAFF DISCUSSION

Within the requested PUD, the applicant is requesting the following traditional zoning districts:

- ***R1 – RESIDENTIAL***
- ***R2 – RESIDENTIAL MULTI-FAMILY***
- ***CH – COMMERCIAL HIGHWAY***

The applicants are also requested the following stipulations within the boundary of the proposed PUD:

- ***R1 – MODIFIED***
- ***R2 – MODIFIED***

It should be noted that requests R1/R2 modified zoning districts would be for the purpose of allowing the use of short-term rentals.

- ***SETBACKS:***

Due to extreme topography, it is requested that the following setbacks are allowed to be only utilized by the HOA/Architectural Review Committee when necessary (the Covenants provide more stringent requirements for setbacks without an exception)

Requested Setbacks for the Ridge PUD:

Front (5) feet  
Side (5) feet  
Rear (5) feet

- ***PARKING:***

Parking requirements are requested to be reduced by 20%.

## 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 conflicts with any applicable portions of this Ordinance.

*The purpose of planned units is to allow flexibility and encourage innovation in land use development, promote the most appropriate use of land, improve the design, character, and quality of new development, facilitate the adequate and economical provision of streets and utilities, and preserve the natural and scenic features of open space. The requested modifications for residential zoning districts for the purpose of operating short-term rentals would conflict with the current residential zoning districts and set a precedent. However, the entire purpose of a PUD is to allow flexibility and encourage innovation in land use.*

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

*The 2018 Comprehensive Plan Future Land Use Map identifies the area as Parks and Recreation use. The Ridge development plans to incorporate hiking and biking trails within the community for residents and visitors alike. In addition, the 2018 Comprehensive Plan also advises the City to continue to work with developers to encourage new housing developments and include a variety of housing types to meet the needs of Deadwood residents, while keeping the aesthetics of a small historic town in a natural forested setting.*

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

*The subject property is currently surrounded by primarily three zoning districts: Park Forest, Residential Multi-Family and Commercial Highway. Within these three zoning districts you will find commercial businesses, residential homes, and vacant land.*

- 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 projected impacts on the public facilities are not currently known. The City is concerned about the substantial growth with three new subdivisions planned in the next few years and the impacts these developments may have on City infrastructure. A study of the Deadwoods water capacity is currently being developed.*

*The subject property is not located within any floodplain.*

- 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 US Hwy 85 and turn lanes into The Ridge Development will be required by the Department of Transportation at some point in the future. Both the City and the developer have that understanding.*

- 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 City of Deadwood is currently in a housing shortage and the proposed amendment would support the current housing need as described in the 2021 housing study.*

- 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.

*The City has received calls in support and against this project. All comments revolved around short-term rentals.*

#### ACTION REQUIRED:

1. The following requests were approved by Deadwood Planning and Zoning Commission on October 19, 2022: PUD Boundary/Setback Reduction/Reduction of Parking Requirements in R2 (Residential Multi-Family).
2. Continued items – Allowing Short-Term Rentals within the Ridge Development.
3. Approval/Denial by the Deadwood Planning and Zoning Commission.