



Planning and Zoning Commission Regular Meeting Minutes

Wednesday, September 06, 2023 at 4:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

1. Call to Order

The meeting of the Deadwood Planning and Zoning Commission was called to order by Vice-Chairman Keehn on Wednesday, September 6, 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 (Vice-Chair) Josh Keehn

Commissioner (Secretary) Dave Bruce

Commissioner Charles Eagleson

Commissioner Ken Owens

Michael Johnson, City Commissioner

ABSENT

Commissioner (Chair) John Martinisko

STAFF PRESENT

Kevin Kuchenbecker, Planning, Zoning and Historic Preservation Officer

Trent Mohr, Building Inspector

Cindy Schneringer, Zoning Coordinator

3. Approval of Minutes

- a. Approval of August 16, 2023 Minutes

It was moved by Commissioner Owens and seconded by Commissioner Bruce to approve the August 16, 2023 minutes. Voting Yea: Keehn, Bruce, Eagleson, Owens

4. Sign Review Commission

- a. 1 Katon Drive - Cary and Cindy Kraft - Install New Freestanding Sign

Mr. Mohr stated for your consideration this evening is one application for a sign at 1 Katon Drive. This is a short-term rental location being operated as Thunder Ridge. They want to put this sign up to advertise the business and location there. You will see, in the packet, they provided this rendering as an example. I drove by the other day and it looks like the frame has been installed and it is iron pipe. It will be hung from an iron pipe. The sign and its location are compliant with the ordinance and requires no variances.

It was moved by Commissioner Bruce and seconded by Commissioner Owens to approve the sign permit for 1 Katon Drive to install a new freestanding sign. Voting Yea: Keehn, Bruce, Eagleson, Owens

5. Planning and Zoning Commission

- a. Public Hearing - Conditional Use Permit - Vacation Home Establishment - 819 Main Street - Deadwood Rentals, LLC (Trinity Conrad)

Vice-Chairman Keehn opened the public hearing.

There were no citizens in attendance.

Vice-Chairman Keehn closed the public hearing.

- b. Conditional Use Permit - Vacation Home Establishment - 819 Main Street - Deadwood Rentals, LLC (Trinity Conrad)

LOT 12 IN BLOCK A OF SUNNYSIDE ADDITION TO THE CITY OF DEADWOOD AS SET OUT IN PLAT BOOK 3 PAGE 251, LAWRENCE COUNTY, SOUTH DAKOTA, EXCEPT THAT PART DEEDED TO THE STATE OF SOUTH DAKOTA FOR HIGHWAY PURPOSES AS SET OUT IN BOOK 372 PAGE 58 AND PAGE 168; AND, TRACT A-1 IN BLOCK A, A REPLAT OF TRACTS "A" AND "B" OF THE SUBDIVISION OF LOT 13, BLOCK A OF SUNNYSIDE ADDITION, LOCATED IN THE NW1/4NE1/4 OF SECTION 27, T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA, ACCORDING TO PLAT FILED IN DOCUMENT NO. 2001-4003.

Mr. Kuchenbecker stated we do have a conditional use permit. Obviously nobody is here to speak for or against the vacation home establishment at 819 Main Street. It is operated by Deadwood Rentals, LLC. Legally described as LOT 12 IN BLOCK A OF SUNNYSIDE ADDITION TO THE CITY OF DEADWOOD AS SET OUT IN PLAT BOOK 3 PAGE 251, LAWRENCE COUNTY, SOUTH DAKOTA, EXCEPT THAT PART DEEDED TO THE STATE OF SOUTH DAKOTA FOR HIGHWAY PURPOSES AS SET OUT IN BOOK 372 PAGE 58 AND PAGE 168; AND, TRACT A-1 IN BLOCK A, A REPLAT OF TRACTS "A" AND "B" OF THE SUBDIVISION OF LOT 13, BLOCK A OF SUNNYSIDE ADDITION, LOCATED IN THE NW1/4NE1/4 OF SECTION 27, T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA, ACCORDING TO PLAT FILED IN DOCUMENT NO. 2001-4003. This is one of the vacation home establishments that has been operating and is coming in for a CUP so they have it documented. It is zoned commercial and is surrounded by commercial, park forest, and R2. The applicants have submitted a request for a conditional use permit to operate a vacation home establishment. The subject property is in the Upper Main Street Neighborhood and surrounded by residential homes, motel/hotels, and a church. Consists of three units plus a backyard for use by the guests. Staff recommends if approved the 1-8 conditions be set forth. That being the Conditional Use Permit runs with the applicant and not the land; therefore, should the property be sold, the Conditional Use Permit is null and void. Proof of a state sales tax number shall be provided to the Planning and Zoning Office for their files. Proof that the Building Inspector has inspected the building and it meets all the building codes. City water and sewer rates to be changed from residential to commercial rates. Proper paperwork is filed with the City of Deadwood Finance

Office for Business Improvement District (BID) taxes. Proof of City of Deadwood Business License. Obtain lodging license after inspection from the South Dakota Department of Health without changing the historic character of the resource through window replacement. All parking shall be off street. I would be happy to answer any questions. Again, this has been operating as a vacation home establishment. Just coming in to be compliant voluntarily. Your actions would be to approve, deny, or approve with conditions.

It was moved by Commissioner Eagleson and seconded by Commissioner Owens to approve the conditional use permit for a vacation home establishment for 819 Main Street legally described as LOT 12 IN BLOCK A OF SUNNYSIDE ADDITION TO THE CITY OF DEADWOOD AS SET OUT IN PLAT BOOK 3 PAGE 251, LAWRENCE COUNTY, SOUTH DAKOTA, EXCEPT THAT PART DEEDED TO THE STATE OF SOUTH DAKOTA FOR HIGHWAY PURPOSES AS SET OUT IN BOOK 372 PAGE 58 AND PAGE 168; AND, TRACT A-1 IN BLOCK A, A REPLAT OF TRACTS "A" AND "B" OF THE SUBDIVISION OF LOT 13, BLOCK A OF SUNNYSIDE ADDITION, LOCATED IN THE NW1/4NE1/4 OF SECTION 27, T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA, ACCORDING TO PLAT FILED IN DOCUMENT NO. 2001-4003 with the following conditions: The Conditional Use Permit runs with the applicant and not the land; therefore, should the property be sold, the Conditional Use Permit is null and void. Proof of a state sales tax number shall be provided to the Planning and Zoning Office for their files. Proof that the Building Inspector has inspected the building and it meets all the building codes. City water and sewer rates to be changed from residential to commercial rates. Proper paperwork is filed with the City of Deadwood Finance Office for Business Improvement District (BID) taxes. Proof of City of Deadwood Business License. Obtain lodging license after inspection from the South Dakota Department of Health without changing the historic character of the resource through window replacement, and all parking shall be off street. Voting Yea: 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 obviously very busy in the office catching up from being on vacation. We have regular meetings with the development at the Summit of Stage Run which is Phase 3. We have had several meetings and site visits with The Ridge. Still working through some issues there. It is bumped up to legal matters so attorneys talking to attorneys on that. Lots of projects going on. Right now we have pulled all the agendas for the past 23 years. We are going through each of the agendas and cross referencing it to the work we have done on making sure that our the zoning map is accurate with the change of zoning and annexations. Those are our first two priorities. We feel that we are there but we are just going to cross reference them with the agendas for the last 23 years. Then we are going to identify the CUPs that have been issued because of the

direction and according to the ordinance they are on an annual review. We need to go back and see who has CUPs and which ones are active. We are working on putting that list together. Cindy has been working on the short-term rentals and has quite an extensive spreadsheet from Harmari and double checking it to make sure they have business licenses, have state tax records, charged commercial rates. We have identified 4-6 that are operating illegally. Some have received the 1st and 2nd letters, but it has been so long since they received the 2nd letter there will be a 3rd letter coming from the attorney. At that point we can start legal action if they do not cease and desist. We are working on that now. That is another priority of ours. We had a citizen at City Commission last night that voiced their concern that some of the casinos have bought residential properties in R1 and R2 zoning and have multiple people living in them which is a violation of our ordinance. If you have 6 people living in a house that aren't related it isn't allowable. I think it is 3 non-related is allowed. We have them on Calamity Lane, Upper Main, and most recently on Denver that a local establishment has bought for employee housing. It is something we have to figure out how to approach it. In this case, they are parking on the streets and taking up all of the parking and those types of things. It is a real thing on both sides. Challenges of Deadwood.

a. SDPA 2023 Annual Conference - October 24-26, 2023 - Mitchell, SD

Mr. Kuchenbecker stated we do have the South Dakota Planners Association 2023 Annual Conference coming up October 24-26, 2023. You have a draft agenda from July 31st. Cindy and I will plan on attending. I want to open up to any of the commissioners that want to go to Mitchell. Be happy to carpool and pay for your registrations and hotel rooms. This is something we have been doing with the HP Commission for some time. It is a great way to network and to learn. If you are interested, just let us know and we will get you registered. The registration deadline is September 23rd. You have a couple of weeks to let Cindy know.

8. Adjournment

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

There being no further business, the Planning and Zoning Commission adjourned at 4:26 p.m.

ATTEST:

Chairman, Planning & Zoning Commission

Cindy Schneringer, Planning & Zoning Office/Recording Secretary

Secretary, Planning & Zoning Commission