



Planning and Zoning Commission Regular Meeting Minutes

Wednesday, July 03, 2024 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 Chairman Martinisko on Wednesday, July 3, 2024, 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 (Chair) John Martinisko
Commissioner (Vice-Chair) Josh Keehn
Commissioner (Secretary) Dave Bruce
Commissioner Charles Eagleson
Commissioner Ken Owens
City Commissioner Blake Joseph

STAFF PPRESENT

Kevin Kuchenbecker – Planning, Zoning and Historic Preservation Officer
Trent Mohr – Building Inspector
Leah Blue-Jones, Zoning Coordinator

3. Approval of Minutes

- a. Approve the minutes from the June 19, 2024 Planning and Zoning Commission Meeting

It was moved by Commissioner Owens and seconded by Commissioner Eagleson to approve the minutes from the June 19, 2024 Planning and Zoning Commission meeting. Voting yea: Martinisko, Keehn, Bruce, Owens, Eagleson.

4. Sign Review Commission

- a. Application for Sign Permit - 61 Sherman Street - Dave's Deli Delights (David Bruechner). Applicant has applied for a new wall sign located above the front door and window of the building exterior. Proposed sign and sign location are compliant with sign ordinance.

Mr. Mohr discussed Application for Sign Permit - 61 Sherman Street - Dave's Deli Delights (David Bruechner). The property is being leased and will hold a delicatessen. The proposed sign, and its location, are compliant with city ordinance.

It was moved by Commissioner Bruce and seconded by Commissioner Owens to approve Application for Sign Permit - 61 Sherman Street - Dave's Deli Delights (David Bruechner). Voting yea: Martinisko, Keehn, Bruce, Owens, Eagleson.

- b. Application for Banner Permit - 54 Sherman Street - City of Deadwood (Adams Museum). Per Ordinance 15.32.150.C.4, banners placed by the City of Deadwood solely to promote the history of Deadwood are exempt from regulation.

Mr. Mohr provided information on Application for Banner Permit - 54 Sherman Street - City of Deadwood (Adams Museum). A waterfall banner with historic Deadwood characters will be placed on the back of the museum, facing Siever Street.

5. Planning and Zoning Commission

- a. Application for Temporary Vendors License - Ray Drea Studios, LLC (Ray Drea) - applicant requests license to sell fine art and paintings during the Sturgis Rally from August 1, 2024 through August 11, 2024.

Actions:

1. Approve/deny Application for Temporary Vendors License

Mr. Kuchenbecker introduced Application for Temporary Vendors License - Ray Drea Studios, LLC (Ray Drea). Vendor has sold art from the Celebrity Hotel for a number of years during the rally.

It was moved by Commissioner Owens, and seconded by Commissioner Eagleson to approve Application for Temporary Vendors License - Ray Drea Studios, LLC (Ray Drea). Voting yea: Martinisko, Keehn, Bruce, Owens, Eagleson.

- b. Permanent Utility and Access Easement - 1 Katon Drive (Kraft Living Trust) is for the benefit of 1 Katon Drive legally described as Plat of Lot 3R-1 revised of Katon Subdivision formerly Lot 3R-1 of Katon Subdivision, Lot AB1 of Placer 58, Lot AB1 of Placer Claim 57 and Lot 1 of the subdivision of Tract E-1 being a portion of Placer M.S. 57, Placer M.S. 58 and Hillside Placer M.S. 749 located in the SE 1/4 of Section 27, T5N, R3E, B.H.M. City of Deadwood, Lawrence County, South Dakota.

Easement provides owners of 1 Katon Drive the right to enter property owned by the City of Deadwood (Grantor) legally described as Lot A1 in a portion of Lot H2 and the 66 foot right-of-way of US Highway 85 in Tract 1 of the Jim Lode Mineral Survey 1636; the 66-foot right-of-way of US Highway 85 in Lot 7 and Placer Claim 57 and a portion of Lot H2 and the 66 foot right-of-way of US Highway 85 in M.S. 107; all in Section 27 - Township 5 North - Range 3 East of B.H.M., in the City of Deadwood.

Actions:

1. Approve/deny Permanent Utility and Access Easement

Mr. Kuchenbecker shared Permanent Utility and Access Easement - 1 Katon Drive (Kraft Living Trust). This easement allows the Grantee to access property by providing ingress and egress through property owned by the City of Deadwood.

Commissioner Keehn requested clarification on the purpose of the easement. Mr. Kuchenbecker stated the property at 1 Katon Drive was isolated from highway access after the location of the highway was adjusted. City property now needs to be crossed to access the driveway of 1 Katon Drive.

It was moved by Commissioner Keehn and seconded by Commissioner Owens to approve Permanent Utility and Access Easement - 1 Katon Drive (Kraft Living Trust). Voting yea: Martinisko, Keehn, Bruce, Owens, Eagleson.

- c. Application for Conditional Use Permit - Construction of Dwelling Unit, Single Family - 307 Cliff Street (Terry and Dawn Bahr) legally described as Lot 1 revised of the subdivision of Tract E-1 formerly Lot 1 of the subdivision of Tract E-1 being a portion of Hillside Placer M.S. 749 located in the SE 1/4 of Section 27, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota.

Actions:

1. Public Discussion
2. Approve/Deny Application for Conditional Use Permit

Mr. Kuchenbecker introduced Application for Conditional Use Permit - Construction of Dwelling Unit, Single Family - 307 Cliff Street (Terry and Dawn Bahr). Construction of a single-family dwelling requires a Conditional Use Permit to be issued due to the property being in a CH-Commercial Highway zoning district. Staff Report was reviewed as was the recommended conditions of no commercial activity allowed at location, one (1) Conditional Use Permit allowed at location, and building codes and setbacks must be met for new construction.

Commissioner Eagleson asked for clarification on what will be allowed to be built at the location. Mr. Kuchenbecker responded that only a single-family home will be permitted to be built and further explained that a future Vacation Home Establishment would not be allowed to be established at the site due to the proximity of other Vacation Home Establishments within 200 feet of the subject location. In addition, a location can only have a single Conditional Use Permit, and the single-family dwelling unit will require one on its own.

Commissioner Owens inquired if the Conditional Use Permit will pass to new owners if the property is sold in the future. Mr. Kuchenbecker responded in the affirmative.

It was moved by Commissioner Bruce and seconded by Commissioner Eagleson to approve Application for Conditional Use Permit - Construction of Dwelling Unit, Single Family - 307 Cliff Street (Terry and Dawn Bahr) with three (3) conditions. Voting yea: Martinisko, Keehn, Bruce, Owens, Eagleson.

- d. Place Conservation Easements on eleven (11) undeveloped properties owned by the City of Deadwood to prevent future development and/or alterations that would encroach upon, damage, or destroy the Deadwood National Historic Landmark District.

Mr. Kuchenbecker discussed eleven (11) properties owned by the City of Deadwood. The City wishes to protect the properties in perpetuity. Once the conservation easements are placed on the properties, the properties would be open for recreation, but not for development.

Commissioner Martinisko asked if any of the properties had current developments or trails on them. Mr. Kuchenbecker responded there were no developments, but some may have future trail systems.

It was recommended by Commissioner Bruce and seconded by Commissioner Owens to approve eleven (11) Conservation Easements on property owned by the City of Deadwood. Voting yea: Martinisko, 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 shared that blocks are being laid on the Whitewood Creek Trail. The piping of storm drains near the Comfort Inn has started. A progress meeting for 1A & 1B of the FEMA project occurred. Utilities with transformers will take up space in the City Hall parking lot and require a three (3) foot wall to keep the utilities out of the base flood elevation. In addition, the retaining wall at 10 Denver Street should be completed in approximately two (2) weeks.

Mr. Kuchenbecker went on to state that an application for reclamation and grading at Boot Hills Estates has been received. A special meeting of the Historic Preservation Commission will occur Monday, July 8, 2024 to review the proposed cuts. The property owner is interested in creating a building site on the lower level of the property in the interest of a potential future sale. A bond will be required for the work, since the grading will cost approximately \$500,000 for the movement of 67,040 cubic yards of dirt.

Commissioner Keehn asked if Boot Hills Estates was approved for development. Mr. Kuchenbecker responded that it has not been approved for subdividing. Paperwork has just been received to allow a holding tank for a septic system. An agreement has been signed with the property owner stating that if a future subdivision is to occur, all ordinances will be complied with, and structures must hook up to city water and sewer.

Mr. Kuchenbecker mentioned the city is working with the property owner of 29 Lee Street to bring them into compliance with city ordinances. The property owner has continued to rent out the main floor of the property as a Short-Term Rental, in violation of Ordinance 17.53.030. Lack of compliance may result in a vacation of the Conditional Use Permit recently assigned to the property.

Commissioner Eagleson mentioned the Friday Farmer's Market and wished to thank the Parks and Rec Department for keeping the area clean and mowed.

8. Adjournment

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

There being no further business, the Planning and Zoning Commission adjourned at 4:27 p.m.

ATTEST:

Chairman, Planning & Zoning Commission

Leah Blue-Jones, Zoning Coordinator

Secretary, Planning & Zoning Commission