



# Planning and Zoning Commission Regular Meeting Minutes

Wednesday, December 06, 2023 at 4:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

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## 1. Call to Order

The meeting of the Deadwood Planning and Zoning Commission was called to order by Chairman Martinisko on Wednesday, December 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 (Chair) John Martinisko  
Commissioner (Vice-Chair) Josh Keehn  
Commissioner (Secretary) Dave Bruce  
Commissioner Charles Eagleson  
Commissioner Ken Owens

City Commissioner Michael Johnson

STAFF PRESENT

Kevin Kuchenbecker, Planning, Zoning and Historic Preservation Officer  
Trent Mohr, Building Inspector  
Amy Greba, Administrative Assistant

## 3. Approval of Minutes

- a. P&Z Minutes 11.15.23

***It was moved by Commissioner Keehn and seconded by Commissioner Eagleson to approve the minutes of the November 15, 2023 meeting. Voting Yea: Martinisko, Keehn, Bruce, Owens, Eagleson***

## 4. Sign Review Commission

## 5. Planning and Zoning Commission

- a. Conditional Use Permit - Bed and Breakfast Establishment - 338 and 390 Main Street - Nugget Saloon LLC (Wayne Morris)

LOT TWELVE (12) AND THE SOUTH HALF OF LOT THIRTEEN (13), BOTH LOTS IN BLOCK THREE (3) IN THE FOUNTAIN CITY ADDITION TO THE CITY OF DEADWOOD, TOGETHER WITH ALL IMPROVEMENTS THEREON AND APPURTENANCES THEREUNTO BELONGING, SUBJECT TO COVENANTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

Mr. Kuchenbecker stated the applicants have submitted a request for a Conditional Use Permit to operate a Bed and Breakfast Establishment in the cottages located at 388 and 390 Main Street, leagally described as LOT TWELVE (12) AND THE SOUTH HALF OF LOT THIRTEEN (13), BOTH LOTS IN BLOCK THREE (3) IN THE FOUNTAIN CITY ADDITION TO THE CITY OF DEADWOOD, TOGETHER WITH ALL IMPROVEMENTS THEREON AND APPURTENANCES THEREUNTO BELONGING, SUBJECT TO COVENANTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

Since 2005, First Deadwood Cottages have been utilized as a vacation rental location as a Bed and Breakfast establishment. Recently, this property is now owned by a new business entity.

Commissioner Martinisko asked about owners of property. Mr. Kuchenbecker stated that Mr. Wayne Morris, original property owner, has added new investors to the property ownership. Due to the change in ownership, a new Conditional Use Permit must be completed and approved. Conditions for approval include: ***It was moved by Commissioner Bruce and seconded by Commissioner Keehn to approve the Conditional Use Permit to operate a Bed and Breakfast Establishment in the cottages located at 388 and 390 Main Street, legally described as LOT TWELVE (12) AND THE SOUTH HALF OF LOT THIRTEEN (13), BOTH LOTS IN BLOCK THREE (3) IN THE FOUNTAIN CITY ADDITION TO THE CITY OF DEADWOOD, TOGETHER WITH ALL IMPROVEMENTS THEREON AND APPURTENANCES THEREUNTO BELONGING, SUBJECT TO COVENANTS, RESTRICTIONS AND RESERVATIONS OF RECORD, with conditions as listed. Voting Yea: Martinisko, Bruce, Owens, Keehn, Eagleson***

- b. Conditional Use Permit - Vacation Home Establishment - 606 1/2 Main Street - Nugget Saloon LLC (Wayne Morris)

LOT 24, IN BLOCK 15 OF THE ORIGINAL TOWNSITE OF THE CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA, ACCORDING TO THE P.L. ROGERS MAP EXCEPT A PORTION OF LAND ALONG THE SOUTHERLY SIDE OF LOT 24, BLOCK 15 BEING 8 INCHES IN WIDTH FRONTING ON MAIN AND BACK OF EVEN WIDTH 100' AS SET FORTH IN DEED AND RECORDED IN BOOK 162 PAGE 243.

Mr. Kuchenbecker stated the applicant has submitted a request for a Conditional Use Permit to operate a Vacation Home Establishment located at 606 1/2 Main Street and is located on the second floor of the Nugget Saloon property, legally described as LOT 24, IN BLOCK 15 OF THE ORIGINAL TOWNSITE OF THE CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA, ACCORDING TO THE P.L. ROGERS MAP EXCEPT A PORTION OF LAND ALONG THE SOUTHERLY SIDE OF LOT 24, BLOCK 15 BEING 8 INCHES IN WIDTH FRONTING ON MAIN AND BACK OF EVEN WIDTH 100' AS SET FORTH IN DEED AND RECORDED IN BOOK 162 PAGE 243. Apartment 1 is a one bedroom, one bath. Renters will be offered validated parking in the Broadway Parking Ramp. The subject property is surrounded by businesses. Due to the change in ownership, a new Conditional Use Permit must be approved. Commissioner Keehn asked about the other two apartment units, located near Apartment 1, will remain long term rentals. Mr. Kuchenbecker clarified that they will remain long term rentals. Conditions for approval include:

***It was moved by Commissioner Owens and seconded by Commissioner Keehn to approve the Conditional Use Permit to operate a Vacation Home Establishment located at 606 ½ Main Street and is located on the second floor of the Nugget Saloon property, legally described as LOT 24, IN BLOCK 15 OF THE ORIGINAL TOWNSITE OF THE CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA, ACCORDING TO THE P.L. ROGERS MAP EXCEPT A PORTION OF LAND ALONG THE SOUTHERLY SIDE OF LOT 24, BLOCK 15 BEING 8 INCHES IN WIDTH FRONTING ON MAIN AND BACK OF EVEN WIDTH 100' AS SET FORTH IN DEED AND RECORDED IN BOOK 162 PAGE 243.***

- c. Approve/deny Findings of Fact and Conclusion - Variance - Setbacks - Lot 1 Block 3A Mystery Wagon Road - WJP Holdings, LLC (William Pearson) legally described as Lot 1, Block 3A of the Palisades Tract of the Deadwood Stage Run Addition to the City of Deadwood Located in the SW1/4 of Section 14, the SE14 of Section 15, the NE1/4NE1/4 of Section 22 and the N1/2NW1/4 of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. Recommend Approval by Planning and Zoning Commission and Approved by Board of Adjustment on May 15, 2023.

Mr. Kuchenbecker shared Findings of Fact and Conclusion - Variance - Setbacks - Lot 1 Block 3A Mystery Wagon Road - WJP Holdings, LLC (William Pearson) legally described as Lot 1, Block 3A of the Palisades Tract of the Deadwood Stage Run Addition to the City of Deadwood Located in the SW1/4 of Section 14, the SE14 of Section 15, the NE1/4NE1/4 of Section 22 and the N1/2NW1/4 of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. Mr. Kuchenbecker stated the applicant has submitted a request for a variance to the required 20-foot setbacks according to Deadwood City Ordinance 17.24.040 (Area and Bulk Requirements). ***It was moved by Commissioner Bruce and seconded by Commissioner Owens to approve variance to the required 20-foot setbacks according to Deadwood City Ordinance 17.24.040 (Area and Bulk Requirements). Voting Yea: Bruce, Owens, Martinisko, Keehn. Easgleson.***

- d. Approve/deny Findings of Fact and Conclusion - Variance - Setbacks - 3 Pearl Street - Bob and Bonita Goode legally described as Lot A, Block 7, Highland Park Addition, Formerly a Portion of Lots 1 thru 6, Block 7 Highland Park Addition, City of Deadwood, Lawrence County, South Dakota, according to Plat Document No. 2009-6668. Recommend Approval by Planning and Zoning Commission and Approved by Board of Adjustment on August 7, 2023.

Mr. Kuchenbecker shared Findings of Fact and Conclusion - Variance - Setbacks - 3 Pearl Street - Bob and Bonita Goode legally described as Lot A, Block 7, Highland Park Addition, Formerly a Portion of Lots 1 thru 6, Block 7 Highland Park Addition, City of Deadwood, Lawrence County, South Dakota, according to Plat Document No. 2009-6668. The applicant has submitted a request for a variance to the required 20-foot setbacks according to Deadwood City Ordinance 17.24.040 (Area and Bulk Requirements). ***It was moved by Commissioner Keehn and seconded by Commissioner Bruce to approve a variance to the required***

**20-foot setbacks according to Deadwood City Ordinance 17.24.040 (Area and Bulk Requirements). Voting Yea: Bruce, Owens, Martinisko, Keehn, Eagleson.**

- e. Approve/deny Findings of Fact and Conclusion - Variance - Setbacks - 22 Washington Street - Jackie and Diana Fisher and Bryan James Duffy Revocable Trust legally described as Tract C, Block 53, a Subdivision of Part of Lots 1 and 2, Block 53, Original Town, City of Deadwood, Located in the NW1/4 of Section 26, T5N, R3E, B.H.M., Lawrence County, South Dakota according to Plat Records as Document No. 2001-01165, Subject to Easements, Reservations, and Restrictions of Record. Recommend Approval by Planning and Zoning Commission and Approved by Board of Adjustment on July 3, 2023.

Mr. Kuchenbecker shared Findings of Fact and Conclusion - Variance - Setbacks - 22 Washington Street - Jackie and Diana Fisher and Bryan James Duffy Revocable Trust legally described as Tract C, Block 53, a Subdivision of Part of Lots 1 and 2, Block 53, Original Town, City of Deadwood, Located in the NW1/4 of Section 26, T5N, R3E, B.H.M., Lawrence County, South Dakota according to Plat Records as Document No. 2001-01165, Subject to Easements, Reservations, and Restrictions of Record. The applicant has submitted a request for a variance to the required 20-foot setbacks according to Deadwood City Ordinance 17.24.040 (Area and Bulk Requirements). ***It was moved by Commissioner Keehn and seconded by Commissioner Owens to approve a variance to the required 20-foot setbacks according to Deadwood City Ordinance 17.24.040 (Area and Bulk Requirements). Voting Yea: Bruce, Owens, Martinisko, Keehn, Eagleson.***

- f. Approve/deny Findings of Fact and Conclusion - Conditional Use Permit - Vacation Home Establishment - 819 Main Street - Deadwood Rentals, LLC (Trinity Conrad) 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. Recommend Approval by Planning and Zoning Commission on September 6, 2023 and Approved by Board of Adjustment on September 18, 2023.

Mr. Kuchenbecker shared Findings of Fact and Conclusion - Conditional Use Permit - Vacation Home Establishment - 819 Main Street - Deadwood Rentals, LLC (Trinity Conrad) 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. ***It was moved by Commissioner Owens and seconded by***

**Commissioner Keehn to approve Conditional Use Permit – Vacation Home Establishment for Deadwood Rentals, LLC (Trinity Conrad) at 819 Main Street, Deadwood, Lawrence County, South Dakota. Voting Yea: Bruce, Owens, Martinisko, Keehn, Eagleson.**

- g. Approve/deny Findings of Fact and Conclusion - Conditional Use Permit - Vacation Home Establishment - 64 Cliff Street - Owson Properties, LLC (Mike and Kat Sneesby) legally described as Lot X2 of Riverside Addition City of Deadwood, Lawrence County, South Dakota Formerly Lot X of Riverside Addition located in the NE1/4 of Section 27, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. Recommended Approval by the Planning and Zoning Commission on August 16, 2023 and Approved by Board of Adjustment on August 21, 2023.

Mr. Kuchenbecker shared Findings of Fact and Conclusion - Conditional Use Permit - Vacation Home Establishment - 64 Cliff Street - Owson Properties, LLC (Mike and Kat Sneesby) legally described as Lot X2 of Riverside Addition City of Deadwood, Lawrence County, South Dakota Formerly Lot X of Riverside Addition located in the NE1/4 of Section 27, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. **It was moved by Commissioner Bruce and seconded by Commissioner Owensto approve Conditional Use Permit – Vacation Home Establishment for Owson Properties, LLC (Mike and Kat Sneesby) at 64 Cliff Street, Deadwood, Lawrence County, South Dakota. Voting Yea: Bruce, Owens, Martinisko, Keehn, Eagleson.**

- h. Approve/deny Findings of Fact and Conclusion - Conditional Use Permit - Home Business - 63 Stewart Street - Carson Witt legally described as the Easterly 50 Feet of Lot 2, Block 72 Original Town in the City of Deadwood Lawrence County, South Dakota Except that Portion Deeded to the City of Deadwood for Street Purposes. Recommend Approval by Planning and Zoning Commission on April 19, 2023 and Approved by Board of Adjustment on May 1, 2023.

Mr. Kuchenbecker shared Findings of Fact and Conclusion - Conditional Use Permit - Home Business - 63 Stewart Street - Carson Witt legally described as the Easterly 50 Feet of Lot 2, Block 72 Original Town in the City of Deadwood Lawrence County, South Dakota Except that Portion Deeded to the City of Deadwood for Street Purposes. **It was moved by Commissioner Keehn and seconded by Commissioner Eagleson to approve Conditional Use Permit – Home Delivery Donut Business at 63 Stewart Street, Deadwood, Lawrence County, South Dakota. Voting Yea: Bruce, Owens, Martinisko, Keehn, Eagleson.**

- i. Approve/deny Findings of Fact and Conclusion - Conditional Use Permit - Vacation Home Establishment - 36 Water Street - Deadwood Rentals, LLC (Trinity Conrad) legally described as Tract A, an 8' Platted Alley and a Portion of Lot R-1 of the City of Deadwood Railroad Property all Located in the Hillsdale Addition to the City of Deadwood, in the NW1/4 of Section 26, T5N, R3E, B.H.M., City of Deadwood Lawrence County, South Dakota; and, Tract B-1, McGovern Hill Addition of the City of Deadwood, Located in the NW1/4W1/4 of Section 26, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. Recommend Approval by Planning and

Zoning Commission on August 16, 2023 and Approved by Board of Adjustment on August 21, 2023.

Mr. Kuchenbecker shared Findings of Fact and Conclusion - Conditional Use Permit - Vacation Home Establishment - 36 Water Street - Deadwood Rentals, LLC (Trinity Conrad) legally described as Tract A, an 8' Platted Alley and a Portion of Lot R-1 of the City of Deadwood Railroad Property all Located in the Hillsdale Addition to the City of Deadwood, in the NW1/4 of Section 26, T5N, R3E, B.H.M., City of Deadwood Lawrence County, South Dakota; and, Tract B-1, McGovern Hill Addition of the City of Deadwood, Located in the NW1/4W1/4 of Section 26, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. ***It was moved by Commissioner Owens and seconded by Commissioner Eagleson to approve Conditional Use Permit – Vacation Home Establishment at 36 Water Street, Deadwood, Lawrence County, South Dakota. Voting Yea: Bruce, Owens, Martinisko, Keehn, Eagleson.***

## **6. Items from Citizens not on Agenda**

(Items considered but no action will be taken at this time.)

## **7. Items from Staff**

- a. 2024 Deadwood Chamber of Commerce event schedule.

Mr. Kuchenbecker stated that a lot is happening in the city next year. He shared a copy of the 2024 Deadwood Chamber of Commerce event schedule in the agenda packet.

The FEMA/Whitewood Creek project is moving along. Still working out where the staircase will go... between Railroad and Mickelson Trail. 75' of wall has been poured on the Mickelson Trail side of the creek.

Mr. Kuchenbecker is heading to Pierre on December 7th to meet with the Secretary of Revenue. Plans to discuss how funds are figured from all monies taken in through gaming. He will also present 2024 budget to South Dakota State Historical Preservation Board.

Boothill Estates is seeking variance for grading and curb/gutter work.

Commissioner Eagleson asked about the status of The Ridge project. Mr. Kuchenbecker stated The Ridge have not received their permits (more in audio recording). Previous Project Engineer is no longer affiliated with the project. Mr. Kuchenbecker visited with the owner's lawyer earlier in the day. Mr. Mohr concurred with statements made by Mr. Kuchenbecker regarding the status of The Ridge project.

Mr. Mohr shared that the new Lawrence County jail project is moving along well.

Commissioner Eagleson mentioned that early voting is now open at Lawrence County offices for the vote concerning the proposed quarry at Crow Peak.

## **8. Adjournment**

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

9.

*Planning and Zoning Commission meetings are not available by Zoom unless requested.*

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

ATTEST:

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Chairman, Planning & Zoning Commission

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Secretary, Planning & Zoning Commission

***Amy Greba, Administrative Assistant***