



Planning and Zoning Commission and Board of Adjustment Special Meeting Minutes

Monday, December 23, 2024 at 4:30 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

1. Call to Order

The Special Meeting of the Planning and Zoning Commission and Board of Adjustment was called to order by Chairman Martinisko on Monday, December 23, 2024 at 4:30 p.m. in the Deadwood City Hall Meeting Room, located at 102 Sherman Street, Deadwood, SD 57732.

2. Roll Call

PRESENT – PLANNING AND ZONING COMMISSION

Commissioner (Chair) John Martinisko
Commissioner (Secretary) Dave Bruce
Commissioner Charles Eagleson
Commissioner Ken Owens

ABSENT – PLANNING AND ZONING COMMISSION

Commissioner (Vice-Chair) Josh Keehn

PRESENT – BOARD OF ADJUSTMENT

Commissioner (President) Charlie Struble
Commissioner Sharon Martinisko
Commissioner Michael Johnson
Commissioner Blake Joseph

ABSENT – BOARD OF ADJUSTMENT

Mayor David R. Ruth, Jr.

STAFF PRESENT

Kevin Kuchenbecker – Planning, Zoning and Historic Preservation Officer
Trent Mohr – Building Official
Leah Blue-Jones – Zoning Coordinator
Jessica McKeown – Finance Officer

City Attorney – Matt Naasz

3. Approval of Minutes

- a. Approve the minutes from the December 4, 2024 Planning and Zoning Commission meeting.

It was moved by Commissioner Eagleson and seconded by Commissioner Bruce to approve the minutes from the December 4, 2024 Planning and Zoning Commission Meeting. Voting yea: Martinisko, Bruce, Owens, Eagleson.

4. Sign Review Commission

5. Planning and Zoning Commission

- a. Consider formal request to surrender Conditional Use Permit - Bed and Breakfast Establishment - 65 Sherman Street (Deadwood Roadhouse) legally described as Lots 9 and 11 and the northeast twenty-four (24) feet of Lot 7, Block 30, Original Town of the City of Deadwood, Lawrence County, South Dakota. Effective date of the surrender of the Conditional Use Permit will be December 31, 2024.

1. Action by the Planning & Zoning Commission
2. Action by the Board of Adjustment

Mr. Kuchenbecker discussed the formal request to surrender Conditional Use Permit - Bed and Breakfast Establishment - 65 Sherman Street (Deadwood Roadhouse) and shared the Staff Report.

The property has been rented to Deadwood Sportsbook, LLC and the Deadwood Roadhouse will cease operations. Per ordinance 15.32.130(Q), removal of the Deadwood Roadhouse sign will be required within thirty (30) days of surrender of the Conditional Use Permit.

Discussion occurred between staff and representatives of Deadwood Sportsbook, LLC (Ms. Dena Sandidge and Mr. Roger Tellinghuisen) to determine the effective date that Deadwood Sportsbook, LLC intends to take over the Deadwood Roadhouse. It was determined that the effective date of the surrender of the Conditional Use Permit for the Deadwood Roadhouse would be December 27, 2024.

It was moved by Commissioner Owens and seconded by Commissioner Bruce of the Planning and Zoning Commission to accept the surrender of Conditional Use Permit - Bed and Breakfast Establishment - 65 Sherman Street (Deadwood Roadhouse) with an effective date of December 27, 2024. Voting yea: Martinisko, Bruce, Owens, Eagleson.

It was moved by Commissioner Martinisko and seconded by Commissioner Joseph of the Board of Adjustment to accept the surrender of Conditional Use Permit - Bed and Breakfast Establishment - 65 Sherman Street (Deadwood Roadhouse) with an effective date of December 27, 2024. Voting yea: Struble, Martinisko, Johnson, Joseph.

- b. Application for Conditional Use Permit - Vacation Home Establishment - 57 Sherman Street (Sportsbook Deadwood, LLC) legally described as Landmark Tract of the City of Deadwood, formerly Lot 13, Lot 15, Lot 17, Lot 19, Lot 21, Lot 23, Lot 25, Lot 26 and the vacated alley between Lot 23 and Lot 25 all in Block 30 of the City of Deadwood according to the P.L. Rogers Map of the City of Deadwood; less and except Tract 1 of Miller Street Subdivision according to Plat Document #2012-05646, and less and except Wild Bill Lot according to Plat Document #2012-03484, all located in

the SW 1/4 of Section 23, Township 5 North, Range 3 East of the Black Hills Meridian, City of Deadwood, Lawrence County, South Dakota.

Action Required:

1. Public Discussion
2. Approval/Denial by Planning and Zoning Commission
3. Approval/Denial by Board of Adjustment

Mr. Kuchenbecker introduced Application for Conditional Use Permit - Vacation Home Establishment - 57 Sherman Street (Sportsbook Deadwood, LLC) and clarified the applicant wishes to update their request to reflect a classification of Specialty Resort. The Staff Report was shared. The location will have one (1) room available to rent and this room will go toward the thirty (30) room count required for a Convention Center Liquor License for the Landmark Hotel & Casino. It was determined by the State of South Dakota Department of Health that this location would need a Lodging/Short-Term Rental license separate from that of the main hotel due to the location having a separate address so the request for a Conditional Use Permit was made.

It was noted that initial findings show: 1. The proposed use is appropriate to the existing nonconforming use as lodging accommodations. Because the issuance of a new Conditional Use Permit will not constitute a change of use, it is allowable under Section 17.56.040(H). 2. The legal nonconforming use allows for retail as part of the operation of the ground level. In this case the front half of the single-story structure shall be used as retail and the storefront shall remain. The buffer requirement for Short-Term Rentals will not apply in this instance due to the property being within the local historic district.

Mr. Kuchenbecker further explained this establishment has nine (9) conditions that currently apply to the Conditional Use Permit: 1. 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. 2. The front half of the structure shall be used as retail. 3. Obtain and maintain a City of Deadwood Business License. 4. Obtain and maintain a City of Deadwood Short-Term Rental License. 5. File proper paperwork with the City of Deadwood Finance Office to participate in Business Improvement District 1-7 taxes. 6. Obtain Lodging License from the South Dakota Department of Health which is the same category of Short-Term Rental as the Conditional Use Permit and provide a copy to the Planning and Zoning office for their files. 7. Obtain a South Dakota Department of Revenue Sales Tax License and provide a copy to the Planning and Zoning Department for their files. 8. Have the City of Deadwood Building Inspector inspect the building to ensure compliance with applicable safety and building regulations. 9. Submit a Parking Management Plan with the City of Deadwood Parking and Transportation Director for review and recordation.

It was moved by Commissioner Bruce and seconded by Commissioner Owens to approve Application for Conditional Use Permit – Specialty Resort - 57 Sherman Street (Sportsbook Deadwood, LLC) subject to two

(2) initial findings and nine (9) conditions outlined in the Staff Report. Voting yea: Martinisko, Bruce, Owens, Eagleson.

It was moved by Commissioner Martinisko and seconded by Commissioner Johnson of the Board of Adjustment to approve Application for Conditional Use Permit – Specialty Resort - 57 Sherman Street (Sportsbook Deadwood, LLC) subject to two (2) initial findings and nine (9) conditions outlined in the Staff Report. Voting yea: Struble, Martinisko, Johnson, Joseph.

- c. Application for Conditional Use Permit - Vacation Home Establishment - 65 Sherman Street (Sportsbook Deadwood, LLC) legally described as Lots 9 and 11 and the northeast twenty-four (24) feet of Lot 7, Block 30, Original Town of the City of Deadwood, Lawrence County, South Dakota.

Action Required:

1. Public Discussion
2. Approval/Denial by Planning and Zoning Commission
3. Approval/Denial by Board of Adjustment

Mr. Kuchenbecker discussed Application for Conditional Use Permit - Vacation Home Establishment - 65 Sherman Street (Sportsbook Deadwood, LLC) and shared the Staff Report. As with the location at 57 Sherman Street, the applicant wishes to reclassify their request to reflect a Specialty Resort. It was determined by the State of South Dakota Department of Health that this location would need a Lodging/Short-Term Rental license separate from that of the main hotel due to the location having a separate address and there being a "gap" between 57 and 65 Sherman Streets. The "gap" contains a restaurant and parking area. This location will have six (6) rooms available to rent and will go towards the total room count required for a Convention Center Liquor License for the Landmark Hotel & Casino.

It was noted that initial findings show: 1. The proposed use is appropriate to the existing nonconforming use as lodging accommodations. Because the issuance of a new Conditional Use Permit will not constitute a change of use, it is allowable under Section 17.56.040(H). 2. The legal nonconforming use allows for retail at the ground level on the west side of the building. The buffer requirement for Short-Term Rentals will not apply in this instance due to the property being within the local historic district.

Ten (10) conditions will apply to the Conditional Use Permit for 65 Sherman Street:

1. 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.
2. The ground floor shall remain available for retail as part of the operation of the property, and in this specific case, the east half of the structure shall be used as retail and both sides of the storefront shall remain transparent.
3. Obtain and maintain a City of Deadwood Business License.
4. Obtain and maintain a City of Deadwood Short-Term Rental License.
5. File proper paperwork with the City of Deadwood Finance Office to participate in Business Improvement District 1-7 taxes.
6. Obtain Lodging License from the South Dakota Department of Health which is the same category of Short-Term Rental as the Conditional Use Permit and provide a copy to the Planning and

Zoning office for their files. 7. Obtain a South Dakota Department of Revenue Sales Tax License and provide a copy of the Planning and Zoning Department for their files. 8. Have the City of Deadwood Building Inspector inspect the building to ensure compliance with applicable safety and building regulations. 9. Submit a parking management plan with the City of Deadwood Parking and Transportation Director for review and recordation. 10. Remove signage of previous owner/operator within thirty (30) days of receipt of this letter to remain in compliance with Ordinance 1.32.130(Q).

It was moved by Commissioner Bruce and seconded by Commissioner Eagleson of the Planning and Zoning Commission to approve Application for Conditional Use Permit – Specialty Resort - 65 Sherman Street (Sportsbook Deadwood, LLC) subject to two (2) Initial Findings and ten (10) conditions outlined in the Staff Report. Voting yea: Martinisko, Bruce, Owens, Eagleson.

It was moved by Commissioner Martinisko and seconded by Commissioner Johnson of the Board of Adjustment to approve Application for Conditional Use Permit – Specialty Resort - 65 Sherman Street (Sportsbook Deadwood, LLC) subject to two (2) and ten (10) conditions outlined in the Staff Report. Voting yea: Struble, Martinisko, Johnson, Joseph.

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 85 Charles Street had more foundation work done today.

The FEMA project should be complete by the end of the year. Street signs are going up and clean-up has begun.

Commissioner Sharon Martinisko expressed her disappointment that the owners of the Landmark Hotel & Casino did not attend the special meeting tonight after City Commissioners and city staff gave up personal and vacation time to attend the meeting at the special request of the owners.

Commissioner Joseph expressed his gratitude to the Landmark Hotel & Casino for their investment in the City of Deadwood.

8. Adjournment

It was moved by Commissioner Owens and seconded by Commissioner Eagleson to adjourn the Planning and Zoning Commission Special Meeting. Voting yea: Martinisko, Bruce, Owens, Eagleson.

It was moved by Commissioner Joseph and seconded by Commissioner Johnson to adjourn the Board of Adjustment Special Meeting. Voting yea: Struble, Martinisko, Johnson, Joseph.

There being no further business, the Planning and Zoning Commission adjourned at 5:01 p.m.

ATTEST:

Chairman, Planning & Zoning Commission

Secretary, Planning & Zoning Commission

Minutes by Leah Blue-Jones, Zoning Coordinator