



# Planning and Zoning Commission Regular Meeting Minutes

Wednesday, November 16, 2022 at 5:00 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, November 16, 2022 at 5:00 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 Kevin Wagner  
Commissioner Charles Eagleson

Charlie Struble, City Commissioner

STAFF PRESENT

Jeremy Russell, Planning and Zoning Administrator  
Trent Mohr, Building Inspector  
Cindy Schneringer, Administrative Assistant  
Kevin Kuchenbecker, Historic Preservation Officer and Interim Public Works Director

## 3. Approval of Minutes

- a. Approval of October 19, 2022 Minutes

***It was moved by Commissioner Wagner and seconded by Commissioner Keehn to approve the October 19, 2022 minutes. Voting Yea: Martinisko, Keehn, Bruce, Wagner, Eagleson***

## 4. Sign Review Commission

- a. 68 Main Street - Cathy Volk - Install New Wall Sign Relocated From 250 US Hwy 14A

Mr. Mohr stated for your consideration tonight is one application for a sign permit. The proposed address for this sign is 68 Main Street, commonly known as the Deadwood Station. The applicant is Cathy Volk. She previously had a business at the Amish Furniture Store located at 250 US Hwy 14A. That building has sold and the new owner is no longer offering her a retail space there. She intends to move her business to 68 Main Street. This permit is to relocate the sign she had at 250 US Hwy 14A to 68 Main Street. The proposed sign and its location are compliant with the ordinances and requires no variances.

***It was moved by Commissioner Bruce and seconded by Commissioner Wagner to approve the sign permit for 68 Main Street to install new wall sign relocated from 250 US Hwy 14A. Voting Yea: Martinisko, Keehn, Bruce, Wagner, Eagleson***

## **5. Planning and Zoning Commission**

- a. Change of Zoning - Planned Unit Development - The Ridge Development - Preacher Smith, LLC and TRD, LLC (Randy & Cheri Horner) - Continued (Short-Term Rentals)
- 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. All requests were approved on October 19, 2022 except the use of Short-Term Rentals which was continued.

Mr. Russell stated this is a continuation from the last meeting. Our applicant today is Preacher Smith, LLC and TRD, LLC (Randy and Cheri Horner). The purpose of this request was to rezone from Park Forest to a Planned Unit Development. It is located near the Preacher Smith monument and is legally described as 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. At the last meeting you guys approved the boundary for the Planned Unit Development as well as the parking reduction and the setback requirements to be reduced. We continued the portion on the short-term rentals. The concern was the questions for our city attorney Quentin Riggins, who is here with us today.

***After some discussion it was moved by Commissioner Wagner and seconded by Commissioner Bruce to defer the short-term rental request to the City Commission without a recommendation for or against the request. Voting Year: Martinisko, Bruce, Wagner, Eagleson. Voting Nay: Keehn***

- b. Final Plat - 113 & 115 Mystery Wagon Road - WJP Holdings, LLC (William Pearson)
- LOTS 8A, 8B, 9A and 9B, BLOCK 4A OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION TO THE CITY OF DEADWOOD FORMERLY LOTS 8 AND 9, BLOCK 4A LOCATED IN THE SW1/4 OF SECTION 14, THE SE1/4 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. Russell stated our applicant today is WJP Holdings, LLC also known as William Pearson, who is in the audience today should you have any questions. The purpose of this is creating property lines and transferring land. The general location is 113 & 115 Mystery Wagon Road in Stage Run Phase II legally described as LOTS 8A, 8B, 9A and 9B, BLOCK 4A OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION TO THE CITY OF DEADWOOD FORMERLY LOTS 8 AND 9, BLOCK 4A

LOCATED IN THE SW1/4 OF SECTION 14, THE SE1/4 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. We've done quite a few of these recently. The purpose of this plat is to put a property line down the center of Lots 8A and 9A. Everything here meets our ordinances from a zoning perspective.

***It was moved by Commissioner Wagner and seconded by Commissioner Keehn to approve the final plat for creating property lines and transferring land legally described as LOTS 8A, 8B, 9A AND 9B, BLOCK 4A OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION TO THE CITY OF DEADWOOD FORMERLY LOTS 8 and 9, BLOCK 4A LOCATED IN THE SW1/4 OF SECTION 14, THE SE1/4 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. Voting Yea: Martinisko, Keehn, Bruce, Wagner, Eagleson***

- c. Findings of Fact and Conclusion - Conditional Use Permit - Condominiums - 51, 53, 55 Sherman Street - Keating Resources

THE NORTHERN ONE FOOT SIX INCHES (1'6") OF LOT 17, ALL OF LOTS 19, 21, 23, 25 AND VACATED ALLEY BETWEEN LOT 23 AND LOT 25, AND ALL OF LOT 26, AND LOT 27, 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 SW1/4 OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 3 EAST OF THE BLACK HILLS MERIDIAN, CITY OF DEADWOOD, SOUTH DAKOTA. Finding of Facts and Conclusions was approved by City Commission on October 17, 2022.

Mr. Russell stated this is the final process for our applicant, Keating Resources, request for a Conditional Use Permit for the condos at 51, 53, 55 Sherman Street legally described as THE NORTHERN ONE FOOT SIX INCHES (1'6") OF LOT 17, ALL OF LOTS 19, 21, 23, 25 AND VACATED ALLEY BETWEEN LOT 23 AND LOT 25, AND ALL OF LOT 26, AND LOT 27, 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 SW1/4 OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 3 EAST OF THE BLACK HILLS MERIDIAN, CITY OF DEADWOOD, SOUTH DAKOTA. As I stated, this is the final process for them for approval. This went through this Commission for approval. Then it went through City Commission for approval. Then back to the City Commission for approval of the Findings of Fact. Now here we are for you to approve the Findings of Fact. This allows us to close the file and allows the applicant to move forward with their project.

***It was moved by Commissioner Keehn and seconded by Commissioner Bruce to approve the Findings of Fact and Conclusion for Conditional Use***

**Permit for condos at 51, 53, 55 Sherman Street legally described as THE NORTHERN ONE FOOT SIX INCHES (1'6") OF LOT 17, ALL OF LOTS 19, 21, 23, 25 AND VACATED ALLEY BETWEEN LOT 23 AND LOT 25, AND ALL OF LOT 26, AND LOT 27, 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 SW1/4 OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 3 EAST OF THE BLACK HILLS MERIDIAN, CITY OF DEADWOOD, SOUTH DAKOTA. Voting Yea: Martinisko, Keehn, Bruce, Wagner, Eagleson**

- d. Findings of Fact and Conclusion - Request for Variance - Street Grades - The Summit at Deadwood Stage Run

PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION, FORMERLY TRACTS E, F, G, H, I, J, K AND L AND THE REMAINING PORTION OF MS 696 PALISADES STONE PLACER, ALL LOCATED IN THE SW1/4, SECTION 14, THE SE1/4 OF SECTION 15, THE NE1/4NE1/4 OF SECTION 22 AND THE N1/2NW1/4 OF SECTION 23, T5N, R3E, BHM, CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA. Findings of Fact and Conclusion was approved by City Commission on October 17, 2022.

Mr. Russell stated our applicant today is the Summit at Deadwood Stage Run. Bill Pearson is here as a representative for this group. This is located at the Deadwood Stage Run development legally described as PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION, FORMERLY TRACTS E, F, G, H, I, J, K AND L AND THE REMAINING PORTION OF MS 696 PALISADES STONE PLACER, ALL LOCATED IN THE SW1/4, SECTION 14, THE SE1/4 OF SECTION 15, THE NE1/4NE1/4 OF SECTION 22 AND THE N1/2NW1/4 OF SECTION 23, T5N, R3E, BHM, CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA. As you recall, this is for the street grades for the next phases of Stage Run that is going to be coming through. Staff, the developer, and their engineer worked really hard on this. I appreciate their efforts to meet our needs. This did come through this Commission for approval, the City Commission for approval, and now here we are to close this file.

***It was moved by Commissioner Bruce and seconded by Commissioner Wagner to approve the Findings of Fact and Conclusion for the Request for Variance for street grades at The Summit at Deadwood Stage Run legally described as PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION, FORMERLY TRACTS E, F, G, H, I, J, K AND L AND THE REMAINING PORTION OF MS 696 PALISADES STONE PLACER, ALL LOCATED IN THE SW1/4, SECTION 14, THE SE1/4 OF SECTION 15, THE NE1/4NE1/4 OF SECTION 22 AND THE N1/2NW1/4 OF SECTION 23, T5N, R3E, BHM, CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA. Voting Yea: Martinisko, Keehn, Bruce, Wagner, Eagleson***

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

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

**7. Items from Staff**

Mr. Russell informed the Commission that his last day with the city is December 23, 2022 as he will be transitioning to the private sector.

Mr. Kuchenbecker provided an update on the reorganization/restructure of the department heads. He asked the Commission, because of the transition, would they consider moving the meeting time to 4:00 p.m. instead of 5:00 p.m. starting in January. The consensus agreed to the change in meeting time to 4:00 p.m.

Commissioner Wager reported that he would be resigning his position effective January 1, 2023 as he doesn't live in Deadwood anymore.

**8. Adjournment**

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

There being no further business, the Planning and Zoning Commission adjourned at 5:32 p.m.

ATTEST:

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Chairman, Planning & Zoning Commission  
*Cindy Schneringer, Planning & Zoning Office/Recording Secretary*

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Secretary, Planning & Zoning Commission