



Planning and Zoning Commission Regular Meeting Minutes

Wednesday, December 04, 2024 at 4:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

1. Call to Order

The meeting of the Planning and Zoning Commission was called to order by Chairman Martinisko on Wednesday, December 4, 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 (Secretary) Dave Bruce
Commissioner Charles Eagleson
Commissioner Ken Owens
City Commissioner Blake Joseph

STAFF PRESENT

Kevin Kuchenbecker – Planning, Zoning and Historic Preservation Officer
Leah Blue-Jones – Zoning Coordinator

ABSENT

Commissioner (Vice-Chair) Josh Keehn
Trent Mohr – Building Official

3. Approval of Minutes

- a. Approve the minutes from the November 20, 2024 Planning and Zoning Commission Meeting.

It was moved by Commissioner Owens and seconded by Commissioner Eagleson to approve the minutes from the November 20, 2024 Planning and Zoning Commission Meeting. Voting yea: Martinisko, Bruce, Owens, Eagleson.

5. Sign Review Commission

- a. Application for Sign Permit - 78 Cliff Street - Northern Hills Federal Credit Union (M. Willey). Applicant is requesting permission to re-face existing freestanding sign with new logo. Sign and location are compliant with sign ordinance.

Actions:

1. Approve/deny Application for Sign Permit.

Mr. Kuchenbecker discussed Application for Sign Permit - 78 Cliff Street - Northern Hills Federal Credit Union, and reviewed Staff Report.

It was moved by Commissioner Eagleson and seconded by Commissioner Owens to approve Application for Sign Permit - 78 Cliff Street - Northern Hills Federal Credit Union. Voting yea: Martinisko, Bruce, Owens, Eagleson.

6. Planning and Zoning Commission

- a. Annual Review - Conditional Use Permit for Bed and Breakfast Establishment – 54 Taylor Avenue – Miss Kahler's BNB (D. Kahler), legally described as Lot A, Lot D and Lot E of the subdivision of Lots 66-67 and 68, the southerly part of Lot 66 Block 35, and parts of Lots 28 through 36, Block 35, of the City of Deadwood, South Dakota, according to Plat Book 3 page 79-80, Lawrence County, South Dakota.

Action Required:

1. Public Discussion
2. Approval/Denial of continued use by Planning and Zoning Commission

Mr. Kuchenbecker introduced Annual Review - Conditional Use Permit for Bed and Breakfast Establishment – 54 Taylor Avenue – Miss Kahler's BNB and discussed the Staff Report.

It was moved by Commissioner Owens and seconded by Commissioner Eagleson to approve Annual Review - Conditional Use Permit for Bed and Breakfast Establishment – 54 Taylor Avenue – Miss Kahler's BNB with seven (7) conditions. Voting yea: Martinisko, Bruce, Owens, Eagleson.

- b. Annual Review - Conditional Use Permit for Vacation Home Establishment – 606 1/2 Main Street – The Nugget (W. Morris), 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 of 100' as set forth in deed and recorded in Book 162 Page 243.

Action Required:

1. Public Discussion
2. Approval/Denial of continued use by Planning and Zoning Commission

Mr. Kuchenbecker discussed Annual Review - Conditional Use Permit for Vacation Home Establishment – 606 1/2 Main Street – The Nugget and reviewed the Staff Report.

It was moved by Commissioner Owens and seconded by Commissioner Eagleson to approve Annual Review - Conditional Use Permit for Vacation Home Establishment – 606 1/2 Main Street – The Nugget. Voting yea: Martinisko, Bruce, Owens, Eagleson.

- c. Annual Review - Conditional Use Permit for Bed and Breakfast Establishment – 388 Main Street – First Deadwood Cottages (W. Morris), legally described as Lot 12 and the south half of Lot 13, both lots in Block 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.

Action Required:

1. Public Discussion
2. Approval/Denial of continued use by Planning and Zoning Commission

Mr. Kuchenbecker reviewed Annual Review - Conditional Use Permit for Bed and Breakfast Establishment – 388 Main Street – First Deadwood Cottages and discussed the Staff Report. Upon review of the property, it was noted that the property advertises ten (10) rooms for rent, which makes it too large to be classified as a Bed and Breakfast Establishment. In addition, family style meals are not being served to guests. A more appropriate classification for this property may be for a Vacation Home Establishment.

Further discussion occurred about rules and regulations surrounding Vacation Home Establishments, as well as the legal non-conforming nature of the property.

It was moved by Commissioner Bruce and seconded by Commissioner Owens to approve Annual Review - Conditional Use Permit for Bed and Breakfast Establishment – 388 Main Street – First Deadwood Cottages pending a reclassification of the property from a Bed and Breakfast Establishment to a Vacation Home Establishment and with the property remaining subject to the original eight (8) conditions listed on the Staff Report. Voting yea: Martinisko, Bruce, Owens, Eagleson.

7. Items from Citizens not on Agenda

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

8. Items from Staff

Mr. Kuchenbecker discussed upcoming work to be completed on the White Rocks trail. In addition, a new zoning map for the trail system throughout the city is being considered for adoption.

The FEMA project is expected to wrap up by December 13. The street lights should be up along Water Street by the end of this week.

The retaining wall at 5 Harrison Street should be completed by January 21, and the wall on Taylor Avenue is moving along well.

Invoices for 2025 Short-Term Rental licenses will be going out soon. The City Commission approved a new fee for the licensing which consists of a \$250.00 base rate plus an additional \$100.00 per room. This will mean smaller Short-Term Rentals will pay less, while larger Short-Term Rentals will pay more.

We have had two (2) properties in town illegally operating as Short-Term Rentals agree to cease operations after being threatened with legal action.

On December 13, 2024, the Historic Preservation budget will be presented to the South Dakota State Society Board of Trustees. Legislative session at the State Capital will occur in January 2025, and there is the possibility of an introduction of a new bill pertaining to the budget for the City of Deadwood.

9. Adjournment

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

There being no further business, the Planning and Zoning Commission adjourned at 4:37 p.m.

ATTEST:

Chairman, Planning & Zoning Commission

Secretary, Planning & Zoning Commission

Minutes by Leah Blue-Jones, Zoning Coordinator