



# Planning and Zoning Commission Regular Meeting Minutes

Wednesday, October 04, 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, October 4, 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 Ken Owens

Michael Johnson, City Commissioner

ABSENT

Commissioner Charles Eagleson

STAFF PRESENT

Kevin Kuchenbecker, Planning, Zoning and Historic Preservation Officer

Trent Mohr, Building Inspector

Cindy Schneringer, Zoning Coordinator

## 3. Approval of Minutes

- a. Approval of September 20, 2023 Minutes

***It was moved by Commissioner Owens and seconded by Commissioner Bruce to approve the September 20, 2023 minutes. Voting Yea: Martinisko, Keehn, Bruce, Owens***

## 4. Sign Review Commission

## 5. Planning and Zoning Commission

- a. Final Plat - Creating Property Lines and Transfer of Property - Van Roekel Properties LLC

PLAT OF LOTS D1 AND D2 OF DEADWOOD GULCH ADDITION II FORMERLY LOT A OF THE SUBDIVISION PLACERS 57 & 58 AND TRACT D OF DEADWOOD GULCH ADDITION II LOCATED IN THE SE1/4 OF SECTION 27, T5N, R3E, B.H.M. CITY OF DEADWOOD LAWRENCE COUNTY, SOUTH DAKOTA

Mr. Kuchenbecker stated this is the final plat creating property lines for transfer of property. The owner is Van Roekel Properties LLC. The general location is 306 Cliff Street legally described as PLAT OF LOTS D1 AND D2 OF DEADWOOD GULCH

ADDITION II FORMERLY LOT A OF THE SUBDIVISION PLACERS 57 & 58 AND TRACT D OF DEADWOOD GULCH ADDITION II LOCATED IN THE SE1/4 OF SECTION 27, T5N, R3E, B.H.M. CITY OF DEADWOOD LAWRENCE COUNTY, SOUTH DAKOTA. It is zoned commercial highway and surrounded by commercial highway. The purpose of this plat is to facilitate the transfer of property by dividing the lot and establishing property lines. This plat describes the areas located at 304 and 306 Cliff Street. The applicant would like to divide the lot into two partials to separate the gas station building from the storage units for the purpose of selling the gas station building. This plat will create Lots D1 and D2, formerly Lot A. Lot D1 is comprised of 0.185 acres $\pm$ . Lot D2 is comprised of 0.146 acres $\pm$ . It meets the square footage necessary for commercial highway zoning. It is outside the floodplain. Public facilities are available and the area is characterized by commercial and residential uses along Highway 85. All necessary pieces of the puzzle are on the plat. It is in front of you to either approve or deny. The applicant is here if there are any questions.

***It was moved by Commissioner Keehn and seconded by Commissioner Owens approve the final plat for creating property lines and transfer of property legally described as PLAT OF LOTS D1 AND D2 OF DEADWOOD GULCH ADDITION II FORMERLY LOT A OF THE SUBDIVISION PLACERS 57 & 58 AND TRACT D OF DEADWOOD GULCH ADDITION II LOCATED IN THE SE1/4 OF SECTION 27, T5N, R3E, B.H.M. CITY OF DEADWOOD LAWRENCE COUNTY, SOUTH DAKOTA. Voting Yea: Martinisko, Keehn, Bruce, Owens***

- b. Final Plat - Adjusting Property Lines - Stage Run - 116 and 118 Mystery Wagon Road - WJP Holdings, LLC

PLAT OF LOT 2A AND LOT 3A, BLOCK 3A OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION TO THE CITY OF DEADWOOD FORMERLY LOTS 2 AND 3, BLOCK 3A AND A PORTION OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION LOCATED IN THE SW1/4 OF SECTION 14, THE SE1/4 OF SECTION 23, T5N, R3E, B.H.M., CITY OF DEADWOOD LAWRENCE COUNTY, SOUTH DAKOTA

Mr. Kuchenbecker stated this is the final plat for adjusting property lines in Stage Run at 116 and 118 Mystery Wagon Road. The applicant is WJP Holdings, LLC. Legally described as PLAT OF LOT 2A AND LOT 3A, BLOCK 3A OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION TO THE CITY OF DEADWOOD FORMERLY LOTS 2 AND 3, BLOCK 3A AND A PORTION OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION LOCATED IN THE SW1/4 OF SECTION 14, THE SE1/4 OF SECTION 23, T5N, R3E, B.H.M., CITY OF DEADWOOD LAWRENCE COUNTY, SOUTH DAKOTA. It is zoned R2 and is surrounded by R2 zoning. The purpose of this plat is to adjust the property lines between Lots 2 and 3. This plat describes the areas located at 116 and 118 Mystery Wagon Road. The applicant would like to adjust the property lines creating a larger lot for purpose of selling this lot. This plat will create Lots 2A and 3A, formerly Lots 2 and 3 so it is adjusting the property lines between what was published and the handout in front of you. We did bring in the drainage so it is documented on the plat for the drainage easement for the storm sewer. That is the only difference from what was in the packet to what you have there. Lot 2A is comprised of 0.982 acres $\pm$ . Lot 3A is comprised of 2.012 acres $\pm$ . It is zoned R2 and is outside the floodplain. This is in Stage Run Phase II.

Public facilities are available to serve the property. The area is characterized by a mixture of residential uses. All the necessary elements of the plat are on the plat. The action in front of you is to approve or deny. The applicant is here if there are any questions.

Bill Pearson stated the reason I did this was we had to move the house down on 3 where we are building because of the material testing and to hit virgin ground. That is why we had to move the property line. It wasn't just to get a larger lot.

***It was moved by Commissioner Keehn and seconded by Commissioner Bruce to approve the final plat for adjusting property lines legally described as PLAT OF LOT 2A AND LOT 3A, BLOCK 3A OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION TO THE CITY OF DEADWOOD FORMERLY LOTS 2 AND 3, BLOCK 3A AND A PORTION OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION LOCATED IN THE SW1/4 OF SECTION 14, THE SE1/4 OF SECTION 23, T5N, R3E, B.H.M., CITY OF DEADWOOD LAWRENCE COUNTY, SOUTH DAKOTA. Voting Yea: Martinisko, Keehn, Bruce, Owens***

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

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

Bill Pearson stated he appreciates Kevin's staff and all the department heads for having these progress meetings up there. When I did Phase I, we didn't have any of that. It is really helping keep my contractors on the straight and narrow. I really appreciate it.

#### **7. Items from Staff**

Mr. Kuchenbecker stated on the FEMA project, we are still waiting for the environmental assessment to be completed. The archaeological surveyors report should be done by the end of the week. That goes in the Section 106. We have had continual conversations with the State Historic Preservation Office, National Parks Service, the contractors, and the engineers. It will probably be five weeks before dirt gets moved. We can still continue with the utilities and the staging. It is a little bit of a hiccup in our timing. The Corp of Engineers are telling FEMA that they don't want to do the 106. It is a lot of finger pointing back and forth between the federal agencies, which is also a challenge.

We just came out of a trails meeting. We hired K4 Trails to do a master plan for the Fuller Brothers property, which we acquired earlier this year or late last year, and White Rocks. We just had a presentation on that. Very exciting. Hopefully, over the next two years, we will add twenty-five miles of hiking and biking trails in the area starting with Fuller Brothers first since we have funding for that. We will probably start in the spring of 2024. It was approved on Monday night for the adjustment of the Homestake Trail to get away from the residents in McGovern Hill. It will come around the water tanks and hopefully through the Deadwood Mountain Grand, where we have our conservation easement, then hook back up and get it totally out of the residential area. That is moving along. Northern Hills Rec assigned the easements. Now they are out gathering the easements. Finally have some movement going there.

At 4:45 and 5:45 today at the HARCC are public meetings on the box culvert DoT. If you want to know more and have an impact on the visual impacts of the box culvert, those meetings are tonight.

We have had progress meetings with The Summit at Stage Run. That is Bill's Phase III. Things are moving along quite well. Appreciate the progress meetings and having the City at the same time working with the developer to ensure we are getting a product that we want.

The Ridge is on hold right now. They are waiting for approval from DANR on their water system and sewer system. The contractors have de-mobilized at this point.

STRs - Cindy has worked very hard on that. We have three that are in violation. They received their third letter and have not taken action. Our next action is a court injunction. We notified legal counsel today and those three will be getting served papers to cease and desist. Moving forward with that. All three of those are on Williams Street. Of course, Williams Street is tight with parking as it is and we have three illegal STRs happening there.

The Planning Conference is in Mitchell later this month.

Today, tomorrow and Friday is the South Dakota Municipal League. Trent went there for code officials. Tomorrow is building officials. Lornie is there for highway and road maintenance. Jessica is there as well and so is Sharon Martinisko. We have representation there.

I haven't done anything with the work group yet to get that established. David, we may be giving you or definitely your company a call when it comes to some of the use of residential properties for employee housing. We have some things to do there.

I started Monday with a bumner. Cindy has turned in her resignation and will be moving to Wyoming. We will be searching for a new Zoning Coordinator. I want to publicly thank her for her service over the last four years and especially over the last several months as Zoning Coordinator. We have made tremendous progress with our zoning map, with our STRs, with a variety of projects within the zoning department. It is because of her hard work. She is going to be dearly missed. Thank you.

Commissioner Johnson state he is sorry to see Cindy leaving.

## **8. Adjournment**

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

There being no further business, the Planning and Zoning Commission adjourned at 4:13 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