



Planning and Zoning Commission Regular Meeting Minutes

Wednesday, March 06, 2024 at 4:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

1. Call to Order

The meeting of the Deadwood Planning and Zoning Commission was called to order by Chairman Martinisko on Wednesday, March 6, 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 (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
Leah Blue-Jones, Zoning Coordinator

3. Approval of Minutes

a. Approval of the Minutes from the February 21, 2024 Planning and Zoning Commission Meeting.

a. Approval of the February 21, 2024 Minutes

It was moved by Commissioner Keehn and seconded by Commissioner Owens to approve the February 21, 2024 minutes. Voting yea: Martinisko, Bruce, Owens, Keehn, Eagleson.

4. Sign Review Commission

5. Planning and Zoning Commission

a. Final Plat - Combination of two (2) lots - 171 Charles St. - Patrick L. Mollman

PLAT OF TRACT A1 OF M.S. 207 FORMERLY TRACT A OF M.S. 207 FORMERLY TRACT A OF M.S. 207 AND LOT MK5 OF THE MICKELSON TRAIL CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA LOCATED IN THE NE ¼ OF SECTION 27, T5N, R3E, B.H.M.

Action Required:

1. Approval/Denial by the Deadwood Planning and Zoning Commission

Mr. Kuchenbecker shared the Final Plat - Combination of two (2) lots - 171 Charles St. - City of Deadwood. Mr. Kuchenbecker stated that this is a plat that will take two (2) parcels and make then one (1) parcel. The combined acreage of the two (2) parcels is 0.497 +/- acres and they are zoned Commercial Highway. The combination of the two (2) parcels will allow a future garage to be constructed on the site. The lots are located at the intersection of McGovern Hill Road and Charles Street. The combination of the plats will create Tract A1 of Mineral Survey 207. The plats are located in the 500-year flood plain, but not in the 100-year flood plain. Public facilities serve the property. The final plat does include the water line. Thanks to Mr. Mohr and Mr. Percy, we were able to have the surveyor include the water line and it is part of an easement.

Commissioner Owens asked for clarification on the location of the site. Mr. Kuchenbecker verified the location and explained that combining the lots would change the setbacks for a future garage, if the property owner chooses to build.

It was moved by Commissioner Bruce and seconded by Commissioner Owens to approve the Final Plat - Combination of two (2) lots - 171 Charles St. - Patrick L. Mollman. Voting Yea: Martinisko, Bruce, Owens, Keehn, Eagleson.

- b. Approve and acknowledge subscription agreement in the amount of \$3,000.00 with Deckard Technologies for third-party monitoring service of short-term rentals. Target date for transfer of monitoring services from Harmari to Deckard is projected by or before May 1, 2024. Projected cost savings will be \$2,000.00 per year.

Action Required:

1. Approval/Acknowledgement by the Deadwood Planning and Zoning Commission.

Mr. Kuchenbecker began the discussion by requesting a recommendation to change vendors for third-party monitoring of short-term rentals. Mr. Kuchenbecker explained that for the last 3 years, the city has used Harmari. A recent presentation from Deckard Technologies showed it was user friendly and mined data from more sources. In addition, it would result in a \$2,000/year savings.

Commissioner Bruce commented that Deckard seemed to mine data in real time. Mr. Kuchenbecker agreed.

Commissioner Eagleson inquired about the length of the required contract. Mr. Kuchenbecker stated that the contract would be on a year-to-year basis.

It was moved by Commissioner Keehn and seconded by Commissioner Eagleson to recommend a change in vendors for third party short-term rental monitoring be made from Harmari to Deckard Technologies. Voting yea: Martinisko, Bruce, Owens, 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. Mr. Kuchenbecker stated the Planning & Zoning office has now been assisting the Finance office with collecting BID 7 taxes. The city is now one hundred percent (100%) compliant with the Short-Term Rentals that have been identified. A meeting with the Department of Health was held and our office received information to compare their active Short-Term Rental list with ours.

The Planning & Zoning office is expecting some Conditional Use Permit applications soon. One is due to a change of ownership on Lee Street. The new owners will have a short-term rental upstairs and retail on the ground floor. The others are 140 Timm Lane and 81 Charles Street. Certificates have been created so that owners of Short-Term Rentals can hang them on the wall. It was found that 65 Sherman Street was previously misclassified as a Specialty Resort instead of a Bed and Breakfast. A correction was made, and that property is currently in compliance.

b. Mr. Kuchenbecker shared that a progress meeting regarding the FEMA project was held Wednesday, March 6, 2024. The next couple of weeks will result in final utilities being switched over and six (6) poles will be gone. The excavation will continue and blocks will be placed from Taco John's to the Mickelson Trail bridge. The yards along Charles Street and the Sherman Street parking lot are being brought to final grade. Next week, the carpenters will be up, and rail fencing will be placed there. It will be similar to what is at the Welcome Center. On Monday, March 4, 2024, we went to bid for the sidewalk, fence, and lighting along Water Street. Coordination meetings will occur with Water Street property owners.

c. Mr. Kuchenbecker stated that on Monday, March 4, 2024, the city went to bid on approximately five (5) miles of trails for both the Fuller Brothers and White Rocks trails. The White Rocks Trail will allow access from the Welcome Center to White Rocks. Another trail, completed in November, connects from the White Rocks Trail to the Presidential Trail. The Fuller Brother property has 16,000+ linear feet of trails.

d. Commissioner Bruce asked if the monitoring and compliance requirements of Short-Term Rentals is having an impact on home ownership. Mr. Kuchenbecker stated that it is not truly known, but a couple of homes may have been sold because of the ordinances. Mr. Mohr shared his knowledge of a local residence that was once purchased with the intention of it being a Vacation Home Establishment and it was sold when they discovered that type of use was not permitted. Ms. Blue-Jones stated that her own residence had once been purchased as a Vacation Home Establishment and subsequently sold when it was found that type use was not permitted.

Mr. Kuchenbecker stated that one of the compliance challenges with Short-Term Rentals is during the Sturgis Motorcycle Rally when property owners do not make it apparent in their advertising that the property is only available for the two-week period of the Rally. A notice has been put in the March newsletter to notify property owners about the process of renting their homes during the Rally.

e. Mr. Kuchenbecker shared he nominated the Planning & Zoning Commission to the Western Planners Association (WPA) for the Rural Innovation award for their work in Short-Term Rental compliance. The WPA will meet in Cheyenne, WY in August.

- f. Commissioner Johnson inquired as to how many hotel rooms were currently available in the city. Mr. Kuchenbecker answered that there were approximately 1,350 rooms in 23 hotels, not including Bed and Breakfasts and Vacation Home Establishments.
- g. Commissioner Eagleson inquired if the liquor license passed state legislation. Mr. Kuchenbecker confirmed that it did pass and would allow for 5 additional hotel convention liquor licenses. The legislation is currently awaiting Governor approval.
- h. Commissioner Martinisko inquired about 227 Williams Street. Mr. Kuchenbecker stated the property has been approved for a septic system by the State. This was an exception to city ordinances since the city is unable to provide a sewer connection to the property. Mr. Mohr clarified the ordinance stating that a property requires connection to a sewer main if a property is on or near one.
- i. Commissioner Keehn asked about the status of 824 Main Street. Mr. Kuchenbecker stated that it has a new roof and is currently in the hands of legal counsel.
- j. Commissioner Eagleson gave a reminder of the Volunteer Fire Department's Pancake Feed, which will be held on Sunday, March 10 from 9:00 a.m. to 1:00 p.m. Eagleson also commended the city on the new fire truck.

8. Adjournment

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

There being no further business, the Planning and Zoning Commission adjourned at 4:22 p.m.

ATTEST:

Chairman, Planning & Zoning Commission

Secretary, Planning & Zoning Commission

Leah Blue-Jones, Zoning Coordinator