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## BOARD OF ADJUSTMENT STAFF REPORT CHANGE OF ZONING

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### Staff Report

**Date:** August 3, 2026  
**From:** Kevin Kuchenbecker  
Planning, Zoning & Historic Preservation Officer  
**To:** Planning and Zoning Commission  
**RE:** Change of Zoning

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**APPLICANT(S):** Optima LLC

**PURPOSE:** Change of Zoning

**ADDRESS:** 37 Charles Street

**LEGAL DESCRIPTION:** Lots 9R, 13R and 17R in Block 71, Original Town of Deadwood, formerly Lots 9, 11, 13, 15, 17 & 107B in Block 71, Original Town of Deadwood according to the P.L. Rogers Map of the City of Deadwood (Lots 15 and 17 are also described historically as Lots 17 and 19 in Block 1 of Cleveland Addition to the City of Deadwood), Original Townsite, City of Deadwood, Lawrence County, South Dakota located in Section 26, T5N, R3E, BHM.

**FILE STATUS:** All legal obligations have been completed.

**CURRENT ZONING DISTRICT:** C1 – Commercial

**REQUESTED ZONING DISTRICT:** R1 - Residential

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**STAFF FINDINGS:**

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Surrounding Zoning:

North: CE – Commercial Enterprise

South: R1 – Residential

East: C1 - Commercial

West: C1 - Commercial

Surrounding Land Uses:

Retail

Residences

Hospital

Residences/Retail

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**SUMMARY OF REQUEST**

The applicant has submitted a Petition for Zoning Amendment to Change the Zoning from C1 - Commercial to R1 – Residential as allowed under Chapter 17.100 – Amendments.

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**FACTUAL INFORMATION**

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1. The property is currently zoned C1 – Commercial.
2. The property is not located within a flood zone.
3. The area is characterized by commercial uses with a residential neighborhood on the hill behind the property.

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**STAFF DISCUSSION**

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The property is currently a vacant lot and recently came under new ownership. The new owners are seeking approval to rezone the lot to R1 – Residential for the purpose of relocating five (5) residential buildings from lower Main Street to this location. The request to rezone the property is a requirement referenced in the Developer’s Agreement between the property owners and the City of Deadwood as part of the mitigation efforts through the Deadwood Historic Preservation Commission review process.

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**COMPLIANCE:**

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1. The Zoning Office provided notice identifying the applicant, describing the project and its location, and giving the scheduled date of the public hearing in accordance with Chapter 17.96.020.
  2. A sign was posted on the property for which the requests were filed in accordance with SDCL 11-4-4.4.
  3. Notice of the time and place was published in the designated newspaper of the City of Deadwood in accordance with SDCL 11-4-4.
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**GENERAL STANDARDS FOR ZONING AMENDMENTS:**

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In reviewing an amendment to the official zoning district map, the Planning and Zoning Commission shall consider:

- A. Whether the proposed amendment conflicts with any applicable portions of this Ordinance.

*There are no conflicts with the proposed zoning amendment.*

- B. Whether the proposed amendment is consistent with all elements of the Deadwood Comprehensive Plan.

*The Comprehensive Plan chapter on Housing encourages the development of housing as well as rehabilitation of historic structures. The rezoning of this property, followed by the infill created by moving existing historic buildings to the site is in keeping with actions suggested within the Comprehensive Plan.*

- C. Whether the proposed amendment is compatible with surrounding Zone Districts and land uses, considering existing land use and neighborhood characteristics.

*The subject property is surrounded by a mix of commercial and residential zoning districts, and this request is compatible with the surrounding zoning districts.*

- D. The effect of the proposed amendment on traffic generation and road safety.

*Access to the property is off Charles Street, a main highway through town. The proposed amendment may influence traffic generation and road safety in that immediate area. To combat this, recorded cross-access easements and maintenance agreements in a form acceptable to the South Dakota Department of Transportation and the City are required as part of the Developer's Agreement.*

- E. Whether the extent to which the proposed amendment would result in demands on public facilities, and the extent to which the proposed amendment would exceed the capacity of such public facilities, including, but not limited to transportation facilities, sewage facilities, water supply, parks, drainage, schools, and emergency medical facilities.

*The proposed project will not have a significant impact on the demand for public facilities in the immediate area. There is currently public infrastructure available to the project through existing services.*

- F. Whether the proposed amendment is consistent and compatible with the community character in the City of Deadwood.

*The proposed amendment is in harmony with the overall character of Deadwood.*

- G. Whether there have been changed conditions affecting the subject parcel or the surrounding neighborhood, which support the proposed amendment.

*The proposed amendment will influence the surrounding neighborhood as this property is currently vacant. Once completed, historic homes will sit on the property creating an extension of the neighboring residential neighborhood.*

- H. Whether the proposed amendment would conflict with the public interest and is in harmony with the proposed amendment may or may not conflict with the public interest.

*At this time, there have been no comments in support or against this amendment and there will be time for public comment prior to the discussion on this amendment.*

**ACTION REQUIRED:**

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1. Approval/Denial by Deadwood Board of Adjustment (approved by Planning and Zoning Commission July 15, 2026)