



# Planning and Zoning Commission Regular Meeting Minutes

Wednesday, July 05, 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 Vice-Chairman Keehn on Wednesday, July 5, 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 (Vice-Chair) Josh Keehn

Commissioner Charles Eagleson

Commissioner Ken Owens

Michael Johnson, City Commissioner

ABSENT

Commissioner (Chair) John Martinisko

Commissioner (Secretary) Dave Bruce

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 June 21, 2023 Minutes

***It was moved by Commissioner Eagleson and seconded by Commissioner Owens to approve the June 21, 2023 minutes. Voting Yea: Keehn, Eagleson, Owens***

## 4. Sign Review Commission

- a. 668 Main Street - Black Diamond Capital, LLC - Install New Sign

Mr. Mohr stated we have one sign permit application this evening for your consideration for 668 Main. This is the Gold Dust C-Store on the first floor. They recently remodeled the upstairs into residential use. This sign is to advertise the residential business upstairs. As you can see, it is located on the Lee Street side there which is in kind of in the rendering back there behind the meters. The yellow post is the door that you would use to enter the upstairs. It is on the same facade as the entrance. This one was a little interesting to get it to the point where we felt comfortable bringing it to you. We had to go with the intent of the ordinance. If you will recall, the requirements for a projecting sign are no more than six feet from the face of the building or four feet from the back of the curb. We don't have

a sidewalk, curb, or gutter there. We determined the intent of the ordinance was the sign not project into the line of travel to conflict with any vehicular traffic. From there, we consulted with the Public Works Director. He has reviewed this and he doesn't think he will have any conflicts running his big equipment through there with this sign. That being said the sign and its location are compliant with the ordinance and requires no variances.

***It was moved by Commissioner Owens and seconded by Commissioner Eagleson to approve the sign permit for 668 Main Street to install new projecting sign. Voting Yea: Keehn, Eagleson, Owens***

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

- a. a. Public Hearing - Request for Conditional Use Permit - Bed and Breakfast - 5 Burlington Street

Mr. Kuchenbecker stated this is a public hearing where we hear any concerns for or against the request CUP. Our office has received two calls and or emails. The first being just wanting to know what it is for. Once I explained what the CUP was for and they had no issues with it. The other is a resident in the area. You have a copy of it. Mr. Kuchenbecker read the concerns. Those were the only two public comments I received.

Vice-Chairman Keehn closed the public hearing.

- b. Conditional Use Permit - Bed and Breakfast - Jay and Pam Smith - 5 Burlington Street

LOTS THREE (3) AND FOUR (4) OF PECK'S GARDEN SUBDIVISION OF PART OF PROBATE LOTS 138 AND 327, DEADWOOD CITY, LAWRENCE COUNTY, SD, ACCORDING TO THE RECORDED PLAT THEREOF.

Mr. Kuchenbecker stated you have before you a conditional use for a bed and breakfast for Jay and Pam Smith at 5 Burlington Street. This is LOTS THREE (3) AND FOUR (4) OF PECK'S GARDEN SUBDIVISION OF PART OF PROBATE LOTS 138 AND 327, DEADWOOD CITY, LAWRENCE COUNTY, SD, ACCORDING TO THE RECORDED PLAT THEREOF. The applicant has submitted a CUP for a bed and breakfast. The address for that particular structure is 7 Burlington Street. The ownership is at 5 Burlington Street and the management of that. It is surrounded by R2 to the north - multi-family residential with townhouses. South east and west are R1 - residential housing. Applicants have submitted a request for CUP to operate a bed and breakfast in the accessory building at their residence located at 5 Burlington Street. The subject property is in the Peck Garden Neighborhood and surrounded by residential homes and multi-family townhomes. It is zoned R1 and built around 1950. For those that have been here a while it was originally a gun shop know as Lock, Stock and Barrel. Where the previous owner had his gun store. The bed and breakfast is allowed with a conditional use permit. We changed the ordinances recently with 17.53 Chapter. If this is allowed there can not be another B&B within two hundred of this. The conditional use permit runs with the applicant not the land. Therefore, should the property be sold the CUP is null and void. The bed and breakfast establishment must be owner occupied and it is. The must have

proof of a sales tax number provided to our office for our files. Proof the building inspector has inspected the building and it meets the building codes. Their water and sewer would be changed from residential to commercial rates. They would have to pay BID taxes. Have a Deadwood business license and obtain a lodging license after inspection from the State Department of Health. All parking should be off street. Should you approve it it should be with those conditions. If you want to add anything in regard with the comments received by Mr. Ewy, you could include that as part of the conditions should you approve it. I'd be happy to answer any questions.

After consideration, it was determined the City has ordinances in effect to address the concerns received from Mr. Ewy. Therefore, not necessary to include in conditions required to obtain CUP.

***It was moved by Commissioner Eagleson and seconded by Commissioner Owens to approve the Conditional Use Permit for a Bed and Breakfast legally described as LOTS THREE (3) AND FOUR (4) OF PECK'S GARDEN SUBDIVISION OF PART OF PROBATE LOTS 138 AND 327, DEADWOOD CITY, LAWRENCE COUNTY, SD, ACCORDING TO THE RECORDED PLAT THEREOF with the conditions must be owner occupied, provide proof of sales tax number provided to P&Z office for files, proof inspected by building inspector and meets building codes, commercial water and sewer accounts, pay BID taxes, have a Deadwood Business License, obtain a lodging license from the State Department of Health, and provide off street parking. .Voting Yea: Keehn, Eagleson, Owens***

- b. Final Plat of Lots 21A and 22A - Adjusting Property Lines - Stage Run Addition - Hueners Living Trust and John & Sharon Martin

PLAT OF LOTS 21A AND 22A, BLOCK 2 OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION TO THE CITY OF DEADWOOD ALL LOCATED IN THE SW1/4 OF SECTION 14, THE SE1/4 OF SECTION 15, THE NE1/4/NE1/4 OF SECTION 22 AND THE N1/2NW1/4 OF SECTION 23, T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA FORMERLY LOTS 20 REVISED, 21 AND 22, BLOCK 2 OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION

Mr. Kuchenbecker stated this is adjusting property lines legally described as PLAT OF LOTS 21A AND 22A, BLOCK 2 OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION TO THE CITY OF DEADWOOD ALL LOCATED IN THE SW1/4 OF SECTION 14, THE SE1/4 OF SECTION 15, THE NE1/4/NE1/4 OF SECTION 22 AND THE N1/2NW1/4 OF SECTION 23, T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA FORMERLY LOTS 20 REVISED, 21 AND 22, BLOCK 2 OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION. Half of the applicants are here. The owners of what would become 21A. The Hueners are here should you have any questions. This is R1 zoning. It is surrounded by residential dwellings and future development. The purpose of the final plat is to facilitate adjusting the lot lines for Lots 20 Revised, 21, and 22. Lot 20 was revised on June 2, 2023 to add the drainage area behind it. This plat creates Lots 21A and 22A. Lot 21A is approximately 0.584 Acres±. Lot 22A is approximately 0.283 Acres±. Again R1 zoning. It is not in the flood zone. Facilities are available. It is characterized by

residential homes. All legal requirements were met with this plat. I would be happy to answer any question. The applicants are here as well if there are any specific questions.

***It was moved by Commissioner Eagleson and seconded by Commissioner Owens to approve the final plat for adjusting property lines legally described as PLAT OF LOTS 21A AND 22A, BLOCK 2 OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION TO THE CITY OF DEADWOOD ALL LOCATED IN THE SW1/4 OF SECTION 14, THE SE1/4 OF SECTION 15, THE NE1/4/NE1/4 OF SECTION 22 AND THE N1/2NW1/4 OF SECTION 23, T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA FORMERLY LOTS 20 REVISED, 21 AND 22, BLOCK 2 OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION. Voting Yea: Keehn, Eagleson, Owens***

- c. Annual renewal for the 2023 Convention Center Vending License - Deadwood Mountain Grand - 1906 Deadwood Mountain Drive

Mr. Kuchenbecker stated this is for an application for Convention Center Vending License. It is for the year. A number of vendors that had called since they were in the Deadwood Mountain Grand where they could vend. However, they hadn't renewed their license yet so that is in front of you for renewal.

After some discussion, the P&Z Commission recommended consideration by the City Commission to raise the annual fee as they prepare the fee resolution that would be effective in January 2024.

***It was moved by Commissioner Owens and seconded by Commissioner Eagleson to approve the annual renewal for the 2023 Convention Center Vending License for the Deadwood Mountain Grand. Voting Yea: Keehn, Eagleson, Owens***

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

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

## **7. Items from Staff**

Mr. Kuchenbecker stated one of the things I would like to have a discussion with Commission is about five years ago, Historic Preservation Commission went to tablets so we are not making tablets. City Commission has been using tablets for about four years as well. Would that be something you guys would consider? We would purchase the tablets. When you leave the commission it is yours to keep. You are responsible for charging them, downloading the packets, and bringing them to the commission meetings. It would save paper. Save tax payer dollars. Save staff time from making all the paper copies and recycling. The consensus was to purchase the tablets.

Last week we had ten people here from outside on our FEMA project. We had three from FEMA, three from Office of Emergency Management in Pierre, two State Historic Preservation staff members, and two from the State Archaeological Center staff. We will be awarding the FEMA project on Monday, July 10th. It is for seven million five hundred seventy-five thousand dollars. Construction hopefully to begin this fall. That project is moving forward after the July 2019 event that caused the flood damage.

We have had meetings with The Ridge. There will be some variances coming forth for the Planning and Zoning and Board of Adjustment to consider. It includes street grades. We have seen that when we did Phase 3 of Stage Run. They will be requiring some grade variances. Probably the most controversial one they are looking at is a variance from the required curb, gutters, sidewalks, and storm sewers. That will be challenging.

Those are a couple of things we have coming up. We do have a series of plats that will be forthcoming at the next meeting. Hopefully, everybody had a good 4th.

Today, we did do interviews for Cindy's replacement as the administrative assistant as she transitions to the Zoning Coordinator. Tomorrow, we should be making an offer to an individual. If she accepts, we are hoping we can get somebody in here as early as July 18th. It will allow Cindy to not be in a dual role and stretched as much.

## **8. Adjournment**

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

There being no further business, the Planning and Zoning Commission adjourned at 4:33 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