



Planning and Zoning Commission Regular Meeting Minutes

Wednesday, June 05, 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 Vice-Chairman Keehn on Wednesday, June 5, 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 (Vice-Chair) Josh Keehn
Commissioner (Secretary) Dave Bruce
Commissioner Charles Eagleson
Commissioner Ken Owens
City Commissioner Blake Joseph

STAFF PRESENT

Kevin Kuchenbecker - Planning, Zoning and Historic Preservation Officer
Trent Mohr – Building Inspector
Leah Blue-Jones – Zoning Coordinator

ABSENT

Commissioner (Chair) John Martinisko

3. Approval of Minutes

- a. Approve the minutes from the May 15, 2024 Planning and Zoning Commission meeting.

It was moved by Commissioner Owens and seconded by Commissioner Eagleson to approve the minutes from the May 15, 2024, Planning and Zoning Commission Meeting. Voting yea: Keehn, Bruce, Owens, Eagleson.

4. Sign Review Commission

- a. Application for Sign Permit - 110 Sherman Street - First Baptist Church (Jeanna Dewey). Applicant wishes to replace existing sign with new sign at the same location. Variance to the sign ordinance will be required.

Actions: Approve/Deny Sign Permit

Mr. Mohr shared the Application for Sign Permit - 110 Sherman Street - First Baptist Church (Jeanna Dewey) and explained the new sign would require a variance due to its size.

Commissioner Keehn asked if the current sign would have required a variance had it originally been installed according to today's ordinances. Mr. Mohr responded in the

affirmative. Commissioner Bruce inquired if the new sign would be larger than the previous one. Mr. Mohr confirmed it would be larger. Commissioner Keehn asked about lighting of the sign. Mr. Mohr stated the sign would be lit according to ordinance.

It was moved by Commissioner Bruce and seconded by Commissioner Eagleson to approve the Application for Sign Permit - 110 Sherman Street - First Baptist Church (Jeanna Dewey). Voting yea: Keehn, Bruce, Owens, Eagleson.

- b. Sign Permit Application - 270 Main Street - First Gold (Steve Schaeffer, General Manager). Applicant wishes to add to the existing freestanding sign. Sign will be compliant with sign ordinance.

Actions: Approve/Deny Sign Permit Application

Mr. Mohr shared Sign Permit Application - 270 Main Street - First Gold (Steve Schaeffer, General Manager) and explained a new logo will be added to the old sign, thereby increasing the overall size of the sign.

It was moved by Commissioner Owens and seconded by Commissioner Bruce to approve the Sign Permit Application - 270 Main Street - First Gold (Steve Schaffer, General Manager). Voting yea: Keehn, Bruce, Owens, Eagleson.

- c. Application for Sign Permit - 57 Sherman Street - Breland Meador. Applicant wishes to install a wall sign above the entrance area for a development sales office. Proposed sign and location are compliant with the sign ordinance.

Actions: Approve/Deny Application for Sign Permit

Mr. Mohr introduced Application for Sign Permit - 57 Sherman Street - Breland Meador and explained the ownership group of the Landmark purchased the property and will lease it as sales office for the Deer Mountain development.

It was moved by Commissioner Bruce and seconded by Commissioner Owens to approve Application for Sign Permit - 57 Sherman Street - Breland Meador. Voting yea: Keehn, Bruce, Owens, Eagleson.

- d. Application for Sign Permit - 388 Main Street - Nugget Saloon (Lee Harstad). Applicant wishes to replace existing projecting sign with a new sign in the same location. Proposed sign and location are compliant with sign ordinance.

Actions: Approve/Deny Application for Sign Permit

Mr. Mohr introduced Application for Sign Permit - 388 Main Street - Nugget Saloon (Lee Harstad) and shared the replacement sign will be slightly larger than the previous sign but will continue to meet the ordinance requirements.

It was moved by Commissioner Eagleson and seconded by Commissioner Owens to approve Application for Sign Permit - 388 Main Street - Nugget Saloon (Lee Harstad). Voting yea: Keehn, Bruce, Owens, Eagleson.

5. Planning and Zoning Commission

- a. Conditional Use Permit Application for Vacation Home Establishment – 596 Main Street – JVK-SD, LLC (Jack Kucera), legally described as Lot 34 in Block 15, being a part of Mineral Lot 38, and also known as Lot 4, in Block 7 of the City of Deadwood, also known as 596 Main Street, Deadwood, South Dakota.

Action Required:

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

Mr. Kuchenbecker shared Conditional Use Permit Application for Vacation Home Establishment - 596 Main Street - JVK-SD, LLC (Jack Kucera) and stated the subject property is surrounded mainly by commercial properties in the core Historic District. The site has operated as a Vacation Home since 2016. The owner wishes to become compliant with Ordinance 17.53.

Ms. Blue-Jones added there is a single on-street parking spot for the location that is reserved, and additional vehicles can utilize a nearby parking lot.

Commissioner Keehn requested clarification on the property lines shown on the aerial map. Ms. Blue-Jones explained the lot lines shown on the county map are not perfectly reflected on the map; however, the building does sit inside the lot lines.

It was moved by Commissioner Bruce and seconded by Commissioner Eagleson to approve Conditional Use Permit for Vacation Home Establishment - 596 Main Street - JVK-SD, LLC (Jack Kucera) with eight (8) conditions. Voting yea: Keehn, Bruce, Owens, Eagleson.

- b. Request for Variance – 288 Williams Street – Brian Kinkler legally described as Lot 1 of Probate Lots 354 and 508; formerly Probate Lot 508 and the west 11’ of Probate Lot 354; City of Deadwood, Lawrence County, South Dakota.

Action Required:

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

Mr. Kuchenbecker introduced Request for Variance - 288 Williams Street - Brian Kinkler and explained the variance will allow for the construction of a garage and introduced Mr. Kinkler who was in the audience. Mr. Kuchenbecker reminded the commission of a plat recently approved for same lot. The reason the plat was recently redrawn was to allow space for a new garage to be constructed. Mr. Kuchenbecker noted the design of the garage would need to go through the Historic Preservation Commission for design approval. The Fire Department will need to inspect the building to ensure fire codes are met due to the proximity of the new garage to the existing house. The City of Deadwood Building Inspector will ensure all building codes are met via inspection of the new accessory building.

Commissioner Eagleson requested further clarification on the orientation of the new garage. Mr. Kuchenbecker explained the garage will face the street and allow a car to drive straight into the garage from the street via the driveway.

Commissioner Keehn asked Mr. Kinkler if the owners of the neighboring property approved of the location of the new garage being built so close to their property line. Mr. Kinkler explained that he owns the neighboring property as well as the subject property.

It was moved by Commissioner Bruce and seconded by Commissioner Eagleson to approve Request for Variance - 288 Williams Street - Brian Kinkler with three (3) conditions. Voting yea: Keehn, Bruce, Owens, Eagleson.

- c. Approve/deny Findings of Fact and Conclusion - Conditional Use Permit - VHE - 81 Charles Street - BNS Properties, LLC (Lorann Berg) legally described as Lot 7 in Block 74 of the Original Town of Deadwood, Lawrence County, South Dakota, as shown on the P.L. Rogers map of the Town of Deadwood. Recommend Approval by Planning and Zoning Commission and Approved by Board of Adjustment on April 1, 2024.

Mr. Kuchenbecker shared Findings of Fact and Conclusion - Conditional Use Permit - VHE - 81 Charles Street - BNS Properties, LLC (Lorann Berg) and stated the owners have met the conditions placed on the Conditional Use Permit that was approved by the Planning and Zoning Commission on March 20, 2024.

It was moved by Commissioner Bruce and seconded by Commissioner Eagleson to approve Findings of Fact and Conclusion - Conditional Use Permit - VHE - 81 Charles Street - BNS Properties, LLC (Lorann Berg). Voting yea: Keehn, Bruce, Owens, Eagleson.

6. Items from Citizens not on Agenda

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

7. Items from Staff

Mr. Kuchenbecker shared the FEMA project at the Sherman Street parking lot is almost complete; sealing and striping is in progress. The next FEMA project is the reconstruction of Water Street to include sidewalk, curb, gutter and the burial of utility lines. Water Street will be closed beginning the week of June 10 and should be finished by the end of October. A meeting of affected property owners was held to discuss the project and address concerns.

Broken Boot Gold Mine has provided final approval for the trail on the Fuller Brothers property. This trail project is set to begin the week of June 10. Also on June 10, realignment of the Homestake Trail is set to begin as is the start of work on the trail located at the top of White Rocks.

Notice to Proceed on the Fuller Brothers property will be provided on June 6. Notice to Proceed was provided June 5 to begin work on the Boardwalk near the Welcome Center. Utilities located at the Boardwalk will be moved so they no longer lie beneath the walking path.

Masonry work for the retaining wall at 33 ½ Jackson Street continues. Retaining wall at 10 Denver Avenue will begin shortly. Work on retaining wall located at 358 Williams Street has begun.

Boot Hill contractor has submitted a grading permit that is under review.

Commissioner Bruce inquired about the decision to move forward with the Welcome Center Boardwalk in advance of completion on the box culvert. Mr. Kuchenbecker explained since it has been determined the box culvert will maintain its current orientation when it is rebuilt, and due to delays in the start date of the project, completion of the Boardwalk is being accelerated for resident access.

An easement has been obtained for property owned by Natasha Fuller which will allow for public creek access. The access point will include stairs off Mickelson Trail and down to another trail to create a loop.

Tree Wise Men will begin cleanup from Comfort Inn to Charles Street.

Mr. Kuchenbecker discussed legal action taken on two (2) Short-Term Rentals who were operating against ordinance. Both properties have since ceased operating as Short-Term Rentals.

Commissioner Keehn requested information on the street paving on Van Buren Street. Mr. Mohr responded that deterioration at the top of the street required the project to be completed.

Commissioner Bruce inquired about the retaining wall on Harrison Street. Mr. Kuchenbecker stated the wall has been put to bid and design alternatives are being considered to reduce costs.

Commissioner Eagleson inquired if the HP Commission would consider overseeing the interior remodels of properties in the core downtown Historic District. Mr. Kuchenbecker stated to do so would require a change in ordinance and support by the Commission and community.

Commissioner Eagleson reminded those present the upcoming Farmer's Market will be held weekly on Fridays, beginning on June 21 from 4:00 p.m. – 7:00 p.m. There will be thirty-four (34) vendors with two (2) volunteer groups assisting each week. Sherman Street will be available for additional parking. Commissioner Eagleson thanked the Farmer's Market committee for their hard work.

Mr. Kuchenbecker shared a handout created and presented by Vicki Dar at the Certified Local Government meeting held in Sioux Falls. Her presentation provided a Historic Preservation update for the City of Deadwood. The City of Deadwood appreciates the time and efforts of Ms. Dar to present the information and create the materials.

8. Adjournment

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

There being no further business, the Planning and Zoning Commission adjourned at 4:34 p.m.

ATTEST:

Chairman, Planning & Zoning Commission

Leah Blue-Jones, Zoning Coordinator

Secretary, Planning & Zoning Commission