



Planning and Zoning Commission Regular Meeting Minutes

Wednesday, September 18, 2024 at 4:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

1. Call to Order

The meeting of the Planning and Zoning Commission was called to order by the Chairman Martinisko on Wednesday, September 18, 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 Charles Eagleson
Commissioner Ken Owens
City Commissioner Blake Joseph

ABSENT

Commissioner (Secretary) Dave Bruce

STAFF PRESENT

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

3. Approval of Minutes

- a. Approve the Minutes of the September 4, 2024 Planning and Zoning Commission Meeting

It was moved by Commissioner Keehn and seconded by Commissioner Eagleson to approve the minutes from the September 4, 2024 Planning and Zoning Commission Meeting. Voting yea: Martinisko, Keehn, Owens, Eagleson.

4. Sign Review Commission

5. Planning and Zoning Commission

- a. Plat Application - Division of Property and Creating Property Lines - Tract 1A of Miller Street - City of Deadwood legally described as Plat of Tract 1A of the Miller Street Subdivision, formerly a portion of Tract 1 of the Miller Street Subdivision, Original Town of Deadwood per P.L. Rogers Map, located in the SW 1/4 of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota.

Action Required:

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

Mr. Kuchenbecker introduced Plat Application - Division of Property and Creating Property Lines - Tract 1A of Miller Street - City of Deadwood and explained the lot had infrastructure on it at one time and was subsequently deeded to the City of Deadwood by the previous owners of 51 Sherman Street. The property no longer has infrastructure and is of no further use to the City of Deadwood. The city is planning to transfer the lot to the current owners of 51 Sherman Street. The re-platting of the lot is necessary in preparation for the transfer.

Discussion occurred between the Commission and surveyor, Randy Deibert, as to the process of transferring the property.

It was moved by Commissioner Eagleson and seconded by Commissioner Keehn to approve Plat Application - Division of property and creating property lines - Tract 1A of Miller Street - City of Deadwood. Voting yea: Martinisko, Keehn, Owens, Eagleson.

- b. Plat Application - Combine Lots - Landmark Tract (R. Deibert) legally described as Plat of the Landmark Tract of the City of Deadwood, formerly Lot 13, Lot 15, Lot 17, Lot 19, Lot 21, Lot 23, Lot 25, Lot 26, Lot 27 and the vacated alley between Lot 23 and Lot 25 all in Block 30 of the City of Deadwood according to the P.L. Rogers Map of the City of Deadwood; less and except Tract 1 of Miller Street subdivision according to Plat Document #2012-05646, and less and except Wild Bill Lot according to Plat Document #2012-03484, all located in the SW 1/4 of Section 23, Township 5 North, Range 3 East of the Black Hills Meridian, City of Deadwood, Lawrence County, South Dakota.

Action Required:

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

Mr. Kuchenbecker discussed Plat Application - Combine Lots - Landmark Tract (R. Deibert) and explained this plat would combine several lots into a single lot by removing interior lot lines, as the current configuration of the lots creates delays in the building permit process.

It was moved by Commissioner Owens and seconded by Commissioner Eagleson to approve Plat Application - Combine Lots - Landmark Tract (R. Deibert). Voting yea: Martinisko, Keehn, Owens, Eagleson.

- c. Application for Temporary Vendors License - Revive 605 (L. Murphey)

Action Required:

1. Approve/Deny Application for Temporary Vendors License - Revive 605 (L. Murphey).

Mr. Kuchenbecker discussed Application for Temporary Vendors License - Revive 605 (L. Murphey). The company would like to provide IV therapy in the lobby of 360 Main Street from October 25 - November 8, 2024.

Commissioner Eagleson inquired what regulations are in place for a company providing IV therapy. Ms. Blue-Jones responded state law requires IV treatments be provided by a Registered Nurse, which both owners are.

It was moved by Commissioner Keehn and seconded by Commissioner Owens to approve Application for Temporary Vendors License - Revive 605 (L. Murphey). Voting yea: Martinisko, Keehn, Owens, Eagleson.

- d. Review Findings of Fact and Conclusion for Conditional Use Permit - Vacation Home Establishment at 29 Lee Street (B. Kusser) legally described as Lot B in Block 8 of the City of Deadwood, Lawrence County, South Dakota, also known as 29 Lee Street, according to P.L. Rogers Map. (Approved with conditions by P&Z Commission on May 1, 2024 and Board of Adjustment on May 20, 2024).

Mr. Kuchenbecker introduced Findings of Fact and Conclusion for Conditional Use Permit - Vacation Home Establishment at 29 Lee Street (B. Kusser) and stated the nine (9) conditions required by the Planning and Zoning and City Commissions have been met.

It was moved by Commissioner Owens and seconded by Commissioner Eagleson to approve Findings of Fact and Conclusion for Conditional Use Permit - Vacation Home Establishment at 29 Lee Street (B. Kusser). Voting yea: Martinisko, Keehn, Owens, Eagleson.

- e. Annual Review - Conditional Use Permit - Vacation Home Establishment - 36 Water Street - Deadwood Rentals (Trinity Conrad) legally described as Tract A, an 8' platted alley and a portion of Lot R-1 of the City of Deadwood railroad property all located in the Hillsdale addition to the City of Deadwood, in the NW 1/4 of Section 26, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota; and, Tract B-1, McGovern Hill addition of the City of Deadwood, located in the NW 1/4 of Section 26 T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota.

Actions:

1. Approve/Deny continued use of Conditional Use Permit

Mr. Kuchenbecker continued the discussion of Annual Review - Conditional Use Permit - Vacation Home Establishment - 36 Water Street - Deadwood Rentals (T. Conrad), reviewed the Staff Report and introduced property owner, Trinity Conrad, to the Commission.

Mr. Kuchenbecker explained the property has a pending Lodging License from the South Dakota Department of Health (SDDOH) due to their requirement for Vacation Home Establishments to have an egress window. Because the property is a historic resource, the property has been permitted to operate with a pending license until a legislative resolution occurs.

Discussion has occurred with state officials about the possibility of a change in legislation as well as the conflict between state requirements and Historic Preservation requirements. Further discussion about safety issues also occurred. Ms. Conrad expressed that she is in compliance with all regulations with the exception of the replacement of the historic windows. The window dimensions required by the state are one-half an inch (1/2") larger than her current historic windows.

It was moved by Commissioner Keehn and seconded by Commissioner Owens to approve Annual Review - Conditional Use Permit - Vacation Home Establishment - 36 Water Street - Deadwood Rentals (T. Conrad). Voting yea: Martinisko, Keehn, Owens, Eagleson.

- f. Annual Review - Conditional Use Permit - Vacation Home Establishment - 819 Main Street (Trinity Conrad) legally described as Lot 12 in Block A of Sunnyside addition to the City of Deadwood as set out in Plat Book 3 Page 251, Lawrence County, South Dakota, except that part deeded to the State of South Dakota for highway purposes as set out in Book 372 page 58 and Page 168; and, Tract A-1 in Block A, a replat of Tracts "A" and "B" of the subdivision of Lot 13, Block A of Sunnyside addition, located in the NW 1/4 NE 1/4 of Section 27, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota, according to Plat filed in Document No. 2001-4003.

Actions:

1. Approve/Deny continued use of Conditional Use Permit

Mr. Kuchenbecker continued the discussion of Annual Review - Conditional Use Permit - Vacation Home Establishment - 819 Main Street (T. Conrad) and explained the property at 819 Main Street also has a pending license from the State of South Dakota Department of Health due to the size of the historic windows in the building.

It was moved by Commissioner Owens and Commissioner Keehn to approve Annual Review - Conditional Use Permit - Vacation Home Establishment - 819 Main Street (T. Conrad). Voting yea: Martinisko, Keehn, Owens, Eagleson.

6. Items from Citizens not on Agenda

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

7. Items from Staff

Commissioner Eagleson advised the Friday Farmers Market is closed for the 2024 season.

Mr. Kuchenbecker stated a walk-through for the final phase of the FEMA project is scheduled for September 27, 2024. The curb along Water Street has been poured and the switch to underground utilities is happening this week. Foundation work has begun on 85 Charles Street. A bid has been awarded for the retaining wall at 48/52 Taylor Street.

8. Adjournment

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

There being no further business, the Planning & Zoning Commission adjourned at 4:29 p.m.

ATTEST:

Chairman, Planning & Zoning Commission

Secretary, Planning & Zoning Commission

Minutes by Leah Blue-Jones, Zoning Coordinator