



Planning and Zoning Commission Regular Meeting Minutes

Wednesday, May 15, 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, May 15, 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 Blake Joseph

STAFF PRESENT

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

3. Approval of Minutes

a. Approve the minutes from the May 1, 2024 Planning & Zoning Commission meeting.

It was moved by Commissioner Keehn and seconded by Commissioner Owens to approve the minutes from the May 1, 2024 Planning & Zoning Commission meeting. Voting yea: Martinisko, Keehn, Bruce, Owens, Eagleson.

4. Sign Review Commission

5. Planning and Zoning Commission

a. Annual Review - Conditional Use Permit - Bed and Breakfast Establishment - 768 Main Street - The Jordans (Rick & Chris Jordan)

Act as Planning & Zoning Commission to approve/deny continued use of Conditional Use Permit for a Bed & Breakfast establishment located at 768 Main Street, legally described as PART OF LOTS 46 & 47, BLOCK 23, ORIGINAL TOWNSITE, CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA

Action: approve / deny / approve with conditions

Mr. Kuchenbecker shared the Annual Review - Conditional Use Permit - Bed and Breakfast Establishment - 768 Main Street - The Jordans (Rick & Chris Jordan) legally

described as Part of Lots 46 & 47, Block 23, Original Townsite, City of Deadwood, Lawrence County, South Dakota, and read details of the Staff Report. Mr. Kuchenbecker suggested in addition to the original eight (8) conditions attached to the initial issuance of the Conditional Use Permit, the Commission may wish to add a ninth condition stating the property must be owner occupied. Mr. Kuchenbecker introduced Kris Jordan, owner of 768 Main Street, to the Planning and Zoning Commission.

Commissioner Martinisko asked if the owners were in compliance with all requirements of the Conditional Use Permit. Mr. Kuchenbecker confirmed the owners are currently in compliance and no complaints are on file for the establishment.

Commissioner Keehn asked for clarification on the definition of owner occupancy. Mr. Kuchenbecker stated that the county uses it as a tax status. Under state law, an owner does not need to live on site. City ordinance currently follows state law. Commissioner Bruce stated it was the intent of the Short-Term Rental task force for owners to live on site. Mr. Kuchenbecker stated that a stronger definition of Bed and Breakfast and an update to the ordinance may be forthcoming.

Ms. Jordan informed the Commission that the property at 768 Main Street is a triplex, and she lives in a basement unit. Commissioner Martinisko asked Ms. Jordan if she is on site during times the property is rented. Ms. Jordan responded in the affirmative. Commissioner Keehn asked if the property is classified as owner occupied with the county. Ms. Jordan responded in the affirmative.

It was moved by Commissioner Owens and seconded by Commissioner Keehn to approve the continuance of the Conditional Use Permit for 768 Main Street - Conditional Use Permit - Bed and Breakfast Establishment - 768 Main Street - The Jordans (Rick & Chris Jordan) with nine (9) conditions. Voting yea: Martinisko, Keehn, Bruce, Owens, Eagleson.

- b. Annual Review - Conditional Use Permit - Bed and Breakfast Establishment - 29 Van Buren Street - Victorian on Van Buren (Thomas & Deanna Smith)

Act as Planning & Zoning Commission to approve/deny continued use of Conditional Use Permit for a Bed & Breakfast establishment located at 29 Van Buren Street, legally described as THE SOUTHERLY 57 FEET OF LOTS 21, 22, 23 AND 24, BLOCK 50, ORIGINAL TOWNSITE, CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA..

Action: approve / deny / approve with conditions

Mr. Kuchenbecker introduced the Annual Review - Conditional Use Permit - Bed and Breakfast Establishment - 29 Van Buren Street - Victorian on Van Buren (Thomas & Deanna Smith) legally described as The southerly 57 feet of Lots 21, 22, 23 and 24, Block 50, Original Townsite, City of Deadwood, Lawrence County, South Dakota and read details from the Staff Report. In addition, the Commission may wish to add a ninth condition to the original eight (8) conditions made when the Conditional Use Permit was originally issued. The ninth condition stating the property must be owner occupied.

Commissioner Martinisko asked if any complaints were on file for this establishment. Mr. Kuchenbecker confirmed there have been no complaints.

Mr. Kuchenbecker introduced Thomas and Deanna Smith to the Planning and Zoning Commission. Commissioner Martinisko requested confirmation that the Smiths owned 29 Van Buren Street. Ms. Smith responded in the affirmative. Commissioner Martinisko asked the owners if they are on site when they have guests. Ms. Smith shared when the home is being rented, they stay in the apartment above the garage and are on site.

Commissioner Eagleson asked for further information on the data being provided by Deckard. Mr. Kuchenbecker stated Deckard mines data from various websites advertising short-term rentals.

Commissioner Martinisko asked if the owners have remained in compliance with the Conditional Use Permit. Mr. Kuchenbecker confirmed the owners are in compliance.

Commissioner Bruce asked if the ordinance pertaining to Bed and Breakfast establishments was updated in the future, would the current owners of such establishments be grandfathered in. Mr. Kuchenbecker stated it is his understanding that would be the case.

It was moved by Commissioner Bruce and seconded by Commissioner Owens to approve Annual Review - Conditional Use Permit - Bed and Breakfast Establishment - 29 Van Buren Street - Victorian on Van Buren (Thomas & Deanna Smith) with nine (9) conditions. Voting yea: Martinisko, 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 stated RCS is cleaning up the Sherman Street parking lot and will soon begin construction behind the Comfort Inn. A meeting with the residents in that area will take place within the next week. Projected completion is by the date of the Mickelson Trail marathon, Saturday, June 1, 2024.

Mr. Kuchenbecker mentioned the pre-construction meeting for the next phase of the FEMA project will take place on Friday, May 17, 2024. This phase will complete concrete from Cemetery Street to the Box Culvert. Burial of overhead lines, curbs, gutters, and fencing will connect the Mickelson Trail to downtown.

Mr. Kuchenbecker shared bids were opened for the Whitewood Creek boardwalk on Tuesday, May 14, 2024. It is anticipated the City Commission will award the bid at the next Commission meeting on Monday, May 20, 2024. Anticipated completion date is the end of October 2024.

Mr. Kuchenbecker added four (4) retaining walls are under construction in town. Water line issues with the proposed Burnham Avenue extension have been discussed. Several contracts and easements are in the works.

Commissioner Bruce asked about funding for the Whitewood Creek boardwalk and FEMA projects. Mr. Kuchenbecker stated a bond will be used for Whitewood Creek and FEMA is

80 percent federally funded. Commissioner Bruce asked about cost overruns. Mr. Kuchenbecker confirmed that some change orders have been required, but the project has mostly remained on budget and on time.

Commissioner Eagleson provided a reminder of the Friday Farmer's Market set to begin on June 21, 2024. A produce vendor is expected to attend each event and both the City of Deadwood, and the Historic Preservation Office will sponsor a date in August.

8. Adjournment

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

There being no further business, the Planning and Zoning Commission adjourned at 4:25 p.m.

ATTEST:

Chairman, Planning & Zoning Commission

Secretary, Planning & Zoning Commission

Leah Blue-Jones, Zoning Coordinator