



Planning and Zoning Commission Regular Meeting Minutes

Wednesday, August 16, 2023 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, August 16, 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 (Chair) John Martinisko
Commissioner (Vice-Chair) Josh Keehn
Commissioner (Secretary) Dave Bruce
Commissioner Charles Eagleson
Commissioner Ken Owens

Michael Johnson, City Commissioner

STAFF PRESENT

Trent Mohr, Building Inspector
Cindy Schneringer, Zoning Coordinator
Lornie Stalder, Public Works Director

ZOOM

Quentin Riggins, City Attorney

3. Approval of Minutes

a. Approval of August 2, 2023 Minutes

It was moved by Commissioner Owens and seconded by Commissioner Keehn to approve the August 2, 2023 Minutes. Voting Yea: Martinisko, Keehn, Bruce, Eagleson, Owens

4. Sign Review Commission

5. Planning and Zoning Commission

- a. Public Hearing - Conditional Use Permit - Vacation Home Establishment - 36 Water Street - Deadwood Rentals, LLC (Trinity Conrad)
- Chairman Martinisko began the public hearing and opened the floor for comments. Being no comments, Chairman Martinisko closed the public hearing.
- b. Conditional Use Permit - Vacation Home Establishment - 36 Water Street - Deadwood Rentals, LLC (Trinity Conrad)

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 ¼ 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 NW1/4NW1/4 OF SECTION 26 T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA

Mrs. Schneringer stated the applicant is Deadwood Rentals, LLC. The application is for a Conditional Use Permit for a Vacation Home Establishment at 36 Water Street 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 ¼ 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 NW1/4NW1/4 OF SECTION 26 T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA. All legal obligations have been completed. It is zoned commercial district. It is surrounded by residential housing to the north. A parking lot to the south. Business to the east and vacant land to the west, which is owned by ZCN, LLC with a conservation easement with the Deadwood HP Commission. The applicant has submitted a request for a conditional use permit to operate a vacation home establishment located at 36 Water Street. The subject property is surrounded by residential homes, business, and public parking. The applicant intends to rent the house for their operation of a vacation home establishment. The subject property has access from Water Street with off street parking in front of a 1930s log slab garage and bridge over Whitewood Creek. A portion of the property is located within the regulatory floodway and the balance of the property is within the 100 and 500 year flood zones. Adequate public facilities are available to serve the property. The area is characterized by a mixture of single-family dwellings and commercial businesses. The applicant has submitted a request for a conditional use permit for vacation home establishment. City regulations permit vacation home establishments in the commercial district with an approved conditional use permit. The subject property is currently being used as a vacation rental. The home has an outside yard area that can be used by guests. According to the application, there is garage parking for guests as well as a city parking lot nearby to use if necessary. 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 Section 10.10.B. A sign was posted on the property for which the requests were filed. Notice of time and place was published in the designated newspaper of the City of Deadwood. Staff recommendations for conditions to be considered if approved are: 1. The Conditional Use Permit runs with the applicant and not the land; therefore, should the property be sold, the Conditional Use Permit is null and void. 2. Proof of a state sales tax number shall be provided to the Planning and Zoning Office for their files. 3. Proof that the Building Inspector has inspected the building and it meets all the building codes. 4. City water and sewer rates to be changed from residential to commercial rates. 5. Proper paperwork is filed with the

City of Deadwood Finance Office for Business Improvement District (BID) taxes. 6. Proof of City of Deadwood Business License. 7. Obtain lodging license after inspection from the South Dakota Department of Health without changing the historic character of the resource through window replacement. 8. All parking shall be off street.

It was moved by Commissioner Keehn and seconded by Commissioner Owens to approve the Conditional Use Permit for a Vacation Home Establishment for 36 Water Street 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 ¼ 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 NW1/4NW1/4 OF SECTION 26 T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA with the following conditions: The Conditional Use Permit runs with the applicant and not the land; therefore, should the property be sold, the Conditional Use Permit is null and void. Proof of a state sales tax number shall be provided to the Planning and Zoning Office for their files. Proof that the Building Inspector has inspected the building and it meets all the building codes. City water and sewer rates to be changed from residential to commercial rates. Proper paperwork is filed with the City of Deadwood Finance Office for Business Improvement District (BID) taxes. Proof of City of Deadwood Business License. Obtain lodging license after inspection from the South Dakota Department of Health without changing the historic character of the resource through window replacement and all parking shall be off street. Voting Yea: Martinisko, Keehn, Bruce, Eagleson, Owens

- c. Public Hearing - Conditional Use Permit - Vacation Home Establishment - 819 Main Street - Deadwood Rentals, LLC (Trinity Conrad)

No public hearing held due to error in agenda packet.

- d. Conditional Use Permit - Vacation Home Establishment - 819 Main Street - Deadwood Rentals, LLC (Trinity Conrad)

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 NW1/4NE1/4 OF SECTION 27, T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA, ACCORDING TO PLAT FILED IN DOCUMENT NO. 2001-4003.

City Attorney recommended continuing the Conditional Use Permit - Vacation Home Establishment for 819 Main Street to the next meeting due to the wrong staff report included in the agenda packet.

It was moved by Commissioner Owens and seconded by Commissioner Bruce to continue the Conditional Use Permit for a Vacation Home Establishment for 819 Main Street 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 NW1/4NE1/4 OF SECTION 27, T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA, ACCORDING TO PLAT FILED IN DOCUMENT NO. 2001-4003 until the next meeting. Voting Yea: Martinisko, Keehn, Bruce, Eagleson, Owens

- e. Public Hearing - Conditional Use Permit - Vacation Home Establishment - 64 Cliff Street - Owson Properties, LLC (Mike and Kat Sneesby)

Chairman Martinisko began the public hearing and opened the floor for comments.

Being no comments, Chairman Martinisko closed the public hearing.

- f. Conditional Use Permit - Vacation Home Establishment - 64 Cliff Street - Owson Properties, LLC (Mike and Kat Sneesby)

LOT X2 OF RIVERSIDE ADDITION CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA FORMERLY LOT X OF RIVERSIDE ADDITION LOCATED IN THE NE1/4 OF SECTION 27, T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA

Mrs. Schneringer stated the applicant is Owson Properties, LLC. The application is for a conditional use permit for a vacation home establishment at 64 Cliff Street legally described as LOT X2 OF RIVERSIDE ADDITION CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA FORMERLY LOT X OF RIVERSIDE ADDITION LOCATED IN THE NE1/4 OF SECTION 27, T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA. All legal obligations have been completed and it is zoned commercial highway district. It is surrounded by businesses to the north. Residential housing to the south. Vacant land to the east and a trailer court to the west. The applicants have submitted a request for a Conditional Use Permit to operate a Vacation Home Establishment located at 64 Cliff Street. It is a single-family home with two (2) bedrooms and one (1) bathroom. The property has 2-3 off-street parking spots including space for trailer parking. The subject property is surrounded by residential homes, businesses, and vacant land. The structure was built circa 1920 and is a non-contributing resource outside the Deadwood National Historic Landmark District. The subject property has access from Cliff Street with off street parking for 2 to 3 vehicles including space for trailer parking. The property is located within a flood zone. Adequate public facilities are available to serve the property. The area is characterized by a mixture of single-family dwellings and businesses. The applicants have submitted a request for a Conditional Use Permit for Vacation Home Establishment and City regulations permit Vacation Home Establishments in C1- Commercial District with an approved Conditional Use Permit.

The subject property is a single-family home with two bedrooms and one bath with two to three parking spots for off-street parking including enough space for trailer parking. 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 Section 10.10.B. A sign was posted on the property for which the requests were filed. Notice of the time and place was published in the designated newspaper of the City of Deadwood. Staff recommendations for conditions to be considered if approved are: 1. The Conditional Use Permit runs with the applicant and not the land; therefore, should the property be sold, the Conditional Use Permit is null and void. 2. Proof of a state sales tax number shall be provided to the Planning and Zoning Office for their files. 3. Proof that the Building Inspector has inspected the building and it meets all the building codes. 4. City water and sewer rates to be changed from residential to commercial rates. 5. Proper paperwork is filed with the City of Deadwood Finance Office for Business Improvement District (BID) taxes. 6. Proof of City of Deadwood Business License. 7. Obtain lodging license after inspection from the South Dakota Department of Health without changing the historic character of the resource through window replacement. 8. All parking shall be off street.

It was moved by Commissioner Bruce and seconded by Commissioner Owens to approve the conditional use permit for a vacation home establishment for 64 Cliff Street legally described as LOT X2 OF RIVERSIDE ADDITION CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA FORMERLY LOT X OF RIVERSIDE ADDITION LOCATED IN THE NE1/4 OF SECTION 27, T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA with the following conditions: The Conditional Use Permit runs with the applicant and not the land; therefore, should the property be sold, the Conditional Use Permit is null and void. Proof of a state sales tax number shall be provided to the Planning and Zoning Office for their files. Proof that the Building Inspector has inspected the building and it meets all the building codes. City water and sewer rates to be changed from residential to commercial rates. Proper paperwork is filed with the City of Deadwood Finance Office for Business Improvement District (BID) taxes. Proof of City of Deadwood Business License. Obtain lodging license after inspection from the South Dakota Department of Health and all parking shall be off street. Voting Yea: Martinisko, Keehn, Bruce, Eagleson, Owens

- g. Final Plat - Adjusting Property Lines - Lot 3R-1 Revised - Kraft Living Trust and Terry and Dawn Bahr

PLAT OF LOT 3R-1 REVISED OF KATON SUBDIVISION FORMERLY LOT 3R-1 OF KATON SUBDIVISION, LOT AB1 OF PLACER 58, LOT AB1 OF PLACER CLAIM 57 AND LOT 1 OF THE SUBDIVISION OF TRACT E-1 BEING A PORTION OF PLACER M.S. 57, PLACER M.S. 58 AND HILLSIDE PLACER M.S. 749 LOCATED IN THE SE1/4 OF SECTION 27, T5N, R3E, B.H.M. CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA

AND

PLAT OF LOT 1 REVISED OF THE SUBDIVISION OF TRACT E-1 FORMERLY LOT 1 OF THE SUBDIVISION OF TRACT E-1 BEING A PORTION OF HILLSIDE PLACER M.S. 749 LOCATED IN THE SE1/4 OF SECTION 27, T5N, R3E, B.H.M. CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA

Mrs. Schneringer stated the applicants are the Kraft Living Trust and Terry and Dawn Bahr. This a final plat for adjusting property lines at 1 Katon Drive legally described as PLAT OF LOT 3R-1 REVISED OF KATON SUBDIVISION FORMERLY LOT 3R-1 OF KATON SUBDIVISION, LOT AB1 OF PLACER 58, LOT AB1 OF PLACER CLAIM 57 AND LOT 1 OF THE SUBDIVISION OF TRACT E-1 BEING A PORTION OF PLACER M.S. 57, PLACER M.S. 58 AND HILLSIDE PLACER M.S. 749 LOCATED IN THE SE1/4 OF SECTION 27, T5N, R3E, B.H.M. CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA AND PLAT OF LOT 1 REVISED OF THE SUBDIVISION OF TRACT E-1 FORMERLY LOT 1 OF THE SUBDIVISION OF TRACT E-1 BEING A PORTION OF HILLSIDE PLACER M.S. 749 LOCATED IN THE SE1/4 OF SECTION 27, T5N, R3E, B.H.M. CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA. All legal obligations have been completed. It is zoned commercial highway and is surrounded by hotel and businesses to the north. Vacant Dwellings to the south. Residential dwellings to the east and apartments to the west. The purpose of this plat is to facilitate adjusting the lot lines for Lot 3R-1 and Lot 1 Revised for the for the owner of Lot 3R-1 to access to their driveway. Lot 3R-1 Revised is comprised of 8.790± acres and Lot 1 Revised is comprised of 0.932± acres. The property is not located within a flood zone of flood hazard zone. Public facilities are available to serve the property. There was a boundary conflict between the Kraft's and the owner of Lot 1 Revised – Terry and Dawn Bahr. The Kraft's driveway encroaches onto Lot 1 Revised property. This plat will adjust the property lines to allow the Kraft's to have full accessibility to their driveway.

It was moved by Commissioner Keehn and seconded by Commissioner Bruce to approve the final plat for adjusting property lines legally described as PLAT OF LOT 3R-1 REVISED OF KATON SUBDIVISION FORMERLY LOT 3R-1 OF KATON SUBDIVISION, LOT AB1 OF PLACER 58, LOT AB1 OF PLACER CLAIM 57 AND LOT 1 OF THE SUBDIVISION OF TRACT E-1 BEING A PORTION OF PLACER M.S. 57, PLACER M.S. 58 AND HILLSIDE PLACER M.S. 749 LOCATED IN THE SE1/4 OF SECTION 27, T5N, R3E, B.H.M. CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA AND PLAT OF LOT 1 REVISED OF THE SUBDIVISION OF TRACT E-1 FORMERLY LOT 1 OF THE SUBDIVISION OF TRACT E-1 BEING A PORTION OF HILLSIDE PLACER M.S. 749 LOCATED IN THE SE1/4 OF SECTION 27, T5N, R3E, B.H.M. CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA. Voting Yea: Martinisko, Keehn, Bruce, Eagleson, Owens

- h. Discussion and recommendation to the Deadwood Board of Adjustment on request for variance for Curb, Gutters, Sidewalks, and Storm Sewer requirements - The RIDGE at Deadwood - Preacher Smith, LLC.

REMAINDER OF PREACHER SMITH TRACT (LESS LOT A OF THE RIDGE DEVELOPMENT); LOTS 1 & 22, BLOCK 1B OF THE RIDGE DEVELOPMENT; AND

BLOCK 1 AND BLOCK 1A OF THE RIDGE DEVELOPMENT, CITY OF DEADWOOD,
LAWRENCE COUNTY, SOUTH DAKOTA

City Attorney Riggins stated at the request of the applicants, this item is to be removed from this meeting and to be placed back on the Planning & Zoning Commission agenda in thirty days.

It was moved by Commissioner Owens and seconded by Commissioner Keehn to remove the Request for Variance for the Ridge at Deadwood legally described as REMAINDER OF PREACHER SMITH TRACT (LESS LOT A OF THE RIDGE DEVELOPMENT); LOTS 1 & 22, BLOCK 1B OF THE RIDGE DEVELOPMENT; AND BLOCK 1 AND BLOCK 1A OF THE RIDGE DEVELOPMENT, CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA at the request of the applicants. Voting Yea: Martinisko, Keehn, Bruce, Eagleson, Owens

6. Items from Citizens not on Agenda

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

7. Items from Staff

No items from staff.

8. Adjournment

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

There being no further business, the Planning and Zoning Commission adjourned at 4:26 p.m.

ATTEST:

Chairman, Planning & Zoning Commission

Cindy Schneringer, Planning & Zoning Office/Recording Secretary

Secretary, Planning & Zoning Commission