



# Planning and Zoning Commission Regular Meeting Minutes

Wednesday, August 21, 2024 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 Chairman Martinisko on Wednesday, August 21, 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 Moore – Building Inspector  
Leah Blue-Jones – Zoning Coordinator

## 3. Approval of Minutes

- a. Approve the minutes from the July 17, 2024 Planning & Zoning Commission meeting.

***It was moved by Commissioner Owens and seconded by Commissioner Eagleson to approve the minutes from the July 17, 2024 Planning and Zoning Commission meeting. Voting yea: Martinisko, Keehn, Bruce, Owens, Eagleson.***

## 4. Sign Review Commission

- a. Application for Sign Permit - 638 Main Street - Madame Peacocks (Julie Koth). Applicant is requesting permission to replace existing projecting sign with new projecting sign. Sign and location are compliant with sign ordinance.

### Actions:

1. Approve/deny Application for Sign Permit.

Mr. Mohr introduced Application for Sign Permit - 638 Main Street - Madame Peacocks (Julie Koth). Applicant is requesting to replace their existing sign with a new one. Both sign and its location are compliant with sign ordinances.

***It was moved by Commissioner Bruce and seconded by Commissioner Owens to approve Application for Sign Permit - 638 Main Street - Madame Peacocks (Julie Koth). Voting yea: Martinisko, Keehn, Bruce, Owens, Eagleson.***

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

- a. Annual Review - Conditional Use Permit - Specialty Resort - 20577 Highway 85 - Can Am 85 VRBO-RV (B. Kooiker) legally described as Lot A in Lot H2 of H.E.S. No. 613 in the NE 1/4 of Section 11, T5N, R3E, BHM, Lawrence County, South Dakota and Lot C in H.E.S. No 613 in the NE 1/4 of Section 11, T5N, R3E, BHM, City of Deadwood, Lawrence County, South Dakota.

Actions:

1. Public Comment
2. Approve/Deny/Approve with Conditions

Mr. Kuchenbecker discussed Annual Review - Conditional Use Permit - Specialty Resort - 20577 Highway 85 - Can Am 85 VRBO-RV (B. Kooiker) and associated Staff Report. All conditions of the original Conditional Use Permit have continued to be met. No complaints have been made against this establishment. Discussion regarding appropriate Conditional Use Permit classification for the property occurred. Staff will research classification history and appropriateness for future annual reviews.

***It was moved by Commissioner Bruce and seconded by Commissioner Owens to approve Annual Review - Conditional Use Permit - Specialty Resort - 20577 Highway 85 - Can Am 85 VRBO-RV (B. Kooiker) with seven (7) conditions. Voting yea: Martinisko, Keehn, Bruce, Owens, Eagleson.***

- b. Annual Review - Conditional Use Permit - Vacation Home Establishment - 64 Cliff Street - Owson Properties, LLC (M. Sneesby) legally described as Lot X2 of Riverside Addition City of Deadwood, Lawrence County, South Dakota, formerly Lot X of Riverside Addition located in the NE 1/4 of Section 27, T5N, R3E, B.H.M.

Actions:

1. Public Comment
2. Approve/Deny/Approve with Conditions

Mr. Kuchenbecker introduced Annual Review - Conditional Use Permit - Vacation Home Establishment - 64 Cliff Street - Owson Properties, LLC (M. Sneesby) and discussed the Staff Report. All conditions of the Conditional Use Permit have continued to be met. No complaints have been made against this establishment.

***It was moved by Commissioner Keehn and seconded by Commissioner Owens to approve Mr. Kuchenbecker introduced Annual Review - Conditional Use Permit - Vacation Home Establishment - 64 Cliff Street - Owson Properties, LLC (M. Sneesby) with eight (8) conditions. Voting yea: Martinisko, Keehn, Bruce, Owens, Eagleson.***

- c. Review Findings of Fact and Conclusion - Conditional Use Permit - Vacation Home Establishment – 140 Timm Lane – Glen Morovits legally described as Lot 6 of the Arnio Subdivision of M.S. 107, according to the S.C. Berry Plat recorded in Plat Book 2 Page 88D, City of Deadwood, Lawrence County, South Dakota. (Approved with conditions by Board of Adjustment on May 20, 2024).

Mr. Kuchenbecker discussed Findings of Fact and Conclusion - Conditional Use Permit - Vacation Home Establishment – 140 Timm Lane – Glen Morovits. All required conditions to obtain Conditional Use Permit have been met.

***It was moved by Commissioner Bruce and seconded by Commissioner Owens to approve Findings of Fact and Conclusion - Conditional Use Permit - Vacation Home Establishment – 140 Timm Lane – Glen Morovits. Voting yea: Martinisko, Keehn, Bruce, Owens, Eagleson.***

- d. Review Findings of Fact and Conclusion - Conditional Use Permit - Specialty Resort – 21 Lincoln Avenue – Aaron Sternhagen legally described as Lots 1, 2, 3 and adjoining vacated alley and the southeasterly 10 feet of Lots 12, 13 and 14, in Block 42, according the the P.L. Rogers Map of the City of Deadwood, Lawrence County, South Dakota. (Approved with conditions by P&Z Commission on May 1, 2024 and Board of Adjustment on May 20, 2024).

Mr. Kuchenbecker discussed Findings of Fact and Conclusion - Conditional Use Permit - Specialty Resort – 21 Lincoln Avenue – Aaron Sternhagen. All required conditions to obtain a Conditional Use Permit have been met.

***It was moved by Commissioner Keehn and seconded by Commissioner Owens to approve Findings of Fact and Conclusion - Conditional Use Permit - Specialty Resort – 21 Lincoln Avenue – Aaron Sternhagen. Voting yea: Martinisko, Keehn, Bruce, Owens, Eagleson.***

- e. Review Findings of Fact and Conclusion - Conditional Use Permit - Bed and Breakfast – 25 Lincoln Avenue – Aaron Sternhagen legally described as Lots 12, 13 and 14, Block 42 in the City of Deadwood, Lawrence County, South Dakota, except the southeasterly 10 feet of Lots 12, 13 and 14 and one-half of the vacated alley, Block 42, previously conveyed to Dennis L. McKay and Linda M. McKay. Also that portion of Lots E, F, and G, Block 35 of Probate Lot 226 and sometimes referred to as Child's addition to the City of Deadwood, quit claimed by Francis Caneva to Lawrence C. McKay, all according to the P.L. Rogers map of the City of Deadwood, Lawrence County, South Dakota. (Approved with conditions by Board of Adjustment on May 20, 2024).

Mr. Kuchenbecker introduced Findings of Fact and Conclusion - Conditional Use Permit - Bed and Breakfast – 25 Lincoln Avenue – Aaron Sternhagen. All conditions required to obtain Conditional Use Permit have been met.

***It was moved by Commissioner Keehn and seconded by Commissioner Owens to approve Findings of Fact and Conclusion - Conditional Use Permit - Bed and Breakfast – 25 Lincoln Avenue – Aaron Sternhagen. 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**

### a. Fassbender Photographic Collection Newsletter 2nd Quarter 2024

Mr. Kuchenbecker discussed the Fassbender Photographic Collection Newsletter.

Mr. Kuchenbecker stated construction projects have continued to move forward despite the recent rainstorms. The FEMA project at the Comfort Inn is coming close to being complete and runoff issues from the heavy rain are being addressed. Work on undercutting the retaining wall beneath the Deadwood Mountain Grand continues. Curb, gutter and fencing is being installed along Water Street. Lights are being installed along the Welcome Center Boardwalk; concrete work at the site is complete. Railroad Avenue will be open for Kool Deadwood Nites.

The retaining wall at 10 Denver Avenue is nearly complete. The city is out to bid for retaining walls at 48 and 52 Taylor Avenue.

Other current projects for city staff include budgets and Short-Term Rental activity. One owner is continuing to operate a Vacation Home Establishment on Williams Street against city ordinance and legal action is expected to be forthcoming. Two other Vacation Home Establishments have not met the conditions required by the Commission to obtain their Conditional Use Permits and a possible revocation of those permits may be required in the near future.

The City Commission has approved the establishment of a Board of Appeals for Property Maintenance. The Board will consist of the City Commissioner for Parking and Transportation, as well as two (2) members from the Planning and Zoning Commission and two (2) members from the Historic Preservation Commission. Bylaw creation and officer selection will occur shortly.

Commissioner Bruce inquired about wayfinding signage for the Homestake Trail. Mr. Kuchenbecker confirmed that signage is being worked on.

The State of South Dakota Historic Preservation Office has been working with the city to prevent impact of historic resources along Railroad Avenue while the White Rocks trail is being worked on. The Fuller Brothers Trail near Broken Boot Gold Mine should be completed within 30 - 45 days.

Commissioner Eagleson mentioned the Friday Farmers Market has two (2) remaining dates of operation. Forty (40) vendors are registered for the next event. Thanks to the city for their assistance with the last event.

Commissioner Joseph thanked the Planning and Zoning Commission for their professionalism and hard work and commented that he has enjoyed learning from them.

**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 4:34 p.m.

ATTEST:

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Chairman, Planning & Zoning Commission

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Secretary, Planning & Zoning Commission

***Minutes by Leah Blue-Jones, Zoning Coordinator***