



# Planning and Zoning Commission Regular Meeting Minutes

Wednesday, October 18, 2023 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, October 18, 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 Ken Owens

Commissioner Charles Eagleson

Michael Johnson, City Commissioner

STAFF PRESENT

Kevin Kuchenbecker, Planning, Zoning and Historic Preservation Officer  
Trent Mohr, Building Inspector

Amy Greba, Administrative Assistant

## 3. Approval of Minutes

- a. Approval of October 4, 2023 Minutes

***It was moved by Commissioner Owens and seconded by Commissioner Keehn to approve the October 4, 2023 minutes. Voting Yea: Martinisko, Keehn, Bruce, Owens, Eagleson***

## 4. Sign Review Commission

- a. 11 Charles Street - Mike Percevic - Replace One Freestanding and Two Wall Signs

Action Required:

- a. Approval/Denial by Sign Review Commission

Mr. Kuchenbecker stated the sign permit application in review is proposed at a location inside the locally-designated historic district which is regulated by chapter 15.32.300 of the sign ordinance. The current signage at the subject property is compliant with the sign ordinance. The sign proposed in the current application is regulated by 15.32.090 of the Sign Ordinance, reference below. A. Before any sign can be erected or altered in any way, a valid permit must be issued. Any further

alteration of the sign shall require an amendment of the existing permit or the issuance of a new permit. Such changes, as well as original permits, shall be issued pursuant to review by the sign review commission. It is unlawful to display, construct, erect, locate or alter any sign without first obtaining a sign permit for such sign. The applicant wishes to replace the existing signs with signs depicting the new company name. The existing signs were granted variances in 2014. The freestanding sign was allowed to be larger than 10 square feet and the two wall signs were allowed to be taller than 2 feet. Allowing the proposed signs to be the same size would require continuing these variances. All other aspects of the proposed signs comply with the sign ordinance. Applicant shared with P&Z Staff that the signs arrived earlier than expected.

The sign permit application in review as proposed requires no new variances from the sign ordinance. Signage variances may be obtained if the sign review commission is able to find "special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures, distance or other matters on adjacent lots or within the adjacent public right-of-way that would substantially restrict the effectiveness of the sign in question and such special circumstances or conditions are peculiar to the business or enterprise to which the applicant desires to draw attention and do not apply generally to all businesses or enterprises in the area." However, it is the responsibility of the applicant to provide adequate evidence of such special circumstances or conditions.

***It was moved by Commissioner Keehn and seconded by Commissioner Owens to approve permit for three new signs at 11 Charles Street. Voting Yea: Martinisko, Bruce, Owens, Keehn, Eagleson***

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

- a. Final Plat - Creating Property Lines and Transfer of Property - The Summit at Deadwood Stage Run

PLAT OF LOT 12, BLOCK 5 AND DEDICTED PUBLIC RIGHT OF WAY OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION TO THE CITY OF DEADWOOD ALL LOCATED IN THE SW1/4 OF SECTION 14, THE SE1/4 OF SECTION 23, T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA

Action Required:

- a. Approval/Denial by Planning and Zoning Commission

Mr. Kuchenbecker stated the subject property is owned by a legal entity, and they desire to create a new subdivision lot to sell. The potential buyer is aware that a building permit will not be issued until the infrastructure is completed.

1. The North Arrow is shown on the plat with a direct reference to the coordinate mapping system.
2. Land is identified with a new legal description for the transfer of the land.
3. Surveyor's Certificate is shown with the name of the surveyor and his registered land surveyor number.
4. A date is shown on the plat and serves to "fix in time" the data represented on the plat.
5. The street bounding the lot is shown and named.
6. All certifications are indicated and correct on the plat.
7. Dimensions, angles and bearings are shown along the lot lines.
8. Scale of the plat is shown and accompanied with a bar scale.
9. Area's taken out of the mineral survey and remaining acreage is indicated on the plat.

***It was moved by Commissioner Bruce and seconded by Commissioner Owens to approve the final plat for creating property lines and transfer of property legally described as PLAT OF LOT 12, BLOCK 5 AND DEDICTED PUBLIC RIGHT OF WAY OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION TO THE CITY OF DEADWOOD ALL LOCATED IN THE SW1/4 OF SECTION 14, THE SE1/4 OF SECTION 23, T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA. Voting Yea: Bruce, Owens, Martinisko, Keehn, 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 the FEMA Project's Environmental Assessment has been expedited. We had one day turn around with Game, Fish and Parks, SHIPO and National Park Service. FEMA agreed to change the 30 day comment period to 14 days, and it is now live on the City website. So it's good to see that moving forward.

Several retaining wall projects going on in town. At Broadway Alley, they are getting ready to pour the foundation behind Berg Jewelry, 650 Main Street. 58 Washington is complete. There is one under construction near Larry Shama's house that is moving along and starting to come out of the ground. Bid another retaining wall project on Monday night.

Stage Run Phase 3- had a monthly progress meeting and things seem to be going well there.

The Ridge is on-hold. They have not gotten their DANR or water and sewer permits. They have applied and it has failed twice.

Boot Hill is also on hold. They have done some reclamation work and are trying to determine which direction they want to go in the future.

Next week is the Planning Conference in Mitchell. Mr. Kuchenbecker will be attending.

The Calamity Jane statue was set yesterday, Tuesday, Oct. 17. Fr. Mike, Bill and the committee have been busy with fundraising. Not only did they get Calamity Jane paid for but the next three statues are paid for, too.

The City is taking resumes and applications for the Zoning Coordinator position and starting interviews the first part of November. Cindy is on contract with the city to work on Short Term Rentals until the position is filled. There are 34 between the three categories and have all the lodging licenses except for one. Making sure they all have their sales tax license. Not all have one because VRBO handles all the booking and the taxes for them. Four need enrolled into the Bid taxes 1-6. We are in good shape there. We have three illegal ones. We have sent Cease and Desist letters and they have not removed them from the site. The next step is a court injunction and that is in the process by the City's legal counsel.

Mr. Kuchenbecker drafted a modification to the Zoning Ordinance that we do not define spot zoning in our ordinance and he wants to have that defined. It will be brought before the City Commission and emailed out to all Commissioners. The legal counsel review arrived and there were a couple suggestions but otherwise it is ready to go. After discussing the car wash situation, it needed to be defined in the city's ordinances. Also working on a grading ordinance.

Commission \_\_\_\_ asked if there is any new information on the carwash. Mr. Kuchenbecker stated that the City Commission was not interested in changing the zoning so it was a spot zoning. Therefore, the City sent back the applicants check and application and did say the Economic Development Director reach out regarding the possibility of finding another location.

Commissioner \_\_\_\_ asked whether the "wolf pen" on Hwy 85, below The Lodge, is within city limits. It is within city limits. He asked if the facility gets inspected periodically by Game and Fish as to the welfare of the animals. Mr. Kuchenbecker advised him to contact the police department with any concerns and they would look into it.

## **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, Bruce, Owens, Eagleson***

There being no further business, the Planning and Zoning Commission adjourned at 4:18 p.m.

ATTEST:

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Chairman, Planning & Zoning Commission  
Commission

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Secretary, Planning & Zoning

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*Planning and Zoning Commission meetings are not available by Zoom unless requested.*