



# Planning and Zoning Commission Regular Meeting Minutes

Wednesday, April 02, 2025 at 4:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

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## 1. Call to Order

The Planning and Zoning Commission meeting was called to order by Chairman Martinisko on Wednesday, April 2, 2025, 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

ABSENT

Commissioner (Secretary) Dave Bruce  
City Commissioner Blake Joseph

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 from the March 19, 2025 Planning and Zoning Commission Meeting.

***It was moved by Commissioner Keehn and seconded by Commissioner Eagleson to approve the minutes of the March 19, 2025, Planning and Zoning Commission Meeting. Voting yea: Martinisko, Keehn, Owens, Eagleson.***

## 4. Sign Review Commission

## 5. Planning and Zoning Commission

- a. Annual Review - Conditional Use Permit for Bed and Breakfast Establishment – 28 Lincoln Avenue – Backyard Cottage B&B, legally described as Lots 1 and 2, Block 49, Original Town of Deadwood, located in the NW 1/4, Section 26, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota.

Action Required:

1. Public Discussion

2. Approval/Denial of continued use by Planning and Zoning Commission

Mr. Kuchenbecker discussed Annual Review - Conditional Use Permit for Bed and Breakfast Establishment – 28 Lincoln Avenue – Backyard Cottage B&B.

***It was moved by Commissioner Keehn and seconded by Commissioner Eagleson to approve continued use of the Conditional Use Permit for Bed and Breakfast Establishment – 28 Lincoln Avenue – Backyard Cottage B&B with eight (8) conditions. Voting yea: Martinisko, Keehn, Owens, Eagleson.***

- b. Annual Review - Conditional Use Permit for Vacation Home Establishment – 81 Charles Street – BNS Properties, legally described as Lot 7 in Block 74 of the Original Town of Deadwood, Lawrence County, South Dakota, as shown on the P.L. Rogers map of the Town of Deadwood.

Action Required:

1. Public Discussion

2. Approval/Denial of continued use by Planning and Zoning Commission

Mr. Kuchenbecker introduced Annual Review - Conditional Use Permit for Vacation Home Establishment – 81 Charles Street – BNS Properties. Discussion occurred regarding active gutter repairs on the property.

***It was moved by Commissioner Eagleson and seconded by Commissioner Owens to approve Annual Review - Conditional Use Permit for Vacation Home Establishment – 81 Charles Street – BNS Properties with twelve (12) conditions. Voting yea: Martinisko, Keehn, Owens, Eagleson.***

- c. Application for Plat - Combine Lots - 171 Charles Street legally described as Tract 1, Tract 2 and Dedicated Public Right of Way of Mollman Subdivision formerly Tracts A1, C-1, C-2 of M.S. 207 and a portion of M.S. 207; Lots MK8 and MK9 of the Mickelson Trail and School Lot 23, City of Deadwood, Lawrence County, South Dakota located in the NE 1/4 of Section 27, T5N, R3E, B.H.M.

Action Required:

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

Mr. Kuchenbecker discussed Application for Plat - Combine Lots - 171 Charles Street and explained the owners of the property are unable to have a building permit issued due to several interior lot lines that cannot be built over. The City has offered to pay for the re-platting of the property to take several lots and combine them into two (2) lots, named Tract 1 and Tract 2. In exchange for the re-platting, the owners of the property have agreed to deed Tract 2 and a Dedicated Public Right of Way to the City of Deadwood for the purpose of both road maintenance and viewshed protection. Tract 1 will remain in the owners possession and a building permit for an addition to an existing structure will be able to be issued with the absence of interior lot lines.

Commissioner Keehn inquired about the possibility of rezoning the lot. Mr. Kuchenbecker responded that would be a separate future action if it were to be done.

***It was moved by Commissioner Keehn and seconded by Commissioner Owens to approve Application for Plat - Combine Lots - 171 Charles Street. Voting yea: Martinisko, Keehn, Owens, Eagleson.***

- d. Application for Conditional Use Permit - Vacation Home Establishment - 9 Shine Street (Emrick Real Estate Group, LLC) legally described as Lots 2B and 2D of Block 23, Original Town, City of Deadwood, Lawrence County, South Dakota.

Action Required:

1. Public Discussion
2. Approval/Denial by Planning and Zoning Commission

Mr. Kuchenbecker introduced Application for Conditional Use Permit - Vacation Home Establishment - 9 Shine Street (Emrick Real Estate Group, LLC) and stated the property is located in the historic downtown core and has undergone extensive remodeling in preparation to be used as a Short-Term Rental property.

Commissioner Martinisko inquired about the amount of parking at the location. Mr. Kuchenbecker responded that properties in the historic downtown core are exempt from the parking requirements imposed on Vacation Home Establishments that are located outside of the historic downtown core. Further discussion about parking concerns occurred.

Property owner, Cody Emrick, was introduced to the Commission and confirmed there would be two (2) bedrooms available for rent with two (2) available parking spots.

Commissioner Martinisko inquired about the status of the remodel. Mr. Emrick responded that the remodel is ongoing and a concrete end date could not be provided at this time, but he is hopeful it will be completed in June. Historic Preservation is involved in replacement of the windows.

Commissioner Keehn inquired about applicable density rules related to Short-Term Rental properties. Mr. Kuchenbecker stated the density rules do not apply to this property because of its location within the historic downtown core.

***It was moved by Commissioner Eagleson and seconded by Commissioner Owens to approve Application for Conditional Use Permit - Vacation Home Establishment - 9 Shine Street (Emrick Real Estate Group, LLC) with eight (8) conditions. 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**

Mr. Kuchenbecker shared that the Main Street Initiative's Economic Restructuring Committee has been discussing the current food truck ordinance. Amending Ordinance 5.06 is being considered. Our current ordinance only permits food trucks to be located at the Pluma Welcome Center. A proposed amendment would allow food trucks to be located on Lee Street between Main and Broadway during special events as well as on private property at any time. The amendment would allow a private property owner to purchase a license for a proposed \$750 that would be valid for a year and would permit them to

bring food trucks onto their property. The city would reserve the right to revoke a license if necessary. Mr. Kuchenbecker introduced Ken Gienger, representing the Economic Restructuring Committee, to the Commission.

Commissioner Keehn commented on the small amount of space on Lee Street and inquired about the ability of Mr. Wu's to operate a food truck on their property despite the current ordinance. Mr. Kuchenbecker responded that the owner of Mr. Wu's owns and operates the food truck situated on his property, which has then become an extension of his business and therefore is not in violation of city ordinance.

Commissioner Keehn asked Mr. Gienger if his intention would be to have food trucks on his property strictly during events, or always. Mr. Gienger responded that the original intent of considering an amendment was to allow food trucks during events.

Mr. Mohr stated the original intent of the current ordinance of limiting food trucks to three (3) days was to prevent a single food truck from monopolizing an area for an extended period of time. Commissioner Martinisko stated he would like to see food trucks be able to stay longer than three (3) days.

Commissioner Keehn expressed concern that with the amendment, a food truck could simply park somewhere for a year. Further discussion on whether or not to impose time limits occurred.

Mr. Kuchenbecker suggested taking the proposal back to the MSI work group for further discussion.

## **8. Adjournment**

***It was moved by Commissioner Eagleson 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 and Zoning Commission adjourned at 4:52 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***