



# Planning and Zoning Commission Regular Meeting Agenda

Wednesday, September 18, 2024 at 4:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

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1. **Call to Order**

2. **Roll Call**

3. **Approval of Minutes**

- a. Approve the Minutes of the September 4, 2024 Planning and Zoning Commission Meeting

4. **Sign Review Commission**

5. **Planning and Zoning Commission**

- a. Plat Application - Division of property and creating property lines - Tract 1A of Miller Street - City of Deadwood legally described as Plat of Tract 1A of the Miller Street Subdivision, formerly a portion of Tract 1 of the Miller Street Subdivision, Original Town of Deadwood per P.L. Rogers Map, located in the SW 1/4 of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota.

Action Required:

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

- b. Plat Application - Combine Lots - Landmark Tract (R. Deibert) legally described as Plat of the Landmark Tract of the City of Deadwood, formerly Lot 13, Lot 15, Lot 17, Lot 19, Lot 21, Lot 23, Lot 25, Lot 26, Lot 27 and the vacated alley between Lot 23 and Lot 25 all in Block 30 of the City of Deadwood according to the P.L. Rogers Map of the City of Deadwood; less and except Tract 1 of Miller Street subdivision according to Plat Document #2012-05646, and less and except Wild Bill Lot according to Plat Document #2012-03484, all located in the SW 1/4 of Section 23, Township 5 North, Range 3 East of the Black Hills Meridian, City of Deadwood, Lawrence County, South Dakota.

Action Required:

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

- c. Application for Temporary Vendors License - Revive 605 (L. Murphey)

Action Required:

1. Approve/Deny Application for Temporary Vendors License - Revive 605 (L. Murphey).

- d. Review Findings of Fact and Conclusion for Conditional Use Permit - Vacation Home Establishment at 29 Lee Street (B. Kusser) legally described as Lot B in Block 8 of the City of Deadwood, Lawrence County, South Dakota, also known as 29 Lee

Street, according to P.L. Rogers Map. (Approved with conditions by P&Z Commission on May 1, 2024 and Board of Adjustment on May 20, 2024).

- e. Annual Review - Conditional Use Permit - Vacation Home Establishment - 36 Water Street - Deadwood Rentals (Trinity Conrad) 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 1/4 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 NW 1/4 of Section 26 T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota.

Actions:

1. Approve/Deny continued use of Conditional Use Permit

- f. Annual Review - Conditional Use Permit - Vacation Home Establishment - 819 Main Street (Trinity Conrad) 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 NW 1/4 NE 1/4 of Section 27, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota, according to Plat filed in Document No. 2001-4003.

Actions:

1. Approve/Deny continued use of Conditional Use Permit

6. **Items from Citizens not on Agenda**  
(Items considered but no action will be taken at this time.)
7. **Items from Staff**
8. **Adjournment**

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



# Planning and Zoning Commission Regular Meeting Minutes

Wednesday, September 04, 2024 at 4:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

## 1. Call to Order

The meeting of the Planning and Zoning Commission was called to order by Chairman Martinisko on Wednesday, September 4, 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

Trent Mohr – Building Inspector  
 Leah Blue-Jones – Zoning Coordinator

## 3. Approval of Minutes

- a. Approve the minutes from the August 21, 2024 Planning and Zoning Commission Meeting.

***It was moved by Commissioner Keehn and seconded by Commissioner Eagleson to approve the minutes from the August 21, 2024 Planning and Zoning Commission Meeting. Voting yea: Martinisko, Keehn, Bruce, Owens, Eagleson.***

## 4. Sign Review Commission

- a. Application for Sign Permit - 745 Main Street - The Station (E. Costopoulos). Applicant is requesting permission to replace existing temporary freestanding sign with new permanent freestanding sign. Sign requires two (2) variances for size and design. Location of sign is compliant with sign ordinance.

### Actions:

1. Approve/deny Application for Sign Permit.

Mr. Mohr introduced Application for Sign Permit - 745 Main Street - The Station (E. Costopoulos) and introduced Ms. Costopoulos to the Commission. Applicant has submitted a request to replace an existing temporary sign with a permanent sign. The sign requires two (2) variances; one to allow the sign to be greater than

ten (10) feet in size, and another to allow the bottom of the sign to sit lower than eight (8) feet above grade.

Commissioner Bruce asked if the sign would be located in an area with pedestrian traffic. Ms. Constopoulos confirmed it would not since it will be placed on the lawn.

***It was moved by Commissioner Owens and seconded by Commissioner Keehn to approve Application for Sign Permit - 745 Main Street - The Station (E. Costopoulos) with two (2) variances. Voting yea: Martinisko, Keehn, Bruce, Owens, Eagleson.***

## 5. Planning and Zoning Commission

- a. Annual Review - Conditional Use Permit - Vacation Home Establishment - 36 Water Street - Deadwood Rentals (Trinity Conrad) 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 1/4 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 NW 1/4 of Section 26 T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota.

Actions:

1. Approve/Deny continued use of Conditional Use Permit

Ms. Blue-Jones discussed Annual Review - Conditional Use Permit - Vacation Home Establishment - 36 Water Street - Deadwood Rentals (T. Conrad) and reviewed the Staff Report. This property has been in the process of obtaining a Lodging License, but it has been on hold due to a request by the state to update windows in the historic property to provide an egress. Mr. Kuchenbecker, Historic Preservation Officer for the City of Deadwood, has been in communication with the property owner and the state to work on the issue.

Discussion occurred regarding differences between state and city building code requirements followed by further discussion about the way to proceed. It was agreed that the conversation should be continued at the next Planning and Zoning Commission meeting so Mr. Kuchenbecker could be part of the discussion.

***It was moved by Commissioner Keehn and seconded by Commissioner Bruce to continue the discussion of Annual Review - Conditional Use Permit - Vacation Home Establishment - 36 Water Street - Deadwood Rentals (T. Conrad) at the September 18, 2024 Planning and Zoning Commission meeting. Voting yea: Martinisko, Keehn, Bruce, Owens, Eagleson.***

- b. Annual Review - Conditional Use Permit - Vacation Home Establishment - 819 Main Street (Trinity Conrad) 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 NW 1/4 NE 1/4 of Section 27, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota, according to Plat filed in Document No. 2001-4003.



## Actions:

## 1. Approve/Deny continued use of Conditional Use Permit

Ms. Blue-Jones introduced Annual Review - Conditional Use Permit - Vacation Home Establishment - 819 Main Street (T. Conrad) and reviewed the Staff Report. This property has been in the process of obtaining a Lodging License, but it has been on hold due to a request by the state to update windows in the historic property to provide an egress.

***It was moved by Commissioner Keehn and seconded by Commissioner Eagleson to continue the discussion of Annual Review - Conditional Use Permit - Vacation Home Establishment - 36 Water Street - Deadwood Rentals (T. Conrad) at the September 18, 2024 Planning and Zoning Commission meeting. Voting yea: Martinisko, Keehn, Bruce, Owens, Eagleson.***

- c. Application for Plat - Adjust Lot Lines and Subdivide - 15 Forest Avenue - Adrian Newkirk legally described as Plat of Lots 5A, 9A, and 9B Block P, Original Townsite, formerly Lots 5, 6, 7, 8 and a portion of Lot 9, Block P City of Deadwood, Lawrence County, South Dakota.

## Actions:

## 1. Approve/Deny Application for Plat

Ms. Blue-Jones discussed Application for Plat - Adjust Lot Lines and Subdivide - 15 Forest Avenue - A. Newkirk and reviewed the Staff Report. The purpose of the plat is to adjust the lot line between Lot 5 and Lot 6 to provide space between the house and the lot line. In addition, four (4) neighboring lots will be combined and subdivided into two (2) new lots. Discussion occurred about the motivation behind moving lot lines and the viability of future development of the lots.

***It was moved by Commissioner Owens and seconded by Commissioner Bruce to approve Application for Plat - Adjust Lot Lines and Subdivide - 15 Forest Avenue - A. Newkirk. 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. Mohr discussed the Whitewood Creek project and remarked that it should be completed within the next few weeks. The construction project behind City Hall continues. The Welcome Center Boardwalk project had its final walkthrough, and a ribbon cutting should occur in the near future.

Commissioner Eagleson discussed the Farmer's Market and the possibility of an indoor market event over the winter.

**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, Owens, Eagleson.***

There being no further business, the Planning and Zoning Commission adjourned at 4:29 p.m.

ATTEST:

\_\_\_\_\_  
Chairman, Planning & Zoning Commission

\_\_\_\_\_  
Secretary, Planning & Zoning Commission

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

OFFICE OF  
PLANNING, ZONING AND  
HISTORIC  
PRESERVATION  
108 Sherman Street  
Telephone (605) 578-2082  
Fax (605) 578-2084



**Kevin Kuchenbecker**  
Planning, Zoning and  
Historic Preservation Officer  
Telephone (605) 578-2082  
kevin@cityofdeadwood.com

**PLANNING AND ZONING MEETING**  
**STAFF REPORT**  
September 18, 2024

**APPLICANT:** City of Deadwood

**PURPOSE:** Establishing New Property Lines

**GENERAL LOCATION:** Tract 1A of Miller Street Subdivision

**LEGAL DESCRIPTION:** Plat of Tract 1A of the Miller Street Subdivision, formerly a portion of Tract 1 of the Miller Street Subdivision, Original Town of Deadwood per P.L. Rogers Map, all located in the SW ¼ of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota.

**FILE STATUS:** All legal obligations have been completed.

**ZONE:** PU Public Use

**STAFF FINDINGS:**

Surrounding Zoning:

North: Commercial

South: Commercial

East: Public Use

West: Commercial

Surrounding Land Uses:

Commercial Structure

Commercial Structure

Parking Lot

Commercial Structure

**SUMMARY OF REQUEST**

*The purpose of this plat is to divide lots and establish new property lines. This plat describes a small area located behind the Landmark building and along Miller Street. While once containing infrastructure, the lot is no longer in use by the City of Deadwood.*

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**FACTUAL INFORMATION**

1. The property is currently zoned PU – Public Use.
2. Lot is comprised of 27.53 square feet  $\pm$ .
3. The subject property is located within a Public Use Zoning designation.
4. The property is located within the 500-year floodplain.
5. Public facilities are available to serve the property.
6. The area is currently characterized by a mixture of commercial and public uses along Miller Street.

**STAFF DISCUSSION**

The subject property is owned by the City of Deadwood. In the past, the property had infrastructure on it, however, currently, the parcel is not being utilized.

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.

**ACTION REQUIRED:**

1. Approval by Planning and Zoning Commission

Return Completed Form To:  
**Planning and Zoning**  
108 Sherman Street  
Deadwood, SD 57732



Questions Contact:  
**Kevin Kuchenbecker**  
(605) 578-2082 or  
kevin@cityofdeadwood.com

Application No. \_\_\_\_\_

## APPLICATION FOR PLAT

**Application/Filing Fee: \$200.00 per lot**

**The application fee needs to be paid when plat is submitted to the Planning and Zoning Office.**

**Applicants:** Please read thoroughly prior to completing this form. Only complete applications will be considered for review. Applications must be received no later than fifteen (15) days prior to the P&Z Commission meeting. Mylar(s) must be received by the Planning and Zoning office no later than the Wednesday before the scheduled meeting. The Planning and Zoning Commission meets the first and third Wednesday of each month.

Applicant: City of Deadwood

Address: 108 Sherman Street Deadwood SD 57732  
Street City State Zip

Phone Number: 605.578.2082 Email Address: kevin@cityofdeadwood.com

Property Address: \_\_\_\_\_

Property Owner: City of Deadwood

Property Owner Phone Number: 605.578.2082

Full Legal Description of Property: Plat of Tract 1A of the Miller Street Subdivision, formerly a portion of Tract 1 of the Miller Street Subdivision, Original Town of Deadwood per P.L. Rogers Map, all located in the SW 1/4 of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, SD

Purpose of this Plat: Re-establishing property lines

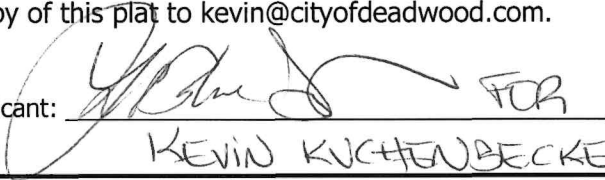
Summary of this Plat: New property lines will allow city to facilitate the declaration of surplus property for this parcel.

**1. The following documents shall be submitted:**

- a. An improvement survey, including all easements,
- b. Development plan, including site plan with location of buildings, usable open space, off-street parking, loading areas, refuse area, ingress/egress, screening, proposed or existing signage, existing streets, and
- c. A copy of the full legal description from the Lawrence County Register of Deeds Office.

Check the box to confirm the following information is included on the plat and is accurate:

- The North Arrow is shown on the plat with a direct reference to the coordinate mapping system.
  - Land is identified with a new legal description for the transfer of the land.
  - Surveyor's Certificate is shown with the name of the surveyor and his registered land surveyor number.
  - A date is shown on the plat and serves to "fix in time" the data represented on the plat.
  - The street bounding the lot is shown and named.
  - All certifications are indicated and correct on the plat.
  - Dimensions, angles, and bearings are shown along the lot lines.
  - Scale of the plat is shown and accompanied with a bar scale.
  - Area's taken out of the mineral survey and remaining acreage is indicated on the plat.
- I understand I am required to have the Lawrence County Register of Deeds email a digital copy of the completed final copy of this plat to kevin@cityofdeadwood.com.

Signature of Owner/Applicant:  FOR Date: 9/13/2024  
KEVIN KUCHTA-BECKER.

**Staff Use Only**

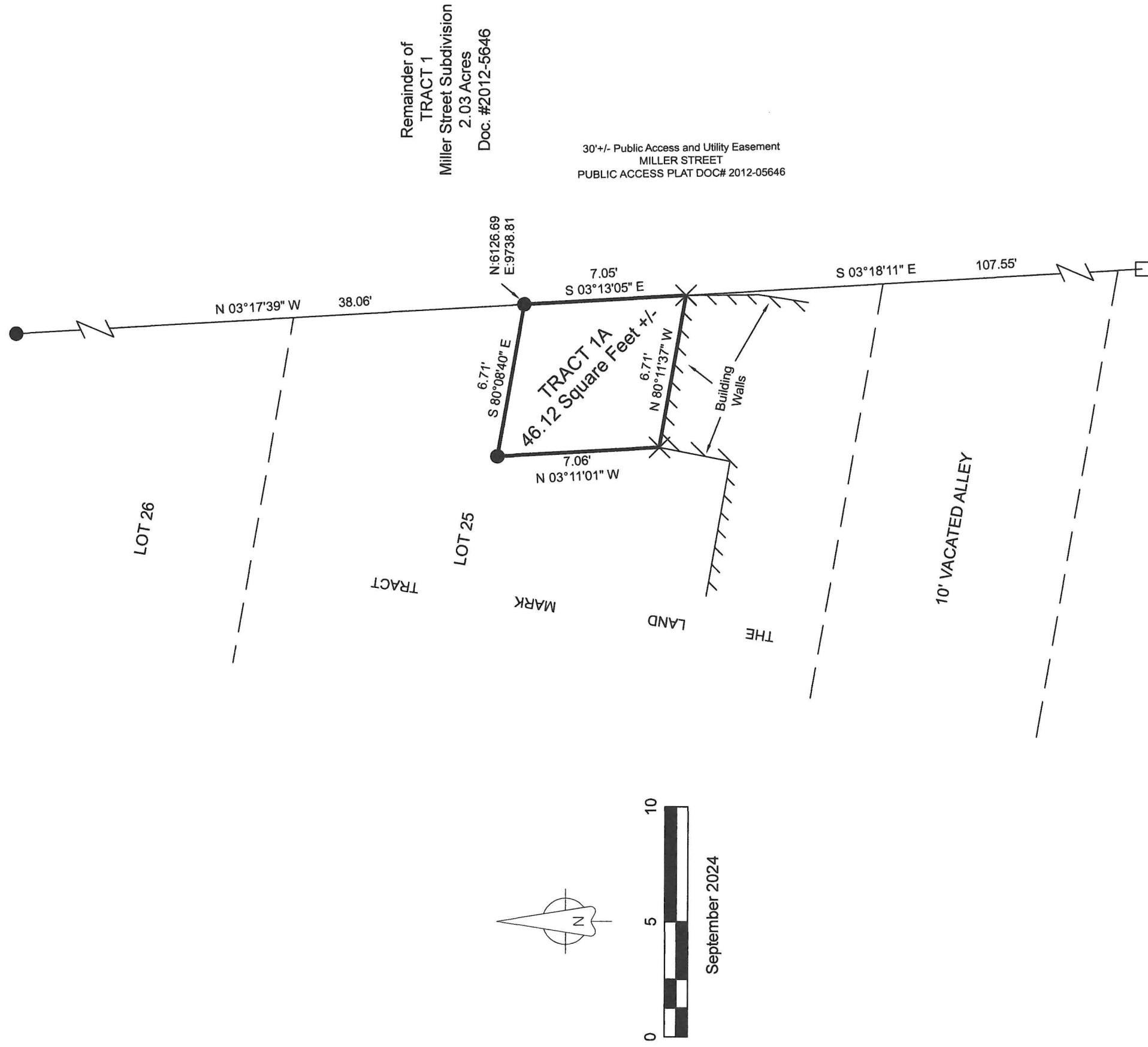
Fee: \$ N/A Paid On N/A Receipt Number N/A

PLANNING AND ZONING ADMINISTRATOR:			
Approved/P&Z Administrator:	Yes	No	Signature: _____ Date: _____
PLANNING AND ZONING COMMISSION:			
Approved/P&Z Commission:	Yes	No	Date: _____
DEADWOOD BOARD OF ADJUSTMENT:			
Approved/Board of Adjustment:	Yes	No	Date: _____

Reason for Denial (if necessary): \_\_\_\_\_

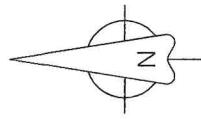
**PLAT OF TRACT 1A OF THE MILLER STREET SUBDIVISION,  
Formerly A Portion of Tract 1 of the Miller Street Subdivision, Original Town of Deadwood Per P.L. Rogers Map,  
All located in the SW1/4 of Section 23, T.5N., R.3E., B.H.M, City of Deadwood, Lawrence County, South Dakota.**

SHEET 1 OF 2



Remainder of  
TRACT 1  
Miller Street Subdivision  
2.03 Acres  
Doc. #2012-5646

30'+/- Public Access and Utility Easement  
MILLER STREET  
PUBLIC ACCESS PLAT DOC# 2012-05646



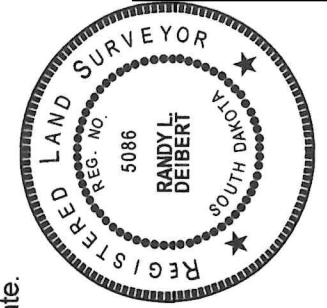
September 2024

- NOTES:**  
1) Basis of Bearing is Deadwood Coordinate System
- LEGEND**
- FOUND PK NAIL OR MAG NAIL
  - × BUILDING CORNER IS PROPERTY CORNER
  - FOUND PROPERTY CORNER PMS LS5086

Certificate of Surveyor

I, Randy L. Deibert, P.O. Box 408, Spearfish, S.D. 57783, being a Registered Land Surveyor in the State of South Dakota, No. 5086, on the basis of my knowledge, information and belief, certify to the owner(s) listed hereon, that at the request of the owner, the survey represented by this plat was made under my supervision, on the ground to the normal standard of care of Professional Land Surveyors practicing in the State of South Dakota, this survey does not constitute a title search to determine ownership or easements of record as performed by myself or by Professional Mapping and Surveying, L.L.C., I further state that I did not obtain the signatures for the certificates other than the surveyor certificate.

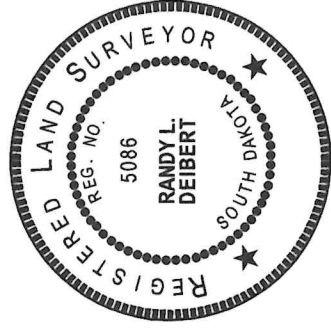
Randy L. Deibert L.S. 5086 \_\_\_\_\_ Date



Section 5 Item a.

PLAT OF TRACT 1A OF THE MILLER STREET SUBDIVISION,  
Formerly A Portion of Tract 1 of the Miller Street Subdivision, Original Town of Deadwood Per P.L. Rogers Map,  
All located in the SW1/4 of Section 23, T.5N., R.3E., B.H.M, City of Deadwood, Lawrence County, South Dakota.

SHEET 2 OF 2



Owner's Certificate  
State of South Dakota County of Lawrence

I, \_\_\_\_\_, do hereby certify that I/we are the owners of the property shown and described hereon, that we do approve this plat as hereon shown and that development of this property shall conform to all existing applicable zoning, subdivision, erosion and sediment control regulations.

Owners: \_\_\_\_\_ Address: \_\_\_\_\_

Acknowledgment of Owner  
State of South Dakota County of Lawrence

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me the undersigned Notary Public, personally appeared \_\_\_\_\_, known to me to be the person described in and who executed the foregoing certificate.

My commission expires: \_\_\_\_\_ Notary Public: \_\_\_\_\_

Approval of the City of Deadwood Planning Commission  
State of South Dakota County of Lawrence

This plat approved by the City of Deadwood Planning Commission this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. Signed: \_\_\_\_\_

\_\_\_\_\_  
City Planner \_\_\_\_\_ Chairman

Approval of the City of Deadwood Board of Commissioners:

State of South Dakota County of Lawrence

Be it resolved that the City of Deadwood Board of Commissioners having viewed the within plat, do hereby approve the same for recording in the Office of the Register of Deeds, Lawrence County, SD. Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Attest: \_\_\_\_\_ Mayor

Finance Officer

Certificate of County Treasurer

State of South Dakota County of Lawrence

I the Lawrence County Treasurer, do hereby certify that \_\_\_\_\_ taxes which are liens upon the herein platted property have been paid. Date this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Lawrence County Treasurer: \_\_\_\_\_

Approval of Highway Authority

State of South Dakota County of Lawrence

The location of the proposed access roads abutting the county or state highway as shown hereon, is hereby approved. Any change in the proposed access shall require additional approval.

Highway Authority: \_\_\_\_\_

Certificate of the Director of Equalization

State of South Dakota County of Lawrence

I the Lawrence County Director of Equalization, do hereby certify that I have received a copy of this plat, dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Lawrence County Director of Equalization: \_\_\_\_\_

Certificate of Register of Deeds

State of South Dakota County of Lawrence

Filed for record this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_ o'clock \_\_\_\_ M., and recorded in Doc. \_\_\_\_\_ Fee\$ \_\_\_\_\_

Lawrence County Register of Deeds: \_\_\_\_\_ Fee\$ \_\_\_\_\_



OFFICE OF  
PLANNING, ZONING AND  
HISTORIC  
PRESERVATION  
108 Sherman Street  
Telephone (605) 578-2082  
Fax (605) 578-2084



Kevin Kuchenbecker  
Planning, Zoning and  
Historic Preservation Officer  
Telephone (605) 578-2082  
kevin@cityofdeadwood.com

**PLANNING AND ZONING MEETING**  
**STAFF REPORT**  
September 18, 2024

**APPLICANT:** City of Deadwood

**PURPOSE:** Combination of Lots

**GENERAL LOCATION:** Landmark Tract

**LEGAL DESCRIPTION:** Plat of the Landmark Tract of the City of Deadwood, formerly Lot 13, Lot 15, Lot 17, Lot 19, Lot 21, Lot 23, Lot 25, Lot 26, Lot 27 and the vacated alley between Lot 23 and Lot 25 all in Block 30 of the City of Deadwood according to the P.L. Rogers Map of the City of Deadwood; less and except Tract 1 of Miller Street subdivision according to Plat Document #2012-05646, and less and except Wild Bill Lot according to Plat Document #2012-03484, all located in the SW ¼ of Section 23, Township 5 North, Range 3 East of the Black Hills Meridian, City of Deadwood, Lawrence County, South Dakota.

**FILE STATUS:** All legal obligations have been completed.

**ZONE:** C1 - Commercial

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**STAFF FINDINGS:**

Surrounding Zoning:

North: Public Use  
South: Commercial  
East: Public Use  
West: Public Use

Surrounding Land Uses:

Wild Bill Statue  
Commercial Structure  
Parking Lot  
Museum and Post Office

**SUMMARY OF REQUEST**

*The purpose of this plat is to combine lots for the purpose of allowing planned building permits to be utilized and for ease of use of the property. This plat combines several individual lots owned by KR Deadwood, LLC, and used as the Landmark Casino complex, into a single lot.*

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### **FACTUAL INFORMATION**

1. The property is currently zoned C1 – Commercial.
2. Combined lot will be comprised of 20,210 square feet  $\pm$  which equates to 0.464 acres  $\pm$ .
3. The subject property is located within a Commercial zoning designation.
4. The property is located within the 500-year floodplain.
5. Public facilities are available to serve the property.
6. The area is currently characterized by a mixture of commercial and public uses in between Sherman Street and Miller Street.

### **STAFF DISCUSSION**

The subject property is owned by KR Deadwood, LLC (Lots 17 through 27) and Deadwood Sundance (Lots 13 and 15).

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.

### **ACTION REQUIRED:**

1. Approval by Planning and Zoning Commission

Return Completed Form To:  
**Planning and Zoning**  
108 Sherman Street  
Deadwood, SD 57732



Questions Contact Section 5 Item b.  
**Kevin Kuchenbecker**  
(605) 578-2082 or  
kevin@cityofdeadwood.com

Application No. \_\_\_\_\_

## APPLICATION FOR PLAT

**Application/Filing Fee: \$200.00 per lot**

**The application fee needs to be paid when plat is submitted to the Planning and Zoning Office.**

**Applicants:** Please read thoroughly prior to completing this form. Only complete applications will be considered for review. Applications must be received no later than fifteen (15) days prior to the P&Z Commission meeting. Mylar(s) must be received by the Planning and Zoning office no later than the Wednesday before the scheduled meeting. The Planning and Zoning Commission meets the first and third Wednesday of each month.

Applicant: Randy Deibert Professional Mapping and Surveying. LLC

Address: 1715 Scott Ave Spearfish SD 57783  
Street City State Zip

Phone Number: 6056451680 Email Address: rld@rushmore.com

Property Address: Sherman Street Lots Deadwood

Property Owner: KR Deadwood Sherman Street 2020 LLC: and Deadwood Sundance 2023 LLC

Property Owner Phone Number: 6053403309

Full Legal Description of Property: PLAT OF THE LANDMARK TRACT OF THE CITY OF DEADWOOD,  
See Attached

Purpose of this Plat: Combine several lots

Summary of this Plat: Combination of lots to allow planned building permits and use

### 1. The following documents shall be submitted:

- a. An improvement survey, including all easements,
- b. Development plan, including site plan with location of buildings, usable open space, off-street parking, loading areas, refuse area, ingress/egress, screening, proposed or existing signage, existing streets, and
- c. A copy of the full legal description from the Lawrence County Register of Deeds Office.

Check the box to confirm the following information is included on the plat and is accurate:

- The North Arrow is shown on the plat with a direct reference to the coordinate mapping system.
  - Land is identified with a new legal description for the transfer of the land.
  - Surveyor's Certificate is shown with the name of the surveyor and his registered land surveyor number.
  - A date is shown on the plat and serves to "fix in time" the data represented on the plat.
  - The street bounding the lot is shown and named.
  - All certifications are indicated and correct on the plat.
  - Dimensions, angles, and bearings are shown along the lot lines.
  - Scale of the plat is shown and accompanied with a bar scale.
  - Area's taken out of the mineral survey and remaining acreage is indicated on the plat.
- I understand I am required to have the Lawrence County Register of Deeds email a digital copy of the completed final copy of this plat to kevin@cityofdeadwood.com.

Signature of Owner/Applicant: Randy Deibert Digitally signed by Randy Deibert  
Date: 2024.09.13 10:26:21 -06'00' Date: \_\_\_\_\_

**Staff Use Only**

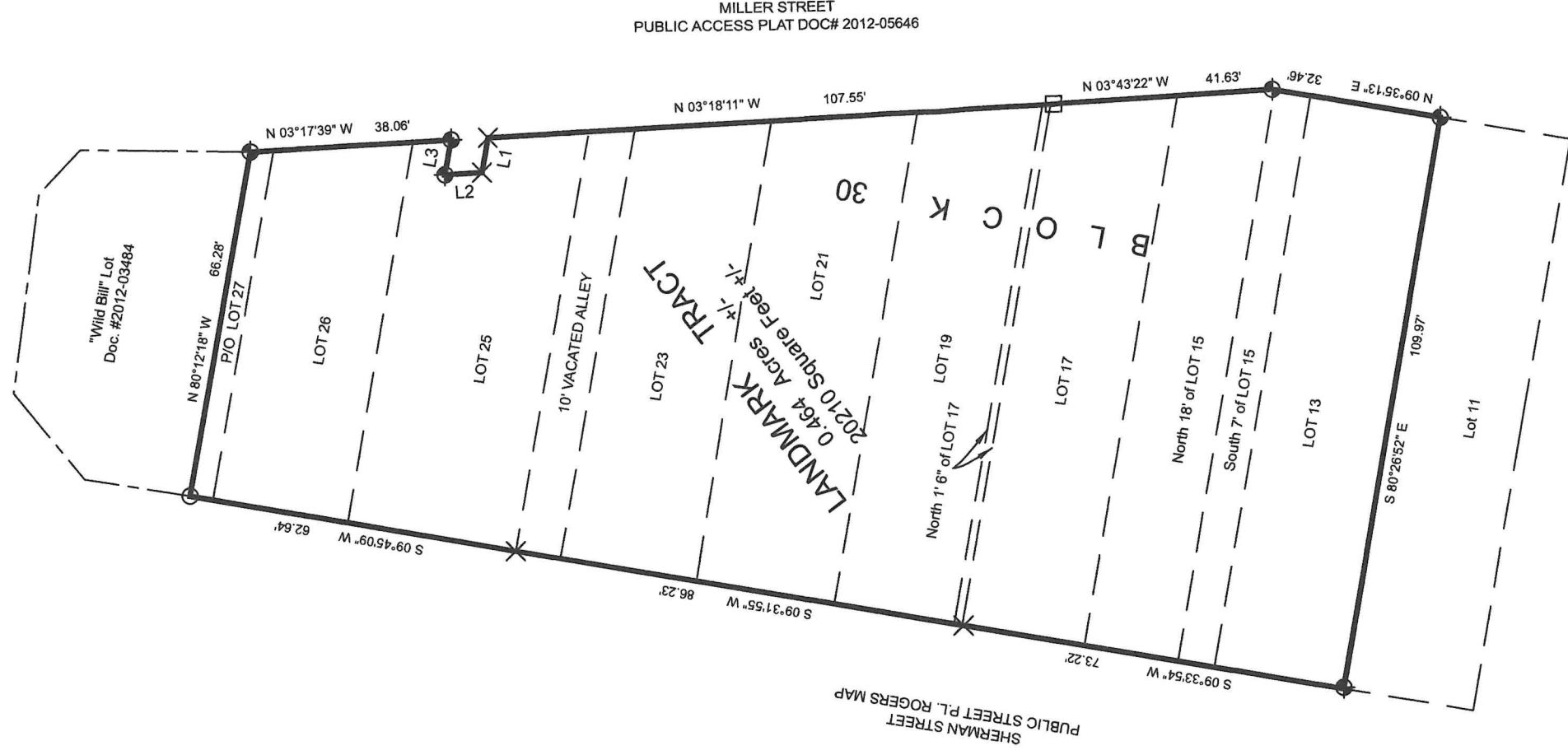
Fee: \$ \_\_\_\_\_ Paid On \_\_\_\_\_ Receipt Number \_\_\_\_\_

PLANNING AND ZONING ADMINISTRATOR:			
Approved/P&Z Administrator:	Yes	No	Signature: _____ Date: _____
PLANNING AND ZONING COMMISSION:			
Approved/P&Z Commission:	Yes	No	Date: _____
DEADWOOD BOARD OF ADJUSTMENT:			
Approved/Board of Adjustment:	Yes	No	Date: _____

Reason for Denial (if necessary): \_\_\_\_\_

PLAT OF THE LANDMARK TRACT OF THE CITY OF DEADWOOD, Formerly Lot 13, Lot 15, Lot 17, Lot 19, Lot 21, Lot 23, Lot 25, Lot 26, Lot 27 and the Vacated Alley Between Lot 23 and Lot 25 all in Block 30 of The City of Deadwood According to the P.L. Rogers Map of the City of Deadwood; LESS and EXCEPT Tract 1 of Miller Street Subdivision according to Plat Document #2012-05646, And LESS and EXCEPT Wild Bill Lot according to Plat Document #2012-03484, All located in the SW1/4 of Section 23, Township 5 North, Range 3 East of the Black Hills Meridian, City of Deadwood, Lawrence County, South Dakota.

SHEET 1 OF 2



NOTES:  
1) Basis of Bearing is Deadwood Coordinate System

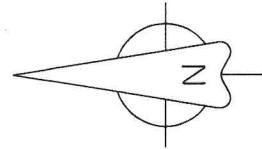
Course Table

LINE	BEARING	DISTANCE
L1	N 80°11'37" W	6.71'
L2	N 03°11'01" W	7.06'
L3	S 80°08'40" E	6.71'

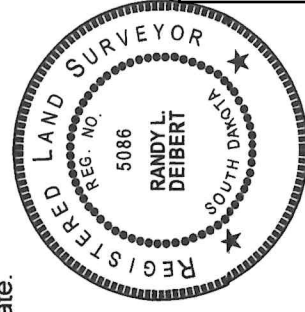
- LEGEND**
- FOUND REBAR AND CAP ARLETH LS3977
  - ⊕ FOUND PK NAIL OR MAG NAIL
  - FOUND PROPERTY CORNER PMS LS5086
  - × BUILDING CORNER IS PROPERTY CORNER

Certificate of Surveyor

I, Randy L. Deibert, P.O. Box 408, Spearfish, S.D. 57783, being a Registered Land Surveyor in the State of South Dakota, No. 5086, on the basis of my knowledge, information and belief, certify to the owner(s) listed hereon, that at the request of the owner, the survey represented by this plat was made under my supervision, on the ground to the normal standard of care of Professional Land Surveyors practicing in the State of South Dakota, this survey does not constitute a title search to determine ownership or easements of record as performed by myself or by Professional Mapping and Surveying, L.L.C., I further state that I did not obtain the signatures for the certificates other than the surveyor certificate.



Randy L. Deibert L.S. 5086 \_\_\_\_\_ Date

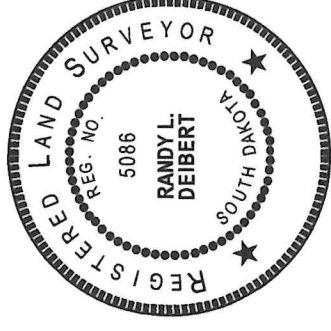


**PLAT OF THE LANDMARK TRACT OF THE CITY OF DEADWOOD,**  
Formerly Lot 13, Lot 15, Lot 17, Lot 19, Lot 21, Lot 23, Lot 25, Lot 26, Lot 27 and the  
Vacated Alley Between Lot 23 and Lot 25 all in Block 30 of The City of Deadwood  
According to the P.L. Rogers Map of the City of Deadwood; LESS and EXCEPT Tract 1 of  
Miller Street Subdivision according to Plat Document #2012-05646, And LESS and  
EXCEPT Wild Bill Lot according to Plat Document #2012-03484, All located in the  
SW1/4 of Section 23, Township 5 North, Range 3 East of the Black Hills Meridian,  
City of Deadwood, Lawrence County, South Dakota.

SHEET 2 OF 2

Owner's Certificate

State of South Dakota      County of Lawrence



I, \_\_\_\_\_, do hereby certify that I/we are the owners of the property shown and described hereon, that we do approve this plat as hereon shown and that development of this property shall conform to all existing applicable zoning, subdivision, erosion and sediment control regulations.

Owners: \_\_\_\_\_ Address: \_\_\_\_\_

Owners: \_\_\_\_\_ Address: \_\_\_\_\_

Acknowledgment of Owner

State of South Dakota      County of Lawrence

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me the undersigned Notary Public, personally appeared \_\_\_\_\_, known to me to be the person described in and who executed the foregoing certificate.

My commission expires: \_\_\_\_\_ Notary Public: \_\_\_\_\_

Owner's Certificate

State of South Dakota      County of Lawrence

I, \_\_\_\_\_, do hereby certify that I/we are the owners of the property shown and described hereon, that we do approve this plat as hereon shown and that development of this property shall conform to all existing applicable zoning, subdivision, erosion and sediment control regulations.

Owners: \_\_\_\_\_ Address: \_\_\_\_\_

Owners: \_\_\_\_\_ Address: \_\_\_\_\_

Acknowledgment of Owner

State of South Dakota      County of Lawrence

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me the undersigned Notary Public, personally appeared \_\_\_\_\_, known to me to be the person described in and who executed the foregoing certificate.

My commission expires: \_\_\_\_\_ Notary Public: \_\_\_\_\_

Approval of the City of Deadwood Planning Commission  
State of South Dakota      County of Lawrence

This plat approved by the City of Deadwood Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. Signed:

\_\_\_\_\_  
City Planner      \_\_\_\_\_  
Chairman

Approval of the City of Deadwood Board of Commissioners:

State of South Dakota      County of Lawrence

Be it resolved that the City of Deadwood Board of Commissioners having viewed the within plat, do hereby approve the same for recording in the Office of the Register of Deeds, Lawrence County, SD.  
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Attest: \_\_\_\_\_  
Finance Officer      \_\_\_\_\_  
Mayor

Certificate of County Treasurer

State of South Dakota County of Lawrence

I the Lawrence County Treasurer, do hereby certify that \_\_\_\_\_ taxes which are liens upon the herein platted property have been paid. Date this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Lawrence County Treasurer: \_\_\_\_\_

Approval of Highway Authority

State of South Dakota      County of Lawrence

The location of the proposed access roads abutting the county or state highway as shown hereon, is hereby approved. Any change in the proposed access shall require additional approval.  
Highway Authority: \_\_\_\_\_

Certificate of the Director of Equalization

State of South Dakota County of Lawrence

I the Lawrence County Director of Equalization, do hereby certify that I have received a copy of this plat, dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Lawrence County Director of Equalization: \_\_\_\_\_

Certificate of Register of Deeds

State of South Dakota County of Lawrence

Filed for record this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and recorded in Doc. \_\_\_\_\_.

\_\_\_\_\_. Lawrence County Register of Deeds: \_\_\_\_\_ Fee\$ \_\_\_\_\_

OFFICE OF  
 PLANNING, ZONING AND  
 HISTORIC PRESERVATION  
 108 Sherman Street  
 Telephone (605) 578-2082  
 Fax (605) 722-0786



**Kevin Kuchenbecker**  
 Planning, Zoning and  
 Historic Preservation Officer  
 Telephone (605) 578-2082  
 kevin@cityofdeadwood.com

## MEMORANDUM

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**DATE:** September 18, 2024

**TO:** Planning and Zoning Commission

**FROM:** Kevin Kuchenbecker, Historic Preservation Officer & Planning and Zoning Administrator

**RE:** Application for Temporary Vendor License – Revive 605

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### STAFF FINDINGS:

Revive 605 delivers IV infusion and injection therapies. The company is run by two (2) Registered Nurses and the company does have a current sales tax number (1041-2900-ST) with the State Revenue Office. In South Dakota, Registered Nurses may provide IV therapy and administer medications. The state does not inspect or license IV hydration clinics.

The location to operate will be within the lobby of 360 Main Street (Cadillac Jacks) from October 25, 2024 through November 8, 2024. Cadillac Jacks has confirmed their interest in having Revive 605 operate within the lobby. This application was received before the review deadline and payment has been made. Staff recommends approval of the vendor permit.

**MERCHANDISE:** IV infusion and injection therapy

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### RECOMMENDED ACTION:

Approval /denial of the Temporary Vendor License for Revive 605.



Return Completed Form To:  
**Planning and Zoning**  
108 Sherman Street  
Deadwood, SD 57732



Questions Contact:  
**Kevin Kuchenbecker**  
(605) 578-2082 or  
kevin@cityofdeadwood.com

Application Date: 8/27/24

### APPLICATION FOR TEMPORARY VENDORS LICENSE

The Deadwood Zoning Administrator and Planning & Zoning Commission review all applications.

**Applicants:** Application must be received **60 days prior** to start of event. Please read thoroughly prior to completing this form. Only complete applications will be considered for review.

Applicant: Lacey Murphey Telephone: (605) 430-0344  
Name of Business: revive 605 Telephone: (605) 269-8828  
Applicant's Mailing Address: 3507 Blackpowder Rd RC SD 57703  
Street City State Zip

Please select your type of vending:  
\* Outside of a Structure - \$750.00 \_\_\_\_\_  
\* Inside of an Existing Structure - \$250.00 X

For a period of fourteen (14) days: Beginning: 10/25/24  
Ending: 11/8/24

South Dakota Sales Tax Number: 1041-2900-ST

Physical Street Address of Vending Location: 360 Main St, Deadwood, SD

Contact Name and Phone Number of Property Owners: Allison Thompson, Director of Sales  
Cadillac Jacks at (605) 786-8242

Complete Description of Goods and/or Services: IV infusion therapies including hydration  
vitamins, minerals, etc. Injection therapies including vitamins, etc

**I agree that any falsification, misstatements or omissions, including those related to location and goods to be sold, shall result in immediate revocation of this license and forfeiture of the right to operate within the City Limits of Deadwood. It is further understood that payment of applicable state and city sales tax is made a provision of this license.**

Applicant's signature: Lacey Murphey Date submitted: 8/27/2024

Fee: \$ 250. Paid On 8/28/24 Receipt Number 195814

<b>PLANNING AND ZONING ADMINISTRATOR:</b>			
Approved/P&Z Administrator:	Yes	No	Signature: _____ Date: _____
<b>PLANNING AND ZONING COMMISSION:</b>			
Approved/P&Z Commission:	Yes	No	Date: _____

Reason for Denial (if necessary): \_\_\_\_\_



City of Deadwood Web  
Utility Billing

102 Sherman St  
Deadwood, SD 57732  
605-578-2600

8/27/2024 4:37:04 PM

Auth Code: 163702

Transaction ID: 107223899

Reference ID: 40173405

Contact Name: Lacey Murphey

Contact Phone Number: 6054300344

Utility Account Number: Vendor Application, Deadweird

Property Address: 360 Main St, Cadillac Jack's

Transaction Type: Credit Card

Card Type: Visa

Card Number: XXXXXXXXXXXXX8246

Name: Lacey Murphey

Amount: \$250.00

DEADWOOD-SVC FEE: \$6.88

Total Amount: \$256.88

I authorize the merchant to charge my credit card for the amount listed above. I understand that my card will be charged \$250.00 and my credit card statement will show this charge as from DEADWOOD-UTILITY. I understand that my card will be charged a separate Service Charge of \$6.88 and my credit card statement will show this charge as from DEADWOOD-SVC FEE. By signing below I acknowledge and agree to all of the terms listed above.

OFFICE OF  
PLANNING, ZONING AND  
HISTORIC PRESERVATION  
108 Sherman Street  
Telephone (605) 578-2082  
Fax (605) 722-0786



**Kevin Kuchenbecker**  
Planning, Zoning and  
Historic Preservation Officer  
Telephone (605) 578-2082  
kevin@cityofdeadwood.com

## FINDINGS OF FACT AND CONCLUSION CONDITIONAL USE PERMIT

**Date:** September 18, 2024  
**From:** Kevin Kuchenbecker, Planning, Zoning & Historic Preservation Officer  
Leah Blue-Jones, Zoning Coordinator  
**To:** Planning and Zoning Commission  
**RE:** Conditional Use Permit – Vacation Home Establishment

**APPLICANT(S):** 47 North, LLC (Budi Kusser)  
**PURPOSE:** Conditional Use Permit – Vacation Home Establishment  
**ADDRESS:** 29 Lee Street  
Deadwood, Lawrence County, South Dakota  
**LEGAL DESCRIPTION:** Lot B in Block 8 of the City of Deadwood, Lawrence County, South Dakota, also known as 29 Lee Street, according to P.L. Rogers Map.  
**ASSESSORS NO.:** 30025-01800-000-05

**RE: Request for Conditional Use Permit**

WHEREAS the above application for a Conditional Use Permit for a Vacation Home Establishment in the C1 – Commercial zoning district came on review before the Deadwood Planning and Zoning Commission on Wednesday, May 1, 2024. The application was recommended for approval by the Deadwood Planning and Zoning Commission. The Deadwood Board of Adjustment approved the request for a Vacation Home Establishment at 29 Lee Street, as recommended by the Planning and Zoning Commission, on Monday, May 20, 2024.

WHEREAS, all present members of the Deadwood Planning and Zoning Commission and the Deadwood Board of Adjustment having reviewed the Conditional Use Permit request and having considered all comments offered and all the evidence and testimony presented for the application; and, after discussion and consideration of the application and being fully advised in the premises, the Deadwood Planning and Zoning Commission and

Findings of Fact and Conclusion – Conditional Use Permit  
47 North, LLC  
September 18, 2024

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Deadwood Board of Adjustment hereby enter their:

**FINDINGS OF FACT AND CONCLUSION**

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- Staff provided public notice identifying the applicant, describing the project and its location, and giving the scheduled date of the public hearing in accordance with Section 17.76.020. Notice was placed in the designated newspaper of the City of Deadwood, ten (10) days in advance of the hearing as required by Section 17.76.060.J.
- An official sign was posted on the property for which the Conditional Use would occur.
- Property owners within three hundred (300) feet of the boundaries of the subject land were notified by first class mail as required by Section 17.76.060.J.
- The subject area is zoned C1 – Commercial. The area near the subject property consists of commercial businesses.
- The use, as proposed, would not result in a substantial or undue adverse effect on adjacent property or the character of the neighborhood and the use would not alter the character of the area.
- The granting of the Conditional Use Permit would not increase the proliferation of non-conforming uses. Use is expressly allowed in the C1 – Commercial District under certain conditions and the conditions were met.
- The use would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation or other services. This type of use does not demand a high degree of services.
- Based on these findings, the Deadwood Planning and Zoning Commission recommended approval of the request for a Conditional Use Permit for a Vacation Home Establishment. The Deadwood Board of Adjustment approved the request as recommended by the Planning and Zoning Commission with the following conditions:
  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 has been provided to the Planning and Zoning Office for their files.

Findings of Fact and Conclusion – Conditional Use Permit  
47 North, LLC  
September 18, 2024

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3. The Building Inspector has inspected the building, and it meets building codes.
4. Commercial city water and sewer rates apply.
5. Proper paperwork is filed with the City of Deadwood Finance Office for Business Improvement District (BID) taxes.
6. A City of Deadwood Business License has been issued.
7. A Lodging License from the South Dakota Department of Health has been obtained.
8. All parking shall be off street.
9. The Vacation Home Establishment shall be limited to only the second floor and the ground level used as retail space.

**ATTEST:**

---

Jessicca McKeown, Finance Officer  
City of Deadwood  
\_\_\_\_\_, 2024

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David Ruth, Mayor  
City of Deadwood  
\_\_\_\_\_, 2024

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John Martinisko, Chairman  
Planning and Zoning Commission  
\_\_\_\_\_, 2024

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David Bruce, Secretary  
Planning and Zoning Commission  
\_\_\_\_\_, 2024

OFFICE OF  
PLANNING, ZONING AND  
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108 Sherman Street  
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**Kevin Kuchenbecker**  
Planning, Zoning and  
Historic Preservation Officer  
Telephone (605) 578-2082  
kevin@cityofdeadwood.com

**PLANNING AND ZONING COMMISSION  
CONDITIONAL USE PERMIT – ANNUAL REVIEW**

**Staff Report**

**Date:** September 18, 2024  
**From:** Kevin Kuchenbecker  
Planning, Zoning & Historic Preservation Officer  
**To:** Planning and Zoning Commission  
**RE:** Annual Review - Conditional Use Permit – Vacation Home  
Establishment

**APPLICANT(S):** Deadwood Rentals - Creekside  
**PURPOSE:** Annual Review – Conditional Use Permit – Vacation  
Home Establishment  
**ADDRESS:** 36 Water Street  
Deadwood, Lawrence County, South Dakota  
**LEGAL DESCRIPTION:** 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 NW ¼ of Section 26 T5N, R3E, B.H.M., City of  
Deadwood, Lawrence County, South Dakota.  
**FILE STATUS:** Legal requirements still need to be met.  
**ZONE:** C1 - Commercial

**STAFF FINDINGS:**

Surrounding Zoning:	Surrounding Land Uses:
North: R1 – Residential	Residential
South: PU – Public Use	Open Space/Trail
East: C1 – Commercial	Businesses
West: C1 – Commercial	Open Space

## **SUMMARY OF REQUEST**

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The Deadwood City Commission has directed the Planning and Zoning Commission to conduct annual reviews of all Conditional Use Permits in accordance with City of Deadwood Municipal Code 17.76.060. The applicant was issued a Conditional Use Permit on August 21, 2023, to operate a Vacation Home Establishment at 36 Water Street.

The subject property is located on Water Street and is surrounded by different zoning classifications, including Residential, Public Use, and Commercial.

## **FACTUAL INFORMATION**

1. The property is currently zoned C1 – Commercial.
2. The subject property has access from Water Street.
3. The property is located within an AE Flood Zone and has a 1 percent annual chance of experiencing a flood.
4. Adequate public facilities are available to serve the property.
5. The area is characterized by a mixture of single-family residences, businesses, and open space.

## **STAFF DISCUSSION**

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The applicant was granted a Conditional Use Permit for a Vacation Home Establishment and City regulations permit Vacation Home Establishments in C1 - Commercial Districts with an approved Conditional Use Permit. The subject property is a three (3) bedroom, two (2) bath single family home that advertises an availability of eleven (11) beds with accommodation for sixteen (16) guests. Renters can park in the driveway of the property.

### **“Vacation Home Establishment” means:**

Any home, cabin, or similar building that is rented, leased, or furnished in its entirety to the public on a daily or weekly basis for more than fourteen (14) days in the calendar year and is not occupied by an owner or manager during the time of rental as defined and permitted by the State of South Dakota and this Title.

## **COMPLIANCE:**

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This Vacation Home Establishment has been in continual use over the last 12 months.

According to Deckard – Rentalscape, the property was booked 160 nights in the past 12 months and has received very good reviews.

No complaints are on record for this establishment.

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Copy of Lodging License from South Dakota Department of Health required.

**GENERAL USE STANDARDS FOR CONDITIONAL USE PERMITS:**

In reviewing any application under the authority of this chapter and as a further guide to its decision upon the facts of the case, the Commission(s) shall consider, among other things, the following facts:

- A. The proposed use shall be in harmony with the general purposes, goals, objectives, and standards to the City Policy Plan, the ordinance, the district in which it is located, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice by the City of Deadwood.

*The City Comprehensive Plan encourages a variety of uses and a mixture of housing types. Traffic and parking should not significantly affect the neighborhood if the applicant abides by the parking requirements associated with Short-Term Rentals.*

- B. Whether or not a community need exists for the proposed use at the proposed location in light of existing and proposed uses of a similar nature in the area and of the need to provide or maintain a proper mix of uses both within the city and also within the immediate area of the proposed use: (a) the proposed use in the proposed location shall not result in either a detrimental over concentration of a particular use from previously permitted uses within the city or within the immediate area of the proposed use.

*The subject area is zoned C1 - Commercial District and is intended to provide locations coinciding with the downtown core commercial zone where certain commercial uses and gaming are permitted.*

- C. The proposed use at this location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvement, public sites, or rights-of-way.

*The applicant only uses off street parking and prevents any public nuisance issues that are often associated with Short-Term Rentals, the proposed use should not result in a substantial or undue adverse effect on adjacent property, or the character of the neighborhood and the use would not alter the character of the neighborhood. There has been no change in the size of the dwelling.*

- D. The previously approved Conditional Use Permit is still in use, and when influenced by matters pertaining to the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as

Conditional Use Permit Review – Vacation Home Establishment  
36 Water Street  
September 18, 2024

---

a result of the implementation of provisions and policies of the Policy Plan, this ordinance, or any other plan, program, map or ordinance adopted, or under consideration pursuant to official notice, by the city or other governmental agency having jurisdiction to guide growth and development.

For any conditional use, lot and performance standards shall be the same as similar type uses located in specific districts. The character and use of buildings and structures adjoining or near the property mentioned in the application shall be considered in their entirety.

*The current use has not increased the proliferation of non-conforming uses. The subject residence is in an area that does not have additional Short-Term Rentals in the immediate area. The appearance of the structure has not changed; therefore, the character and use of the buildings and structures adjoining the subject property has not been adversely affected.*

- E. Whether or not the current use in the proposed area has been adequately served by and will not impose an undue burden on any of the improvements, facilities, utilities, and services specified in this section.

*The proposed use has not caused significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services. Existing services are available onsite. All utilities have been assigned commercial rates.*

**CONDITIONS GOVERNING APPLICATIONS AND PROVISIONS:**

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- A. Following the review of a Conditional Use Permit pursuant to the provisions of this ordinance, such permit may be amended, varied, or altered only pursuant to the standards and procedures established by this section for its original approval.
- B. The Board of Adjustments can revoke Conditional Use Permits, once granted, for cause after a hearing is held before them. Complaints seeking the revocation of such permit shall be filed with the Zoning Administrator and may be initiated by the Planning and Zoning Commission OR any three (3) residents within three hundred (300) feet of the property lines of which the application has been filed. All such revocation hearings shall be conducted in the same manner as for the Conditional Use Permit Application hearings.
- C. The Planning and Zoning Commission shall have the authority to review Conditional Use Permits at any time and/or on an annual basis and place additional stipulations to mitigate a problem.
- D. If the use permitted under the terms of a Conditional Use Permit has not



Conditional Use Permit Review – Vacation Home Establishment  
36 Water Street  
September 18, 2024

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been started within six (6) months of the date of issuance thereof, said permit shall expire and be canceled by the City Planning Department. Written notice thereof shall be given to the person(s) affected, together with notice that further use or work as described in the canceled permit shall not proceed, unless and until a new Conditional Use Permit has been obtained.

- E. If the use permitted under the terms of a Conditional Use Permit ceases, for whatever reason, for a period of twelve (12) months, said permit shall expire and be canceled by the City Planning Department. Written notice thereof shall be given to the person(s) affected, together with notice that further use or work as described in the canceled permit shall not proceed, unless and until a new Conditional Use Permit has been obtained.

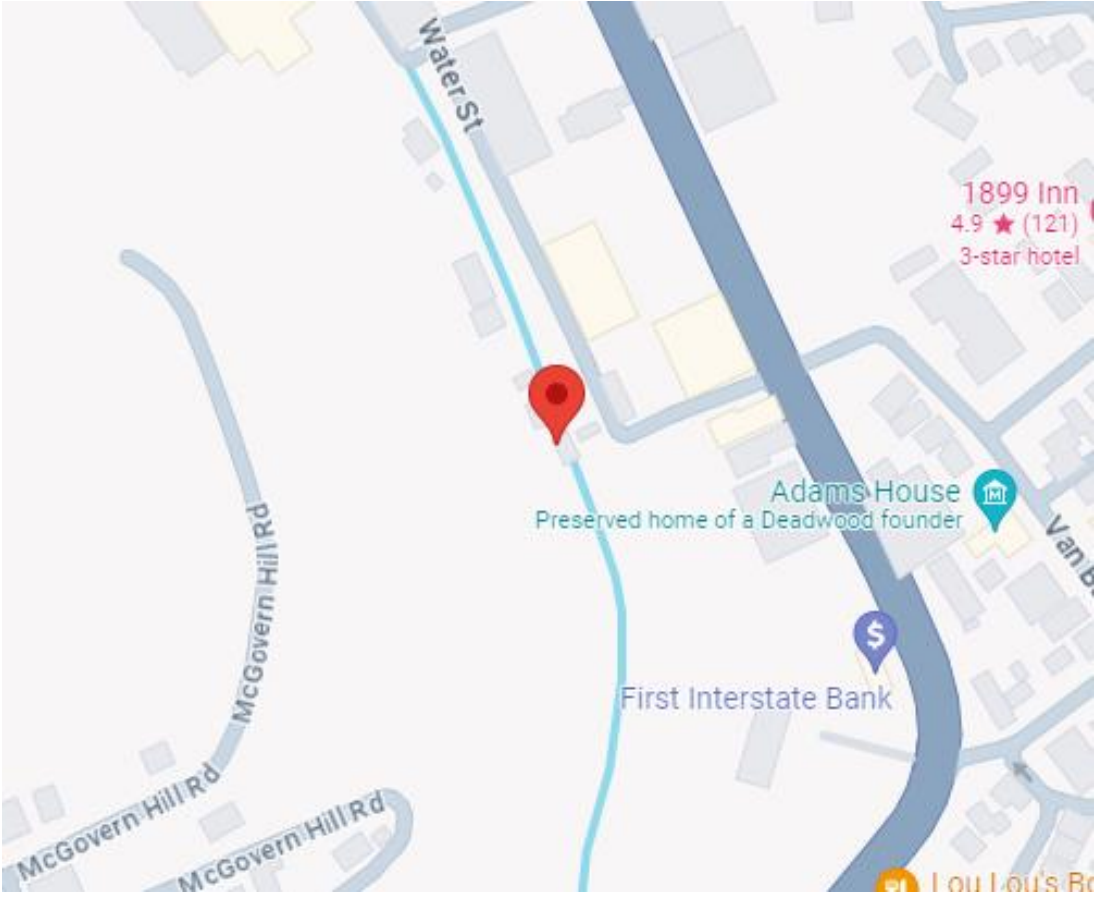
If approved, staff recommendations for stipulation(s):

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 has been provided to the Planning and Zoning Office for their files.
3. The Building Inspector has inspected the building, and it meets all applicable building codes.
4. City water and sewer rates have been changed from residential to commercial rates.
5. Proper paperwork has been filed with the City of Deadwood Finance Office for Business Improvement District (BID) taxes.
6. A City of Deadwood Business License has been issued.
7. Maintain Lodging License from the South Dakota Department of Health and provide copy to the Planning and Zoning Office for their files on an annual basis.
8. All parking shall be off street.

**ACTION REQUIRED FOR CONDITIONAL USE PERMIT:**

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1. Approval/Denial by Deadwood Planning and Zoning Commission



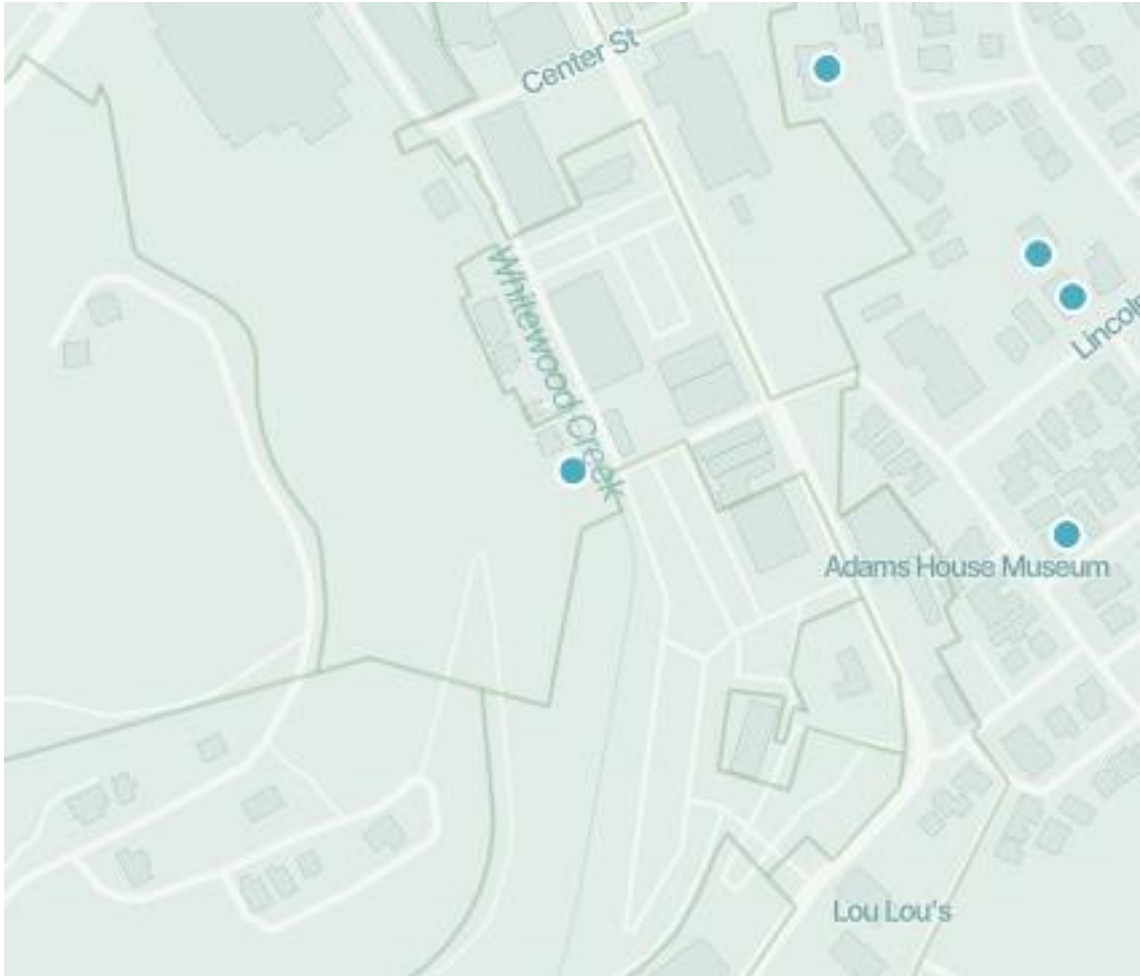
Map showing location of 36 Water Street.





**Aerial view of 36 Water Street.**





Short-Term Rentals near 36 Water Street.





Get the app

United States

Trip Boards

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Help

My trips

Home > Vacation Rentals > United States of America > South Dakota > Lawrence County > Deadwood >

Historic Creekside Home Dwtm Deadwood w/ Hot Tub, Deadwood

See all properties



Entire home

# Historic Creekside Home Dwtm Deadwood w/ Hot Tub

Where to? Deadwood, So... | Dates | Travelers 2 travelers | Search



Overview | Amenities | Policies | Location | Host

9.6 Exceptional

See all 4 reviews >

## Highlights

Near Deadwood Mountain Grand

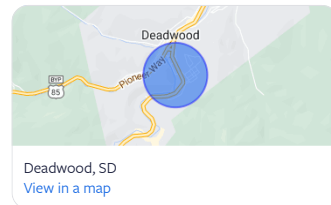
3 bedrooms | 2 bathrooms | Sleeps 16 | 1480 sq ft

## Popular amenities

- Hot Tub
- Washer
- Outdoor Space
- Pet friendly
- Barbecue grill
- Free WiFi

See all >

## Explore the area



- Deadwood Mountain Grand 4 min walk
- Tin Lizzie Gaming Resort 14 min walk
- Cadillac Jacks Casino 19 min walk
- Spearfish, SD (SPF-Black Hills) 19 min drive

See more >

## Rooms & beds

### 3 bedrooms (sleeps 16)

#### 2nd Bedroom



1 Queen Bed and 1 Twin Bunk Bed

#### 3rd Bedroom



1 Twin Bunk Bed

#### Master Bedroom



1 Twin Bed, 1 King Bed and 1 Double Bed

### 2 bathrooms

#### 2nd Bathroom



Bathtub or shower - Toilet

#### Downstairs Full Bathroom



Toilet - Shower only

## Spaces

 Deck or patio

 Kitchen

 Garden

 Dining Area

[See all rooms and beds details](#)

 Check-in  
Select date

 Check-out  
Select date

 Travelers  
1 room, 2 travelers

Check availability



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# Historic Creekside Home Dwtn Deadwood w/ Hot Tub

[Share](#) [Save](#)



## Entire home in Deadwood, South Dakota

16+ guests · 3 bedrooms · 11 beds · 2 baths

★ 4.87 · [272 reviews](#)



### Hosted by Trinity

Superhost · 8 years hosting



### Self check-in

Check yourself in with the keypad.



### Trinity is a Superhost

Superhosts are experienced, highly rated Hosts.



### Great location

100% of recent guests gave the location a 5-star rating.

## Add dates for prices

<b>CHECK-IN</b> Add date	<b>CHECKOUT</b> Add date
<b>GUESTS</b> 1 guest <span>▼</span>	


[Check availability](#)

[Report this listing](#)


This gorgeous property is just a block from Main Street, and Deadwood Mountain Grand, making it a fantastic location for all guests. Whether you're planning a family vacation, a quiet getaway with your significant other, or a fun filled weekend with friends, we can accommodate you! The Mickelson Trail also begins directly adjacent to this property. Perfect for Bikers, hikers, snowmobilers, or adventure seekers. After a long day of ...

[Show more >](#)

## Where you'll sleep













**Bedroom 1**  
1 king bed, 1 double bed, 1 single bed



**Bedroom 2**  
1 queen bed, 1 bunk bed

## What this place offers

-  Mountain view
-  Kitchen
-  Wifi
-  Free parking on premises
-  Private hot tub
-  Pets allowed
-  TV with standard cable
-  Free washer – In unit
-  Free dryer – In unit
-  Exterior security cameras on property

[Show all 66 amenities](#)

## Select check-in date

Add your travel dates for exact pricing

<

Su Mo Tu We Th Fr Sa Su Mo Tu We Th

August 2024

September 2024

				1	2	3		1	2	3	4	5
4	5	6	7	8	9	10		8	9	10	11	12



★ 4.87 · 272 reviews

Overall rating	Cleanliness 4.8	Accuracy 4.9	Check-in 5.0	Communication 4.9	Location 4.9	Value 4.8
5 4 3 2 1						

Kathy

1 month on Airbnb

★★★★★ · 1 week ago · Stayed a few nights

it was our first sisters trip. I picked Deadwood because I was there 10 years ago and always wanted to go back. The air B&B I chose was perfect. Trinity was an awesome host, we had everything we needed. It was walking distance to all the shops, restaurants. Coffee in the morning while relaxing in the hottub. Thank you for letting us enjoy and stay in your beautiful home.

Show more

Ryan

3 months on Airbnb

★★★★★ · 2 weeks ago · Group trip

The host was very friendly and quick to respond. The house was very clean and awesome.

Maria

Dazey, North Dakota

★★★★★ · 2 weeks ago · Stayed a few nights

Very nice place to stay while in Deadwood. Easy walk to downtown. Very nice to stay and relax after our activities

Anne

Bottineau, North Dakota

★★★★★ · June 2024 · Group trip

Very good location to be able to walk to amenities easily.

**Dezi**

Dell Rapids, South Dakota

★★★★★ · June 2024 · Group trip

Trinity explained everything so well and had so many helpful suggestions on places to go!! Definitely liked how I could walk to a lot of the places as well!!

**Shaylee**

Glendive, Montana

★★★★★ · May 2024 · Group trip

Loved the house! Very private yard! Lots of sleeping room! Beautiful tree!!!

Show all 272 reviews

## Where you'll be

Deadwood, South Dakota, United States

We verified that this listing's location is accurate. [Learn more](#)

## Neighborhood highlights

Very small creekside neighborhood with only 3 other houses on this street. Only one direct neighbor with a privacy fence between. The other side of the property is the start of Mickelson trail. Located behind the Family Dollar building.

[Show more](#) >

## Meet your Host



879



**Trinity**  
Superhost

Reviews

**4.88** ★

Rating

**8**

Years hosting

Born in the 90s

My work: Self employed

Hello! I was born and raised in Deadwood, SD and continue to live here year round. I thoroughly enjoy hosting Airbnb properties to everyone coming to visit our little piece of paradise. I got started on Airbnb in 2016 to rent my house out...

[Show more >](#)

### Trinity is a Superhost

Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.

### Host details

Response rate: 100%  
Responds within an hour

[Message Host](#)

To protect your payment, never transfer money or communicate outside of the Airbnb website or app.

## Things to know

### House rules

- Check-in after 4:00 PM
- Checkout before 11:00 AM
- Pets allowed

[Show more >](#)

### Safety & property

- Exterior security cameras on property
- Pool/hot tub without a gate or lock
- May encounter potentially dangerous animal



[Show more >](#)

**Cancellation policy**

Add your trip dates to get the cancellation details for this stay.

[Add dates >](#)

**Support**

Help Center

Get help with a safety issue

AirCover

Anti-discrimination

Disability support

Cancellation options

Report neighborhood concern

**Hosting**

Airbnb your home

AirCover for Hosts

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PLANNING, ZONING AND  
HISTORIC PRESERVATION  
108 Sherman Street  
Telephone (605) 578-2082  
Fax (605) 722-0786



**Kevin Kuchenbecker**  
Planning, Zoning and  
Historic Preservation Officer  
Telephone (605) 578-2082  
kevin@cityofdeadwood.com

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## PLANNING AND ZONING COMMISSION

### CONDITIONAL USE PERMIT – ANNUAL REVIEW

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### Staff Report

**Date:** September 18, 2024  
**From:** Kevin Kuchenbecker  
Planning, Zoning & Historic Preservation Officer  
**To:** Planning and Zoning Commission  
**RE:** Annual Review - Conditional Use Permit – Vacation Home  
Establishment

---

**APPLICANT(S):** Deadwood Rentals - Main  
**PURPOSE:** Annual Review – Conditional Use Permit – Vacation  
Home Establishment  
**ADDRESS:** 819 Main Street  
Deadwood, Lawrence County, South Dakota  
**LEGAL DESCRIPTION:** 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  
NW ¼ NE ¼ of Section 27, T5N, R3E, B.H.M., City of  
Deadwood, Lawrence County, South Dakota, according  
to Plat filed in Document No. 2001-4003.  
**FILE STATUS:** Legal requirements still need to be met.  
**ZONE:** C1 - Commercial  
**STAFF FINDINGS:**

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Surrounding Zoning:	Surrounding Land Uses:
North: C1 – Commercial	Parking Lot
South: PU – Public Use	Highway/Open Space
East: C1 – Commercial	Hotel
West: R2 – Multi-Family Residential	Church

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## **SUMMARY OF REQUEST**

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The Deadwood City Commission has directed the Planning and Zoning Commission to conduct annual reviews of all Conditional Use Permits in accordance with City of Deadwood Municipal Code 17.76.060. The applicant was issued a Conditional Use Permit on September 18, 2023, to operate a Vacation Home Establishment at 819 Main Street.

The subject property is located on Main Street and is surrounded by different zoning classifications, including Multi-Family Residential, Public Use, and Commercial.

## **FACTUAL INFORMATION**

1. The property is currently zoned C1 – Commercial.
2. The subject property has access from Main Street.
3. The property is located within a 500 year flood zone and has a 0.2% percent annual chance of experiencing a flood.
4. Adequate public facilities are available to serve the property.
5. The area is characterized by a mixture of single-family residences, businesses, and open space.

## **STAFF DISCUSSION**

---

The applicant was granted a Conditional Use Permit for a Vacation Home Establishment and City regulations permit Vacation Home Establishments in C1 - Commercial Districts with an approved Conditional Use Permit. The subject property is a six (6) bedroom, six (6) bath triplex that advertises a total availability of nine (9) beds with accommodation for eighteen (18) guests. Renters can park in the parking lot across the street.

### **“Vacation Home Establishment” means:**

Any home, cabin, or similar building that is rented, leased, or furnished in its entirety to the public on a daily or weekly basis for more than fourteen (14) days in the calendar year and is not occupied by an owner or manager during the time of rental as defined and permitted by the State of South Dakota and this Title.

## **COMPLIANCE:**

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This Vacation Home Establishment has been in continual use over the last 12 months.

According to Deckard – Rentalscape, the property was booked 183 nights in the past 12 months and has received very good reviews.

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No complaints are on record for this establishment.

Copy of Lodging License from South Dakota Department of Health required.

**GENERAL USE STANDARDS FOR CONDITIONAL USE PERMITS:**

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In reviewing any application under the authority of this chapter and as a further guide to its decision upon the facts of the case, the Commission(s) shall consider, among other things, the following facts:

- A. The proposed use shall be in harmony with the general purposes, goals, objectives, and standards to the City Policy Plan, the ordinance, the district in which it is located, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice by the City of Deadwood.

*The City Comprehensive Plan encourages a variety of uses and a mixture of housing types. Traffic and parking should not significantly affect the neighborhood if the applicant abides by the parking requirements associated with Short-Term Rentals.*

- B. Whether or not a community need exists for the proposed use at the proposed location in light of existing and proposed uses of a similar nature in the area and of the need to provide or maintain a proper mix of uses both within the city and also within the immediate area of the proposed use: (a) the proposed use in the proposed location shall not result in either a detrimental over concentration of a particular use from previously permitted uses within the city or within the immediate area of the proposed use.

*The subject area is zoned C1 - Commercial District and is intended to provide locations coinciding with the downtown core commercial zone where certain commercial uses and gaming are permitted.*

- C. The proposed use at this location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvement, public sites, or rights-of-way.

*The applicant only uses off street parking and prevents any public nuisance issues that are often associated with Short-Term Rentals, the proposed use should not result in a substantial or undue adverse effect on adjacent property, or the character of the neighborhood and the use would not alter the character of the neighborhood. There has been no change in the size of the dwelling.*

- D. The previously approved Conditional Use Permit is still in use, and when influenced by matters pertaining to the public health, safety, and general

Conditional Use Permit Review – Vacation Home Establishment  
819 Main Street  
September 18, 2024

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welfare, either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of the Policy Plan, this ordinance, or any other plan, program, map or ordinance adopted, or under consideration pursuant to official notice, by the city or other governmental agency having jurisdiction to guide growth and development.

For any conditional use, lot and performance standards shall be the same as similar type uses located in specific districts. The character and use of buildings and structures adjoining or near the property mentioned in the application shall be considered in their entirety.

*The current use has not increased the proliferation of non-conforming uses. The subject residence is in an area that does not have additional Short-Term Rentals in the immediate area. The appearance of the structure has not changed; therefore, the character and use of the buildings and structures adjoining the subject property has not been adversely affected.*

- E. Whether or not the current use in the proposed area has been adequately served by and will not impose an undue burden on any of the improvements, facilities, utilities, and services specified in this section.

*The proposed use has not caused significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services. Existing services are available onsite. All utilities have been assigned commercial rates.*

**CONDITIONS GOVERNING APPLICATIONS AND PROVISIONS:**

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- A. Following the review of a Conditional Use Permit pursuant to the provisions of this ordinance, such permit may be amended, varied, or altered only pursuant to the standards and procedures established by this section for its original approval.
- B. The Board of Adjustments can revoke Conditional Use Permits, once granted, for cause after a hearing is held before them. Complaints seeking the revocation of such permit shall be filed with the Zoning Administrator and may be initiated by the Planning and Zoning Commission OR any three (3) residents within three hundred (300) feet of the property lines of which the application has been filed. All such revocation hearings shall be conducted in the same manner as for the Conditional Use Permit Application hearings.
- C. The Planning and Zoning Commission shall have the authority to review Conditional Use Permits at any time and/or on an annual basis and place additional stipulations to mitigate a problem.

Conditional Use Permit Review – Vacation Home Establishment  
819 Main Street  
September 18, 2024

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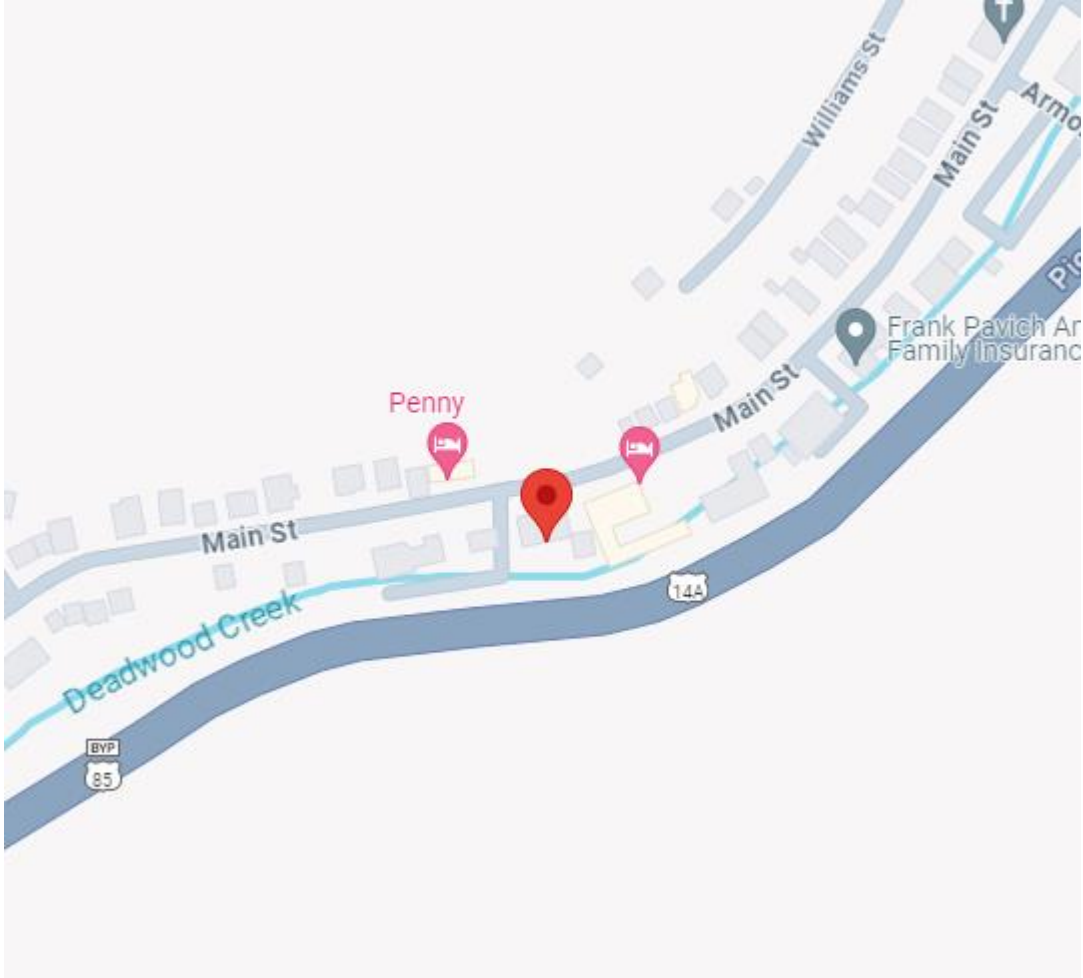
- D. If the use permitted under the terms of a Conditional Use Permit has not been started within six (6) months of the date of issuance thereof, said permit shall expire and be canceled by the City Planning Department. Written notice thereof shall be given to the person(s) affected, together with notice that further use or work as described in the canceled permit shall not proceed, unless and until a new Conditional Use Permit has been obtained.
- E. If the use permitted under the terms of a Conditional Use Permit ceases, for whatever reason, for a period of twelve (12) months, said permit shall expire and be canceled by the City Planning Department. Written notice thereof shall be given to the person(s) affected, together with notice that further use or work as described in the canceled permit shall not proceed, unless and until a new Conditional Use Permit has been obtained.

If approved, staff recommendations for stipulation(s):

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 has been provided to the Planning and Zoning Office for their files.
3. The Building Inspector has inspected the building, and it meets all applicable building codes.
4. City water and sewer rates have been changed from residential to commercial rates.
5. Proper paperwork has been filed with the City of Deadwood Finance Office for Business Improvement District (BID) taxes.
6. A City of Deadwood Business License has been issued.
7. Maintain Lodging License from the South Dakota Department of Health and provide copy to the Planning and Zoning Office for their files on an annual basis.
8. All parking shall be off street.

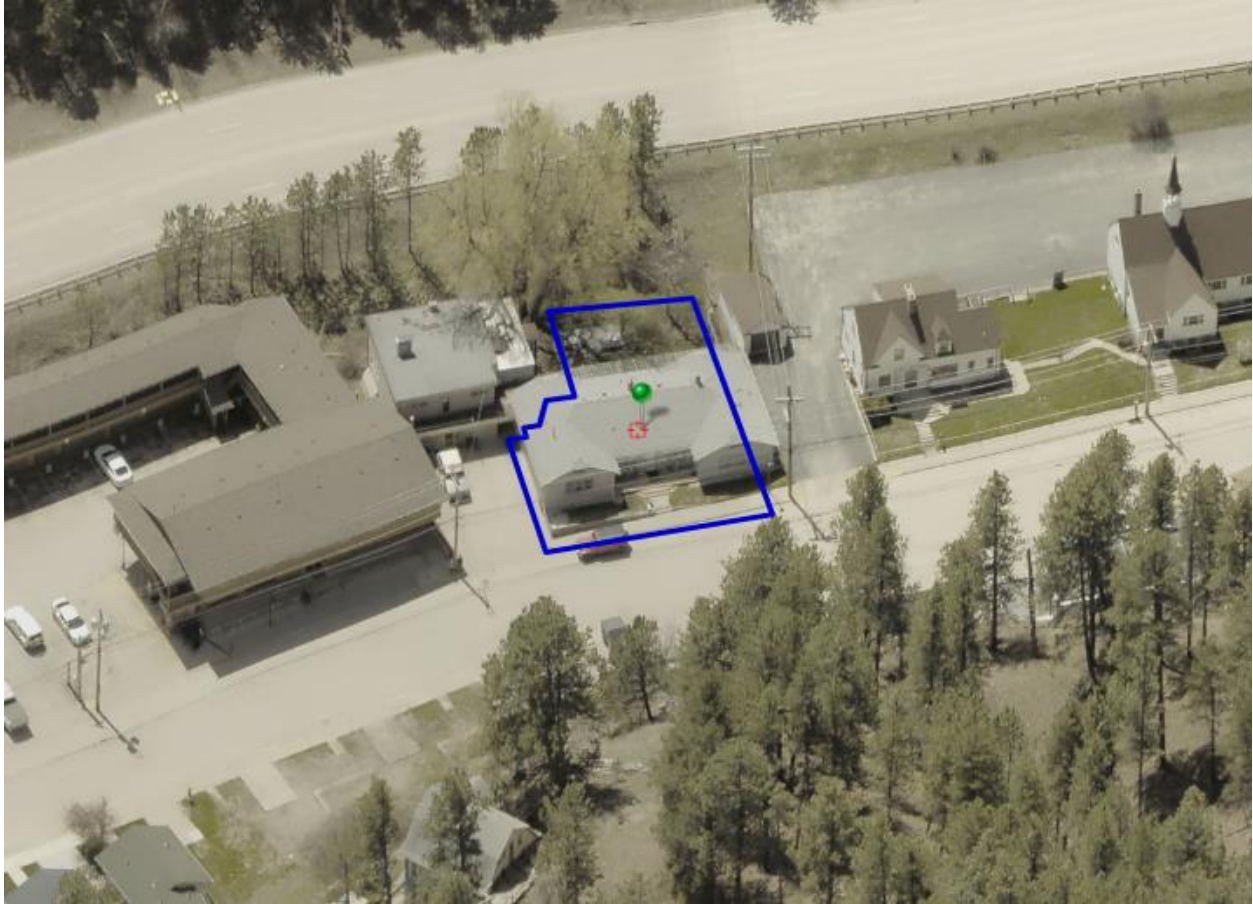
**ACTION REQUIRED FOR CONDITIONAL USE PERMIT:**

1. Approval/Denial by Deadwood Planning and Zoning Commission



Map showing location of 819 Main Street.

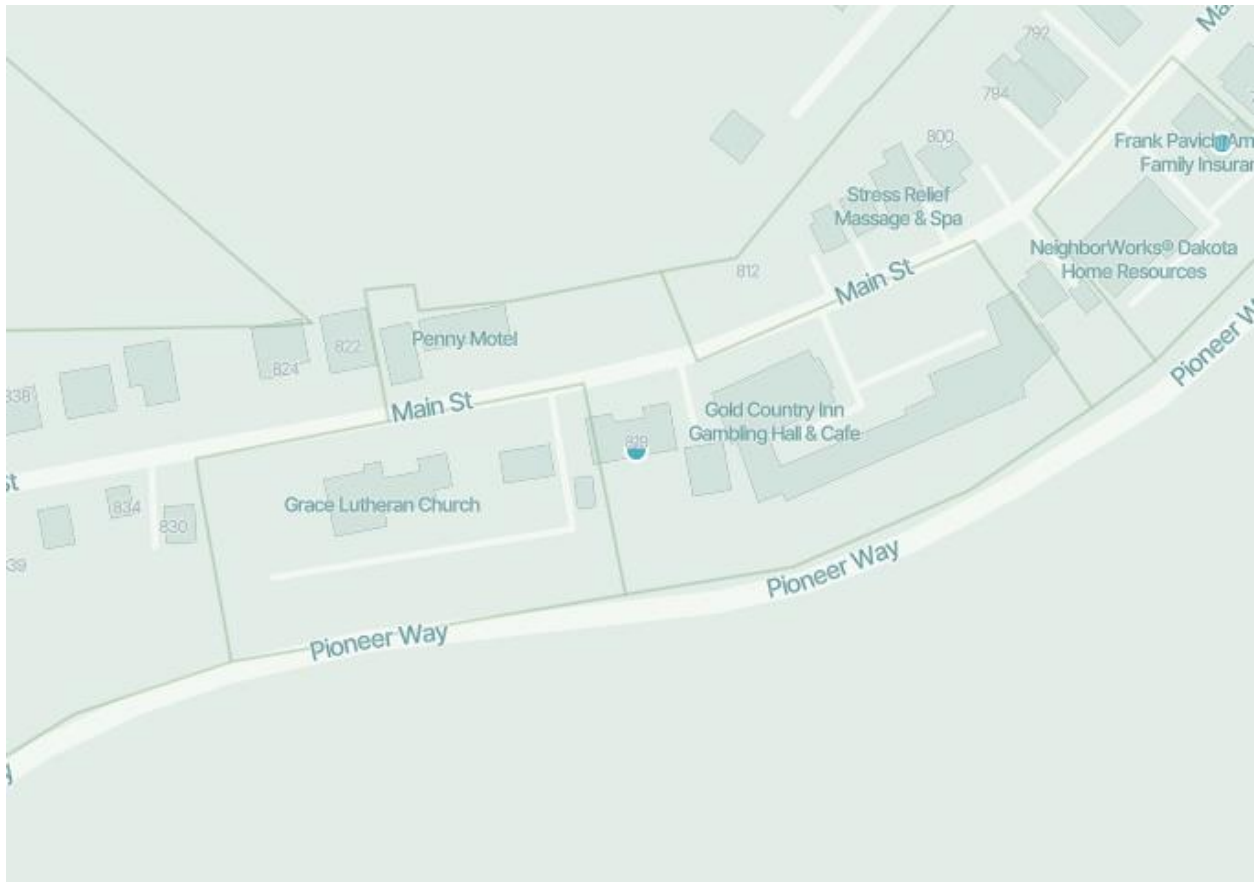




**Aerial view of 819 Main Street.**







**Short-Term Rental map of 819 Main Street.**





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Apartment

# Cozy hideaway on Main, Farmhouse Unit

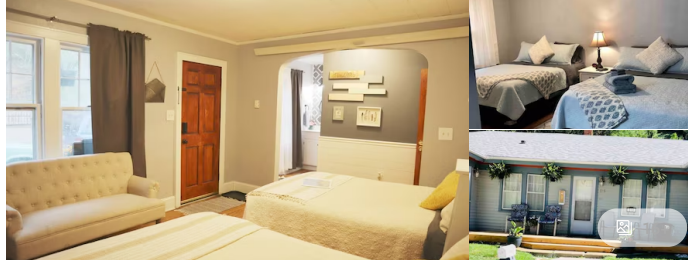
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Overview Amenities Policies Location Host

10 **Exceptional**

See all 2 reviews >

## Highlights

Close to Deadwood Mountain Grand

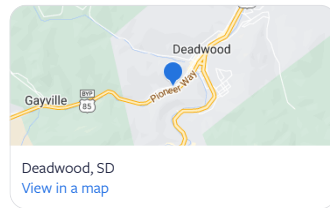
2 bedrooms 2 bathrooms Sleeps 8

## Popular amenities

- Barbecue grill
- Air conditioning
- Pet friendly
- Kitchen
- Outdoor Space
- Free WiFi

See all >

## Explore the area



- Deadwood Mountain Grand 7 min walk
- Tin Lizzie Gaming Resort 15 min walk
- Cadillac Jacks Casino 19 min walk
- Spearfish, SD (SPF-Black Hills) 19 min drive

See more >

## Rooms & beds

### 2 bedrooms (sleeps 8)

#### 2nd Bedroom



2 Queen Beds

#### Front bedroom



2 Queen Beds

### 2 bathrooms

#### 2nd Full Bathroom




Bathtub or shower · Toilet

#### Front Full Bathroom



Bathtub or shower · Toilet

## Spaces


-  Deck or patio
-  Kitchen
-  Balcony
-  Garden
-  Dining Area

[See all rooms and beds details](#)



Check-in

Select date



Check-out

Select date



Travelers

1 room, 2 travelers

[Check availability](#)



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Rare Hideaway on Main, Retro unit, Deadwood

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# Rare Hideaway on Main, Retro unit



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Deadwood, So...



Dates



Travelers  
2 travelers

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Overview

Amenities

Policies

Location

Host

10 **Exceptional**

See all 2 reviews >

## Highlights



Walk to Deadwood Mountain Grand



2 bedrooms



2 bathrooms



Sleeps 6

## Popular amenities



Barbecue grill



Kitchen



Air conditioning



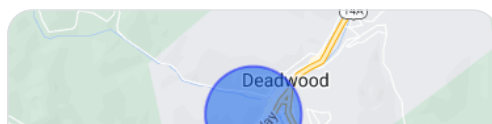
Outdoor Space



Pet friendly

See all >

## Explore the area



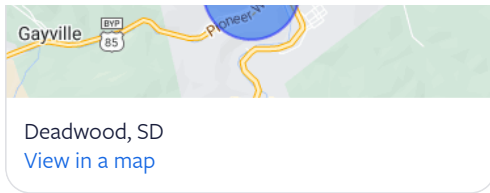
Deadwood Mountain Grand

7 min walk



Tin Lizzie Gaming Resort

15 min walk



- Cadillac Jacks Casino 19 min walk
  - Spearfish, SD (SPF-Black Hills) 19 min drive
- [See more >](#)

## Rooms & beds

### 2 bedrooms (sleeps 6)

#### Back Bedroom



1 Queen Bed

#### Front Bedroom



1 King Bed

### 2 bathrooms

#### Back Bathroom



Bathtub or shower · Toilet

#### Front bathroom



Bathtub or shower · Toilet

## Spaces



Deck or patio



Kitchen



Garden



Dining Area

[See all rooms and beds details](#)



Check-in

Select date



Check-out

Select date



Travelers

1 room, 2 travelers

[Check availability](#)





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Apartment

# Peaceful Hideaway on Main, E

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Deadwood, So...

Dates

Travelers  
2 travelers

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Overview Amenities Policies Location Host

10 **Exceptional**

See 1 review >

## Highlights

Walk to Deadwood Mountain Grand

2 bedrooms

2 bathrooms

Sleeps 6

## Popular amenities

Barbecue grill

Kitchen

Air conditioning

Outdoor Space

Pet friendly

Free WiFi

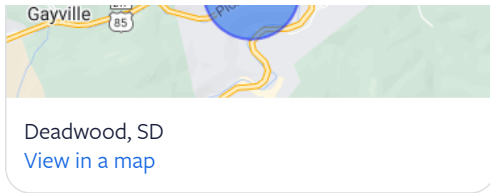
See all >



## Explore the area



Deadwood Mountain Grand 7 min walk

Tin Lizzie Gaming Resort 15 min walk



-  Cadillac Jacks Casino 19 min walk
  -  Spearfish, SD (SPF-Black Hills) 19 min drive
- [See more >](#)

## Rooms & beds

### 2 bedrooms (sleeps 6)

#### Back Bedroom



1 Queen Bed

#### Front Bedroom



1 King Bed and 1 Double Sofa Bed

### 2 bathrooms

#### Back bathroom



Toilet · Shower only

#### Front full bathroom



Bathtub or shower · Toilet

## Spaces

 Deck or patio

 Kitchen

 Garden

 Dining Area

[See all rooms and beds details](#)

 Check-in  
Select date

 Check-out  
Select date

 Travelers  
1 room, 2 travelers

[Check availability](#)