



Planning and Zoning Commission Regular Meeting Agenda

Wednesday, March 01, 2023 at 4:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

1. **Call to Order**
2. **Roll Call**
3. **Approval of Minutes**
 - [a.](#) Approval of the February 15, 2023 Minutes.
4. **Sign Review Commission**
5. **Planning and Zoning Commission**
 - [a.](#) Temporary Vendor Application - 555 Main Street - Michael Snyder - Leather Headquarters
6. **Items from Citizens not on Agenda**
(Items considered but no action will be taken at this time.)
7. **Items from Staff**
 - [a.](#) Food Truck Possible New 2023 Locations
 - [b.](#) Update on Short-Term Rental Task Force
8. **Adjournment**

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



Planning and Zoning Commission Regular Meeting Minutes

Wednesday, February 15, 2023 at 4:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

1. Call to Order

The meeting of the Deadwood Planning and Zoning Commission was called to order by Chairman Martinisko on Wednesday, February 15, 2023, at 4:00 p.m. in the Deadwood City Hall Meeting Room, located at 102 Sherman Street, Deadwood, SD 57732.

2. Roll Call

PRESENT

Commissioner (Chair) John Martinisko

Commissioner (Vice-Chair) Josh Keehn

Commissioner (Secretary) Dave Bruce

Commissioner Charles Eagleson

Commissioner Ken Owens

Michael Johnson, City Commissioner

STAFF PRESENT

Kevin Kuchenbecker, Planning, Zoning and Historic Preservation Officer

Trent Mohr, Building Inspector

Cindy Schneringer, Administrative Assistant

3. Approval of Minutes

- a. Approval of February 1, 2023 Minutes

It was moved by Commissioner Keehn and seconded by Commissioner Owens to approved the February 1, 2023 minutes. Voting Yea: Martinisko, Keehn, Bruce, Eagleson, Owens

4. Sign Review Commission

- a. 628 Main Street (Fairmont Hotel) - Scott O'Hare - Install Three New Signs

Mr. Mohr stated we have one permit application tonight for your consideration for three signs at 628 Main Street, the Fairmont Hotel. This is actually for a business going in the basement of the Fairmont Hotel. Formerly Deadwood Tobacco was in there which moved to the first floor of the Masonic Center. There are three signs proposed that I have designated as sign A, B, and C. Sign A is a wall sign that will go on the railing on the Main Street side. Sign B is a projecting sign at the top of the stairs on the Main Street side. Sign C is a wall sign on Wall Street at the top of the stairs leading to the basement. The signs and their location are compliant with the ordinance and requires no variances.

It was moved by Commissioner Keehn and seconded by Commissioner Bruce to approve the sign permit for 628 Main Street to install three new signs. Voting Yea: Martinisko, Keehn, Bruce, Eagleson, Owens

5. Planning and Zoning Commission

- a. Final Plat - Creating Lot Lines - Terry J. and Dawn L. Bahr - Near Deadwood Gulch Campground

LOT 1 AND 2 OF THE SUBDIVISION OF TRACT E-1 BEING A PORTION OF HILLSIDE PLACER M.S. 749 LOCATED IN THE SE¼ OF SECTION 27, T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA

Mr. Kuchenbecker stated this is for Terry J. and Dawn L. Bahr. The applicant is here. The purpose is dividing the existing property into two lots. It is near Whistler Gulch Campground. The legal description is LOT 1 AND 2 OF THE SUBDIVISION OF TRACT E-1 BEING A PORTION OF HILLSIDE PLACER M.S. 749 LOCATED IN THE SE¼ OF SECTION 27, T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA. All legal obligations have been completed. It is zoned Commercial Highway District. Surrounding zoning to the north is commercial highway which is hotel/motel/convention center. To the south is park forest which is BLM. East and west are both commercial highway with one being campground and the other motel/apartments. This is the final plat of Lot 1 and Lot 2 of tract E-1 which is being divided into two properties adjacent to Cliff Street near Whistler Gulch Campground. Lot 1 is comprised of 0.977 acres plus or minus. Lot 2 is comprised of 16.789 acres plus or minus. The property is not located within a flood zone or flood hazard zone. Public facilities are available to serve the property. Everything was identified in the plat. It is in front of you for action to approve or deny with conditions by the Planning and Zoning Commission. Terry is here for any questions.

It was moved by Commissioner Bruce and seconded by Commissioner Owens to approve the final plat for creating lot lines legally described as LOT 1 AND 2 OF THE SUBDIVISION OF TRACT E-1 BEING A PORTION OF HILLSIDE PLACER M.S. 749 LOCATED IN THE SE¼ OF SECTION 27, T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA. Voting Yea: Martinisko, Keehn, Bruce, Eagleson, Owens

6. Items from Citizens not on Agenda

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

7. Items from Staff

- a. Overview of Task 1 of the Deadwood Water Modeling Study
Mr. Kuchenbecker provided an update on Phase 1 of the Deadwood Water Modeling Study.
- b. Update on Parking Management Plan
Mr. Kuchenbecker provided an update on the Parking Management Plan.

8. Adjournment

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

There being no further business, the Planning and Zoning Commission adjourned at 4:23 p.m.

ATTEST:

Chairman, Planning & Zoning Commission

Secretary, Planning & Zoning Commission

Cindy Schneringer, Planning & Zoning Office/Recording Secretary

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



Section 5 Item a.

Questions Contact:
Jeremy Russell
(605) 578-2082 or
jeramyr@cityofdeadwood.com

Application Date: _____

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: Michael Snyder Telephone: (310) 480 2665

Name of Business: Leather Headquarters Telephone: (702) 431 8808

Applicant's Mailing Address: 4245 Boulder Hwy Las Vegas NV 89121
Street City State Zip

Please select your type of vending:

- * Outside of a Structure - \$750.00 - 750 x 2 1500.-
- * Inside of an Existing Structure - \$250.00 250 x 2 500.- = 2000.-

For a period of fourteen (14) days: Beginning: July 27
Ending: August 14 2023

South Dakota Sales Tax Number: Will Drop-off - Applied for

Physical Street Address of Vending Location: 555 Main Street

MGM Sports Book & Patio Area

Contact Name and Phone Number of Property Owners: Blue Sky Gaming / Tin Lizzie

David Knight 605-578-1715 x116

Complete Description of Goods and/or Services: Retail Sales - Leather Goods, T-shirts
Accessories, Helmets, Boots, Jewelry, Bags, Fun stuff.

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: [Signature] Date submitted: 2/13/23

Fee: \$ 2000 Paid On 2/21/2023 Receipt Number 00183679

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

Reason for Denial (if necessary): _____

ORDINANCE NO. 1353
AN ORDINANCE CREATING CHAPTER 5.06 MOBILE FOOD AND
BEVERAGE VENDING PERMIT

NOW, THEREFORE, BE IT ORDAINED by the City Commissioners of the City of Deadwood that a new Chapter 5.06 of the Code of Ordinances of City of Deadwood, South Dakota entitled "Mobile Food and Beverage Vending Permit" is hereby established as follows:

5. 06 MOBILE FOOD AND BEVERAGE VENDING PERMIT

5.06.010 Definitions.

(1) Food Truck. For the purposes of this chapter, the term mobile vending shall be defined as any "food truck" as a licensed motor vehicle that has equipment for cooking, preparing, and selling food or beverages. This definition shall not include deliveries of prepared food or beverages by passenger vehicles, vans, or trucks having only devices installed for securing food or beverages during transport and is not equipped with any equipment for food or beverage preparation.

(2) Food Cart. For the purposes of this chapter, the term "food cart" shall be defined as any type of mobile carrier designed to facilitate the sale and marketing of food or beverages and is not defined as a food truck.

(3) Mobile Food and Beverage Vending/Vendor(s). For the purposes of this chapter, the term "mobile food and beverage vending/vendor(s)" shall be defined as an activity whereby prepared food or beverages are sold to the public from a Food Truck or Food Cart. This definition shall not include food and beverage delivery services.

(4) Permitted Period of Operation. For the purposes of this chapter shall be defined as 1, 2 or 3 days, individually or consecutively, with a minimum of 30 days between permitted days of operation between the hours of 7:00 AM and 12:00 AM.

5.06.020 License required.

It shall be unlawful to operate a food truck or food cart in the City of Deadwood without first having obtained a license as described herein.

5.06.030 Fees and licensing procedure.

(1) The operator of all food trucks and food carts shall apply for a license on forms provided by the City of Deadwood Planning and Zoning Office.

(2) The annual application fee shall be set by resolution of the City Commission.

(3) An approved applicant shall pay an additional fee for their approved event application that will be set by resolution. Payment is due prior to the dates of operation and is non-refundable.

5.06.040 Permitted locations.

Mobile food and beverage vending shall be permitted at the following City approved locations:

- (1) South Gateway/Pluma Welcome Center

The City of Deadwood will approve a specific location for operation within the above locations.

5.06.050 Locations and times prohibited.

- (1) Mobile food and beverage vending is prohibited where vending activity is blocking access to a public street, alley, bike path, sidewalk, or access to an adjacent property.
- (2) Mobile food and beverage vending shall be prohibited between the hours of 12:00 AM and 7:00 AM.

5.06.060 Health, safety, and sanitation.

Mobile food and beverage vendors shall:

- (1) Operate according to the public health and food safety requirements determined by South Dakota Department of Health.
- (2) Comply with the fire safety requirements checklist as provided on the mobile food and beverage vending license.
- (3) Comply with the licensing requirements of the State of South Dakota including food, sales tax, and mobile food and beverage vending.
- (4) Provide a trash bin for public use and remove all garbage within twenty-five feet of any food truck or food cart during daily operations.

5.06.070 Signage.

No signage or advertising shall be permitted except for what appears on the mobile food and beverage truck or cart.

5.06.080 Alcohol.

Mobile food and beverage vendors shall not sell or distribute alcoholic beverages.

5.06.090. Liability and insurance.

Mobile food and beverage vendors operating from public streets and sidewalks, or other City-owned property shall maintain commercial general liability insurance with a limit of not less than one million dollars per occurrence and two million dollars general aggregate naming the City of Deadwood as an additional insured. A copy of the applicant's current certificate of insurance shall be provided to the City of Deadwood while the license is in effect and notice to the City of Deadwood Finance Officer shall be provided when coverage is terminated.


5.06.100 Violations and revocation of license.

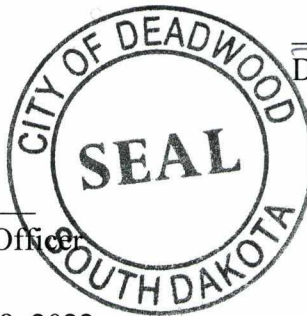
Licenses shall be subject to revocation by the City Commission for violation of any provisions of city ordinance or state law according to the following procedure:

- (1) Vendor shall be provided with written notice that describes the nature of the violation and a timeline for correction.
- (2) If correction is not completed within the time specified, the City Commission may revoke the license at a regularly scheduled City Commission meeting.

Dated this 2nd day of May, 2022

ATTEST:


Jessica McKeown, Finance Officer



CITY OF DEADWOOD


David Ruth Jr., Mayor

First Reading: April 18, 2022
Second Reading: May 2, 2022
Published: May 5, 2022
Adopted: May 25, 2022

POLICY GOALS IDENTIFIED FOR SHORT-TERM RENTALS

The following are policy goals identified through the short-term rental task force and recommended for consideration by the City Commission in developing and strengthening regulations for the City of Deadwood.

- ⇒ Preserve the historic character and protect the National Historic Landmark district.
- ⇒ Maintain a strong sense of community and family friendly neighborhoods.
- ⇒ Protect the residential quality and values of the neighborhoods within Deadwood.
- ⇒ Balance the needs and rights of property owners as well as the neighbors' rights.
- ⇒ Retain a strong housing stock available for families and full-time residents and prevent the loss of such housing options.
- ⇒ Support a balance between owner-occupied / long-term rentals and the tourism-oriented industry which fuels Deadwood's economy.
- ⇒ Grow the community with a variety of housing options including affordable and work-force housing while ensuring the infrastructure needs of Deadwood are maintained.
- ⇒ Ensure Tax Increment Financing districts (TIFs) and Planned Unit Development (PUD) projects meet the overall goals and comprehensive plans for Deadwood.

These goals were developed in the first quarter of 2023 from a series of stakeholder meetings through a city appoint task force to study the pros and cons and desired direction for the City of Deadwood as it relates to short-term rentals, specifically vacation homes, within the city limits of Deadwood.

The following were items identified during the goal setting session and are action items to accomplish the above overarching policy goals.

- Continue to prohibit vacation homes from R1/R2 Zoning districts.
- Create regulatory methods to enforce violators of ordinances dealing with short-term rentals.
- Grandfather Legally Operating Existing STRs
- Require On-Site Management/Owner Occupied status such as Bed & Breakfast operations.
- If STRs Allowed in New Developments Zone appropriately and Capture Extra Tax Revenues
- Ensure segregation of housing and anything between R1 and R2 and Anything Considered STRs
- Allow no STRs in the existing core district R1 and R2 zoning areas
- Possibly Limit % of STR Rooms as Ratio of Overall Housing
- Reduce pressure on long-term rentals