



Planning and Zoning Commission Regular Meeting Agenda

Wednesday, February 04, 2026 at 4:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

1. Call to Order

2. Roll Call

3. Approval of Minutes

- [a.](#) Approve the minutes of the January 7, 2026, Planning and Zoning Commission Meeting.

4. Sign Review Commission

5. Planning and Zoning Commission

- [a.](#) Application for Conditional Use Permit - Oralie's Development - Multi-Family Dwelling Unit legally described as Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 of Highland Park Addition to the City of Deadwood, Lawrence County, South Dakota, according to the Plat recorded in Book 1 Page 135.

Actions:

1. Public Hearing
2. Approve/Deny Application for 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 Regular Meeting Minutes

Wednesday, January 07, 2026 at 4:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

1. Call to Order

The Planning and Zoning Commission Meeting was called to order by Chairman Martinisko on Wednesday, January 7, 2026, at 4:00 p.m. in the Deadwood City Hall Meeting Room, located at 102 Sherman Street, Deadwood, SD 57732.

2. Roll Call

PRESENT

Commissioner (Chair) John Martinisko
 Commissioner (Vice-Chair) Josh Keehn
 Commissioner (Secretary) Dave Bruce
 Commissioner Ken Owens
 Commissioner Jim Williams

City Commissioner Charles Eagleson

STAFF PRESENT

Kevin Kuchenbecker – Planning, Zoning and Historic Preservation Officer
 Leah Blue-Jones – Zoning Coordinator

3. Approval of Minutes

a. Approve the minutes of the December 17, 2025 Planning and Zoning Commission Meeting.

It was moved by Commissioner Keehn and seconded by Commissioner Owens to approve the minutes of the December 17, 2025, Planning and Zoning Commission Meeting. Voting yea: Martinisko, Keehn, Bruce, Owens, Williams.

4. Sign Review Commission

a. Application for Sign Permit - 470 Main Street - Brandi Guttery. Applicant is requesting permission to install one (1) new wall sign. Proposed location is compliant with ordinance. Proposed sign will require a variance due to its size.

Actions:

1. Approve/deny request for Sign Permit

Ms. Blue-Jones introduced Application for Sign Permit - 470 Main Street - Brandi Guttery and reviewed the Staff Report.

Ms. Brandi Guttery introduced herself to the Commission and explained the storefront and sign are set back from the road, and she would like a larger sign so it can be seen by potential customers.

It was moved by Commissioner Williams and seconded by Commissioner Bruce to approve Application for Sign Permit - 470 Main Street - Brandi Guttery. Voting yea: Martinisko, Keehn, Bruce, Owens, Williams.

5. Planning and Zoning Commission

- a. Application for Plat - Lot AB-1, Block 11 - City of Deadwood legally described as Lot AB-1 of Block 11 O.T. Deadwood; formerly a portion of Public Right-Of-Way in Block 11, City of Deadwood, Lawrence County, South Dakota.

Action Required:

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

Mr. Kuchenbecker introduced Application for Plat - Lot AB-1, Block 11 - City of Deadwood and reviewed the Staff Report.

It was moved by Commissioner Keehn and seconded by Commissioner Owens to approve Application for Plat - Lot AB-1, Block 11 - City of Deadwood. Voting yea: Martinisko, Keehn, Bruce, Owens, Williams.

- b. Annual Review - Conditional Use Permit for Specialty Resort – 57 Sherman Street (Sportsbook Deadwood LLC) legally described as 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. [Item continued from December 17, 2025]

Action Required:

1. Public Hearing

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

Mr. Kuchenbecker introduced Annual Review - Conditional Use Permit for Specialty Resort – 57 Sherman Street (Sportsbook Deadwood LLC) and discussed the Staff Report.

Mr. Gerard Keating, Managing Partner of the property, introduced himself to the Commission. This Specialty Resort has one (1) bedroom. Mr. Keating discussed current and future renovations and plans for the building.

It was moved by Commissioner Bruce and seconded by Commissioner Owens to approve Annual Review - Conditional Use Permit for Specialty Resort – 57 Sherman Street (Sportsbook Deadwood LLC) with nine (9) conditions. Voting yea: Martinisko, Keehn, Bruce, Owens, Williams.

- c. Annual Review - Conditional Use Permit for Specialty Resort – 65 Sherman Street (Sportsbook Deadwood LLC) legally described as Lots 9 and 11 and the northeast twenty-four (24) feet of Lot 7, Block 30, Original Town of the City of Deadwood, Lawrence County, South Dakota. [Item continued from December 17, 2025]

Action Required:

1. Public Hearing

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

Mr. Kuchenbecker introduced Annual Review - Conditional Use Permit for Specialty Resort – 65 Sherman Street (Sportsbook Deadwood LLC) and reviewed the Staff Report.

Mr. Keating described the layout of the Specialty Resort and explained that there has been little rental demand for such a space even though the location is available for rent if

requested. Commissioner Bruce asked if the rooms are advertised as available. Mr. Keating responded the rooms have not yet been advertised but will be once the space has been reworked. Mr. Keating went on to discuss future plans with the building.

It was moved by Commissioner Bruce and seconded by Commissioner Williams to approve Annual Review - Conditional Use Permit for Specialty Resort - 65 Sherman Street (Sportsbook Deadwood LLC) with nine (9) conditions. Voting yea: Martinisko, Keehn, Bruce, Owens, Williams.

6. Items from Citizens not on Agenda

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

7. Items from Staff

Mr. Kuchenbecker discussed the Tourism Conference scheduled for the week of January 19.

The mayor will present her first State of the City address on Monday, January 12.

The first Mayor's Roundtable will occur Thursday, January 8. A variety of community leaders are expected to attend.

Quotes will be solicited soon for a trail between the Bunkhouse and the Lodge.

Bids are being accepted for new lights at the Event Complex as well as the Mt. Moriah restoration project.

Beautification fencing projects will begin soon.

A bill modifying the formula for gaming revenues will be presented at the Legislative Session.

Both Governor Rhoden and Senator Deibert have pre-legislative meetings over the next few days.

Deadwood 150th event planning is underway. The events will include a Chuck Wagon cookoff and vintage Base Ball games.

8. Adjournment

It was moved by Commissioner Owens and seconded by Commissioner Keehn to adjourn the Planning and Zoning Commission meeting. Voting yea: Martinisko, Keehn, Bruce, Owens, Williams.

There being no further business, the Planning and Zoning Commission adjourned at 4:24 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 COMMISSION STAFF REPORT CONDITIONAL USE PERMIT

Staff Report

Date: February 4, 2026
To: Planning and Zoning Commission
From: Kevin Kuchenbecker
 Planning, Zoning & Historic Preservation Officer
RE: Conditional Use Permit – Multiple Family Dwelling Unit

APPLICANT(S): HACA, LLC

PURPOSE: Application for CUP – Multiple Family Dwelling Unit

ADDRESS: Burnham Avenue

LEGAL DESCRIPTION: Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 of Highland Park Addition to the City of Deadwood, Lawrence County, South Dakota, according to the Plat recorded in Book 1 Page 135.

FILE STATUS: All legal obligations have been completed.

ZONE: R1 - Residential

STAFF FINDINGS:

Surrounding Zoning:

North: PF – Park Forest
 South: R1 – Residential
 East: R1 – Residential
 West: R1 – Residential

Surrounding Land Uses:

Undeveloped Land
 Residences
 Undeveloped Land
 Undeveloped Land

Conditional Use Permit – Multiple Family Dwelling Unit

Burnham Avenue

February 4, 2026

SUMMARY OF REQUEST

The applicants have submitted a request for a Conditional Use Permit to develop the land and build a Multiple Family Dwelling Unit located at the top of Burnham Avenue along the east side of the street. The proposed development includes five (5) town homes within two separate structures with garage parking.

FACTUAL INFORMATION

1. The property is currently zoned R1 – Residential.
2. The property is currently undeveloped land.
3. The subject property, once developed, will have access from Burnham Avenue. Each one of the five (5) units will have garage parking for two (2) cars located on the first level for a total of ten (10) parking spaces. This project involves two separate structures.
4. The subject property is located within an R1 - Residential zoning on 3 sides, and PF – Park Forest on the north side.
5. The property is not located within a flood zone.
6. Public facilities are not available to serve the property and would need to be installed. This includes extending Burnham Avenue and the installation of public utilities. The developer is open to a partial assessment for the public infrastructure improvements.
7. The area is characterized by residences with undeveloped land surrounding the neighborhood.

STAFF DISCUSSION

The applicants have submitted a request for a Conditional Use Permit for a Multiple Family Dwelling Unit and City regulations permit Multiple Family Dwelling Units in R1 - Residential zoning districts with an approved Conditional Use Permit.

The Deadwood Zoning Code 17.08 and South Dakota Codified Law defines a Multiple Family Dwelling Unit as the following:

“Multiple Family Dwelling Unit” means:

A dwelling containing three (3) or more attached dwelling units, not including motels, boarding houses, tourist homes or mobile homes.

Conditional Use Permit – Multiple Family Dwelling Unit

Burnham Avenue

February 4, 2026

COMPLIANCE:

1. The Zoning Office provided notice identifying the applicant, describing the project and its location, and giving the scheduled date of the public hearing in accordance with Section 11-4-4.
2. A sign was posted on the property for which the request was filed.
3. Notice of the time and place of the public hearing was published in the designated newspaper of the City of Deadwood.

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. This area is an established residential neighborhood located within the historic district. The City of Deadwood will promote a land use pattern that takes advantage of the community's unique physical constraints by providing for growth in a way that preserves existing historic integrity.

- 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 R1 – Residential and is intended to provide locations for medium density, residential development commensurate with an urban area. The primary use within this zone is single-family detached residences.

- 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 right-of-way.

If the applicant develops the property as intended, while keeping with historic guidelines as to design, the character of the neighborhood should not be adversely affected. Traffic conditions will increase along Burnham Avenue. Burnham Avenue will require expansion to the north to accommodate entry into the development. Municipal services will need to be installed to facilitate the development.

Conditional Use Permit – Multiple Family Dwelling Unit

Burnham Avenue

February 4, 2026

D. Whether or not the proposed use increases the proliferation of non-conforming uses as well as previously approved Conditional Use Permits which are still in use, 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 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 proposed use would not increase the proliferation of non-conforming uses. The appearance of the structure will require review and improvement by the Historic Preservation Commission; therefore, the character and use of the buildings and structures near the subject property will not be adversely affected.

Lot size requirements for a Multi-Family Dwelling Unit development are a lot area not less than three thousand five hundred (3,500) square feet for the first unit. For those structures which provide off-street parking within the main structure, the lot area requirement for each additional unit may be reduced to two hundred (200) square feet per dwelling unit; four hundred (400) square feet of open space shall be provided for each multi-family unit. A fifty (50) foot frontage on the lot is required for multi-family dwellings. If the development proceeds as proposed, the lot size requirements would be met.

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

As referenced in section C above, the proposed development would result in traffic conditions increasing along Burnham Avenue. Burnham Avenue will require expansion to the north to accommodate entry into the development. Municipal services will need to be installed to facilitate the development. The developer has conceptually agreed to a partial assessment for the public information improvements; however, a final proportionate has not been established at this time.

CONDITIONS GOVERNING APPLICATIONS AND PROVISIONS:

A. In the R1 Residential District, Conditional Use Permits granted by this chapter shall be temporary in nature, with the exception of townhouses, condominiums and multi-family dwellings.

Conditional Use Permit – Multiple Family Dwelling Unit

Burnham Avenue

February 4, 2026

- B. Following the issuance 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.
- C. 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.
- D. If the permitted use 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) or condition(s):

- 1. Any alterations, changes, or additions to the proposed development plan must be approved by the City of Deadwood and its appropriate departments prior to implementation.
- 2. The Conditional Use Permit shall be contingent upon project approval by the Deadwood Historic Preservation Commission.
- 3. The developer enters into a developer's agreement with the City of Deadwood which shall outline expectations, requirements and associated costs with regards to the necessary public infrastructure improvements.
- 4. All public infrastructure improvements meet the rules, regulations and guidelines adopted by the City of Deadwood rather than funded by private or public sector.

ACTION REQUIRED:

- 1. Approval/Denial by Deadwood 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 CONDITIONAL USE PERMIT

Application Fee: \$500.00

Applicants: Please read thoroughly prior to completing this form. Only complete applications will be considered for review.

Name of Proposed Development: ORALIE'S

Street Location of Property: TOP OF BURNHAM ST. @ DAKOTA

Legal Description of Property: Block 1, Lots 1-7 + Block 2, Lots 1-13

Zoning Classification of Property: R-1 RESIDENTIAL

Name of Property Owner: HACA, LLC Telephone: [REDACTED]

Address: [REDACTED]
Street _____ City _____ State _____ Zip _____

Name of Applicant: FREDERICK P. CONFORTI Telephone: [REDACTED]

Address: [REDACTED]
Street _____ City _____ State _____ Zip _____

1. The following documents shall be submitted:

- An improvement survey, including all easements,
- 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
- A written statement addressing the criteria for approval.

Uses of Building or Land: CURRENT USE OF LAND IS VACANT. PROPOSED USE IS RESIDENTIAL

Signature of Applicant: Fred C. Conforti Date: 1-11-2026

Signature of Property Owner: Fred C. Conforti FOR HACA, LLC Date: 1-11-2026

Fee: \$ 500.00 Paid On 1/13/26 Receipt Number 206082

Legal Notice Published Date: _____ Hearing Date: 2/4/26

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/City Commission:	Yes	No	Date: _____

Reason for Denial (if necessary): _____



City of Deadwood
102 Sherman Street
Deadwood, SD 57732

Mr. Kevin Kuchenbecker:

January 14, 2026

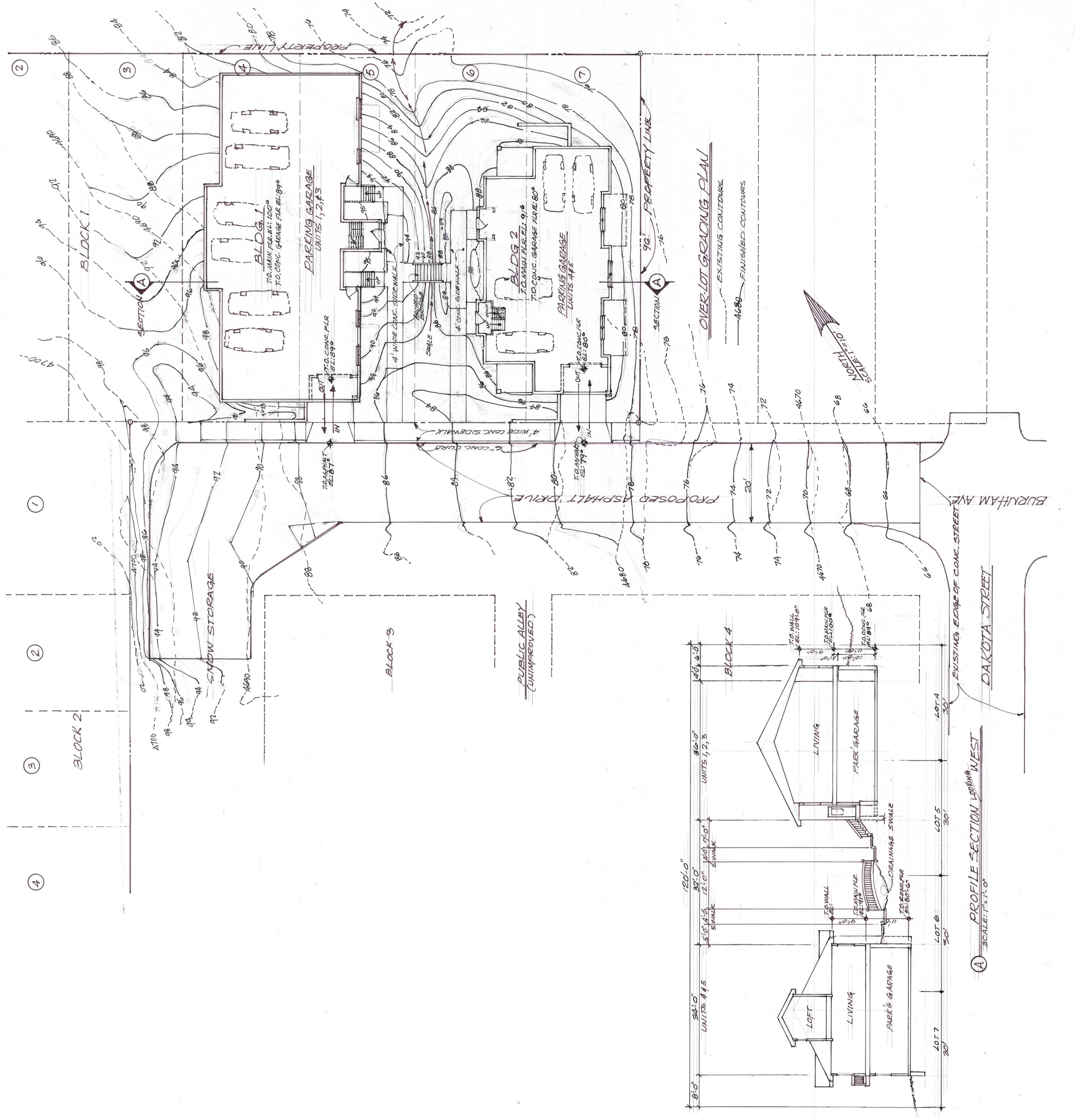
Criteria for Approval for Oralie's

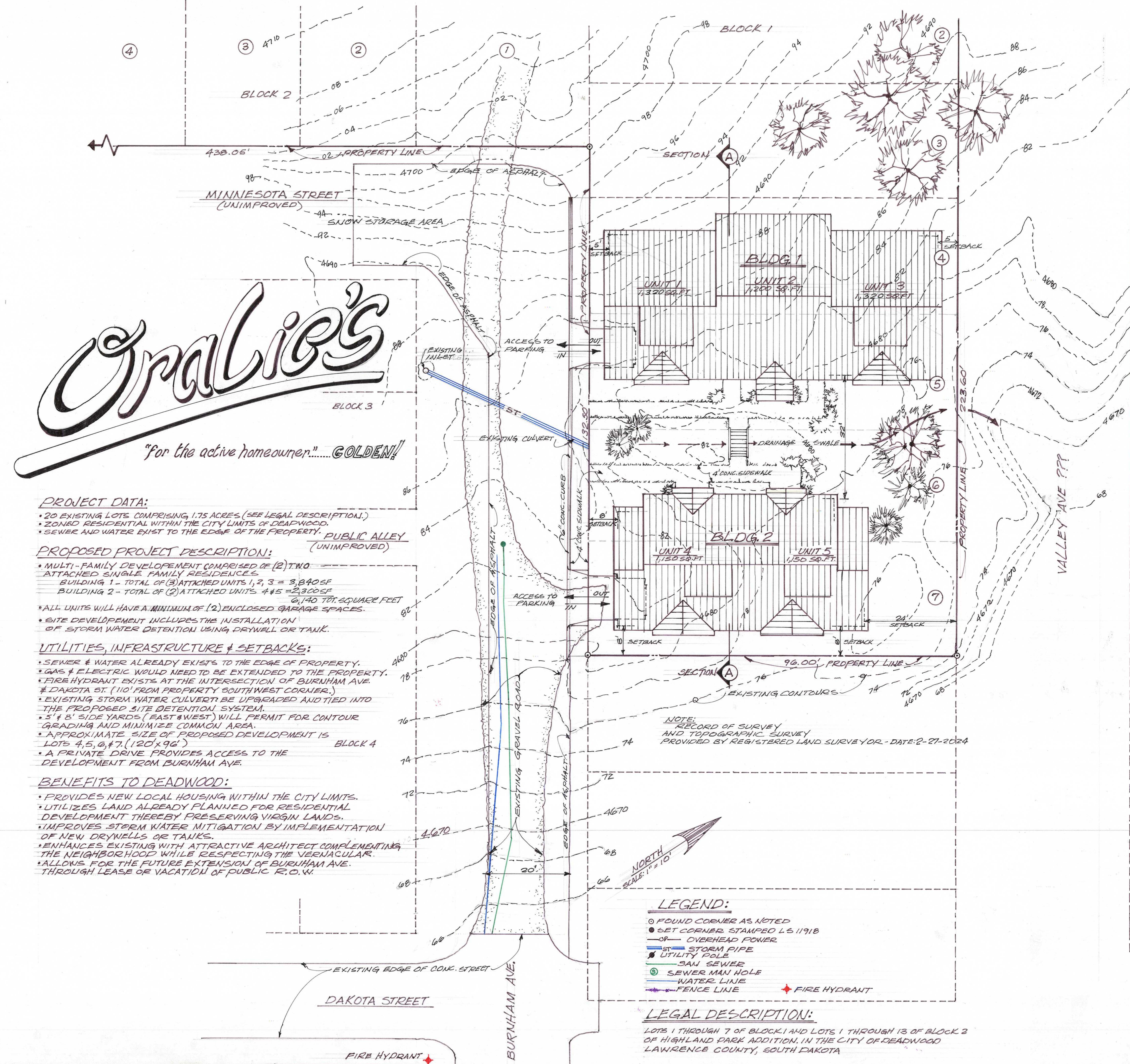
Proposed development will include:

- 5 or 6 residential units in 2 buildings totaling approximately 7,200sf
- Each building will have enclosed, secure parking under the building containing 5 or 6 spaces per building for a total of 10-12 spaces. There could be additional space in the enclosed garage for ATVs.
- Residential unit sizes will be 1 or 2 bedrooms potentially having a partial loft.
- Square footage of the residential units will be between 1,100 and 1,500sf.

Benefits to Deadwood:

- Provides new local 'for sale' housing within the City limits of Deadwood
- Utilizes land already planned for residential development thereby preserving virgin lands
- Improves storm water mitigation
- Enhances existing neighborhood with attractive architecture while respecting the vernacular
- Allows for the future extension of Burnham Rd. through lease or vacation of public R.O.W.





RECORD OF SURVEY AND TOPOGRAPHIC SURVEY

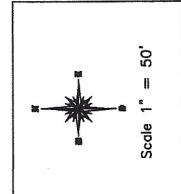
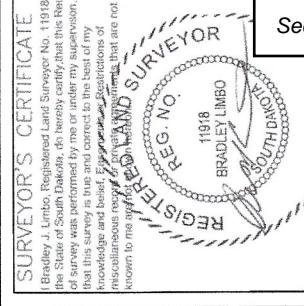
Section 5 Item a.

LEGEND:

- FOUND CORNER AS NOTED
- SET CORNER STAMPED "LS11918"
- OP — OVERHEAD POWER
- ST STORM PIPE
- UTILITY POLE
- SAN SEWER
- SEWER MAN HOLE
- WATER LINE
- FENCELINE

LEGAL DESCRIPTION

LOTS 1 THROUGH 7 OF BLOCK 1 AND LOTS 1 THROUGH 13
OF BLOCK 2 OF HIGHLAND PARK ADDITION, IN THE CITY
OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA



SURVEYED BY: B.J.L.
DRAWN BY: F.D.
JOB NO. AA-23-326
DATE: 2-27-2024



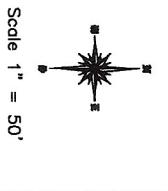
RECORD OF SURVEY AND TOPOGRAPHIC SURVEY



LEGEND:

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- SET CORNER STAMPED "LS11918"
- OP — OVERHEAD POWER
- ST — STORM PIPE
- UTILITY POLE
- SAN SEWER
- SEWER MAN HOLE
- WATER LINE
- * FENCELINE

LEGAL DESCRIPTION
LOTS 1 THROUGH 7 OF BLOCK 1 AND LOTS 1 THROUGH 13
OF BLOCK 2 OF HIGHLAND PARK ADDITION, IN THE CITY
OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA

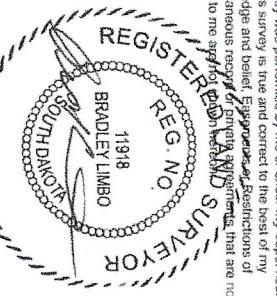


Scale 1" = 50'

SURVEYOR'S CERTIFICATE

Brokey, J. Limbo, Registered Land Surveyor No 11918 in the State of South Dakota, do hereby certify that this Record of Survey was performed by me or under my supervision, and that this survey is true and correct to the best of my knowledge and belief. Exemptions or restrictions of any kind, or any other statement or declaration, that are not known to me are not contained in this Record.

SURVEYED BY: B.L.
DRAWN BY: FD
JOB NO. AAI-23-326
DATE: 2-27-2024



January 27, 2026
2:00 p.m.

The Planning & Zoning Office received a phone call from Nancy Field, a resident of Pearl Street. Ms. Field had concerns about the potential development of town homes at the top of Burnham Avenue. Below is a list of concerns that Ms. Field gave:

1. Moving dirt at the location of the proposed development could cause damage to natural springs in the area. In addition, water-based infrastructure could pose a flooding problem to residents who live downhill along Burnham Avenue should there be a failure with pipes, fire hydrants, etc.
2. There is one way out of the Burnham neighborhood. Should there be a fire or flooding issue, a multi-family development at the top could cause problems with traffic flow and evacuation.
3. Parking could become a nuisance if multiple families reside at the top of the neighborhood.
4. Burnham is zoned R1 – Residential. By permitting a multi-family dwelling unit in the area, more developers may wish to develop multi-family dwellings in the future, changing the neighborhood make-up and creating an overpopulation of the area.
5. If housing is built in Deadwood, it should be built affordably, so local workers have a place to live.
6. Development of the property could result in an increase in property taxes to residents of the Burnham neighborhood.



Aerial photo of the proposed development site along Burnham Avenue.



NOTICE OF PUBLIC HEARING BEFORE THE PLANNING AND ZONING COMMISSION

City of Deadwood
Planning and Zoning Commission
Deadwood, South Dakota 57732

NOTICE IS HEREBY GIVEN, that the following person(s) has applied to the City of Deadwood Planning and Zoning Office for a Conditional Use Permit for the purpose of developing the land and building a Multiple Family Dwelling Unit as allowed under Section 17.24.030 Conditional Uses.

APPLICANTS: Haca LLC

LEGAL DESCRIPTION: Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 of Highland Park Addition, to the City of Deadwood, Lawrence County, South Dakota, according to the Plat recorded in Book 1 Page 135.

ADDRESS: Burnham Avenue

ZONE: R1 - Residential

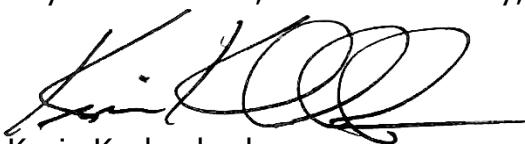
NOTICE IS FURTHER GIVEN that said application will be heard by the Planning and Zoning Commission within and for the City of Deadwood, State of South Dakota, at a regular meeting to be held Wednesday, February 4, 2026, in the Commission Room at 102 Sherman Street, Deadwood, South Dakota, at 4:00 p.m. or soon thereafter as the matter at which time and place any such person interested may appear and show cause if there be any, why such special exception should not be granted.

NOTICE IS FURTHER GIVEN, that the proposed request for a Multiple Family Dwelling Unit is on file and available for public examination at the Deadwood Zoning Office located at 108 Sherman Street, Deadwood, South Dakota.

ANY interested person or his/her agent is invited to submit oral or written comments or suggestions regarding the request to the Commissions or their agent prior to or at the public hearing.

Dated this 15th day of January 2026.

City of Deadwood, Lawrence County, South Dakota



Kevin Kuchenbecker
Planning, Zoning and Historic Preservation Officer

PUBLISH: Black Hills Pioneer: **Date**

Published once at the total approximate cost of \$ _____