



Planning and Zoning Commission Regular Meeting Agenda

Wednesday, January 17, 2024 at 4:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

1. **Call to Order**
2. **Roll Call**
3. **Approval of Minutes**
 - a. Minutes of 01-03-2024 Meeting
4. **Sign Review Commission**
 - a. Deadwood Outfitters - 653 Main Street - Install new sign
5. **Planning and Zoning Commission**
 - a. Act as Planning and Zoning Commission to approve/deny Findings of Fact and Conclusion - Conditional Use Permit - Bed and Breakfast Establishment - 388 & 390 Main Street - Nugget Saloon LLC (Wayne Morris) legally described as Lot Twelve (12) and the South Half of Lot Thirteen (13), Both Lots in Block Three (3) in the Fountain City Addition to the City of Deadwood, Together with all Improvements Thereon and Appurtenances Thereunto Belonging, Subject to Covenants, Restrictions and Reservations of Record.
 - b. Act as Planning and Zoning Commission to approve/deny Findings of Fact and Conclusion - Conditional Use Permit - Vacation Home Establishment - 606 1/2 Main Street - Nugget Saloon LLC (Wayne Morris) legally described as Lot 24, in Block 15 of the Original Townsite of the City of Deadwood, Lawrence County, South Dakota, According to the P.L. Rogers Map Except a Portion of Land Along the Southerly Side of Lot 24, Block 15 Being 8 Inches in Width Fronting on Main and Back of Even Width 100' as Set Forth in Deed and Recorded in Book 162 Page 243.
 - c. Consider formal request to surrender and remove Conditional Use Permit for the development of condominiums in the C – Commercial District at 51, 53, 55 Sherman Street previously approved by the Deadwood Planning and Zoning Commission on Wednesday, September 21, 2022 and the Deadwood Board of Adjustment on October 3, 2022.
6. **Items from Citizens not on Agenda**
(Items considered but no action will be taken at this time.)
7. **Items from Staff**
 - a. Update on 62 Williams Street and 462 Williams Street for Short Term Rental violations. [Summons and Complaint served through legal counsel]
8. **Adjournment**

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



Planning and Zoning Commission Regular Meeting Minutes

Wednesday, January 03, 2024 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, January 3, 2024, at 4:01 p.m. in the Deadwood City Hall Meeting Room, located at 102 Sherman Street, Deadwood, SD 57732.

2. Roll Call

PRESENT

Commissioner (Chair) John Martinisko
 Commissioner (Vice-Chair) Josh Keehn
 Commissioner Charles Eagleson
 Commissioner Ken Owens

City Commissioner Michael Johnson

STAFF PRESENT

Kevin Kuchenbecker, Planning, Zoning and Historic Preservation Officer
 Trent Mohr, Building Inspector
 Leah Blue-Jones, Zoning Coordinator
 Amy Greba, Administrative Assistant

3. Approval of Minutes

- a. Minutes of 12/6/23 Meeting

It was moved by Commissioner Keehn and seconded by Commissioner Owens to approve the December 6, 2023 minutes. Voting Yea: Martinisko, Keehn, Eagleson, Owens

4. Sign Review Commission

- a. Mike Sneesby - 64 Cliff Street - Install new wall sign
 Mr. Mohr stated the applicant operates a short-term rental at this location and wishes to install a sign to advertise this business.
 The proposed sign and its location are compliant with the sign ordinance.

It was moved by Commissioner Owens and seconded by Commissioner Keehn to approve the sign permit for 64 Cliff Street to install new wall sign. Voting Yea: Martinisko, Keehn, Eagleson, Owens

- b. Ken Owens - 677 Main - Reface existing projecting sign

Mr. Mohr stated the second story bar area of this business is being rebranded. The applicant wishes to reface the existing projecting sign to reflect this change.

The proposed sign and its location are compliant with the sign ordinance.

Commissioner Owens recused himself from the vote, due to being the sign permit applicant.

It was moved by Commissioner Keehn and seconded by Commissioner Eagleson to approve the sign permit for 677 Main Street to reface existing projecting sign. Voting Yea: Martinisko, Keehn, Eagleson

- c. Deadwood Harley Davidson - 681 Main - Replace existing projecting sign

Mr. Mohr stated the applicant wishes to replace the existing projecting sign with a new projecting sign of a different design for purpose of rebranding.

The proposed sign and its location are compliant with the sign ordinance.

It was moved by Commissioner Owens and seconded by Commissioner Keehn to approve the sign permit for 681 Main Street to replace existing projecting sign. Voting Yea: Martinisko, Keehn, Eagleson, Owens

5. Planning and Zoning Commission

6. Items from Citizens not on Agenda

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

7. Items from Staff

Mr. Kuchenbecker introduced the new Zoning Coordinator, Leah Blue-Jones.

Letters to Short Term Rentals went out last week. We have received calls from several of the recipients, concerning the fee schedule. After addressing concerns and explaining the reason for the letter and associated fees, most have responded favorably. Four recipients have paid their fees, 2 illegally operating Vacation Home Establishments will have court injunctions filed this week, and one is currently out of the country and working on completing necessary forms.

Mr. Kuchenbecker stated the FEMA Project is moving along smoothly, and work has advanced to the Charles Street section of Whitewood Creek. Still working on some easements up around the Comfort Inn.

Trails Committee is working on naming the different trails along the new BLM Trail.

Boot Hill Variance Request may be presented during next Planning and Zoning meeting.

The Ridge has a lot of legal activity going on.

Mr. Kuchenbecker will be in Pierre on Tuesday, January 9, for meeting with Game, Fish and Parks, regarding Hydro 2 in Spearfish Canyon, as well as update them on the new additions to the trail system. He will also be attending the South Dakota Tourism Conference, January 16 through 18, 2024.

Mr. Mohr updated the committee on progress at The Landmark. Work continues on the 2nd floor area. Plans for 3rd and 4th floor, which will be hotel rooms, are close to being finalized.

8. Adjournment

It was moved by Commissioner Eagleson and seconded by Commissioner Owens to adjourn the Planning and Zoning Commission meeting. Voting Yea:

Martinisko, Keehn, Eagleson, Owens

There being no further business, the Planning and Zoning Commission adjourned at 4:13 p.m.

ATTEST:

Chairman, Planning & Zoning Commission
Commission

Amy Greba, Administrative Assistant

Secretary, Planning & Zoning

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"The Historic City of the Black Hills"
 Deadwood, South Dakota 57732

TRENT MOHR
 Building Inspector
 Dept. of Planning & Zoning
 Telephone: (605) 578-2082
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SIGN PERMIT STAFF REPORT

Sign Review Commission
 January 17, 2024

Applicant: Harley Kirwan

Address: 637 Main Street, Deadwood, SD 57732

Site Address of Proposed Signage: 653 Main Street (formerly Mavericks)

Computation of Sign Area

Building Frontage: 25 Feet

Total Available Signage: 50 Square Feet

Existing Signage: None

Remaining Available Signage Area: 50 Square Feet

Proposed Sign Project: New wall sign (25 Square Feet) and projecting sign (24 Square Feet)

Proposed Building Materials: Wood and metal (see attached renderings)

Proposed Lighting of the Signs: External

Location of Proposed Sign: see attached renderings

Discussion

The sign permit application in review is proposed at a location inside the locally-designated historic district which is regulated by chapter 15.32.300 of the sign ordinance. The current signage at the subject property is compliant with the sign ordinance. The sign proposed in the current application is regulated by 15.32.090 of the Sign Ordinance, reference below.

- A. *Before any sign can be erected or altered in any way, a valid permit must be issued. Any further alteration of the sign shall require an amendment of the existing permit or the issuance of a new permit. Such changes, as well as original permits, shall be issued pursuant to review by the sign review commission. It is unlawful to display, construct, erect, locate or alter any sign without first obtaining a sign permit for such sign.*

The applicant is purchasing this building contract for deed and is currently remodeling with the intent of opening a new business at this location this spring. The proposed signage is to advertise this new business. The nature of the business is retail with a small bar area.

The proposed signs and their locations are compliant with the sign ordinance.

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Variances

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

Sign Review Commission Action

Motion to approve permit for new wall sign and new projecting sign 653 Main Street

OR

Motion to deny proposed sign permit application as submitted.

Mounting frame to building



Red dots are hole placements

Mounting option
1x1in alum. angle frame around sign. Painted white. Frame mounted building than sign mounted to frame.

Single sided sign

150in

Frame will need 1/4in lags to fasten to building



Letter measurments

D 6.1 wide x 6.4in tall

o 2.8 wide x 2.7in tall

13.5 x 62.375in overall

Tippy Buffalo Bar

DEADWOOD text
spacing between letters
.800in

OUTFITTERS text
spacing between letters
.700szin

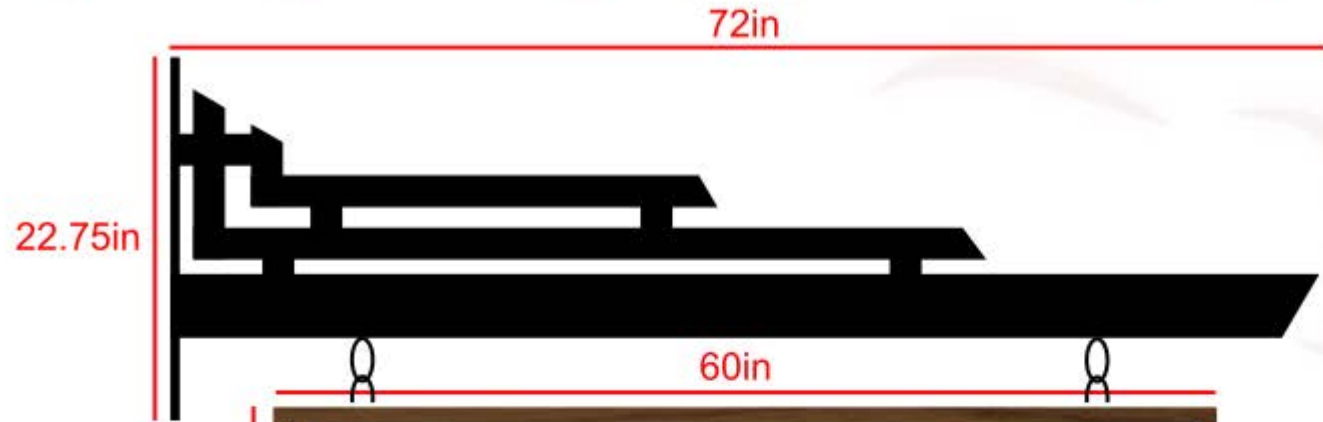
1in =1 foot

Sign Footage
25 square feet



Production Notes:

- Store front sign
- Alder wood
- Stained Meduim brown
- .750in Raised Armorite
- White paint applied



Letter Measurements

- D** 4.82in wide x 5in tall
- O** 2.21in wide x 2.17in tall
- 4** 1.86in wide x 1.30in tall

40in



15.25in



60in

1in = 1 foot

Sign Footage
24 square feet

Production Notes:

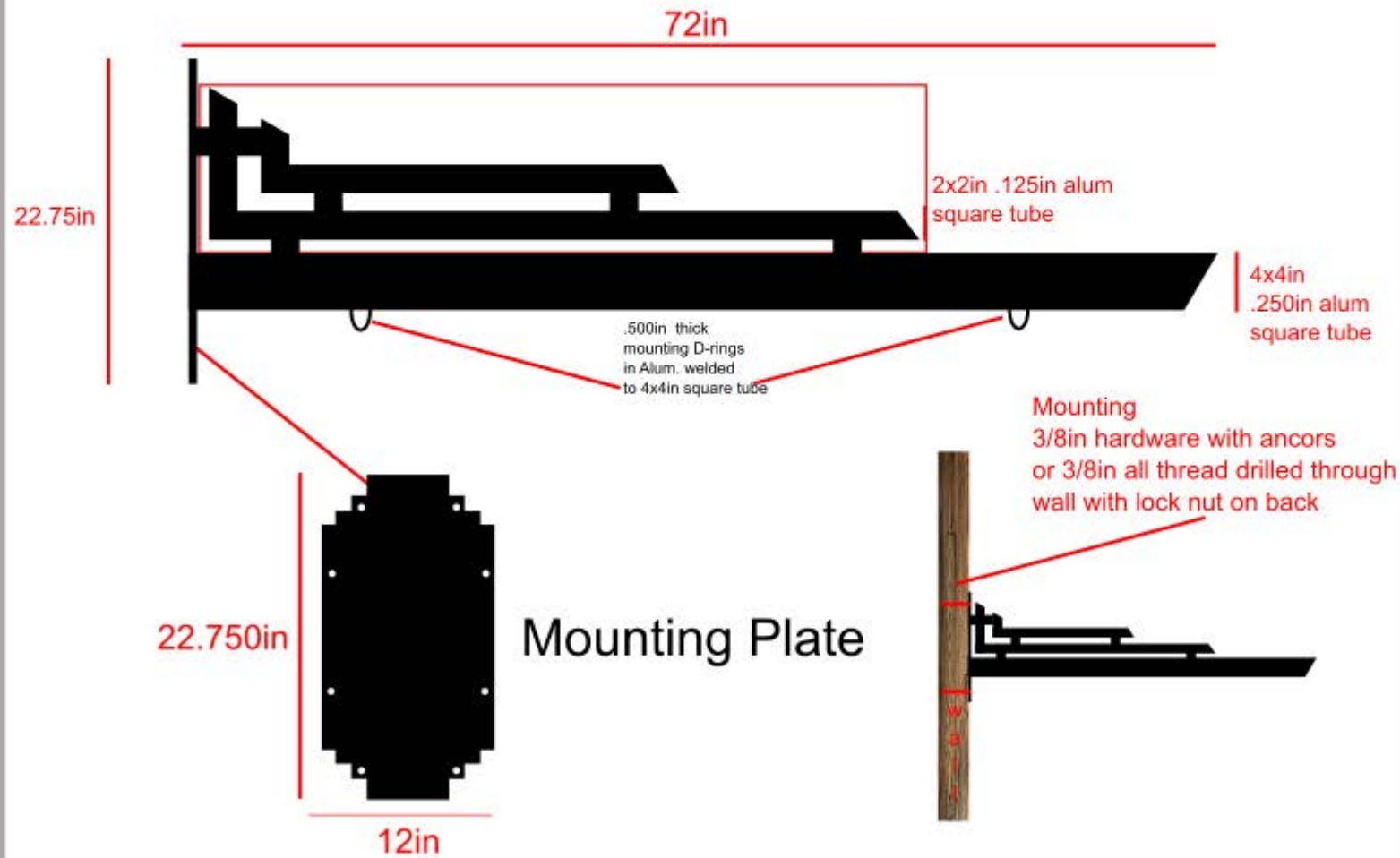
Double sided sign

- Alder wood Sign
- 1/8in Alum. frame around all wood. 3in thick.
- Frame Painted White
- Steel Chain Dia. in black
- Artwork in .750in Armorite (Compressed wood)

- Mounting bracket
- 4x4in .250in wall alum. for main beam
- construted with 2x2in tube.
- all welded to .500in thick plate with 8 holes to mount to building
- bracket painted black



Alum. Bracket specs



Production Notes:

- Alum. Bracket
- 4x4in .250in wall square tube
- .500in alum mounting plate
- all in satin black finish

Metal Signs - Wood Signs - Laser Cutting & Engraving - Home Decor - Design - Vinyl Graphics



Production Notes:



Blade sign Location



Light mounted to building shining upward to Blade sign

Please not placement of Sign above door

Shop at www.bisonpeakdesigns.com

Phone: 720.924.6443

Email: Bisonpeakdesigns@gmail.com

Our realistic rendering Promise

At Bison Peak Designs we create realistic renderings for you to review. This includes close to accurate wood color, stain, font color, border design, font design, measurements, anything else we see fit for the rendering. When reviewing your rendering please make sure all info is correct before submitting payment. In the case of a major change after payment (size, font, layout, materials) it will result in a 30% upcharge plus any additional materials purchased. Once payment is received you have given Bison Peak Designs the Approval to proceed with the order. All orders will have a QC picture sent before shipping. If you want changes before shipping it is your responsibility to contact Bison Peak Designs for changes. Orders Ship 1-2 days after QC Pic is sent.

WOOD SIGNS- If an outdoor sign all prices are quoted in using Alder wood. If an indoor sign prices are quoted in Poplar or High Grade Pine. If you choose to use pine or poplar for an outdoor sign we can not assure the sign will last.

METAL SIGNS- All metal signs are quoted in 16ga (1/16in) thick steel. If you wish to have a thicker steel sign please state the thickness you want. All metal signs ship with 3/16in holes top and bottom. All metal signs can be used for indoor or outdoor use.

OFFICE OF
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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

FINDINGS OF FACT AND CONCLUSION CONDITIONAL USE PERMIT

Date: December 19, 2023
From: Kevin Kuchenbecker
Planning, Zoning & Historic Preservation Officer
RE: Conditional Use Permit – Bed and Breakfast Establishment

APPLICANT(S): Nugget Saloon LLC (Wayne Morris)
PURPOSE: Conditional Use Permit – Bed and Breakfast Establishment
ADDRESS: 388 & 390 Main Street
Deadwood, Lawrence County, South Dakota
LEGAL DESCRIPTION: LOT TWELVE (12) AND THE SOUTH HALF OF LOT THIRTEEN (13), BOTH LOTS IN BLOCK THREE (3) IN THE FOUNTAIN CITY ADDITION TO THE CITY OF DEADWOOD, TOGETHER WITH ALL IMPROVEMENTS THEREON AND APPURTENANCES THEREUNTO BELONGING, SUBJECT TO COVENANTS, RESTRICTIONS AND RESERVATIONS OF RECORD.
ASSESSORS NO.: 30350-0030-130-00

RE: Request for Conditional Use Permit

WHEREAS, the above application for a Conditional Use Permit for a Bed and Breakfast Establishment in the CH – Commerical Highway zoning district came on review before the Deadwood Planning and Zoning Commission on Wednesday, December 6, 2023. The application was recommended for approval by the Deadwood Planning and Zoning Commission. The Deadwood Board of Adjustment approved the request for a Bed and Breakfast Establishment at 388 & 390 Main Street, as recommended by the Planning and Zoning Commission, on December 18, 2023.

WHEREAS, all present members of the Deadwood Planning and Zoning Commission and the Deadwood Board of Adjustment having reviewed

Findings of Fact and Conclusion – Conditional Use Permit
Nugget Saloon LLC
December 19, 2023

the Conditional Use Permit request and having considered all comments offered and all of 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 Deadwood Board of Adjustment hereby enter their:

FINDINGS OF FACT AND CONCLUSION

- 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.
- 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 CH – Commercial Highway. The area near the subject property consists of a mixture of businesses, public use, and single-family dwellings.
- 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. The use is expressly allowed in the CH – Commercial Highway 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 Bed and Breakfast Establishment. The Deadwood Board of Adjustment approved the request as recommended by the Planning and Zoning Commission with the following conditions:

Findings of Fact and Conclusion – Conditional Use Permit
Nugget Saloon LLC
December 19, 2023

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. The Bed and Breakfast Establishment must be owner occupied.
3. Proof of a state sales tax number shall be provided to the Planning and Zoning Office for their files.
4. Proof that the Building Inspector has inspected the building and it meets all of the building codes.
5. City water and sewer rates to be changed from residential to commercial rates.
6. Proper paperwork is filed with the City of Deadwood Finance Office for BID taxes.
7. Proof of City of Deadwood Business License.
8. Obtain lodging license after inspection from the South Dakota Department of Health.
9. All parking shall be off street.

Findings of Fact and Conclusion – Conditional Use Permit
Nugget Saloon LLC
December 19, 2023

ATTEST:

Jessicca McKeown, Finance Officer
City of Deadwood
/ / /2023

David Ruth, Mayor
City of Deadwood
/ / /2023

John Martinisko, Chairman
Planning and Zoning Commission
/ / /2023

David Bruce, Secretary
Planning and Zoning Commission
/ / /2023

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kevin@cityofdeadwood.com

FINDINGS OF FACT AND CONCLUSION CONDITIONAL USE PERMIT

Date: December 19, 2023
From: Kevin Kuchenbecker
Planning, Zoning & Historic Preservation Officer
RE: Conditional Use Permit – Vacation Home Establishment

APPLICANT(S): Nugget Saloon LLC (Wayne Morris)
PURPOSE: Conditional Use Permit – Vacation Home Establishment
ADDRESS: 606 ½ Main Street
Deadwood, Lawrence County, South Dakota

LEGAL DESCRIPTION: LOT 24, IN BLOCK 15 OF THE ORIGINAL TOWNSITE OF THE CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA, ACCORDING TO THE P.L. ROGERS MAP EXCEPT A PORTION OF LAND ALONG THE SOUTHERLY SIDE OF LOT 24, BLOCK 15 BEING 8 INCHES IN WIDTH FRONTING ON MAIN AND BACK OF EVEN WIDTH 100’ AS SET FORTH IN DEED AND RECORDED IN BOOK 162 PAGE 243.

ASSESSORS NO.: 30025-01500-240-00

RE: Request for Conditional Use Permit

WHEREAS, the above application for a Conditional Use Permit for a Vacation Home Establishment in the C1 – Commercial District came on review before the Deadwood Planning and Zoning Commission on Wednesday, December 6, 2023. 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 606 ½ Main Street, as recommended by the Planning and Zoning Commission, on December 18, 2023.

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

Findings of Fact and Conclusion – Conditional Use Permit
Nugget Saloon LLC
December 19, 2023

offered and all of 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 Deadwood Board of Adjustment hereby enter their:

FINDINGS OF FACT AND CONCLUSION

- 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.
- 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 District. 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. The 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

Findings of Fact and Conclusion – Conditional Use Permit
Nugget Saloon LLC
December 19, 2023

null and void.

2. Proof of a state sales tax number shall be provided to the Planning and Zoning Office for their files.
3. Proof that the Building Inspector has inspected the building and it meets all of the building codes.
4. City water and sewer rates to be changed from residential to commercial rates.
5. Proper paperwork is filed with the City of Deadwood Finance Office for BID taxes.
6. Proof of City of Deadwood Business License.
7. Obtain lodging license after inspection from the South Dakota Department of Health.
8. All parking shall be off street.

ATTEST:

Jessicca McKeown, Finance Officer
City of Deadwood
/ / /2023

David Ruth, Mayor
City of Deadwood
/ / /2023

John Martinisko, Chairman
Planning and Zoning Commission
/ / /2023

David Bruce, Secretary
Planning and Zoning Commission
/ / /2023

From: [Gerard Keating](#)
To: [Kevin Kuchenbecker](#); [Tom Chvala](#); [Dena Sandidge](#)
Cc: [Nicole Kreitel](#); [Alec Keating](#); [Paul Mendlik \(pmendlik@gmail.com\)](#); [Jan Chvala](#); [Janet Keating](#); [Tracy Chvala](#); [Bonny Anfinson](#); [Leah Blue-Jones](#); [Trent Mohr](#); [Jessica McKeown](#); [Roger Tellinghuisen](#); [Moshe Friedman](#)
Subject: Re: Landmark Hotel - Condo CUP
Date: Friday, January 5, 2024 11:24:31 AM
Attachments: [image002.png](#)

Good Morning Kevin,

I appreciate the update. Please accept this email as a formal request to remove the CUP.

Thank you for your help.

Gerard

From: Kevin Kuchenbecker <kevin@cityofdeadwood.com>
Sent: Friday, January 5, 2024 9:49 AM
To: Gerard Keating <gerard@keatingresources.com>; Tom Chvala <tom@tcsquaredllc.com>; Dena Sandidge <dena@keatingresources.com>
Cc: Nicole Kreitel <nicole@keatingresources.com>; Alec Keating <alec@keatingresources.com>; Paul Mendlik (pmendlik@gmail.com) <pmendlik@gmail.com>; Jan Chvala <jankrotterchvala@gmail.com>; Janet Keating <janetakeating@gmail.com>; Tracy Chvala <tracychvala@gmail.com>; Bonny Anfinson <Bonny@cityofdeadwood.com>; Leah Blue-Jones <leah@cityofdeadwood.com>; Trent Mohr <trent@cityofdeadwood.com>; Jessica McKeown <Jessica@cityofdeadwood.com>
Subject: Landmark Hotel - Condo CUP

Gerard:

A Conditional Use Permit for condominiums in the C – Commercial District for 51, 53, 55 Sherman Street was approved by the Deadwood Planning and Zoning Commission on Wednesday, September 21, 2022 and the Deadwood Board of Adjustment on October 3, 2022.

The city currently has a set of plans which now indicate the upper floors will be a hotel/conference facility; therefore, we are assuming the desire would be to surrender or remove the current conditional use permit associate with this property. If this is indeed the direction you would wish to go, our office would need to have a formal request in writing for action to remove the CUP by the appropriate governing bodies.

If you have any questions, please feel free to reach out to me at your convenience. Thank you.

Kevin

[Kevin Kuchenbecker](#)
 Planning, Zoning and
 Historic Preservation Officer

Please like HP on  !!!



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<https://www.facebook.com/deadwoodhistoricpreservation/>

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