

Planning and Zoning Commission Regular Meeting Agenda

Wednesday, November 19, 2025 at 4:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

- 1. Call to Order
- 2. Roll Call
- 3. **Approval of Minutes**
 - <u>a.</u> Approve the minutes of the November 5, 2025, Planning and Zoning Commission Meeting.

4. Sign Review Commission

<u>a.</u> Application for Sign Permit - 71 Charles Street - Tyler Bertsch. Applicant is requesting permission to install one (1) new wall sign. Proposed wall sign is compliant with ordinance.

Actions:

1. Approve/deny request for Sign Permit

5. Planning and Zoning Commission

a. Application for Conditional Use Permit - 388 Main Street - Vacation Home Establishment (Optima LLC) legally described as The North 1/2 of Lot 13 and all of Lot 14 in Block 3, Fountain City Addition to the City of Deadwood.

Actions:

- 1. Public Hearing
- 2. Approve/Deny Application for Conditional Use Permit
- b. Application for Conditional Use Permit 308 Main Street Vacation Home Establishment (Optima LLC) legally described as Lot 1A, 2, 3 and the North 17 feet of Lot 4, Block A of the Noble's Addition to the City of Deadwood, NE 1/4 of Section 23, T5N, R3E, B.H.M., Lawrence County, South Dakota.

Actions:

- 1. Public Hearing
- 2. Approve/Deny Application for Conditional Use Permit
- C. Approve/Deny Finding of Facts and Conclusion Petition for Deannexation, Boot Hills Estates legally described as Buena Vista Tract, being a portion of M.S. 343, M.S. 681, M.S. 685, M.S. 686, M.S. 788, M.S. 840, M.S. 920, M.S. 1208, and Lot R7 of M.S. 840, located in Sections 23 and 24, T5N, R3E, B.H.M., containing portions within and outside the City of Deadwood, Lawrence County, South Dakota.

- 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, November 05, 2025 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, November 5, 2025, at 4:00 p.m. in the Deadwood City Hall Meeting Room, located at 102 Sherman Street, Deadwood, SD 57732.

2. Roll Call

PRESENT

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

City Commissioner Blake Joseph

ABSENT

Commissioner (Secretary) Dave Bruce

STAFF PRESENT

Kevin Kuchenbecker – Planning, Zoning and Historic Preservation Officer Trent Mohr – Building Official Leah Blue-Jones – Zoning Coordinator

3. Approval of Minutes

a. Approve the minutes of the October 15, 2025, Planning and Zoning Commission Meeting.

It was moved by Commissioner Keehn and seconded by Commissioner Williams to approve the minutes of the October 15, 2025, Planning and Zoning Commission Meeting. Voting yea: Martinisko, Keehn, Owens, Williams.

4. Sign Review Commission

a. Application for Sign Permit - 460 Main Street - Joey Carns. Applicant is requesting permission to install one (1) projecting sign and one (1) new wall sign. Proposed wall sign is compliant with ordinance. Location for proposed projecting sign will require a Variance.

Actions:

- 1. Approve/deny request for Sign Permit for wall sign
- 2. Approve/deny request for Variance and Sign Permit for projecting sign

Mr. Mohr introduced Application for Sign Permit - 460 Main Street - Joey Carns and reviewed the Staff Report. The projecting sign will require a variance for two reasons: it is not located on the same side of the building as the public entrance and it projects over the highway right of way. The business owner has obtained a permit from the Department of Transportation to encroach upon the highway right of way at that location.

It was moved by Commissioner Keehn and seconded by Commissioner Owens to approve Application for Sign Permit - 460 Main Street - Joey Carns with a variance for the projecting sign. Voting yea: Martinisko, Keehn, Owens, Williams.

5. Planning and Zoning Commission

 Extension Request - Conditional Use Permit - 9 Shine Street legally described as Lots 2B and 2D of Block 23, Original Town, City of Deadwood, Lawrence County, South Dakota.

Mr. Kuchenbecker discussed Extension Request - Conditional Use Permit - 9 Shine Street. A Conditional Use Permit was approved on April 21, 2025. The Vacation Home Establishment for which the permit was issued has not opened for business within the required six (6) month time frame allowed by ordinance. The business owner is requesting an extension to open without terminating the permit.

It was moved by Commissioner Keehn and seconded by Commissioner Owens to provide the requested extension for a period of six (6) months with permit expiring April 20, 2026 if the Vacation Home Establishment located at 9 Shine Street has not opened for business by that date. Voting yea: Martinisko, Keehn, Owens, Williams.

6. Items from Citizens not on Agenda

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

7. Items from Staff

a. Fassbender Newsletter - Fall 2025

Mr. Kuchenbecker discussed the Fall Newsletter for the Fassbender collection.

The City is anticipating a property transfer from the Department of Transportation for property located at the entrance of the Event Center Complex. A transfer of this property will allow the City to install informational signage at the entrance of the complex.

Color coded trailblazer signs are being installed on trails throughout town.

Stage Run phase 3 is close to completion. A turnover of the infrastructure could occur this month.

The Stage Run Neighborhood Block Club voiced concerns over a secondary access at the most recent City Commission meeting. An access road going to this neighborhood is in the Capital Improvement Plan, but the land for an extension is not currently available to develop on. A developer is interested in building five (5) residential dwelling units at the top of Burnham Avenue. If this occurs, an extension of Burnham Avenue of approximately 320 feet would be completed up to the city property line.

Plans for Deadwood's 150th birthday celebration are in the works.

The Planning and Zoning website has been updated.

The Deadwood Hill parking lot was striped today.

Both The Lodge and Cadillac Jacks are considering expanding. Cadillac Jack's has purchased two (2) properties with the immediate intention of turning them into Vacation Home Establishments.

Ms. Blue-Jones and Mr. Kuchenbecker discussed results from the Portable Signage Task Force. Allowable signs will be chalkboard signs issued by the city.

8. Adjournment

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

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

ATTEST:	
Chairman, Planning & Zoning Commission	Vice Chair, Planning & Zoning Commission

Minutes by Leah Blue-Jones, Zoning Coordinator

OFFICE OF
Planning & Zoning
108 Sherman Street
Telephone (605) 578-2082
Fax (605) 578-2084



"The Historic City of the Black Hills"

Deadwood, South Dakota 57732

TRENT MOHR

Building Inspector Dept. of Planning & Zoning Telephone: (605) 578-2082 Fax: (605) 578-2084

SIGN PERMIT STAFF REPORT

Sign Review Commission November 19, 2025

Applicant: Tyler Bertsch

Address: 71 Charles Street, Deadwood, SD 57732

Site Address of Proposed Signage: 71 Charles Street (pharmacy located in Monument Clinic)

Computation of Sign Area

Building Frontage: 110 Feet

Total Available Signage: 220 Square Feet

Existing Signage: Two freestanding signs (18 Square Feet each) and two wall signs on parking lot side (58 Square Feet total – these signs are exempt as they are not visible from the right of

way)

Remaining Available Signage Area: 184 Square Feet

Proposed Sign Project: Install new wall sign (36 Square Feet) **Proposed Building Materials**: Metal (see attached rendering)

Proposed Lighting of the Signs: None

Location of Proposed Sign: Same location as previous tenant's sign was located.

Discussion

The sign permit application in review is proposed at a location outside the locally-designated historic district and inside the national historic landmark district which is regulated by chapter 15.32.310 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 represents the new tenant that will be operating the pharmacy at this location. The proposed sign will advertise this new tenant.

The proposed sign and its location 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 at 71 Charles Street OR

Motion to deny proposed sign permit application as submitted.



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: November 19, 2025

To: Planning and Zoning Commission

From: Kevin Kuchenbecker

Planning, Zoning & Historic Preservation Officer

RE: Conditional Use Permit – Vacation Home Establishment

APPLICANT(S): Optima LLC

PURPOSE: Application for CUP – Vacation Home Establishment

ADDRESS: 388 Main Street

LEGAL DESCRIPTION: The North ½ of Lot 13 and all of Lot 14 in Block 3,

Fountain City Addition to the City of Deadwood.

FILE STATUS: All legal obligations have been completed.

ZONE: CH – Commercial Highway

STAFF FINDINGS:

•	Surrounding Zoning:	_	Surround	1100	1 040 0	 1000.

North: CH – Commercial Highway Businesses
South: CH – Commercial Highway Highway
East: CH – Commercial Highway Businesses

West: R1 – Residential Residences

SUMMARY OF REQUEST

The applicants have submitted a request for a Conditional Use Permit to operate a Vacation Home Establishment located at 388 Main Street. For several years, 388 Main Street has been utilized as a Vacation Home Establishment. This property is under new ownership and is requesting to continue operating in the same capacity for this particular property.

FACTUAL INFORMATION

- 1. The property is currently zoned CH Commercial Highway.
- 2. The property has been operating as a Vacation Home Establishment for several years.
- 3. The subject property has access from Highway 14A with off-street parking for six 6) vehicles on site. Additional parking will be available in the adjacent parking lot at Cadillac Jack's Gaming Resort.
- 4. The subject property is located within a CH Commercial Highway zoning location on 3 sides, and an R1 Residential zoning on one side.
- 5. The property is not located within a flood zone.
- 6. Adequate public facilities are available to serve the property.
- 7. The area is characterized by businesses and highway with residences located behind the property.

STAFF DISCUSSION

The applicants have submitted a request for a Conditional Use Permit for a Vacation Home Establishment and City regulations permit Vacation Home Establishments in CH – Commercial Highway zoning districts with an approved Conditional Use Permit. The subject property has been operating as a Vacation Home establishment for several years. According to the application, there is adequate off-street parking and a driveway providing ingress/egress onto Highway 14A.

The Deadwood Zoning Code 17.08 and South Dakota Codified Law define a Vacation Home Establishment as the following:

"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 14 days in a 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. This term does not include a Bed and Breakfast Establishment as defined in this Title.

- 1. Vacation Home Establishments are strictly prohibited in R1 and R2 zoning districts with the exceptions under 17.53.040;
 - In this instance the property is in a CH Commercial Highway zoning district and is permitted with a Conditional Use Permit.
- 2. Vacation Home Establishments shall be located in upper floors of commercial structures only within the local historic district.

This property is not located in a traditional commercial structure nor is it within the local historic district. Therefore, first floor use is permissible.

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.
- 2. A sign was posted on the property for which the requests were filed.
- 3. Notice of the time and place 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.

Conditional Use Permit – Vacation Home Establishment 388 Main Street November 19, 2025

The City Comprehensive Plan encourages a variety of uses and a mixture of housing types. Preserve the existing stock of historic structures by working with the individuals and guiding the uses is an acceptable means. Traffic and parking have not significantly affected the neighborhood. This area has a mixture of businesses and single-family dwellings.

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 CH – Commercial Highway and is intended to provide locations for commercial uses, which require access to roads and highways, and substantial amounts of parking. The proposed use will not result in a detrimental concentration of Vacation Home Establishments.

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.

If the applicant only uses off street parking and prevents any public nuisance issues that are often associated with Vacation Home Establishments, the proposed use may not result in a substantial or undue adverse effect on adjacent properties, or the character of the property and the use would not alter the character of the district. There will be no change in the size of the dwelling. To support a denial of a Conditional Use Permit on the grounds that it will cause increased traffic problems, there must be a high degree of probability that the increase would pose a substantial threat to the health and safety of the community. To date, the City has not received any complaints about the operation of this establishment.

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.

Conditional Use Permit – Vacation Home Establishment 388 Main Street November 19, 2025

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 not change; therefore, the character and use of the buildings and structures adjoining the subject property will not be adversely affected.

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 city ordinance. Where any such improvements, facilities, utilities or services are not available or adequate to service the proposed use in the proposed location, the applicant, as part of the application and as a condition to approval of the proposed Conditional Use Permit, is responsible for establishing ability, willingness and binding commitment to provide such improvements, facilities, utilities and services in sufficient time and in a manner consistent with the policy plan, this title, and other plans, programs, maps and ordinances adopted by the city to guide its growth and development. The approval of the Conditional Use Permit shall be conditioned upon such improvements, facilities, utilities, and services being provided and guaranteed by the applicant as described in Section 17.04.110.

The proposed use will not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services. Existing services are available onsite.

CONDITIONS GOVERNING APPLICATIONS AND PROVISIONS:

- A. Conditional Use Permits granted by this chapter shall be temporary in nature, with the exception of townhouses, condominiums and multi-family dwellings, and shall be granted to a designated person who resides at a residential address. They are not transferable from person to person or from address to address.
- 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. Conditional Use Permits, once granted, can be revoked by the Board of Adjustment for cause after a hearing is held before them. Complaints seeking

Conditional Use Permit – Vacation Home Establishment 388 Main Street November 19, 2025

the revocation of such permit shall be filled 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.

- D. 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.
- E. To defray the administration costs of processing requests for Conditional Use Permits, a fee has been set by resolution of the City Commission and such information is available at the Planning and Zoning Office.
- F. Any use permitted under the terms of any Conditional Use Permit shall be established and conducted in conformity with the terms of such permit and of any conditions designated therewith.
- G. 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.
- H. 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.
- I. Upon receipt in proper form of the application and other requested material, the Board of Adjustment shall hold at least one (1) public hearing in a location to be prescribed by the Board of Adjustment and shall make a decision upon the proposal to grant or deny the Conditional Use Permit. At least ten (10) days in advance of each hearing, notice of the time and place of such hearing shall be published in the official newspaper of the city. Notice shall be posted on the property for which the Application for Conditional Use Permit has been filed.

If approved for a Conditional Use Permit, staff recommend the following 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 shall be provided to the Planning and Zoning Office for their files.
- 3. Building Inspector to inspect the building to ensure it meets applicable building codes.
- 4. Proper paperwork to be filed with the City of Deadwood Finance Office for Business Improvement District (BID) taxes.
- 5. City of Deadwood Business License required.
- 6. City of Deadwood Short-Term Rental License required.
- 7. Lodging License from the South Dakota Department of Health required.
- 8. All parking shall be off street.
- 9. Burn permits will not be issued for this location.

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

	phodeion	.c. 4500.00		
Applicants: Please read thoroughly prior to o	completing this	form. Only comp	olete applications will b	e considered for
review.				
Name of Proposed Development: First Dead	lwood Cottag	e (Existing)		
Street Location of Property: 388 Main Street	et			
Legal Description of Property: North Half of	Lot 13 AND	all of Lot 14 I	Block 3 Fountain C	ity Addition
Zoning Classification of Property: Commerci	ial Highway			
Name of Property Owner: Optima, LLC			Telephone	
Address:				
Street		City	State	Zip
Name of Applicant: Caleb Arceneaux (aut	thorized age	nt)	Telephone:	
Address:				
Street		City	State	Zip
The following documents shall be su		-1-		
 a. An improvement survey, included 	•			
 b. Development plan, including s 				
parking, loading areas, refuse	area, ingress/e	gress, screening	, proposed or existing	signage, existing
streets, and				
 c. A written statement addressing 	g the criteria fo	r approval.		
Uses of Building or Land: Vacation home a	and long-term	rentals		
Signature of Applicant:	Hu	×	Date: 10/2	8/25
Signature of Property Owner:	1		Date:	1/25
T16	Made	2	2415	/
Fee: \$ 500 Paid On	16/29/2	Receip	t Number 2045	46
Legal Notice Published Date:			Hearing Date:	
PLANNI	ING AND ZONING	ADMINISTRATO	R:	
Approved/P&Z Administrator: Yes No	Signature: _		Date:	
PLANI	NING AND ZONI	NG COMMISSION:		
Approved/P&Z Commission:	Yes	No	Date:	
DEAL	OWOOD BOARD	F ADJUSTMENT:		
Approved/City Commission:	Yes	No	Date:	
Reason for Denial (if necessary):				

Request for Conditional Use Permit

388 Main Street, Deadwood

October 28, 2025

Deadwood Planning and Zoning Department

To Whom It May Concern,

I am formally requesting a Conditional Use Permit for 388 Main Street, Deadwood, which operates as both a short- and long-term rental unit. Optima, LLC plans to purchase this property and continue its operation in compliance with local ordinances. This rental provides safe accommodations for residents and visitors and supports the local economy through tourism and flexible housing options.

On behalf of Optima, LLC, I ask the Planning and Zoning Department to approve continued use of 388 Main Street as a short- and long-term rental property. We are committed to meeting all city standards.

Please advise regarding required forms, documentation, or hearings. I am available for further questions or to provide additional information.

Thank you for considering this request.

Caleb Arceneaux, Authorized Agent Optima, LLC





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 operations for a Vacation Home Establishment as allowed under Section 17.40.030 Conditional Uses.

APPLICANTS: Caleb Arceneaux

LEGAL DESCRIPTION: The North ½ of Lot 13 and all of Lot 14 in Block 3, Fountain

City Addition to the City of Deadwood.

ADDRESS: 388 Main Street

ZONE: CH – Commercial Highway

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, November 19, 2025, 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 Vacation Home Establishment 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 30th day of October 2025.

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 \$

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

Public Notification

Date: November 3, 2025

To: Deadwood Property Owner / Resident

From: Kevin Kuchenbecker

Planning, Zoning & Historic Preservation Officer

RE: Request for Conditional Use Permit for Vacation Home

Establishment

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 operations of a Vacation Home Establishment as allowed under Section 17.40.030 Conditional Uses.

APPLICANT(S): Caleb Arceneaux

LEGAL DESCRIPTION: The North ½ of Lot 13 and all of Lot 14 in Block 3,

Fountain City Addition to the City of Deadwood.

ADDRESS: 388 Main Street

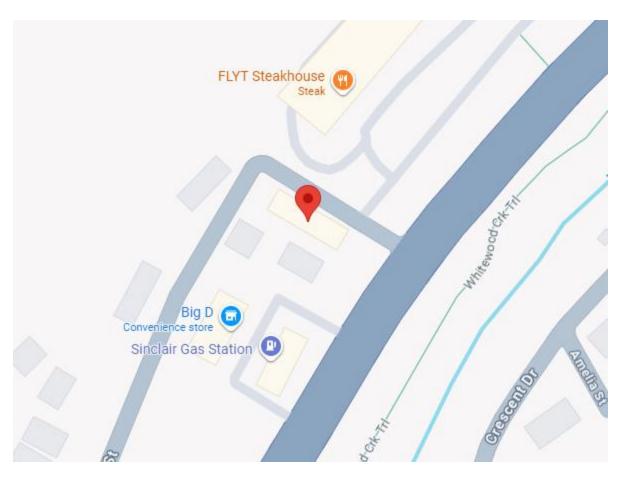
NOTICE IS FURTHER GIVEN that said application will be heard by the Planning and Zoning Commission within and for the City of Deadwood, State of South Dakota, at a regular meeting to be held Wednesday, November 19, 2025, in the Commission Room at 102 Sherman Street, Deadwood, South Dakota, at 4:00 p.m. 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. A public hearing will also be held by the Deadwood City Commission at 5:00 p.m. on Monday, December 15, 2025, at the same location.

NOTICE IS FURTHER GIVEN, that the proposed request for a Vacation Home Establishment is on file and available for public examination at the Deadwood Planning and 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.

The purpose of this mailed notice is to reasonably inform the surrounding property owners of the applications for a Conditional Use Permit and to inform you of the type of use being requested.

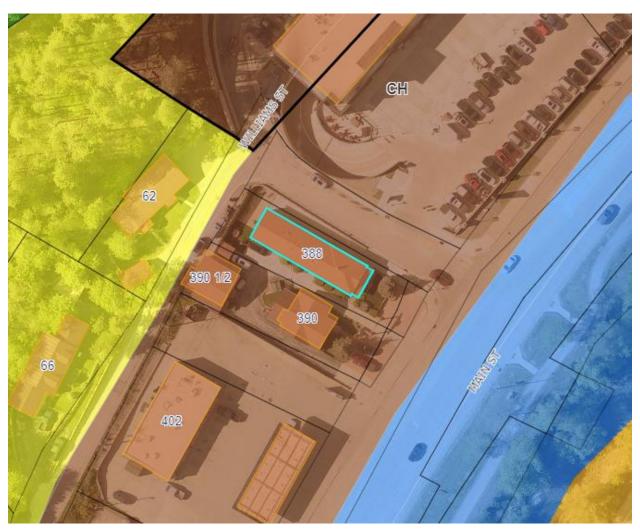
If you have any questions, please feel free to contact our office at 605-578-2082.



Map showing location of 588 Main Street.



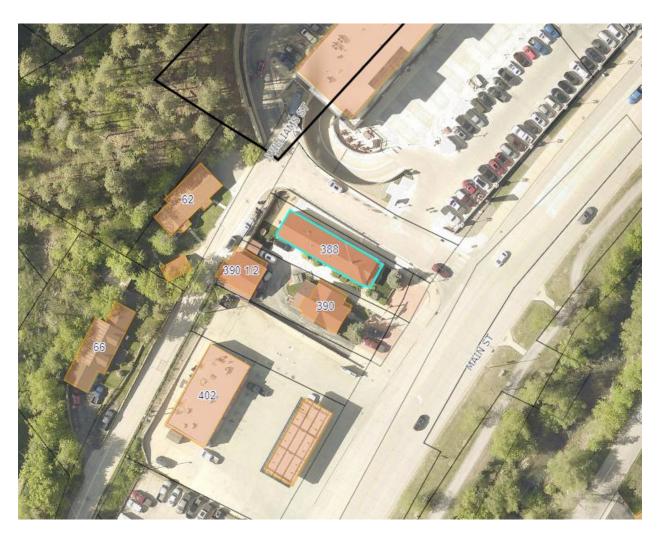




Zoning map showing 388 Main Street

Zoning Legend

- C1 COMMERCIAL
- CE COMMERCIAL ENTERPRISE DISTRICT
- CH COMMERCIAL HIGHWAY
- PF PARK FOREST
- PU PUBLIC USE
- PUD PLANNED UNIT DEVELOPMENT
- R1 RESIDENTIAL
- R2 MULTI-FAMILY RESIDENTIAL



Aerial photo of 388 Main Street



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: November 19, 2025

To: Planning and Zoning Commission

From: Kevin Kuchenbecker

Planning, Zoning & Historic Preservation Officer

RE: Conditional Use Permit – Vacation Home Establishment

APPLICANT(S): Optima LLC

PURPOSE: Application for CUP – Vacation Home Establishment

ADDRESS: 308 Main Street

LEGAL DESCRIPTION: Lot 1A, 2, 3 and the North 17 feet of Lot 4, Block A of

the Noble's Addition to the City of Deadwood, NE ¼ of Section 23, T5N, R3E, B.H.M., Lawrence County,

South Dakota

FILE STATUS: All legal obligations have been completed.

ZONE: CH – Commercial Highway

STAFF FINDINGS:

<u>Surrounding Zoning:</u> <u>Surrounding Land Uses:</u>

North: CH – Commercial Highway Open Space

South: PU – Public Use Highway

East: CH – Commercial Highway Businesses

West: CH – Commercial Highway Residence

SUMMARY OF REQUEST

The applicants have submitted a request for a Conditional Use Permit to operate a Vacation Home Establishment located at 308 Main Street.

FACTUAL INFORMATION

- 1. The property is currently zoned CH Commercial Highway.
- 2. Until recently, this property has been a private long-term residence.
- 3. The subject property has access from Highway 14A with off-street parking for two (2) vehicles.
- 4. The subject property is located within a CH Commercial zoning location on 3 sides, and an PU Public Use zoning on the south side.
- 5. The property is not located within a flood zone.
- 6. Adequate public facilities are available to serve the property.
- 7. The area is characterized by businesses with a single residence next door.

STAFF DISCUSSION

The applicants have submitted a request for a Conditional Use Permit for a Vacation Home Establishment and City regulations permit Vacation Home Establishments in CH – Commercial Highway zoning districts with an approved Conditional Use Permit. According to their application, there is adequate offstreet parking and a driveway providing ingress/egress onto Highway 14A.

The Deadwood Zoning Code 17.08 and South Dakota Codified Law defines a Vacation Home Establishment as the following:

"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 14 days in a 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. This term does not include a bed and breakfast establishment as defined in this Title.

Conditional Use Permit – Vacation Home Establishment 308 Main Street November 19, 2025

- 1. Vacation Home Establishments are strictly prohibited in R1 and R2 zoning districts with the exceptions under 17.53.040.
 - In this instance the property is in a CH Commercial Highway zoning district and operating as a Vacation Home Establishment would not violate city ordinance.
- 2. Vacation Home Establishments shall be located in upper floors of commercial structures only within the local historic district.

This property is not located in a traditional commercial structure, but it is not within the local historic district.

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.
- 2. A sign was posted on the property for which the requests were filed.
- 3. Notice of the time and place 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. Preserving the existing stock of historic structures by working with the individuals and guiding the use is an acceptable means of accomplishing this goal. Traffic and parking have not significantly affected the neighborhood. This area consists of large gaming based businesses with only two single-family dwelling resources remaining within this portion of the National Historic Landmark District.

Conditional Use Permit - Vacation Home Establishment

November 19, 2025

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 overconcentration 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 CH – Commercial Highway and is intended to provide locations for commercial uses, which require access to roads and highways, and substantial amounts of parking. Changing this use from residential to transient use.

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.

If the applicant only uses off street parking and prevents any public nuisance issues that are often associated with Vacation Home Establishments, the proposed use may not result in a substantial or undue adverse effect on adjacent properties, or the character of the property and the use would not alter the character of the district. There will be no change in the size of the dwelling. To support a denial of a Conditional Use Permit on the grounds that it will cause increased traffic problems, there must be a high degree of probability that the increase would pose a substantial threat to the health and safety of the community.

D. Whether or not the proposed use increases the proliferation of nonconforming 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 not change; therefore, the character and use of the buildings and structures adjoining the subject property will not be

Conditional Use Permit – Vacation Home Establishment 308 Main Street November 19, 2025

adversely affected. Unfortunately, soon after the change of ownership, the entire yard was removed, and asphalt millings were added.

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.

The proposed use will not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services. Existing services are available onsite.

CONDITIONS GOVERNING APPLICATIONS AND PROVISIONS:

- A. 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.
- 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 filled 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 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.

Conditional Use Permit – Vacation Home Establishment
308 Main Street
November 19, 2025

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 shall be provided to the Planning and Zoning Office for their files.
- 3. Building Inspector to inspect the building to ensure it meets applicable building codes.
- 4. Proper paperwork to be filed with the City of Deadwood Finance Office for Business Improvement District (BID) taxes.
- 5. City of Deadwood Business License required.
- 6. City of Deadwood Short-Term Rental License required.
- 7. Lodging License from the South Dakota Department of Health required.
- 8. All parking shall be off street.
- 9. No burn permits will be issued for this property.

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.	
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APPLICATION FOR CONDITIONAL USE PERMIT

Application Fee: \$500.00

Applicants Ness and the second state of the se	
Applicants : Please read thoroughly prior to completing this for review.	orm. Only complete applications will be considered f
Name of Proposed Development: Auer House	
Street Location of Property: 308 Main Street	
Legal Description of Property: Lot 1A of the subdivision of	of Lot 1, Block A of Nobles Addition and
Lots 2 and 3, Block A of Nobles Addition and Lot 4,	Block A of Nobles Addition
Zoning Classification of Property: Commercial Highway	
Name of Property Owner: Optima, LLC	Telephone
Address:	
Street	City State Zip
Name of Applicant: Caleb Arceneaux (authorized agen	t) Telephone: (/
Address:	
Street	City State Zip
a. An improvement survey, including all easemen b. Development plan, including site plan with local parking, loading areas, refuse area, ingress/egstreets, and c. A written statement addressing the criteria for Uses of Building or Land: Vacation home and long-term	ation of buildings, usable open space, off-street gress, screening, proposed or existing signage, exist approval. rentals
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Request for Conditional Use Permit

308 Main Street, Deadwood

October 30, 2025

Deadwood Planning and Zoning Department

To Whom It May Concern,

I am formally requesting a Conditional Use Permit for 308 Main Street, Deadwood, to operate as both a short- and long-term rental unit/vacation home. Optima, LLC purchased this property and requests to operate in compliance with local ordinances. This rental property would provide safe accommodations for residents and visitors and support the local economy through tourism and flexible housing options.

On behalf of Optima, LLC, I ask the Planning and Zoning Department to approve the use of 308 Main Street as a short- and long-term rental property. We are committed to meeting all city standards.

Please advise regarding required forms, documentation, or hearings. I am available for further questions or to provide additional information.

Thank you for considering this request.

Caleb Arceneaux, Authorized Agent Optima, LLC 388 main St. Packing



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 operations of a Vacation Home Establishment as allowed under Section 17.40.030 Conditional Uses.

APPLICANTS: Caleb Arceneaux

LEGAL DESCRIPTION: Lot 1A, 2, 3 and the North 17 feet of Lot 4, Block A of the

Noble's Addition to the City of Deadwood, NE 1/4 of Section

23, T5N, R3E, B.H.M., Lawrence County, South Dakota

ADDRESS: 308 Main Street

ZONE: CH – Commercial Highway

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, November 19, 2025, 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 Vacation Home Establishment 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 3rd day of November 2025.

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 \$ _____

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

Public Notification

Date: November 4, 2025

To: Deadwood Property Owner / Resident

From: Kevin Kuchenbecker

Planning, Zoning & Historic Preservation Officer

RE: Request for Conditional Use Permit for Vacation Home

Establishment

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 operations of a Vacation Home Establishment as allowed under Section 17.40.030 Conditional Uses.

APPLICANT(S): Caleb Arceneaux

LEGAL DESCRIPTION: Lot 1A, 2, 3 and the North 17 feet of Lot 4, Block A of

the Noble's Addition to the City of Deadwood, NE ¼ of Section 23, T5N, R3E, B.H.M., Lawrence County, South

Dakota

ADDRESS: 308 Main Street

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, November 19, 2025, 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. A public hearing will also be held by the Deadwood City Commission at 5:00 p.m. on Monday, December 15, 2025, at the same location.

NOTICE IS FURTHER GIVEN, that the proposed request for a Vacation Home Establishment is on file and available for public examination at the Deadwood Planning and 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.

The purpose of this mailed notice is to reasonably inform the surrounding property owners of the applications for a Conditional Use Permit and to inform you of the type of use being requested.

If you have any questions, please feel free to contact our office at 605-578-2082.



Aerial photo of 308 Main Street



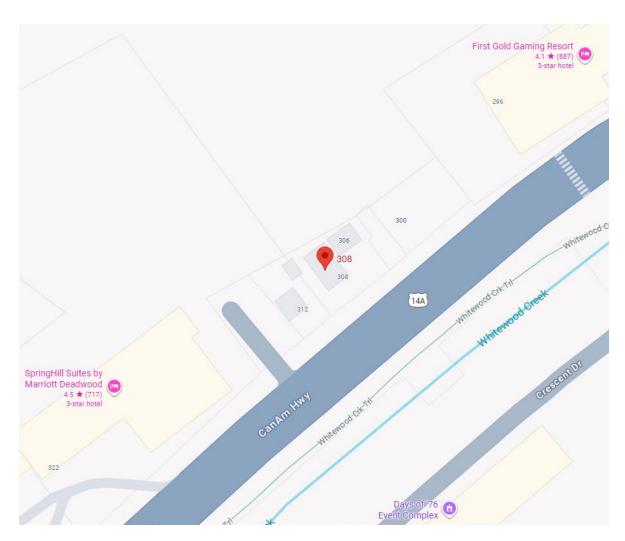




Zoning map showing 308 Main Street

Zoning Legend

- C1 COMMERCIAL
- CE COMMERCIAL ENTERPRISE
- CH COMMERCIAL HIGHWAY
- PF PARK FOREST
- PU PUBLIC USE
- PUD PLANNED UNIT DEVELOPMENT
- R1 RESIDENTIAL
- R2 MULTI-FAMILY RESIDENTIAL



Map showing location of 308 Main Street



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

Telephone (605) 578-2082 kevin@cityofdeadwood.com

CITY COMMISSION FINDINGS OF FACT AND CONCLUSION CONDITIONAL USE PERMIT

Date: November 17, 2025

From: Kevin Kuchenbecker

Planning, Zoning & Historic Preservation Officer

To: City Commission

RE: Findings of Fact and Conclusion

APPLICANT(S): Boot Hill Estates LLC

PURPOSE: Petition for Deannexation of Territory

LEGAL DESCRIPTION: Buena Vista Tract, being a portion of M.S. 343, M.S.

681, M.S. 685, M.S. 686, M.S. 788, M.S. 840, M.S. 920, M.S. 1208, and Lot R7 of M.S. 840, located in Sections 23 and 24, T5N, R3E, B.H.M., containing portions within and outside the City of Deadwood,

Lawrence County, South Dakota.

FILE STATUS: Petition Denied

WHEREAS the above Petition for Deannexation of Territory came on review before the Deadwood Planning and Zoning Commission on Wednesday, September 3, 2025. The review resulted in a recommendation for denial by the Deadwood Planning and Zoning Commission. On Monday, September 15, 2025, the Deadwood City Commission also denied the Petition for Deannexation of Territory, as previously recommended by the Planning and Zoning Commission.

WHEREAS, all present members of the Deadwood Planning and Zoning Commission and the Deadwood City Commission having reviewed the Petition for Deannexation request and having considered all comments by the public, as well as comments made by counsel representing Boot Hill Estates LLC; and, after discussion and consideration of the Petition for Deannexation and being fully advised in the premises, the Deadwood Planning and Zoning Commission and Deadwood City Commission hereby enter their:

FINDINGS OF FACT AND CONCLUSION

Kellen Willert of Bennet Main Gubbrud & Willert, P.C. acted as counsel for Boot Hill Estates LLC. Willert provided public notice identifying the applicant, describing the Petition for Deannexation and the location pertaining to such Petition, and giving the scheduled date of the public hearing. The petitioner placed notice in the Black Hills Pioneer newspaper, pursuant to the provisions of South Dakota Codified Law 9-4-7.

On September 3, 2025, the Planning and Zoning Commission reviewed the Petition for Deannexation. The following is a recap of that review:

- Counsel for Boot Hill Estates LLC requested deannexation of the property from the city limits of Deadwood on the following grounds:
 - The property is zoned as PF Park Forest.
 - The property does not contain infrastructure.
 - The property would not cause irregularities in the boundary line of the city.
 - The cost to develop the property while maintaining compliance with city ordinance was not feasible.
 - The city could reannex the land in the future if it was later deemed necessary.
- ▶ Planning and Zoning Commissioners addressed the following:
 - A contract the property owner entered into with the city in 2024 regarding water and sewer in which it was agreed the property owner would maintain the property and connect to utilities upon subdivision. Concern was expressed this request for deannexation was being used as a method to rebuke these requirements.
 - Future development could result in a financial loss to the city if the property was no longer within the boundaries. This would be through property tax revenues resulting in higher evaluation of property value as a result of the future development.
 - The National Landmark District designation from the Department of Interior's National Park Service could see an adverse affect by the deannexation resulting in either a loss of designation or a reduction of the district.

- The property is part of the original boundaries of Deadwood with early evidence by the P.L. Rogers map dating from 1890. This area is part of the National Landmark District, the National Register Historic District, and the State Register Historic District.
- The need for housing in the city could be partially remedied by development of the land. A development plan was submitted by the property owner in the past showing intent of building a significant number of dwellings. If deannexed, the city would not have input on future development.

The review by the Planning and Zoning Commission resulted in a unanimous recommendation to the City Commission to not permit the Petition of Deannexation to move forward.

On September 15, 2025, the Deadwood City Commission reviewed the Petition for Deannexation. The following is a recap of that review:

- Counsel for Boot Hill Estates LLC requested deannexation of the property from the city limits of Deadwood on the following grounds:
 - Future use of the land cannot be taken into consideration when reviewing the Petition for Deannexation.
 - If the land is not deannexed, the option for a TIF may be explored to aid in future development.
 - The value of the property is not made more valuable as city property than it would be if it was outside of city limits.
 - The property is subject to increased taxation by being within city limits.
 - The land in question is not available for public use.
 - The land in question is not suitable for urban use.
 - Deannexation will not threaten economic development.
 - Deannexation will not affect the character of the city.
 - Deannexation will not create an injustice.
- City Commissioners addressed the following.
 - The subject property is located within the Deadwood National

Historic District. Deannexation could compromise preservation initiatives aimed at maintaining Deadwood's historical character. The Department of Interior's National Park Service, under the Department of the Interior, would need to be notified and the district would need to be amended. The possibility exists that this could compromise the National Historic Landmark District status.

- The property lies within the original Townsite of Deadwood, dating back to 1881 and is evident in the 1890 P.L. Rogers map. Deannexation could diminish the city's heritage and set an undesirable precedent for future petitions seeking to separate historically relevant parcels.
- The property is currently within the city limits of Deadwood and public utilities are available within close proximity to the property desiring to be deannexed.
- Direct loss of property tax revenue would occur from a deannexation, placing greater strain on remaining taxpayers. It could also impact long-term planning and investment in community assets that benefit all residents.
- Deadwood's ongoing need for additional housing would be affected since retaining land within the city limits is crucial for the city's ability to guide development and incentivize residential development. The land in question is within proximity to municipal utilities allowing the city to expand services more efficiently in this area.
- Deannexation would eliminate the city's authority to enforce zoning standards on the property, potentially leading to incompatible development or uses that conflict with the community's vision and planning objectives.
- The property is part of the historic viewshed that plays an important role in the city's appeal to tourists and residents alike.

The review by the City Commission resulted in a unanimous vote to deny the Petition of Deannexation.

Findings of Fact and Conclusion – Deannexation of Territory Boot Hill Estates LLC November 17, 2025

ATTEST:

Jessicca McKeown, Finance Officer City of Deadwood November 17, 2025 Charlie Struble-Mook, Mayor City of Deadwood November 17, 2025

John Martinisko, Chairman Planning and Zoning Commission November 19, 2025 Josh Keehn, Vice Chair Planning and Zoning Commission November 19, 2025