



Planning and Zoning Commission Regular Meeting Agenda

Wednesday, March 05, 2025 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 from the February 5, 2025 Planning and Zoning Commission Meeting.
4. **Sign Review Commission**
 - a. Application for Sign Permit - 65 Sherman Street - Danny's Roadhouse (K. Darling). Applicant is requesting permission to install a new window sign. Proposed sign and location are compliant with sign ordinance.

Actions:
 1. Approve/deny Application for Sign Permit as submitted
5. **Planning and Zoning Commission**
 - a. Review Findings of Fact and Conclusion - Conditional Use Permit - 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.
 - b. Review Findings of Fact and Conclusion - Conditional Use Permit - 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.
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, February 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, February 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 (Secretary) Dave Bruce
 Commissioner Charles Eagleson
 Commissioner Ken Owens
 City Commissioner Blake Joseph

STAFF PRESENT

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

ABSENT

Kevin Kuchenbecker – Planning, Zoning and Historic Preservation Officer

3. Approval of Minutes

- a. Approve the minutes from the January 15, 2025 Planning and Zoning Commission Meeting.

It was moved by Commissioner Keehn and seconded by Commissioner Eagleson to approve the minutes from the January 15, 2025 Planning and Zoning Commission Meeting. Voting yea: Martinisko, Keehn, Bruce, Owens, Eagleson.

4. Sign Review Commission

- a. Application for Sign Permit - 637 Main Street - Pam's Purple Door (Kirwan). Applicant is requesting permission to install window signs. Location is compliant with sign ordinance. Design currently under review by the Planning and Zoning Commission. (Continued from 01-15-2025)

Actions:

1. Approve/deny Application for Sign Permit.

Mr. Mohr introduced Application for Sign Permit - 637 Main Street - Pam's Purple Door (Kirwan) and acknowledged a sample of the proposed sign was received by city staff.

Mr. Mohr introduced Mr. Kirwan, the applicant, and requested further information about the material of the sample. Mr. Kirwan explained the sample provided does not reflect the material he plans to use for the window sign. The sign will be made of an aluminum material in a gold color and would not have the plastic backing shown on the sample provided. The aluminum will also be less reflective than the sample.

Commissioner Joseph inquired if the sign would be two (2) or three (3) dimensional. Mr. Kirwan responded the sign would be two (2) dimensional.

Commissioner Eagleson expressed concerns related to the historical accuracy of the sign. Further discussion related to historical accuracy occurred.

Mr. Mohr reminded the Commission if the sign is made from aluminum, it will be compliant with city ordinance. Further discussion related to compliance with city ordinance occurred.

It was moved by Commissioner Bruce and seconded by Commissioner Owens to approve Application for Sign Permit - 637 Main Street - Pam's Purple Door (Kirwan) subject to the use of material(s) that complies with city ordinance. Voting yea: Martinisko, Bruce, Keehn, Owens. Voting nay: Eagleson.

5. Planning and Zoning Commission

- a. Consideration of Use for 87 Sherman Street legally described as Lots 13 - 14, Block 34, Original Town of Deadwood, SW 1/4 of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota.

Actions:

1. Approve/Deny Comparable Use

Mr. Mohr explained the Consideration of Use for 87 Sherman Street. City staff received an inquiry from a potential business owner who is interested in opening an acupuncture clinic in the building. Since this type of business is not listed as an allowable use within city ordinance, staff is seeking a recommendation from the Commission to determine if the proposed use is comparable to an existing allowable use. The applicant considers the use to be comparable to that of a hospital or chiropractic office, both of which are uses by right in the C1 – Commercial District.

It was moved by Commissioner Keehn and seconded by Commissioner Eagleson to approve the comparable use for 87 Sherman Street to allow an acupuncture clinic to operate at the location. Voting yea: Martinisko, Keehn, Bruce, Owens, Eagleson.

6. Items from Citizens not on Agenda

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

7. Items from Staff

Mr. Mohr discussed Senate Bill 98 which, if passed, would act to update references in certain statutes to the 2024 standard building code.

House Bill 1159, if passed, would act to revise percentages regarding certain net municipal proceeds of gaming revenues. Several city staff are at the state capital in support of the bill.

Ms. Blue-Jones discussed the collection of 2025 licensing fees for Short-Term Rentals.

Commissioner Joseph expressed concern that House Bill 1041 will cut the budget for libraries except for braille and audio tapes. Commissioner Joseph criticized the bill stating the passing of the bill would be damaging to education.

8. Adjournment

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

There being no further business, the Planning and Zoning Commission adjourned at 4:25 p.m.

ATTEST:

Chairman, Planning & Zoning Commission

Secretary, 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
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SIGN PERMIT STAFF REPORT

Sign Review Commission

March 5, 2025

Applicant: Kelsie Darling

Address: 2925 E. Colorado Blvd, Spearfish, SD 57783

Site Address of Proposed Signage: 65 Sherman Street (Danny's Roadhouse)

Computation of Sign Area

Building Frontage: 53 Feet

Total Available Signage: 106 Square Feet

Existing Signage: None

Remaining Available Signage Area: 106 Square Feet

Proposed Sign Project: Install new window sign (24 Square Feet)

Proposed Building Materials: Vinyl (see attached rendering)

Proposed Lighting of the Signs: None

Location of Proposed Sign: See attached photograph

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 property has been recently leased to provide additional sleeping rooms for the Landmark hotel. The proposed sign is to advertise this use of the building. Please note that the window measures 52 Square Feet and the sign is less than 50% of this size so it does comply with that requirement of the sign ordinance.

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 window sign at 65 Sherman Street

OR

Motion to deny proposed sign permit application as submitted.



DANNY'S ROAD HOUSE SUITES

BY



WWW.DEADWOODLANDMARK.COM



Proposed location of sign

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

**PLANNING AND ZONING COMMISSION
AND BOARD OF ADJUSTMENT
FINDINGS OF FACT AND CONCLUSION
CONDITIONAL USE PERMIT**

Date: March 5, 2025
From: Kevin Kuchenbecker
Planning, Zoning & Historic Preservation Officer
To: Planning and Zoning Commission
RE: Findings of Fact and Conclusion

APPLICANT(S): Sportsbook Deadwood, LLC
PURPOSE: Conditional Use Permit – Specialty Resort
ADDRESS: 57 Sherman Street
Deadwood, Lawrence County, South Dakota

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

FILE STATUS: All legal obligations have been completed.

WHEREAS the above application for a Conditional Use Permit for a Specialty Resort in the C1 – Commercial Zoning District came on review before the Deadwood Planning and Zoning Commission on Monday, December 23, 2024. The application was subsequently recommended for approval by the Deadwood Planning and Zoning Commission. The Deadwood Board of Adjustment subsequently approved the request for a Specialty Resort at 57 Sherman Street, as recommended by the Planning and Zoning Commission,

Findings of Fact and Conclusion – Conditional Use Permit
Sportsbook Deadwood, LLC
March 2025

on Monday, December 23, 2024.

WHEREAS, all present members of the Deadwood Planning and Zoning Commission and the Deadwood Board of Adjustment having reviewed the Conditional Use Permit request and having considered all comments offered and all the evidence and testimony presented for the application; and, after discussion and consideration of the application and being fully advised in the premises, the Deadwood Planning and Zoning Commission and 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. Notice was placed in the designated newspaper of the City of Deadwood, ten (10) days in advance of the hearing as required by Section 17.76.060.J.
- An official sign was posted on the property for which the Conditional Use would occur.
- Property owners within three hundred (300) feet of the boundaries of the subject land were notified by first class mail as required by Section 17.76.060.D.
- The subject area is zoned C1 – Commercial Zoning District. The area near the subject property consists of commercial businesses, government offices and parking.
- The use, as proposed, would not result in a substantial or undue adverse effect on adjacent property or the character of the neighborhood and the use would not alter the character of the area.
- The granting of the Conditional Use Permit would not increase the proliferation of non-conforming uses. Use is expressly allowed in the C1 – Commercial Zoning District under certain conditions and the conditions have been 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 Specialty Resort. The Deadwood Board of Adjustment approved the

Findings of Fact and Conclusion – Conditional Use Permit
Sportsbook Deadwood, LLC
March 2025

request as recommended by the Planning and Zoning Commission with the following nine (9) conditions:

1. The Conditional Use Permit runs with the applicant and not the land; therefore, should the property be sold, the Conditional Use Permit is null and void.
2. The front half of the structure will be used as retail.
3. Maintain a City of Deadwood Business License.
4. Maintain a City of Deadwood Short-Term Rental License.
5. Participate in Business Improvement District (BID) taxes.
6. Maintain a Lodging License from the South Dakota Department of Health which is in the same category of Short-Term Rental as the Conditional Use Permit (Specialty Resort) and provide a copy to the Planning and Zoning Department for their files.
7. Maintain a South Dakota Department of Revenue Sales Tax License and provide a copy to the Planning and Zoning Department for their files.
8. Have the City of Deadwood Building Inspector inspect the building to ensure compliance with applicable safety and building regulations.
9. Submit a Parking Management Plan with the City of Deadwood Parking and Transportation Director for review and recordation.

ATTEST:

Jessicca McKeown, Finance Officer
City of Deadwood
March 17, 2025

David Ruth, Mayor
City of Deadwood
March 17, 2025

John Martinisko, Chairman
Planning and Zoning Commission
March 5, 2025

David Bruce, Secretary
Planning and Zoning Commission
March 5, 2025

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**PLANNING AND ZONING COMMISSION
AND BOARD OF ADJUSTMENT
FINDINGS OF FACT AND CONCLUSION
CONDITIONAL USE PERMIT**

Date: March 5, 2025
From: Kevin Kuchenbecker
Planning, Zoning & Historic Preservation Officer
To: Planning and Zoning Commission
RE: Findings of Fact and Conclusion

APPLICANT(S): Sportsbook Deadwood, LLC
PURPOSE: Conditional Use Permit – Specialty Resort
ADDRESS: 65 Sherman Street
Deadwood, Lawrence County, South Dakota

LEGAL DESCRIPTION: 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.

FILE STATUS: All legal obligations have been completed.

WHEREAS the above application for a Conditional Use Permit for a Specialty Resort in the C1 – Commercial Zoning District came on review before the Deadwood Planning and Zoning Commission on Monday, December 23, 2024. The application was subsequently recommended for approval by the Deadwood Planning and Zoning Commission. The Deadwood Board of Adjustment subsequently approved the request for a Specialty Resort at 65 Sherman Street, as recommended by the Planning and Zoning Commission, on Monday, December 23, 2024.

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

Findings of Fact and Conclusion – Conditional Use Permit
Sportsbook Deadwood, LLC
March 2025

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. 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.
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- The subject area is zoned C1 – Commercial Zoning District. The area near the subject property consists of commercial businesses, government offices and parking.
- The use, as proposed, would not result in a substantial or undue adverse effect on adjacent property or the character of the neighborhood and the use would not alter the character of the area.
- The granting of the Conditional Use Permit would not increase the proliferation of non-conforming uses. Use is expressly allowed in the C1 – Commercial Zoning District under certain conditions and the conditions have been 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 Specialty Resort. The Deadwood Board of Adjustment approved the request as recommended by the Planning and Zoning Commission with the following ten (10) conditions:
 1. The Conditional Use Permit runs with the applicant and not the land; therefore, should the property be sold, the Conditional Use Permit is null and void.
 2. The front half of the structure will be used as retail.

Findings of Fact and Conclusion – Conditional Use Permit
Sportsbook Deadwood, LLC
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3. Maintain a City of Deadwood Business License.
4. Maintain a City of Deadwood Short-Term Rental License.
5. Participate in Business Improvement District (BID) taxes.
6. Maintain a Lodging License from the South Dakota Department of Health which is in the same category of Short-Term Rental as the Conditional Use Permit (Specialty Resort) and provide a copy to the Planning and Zoning Department for their files.
7. Maintain a South Dakota Department of Revenue Sales Tax License and provide a copy to the Planning and Zoning Department for their files.
8. Have the City of Deadwood Building Inspector inspect the building to ensure compliance with applicable safety and building regulations.
9. Submit a Parking Management Plan with the City of Deadwood Parking and Transportation Director for review and recordation.
10. Remove signage of previous owner within thirty (30) days of receipt of this letter to remain in compliance with Ordinance 15.32.130 (Q).

ATTEST:

Jessicca McKeown, Finance Officer
City of Deadwood
March 17, 2025

David Ruth, Mayor
City of Deadwood
March 17, 2025

John Martinisko, Chairman
Planning and Zoning Commission
March 5, 2025

David Bruce, Secretary
Planning and Zoning Commission
March 5, 2025