



Planning and Zoning Commission Regular Meeting Agenda

Wednesday, November 06, 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. Approve the minutes from the October 16, 2024 Planning and Zoning Commission Meeting.
4. **Sign Review Commission**
5. **Planning and Zoning Commission**
 - a. Change of Zoning - 735 Main Street (Deadwood RE, LLC) legally described as Lot 3A, Block 2, Kennedy and Cameron addition, City of Deadwood, formerly Lot 3, Block 2, Kennedy and Cameron addition, all located in the SE 1/4 of Section 22, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota.

Actions:
 1. Public discussion
 2. Approve/Deny/Continue Change of Zoning
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, October 16, 2024 at 4:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

1. Call to Order

The meeting of the Planning and Zoning Commission was called to order by Chairman Martinisko on Wednesday, October 16, 2024 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

Leah Blue-Jones – Zoning Coordinator

ABSENT

Kevin Kuchenbecker – Planning, Zoning and Historic Preservation Officer
 Trent Mohr – Building Official

3. Approval of Minutes

- a. Approve the minutes from the October 2, 2024 Planning and Zoning Commission meeting.

It was moved by Commissioner Keehn and seconded by Commissioner Bruce to approve the minutes from the October 2, 2024 Planning and Zoning Commission Meeting. Voting yea: Martinisko, Keehn, Bruce, Owens, Eagleson.

4. Sign Review Commission

5. Planning and Zoning Commission

- a. Surrender of Conditional Use Permit - Bed and Breakfast Establishment - 7 Spring Street (K. Steier) legally described as Lots X, a replat of Lots 1, 2, and 3, Block 1, Miricks Addition and a portion of MS 735, located in the City of Deadwood, Lawrence County, South Dakota.

Actions:

1. Public discussion
2. Approve/Deny surrender of Conditional Use Permit

Ms. Blue-Jones introduced Surrender of Conditional Use Permit - Bed and Breakfast Establishment - 7 Spring Street (K. Steier) and discussed the Staff Report as well as the request by the property owners to surrender the Conditional Use Permit.

It was moved by Commissioner Owens and seconded by Commissioner Bruce to approve the Surrender of Conditional Use Permit - Bed and Breakfast Establishment - 7 Spring Street (K. Steier). 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

Ms. Blue-Jones stated sidewalks will soon be poured and bridges installed on Water Street. Two (2) citations for Vacation Home Establishments operating illegally have been created and court dates have been set for the month of November. The South Dakota Planners Association meeting will be held October 22 - 24, 2024 and will be attended by Ms. Blue-Jones and Mr. Kuchenbecker.

Ms. Blue-Jones explained a Realtor Workshop is scheduled to be held on October 29, 2024, and fourteen (14) local real estate agents have signed up to attend. The class will cover topics related to Historic Preservation and Planning and Zoning. Commissioner Eagleson expressed interest in the city creating documents that could be given to real estate agents and/or new homeowners to explain requirements and restrictions pertaining to both Historic Preservation and Planning and Zoning. Commissioner Joseph expressed some concern related to the cost involved.

8. Adjournment

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

There being no further business, the Planning & Zoning Commission adjourned at 4:07 p.m.

ATTEST:

Chairman, Planning & Zoning Commission

Secretary, Planning & Zoning Commission

Minutes by Leah Blue-Jones, Zoning Coordinator

OFFICE OF
PLANNING, ZONING AND
HISTORIC
PRESERVATION
108 Sherman Street
Telephone (605) 578-2082
Fax (605) 578-2084



Kevin Kuchenbecker
Planning, Zoning and
Historic Preservation Officer
Telephone (605) 578-2082
kevin@cityofdeadwood.com

**PLANNING AND ZONING COMMISSION
STAFF REPORT
CHANGE OF ZONING**

Staff Report

Date: November 6, 2024
From: Kevin Kuchenbecker
Planning, Zoning & Historic Preservation Officer
To: Planning and Zoning Commission
RE: Change of Zoning

APPLICANT(S): Deadwood Real Estate, LLC

PURPOSE: Change of Zoning

ADDRESS: 735 Main Street

LEGAL DESCRIPTION: Lot 3A, Block 2, Kennedy and Cameron addition, City of Deadwood, formerly Lot 3, Block 2, Kennedy and Cameron addition, all located in the SE ¼ of Section 22, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota.

FILE STATUS: All legal obligations have been completed.

CURRENT ZONING DISTRICT: PU – Public Use

REQUESTED ZONING DISTRICT: C1 - Commercial

STAFF FINDINGS:

Surrounding Zoning:

North: C1 – Commercial
South: PU – Public Use
East: C1 – Commercial
West: C1 – Commercial

Surrounding Land Uses:

Parking Lot
Fire Department
Business
Business

SUMMARY OF REQUEST

The applicant has submitted a Petition for Zoning Amendment to Change the Zoning from PU- Public Use to C1 – Commercial as allowed under Chapter 17.100 – Amendments.

FACTUAL INFORMATION

1. The property is currently zoned PU – Public Use.
2. The property is not located within a flood zone.
3. The area is characterized by a mixture of businesses and public use facilities, including the Lead-Deadwood Elementary School and Deadwood Fire Hall.

STAFF DISCUSSION

The property was once a Public Use building housing the Chamber of Commerce and situated on the same lot as the Fire Hall. In 2004, the Chamber of Commerce moved from the building and the City of Deadwood subdivided the lot into two (2) lots, creating a separate lot for the building at 735 Main Street and a separate lot for the Fire Hall. The building at 735 Main Street was subsequently sold as commercial property, however, the zoning map was not amended at that time to reflect this change. For the last twenty (20) years, the building has been used for commercial purposes, despite the PU-Public Use zoning district designation. The building is currently for sale, however, and the current zoning of PU - Public Use may limit prospective buyers from the ability to utilize the property in its highest and best use as a commercial property.

Staff recognizes the change of zoning and its proximity to the Lead-Deadwood Elementary School and the Northern Hill Child Care facility will cause community concern within the C1 Zoned property which would allow gaming as a use by right. While future actions require Planning and Zoning to notify the school board of any building or permit for a gaming hall under DCO Chapter 5-52.030, there appears to be little action available to said party for preventing any use by right within the zoning district. The Zoning Office has discussed the possibility of CE – Commercial Enterprise as a zoning change option with legal counsel, however, additional research and discussions with the petitioner would need to be undertaken. Commercial Enterprise zoning prohibits gaming as a use for the property yet allows a variety of commercial uses like C1 zoning.

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 Chapter 17.96.020.
2. A sign was posted on the property for which the requests were filed in accordance with SDCL 11-4-4.4.
3. Notice of the time and place was published in the designated newspaper of the City of Deadwood in accordance with SDCL 11-4-4.

GENERAL STANDARDS FOR ZONING AMENDMENTS:

In reviewing an amendment to the official zoning district map, the Planning and Zoning Commission shall consider:

- A. Whether the proposed amendment conflicts with any applicable portions of this Ordinance.

There could be conflicts for the proposed zoning amendment depending on the ultimate use and the interpretation of DCO Chapter 5.52.030.

- B. Whether the proposed amendment is consistent with all elements of the Deadwood Comprehensive Plan.

The Comprehensive Plan Future Land Use Map depicts the area as Commercial and is defined as follows: Areas of general commercial development located along main transportation routes in Deadwood, but outside of the historic commercial core; uses within this district serve the commercial needs of local residents for retail, services, and office space, support Main Street businesses, and also include tourism-oriented businesses like visitor attractions and lodging, dining, and entertainment establishments; and, the density and scale within this district greatly varies, but is generally at a lower intensity than the historic commercial core. The sense of community and protecting the school system within Deadwood is an important component of any community's comprehensive plan.

- C. Whether the proposed amendment is compatible with surrounding Zone Districts and land uses, considering existing land use and neighborhood characteristics.

The subject property is surrounded by a mixed use of zoning districts and this request is compatible with the surrounding zoning districts.

- D. The effect of the proposed amendment on traffic generation and road safety.

During City wide events, the property will have a high volume of pedestrian traffic and vehicular traffic. Access to the property is off Main Street, which runs parallel to the building. The proposed amendment could have an effect on traffic generation or road safety depending on the ultimate use.

- E. Whether the extent to which the proposed amendment would result in demands on public facilities, and the extent to which the proposed amendment would exceed the capacity of such public facilities, including, but not limited to transportation facilities, sewage facilities, water supply, parks, drainage, schools, and emergency medical facilities.

The proposed project will not impact the demand for public facilities unless individuals would no longer register their children to attend the Lead-Deadwood School District due to a potential change of use to gaming.

- F. Whether the proposed amendment is consistent and compatible with the community character in the City of Deadwood.

The proposed amendment is in harmony with the overall character of existing development of Deadwood.

- G. Whether there have been changed conditions affecting the subject parcel or the surrounding neighborhood, which support the proposed amendment.

The proposed amendment could have an effect on the surrounding neighborhood as this property is currently operating as a commercial business and has been for approximately twenty (20) years; however, the change of zoning would open the property to gaming as a use by right.

- H. Whether the proposed amendment would conflict with the public interest and is in harmony with the proposed amendment may or may not conflict with the public interest.

At this time, the school district has contacted our office with concerns of the amendment due to creating the ability to expand gaming as a use by right directly around the elementary school. There will be time for public comment prior to the discussion on this amendment.

ACTION REQUIRED:

Change of Zoning
735 Main Street
November 6, 2024

1. Approval/Denial/Continue 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. _____

PETITION FOR ZONING AMENDMENT

Application Fee: \$500.00

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

Name of Petitioner: Deadwood Real Estate LLC (Lee Thompson) Telephone: (605) 644-2870

Address: 735 Main Street Deadwood SD 57732
Street City State Zip

Legal Description of Property: Kennedy & Cameron Addition- Lot 3, Block 2,
Plat 2004-05425

Description of Request: _____

Present Zoning Classification: P1 Public Use District Requested Zoning Classification: CR Commercial

Existing Use of Property: Real Estate Office

Signature of Applicant: Lee C. Thompson Date: 10-18-2024

Signature of Property Owner: Lee C. Thompson Date: 10-18-2024

Fee: \$ N/A Paid On N/A Receipt Number N/A

Legal Notice Published _____ Date: _____ Hearing Date: _____

PLANNING AND ZONING ADMINISTRATOR:			
Approved/P&Z Administrator:	Yes	No	Signature: _____ Date: _____
PLANNING AND ZONING COMMISSION:			
Approved/P&Z Commission:	Yes	No	Date: _____
DEADWOOD BOARD OF ADJUSTMENT:			
Approved/City Commission:	Yes	No	Date: _____

Reason for Denial (if necessary): _____

OFFICE OF
PLANNING, ZONING AND
HISTORIC PRESERVATION
108 Sherman Street
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Kevin Kuchenbecker
Planning, Zoning and
Historic Preservation Officer
Telephone (605) 578-2082
kevin@cityofdeadwood.com

Public Notification

Date: October 21, 2024
To: Deadwood Property Owner / Resident
From: Kevin Kuchenbecker
Planning, Zoning & Historic Preservation Officer
RE: Request for a Change of Zoning

NOTICE IS HEREBY GIVEN, that the following person(s) has applied to the City of Deadwood Planning and Zoning Office for a Change of Zoning from PU-Public Use zoning district to C1 – Commercial zoning district for the operations of a commercial establishment as allowed under Section 17.100 Amendments.

APPLICANT(S): Deadwood Real Estate, LLC

LEGAL DESCRIPTION: Lot 3A, Block 2, Kennedy and Cameron Addition, City of Deadwood, formerly Lot 3, Block 2, Kennedy and Cameron Addition, all located in the SE ¼ of Section 22, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota.

ADDRESS: 735 Main Street

CURRENT ZONE: PU – Public Use

PROPOSED ZONE: C1 - Commercial

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 6, 2024, in the Commission Room at 102 Sherman Street, Deadwood, South Dakota, at 4:00 p.m. or soon thereafter at which time and place any such person interested may appear and show cause if there be any, why such Change of Zoning should not be granted. A public hearing will also be held by the Deadwood City Commission at 5:00 p.m. on Monday, November 18, 2024, at the same location.

NOTICE IS FURTHER GIVEN, that the proposed request for a Change of Zoning 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 application for a Change of Zoning 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.

**NOTICE OF PUBLIC HEARING
BEFORE THE PLANNING AND ZONING COMMISSION**

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

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CURRENT ZONE: PU – Public Use

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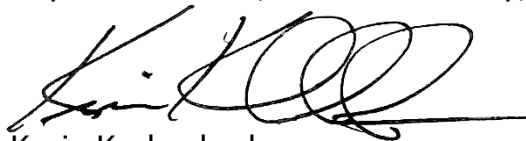
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ANY interested person or his/her agent is invited to submit oral or written comments or suggestions regarding the request to the Commissions or their agent prior to or at the public hearing.

Dated this 18th day of October 2024.

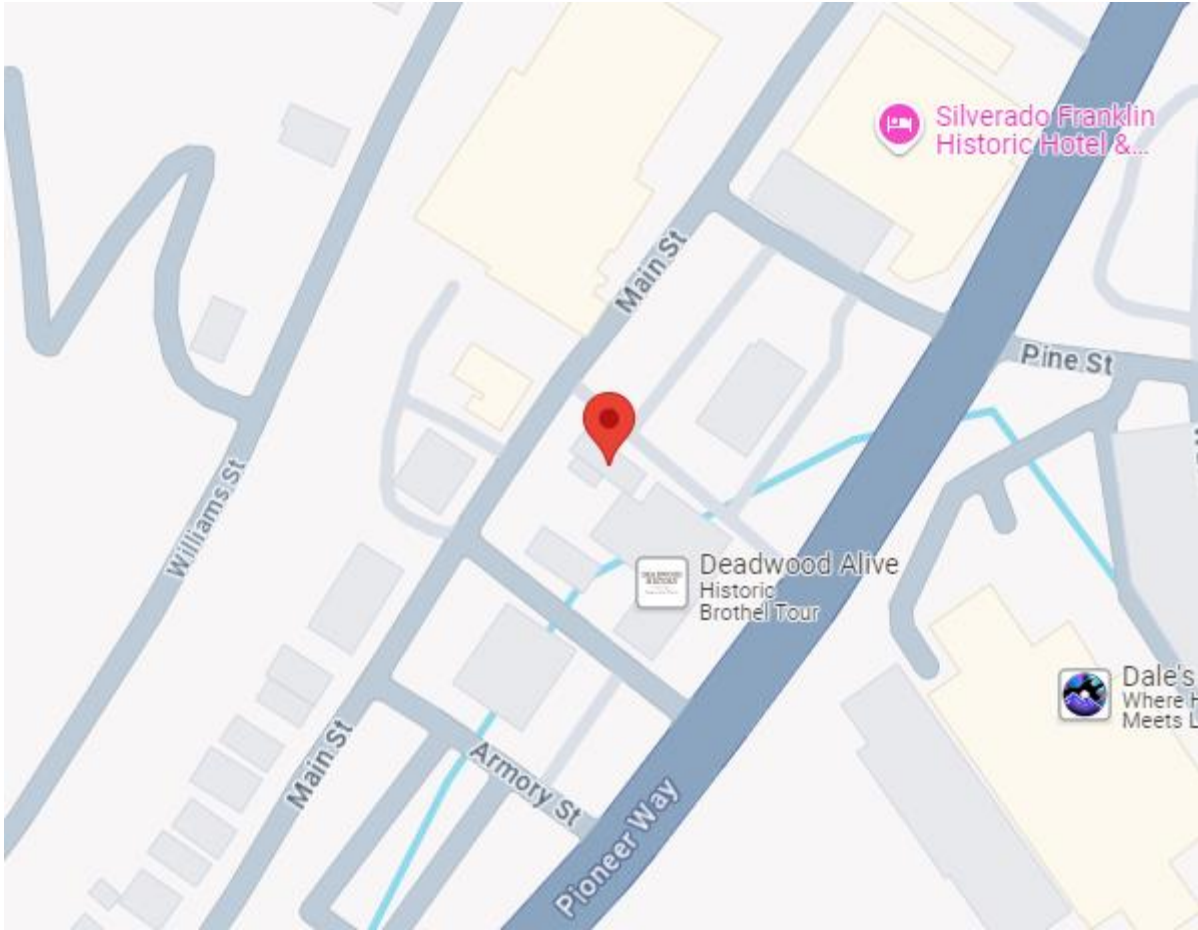
City of Deadwood, Lawrence County, South Dakota



Kevin Kuchenbecker
Planning, Zoning and Historic Preservation Officer

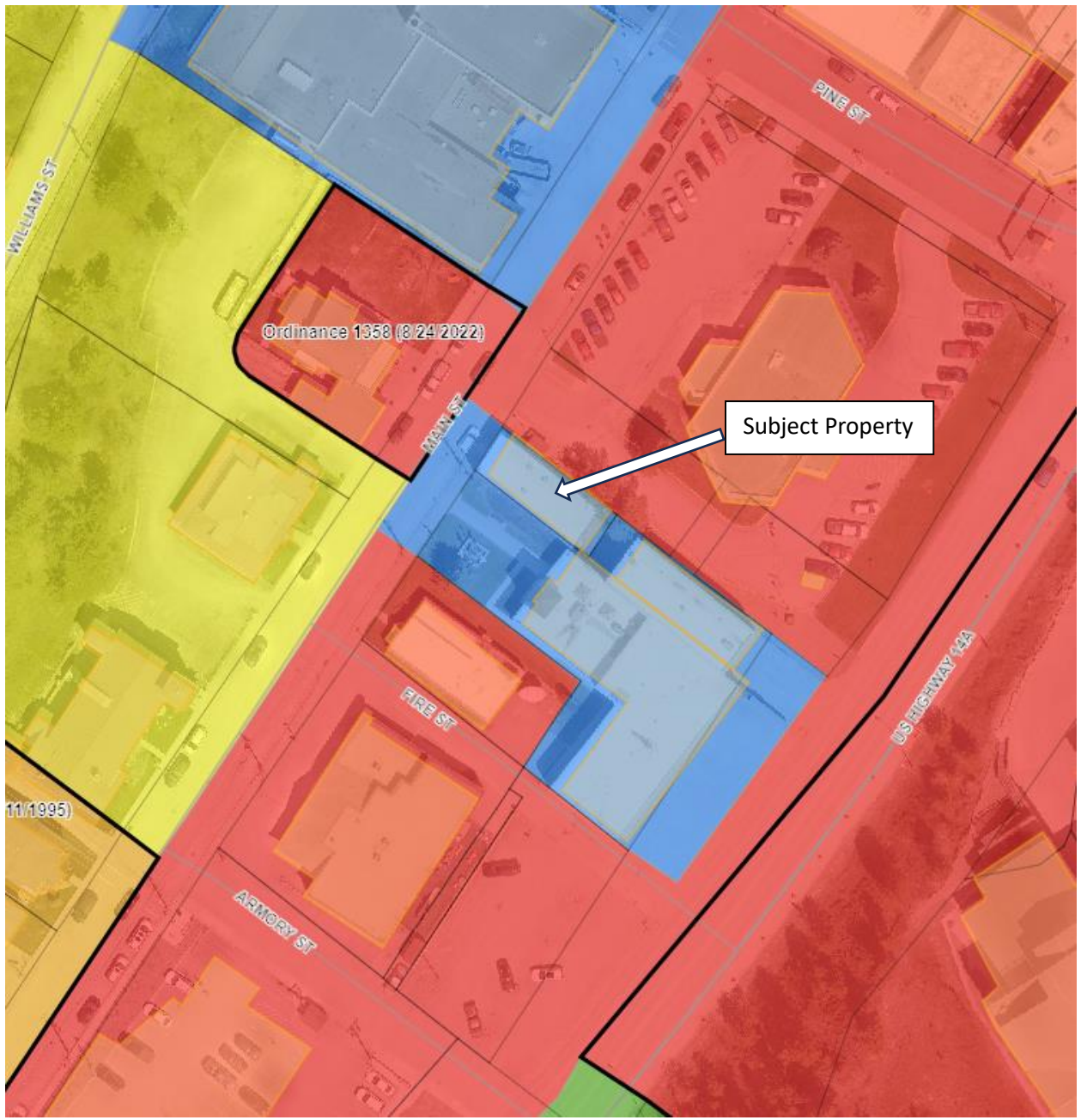
PUBLISH: Black Hills Pioneer: _____

Published once at the total approximate cost of \$ _____



Map showing the location of 735 Main Street, Deadwood, SD 57732.





Zoning map showing the location of 735 Main Street, Deadwood, SD 57732.



LEAD-DEADWOOD SCHOOL DISTRICT #40-1

Cohesive Community. Boundless Opportunity. Discover Your GOLD!

320 South Main Street
Lead, South Dakota 57754
Phone: 605-717-3890 Fax: 605-717-2813

Superintendent

Dr. Erik Person

Business Manager

Margie Rantapaa

Superintendent Secretary

Mary Schumacher

Section 5 Item a.



Board Members

Amber Vogt, President
Amber Diers, Vice-President
Jodi Campbell
Lexi Lux
Robin Lucero

November 1, 2024

Deadwood Planning and Zoning Commission,

I am writing this letter on behalf of the Lead-Deadwood School District to represent the school's interest as a neighboring property owner to the property at 735 Main Street, Deadwood.

The school district's position on the requested zoning change for said property is that we oppose any additional properties adjacent to the Deadwood Elementary School being rezoned in any category that would allow for future gaming sites. To be clear, the district does not have a position on gaming as an industry or on that industry's prominence in Deadwood's economy or culture. By in large, the gaming establishments in Deadwood have been great community partners. Our issue is strictly with the proximity of any new establishments in the area of the elementary school, especially concentrated near the pickup and drop-off site for the school. An additional gaming establishment would essentially surround the elementary school with these businesses. Even if there are no immediate plans for this property to become a gaming establishment, a zoning change would allow that to happen in the future, so we are expressing our concern before the zoning change takes place.

Deadwood has enjoyed the benefits of the gaming industry in our community for decades, and the people of Deadwood have benefited from having a local elementary school in the current building for 100 years, and in the current location in a prior building since 1899. We feel it is important to preserve this small portion of our community, to the extent possible, for the children of Deadwood and Lead.

If you have any questions about our position on this matter, feel free to contact me.

Thank you,

Dr. Erik Person, Superintendent