



Planning and Zoning Commission Regular Meeting Agenda

Wednesday, October 16, 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 2, 2024 Planning and Zoning Commission meeting.
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
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 meetings are not available by Zoom unless requested.



Planning and Zoning Commission Regular Meeting Minutes

Wednesday, October 02, 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 2, 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
 City Attorney Quentin Riggins

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 from the September 19, 2024 Planning and Zoning Commission meeting.

It was moved by Commissioner Keehn and seconded by Commissioner Eagleson to approve the minutes from the September 18, 2024 Planning and Zoning Commission Meeting. Voting yea: Martinisko, Keehn, Bruce, Owens, Eagleson.

4. Sign Review Commission

5. Planning and Zoning Commission

- a. Plat Application - Move Lot Line and Create New Lot - Tract F1, F2 and G1 of McGovern Hill Road (J. Martin) legally described as Plat of Tracts F1, F2 and G1 of the Crawford Addition II formerly Tracts F and G of Crawford Addition II and a portion of Probate Lot 299 City of Deadwood, Lawrence County, South Dakota located in the NE 1/4 of Section 27 and the NW 1/4 of Section 26, T5N, R3E, B.H.M.

Action Required:

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

Mr. Kuchenbecker introduced Plat Application - Move Lot Line and Create New Lot - Tract F1, F2 and G1 of McGovern Hill Road (J. Martin) and introduced Joseph Martin and Joel Westcott, property owners, to the commission.

Commissioner Eagleson requested clarification on lot ownership. Mr. Martin explained Lot F2 is currently owned by Mr. Westcott as un-platted land. Once the properties are re-platted, he plans to purchase Lot F2 from Mr. Westcott.

It was moved by Commissioner Bruce and seconded by Commissioner Owens to approve Plat Application - Move Lot Line and Create New Lot - Tract F1, F2 and G1 of McGovern Hill Road (J. Martin). Voting yea: Martinisko, Keehn, Bruce, Owens, Eagleson.

- b. Continuation of Annual Review - Conditional Use Permit - Bed and Breakfast Establishment - 7 Spring Street (Kenneth 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 continued use of Conditional Use Permit

Mr. Kuchenbecker discussed Continuation of Annual Review - Conditional Use Permit - Bed and Breakfast Establishment - 7 Spring Street (K. Steier) and reviewed the Staff Report. Mr. Kuchenbecker advised the Commission that an email request had been received by the Property Manager, Amber Galbraith, stating the property would be turned into a Long-Term Rental and introduced Ms. Galbraith to the Commission.

Ms. Galbraith stated she would like further information on any requirements needed to convert the property into a Long-Term Rental. She would also like to continue to advertise on websites geared towards Short-Term Rental establishments. Mr. Riggins responded the concern with advertising on Short-Term Rental websites is the temptation for an owner to allow tenants to stay for a term shorter than thirty (30) days by continually cancelling signed leases after a tenant has only stayed a few nights. Allowing tenants to stay only a few days at a time is clearly a Short-Term Rental. In addition, the Department of Revenue has different tax requirements for Long-Term versus Short-Term Rentals. If the property remains a Short-Term Rental when it is supposed to be renting to Long-Term tenants, an injunction to stop the activity may be required.

Mr. Riggins reminded Ms. Galbraith the city has the capability to track the length of time a property is rented to a tenant and will know if the property is being rented out for shorter periods of time. Ms. Galbraith responded she does not intend to release leases prior to their thirty (30) day expiration.

Mr. Riggins advised Ms. Galbraith any online advertising must reflect the property is only available as a thirty (30) day rental. Ms. Galbraith assured Mr. Riggins this would be the case and stated she had already begun to make updates to the current listings.

Further discussion occurred regarding the advertisement of Long-Term Rentals on Short-Term Rental websites. Suggestions for Long-Term Rental websites were

provided to Ms. Galbraith by city staff. Mr. Riggins reiterated that any advertisement on a typical Short-Term Rental website would need to explicitly allow bookings for a minimum thirty (30) day term.

Ms. Galbraith responded the websites advertising the property are in the process of being updated to reflect a thirty (30) day rental period. She would also like information on any legal requirements for Long-Term Rentals, as the owners have an interest in renting to the local workforce. She had a recent inquiry from a local business owner who would like to provide housing for six (6) to eight (8) of his employees. Mr. Kuchenbecker advised city ordinance dictates there cannot be more than three (3) adult occupants who are unrelated residing within the property. Further discussion about occupancy limits occurred between the Commission, city staff and Ms. Galbraith.

Both Commissioner Martinisko and Commissioner Owens expressed concern that renting the property to a local company for their workforce could result in a constant turnover of occupants, essentially causing the same effect on the neighborhood as a Short-Term Rental. Ms. Galbraith stated that she would like to avoid that scenario. Further discussion between the Commission and City staff occurred regarding the enforcement of workforce housing and an excessive number of occupants.

Ms. Galbraith expressed concern about obtaining a new Conditional Use Permit, should the owners decide to rent the home as a Bed and Breakfast Establishment in the future. Mr. Kuchenbecker explained the Conditional Use Permit would need to be re-applied for and there could not be another Bed and Breakfast Establishment within two hundred (200) feet of the property.

Ms. Galbraith inquired if licensing was required to rent a property as a Long-Term Rental. Mr. Riggins advised there was no special licensing requirement from the city. Any licensing required by the state would need to be investigated by the property owner.

Commissioner Martinisko asked Ms. Galbraith how she plans to handle the current reservations already in place. Ms. Galbraith responded the current reservations are solely for the owners to utilize the property, except for the Sturgis Rally and Kool Deadwood Nites.

Commissioner Bruce inquired how the property would be rented with a thirty (30) day lease if the property owners are consistently staying at the property for a few days here and there. Ms. Galbraith stated the owners would surrender any lease affected by their vacation plans.

Mr. Riggins suggested the best course of action would be for the property owners to surrender their Conditional Use Permit since they no longer wish to operate a Short-Term Rental. This would help to prevent casting the property owners in a negative light to future Commission members. Mr. Kuchenbecker further suggested the Commission allow the property owners two (2) weeks to submit a formal letter of surrender.

It was moved by Commissioner Keehn and seconded by Commissioner Owens to continue the discussion of the Conditional Use Permit until the next Planning and Zoning Commission meeting scheduled for October 16, 2024, contingent upon receipt of a formal letter of surrender of the Conditional Use Permit from the property owners. 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. Kuchenbecker shared the sidewalk on Water Street is being poured today. Telephone poles along the sidewalk will be down within the next two (2) weeks. A spur off the Mickelson Trail from the hardware store down to the creek will be created soon.

Mr. Kuchenbecker stated that he and Commissioner Eagleson will be attending the West River History Conference on October 3 and 4. In addition, the South Dakota Planners Association conference is coming later in the month.

Mr. Kuchenbecker discussed the enforcement of Short-Term Rentals. A citation has gone out to a property on Main Street and an additional property will be cited as well.

Mr. Kuchenbecker advised the Commission that the owners of a home-based business are no longer operating, and their Conditional Use Permit will be terminated as a result.

8. Adjournment

It was moved by Commissioner Bruce and seconded by Commissioner Owens 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 4:37 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) 722-0786



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

PLANNING AND ZONING COMMISSION CONDITIONAL USE PERMIT – ANNUAL REVIEW

Staff Report

Date: October 16, 2024
To: Planning and Zoning Commission
From: Kevin Kuchenbecker
Planning, Zoning & Historic Preservation Officer
RE: Surrender of Conditional Use Permit – Bed and Breakfast

OWNER(S): Kenneth & Lee Steier
PURPOSE: Surrender of Conditional Use Permit – Bed and Breakfast Establishment
ADDRESS: 7 Spring Street
Deadwood, Lawrence County, South Dakota
LEGAL DESCRIPTION: 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.
FILE STATUS: Requested item(s) have been submitted.
ZONE: R2 – Multi-Family Residential
STAFF FINDINGS:

Surrounding Zoning:	Surrounding Land Uses:
North: R2 – Multi-Family Residential	Residential
South: R2 – Multi-Family Residential	Residential
East: R2 – Multi-Family Residential	Residential
West: R2 – Multi-Family Residential	Residential

SUMMARY OF REQUEST

The owner was issued a Conditional Use Permit on June 8, 2003, to operate a Bed and Breakfast establishment at 7 Spring Street.

The Conditional Use Permit was reviewed by the Planning and Zoning Commission on June 19, 2024, with two (2) continued discussions on July 17 and October 2, 2024.

Conditional Use Permit Surrender – Bed & Breakfast Establishment
7 Spring Street
October 16, 2024

STAFF DISCUSSION

The Conditional Use Permit was reviewed by the Planning and Zoning Commission on June 19, 2024. During that meeting, discussion centered around a lack of compliance with both City Ordinance and the Conditional Use Permit issued for a Bed and Breakfast Establishment on June 8, 2003. Both ordinance and permit requirements state the property is to be operated as a Bed and Breakfast Establishment, however it has continually operated as a Vacation Home Establishment. During the meeting, twelve (12) conditions were recommended by the Planning and Zoning Commission to allow for the continued use of the Conditional Use Permit as a Bed and Breakfast Establishment and a continuance of the discussion was given to allow the property owners to consider their options.

On July 17, 2024, a continuance of the discussion by the Planning and Zoning Commission occurred with the owners present. It was recommended by the Planning and Zoning Commission that ten (10) conditions continue to be met, and a plan for two (2) additional items were to be submitted to the Planning and Zoning Department no later than Monday, September 16, 2024, by the applicant or owner's agent.

On September 12, 2024, an email was sent by the Property Manager (owner's agent) of 7 Spring Street to the Planning and Zoning Department notifying them that the owners intend to convert the property from a Short-Term to a Long-Term Rental property.

On October 2, 2024, the discussion was continued. It was determined the Conditional Use Permit for a Bed and Breakfast Establishment would be surrendered by the property owners with the intent of converting the property into a Long-Term Rental. A continuance of the discussion was given until October 16, 2024; the continuance being contingent upon submission of a request to surrender the Conditional Use Permit by the property owners.

COMPLIANCE:

This Short-Term Rental has been in continual use over the last twenty-one (21) years. The original Conditional Use Permit was under the auspices of a Bed & Breakfast Establishment; however, they are currently licensed with the South Dakota Department of Health as a Vacation Home Establishment which is prohibited in R2 – Multi Family Residential zoning districts within the city limits. Additionally, the property has continued to be operated in the fashion of a Vacation Home Establishment despite repeated requests in the past from Planning and Zoning officials to come into compliance.

The conversion into a Long-Term Rental will bring the property into compliance with City Ordinances 17.28 and 17.53.030.

Conditional Use Permit Surrender – Bed & Breakfast Establishment
7 Spring Street
October 16, 2024

CONDITIONS AND PROVISIONS:

Staff recommendation(s) for formal action:

1. Surrender of the Conditional Use Permit for a Bed and Breakfast Establishment issued by the City of Deadwood. A letter requesting the surrender of the Conditional Use Permit to be received by the Planning and Zoning Department no later than October 9, 2024.

ACTION REQUIRED FOR SURRENDER OF CONDITIONAL USE PERMIT:

1. Approval/Denial by Deadwood Planning and Zoning Commission

From: [Account` Security](#)
To: [Leah Blue-Jones](#)
Subject: Fwd: 7 Spring Street
Date: Thursday, October 10, 2024 11:19:33 AM

From: Account` Security <alcsteier@outlook.com>
Date: October 10, 2024 at 12:18:01 PM CDT
To: Amber Ranek-Galbraith <amber@blackhillspremier.com>
Subject: Re: 7 Spring Street

Deadwood Planning & Zoning,

We are surrendering our B & B CUP.
Ken & Lee Steier

Sent from my iPhone

On Oct 10, 2024, at 11:02 AM, Amber Ranek-Galbraith
<amber@blackhillspremier.com> wrote:

Ok. Lee had some appointments today. My bad as I just thought you
needed by the 16th. We will see what we can do.

On Thu, Oct 10, 2024 at 8:23 AM Leah Blue-Jones
<leah@cityofdeadwood.com> wrote:

Good Morning, Amber.

I wanted to touch base regarding the letter surrendering the Conditional
Use Permit for 7 Spring Street. To keep this item on the agenda for the
October 16 Planning & Zoning meeting, we will need to receive the
letter today.

Please let me know the status.

Thanks,

Leah

From: Leah Blue-Jones
Sent: Thursday, October 3, 2024 12:47 PM
To: Amber Ranek-Galbraith <amber@blackhillspremier.com>
Cc: Kevin Kuchenbecker <kevin@cityofdeadwood.com>;
alcsteier@outlook.com; Quentin L. Riggins <griggins@gpna.com>;
Brandi Nicole <bnicole@gpna.com>
Subject: 7 Spring Street

Good Afternoon,

Thanks for coming to the Planning and Zoning Commission meeting yesterday, I think it was a good conversation and hopefully all questions were answered.

To sum up what occurred in the meeting, the property at 7 Spring Street will be converted into a Long-Term Rental. This will require that the Conditional Use Permit currently active for a Bed and Breakfast on the property will need to be either surrendered by the property owners or revoked by the City of Deadwood. All parties agreed that a surrender of the permit would be more favorable.

To surrender a Conditional Use Permit, a letter from the Steiers will need to be submitted to the Planning and Zoning Department requesting the permit be cancelled. The cancellation request will be discussed at the next Planning and Zoning meeting, scheduled for the following date and time:

When:

Wednesday, October 16, 2024

4:00 p.m.

Where:

Deadwood City Hall

102 Sherman Street
Deadwood, SD 57732

Please submit the letter requesting a surrender of the Conditional Use Permit to the Planning and Zoning office by Wednesday, October 9, 2024.

If you have any further questions, don't hesitate to reach out.

Thanks

Leah Blue-Jones

[Leah Blue-Jones](#)

Zoning Coordinator

City of Deadwood

108 Sherman Street

Deadwood, SD 57732

(605) 578-2082

leah@cityofdeadwood.com

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Amber Ranek-Galbraith
Owner -Broker Black Hills Premier
Vacation Rentals, Real Estate, Property Management Services
cell: 605-759-0332
Office: 605-716-0411
PO Box 564 Deadwood, SD 57732

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