



Planning and Zoning Commission and Board of Adjustment Special Meeting Agenda

Monday, December 23, 2024 at 4:30 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 December 4, 2024 Planning and Zoning Commission meeting.
4. **Sign Review Commission**
5. **Planning and Zoning Commission**
 - a. Consider formal request to surrender Conditional Use Permit - Bed and Breakfast Establishment - 65 Sherman Street (Deadwood Roadhouse) 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. Effective date of the surrender of the Conditional Use Permit will be December 31, 2024.
 1. Action by the Planning & Zoning Commission
 2. Action by the Board of Adjustment
 - b. Application for Conditional Use Permit - Vacation Home Establishment - 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 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.

Action Required:

 1. Public Discussion
 2. Approval/Denial by Planning and Zoning Commission
 3. Approval/Denial by Board of Adjustment
 - c. Application for Conditional Use Permit - Vacation Home Establishment - 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.

Action Required:

1. Public Discussion
2. Approval/Denial by Planning and Zoning Commission
3. Approval/Denial by Board of Adjustment

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, December 04, 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, December 4, 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 (Secretary) Dave Bruce
 Commissioner Charles Eagleson
 Commissioner Ken Owens
 City Commissioner Blake Joseph

STAFF PRESENT

Kevin Kuchenbecker – Planning, Zoning and Historic Preservation Officer
 Leah Blue-Jones – Zoning Coordinator

ABSENT

Commissioner (Vice-Chair) Josh Keehn
 Trent Mohr – Building Official

3. Approval of Minutes

- a. Approve the minutes from the November 20, 2024 Planning and Zoning Commission Meeting.

It was moved by Commissioner Owens and seconded by Commissioner Eagleson to approve the minutes from the November 20, 2024 Planning and Zoning Commission Meeting. Voting yea: Martinisko, Bruce, Owens, Eagleson.

5. Sign Review Commission

- a. Application for Sign Permit - 78 Cliff Street - Northern Hills Federal Credit Union (M. Willey). Applicant is requesting permission to re-face existing freestanding sign with new logo. Sign and location are compliant with sign ordinance.

Actions:

1. Approve/deny Application for Sign Permit.

Mr. Kuchenbecker discussed Application for Sign Permit - 78 Cliff Street - Northern Hills Federal Credit Union, and reviewed Staff Report.

It was moved by Commissioner Eagleson and seconded by Commissioner Owens to approve Application for Sign Permit - 78 Cliff Street - Northern Hills Federal Credit Union. Voting yea: Martinisko, Bruce, Owens, Eagleson.

6. Planning and Zoning Commission

- a. Annual Review - Conditional Use Permit for Bed and Breakfast Establishment – 54 Taylor Avenue – Miss Kahler's BNB (D. Kahler), legally described as Lot A, Lot D and Lot E of the subdivision of Lots 66-67 and 68, the southerly part of Lot 66 Block 35, and parts of Lots 28 through 36, Block 35, of the City of Deadwood, South Dakota, according to Plat Book 3 page 79-80, Lawrence County, South Dakota.

Action Required:

1. Public Discussion
2. Approval/Denial of continued use by Planning and Zoning Commission

Mr. Kuchenbecker introduced Annual Review - Conditional Use Permit for Bed and Breakfast Establishment – 54 Taylor Avenue – Miss Kahler's BNB and discussed the Staff Report.

It was moved by Commissioner Owens and seconded by Commissioner Eagleson to approve Annual Review - Conditional Use Permit for Bed and Breakfast Establishment – 54 Taylor Avenue – Miss Kahler's BNB with seven (7) conditions. Voting yea: Martinisko, Bruce, Owens, Eagleson.

- b. Annual Review - Conditional Use Permit for Vacation Home Establishment – 606 1/2 Main Street – The Nugget (W. Morris), legally described as Lot 24, in Block 15 of the Original Townsite of the City of Deadwood, Lawrence County, South Dakota, according to the P.L. Rogers Map except a portion of land along the southerly side of Lot 24, Block 15 being 8 inches in width fronting on Main and back of even width of 100' as set forth in deed and recorded in Book 162 Page 243.

Action Required:

1. Public Discussion
2. Approval/Denial of continued use by Planning and Zoning Commission

Mr. Kuchenbecker discussed Annual Review - Conditional Use Permit for Vacation Home Establishment – 606 1/2 Main Street – The Nugget and reviewed the Staff Report.

It was moved by Commissioner Owens and seconded by Commissioner Eagleson to approve Annual Review - Conditional Use Permit for Vacation Home Establishment – 606 1/2 Main Street – The Nugget. Voting yea: Martinisko, Bruce, Owens, Eagleson.

- c. Annual Review - Conditional Use Permit for Bed and Breakfast Establishment – 388 Main Street – First Deadwood Cottages (W. Morris), legally described as Lot 12 and the south half of Lot 13, both lots in Block 3 in the Fountain City addition to the City

of Deadwood, together with all improvements thereon and appurtenances thereunto belonging, subject to covenants, restrictions and reservations of record.

Action Required:

1. Public Discussion
2. Approval/Denial of continued use by Planning and Zoning Commission

Mr. Kuchenbecker reviewed Annual Review - Conditional Use Permit for Bed and Breakfast Establishment – 388 Main Street – First Deadwood Cottages and discussed the Staff Report. Upon review of the property, it was noted that the property advertises ten (10) rooms for rent, which makes it too large to classified as a Bed and Breakfast Establishment. In addition, family style meals are not being served to guests. A more appropriate classification for this property may be for a Vacation Home Establishment.

Further discussion occurred about rules and regulations surrounding Vacation Home Establishments, as well as the legal non-conforming nature of the property.

It was moved by Commissioner Bruce and seconded by Commissioner Owens to approve Annual Review - Conditional Use Permit for Bed and Breakfast Establishment – 388 Main Street – First Deadwood Cottages pending a reclassification of the property from a Bed and Breakfast Establishment to a Vacation Home Establishment and with the property remaining subject to the original eight (8) conditions listed on the Staff Report. Voting yea: Martinisko, Bruce, Owens, Eagleson.

7. Items from Citizens not on Agenda

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

8. Items from Staff

Mr. Kuchenbecker discussed upcoming work to be completed on the White Rocks trail. In addition, a new zoning map for the trail system throughout the city is being considered for adoption.

The FEMA project is expected to wrap up by December 13. The street lights should be up along Water Street by the end of this week.

The retaining wall at 5 Harrison Street should be completed by January 21, and the wall on Taylor Avenue is moving along well.

Invoices for 2025 Short-Term Rental licenses will be going out soon. The City Commission approved a new fee for the licensing which consists of a \$250.00 base rate plus an additional \$100.00 per room. This will mean smaller Short-Term Rentals will pay less, while larger Short-Term Rentals will pay more.

We have had two (2) properties in town illegally operating as Short-Term Rentals agree to cease operations after being threatened with legal action.

On December 13, 2024, the Historic Preservation budget will be presented to the South Dakota State Society Board of Trustees. Legislative session at the State Capital will occur in January 2025, and there is the possibility of an introduction of a new bill pertaining to the budget for the City of Deadwood.

9. Adjournment

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

There being no further business, the Planning and 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

MEMORANDUM

DATE: December 18, 2024

TO: Planning and Zoning Commission
Board of Adjustment

FROM: Kevin Kuchenbecker, Planning, Zoning & Historic Preservation Officer

RE: Surrender of Conditional Use Permit – 65 Sherman Street

STAFF FINDINGS:

The Deadwood Roadhouse, located at 65 Sherman Street, has been operating as a Bed and Breakfast Establishment in Deadwood since 2010 with a Conditional Use Permit. On December 6, 2024, the City of Deadwood received a formal notice from the business owner, Daniel Gray, stating the desire to formally surrender the Conditional Use Permit. Mr. Gray has leased his property to Deadwood Sportsbook, LLC which will operate the lodging rooms under a new Conditional Use Permit.

Staff recommends accepting the surrender of the Conditional Use Permit with an effective date of December 31, 2024.

RECOMMENDED ACTION:

Accept or deny the request to surrender of Conditional Use Permit for 65 Sherman Street with an effective date.

December 6, 2024

City of Deadwood Planning & Zoning Commission
City of Deadwood City Commission
c/o Kevin Kuchenbecker
102 Sherman Street
Deadwood, South Dakota 57732

RE: Surrender of CUP at 65 Sherman Street, Deadwood, South Dakota 57732

Dear Kevin:

I formally surrender the Conditional Use Permit ("CUP") at 65 Sherman Street in Deadwood, South Dakota. The legal address is as follows:

The Northeast twenty-four feet (24') of Lot 7 and all of Lots 9, and 11, all in Block 30 of The City of Deadwood, Lawrence County, South Dakota.

Please process and let me know if you need anything further.

Sincerely,


Daniel gray (Dec 6, 2024 14:58 MST)

DANIEL GRAY
Trustee of the DANIEL GRAY LIVING TRUST
Property Owner

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



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Planning, Zoning and
Historic Preservation Officer
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kevin@cityofdeadwood.com

**PLANNING AND ZONING COMMISSION
BOARD OF ADJUSTMENT
STAFF REPORT
CONDITIONAL USE PERMIT**

Staff Report

Date: December 23, 2024

To: Planning and Zoning Commission
Board of Adjustment

From: Kevin Kuchenbecker
Planning, Zoning & Historic Preservation Officer

RE: Conditional Use Permit – Vacation Home Establishment

APPLICANT(S): Sportsbook Deadwood, LLC

PURPOSE: Application for CUP – Vacation Home Establishment

ADDRESS: 57 Sherman Street

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 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.

ZONE: C1 - Commercial

STAFF FINDINGS:

Surrounding Zoning:

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

Surrounding Land Uses:

Business – Landmark
 Business - Landmark
 Parking Lot
 Post Office

SUMMARY OF REQUEST

The applicant has submitted a request for a Conditional Use Permit to operate a Vacation Home Establishment located at 57 Sherman Street. The one (1) room that will be available for rent at 57 Sherman Street will be applied to the Landmark Hotel & Casino inventory to create a total of thirty (30) hotel rooms. A minimum of thirty (30) rooms suitable for lodging accommodations are required for the applicant to obtain a Convention Facility On-Sale Liquor License per Chapter 5.04.110 of the Deadwood Codified Ordinances.

The submission of the Application for Conditional Use Permit was prompted by a requirement from the South Dakota Department of Health (SDDOH) to license both 57 and 65 Sherman Streets separately from 55 Sherman Street. Per the SDDOH, a single hotel license for all three (3) properties could not be issued for the following reasons:

1. Each building has a separate address.
2. Each building has its own entrance.
3. There is a “gap” between 57 and 65 Sherman Streets. This “gap” contains a restaurant and parking area.

FACTUAL INFORMATION

1. The property is currently zoned C1 - Commercial.
2. The subject property has access from the Miller Street parking lot.
3. The subject property is located is surrounded by C1 – Commercial and PU- Public Use zoning districts.
4. The property is located within a 0.2% (500 year) flood zone.
5. Adequate public facilities are available to serve the property.
6. The area is characterized by a mixture of both business and public uses.

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 C1 - Commercial zoning districts with an approved Conditional Use Permit; however, the applicant has applied for a Specialty Resort Lodging License with the South Dakota Department of Health (SDDOH). The subject property will be operated as part of the Landmark Hotel & Casino complex. The property will offer one (1) of the thirty (30) total rooms suitable for lodging accommodation and available for overnight guests to rent.

The city would like to have consistency in the classification of Short-Term Rentals with SDDOH. In this instance, the applicant has applied for a Specialty Resort License with SDDOH and a Conditional Use Permit for a Vacation Home Establishment with the City of Deadwood. In this case, either category would work based on SDDOH's interpretation of Specialty Resort operations.

According to a SDDOH staff member, a Specialty Resort is defined in ARSD 44:02:05:01 as "any Bed and Breakfast Establishment except a Bed and Breakfast Establishment as defined in § 44:02:06:01, lodge, dude ranch, resort, building, or buildings used to provide accommodations or recreation for a charge to the public, with no more than ten (10) rental units for up to an average of twenty (20) guests per night and in which meals are provided to only the guests staying at the specialty resort;" It does not necessarily require the owner to provide meals, but allows the owner to provide meals to guest only without the need of a separate food service license. Therefore, if the applicant would consider the Conditional Use Permit application for a Specialty Resort, the city would prefer consistency, and this would not be a substantial change to the Conditional Use Permit application and would not cause delay or restarts to the public hearing.

The request for the Conditional Use Permit, either Vacation Home Establishment or Specialty Resort, does not constitute a change of use and therefore is allowed under Section 17.56.040 (H) which states a nonconforming use of a structure may be changed to another nonconforming use provided the Planning and Zoning Commission finds the proposed use is appropriate to the existing nonconforming use. In this case the existing use and the proposed use are for lodging accommodations.

Furthermore, Section 17.56.040 (H) allows the commission to make findings in the specific case or case-by-case which would allow the nonconforming use to continue. In this case, the property is a single-story commercial structure, and it is staff opinion the continued use as a Short-Term Rental in the back half of the building maintains the intent of the ordinance to allow for retail as part of

Conditional Use Permit – Vacation Home Establishment
57 Sherman Street
December 23, 2024

the operation of the ground level. The front half of the structure still could be used as retail and the storefront transparency is still in place.

This property is in the historic overlay zone and is not required to provide off-street parking, according to Section 17.64.060 (B) which states any new uses in building built prior to January 1, 1941, shall not be required to provide off-street parking facilities. City staff have met with the management of the Landmark Hotel and Casino to discuss possibilities of validating parking for guests through our parking management system.

“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 fourteen (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 C1 – Commercial zoning district and its operation will 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 a one-story commercial structure located within the local historic district. Therefore, to remain in compliance with 17.53.030, the Vacation Home Establishment must be located solely in the rear of the building. The intent of this ordinance is to allow for retail as part of the operation of the ground level. However, under Section 17.56.040 (H), should the commission make a finding in this specific case to allow the nonconforming use as a Short-Term Rental to continue, the front half of the structure could still be used as retail and the storefront transparency would remain.

"Specialty Resort" means:

Any Bed and Breakfast Establishment (except a Bed and Breakfast Establishment as defined in this Title), lodge, dude ranch, resort, building or buildings used to provide accommodations or recreation for a charge to the public, with no more than ten (10) rental units for up to an average of twenty (20) guests per night and in which meals are provided to only guests staying at the Specialty Resort as defined and permitted by the State of South Dakota and this Title.

Conditional Use Permit – Vacation Home Establishment
57 Sherman Street
December 23, 2024

1. Specialty Resort establishments are strictly prohibited in R1 and R2 zoning districts.

In this instance the property is in a C1 – Commercial zoning district and its operation will not violate city ordinance.

2. Specialty Resort Establishments shall only be located in upper floors of commercial structures within the local historic district boundaries.

This property is a one-story commercial structure located within the local historic district. Therefore, to remain in compliance with 17.53.030, the Specialty Resort must be located solely at the rear of the building. The intent of this ordinance is to allow for retail as part of the operation of the ground level. However, under Section 17.56.040 (H), should the commission make a finding in this specific case to allow the nonconforming use as a Short-Term Rental to continue, the front half of the structure could still be used as retail and the storefront transparency would remain.

3. No Specialty Resort Establishment shall be located on a lot closer than two hundred (200) feet from any other lot occupied by a structure used as a Specialty Resort Establishment unless located on the upper floors of a historic commercial structure within the local historic district boundaries.

This property is within the local historic district boundary and if the Commission makes a finding in this specific case under Section 17.56.040 (H) to allow the nonconforming use to continue, then the above buffer requirements could continue to be waived.

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 10.10.B.
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:

Conditional Use Permit – Vacation Home Establishment
57 Sherman Street
December 23, 2024

- 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 of properties is an acceptable means of accomplishing this goal. Traffic and parking will not significantly affect the neighborhood. This area has a mixture of businesses and public use buildings.

- 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 C1 – Commercial and is intended to provide locations for commercial uses, which require access to roads and highways, and substantial amounts of parking.

- 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 or Specialty Resorts, the proposed use should 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 building. 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 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
 57 Sherman Street
 December 23, 2024

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 without guidance from the Historic Preservation Commission; 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 this section.

The proposed should 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 filed 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.

Conditional Use Permit – Vacation Home Establishment
57 Sherman Street
December 23, 2024

- 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.

INITIAL FINDINGS:

1. The Commission finds the proposed use is appropriate to the existing nonconforming use (lodging accommodations) and declares the Conditional Use Permit does not constitute a change of use and therefore is allowed under Section 17.56.040 (H).
2. The Commission further finds under Section 17.56.040 (H) the upper floor requirement of the existing legal nonconforming use meets the intent of the ordinance which allows for retail as part of the operation of the ground level and in this specific case the front half of the structure shall be used as retail and the storefront transparency will remain. Because of this finding and the property being within the local historic district, the Commission finds the buffer requirement would not apply.

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. The front half of the structure shall be used as retail.
3. Obtain and maintain a City of Deadwood Business License.
4. Obtain and maintain a City of Deadwood Short-Term Rental License.
5. File proper paperwork with the City of Deadwood Finance Office to participate in Business Improvement District (BID) 1-7 taxes.
6. Obtain Lodging License from the South Dakota Department of Health which is the same category of Short-Term Rental as the Conditional Use Permit and provide a copy to the Planning and Zoning Department for their files.
7. Obtain a South Dakota Department of Revenue Sales Tax License and provide a copy to the Planning and Zoning Department for their files.

Conditional Use Permit – Vacation Home Establishment
57 Sherman Street
December 23, 2024

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.

ACTION REQUIRED:

1. Approval/Denial by Deadwood Planning and Zoning Commission
2. Approval/Denial by Deadwood Board of Adjustment

Return Completed Form To:
Planning and Zoning
108 Sherman Street
Deadwood, SD 57732



Section 5 Item b.
Questions Contact:
Kevin Kuchenbecker
(605) 578-2082 or
kevin@cityofdeadwood.com

Application No. _____

APPLICATION FOR CONDITIONAL USE PERMIT

Application Fee: \$500.00

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

Name of Proposed Development: The Landmark Hotel & Casino

Street Location of Property: 57 Sherman Street

Legal Description of Property: On attached Exhibit "A"

Zoning Classification of Property: C1- Commercial

Name of Property Owner: Deadwood Sundance 2023 LLC Telephone: (402) 925-5113

Address: 53 Sherman Street Deadwood SD 57732
Street City State Zip

Name of Applicant: Sportsbook Deadwood, LLC Telephone: (402) 925-5113

Address: 53 Sherman Street Deadwood SD 57732
Street City State Zip

1. The following documents shall be submitted:

- a. An improvement survey, including all easements, *On File with City of Deadwood.*
- b. Development plan, including site plan with location of buildings, usable open space, off-street parking, loading areas, refuse area, ingress/egress, screening, proposed or existing signage, existing streets, and *On File with City of Deadwood.*
- c. A written statement addressing the criteria for approval. *Attached as Exhibit B.*

Uses of Building or Land: Vacation Home Establishment

Signature of Applicant: Gerard Keating Date: 12/06/2024
Gerard Keating (Dec 6, 2024 12:40 MST)

Signature of Property Owner: Gerard Keating Date: 12/06/2024
Gerard Keating (Dec 6, 2024 12:40 MST)

Fee: \$ _____ Paid On _____ Receipt Number _____

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): _____

Exhibit A**Legal Description
57 Sherman Street**

The Northern one foot six inches (1'6") of Lot 17, all of Lots 19, 21, 23, 25 and vacated alley between Lot 23 and Lot 25, and all of Lot 26, and Lot 27, 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 SW1/4 of Section 23, Township 5 North, Range 3 East of the Black Hills Meridian, City of Deadwood, South Dakota.

The North 18 Feet of Lot 15 and all of Lot 17, EXCEPT the North 1.6', in Block 30 of the Original Town, City of Deadwood, Lawrence County, South Dakota, LESS AND EXCEPT any portion lying within Tract 1 of the Miller Street Subdivision as described in Plat Document No. 2012-05646.

Lot 13 and the Southerly 7 feet of Lot 15 of Block 30, of the City of Deadwood, Lawrence County, South Dakota, excepting therefrom any portion lying within Tract 1 of The Miller Street Subdivision according to Plat recorded as Document No. 2012-05646.

NOTE: THIS LEGAL DESCRIPTION COVERS 51-53-55-57-59-61 SHERMAN DUE TO A 2024 RE-PLATTING THAT WAS APPROVED BY THE CITY OF DEADWOOD

EXHIBIT B

The South Dakota Department of Health sets forth this requirement. These Conditional Use Permits (CUPs) are part of the rehabilitation project's overall effort to obtain at least thirty (30) rooms suitable for lodging accommodations as part of the Convention Facility On-Sale License process.






DRAFT 57 Sherman CUP

Final Audit Report

2024-12-06

Created:	2024-12-06
By:	Tom Chvala (tomchvala@gmail.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAuRGpmwy3aj7kEBHb8MwTNCsjudzDI03x

"DRAFT 57 Sherman CUP" History

-  Document created by Tom Chvala (tomchvala@gmail.com)
2024-12-06 - 7:38:41 PM GMT- IP address: 4.17.129.203
-  Document emailed to Gerard Keating (gerard@keatingresources.com) for signature
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-  Agreement completed.
2024-12-06 - 7:40:20 PM GMT

**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 single unit Vacation Home Establishment as allowed under Section 17.32.030 Conditional Uses.

APPLICANTS: Sportsbook Deadwood, LLC

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 Will 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.

ADDRESS: 57 Sherman Street

ZONE: C1 – Commercial Zoning District

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 special meeting to be held Monday, December 23, 2024 in the Commission Room at 102 Sherman Street, Deadwood, South Dakota, at 4:30 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 13th day of December 2024.

City of Deadwood, Lawrence County, South Dakota



Kevin Kuchenbecker
Planning, Zoning and Historic Preservation Officer

PUBLISH: Black Hills Pioneer: December 13, 2024

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: December 11, 2024
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 17.32.030 Conditional Uses.

APPLICANT(S): Sportsbook Deadwood, LLC

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 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.

ADDRESS: 57 Sherman Street

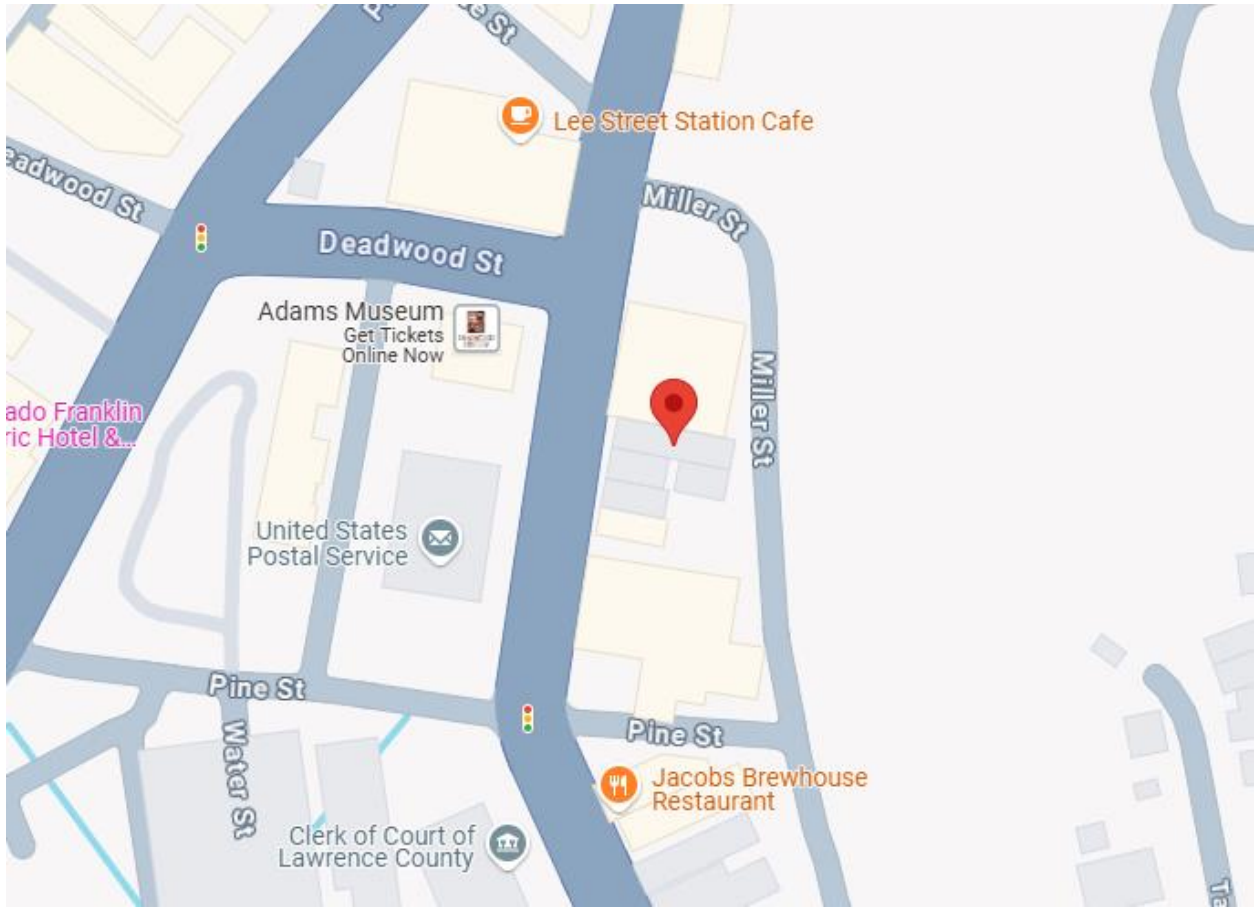
NOTICE IS FURTHER GIVEN that said application will be heard by the Planning and Zoning Commission within and for the City of Deadwood, State of South Dakota, at a regular meeting to be held Monday, December 23, 2024 in the Commission Room at 102 Sherman Street, Deadwood, South Dakota, will at 4:30 p.m. 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 23, 2024, 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 57 Sherman Street





Aerial photo of 57 Sherman Street, Deadwood, SD 57732.



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
BOARD OF ADJUSTMENT
STAFF REPORT
CONDITIONAL USE PERMIT**

Staff Report

Date: December 23, 2024
To: Planning and Zoning Commission
Board of Adjustment
From: Kevin Kuchenbecker
Planning, Zoning & Historic Preservation Officer
RE: Conditional Use Permit – Vacation Home Establishment

APPLICANT(S): Sportsbook Deadwood, LLC

PURPOSE: Application for CUP – Vacation Home Establishment

ADDRESS: 65 Sherman Street

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.

ZONE: C1 - Commercial

STAFF FINDINGS:

Surrounding Zoning:

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

Surrounding Land Uses:

Business (Landmark)
Businesses
Parking Lot
Post Office

SUMMARY OF REQUEST

The applicant has submitted a request for a Conditional Use Permit to operate a Vacation Home Establishment located at 65 Sherman Street. The six (6) rooms that will be available for rent at 65 Sherman Street will be applied to the Landmark Hotel & Casino inventory to create a total of thirty (30) hotel rooms. A minimum of thirty (30) rooms suitable for lodging accommodations are required for the applicant to obtain a Convention Facility On-Sale Liquor License per Chapter 5.04.110 of the Deadwood Codified Ordinances.

The submission of the Application for Conditional Use Permit was prompted by a requirement from the South Dakota Department of Health (SDDOH) to license both 57 and 65 Sherman Streets separately from 55 Sherman Street. Per the SDDOH, a single hotel license for all three (3) properties could not be issued for the following reasons:

1. Each building has a separate address.
2. Each building has its own entrance.
3. There is a “gap” between 57 and 65 Sherman Streets. This “gap” contains a restaurant and parking area.

FACTUAL INFORMATION

1. The property is currently zoned C1 - Commercial.
2. The subject property has access from the Miller Street parking lot.
3. The subject property is surrounded by C1 – Commercial and PU – Public Use zoning districts.
4. The property is located within a 0.2% (500 year) flood zone.
5. Adequate public facilities are available to serve the property.
6. The area is characterized by a mixture of both business and public uses.

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 C1 - Commercial zoning districts with an approved Conditional Use Permit; however, the applicant has applied for a Specialty Resort Lodging License with the South Dakota Department of Health (SDDOH). The subject property will be operated as part of the Landmark Hotel & Casino

Conditional Use Permit – Vacation Home Establishment
65 Sherman Street
December 23, 2024

complex. The property will offer six (6) of the thirty (30) total rooms suitable for lodging accommodation and available for overnight guests to rent.

The city would like to have consistency in the classification of Short-Term Rentals with SDDOH. In this instance, the applicant has applied for a Specialty Resort License with SDDOH and a Conditional Use Permit for a Vacation Home Establishment with the City of Deadwood. In this case, either category would work based on SDDOH's interpretation of Specialty Resort operations.

According to an SDDOH staff member, a Specialty Resort is defined in ARSD 44:02:05:01 as "any Bed and Breakfast Establishment except a Bed and Breakfast Establishment as defined in § 44:02:06:01, lodge, dude ranch, resort, building, or buildings used to provide accommodations or recreation for a charge to the public, with no more than ten (10) rental units for up to an average of twenty (20) guests per night and in which meals are provided to only the guests staying at the specialty resort;" It does not necessarily require the owner to provide meals, but allows the owner to provide meals to guest only without the need of a separate food service license. Therefore, if the applicant would consider the Conditional Use Permit application for a Specialty Resort, the city would prefer consistency, and this would not be a substantial change to the Conditional Use Permit application and would not cause delay or restarts to the public hearing.

The request for the Conditional Use Permit, either Vacation Home Establishment or Specialty Resort, does not constitute a change of use and therefore is allowed under Section 17.56.040 (H) which states a nonconforming use of a structure may be changed to another nonconforming use provided the Planning and Zoning Commission finds the proposed use is appropriate to the existing nonconforming use. In this case the existing use and the proposed use are for lodging accommodations.

Furthermore, Section 17.56.040 (H) allows the commission to make findings in the specific case or case-by-case which would allow the nonconforming use to continue. In this case, it is staff opinion, the continued use of the lower level as a Short-Term Rental in the west part of the main level maintains the intent of the ordinance to allow for retail as part of the operation of the ground level. The east half of the structure still could be used as retail and the storefront transparency is still in place.

This property is in the historic overlay zone and is not required to provide off-street parking, according to Section 17.64.060 (B) which states any new uses in building built prior to January 1, 1941, shall not be required to provide off-street parking facilities. City staff have met with the management of the Landmark Hotel and Casino to discuss possibilities of validating parking for guests through our parking management system.

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 fourteen (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 C1 – Commercial zoning district and its operation will 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 a two-story commercial structure located within the local historic district. Therefore, to remain in compliance with 17.53.030, the Vacation Home Establishment must be located solely on the upper floors of the structure. The intent of this ordinance is to allow for retail as part of the operation of the ground level. However, under Section 17.56.040 (H), should the commission make a finding in this specific case to allow the nonconforming use as a Short-Term Rental to continue on the west side of the main level, the east half of the structure could still be used as retail and the storefront transparency would remain.

"Specialty Resort" means:

Any Bed and Breakfast Establishment (except a Bed and Breakfast Establishment as defined in this Title), lodge, dude ranch, resort, building or buildings used to provide accommodations or recreation for a charge to the public, with no more than ten (10) rental units for up to an average of twenty (20) guests per night and in which meals are provided to only guests staying at the Specialty Resort as defined and permitted by the State of South Dakota and this Title.

1. Specialty Resort establishments are strictly prohibited in R1 and R2 zoning districts.

Conditional Use Permit – Vacation Home Establishment
65 Sherman Street
December 23, 2024

In this instance the property is in a C1 – Commercial zoning district and its operation will not violate city ordinance.

2. Specialty Resort Establishments shall only be located in upper floors of commercial structures within the local historic district boundaries.

This property is a two-story commercial structure located within the local historic district. Therefore, to remain in compliance with 17.53.030, the Specialty Resort Establishment must be located solely on the upper floors of the structure. However, under Section 17.56.040 (H), should the commission make a finding in this specific case to allow the nonconforming use to continue by using the lower level as a Short-Term Rental in the east part of the main level, the east half of the structure could still be used as retail and the storefront transparency would remain.

3. No Specialty Resort Establishment shall be located on a lot closer than two hundred (200) feet from any other lot occupied by a structure used as a Specialty Resort Establishment unless located on the upper floors of a historic commercial structure within the local historic district boundaries.

This property is within the local historic district boundary and if the Commission makes a finding in this specific case under Section 17.56.040 (H) to allow the nonconforming use of the lower level to continue, then the above buffer requirements could continue to be waived.

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 10.10.B.
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 of properties is an acceptable means of accomplishing this goal. Traffic and parking will not significantly affect the neighborhood. This area has a mixture of businesses and public use buildings.

- 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 C1 – Commercial and is intended to provide locations for commercial uses, which require access to roads and highways, and substantial amounts of parking.

- 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 prevents any public nuisance issues that are often associated with Vacation Home Establishments or Specialty Resorts, the proposed use should 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 building. 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 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.

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 without guidance from the Historic Preservation Commission; 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 this section.

The proposed should 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 filed 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.

Conditional Use Permit – Vacation Home Establishment
65 Sherman Street
December 23, 2024

-
- 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.

INITIAL FINDINGS:

1. The Commission finds the proposed use is appropriate to the existing nonconforming use (lodging accommodations) and declares the Conditional Use Permit does not constitute a change of use and therefore is allowed under Section 17.56.040 (H).
2. The Commission further finds under Section 17.56.040 (H) the upper floor requirement of the existing legal nonconforming use meets the intent of the ordinance which allows for retail as part of the operation of the ground level and in this specific case the east half of the structure shall be used as retail and the storefront transparency will remain. Because of this finding and the property being within the local historic district, the Commission finds the buffer requirement would not apply.

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. The ground floor shall remain available for retail as part of the operation of the property and in this specific case the east half of the structure shall be used as retail and both sides of the storefront shall remain transparent.
3. Obtain and maintain a City of Deadwood Business License.
4. Obtain and maintain a City of Deadwood Short-Term Rental License.
5. File proper paperwork with the City of Deadwood Finance Office to participate in Business Improvement District (BID) 1-7 taxes.
6. Obtain Lodging License from the South Dakota Department of Health which is the same category of Short-Term Rental as the Conditional Use Permit and provide a copy to the Planning and Zoning Department for their files.
7. Obtain a South Dakota Department of Revenue Sales Tax License and provide a copy to the Planning and Zoning Department for their files.

Conditional Use Permit – Vacation Home Establishment
65 Sherman Street
December 23, 2024

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.

ACTION REQUIRED:

1. Approval/Denial by Deadwood Planning and Zoning Commission
2. Approval/Denial by Deadwood Board of Adjustment

Return Completed Form To:
Planning and Zoning
108 Sherman Street
Deadwood, SD 57732



Section 5 Item c.

Questions Contact:
Kevin Kuchenbecker
(605) 578-2082 or
kevin@cityofdeadwood.com

Application No. _____

APPLICATION FOR CONDITIONAL USE PERMIT

Application Fee: \$500.00

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

Name of Proposed Development: The Landmark Hotel & Casino

Street Location of Property: 65 Sherman Street

Legal Description of Property: On attached Exhibit "A"

Zoning Classification of Property: C1- Commercial

Name of Property Owner: Daniel Gray Living Trust Telephone: (559) 285-7333

Address: 65 Sherman Street Deadwood SD 57732
Street City State Zip

Name of Applicant: Sportsbook Deadwood, LLC Telephone: (402) 925-5113

Address: 53 Sherman Street Deadwood SD 57732
Street City State Zip

1. The following documents shall be submitted:

- a. An improvement survey, including all easements, *On File with the City of Deadwood.*
- b. Development plan, including site plan with location of buildings, usable open space, off-street parking, loading areas, refuse area, ingress/egress, screening, proposed or existing signage, existing streets, and *On File with the City of Deadwood.*
- c. A written statement addressing the criteria for approval. *Attached as Exhibit B.*

Uses of Building or Land: Vacation Home Establishment

Signature of Applicant: Gerard Keating Date: 12/06/2024
Gerard Keating (Dec 6, 2024 12:51 MST)

Signature of Property Owner: DWG Date: 12/06/2024
Daniel Gray (Dec 6, 2024 14:55 MST)

Fee: \$ 500 Paid On 12/9/24 Receipt Number _____

Legal Notice Published Date: 12/13/24 Hearing Date: 12/23/24

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): _____

Exhibit A

**Legal Description
65 Sherman Street**

The Northeast twenty-four feet (24') of Lot 7 and all of Lots 9, and 11, all in Block 30 of The City of Deadwood, Lawrence County, South Dakota.

EXHIBIT B

The South Dakota Department of Health sets forth this requirement. These Conditional Use Permits (CUPs) are part of the rehabilitation project's overall effort to obtain at least thirty (30) rooms suitable for lodging accommodations as part of the Convention Facility On-Sale License process.







ltr.citydwd.12.06.2024

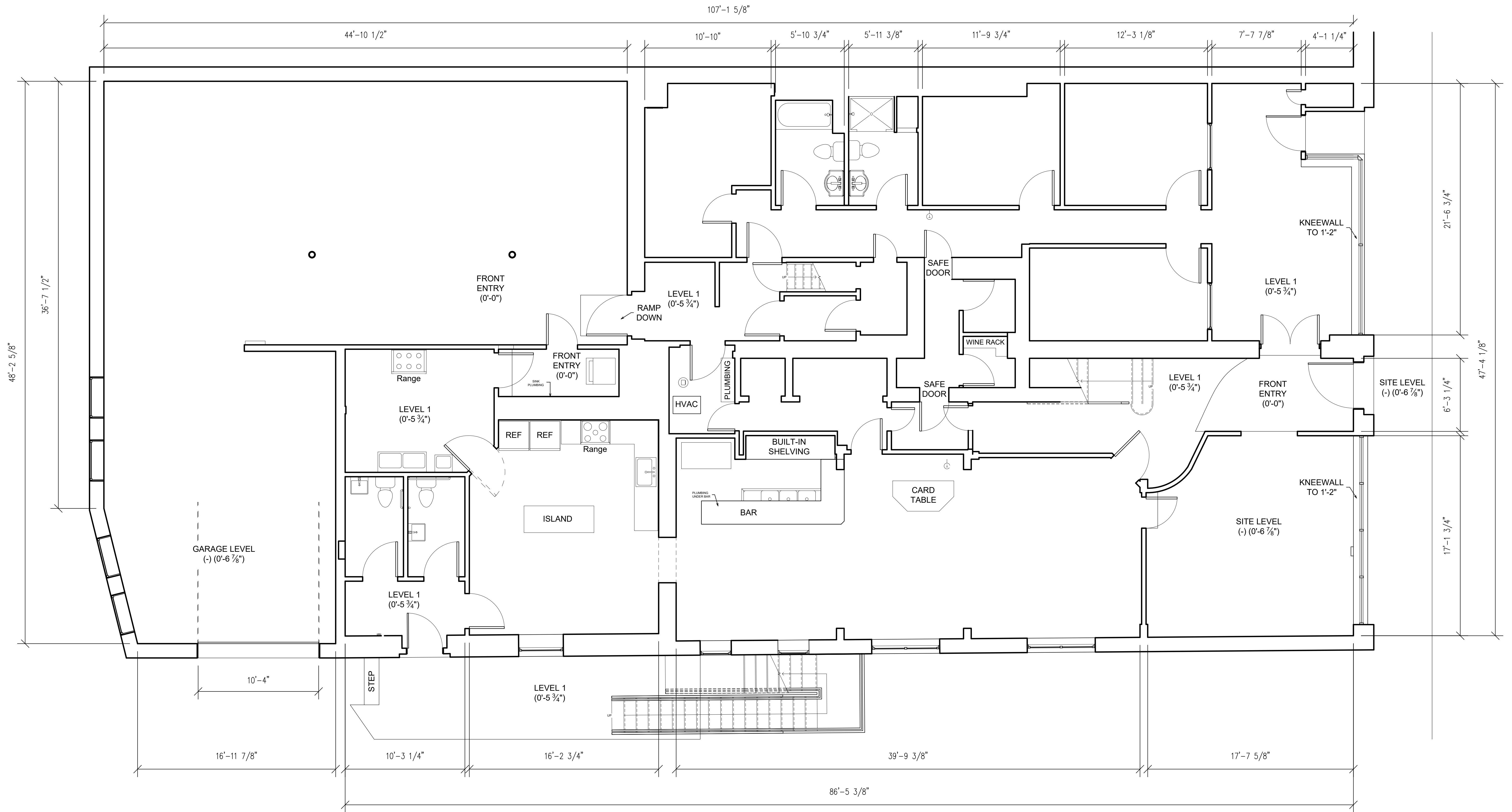
Final Audit Report

2024-12-06

Created:	2024-12-06
By:	Tom Chvala (tomchvala@gmail.com)
Status:	Signed
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"ltr.citydwd.12.06.2024" History

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2024-12-06 - 9:58:11 PM GMT



1 MAIN LEVEL FLOOR PLAN
 A1.0 SCALE: 1/4"=1'-0"

ESTIMATED LEASE AREA
 10,032 TOTAL SQ. FT.

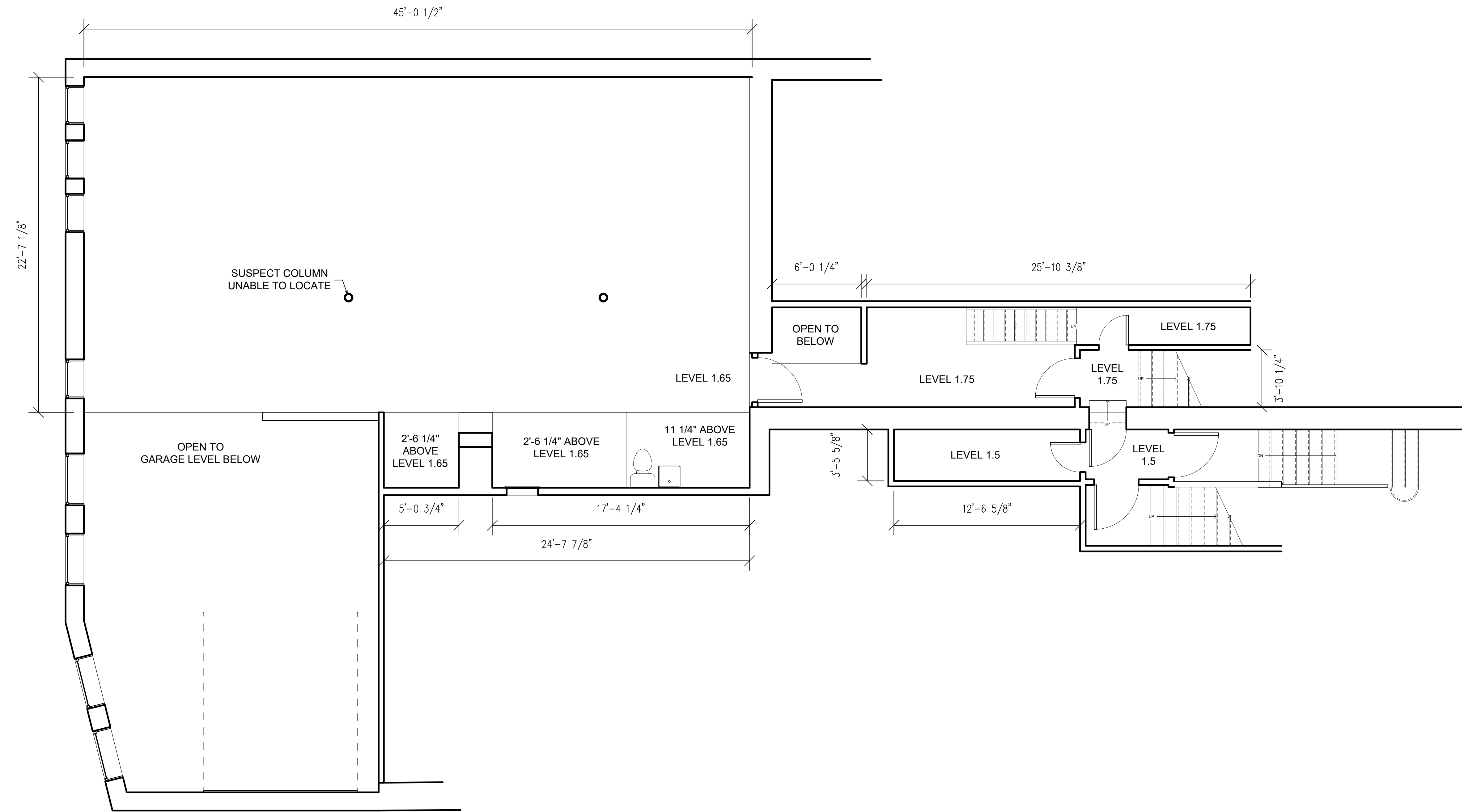
Essential Service for
 Architects, Builders,
 Retailers, etc...
Precision Architectural
 AS-BUILTS
 Phone: (303) 625-9900
 Fax: (616) 307-5663
 Email: support@precisionasbuilts.com
 1801 N. Broadway Suite #1750
 Denver, CO 80202

65 SHERMAN STREET
DEADWOOD, SD 57732

KR DEADWOOD
 SHERMAN STREET 2020, LLC

ISSUE DATE:
 05/09/24

PROJECT NO 24107
 DRAWN BY CWB
 REVISED BY CWB
MAIN LEVEL FLOOR PLAN
A1.0



1 LEVELS 1.5, 1.65, 1.75
 A.1 SCALE: 1/4"=1'-0"

Essential Service for
 Architects, Builders,
 Retailers, etc...

Precision Architectural
 AS-BUILTS

Phone: (303) 625-9900
 Fax: (616) 307-5663
 Email: support@precisionasbuilds.com
 1801 N. Broadway Suite #1750
 Denver, CO 80202

**65 SHERMAN STREET
 DEADWOOD, SD 57732**

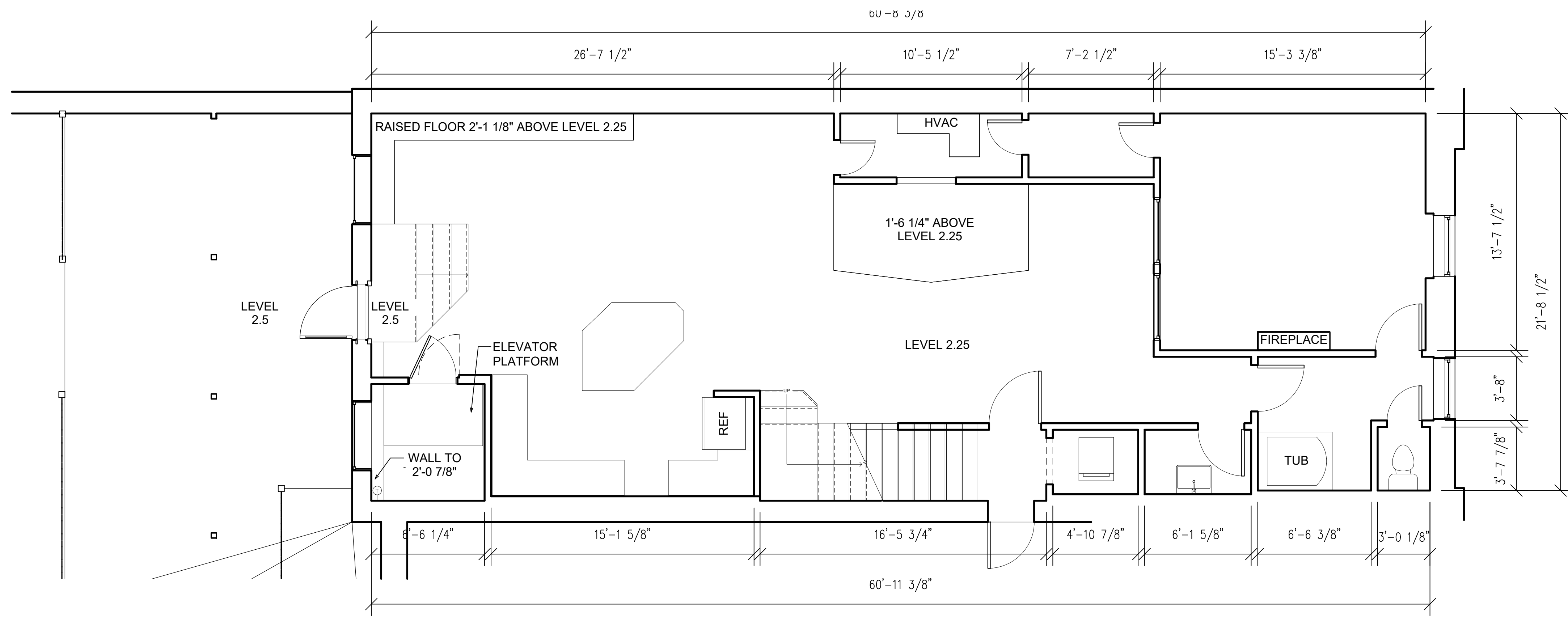
KR DEADWOOD
 SHERMAN STREET 2020, LLC

**ISSUE DATE:
 05/09/24**

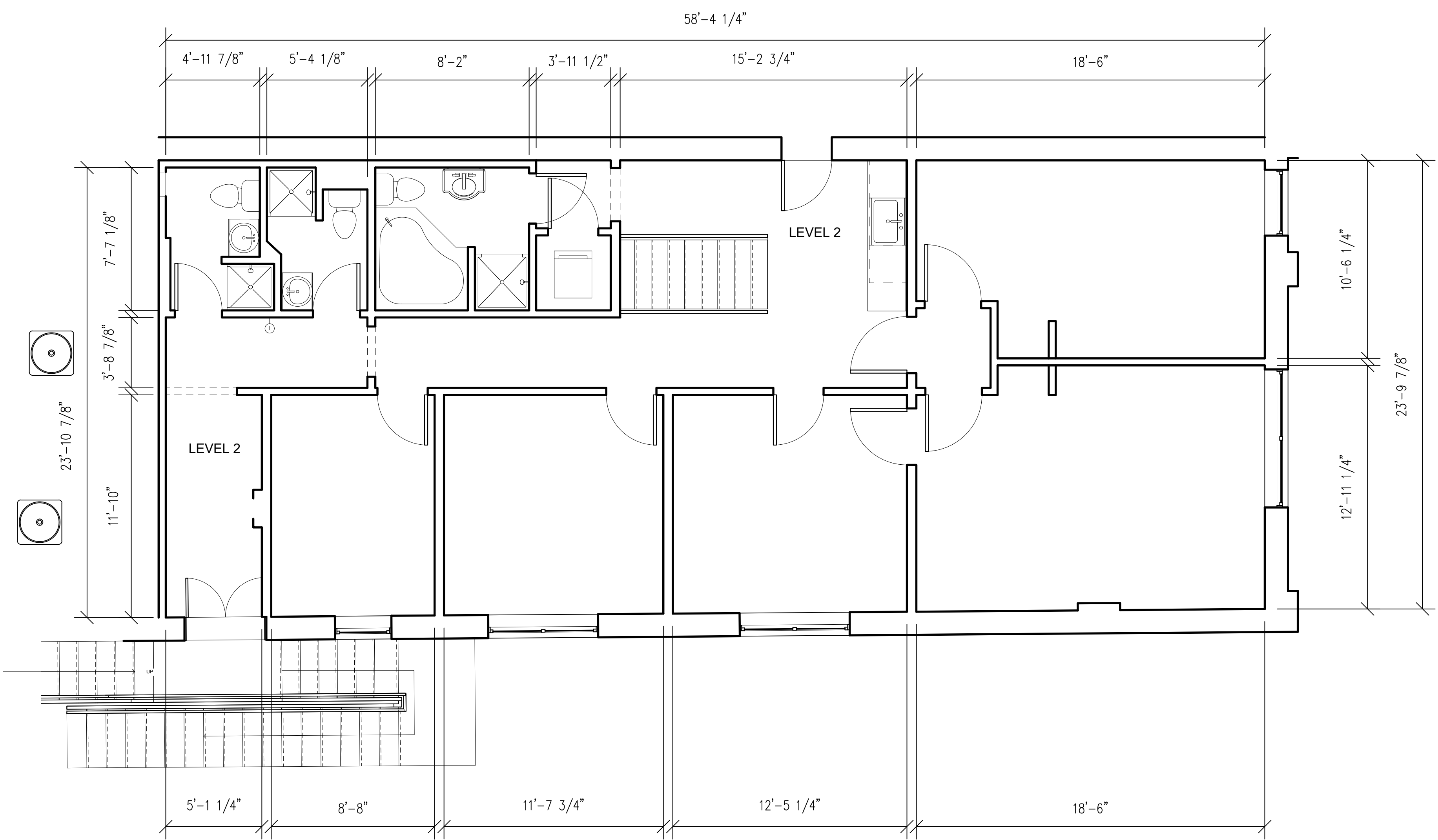
PROJECT NO 24107
 DRAWN BY CWB
 REVISED BY CWB

**LEVELS 1.5
 1.65 + 1.75
 FLOOR PLANS**

A.11



1 LEVEL 2.25
 A1.2 SCALE: 1/4"=1'-0"



2 LEVEL 2
 A1.2 SCALE: 1/4"=1'-0"

Essential Service for
 Architects, Builders,
 Realtors, etc...

Precision Architectural
 AS-BUILTS

1801 N. Broadway Suite #1750
 Denver, CO 80202
 Phone: (303) 625-9900
 Fax: (616) 307-5663
 Email: support@precisionasbuilds.com

**65 SHERMAN STREET
 DEADWOOD, SD 57732**

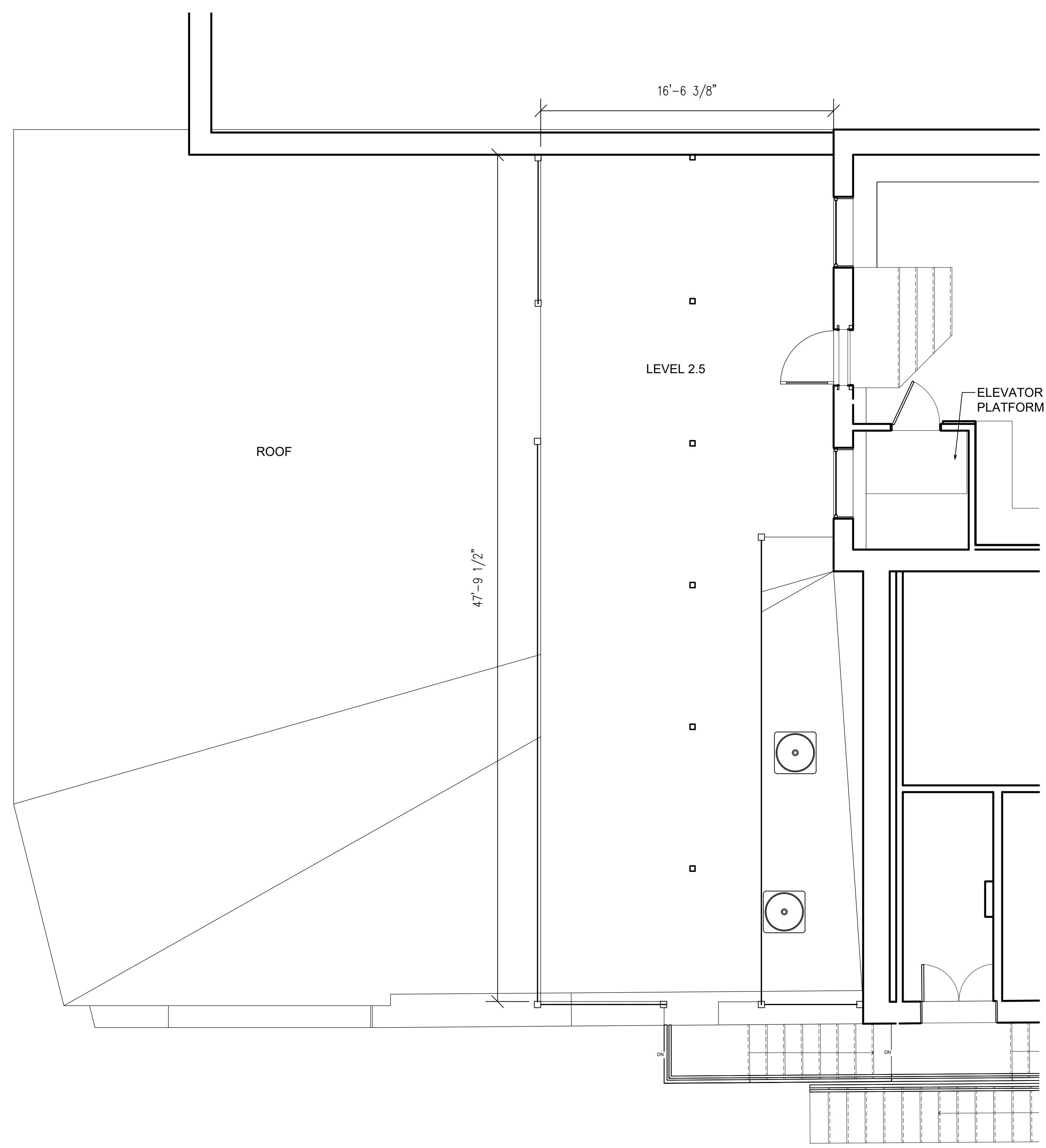
**KR DEADWOOD
 SHERMAN STREET 2020, LLC**

**ISSUE DATE:
 05/09/24**

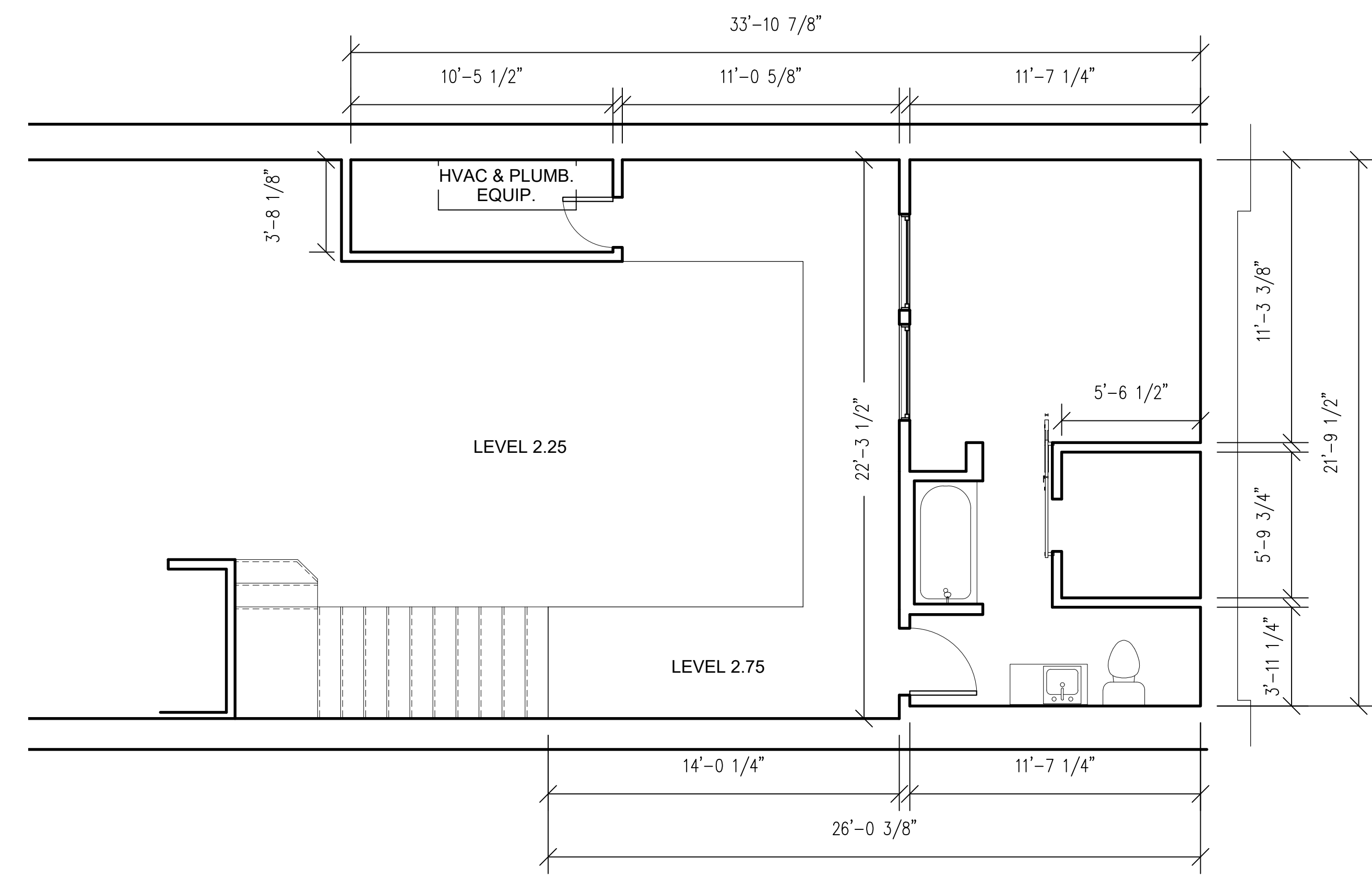
PROJECT NO 24107
 DRAWN BY CWB
 REVISED BY CWB

**LEVEL 2 + 2.25
 FLOOR PLANS**

A1.2



1 LEVEL 2.5
A1.3 SCALE: 1/4"=1'-0"



1 LEVEL 2.75
A1.3 SCALE: 1/4"=1'-0"

Essential Service for
 Architects, Builders,
 Retailers, etc...

Precision Architectural
 AS-BUILTS

Phone: (303) 625-9900
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 Email: support@precisionasbuilds.com

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 Denver, CO 80202

65 SHERMAN STREET
DEADWOOD, SD 57732

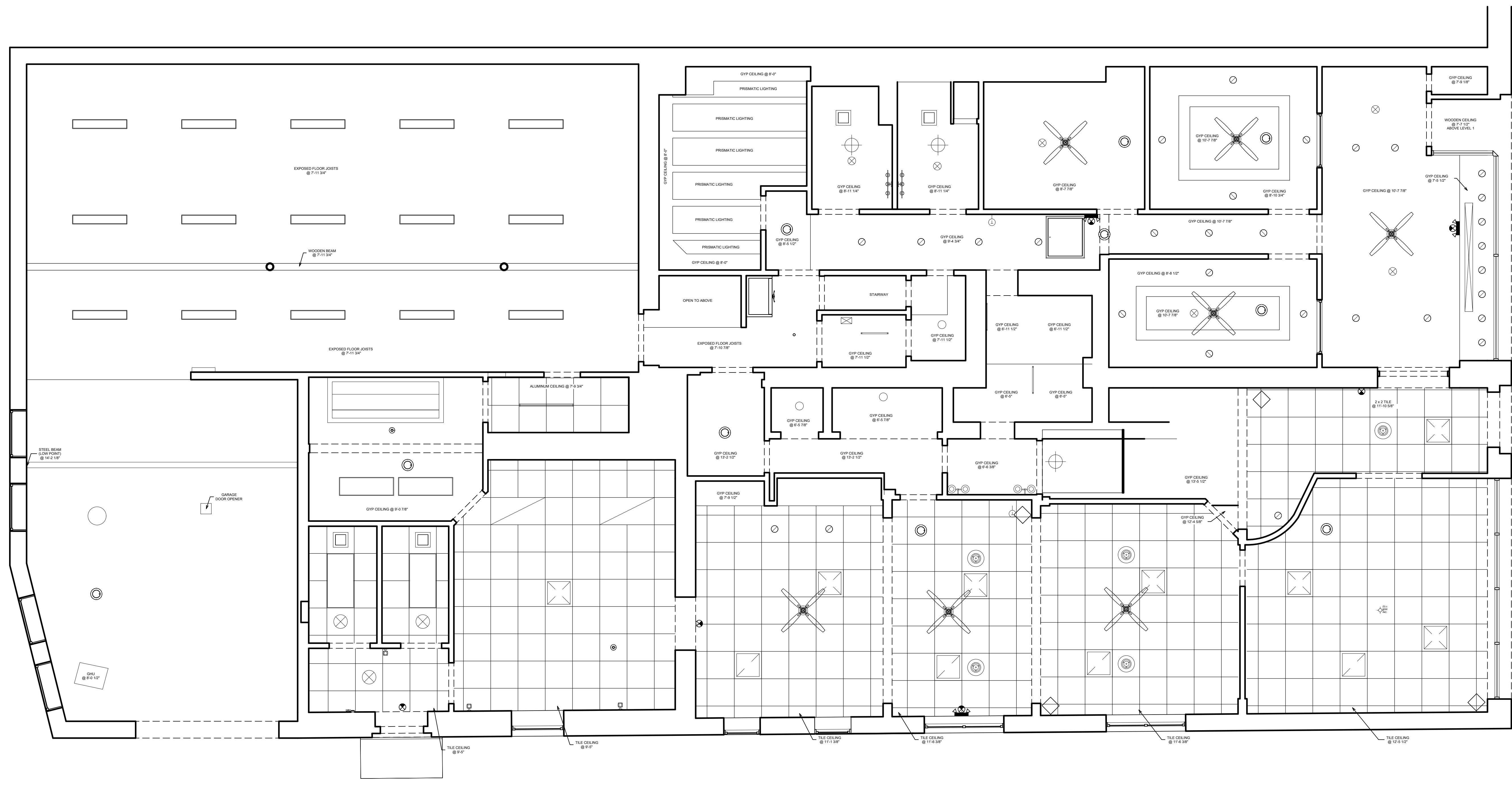
KR DEADWOOD
 SHERMAN STREET 2020, LLC

ISSUE DATE:
05/09/24

PROJECT NO 24107
 DRAWN BY CWB
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LEVEL 2.5 + 2.75
FLOOR PLANS

A1.3



1 REFLECTED CEILING PLAN MAIN LEVEL
A2.0 SCALE: 1/4"=1'-0"

Essential Service for
 Architects, Builders,
 Retailers, etc...

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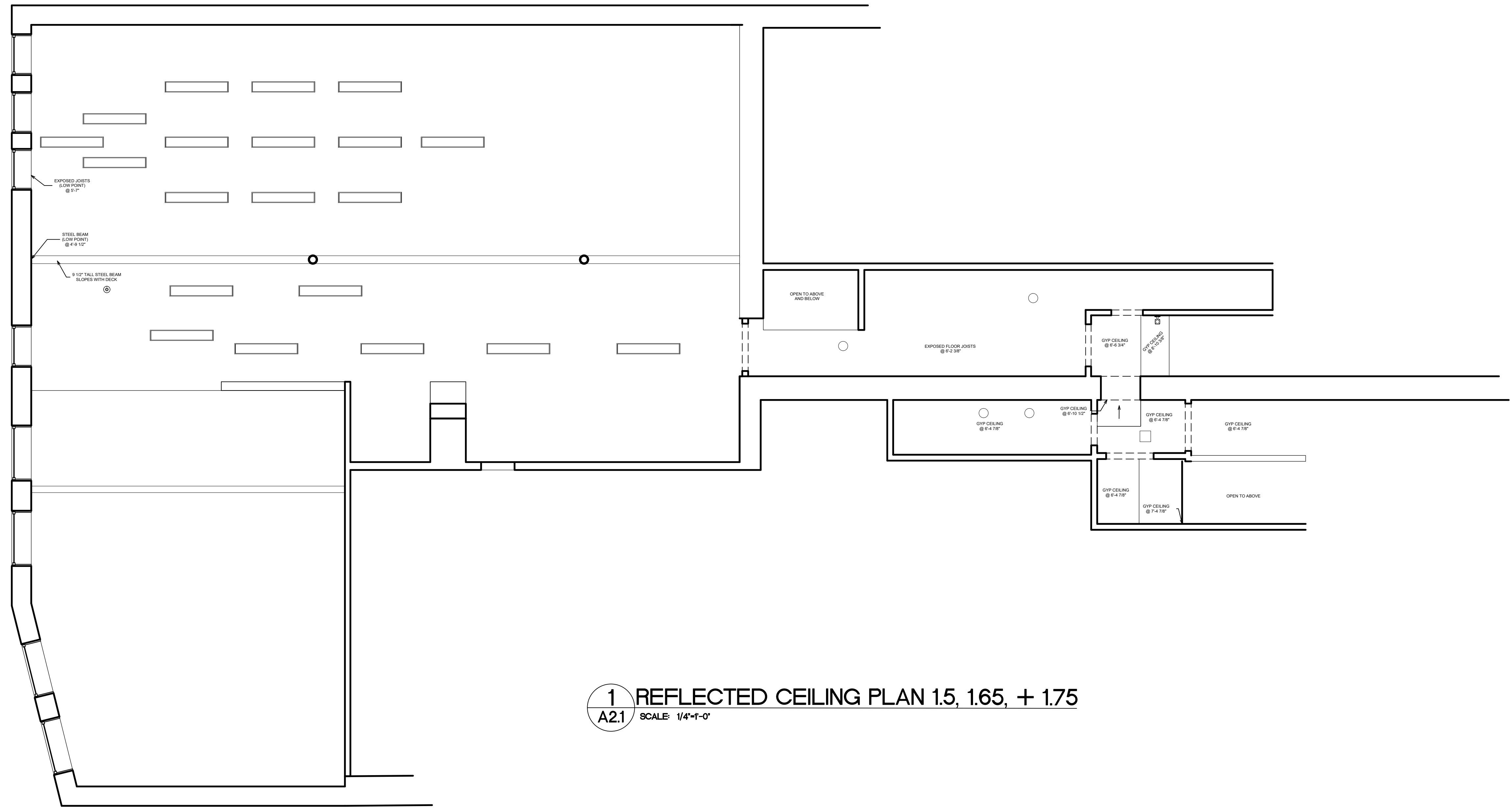
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PROJECT NO 24107
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MAIN LEVEL
CEILING PLAN

A2.0



1 REFLECTED CEILING PLAN 15, 165, + 175
 A2.1 SCALE: 1/4"=1'-0"

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**65 SHERMAN STREET
 DEADWOOD, SD 57732**

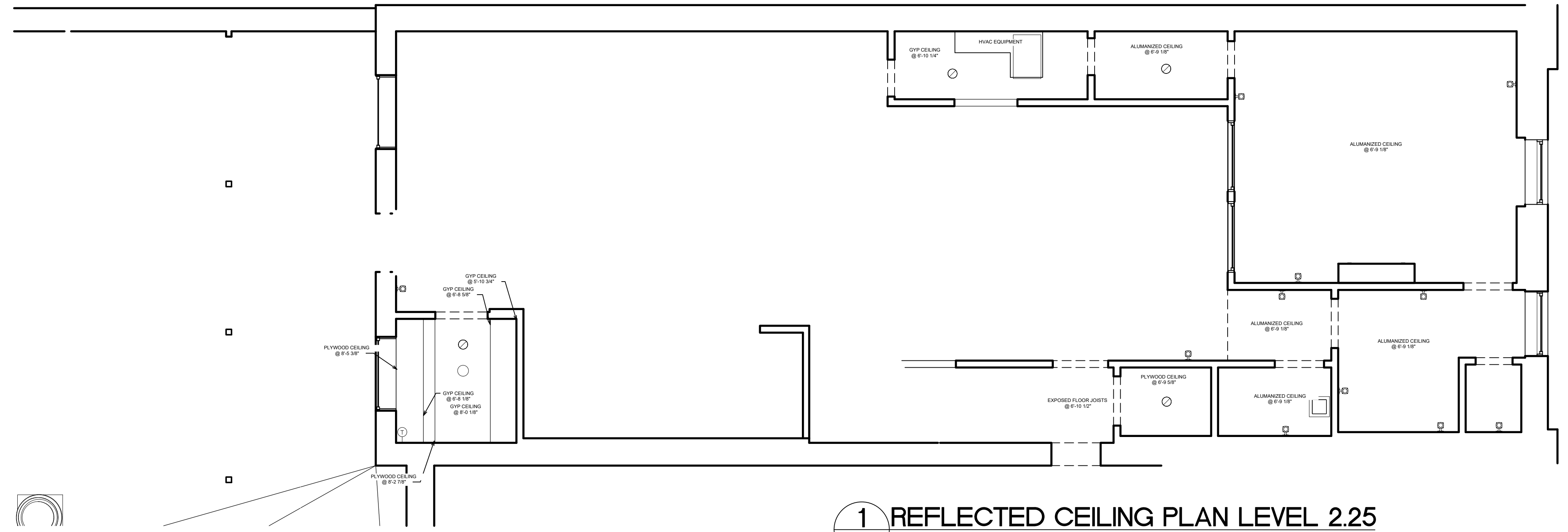
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**ISSUE DATE:
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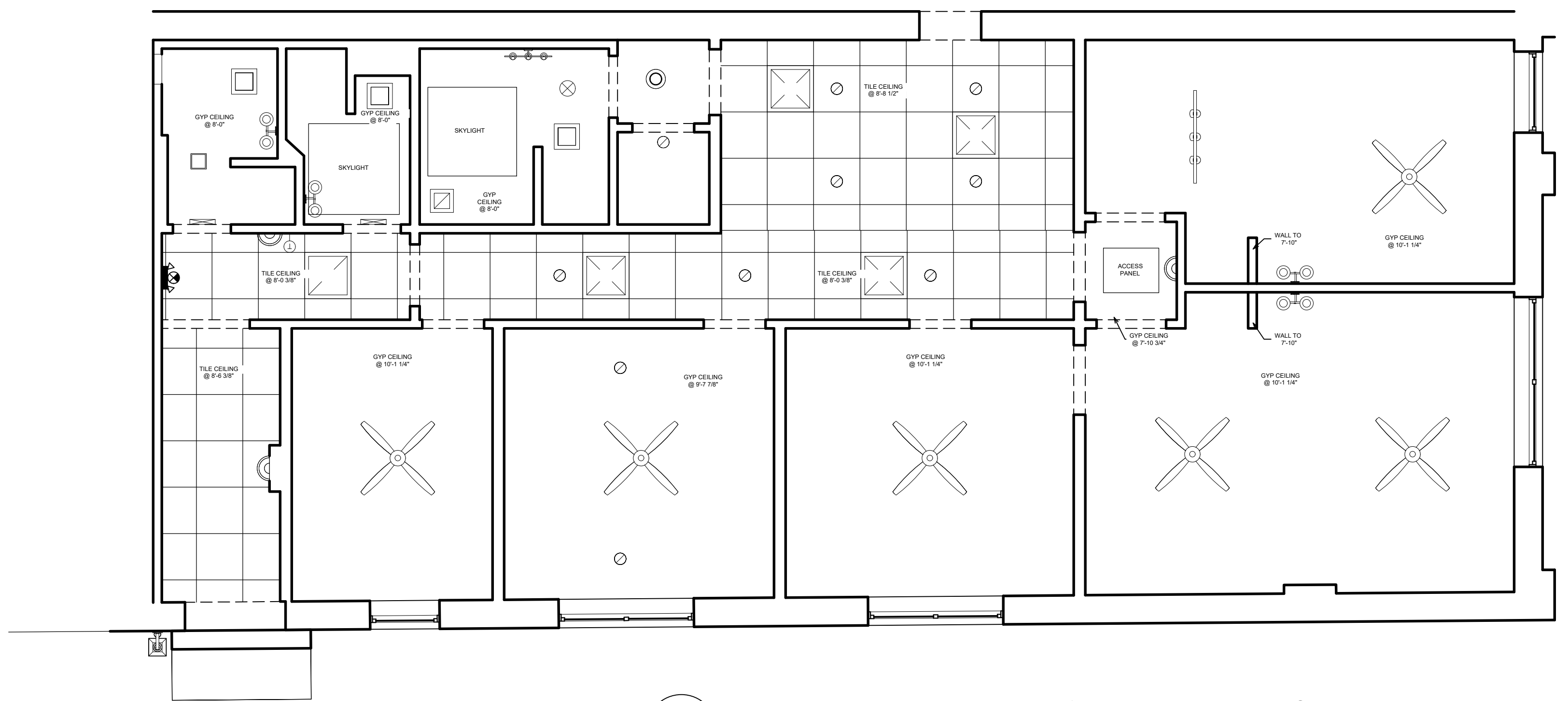
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**LEVEL 15,
 165 + 175
 CEILING PLANS**

A2.1



1 REFLECTED CEILING PLAN LEVEL 2.25
 A2.2 SCALE: 1/4"=1'-0"



2 REFLECTED CEILING PLAN LEVEL 2.0
 A2.2 SCALE: 1/4"=1'-0"

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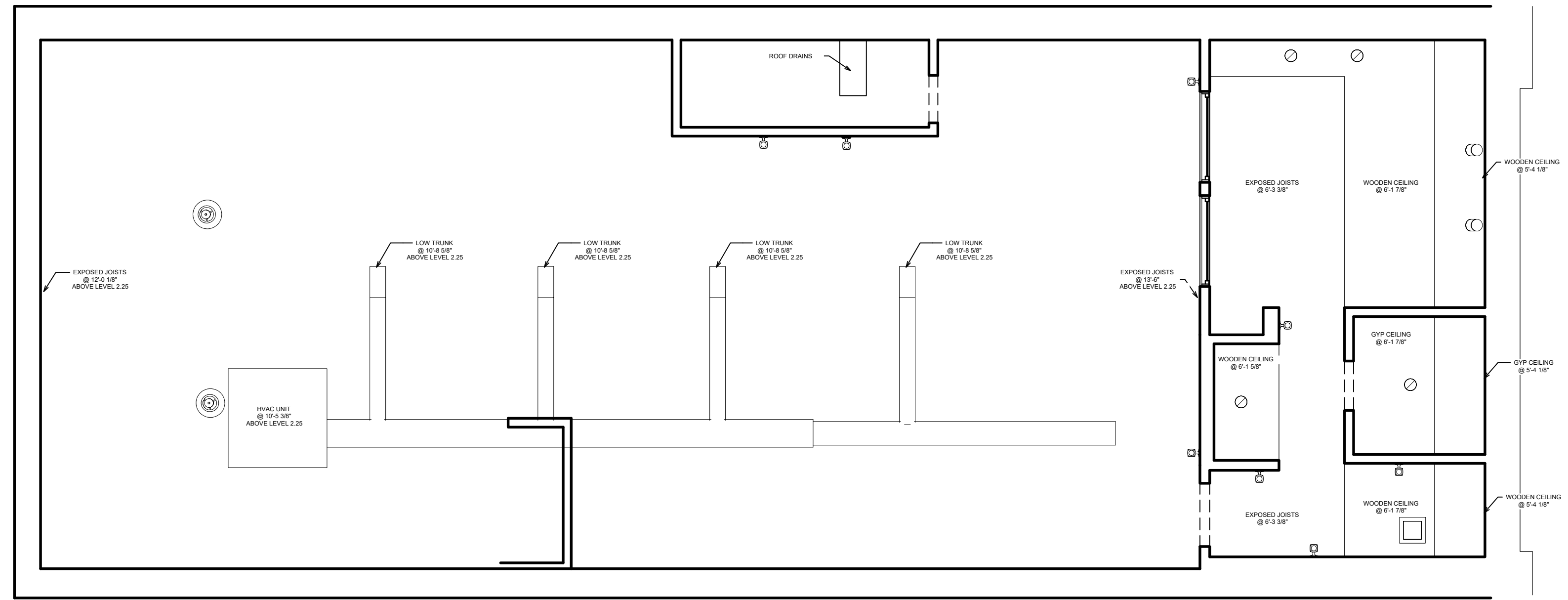
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LEVEL 20 + 2.25
CEILING PLANS

A2.2



1 REFLECTED CEILING PLAN LEVEL 2.75
A2.3 SCALE: 1/4"=1'-0"

Essential Service for
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 Retailers, etc...

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ISSUE DATE:
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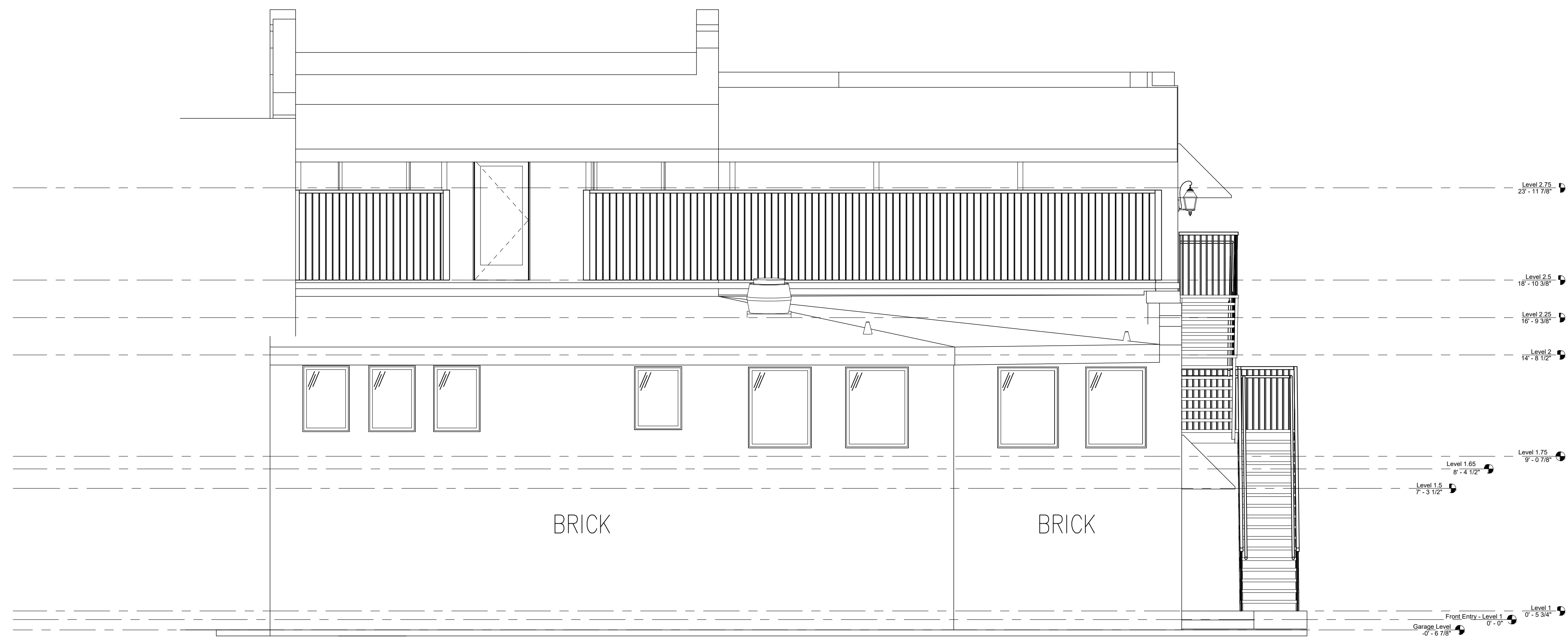
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LEVEL 2.75
CEILING PLAN

A2.3



1 FRONT ELEVATION
A3.0 SCALE: 1/4"=1'-0"



2 REAR ELEVATION
A3.0 SCALE: 1/4"=1'-0"

Essential Service for
 Architects, Builders,
 Realtors, etc...

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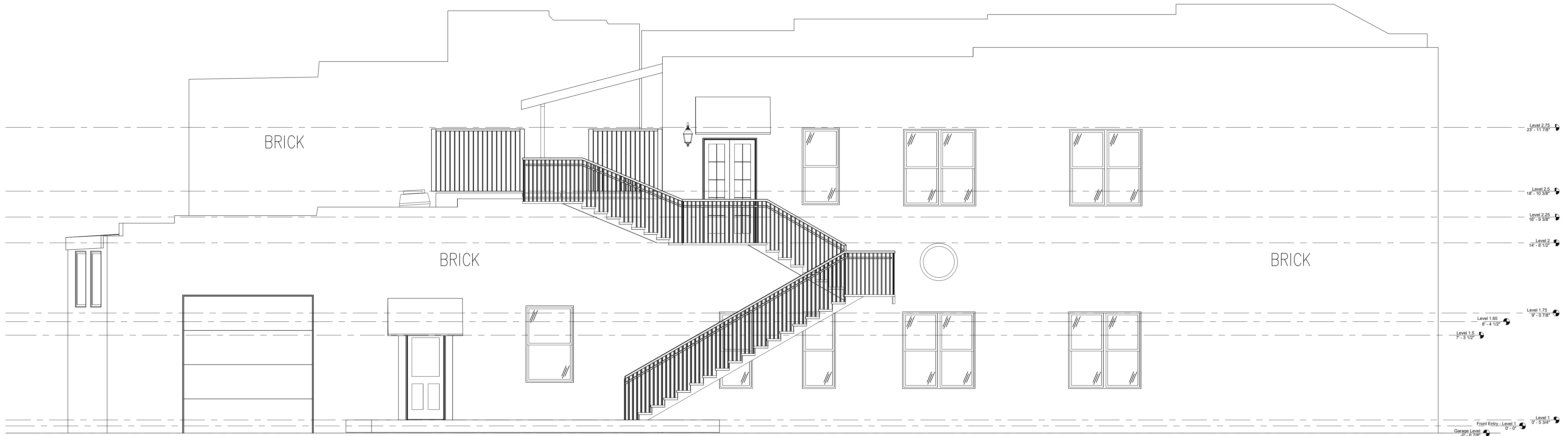
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**FRONT + REAR
 ELEVATIONS**

A3.0



1 LEFT ELEVATION
 A3.1 SCALE: 1/4"=1'-0"

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LEFT
 ELEVATION

A3.1

**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 single unit Vacation Home Establishment as allowed under Section 17.32.030 Conditional Uses.

APPLICANTS: Sportsbook Deadwood, LLC

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.

ADDRESS: 65 Sherman Street

ZONE: C1 – Commercial Zoning District

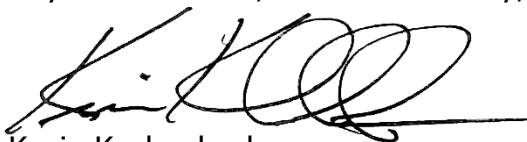
NOTICE IS FURTHER GIVEN that said application will be heard by the Planning and Zoning Commission within and for the City of Deadwood, State of South Dakota, at a special meeting to be held Monday, December 23, 2024 in the Commission Room at 102 Sherman Street, Deadwood, South Dakota, at 4:30 p.m. or 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 13th day of December 2024.

City of Deadwood, Lawrence County, South Dakota



Kevin Kuchenbecker
Planning, Zoning and Historic Preservation Officer

PUBLISH: Black Hills Pioneer: December 13, 2024

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: December 12, 2024
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 17.32.030 Conditional Uses.

APPLICANT(S): Sportsbook Deadwood, LLC

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.

ADDRESS: 65 Sherman Street

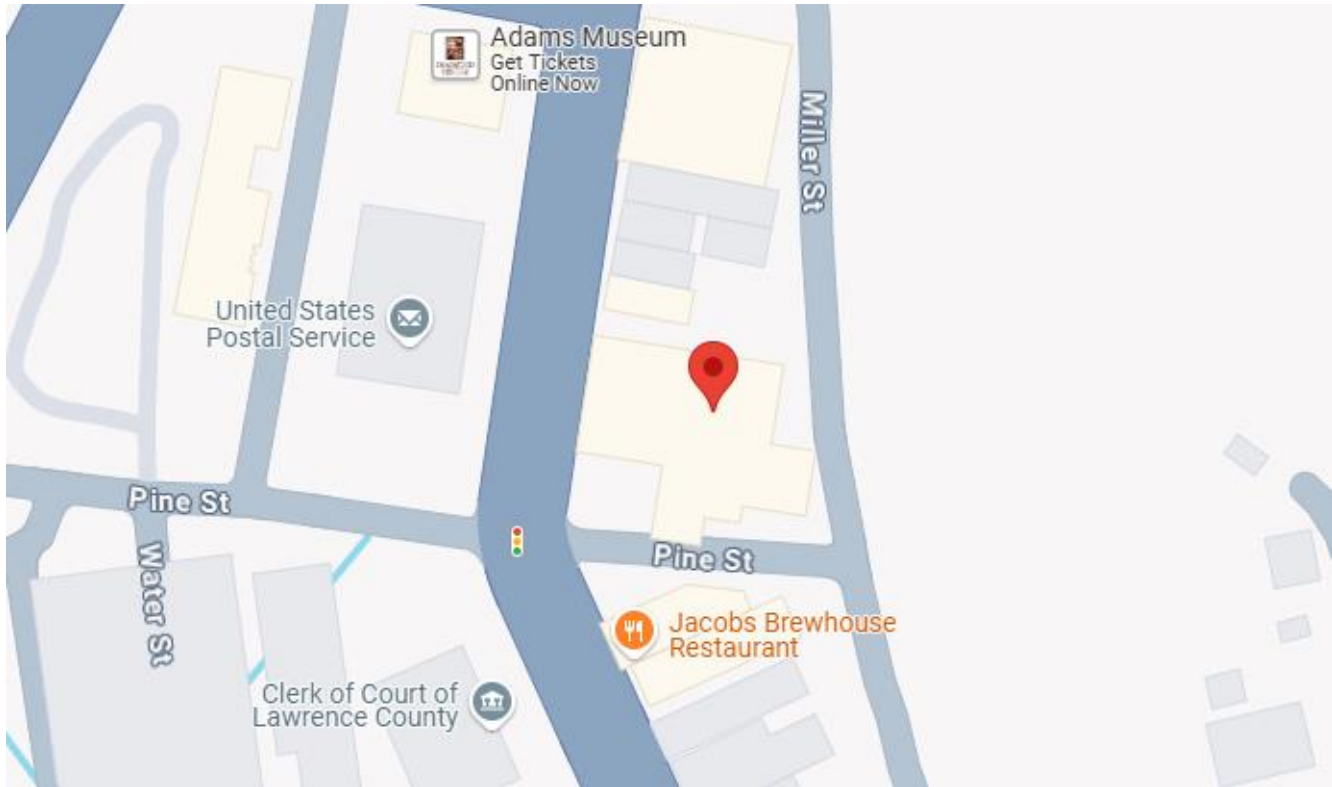
NOTICE IS FURTHER GIVEN that said application will be heard by the Planning and Zoning Commission within and for the City of Deadwood, State of South Dakota, at a regular meeting to be held Monday, December 23, 2024 in the Commission Room at 102 Sherman Street, Deadwood, South Dakota, will at 4:30 p.m. 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 23, 2024, 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 65 Sherman Street, Deadwood, SD 57732.





Aerial photo of 65 Sherman Street, Deadwood, SD 57732.

