



Planning and Zoning Commission Regular Meeting Agenda

Wednesday, January 07, 2026 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 of the December 17, 2025 Planning and Zoning Commission Meeting.

4. **Sign Review Commission**

- [a.](#) Application for Sign Permit - 470 Main Street - Brandi Guttery. Applicant is requesting permission to install one (1) new wall sign. Proposed location is compliant with ordinance. Proposed sign will require a variance.

Actions:

1. Approve/deny request for Sign Permit

5. **Planning and Zoning Commission**

- [a.](#) Application for Plat - Lot AB-1, Block 11 - City of Deadwood legally described as Lot AB-1 of Block 11 O.T. Deadwood; formerly a portion of Public Right-Of-Way in Block 11, City of Deadwood, Lawrence County, South Dakota.

Action Required:

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

- [b.](#) Annual Review - Conditional Use Permit for Specialty Resort – 57 Sherman Street (Sportsbook Deadwood LLC) legally described as Landmark Tract of the City of Deadwood, formerly Lot 13, Lot 15, Lot 17, Lot 19, Lot 21, Lot 23, Lot 25, Lot 26, Lot 27 and the vacated alley between Lot 23 and Lot 25 all in Block 30 of the City of Deadwood according to the P.L. Rogers Map of the City of Deadwood; less and except Tract 1 of Miller Street Subdivision according to Plat Document #2012-05646, and less and except Wild Bill Lot according to Plat Document #2012-03484, all located in the SW 1/4 of Section 23, Township 5 North, Range 3 East of the Black Hills Meridian, City of Deadwood, Lawrence County, South Dakota. [Item continued from December 17, 2025]

Action Required:

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

- [c.](#) Annual Review - Conditional Use Permit for Specialty Resort – 65 Sherman Street (Sportsbook Deadwood LLC) legally described as Lots 9 and 11 and the northeast

twenty-four (24) feet of Lot 7, Block 30, Original Town of the City of Deadwood, Lawrence County, South Dakota. [Item continued from December 17, 2025]

Action Required:

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

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 17, 2025 at 4:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

1. Call to Order

The Planning and Zoning Commission Meeting was called to order by Chairman Martinisko on Wednesday, December 17, 2025, at 4:00 p.m. in the Deadwood City Hall Meeting Room, located at 102 Sherman Street, Deadwood, SD 57732.

2. Roll Call

PRESENT

Commissioner (Chair) John Martinisko
Commissioner (Vice-Chair) Josh Keehn
Commissioner (Secretary) Dave Bruce
Commissioner Ken Owens

City Commissioner Charles Eagleson

ABSENT

Commissioner Jim Williams

STAFF PRESENT

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

3. Approval of Minutes

- a. Approve the minutes of the December 3, 2025, Planning and Zoning Commission Meeting.

It was moved by Commissioner Keehn and seconded by Commissioner Owens to approve the minutes of the December 3, 2025, Planning and Zoning Commission meeting. Voting yea: Martinisko, Keehn, Bruce, Owens.

4. Sign Review Commission

- a. Application for Sign Permit - 79 Sherman Street - Sharon Jacobs. Applicant is requesting permission to install two (2) new wall signs. Proposed signs and their locations are compliant with ordinance.

Actions:

1. Approve/deny request for Sign Permit

Mr. Mohr discussed Application for Sign Permit - 79 Sherman Street - Sharon Jacobs and reviewed the Staff Report.

It was moved by Commissioner Bruce and seconded by Commissioner Owens to approve Application for Sign Permit - 79 Sherman Street - Sharon Jacobs. Voting yea: Martinisko, Keehn, Bruce, Owens.

5. Planning and Zoning Commission

- a. Annual Review - Conditional Use Permit for Specialty Resort – 57 Sherman Street (Sportsbook Deadwood LLC) legally described as Landmark Tract of the City of Deadwood, formerly Lot 13, Lot 15, Lot 17, Lot 19, Lot 21, Lot 23, Lot 25, Lot 26, Lot 27 and the vacated alley between Lot 23 and Lot 25 all in Block 30 of the City of Deadwood according to the P.L. Rogers Map of the City of Deadwood; less and except Tract 1 of Miller Street Subdivision according to Plat Document #2012-05646, and less and except Wild Bill Lot according to Plat Document #2012-03484, all located in the SW 1/4 of Section 23, Township 5 North, Range 3 East of the Black Hills Meridian, City of Deadwood, Lawrence County, South Dakota.

Action Required:

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

Mr. Kuchenbecker introduced Annual Review - Conditional Use Permit for Specialty Resort – 57 Sherman Street (Sportsbook Deadwood LLC) and informed the Commission that the property owner has requested a continuation of their annual review.

It was moved by Commissioner Keehn and seconded by Commissioner Owens to continue Annual Review - Conditional Use Permit for Specialty Resort – 57 Sherman Street (Sportsbook Deadwood LLC) until the January 7, 2026 Planning and Zoning Commission Meeting. Voting yea: Martinisko, Keehn, Bruce, Owens.

- b. Annual Review - Conditional Use Permit for Specialty Resort – 65 Sherman Street (Sportsbook Deadwood LLC) legally described as Lots 9 and 11 and the northeast twenty-four (24) feet of Lot 7, Block 30, Original Town of the City of Deadwood, Lawrence County, South Dakota.

Action Required:

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

Mr. Kuchenbecker introduced Annual Review - Conditional Use Permit for Specialty Resort – 65 Sherman Street (Sportsbook Deadwood LLC) and advised the Commission that the property owner has requested a continuation of their annual review.

It was moved by Commissioner Bruce and seconded by Commissioner Owens to continue Annual Review - Conditional Use Permit for Specialty Resort – 65 Sherman Street (Sportsbook Deadwood LLC) until the January 7, 2026, Planning and Zoning Commission Meeting. Voting yea: Martinisko, Keehn, Bruce, Owens.

- c. Application for Conditional Use Permit - 604 Main Street - Vacation Home Establishment (Nugget Saloon LLC) legally described as Lots 26 and 26A being a portion of Block 15, O.T., City of Deadwood, located in the SW 1/4 of Section 23, T5N R3E, B.H.M., Lawrence County, South Dakota.

Actions:

1. Public Hearing
2. Approve/Deny Application for Conditional Use Permit

Mr. Kuchenbecker discussed Application for Conditional Use Permit - 604 Main Street - Vacation Home Establishment (Nugget Saloon LLC) and reviewed the Staff Report. Discussion occurred about the location of the proposed Vacation Home.

It was moved by Commissioner Bruce and seconded by Commissioner Owens to approve the Application for Conditional Use Permit - 604 Main Street - Vacation Home Establishment (Nugget Saloon LLC) with conditions outlined in the staff report. Voting yea: Martinisko, Keehn, Bruce, Owens.

6. Items from Citizens not on Agenda

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

7. Items from Staff

- a. Tentative Schedule of Activities for Deadwood's Sesquicentennial Celebration and America 250

Mr. Kuchenbecker discussed Deadwood's Sesquicentennial and discussed the various events that will occur throughout 2026. In addition, businesses and residents will be encouraged to utilize bunting to create a patriotic theme throughout the town.

- b. 2026-2030 Capital Improvement Plan for the City of Deadwood adopted by City Commission. (Adopted 12-01-2025)

Mr. Kuchenbecker introduced the 2026 - 2030 Capital Improvement Plan and briefly reviewed the document with the Commission.

Mr. Kuchenbecker informed the Commission that the wind caused a tree to fall on Denver Avenue which affected power lines. In addition, a retaining wall on Denver Avenue collapsed.

The Franklin Hotel has completed the restoration of guest rooms and facade work via a grant from Historic Preservation.

The Deadwood Public Library is holding a Christmas open house on December 18.

The Ridge Apartments are nearing completion.

Ms. Blue-Jones discussed sandwich boards and the new ordinance requirements.

8. Adjournment

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

There being no further business, the Planning and Zoning Commission adjourned at 4:18 p.m.

ATTEST:

Chairman, Planning & Zoning Commission

Secretary, Planning & Zoning Commission

Minutes by Leah Blue-Jones, Zoning Coordinator

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



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

SIGN PERMIT STAFF REPORT

Sign Review Commission

January 7, 2026

Applicant: Brandi Guttery

Address: 470 Main Street, Ste C, Deadwood, SD 57732

Site Address of Proposed Signage: 470 Main Street, Ste C (adjacent to Fogndroz)

Computation of Sign Area

Building Frontage: 28 Feet

Total Available Signage: 56 Square Feet

Existing Signage: None

Remaining Available Signage Area: 56 Square Feet

Proposed Sign Project: Install new wall sign (19.6 Square Feet)

Proposed Building Materials: Metal (see attached rendering)

Proposed Lighting of the Signs: None

Location of Proposed Sign: see attached rendering

Discussion

The sign permit application in review is proposed at a location inside the locally-designated historic district which is regulated by chapter 15.32.300 of the sign ordinance. The current signage at the subject property is compliant with the sign ordinance. The sign proposed in the current application is regulated by 15.32.090 of the Sign Ordinance, reference below.

- A. *Before any sign can be erected or altered in any way, a valid permit must be issued. Any further alteration of the sign shall require an amendment of the existing permit or the issuance of a new permit. Such changes, as well as original permits, shall be issued pursuant to review by the sign review commission. It is unlawful to display, construct, erect, locate or alter any sign without first obtaining a sign permit for such sign.*

The applicant has opened a new retail business at this location. The proposed sign is to advertise the business.

The proposed location of the sign is compliant with the sign ordinance. The sign is proposed as five-foot diameter circle and is not compliant with the ordinance limiting the vertical dimension of wall signs to two feet and does require a variance. See the attached variance request letter from the applicant. The business frontage is approximately fifty-three feet from the public sidewalk.

OFFICE OF
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 108 Sherman Street
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"The Historic City of the Black Hills"
 Deadwood, South Dakota 57732

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

Variances

The sign permit application in review as proposed requires a variance from the sign ordinance. Signage variances may be obtained if the sign review commission is able to find *"special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures, distance or other matters on adjacent lots or within the adjacent public right-of-way that would substantially restrict the effectiveness of the sign in question and such special circumstances or conditions are peculiar to the business or enterprise to which the applicant desires to draw attention and do not apply generally to all businesses or enterprises in the area."* However, it is the responsibility of the applicant to provide adequate evidence of such special circumstances or conditions.

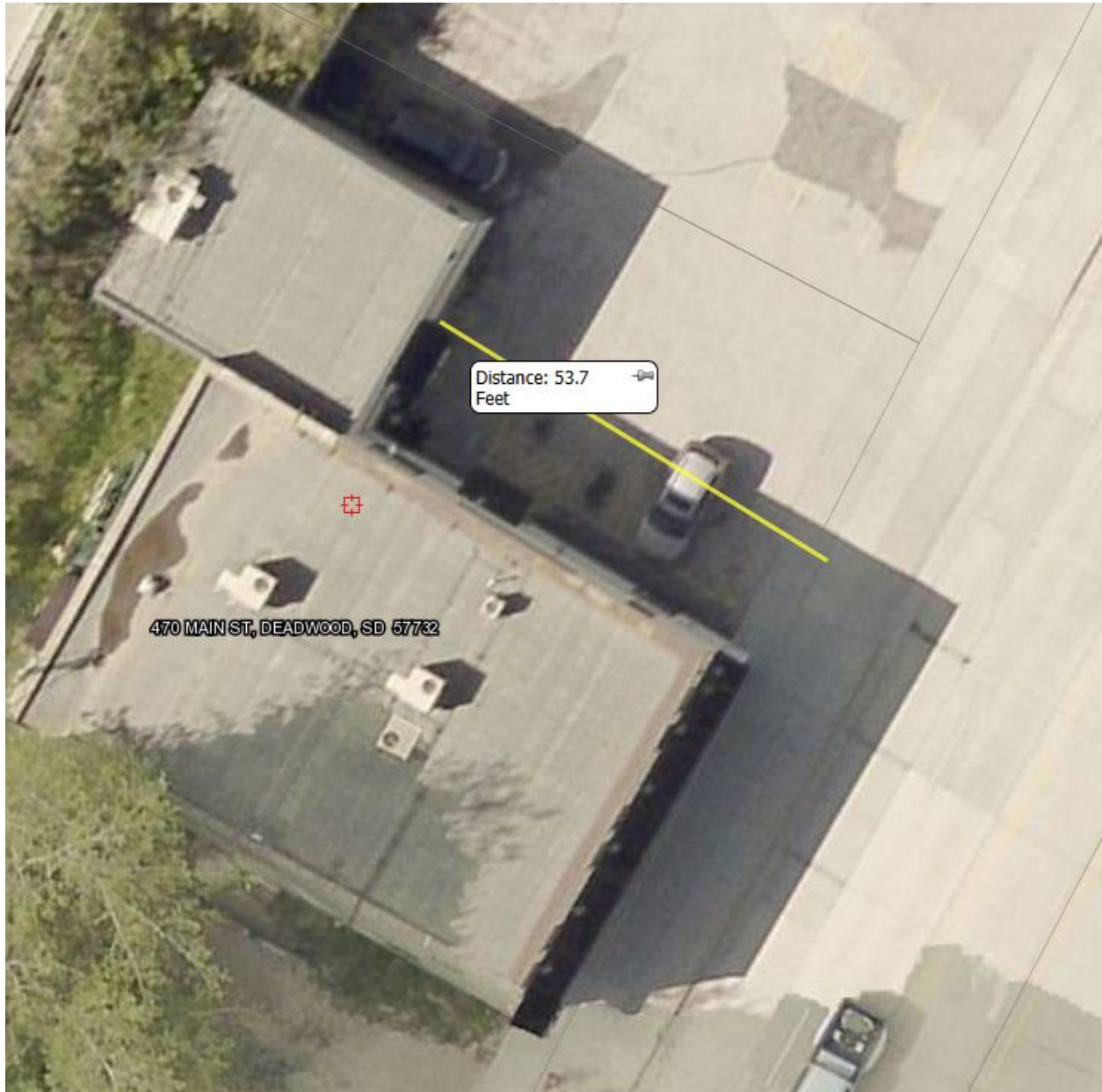
Sign Review Commission Action

Motion to approve permit for new wall sign at 470 Cliff Street, Ste C granting a variance for a five-foot vertical dimension

OR

Motion to deny proposed sign permit application as submitted.





To: Deadwood Sign Review Commission

City of Deadwood, South Dakota

Re: Request for Sign variance- 5 ft Sign for Sugar Circus

Dear Members of the Sign Review Commission,

I am writing to respectfully request a variance to allow the installation of a 5 ft sign for my business, Sugar Circus, Located at 470 Main St suite c, Deadwood SD.

Due to the unique placement of our storefront, the building is set significantly back from the roadway and is partially obscured from view by surrounding structures and pedestrian features. A sign limited to the standard size is not easily visible to passing vehicles or pedestrians, particularly during peak tourist traffic and evening hours.

The requested 5- foot sign is necessary to:

- Provide adequate visibility from the roadway
- Allow customers to safely identify the business without abrupt stops or turns
- Maintain consistency with nearby businesses that benefit from closer proximity to the street

The proposed sign will be tasteful, professionally constructed, and consistent with Deadwood's historic character.

Thank you for your time and consideration. I have provided photos, and will be attending the meeting to answer any questions.

Sincerely,

Brandi Guttery

Sugar Circus

(405) 863-8434

Brandipoff@hotmail.com

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 APPLICATION FOR PLAT

Date: January 7, 2026
From: Kevin Kuchenbecker
Planning, Zoning & Historic Preservation Officer
To: Planning and Zoning Commission
RE: Application for Plat

APPLICANT: City of Deadwood

PURPOSE: Create new lots from dedicated Public Right of Way.

LEGAL DESCRIPTION: Lot AB-1 of Block 11 O.T. Deadwood; formerly a portion of Public Right-of-Way located between Lot 3 and Lot 4 in Block 11, City of Deadwood, Lawrence County, South Dakota.

FILE STATUS: All legal obligations have been completed.

STAFF FINDINGS:

Surrounding Zoning:

North: C1 - Commercial
South: C1 - Commercial
East: R1 - Residential
West: C1 - Commercial

Surrounding Land Uses:

Parking Lot
Parking Lot
Right of Way
Right of Way

SUMMARY OF REQUEST

The purpose of this plat is to create a lot out of a previously unplatted right of way. This lot is not in use by the City of Deadwood and sits in the middle of two privately owned parking lots.

FACTUAL INFORMATION

1. The property is currently zoned C1 – Commercial.
2. Combined lot will be comprised of 1,133 square feet \pm which equates to 0.026 acres \pm .
3. The property is located within the 500-year floodplain.
4. Public facilities are not available to serve the property.
5. The area is currently characterized by commercial use within the historic downtown core.

STAFF DISCUSSION

The subject property is owned by The City of Deadwood.

1. The North Arrow is shown on the plat with a direct reference to the coordinate mapping system.
2. Land is identified with a new legal description for the future transfer of the land.
3. Surveyor's Certificate is shown with the name of the surveyor and his registered land surveyor number.
4. A date is shown on the plat and serves to "fix in time" the data represented on the plat.
5. The streets bounding the lot are shown and named.
6. All certifications are indicated and correct on the plat.
7. Dimensions, angles and bearings are shown along the lot lines.
8. Scale of the plat is shown and accompanied with a bar scale.
9. Area taken out of the mineral survey and remaining acreage is indicated on the plat.

ACTION REQUIRED:

1. Approval/Denial by Planning and Zoning Commission

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



Section 5 Item a.

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

Application No. _____

APPLICATION FOR PLAT

Application/Filing Fee: \$200.00 per lot

The application fee needs to be paid when plat is submitted to the Planning and Zoning Office.

Applicants: Please read thoroughly prior to completing this form. Only complete applications will be considered for review. Applications must be received no later than fifteen (15) days prior to the P&Z Commission meeting. Mylar(s) must be received by the Planning and Zoning office no later than the Wednesday before the scheduled meeting. The Planning and Zoning Commission meets the first and third Wednesday of each month.

Applicant: CITY OF DEADWOOD

Address: 108 SHERMAN ST. DEADWOOD, SD 57732
Street City State Zip

Phone Number: 605-578-2082 Email Address: leah@cityofdeadwood.com

Property Address: LOT AB-1, BLOCK 11

Property Owner: CITY OF DEADWOOD

Property Owner Phone Number: 605-578-2082

Full Legal Description of Property: LOT AB-1 of BLOCK 11 of Deadwood

Purpose of this Plat: create legal description to facilitate future sale.

Summary of this Plat: create new lot

1. The following documents shall be submitted:

- An improvement survey, including all easements,
- 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
- A copy of the full legal description from the Lawrence County Register of Deeds Office.

Check the box to confirm the following information is included on the plat and is accurate:

- ☒ The North Arrow is shown on the plat with a direct reference to the coordinate mapping system.
- ☒ Land is identified with a new legal description for the transfer of the land.
- ☒ Surveyor's Certificate is shown with the name of the surveyor and his registered land surveyor number.
- ☒ A date is shown on the plat and serves to "fix in time" the data represented on the plat.
- ☒ The street bounding the lot is shown and named.
- ☒ All certifications are indicated and correct on the plat.
- ☒ Dimensions, angles, and bearings are shown along the lot lines.
- ☒ Scale of the plat is shown and accompanied with a bar scale.
- ☒ Area's taken out of the mineral survey and remaining acreage is indicated on the plat.
- ☒ I understand I am required to have the Lawrence County Register of Deeds email a digital copy of the completed final copy of this plat to kevin@cityofdeadwood.com.

Signature of Owner/Applicant: _____

Date: _____

12/15/25

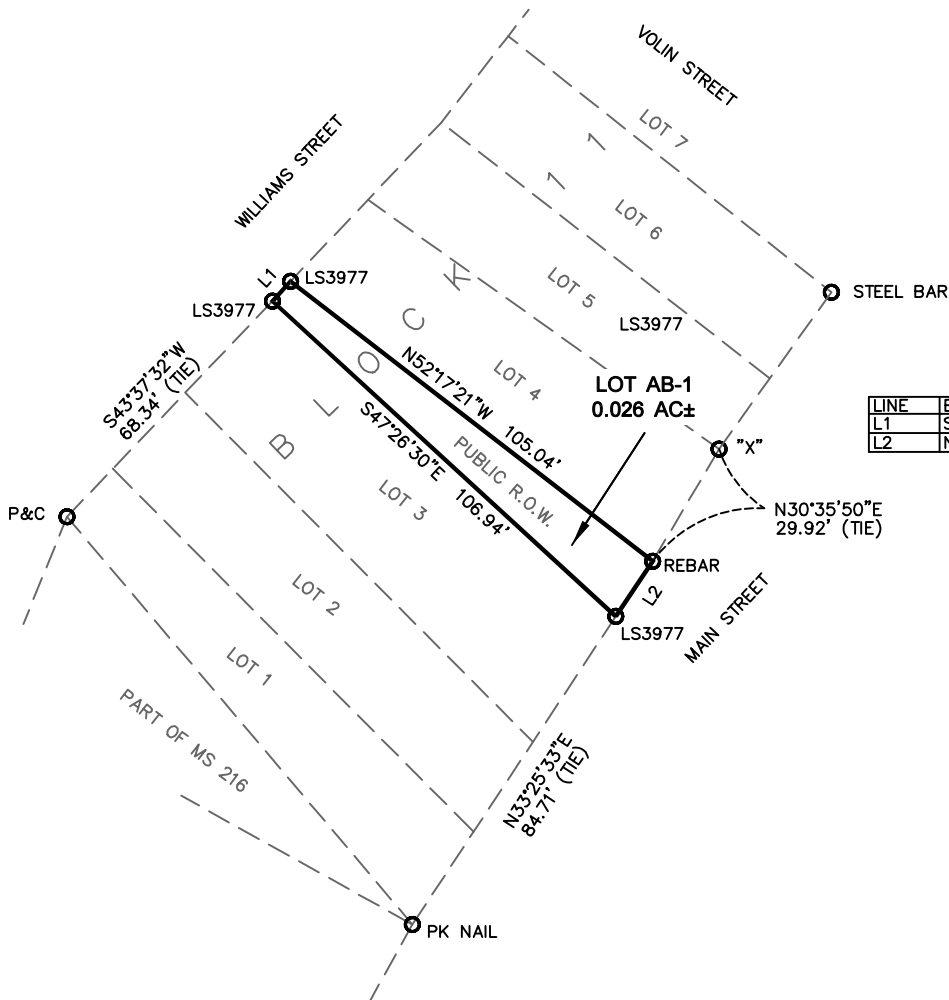
Staff Use Only

Fee: \$ 200.- Paid On _____ Receipt Number _____

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/Board of Adjustment:	Yes	No	Date: _____

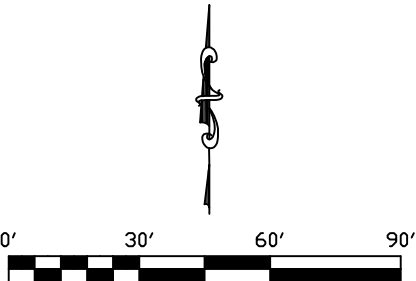
Reason for Denial (if necessary): _____

PLAT OF LOT AB-1 OF BLOCK 11 O.T. DEADWOOD;
FORMERLY A PORTION OF PUBLIC RIGHT-OF-WAY
IN BLOCK 11, CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA



OWNER/DEVELOPER
CITY OF DEADWOOD
108 SHERMAN STREET
DEADWOOD SD 57732

LINE	BEARING	DISTANCE
L1	S42°19'43\"W	6.16'
L2	N33°51'30\"E	15.21'



LEGEND:
● SET REBAR AND CAP STAMPED "LS11918"
○ FOUND MONUMENT AS NOTED

NOTES:
1. PROPOSED LOT AREA = 0.026 ACRES±;
PROPOSED R-O-W AREA = 0.00 ACRES±;
AVERAGE DENSITY PER LOT = 0.026 ACRES±
TOTAL PROPOSED PLATTED AREA: 0.026 ACRES±
EASEMENTS INCLUDED IN ALL AREAS.
2. 5' UTILITY EASEMENT ON INTERIOR OF ALL LOT LINES.
3. ZONING IS C1 PER DEADWOOD ZONING MAP.
4. WE HEREBY GRANT EASEMENTS TO RUN WITH THE LAND FOR
WATER, DRAINAGE, SEWER, GAS, ELECTRIC, TELEPHONE, OR OTHER
PUBLIC UTILITY LINES OR SERVICES UNDER, ON OR OVER THOSE
PORTIONS OF LAND DESIGNATED HEREON AS EASEMENTS.

CERTIFICATE OF SURVEYOR

STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE
I, BRADLEY LIMBO, REGISTERED LAND SURVEYOR NO. 11918 IN THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF THE OWNER(S) LISTED HEREON I HAVE
SURVEYED THAT TRACT OF LAND SHOWN, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE WITHIN PLAT IS A REPRESENTATION OF SAID SURVEY. EASEMENTS OR RESTRICTIONS
OF MISCELLANEOUS RECORD OR PRIVATE AGREEMENTS THAT ARE NOT KNOWN TO ME ARE NOT SHOWN HEREON. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL.

DATE: _____
BRADLEY LIMBO, LS11918

OWNER'S CERTIFICATE

STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE
DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON, THAT WE
DO APPROVE THIS PLAT AS HEREON SHOWN AND THAT DEVELOPMENT OF THIS PROPERTY SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION, EROSION AND SEDIMENT
CONTROL REGULATIONS.

OWNER: _____
ADDRESS: _____

ACKNOWLEDGMENT OF OWNER

STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE
ON THIS ____DAY OF _____, 20____, BEFORE ME THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED _____
KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE.
MY COMMISSION EXPIRES: _____
NOTARY PUBLIC: _____

APPROVAL OF THE CITY OF DEADWOOD PLANNING COMMISSION

STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE
THIS PLAT APPROVED BY THE CITY OF DEADWOOD PLANNING COMMISSION THIS ____DAY OF _____, 20____.

CITY PLANNER CHAIRMAN

APPROVAL OF THE CITY OF DEADWOOD BOARD OF COMMISSIONERS

STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE
BE IT RESOLVED THAT THE CITY OF DEADWOOD BOARD OF COMMISSIONERS HAVING VIEWED THE WITHIN PLAT, DO HEREBY APPROVE THE SAME FOR RECORDING IN THE OFFICE OF THE
REGISTER OF DEEDS, LAWRENCE COUNTY, S.D. DATED THIS ____DAY OF _____, 20____.

ATTEST: _____
FINANCE OFFICER MAYOR

CERTIFICATE OF COUNTY TREASURER

STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE
I, _____, LAWRENCE COUNTY TREASURER, DO HEREBY CERTIFY THAT _____ TAXES WHICH ARE LIENS UPON THE HEREIN PLATTED PROPERTY
HAVE BEEN PAID. DATED THIS ____DAY OF _____, 20____.

LAWRENCE COUNTY TREASURER: _____

APPROVAL OF HIGHWAY AUTHORITY

STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE
THE LOCATION OF THE PROPOSED ACCESS ROADS ABUTTING THE COUNTY OR STATE HIGHWAY AS SHOWN HEREON, IS HEREBY APPROVED. ANY CHANGE IN THE
PROPOSED ACCESS SHALL REQUIRE ADDITIONAL APPROVAL.

HIGHWAY AUTHORITY: _____

CERTIFICATE OF DIRECTOR OF EQUALIZATION


STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE
I, LAWRENCE COUNTY DIRECTOR OF EQUALIZATION, DO HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS PLAT. DATED THIS ____DAY
OF _____, 20____.

LAWRENCE COUNTY DIRECTOR OF EQUALIZATION

CERTIFICATE OF REGISTER OF DEEDS

STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE
FILED FOR RECORD THIS ____DAY OF _____, 20____, AT ____O'CLOCK, ____M., AND
RECORDED AS DOC. _____.

LAWRENCE COUNTY REGISTER OF DEEDS FEE: \$ _____

PREPARED BY:	SHEET 1 of 1
 ALL ASPECTS INC. LAND SURVEYING	
Project: AAI-25-278	All Aspects INC. 1955 Maltland Rd., Spearfish SD 57783 605-480-2944 Limbo@allaspectsinc.com
Date: DECEMBER 12, 2025	
Rev:	
Surveyed by: BJL	
Prepared by: FD	



Aerial photo of Lot AB-1, Block 11



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: December 17, 2025
From: Kevin Kuchenbecker
 Planning, Zoning & Historic Preservation Officer
To: Planning and Zoning Commission
RE: Annual Review - Conditional Use Permit – Specialty Resort

APPLICANT(S): Sportsbook Deadwood LLC

PURPOSE: Annual Review – Conditional Use Permit – Specialty Resort

ADDRESS: 57 Sherman Street
 Deadwood, Lawrence County, South Dakota

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

FILE STATUS: Legal obligations are being met.

ZONE: C1 – Commercial

STAFF FINDINGS:

Surrounding Zoning:	Surrounding Land Uses:
North: C1 – Commercial	Businesses
South: C1 – Commercial	Businesses
East: PU – Public Use	Parking Lot
West: PU – Public Use	Government Building

SUMMARY OF REQUEST

The Deadwood City Commission has directed the Planning and Zoning Commission to conduct annual reviews of all Conditional Use Permits in accordance with City of Deadwood Municipal Code 17.76.060. The applicant was issued a Conditional Use Permit on December 28, 2024, to operate a Specialty Resort at 57 Sherman Street.

The subject property is located on Sherman Street and is surrounded by Commercially zoned properties on two (2) sides and properties zoned PU – Public Use on two (2) sides.

FACTUAL INFORMATION

1. The property is currently zoned C1 - Commercial District.
2. The subject property has access from Miller Street Parking Lot.
3. The subject property is located within a zone where certain commercial uses and gaming are permitted.
4. The property is in a 500-year flood zone.
5. Adequate public facilities are available to serve the property.
6. The area is characterized by a mixture of business, government buildings and museums.

STAFF DISCUSSION

The applicant was granted a Conditional Use Permit for a Specialty Resort and City regulations permit Specialty Resorts in C1 - Commercial Districts with an approved Conditional Use Permit. The subject property is a one (1) bedroom, one (1) bath unit. Renters can park in Miller Street Parking Lot.

“Specialty Resort” means:

Any Bed and Breakfast Establishment, 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.

COMPLIANCE:

Ordinance requires that a Specialty Resort be in continual use over the last 12 months.

No data is available on Deckard – Rentalscape for this property; however, based on BID data the rooms are part of the 30-room inventory of the hotel which is running around 42% occupancy for the year.

No complaints are on record for this establishment.

GENERAL USE STANDARDS FOR CONDITIONAL USE PERMITS:

In reviewing any application under the authority of Chapter 17.76.040 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 Conditional 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. Traffic and parking have not significantly affected the neighborhood since the applicant abides by the parking requirements associated with Short-Term Rentals.

- B. Whether or not a community need exists for the Conditional Use at the 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 Conditional Use in the location has not resulted in either a detrimental over concentration of a particular use from previously permitted uses within the city or within the immediate area of the Conditional Use.

The subject area is zoned C1– Commercial District and is intended to provide locations coinciding with the Downtown Core Commercial Zone where certain commercial uses and gaming are permitted.

- C. Conditional Use at this location has not resulted 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.

The applicant only uses off-street parking and prevents any public nuisance issues that are often associated with Short-Term Rentals, the Conditional Use has not resulted in a substantial or undue adverse effect on adjacent property,

or the character of the neighborhood and the use would not alter the character of the neighborhood.

- D. Whether or not the proposed use increases the proliferation of nonconforming uses as well as previously approved Conditional Use Permits which are still in use, when influenced by matters pertaining to the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of the Policy Plan, this ordinance, or any other plan, program, map or ordinance adopted, or under consideration pursuant to official notice, by the city or other governmental agency having jurisdiction to guide growth and development.

For any Conditional Use, lot and performance standards shall be the same as similar type of 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 current use has not increased the proliferation of non-conforming uses. The subject residence is in an area that does have additional Short-Term Rentals in the immediate area. The appearance of the structure has not changed; therefore, the character and use of the buildings and structures adjoining the subject property has not been adversely affected.

- E. Whether or not the current use in the area has been adequately served by and will not impose an undue burden on any of the improvements, facilities, utilities, and services specified in city ordinance.

The Conditional Use has not caused significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services. Existing services are available onsite. All utilities have been assigned commercial rates.

CONDITIONS GOVERNING APPLICATIONS AND PROVISIONS:

- A. Following the review 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 Commission for its original approval.
- B. Conditional Use Permits, once granted, can be revoked by the Board of Adjustment for cause after a hearing is held before them. Complaints seeking the revocation of such permit shall be filled with the Zoning Administrator and may be initiated by the Planning and Zoning Commission OR any three (3) residents within three hundred (300) feet of the property lines of which the application has been filed. All such

Conditional Use Permit Review – Specialty Resort
57 Sherman Street
December 17, 2025

revocation hearings shall be conducted in the same manner as for the Conditional Use Permit Application hearings.

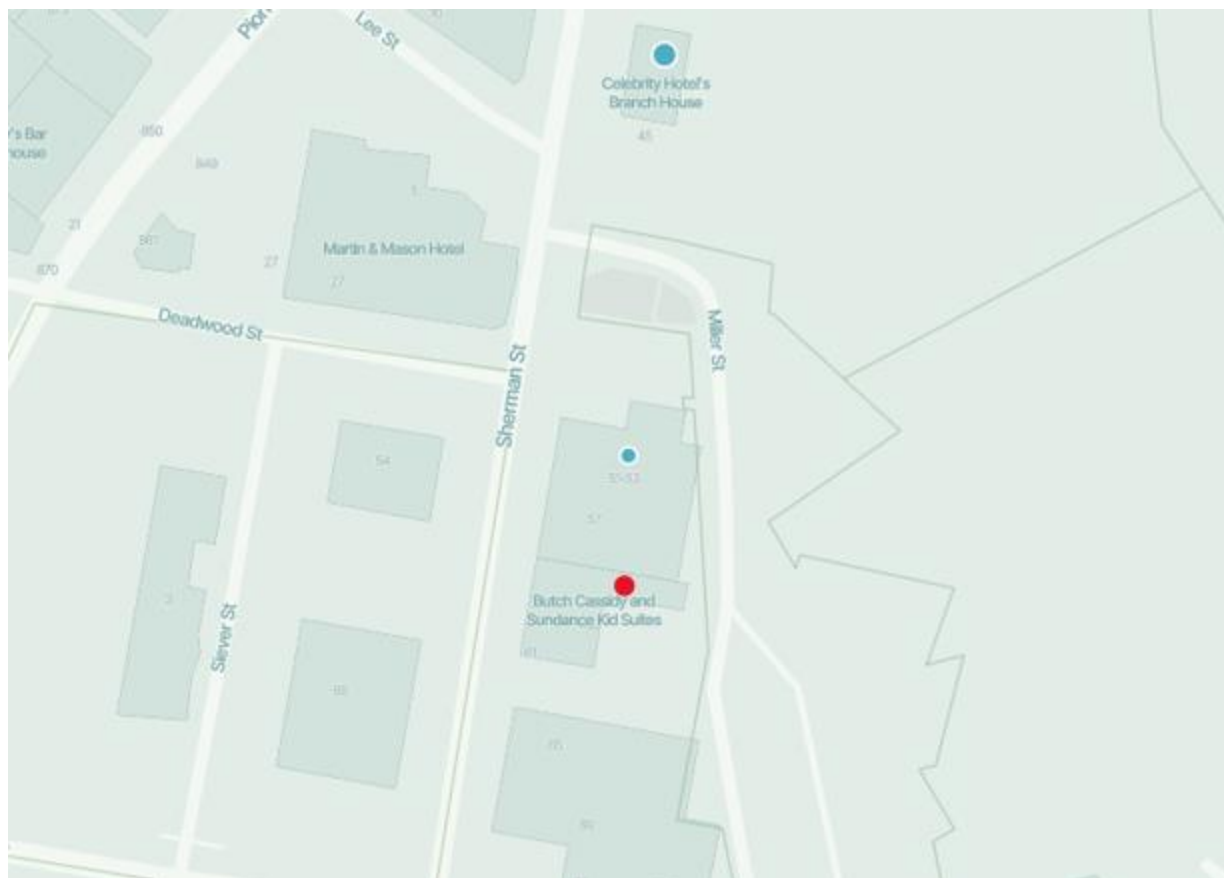
- C. The Planning and Zoning Commission shall have the authority to review Conditional Use Permits at any time and/or on an annual basis and place additional stipulations to mitigate a problem.
- D. Any use permitted under the terms of any Conditional Use Permit shall be established and conducted in conformity with the terms of such a permit and of any conditions designated in connection therewith.
- E. If the permitted use 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.

If approved for continued use, staff recommend the following conditions be met:

- 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. A state sales tax number from the South Dakota Department of Labor has been provided to the Planning and Zoning Office for their files.
- 4. The Building Inspector has inspected the building, and it meets applicable building codes.
- 5. Proper paperwork has been filed with the City of Deadwood Finance Office for Business Improvement District (BID) taxes.
- 6. A City of Deadwood Business License has been maintained.
- 7. A Short-Term Rental License from the City of Deadwood has been maintained.
- 8. A Lodging License from the South Dakota Department of Health has been maintained.
- 9. A Parking Management Plan is on file with the City of Deadwood Parking and Transportation Department.

ACTION REQUIRED FOR CONDITIONAL USE PERMIT:

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



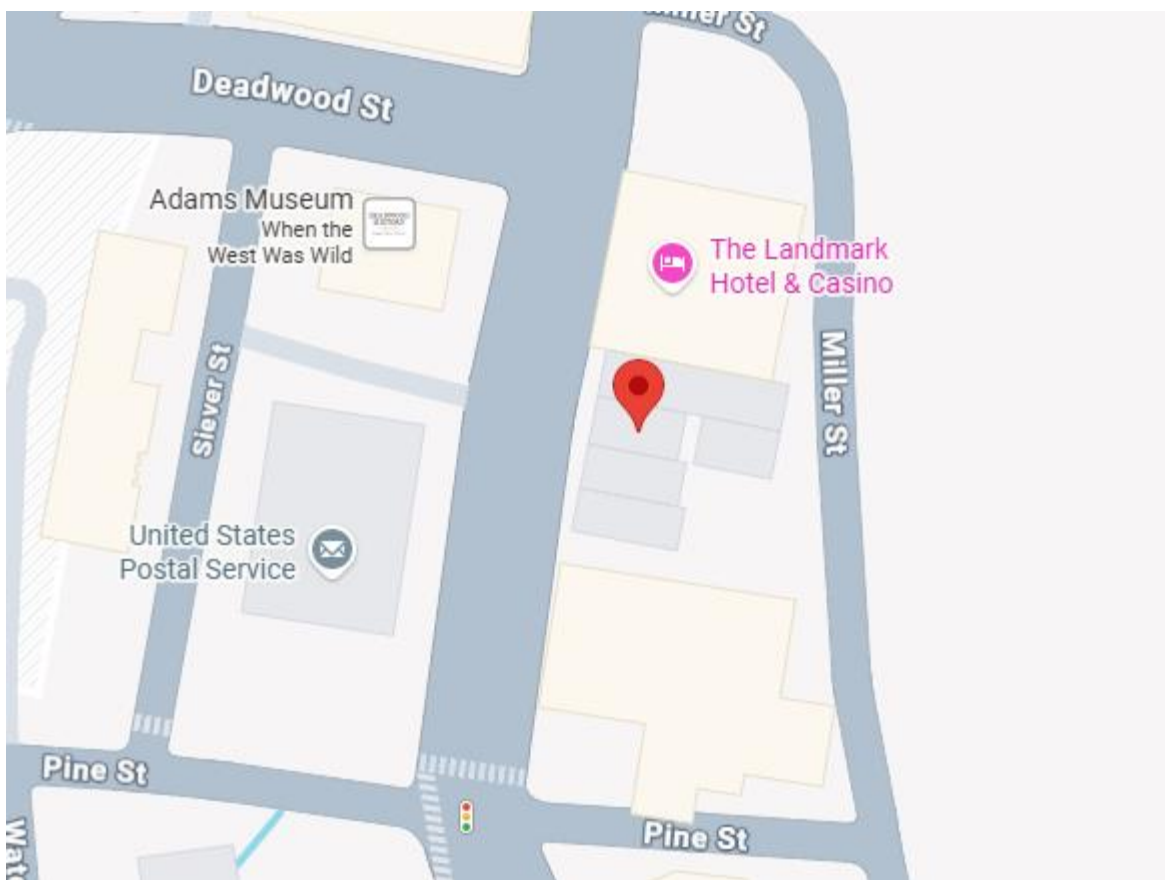
Map showing locations of nearby Short-Term Rentals to 57 Sherman Street





Aerial photo of 57 Sherman Street





Map showing location of 57 Sherman Street





Zoning map showing 57 Sherman Street

Zoning Legend

- C1 - COMMERCIAL
- CE - COMMERCIAL ENTERPRISE DISTRICT
- CH - COMMERCIAL HIGHWAY
- PF - PARK FOREST
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- R1 - RESIDENTIAL
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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: December 17, 2025
From: Kevin Kuchenbecker
 Planning, Zoning & Historic Preservation Officer
To: Planning and Zoning Commission
RE: Annual Review - Conditional Use Permit – Specialty Resort

APPLICANT(S): Sportsbook Deadwood LLC
PURPOSE: Annual Review – Conditional Use Permit – Specialty Resort
ADDRESS: 65 Sherman Street
 Deadwood, Lawrence County, South Dakota
LEGAL DESCRIPTION: Lots 9 and 11 and the northeast twenty-four (24) feet of Lot 7, Block 30, Original Town of the City of Deadwood, Lawrence County, South Dakota.
FILE STATUS: Legal obligations are being met.
ZONE: C1 – Commercial
STAFF FINDINGS:

Surrounding Zoning:	Surrounding Land Uses:
North: C1 – Commercial	Businesses
South: C1 – Commercial	Businesses
East: PU – Public Use	Parking Lot
West: PU – Public Use	Government Building

SUMMARY OF REQUEST

The Deadwood City Commission has directed the Planning and Zoning Commission to conduct annual reviews of all Conditional Use Permits in accordance with City of Deadwood Municipal Code 17.76.060. The applicant was issued a Conditional Use Permit on December 28, 2024, to operate a Specialty Resort at 65 Sherman Street.

The subject property is located on Sherman Street and is surrounded by

Commercially zoned properties on two (2) sides and properties zoned PU – Public Use on two (2) sides.

FACTUAL INFORMATION

1. The property is currently zoned C1 - Commercial District.
2. The subject property has access from Miller Street Parking Lot.
3. The subject property is located within a zone where certain commercial uses and gaming are permitted.
4. The property is in a 500-year flood zone.
5. Adequate public facilities are available to serve the property.
6. The area is characterized by a mixture of business, government buildings and museums.

STAFF DISCUSSION

The applicant was granted a Conditional Use Permit for a Specialty Resort and City regulations permit Specialty Resorts in C1 - Commercial Districts with an approved Conditional Use Permit. The subject property is a six (6) bedroom unit. Renters can park in Miller Street Parking Lot.

“Specialty Resort” means:

Any Bed and Breakfast Establishment, 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.

COMPLIANCE:

Ordinance requires that a Specialty Resort be in continual use over the last 12 months.

No data is available on Deckard – Rentalscape for this property.

No complaints are on record for this establishment.

GENERAL USE STANDARDS FOR CONDITIONAL USE PERMITS:

In reviewing any application under the authority of Chapter 17.76.040 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 Conditional 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. Traffic and parking have not significantly affected the neighborhood since the applicant abides by the parking requirements associated with Short-Term Rentals.

- B. Whether or not a community need exists for the Conditional Use at the 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 Conditional Use in the location has not resulted in either a detrimental over concentration of a particular use from previously permitted uses within the city or within the immediate area of the Conditional Use.

The subject area is zoned C1– Commercial District and is intended to provide locations coinciding with the Downtown Core Commercial Zone where certain commercial uses and gaming are permitted.

- C. Conditional Use at this location has not resulted 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.

The applicant only uses off-street parking and prevents any public nuisance issues that are often associated with Short-Term Rentals, the Conditional Use has not resulted in a substantial or undue adverse effect on adjacent property, or the character of the neighborhood and the use would not alter the character of the neighborhood.

- D. Whether or not the proposed use increases the proliferation of nonconforming uses as well as previously approved Conditional Use Permits which are still in use, when influenced by matters pertaining to the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of the Policy Plan, this ordinance, or any other plan, program, map or ordinance adopted, or under consideration pursuant to official notice, by the city or other governmental agency having jurisdiction to guide growth and development.

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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 maintained available for retail.
3. A state sales tax number from the South Dakota Department of Labor has been provided to the Planning and Zoning Office for their files.
4. The Building Inspector has inspected the building, and it meets applicable building codes.
5. Proper paperwork has been filed with the City of Deadwood Finance Office for Business Improvement District (BID) taxes.
6. A City of Deadwood Business License has been maintained.
7. A Short-Term Rental License from the City of Deadwood has been maintained.
8. A Lodging License from the South Dakota Department of Health has been maintained.
9. A Parking Management Plan is on file with the City of Deadwood Parking and Transportation Department.
10. Signage from the previous owner/operator was removed from the building.

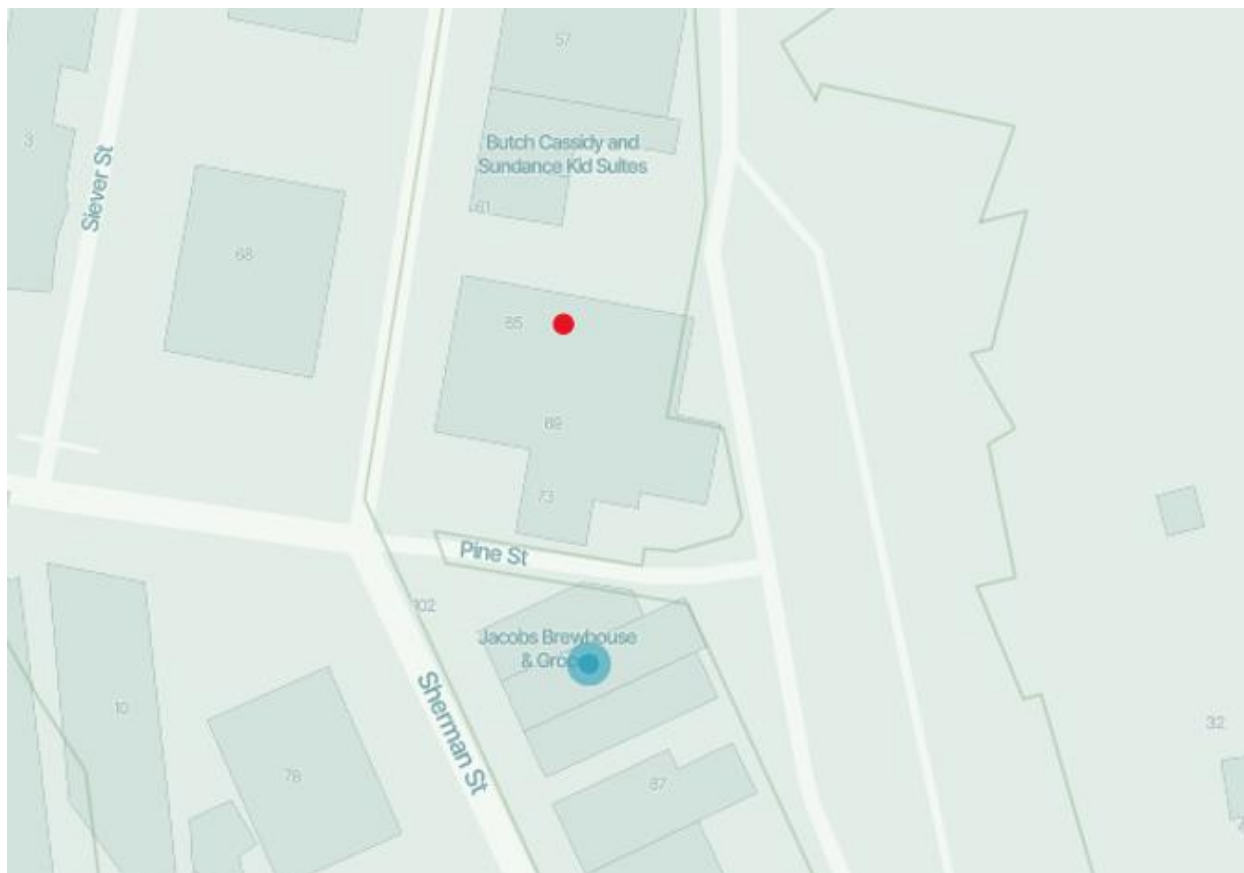
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Map showing location of 65 Sherman Street





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Aerial photo of 65 Sherman Street





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