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## PLANNING AND ZONING COMMISSION FINDINGS OF FACT AND CONCLUSION CONDITIONAL USE PERMIT

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**Date:** April 15, 2026  
**From:** Kevin Kuchenbecker  
Planning, Zoning & Historic Preservation Officer  
**To:** Planning and Zoning Commission  
**RE:** Findings of Fact and Conclusion

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**APPLICANT(S):** New Cingular Wireless PCS, LLC  
**PURPOSE:** Conditional Use Permit – Cell Tower  
**ADDRESS:** McGovern Hill  
**LEGAL DESCRIPTION:** Tract C in McGovern Hill Addition to the City of Deadwood.  
**FILE STATUS:** All legal obligations have been completed.

WHEREAS the above application for a Conditional Use Permit for a Wireless Communications Facility in the PF – Park Forest zoning district came on review before the Deadwood Planning and Zoning Commission on Wednesday, March 4, 2026. The application was recommended for approval by the Deadwood Planning and Zoning Commission. The Deadwood Board of Adjustment approved the request for a Wireless Communication Facility, as recommended by the Planning and Zoning Commission, on Monday, April 6, 2026.

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

### FINDINGS OF FACT AND CONCLUSION

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- Staff provided public notice identifying the applicant, describing the project and its location, and giving the scheduled date of the public hearing. Notice was placed in the designated newspaper of the City of Deadwood, ten (10) days in advance of the hearing as required by Section 17.76.060.J.
  - An official sign was posted on the property for which the Conditional Use
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would occur.

- Property owners within three hundred (300) feet of the boundaries of the subject land were notified by first class mail as required by Section 17.76.060.D.
- The subject area is zoned PF – Park Forest. The area near the subject property consists of open space with city infrastructure.
- The use, as proposed, would not result in a substantial or undue adverse effect on adjacent property or the character of the neighborhood and the use would not alter the character of the area.
- The granting of the Conditional Use Permit would not increase the proliferation of non-conforming uses. Use is expressly allowed in the C1 – Commercial District under certain conditions and the conditions were met.
- The use would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation or other services. This type of use does not demand a high degree of services.
- Based on these findings, the Deadwood Planning and Zoning Commission recommended approval of the request for a Conditional Use Permit for a Wireless Communications Facility. The Deadwood Board of Adjustment approved the request as recommended by the Planning and Zoning Commission with the following conditions:
  1. The Conditional Use Permit runs with the applicant and not the land; therefore, should the property no longer be used for its intended purpose, the Conditional Use Permit is null and void.

**ATTEST:**

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Jessicca McKeown, Finance Officer  
City of Deadwood  
April 20, 2026

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Alea Struble, Mayor  
City of Deadwood  
April 20, 2026

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John Martinisko, Chairman  
Planning and Zoning Commission  
April 15, 2026

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Josh Keehn, Vice Chair  
Planning and Zoning Commission  
April 15, 2026