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## PLANNING AND ZONING COMMISSION CONDITIONAL USE PERMIT – ANNUAL REVIEW

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### Staff Report

**Date:** September 2, 2026  
**From:** Kevin Kuchenbecker  
Planning, Zoning & Historic Preservation Officer  
**To:** Planning and Zoning Commission  
**RE:** Annual Review - Conditional Use Permit – Laundromat

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**APPLICANT(S):** Deadwood Laundry Company  
**PURPOSE:** Annual Review – Conditional Use Permit – Laundromat  
**ADDRESS:** 138 Sherman Street  
**LEGAL DESCRIPTION:** Lot Twenty-Two (22) in Block Forty (40), Original Town of the City of Deadwood, Lawrence County, South Dakota, according to the P.L. Rogers Map of said City of Deadwood.  
**FILE STATUS:** Conditions still need to be met  
**ZONE:** C1 - Commercial  
**STAFF FINDINGS:**

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|-------------------------|------------------------|
| Surrounding Zoning:     | Surrounding Land Uses: |
| North: C1 – Commercial  | Businesses             |
| South: R1 – Residential | Residences             |
| East: C1 – Commercial   | Parking Lot            |
| West: PU – Public Use   | Parking Lot            |

### 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 September 2, 2025, to operate a Laundromat at 138 Sherman Street.

The subject property is located on Charles Street and is surrounded by Commercial zoned properties and public parking.

## **FACTUAL INFORMATION**

1. The property is currently zoned C1 - Commercial District.
2. The subject property has access from Sherman Street.
3. The subject property is located within a zone where certain commercial uses and gaming are permitted.
4. The property is located in a 100-year flood zone.
5. Adequate public facilities are available to serve the property.
6. The area is characterized by business uses and public parking.

## **STAFF DISCUSSION**

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The applicant was granted a Conditional Use Permit for a Laundromat and City regulations permit Laundromats in C1 - Commercial Districts with an approved Conditional Use Permit. The Building Inspector issued a Certificate of Occupancy on June 29, 2026 and the Planning & Zoning Commission recently approved a sign permit for the business; however, the business is not open to the public as of yet. Several conditions set forth in the CUP will need to be resolved prior to opening to the public as shown below.

## **COMPLIANCE:**

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A Certificate of Occupancy has been issued on June 29, 2026.

The Laundromat has not yet opened to the public.

The Laundromat requires a City of Deadwood business license which has not yet been issued.

A sales tax number issued by the Department of Revenue has not been provided to the Planning and Zoning Office for their files.

Copies of licenses for coin operated machines issued by the Department of Revenue have not been provided to the Planning and Zoning Office for their files.

## **GENERAL USE STANDARDS FOR CONDITIONAL USE PERMITS:**

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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 has 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 and is intended to provide locations for commercial uses, which require access to roads and highways, and substantial amounts of parking. This area is of business use and the proposed use will not result in an overconcentration of Laundromats within the neighborhood.*

- C. The 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 proposed use has not resulted in a substantial or undue adverse effect on adjacent properties, or the character of the property, and the use has not altered the character of the district. There has been no change to the size of the building. To support the 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 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 appearance of the structure has not changed; therefore, the character and use of the buildings and structures adjoining the subject property have 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.*

**CONDITIONS GOVERNING APPLICATIONS AND PROVISIONS:**

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- 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 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 recommends the following conditions be met:

1. Official notification be sent reaffirming the conditions set forth in the original Conditional Use Permit and said conditions be met prior to opening to the public.
2. 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.
3. The Building Inspector shall inspect the building to ensure it meets applicable building codes.
4. A City of Deadwood Business License shall be obtained and maintained.
5. Verification of a sales tax number issued by the South Dakota Department of Revenue shall be provided to the Planning and Zoning Office for their files.
6. Each coin operated machine designed for washing, cleaning or drying any material must be licensed with the South Dakota Department of Revenue. Verification of such license(s) shall be provided to the Planning and Zoning Office for their files.
7. The Conditional Use Permit be reviewed in six months if the above conditions are not met to determine any additional conditions or action.

**ACTION REQUIRED FOR CONDITIONAL USE PERMIT:**

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1. Approval/Denial by Deadwood Planning and Zoning Commission