



**PLANNING AND ZONING COMMISSION
AND BOARD OF ADJUSTMENT
FINDINGS OF FACT AND CONCLUSION
CONDITIONAL USE PERMIT**

Date: March 5, 2025
From: Kevin Kuchenbecker
Planning, Zoning & Historic Preservation Officer
To: Planning and Zoning Commission
RE: Findings of Fact and Conclusion

APPLICANT(S): Sportsbook Deadwood, LLC
PURPOSE: 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: All legal obligations have been completed.

WHEREAS the above application for a Conditional Use Permit for a Specialty Resort in the C1 – Commercial Zoning District came on review before the Deadwood Planning and Zoning Commission on Monday, December 23, 2024. The application was subsequently recommended for approval by the Deadwood Planning and Zoning Commission. The Deadwood Board of Adjustment subsequently approved the request for a Specialty Resort at 57 Sherman Street, as recommended by the Planning and Zoning Commission,

on Monday, December 23, 2024.

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

- 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 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 C1 – Commercial Zoning District. The area near the subject property consists of commercial businesses, government offices and parking.
- 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 Zoning District under certain conditions and the conditions have been 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 Specialty Resort. The Deadwood Board of Adjustment approved the

request as recommended by the Planning and Zoning Commission with the following nine (9) conditions:

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 will be used as retail.
3. Maintain a City of Deadwood Business License.
4. Maintain a City of Deadwood Short-Term Rental License.
5. Participate in Business Improvement District (BID) taxes.
6. Maintain a Lodging License from the South Dakota Department of Health which is in the same category of Short-Term Rental as the Conditional Use Permit (Specialty Resort) and provide a copy to the Planning and Zoning Department for their files.
7. Maintain a South Dakota Department of Revenue Sales Tax License and provide a copy to the Planning and Zoning Department for their files.
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.

ATTEST:

Jessicca McKeown, Finance Officer
City of Deadwood
March 17, 2025

David Ruth, Mayor
City of Deadwood
March 17, 2025

John Martinisko, Chairman
Planning and Zoning Commission
March 5, 2025

David Bruce, Secretary
Planning and Zoning Commission
March 5, 2025