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PLANNING AND ZONING COMMISSION STAFF REPORT CONDITIONAL USE PERMIT

Staff Report

Date: February 18, 2026
To: Planning and Zoning Commission
From: Kevin Kuchenbecker
Planning, Zoning & Historic Preservation Officer
RE: Conditional Use Permit – Laundromat

APPLICANT(S): Tyler Peterson

PURPOSE: Application for CUP – Laundromat

ADDRESS: 801 Main Street

LEGAL DESCRIPTION: Lot E of the Wagner Subdivision of a portion of M.S. 97, located in the City of Deadwood, Lawrence County, South Dakota.

FILE STATUS: All legal obligations have been completed.

ZONE: C1 - Commercial

STAFF FINDINGS:

Surrounding Zoning:

North: R2 – Multi-Family Residential
South: PF – Park Forest
East: R2 – Multi-Family Residential
West: C1 - Commercial

Surrounding Land Uses:

Businesses and Residences
Highway and Open Space
Residential
Businesses

SUMMARY OF REQUEST

The applicants have submitted a request for a Conditional Use Permit to operate a laundromat located at 801 Main Street. The site currently operates as a restaurant within the Gold Country Inn. The laundromat would contain approximately nine (9) washing machines and five (5) dryers. The laundromat would be available to the public.

FACTUAL INFORMATION

1. The property is currently zoned C1 – Commercial.
2. The property has been operating as a restaurant for several years.
3. The subject property has access from Main Street with off-street parking for forty-eight (48) vehicles.
4. The subject property is located within a C1 - Commercial zoning location on one (1) side, R2 – Multi-Family Residential zoning on two (2) sides and PF – Park Forest on one (1) side.
5. The property is located within the 500-year flood zone.
6. Adequate public facilities are available to serve the property.
7. The area is characterized by a mixture of both business and residential uses.

STAFF DISCUSSION

The applicants have submitted a request for a Conditional Use Permit for a Laundromat and City regulations permit Laundromats in C1 - Commercial zoning districts with an approved Conditional Use Permit. The subject property has historically operated as a restaurant. In addition to the laundromat, the property offers a gaming hall and motel. There is adequate off-street parking via a parking lot providing ingress/egress onto Main Street.

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 11-4-4.
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 uses is an acceptable means of achieving this goal. The exterior of the building will not be affected by the requested use.

- 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. This area is of mixed use. The proposed use will not create detrimental over-concentration of laundromats in the area.

- 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 right-of-way.

Use by guests of the attached forty-eight (48) vehicle parking lot should prevent any public nuisance issues pertaining to parking. The proposed use may 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 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 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 types 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 proposed use would not increase the proliferation of non-conforming uses. The appearance of the structure will not change; 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 city ordinance. Where any such improvements, facilities, utilities or services are not available or adequate to service the proposed use in the proposed location, the applicant, as part of the application and as a condition to approval of the proposed Conditional Use Permit, is responsible for establishing ability, willingness and binding commitment to provide such improvements, facilities, utilities and services in sufficient time and in a manner consistent with the policy plan, this title, and other plans, programs, maps and ordinances adopted by the city to guide its growth and development. The approval of the Conditional Use Permit shall be conditioned upon such improvements, facilities, utilities, and services being provided and guaranteed by the applicant as described in Section 17.04.110.

The proposed use will 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. 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 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.

Conditional Use Permit – Laundromat
801 Main Street
February 18, 2026

- 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. To defray the administration costs of processing requests for Conditional Use Permits, a fee has been set by resolution of the City Commission, and such information is available at the Planning and Zoning Office.
- E. Any use permitted under the terms of any Conditional Use Permit shall be established and conducted in conformity with the terms of such permit and of any conditions designated therewith.
- F. 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.
- G. 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.
- H. Upon receipt in proper form of the application and other requested material, the Board of Adjustment shall hold at least one (1) public hearing in a location to be prescribed by the Board of Adjustment and shall make a decision upon the proposal to grant or deny the Conditional Use Permit. At least ten (10) days in advance of each hearing, notice of the time and place of such hearing shall be published in the official newspaper of the city. Notice shall be posted on the property for which the Application for Conditional Use Permit has been filed.

If approved for a Conditional Use Permit, staff recommend the following 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 Building Official shall inspect the building to ensure it meets applicable building codes.
3. City of Deadwood Business License has been maintained.

Conditional Use Permit – Laundromat
801 Main Street
February 18, 2026

4. Verification of a Sales Tax number issued by the Department of Revenue shall be provided to the Planning and Zoning Office for their files.
5. Each coin operated machine designed for washing, cleaning or drying any material must be licensed with the SDDOR. Verification of such license(s) shall be provided to the Planning and Zoning Office for their files.

ACTION REQUIRED:

1. Approval/Denial by Deadwood Planning and Zoning Commission