

Codington County/City of Watertown
Joint Planning Commission/Joint Board of Adjustment Minutes

October 15, 2018

The Codington County/City of Watertown Joint Planning Commission/Board of Adjustment met on October 15, 2018 at the Codington County Extension Complex. Members of the Joint Planning Commission/Board of Adjustment present were: Mark Stein, Mark O'Neill, Blake Dahle, Brenda Hanten, Bob Fox, and Luke Muller (Planner at First District Association of Local Governments/ Codington County Zoning Officer).

Others present were Jeff DeVille, Loren Beld, James Lamb, Vince Foley, Terry Egerstrom, Carina Little, Terry Little, Brandon Trupe, Lynn A. Johnson, Steve Wishard, Rita Wishard, Derrick Joens, and Brianne Joens.

Bob Fox brought the meeting of the Joint Board of Adjustment to order at 7:35 pm.

Motion by Hanten, second by Dahle, to approve the minutes of the September 17, 2018 meeting. Motion passed unanimously.

Motion by Dahle, second by Hanten, to approve the agenda. Motion passed unanimously.

Motion by Hanten, second by Stein to approve the Conditional Use Permit request made by James Lamb to operate a truck terminal with office on property located in S674.53' of N707.53' of E454.65' of Lot 2 of Northern Con Agg Addition in Section 33-T117N-R53W. Muller reviewed Staff Report (attached). No one was present to speak on this Permit request. Public portion was closed. Motion by Dahle, second by Stein to amend condition item #4.b. to include the condition that if and when sanitary sewer and water services are extended (annexation), the applicant is required to meet all requirements of the City of Watertown regarding platting and zoning at the time of annexation according to the Gateway Overlay District. Motion on the amendment passed unanimously. Lamb estimates approximately 10 trucks will be traveling in and out of this location on a daily basis. Motion on original motion, included amendment, passed unanimously.

Motion by Stein, second by Dahle, to adjourn. Motion passed unanimously. Meeting was adjourned at 8:11 pm.

Motion by Hanten, second by O'Neill, to reconvene this meeting for purposes of reading the Findings of Fact with regard to Mr. Lamb's Conditional Use Permit request. Motion passed unanimously.

Motion by Hanten, second by O'Neill, to adjourn. Motion passed unanimously. Meeting was adjourned at 9:30 pm.

Respectfully Submitted,

Becky Goens

**OCTOBER 2018
CODINGTON COUNTY/CITY OF WATERTOWN
JOINT PLANNING COMMISSION/ JOINT BOARD OF ADJUSTMENT STAFF REPORT**

MONDAY – OCTOBER 15, 2018 – 7:30 p.m.

CODINGTON COUNTY/CITY OF WATERTOWN JOINT BOARD OF ADJUSTMENT

ITEM #1 CONDITIONAL USE PERMIT

Owner/Applicant: James Lamb

Property Description S674.53' of N707.53' of E454.65' of Lot 2 of Northern Con Agg Addition in Section 33-T117N-R53W, Codington County, South Dakota. (Elmira Township)

Action Item – Conditional Use Permit – Truck Terminal with Office (3.05.02.9)

Zoning Designation: Commercial District

Request: Mr. Lamb seeks a conditional use permit to move a trucking firm to the above property.

History/Issue(s):

Specifics of Property/Request:

1. This five-acre property was rezoned to Commercial in 2009
2. Mr. Lamb was granted a permit to continue operation of a storage and small engine repair business subject to numerous conditions.
3. Mr. Lamb requests to replace the small engine repair use with the truck terminal to be leased to Hunke Trucking.
4. The existing structures include a 48 x 40 pole building and 34 x 26 machine shed.
5. A loading (overhead) door will be added facing the south on the largest building.
6. Sufficient space exists on the lot for parking and loading of trucks.
7. The lot currently includes a row of evergreen trees on the south edge of the property.
8. No additional screening or paving is proposed with this request.

Land Use Plan/Ordinance/Policies

1. This property is located in the area of Development Transition in the County Land Use Plan, and Economic Development for the City's Land Use Plan.
2. The requirements of conditional uses in the Commercial District of the Joint Jurisdiction Zoning Area are similar to the requirements and policies of the County's Board of Adjustment when the last Conditional Use Permit was granted (to approve the longstanding existing land use of the property) in 2009.
3. It is recommended requirements specific to annexation carry forward to this permit.
4. No retail sales are proposed, so the minimum parking requirements are not triggered.
5. The lot is not adjacent to a concrete or bituminous street. A waiver of right to protest construction of road adjacent to property is on file and recommended to be carried forward if improvement to 31st Street NE occurs.
6. It is anticipated that trucks will be parked and trailers stored overnight from time to time on site. The property is not less than 500 feet from residentially zoned property, so there are no limitations on outdoor storage.

7. The Board may require hard surfacing of parking lots. For Aero Trailers in 2017, the Joint Board required driveways and required parking areas to be paved (concrete or asphalt) within five years. (This did not include storage areas.)
8. Despite the ordinance limiting the property to one (1) primary use, the Board permitted the storage and engine repair in 2009 on the basis that the use had commenced prior to the adoption of the restriction on number of uses on a commercially zoned lot. The Board will have to determine whether the applicant should be allowed to change from a small engine repair to truck terminal at the site of a storage business.
9. This property, if annexed, would be located in the "Gateway Overlay District" and subject to certain aesthetic standards. Most relevant is the requirement that steel siding is not allowed to face a front or side yard. Currently both existing structures are constructed using steel siding.
10. City of Watertown parking regulations require 1 space per 1,000 square feet of warehouse space. (The lot includes approximately 2,000 feet of warehouse space.)
11. As of the date of this report, no objection has been raised in reference to this request.

Staff Summary and Recommendation:

Conditional Use Permit – **Truck Terminal and Warehouse:** Approval of the request would essentially allow the continuation of a commercial storage business AND the operation of a truck terminal (instead of small engine repair) to the applicant. The application may be postponed, or denied on the basis more than one commercial use is proposed to be operated on the lot. If approved staff recommends the following conditions be agreed to in the form of a letter of assurance to be recorded with the property:

- i. Effective date , transferability, and future permits required:
 - a. The permit shall become active upon recording of this "Letter of Assurance".
 - b. The Conditional Use permit for a freight terminal and warehouse is transferable. Subsequent owners/operators shall agree to the same conditions described herein.
- ii. Site improvements (hard surfacing):
 - a. Driveways and required parking areas shall be paved (concrete or asphalt) on or before October 15, 2023.
- iii. General Requirements
 - a. Vehicles and equipment associated with the business stored outside shall be kept in neat, straight rows.
 - b. There will be no junk stored outside.
 - c. The storage of equipment and materials will not be carried out in a manner which creates breeding grounds for rodents.
 - d. Noxious weeds shall be controlled.
 - e. A minimum of three (3) off-street parking spaces shall be provided.
 - f. Applicant agrees to plant at least one row of evergreen trees between 5-7 feet at the time of planting, spaced not less than 25' on center (trees may be spaced up to 50' on center if two or more rows are planted.) These trees would be located on the West side of the lot.
 - g. In addition to septic tanks for human waste, any wastewater collection system other wastewater and fluids shall adhere to all rules and regulations of the South Dakota Department of Environment and Natural Resources.
 - h. Prior to any future construction on the above described property, documentation shall be submitted to the Zoning Officer identifying that the structure shall be constructed in accordance with the most recently adopted (by South Dakota Codified Law) International Building Code.

- i. Sign area is limited to the maximum amount allowed by ordinance (80 square feet).
 - j. Any new construction, including additions to the existing structures on the lot will be required to conform to the standards of the Gateway Overlay District of the City of Watertown. Further, such construction will trigger the requirement to extend to any existing structures on the lot at the time of such construction as well.
- iv. Waivers of Right to Protest
- a. The applicant agrees to petition for annexation to the City of Watertown and connection to the City of Watertown Sanitary Sewer system and hereby waives the right to protest the annexation, payment of pro-rata share of improvements to 31st Street Northeast adjacent to the lot, the right-of-way adjacent to this lot on the north, and connection to the City of Watertown Sanitary Sewer system if and when such sanitary services are adjacent to S674.53' of N707.53' of E454.65' of Lot 2 of Northern Con Agg Addition in Section 33-T117N-R53W, Codington County, South Dakota.
 - b. If and when Municipal Sanitary Sewer and Water Services are adjacent to S700.6' of E684' of SW1/4 of Section 34-T117N-R53W. Codington County, South Dakota, the applicant agrees to meet all requirements of the City of Watertown regarding platting at the time of annexation.
- v. Violations and Penalties.
- a. Violation of the terms of this conditional use permit will be determined by the Codington County Zoning Officer.
 - (1) The first violation substantiated by the Zoning Officer of this conditional use permit may result in a notification letter stating the violation and a prescribed period of time to remove the violation. A second violation occurring within one calendar year of the previous violation may result in a review of the validity of the conditional use permit and potential revocation of said permit. A third violation within one calendar year of the initial violation may result in revocation of the conditional use permit and cessation of all mining operations within forty-five days (45) of notice of revocation.
 - (2) The applicant may make appeal from the decision of the Zoning Officer or other agent of the Joint Board to the Joint Board. The applicant shall file with the Zoning Officer a notice of appeal specifying the grounds thereof. The Zoning Officer shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed from was taken. Such appeal shall be taken within thirty (30) days. Appeals from the Joint Board shall be taken to Circuit Court.
 - (3) Failure to comply with the decision of the Zoning Officer or other agent of the Joint Board may be deemed a separate violation.