

Codington County/City of Watertown
Joint Planning Commission/Joint Board of Adjustment Minutes
July 20, 2020

The Codington County/City of Watertown Joint Planning Commission/Board of Adjustment met on July 20, 2020 via teleconference. Members of the Joint Planning Commission/Board of Adjustment participating were: Liam Culhane, Mark O'Neill, Bob Fox, Brenda Hanten, Blake Dahle, and Luke Muller (Planner at First District Association of Local Governments/ Codington County Zoning Officer).

Others participating were Myron Johnson, Rodney Klatt, Dayton Nuttbrock, Ryan Viessman, Wayne Viessman, Jeff DeVille, Lance Tolley, Mel Ries, Susan Brandsrud, and Becky Goens.

Bob Fox brought the meeting of the Joint Board of Adjustment to order at 7:30 pm.

Motion by Hanten, second by O'Neill to approve the minutes of the May 18, 2020 meeting. Motion passed unanimously.

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

Motion by Hanten, second by Dahle, to approve the Conditional Use Permit request made by Viessman Cousins Properties to operate a freight warehouse and truck terminal. Property is owned by Jermar Properties, LLC and located in Emil Mack Addition in SE1/4, Section 10-T116N-R52W. Muller reviewed Staff Report (attached). If approved, the applicant will be required to sign a Letter of Assurance agreeing to the following conditions:

- i. Effective date, transferability, and future permits required:
 - a. The permit shall become active upon signing of this letter of assurance.
 - b. The Conditional Use permit for a truck 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 with asphalt, concrete, or similar material within one (1) year of completion of any proposed structure.
- iii. General Requirements
 - a. Number of parking spaces shall be as determined by the zoning officer on the basis of any future structure(s) constructed on this site.
 - b. There will be no junk stored outside.
 - c. Noxious weeds shall be controlled.
 - d. 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.
 - e. 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.

- f. Sign area is limited to the maximum amount allowed by ordinance or previous permits.
- g. Discharge of industrial processed water on site is prohibited without Board of Adjustment approval.

iv. Violations and Penalties.

- (1) Violation of the terms of this conditional use permit will be determined by the Codington County Zoning Officer.
 - a. Any violation will result in the prescription of actions to correct the violation and may result in a review of the validity of the conditional use permit and potential revocation of said permit.
 - b. The applicant may make appeal from the decision of the Zoning Officer or other agent of the Board to the 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 Board shall be taken to Circuit Court.

Public portion closed. Chairman Fox read the Findings of Fact. There were no questions or objections. Motion passed unanimously.

Muller advised the Board regarding Mike Alama's property West of town and his requirement to clean up the landscaping rubble. The auto repair is no longer on site and therefore the Permit is no longer in effect. One of the conditions tied to the Permit was cleaning said rubble. Muller did a site visit and there are still some items that need to be removed or discarded. Alama was advised to devise a plan to remove these items. A report will be ready for the Board at the next meeting.

Board member O'Neill advised the Board he does not want to discuss extending or revising Jim and Shelly Pieper's variance conditions. Board members Dahle and Fox agreed. Mr. Pieper is considering making application to amend said conditions.

Motion by Dahle, second by Hanten, to adjourn. Motion passed unanimously. Meeting was adjourned at 8:10 pm.

Respectfully Submitted,

Becky Goens

**JULY 2020
CODINGTON COUNTY/CITY OF WATERTOWN
JOINT BOARD OF ADJUSTMENT STAFF REPORT**

ITEM #1 CONDITIONAL USE

Applicant: Viessman Cousins Properties / Owner: Jermar Properties, LLC

Property Description: Emil Mack Addition in SE1/4, Section 10-T116N-R52W, Codington County, South Dakota. (Sheridan Township)

Action Items – Conditional Use – Freight Warehouse and Truck Terminal (3.05.02.9)

Zoning Designation: Commercial

Request: Applicant requests to operate a truck terminal and permit existing Terminal and Warehouse.

History:

Specifics of Request:

1. The above property was rezoned from Industrial to Commercial in June of 2014.
 - a. The last permit issued to the site was for off-premise signs and implement sales.
 - b. Sometime between then and today the site has been used for unpermitted warehouse, truck terminal and contractor yard.
 - c. Applicant seeks to purchase the property and discontinue the contractor yard, but continue using the site for a truck terminal and warehouse.
2. Applicant proposes to construct a building to be used as the place for trucks to be stored and an office which will meet required setbacks in the future. (Site plan was modified to accommodate setbacks.)
3. If approved, the site will host two businesses which use the site as a terminal and warehouse for their trucks and/or product.
4. No hazardous materials are stored on site.
5. No changes to parking or driveways are proposed from the existing site.

Ordinance and Comprehensive Land Use Plan regarding this request:

1. "Truck Terminal and Warehouse" is listed as a Conditional Use in the Commercial District.
2. Land Use Plan Criteria (Comprehensive Plan):
 - a. The site is adjacent to a county highway
 - b. Access to the site is controlled by the Codington County Highway Superintendent. Only one access is proposed.
 - c. No trees or fences are proposed for screening.
 - d. At this time all trucks are expected to be stored inside a newly constructed building.
 - e. It is not anticipated the use will directly inhibit agricultural land use
 - f. No outdoor storage is proposed except potential parking of employees or trucks.
 - g. Parking area will not be hard surfaced; but driveway will be hard surfaced
 - h. Use is complimentary to Agricultural Uses
 - i. The use of this property repurposes previously zoned property, rather than creating newly zoned commercial property.
3. Commercial District Requirements (Ordinance)
 - a. Applicant agrees to meet all yard requirements
 - b. There is no outdoor storage proposed within 500feet of any residential dwellings.
 - c. Access has been addressed, no new accesses are proposed.
 - d. Only one principle use is proposed, however it will be split between two different entities.

- e. Driveways and parking areas are required to be hard surfaced
 - 1) Applicant has proposed a plan to hard surface up to the new building.
- 4. Conditional Use Requirements (Ordinance)
 - a. Ingress/egress:
 - The site has access to 458th Avenue via separate approaches. One of the approaches is paved. There is no expectation to add or widen any approaches.
 - 458th is a Major Collector in both Municipal and County Land Use Plans and is designed to carry traffic which would be accommodated with this use.
 - Applicant has plans to address avoiding traveling this road during weight restrictions. (Drop trailers at other locations).
 - b. Parking and internal traffic:
 - There is plenty of room for parking in this location.
 - Staff recommends conditions relating to future pavement obligations.
 - Staff recommends number of parking spaces be determined at time of issuance of building permit, but not to exceed 1 per garage door, plus one per office, plus one (for visitors).
 - c. Utilities and refuse:
 - The applicant uses rural water, will add a septic tank for the new office (sufficient space exists), has municipal gas, and rural electric.
 - Applicant uses contracted trash services.
 - d. Screening:
 - No additional screening is proposed nor should it be necessary as the plan is currently described.
 - e. Signs and Lighting:
 - Existing rural lights will be used.
 - Signage will not exceed additional permitted sign area.
 - f. Compatibility:
 - The use is listed and therefore compatible provided conditions prescribed by the Board are met.
 - The roads are subject to weight restrictions as imposed by the County.

Staff Summary and Recommendation

Conditional Use Permit – **Truck Terminal and Warehouse:** The application may be approved, postponed, or denied. If approved staff recommends the following conditions be agreed to in the form of a letter of assurance to be recorded with the property:

- v. Effective date, transferability, and future permits required:
 - a. The permit shall become active upon signing of this letter of assurance.
 - b. The Conditional Use permit for a truck terminal and warehouse is transferable. Subsequent owners/operators shall agree to the same conditions described herein.
- vi. Site improvements (hard surfacing):
 - a. Driveways and required parking areas shall be paved with asphalt, concrete, or similar material within one (1) year of completion of any proposed structure.
- vii. General Requirements
 - a. Number of parking spaces shall be as determined by the zoning officer on the basis of any future structure(s) constructed on this site.
 - b. There will be no junk stored outside.
 - c. Noxious weeds shall be controlled.
 - d. 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.

- e. 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.
 - f. Sign area is limited to the maximum amount allowed by ordinance or previous permits.
 - g. Discharge of industrial processed water on site is prohibited without Board of Adjustment approval.
- viii. Violations and Penalties.
- (2) Violation of the terms of this conditional use permit will be determined by the Codington County Zoning Officer.
 - c. Any violation will result in the prescription of actions to correct the violation and may result in a review of the validity of the conditional use permit and potential revocation of said permit.
 - d. The applicant may make appeal from the decision of the Zoning Officer or other agent of the Board to the 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 Board shall be taken to Circuit Court.

ITEM #2 ADMINISTRATIVE REPORT

- Alama Fireworks/Auto Repair
- Pieper Variance