

**OFFICIAL PROCEEDINGS
BOARD OF ADJUSTMENT
CITY OF WATERTOWN, SD**

June 23, 2016

Present: Stein, Hanson, Stonebarger, Arnold, MaGuire & Albertsen
Absent: Dahle, Shriver, & Johnson
Also Present: Ken Bucholz, Jill Steiner, Lisa Carrico, Shane Waterman, Luke Muller, Mark Meier, Ray Tesch, Rob Beynon, Mayor Thorson, Councilmen: Danforth, Tupper, & Rieffenberger, & others

The Board of Adjustment convened at approximately 4:15 PM, in the Council Chambers, City Hall, 23 2nd Street NE; Dennis Arnold, Vice Chairman, presiding.

Stonebarger motioned to approve the agenda, MaGuire seconded, motion carried unanimously.

Albertsen motioned to approve the 6/9/2016 minutes, Stonebarger seconded, motion carried unanimously.

**Public Hearing: Conditional Use Application No. 16795
to allow for a rail loop and tank farm facility in the I-2 Heavy Industrial District per §21.3603(4&13)
Distillation and Petroleum products terminal; contingent upon compliance with: Chapters 5.04
Petroleum Products, & 21.50 "AP" Aquifer Protection Overlay District, and the Purpose of the I-2 Heavy
Industrial District §21.3601, & SRGICUs including but not limited to §21.0202(2b6a-h)**

Glacial Lakes Energy, LLC seeks to operate a rail loop and tank farm facility, with storage of ethanol & petroleum based products @ 1332 10th St SW. Railroad Tracks and equipment located on a railroad right-of-way are exempt from the regulations of the ordinance, and shall be permitted in any district per §21.0302(6)b; however, permit is required from the Board of Adjustment for *Storage of Petroleum Products for sale or commercial use* contingent upon compliance with:

- §21.5005(2) *Performance Standards for Aquifer Protection Overlay Zones*
Storage of petroleum products in quantities exceeding one hundred (100) gallons at one locality in one tank or series of tanks must meet SDDENR standards and may be required to have a secondary containment system where it is deemed necessary by the City Engineer.
- §21.5004(2)a: *Zone B – Aquifer Secondary Impact Zones*
The property is in the Zone B AP District. The siting of new or expansion of existing commercial and industrial establishments which handle, use or store potential groundwater contaminants to include but not limited to gasoline, benzene, diesel, other petroleum based products must meet the appropriate Performance Standards outlined for Aquifer Protection Overlay Zones, and when located within the city limits are connected to the city's sanitary sewer system.

The staff report was orated. Jim Seurer and Pete Bulene explained that the tanks will be located inside a berm; GLE will meet or exceed state requirements for secondary containment system(s), and they already have their Ground, Surface Water, and Above Ground Storage permits. City Engineer Shane Waterman finds their plans for this Conditional Use application process to be acceptable. Building Official Ken Bucholz informed the Board that he will not come back to this Board for small compliant additions to the Site Plan such as a future little office structure with parking. Stein motioned to approve, Albertsen seconded, and motion carried unanimously.

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Public Hearing: Conditional Use & Appeal Application No. 16796

for the modification of the Site Plan of a previously approved Conditional Use (fka Special Exception) located in the C-3 Highway Commercial District per §21.2803(3&4) Bar or Tavern and Casino or Gambling Establishment, contingent upon compliance with SRGICUs including but not limited to §21.0202(2b6a-h); and appeal from the terms of §21.0302 prohibiting the enlargement of nonconformities

Troy Binde seeks approval to expand the scope of his existing liquor license to include additional land area to the north of his existing building (Lot 8), and also seeks approval to operate video lottery on this premises located @ 505 & 507 Arrow Ave. Concurrently, he appeals ordinance regulation prohibiting the enlargement of nonconforming structures, to allow for the construction of a compliant 750 sq ft (15'x50') addition onto the existing legal nonconforming 3,000 sq ft (30'x100') commercial building. A Floor Plan of the proposed addition was submitted, showing the layout of (7) VL machines. The Staff report was orated. The property complies with §2.0102 Location. Binde confirmed that no additional signage is proposed at this time. A Development Lot Agreement in lieu of re-platting is required. Stonebarger motioned to approve, Stein seconded, and motion carried unanimously.

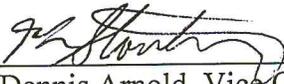
Public Hearing: Conditional Use & Appeal Application No. 16797

for the modification of the Site Plan of a previously approved Conditional Use (fka Special Exception) located in the R2-A Single Family Attached Residential District per §21.1804 & §21.1603(4); contingent upon compliance with SRGICUs including but not limited to §21.0202(2b6a-h); and appeal from the terms of §21.0302 prohibiting the enlargement of nonconformities

Jeff & Sandra Stadheim seek approval of modifications to the Site Plan of their previously approved Conditional Use (Retail Establishment in the R2-A zone); concurrently, appealing ordinance regulation prohibiting the enlargement of nonconforming structures, to allow for the construction of a compliant ~840 sq ft addition onto an existing nonconforming retail building (House of Dreams boutique) located @ 312 (& 308) 5th St SE.

The staff report was orated. An incomplete Site Plan was submitted, lacking the details of unlawful structure(s) that have been constructed/moved-in since last appearing before this Board on July 23, 2015, and at which meeting application #16223 was approved conditional to the installation of "screening fence along their north property line" which is not yet finished. Parking, lighting, signage, outside storage & display, etc...were not addressed in the application. Adjacent residential landowner Lanning (to the north) voiced concerns about the inadequate privacy coverage the adjoining screen fence is going to provide them. There was much discussion regarding the unlawful/unpermitted structures, and the height, length, & extent of the screen fence. After several revisions to motions made, Stonebarger motioned to approve conditional to securing legal permits for the unlawful structures, no more accessory structures, and providing a mutually acceptable privacy fence (up to 9') screening the residential property to the north; Hanson seconded, motion carried unanimously. (staff met with Stadheim and Lanning who agreed on an 8' high opaque (wood) privacy fence on top of 7" curbing, running west and parallel to the shared property line, from the NE garage structure for approximately 60 linear feet (then to be not higher than 6' for the remainder of that fence.)

Stein motioned to adjourn, Hanson seconded, and motion carried unanimously.

 Acting Chairman
Dennis Arnold, Vice Chairman