



City Council

Agenda Item

Subject: Second Reading of Ordinance No. 22-10, Amending the Zoning Map of the City of Watertown, SD, from C-3 Highway Commercial District to PUD Planned Unit Development for Montgomery's at 1000 9th Avenue SE to be known as Sinclair First Addition

Meeting: City Council - Apr 18 2022

From: Heath VonEye, Public Works Director/City Engineer

BACKGROUND INFORMATION:

Background:

Owner, Clark Sinclair, Acting Agent for Sinclair Land and Cattle, LLC, has submitted a petition to rezone a their property at 1000 9th Avenue SE (Montgomery's furniture property) from C-3 Highway Commercial District to PUD Planned Unit Development. The PUD Plan also includes a portion of city owned property which would be considered in a future action for rezone. Further details need to be solidified before proceeding with such rezone of city property. The owners have proposed for the city to convey that portion of city property adjacent to Roby Creek to utilize the property for landscaping and aesthetic improvements to the area. Such conveyance would require Council approval as an individual action item.

The PUD zoning district is being utilized to allow for commercial development for proposed retail/office buildings with lesser setbacks and a 50' road right-of-way to maximize buildable space while still meeting minimum parking requirements for such uses. The Design Review Team (DRT) reviewed the PUD plan proposal on February 14th, 2022 and March 3rd, 2022. Details including maintenance access for the main trunk sewer line and creek , box culvert extension, and access drive will need to be further reviewed to ensure Engineering Design Standards and DRT comments are addressed and fulfilled prior to Council action.

The 50' right-of-way will be to install 11th Street SE to create a direct connection from US Hwy 212 to 10th Avenue SE (Jensen Avenue). The street will meet Engineering Design Standards for no parking on both sides of the local commercial section. Boulevards will be incorporated for snow storage and driveway access control. The street will be installed over the existing sanitary sewer main that runs through the existing parking lot within a utility easement.

Below is a summary of major components of the PUD. Other items not specifically addressed should follow the C-3 Highway Commercial District requirements.

- **SETBACKS** (see sheet 3 of the PUD Plans and the PUD Narrative for further details)
 - Perimeter setbacks adjacent to right-of-ways: 10' (25' clear view triangle shall be maintained at all access points)
 - Perimeter setbacks adjacent to neighboring properties: 20' (same as side yard setback in C-3 District)

Agenda Item 8.(c) Second Reading of Ordinance No. 22-10, Amending the Zo...

- Interior setbacks within the PUD: 0' (This allows for units within the proposed development to be platted into separate lots without condo platting)
- **TYPE AND CHARACTER OF BUILDING/LOTS:**
 - The proposed retail/office buildings shall have a uniform appearance within the development
 - Islands shall be installed within the parking lot to provide areas for internal landscape and tree plantings
 - Sidewalks shall be installed to provide pedestrian connectivity through the development to the adjoining right-of-ways

The Plan Commission recommended approval to City Council at the March 24th, 2022 meeting (5-0).

Facts:

- Adjacent Zoning Designations
 - C-3 Highway Commercial District: East, West, North, & South
- Proposed Zoning Designations:
 - PUD Planned Unit Development
- Lots will be served by city sanitary sewer and water services
- Property is not within 100 year floodplain (SFHA)
- Roby Creek is designated floodway

SUGGESTED MOTION:

I move to approve Ordinance No. 22-10, Amending the Zoning Map of the City of Watertown, SD, from C-3 Highway Commercial District to PUD Planned Unit Development for Montgomery's at 1000 9th Avenue SE to be known as Sinclair First Addition

STAFF REFERENCE(S):

Brandi Hanten

ATTACHMENT(S):

[Petition](#)

[Vicinity Map](#)

[PUD Narrative](#)

[PUD Plans](#)

[Ordinance No. 22-10](#)

Prepared by:
Colin B. DeJong
Aason Engineering Company, Inc.
1022 6th St SE
Watertown, SD 57201
Phone #: 605-882-2371

STATE OF SOUTH DAKOTA) :
COUNTY OF CODINGTON) : **PETITION TO CHANGE ZONING**

**TO THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL OF THE CITY
OF WATERTOWN, SOUTH DAKOTA:**

1. Your Petitioner(s), Clark Sinclair, Acting Agent for Sinclair Land and Cattle, LLC, respectfully request that the following described real property in the City of Watertown, Codington County, South Dakota, be re-zoned from its current designation as “C3 – Highway Commercial District” to “PUD – Planned Unit Development”.

That portion of Outlot “D” in Lot 3 and in the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) of Section 5, Township 116 North, Range 52 West of the 5th P.M., City of Watertown, Codington County, South Dakota, lying North of Street Lot No. 1 Addition to the Municipality of Watertown; except the West 370’ thereof; and except the East 146’ thereof; AND Lot 5, 6, 7, 8, 9,10,11 and 12 in Donadue’s Addition to Watertown, Codington County, South Dakota LESS Lot H1 and Lot H2 contained therein; AND Outlot “B” in Lot 3 and in the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) of Section 5, Township 116 North, Range 52 West of the 5th P.M., City of Watertown, Codington County, South Dakota, LESS Lot H1 contained therein. Tract contains 6.90 acres more or less.

Which upon platting to be known as, Lots 1, 2 and 3 of “Sinclair First Addition to the municipality of Watertown, in the County of Codington, South Dakota.”

2. Petitioner is the owner of record of the above-described real property.
3. The petitioner intends to develop the said parcel.
4. The following Exhibit is attached hereto and is by reference incorporated as part of this Petition:

Exhibit A – Sinclair First Addition to the Municipality of Watertown in the County of Codington, South Dakota.

WHEREFORE, PETITIONER(S) REQUEST that the City Council of Watertown, South Dakota adopt an ordinance re-zoning the above-referenced real property from its current designation as “C3 – Highway Commercial District” to “PUD – Planned Unit Development”.

Dated at Watertown, South Dakota, this ____ day of _____, 20__.

By _____
Clark Sinclair, Acting Agent
Sinclair Land & Cattle, LLC

State of South Dakota)
)SS:
County of Codington)

On this the ___ day of _____, 20__, before me, the undersigned officer, personally appeared Clark Sinclair, Acting Agent for Sinclair Land & Cattle, LLC, known to me or satisfactorily proven to be the person whose name(s) are subscribed to within this instrument and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF I hereunto set my hand and official seal.

Notary Public

(SEAL)

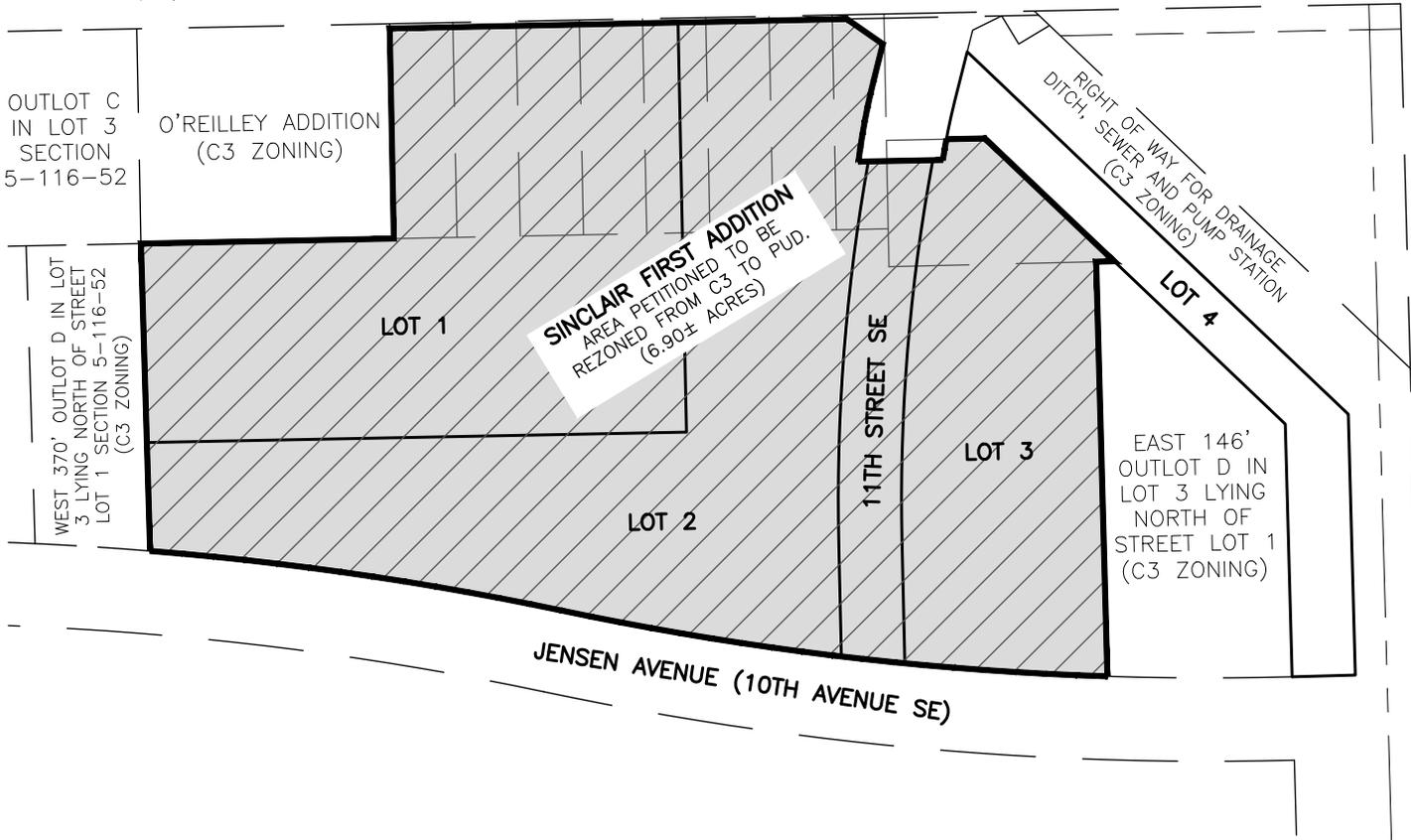
My Commission Expires:

EXHIBIT "A" SINCLAIR FIRST ADDITION TO THE MUNICIPALITY OF WATERTOWN, IN THE COUNTY OF CODINGTON, SOUTH DAKOTA.



January 24, 2022
Scale: 1"=150'

9TH AVENUE SE (US HIGHWAY 212)



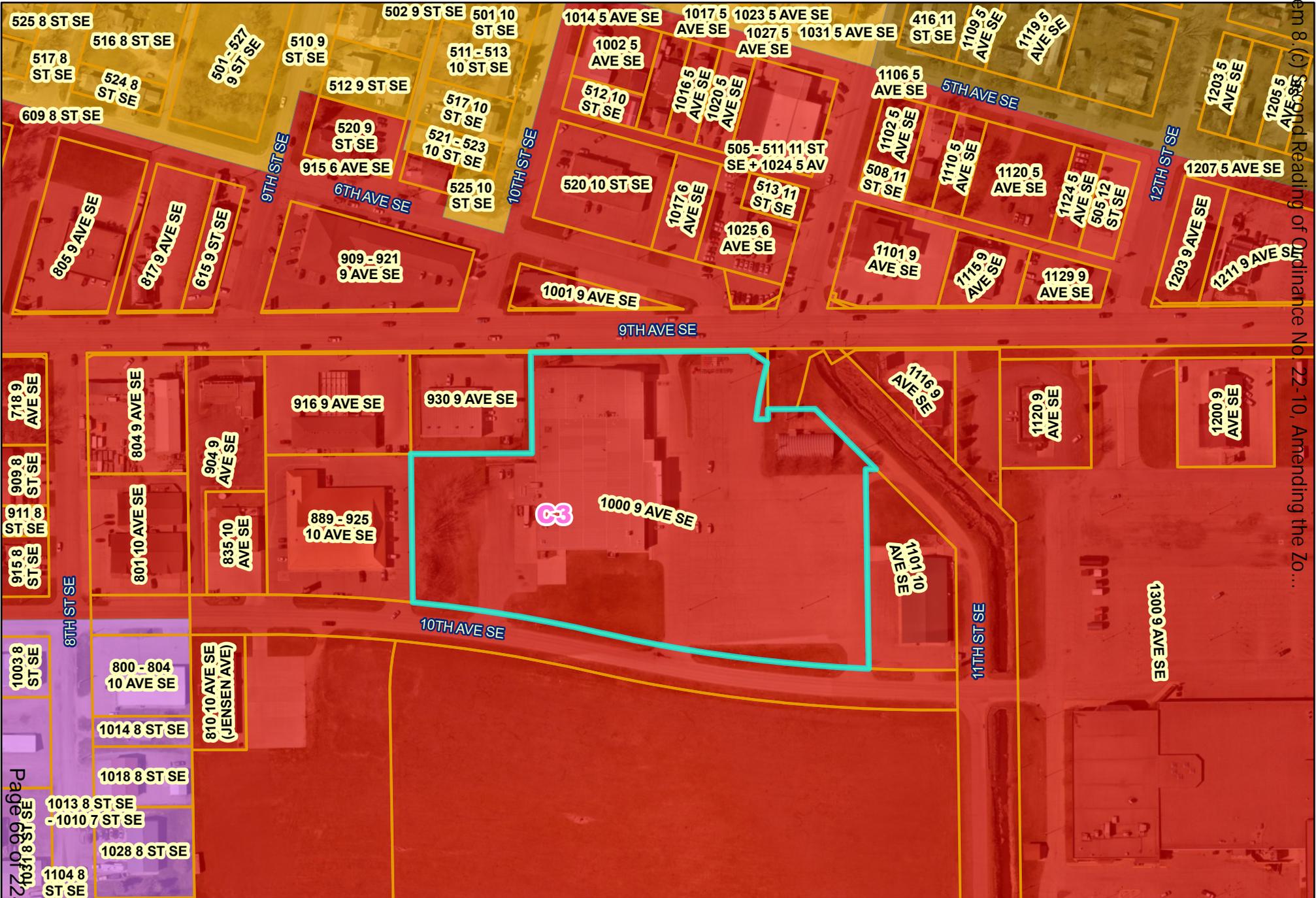
Prepared By
AASON ENGINEERING COMPANY, INC.

1022 SIXTH STREET S.E.
WATERTOWN, SD
Telephone 605-882-2371

AE #2020-175



Vicinity Map



MONTGOMERY'S DEVELOPMENT WATERTOWN, SD

SUMMARY OF THE PLANNED UNIT DEVELOPMENT OBJECTIVES

Montgomery's Development is a proposed commercial development located south of the intersection of 9th Ave SE and 11th St SE in Watertown, SD. The developer's vision is to utilize a large portion of unused parking area to construct 3-4 retail / office buildings, and to construct a public street creating a connection from the intersection of Highway 212 and 11th St SE to 10th Ave SE. To maximize the buildable area for the proposed retail / office buildings and their required parking spaces, the developer is proposing this Planned Unit Development. Below is a summary of the proposed setbacks and roadway designs that are sought to be constructed within this PUD.

- **SETBACKS** (see page 3 of the PUD Plans)
 - Perimeter setbacks adjacent to Right of Ways: 10 feet
(This allows the buildings to be constructed closer to the proposed extension of 11th St SE through the development). A 25'x25' clear view triangle shall be maintained at all access points.
 - Perimeter setbacks adjacent to the Neighboring Properties: 20 feet
(Matches side yard setbacks for C3 Zoning)
 - Interior Setbacks with the PUD: 0'
(This allows the units within the proposed development to be platted into separate lots without platting using a condominium type structure)

- **PROPOSED PARKING AREA AND UTILITIES** (see page 3 of the PUD Plans)
 - Utility and Ingress and Egress Easements shall be provided over and across all of the interior parking areas and green spaces.
 - All tenants shall share monetary responsibility for maintenance and operation of the parking areas which shall be provided by the developer or their assigns.
 - Sanitary Sewer and Water Mains shall be installed within the proposed 11th St SE extension through the development and used to provide services to the proposed buildings.
 - Building foundations shall be at least 25' from the centerline of the existing 42 inch diameter sanitary sewer main that runs along the east side of the subject property.
 - A maintenance access shall be provided along the existing channel and sanitary sewer main. The exact width and location to be determined upon civil plan approval.

- **PROPOSED PUBLIC ROAD RIGHT OF WAY** (see page 3 of the PUD Plans)
 - Interior Public Road Right of Ways shall be 50'

- TYPE AND CHARACTER OF BUILDINGS / LOTS
 - The proposed retail / office buildings shall have a uniform appearance within the development. Islands shall be installed within the parking lot to provide areas for internal landscape and tree plantings. Sidewalks shall be installed to provide pedestrian connectivity through the development to the adjoining right of ways.

PUD PLANS FOR
MONTGOMERY'S DEVELOPMENT
 WATERTOWN, CODINGTON COUNTY, SOUTH DAKOTA

OWNER:

SINCLAIR LAND & CATTLE, LLC
 1000 9TH AVE SE
 WATERTOWN, SD 57201
 CONTACT: ERIC SINCLAIR
 PHONE: (605)332-440 EXT. 300
 EMAIL: E.SINCLAIR@MONTGOMERY'S.COM

CIVIL ENGINEER / SURVEYOR:

AASON ENGINEERING COMPANY, INC.
 1022 6TH STREET SE
 WATERTOWN, SD 57201
 CONTACT: COLIN DEJONG, LS
 PHONE: (605)882-2371
 EMAIL: COLINDEJONG@IW.NET

SHEET INDEX

- 1 TITLE SHEET / VICINITY MAP
- 2 EXISTING CONDITIONS
- 3 PROPOSED LAND USE AND STANDARD NOTES

9TH AVENUE SE (US HIGHWAY #212)
 JURISDICTION: SDDOT

PROPOSED 11TH STREET SE
 JURISDICTION: CITY OF WATERTOWN

JENSON AVENUE (10TH AVENUE SE)
 JURISDICTION: CITY OF WATERTOWN

AREA INCLUDED IN PUD

O'REILLY ADDITION
 OWNER: LEWIS & PATRICIA RADERSCHADT
 (O'REILLY AUTO STORE #2030)
 920 9TH AVE SE
 WATERTOWN, SD 57201

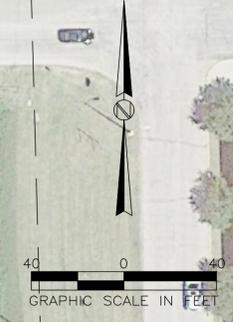
OUTLOT C IN LOT 3
 SECTION 5-116-52

WEST 370' OUTLOT D IN LOT 3
 LYING NORTH OF STREET LOT 1
 SECTION 5-116-52
 OWNER: GREENSTAMP PROPERTIES
 PO BOX 192
 WATERTOWN, SD 57201

EAST 146' OUTLOT D IN LOT 3
 LYING NORTH OF STREET LOT 1
 OWNER: BRADLEY & ROXANNE SCHMELING
 (SEARS)
 1101 10TH AVENUE SE
 WATERTOWN, SD 57201

LEGAL DESCRIPTION

THAT PORTION OF OUTLOT D IN LOT 3 AND IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (SE1/4NW1/4) OF SECTION 5, T116N, R52W OF THE 5TH P.M., CITY OF WATERTOWN, CODINGTON COUNTY, SOUTH DAKOTA, LYING NORTH OF STREET LOT 1 IN SECTION 5, T116N, R52W OF THE 5TH P.M. CITY OF WATERTOWN, CODINGTON COUNTY, SOUTH DAKOTA; EXCEPT THE WEST 370' THEREOF; AND EXCEPT THE EAST 146' THEREOF; AND LOTS 5, 6, 7, 8, 9, 10, 11 AND 12 IN DONAHUE'S ADDITION TO WATERTOWN, CODINGTON COUNTY, SOUTH DAKOTA LESS LOT H1 AND LOT H2 CONTAINED THEREIN; AND OUTLOT B IN LOT 3 AND IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (SE1/4NW1/4) OF SECTION 5, T116N, R52W OF THE 5TH P.M., CITY OF WATERTOWN, CODINGTON COUNTY, SOUTH DAKOTA, LESS LOT H1 CONTAINED THEREIN; AND ALL THAT PORTION OF THE RIGHT OF WAY DESCRIBED BY METES AND BOUNDS DESCRIPTION AND SHOWN ON THE PLAT MAP RECORDED IN BOOK 91 OF DEEDS ON PAGES 10 AND 11 ACQUIRED FOR DRAINAGE DITCH, SEWER, AND PUMPING STATION LYING ADJACENT AND CONTIGUOUS TO OUTLOT "B" IN LOT 3 SECTION 5, T116N, R52W OF THE 5TH P.M., CODINGTON COUNTY, SOUTH DAKOTA LESS THE NORTHERLY 60' THEREOF; LESS LOT PE1; LESS LOT H1; AND LESS LOT H2 CONTAINED THEREIN; AND ALL THAT PORTION OF THE RIGHT OF WAY DESCRIBED BY METES AND BOUNDS DESCRIPTION AND SHOWN ON THE PLAT MAP RECORDED BOOK 91 OF DEEDS ON PAGES 10 AND 11 ACQUIRED FOR DRAINAGE DITCH, SEWER, AND PUMPING STATION LYING ADJACENT AND CONTIGUOUS TO THE EAST 146' OF OUTLOT "D" IN LOT 3 LYING NORTH OF STREET LOT 1 SECTION 5, T116N, R52W OF THE 5TH P.M., CODINGTON COUNTY, SOUTH DAKOTA LESS THE NORTHERLY 60' THEREOF; AND LESS THE EAST 50' THEREOF. SAID PARCELS CONTAIN 7.50 ACRES MORE OR LESS.



REVISIONS:
 DATE:
 BY: 1.

This Work Coordinated By:

TITLE SHEET
 MONTGOMERY'S DEVELOPMENT
 WATERTOWN, SD

DATE: JANUARY 24, 2022
 SCALE:
 DRAWN BY: CBD
 JOB NO.: 2020-175
 SHEET 1 OF 3



OUTLOT C IN LOT 3 SECTION 5-116-52
 O'REILLY ADDITION
 OWNER: LEWIS & PATRICIA RADERSCHADT (O'REILLY AUTO STORE #2030)
 920 9TH AVE SE
 WATERTOWN, SD 57201

EXISTING LAND USE:
 RETAIL (C3 ZONING)

EXISTING LAND USE:
 RETAIL (C3 ZONING)

WEST 370' OUTLOT D IN LOT 3 LYING NORTH OF STREET LOT 1 SECTION 5-116-52
 OWNER: GREEN STAMP PROPERTIES
 PO BOX 192
 WATERTOWN, SD 57201

EXISTING LAND USE:
 RADIO STATION (C3 ZONING)

DONAHUE'S ADDITION TO WATERTOWN

EXISTING BUILDING

EXISTING LAND USE:
 RETAIL (C3 ZONING)

OUTLOT D IN LOT 3 SECTION 5-116-52

UTILITY EASEMENT GRANTED TO THE CITY OF WATERTOWN FOR UTILITY PURPOSES RECORDED IN BOOK "WV" ON PAGES 371-373.

PROPOSED 11TH STREET SE
 JURISDICTION: CITY OF WATERTOWN

UTILITY EASEMENT GRANTED TO THE CITY OF WATERTOWN FOR UTILITY PURPOSES RECORDED IN BOOK "WV" ON PAGES 368-370.

VEHICULAR INGRESS AND EGRESS EASEMENT GRANTED TO THE EAST 146' OF OUTLOT D LYING NORTH OF STREET LOT 1. RECORDED IN BOOK "395" ON PAGES 177-178.

EXISTING BUILDING

EXISTING LAND USE:
 STORAGE (C3 ZONING)

OUTLOT B IN LOT 3 SECTION 5-116-52
 OWNER: ORVILLE TAECKER SURVIVOR'S TRUST
 111 12TH AVE. NE
 WATERTOWN, SD 57201

EXISTING LAND USE:
 RETAIL (C3 ZONING)

RIGHT OF WAY FOR DRAINAGE DITCH, SEWER AND PUMP STATION
 OWNER: CITY OF WATERTOWN

EXISTING LAND USE:
 RETAIL (C3 ZONING)

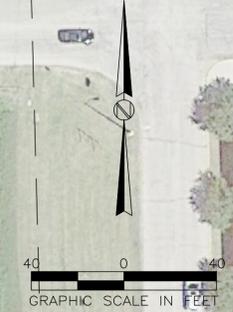
EAST 146' OUTLOT D IN LOT 3 LYING NORTH OF STREET LOT 1
 OWNER: BRADLEY & ROXANNE SCHMELING (SEARS)
 1101 10TH AVENUE SE
 WATERTOWN, SD 57201

EXISTING BUILDING

EXISTING LAND USE:
 UNDEVELOPED PRAIRIE (C3 ZONING)

EXISTING CONDITIONS

1. THERE ARE NO SIGNIFICANT NATURAL FEATURES LOCATED WITHIN THE PROPOSED DEVELOPMENT AREA.
2. THERE IS AN EXISTING DRAINAGE DITCH LOCATED EAST OF THE PROPOSED DEVELOPMENT SITE.
3. THE EXISTING SOILS CONSIST OF 12"-24" OF TOPSOIL OVER CLAY, SANDY CLAY SUB-BASE. ACCORDING TO SOIL BORINGS RECENTLY PERFORMED ON THE SITE.
4. THE EXISTING GROUND COVER CONSISTS OF IMPERVIOUS SURFACES, WELL MAINTAINED GRASSES AND EXISTING BUILDINGS.



REVISIONS:
 DATE:
 BY:
 1.

This Work Coordinated By:

AASON ENGINEERING COMPANY
 WATERTOWN, SD 57201
 Phone No. (605) 882-1042
 Fax No. (605) 882-1042

EXISTING CONDITIONS

MONTGOMERY'S DEVELOPMENT
 WATERTOWN, SD

DATE: JANUARY 24, 2022
 SCALE:
 DRAWN BY: CBD
 JOB NO.: 2020-175
 SHEET 2 OF 3

PROPOSED UTILITY NOTES:

SANITARY SEWER MAINS SHALL BE INSTALLED IN ACCORDANCE TO THE SPECIFICATIONS OF THE CITY OF WATERTOWN, SD. EACH STRUCTURE SHALL BE PROVIDED A SERVICE LINE TO THE MAIN.

WATER MAINS SHALL BE INSTALLED IN ACCORDANCE TO THE SPECIFICATIONS OF THE WATERTOWN MUNICIPAL UTILITIES DEPARTMENT.

PROPOSED SETBACKS

PERIMETER YARD SETBACKS ADJACENT TO RIGHT OF WAYS: 10'
 PERIMETER YARD SETBACKS ADJACENT TO NEIGHBORING PROPERTIES: 20'
 ALL INTERIOR SETBACKS WITHIN THE DEVELOPMENT: 0'

ZONING AUTHORITY: CITY OF WATERTOWN, SD
 PHONE NUMBER: (605) 882-6202 EXT. 3528 CONTACT PERSON: BRANDI HANTEN

PARKING REQUIREMENTS

TOTAL PARKING SPACES REQUIRED: 163 SPACES
 TOTAL PARKING SPACES PROVIDED: 173 SPACES

PROPOSED EASEMENTS

1. 10' WIDE UTILITY EASEMENT SHALL BE PROVIDED ALONG ALL PERIMETER LOT LINES.
2. UTILITY AND INGRESS AND EGRESS EASEMENTS SHALL BE PROVIDED IN ALL PARKING AREAS AND GREEN SPACES WITHIN THE DEVELOPMENT.

OUTLOT C IN LOT 3 SECTION 5-116-52

O'REILLY ADDITION
 OWNER: LEWIS & PATRICIA RADERSCHADT (O'REILLY AUTO STORE #2030)
 920 9TH AVE SE
 WATERTOWN, SD 57201

9TH AVENUE SE (US HIGHWAY #212)
 JURISDICTION: SDDOT

EXISTING BUILDING
 (57,848± SQ.FT.)
 PARKING REQUIREMENT: 1 / 1000 SQ.FT.
 TOTAL SPACES REQUIRED: 58

PROPOSED BUILDING
 (8,000± SQ.FT.) / 250 SQ.FT.
 PARKING REQUIREMENT: 1 / 1000 SQ.FT.
 TOTAL SPACES REQUIRED: 30

PROPOSED BUILDING
 (8,000± SQ.FT.) / 250 SQ.FT.
 PARKING REQUIREMENT: 1 / 1000 SQ.FT.
 TOTAL SPACES REQUIRED: 32

PROPOSED BUILDING
 (15,800± SQ.FT.)
 PARKING REQUIREMENT: 1 / 1000 SQ.FT.
 TOTAL SPACES REQUIRED: 16

PROPOSED BUILDING
 (6,750± SQ.FT.) / 260 SQ.FT.
 PARKING REQUIREMENT: 1 / 1000 SQ.FT.
 TOTAL SPACES REQUIRED: 27

EAST 146' OUTLOT D IN LOT 3 LYING NORTH OF STREET LOT 1
 OWNER: BRADLEY & ROXANNE SCHMELING (SEARS)
 1101 10TH AVENUE SE
 WATERTOWN, SD 57201

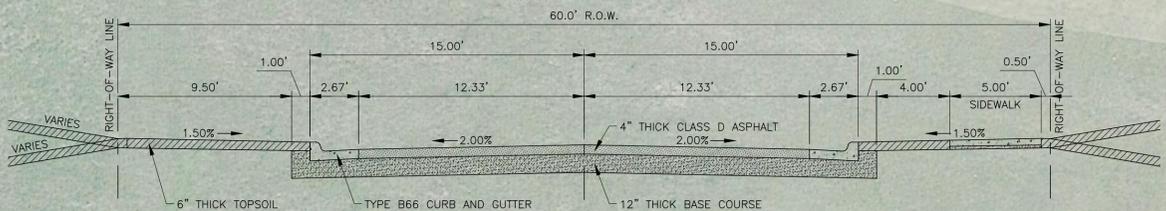
WEST 370' OUTLOT D IN LOT 3 LYING NORTH OF STREET LOT 1 SECTION 5-116-52
 OWNER: GREENSTAMP PROPERTIES
 PO BOX 192
 WATERTOWN, SD 57201

LIMITS OF THE PLANNED UNIT DEVELOPMENT.

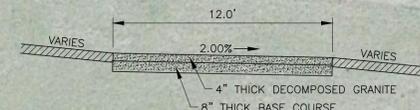
PROPOSED 11TH STREET SE
 JURISDICTION: CITY OF WATERTOWN
 NO PARKING ON EITHER SIDE.

RIGHT OF WAY FOR DRAINAGE DITCH, SEWER AND PUMP STATION
 OWNER: CITY OF WATERTOWN

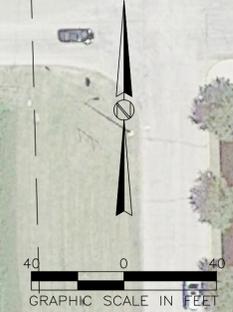
PROPOSED 12' WIDE DECOMPOSED GRANITE MAINTENANCE ACCESS.



TYPICAL SECTION
 11TH STREET SE



TYPICAL SECTION
 RECREATIONAL TRAIL / MAINTENANCE ACCESS



REVISIONS:
 DATE:
 BY: 1.



PROPOSED LAND USE
 MONTGOMERY'S DEVELOPMENT
 WATERTOWN, SD

DATE: JANUARY 24, 2022
 SCALE:
 DRAWN BY: CBD
 JOB NO.: 2020-175
 SHEET 3 OF 3

ORDINANCE NO. 22-10

Petition to Amend Zoning District Boundaries by Rezoning a Portion of Property in Section 5, Township 116 North, Range 52 West of the 5th P.M. in the City of Watertown, SD from C-3 Highway Commercial District to PUD Planned Unit Development,

BE IT ORDAINED by the City of Watertown, upon examination of the *Petition to Change Zoning* by Petitioner, Clark Sinclair, Acting Agent for Sinclair Land and Cattle, LLC, being the owner of the real property legally described as:

That portion of Outlot "D" in Lot 3 and in the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) of Section 5, Township 116 North, Range 52 West of the 5th P.M., City of Watertown, Codington County, South Dakota, lying North of Street Lot No. 1 Addition to the Municipality of Watertown; excepting the West 370' thereof; and excepting the East 146' thereof;" AND Lot 5, 6, 7, 8, 9,10,11 and 12 in Donahue's Addition to Watertown, Codington County, South Dakota LESS Lot H1 and Lot H2 contained therein; AND Outlot "B" in Lot 3 and in the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) of Section 5, Township 116 North, Range 52 West of the 5th P.M., City of Watertown, Codington County, South Dakota, LESS Lot H1 contained therein.

Which upon platting shall be known as "*Sinclair First Addition to the Municipality of Watertown, in the County of Codington, South Dakota*"

and based on the report and recommendation of the City Plan Commission in its Resolution No. 2022-06, that the property be, and is hereby, rezoned from the existing designation of *C-3 Highway Commercial District*, pursuant to Watertown Revised Ordinance §21.28, to *PUD Planned Unit Development*, pursuant to Watertown Revised Ordinance §21.38.

BE IT FURTHER ORDAINED that the new zoning designation referenced above be extended to the centerline of all adjacent public right-of-ways.

BE IT FURTHER ORDAINED that the zoning map of the City of Watertown be so amended.

The above and foregoing Ordinance was moved for adoption by Alderperson _____, seconded by Alderperson _____, and upon voice vote motion carried, whereupon the Mayor declared the Ordinance duly passed and adopted.

I certify that Ordinance No. 22-10 was published in the Watertown Public Opinion, the official newspaper of said City, on this ____ day of _____, 2022.

Kristen Bobzien, Finance Officer

First Reading: April 4th, 2022
Second Reading: April 18th, 2022
Published: April 23rd, 2022
Effective: May 13th, 2022

City of Watertown

Attest:

Kristen Bobzien
Finance Officer

Ried Holien
Mayor



City Council

Agenda Item

Subject: Second Reading of Ordinance No. 22-17, Amending the Zoning Map of the City of Watertown, SD, from C-3 Highway Commercial District to PUD Planned Unit Development for City Property along Roby Creek, adjacent to Montgomery's at 1000 9th Avenue SE

Meeting: City Council - Jul 05 2022

From: Heath VonEye, Public Works Director/City Engineer

BACKGROUND INFORMATION:

Owner, Clark Sinclair, Acting Agent for Sinclair Land and Cattle, LLC, submitted a petition to rezone the property at 1000 9th Avenue SE (Montgomery's furniture property) from C-3 Highway Commercial District to PUD Planned Unit Development which was approved by City Council at the April 18th meeting. The PUD Plan also included a portion of city owned property which was to be considered in a later action. This petition is to rezone City property from C-3 Highway Commercial District to PUD Planned Unit Development. This portion of City property will be retained in an easement but utilized in the adjacent development of Sinclair Square to include improvements to Roby Creek, which will require formal Council approval in a future action prior to conveying such City property .

The PUD zoning district is being utilized to allow for commercial development for proposed retail/office buildings with lesser setbacks and a 50' road right-of-way to maximize buildable space while still meeting minimum parking requirements for such uses. The Design Review Team (DRT) reviewed the PUD plan proposal on February 14th, 2022 and March 3rd, 2022. If the land swap to utilize city property is approved by City Council, details including maintenance access for the main trunk sewer line and creek , box culvert extension, and access drive will need to be further reviewed to ensure Engineering Design Standards and DRT comments are addressed and fulfilled.

The 50' right-of-way will be to install 11th Street SE to create a direct connection from US Hwy 212 to 10th Avenue SE (Jensen Avenue). The street will meet Engineering Design Standards for no parking on both sides of the local commercial section. Boulevards will be incorporated for snow storage and driveway access control. The street will be installed over the existing sanitary sewer main that runs through the existing parking lot within a utility easement.

Below is a summary of major components of the PUD. Other items not specifically addressed should follow the C-3 Highway Commercial District requirements.

The Plan Commission recommended approval to City Council at the May 5th, 2022 meeting (5-0).

- **SETBACKS** (see sheet 3 of the PUD Plans and the PUD Narrative for further details)
 - Perimeter setbacks adjacent to right-of-ways: 10' (25' clear view triangle shall be maintained at all access points)

Agenda Item 8.(f) Second Reading of Ordinance No. 22-17, Amending the Zo...

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- Interior setbacks within the PUD: 0' (This allows for units within the proposed development to be platted into separate lots without condo platting)
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 - The proposed retail/office buildings shall have a uniform appearance within the development
 - Islands shall be installed within the parking lot to provide areas for internal landscape and tree plantings
 - Sidewalks shall be installed to provide pedestrian connectivity through the development to the adjoining right-of-ways

Facts:

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 - C-3 Highway Commercial District: East, West, North, & South
 - Proposed Zoning Designations:
 - PUD Planned Unit Development
 - Lots will be served by city sanitary sewer and water services
 - Property is not within 100 year floodplain (SFHA)
 - Roby Creek is designated floodway
-

SUGGESTED MOTION:

I move to approve Ordinance No. 22-17, Amending the Zoning Map of the City of Watertown, SD, from C-3 Highway Commercial District to PUD Planned Unit Development for City Property along Roby Creek, adjacent to Montgomery's at 1000 9th Avenue SE

STAFF REFERENCE(S):

Brandi Hanten

ATTACHMENT(S):

[Petition](#)

[PUD Narrative](#)

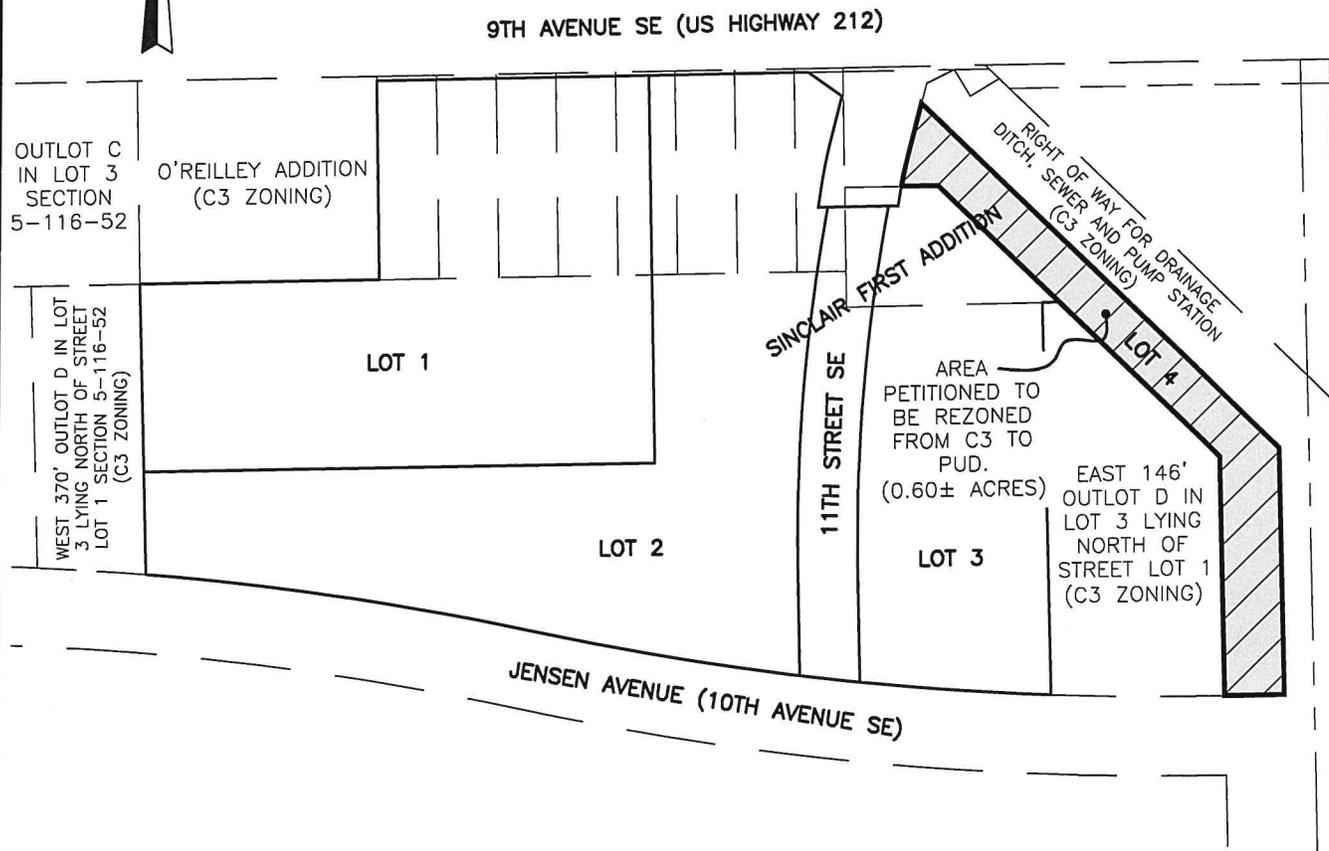
[PUD Plans](#)

[Ordinance No. 22-17](#)

EXHIBIT "A" SINCLAIR FIRST ADDITION TO THE MUNICIPALITY OF WATERTOWN, IN THE COUNTY OF CODINGTON, SOUTH DAKOTA.



January 24, 2022
Scale: 1"=150'



Prepared By
AASON ENGINEERING COMPANY, INC.

1022 SIXTH STREET S.E.
WATERTOWN, SD
Telephone 605-882-2371

AE #2020-175

MONTGOMERY'S DEVELOPMENT WATERTOWN, SD

SUMMARY OF THE PLANNED UNIT DEVELOPMENT OBJECTIVES

Montgomery's Development is a proposed commercial development located south of the intersection of 9th Ave SE and 11th St SE in Watertown, SD. The developer's vision is to utilize a large portion of unused parking area to construct 3-4 retail / office buildings, and to construct a public street creating a connection from the intersection of Highway 212 and 11th St SE to 10th Ave SE. To maximize the buildable area for the proposed retail / office buildings and their required parking spaces, the developer is proposing this Planned Unit Development. Below is a summary of the proposed setbacks and roadway designs that are sought to be constructed within this PUD.

- **SETBACKS** (see page 3 of the PUD Plans)
 - Perimeter setbacks adjacent to Right of Ways: 10 feet
(This allows the buildings to be constructed closer to the proposed extension of 11th St SE through the development). A 25'x25' clear view triangle shall be maintained at all access points.
 - Perimeter setbacks adjacent to the Neighboring Properties: 20 feet
(Matches side yard setbacks for C3 Zoning)
 - Interior Setbacks with the PUD: 0'
(This allows the units within the proposed development to be platted into separate lots without platting using a condominium type structure)

- **PROPOSED PARKING AREA AND UTILITIES** (see page 3 of the PUD Plans)
 - Utility and Ingress and Egress Easements shall be provided over and across all of the interior parking areas and green spaces.
 - All tenants shall share monetary responsibility for maintenance and operation of the parking areas which shall be provided by the developer or their assigns.
 - Sanitary Sewer and Water Mains shall be installed within the proposed 11th St SE extension through the development and used to provide services to the proposed buildings.
 - Building foundations shall be at least 25' from the centerline of the existing 42 inch diameter sanitary sewer main that runs along the east side of the subject property.
 - A maintenance access shall be provided along the existing channel and sanitary sewer main. The exact width and location to be determined upon civil plan approval.

- **PROPOSED PUBLIC ROAD RIGHT OF WAY** (see page 3 of the PUD Plans)
 - Interior Public Road Right of Ways shall be 50'

- TYPE AND CHARACTER OF BUILDINGS / LOTS
 - The proposed retail / office buildings shall have a uniform appearance within the development. Islands shall be installed within the parking lot to provide areas for internal landscape and tree plantings. Sidewalks shall be installed to provide pedestrian connectivity through the development to the adjoining right of ways.

PUD PLANS FOR
MONTGOMERY'S DEVELOPMENT
 WATERTOWN, CODINGTON COUNTY, SOUTH DAKOTA

OWNER:

SINCLAIR LAND & CATTLE, LLC
 1000 9TH AVE SE
 WATERTOWN, SD 57201
 CONTACT: ERIC SINCLAIR
 PHONE: (605)332-440 EXT. 300
 EMAIL: E.SINCLAIR@MONTGOMERY'S.COM

CIVIL ENGINEER / SURVEYOR:

AASON ENGINEERING COMPANY, INC.
 1022 6TH STREET SE
 WATERTOWN, SD 57201
 CONTACT: COLIN DEJONG, LS
 PHONE: (605)882-2371
 EMAIL: COLINDEJONG@IW.NET

SHEET INDEX

- 1 TITLE SHEET / VICINITY MAP
- 2 EXISTING CONDITIONS
- 3 PROPOSED LAND USE AND STANDARD NOTES

9TH AVENUE SE (US HIGHWAY #212)
 JURISDICTION: SDDOT

PROPOSED 11TH STREET SE
 JURISDICTION: CITY OF WATERTOWN

JENSON AVENUE (10TH AVENUE SE)
 JURISDICTION: CITY OF WATERTOWN

AREA INCLUDED IN PUD

O'REILLEY ADDITION
 OWNER: LEWIS & PATRICIA RADERSCHADT
 (O'REILLEY AUTO STORE #2030)
 920 9TH AVE SE
 WATERTOWN, SD 57201

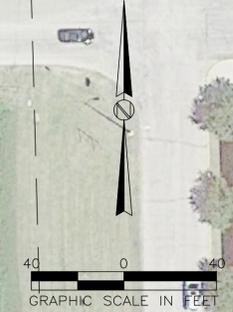
OUTLOT C IN LOT 3
 SECTION 5-116-52

WEST 370' OUTLOT D IN LOT 3
 LYING NORTH OF STREET LOT 1
 SECTION 5-116-52
 OWNER: GREENSTAMP PROPERTIES
 PO BOX 192
 WATERTOWN, SD 57201

EAST 146' OUTLOT D IN LOT 3
 LYING NORTH OF STREET LOT 1
 OWNER: BRADLEY & ROXANNE SCHMELING
 (SEARS)
 1101 10TH AVENUE SE
 WATERTOWN, SD 57201

LEGAL DESCRIPTION

THAT PORTION OF OUTLOT D IN LOT 3 AND IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (SE1/4NW1/4) OF SECTION 5, T116N, R52W OF THE 5TH P.M., CITY OF WATERTOWN, CODINGTON COUNTY, SOUTH DAKOTA, LYING NORTH OF STREET LOT 1 IN SECTION 5, T116N, R52W OF THE 5TH P.M. CITY OF WATERTOWN, CODINGTON COUNTY, SOUTH DAKOTA; EXCEPT THE WEST 370' THEREOF; AND EXCEPT THE EAST 146' THEREOF; AND LOTS 5, 6, 7, 8, 9, 10, 11 AND 12 IN DONAHUE'S ADDITION TO WATERTOWN, CODINGTON COUNTY, SOUTH DAKOTA LESS LOT H1 AND LOT H2 CONTAINED THEREIN; AND OUTLOT B IN LOT 3 AND IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (SE1/4NW1/4) OF SECTION 5, T116N, R52W OF THE 5TH P.M., CITY OF WATERTOWN, CODINGTON COUNTY, SOUTH DAKOTA, LESS LOT H1 CONTAINED THEREIN; AND ALL THAT PORTION OF THE RIGHT OF WAY DESCRIBED BY METES AND BOUNDS DESCRIPTION AND SHOWN ON THE PLAT MAP RECORDED IN BOOK 91 OF DEEDS ON PAGES 10 AND 11 ACQUIRED FOR DRAINAGE DITCH, SEWER, AND PUMPING STATION LYING ADJACENT AND CONTIGUOUS TO OUTLOT "B" IN LOT 3 SECTION 5, T116N, R52W OF THE 5TH P.M., CODINGTON COUNTY, SOUTH DAKOTA LESS THE NORTHERLY 60' THEREOF; LESS LOT PE1; LESS LOT H1; AND LESS LOT H2 CONTAINED THEREIN; AND ALL THAT PORTION OF THE RIGHT OF WAY DESCRIBED BY METES AND BOUNDS DESCRIPTION AND SHOWN ON THE PLAT MAP RECORDED BOOK 91 OF DEEDS ON PAGES 10 AND 11 ACQUIRED FOR DRAINAGE DITCH, SEWER, AND PUMPING STATION LYING ADJACENT AND CONTIGUOUS TO THE EAST 146' OF OUTLOT "D" IN LOT 3 LYING NORTH OF STREET LOT 1 SECTION 5, T116N, R52W OF THE 5TH P.M., CODINGTON COUNTY, SOUTH DAKOTA LESS THE NORTHERLY 60' THEREOF; AND LESS THE EAST 50' THEREOF. SAID PARCELS CONTAIN 7.50 ACRES MORE OR LESS.



REVISIONS:
 DATE:
 BY: 1.



TITLE SHEET
 MONTGOMERY'S DEVELOPMENT
 WATERTOWN, SD

DATE: JANUARY 24, 2022
 SCALE:
 DRAWN BY: CBD
 JOB NO.: 2020-175
 SHEET 1 OF 3



OUTLOT C IN LOT 3 SECTION 5-116-52
 O'REILLY ADDITION
 OWNER: LEWIS & PATRICIA RADERSCHADT
 (O'REILLY AUTO STORE #2030)
 920 9TH AVE SE
 WATERTOWN, SD 57201

EXISTING LAND USE:
 RETAIL (C3 ZONING)

EXISTING LAND USE:
 RETAIL (C3 ZONING)

WEST 370' OUTLOT D IN LOT 3 LYING NORTH OF STREET LOT 1 SECTION 5-116-52
 OWNER: GREEN STAMP PROPERTIES
 PO BOX 192
 WATERTOWN, SD 57201

EXISTING LAND USE:
 RADIO STATION
 (C3 ZONING)

DONAHUE'S ADDITION TO WATERTOWN
 LOT 5 LOT 6 LOT 7 LOT 8 LOT 9 LOT 10 LOT 11 LOT 12

EXISTING BUILDING

EXISTING LAND USE:
 RETAIL (C3 ZONING)

OUTLOT D IN LOT 3 SECTION 5-116-52

EXISTING BUILDING

EXISTING LAND USE:
 STORAGE
 (C3 ZONING)

OUTLOT B IN LOT 3 SECTION 5-116-52
 OWNER: ORVILLE TAECKER SURVIVOR'S TRUST
 111 12TH AVE. NE
 WATERTOWN, SD 57201

EXISTING LAND USE:
 RETAIL (C3 ZONING)

UTILITY EASEMENT GRANTED TO THE CITY OF WATERTOWN FOR UTILITY PURPOSES RECORDED IN BOOK "VV" ON PAGES 368-370.

VEHICULAR INGRESS AND EGRESS EASEMENT GRANTED TO THE EAST 146' OF OUTLOT D LYING NORTH OF STREET LOT 1. RECORDED IN BOOK "395" ON PAGES 177-178.

EXISTING LAND USE:
 RETAIL (C3 ZONING)

EAST 146' OUTLOT D IN LOT 3 LYING NORTH OF STREET LOT 1
 OWNER: BRADLEY & ROXANNE SCHMELING (SEARS)
 1101 10TH AVENUE SE
 WATERTOWN, SD 57201

EXISTING BUILDING

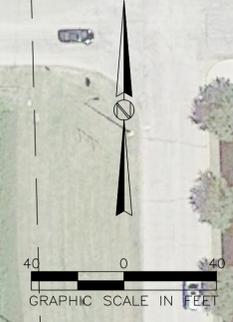
EXISTING LAND USE:
 UNDEVELOPED PRAIRIE
 (C3 ZONING)

JENSON AVENUE (10TH AVENUE SE)
 JURISDICTION: CITY OF WATERTOWN

PROPOSED 11TH STREET SE
 JURISDICTION: CITY OF WATERTOWN

EXISTING CONDITIONS

1. THERE ARE NO SIGNIFICANT NATURAL FEATURES LOCATED WITHIN THE PROPOSED DEVELOPMENT AREA.
2. THERE IS AN EXISTING DRAINAGE DITCH LOCATED EAST OF THE PROPOSED DEVELOPMENT SITE.
3. THE EXISTING SOILS CONSIST OF 12"-24" OF TOPSOIL OVER CLAY, SANDY CLAY SUB-BASE. ACCORDING TO SOIL BORINGS RECENTLY PERFORMED ON THE SITE.
4. THE EXISTING GROUND COVER CONSISTS OF IMPERVIOUS SURFACES, WELL MAINTAINED GRASSES AND EXISTING BUILDINGS.



REVISIONS:
 DATE:
 BY:
 1.

This Work Coordinated By:

AASON ENGINEERING COMPANY
 WATERTOWN, SD 57201
 Phone No. (605) 882-1022
 Fax No. (605) 882-1022

EXISTING CONDITIONS

MONTGOMERY'S DEVELOPMENT
 WATERTOWN, SD

DATE: JANUARY 24, 2022
 SCALE:
 DRAWN BY: CBD
 JOB NO.: 2020-175
 SHEET 2 OF 3

PROPOSED UTILITY NOTES:

SANITARY SEWER MAINS SHALL BE INSTALLED IN ACCORDANCE TO THE SPECIFICATIONS OF THE CITY OF WATERTOWN, SD. EACH STRUCTURE SHALL BE PROVIDED A SERVICE LINE TO THE MAIN.

WATER MAINS SHALL BE INSTALLED IN ACCORDANCE TO THE SPECIFICATIONS OF THE WATERTOWN MUNICIPAL UTILITIES DEPARTMENT.

PROPOSED SETBACKS

PERIMETER YARD SETBACKS ADJACENT TO RIGHT OF WAYS: 10'
 PERIMETER YARD SETBACKS ADJACENT TO NEIGHBORING PROPERTIES: 20'
 ALL INTERIOR SETBACKS WITHIN THE DEVELOPMENT: 0'

ZONING AUTHORITY: CITY OF WATERTOWN, SD
 PHONE NUMBER: (605) 882-6202 EXT. 3528 CONTACT PERSON: BRANDI HANTEN

PARKING REQUIREMENTS

TOTAL PARKING SPACES REQUIRED: 163 SPACES
 TOTAL PARKING SPACES PROVIDED: 173 SPACES

PROPOSED EASEMENTS

1. 10' WIDE UTILITY EASEMENT SHALL BE PROVIDED ALONG ALL PERIMETER LOT LINES.
2. UTILITY AND INGRESS AND EGRESS EASEMENTS SHALL BE PROVIDED IN ALL PARKING AREAS AND GREEN SPACES WITHIN THE DEVELOPMENT.



O'REILLY ADDITION
 OWNER: LEWIS & PATRICIA RADERSCHADT
 (O'REILLY AUTO STORE #2030)
 920 9TH AVE SE
 WATERTOWN, SD 57201

OUTLOT C IN LOT 3
 SECTION 5-116-52

WEST 370' OUTLOT D IN LOT 3
 LYING NORTH OF STREET LOT 1
 SECTION 5-116-52
 OWNER: GREENSTAMP PROPERTIES
 PO BOX 192
 WATERTOWN, SD 57201

LIMITS OF THE
 PLANNED UNIT
 DEVELOPMENT.

EXISTING BUILDING
 (57,848± SQ.FT.)
 PARKING REQUIREMENT: 1 / 1000 SQ.FT.
 TOTAL SPACES REQUIRED: 58

PROPOSED BUILDING
 (15,800± SQ.FT.)
 PARKING REQUIREMENT: 1 / 1000 SQ.FT.
 TOTAL SPACES REQUIRED: 16

PROPOSED BUILDING
 (6,000± SQ.FT.) / 250 SQ.FT.
 PARKING REQUIREMENT: 1 / 250 SQ.FT.
 TOTAL SPACES REQUIRED: 30

PROPOSED BUILDING
 (6,000± SQ.FT.) / 250 SQ.FT.
 PARKING REQUIREMENT: 1 / 250 SQ.FT.
 TOTAL SPACES REQUIRED: 32

PROPOSED BUILDING
 (6,750± SQ.FT.) / 250 SQ.FT.
 PARKING REQUIREMENT: 1 / 250 SQ.FT.
 TOTAL SPACES REQUIRED: 27

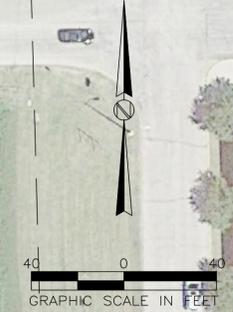
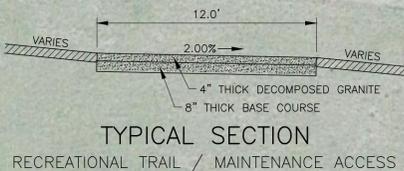
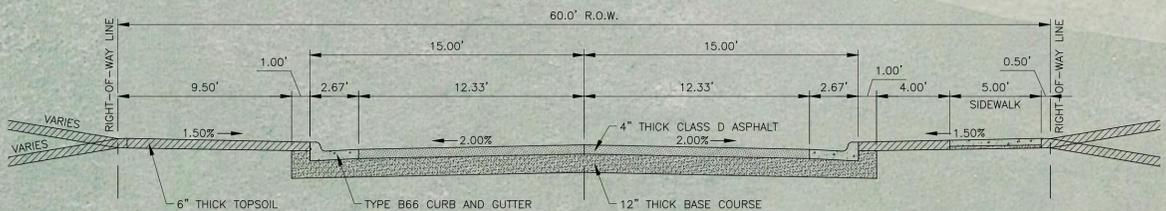
EAST 146' OUTLOT D IN LOT 3
 LYING NORTH OF STREET LOT 1
 OWNER: BRADLEY & ROXANNE SCHMELING
 (SEARS)
 1101 10TH AVENUE SE
 WATERTOWN, SD 57201

PROPOSED 8' WIDE
 WALKWAY AND PARKLET.

EXTEND EXISTING BOX CULVERT AND
 ADD FILL WITHIN EXISTING CREEK
 BED.

RIGHT OF WAY FOR DRAINAGE
 DITCH, SEWER AND PUMP STATION
 OWNER: CITY OF WATERTOWN

PROPOSED 12' WIDE
 DECOMPOSED GRANITE
 MAINTENANCE ACCESS.



REVISIONS:
 DATE:
 BY:
 1.

AASON ENGINEERING COMPANY
 WATERTOWN, SD 57201
 Phone No. (605) 882-1022



PROPOSED LAND USE
 MONTGOMERY'S DEVELOPMENT
 WATERTOWN, SD

DATE: JANUARY 24, 2022
 SCALE:
 DRAWN BY: CBD
 JOB NO.: 2020-175
 SHEET 3 OF 3

ORDINANCE NO. 22-17

Petition to Amend Zoning District Boundaries by Rezoning a Portion of City Property in Section 5, Township 116 North, Range 52 West of the 5th P.M. in the City of Watertown, SD from C-3 Highway Commercial District to PUD Planned Unit Development,

BE IT ORDAINED by the City of Watertown, upon examination of the *Petition to Change Zoning* by Petitioner, the City of Watertown, being the owner of the real property legally described as:

“All that portion of the right of way described by metes and bounds description and shown on the plat map recorded in Book 91 of Deeds on Pages 10 and 11 acquired for Drainage Ditch, Sewer, and Pumping Station lying adjacent and contiguous to Outlot “B” in Lot 3 Section 5, T116N, R52W of the 5th P.M., Codington County, South Dakota LESS the northerly 60’ thereof; LESS Lot PE1; LESS Lot H1; and LESS Lot H2 contained therein; AND all that portion of the right of way described by metes and bounds description and shown on the plat map recorded Book 91 of Deeds on Pages 10 and 11 acquired for Drainage Ditch, Sewer, and Pumping Station lying adjacent and contiguous to the East 146’ of Outlot “D” in Lot 3 lying North of Street Lot 1 Section 5, T116N, R52W of the 5th P.M., Codington County, South Dakota LESS the Northerly 60’ thereof; and LESS the East 50’ thereof”

Which upon platting to be known as, *“Lot 4 of Sinclair First Addition to the Municipality of Watertown, in the County of Codington, South Dakota”*

and based on the report and recommendation of the City Plan Commission in its Resolution No. 2022-22, that the property be, and is hereby, rezoned from the existing designation of *C-3 Highway Commercial District*, pursuant to Watertown Revised Ordinance §21.28, to *PUD Planned Unit Development*, pursuant to Watertown Revised Ordinance §21.38.

BE IT FURTHER ORDAINED that the new zoning designation referenced above be extended to the centerline of all adjacent public right-of-ways.

BE IT FURTHER ORDAINED that the zoning map of the City of Watertown be so amended.

The above and foregoing Ordinance was moved for adoption by Alderperson _____, seconded by Alderperson _____, and upon voice vote motion carried, whereupon the Mayor declared the Ordinance duly passed and adopted.

I certify that Ordinance No. 22-17 was published in the Watertown Public Opinion, the official newspaper of said City, on this ____ day of _____, 2022.

Kristen Bobzien, Finance Officer

First Reading: May 16th 2022
Second Reading: June 6th, 2022
Published: June 11th, 2022
Effective: July 21st, 2022

City of Watertown

Attest:

Kristen Bobzien
Finance Officer

Ried Holien
Mayor