



Board of Adjustment Agenda Item

Subject: Board Consideration of a Conditional Use Request for a Bar or Tavern in the C-3 Highway Commercial District on the property located at 909 3rd Street SW

Meeting: Board of Adjustment - Nov 07 2024

From: Heath VonEye, Assistant City Manager/Public Works Director

BACKGROUND INFORMATION:

Owner: City of Watertown

Applicant: Kyle Wiesner, MADJIK, LLC

Property Address: 909 3rd Street SW, Watertown, SD 57201

Legal Description: Lots 1-7 Block 93 & Lots 1-8 Block 94 of 5th Railway Addition to the Municipality of Watertown, Codington County, South Dakota

Conditional Use Request:

The applicant is seeking a Conditional Use approval pursuant to §21.2803 for 3. Bar or Tavern use to be located in the C-3 Highway Commercial District; contingent upon compliance with Specific Rules Governing Individual Conditional Uses §21.0202 under 2.b.7(a-h).

The applicant, Kyle Wiesner, on behalf of MADJIK, LLC, has entered into a lease agreement with the City of Watertown to operate the Family Entertainment Center (FEC) approved at the August 19, 2024, City Council Meeting (7-0). The lease agreement permits MADJIK, LLC to apply for a malt beverage license for on-premises use in conjunction with their concession operations.

The property was granted a conditional use to operate a Family Entertainment Center in 1996. The lots meet the minimum square footage requirement in the C-3 Highway Commercial District (20,000 SF) as it covers more than 270,000 SF of land between the two parcels. The parking requirement for a Bar, Tavern, or Lounge is 1 space per 150 square feet of gross floor area. Based off the square footage of the building (5280 SF) the parking lot is currently striped to be able to accommodate the required 36 parking spaces.

Before any conditional use shall be issued, the Board shall make written findings certifying compliance with the specific rules governing individual conditional uses and the satisfactory provision and arrangement has been made concerning the following, where applicable:

- (a) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

- (b) Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district.
 - (c) Refuse and service areas, with particular reference to the items in (a) and (b) above,
 - (d) Utilities, with reference to locations, availability and compatibility.
 - (e) Screening and buffering with reference to type, dimensions and character.
 - (f) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic affect, and compatibility and harmony with properties in the district.
 - (g) Required yards and other open space.
 - (h) General compatibility with adjacent properties and other property in the district.
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FINANCIAL CONSIDERATIONS:

N/A

OVERSIGHT / PROJECT RESPONSIBILITY:

Brandi Hanten, Community Development Manager
Carla Heuer, Planner

STAFF RECOMMENDATION / SUGGESTED MOTION:

Staff recommends approval of the Conditional Use Request through the following motion:

I move to approve the Conditional Use Request for a Bar or Tavern in the C-3 Highway Commercial District on the property located at 909 3rd Street SW.

ATTACHMENT(S):

[Application](#)

[Vicinity Map](#)

[Parking Lot](#)

Conditional Use Application**CU-24-25**

Submitted On: Oct 15, 2024

Applicant

 Kyle Wiesner
 605-520-7654
@ kyle.wiesner20@gmail.com

Primary Location

825 3RD ST SW
WATERTOWN, SD 57201

Applicant Information**Applicant is...**

Owner

Main Contact Information

Responsible party for all correspondence throughout the project.

Main Contact Name

Kyle Wiesner

Main Contact Phone Number

605-520-7654

Main Contact Email

kyle.wiesner20@gmail.com

Main Contact Address

1125 Konrady Dr NE

Property Information**Address of Conditional Use Request**

825 3rd St. SW

Owner Name

MADJIK LLC

Legal Description

Lots 1-7 Block 93 of 5th Railway Addition
Lots 1-8 Block 94 of 5th Railway Addition

Property Zoning District

C-3 Highway Commercial District

Requested Conditional Use

Conditional Use Permit for alcohol sales/consumption

Please reference Title 21

(<https://www.watertownsd.us/DocumentCenter/View/2382/Ordinance-Book-for-Website?bidId=>) for applicable conditional uses in specific districts.

Describe how the use will be established on the property

Alcohol Sales and Consumption will be offered along with various food/drink options as an attraction for the Entertainment Center.

How many parking spaces are provided on site for the proposed use?

20

What is the square footage of the structure the use will encompass?

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Justification for Request

Before any conditional use shall be issued, the Board shall make written findings certifying compliance with the specific rules governing individual conditional uses and the satisfactory provision and arrangement has been made concerning the following, where applicable:

Please answer the below items (a-h) on how they are addressed on the property or how the requested conditional use will be accommodated for if approved. If an item(s) will not be affected, insert "NA" in that field(s).

A. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

NA

B. Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district.

NA

C. Refuse and service areas, with particular reference to the items in (a) and (b) above

NA

D. Utilities, with reference to locations, availability and compatibility

NA

E. Screening and buffering with reference to type, dimensions and character

NA

F. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic affect, and compatibility and harmony with properties in the district.

NA

G. Required yards and other open space.

NA

H. General compatibility with adjacent properties and other property in the district

NA

You can also upload any site plans, images, sketches, etc. in the attachment section later in the application if that helps to better explain your request.

Sign Posting

Provided by the City, a sign must be posted by the applicant on the property requesting a conditional use at least five (5) days before the time of hearing, per City Ordinance Ch. 21. 0202 2.B.3.

City staff will send notification when the sign is ready to be picked up via OpenGov. Please check the application or the email address provided for notification.

I acknowledge that I will be required to post the sign stating the requested conditional use for the above referenced property.

true

Acknowledgement

I, the undersigned, do hereby affirm the above statements are true and correct and agree to comply with the provisions of the ordinances of the City of Watertown and the approved plans and specifications accompanying this application.

true

I am the...

Owner

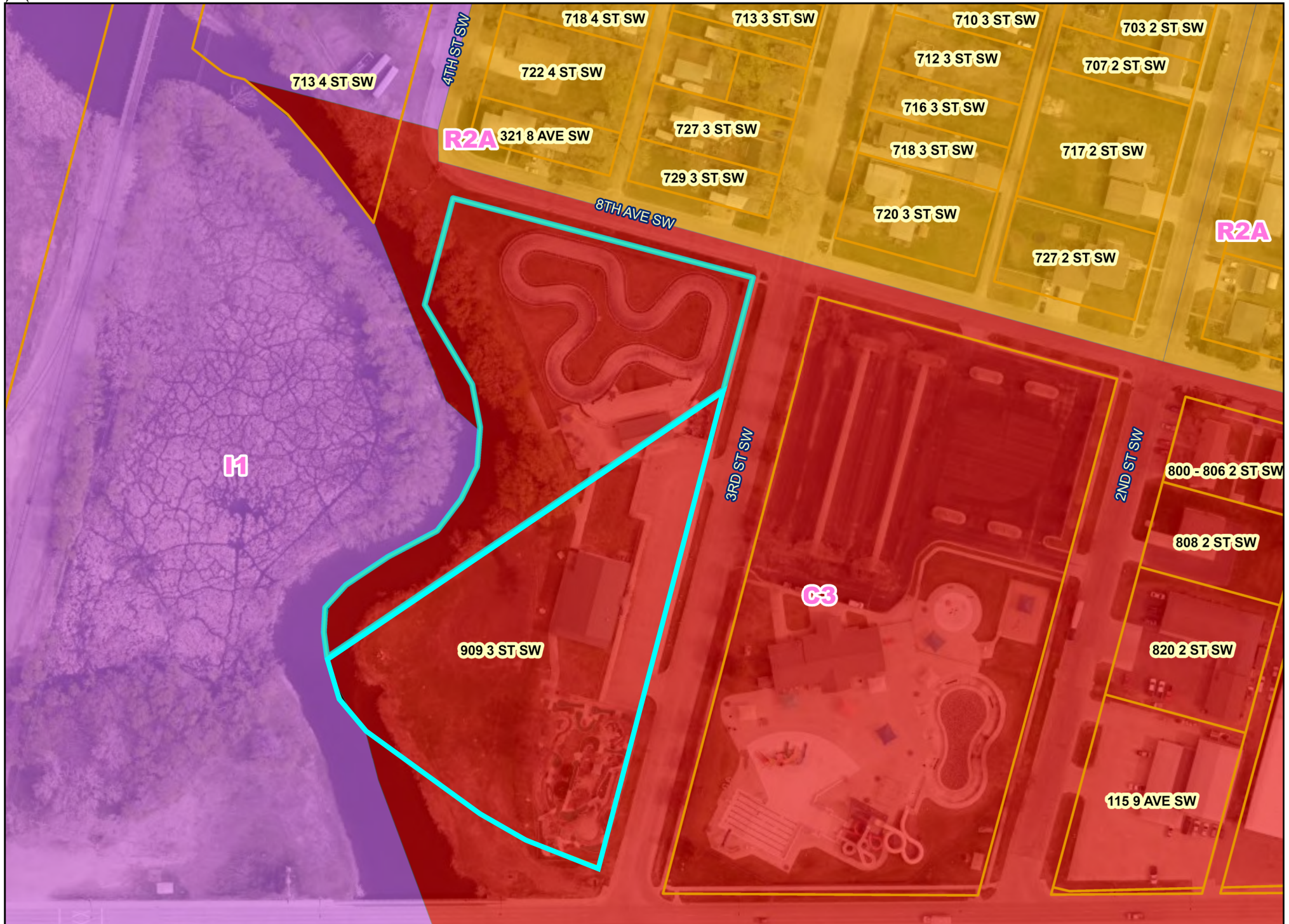
Date

10/15/2024

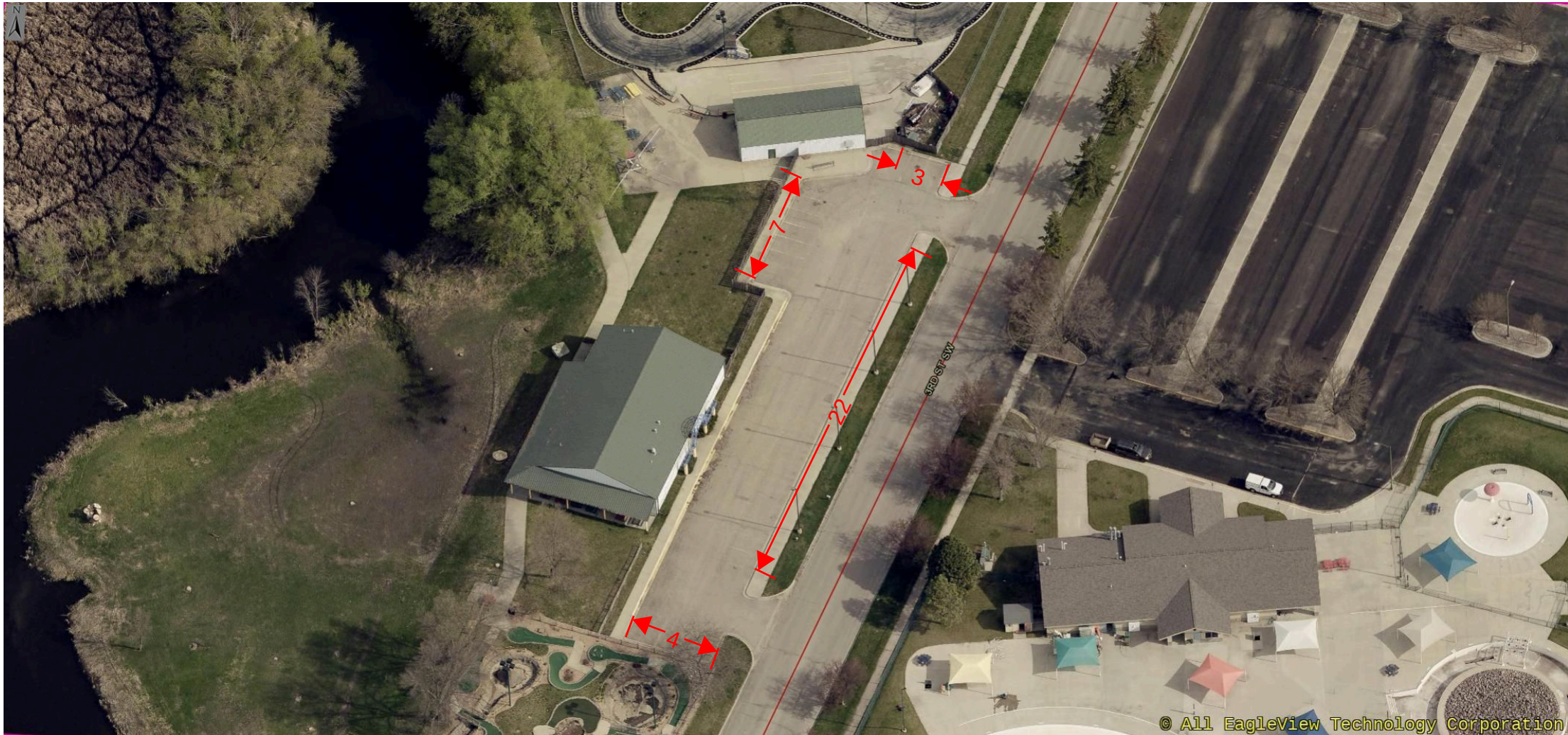


Vicinity Map

0 37.5 75 150 Feet



FEC Parking Lot



05/10/2023