

City Council



Agenda Item

Subject: First 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 04 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)

- 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

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:

No Action; First Reading

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) : PETITION TO CHANGE ZONING
COUNTY OF CODINGTON)**

**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.

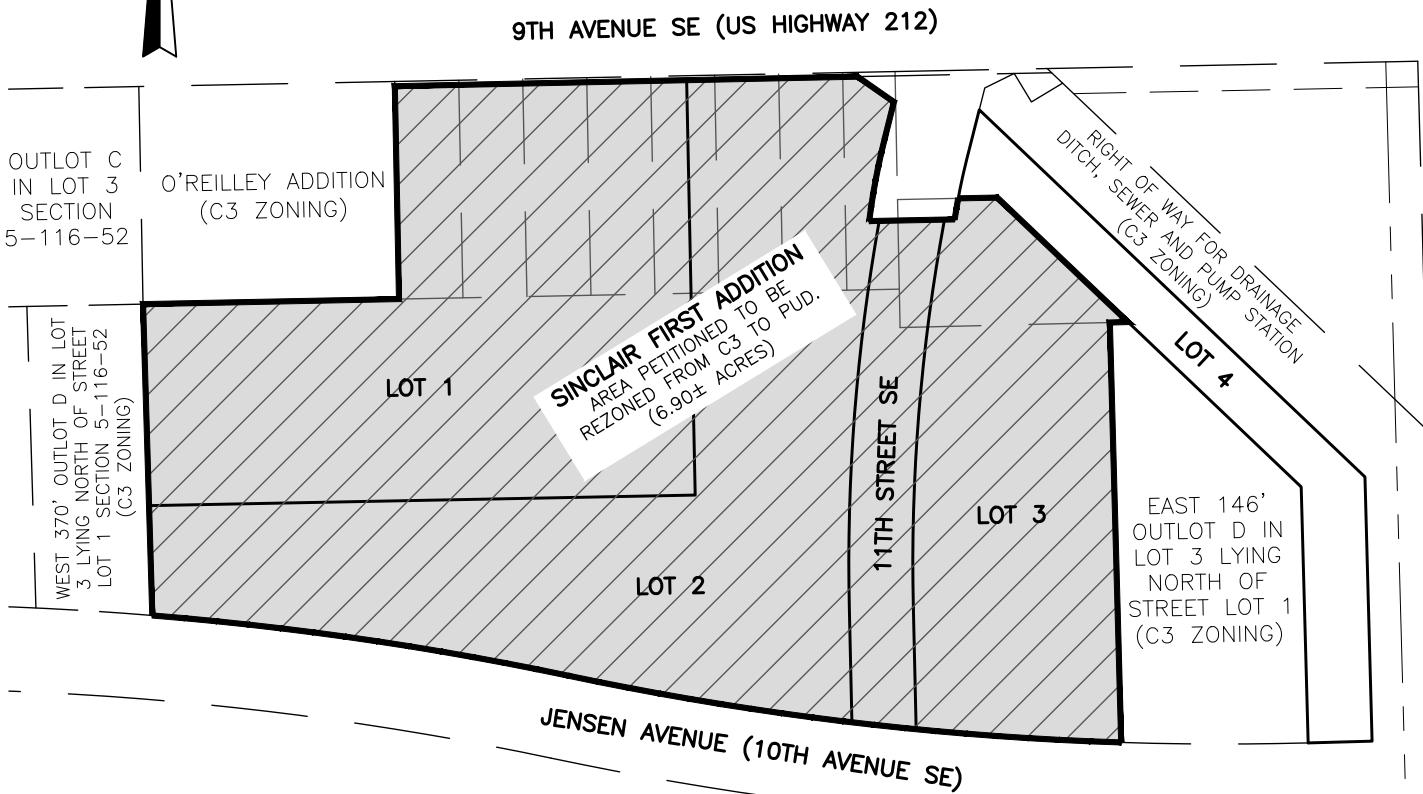
Notary Public (SEAL)

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'



Prepared By

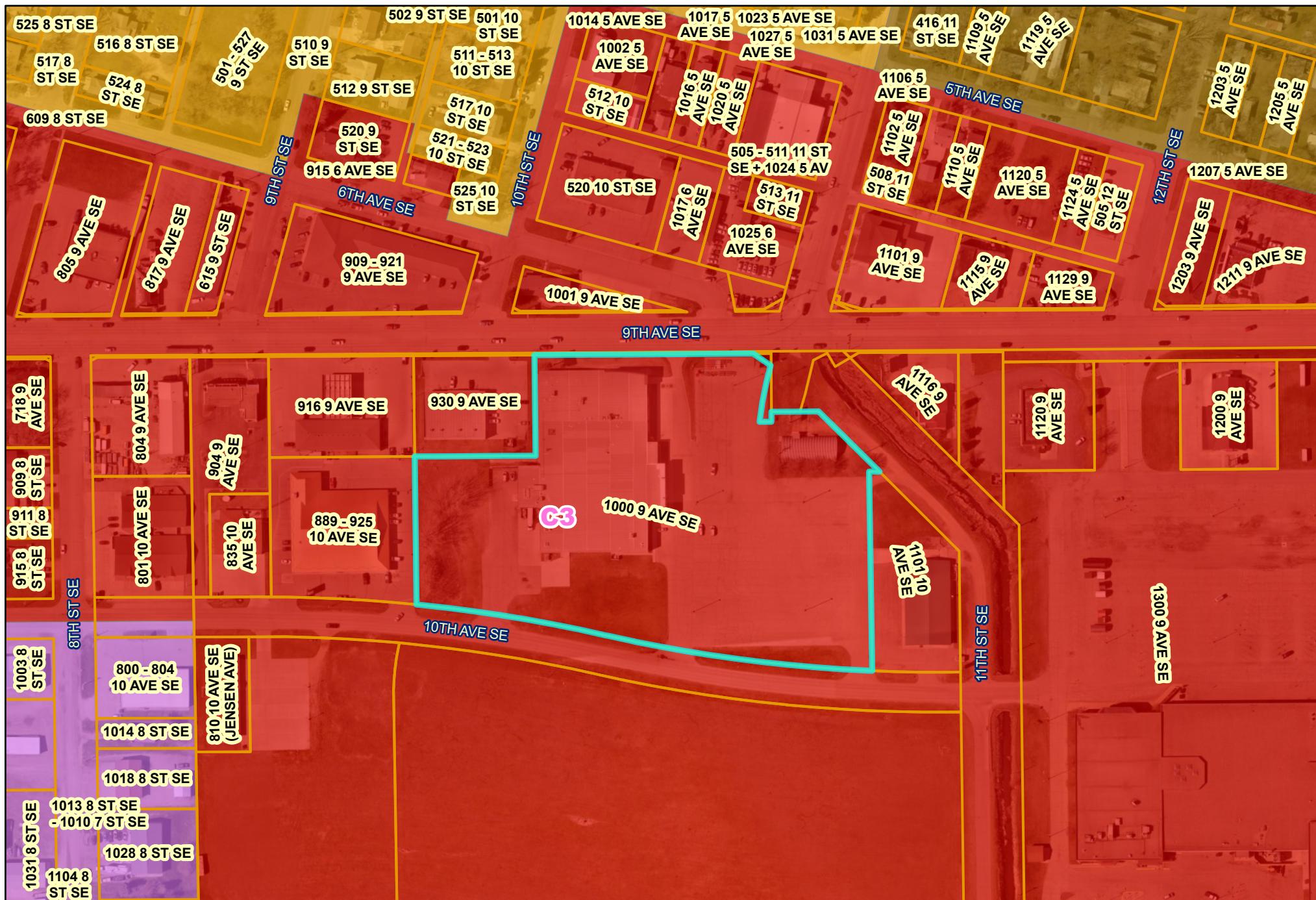
AASON ENGINEERING COMPANY, INC.

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

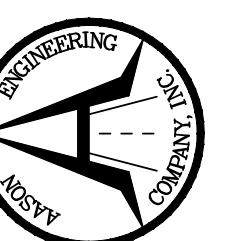
Montgomery's Development is a proposed commercial development located south of the intersection of 9th Ave SE and 11th St SE in Watertown, SD. The developer's vision is to utilize a large portion of unused parking area to construct 3-4 retail / office buildings, and to construct a public street creating 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.



REVISIONS:
DATE:
BY:



MONTGOMERY'S DEVELOPMENT

CHAMBERS DEVELOPMENT
WATERTOWN, SD

JANUARY 24, 2022

BY: CBD

..: 2020-175

2 OF 3

EXISTING CONDITIONS

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

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'

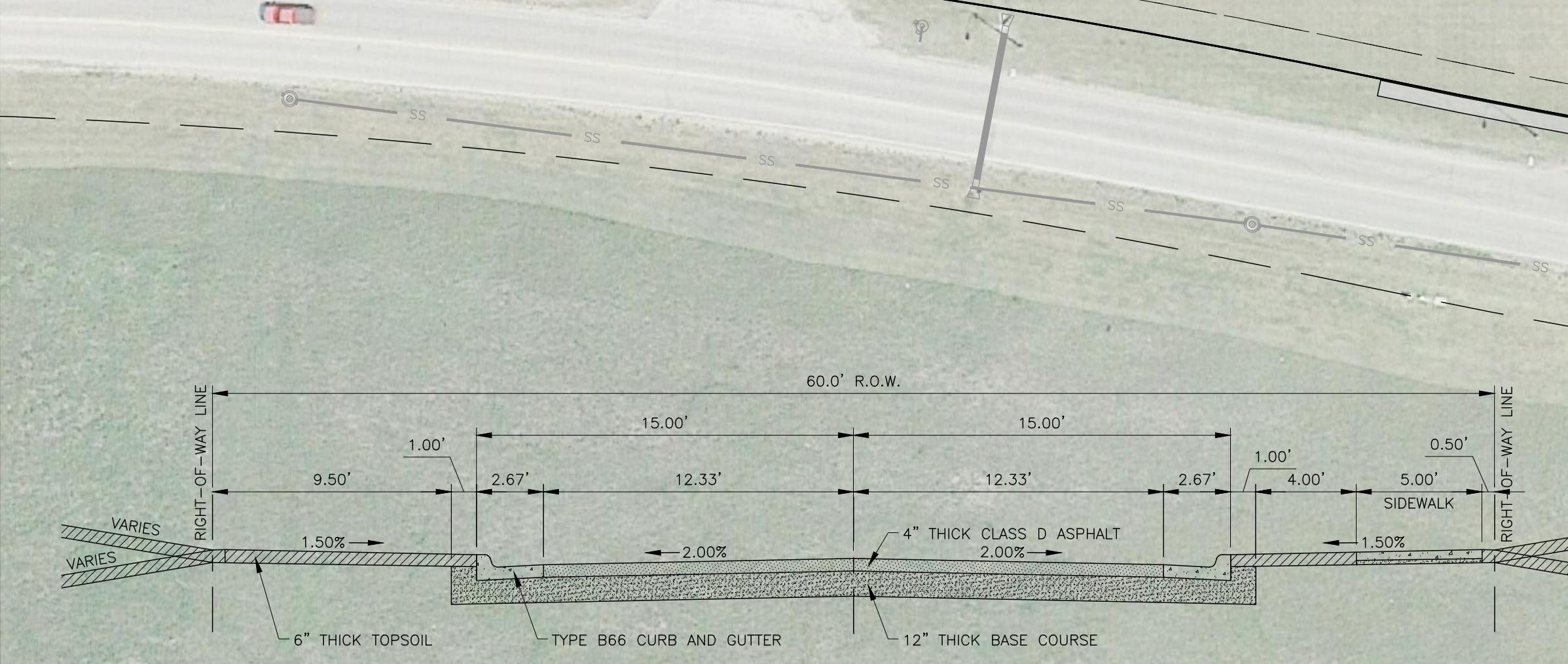
PERIMETER YARD SETBACKS ADJACENT TO NEIGHBORING PROPERTIES: 20'

ALL INTERIOR SETBACKS WITHIN THE DEVELOPMENT: 0'

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

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

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



TYPICAL SECTION
11TH STREET SE

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

SS

SE

SS

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