

Wagner Planning and Zoning Commission Meeting
Monday, September 15th, 2014
Wagner City Hall
12:00PM

Meeting called to order at 12:00 pm.

Members stood and recited the Pledge of Allegiance.

Members Present: Dale Petrik, Jean Pirner John Greger and Chad Peters. Others present: Becky Brunsing, Finance Officer, and City Attorney, Ken Cotton. Absent: Vern Twitero.

A motion was made by Greger, second by Pirner to approve the agenda. All voted aye, motion carried.

The Commission considered the application of Fousek Grain LLC for a setback variance of an existing grain bin and a height variance for the existing bin and a grain leg to serve only the existing bin, located on lots 1 & 2, Block 23, 4th Addition, City of Wagner, South Dakota.

Mr. Fousek would like a variance of 8 feet from the 20 foot setback for an existing bin. He also is requesting a 65' height variance for the grain bin and a 100 foot height variance for the grain leg. Discussion followed.

There being no further discussion, a motion was made by Greger, second by Petrik, to recommend the variance be granted for a 8 feet from the 20 foot setback for an existing bin. He also is requesting a 65' height variance for the grain bin and a 100 foot height variance for the grain leg subject to the following conditions as the proposed rezoning ordinance changing the use of the property from Residential (R-1) to Highway Commercial HC. The conditions are as follows:

1. No on ground storage of grain shall be allowed on the property.
2. No chemicals, fertilizers or equipment shall be stored or allowed on the property. Grain handling equipment may only be on the property during those times of the year that grain is being harvested and those times of year when grain is being marketed.
3. That six (6) grain bins are the maximum number of bins that shall ever occupy the above described real property.
4. No abandoned or unusable grain handling, or any other equipment of any kind or type, shall be allowed upon the property.
5. No rubble or refuse of any kind or type shall be allowed upon the property at any time.
6. No spilled or rotting grain shall be allowed on the property. All grain stored on the property must be inside one of the six (6) bins allowed on the property.

7. No parking of grain or truck equipment shall be parked on any neighboring properties without permission from the owner of said adjoining property or properties.
8. All setbacks required by Highway Commercial category must be meant at all times.
9. The bin footing and floor frame in the northwest corner of the property will be removed and no bin will be constructed where that bin footing and floor frame was originally laid out.
10. The property is to only be used now and in the future exclusively and only for grain in-bin storage.
11. Sam Fousek and Angie Fousek, d/b/a Fousek grain are hereby allowed to construct the grain leg up to the replacement bin that has been constructed prior to this zoning change for use in the 2014 harvest season, subject to Sam Fousek and Angie Fousek, d/b/a Fousek Grain granting onto the City of Wagner an Indemnification and Hold Harmless Agreement acceptable to the City of Wagner releasing the City of Wagner from any and all liability for the cost of said grain leg and its installation in the event Fousek's would put up the grain leg and for any reason the rezoning of the property does not occur.
12. The City of Wagner shall have all enforcement powers over this rezoned real property, and the conditions set forth herein, given to the City of Wagner by this ordinance, the Wagner Municipal Code, and any and all other state and federal laws.
13. Must meet all Federal Aviation Administration (FAA) or SD Aeronautical (DOT) requirements in regards to the height of the grain bin and the height of the grain leg.

All voted aye, motion carried. The Board of Adjustments meeting is scheduled for Monday, September 29th, 2014 at 5:30 pm at City Hall.

The Planning Commission was briefed on the status of the Jeff Miller variance from November, 2013. Discussion followed. Mr. Cotton will be sending a letter dated today, September 16, 2014 to Mr. Miller, re-enforcing the requirements set forth in regards to his variance of bringing a mobile home to an empty lot that he owns.

A motion was made by Greger, second by Petrik to as adjourned at 12:30 pm.

Respectfully submitted,

Ken Cotton
City Attorney

Rebecca Brunsing
Finance Officer