



City Council

Agenda Item

Subject: Second Reading of Ordinance No. 24-21, Amending the Zoning Map of the City of Watertown, SD, for the property legally described as Lot 5 Block 5 North Lake Drive Addition from R-1 Single Family Residential District to R-G Residential Garage District.

Meeting: City Council - Oct 07 2024

From: Amanda Mack, City Manager

BACKGROUND INFORMATION:

The owners, Douglas and Jacqueline Lage, have petitioned to rezone a portion of property in the North Lake Drive Addition from R-1 Single Family Residential District to R-G Residential Garage District. The property abuts two lots to the east that were approved to be rezoned from R-1 to R-G in 2015. When those lots were rezoned the combined total square footage and frontage did not meet the required 1 acre and 300 feet of improved frontage required by ordinance. Rezoning the proposed lot will bring the three lots into compliance with the ordinances.

Before a Petition for Rezone can be heard the following requirements must be met:

- i. The written consent of a majority of all property owners (fifty-five percent (55%)) owning property immediately adjacent to the proposed zone.
- ii. The written consent of a majority (fifty-five percent (55%)) of all property owners within two hundred and fifty (250) feet of the proposed zone.
- iii. If an applicant cannot acquire all signatures required they may appeal to the Plan Commission. (Ord 17-12; Rev 05-12-17)

The applicants received 2/5 or 40% of the immediately adjacent landowner signatures being unable to meet the requirement of obtaining written consent of 55% of the immediately adjacent property owners. The applicants received 7/13 or 54% of the property owners within 250' of the property, just short of the ordinance requirement to obtain written consent (55%) of a majority of all property owners within 250' of the proposed rezone. Per ordinance, the applicants are able to appeal this requirement to the Plan Commission. When the lots to the east were rezoned to R-G in 2015, the applicants were also unable to obtain the required majority and appealed at that time, as well. The R-G zone is the only zoning district that requires consent from neighboring property owners. At the September 5, 2024, Plan Commission meeting staff is proposing to eliminate the requirement for neighborhood consent for the R-G zoning district in order to create consistency between the petition process amongst all zoning districts and eliminate possible conflict between neighbors.

If the rezone is approved, the property owners will obtain access from North Lake Drive since the previous resolution prohibiting access from the lots of North Lake Drive Addition from accessing that right-of-way has been amended by City Council to allow it. This will take place at the time of building permit issuance for the residential garage. If the property owners were to obtain access through

Pheasant Lane, which is not desirable in the opinion the staff, it would need to be improved from the county road of 168th Street to their property which is approximately 700 linear feet to meet Engineering Design Standards for a urban local street standard that had curb & gutter and was paved at the time of building permit issuance.

The Plan Commission recommended approval to City Council at the September 5, 2024, meeting (5-0).

Facts:

1. Adjacent Property Zoning Designation:
 - a. North→ County
 - b. East→ R-G Residential Garage
 - c. South → R-1 Single Family Residential District
 - d. West→ R-1 Single Family Residential District
2. Rezone will extend to the centerline of the adjacent right-of-ways
3. Driveway access to the right-of way will be granted off of North Lake Drive
4. No floodplain in area

FINANCIAL CONSIDERATIONS:

N/A

OVERSIGHT / PROJECT RESPONSIBILITY:

Heath VonEye, Assistant City Manager/Public Works Director

Brandi Hanten, Community Development Manager

Carla Heuer, Planner

STAFF RECOMMENDATION / SUGGESTED MOTION:

Staff recommends approval of the ordinance amendment through the following motion:

I move to approve Ordinance No. 24-21, Amending the Zoning Map of the City of Watertown, SD, for the property legally described as Lot 5 Block 5 North Lake Drive Addition from R-1 Single Family Residential District to R-G Residential Garage District.

ATTACHMENT(S):

[Vicinity Map](#)

[Application](#)

[Petition to Rezone](#)

[Adjacent Landowner Signatures](#)

[Ordinance No. 24-21](#)



Lot 5 Block 5 North Lake Drive - Residential Garage Rezone

0 30 60 Feet

1 inch = 66.772759 feet






Rezoning Application

RZ-24-5

Submitted On: Jun 28, 2024

Applicant

 Douglas & Jacqueline Lage
 507-829-0924
 djlage@charter.net

Primary Location

Point Location: 44.9484, -97.2097

Applicant Information

I the applicant am the...

Property Owner

Applicant Access

Project Information

Existing Legal Description

LOT 5 BLK 5 NORTH LAKE DRIVE ADD

Proposed Legal Description

LOT 5 BLK 5 NORTH LAKE DRIVE ADD

Reason for Rezone

Rezoning a R-1 lot to R-G to create a conforming R-G area and to accomodate building a garage without being required to have a prmarily residential structure.

Size of site being rezoned (Acres)

14882.46

Size of site being rezoned (SF)

648279957.6

Current Zoning Designation

R-1 Single Family Residential District

Proposed Zoning Designation

R-G Residential Garage District

Design Professional Information

Name

N/A

Phone Number

N/A

Email Address

N/A

Mailing Address

N/A

City

N/A

State

N/A

Zip

N/A

Applicant Signature

Applicant Signature

I agree that all information provided is true and accurate to the true
best of my knowledge.

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 Petitioners, *Douglas & Jacqueline Lage* 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 "R-1 Single Family Attached Residential District" to "R-G Residential Garage District".

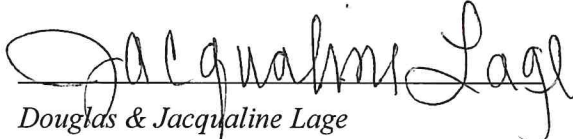
Lot 5 Block 5 North Lake Drive Addition to the Municipality of Watertown located in Codington County, South Dakota

2. Petitioners are the owners of record of the above-described real property.
3. Rezoning a R-1 Single Family Attached Residential District lot to R-G Residential Garage District to create a conforming R-G Residential Garage area and to accommodate building a garage without being required to have a primarily residential structure.
4. The following Exhibits are attached hereto and are by reference incorporated as part of this Petition:

Lot 5 Block 5 North Lake Drive – Residential Garage Rezone

WHEREFORE, PETITIONERS REQUEST that the City Council of Watertown, South Dakota adopt an ordinance re-zoning the above-referenced real property from its current designation as "R-1 Single Family Attached Residential District" to "R-G Residential Garage District".

Dated this 28 day of June, 2024.


Douglas & Jacqueline Lage

State of South Dakota)

)SS:

County of Codington)

On this the 28 day of June, 2024, before me, the undersigned officer, personally appeared Douglas & Jaqualine Lage known to me or satisfactorily proven to be the person(s) who signed the foregoing PETITION.

IN WITNESS THEREOF, I hereunto set my hand and official seal.

Debra A. H.
Notary Public

Notary Public

My Commission Expires: 3-9-2029



Please reference the attached map as a guide for adjacent property owners:

We Douglas & Jaqualine C Lage, currently own Lot 5 Block 5 North Lake Drive Addition. These lots are currently zoned "R-1 Single Family Residential" and are petitioning to have them rezoned to "R-G Residential Garage District."

1. I, Douglas or Jaqualine Lage, as an immediately adjacent landowner at 512 Pheasant Lane and within 250' of the property at our residence at 510 NLD, have no objection to the rezoning of the above said property.

Signature: ALREADY RECEIVED Date: _____

2. I, Gary or Karen Liebl, as an immediately adjacent landowner at 518 Pheasant Lane and within 250' of the property at our residence at 518 NLD, have no objection to the rezoning of the above said property.

Signature: Refused Date: _____

3. I, Gregory or Joan Gibson, as an immediately adjacent landowner at 514 NLD and within 250' of the property, have no objection to the rezoning of the above said property.

Signature: No contact Date: _____

4. I, Todd or LeAnn Swenson, as an immediately adjacent landowner at 516 NLD and within 250' of the property, have no objection to the rezoning of the above said property.

Signature: Refused Date: _____

5. I, William or Madonna Howard, as an immediately adjacent landowner at 44933 168th St and within 250' of the property, have no objection to the rezoning of the above said property.

Signature: ALREADY RECEIVED Date: _____

1 more
yellow

6. I, Acting Agent of HARP LLC, as an adjacent landowner within 250' of the property, have no objection to the rezoning of the above said property.

Signature: ALREADY RECEIVED Date: _____

7. I, Jordan or Brittany Wollschlager, as an adjacent landowner within 250' of the property at our residence at 508 NLD, have no objection to the rezoning of the above said property.

Signature: ALREADY RECEIVED Date: _____

8. I, ^{Emily Berg}~~Ferri Hurkes~~, as an adjacent landowner at 504 NLD within 250' of the property, have no objection to the rezoning of the above said property.

Signature: Emily M. Berg Date: 7-22-24

9. I, Paul I. Hinderaker, as an adjacent landowner at 500 NLD within 250' of the property, have no objection to the rezoning of the above said property.

Signature: Paul Hinderaker Date: 7.22.24

10. I, the acting agent Black Dog Holdings, LLC, as an adjacent landowner at 520 NLD within 250' of the property, have no objection to the rezoning of the above said property. Vanderpahl

Signature: No Contact Date: _____

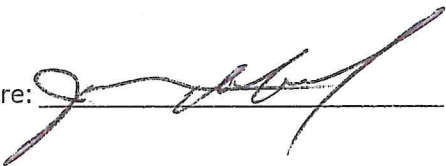
11. I, Acting Agent of Doreen Singrey Revocable Living Trust, as an adjacent landowner within 250' of the property, have no objection to the rezoning of the above said property.

Signature: No contact Date: _____

12. I, the acting agent for John & Kay Johnson Living Trust, as an adjacent landowner at 524 NLD within 250' of the property, have no objection to the rezoning of the above said property.

Signature: No contact Date: _____

13. I, Trudi B Robel, as an adjacent landowner at 5608 38th Avenue NW within 250' of the property, have no objection to the rezoning of the above said property.

Signature:  Date: _____

For the immediately adjacent landowners of the property, there are 5 property owners which would require 3 signatures from adjacent property owners. (Received 2 of 3)

For the adjacent landowners within 250' there are 13 property owners which would require 7 signatures from adjacent property owners as the petitioner owns one property within 250' of the property petitioned to be rezoned to RG. (Received 4 of 7)

2 others

We, Douglas J & Jaqualine C Lage, currently own Lot 5 Block 5 North Lake Drive Addition. This lot is currently zoned "R-1 Single Family Residential" and we are petitioning to have it rezoned to "RG Residential Garage."

I, Doreen L Singrey, as an adjacent landowner, have no objection to the rezoning of Lot 5 Block 5 North Lake Drive Addition.

Signature: _____ Date: _____

We, Gary M or Karen M Liebl, as adjacent landowners, have no objection to the rezoning of Lot 5 Block 5 North Lake Drive Addition.

Signature: _____ Date: _____

We, Gregory J or Joan M Gibson, as adjacent landowners, have no objection to the rezoning of Lot 5 Block 5 North Lake Drive Addition.

Signature: _____ Date: _____

We, Jordan or Brittany Wollschlager, as adjacent landowners, have no objection to the rezoning of Lot 5 Block 5 North Lake Drive Addition. (w/ 2 lots)

Signature:  Date: 7-9-24

We, Todd L or Leann Swenson, as adjacent landowners, have no objection to the rezoning of Lot 5 Block 5 North Lake Drive Addition.

Signature: _____ Date: _____

We, William J or Madonna J Howard, as adjacent landowners, have no objection to the rezoning of Lot 5 Block 5 North Lake Drive Addition

Signature: 

Date: 7-7-24

We, Douglas J & Jaqualine C Lage, as landowners of two adjacent lots, have no objection to the rezoning of Lot 5 Block 5 North Lake Drive Addition.

Signature: 

Date: 7-3-24

ORDINANCE NO. 24-21

Petition to Amend Zoning District Boundaries by Rezoning Lot 5 Block 5 North Lake Drive Addition from R-1 Single Family Residential District to R-G Residential Garage District

BE IT ORDAINED by the City of Watertown, upon examination of the *Petition to Change Zoning* by Douglas and Jacqueline Lage, the owners of real property described as:

“Lot 5 Block 5 North Lake Drive 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 Ordinance No. 24-21, that the property be, and is hereby, rezoned from the existing designation of R-1 Single Family Residential District, pursuant to Watertown Revised Ordinance §21.14 to R-G Residential Garage District, pursuant to Watertown Revised Ordinance §21.23.

BE IT FURTHER ORDAINED that the new zoning designation referenced above be extended and applied to the centerline of the 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. 24-21 was published in the Watertown Public Opinion, the official newspaper of said City, on this ____ day of _____, 2024.

Kristen Bobzien, Chief Financial Officer

First Reading: Monday, September 16, 2024

Second Reading: Monday, October 7, 2024

Published: Saturday, October 11, 2024

Effective: Friday, November 1, 2024

City of Watertown

Attest:

Kristen Bobzien
Chief Financial Officer

Ried Holien
Mayor