



# City Council

## Agenda Item

**Subject:** Second Reading of Ordinance No. 22-28, Amending the Zoning Map of the City of Watertown, SD, for a portion of East Woods Addition from R-2 Single Family Attached Residential District to R-3 Multi-Family Residential District

**Meeting:** City Council - Feb 06 2023

**From:** Amanda Mack, City Manager

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### **BACKGROUND INFORMATION:**

#### **Background:**

Archer Land Co. LLC., Agent Petitioner for Ownership, and Heilman Homes, Inc., Owner, has submitted a petition to rezone "The East 572' of the North 353' of the Northwest Quarter; less that portion lying within Lot 37 Block 13 of the Plat entitled 'East Woods Seventh Addition to the Municipality of Watertown, in the County of Codington, South Dakota' and less that portion lying within the Plat entitled; 'East Woods Fifteenth Addition to the Municipality of Watertown in the County of Codington, South Dakota'; and less Section Line Right of Way; All in Section 28, T117N, R52W of the 5th P.M., Codington County South Dakota" which upon platting shall be known as "East Woods 19th Addition to the Municipality of Watertown, in the County of Codington, South Dakota" from its current designation of R-2 Single Family Attached Residential District to R-3 Multi-Family Residential District.

The above-described legal description, contains approximately 159,429.9 SF (3.66 acres), which meets the minimum lot area requirement in the R-3 Multi-Family Residential District (1,300/d.u.f.g).

With three commission members in favor and four commission members opposed (3-4), the Plan Commission did not recommend approval of the rezone to the City Council, at the December 8th, 2022 meeting. The first reading of the rezone was held at the December 19, 2022 City Council Meeting. A second reading, with public hearing, of the rezone was held at the January 3, 2023 City Council Meeting where a motion to defer action on Ordinance No. 22-28 until the February 6, 2023 council meeting was made and carried.

#### **Facts:**

1. Adjacent Property Zoning Designation:

- a. **North** → Codington County
- b. **East** → R-3 Multi-Family Residential District
- c. **South** → A-1 Agricultural District
- d. **West** → A-1 Agricultural District

2. Rezone will extend to the centerline of the adjacent right-of-ways

3. Discussion was held regarding the Master Plan of East Woods Addition at the September 16, 2002 Plan Commission Meeting. No action was taken.

4. The revised Master Plan of East Woods Addition was approved at the October 21, 2002 Plan Commission Meeting.

5. Discussion was held and a revised Master Plan of East Woods Addition was approved at the May 18, 2006 Plan Commission Meeting.
6. Public hearing was held for annexation and zoning at the the July 23, 2015 Plan Commission Meeting. Annexation was recommended, but the R-3 zoning recommendation denied.
7. R-2 zoning was approved at the August 20, 2015 Plan Commission Meeting.
8. Annexation and R-2 Zoning was approved at the September 21, 2015 City Council Meeting.
9. The Preliminary Plan of East Woods 19th Addition was approved at the June 20, 2019 Plan Commission Meeting.
10. The Plat of East Woods 19th Addition was approved at the June 20, 2019 Plan Commission Meeting.
11. The Plat of East Woods 19th Addition was approved at the July 1, 2019 City Council Meeting. Plat was not filed.

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**SUGGESTED MOTION:**

No Suggested Motion

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**STAFF REFERENCE(S):**

Brandi Hanten, Heath VonEye, Jana Mills

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**ATTACHMENT(S):**

[Petition](#)

[Vicinity Map](#)

[Ordinance No. 22-28](#)



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 R-2 SINGLE FAMILY ATTACHED RESIDENTIAL DISTRICT to R-3 MULTI-FAMILY RESIDENTIAL DISTRICT.

Dated this 8<sup>th</sup> day of November, ~~2013~~, 2022

X [Signature]

HEILMAN HOMES INC  
Current Owner  
507 11th St SE  
Watertown, SD 57201

X [Signature]

ARCHER LAND CO. LLC  
Agent Petitioner for Ownership  
19216 456<sup>th</sup> Ave  
Lake Norden, SD 57248

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

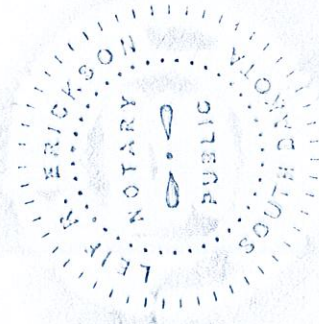
On this the 8<sup>th</sup> day of November, ~~2013~~, 2022, before me, the undersigned officer, personally appeared HEILMAN HOMES INC. known to me or satisfactorily proven to be the person(s) who signed the foregoing PETITION.

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

[Signature]  
Notary Public

(SEAL)

My Commission Expires: 12-17-2026



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

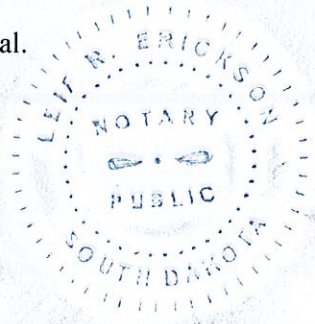
On this the 8<sup>th</sup> day of November, ~~2013~~, 2022, before me, the undersigned officer, personally appeared ARCHER LAND CO. LLC known to me or satisfactorily proven to be the person(s) who signed the foregoing PETITION.

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

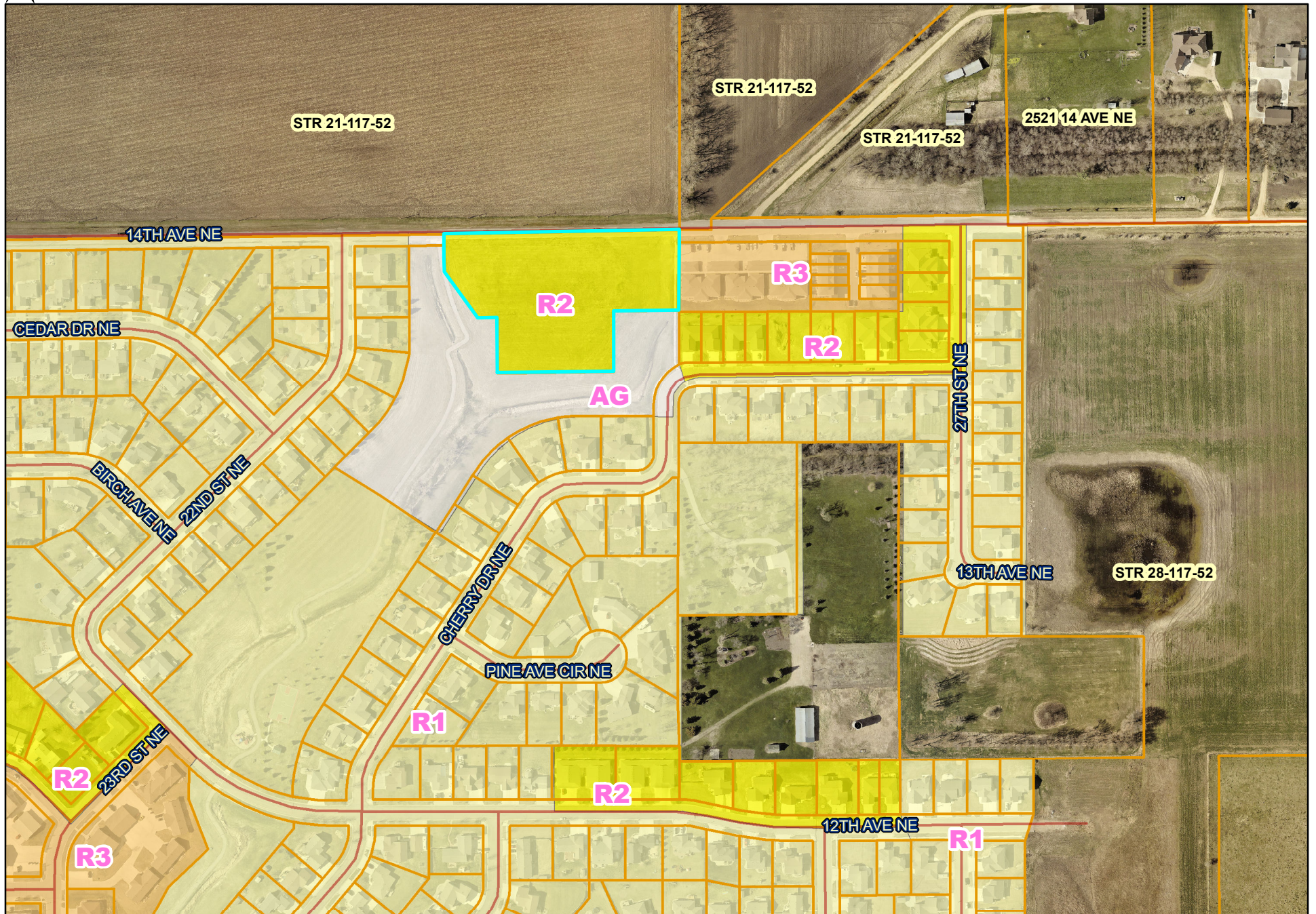
[Signature]  
Notary Public

(SEAL)

My Commission Expires: 12-17-2026



# Vicinity Map



**ORDINANCE NO. 22-28**

**Petition to Amend Zoning District Boundaries by Rezoning a Portion of East Woods Addition from R-2 Single Family Attached Residential District to R-3 Multi-Family Residential District**

**BE IT ORDAINED** by the City of Watertown, upon examination of the *Petition to Change Zoning* by Archer Land Co. LLC., Agent Petitioner for Ownership, and Heilman Homes, Inc., the owner of real property described as:

*“The East 572’ of the North 353’ of the Northwest Quarter; less that portion lying within Lot 37 Block 13 of the Plat entitled ‘East Woods Seventh Addition to the Municipality of Watertown, in the County of Codington, South Dakota’ and less that portion lying within the Plat entitled; ‘East Woods Fifteenth Addition to the Municipality of Watertown in the County of Codington, South Dakota’; and less Section Line Right of Way; All in Section 28, T117N, R52W of the 5th P.M., Codington County South Dakota”*

*which upon platting shall be known as “East Woods 19th 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. 2022-45, that the property be, and is hereby, rezoned from the existing designation of *R-2 Single Family Attached Residential*, pursuant to Watertown Revised Ordinance §21.16 to *R-3 Multi-Family Residential*, pursuant to Watertown Revised Ordinance §21.20.

**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. 22-28 was published in the Watertown Public Opinion, the official newspaper of said City, on this \_\_\_\_ day of \_\_\_\_\_, 2022.

Kristen Bobzien, Finance Officer

First Reading: Monday, December 19, 2022  
Second Reading: Monday, February 6, 2023  
Published: Saturday, February 11, 2023  
Effective: Friday, March 3, 2023

City of Watertown

Attest:

\_\_\_\_\_  
Kristen Bobzien  
Finance Officer

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Ried Holien  
Mayor