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**AGENDA, JOINT CITY COUNCIL/COUNTY COMMISSION MEETING  
TUESDAY, JULY 31, 2018, AT 8:45 A.M.  
BROWN COUNTY COMMISSION CHAMBERS, 25 MARKET ST., COUNTY COURTHOUSE. 1<sup>ST</sup> FLOOR**

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1. ROLL CALL
  
2. ORDINANCE NO. 18-07-02 (478) – ORDINANCE TO REZONE FROM (A-1) DISTRICT TO (M-AG) DISTRICT FOR PROPERTY DESCRIBED AS:  
LOT 14, BLOCK 3, MOULTON'S FIRST SUBDIVISION IN THE SE ¼ OF SECTION 2, T122N, R64W OF THE 5<sup>TH</sup> P.M., BROWN COUNTY, SOUTH DAKOTA (WEST OF 13687 - 387<sup>TH</sup> AVE.)  
POSSIBLE SECOND READING AND FINAL ADOPTION OF ORDINANCE NO. 18-07-02
  
3. ORDINANCE NO. 18-07-03 (479) – ORDINANCE TO REZONE FROM (C-2) DISTRICT TO (R-2) DISTRICT FOR PROPERTY DESCRIBED AS:  
LOTS 1 AND 2, PETER REINBOLD EXCEPTION IN THE SW ¼ OF SECTION 2, T123N, R64W OF THE 5<sup>TH</sup> P.M., BROWN COUNTY, SOUTH DAKOTA (1402 AND 1412 – 24<sup>TH</sup> AVE., NW)  
POSSIBLE SECOND READING AND FINAL ADOPTION OF ORDINANCE NO. 18-07-03
  
4. ADJOURN

City of Aberdeen  
Request for Council Action

Agenda Item No.	2	Meeting Date:	<del>July 24, 2018</del> July 31, 2018
Agenda Section	<del>New</del> Business	Originating Dept:	Planning and Zoning
Resolution	NA		
Ordinance	18-07-02 (478)	Prepared by:	Eric Miller, Planner
No. of Attachments	4	Presented by:	Brett Bill, Planning and Zoning Director/Building Official

Item:

Rezone from (A-1) Agricultural District to (M-Ag) Mini-Agricultural District – 13687 387<sup>th</sup> Avenue (Approximately 2 ½ miles south of the Aberdeen Rural Fire Station) – Burt Elliot.

City Manager's Proposed Action:

Motion by \_\_\_\_\_, Second by \_\_\_\_\_ to approve first/second reading of the proposed petition to rezone.

Overview:

The petitioner is requesting this petition to rezone in order to bring the parcel into a district that is consistent with its size and use, in order to allow for future residential development. Additionally, the petitioner has hired a surveyor to plat this lot together with the lot located adjacent to the east. This petition to rezone will eliminate the split zoning that would have occurred with these two lots being combined into one parcel. This petition to rezone was submitted in conjunction with a preliminary and final plat, with both being approved by the Joint City/County Planning Commission on July 17, 2018.

Issues/Alternatives to Consider:

None.

Budgetary/Fiscal Issues:

None.

Attachments:

Staff Report.  
Petition to Rezone.  
Map of Proposed Rezone.  
Ordinance.

STAFF REPORT  
July 17, 2018

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**PETITION TO REZONE A-1 TO M-AG**

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GENERAL INFORMATION

PETITIONER	Burt Elliott
REQUEST	<b>Rezone from (A-1) Agricultural District to (M-Ag) Mini-Agricultural District</b>
LEGAL DESCRIPTION	Lot 14, Block 3 Moulton's First Subdivision in the SE¼ of Sec. 2-T122N-R64W of the 5 <sup>th</sup> P.M., Brown County, South Dakota.
LOCATION	Directly west of 13687 387 <sup>th</sup> Avenue (About 2½ miles south of Aberdeen Rural Fire Station)
EXISTING ZONING	Agricultural District
PROPOSED ZONING	Mini-Agricultural District
SURROUNDING ZONING	
North:	Agricultural District
South:	Mini-Agricultural District
East:	Mini-Agricultural District
West:	Mini-Agricultural District
PUBLIC UTILITIES	WEB Water
REPORTED BY	Eric Miller

RECOMMENDATION: Staff recommends approval of this petition to rezone.

GENERAL COMMENTS: The petitioner is requesting this petition to rezone in order to bring the parcel into a district that is consistent with its size and use and to allow for future residential development. Additionally, the petitioner has hired a land surveyor to plat this lot together with the lot adjacent to the east. This petition to rezone will eliminate the split zoning that would have occurred with those two lots being combined into one parcel.

REVIEW: Staff have reviewed this petition to rezone and concur with its approval.

**REZONE PETITION (THREE-MILE JURISDICTION)**

To the City Council  
 City Hall  
 Aberdeen, SD 57401

Petition No:	_____
Date:	<u>6/21/18</u>
Receipt No:	<u>951490</u>
Filing Fee:	<u>50/150 cash</u> (non-refundable)
Order/Res No:	<u>18-07-02 (48)</u>

Mayor and City Council:

I/We the undersigned, do hereby petition the City Council of Aberdeen, South Dakota, to rezone property as follows:

Legal Description (Please print in black ink or type):

Lot ~~24~~ H, Block 3, Men Hon's First Subdivision in the  
3E<sup>1</sup>/<sub>4</sub> Sect. 2 - T122N - R64W of the 5<sup>th</sup> PM, Brown County,  
South Dakota.

From the A-1 District

To the M-Ag District

General Area Location or Street Address: directly west of  
13687 387<sup>th</sup> Ave

Purpose of Petition: Plat property and bring into compliance with  
zoning lot size use.

Size of Parcel: 1.82 acres

Existing Land Use: Residence

**PAID**

JUN 21 2018

CITY FINANCE OFFICE  
 ABERDEEN, SOUTH DAKOTA

Checked by:	<u>[Signature]</u>
Given Sign:	<u>[Signature]</u>
Exhibit A:	_____
Site Plan:	_____
PC Meeting:	<u>7-17-18</u>
1st Reading:	<u>7-24-18</u>
2 <sup>nd</sup> Reading/Final Adoption:	<u>7-31-18</u>

Petitioner (Print): Burt Elliott

Signature: [Signature]

Title: \_\_\_\_\_

Date: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: 13687 387<sup>th</sup> Ave

Aberdeen SD 57401

City State Zip

Owner (Print): \_\_\_\_\_

(If different than above)

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

City State Zip

(Additional Signatures may be submitted on separate page)

# Rezone Proposal

General Location: lot west of 13687 387th Ave.

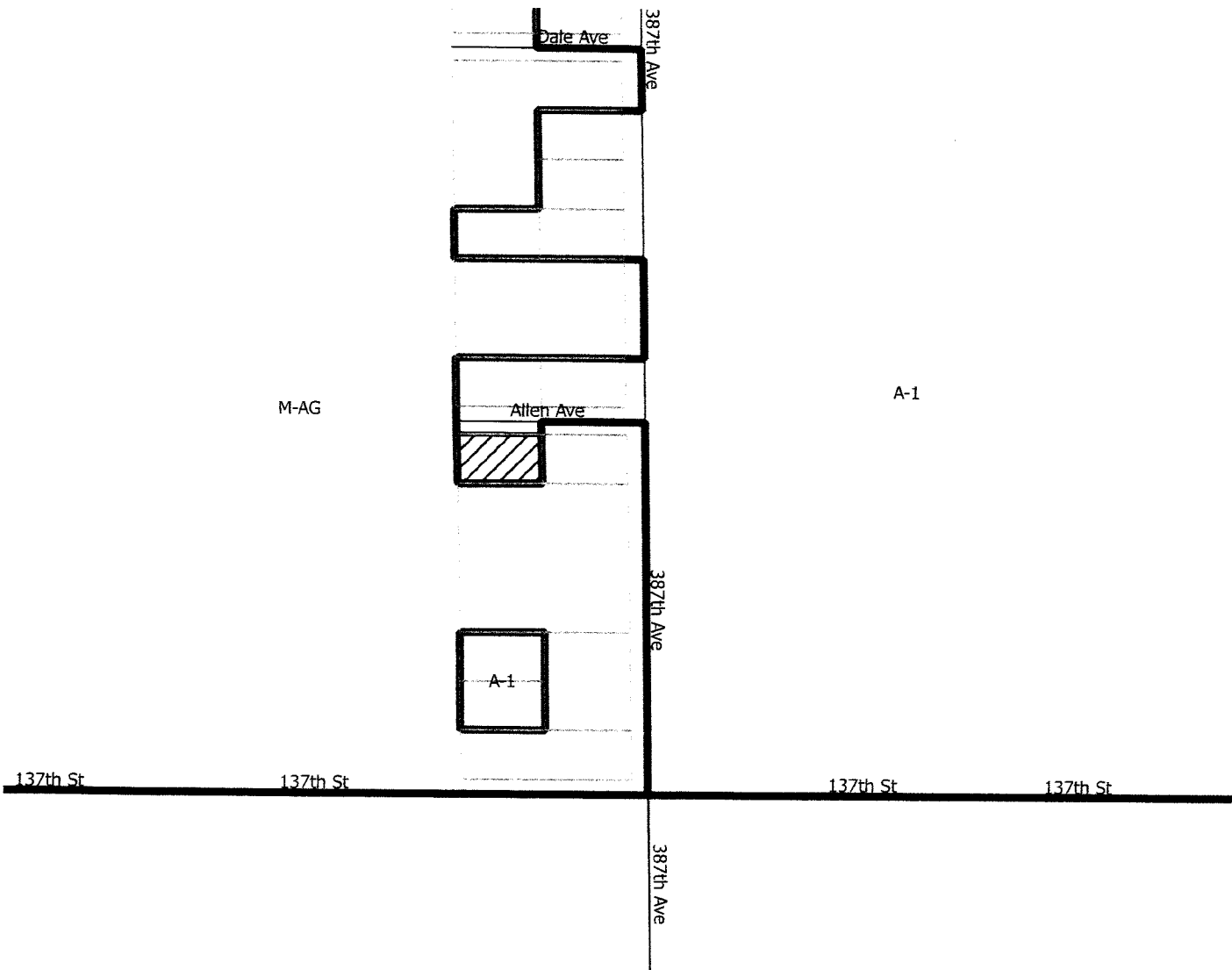
Current legal description: Lot 14, Block 3, Moulton's First Subdivision in the SE 1/4 Sec.2-T122N-R64W of the 5th P.M., Brown County, South Dakota.

Existing Land use: Residence

Purpose of Petition: Plat property and bring into compliance with lot size and use.

Current Zoning: A-1(Agricultural)

Proposed Zoning: M-AG( Miniature Agricultural)



File number 18-07-02 (478)

Acres rezoned: 1.82 acres



ORDINANCE NO. 18-07-02  
AN ORDINANCE AMENDING ORDINANCE NO. 1164 TO  
REZONE CERTAIN DESCRIBED PROPERTY

BE IT ORDAINED by the Aberdeen City Council, Brown County, South Dakota, that the petition to amend Ordinance No. 1164 to rezone the following described property filed by Burt Elliott is hereby granted and Ordinance No. 1164 is hereby amended to change the zoning on the following described property from (A-1) Agricultural District to (M-AG) Mini-Agricultural District, said property is described as follows:

Lot 14, Block 3, Moulton's First Subdivision in the SE ¼ of Section 2, T122N, R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota (Directly West of 13687 – 387<sup>th</sup> Avenue)

BE IT FURTHER ORDAINED by the Aberdeen City Council, Brown County, Aberdeen South Dakota, that the zoning official for the City of Aberdeen is hereby authorized to change the official zoning map for the City of Aberdeen to reflect this Ordinance.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Finance Officer

Notice of Hearing July 5, 12, and 19, 2018

Passed First Reading July 24, 2018

Passed Second Reading \_\_\_\_\_

Adopted \_\_\_\_\_

Published \_\_\_\_\_

Effective Date \_\_\_\_\_

City of Aberdeen  
Request for Council Action

Agenda Item No.	3	Meeting Date:	<del>July 24, 2018</del> July 31, 2018
Agenda Section	<del>New</del> Business	Originating Dept:	Planning and Zoning
Resolution	NA		
Ordinance	18-07-03 (479)	Prepared by:	Eric Miller, Planner
No. of Attachments	4	Presented by:	Brett Bill, Planning and Zoning Director/Building Official

Item:

Rezone from (C-2) Highway Commercial District to (R-2) Medium Density Residential District – 1402 and 1412 24<sup>th</sup> Avenue NW (Approximately 3/4 mile west of the Brown County Fairgrounds) – Judy Hauge and Diane Tollefson.

City Manager's Proposed Action:

Motion by \_\_\_\_\_, Second by \_\_\_\_\_ to approve first/second reading of the proposed petition to rezone.

Overview:

The petitioners are requesting this petition to rezone in order to bring the parcels into a district that is consistent with their size and use and to allow for a residential addition on Lot 1, Peter Reinbold Exception. This petition to rezone was approved by the Joint City/County Planning Commission on July 17, 2018.

Issues/Alternatives to Consider:

None.

Budgetary/Fiscal Issues:

None.

Attachments:

Staff Report.  
Petition to Rezone.  
Map of Proposed Rezone.  
Ordinance.

STAFF REPORT  
July 17, 2018

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**PETITION TO REZONE C-2 TO R-2**

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GENERAL INFORMATION

PETITIONER	Judy Hauge & Diane Tollefson
REQUEST	<b>Rezone from (C-2) Highway Commercial District to (R-2) Medium Density Residential District</b>
LEGAL DESCRIPTION	Lots 1&2, Peter Reinbold Exception in the SW <sup>1</sup> / <sub>4</sub> of Sec. 2-T123N-R64W of the 5 <sup>th</sup> P.M., Brown County, South Dakota.
LOCATION	1402 & 1412 24 <sup>th</sup> Avenue NW
EXISTING ZONING	Highway Commercial District
PROPOSED ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Highway Commercial District
South:	Medium Density Residential District & Municipal, State, and County Use District
East:	Mini-Agricultural District
West:	Highway Commercial District
PUBLIC UTILITIES	WEB Water
REPORTED BY	Eric Miller

RECOMMENDATION: Staff recommends approval of this petition to rezone.

GENERAL COMMENTS: The petitioner is requesting this petition to rezone in order to bring the parcels into a district that is consistent with their size and use and to allow for a residential addition on Lot 1, Peter Reinbold Exception.

REVIEW: Staff have reviewed this petition to rezone and concur with its approval.



# REZONE PETITION (THREE-MILE JURISDICTION)

To the City Council  
 City Hall  
 Aberdeen, SD 57401

Petition No:	
Date:	6/27/18
Receipt No:	129821 & 129822 - County
Filing Fee:	\$150 - County, City Fee waived per City Manager (non-refundable)
Order/Res No:	18-07-03(479)

Mayor and City Council:

I/We the undersigned, do hereby petition the City Council of Aberdeen, South Dakota, to rezone property as follows:

Legal Description (Please print in black ink or type):

Lots 1 & 2 Peter Reinbold Exception in the SW 1/4 of Section 2, T123N, R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota

From the Highway Commercial (C-2) District  
 To the Medium Density Residential (R-2) District

General Area Location or Street Address: 1402 + 1412 24<sup>th</sup> Ave NW

Purpose of Petition: Bring property into district consistent with its use

Size of Parcel: 430' X 318' / 3.14 acres

Existing Land Use: Residential

**Petitioner (Print):** Judy Hauge

Signature: Judy Hauge

Title: 605-118

Date: \_\_\_\_\_ Phone: 605 228 444

Address: 1402 24<sup>th</sup> Ave NW

Aberdeen SD 57401  
 City State Zip

**Owner (Print):** \_\_\_\_\_

(If different than above)

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

City State Zip

Checked by:	<u>[Signature]</u>
Given Sign:	<u>[Signature]</u>
Exhibit A:	
Site Plan:	<u>218</u>
PC Meeting:	<u>7-17-18</u>
1st Reading:	<u>7-24-18</u>
2 <sup>nd</sup> Reading/Final Adoption:	<u>7-31-18</u>

(Additional Signatures may be submitted on separate page)

Petitioner (Print): DIANE TOLLEFSON

Signature: *Diane Tolleson*

Date: 6-25-18 Phone: 380-1375

Address: 1412 24<sup>th</sup> Ave NW  
Aberdeen SD 57401  
City State Zip

Checked by: _____
Utilities: _____
Consent from Adjoining Owners: _____
Map: _____
PC Meeting: _____
City Commission Meeting: _____

Owner (Print): ~~DIANE TOLLEFSON~~  
*If different than above.*

Signature: \_\_\_\_\_

Date: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
City State Zip

*(Additional Signatures may be submitted on a separate page)*

Petitioner (Print): \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
City State Zip

Checked by: _____
Utilities: _____
Consent from Adjoining Owners: _____
Map: _____
PC Meeting: _____
City Commission Meeting: _____

Owner (Print): \_\_\_\_\_  
*If different than above.*

Signature: \_\_\_\_\_

Date: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
City State Zip

*(Additional Signatures may be submitted on a separate page)*

# Rezone Proposal

General Location: 1402 + 1412 24th Ave NW

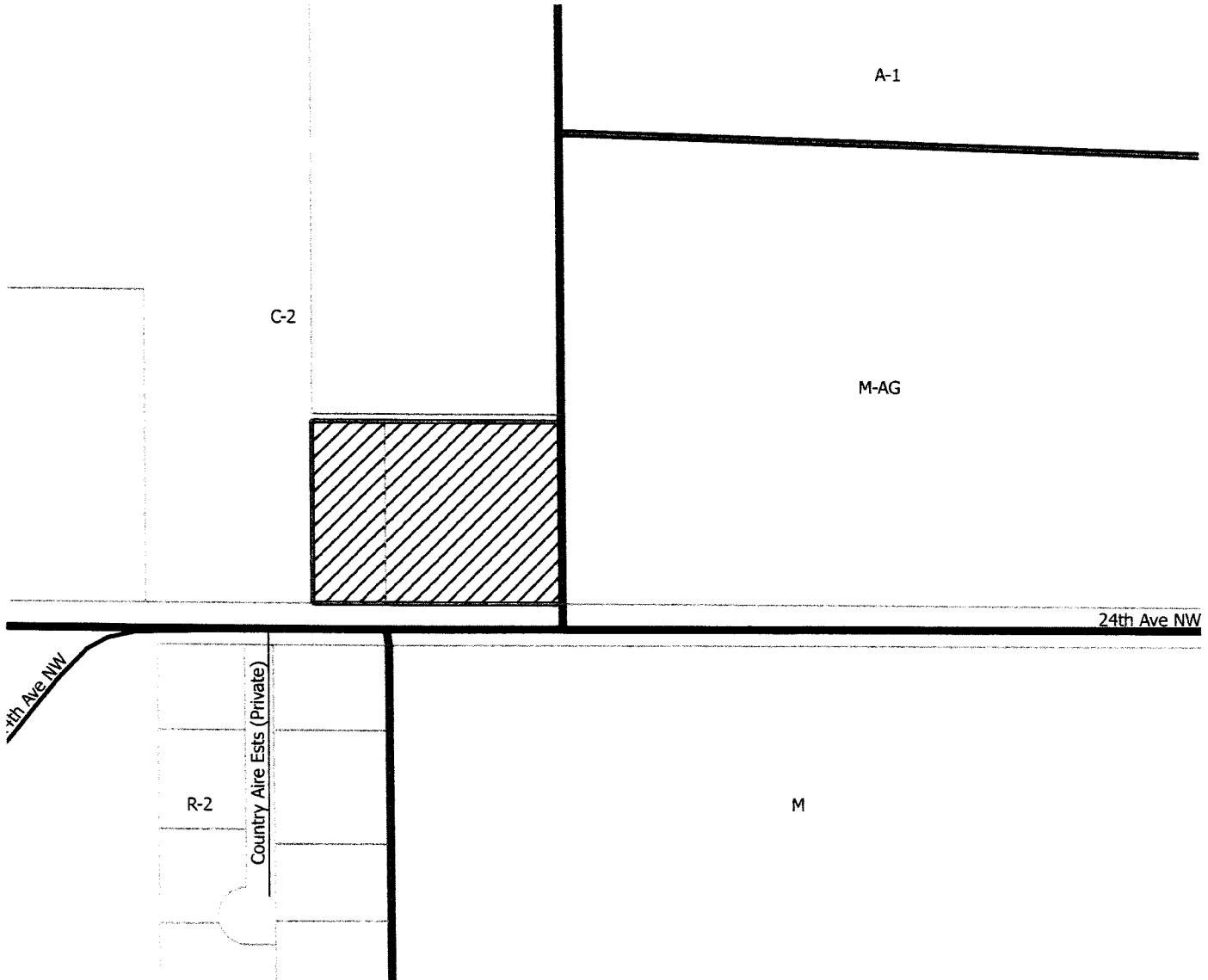
Current legal description: Lots 1 + 2 Peter Reinbold Exception in the SW 1/4 of Sec.2,T123N,R64W, of the 5th P.M., Brown County, South Dakota.

Existing Land use: Residential

Purpose of Petition: Bring property into district consistent with its use.

Current Zoning: Highway Commercial (C-2)

Proposed Zoning: R-2 ( Medium Density Residential)



File number 18-07-03 (479)

Acres rezoned: 3.14 acres



ORDINANCE NO. 18-07-03  
AN ORDINANCE AMENDING ORDINANCE NO. 1164 TO  
REZONE CERTAIN DESCRIBED PROPERTY

BE IT ORDAINED by the Aberdeen City Council, Brown County, South Dakota, that the petition to amend Ordinance No. 1164 to rezone the following described property filed by Judy Hauge and Diane Tollefson is hereby granted and Ordinance No. 1164 is hereby amended to change the zoning on the following described property from (C-2) Highway Commercial District to (R-2) Medium Density Residential District, said property is described as follows:

Lots 1 and 2, Peter Reinbold Exception in the SW ¼ of Section 2, T123N, R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota (1402 and 1412 – 24<sup>th</sup> Avenue, NW)

BE IT FURTHER ORDAINED by the Aberdeen City Council, Brown County, Aberdeen South Dakota, that the zoning official for the City of Aberdeen is hereby authorized to change the official zoning map for the City of Aberdeen to reflect this Ordinance.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Finance Officer

Notice of Hearing July 5, 12, and 19, 2018

Passed First Reading July 24, 2018

Passed Second Reading \_\_\_\_\_

Adopted \_\_\_\_\_

Published \_\_\_\_\_

Effective Date \_\_\_\_\_