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**AGENDA, JOINT CITY COUNCIL/COUNTY COMMISSION MEETING  
TUESDAY, SEPTEMBER 4, 2012, 8:45 A.M.  
BROWN COUNTY COMMISSION CHAMBERS, 25 MARKET STREET**

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1. ROLL CALL
2. ORDINANCE NO. 12-07-01 (407) – ORDINANCE AMENDING ORDINANCE NO. 1164 TO REZONE CERTAIN DESCRIBED PROPERTY FROM SECTION 710 (I-2) TO SECTION 714 (M-AG)  
WAHLEN'S FIRST SUBDIVISION IN THE NE ¼ OF SECTION 8, T123N, R63W OF THE 5<sup>TH</sup> P.M., BROWN COUNTY, SOUTH DAKOTA  
POSSIBLE SECOND READING AND FINAL ADOPTION OF ORDINANCE NO. 12-07-01
3. ORDINANCE NO. 12-08-01 (408) – ORDINANCE AMENDING ORDINANCE NO. 1164 TO REZONE CERTAIN DESCRIBED PROPERTY FROM SECTION 701 (A-1) TO SECTION 714 (M-AG)  
LOTS 1 AND 2, MOHR'S THIRD SUBDIVISION IN THE SW ¼ OF THE SW ¼ OF SECTION 36, T124N, R64W OF THE 5<sup>TH</sup> P.M., BROWN COUNTY, SOUTH DAKOTA  
POSSIBLE SECOND READING AND FINAL ADOPTION OF ORDINANCE NO. 12-08-01
4. PETITION TO REZONE FROM SECTION 701 (A-1) TO SECTION 714 (M-AG) PROPERTY DESCRIBED AS PROPOSED BITZ OUTLOT 1 IN THE NW ¼ OF SECTION 19, T123N, R62W OF THE 5<sup>TH</sup> P.M., BROWN COUNTY, SOUTH DAKOTA  
SET JOINT HEARING DATE OF SEPTEMBER 25, 2012 AT 8:45 A.M.

ANY OTHER SUCH BUSINESS WHICH MAY COME BEFORE THIS COUNCIL AT THE MEETING

City of Aberdeen  
Request for Council Action

Agenda Item No.	2	Meeting Date:	August 28, 2012 September 4, 2012
Agenda Section	New Business	Originating Dept:	Planning and Zoning
Resolution	NA		
Ordinance	12-07-01 (407)	Prepared by:	John Stoll, Planner
No. of Attachments	4	Presented by:	Brett Bill Planning and Zoning Director/Building Official

Item:

Rezoning: I-2 (Unrestricted Industrial District) to M-Ag (Mini-Agricultural District)  
2329 Brown County #19 (Approximately 1/2 mile North of Molded Fiber Glass) – Janine Rathert.

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 rezoning in order to construct a home on an existing residential foundation. On July 12, 2012 the Aberdeen Board of Zoning Adjustment approved a variance request to construct a residence on an existing foundation, 81' from the North property line rather than the required 100'. This petition to rezone was approved by the Joint City/County Planning Commission on August 21, 2012.

Primary/Issues/Alternatives to Consider:

None.

Budgetary/Fiscal Issues:

None.

Attachments:

Staff Report  
Petition to Rezone  
Map of Proposed Rezone  
Ordinance

ORDINANCE NO. 12-07-01

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 Janine Rathert. is hereby granted and Ordinance No. 1164 is hereby amended to change the zoning on the following described property from its present zoning designation of Section 710 (I-2) Industrial District to Section 714 (M-AG) Mini-Agricultural District,, said property being described as follows:

Wahlen's First Subdivision in the NE ¼ of Section 8, T123N, R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota

BE IT FURTHER ORDAINED by the Aberdeen City Council, Brown County, 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.

Notice of Hearing July 5, 12, and 19, 2012

Passed First Reading August 28, 2012

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

Adopted \_\_\_\_\_

Published \_\_\_\_\_

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

\_\_\_\_\_  
Mayor, City of Aberdeen, SD

ATTEST:

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

**STAFF REPORT**  
**August 21, 2012**

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**REZONING I-2 TO M-AG**

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**GENERAL INFORMATION**

**PETITIONER** Janine Rathert

**REQUEST** **Petition to Rezone from Unrestricted Industrial District to Mini-Agricultural District**

**LEGAL DESCRIPTION** Wahlens 1<sup>st</sup> Subdivision in the NE ¼ of Section 8-T123N-R63W of the 5<sup>th</sup> P.M., City Of Aberdeen, Brown County, South Dakota

**LOCATION** 2329 Brown County 19

**EXISTING ZONING** Unrestricted Industrial District

**SURROUNDING ZONING**

North: Agricultural District

South: Unrestricted Industrial District

East: Agricultural District

West: Unrestricted Industrial District

**PUBLIC UTILITIES** WEB Water

**REPORTED BY** John Stoll

**RECOMMENDATION:** Staff recommends approval of this Petition to Rezone.

**GENERAL COMMENTS:** The petitioner is requesting this Petition to Rezone in order to construct a home on the existing residential foundation. The Aberdeen Board of Zoning Adjustment approved a request to Construct a residence on an existing foundation 81' from the North property line rather than the required 100' on July 12, 2012.

**REVIEW:** Staff have reviewed this Petition to Rezone and concur with its approval.

**REZONING PETITION (Three Mile Jurisdiction)**

To the City Commission and County Commission  
City Hall and Brown County Courthouse  
Aberdeen, SD 57401

Petition No:	_____
Date:	6/20/12
Receipt No:	496057
Filing Fee: City:	180 <sup>00</sup>
County:	150 <sup>00</sup>
(non-refundable)	
Ord/Res No:	12-07-01(407)

City Commission and County Commission Members

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

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

Wahlen's First Subdivision NE 1/4 8-123-63

General Area Location or Street Address: 2329 Brown County 19 N

From the I-2 Industrial District

To the M-Ag - Mini Agricultural District

Purpose: Bring property into compliance w/ residential use to construct a residential addition.

Size of Parcel: 1.04 acres

Existing Land Use: Residence

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

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

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

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

City State Zip

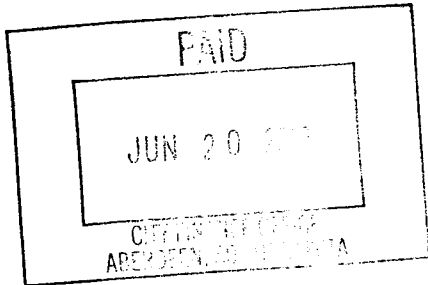
Owner (Print): Janine Rathert

Signature: Jemma Rathert  
If different than above.

Date: 6-20-12 Phone: 228-2736

Address: 2405 391<sup>st</sup> Ave N

Aberdeen SD 57401  
City State Zip



Checked by:	<u>Ken</u>
Given Sign:	<input checked="" type="checkbox"/>
Exhibit A:	<u>yes</u>
Site Plan:	<input checked="" type="checkbox"/>
PC Meeting:	<u>7/2/12</u>
1st Reading:	<u>7/13/12</u>
2nd Reading:	<u>Final</u>
Adoption:	<u>7/30/12</u>

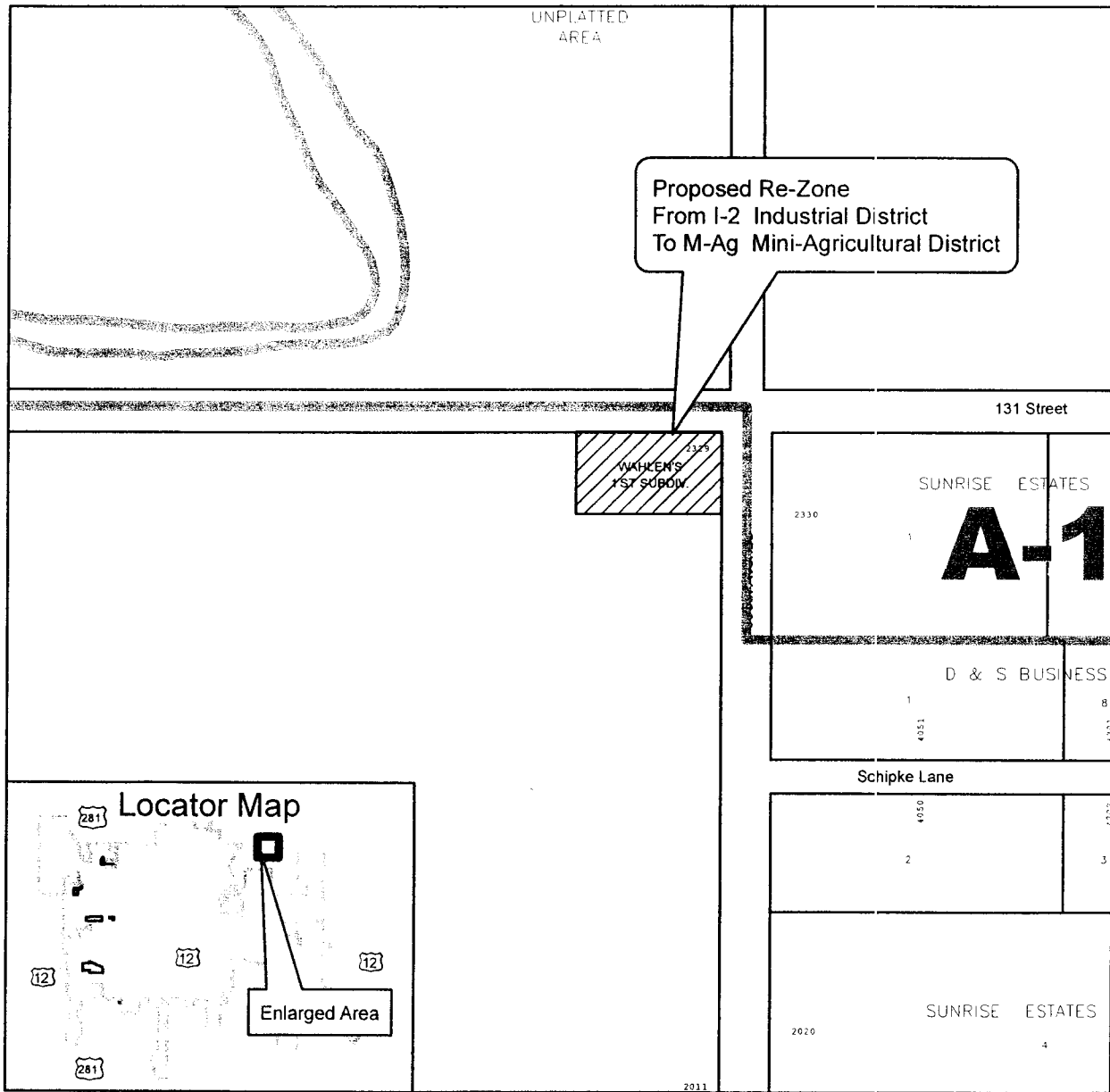
(Additional Signatures may be submitted on a separate page)

# Proposed Re-Zone

Address / Legal Description : 2329 Brown County 19N / Wahlen's First Subdivision in the NE 1/4 Sec. 8 T123 R63W

Current Zone: I-2 Industrial District

Proposed Zone: M-Ag Mini-Agricultural District



Prepared By: Dwayne Schueller, GIS/Planning Technician, City of Aberdeen File: Re-Zone 12-07-01 (407)  
 Address boundaries and legal descriptions were obtained from the assessor's office of Brown county, South Dakota  
 Not a Legal Document

City of Aberdeen  
Request for Council Action

Agenda Item No.	3	Meeting Date:	<del>August 28, 2012</del> September 4, 2012
Agenda Section	New Business	Originating Dept:	Planning and Zoning
Resolution	NA		
Ordinance	12-08-01 (408)	Prepared by:	John Stoll, Planner
No. of Attachments	4	Presented by:	Brett Bill Planning and Zoning Director/Building Official

Item:

Rezoning: A-1 (Agricultural District) to M-Ag (Mini-Agricultural District)  
302 Brown County #13 and 12980 387<sup>th</sup> Avenue (North-east corner of Brown County #10 and Brown County #13) – Harley L. Mohr.

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 rezoning in order to subdivide a lot and comply with the minimum lot size requirements. This petition to rezone was submitted in conjunction with a preliminary and final plat. Approval for this petition to rezone was granted by the Joint City/County Planning Commission on August 21, 2012.

Primary/Issues/Alternatives to Consider:

None.

Budgetary/Fiscal Issues:

None.

Attachments:

Staff Report  
Petition to Rezone  
Map of Proposed Rezone  
Ordinance

**STAFF REPORT**  
**August 21, 2012**

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**REZONING A-1 TO M-AG**

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GENERAL INFORMATION

PETITIONER	Harley L Mohr
REQUEST	<b>Petition to Rezone from Agricultural District to Mini-Agricultural District</b>
LEGAL DESCRIPTION	Proposed Lots 1 & 2, Mohr's 3 <sup>rd</sup> Subdivision in the SW ¼ of the SW ¼ of Section 36-T124N-R64W of the 5 <sup>th</sup> P.M. Brown County, South Dakota.
LOCATION	302 Brown Co. 13 (NE of the intersection of Brown Co. 13 and 10)
EXISTING ZONING	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	John Stoll
<u>RECOMMENDATION:</u>	Staff recommends approval of this Petition to Rezone.
<u>GENERAL COMMENTS:</u>	The petitioners are requesting this Petition to Rezone to comply with the minimum lot size requirements in order to subdivide the parcel. This Petition to Rezone was submitted in conjunction with a Preliminary and Final Plat.
<u>REVIEW:</u>	Staff have reviewed this Petition to Rezone and concur with its approval.



ORDINANCE NO. 12-08-01  
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 Harley Mohr is hereby granted and Ordinance No. 1164 is hereby amended to change the zoning on the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini-Agricultural District, said property being described as follows:

Lots 1 and 2, Mohr's Third Subdivision in the SW ¼ of the SW ¼ of Section 36, T124N, R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota

BE IT FURTHER ORDAINED by the Aberdeen City Council, Brown County, 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.

Notice of Hearing August 9, 16, and 23, 2012

Passed First Reading August 28, 2012

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

Adopted \_\_\_\_\_

Published \_\_\_\_\_

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

\_\_\_\_\_  
Mayor, City of Aberdeen, SD

ATTEST:

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

REZONING PETITION (Three Mile Jurisdiction)

To the City Commission and County Commission  
City Hall and Brown County Courthouse  
Aberdeen, SD 57401

Petition No:	_____
Date:	7/25/12
Receipt No:	504435
Filing Fee: City:	180
County:	150
(non-refundable)	
Ord/Res No:	12-08-01 (48)

City Commission and County Commission Members

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

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

Proposed Lots 1+2, Mohr's Third Subdivision in the SW1/4 SW1/4 of Sec. 36-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota.

General Area Location or Street Address: 12980 387<sup>th</sup> Ave (NE corner of Br. Co. 10013)

From the A-1 (Agricultural) District

To the M-Ag (Mini-Agricultural) District

Purpose: Platting lots smaller than the required 40 acres

Size of Parcel: 20.077 + 18.065 acres

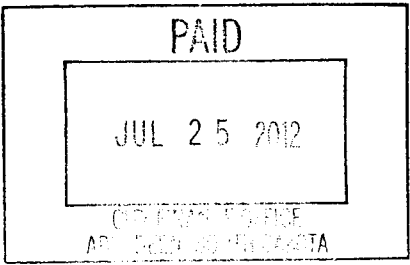
Existing Land Use: Residence + Ag land

Petitioner (Print): Wiley, HARLEY C. MOHR

Signature: [Signature]

Date: 7/25/12 Phone: 216-1949

Address: 12980 387<sup>th</sup> AVE  
ABERDEEN SD 57401  
City State Zip



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

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

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

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

City State Zip

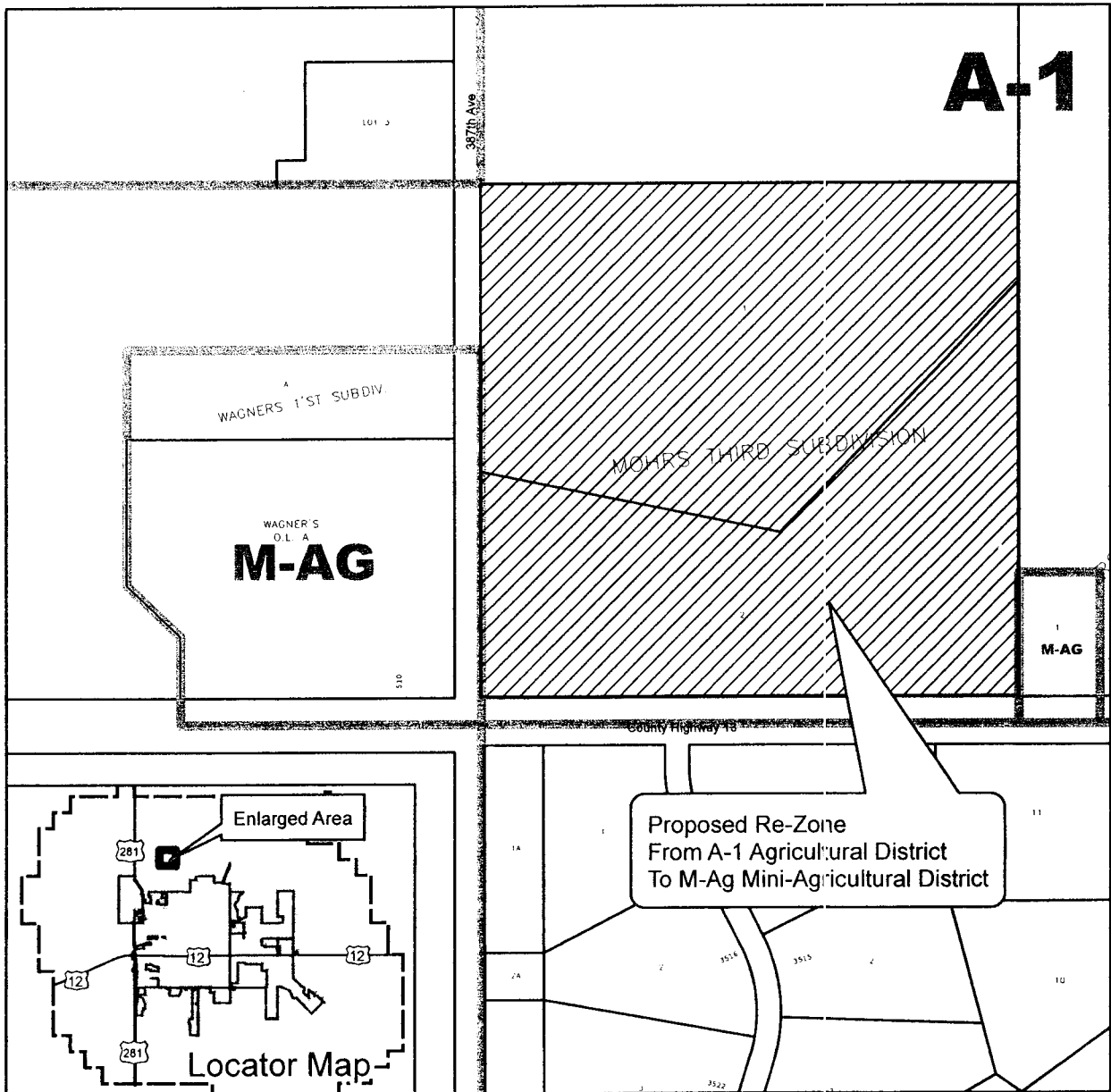
Checked by:	_____
Given Sign:	_____
Exhibit A:	_____
Site Plan:	_____
PC Meeting:	8/21/12
1st Reading:	8/21/12
2nd Reading/Final Adoption:	9/4/12

# Proposed Re-Zone

Address / Legal Description : 12980 387th Ave / Proposed Lots 1&2, Mohr's Third Subdivision in the SW 1/4 of the SW 1/4 of Section 36 T124N R64W

Current Zone: A-1 Agricultural District

Proposed Zone: M-Ag Mini-Agricultural District



Prepared By: Dwayne Schueller, GIS/Planning Technician, City of Aberdeen File: Re-Zone 12-08-01 (408)  
Address boundaries and legal descriptions were obtained from the assessor's office of Brown county, South Dakota  
Not a Legal Document

**NOTICE OF JOINT HEARING OF THE ABERDEEN CITY COUJNCIL  
AND THE BROWN COUNTY COMMISSION REGARDING  
A PETITION TO REZONE CERTAIN PROPERTY**

A public hearing will be held by the Aberdeen City Council and Brown County Commission on the 25<sup>th</sup> day of September, 2012, beginning at 8:45 a.m. in the Brown County Commission Chambers, 25 Market Street, to consider the Petition filed by Donald J. Weismantel to amend Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini-Agricultural District, said property being described as follows

Proposed Bitz Outlot 1 in the NW ¼ of Section 19, T123N, R62W of the 5<sup>th</sup> P.M., Brown County, South Dakota

The public is invited to attend the hearing and to present testimony and comments pertaining to the Petition to Amend Ordinance No. 1164 to rezone the above described property. At the conclusion of the hearing, the council and commission may adopt first reading of Ordinance #12-09-01 (409) granting Petition to Amend Ordinance No. 1164 and granting the Petition to Rezone said property. Dated this 4th day of September, 2012.

ATTEST:

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

  
\_\_\_\_\_  
Maxine Fischer, County Auditor.

REZONING PETITION (Three Mile Jurisdiction)

To the City Commission and County Commission  
City Hall and Brown County Courthouse  
Aberdeen, SD 57401

Petition No:	_____
Date:	_____
Receipt No:	508538
Filing Fee: City	180
County	150
(non-refundable)	
Ord/Res No:	12-09-01 (409)

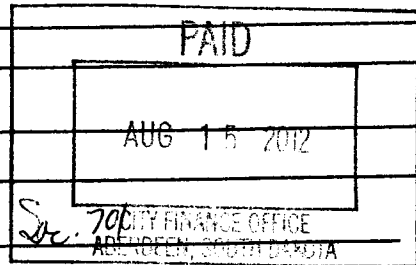
City Commission and County Commission Members

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

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

Proposed Bitz Outlot 1, NW 1/4 Sect. 19-T123N-R62W of  
the 5<sup>th</sup> P.M., Brown County, SD

General Area Location or Street Address: \_\_\_\_\_



From the (A-1) Agricultural Zoning Sec. 704 District

To the (M-Ag) Mini-Agricultural Zoning Sec. 714 District

Purpose: Bring property into compliance for size of platted parcel (on same agenda)

Size of Parcel: 10.96 acres

Existing Land Use: Ag / Residence

Petitioner (Print): DONALD J. WEISMANTEL

Signature: Donald J. Weismantel

Date: 8-15-2012 Phone: 605-225-7981

Address: 39475-133rd Street  
Bath SD 57427  
City State Zip

Checked by:	_____
Given Sign:	_____
Exhibit A:	_____
Site Plan:	_____
PC Meeting:	9/18/12
1st Reading:	9/15/12
2nd Reading/Final	_____
Adoption:	10/2/12

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

*If different than above.*

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

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

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

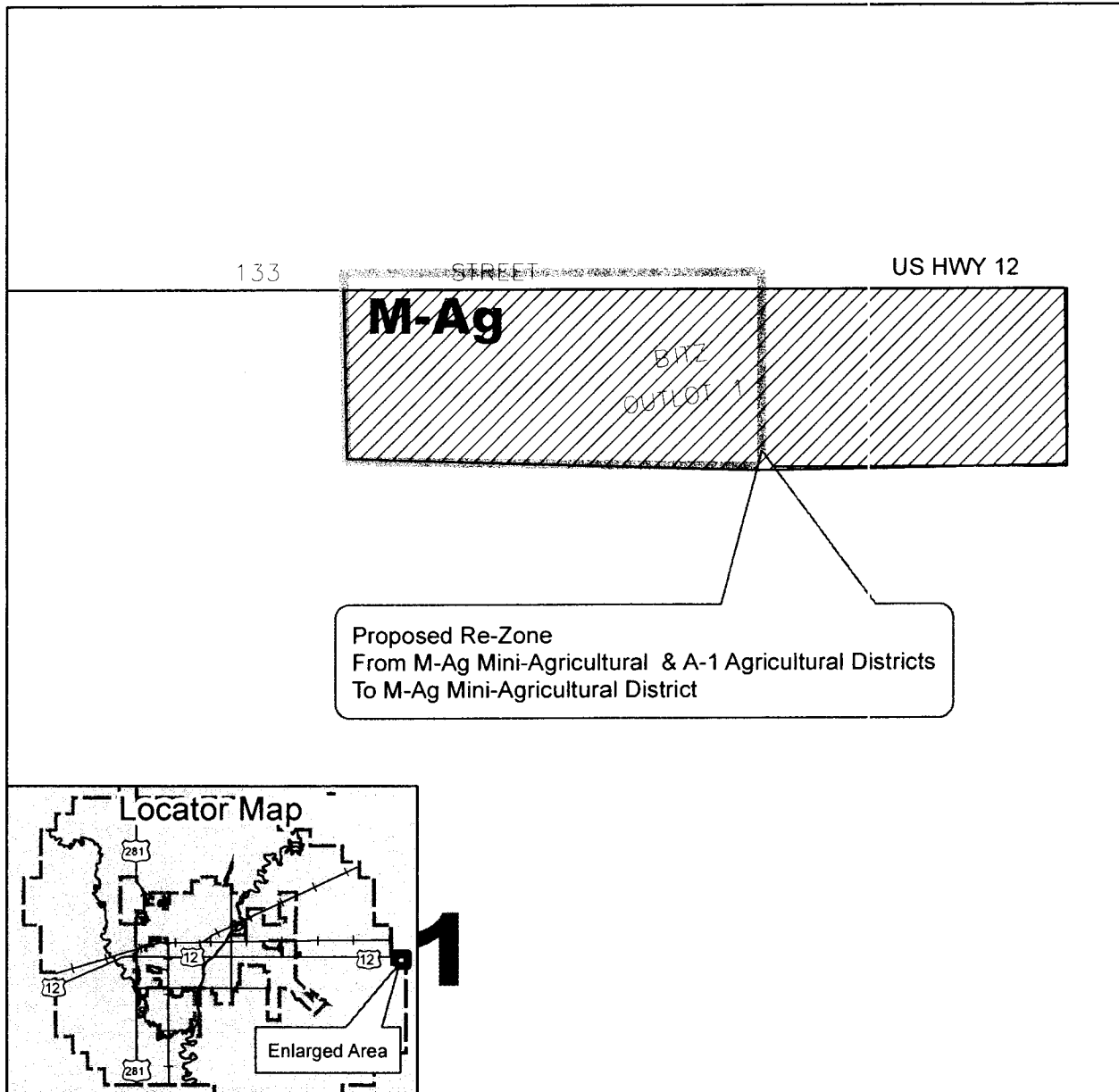
City State Zip

# Proposed Re-Zone

Legal Description : Proposed Bitz Outlot 1 in the NW1/4 of Section 19 T123N R62W

Current Zone: M-Ag & A-1 Mini-Agricultural & Agricultural Districts

Proposed Zone: M-Ag Mini-Agricultural District



Prepared By: Dwayne Schueller, GIS/Planning Technician, City of Aberdeen File: Re-Zone 12-09-01 (409)  
Address boundaries and legal descriptions were obtained from the assessor's office of Brown county, South Dakota  
Not a Legal Document