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

1. ROLL CALL
2. ORDINANCE NO. 12-09-01 (409) – ORDINANCE AMENDING ORDINANCE NO. 1164 TO REZONE CERTAIN DESCRIBED PROPERTY FROM SECTION 701 (A-1) TO SECTION 714 (M-AG) BITZ OUTLOT 1 IN THE NW ¼ OF SECTION 19, T123N, R62W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA
POSSIBLE FIRST READING OF ORDINANCE NO. 12-09-01 TO REZONE FROM SECTION 701 (A-1) TO SECTION 714 (M-AG) BITZ OUTLOT 1 IN THE NW ¼ OF SECTION 19, T123N, R62W

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: | September 24, 2012 |
| Agenda Section | New Business | Originating Dept: | Planning and Zoning |
| Resolution | NA | | |
| Ordinance | 12-09-01 (409) | Prepared by: | Brett Bill Planning and Zoning Director/Building Official |
| No. of Attachments | 5 | Presented by: | Brett Bill Planning and Zoning Director/Building Official |

Item:

Rezoning: A-1 (Agricultural District) to M-Ag (Mini-Agricultural District)
39475 133rd Street (Approximately ¼ mile east of the intersection of 394th Avenue and 133rd Street) – Donald J. Weismantel.

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 bring the zoning of the proposed lot into compliance with the proposed lot size and land use. 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 September 18, 2012.

Primary/Issues/Alternatives to Consider:

None.

Budgetary/Fiscal Issues:

None.

Attachments:

Staff Report
Petition to Rezone
Copy of Plat
Map of Proposed Rezone
Ordinance

STAFF REPORT
September 18, 20012

REZONING: A-1 to M-AG

GENERAL INFORMATION

| | |
|--------------------|--|
| PETITIONER | Donald J. Weismantel |
| REQUEST | Rezone from Agricultural District to Mini-Agricultural District |
| LEGAL DESCRIPTION | Proposed Bitz Outlot 1 in the NW ¼ of Section 19, T123N-R62W of the 5 th P.M., Brown County, South Dakota |
| LOCATION | 39475 133 rd Street - Approximately ¼ mile east of the intersection of 394 th Avenue and 133 rd Street. |
| EXISTING ZONING | Agricultural District |
| PROPOSED ZONING | Mini-Agricultural District |
| SURROUNDING ZONING | |
| North: | Agricultural District |
| South: | Agricultural District |
| East: | Agricultural District |
| West: | Agricultural District |
| PUBLIC UTILITIES | WEB Water |
| REPORTED BY | Brett Bill |

RECOMMENDATION: Staff recommends approval of this petition to Rezone.

GENERAL COMMENTS: The petitioner is requesting this petition to Rezone in order to bring the zoning of the proposed lot into compliance with the proposed lot size and land use. A preliminary and final plat for this property was submitted in conjunction with this petition to Rezone. The plat created a lot that is less than the 40 acres required for the (A-1) Agricultural District.

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

ORDINANCE NO. 12-09-01
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 Donald J. Weismantel 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:

Bitz Outlot 1 in the NW ¼ of Section 19, T123N, R62W of the 5th 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 September 6, 13, and 20, 2012

Passed First Reading _____

Passed Second Reading _____

Adopted _____

Published _____

Effective Date _____

Mayor, City of Aberdeen, SD

ATTEST:

City Finance Officer

REZONING PETITION (Three Mile Jurisdiction)

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

| | |
|------------------|------------------------------|
| Petition No: | _____ |
| Date: | <u>8-15-12</u> |
| Receipt No: | <u>508538</u> |
| Filing Fee: City | <u>180</u> County <u>150</u> |
| (non-refundable) | |
| Ord/Res No: | <u>12-09-01 (409)</u> |

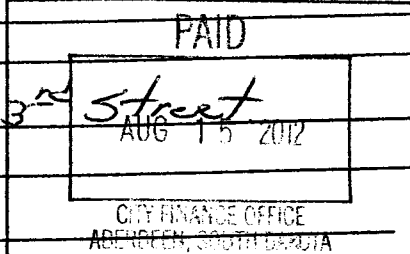
City Commission and County Commission Members

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 5th P.M., Brown County, SD

General Area Location or Street Address: 39475 133rd Street



From the (A-1) Agricultural Zoning

District

To the (M-Ag) Mini-Agricultural Zoning

District

Purpose: Bring property into compliance for size of platted
parcel (on some 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: | <u>✓ DC5</u> |
| Site Plan: | _____ |
| PC Meeting: | <u>9/18/12</u> |
| 1st Reading: | <u>9/15/12</u> |
| 2nd Reading/Final | _____ |
| Adoption: | <u>10/2/12</u> |

Owner (Print): _____

If different than above.

Signature: _____

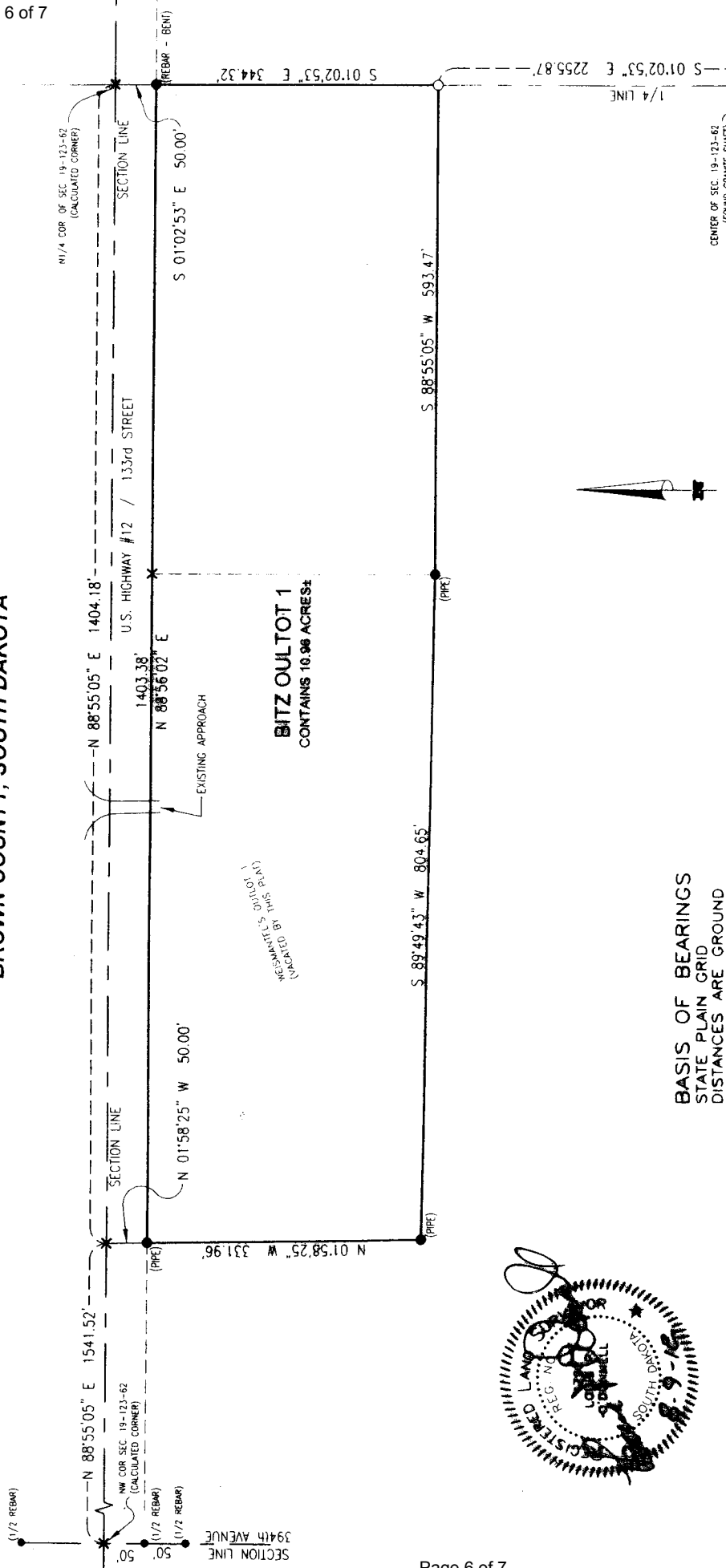
Date: _____ Phone: _____

Address: _____

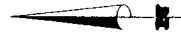
_____ City State Zip

(Additional Signatures may be submitted on a separate page)

PLAT SHOWING BITZ OUTLOT 1 IN THE NW1/4 OF SECTION 19 TOWNSHIP 123 NORTH, RANGE 62 WEST OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

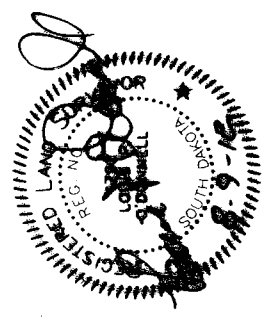


BITZ OUTLOT 1
CONTAINS 10.96 ACRES±



BASIS OF BEARINGS
STATE PLAIN GRID
DISTANCES ARE GROUND

- LEGEND**
- PIN FOUND (AS NOTED)
 - PIN SET W/CAP LS 4792
 - ✕ CALCULATED CORNER
 - FOUND GRANITE SHAFT



CLARK
ENGINEERING CORPORATION

Clark Engineering Corporation
2301 8th Avenue NE, Suite 125
Aberdeen, SD 57401
Phone: (605) 225-3494
Fax: (605) 225-6433
Aberdeen@clark-eng.com EOE

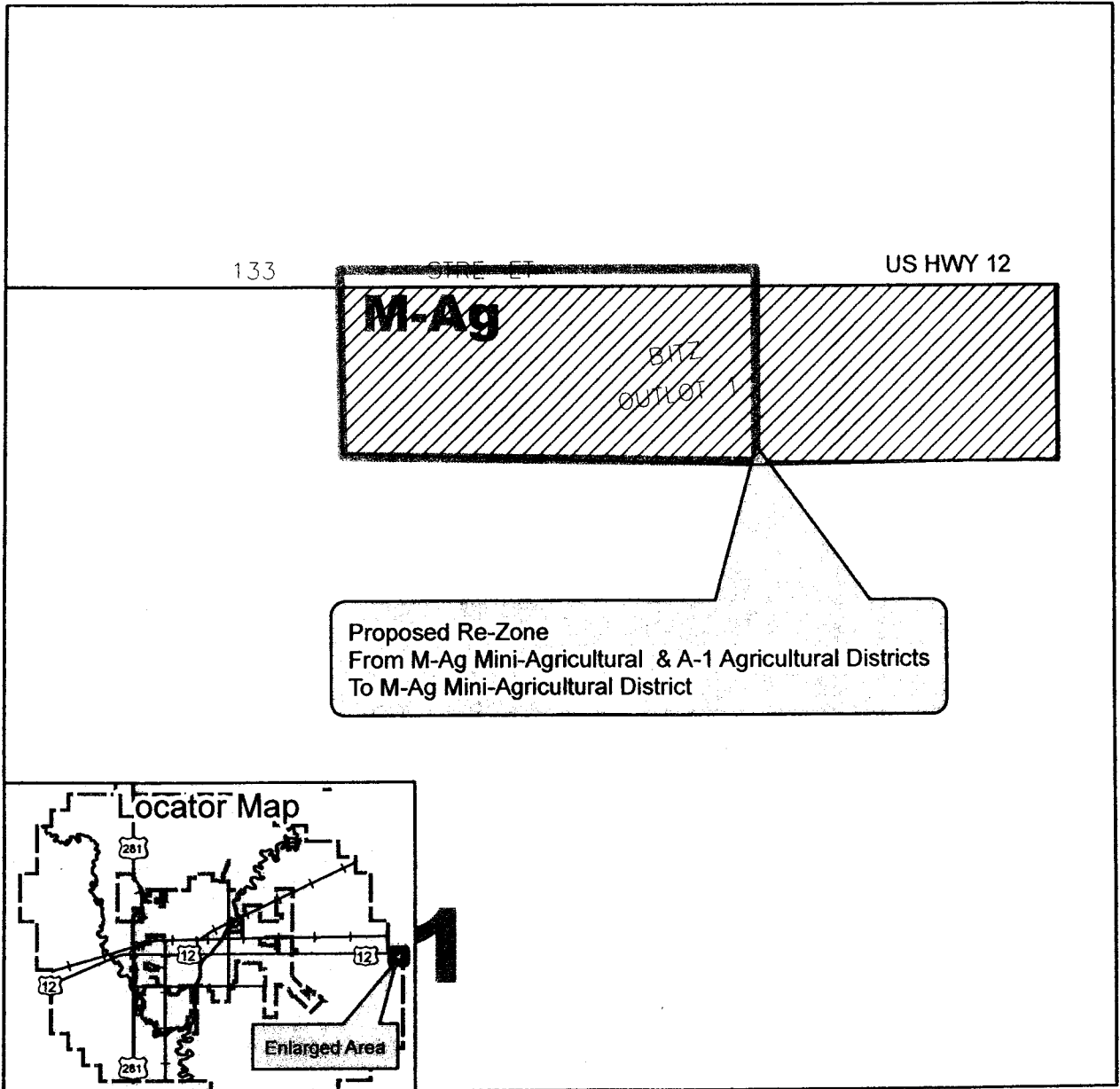
PLOTTED BY: KEVIN H. PLOTTED ON: 8/9/2012 10:07 AM Z:\2012 PROJECTS\12101 DON WEISMANTEL\PLAT\12101.DWG SHEET 1 of 3 A12101

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