
**AGENDA, JOINT CITY COUNCIL/COUNTY COMMISSION MEETING
TUESDAY, OCTOBER 2, 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 SECOND READING AND FINAL ADOPTION OF ORDINANCE NO. 12-09-01
3. PETITIONS TO REZONE:
 1. FROM SECTION 701 (A-1) TO SECTION 707 (C-2) THE WEST 200' OF THE EAST 1,400' OF THE NORTH 670.16' IN THE NW ¼ OF SECTION 23, T123N, R63W, BROWN COUNTY, (PROPOSED DFP OUTLOT 1 IN THE NW ¼ OF SECTION 23, T123N, R63W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA)
 2. FROM SECTION 701 (A-1) TO SECTION 714 (M-AG) LOTS 24 AND 25 OF EVELO'S OUTLOT IN THE NE ¼ OF SECTION 2, T122N, R64W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA
SET JOINT HEARING DATE OF OCTOBER 23, 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:	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, 2012

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 September 25, 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:	<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>

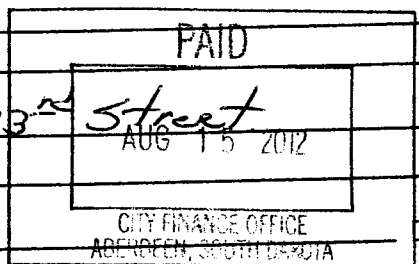
City Commission and County Commission Members

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 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:	<u>✓ BCS</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.

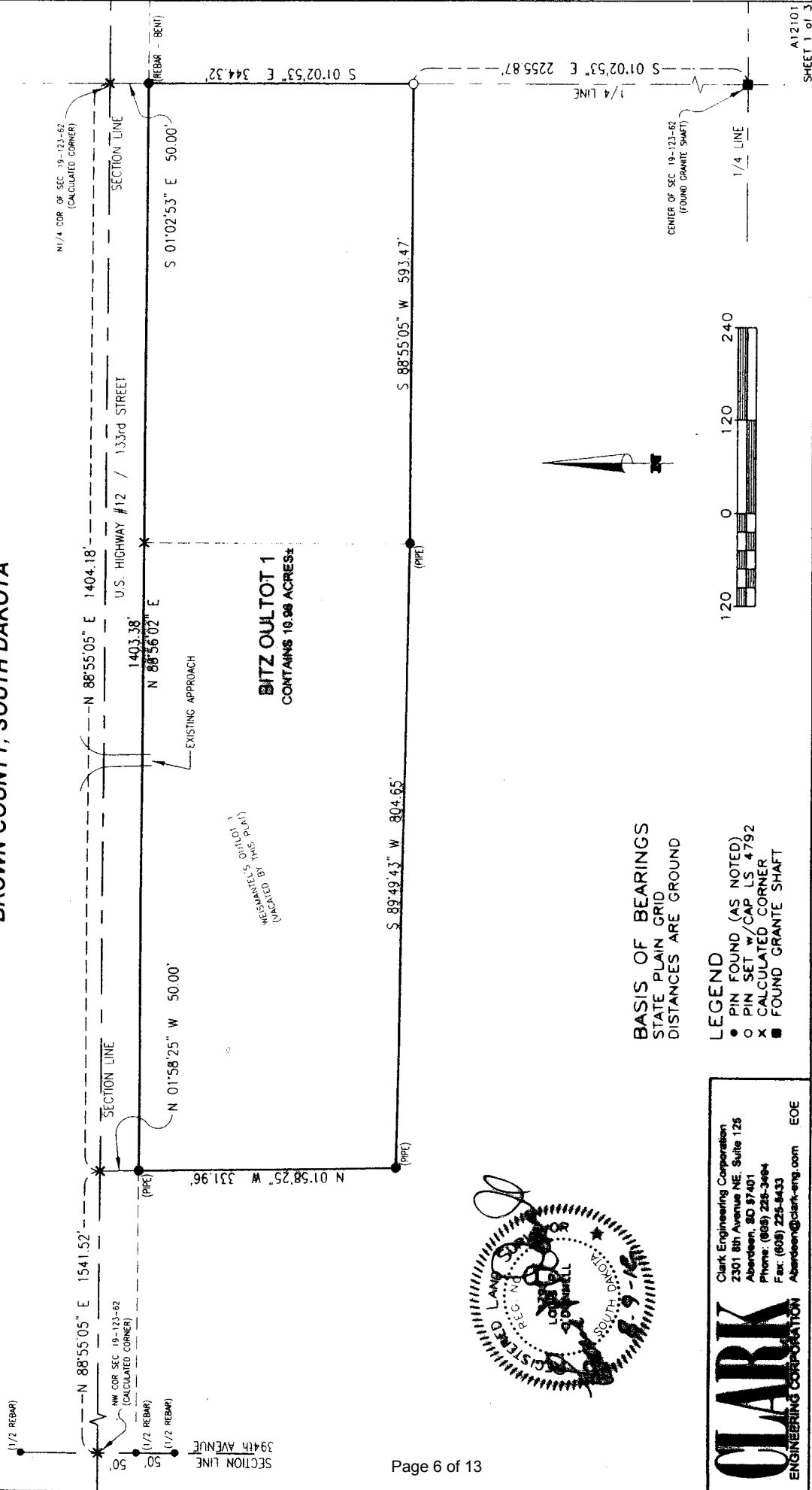
Signature: _____

Date: _____ Phone: _____

Address: _____

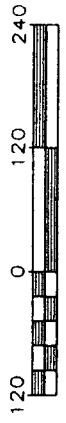
City State Zip

**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**



A12101
SHEET 1 of 3

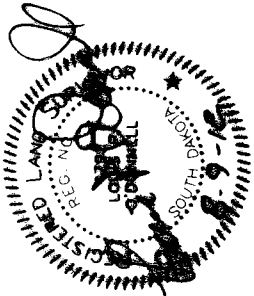
BITZ OUTLOT 1
CONTAINS 10.98 ACRES±



BASIS OF BEARINGS
STATE PLAIN GRID
DISTANCES ARE GROUND

LEGEND

- PIN FOUND (AS NOTED)
- PIN SET W/CAP L.S. 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) 225-5433
Aberdeen@clark-eng.com EOE

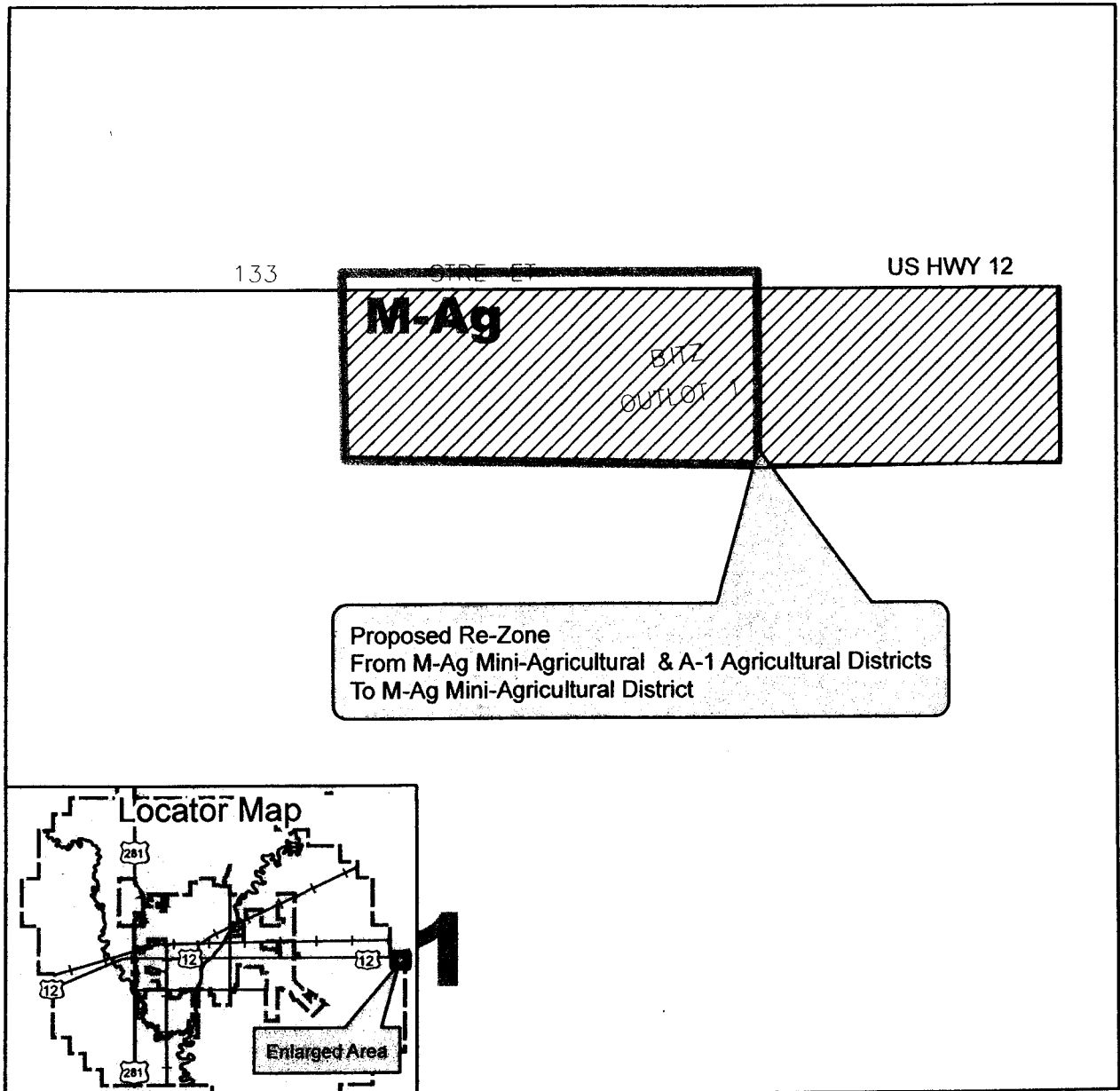
PLOTTED BY: KEVIN PLOTTED ON: 8/9/2012 10:07 AM 2:\2012 PROJECTS\12101 DON WEISMANTEL\PLAT\A12101.DWG

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

**NOTICE OF JOINT HEARING OF THE ABERDEEN CITY COUNCIL
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 23rd day of October, 2012, beginning at 8:45 a.m. in the Brown County Commission Chambers, 25 Market Street, to consider the Petition filed by DFP Properties, LLP 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 707 (C-2) Highway Commercial District, said property being described as follows

West 200' of the East 1400' of the North 670.16' in the NW ¼ of Section 23, T123N, R63W, Brown County (Proposed DFP Outlot 1 in the NW ¼ of Section 23, T123N, R63W of the 5th 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 #12-10-02 (410) granting Petition to Amend Ordinance No. 1164 and granting the Petition to Rezone said property. Dated this 2nd day of October, 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:	517872
Filing Fee: City	180
County	150
(non-refundable)	
Ord/Res No:	12-10-02 (410)

+180 for party
City

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):

The west 200' OF EAST 1400' of North 670.116' NW 1/4 Sect 23-
T123N-R63W, Ex. Hwy.
Proposed DFP Outlet 1 in the NW 1/4 Sect. 23 - T123N-R63W
of the S.E.P.M., Brown County, South Dakota.

General Area Location or Street Address: 6200 Hwy 12 E

From the A-1 District
To the C-2 District

Purpose: Bring property into compliance w/ zoning & lot size as well
as use for addition to commercial structure.

Size of Parcel: _____

Existing Land Use: Commercial

Petitioner (Print): DFP Properties, LLC

Signature: Rita Lindeman

Date: 9/17/12 Phone: 605-338-9902

Address: 3409 N Lewis Ave
Sioux Falls SD 57104
City State Zip

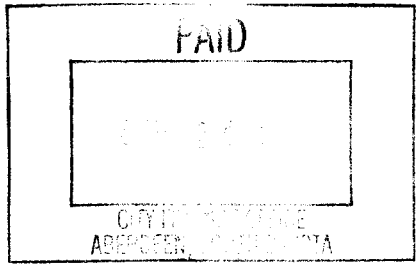
Owner (Print): _____
If different than above.

Signature: _____

Date: _____ Phone: _____

Address: _____

City State Zip



Checked by:	_____
Given Sign:	_____
Exhibit A:	20
Site Plan:	_____
PC Meeting:	10/16/12
1st Reading:	10/23/12
2nd Reading/Final Adoption:	10/30/12

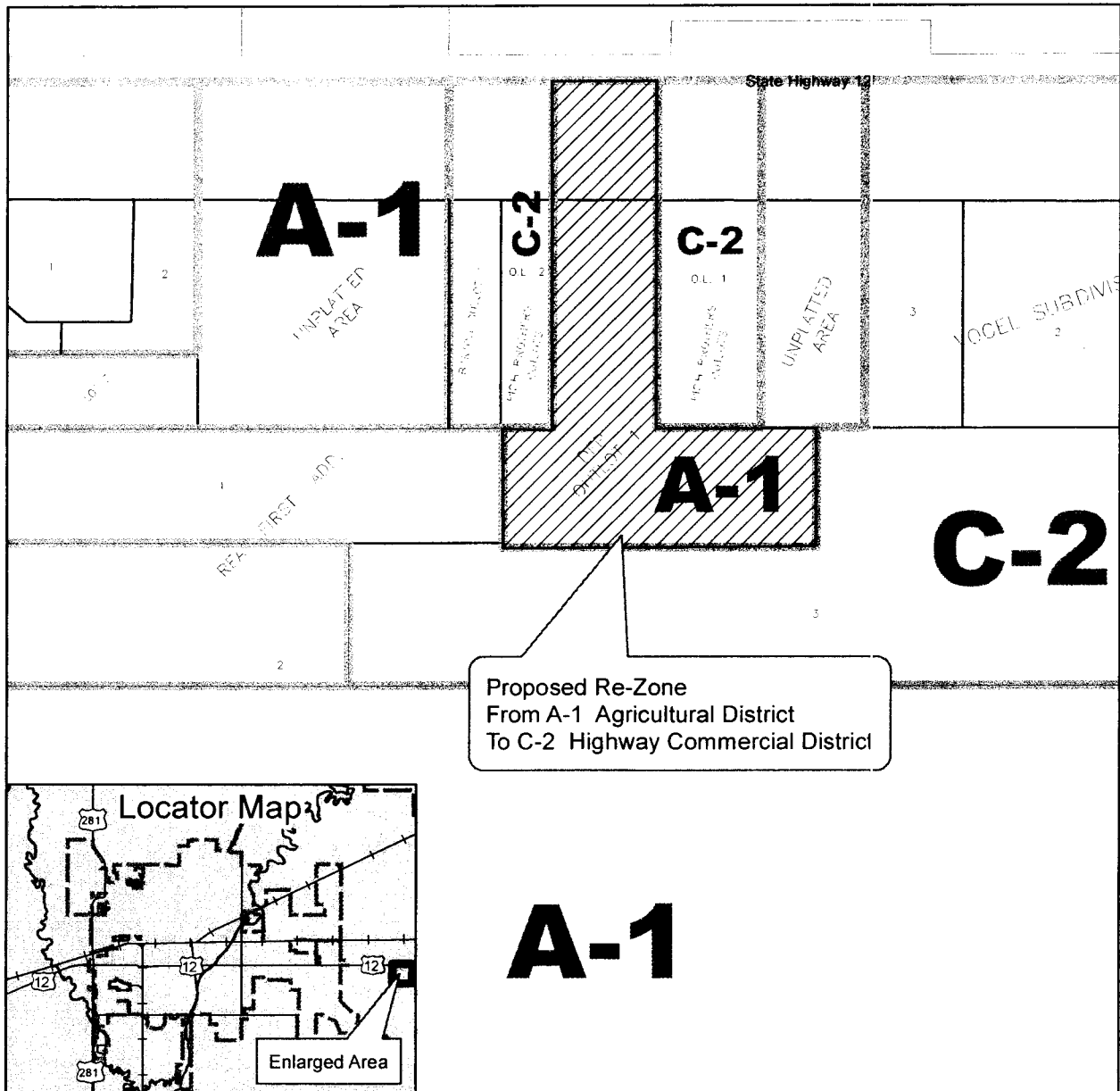
(Additional Signatures may be submitted on a separate page)

Proposed Re-Zone

Address / Legal Description : 6200 Hwy 12 E / The West 200' of the East 1400' of the North
670.16' in the NW 1/4 Sec 23 T123N R63W
-Proposed DFP Outlot 1

Current Zone: A-1 Agricultural District

Proposed Zone: C-2 Highway Commercial District



Prepared By: Dwayne Schueller, GIS/Planning Technician, City of Aberdeen File: Re-Zone 12-10-02 (410)
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 COUNCIL
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 23rd day of October, 2012, beginning at 8:45 a.m. in the Brown County Commission Chambers, 25 Market Street, to consider the Petition filed by Grant Wilson 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

Lots 24 and 25 of Evelos Outlot in the NE ¼ of Section 2, T122N, R64W of the 5th 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 #12-10-03 (411) granting Petition to Amend Ordinance No. 1164 and granting the Petition to Rezone said property. Dated this 2nd day of October, 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:	<u>517445</u>
Filing Fee: City	<u>180</u> County <u>150</u>
(non-refundable)	
Ord/Res No:	<u>12-10-03 (411)</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):

Lot 24 & 25 of Ewebs culbt, NE 1/4 Sect. 2 - T122N - R164W of the 5th
P.M., Brown County, South Dakota

General Area Location or Street Address: 38671 Cadillac Drive

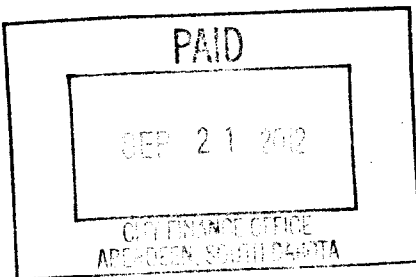
From the A-1 Sec. 701 Agricultural District

To the M-Ag Sec 714 Mini-Agricultural District

Purpose: Bring property into compliance in order to replat property
for future construction

Size of Parcel: 2.58 acres

Existing Land Use: Residential (Hobby Farm)



Checked by:	<u>[Signature]</u>
Given Sign:	<u>[Signature]</u>
Exhibit A:	_____
Site Plan:	_____
PC Meeting:	<u>Oct 16/12</u>
1st Reading:	<u>10/23/12</u>
2nd Reading/Final:	_____
Adoption:	<u>10/30/12</u>

Petitioner (Print): _____

Signature: _____

Date: _____ Phone: _____

Address: _____

_____ City _____ State _____ Zip

Owner (Print) Grant Wilson

Signature: [Signature] If different than above.

Date: 8-20-12 Phone: 605-216-3883

Address: 38671 Cadillac Dr
aberdeen SD 57401

_____ City _____ State _____ Zip

(Additional Signatures may be submitted on a separate page)

INDEX			OFFICIAL ZONING MAP FOR THE CITY OF ABERDEEN, SOUTH DAKOTA	QUARTER	SECTION	TOWNSHIP	RANGE	SCALE	SHEET - 247	
239	238	237		NE	2	122	64	1"=400'		
246	247	248	BASE MAP REVISED: JAN-30-2001, BY LOREN K. FUHRMANN				ZONING DISTRICTS REVISED: FEB-1-2008, BY DWAYNE SCHUELLER			
251	250	249	APPROVED BY CITY PLANNING/ZONING OFFICIAL: _____							

