
**AGENDA, JOINT CITY COUNCIL/COUNTY COMMISSION MEETING
TUESDAY, OCTOBER 23, 2012, 8:45 A.M.
BROWN COUNTY COMMISSION CHAMBERS, 25 MARKET STREET**

1. ROLL CALL

2. ORDINANCE NO. 12-10-02 (410) – ORDINANCE AMENDING ORDINANCE NO. 1164 TO REZONE CERTAIN DESCRIBED PROPERTY FROM SECTION 701 (A-1) TO SECTION 707 (C-2) 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)
POSSIBLE FIRST READING OF ORDINANCE NO. 12-10-02

3. ORDINANCE NO. 12-10-03 (411) – ORDINANCE AMENDING ORDINANCE NO. 1164 TO REZONE CERTAIN DESCRIBED PROPERTY FROM SECTION 701 (A-1) TO SECTION 714 (M-AG) LOTS 24 AND 25 OF EVELO OUTLOT IN THE NE ¼ OF SECTION 2, T122N, R64W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA
POSSIBLE FIRST READING OF ORDINANCE NO. 12-10-03

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: | October 22, 2012 |
| Agenda Section | New Business | Originating Dept: | Planning and Zoning |
| Resolution | NA | | |
| Ordinance | 12-10-02 (410) | Prepared by: | Ken Hubbart, Planner |
| No. of Attachments | 4 | Presented by: | Bret: Bill Planning and Zoning Director/Building Official |

Item:

Rezoning: A-1 (Agricultural District) to C-2 (Highway Commercial District)
6200 Highway #12 E. – DFP Properties, LLP.

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 zoning of the proposed lot into compliance with the minimum lot size requirements, as well as the existing commercial use of the land. Approval for this petition to rezone was granted by the Joint City/County Planning Commission on October 16, 2012.

Primary/Issues/Alternatives to Consider:

None.

Budgetary/Fiscal Issues:

None.

Attachments:

Staff Report
Petition to Rezone
Map of Proposed Rezone
Ordinance

STAFF REPORT
October 16, 2012

REZONING A-1 to C-2

GENERAL INFORMATION

| | |
|--------------------|---|
| PETITIONER | DFP Properties, LLP |
| REQUEST | Rezone from Agricultural District to Highway Commercial District |
| LEGAL DESCRIPTION | The West 200' of the East 1400' of the North 670.16' NW¼ Sect. 23-T123N-R63W, Except Highway (Proposed DFP Outlot 1, in the NW¼ Sect. 23-T123N-R63W of the 5 th P.M., Brown County, South Dakota.) |
| LOCATION | 6200 HWY 12 E |
| EXISTING ZONING | Agricultural District |
| PROPOSED ZONING | Highway Commercial District |
| SURROUNDING ZONING | |
| North: | Unrestricted Industrial Zoning District |
| South: | Highway Commercial District |
| East: | Highway Commercial District |
| West: | Highway Commercial District |
| PUBLIC UTILITIES | WEB Water |
| REPORTED BY | Ken Hubbart |

RECOMMENDATION: Staff recommends approval of this petition to rezone.

GENERAL COMMENTS: The petitioner is requesting this petition to rezone in order to bring the property into compliance with the minimum lot size requirements, as well as the existing commercial use of the land.

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

ORDINANCE NO. 12-10-02

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 DFP Properties, LLP is hereby granted and Ordinance No. 1164 is hereby amended to change the zoning on the following described property from Section 701 (A-1) Agricultural District to Section 707 (C-2) Highway Commercial District, said property is 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)

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 October 4, 11, and 18, 2012

Passed First Reading _____

Passed Second Reading _____

Adopted _____

Published _____

Effective Date _____

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) |

+100 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 670.16' NW 1/4 Sect 23-
T123N - R163W, Ex. Hwy.
Proposed DFP Outlet 1 in the NW 1/4 Sect. 23 - T123N - R163W
of the S 1/2 PM, 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: Bringing property into compliance w/ zoning & lot size as well as use for addition to commercial structure.

Size of Parcel: _____

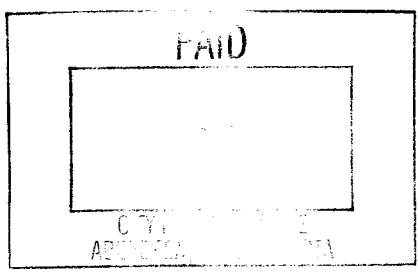
Existing Land Use: Commercial

Petitioner (Print): DFP Properties, LLC

Signature: Rita Lindeme

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

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



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

Owner (Print): _____
if different than above.

Signature: _____

Date: _____ Phone: _____

Address: _____

City State Zip

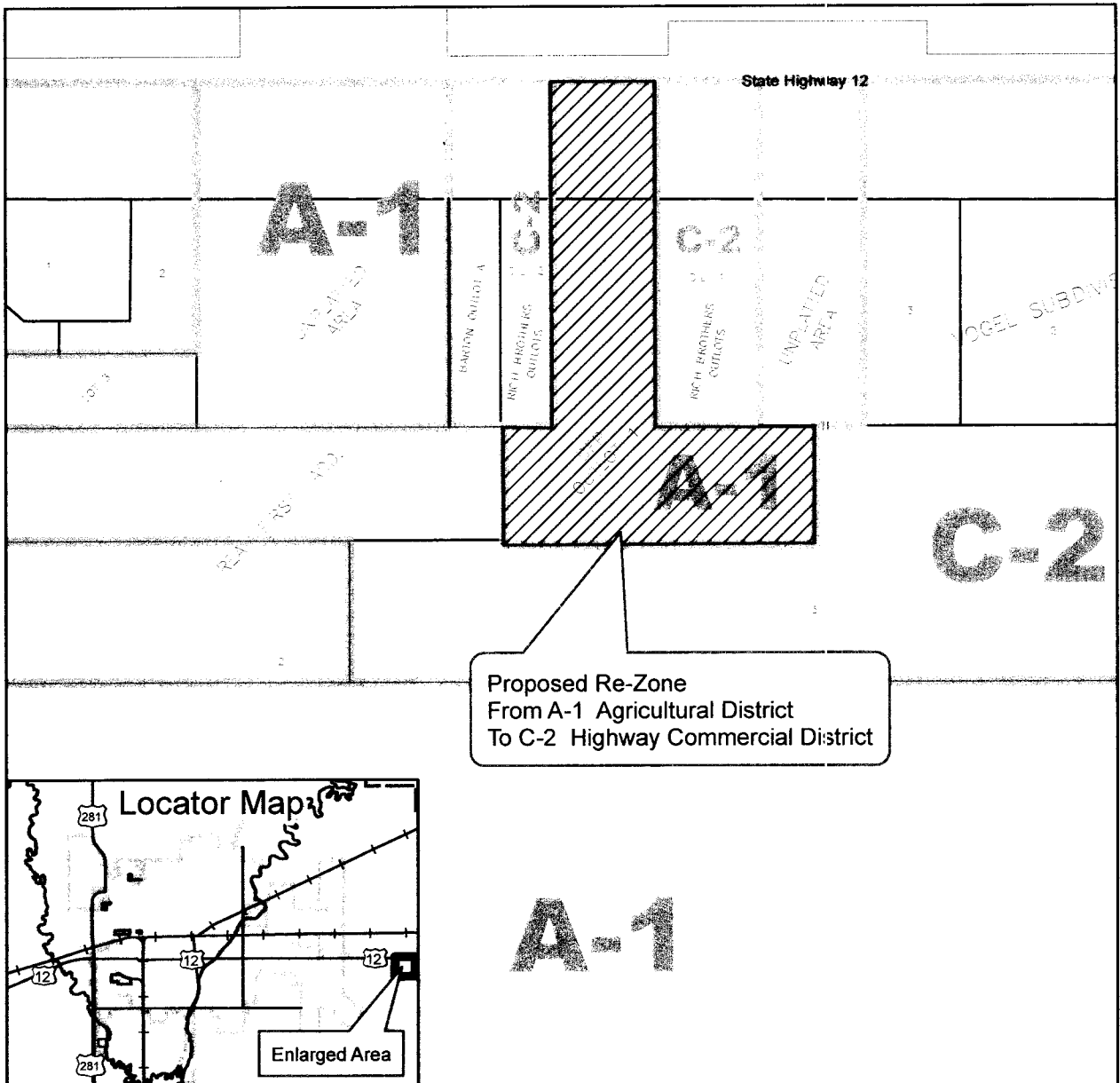
(Additional Signatures may be submitted on a separate page)

Proposed Re-Zone

Address / Legal Description : 6200 Hwy 12 E / The West 200' or the East 1400' of the North
670.16' in the NW 1/4 Sec 23 T123N R53W
-Proposed DFP Outlet 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

City of Aberdeen
Request for Council Action

| | | | |
|--------------------|----------------|-------------------|---|
| Agenda Item No. | 3 | Meeting Date: | October 22, 2012 |
| Agenda Section | New Business | Originating Dept: | Planning and Zoning |
| Resolution | NA | | |
| Ordinance | 12-10-03 (411) | Prepared by: | Ken Hubbart, 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)
38671 Cadillac Drive – Grant and Janet Wilson.

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 zoning of the proposed lot into compliance with the proposed lot size and existing 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 October 16, 2012.

Primary/Issues/Alternatives to Consider:

None.

Budgetary/Fiscal Issues:

None.

Attachments:

Staff Report
Petition to Rezone
Map of Proposed Rezone
Ordinance

STAFF REPORT
October 16, 2012

REZONING A-1 to M-Ag

GENERAL INFORMATION

| | |
|--------------------|--|
| PETITIONER | Grant & Janet Wilson |
| REQUEST | Rezone from Agricultural District to Mini-Agricultural District |
| LEGAL DESCRIPTION | Lots 24&25 of Evelos Outlots, NE¼ Sect. 2-T122N-R64W, (Proposed G. Wilson Outlot 1 in the NE¼ Sect. 2-T122N-R64W of the 5 th P.M., Brown County, South Dakota). |
| LOCATION | 38671 Cadillac Drive |
| EXISTING ZONING | Agricultural District |
| PROPOSED ZONING | Mini-Agricultural District |
| SURROUNDING ZONING | |
| North: | Agricultural Zoning District |
| South: | Agricultural Zoning District |
| East: | Agricultural Zoning District |
| West: | Agricultural Zoning District |
| PUBLIC UTILITIES | WEB Water |
| REPORTED BY | Ken Hubbart |

RECOMMENDATION: Staff recommends approval of 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 existing land use. A preliminary and final plat of this property was submitted in conjunction with this petition to rezone. The plat created a lot that contains 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. 12-10-03

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 Grant Wilson is hereby granted and Ordinance No. 1164 is hereby amended to change the zoning on the following described property from Section 701 (A-1) Agricultural District to Section 714 (M-AG) Mini-Agricultural District, said property is 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

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 October 4, 11 and 18, 2012

Passed First Reading _____

Passed Second Reading _____

Adopted _____

Published _____

Effective Date _____

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 Ezebs Subd, NE 1/4 Sect. 2 - T122N - R104W of the 5th
P.M., Brown County, South Dakota.

General Area Location or Street Address: 38671 Cadillac Drive

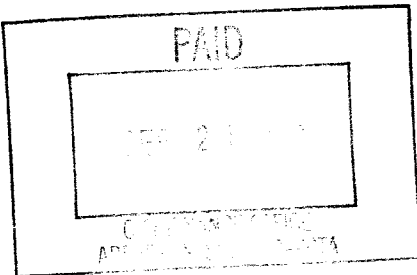
From the A-1 District

To the M-Ag 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)



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

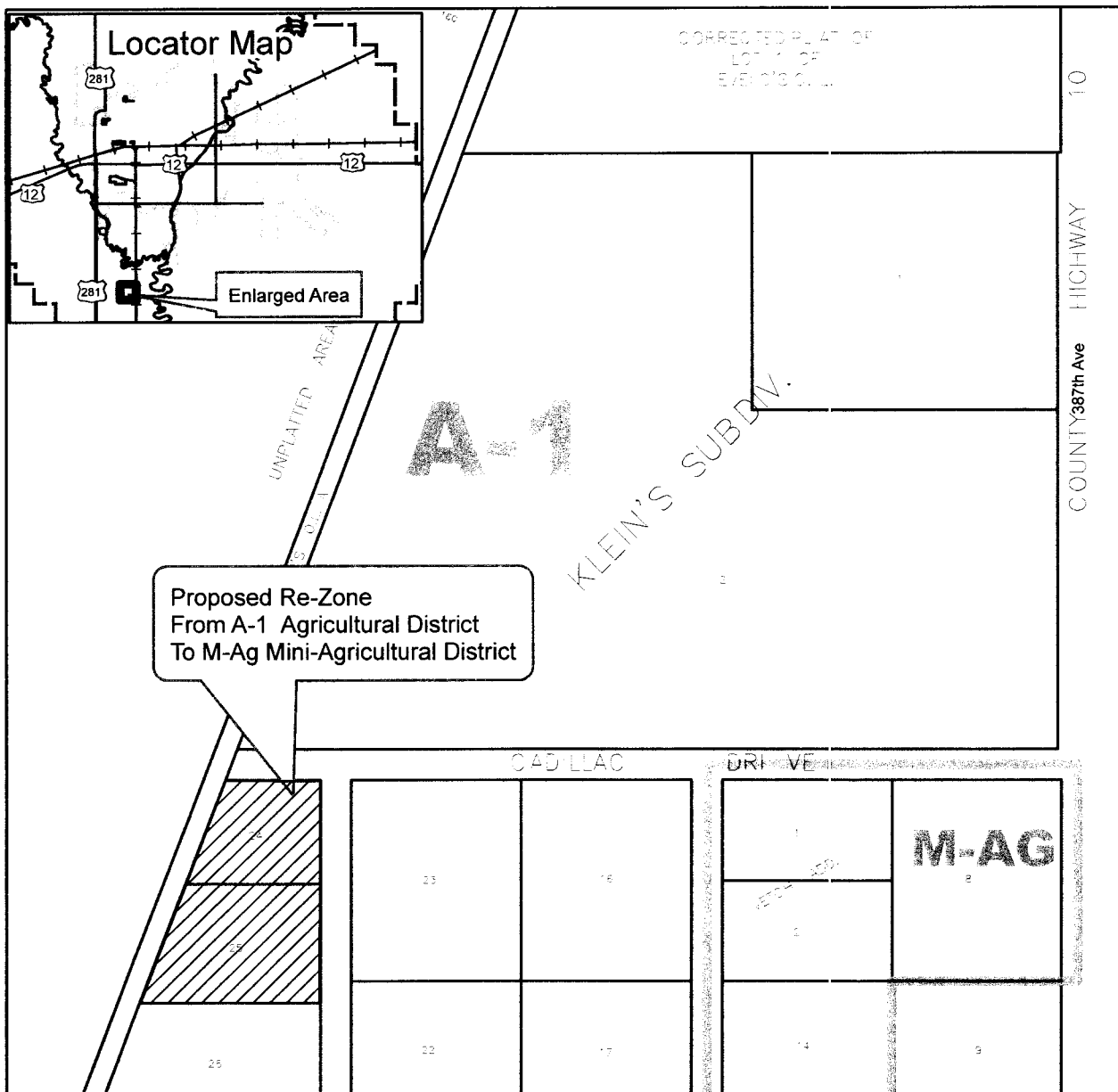
| | |
|-----------------------------|--------------------|
| Checked by: | <u>[Signature]</u> |
| Given Sign: | <u>[Signature]</u> |
| Exhibit A: | _____ |
| Site Plan: | <u>[Signature]</u> |
| PC Meeting: | <u>Oct 16/12</u> |
| 1st Reading: | <u>10/23/12</u> |
| 2nd Reading/Final Adoption: | <u>10/30/12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

Proposed Re-Zone

Address / Legal Description : 38671 Cadillac Drive / Lots 24 & 25 of Evelos Outlot in the NE 1/4 Sec. 2 T122N 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 12-10-03 (411)
 Address boundaries and legal descriptions were obtained from the assessor's office of Brown county, South Dakota
 Not a Legal Document