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**AGENDA, JOINT CITY COUNCIL/COUNTY COMMISSION MEETING  
MONDAY, JANUARY 28, 2013, 5:30 P.M.  
CITY COUNCIL CHAMBERS, MUNICIPAL BUILDING, 123 SOUTH LINCOLN STREET**

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1. ROLL CALL
  
2. ORDINANCE NO. 13-01-01 (413) – ORDINANCE AMENDING ORDINANCE NO. 1164 TO REZONE CERTAIN DESCRIBED PROPERTY FROM SECTION 701 (A-1) TO SECTION 714 (M-AG)  
LOTS 1 AND 2, VALLEY VIEW ACRES SUBDIVISION IN THE NW ¼ OF SECTION 10, T123N, R64W OF THE 5<sup>TH</sup> P.M., BROWN COUNTY, SOUTH DAKOTA  
POSSIBLE SECOND READING AND FINAL ADOPTION OF ORDINANCE NO. 13-01-01
  
3. ORDINANCE NO. 13-01-02 (414) – ORDINANCE AMENDING ORDINANCE NO. 1164 TO REZONE CERTAIN DESCRIBED PROPERTY FROM SECTION 701 (A-1) TO SECTION 714 (M-AG)  
LOT 1, VETCH SECOND ADDITION IN THE NE ¼ OF SECTION 2, T122N, R64W OF THE 5<sup>TH</sup> P.M., BROWN COUNTY, SOUTH DAKOTA  
POSSIBLE SECOND READING AND FINAL ADOPTION OF ORDINANCE NO. 13-01-02

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

City of Aberdeen  
Request for Council Action

January 28, 2013

Agenda Item No.	2	Meeting Date:	December 31, 2012
Agenda Section	<del>New</del> Business ok	Originating Dept:	Planning and Zoning
Resolution	NA		
Ordinance	13-01-01 (413)	Prepared by:	Brett Bill Planning and Zoning Director/Building Official
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)  
3809 24<sup>th</sup> Avenue NW (Approximately ½ mile West of Wylie Park) – Eric Kline.

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 proposed lot size and land use. A preliminary and final plat for this property was approved by the Joint City/County Planning Commission on November 20, 2012 with the stipulation that both lots were rezoned to (M-Ag) Mini-Agricultural District. Approval for this petition to rezone was granted by the Joint City/County Planning Commission on December 18, 2012.

Primary/Issues/Alternatives to Consider:

None.

Budgetary/Fiscal Issues:

None.

Attachments:

Staff Report  
Petition to Rezone  
Map of Proposed Rezone  
Ordinance

STAFF REPORT  
December 18, 20012

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**REZONING: A-1 to M-AG**

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GENERAL INFORMATION

PETITIONER	Eric Kline
REQUEST	<b>Rezone from Agricultural District to Mini-Agricultural District</b>
LEGAL DESCRIPTION	Proposed Lots 1 and 2, Valley View Acres Subdivision in the NW ¼ of Section 10, T123N-R64W of the 5 <sup>th</sup> P.M., Brown County, South Dakota
LOCATION	3809 24 <sup>th</sup> Avenue NW - Approximately ½ mile West of Wylie Park.
EXISTING ZONING	Agricultural District
PROPOSED ZONING	Mini-Agricultural District
SURROUNDING ZONING	
North:	Medium Density Residential District and Mini-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 approved by the Joint City/County Planning Commission on November 20, 2012 with the stipulation that both lots are rezoned to (M-Ag) Mini-Agricultural District.

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

ORDINANCE NO. 13-01-01  
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 Eric D. Kline 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:

Proposed Lots 1 and 2, Valley View Acres Subdivision in the NW ¼ of Section 10,  
T123N, R64W of the 5<sup>th</sup> 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 January 3, 10, and 17, 2013

Passed First Reading January 22, 2013

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

Adopted \_\_\_\_\_

Published \_\_\_\_\_

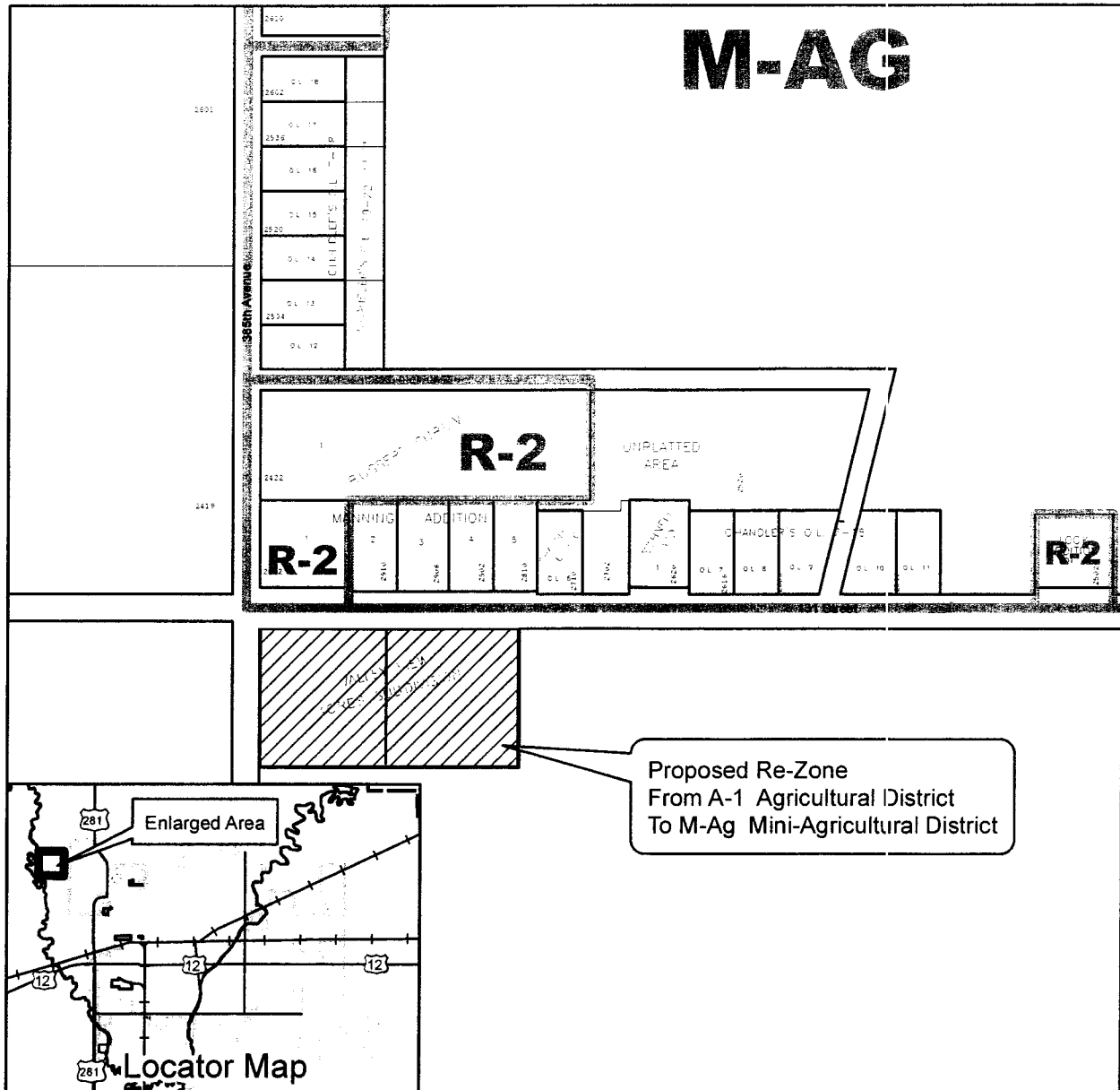
Effective Date \_\_\_\_\_

# Proposed Re-Zone

Address / Legal Description : 2809 24th Ave NW / Proposed Lots 1&2, Valley View Acres  
Subdivision in the NW 1/4 Sec.10 T123N 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 13-01-01  
Address boundaries and legal descriptions were obtained from the assessor's office of Brown county, South Dakota  
Not a Legal Document

REZONING PETITION (Three Mile Jurisdiction)

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

Petition No:	_____
Date:	11/13/12
Receipt No:	_____
Filing Fee:	City \$180 County \$150 (non-refundable)
Ord/Res No:	3-01-C1(413)

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 142, Valley View Acres Subdivision in the NW 1/4 Sect. 10 -  
T123N - R164W of the 5<sup>th</sup> P.M., Brown County, South Dakota.

General Area Location or Street Address: 2809 24<sup>th</sup> Ave NW

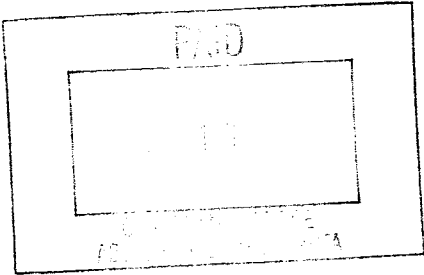
From the (A-1) Agricultural District

To the (M-Ag) Mini - Agricultural District

Purpose: Bring properties into compliance with size and use

Size of Parcel: \_\_\_\_\_

Existing Land Use: Mini-Ag



Petitioner (Print): Eric D. Klac

Signature: *E.D. Klac*

Date: 11-13-12 Phone: 605-216-4022

Address: 1306 STEWART DR  
Aberdeen SD 57401  
City State Zip

Checked by:	<i>Ken</i>
Given Sign:	<i>✓</i>
Exhibit A:	<i>✓ DS</i>
Site Plan:	_____
PC Meeting:	<i>12-18-12</i>
1st Reading:	<i>12-18-12</i>
2nd Reading/Final Adoption:	<i>1-2-13</i>

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

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

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

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

City of Aberdeen  
Request for Council Action

January 28, 2013

Agenda Item No.	3	Meeting Date:	<del>December 31, 2012</del>
Agenda Section	<del>New</del> Business old	Originating Dept:	Planning and Zoning
Resolution	NA		
Ordinance	13-01-02 (414)	Prepared by:	Brett Bill Planning and Zoning Director/Building Official
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)  
38685 Cadillac Drive – Donald and Cathy Vetch.

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 rezoning in order to 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 December 18, 2012.

Primary/Issues/Alternatives to Consider:

None.

Budgetary/Fiscal Issues:

None.

Attachments:

Staff Report  
Petition to Rezone  
Map of Proposed Rezone  
Ordinance

ORDINANCE NO. 13-01-02  
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 Cathy Vetch 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:

Proposed Lot 1, Vetch Second Addition in the NE ¼ of Section 2, T122N, R64W of the 5<sup>th</sup> 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 January 3, 10, and 17, 2013

Passed First Reading January 22, 2013

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

Adopted \_\_\_\_\_

Published \_\_\_\_\_

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



STAFF REPORT  
December 18, 2012

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**REZONING: A-1 to M-AG**

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GENERAL INFORMATION

PETITIONER	Donald and Cathy Vetch
REQUEST	<b>Rezone from Agricultural District to Mini-Agricultural District</b>
LEGAL DESCRIPTION	Proposed Vetch Second Addition in the NE ¼ of Section 2, T122N-R64W of the 5 <sup>th</sup> P.M., Brown County, South Dakota
LOCATION	38685 Cadillac Drive.
EXISTING ZONING	Agricultural District
PROPOSED ZONING	Mini-Agricultural District
SURROUNDING ZONING	
North:	Agricultural District
South:	Agricultural District
East:	Mini-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 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 land use. A preliminary and final plat for this property was submitted in conjunction with this petition to rezone to (M-Ag) Mini-Agricultural District.

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:	<u>11/21/12</u>
Receipt No:	<u>531104</u>
Filing Fee: City	<u>780</u>
County	<u>150</u>
(non-refundable)	
Ord/Res No:	<u>13-01-02(414)</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 lot 1, Vetch Second Addition in the NE 1/4 Sect. 2-T122N-R64W  
of the 5<sup>th</sup> P.M., Brown County, South Dakota

General Area Location or Street Address: 38085 Cadillac Dr.

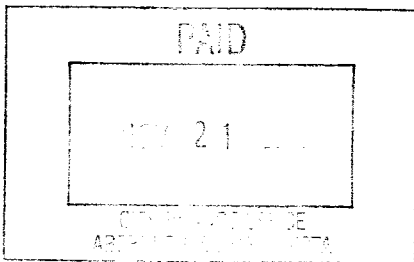
From the (A-1) Agricultural District

To the (M-Ag) Mini-Agricultural District

Purpose: Bring property into compliance with lot size & use requirements.

Size of Parcel: 198' X 330' (1.50 acres)

Existing Land Use: Residence



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

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

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

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

City State Zip

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

Owner (Print): Cathy Vetch

Signature: Cathy Vetch  
If different than above.

Date: 11-21-12 Phone: 605-276-2904

Address: 38685 Cadillac Dr  
Aberdeen SD 57461  
City State Zip

(Additional Signatures may be submitted on a separate page)

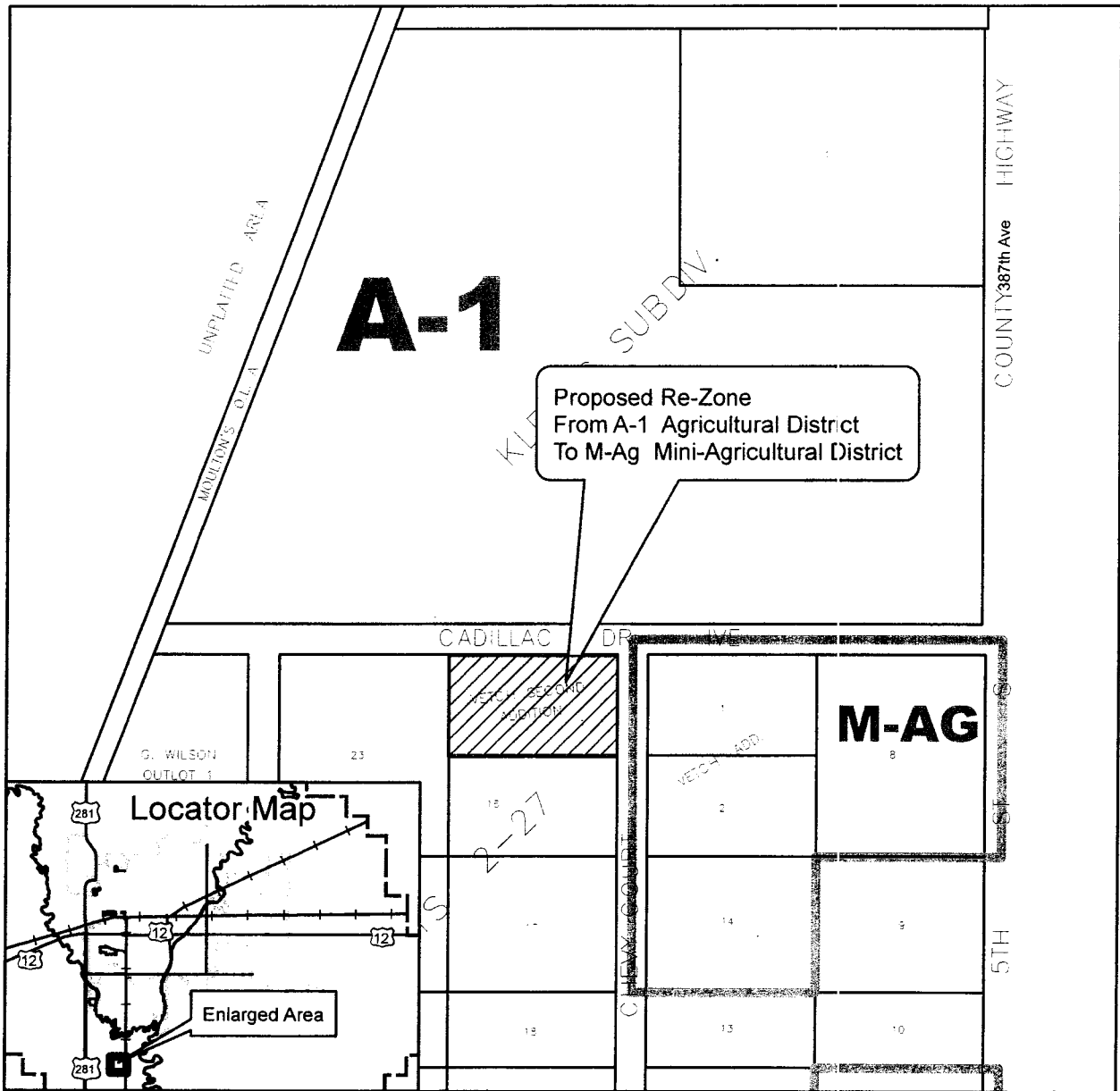
# Proposed Re-Zone

Legal Description / Address:

Proposed Lot 1, Vetch Second Addition in the NE1/4 of Sec. 2 T122N R64W / 38685 Cadillac Drive

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 13-01-02 (414)  
Address boundaries and legal descriptions were obtained from the assessor's office of Brown county, South Dakota  
Not a Legal Document