
**AGENDA, JOINT CITY COUNCIL/COUNTY COMMISSION MEETING
MONDAY, FEBRUARY 25, 2013, 5:30 P.M.
CITY COUNCIL CHAMBERS, MUNICIPAL BUILDING, 123 SOUTH LINCOLN STREET**

1. ROLL CALL
2. ORDINANCE NO. 13-02-01 (415) – ORDINANCE AMENDING ORDINANCE NO. 1164 TO REZONE CERTAIN DESCRIBED PROPERTY FROM SECTION 701 (A-1) TO SECTION 714 (M-AG) LOT 1, WEISZHAAR SECOND SUBDIVISION IN THE SE ¼ OF SECTION 34, T124N, R64W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA
POSSIBLE FIRST READING OF ORDINANCE NO. 13-02-01
3. PLAT – SEVENTH ADDITION TO ASHWOOD HEIGHTS SUBDIVISION, CITY OF ABERDEEN, IN THE SW ¼ OF SECTION 8, T123N, R63W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA
POSSIBLE APPROVAL OF THIS PLAT WITH THE STIPULATION THAT PROPOSED LOT 1 IS ANNEXED INTO THE ABERDEEN CITY LIMITS

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

City of Aberdeen
Request for Council Action

Agenda Item No.	1	Meeting Date:	February 25, 2013
Agenda Section	New Business	Originating Dept:	Planning and Zoning
Resolution	NA		
Ordinance	13-02-01 (415)	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)
2326 130th Street – Approximately ¼ mile West of the intersection of Highway #281 and 130th Street.

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 bring the zoning of the proposed lot into compliance with the existing land use and proposed lot size. This petition to rezone was submitted in conjunction with a preliminary and final plat. The proposed plat created a lot, which is less than 40 acres, thus precipitating the need for this rezoning. Approval for this petition to rezone was granted by the Joint City/County Planning Commission on February 19, 2013.

Primary/Issues/Alternatives to Consider:

None.

Budgetary/Fiscal Issues:

None.

Attachments:

Staff Report
Petition to Rezone
Map of Proposed Rezone
Ordinance

STAFF REPORT
February 19, 2013

REZONING: A-1 to M-AG

GENERAL INFORMATION

PETITIONER	James Weiszhaar
REQUEST	Rezone from Agricultural District to Mini-Agricultural District
LEGAL DESCRIPTION	Lot 1, Weiszhaar Second Addition in the SE ¼ of Section 34, T124N-R64W of the 5 th P.M., Brown County, South Dakota
LOCATION	2326 130 th Street – Approximately ¼ mile West of the intersection of Highway #281 and 130 th 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 into compliance with the existing land use and the proposed lot size. A preliminary and final plat for this property was submitted in conjunction with this petition to Rezone. The proposed plat created a lot, which was less than 40 acres, thus the lot should be rezoned to Mini-Agricultural District in order to bring it into compliance with its size and use.

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

ORDINANCE NO. 13-02-01
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 James Weiszhaar 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:

Lot 1, Weiszhaar Second Subdivision in the SE ¼ of Section 34, T124N, 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 February 7, 14, and 21, 2013

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: 1/29/13
Receipt No: 545223
Filing Fee: City 180 County 150
(non-refundable)
Ord/Res No: 13-02-01(45)

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 1, Weiszhaar Second Subdivision, SE 1/4 Sect. 34-7124N - R64W
of the 5th PM, Brown County, SD.

General Area Location or Street Address: 2326 130th St. NW (Approx 1/4 m. west of Hwy 281 on N. side of Rd)

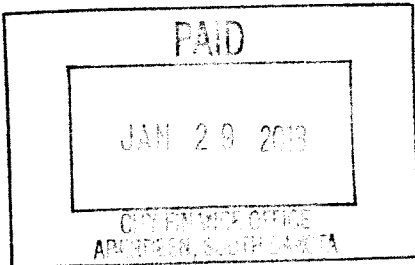
From the A-1 District

To the M-Ag District

Purpose: Bringing property into compliance with proposed lot size

Size of Parcel: 24.95 acres

Existing Land Use: Homesite



Petitioner (Print): _____

Signature: _____

Date: _____ Phone: _____

Address: _____

City State Zip

Owner (Print): James Weiszhaar

Signature: James Weiszhaar
If different than above.

Date: 1-29-2013 Phone: 605 228-1487

Address: 2326 130th ST

Aberdeen S.D. 57401
City State Zip

Checked by: ks
Given Sign: ✓
Exhibit A: _____
Site Plan: _____
PC Meeting: 2-19-13
1st Reading: 2-25-13
2nd Reading/Final Adoption: 3-4-13

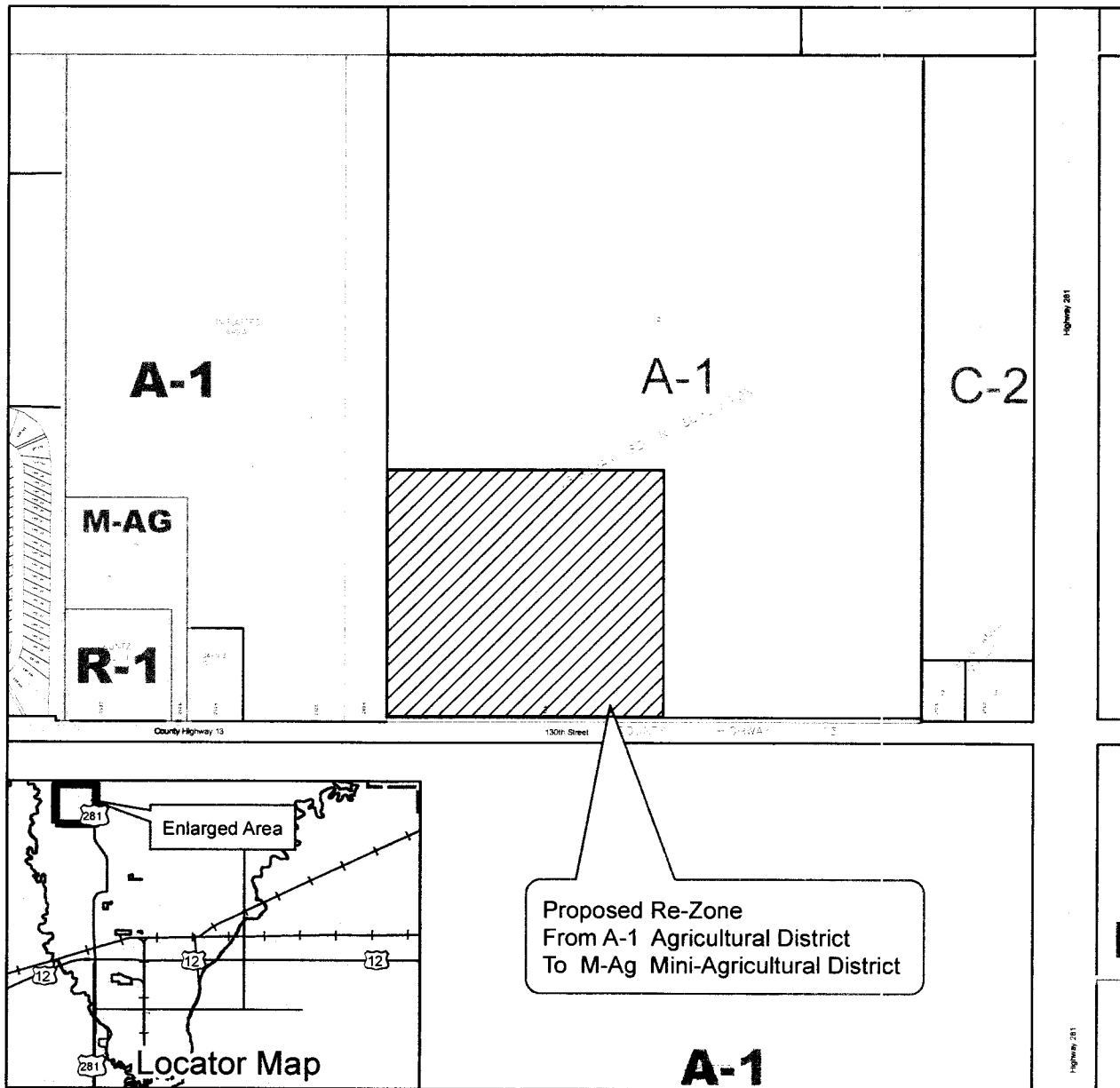
(Additional Signatures may be submitted on a separate page)

Proposed Re-Zone

Address / Legal Description : 2326 130th St NW / Proposed Lot 1, Weiszhaar Second Subdivision

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 13-02-01 (415)
Address boundaries and legal descriptions were obtained from the assessor's office of Brown county, South Dakota
Not a Legal Document

STAFF REPORT
February 19, 2013

PRELIMINARY AND FINAL PLAT

GENERAL INFORMATION

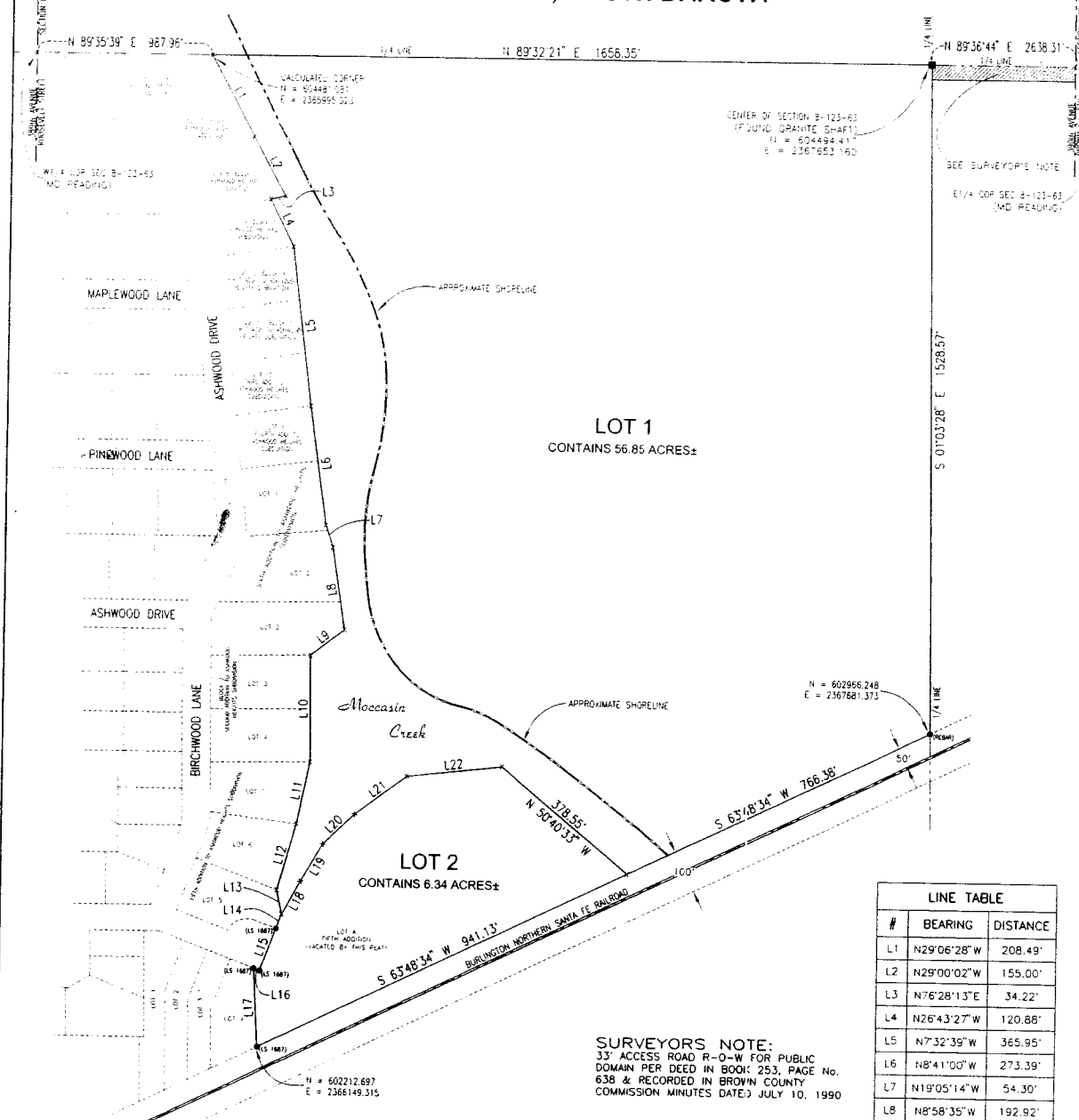
PETITIONER	D & H Development Corporation, A South Dakota Corporation – Lonnie Anderson, Secretary Treasurer
REQUEST	Preliminary and Final Plat
LEGAL DESCRIPTION	Seventh Addition to Ashwood Heights Subdivision, City of Aberdeen in the SW ¼ of Section 8, Township 123 North, Range 63 West of the 5 th P.M., Brown County, South Dakota
LOCATION	1236 Birchwood Circle
EXISTING ZONING	Medium Density Residential District/Special Density Residential District, Green Belt District and Agricultural District
SURROUNDING ZONING	
North:	Medium Density Residential District, Agricultural District and Green Belt District
South:	Agricultural District
East:	Unrestricted Industrial District and Agricultural District
West:	Medium Density Residential District and Medium Density Residential District/Special Density Residential District
PUBLIC UTILITIES	City water and sewer.
REPORTED BY	Brett Bill

RECOMMENDATION: Staff recommends approval of this Preliminary and Final Plat, with the stipulation that proposed Lot 1 is annexed into the Aberdeen City limits.

GENERAL COMMENTS: The petitioner is requesting this Preliminary and Final Plat in order to reconfigure lot lines to accommodate future residential construction on proposed Lot 2 and to plat an unplatted area into proposed Lot 1. Proposed Lot 1 is currently outside of the Aberdeen City limits, but is contiguous on three sides and staff feels that the property should be annexed with the filing of this plat.

REVIEW: Staff have reviewed this Preliminary and Final Plat and concur with its approval, with the stipulation that proposed Lot 1 is annexed into the Aberdeen City limits.

**PLAT SHOWING
SEVENTH ADDITION TO ASHWOOD HEIGHTS SUBDIVISION
CITY OF ABERDEEN
IN THE SW1/4 OF SECTION 8, TOWNSHIP 123 NORTH,
RANGE 63 WEST OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA**



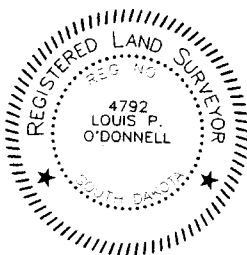
LINE TABLE

#	BEARING	DISTANCE
L1	N29°06'28"W	208.49'
L2	N29°00'02"W	155.00'
L3	N76°28'13"E	34.22'
L4	N26°43'27"W	120.88'
L5	N7°32'39"W	365.95'
L6	N8°41'00"W	273.39'
L7	N19°05'14"W	54.30'
L8	N8°58'35"W	192.92'
L9	N52°29'07"E	97.53'
L10	N1°09'05"W	244.00'
L11	N11°29'09"E	145.62'
L12	N15°06'31"E	157.78'
L13	N11°59'11"W	56.60'
L14	N19°13'28"E	34.77'
L15	N20°17'02"E	104.24'
L16	S69°58'52"E	15.00'
L17	N3°47'21"W	181.18'
L18	S28°32'36"W	86.89'
L19	S30°25'42"W	100.00'
L20	S45°29'07"W	100.00'
L21	S53°11'13"W	150.00'
L22	S83°05'29"W	220.00'

SURVEYORS NOTE:
33' ACCESS ROAD R-O-W FOR PUBLIC DOMAIN PER DEED IN BOOK 253, PAGE No. 638 & RECORDED IN BROWN COUNTY COMMISSION MINUTES DATE JULY 10, 1990

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

BASIS OF BEARINGS
STATE PLANE COORDINATE SYSTEM
SOUTH DAKOTA NORTH ZONE (4001)
NAD '83 (CORS '96)
DISTANCES ARE GROUND
COORDINATES ARE GRID
CONTROL STATION - CITY BASE



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