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**AGENDA, JOINT CITY COUNCIL/COUNTY COMMISSION MEETING  
TUESDAY, JULY 23, 2013, 8:45 A.M.  
BROWN COUNTY COMMISSION CHAMBERS, COURTHOUSE BUILDING, 25 MARKET STREET**

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1. ROLL CALL
  
2. ORDINANCE NO. 13-07-03 (422) – ORDINANCE AMENDING ORDINANCE NO. 1164 TO REZONE CERTAIN DESCRIBED PROPERTY FROM (A-1) DISTRICT TO (M-AG) DISTRICT  
LOT 1, COMMET SUBDIVISION IN THE SW ¼ OF SECTION 34, T124N, R64W OF THE 5<sup>TH</sup> P.M.,  
BROWN COUNTY, SOUTH DAKOTA  
POSSIBLE FIRST READING OF ORDINANCE NO. 13-07-03
  
3. ORDINANCE NO. 13-07-04 (423) – ORDINANCE AMENDING ORDINANCE NO. 1164 TO REZONE CERTAIN DESCRIBED PROPERTY FROM (A-1) DISTRICT TO (M-AG) DISTRICT  
THE EAST 20 RODS OF THE SE ¼, SE ¼ OF SECTION 27, T123N, R63W OF THE 5<sup>TH</sup> P.M.,  
BROWN COUNTY, SOUTH DAKOTA  
POSSIBLE FIRST READING OF ORDINANCE NO. 13-07-04
  
4. ORDINANCE NO. 13-07-06 (424) – ORDINANCE AMENDING ORDINANCE NO. 1164 TO REZONE CERTAIN DESCRIBED PROPERTY FROM (A-1) DISTRICT TO (M-AG) DISTRICT  
SUNSET MEMORIAL GARDENS, LOTS A, B, AND C, GARDEN OF HONOR, SUNSET MEMORIAL GARDENS, GARDEN OF GETHSEMANE SUBDIVISION OF LOT 1, FIRST ADDITION TO SUNSET MEMORIAL GARDENS AND LOTS 1 AND 2, SUNSET MEMORIAL IRRIGATION POND ADDITION IN THE SE ¼ OF SECTION 15, T123N, R63W, EXCEPT HWY OF THE 5<sup>TH</sup> P.M., BROWN COUNTY, SOUTH DAKOTA  
POSSIBLE FIRST READING OF ORDINANCE NO. 13-07-06

**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:	July 23, 2013
Agenda Section	New Business	Originating Dept:	Planning and Zoning
Resolution	NA		
Ordinance	13-07-03 (422)	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).  
2404 130<sup>th</sup> Street NW – Approximately ¼ mile east of Country Village Mcbile Home Park – Dwight and JoAnn Commet.

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 a proposed lot into compliance with the lot size requirements. The proposed lot will be less than the 40 acres required for the A-1 (Agricultural District), thus the petition to rezone to M-Ag (Mini-Agricultural District) was submitted. This petition to rezone along with a preliminary and final plat for this property were both approved by the Joint City/County Planning Commission on July 16, 2013.

Primary/Issues/Alternatives to Consider:

Staff recommends approval of this rezoning request with the stipulation that the existing junk yard is not expanded.

Budgetary/Fiscal Issues:

None.

Attachments:

Staff Report  
Petition to Rezone  
Map of proposed Rezone  
Ordinance

STAFF REPORT  
July 16, 2013

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

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GENERAL INFORMATION

PETITIONER	Dwight & Joann Commet
REQUEST	<b>Rezone from Agricultural District to Mini-Agricultural District</b>
LEGAL DESCRIPTION	Proposed Lot 1, Commet Subdivision in the SW ¼ Sect. 34-T124N-R64W of the 5 <sup>th</sup> P.M., Brown County, South Dakota.
LOCATION	2404 130 <sup>th</sup> St. NW
EXISTING ZONING	Agricultural District
PROPOSED ZONING	Mini-Agricultural District
SURROUNDING ZONING	
North:	Mini-Agricultural District
South:	Agricultural District
East:	Agricultural District
West:	Agricultural District
PUBLIC UTILITIES	WEB Water.
REPORTED BY	Karl Palmquist

RECOMMENDATION: Staff recommends approval of this petition to rezone with the stipulation that the Preliminary and Final Plat is also approved at the July 16, 2013 Planning Commission meeting and the junkyard is not expanded.

GENERAL COMMENTS: The petitioner is seeking to rezone in order to bring the property into zoning compliance. The property does not contain 40 acres of lot area. The Mini-Agricultural District is the most appropriate for this property and its current use. The property is also being platted at this time.

REVIEW: Staff have reviewed this petition to rezone and concur with its approval with the stipulation that the Preliminary and Final plat also be approved at the July 16, 2013 Planning Commission meeting and the existing junkyard is not expanded.

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>6/21/13</u>
Receipt No:	<u>576953</u>
Filing Fee: City	<u>#180</u> County <u>#150</u>
<small>(non-refundable)</small>	
Ord/Res No:	<u>13-07-03(422)</u>

City Commission and County Commission Members

I/We, the undersigned, do hereby petition the City Commission of Aberdeen and the Brown County Commissioner, Brown County, South Dakota, to rezone property as follows:

Legal Description (Please print in black ink or type):

Proposed Lot 1, Comet Subdivision in the SW 1/4 of Section 34-T124N - R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota

General Area Location or Street Address: 2404 130<sup>th</sup> St. NW

From the (A-1) Agricultural District

To the (M-Ag) Mini-Agricultural District

Purpose: to bring property into compliance with proposed lot size.

Size of Parcel: 19.76 acres

Existing Land Use: Residence

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

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

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

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

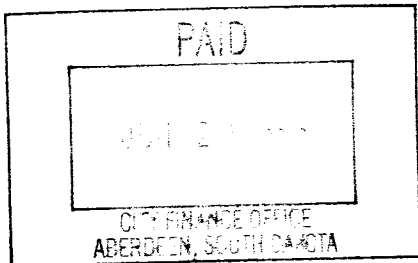
City State Zip

Owner (Print): JoAnn Cornnet

Signature: JoAnn Cornnet If different than above.

Date: June 21, 2013 Phone: 229-1738

Address: 2404 130th St. NW  
Aberdeen SD 57401  
City State Zip



Checked by:	<u>Ken</u>
Given Sign:	<u>✓</u>
Exhibit A:	<u>DCS</u>
Site Plan:	_____
PC Meeting:	<u>7/16/13</u>
1st Reading:	_____
2nd Reading/Final Adoption:	_____

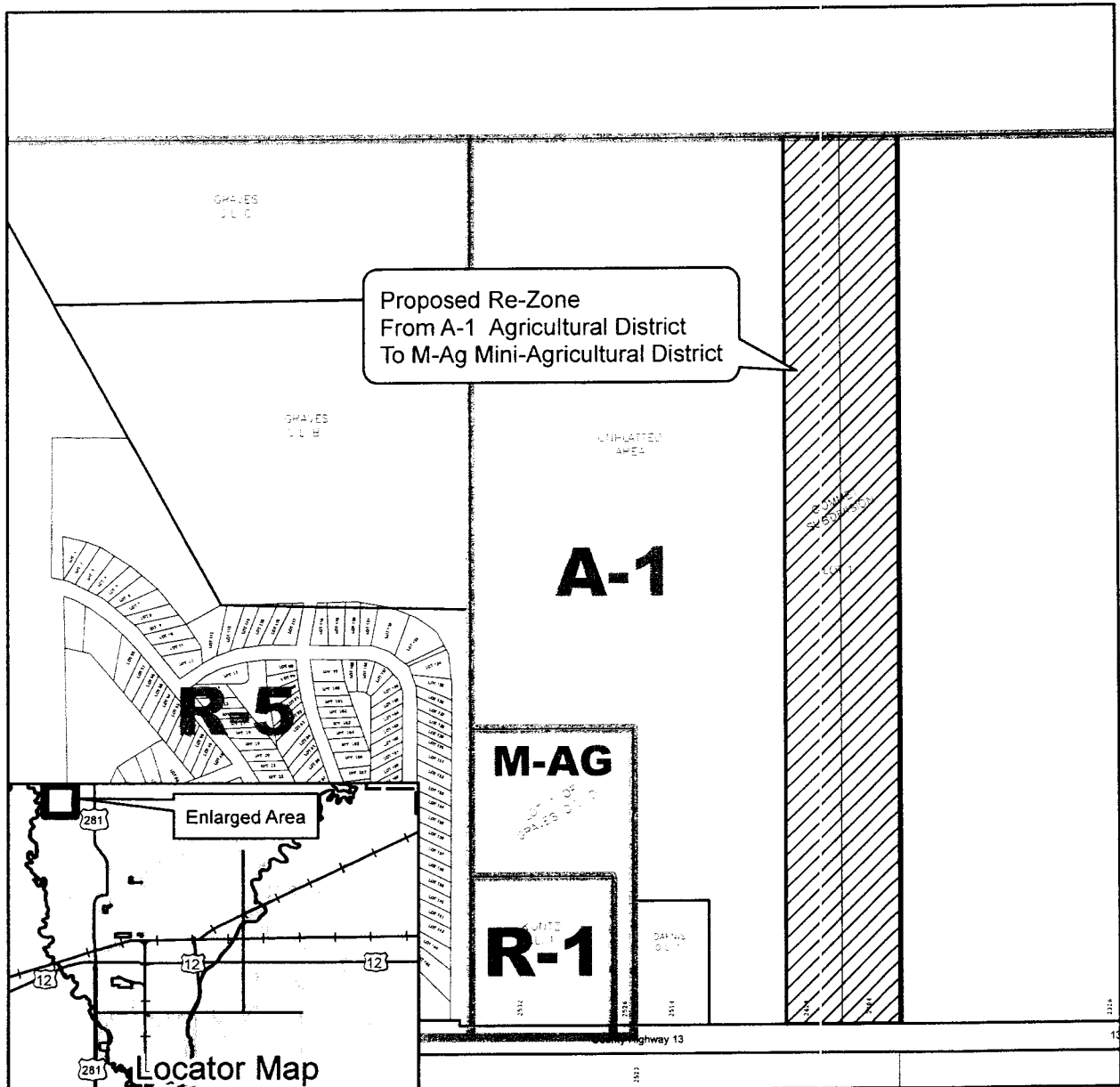
(Additional Signatures may be submitted on a separate page)

# Proposed Re-Zone

Address / Legal Description : 2404 130th St Nw / Proposed Lot 1, Commet Subdivision in the SW 1/4 of Sec. 34 T124N 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 13-07-03 (422)  
 Address boundaries and legal descriptions were obtained from the assessor's office of Brown county, South Dakota  
 Not a Legal Document

ORDINANCE NO. 13-07-03  
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 JoAnn Commet is hereby granted and Ordinance No. 1164 is hereby amended to change the zoning on the following described property from (A-1) Agricultural District to (M-AG) Mini-Agricultural District, said property is described as follows:

Lot 1, Commet Subdivision in the SW ¼ of Section 34, T124N, 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 July 4, 11, and 18, 2013

Passed First Reading \_\_\_\_\_

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

Adopted \_\_\_\_\_

Published \_\_\_\_\_

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

City of Aberdeen  
Request for Council Action

Agenda Item No.	3	Meeting Date:	July 23, 2013
Agenda Section	New Business	Originating Dept:	Planning and Zoning
Resolution	NA		
Ordinance	13-07-04 (423)	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).  
2522, 2620, 2724, 2818 and 2916 392<sup>nd</sup> Avenue – Southeast of the Aberdeen Regional Airport –  
Rebecca Mattern.

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 an existing unplatted balance into compliance with the lot size requirements. The lot area is less than the 40 acres required for the A-1 (Agricultural District), thus the petition to rezone to M-Ag (Mini-Agricultural District) was submitted. A preliminary and final plat for this property was submitted in conjunction with this rezoning application, but the plat was continued for a month in order for issues with access to be cleared up prior to approval by the Joint City/County Planning Commission. This petition to rezone was approved by the Joint City/County Planning Commission on July 16, 2013.

Primary/Issues/Alternatives to Consider:

None.

Budgetary/Fiscal Issues:

None.

Attachments:

Staff Report  
Petition to Rezone  
Map of proposed Rezone  
Ordinance

STAFF REPORT  
July 16, 2013

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

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GENERAL INFORMATION

PETITIONER	Rebecca Mattern
REQUEST	<b>Rezone from Agricultural District to Mini-Agricultural District</b>
LEGAL DESCRIPTION	The East 20 Rods of the SE ¼ SE ¼ Sect. 27-T123N-R63W of the 5 <sup>th</sup> P.M., Aberdeen, Brown County, South Dakota.
LOCATION	2522, 2620, 2724, 2818 and 2916 392 <sup>nd</sup> Avenue
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	Karl Palmquist

RECOMMENDATION: Staff recommends approval of this petition to rezone.

GENERAL COMMENTS: The petitioner is seeking to rezone in order to bring the newly platted properties into zoning compliance. The properties do not contain 40 acres of lot area. The Mini-Agricultural District is the most appropriate for this properties and their proposed uses.

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:	6/21/13
Receipt No:	577086
Filing Fee: City	180
County	150
(non-refundable)	
Ord/Res No:	13-0764 (423)

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 East 20 Rods of the SE 1/4 SE 1/4 Sect. 27 - T123N - R63W

~~Proposed lots in Cedar Rock Subdivision~~

General Area Location or Street Address: 2724 392<sup>nd</sup> Ave

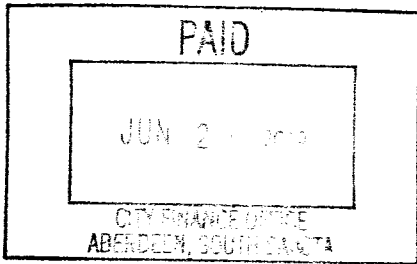
From the (A-1) Agricultural District

To the (M-Ag) Mini-Agricultural District

Purpose: Bring property into compliance with proposed lot sizes.

Size of Parcel: 10 acres

Existing Land Use: Undeveloped



Checked by:	<u>Kin</u>
Given Sign:	<u>[Signature]</u>
Exhibit A:	<u>DCS</u>
Site Plan:	_____
PC Meeting:	<u>7/16/13</u>
1st Reading:	<u>7/23/13</u>
2nd Reading/Final Adoption:	<u>7/30/13</u>

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

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

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

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

City State Zip

Owner (Print): Rebecca Mattorn

If different than above.

Signature: Rebecca Mattorn

Date: June 21, 2013 Phone: 605-226-1128

Address: 2519 392<sup>nd</sup> Ave

Aberdeen SD 57401  
City State Zip

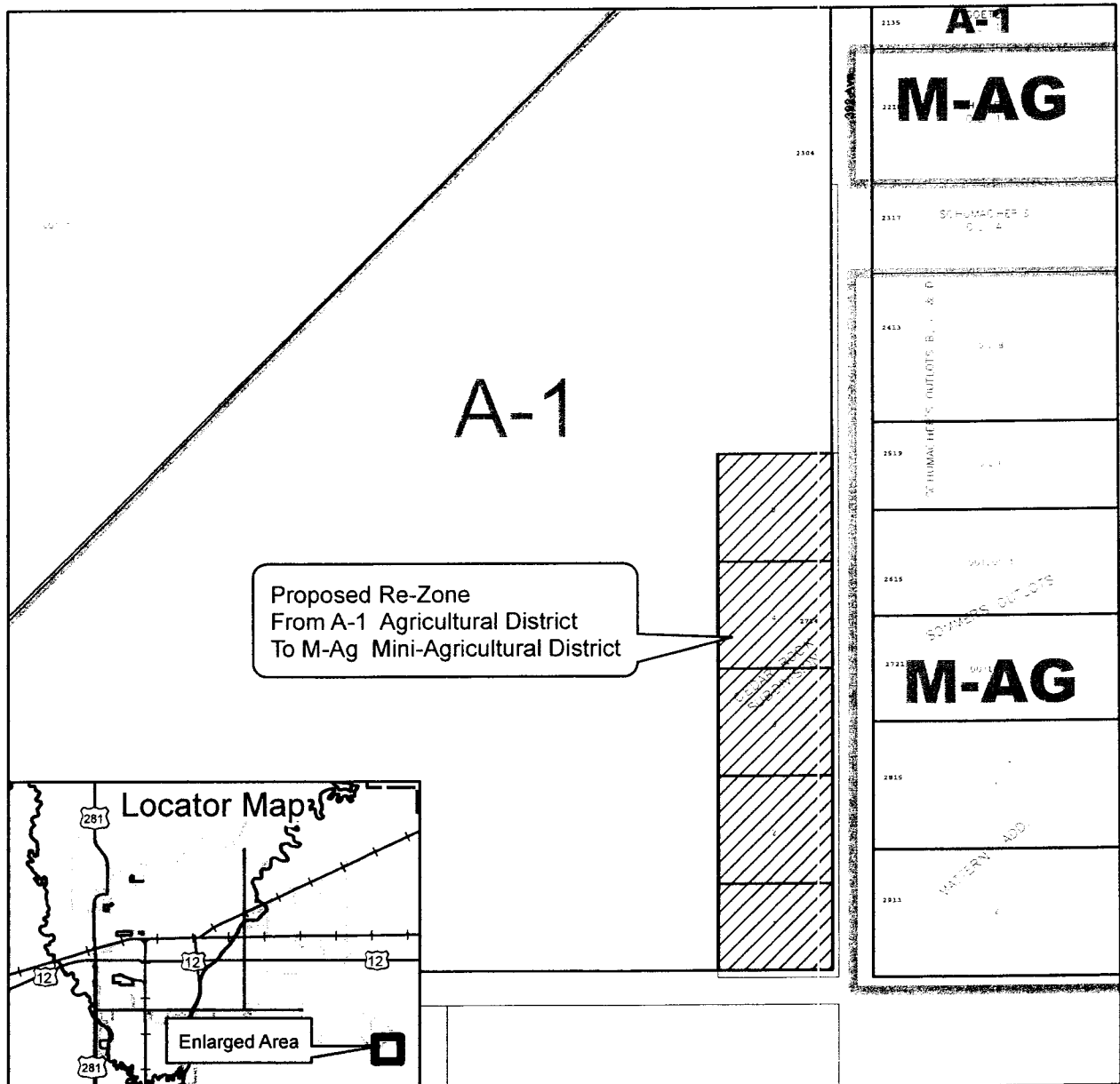
(Additional Signatures may be submitted on a separate page)

# Proposed Re-Zone

Address / Legal Description : 2724 392nd Avenue / The East 20 Rods of the SE 1/4 SE1/4  
 Sec. 27 T123N R63W  
 (Proposed Lots 1-5, Cedar Rock 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 13-07-04 (423)  
 Address boundaries and legal descriptions were obtained from the assessor's office of Erown county, South Dakota  
 Not a Legal Document

ORDINANCE NO. 13-07-04  
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 Rebecca Mattern is hereby granted and Ordinance No. 1164 is hereby amended to change the zoning on the following described property from (A-1) Agricultural District to (M-AG) Mini-Agricultural District, said property is described as follows:

The East 20 Rods of the SE ¼, SE ¼ of Section 27, T123N, R63W 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 July 4, 11, and 18, 2013

Passed First Reading \_\_\_\_\_

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

Adopted \_\_\_\_\_

Published \_\_\_\_\_

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

City of Aberdeen  
Request for Council Action

Agenda Item No.	4	Meeting Date:	July 23, 2013
Agenda Section	New Business	Originating Dept:	Planning and Zoning
Resolution	NA		
Ordinance	13-07-06 (424)	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).  
5839, 5843 and 5851 Highway #12 East; 404 and 410 392<sup>nd</sup> Avenue – Sunset Memorial Gardens Cemetery.

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 cemetery into compliance with the lot size requirements as well as the existing land use. All of the recently platted lots within the cemetery are less than the 40 acres required for the A-1 (Agricultural District), thus the Joint City/County Planning Commission stipulated that the cemetery be rezoned to M-Ag (Mini-Agricultural District). This petition to rezone along with a preliminary and final plat were both approved by the Joint City/County Planning Commission on July 16, 2013.

Primary/Issues/Alternatives to Consider:

Budgetary/Fiscal Issues:

None.

Attachments:

- Staff Report
- Petition to Rezone
- Map of proposed Rezone
- Ordinance

STAFF REPORT  
July 16, 2013

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

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GENERAL INFORMATION

PETITIONER	Sunset Memorial Gardens
REQUEST	<b>Rezone from Agricultural District to Mini-Agricultural District</b>
LEGAL DESCRIPTION	Sunset Memorial Gardens, Lots A-C, Garden of Honor, Sunset Memorial Gardens, Garden of Gethsemane Subdivision of Lot 1, First Addition to Sunset Memorial Gardens and Lots 1-2, Sunset Memorial Irrigation Pond Addition in the SE ¼ Sect.15-T123N-R63W of the 5 <sup>th</sup> P.M., Except Highway, Brown County, South Dakota.
LOCATION	5839, 5843 and 5851 Highway 12 East; 404 and 410 392 <sup>nd</sup> Avenue
EXISTING ZONING	Agricultural District
PROPOSED ZONING	Mini-Agricultural District
SURROUNDING ZONING	
North:	Agricultural District
South:	Highway Commercial District
East:	Mini-Agricultural District and Unrestricted Industrial District
West:	Agricultural District and Highway Commercial District
PUBLIC UTILITIES	Web water.
REPORTED BY	Karl Palmquist

RECOMMENDATION: Staff recommends approval of this petition to rezone with the stipulation that the variance application for lot size and lot width for both lots of the Irrigation Pond Addition be filed with the City Planning & Zoning Department.

GENERAL COMMENTS: The petitioner is seeking to rezone in order to be in zoning compliance with the Lot Area. The petitioner is also seeking a Special Exception for Cemetery at the July 11, 2013 Zoning Board of Adjustments hearing.

REVIEW: Staff have reviewed this petition to rezone and concur with its approval with the stipulation that the variance application for lot size and lot width for the Irrigation Pond Addition be filed with the City Planning & Zoning Department.

REZONING PETITION (Three Mile Jurisdiction)

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

Petition No:	_____
Date:	6/24/13
Receipt No:	577293
Filing Fee: City:	\$160
County:	\$150
(non-refundable)	
Ord/Res No:	13-02-06(424)

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):

Sunset Memorial Gardens, Lots A-C, Garden of Honor, Sunset Memorial Gardens, Garden of Gethsemane Subdivision of Lot 1, First Addition to Sunset Memorial Gardens and Lots 142, Sunset Memorial Irrigation Pond Addition in the SE 1/4 Sect. 15-7123N-263W, Except Hwy.

General Area Location or Street Address: 5839, 5843 and 5851 Highway 12 E

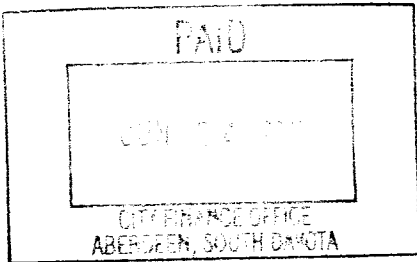
From the (A-1) Agricultural District

To the (M-Ag) Mini-Agricultural District

Purpose: Bring property into conformance with lot size and use.

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

Existing Land Use: Cemetary



Petitioner (Print): JIM ZIRBEL

Signature: Jim Zirbel

Date: 6/24/2013 Phone: 225-5361

Address: 5851 EAST Hwy 12  
ABERDEEN SD 57401  
City State Zip

Checked by:	Ken
Given Sign:	✓
Exhibit A:	_____
Site Plan:	_____
PC Meeting:	7/16
1st Reading:	7/23/13
2nd Reading/Final Adoption:	7/30/13

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

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

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

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

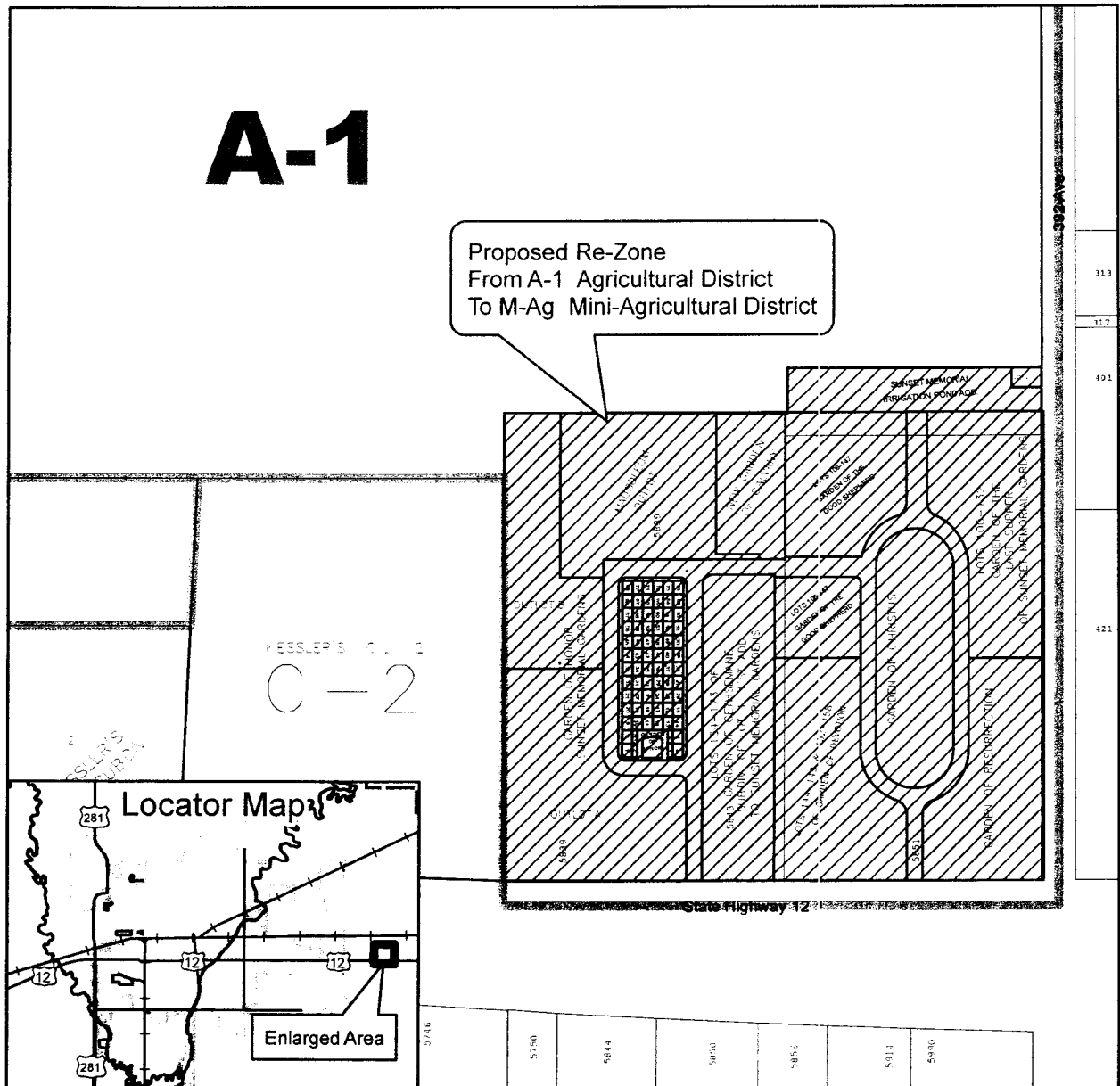
City State Zip

# Proposed Re-Zone

Address / Legal Description : 5839, 5843, & 5851 Highway 12 E / Sunset Memorial Gardens, Lots A-C, Garden of Honor; Sunset Memorial Gardens, Garden of Gethsemane Subdivision of Lot 1, First Addition to Sunset Memorial Gardens and Lots 1&2, Sunset Memorial Irrigation Pond Addition in the SE 1/4 Sec. 15 T123N R63W, Except Highway

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 13-07-06 (424)  
 Address boundaries and legal descriptions were obtained from the assessor's office of Brown county, South Dakota  
 Not a Legal Document

ORDINANCE NO. 13-07-06  
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 Jim Zirbel is hereby granted and Ordinance No. 1164 is hereby amended to change the zoning on the following described property from (A-1) Agricultural District to (M-AG) Mini-Agricultural District, said property is described as follows:

Sunset Memorial Gardens, Lots A, B, and C, Garden of Honor, Sunset Memorial Gardens, Garden of Gethsemane Subdivision of Lot 1, First Addition to Sunset Memorial Gardens and Lots 1 and 2, Sunset Memorial Irrigation Pond Addition in the SE ¼ of Section 15, T123N, R63W, Except Hwy 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 July 4, 11, and 18, 2013

Passed First Reading \_\_\_\_\_

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

Adopted \_\_\_\_\_

Published \_\_\_\_\_

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