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**AGENDA, JOINT CITY COUNCIL/COUNTY COMMISSION MEETING**

**TUESDAY, MAY 27, 2014, 5:30 P.M.**

**CITY COUNCIL CHAMBERS, 225 THIRD AVE., SE, PARKS & REC. ARCC BLDG., ALUMNI ROOM #101**

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1. ROLL CALL
  
2. ORDINANCE NO. 14-05-01 (432) – ORDINANCE AMENDING ORDINANCE NO. 1164 TO REZONE CERTAIN DESCRIBED PROPERTY FROM SECTION (A-1) DISTRICT TO (M-AG) DISTRICT LOT 1 IN S & E HEINTZMAN SUBDIVISION IN THE NE ¼ OF SECTION 27, T123N, R64W OF THE 5<sup>TH</sup> P.M., BROWN COUNTY, SOUTH DAKOTA  
POSSIBLE FIRST READING OF ORDINANCE NO. 14-05-01
  
3. ORDINANCE NO. 14-05-04 (433) – ORDINANCE AMENDING ORDINANCE NO. 1164 TO REZONE CERTAIN DESCRIBED PROPERTY FROM (A-1) DISTRICT TO (C-2) DISTRICT WEST 200' OF THE EAST 1,000' OF THE NORTH 670.16' IN THE NW ¼ OF SECTION 23, T123N, R63W EXCEPT HIWAY OF THE 5<sup>TH</sup> P.M., BROWN COUNTY, SOUTH DAKOTA  
POSSIBLE FIRST READING OF ORDINANCE NO. 14-05-04

**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:	May 27, 2014
Agenda Section	<del>New Business</del> /Old Business	Originating Dept:	Planning and Zoning
Resolution	NA		
Ordinance	14-05-01 (432)	Prepared by:	Chris Witzel, 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)  
2309 Melgaard Road West – Emily Labore-Heintzman

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 property into compliance with its current lot size and dimensions. A plat for this property was previously approved by the Joint City/County Planning Commission and the City Council/County Commission with the stipulation that the property is rezoned to Mini-Agricultural District. This petition to rezone was approved by the Joint City/County Planning Commission on May 20, 2014.

Primary/Issues/Alternatives to Consider:

None.

Budgetary/Fiscal Issues:

None.

Attachments:

Staff Report  
Petition to Rezone  
Map of proposed Rezone  
Ordinance

STAFF REPORT  
May 20, 2014

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**REZONING A-1 TO M-AG**

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GENERAL INFORMATION

PETITIONER Emily Labore-Heintzman

REQUEST **Rezone from (A-1) Agricultural District to (M-AG) Mini-Agricultural District**

LEGAL DESCRIPTION Proposed Lot 1, S & E Heintzman Subdivision, located in the NE¼ of Section 27-T123N-R64W of the 5<sup>th</sup> PM, Brown County, South Dakota.

LOCATION 2309 Melgaard Road West, located ¼ mile West of the intersection of Melgaard Road West and 19<sup>th</sup> Street South.

EXISTING ZONING Agricultural District

SURROUNDING ZONING  
North: Medium Density Residential District  
South: Agricultural District  
East: Agricultural District  
West: Agricultural District

PUBLIC UTILITIES WEB Water

REPORTED BY Chris Witzel

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 current lot size and dimensions. A plat for this property was previously approved by the Planning Commission with the stipulation that it be rezoned from an Agricultural District to a Mini-Agricultural District.

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

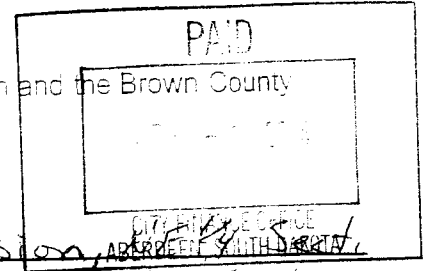
**REZONING PETITION (Three Mile Jurisdiction)**

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

Petition No:	
Date:	7/2/14
Receipt No:	637087
Filing Fee: City:	180
County:	150
(non-refundable)	
Ord/Res No:	14-05-01 (432)

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, St E Heintzman Subdivision, 27-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota.

General Area Location or Street Address:

From the A-1 Agricultural District

To the M-Ag Mini-Agricultural District

Purpose: Bring property into compliance with lot size requirements to replat property.

Size of Parcel: 5.85 acres

Existing Land Use: Vacant

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

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

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

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

City

State

Zip

Checked by:	<u>Kim</u>
Given Sign:	<u>[Signature]</u>
Exhibit A:	<u>VDCS</u>
Site Plan:	
PC Meeting:	<u>5/20/14</u>
1st Reading:	
2nd Reading/Final	
Adoption:	

Owner (Print) Emily LaBore-Heintzman

Signature: [Signature] If different than above.

Date: April 2, 2014 Phone: 605-225-0203

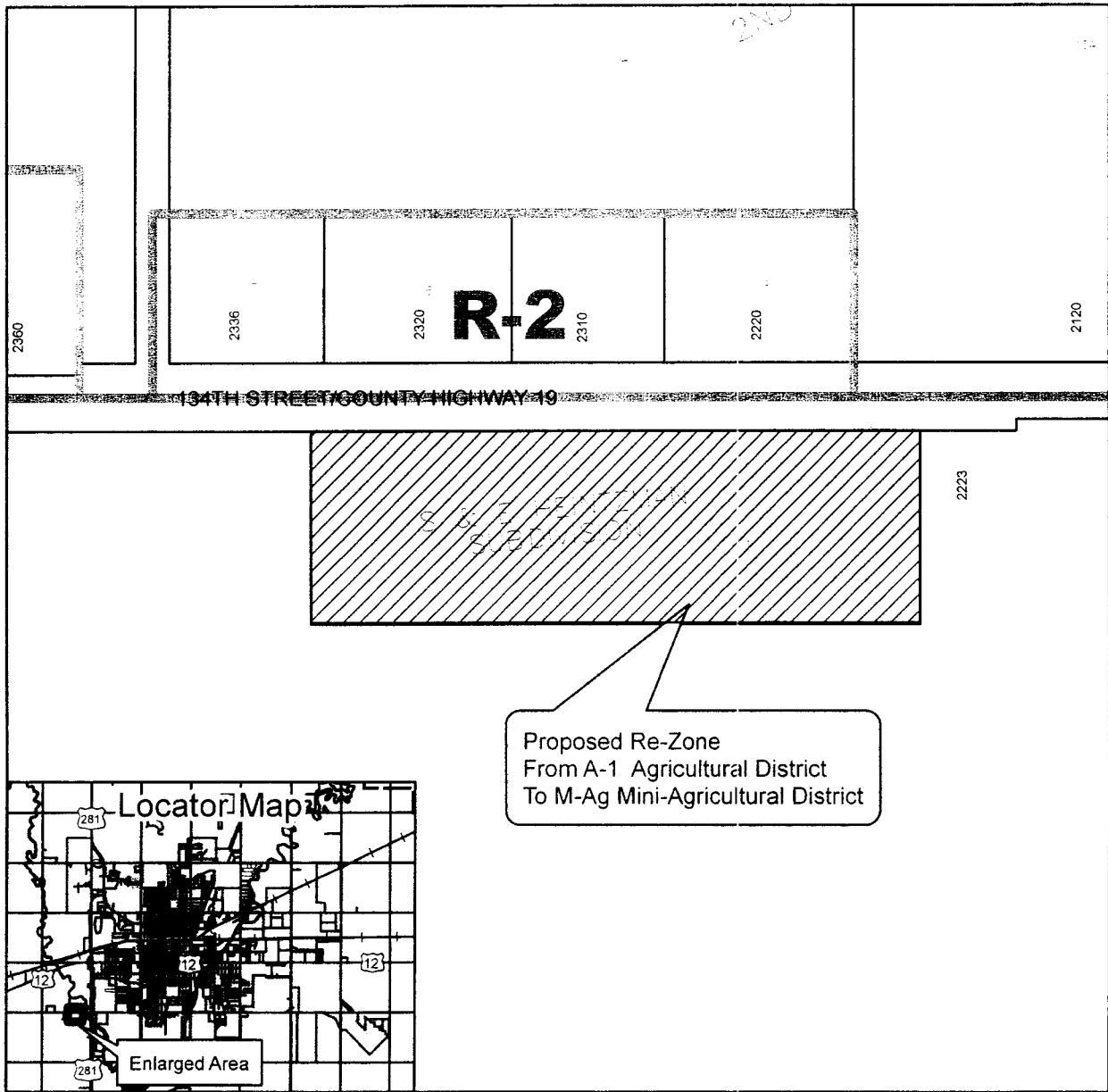
Address: 12870 W. Pleasant Valley Est  
Aberdeen South Dakota 57401  
City State Zip

# Proposed Re-Zone

Legal Description : Lot 1, S & E Heintzman Subdivision, NE 1/4 Section 27 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 14-05-01 (432)  
Address boundaries and legal descriptions were obtained from the assessor's office of Brown county, South Dakota  
Not a Legal Document

ORDINANCE NO. 14-05-01  
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 Emily LaBore-Heintzman 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 in S & E Heintzman Subdivision in the NE ¼ of Section 27, 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 May 8, 15, and 22, 2014

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

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

Adopted \_\_\_\_\_

Published \_\_\_\_\_

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

City of Aberdeen  
Request for Council Action

Agenda Item No.	3	Meeting Date:	May 27, 2014
Agenda Section	<u>New Business</u> /Old Business	Originating Dept:	Planning and Zoning
Resolution	NA		
Ordinance	14-05-04 (433)	Prepared by:	Chris Witzel, Planner
No. of Attachments	4	Presented by:	Brett Bill Planning and Zoning Director/Building Official

Item:

Rezoning: A-1 (Agricultural District) to C-2 (Highway Commercial District)  
6250 Highway #12 East. – Dixie Mattern

City Manager's Proposed Action:

Motion by \_\_\_\_\_, Second by \_\_\_\_\_ to approve first/second reading of the proposed petition to rezone, with the stipulation that the property is platted into a lot.

Overview:

The petitioner is requesting this petition to rezone in order to bring the property into compliance with its lot size and current commercial use. On May 8, 2014 the Aberdeen Board of Zoning Adjustment granted a special exception for the open storage, parking and sale of ATV's and related vehicles on this property. This petition to rezone was approved by the Joint City/County Planning Commission on May 20, 2014, with the stipulation that the property is platted into a lot.

Primary/Issues/Alternatives to Consider:

None.

Budgetary/Fiscal Issues:

None.

Attachments:

Staff Report  
Petition to Rezone  
Map of proposed Rezone  
Ordinance

STAFF REPORT  
May 20, 2014

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**REZONING A-1 TO C-2**

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GENERAL INFORMATION

PETITIONER	Dixie Mattern
REQUEST	<b>Rezone from (A-1) Agricultural District to (C-2) Highway Commercial District</b>
LEGAL DESCRIPTION	West 200' of the East 1,000' of the North 670.16', located in NW¼ of Section 23-T123N-R63W of the 5 <sup>th</sup> PM, Brown County, South Dakota.
LOCATION	6250 Highway 12 East, located ¼ mile East of the intersection of Highway 12 and 392 <sup>nd</sup> Ave
EXISTING ZONING	Agricultural District
SURROUNDING ZONING	
North:	Unrestricted Industrial District
South:	Highway Commercial District
East:	Highway Commercial District
West:	Highway Commercial District
PUBLIC UTILITIES	WEB Water
REPORTED BY	Chris Witzel

RECOMMENDATION: Staff recommends approval of this petition to rezone in order to bring the property into compliance with the lot size and current commercial use of the property with the stipulation that the property is platted into a lot.

GENERAL COMMENTS: The petitioner is requesting this petition to rezone in order to bring the zoning designation into compliance with the lot size and current commercial use of the property. This property was recently approved by the zoning board of adjustment for the open storage, parking, and sale of ATV's, motorcycles, and related vehicles with the stipulation that the property be rezoned.

REVIEW: Staff have reviewed this petition to rezone and concur with its approval with the stipulation that the property is platted into a lot.



REZONING PETITION (Three Mile Jurisdiction)

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

Petition No: \_\_\_\_\_  
Date: 4/24/14  
Receipt No: 042451  
Filing Fee: City: \$180 County: \$150  
(non-refundable)  
Ord/Res No: 14-05-04(433)

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 the East 1,000' of the North 670.16', NW 1/4 Sect. 23 -  
T123N - R63W, except Hwy.

General Area Location or Street Address: 6250 Hwy 12E

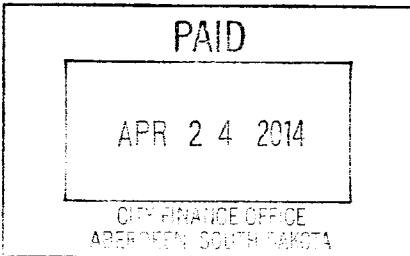
From the (A-1) Agricultural District

To the (C-2) Highway Commercial District

Purpose: Bring property into compliance with lot size  
and existing use.

Size of Parcel: 2.04 acres

Existing Land Use: Commercial



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

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

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

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

City State Zip

Checked by: [Signature]  
Given Sign: [Signature]  
Exhibit A: \_\_\_\_\_  
Site Plan: \_\_\_\_\_  
PC Meeting: 5/20/14  
1st Reading: 5/27/14  
2nd Reading/Final: \_\_\_\_\_  
Adoption: 6/2/14

Owner (Print): Dixie Mattern

Signature: Dixie Mattern If different than above.

Date: 4-22-14 Phone: 605-380-4754

Address: 183 West Lake Drive

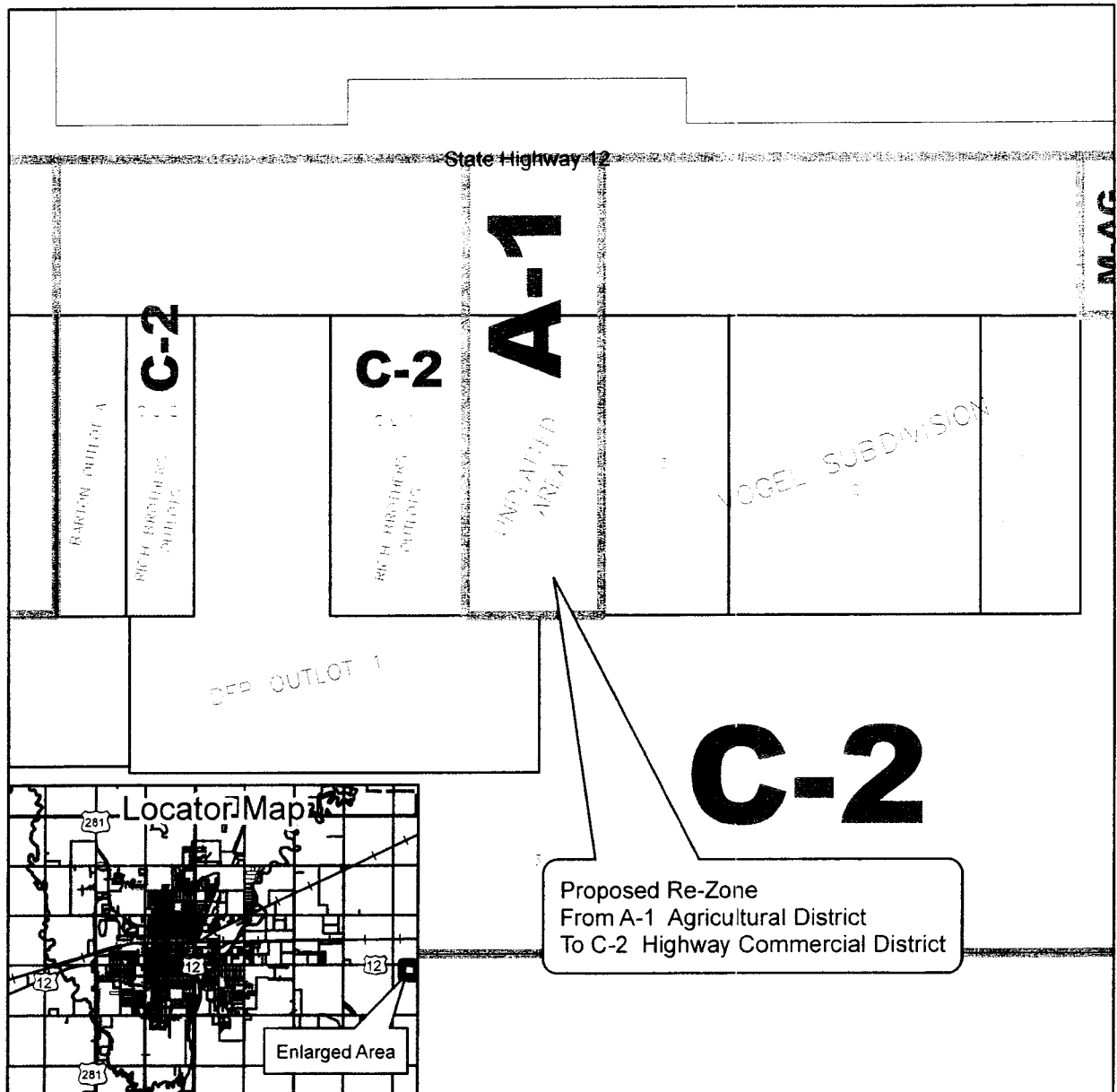
Mina South Dakota 57451  
City State Zip

# Proposed Re-Zone

Address / Legal Description : 6250 Hwy 12E / The West 200' of the East 1000' of the North 670.16' in the NW 1/4 Sec.23 T123N R63W, except highway

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 14-05-04 (433)  
 Address boundaries and legal descriptions were obtained from the assessor's office of Brown county, South Dakota  
 Not a Legal Document

ORDINANCE NO. 14-05-04  
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 Dixie 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 (C-2) Highway Commercial District, said property is described as follows:

The West 200' of the East 1,000' of the North 670.16' in the NW ¼ of Section 23, T123N, R63W except Hiway 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 May 8, 15, and 22, 2014

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

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

Adopted \_\_\_\_\_

Published \_\_\_\_\_

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