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**AGENDA, JOINT CITY COUNCIL/COUNTY COMMISSION MEETING  
TUESDAY, SEPTEMBER 2, 2014, 8:45 A.M.  
BROWN COUNTY COMMISSION CHAMBERS, 25 MARKET STREET**

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1. **ROLL CALL**
  
2. **ORDINANCE NO. 14-08-01 (438) – ORDINANCE AMENDING ORDINANCE NO. 1164 TO REZONE CERTAIN DESCRIBED PROPERTY FROM (A-1) DISTRICT TO (C-2) DISTRICT  
THE EAST 488.98' OF THE WEST 1,037.3' OF THE NORTH 670.16' OF THE NW ¼ OF SECTION 23,  
T123N, R63W EXCEPT HIGHWAY, BROWN COUNTY, SOUTH DAKOTA  
POSSIBLE SECOND READING AND FINAL ADOPTION OF ORDINANCE NO. 14-08-01**
  
3. **ORDINANCE NO. 14-08-03 (439) – ORDINANCE AMENDING ORDINANCE NO. 1164 TO REZONE CERTAIN DESCRIBED PROPERTY FROM (A-1) DISTRICT AND (M-AG) DISTRICT TO (M-AG) DISTRICT  
FONDER OUTLOT 1 AND LOTS 11, 12, AND 13, BLOCK 3, MOULTON'S FIRST SUBDIVISION IN  
THE SE ¼ OF SECTION 2, T123N, R64W OF THE 5<sup>TH</sup> P.M., BROWN COUNTY, SOUTH DAKOTA  
POSSIBLE SECOND READING AND FINAL ADOPTION OF ORDINANCE NO. 14-08-03**

**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:	<del>August 26, 2014</del> September 2, 2014
Agenda Section	New Business old	Originating Dept:	Planning and Zoning
Resolution	NA		
Ordinance	14-08-01 (438)	Prepared by:	Chris Witzel, Planner
No. of Attachments	4	Presented by:	Brett Bill, Planning and Zoning Director/Building Official

Item:

Rezone from (A-1) Agricultural District to (C-2) Highway Commercial District – 39213 133<sup>rd</sup> Street (Highway #12 E.) Approximately 1½ miles East of the Aberdeen Regional Airport – B&B Real Estate.

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 convey the property to another party for future commercial development. A preliminary and final plat has been submitted for this property and it will be on the September 22, 2014 City Council agenda and the September 23, 2014 Brown County Commission agenda.

Issues/Alternatives to Consider:

None.

Budgetary/Fiscal Issues:

None.

Attachments:

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

ORDINANCE NO. 14-08-01  
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 Neil Bellikka for B & B Real Estate 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 East 488.98' of the West 1,037.3' of the North 670.16' of the NW ¼ of Section 23, T123N, R63W except highway, 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 August 7, 14, and 21, 2014

Passed First Reading August 26, 2014

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

Adopted \_\_\_\_\_

Published \_\_\_\_\_

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

STAFF REPORT  
August 19, 2014

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

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GENERAL INFORMATION

PETITIONER	B & B Real Estate
REQUEST	<b>Rezone from (A-1) Agricultural District to (C-2) Highway Commercial District</b>
LEGAL DESCRIPTION	The East 488.98' of West 1037.3' of the North 670.16' Of the NW ¼ of Section 23-T123N-R63W of the 5 <sup>th</sup> P.M. Except Highway.
LOCATION	39213 133 <sup>rd</sup> Street- 1 ½ Mile East of the Airport on Highway 12
EXISTING ZONING	Agricultural District
SURROUNDING ZONING	
North:	Highway Commercial 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 with the stipulation that the property be platted.

GENERAL COMMENTS: The petitioner is requesting this petition to rezone in order to bring the property into compliance with the future intended use of the property and to help facilitate the future sale of the property.

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:	6/27/14
Receipt No:	00656332
Filing Fee: City:	\$180
County:	\$150
(non-refundable)	
Ord/Res No:	14-08-01(438)

City Commission and County Commission Members

Rec # 00656332

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 488.98' of West 1037.3' of the North 1070.16' of  
the NW 1/4 Sect. 23 - T123N - R63W, Except Highway

General Area Location or Street Address: 39213 133<sup>RD</sup> ST

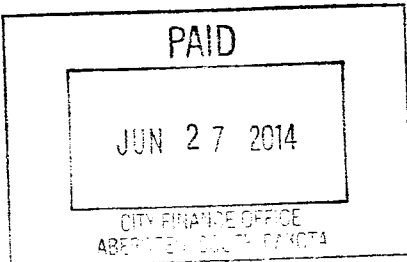
From the (A-1) Agricultural District

To the (C-2) Highway Commercial District

Purpose: To permit commercial development of property.

Size of Parcel: 4.98 acres

Existing Land Use: Vacant



Petitioner (Print): B+B Real Estate

Signature: [Handwritten Signature]

Date: 6-27-2014 Phone: 605-225-4028

Address: 723 N Commerce St  
Aberdeen SD 57401  
City State Zip

Checked by:	Chris
Given Sign:	✓
Exhibit A:	
Site Plan:	
PC Meeting:	8/19/14
1st Reading:	8/26
2nd Reading/Final Adoption:	9/2

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

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

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

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

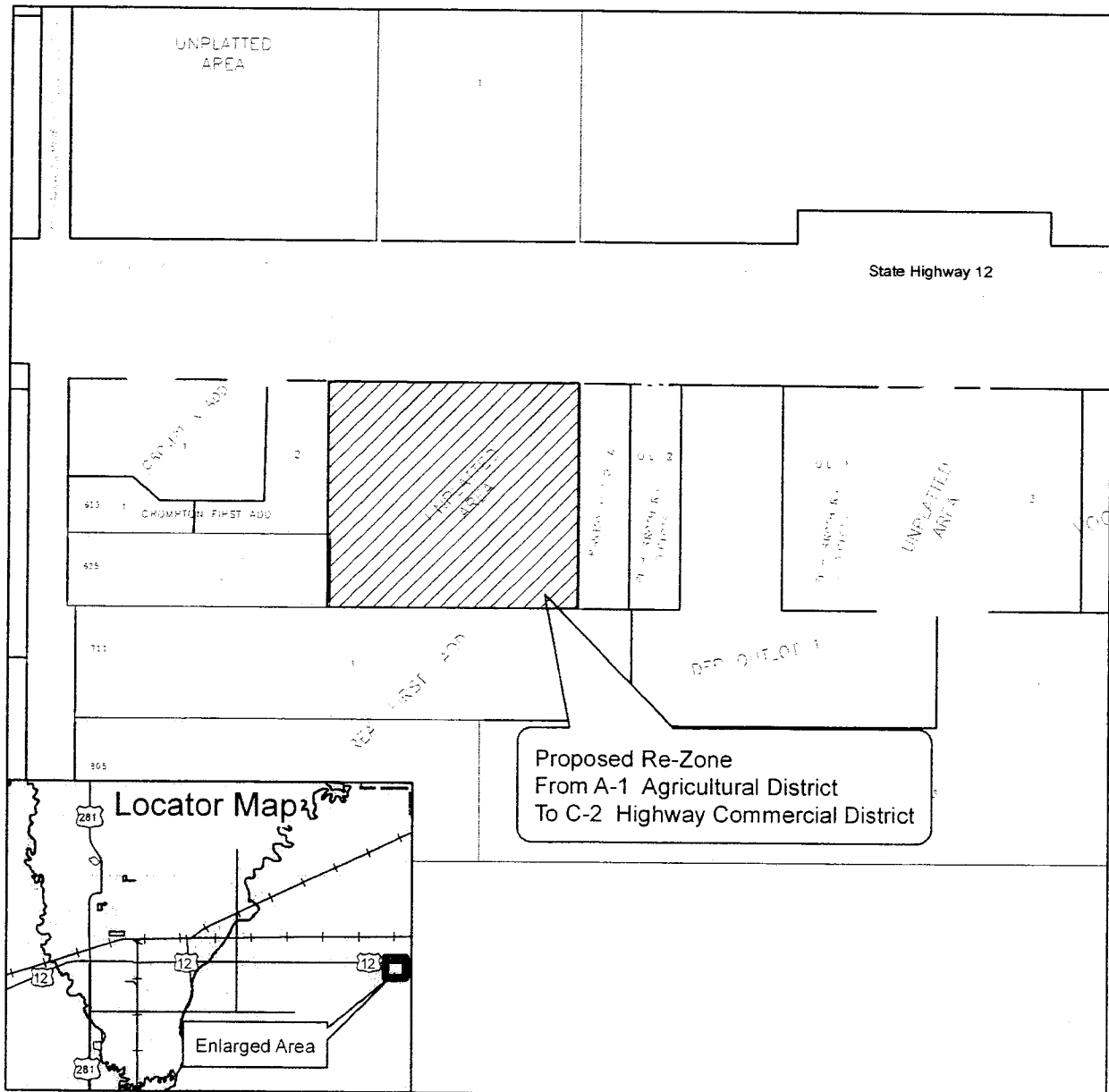
City State Zip

# Proposed Re-Zone

Address / Legal Description : 39213 133rd St / The East 488.98' of West 1037.3' of the North 670.16' of 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 14-08-01 (438)  
 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:	<del>August 26, 2014</del> September 2, 2014
Agenda Section	<del>New Business</del> old	Originating Dept:	Planning and Zoning
Resolution	NA		
Ordinance	14-08-03 (439)	Prepared by:	Chris Witzel, Planner
No. of Attachments	4	Presented by:	Brett Bill, Planning and Zoning Director/Building Official

Item:

Rezone from (A-1) Agricultural District and (M-Ag) Mini-Agricultural District to (M-Ag) Mini-Agricultural District – 13691 387<sup>th</sup> Avenue (County Highway #10, 5<sup>th</sup> Street S.) - Approximately ¼ mile South of the Meadows Mobile Home Court – Paul Fonder.

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 eliminate the split zoning on four adjacent lots. The petitioner does have plans to replat the four lots into one lot in order to allow for the future construction of a residential accessory structure that will meet all required building setbacks. The proposed replat has yet to be submitted the City Planning and Zoning Department.

Issues/Alternatives to Consider:

The Joint City/County Planning Commission has approved this petition to rezone with the stipulation that a replat for the property is submitted to the City Planning and Zoning Department prior to the submission deadline for the December 16, 2014 Joint City/County Planning Commission meeting.

Budgetary/Fiscal Issues:

None.

Attachments:

Staff Report.                      Map of Proposed Rezone.  
Petition to Rezone.              Ordinance.

ORDINANCE NO. 14-08-03  
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 Paul Fonder is hereby granted and Ordinance No. 1164 is hereby amended to change the zoning on the following described property from (A-1) Agricultural District and (M-AG) Mini-Agricultural District to (M-AG) Mini-Agricultural District, said property is described as follows:

Fonder Outlot 1 and Lots 11, 12, and 13, Block 3, Moulton's First Subdivision in the SE ¼ of Section 2, 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 August 7, 14, and 21, 2014

Passed First Reading August 26, 2014

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

Adopted \_\_\_\_\_

Published \_\_\_\_\_

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



STAFF REPORT  
August 19, 2014

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

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GENERAL INFORMATION

PETITIONER	Paul Fonder
REQUEST	<b>Rezone from (A-1) Agricultural District/ (M-AG) Mini-Agricultural District to (M-AG) Mini-Agricultural District</b>
LEGAL DESCRIPTION	Fonder Outlot 1 and Lots 11, 12, and 13, Block 3, Moulton's First Subdivision in the SE¼ of Section 2-T123N-R64W of the 5 <sup>th</sup> P.M., Brown County, South Dakota
LOCATION	13691 387 <sup>th</sup> Ave- approximately ¾ of a mile south of the Meadows Trailer Court
EXISTING ZONING	Agricultural District/ Mini-Agricultural District
SURROUNDING ZONING	
North:	Mini-Agricultural District
South:	Mini-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 with the stipulation that the four underlying lots be platted into one lot before construction begins.

GENERAL COMMENTS: The petitioner is requesting this petition to rezone in order to eliminate split zoning on four underlying lots. The petitioner plans to plat the four underlying lots into one lot to allow the future construction of a residential accessory structure to meet all required setbacks.

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:	<u>7/18/14</u>
Receipt No:	<u>660787</u>
Filing Fee: City	<u>\$180</u> County <u>\$150</u>
<i>(non-refundable)</i>	
Ord/Res No:	<u>14-08-03(459)</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):

Fonder Outlet 1 and Lots 11-12-13, Block 3, Maulton's First  
Subdivision in the SE 1/4 Sect. 2 - T122N - R64W of the 5<sup>th</sup> P.M.,  
Brown County, South Dakota.

General Area Location or Street Address: 13691 387<sup>th</sup> Ave

From the A-L & M-Ag District

To the M-Ag District

Purpose: Putting property into compliance with lot size and use in  
order to construct an attached garage.

Size of Parcel: 3.25 acres

Existing Land Use: Residence

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

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

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

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

City State Zip

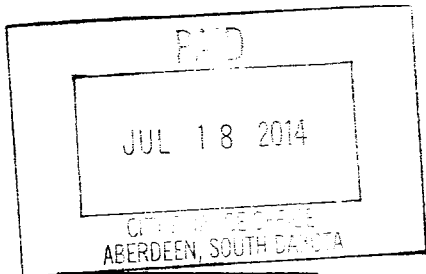
Owner (Print): Paul Fonder

Signature: Paul Fonder  
*If different than above.*

Date: 7-18-14 Phone: (605) 226-7115

Address: 13691 387<sup>th</sup> Ave

Aberdeen SD 57401  
City State Zip



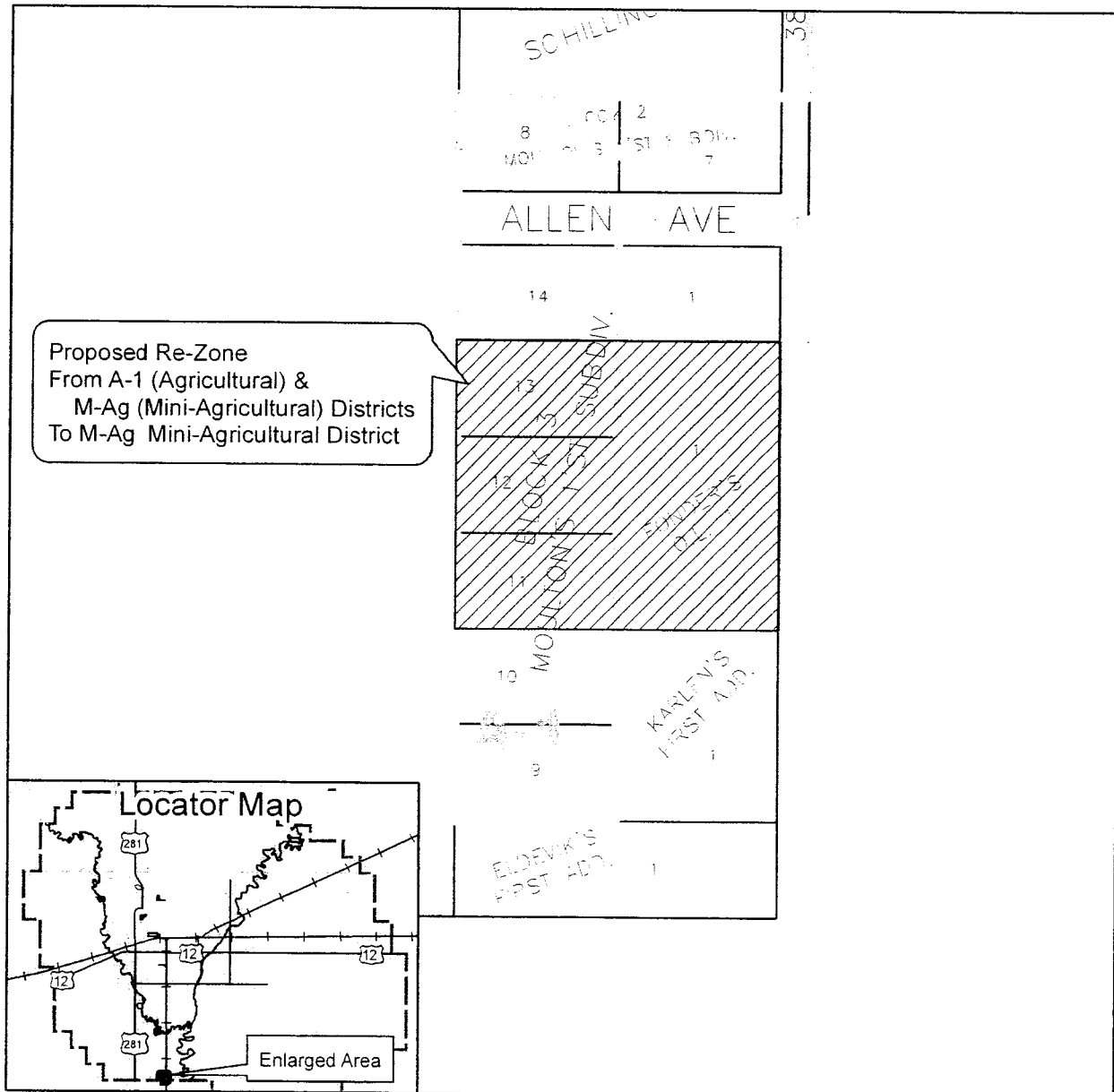
Checked by:	<u>Ken</u>
Given Sign:	<input checked="" type="checkbox"/>
Exhibit A:	_____
Site Plan:	_____
PC Meeting:	<u>8/19/14</u>
1st Reading:	<u>8/25/14</u>
2nd Reading/Final:	_____
Adoption:	<u>9/1/14</u>

# Proposed Re-Zone

Address / Legal Description : 13691 387th Ave / Fonder Outlot 1 and Lots 11-12-13,  
Block 3, Moulton's First Subdivision in the SE 1/4 Sec. 2  
T122N R64W

Current Zone: A-1 & M-Ag Agricultural & Mini-Agricultural Districts

Proposed Zone: M-Ag Mini-Agricultural District



Prepared By: Dwayne Schueller, GIS/Planning Technician, City of Aberdeen File: Re-Zone 14-08-03 (459)  
Address boundaries and legal descriptions were obtained from the assessor's office of Brown county, South Dakota  
Not a Legal Document