

---

**AGENDA, JOINT CITY COUNCIL/COUNTY COMMISSION MEETING  
TUESDAY, OCTOBER 28, 2014, 8:45 A.M.  
BROWN COUNTY COMMISSION CHAMBERS, 25 MARKET STREET**

---

1. ROLL CALL
2. ORDINANCE NO. 14-10-01 (440) – ORDINANCE AMENDING ORDINANCE NO. 1164 TO REZONE CERTAIN DESCRIBED PROPERTY FROM (A-1) DISTRICT TO (R-2) DISTRICT  
LOT 1, PARKWAY SUBDIVISION IN THE SE ¼ OF SECTION 20, T123N, R63W OF THE 5<sup>TH</sup> P.M.,  
BROWN COUNTY, SOUTH DAKOTA  
POSSIBLE FIRST READING OF ORDINANCE NO. 14-10-01

**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:     | October 28, 2014   |
| Agenda Section     | New Business   | Originating Dept: | Planning and Zoning  |
| Resolution         | NA             |                   |  |
| Ordinance          | 14-10-01 (440) | 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 (R-2) Medium Density Residential District – 1760 Melgaard Road S. - Approximately ¼ mile South of North Plains Baptist Church – Rieger Associates, Inc.

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 the current residential land use and the existing lot size. The property is currently unplatted and should be platted into a lot prior to the end of the year. On October 21, 2014, the Joint City/County Planning Commission approved this rezoning with a stipulation to plat the property into a lot.

Issues/Alternatives to Consider:

The Joint City/County Planning Commission have approved this petition to rezone with the stipulation that the property be platted into a lot.

Budgetary/Fiscal Issues:

None.

Attachments:

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

STAFF REPORT  
October 21, 2014

---

**REZONING A-1 TO R-2**

---

GENERAL INFORMATION

|                    |   |
|--------------------|---|
| PETITIONER         | Rieger Associates, Inc.   |
| REQUEST            | <b>Rezone from (A-1) Agricultural District<br/>to (R-2) Medium Density Residential District</b>                       |
| LEGAL DESCRIPTION  | Lot 1, Parkway Subdivision, SE ¼ of Section 20-T123N-T63W<br>of the 5 <sup>th</sup> P.M., Brown County, South Dakota. |
| LOCATION           | 1760 Melgaard Road S. - located ¼ mile south of Northern<br>Plains Baptist Church                                     |
| EXISTING ZONING    | Agricultural District   |
| SURROUNDING ZONING |   |
| North:             | Mini-Agricultural District  |
| South:             | Agricultural District   |
| East:              | Mini-Agricultural District  |
| West:              | Mini-Agricultural 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 its current residential use.

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

ORDINANCE NO. 14-10-01  
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 Dwight Rieger of Rieger Associates, Inc. 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 (R-2) Medium Density Residential District, said property is described as follows:

Lot 1, Parkway Subdivision in the SE ¼ of Section 20, 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 October 9, 16, and 23, 2014

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:            | 9/15/14        |
| Receipt No:      | 070299         |
| Filing Fee: City | 150            |
| County           | 150            |
| (non-refundable) |                |
| Ord/Res No:      | 14-10-01 (440) |

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, Parkway Subdivision, SE 1/4 Sect. 20 -  
T123N-R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota.

General Area Location or Street Address: 17600 Melgaard Rd S.

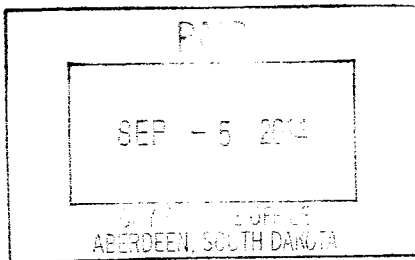
From the ~~A-1~~ A-1 District

To the R-2 District

Purpose: Bring property into compliance with current & existing  
use as a multi-family residence.

Size of Parcel: Approx. 1.3 acres

Existing Land Use: Residential



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

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

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

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

City State Zip

Owner (Print): RIEGER ASSOCIATES, INC

Signature: Douglas E Rieger If different than above.

Date: 9/15/14 Phone: 605-226-1507

Address: 615 S CONGRESS ST

ABERDEEN SD 57401  
City State Zip

|                             |                 |
|-----------------------------|-----------------|
| Checked by:                 | <u>Kan</u>      |
| Given Sign:                 | <u>✓</u>        |
| Exhibit A:                  | _____           |
| Site Plan:                  | <u>✓</u>        |
| PC Meeting:                 | <u>10/21/14</u> |
| 1st Reading:                | <u>10/28/14</u> |
| 2nd Reading/Final Adoption: | <u>11/4/14</u>  |

(Additional Signatures may be submitted on a separate page)