
**AGENDA, JOINT CITY COUNCIL/COUNTY COMMISSION MEETING
TUESDAY, NOVEMBER 4, 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 5TH P.M.,
BROWN COUNTY, SOUTH DAKOTA
POSSIBLE SECOND READING AND FINAL ADOPTION OF ORDINANCE NO. 14-10-01

3. PETITION TO REZONE – FROM (A-1) DISTRICT TO (R-2) DISTRICT PROPERTY DESCRIBED AS
LOT 8, AUDITOR'S SUBDIVISION IN THE SE ¼ OF SECTION 27, T123N, R64W OF THE 5TH P.M.,
BROWN COUNTY, SOUTH DAKOTA
SET JOINT HEARING DATE OF NOVEMBER 25, 2014 AT 8:45 A.M.

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 November 4, 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.

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 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 October 9, 16, and 23, 2014

Passed First Reading October 28, 2014

Passed Second Reading _____

Adopted _____

Published _____

Effective Date _____

STAFF REPORT
October 21, 2014

REZONING A-1 TO R-2

GENERAL INFORMATION

PETITIONER	Rieger Associates, Inc.
REQUEST	Rezone from (A-1) Agricultural District to (R-2) Medium Density Residential District
LEGAL DESCRIPTION	Lot 1, Parkway Subdivision, SE ¼ of Section 20-T123N-T63W of the 5 th P.M., Brown County, South Dakota.
LOCATION	1760 Melgaard Road S. - located ¼ mile south of Northern 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.

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 5th P.M., Brown County, South Dakota.

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

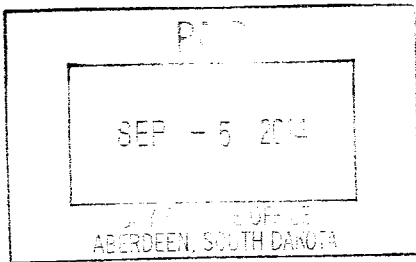
From the ~~A-1~~ A-1 District

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



Checked by:	<u>Ken</u>
Given Sign:	<u>[Signature]</u>
Exhibit A:	_____
Site Plan:	<u>[Signature]</u>
PC Meeting:	10/21/14
1st Reading:	10/23/14
2nd Reading/Final Adoption:	11/4/14

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

(Additional Signatures may be submitted on a separate page)

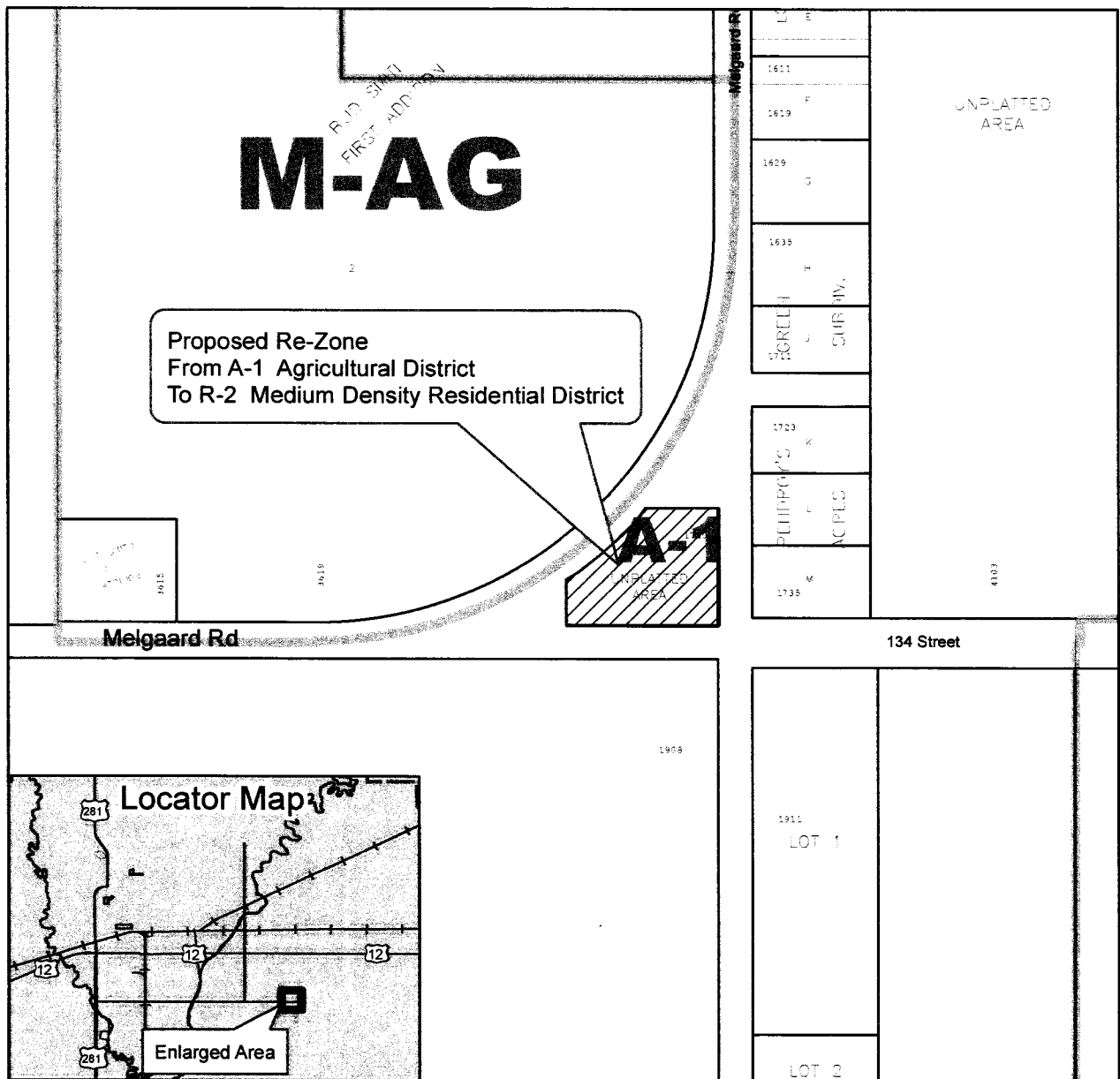
Proposed Re-Zone

Address / Legal Description :

1760 Melgaard Rd S / Proposed Lot 1, Parkway Subdivision in the
SE 1/4 of Section 20 T123N R63W

Current Zone: A-1 Agricultural District

Proposed Zone: R-2 Medium Density Residential District



Prepared By: Dwayne Schueller, GIS/Planning Technician, City of Aberdeen File: Re-Zone 14-10-01 (440)
Address boundaries and legal descriptions were obtained from the assessor's office of Brown county, South Dakota
Not a Legal Document

**NOTICE OF JOINT HEARING
OF THE ABERDEEN CITY COUNCIL
AND THE BROWN COUNTY COMMISSION
REGARDING A PETITION TO REZONE CERTAIN PROPERTY**

A public hearing will be held by the Aberdeen City Council and the Brown County Commission on the 25th day of November, 2014, beginning at 8:45 a.m. in the Brown County Commission Chambers, 25 Market Street, to consider the Petition filed by Jon Malsam to amend Ordinance No. 1164 to rezone the following described property from its present zoning designation of (A-1) Agricultural District to (R-2) Medium Density Residential District, said property being described as follows:

Lot 8, Auditor's 2nd Subdivision in the SE ¼ of Section 27, T123N, R64W of the 5th P.M., Brown County, South Dakota

The public is invited to attend the hearing and to present testimony and comments pertaining to the Petition to Amend Ordinance No. 1164 to rezone the above described property. At the conclusion of the hearing, the council may adopt first reading of Ordinance #14-11-02 (441) granting Petition to Amend Ordinance No. 1164 and granting the Petition to Rezone said property. Dated this 4th day of November, 2014.



Finance Officer



County Auditor

REZONING PETITION (Three Mile Jurisdiction)

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

Petition No:	
Date:	10/14/14
Receipt No:	00678252
Filing Fee: City:	180
County:	150
(non-refundable)	
Ord/Res No:	14-11-02(44)

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 8 Auditors 2nd Subdivision SE 27-123-64

General Area Location or Street Address: 2728 S HWY 281

From the A-1 Agricultural District District

To the R-2 Medium Density Residential District District

Purpose: bring into compliance with current residential use
Zoning board approved home occupation with stipulations on 9/11/14

Size of Parcel: .69 acres 100' x 303'

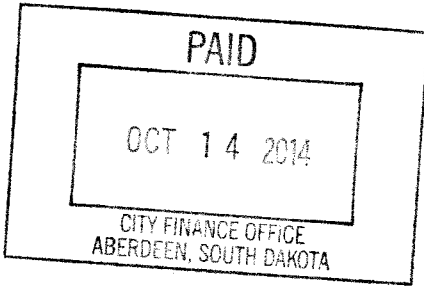
Existing Land Use:

Petitioner (Print): Jon Malsam

Signature: Jon Malsam

Date: 10/14/14 Phone: 216 4736

Address: 2728 S HWY 281
Aberdeen SD 57401
City State Zip



Checked by:	[Signature]
Given Sign:	[Signature]
Exhibit A:	
Site Plan:	
PC Meeting:	11/18/14
1st Reading:	11/18/14
2nd Reading/Final Adoption:	12/2/14

Owner (Print): _____
If different than above.

Signature: _____

Date: _____ Phone: _____

Address: _____

City State Zip

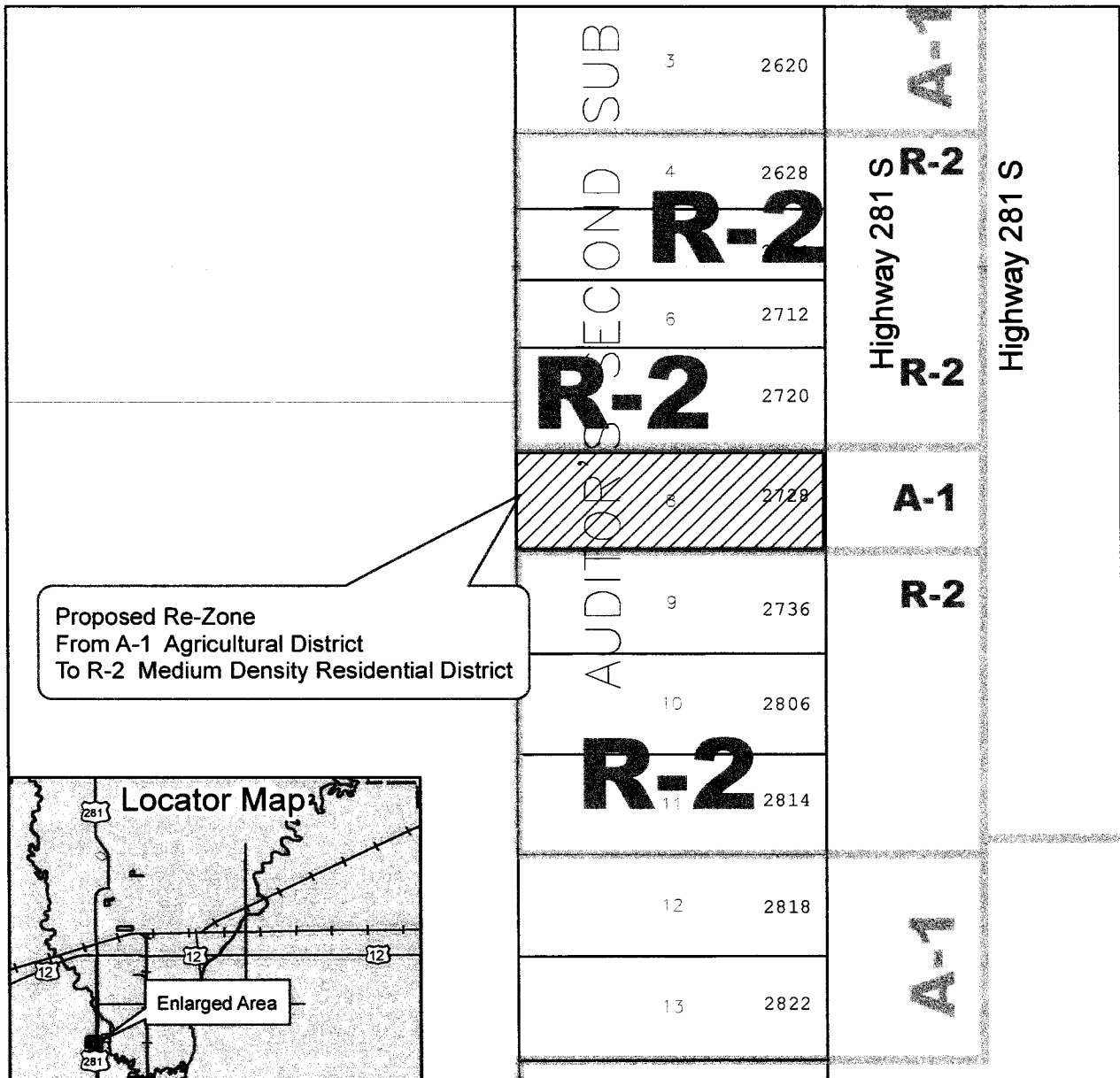
(Additional Signatures may be submitted on a separate page)

Proposed Re-Zone

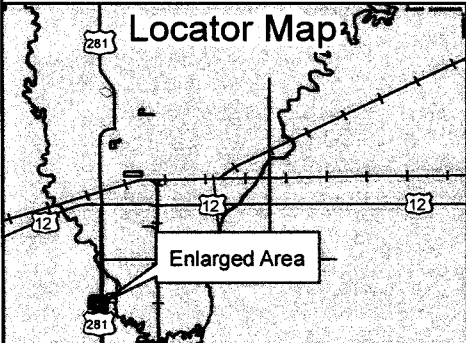
Address / Legal Description : 2728 Hwy 281 S / Lot 8, Auditors 2nd Subdivision

Current Zone: A-1 Agricultural District

Proposed Zone: R-2 Medium Density Residential District



Proposed Re-Zone
From A-1 Agricultural District
To R-2 Medium Density Residential District



Prepared By: Dwayne Schueller, GIS/Planning Technician, City of Aberdeen File: Re-Zone 14-11-02 (441)
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Not a Legal Document