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

1. ROLL CALL
2. ORDINANCE NO. 14-11-02 (441) – ORDINANCE AMENDING ORDINANCE NO. 1164 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
POSSIBLE FIRST READING OF ORDINANCE NO. 14-11-02

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:	November 25, 2014
Agenda Section	New Business	Originating Dept:	Planning and Zoning
Resolution	NA		
Ordinance	14-11-02 (441)	Prepared by:	Chris Witzel, Planner
No. of Attachments	5	Presented by:	Brett Bill, Planning and Zoning Director/Building Official

Item:

Rezone from (A-1) Agricultural District to (R-2) Medium Density Residential District – 2728 S. Highway #281. Approximately $\frac{3}{4}$ of a mile south of the intersection of Highway #281 and Melgaard Road. – Jon Malsam

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 residential use and to allow for the operation of a home business. On September 11, 2014, an appeal was approved by the Aberdeen Board of Zoning Adjustment for the operation of a home construction business and to permit the open storage of trailers, materials and equipment. The Joint City/County Planning Commission approved this petition to rezone on November 18, 2014.

Issues/Alternatives to Consider:

None.

Budgetary/Fiscal Issues:

None.

Attachments:

- Staff Report.
- Petition to Rezone.
- Map of proposed Rezone.
- Board of Zoning Adjustment Order
- Ordinance.

STAFF REPORT
November 18, 2014

REZONING A-1 TO R-2

GENERAL INFORMATION

PETITIONER	Jon Malsam
REQUEST	Rezone from (A-1) Agricultural District to (R-2) Medium Density Residential District
LEGAL DESCRIPTION	Lot 8, Auditor's 2 nd Subdivision SE ¼ of Section 27-T123N-R64W
LOCATION	2728 S. Highway 281- located 3/4 of a mile south of the Intersection of Highway 281 and Melgaard Road
EXISTING ZONING	Agricultural District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Medium Density Residential District
East:	Mini-Agricultural District
West:	Trailers, Trailer Parks, and Planned Residential Area (Trailers)
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 its current residential use and to allow for the operation of a home business. This property was approved by the Zoning Board of Adjustment on September 11, 2014 to allow the operation of a home construction business and to allow the open storage of trailers, materials, and equipment.

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

ORDINANCE NO. 14-11-02
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 Jon Malsam 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 8, Auditor's 2nd Subdivision in the SE ¼ of Section 27, T123N, R64W 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 _____

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:	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

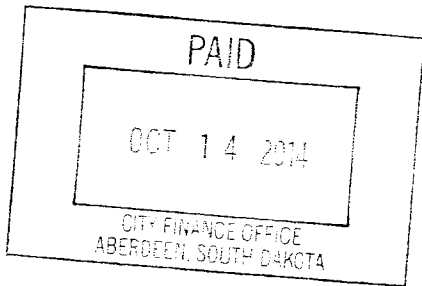
From the A-1 Agricultural District District

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 7/11/14

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:	
Exhibit A:	
Site Plan:	
PC Meeting:	11/18/14
1st Reading:	11/19/14
2nd Reading/Final Adoption:	12/2/14

Owner (Print):

If different than above.

Signature:

Date: Phone:

Address:

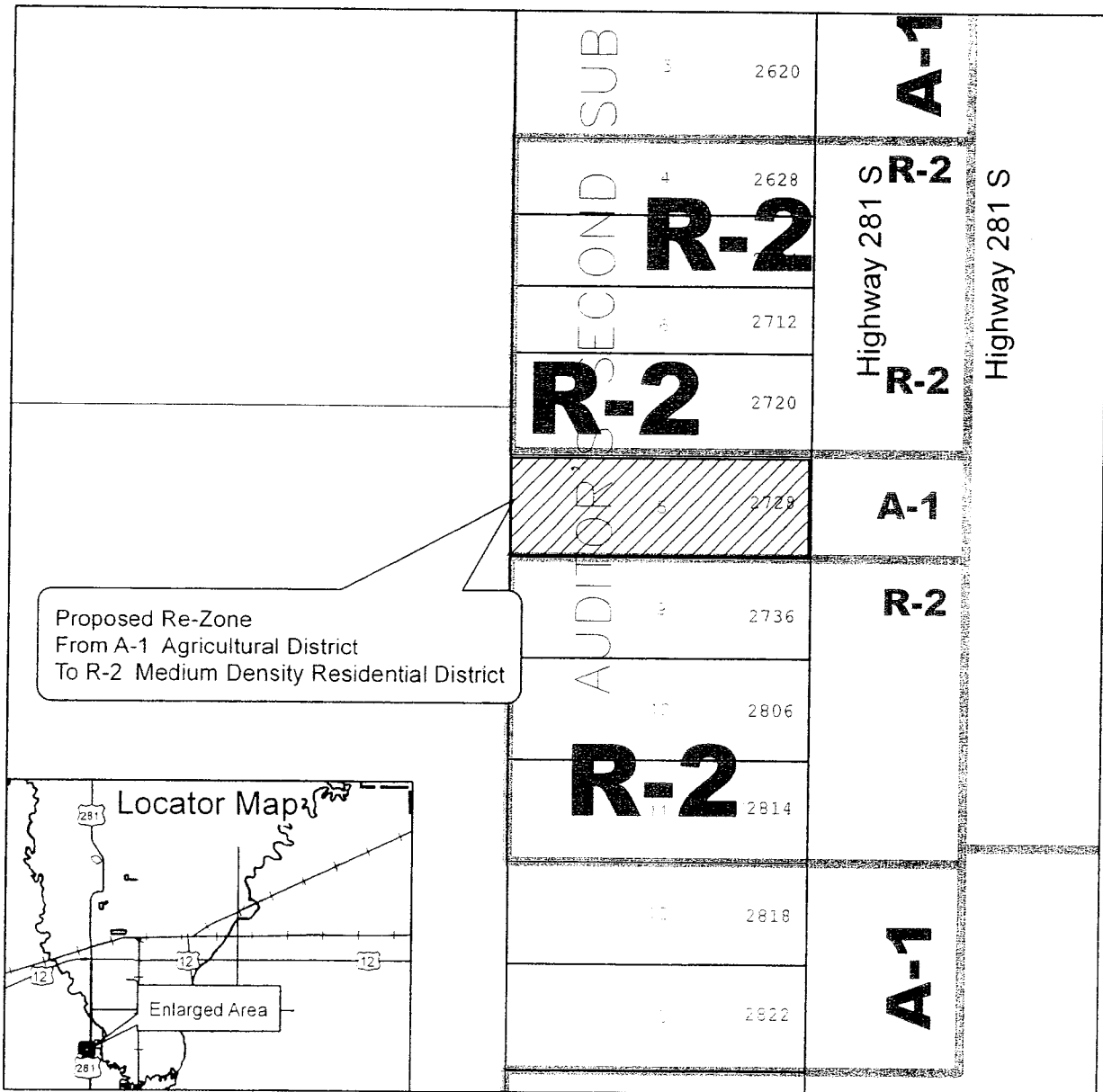
City State Zip

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



Prepared By: Dwayne Schueller, GIS/Planning Technician, City of Aberdeen File: Re-Zone 14-11-02 (441)
Address boundaries and legal descriptions were obtained from the assessor's office of Brown county, South Dakota
Not a Legal Document

(STATE OF SOUTH DAKOTA)

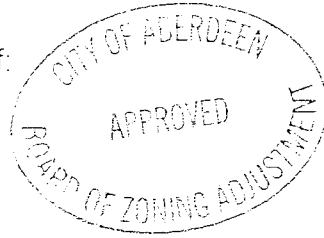
BOARD OF ZONING ADJUSTMENT
CITY OF ABERDEEN

(COUNTY OF BROWN)

In the Matter of the Application of:

ORDER

Jon Malsam
2728 Hwy 281 S
Aberdeen, SD 57401



This matter coming to be heard on an Application for an appeal pertaining to Aberdeen City Code: Section 60-258, Chapter 60 Zoning, to permit:

permission, as per site plan submitted, to 1) operate a construction business in an (R-2) Medium Density Residential District, which would be an Appeal to the Board of Zoning Adjustment, and 2) to permit the open storage of trailers, materials and equipment, which would be an Appeal to the Board of Zoning Adjustment with the following stipulations: 1) Property must be rezoned to (R-2) Medium Density Residential District, 2) No outside changes to the property; property must adhere to "residential" look, 3) No business signage allowed, and 4) All licensed trailers & motorized equipment utilized for business must be licensed and operable

on premises situated on the following real property, to-wit:

all on Lot 8, Auditor's Second Subdivision, SE¼ Sect. 27-T123N-R64W, a.k.a. 2728 Highway 281 S.

A public hearing on this Application having been held by the Board of Zoning Adjustment at the Municipal Building on the 11th day of September, 2014, after due notice by publication in the Aberdeen American News, at which hearing Jon Malsam appeared in support of said Application, and nobody appeared in opposition thereto;

The Board having determined that this appeal should be granted under the provisions of Aberdeen City Code, Chapter 60 Zoning;

IT IS HEREBY ORDERED that the application be and the same hereby is granted and the Building Official is hereby authorized to issue a Building Permit for said construction.

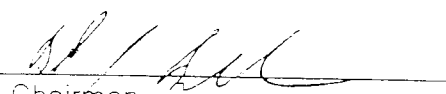
Dated this 11th day of September, 2014.

ATTEST:

BOARD OF ZONING ADJUSTMENT
CITY OF ABERDEEN



Planning & Zoning Director

By 

Chairman