
**AGENDA, JOINT CITY COUNCIL/COUNTY COMMISSION MEETING
MONDAY, FEBRUARY 23, 2015, 5:30 P.M.
CITY COUNCIL CHAMBERS, 123 SOUTH LINCOLN STREET, MUNICIPAL BLDG., FIRST FLOOR**

1. ROLL CALL

2. PETITION TO REZONE (PROPOSED ORDINANCE NO. 15-01-01-442) –REZONE CERTAIN DESCRIBED PROPERTY FROM (R-2) DISTRICT, (A-1) DISTRICT, AND (R-5) DISTRICT TO (M-AG) DISTRICT
OUTLOT C IN THE NW ¼ OF SECTION 26, T123N, R64W AND THE EAST 1185' OF THE N ½ OF THE SW ¼ OF SECTION 26, T123N, R64W EXCEPT LOT B AND EXCEPT THE WEST 294' OF THE NORTH 860', BROWN COUNTY, SOUTH DAKOTA (2130 – SOUTH 12TH STREET AND ADJACENT LAND TO THE SOUTH)
POSSIBLE FIRST READING OF ORDINANCE NO. 15-01-01

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:	February 23, 2015
Agenda Section	New Business	Originating Dept:	Planning and Zoning
Resolution	NA		
Ordinance	15-01-01 (442)	Prepared by:	Chris Witzel, Planner
No. of Attachments	4	Presented by:	Brett Bill, Planning and Zoning Director/Building Official

Item:

Rezone from (R-2) Medium Density Residential District, (R-5) Trailers, Trailer Parks, and Planned Residential Area (Trailers) and (A-1) Agricultural District to (M-Ag) Mini-Agricultural District – 2130 12th Street S. and adjacent land immediately to the south - Approximately ½ mile south of the intersection of Melgaard Road W. and 12th Street S. (South of Riverside Memorial Cemetery). – Charlotte A. Liebelt.

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 use and lot size. Staff strongly recommends that a plat be filed to clean up the current legal description of the property and plat the currently unplatted parcels. The Joint City/County Planning Commission approved this petition to rezone on February 17, 2015 with the stipulation that a plat is filed to clean up the legal description of the property and to plat the currently unplatted parcels.

Issues/Alternatives to Consider:

None.

Budgetary/Fiscal Issues:

None.

Attachments:

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

STAFF REPORT
February 17, 2015

REZONING R-2/A-1 TO M-AG

GENERAL INFORMATION

PETITIONER	Charlotte A. Liebelt
REQUEST	Rezone from (R-2) Medium Density Residential District, (R-5) Trailers, Trailer Parks, and Planned Residential Area (Trailers), and (A-1) Agricultural District to (M-AG) Mini-Agricultural District
LEGAL DESCRIPTION	Outlot C in the NW ¼ of Section 26-T123N-R64W and the East 1185' of N ½ SW ¼ of Section 26-T123N-R64W Except The West 294' of the North 860'
LOCATION	2130 12 th Street S. and adjacent land immediately to the south - ¼ mile south of the intersection of Melgaard Road W. and 12 th Street S.
EXISTING ZONING	Medium Density Residential District/Agricultural District
SURROUNDING ZONING	
North:	Municipal, State, and County Use District/ Mini-Agricultural District
South:	Agricultural District/ Mini-Agricultural District
East:	Medium Density Residential District/ Unrestricted Industrial 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 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 use and lot size. Staff strongly recommends that a plat be filed to clean up the current legal description on the property and plat the currently unplatted parcels.

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

ORDINANCE NO. 15-01-01
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 Charlotte A. Liebelt is hereby granted and Ordinance No. 1164 is hereby amended to change the zoning on the following described property from (R-2) Medium Density Residential District, (A-1) Agricultural District, and (R-5) Trailers, Trailer Parks and Planned Residential Area Trailers District to (M-AG) Mini-Agricultural District, said property is described as follows:

Outlot C in the NW ¼ of Section 26, T123N, R64W and the East 1185' of the N ½ of the SW ¼ of Section 26, T123N, R64W except Lot B and except the West 294' of the North 860', Brown County, South Dakota (2130 12th Street South and adjacent land to South)

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 January 8, 15, and 22, 2015

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:	12/15/14
Receipt No:	691543
Filing Fee: City	150
County	150
(non-refundable)	
Ord/Res No:	15-01-01(442)

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):

Outlot C in the NW 1/4 Sect 26 T123N-R64W and The East 1185'
of N 1/2 SW 1/4 26-123-64 Except lot B & Except the West 274' of the North
860'

General Area Location or Street Address: 2130 12th Street S & adjacent land to
South

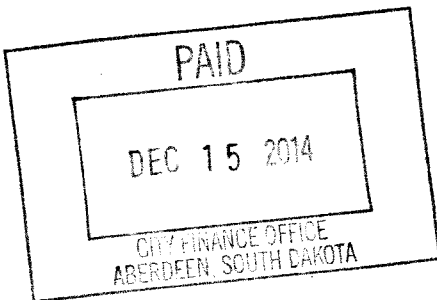
From the R-2 and A-1 and R-5 District

To the M-Ag District

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

Size of Parcel: 25 acres and 47 acres

Existing Land Use: Residence and Farm Land



Petitioner (Print): _____

Signature: _____

Date: _____ Phone: _____

Address: _____

City State Zip

Checked by: Ken
 Given Sign: ✓
 Exhibit A: _____
 Site Plan: _____
 PC Meeting: 1/20/15
 1st Reading: 1/26/15
 2nd Reading/Final Adoption: 4/7/15

Owner (Print): MARTHA A LIEBELT

Signature: MARTHA A LIEBELT
If different than above

Date: _____ Phone: _____

Address: _____

City State Zip

(Additional Signatures may be submitted on a separate page)

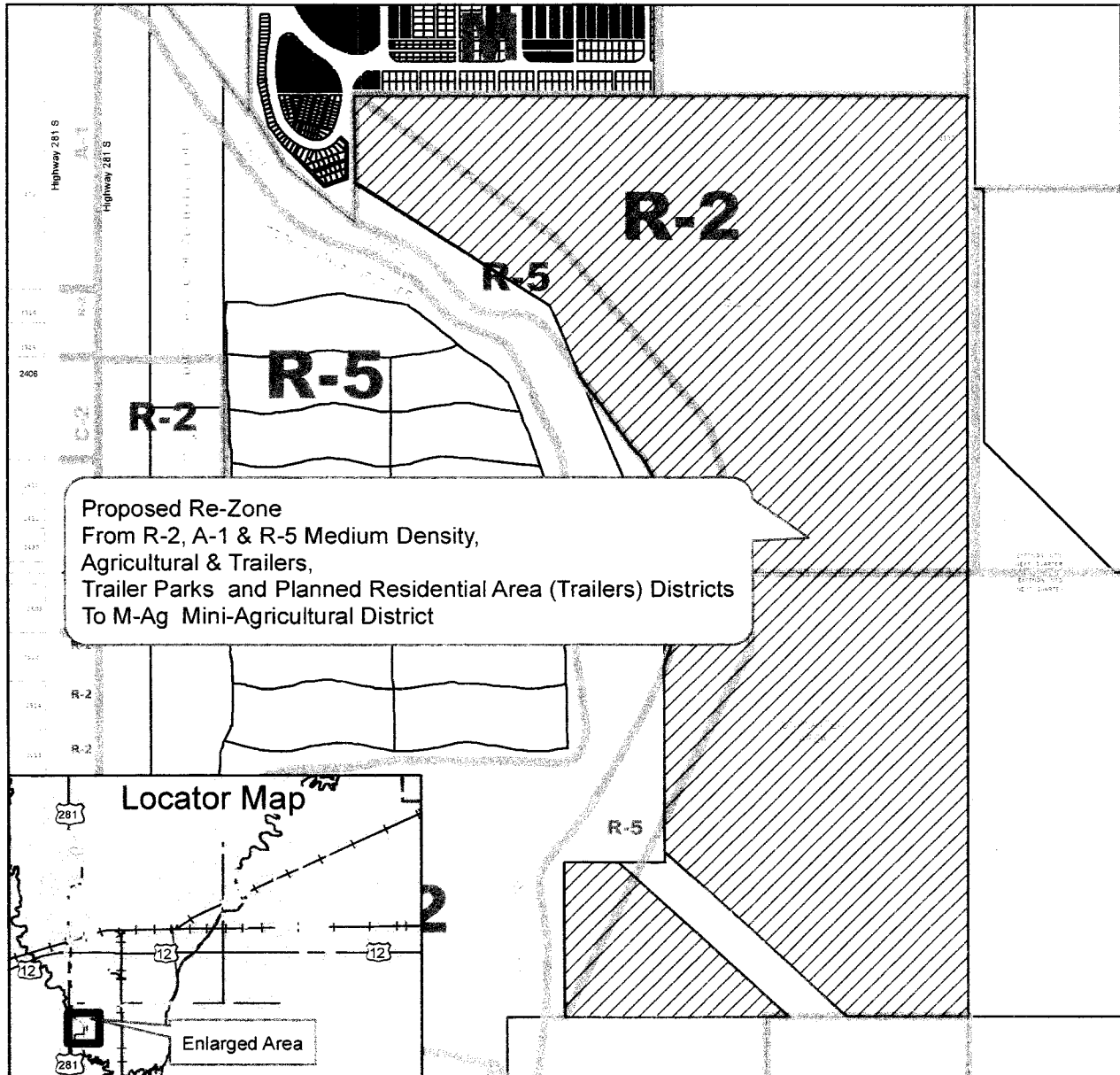
Proposed Re-Zone

Address / Legal Description :

2130 12th Street S & adjacent land to the south / Outlot C in the NW 1/4 of Sec. 26 T123N R64W and the East 1185' of N1/2 SW 1/4 T123 T64W except Lot B & except the west 294' of the north 860'

Current Zone: R-2, A-1 & R-5 Medium Density, Agricultural, & Trailers, Trailer Parks and Planned Residential Area (Trailers) Districts

Proposed Zone: M-Ag Mini-Agricultural District



Prepared By: Dwayne Schueller, GIS/Planning Technician, City of Aberdeen File: Re-Zone 15-01-01 (442)
Address boundaries and legal descriptions were obtained from the assessor's office of Brown county, South Dakota
Not a Legal Document