
**AGENDA, JOINT CITY COUNCIL/COUNTY COMMISSION MEETING
MONDAY, JUNE 1, 2015, 5:30 P.M.
CITY COUNCIL CHAMBERS, 123 SOUTH LINCOLN STREET, MUNICIPAL BLDG., FIRST FLOOR**

- 1. ROLL CALL

- 2. ORDINANCE NO. 15-05-01-444 – REZONE CERTAIN DESCRIBED PROPERTY FROM (A-1) DISTRICT TO (M-AG) DISTRICT
THE SOUTH 257' OF OUTLOT 8, EVELO'S OUTLOTS IN THE SE ¼ OF SECTION 35, T123N, R64W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA (4126 – 387TH AVE., SOUTH)
POSSIBLE SECOND READING AND FINAL ADOPTION OF ORDINANCE NO. 15-05-01

- 3. PETITION TO REZONE – FROM (A-1) DISTRICT TO (M-AG) DISTRICT PROPERTY DESCRIBED AS LOTS 3, 4, 5, 6, AUDITOR'S SUBDIVISION IN THE SE ¼ OF SECTION 27, T123N, R64W OF THE 5TH P.M., BROWN COUNTY, SD (1946 – 135TH STREET SW AND 2012 – 135TH STREET SW)
SET JOINT HEARING OF JUNE 22, 2015 AT 5:30 P.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:	May 26, 2015 June 1, 2015
Agenda Section	New Business	Originating Dept:	Planning and Zoning
Resolution	NA		
Ordinance	15-05-01 (444)	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 (M-Ag) Mini-Agricultural District – 4126 387th Avenue S. (located on the northwest corner of the intersection of 136th Street and 387th Avenue) – Cindy Jensen.

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, with the intention of conveying the property to another party. This rezoning request was approved by the Joint City/County Planning Commission on May 19, 2015 with the stipulation that the property must be replatted.

Issues/Alternatives to Consider:

The Joint City/County Planning Commission has stipulated that if this rezoning request is approved, the property must be replatted.

Budgetary/Fiscal Issues:

None.

Attachments:

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

ORDINANCE NO. 15-05-01
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 Cindy Jensen 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 (M-AG) Mini-Agricultural District, said property is described as follows:

The South 257' of Outlot 8, Evelo's Outlots in the SE ¼ of Section 35, T123N, R64W of the 5th P.M., Brown County, South Dakota (4126 – 387th Avenue, 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 May 7, 14, and 21, 2015

Passed First Reading May 26, 2015

Passed Second Reading _____

Adopted _____

Published _____

Effective Date _____

STAFF REPORT
May 19, 2015

REZONING A-1 TO M-AG

GENERAL INFORMATION

PETITIONER	Cindy Jensen
REQUEST	Rezone from (A-1) Agricultural District to (M-AG) Mini-Agricultural District
LEGAL DESCRIPTION	The south 257' of Outlot 8, Evelo's Outlots, SE ¼ of Section 35-T123N-R64W of the 5 th P.M., Brown County, South Dakota.
LOCATION	4126 387 th Ave S. – located on the northwest corner of the Intersection of 136 th Street and 387 th Avenue
EXISTING ZONING	Agricultural District
SURROUNDING ZONING	
North:	Agricultural District
South:	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 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 in order to convey the property to another party. If this rezone is approved the property must be replatted.

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

REZONING PETITION (Three Mile Jurisdiction)

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

Petition No:	
Date:	4/14/15
Receipt No:	100715796
Filing Fee: City	180
County	150
(non-refundable)	
Ord/Res No:	15-05-01 (444)

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):

The South 257' of Outlot 8, Evelo's Outlots, SE 1/4 Section 35 -
T 123N - R 64W of the 5th P.M., Brown County, South Dakota.

General Area Location or Street Address: 4126 387th Ave S

From the A-1 District

To the M-Ag District

Purpose: Bring property into compliance with size and use.

Size of Parcel: 1.71 acres

Existing Land Use: Residence

Petitioner (Print): _____

Signature: _____

Date: _____ Phone: _____

Address: _____

City State Zip

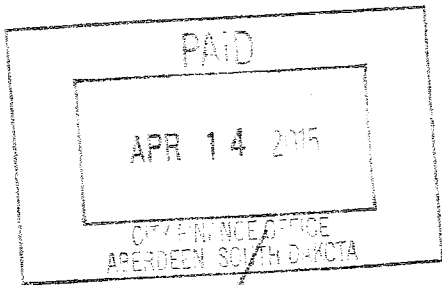
Owner (Print): Cindy Jensen

Signature: Cindy Jensen If different than above.

Date: 04/13/15 Phone: 605 380 9919

Address: 4126 387th Ave. So.
Aberdeen, SD 57401

City State Zip



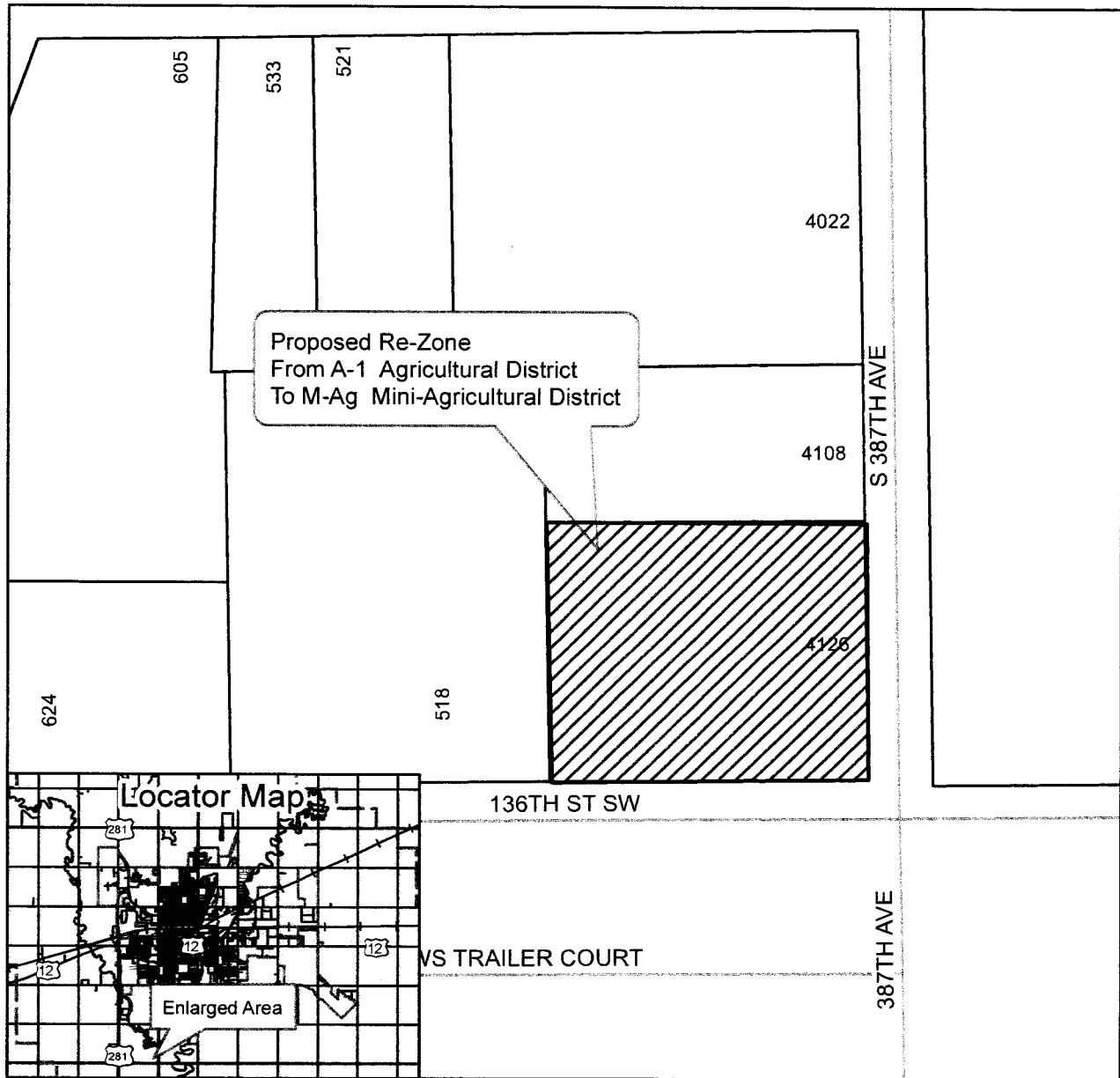
Checked by:	<u>[Signature]</u>
Given Sign:	<u>[Signature]</u>
Exhibit A:	_____
Site Plan:	<u>[Signature]</u>
PC Meeting:	<u>5/19/15</u>
1st Reading:	<u>5/28/15</u>
2nd Reading/Final	_____
Adoption:	<u>6/1/15</u>

Proposed Re-Zone

Address / Legal Description : 4126 387th Ave S / The South 257' of Outlot 8, Evelo's Outlots, SE 1/4 Sec.35 T123N R64W

Current Zone: A-1 Agricultural District

Proposed Zone: M-Ag Mini-Agricultural District



Prepared By: Dwayne Schueller, GIS/Planning Technician, City of Aberdeen File: Re-Zone 15-05-01 (444)
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 22nd day of June, 2015, beginning at 5:30 p.m. in the City Council Chambers, 123 South Lincoln Street, First Floor of the Municipal Building, to consider the Petition filed by Darwin Kane and Diana Johnson to amend Ordinance No. 1164 to rezone the following described property from its present zoning designation of (A-1) Agricultural District to (M-AG) Mini-Agricultural District, said property being described as follows:

Lots 3, 4, 5, 6, Auditor's Subdivision in the SE ¼ of Section 27, T123N, R64W of the 5th P.M., Brown County, South Dakota (1946 135th Street SW and 2012 135th Street SW)

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 #15-06-01 (445) granting Petition to Amend Ordinance No. 1164 and granting the Petition to Rezone said property. Dated this 1st day of June, 2015.

ATTEST:



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:	<u>5/14/15</u>
Receipt No:	<u>721954</u>
Filing Fee: City	<u>180</u> County <u>150</u>
(non-refundable)	
Ord/Res No:	<u>15-06-61 (45)</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):

Lot 3-4, Auditor's Subd, SE4 Sect. 27-T123N-R64W

General Area Location or Street Address: 1946 135th Street SW

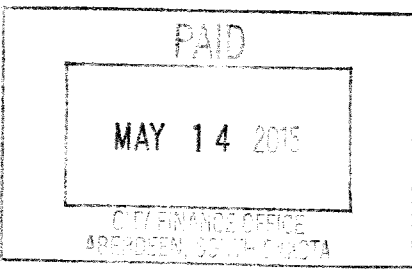
From the (A-1) Agricultural District

To the (M-Ag) (Mini-Agricultural) District

Purpose: Bring property into compliance with lot size and use

Size of Parcel: 200' x 300'

Existing Land Use: Residence



Checked by:	<u>Ken</u>
Given Sign:	_____
Exhibit A:	_____
Site Plan:	_____
PC Meeting:	<u>6/16/15</u>
1st Reading:	<u>6/22/15</u>
2nd Reading/Final	_____
Adoption:	<u>6/29/15</u>

Petitioner (Print): _____

Signature: _____

Date: _____ Phone: _____

Address: _____

City State Zip

X Owner (Print): Darwin Kane

If different than above.

Signature: _____

Date: 5/14/15 Phone: 216-1475

Address: 1946 135th St SW

Aberdeen SD 57401
City State Zip

REZONING PETITION (Three Mile Jurisdiction)

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

Petition No:	
Date:	5/14/15
Receipt No:	
Filing Fee: City	180
County	150
(non-refundable)	
Ord/Res No:	

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 5-6 AUDITORS SD SE 27-123-64 TWP

General Area Location or Street Address: 2012 135TH ST S.W.

PREVIOUSLY 38590 135TH ST

From the AG 1 District

To the MINI AG District

Purpose:

Size of Parcel: 1.38 Acres

Existing Land Use:

Requestor (Print): DIANA JOHNSON

Signature: Diana Johnson

Date: Phone: 380-5595

Address: 2012 135TH ST SW

ABERDEEN SD 57401
City State Zip

Checked by: _____
Given Sign: _____
Exhibit A: _____
Site Plan: _____
PC Meeting: _____
1st Reading: _____
2nd Reading/Final Adoption: _____

Owner (Print):

If different than above.

Signature: _____

Date: _____ Phone: _____

Address: _____

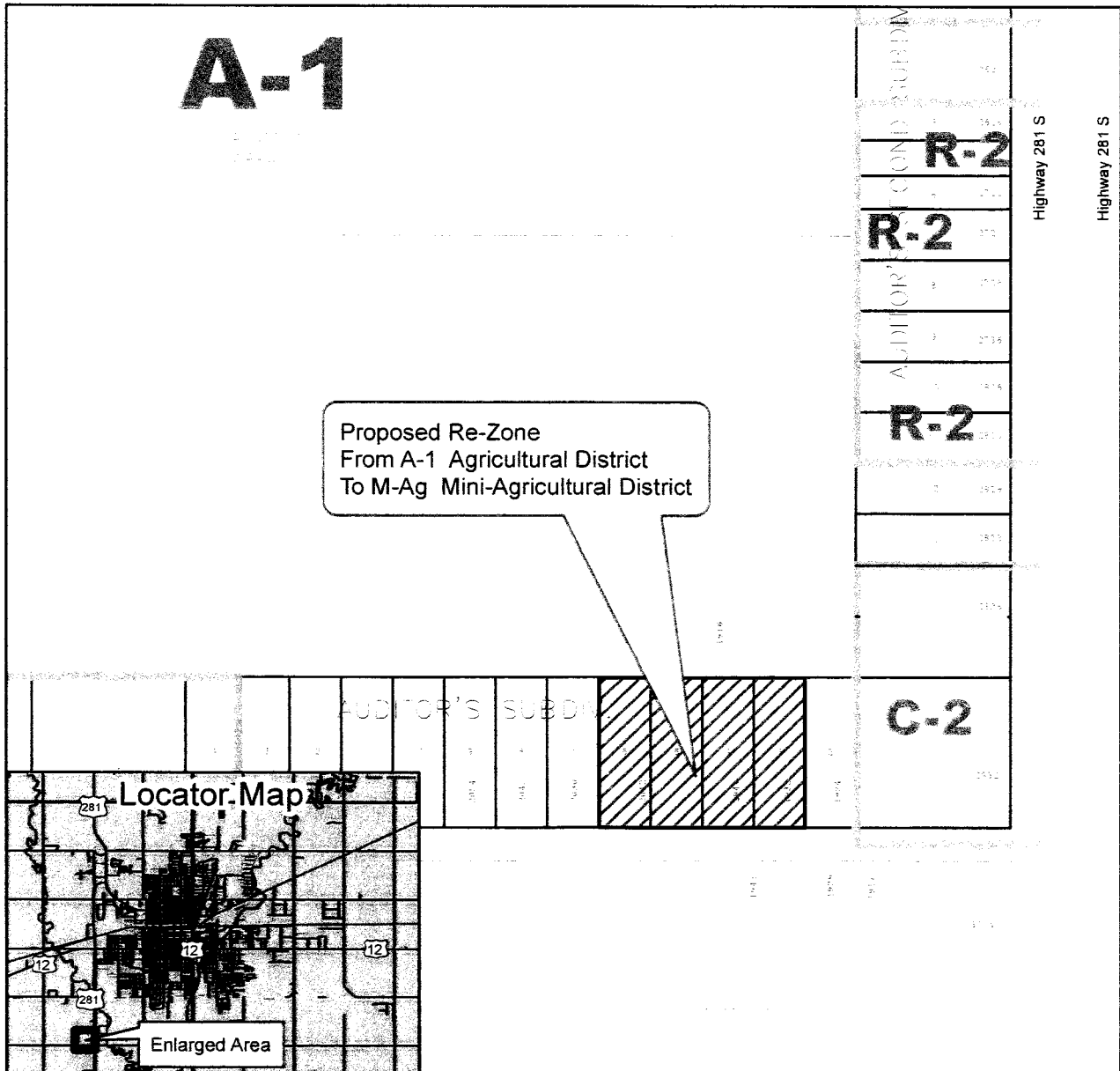
City State Zip

Proposed Re-Zone

Address / Legal Description : 1946 & 2012 135th St SW / Lots 3, 4, 5, 6, Auditor's Subdivision
SE 1/4 Sec. 27 T123 R64W

Current Zone: A-1 Agricultural District

Proposed Zone: M-Ag Mini-Agricultural District



Prepared By: Dwayne Schueller, GIS/Planning Technician, City of Aberdeen File: Re-Zone 15-06-01 (445)
Address boundaries and legal descriptions were obtained from the assessor's office of Brown county, South Dakota
Not a Legal Document