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**AGENDA, JOINT CITY COUNCIL/COUNTY COMMISSION MEETING**

**TUESDAY, JULY 28, 2015, 8:45 A.M.**

**BROWN COUNTY COMMISSION CHAMBERS, 25 MARKET STREET, FIRST FLOOR, ABERDEEN, SD**

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1. ROLL CALL
2. ORDINANCE NO. 15-06-01 (445) – ORDINANCE TO REZONE CERTAIN DESCRIBED PROPERTY FROM (A-1) DISTRICT TO (M-AG) DISTRICT  
LOTS 3, 4, 5, 6, AUDITOR'S SUBDIVISION IN THE SE ¼ OF SECTION 27, T123N, R64W OF THE 5<sup>TH</sup> P.M., BROWN COUNTY, SD (1932, 1946, AND 2012 – 135<sup>TH</sup> STREET SW)  
POSSIBLE FIRST READING OF ORDINANCE NO. 15-06-01

**ANY OTHER SUCH BUSINESS WHICH MAY COME BEFORE THIS COUNCIL AT THE MEETING**

City of Aberdeen  
Request for Council Action

Agenda Item No.	<b>2</b>	Meeting Date:	July 28, 2015
Agenda Section	New Business	Originating Dept:	Planning and Zoning
Resolution	NA		
Ordinance	15-06-01 (445)	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 (M-Ag) Mini-Agricultural District – 1932, 1946, and 2012 135<sup>th</sup> Street SW (located one tenth of a mile west of the intersection of Highway #281 and 135<sup>th</sup> Street SW.) – Darwin Kane and Diana Johnson.

City Manager's Proposed Action:

Motion by \_\_\_\_\_, Second by \_\_\_\_\_ to approve first/~~second~~ reading of the proposed petition to rezone.

Overview:

The petitioners are requesting this petition to rezone in order to bring the properties into compliance with their current residential use and lot size. A building permit has been issued to Mr. Kane for the construction of a new storage building on proposed Lot 1 of Kane Addition. This rezoning request was approved by the Joint City/County Planning Commission on July 21, 2015. A preliminary and final plat for proposed Lot 1 of Kane addition was submitted and approved last month by the Joint Planning Commission, the County Commission and the City Council.

Issues/Alternatives to Consider:

None.

Budgetary/Fiscal Issues:

None.

Attachments:

Staff Report.  
Petitions to Rezone.  
Aerial photo of proposed Rezone.  
Ordinance.

STAFF REPORT  
July 21, 2015

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**REZONING A-1 TO M-AG**

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GENERAL INFORMATION

PETITIONER	Darwin Kane and Diana Johnson
REQUEST	<b>Rezone from (A-1) Agricultural District to (M-AG) Mini-Agricultural District</b>
LEGAL DESCRIPTION	Lots 3-6, Auditor's Subdivision SE ¼ of Section 27-T123N-R64W (Kane Addition in the SE ¼ of Section 27-T123N-R64W of the 5 <sup>th</sup> P.M., Brown County, South Dakota)
LOCATION	1932, 1946, and 2012 135 <sup>th</sup> Street SW– located a tenth of a mile west of the intersection of Highway 281 and 135 <sup>th</sup> Street SW
EXISTING ZONING	Agricultural District
SURROUNDING ZONING	
North:	Agricultural District
South:	Agricultural District/ Mini-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.

GENERAL COMMENTS: The petitioners are requesting this petition to rezone in order to bring the above mentioned properties into compliance with their current residential use and lot size in order to construct a new building on one of the properties.

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

\* Lots 3 and 4, Auditor's Subd. will be replatted and known as Lot 1, Kane Addition. after Rezoning Approval.

07/23/2015

ORDINANCE NO. 15-06-01  
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 Darwin Kane and Diana Johnson 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:

Lots 3, 4, 5, 6, Auditor's Subdivision in the SE ¼ of Section 27, T123N, R64W of the 5<sup>th</sup> P. M., Brown County, South Dakota (1932, 1946, and 2012 - 135<sup>th</sup> Street SW)

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 June 4, 11, and 18, 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:	5/14/15
Receipt No:	721954
Filing Fee:	City 180 County 150
(non-refundable)	15-06-01 (415)
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 3-4, Auditor's Subd, SE4 Sect. 27-T123N-R64W

General Area Location or Street Address: 1946 135<sup>th</sup> Street SW

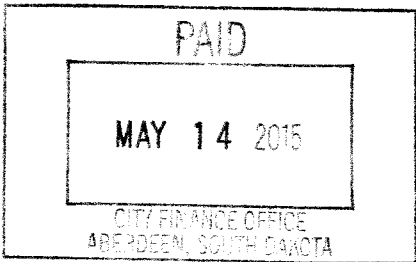
From the (A-1) Agricultural District

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): Patricia Kene

Signature: \_\_\_\_\_  
If different than above.

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

Address: 1946 135<sup>th</sup> 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: \_\_\_\_\_

Applicant (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: \_\_\_\_\_

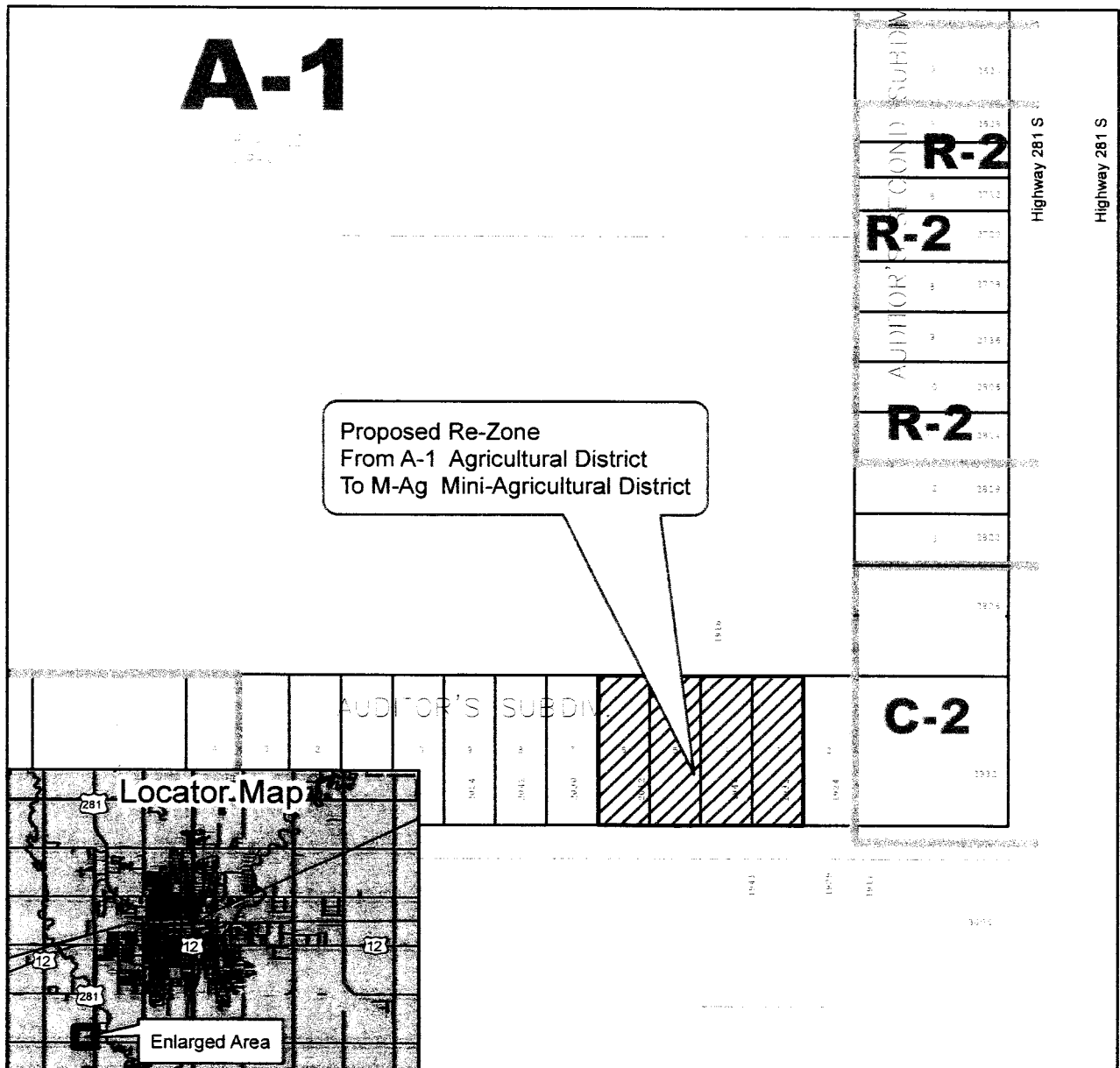
_____	_____	_____
City	State	Zip

# 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