
**AGENDA, JOINT CITY COUNCIL/COUNTY COMMISSION MEETING
TUESDAY, AUGUST 4, 2015, 8:45 A.M.
BROWN COUNTY COMMISSION CHAMBERS, 25 MARKET STREET, FIRST FLOOR, ABERDEEN, SD**

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 5TH P.M., BROWN COUNTY, SD (1932, 1946, AND 2012 – 135TH STREET SW)
POSSIBLE SECOND READING AND FINAL ADOPTION OF ORDINANCE NO. 15-06-01
3. PETITIONS TO REZONE:
 - A. REZONE FROM (A-1) DISTRICT TO (R-2) DISTRICT PROPERTY DESCRIBED AS LOT H, PENDROY'S GREEN ACRES SUBDIVISION IN THE SW ¼ OF SECTION 21, T123N, R63W OF THE 5TH P.M., BROWN COUNTY, SD (1635 MELGAARD ROAD SOUTH)
 - B. REZONE FROM (A-1) DISTRICT TO (M-AG) DISTRICT PROPERTY DESCRIBED AS LOT 26, EVELO'S OUTLOT IN THE NE ¼ OF SECTION 2, T122N, R64W OF THE 5TH P.M., BROWN COUNTY, SD (13645 PONTIAC DRIVE)
SET JOINT HEARING DATE OF AUGUST 25, 2015 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:	July 28, 2015 August 4, 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 135th Street SW (located one tenth of a mile west of the intersection of Highway #281 and 135th 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

REZONING A-1 TO M-AG

GENERAL INFORMATION

PETITIONER	Darwin Kane and Diana Johnson
REQUEST	Rezone from (A-1) Agricultural District to (M-AG) Mini-Agricultural District
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 th P.M., Brown County, South Dakota)
LOCATION	1932, 1946, and 2012 135 th Street SW– located a tenth of a mile west of the intersection of Highway 281 and 135 th 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.

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 5th P. M., Brown County, South Dakota (1932, 1946, and 2012 - 135th 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 July 28, 2015

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:	<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 (415)</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

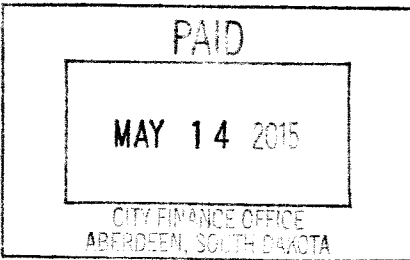
From the (A-1) Agricultural District

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:	<u>[Signature]</u>
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 Kene

Signature: [Signature] If different than above.

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:	<u>5/14/15</u>
Receipt No:	_____
Filing Fee: City	<u>180</u> County <u>150</u>
(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

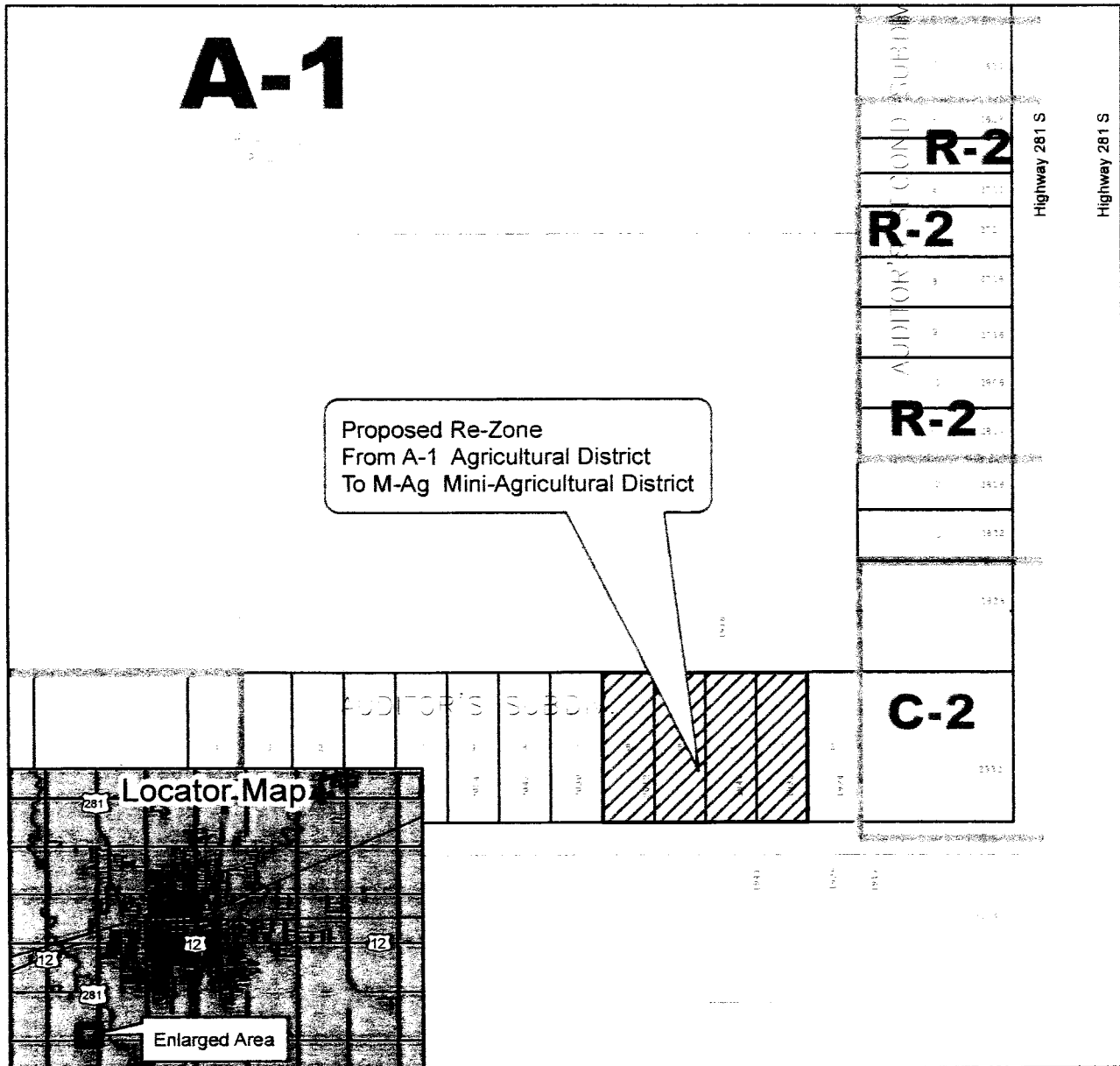
(Additional Signatures may be submitted on a separate page)

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

**NOTICE OF HEARING OF THE ABERDEEN CITY
COUNCIL AND 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 August, 2015, beginning at 8:45 a.m. in the Brown County Commission Chambers, 25 Market Street, to consider the Petition filed by Curtis L. Merkel 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 H, Pendroy's Green Acres Subdivision in the SW ¼ of Section 21, T123N, R63W of the 5th P.M., Brown County, South Dakota (1635 Melgaard Road South)

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 #15-08-02 (446) granting Petition to Amend Ordinance No. 1164 and granting the Petition to Rezone said property. Dated this 4th day of August, 2015.



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>7/15/15</u>
Receipt No:	<u>735411</u>
Filing Fee: City	<u>180</u> County <u>150</u>
(non-refundable)	
Ord/Res No:	<u>15-08-02 (446)</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 H, Penderoy's Green Acres Subdivision

General Area Location or Street Address: 1635 Melgaard Road S.

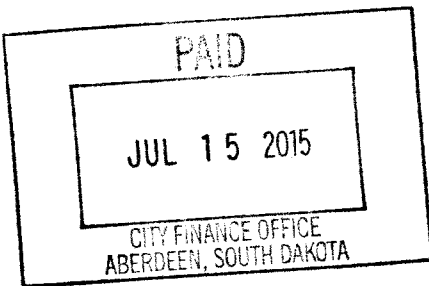
From the A-1 District

To the R-2 District

Purpose: new 10' x 14' rear deck

Size of Parcel: 160' x 231'

Existing Land Use: residence



Petitioner (Print): Curtis L Merkel

Signature: Curtis Merkel

Date: 7-15-15 Phone: 605-380-2329

Address: 1635 SO MELGAARD RD
Aberdeen SD 57401
City State Zip

Checked by: [Signature]
Given Sign:
Exhibit A: _____
Site Plan: _____
PC Meeting: 8/18/15
1st Reading: 8/25/15
2nd Reading/Final: _____
Adoption: 9/1/15

Owner (Print): Same

If different than above.

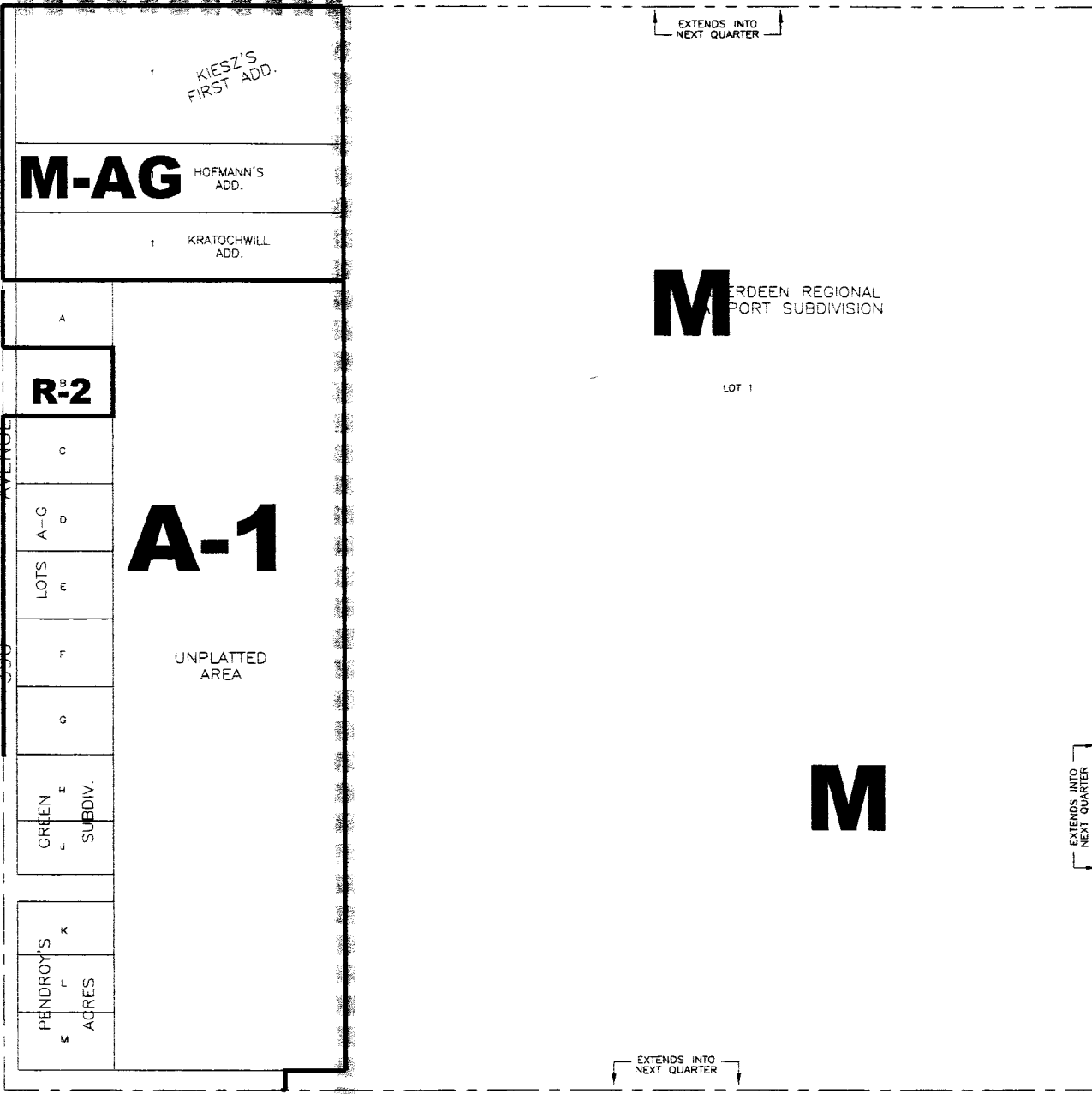
Signature: _____

Date: _____ Phone: _____

Address: _____

City State Zip

INDEX			OFFICIAL ZONING MAP FOR THE CITY OF ABERDEEN, SOUTH DAKOTA	QUARTER	SECTION	TOWNSHIP	RANGE	SCALE	SHEET - 97
73	96	95	BASE MAP REVISED: JULY 26, 2007, BY DWAYNE SCHUELLER	SW	21	123	63	1"=400'	
72	97	98		ZONING DISTRICTS REVISED: AUGUST 7, 2007, BY DWAYNE SCHUELLER					
256	99	100		APPROVED BY CITY PLANNING/ZONING OFFICIAL: _____					



**NOTICE OF HEARING OF THE ABERDEEN CITY
COUNCIL AND 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 August, 2015, beginning at 8:45 a.m. in the Brown County Commission Chambers, 25 Market Street, to consider the Petition filed by Kirby Smith 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:

Lot 26, Evelo's Outlot in the NE ¼ of Section 2, T122N, R64W of the 5th P.M., Brown County, South Dakota (13645 Pontiac Drive)

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 #15-08-03 (447) granting Petition to Amend Ordinance No. 1164 and granting the Petition to Rezone said property. Dated this 4th day of August, 2015.



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>7/24/15</u>
Receipt No:	<u>737812</u>
Filing Fee: City	<u>\$180</u> County <u>\$150</u>
	(non-refundable)
Ord/Res No:	<u>15-08-03 (447)</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 26, Evelo's Outlot NE2-122-64

General Area Location or Street Address: 13645 Pontiac Dr.

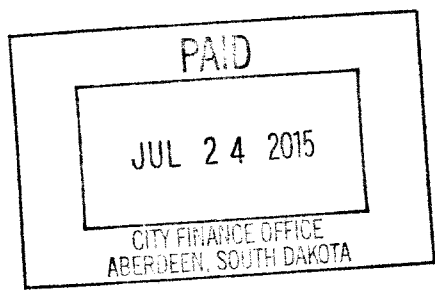
From the A-1 District

To the M-Ag District

Purpose: Bring property into compliance with size and use to construct new accessory structure.

Size of Parcel: 2 acres

Existing Land Use: Residence



Petitioner (Print): KIRBY SMITH

Signature: [Signature]

Date: 7-24-15 Phone: 605-216-3692

Address: 13645 PONTIAC DR.
ABERDEEN SD 57401
City State Zip

Checked by:	<u>Ken</u>
Given Sign:	<u>✓</u>
Exhibit A:	_____
Site Plan:	_____
PC Meeting:	<u>8/18/15</u>
1st Reading:	<u>8/24/15</u>
2nd Reading/Final Adoption:	<u>8/31/15</u>

Owner (Print): TRACY SMITH (DECEASED)

Signature: [Signature] If different than above.

Date: 7-24-15 Phone: 605-216-3692

Address: 13645 PONTIAC DR
ABERDEEN SD 57401
City State Zip

INDEX			OFFICIAL ZONING MAP FOR THE CITY OF ABERDEEN, SOUTH DAKOTA	QUARTER	SECTION	TOWNSHIP	RANGE	SCALE	SHEET - 247	
239	238	237	NE	2	122	64	1"=400'			
246	247	248	BASE MAP REVISED: APRIL 1, 2014, BY DWAYNE SCHUELLER				ZONING DISTRICTS REVISED: MARCH 7, 2013, BY DWAYNE SCHUELLER			
251	250	2249	APPROVED BY CITY PLANNING/ZONING OFFICIAL: _____							

