
**AGENDA, JOINT CITY COUNCIL/COUNTY COMMISSION MEETING
MONDAY, JANUARY 3, 2011, 5:30 P.M.
CITY COUNCIL CHAMBERS, 123 SOUTH LINCOLN STREET**

1. **ROLL CALL**

2. **ORDINANCE NO. 10-12-02 (391) – ORDINANCE AMENDING ORDINANCE NO. 1164 TO REZONE CERTAIN DESCRIBED PROPERTY FROM SECTION 701 (A-1) TO SECTION 710 (I-2)
LOT 1, SIEBRECHT SUBSTATION ADDITION IN THE NW ¼ OF SECTION 36, T123N, R64W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA
POSSIBLE SECOND READING AND FINAL ADOPTION OF ORDINANCE**

3. **ORDINANCE NO. 10-12-03 (392) – ORDINANCE AMENDING ORDINANCE NO. 1164 TO REZONE CERTAIN DESCRIBED PROPERTY FROM SECTION 701 (A-1) TO SECTION 710 (I-2)
LIEN OUTLOT C IN THE NW ¼ OF SECTION 22, T123N, R64W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA
POSSIBLE SECOND READING AND FINAL ADOPTION OF ORDINANCE**

4. **ORDINANCE NO. 10-10-04 (393) – ORDINANCE AMENDING ORDINANCE NO. 1164 OF THE ORDINANCES OF THE CITY OF ABERDEEN SECTION 708. (C-3) CENTRAL BUSINESS DISTRICT OUTDOOR DISPLAYS OF MERCHANDISE ARE PERMITTED
POSSIBLE SECOND READING AND FINAL ADOPTION OF ORDINANCE**

5. **PETITION TO REZONE – FROM SECTION 701 (A-1) TO SECTION 714 (M-AG) PROPERTY DESCRIBED AS PROPOSED LOT 1, LAUREL SHARP ADDITION IN THE NE ¼ OF SECTION 22, T123N, R63W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA
SET A JOINT HEARING DATE OF JANUARY 24, 2011 AT 5:30 P.M.**

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

ORDINANCE NO. 10-12-02
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 Northwestern Energy is hereby granted and Ordinance No. 1164 is hereby amended to change the zoning on the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 710 (I-2) Unrestricted Industrial District said property being described as follows:

Lot 1, Siebrecht Substation Addition in the NW ¼ of Section 36, T123N, R64W of the 5th P.M., Brown County, South Dakota

BE IT FURTHER ORDAINED by the Aberdeen City Council, Brown County, 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.

Notice of Hearing December 9, 16, and 23, 2010

Passed First Reading December 28, 2010

Passed Second Reading _____

Adopted _____

Published _____

Effective Date _____

Mayor, Aberdeen, South Dakota

ATTEST:

Finance Officer

STAFF REPORT
December 21, 2010

PRELIMINARY AND FINAL PLAT

ITEM 3

GENERAL INFORMATION

PETITIONER	Northwestern Energy
REQUEST	Petition to Rezone from Agricultural District to Unrestricted Industrial District
LEGAL DESCRIPTION	Lot 1, Siebrecht Substation Addition in the NW¼ of Sect. 36-T123N-R64W of the 5 th P.M., Brown County, South Dakota.
LOCATION	421 Brown County Hwy 14 (SE corner of the intersection of Brown County 14 & 387 th Ave.)
EXISTING ZONING	Agricultural District
SURROUNDING ZONING	
North:	Agricultural District
South:	Unrestricted Industrial District
East:	Unrestricted Industrial District
West:	Agricultural District and Mini-Agricultural District
PUBLIC UTILITIES	WEB Water
REPORTED BY	Ken Hubbart

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 lot size and use.

REVIEW: Staff have reviewed this Petition to Rezone and concur with its approval.

REZONE PETITION ^{County} ~~(City)~~

To the City Commission
City Hall
Aberdeen, SD 57401

Petition No: _____
Date: 11/16/10
Receipt No: 369891
Filing Fee: *180/1.50
(non-refundable)
Ord/Res No: 10-12-02-512

(391) *RS*

Mayor and Commission Members:

I/We the undersigned, do hereby petition the City Commission of Aberdeen, South Dakota to rezone property as follows:

Legal Description (Please print in black ink or type):

Lot 1, Siebrecht Substation Addition in the NW 1/4 Section 36 T123N - R64W of the 5th P.M., Brown County, South Dakota.

General Area Location or Street Address: 421 Brown County Highway 14

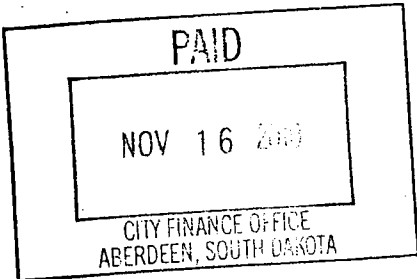
From the A-1 Agriculture District

To the I-2 Unrestricted Industrial District

Purpose: Bring property into compliance with size + use.

Size of Parcel: 16.83 acres

Existing Land Use: Substation



Petitioner (Print) Northwestern Energy

Signature: Ken Ogden

Date: 11/16/2010 Phone: 605/353-7528

Address: P.O. Box 1318, Huron, SD 57350

City State Zip

Checked by: [Signature]
Given Sign: [Signature]
Exhibit A: 1/DES
Site Plan: _____
PC Meeting: 12/21/10
1st Reading: 12/27/10
2nd Reading/Final: _____
Adoption: 1/4/2011

Owner (Print): _____
(If different than above)

Signature: _____

Date: _____ Phone: _____

Address: _____

City State Zip

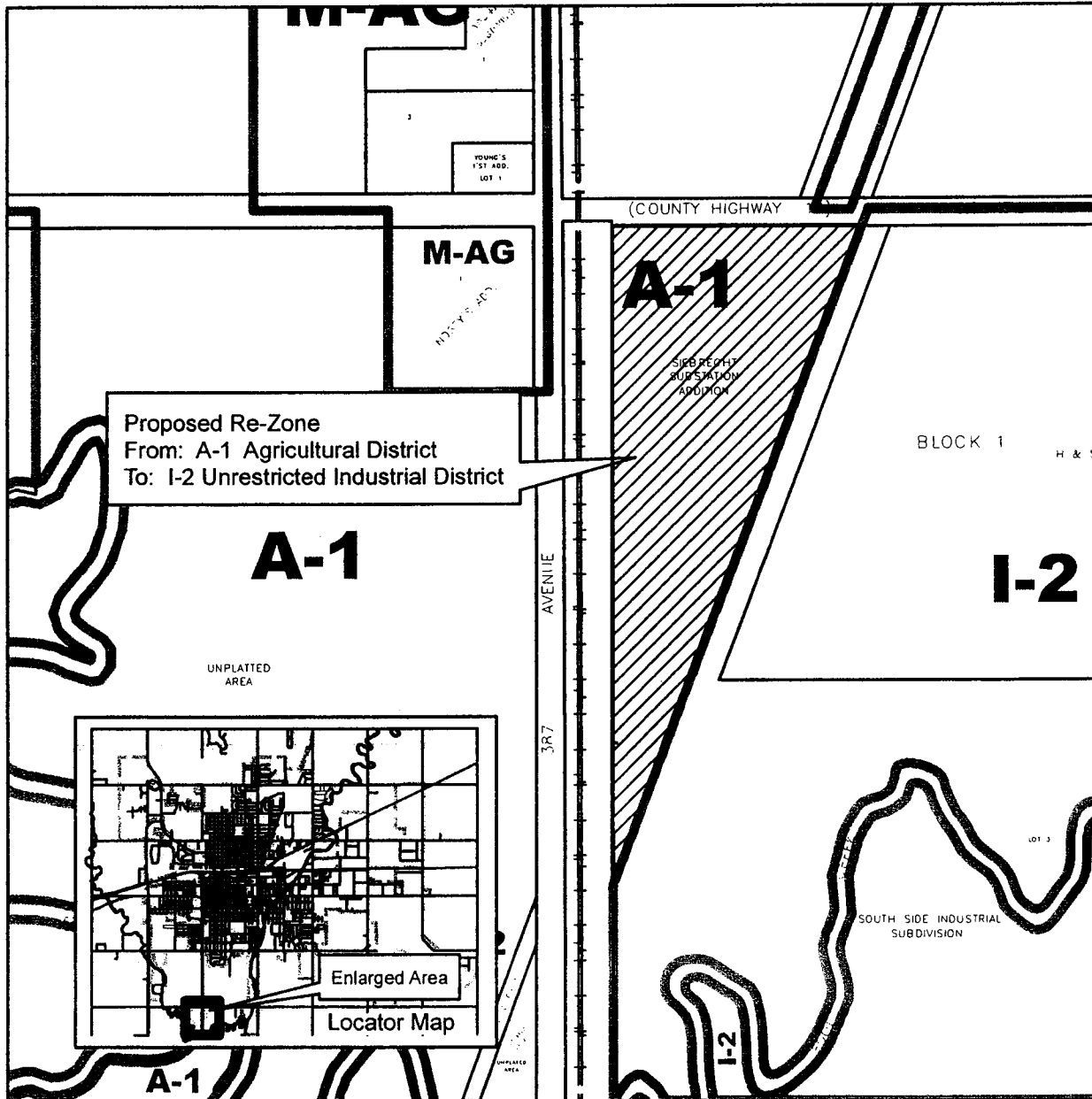
(Additional Signatures may be submitted on a separate page)

Proposed Re-Zone

Address / Legal Description : 421 Brown County Hwy 14 / Lot 1, Proposed Siebrecht Substation Addition in the NW 1/4 Section 36 T123N R64W

Current Zone: A-1 Agricultural District

Proposed Zone: I-2 Unrestricted Industrial District



Prepared By: Dwayne Schueller, GIS/Planning Technician, City of Aberdeen File: Re-Zone 10-12-02 (391)
Address boundaries and legal descriptions were obtained from the assessor's office of Brown county, South Dakota
Not a Legal Document

ORDINANCE NO. 10-12-03
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 Donald P. Gisi is hereby granted and Ordinance No. 1164 is hereby amended to change the zoning on the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 710 (I-2) Unrestricted Industrial District said property being described as follows:

Lien Outlot C in the NW ¼ of Section 22, T123N, R64W of the 5th P.M., Brown County, South Dakota

BE IT FURTHER ORDAINED by the Aberdeen City Council, Brown County, 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.

Notice of Hearing December 9, 16, and 23, 2010

Passed First Reading December 28, 2010

Passed Second Reading _____

Adopted _____

Published _____

Effective Date _____

Mayor, Aberdeen, South Dakota

ATTEST:

Finance Officer

STAFF REPORT
December 21, 2010

PRELIMINARY AND FINAL PLAT

ITEM 2

GENERAL INFORMATION

PETITIONER	Donald & Joann Gisi
REQUEST	Petition to Rezone from Agricultural District to Unrestricted Industrial District
LEGAL DESCRIPTION	Lien Outlot C in the NW¼ of Sect. 22-T123N-R64W of the 5th P.M., Brown County, South Dakota
LOCATION	2540 Highway 12 W.
EXISTING ZONING	Agricultural District
SURROUNDING ZONING	
North:	Unrestricted Industrial District
South:	Municipal, State and County Use District
East:	Highway Commercial District
West:	Unrestricted Industrial District
PUBLIC UTILITIES	WEB Water
REPORTED BY	Ken Hubbart

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 lot size and use.

REVIEW: Staff have reviewed this Petition to Rezone and concur with its approval.

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>11/29/10</u>
Receipt No:	_____
Filing Fee:	City <u>180</u> County <u>150</u>
	(non-refundable)
Ord/Res No:	<u>10-12-03(392)</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):

Proposed Lien Outlot C in the NW 1/4 sect. 22-T123N-R64W of the
5th P.M., Brown County, South Dakota

General Area Location or Street Address: 1/2 mile west of Hwy 281 on 133rd St. (south side of
road, East of Railroad.

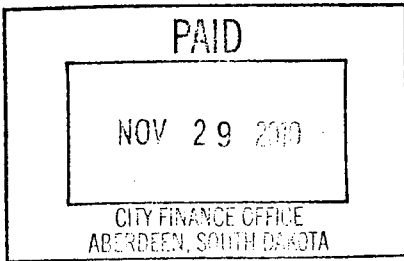
From the A-1 (Agricultural Zoning District) District

To the I-2 (Unrestricted Industrial Zoning District) District

Purpose: Bring property into compliance with size and use.

Size of Parcel: 8.76 acres

Existing Land Use: _____



Petitioner (Print): _____

Signature: _____

Date: _____ Phone: _____

Address: _____

City State Zip

Checked by:	<u>[Signature]</u>
Given Sign:	<u>[Signature]</u>
Exhibit A:	_____
Site Plan:	_____
PC Meeting:	<u>12/21/10</u>
1st Reading:	<u>12/29/10</u>
2nd Reading/Final	<u>1/3/11</u>
Adoption:	_____

X Owner (Print): DONALD P GISI

If different than above.

Signature: Donald P Gisi

Date: 11-24-10 Phone: 605-226-1177

Address: 621 S. Main

Aberdeen SD 57401
City State Zip

(Additional Signatures may be submitted on a separate page)

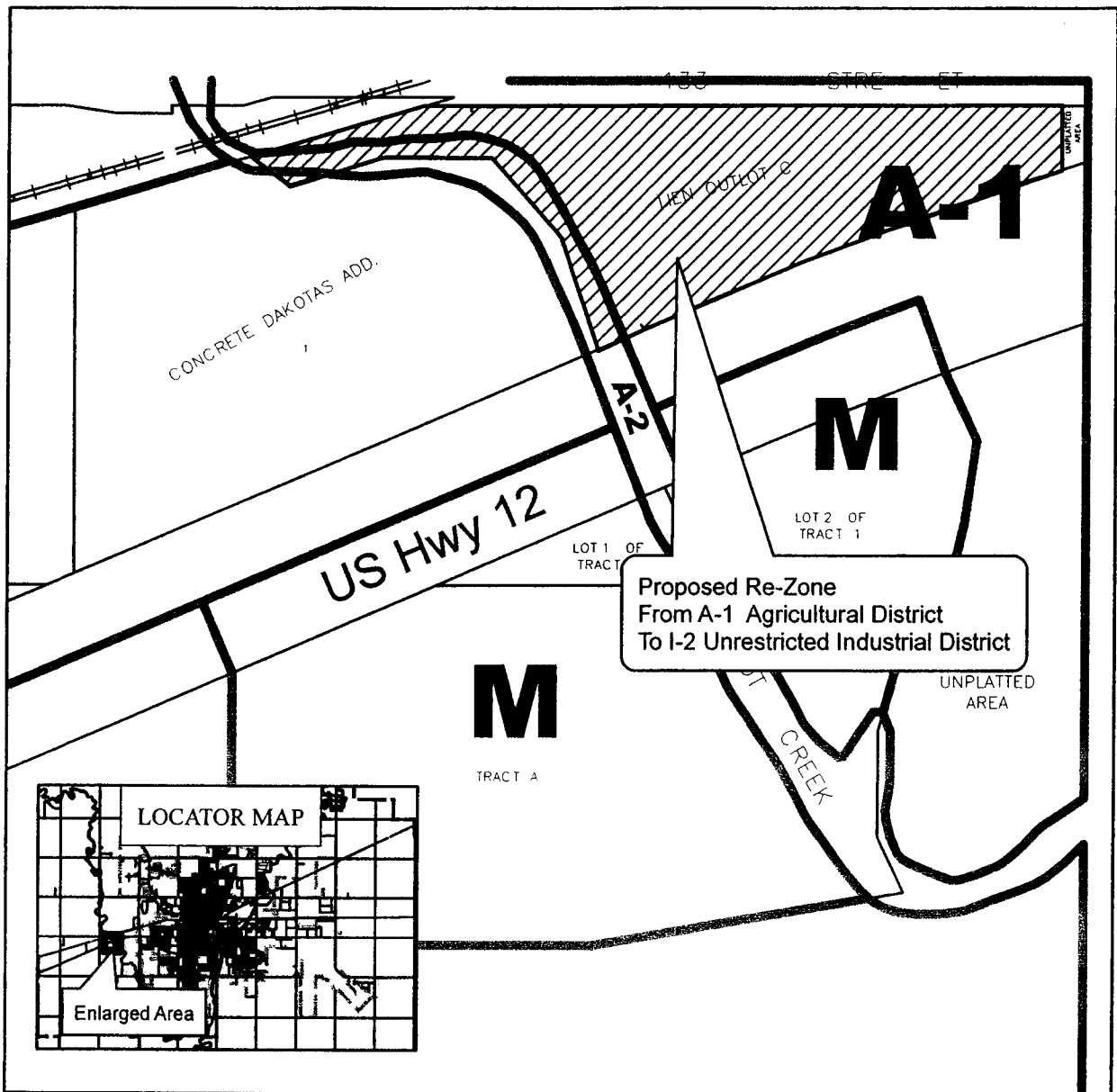
Proposed Re-Zone

Legal Description : Proposed Lien Outlot C in the NW 1/4 Section 22 T123N R64W

General Location: 1/2 mile west of Hwy 281 on 133rd St (south side of road, east of railroad)

Current Zone: A-1 Agricultural District

Proposed Zone: I-2 Unrestricted Industrial District



Prepared By: Dwayne Schueller, GIS/Planning Technician, City of Aberdeen File: Re-Zone 10-12-03 (392)
Address boundaries and legal descriptions were obtained from the assessor's office of Brown county, South Dakota
Not a Legal Document

ORDINANCE NO. 10-10-04

ORDINANCE AMENDING ORDINANCE NO. 1164
OF THE ORDINANCES OF THE CITY OF ABERDEEN
SECTION 708. (C-3) CENTRAL BUSINESS DISTRICT

BE IT ORDAINED by the Aberdeen City Council, Aberdeen, Brown County, South Dakota that Ordinance No. 1164 be amended as to Section 708. (C-3) Central Business District.

Section 708. (C-3) Central Business District.

708.2. *Permitted uses.* In the (C-3) central Business district zone, buildings, structures and land shall be used only for the following purposes:

1. Retail businesses, such as hardware, paint and lumber stores, general merchandise stores, department stores, apparel stores, furniture stores, drugstores, grocery stores, eating and drinking establishments, liquor stores, antique shops, jewelry stores, office supply stores, music shops, sporting goods stores, book, stationery, magazine, candy and tobacco shops, and florists, but not excluding similar retail outlets. Outdoor displays of merchandise are permitted, subject to the regulations provided elsewhere in this Code.

Notice of Hearing December 9, 16, and 23, 2010

Passed First Reading December 28, 2010

Passed Second Reading _____

Published _____

Effective Date _____

Mayor

ATTEST:

Finance Officer

STAFF REPORT
November 16, 2010

ORDINANCE AMENDMENT

ITEM 3

GENERAL INFORMATION

PETITIONER	City of Aberdeen
REQUEST	An Ordinance amending Appendix A, Section 708 (C-3) Central Business District, Section 708.2 (Permitted Uses) of Ordinance No. 1164, as amended known as the Zoning Ordinance of the City of Aberdeen, South Dakota.
REPORTED BY	Ken Hubbart

RECOMMENDATION: Staff recommends approval of the Ordinance Amendment of Appendix A, Section 708 (C-3) Central Business District, Section 708.2 (permitted Uses) of Ordinance No. 1164.

GENERAL COMMENTS: This ordinance amendment will allow outdoor displays of merchandise as a permitted use in the (C-3) Central Business District, subject to the regulations provided by the proposed outdoor merchandising ordinance currently proposed to the City Council.

**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 Brown County Commission on the 24th day of January, 2011, beginning at 5:30 p.m. in the City Council Chambers, 123 South Lincoln Street, to consider the Petition filed by Laurel Sharp, to amend Ordinance No. 1164 to rezone the following described property from its present zoning designation of Section 701 (A-1) Agricultural District to Section 714 (M-Ag) Mini-Agricultural District, said property being described as follows:

Proposed Lot 1, Laurel Sharp Addition in the NE ¼ of Section 22, T123N, R63W of the 5th P.M., Brown County, South Dakota

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 and commission may adopt first reading of Ordinance #11-01-01 (394) granting Petition to Amend Ordinance No. 1164 and granting the Petition to Rezone said property. Dated this 3rd day of January, 2011.

ATTEST:



Finance Officer



County Auditor

ZONING ORDINANCE AMEND PROCESSING SCHEDULE

PETITION TO REZONE:

DATE FILED: 12/22/2010

_____ (CITY ONLY – IF AREA IS INSIDE CITY LIMITS) FEE - CITY TREASURER - \$180.00 – _____
(ORIGINAL PETITION & MAP FOR FINANCE/AUDITOR AND COPY FOR PLANNING)

x JOINT CITY/COUNTY – IF AREA IS IN 3-MILE LIMIT) FEE - \$330.00 - CITY TREASURER - \$180.00 NA
COUNTY AUDITOR - \$150.00 NA
(ORIGINAL PETITION & MAP FOR FINANCE/AUDITOR AND COPIES FOR COUNTY & PLANNING)

FROM: SECTION 701 (A-1) AGRICULTURAL DISTRICT

TO: SECTION 714 (M-AG) MINI-AGRICULTURAL DISTRICT

DESCRIPTION LOT 1, LAUREL SHARP ADDITION IN THE NE ¼ OF SECTION 22, T123N, R63W OF THE 5TH P.M.,
BROWN COUNTY, SOUTH DAKOTA

ADDRESS/LOCATION: 13343 392ND AVENUE

PETITIONER(S): LAUREL SHARP

CITY: _____ JOINT: x PLAN COMMISSION - HEARING DATE: 01/18/2011 7:00 P.M.
AT BROWN COUNTY COURTHOUSE ANNEX

PLANNING BOARD - NOTICE PUBLISHED: 01/07/2011 (1X AT LEAST 10 DAYS BEFORE HEARING)

ORDINANCE NO: 11-01-01 (394)

COUNCIL/COMMISSION MEET - AT CITY/COUNTY JOINT MEETING 01/03/2011 _____ 5:30 P.M. AT CITY

AND SET HEARING DATE OF: 01/24/2011 5:30 P.M. AT CITY CHAMBERS

NOTICE PUBLISHED: 01/06/2011, 01/13/2011, 01/20/2011 (3 x – COORDINATE W/COUNTY IF JOINT)

DATE OF HEARING/FIRST READING: 01/24/2011, 5:30 P.M. AT CITY

DATE OF SECOND READING: 01/31/2011, 5:30 P.M. (AT CITY)
AND FINAL ADOPTION

DATE OF PUBLICATION: 02/09/2011 - 1X AFTER ADOPTION (COORDINATE W/COUNTY IF JOINT)

EFFECTIVE DATE: 02/29/2011 (20 DAYS FOLLOWING PUBLICATION)

REZONING PETITION (Three Mile Jurisdiction)

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

Petition No:	
Date:	12/22/10
Receipt No:	373226
Filing Fee: City:	180
County:	150
(non-refundable)	
Ord/Res No:	11-01-01 (394)

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):

Proposed Lot 1, Laurel Sharp Addition, NE 1/4, Sect. 22 - T123N-R63W
of the 5th P.M., Brown County, South Dakota

General Area Location or Street Address: 13343 392nd Ave.

From the A-1 Section 701 Agricultural District

To the M-Ag Section 714 Mini-Agricultural District

Purpose: Platting existing home site less than 40 acres.

Size of Parcel: 1.465 acres

Existing Land Use: Residence

Petitioner (Print): Laurel A. Sharp

Signature: [Signature] Heather

Date: 22 Dec 2010 Phone: 225-0100

Address: PO Box 757

Aberdeen SD 57402-0757
City State Zip

Owner (Print): Laurel Sharp

If different than above.

Signature: _____

Date: _____ Phone: _____

Address: 13343 392nd Ave

Aberdeen SD 57401
City State Zip

FOR DEPOSIT ONLY
ANY ABERDEEN, S.D. BANK
ALL PRIOR ENDORSEMENTS GUARANTEED
CITY OF ABERDEEN
FINANCE OFFICER

PAID	
DEC 22 2010	
Checked by:	<u>[Signature]</u>
Given Sign:	<u>[Signature]</u>
CITY FINANCE OFFICE ABERDEEN, SOUTH DAKOTA	
PC Meeting:	<u>1/18/11</u>
1st Reading:	<u>1/24/11</u>
2nd Reading/Final Adoption:	<u>1/27/11</u>

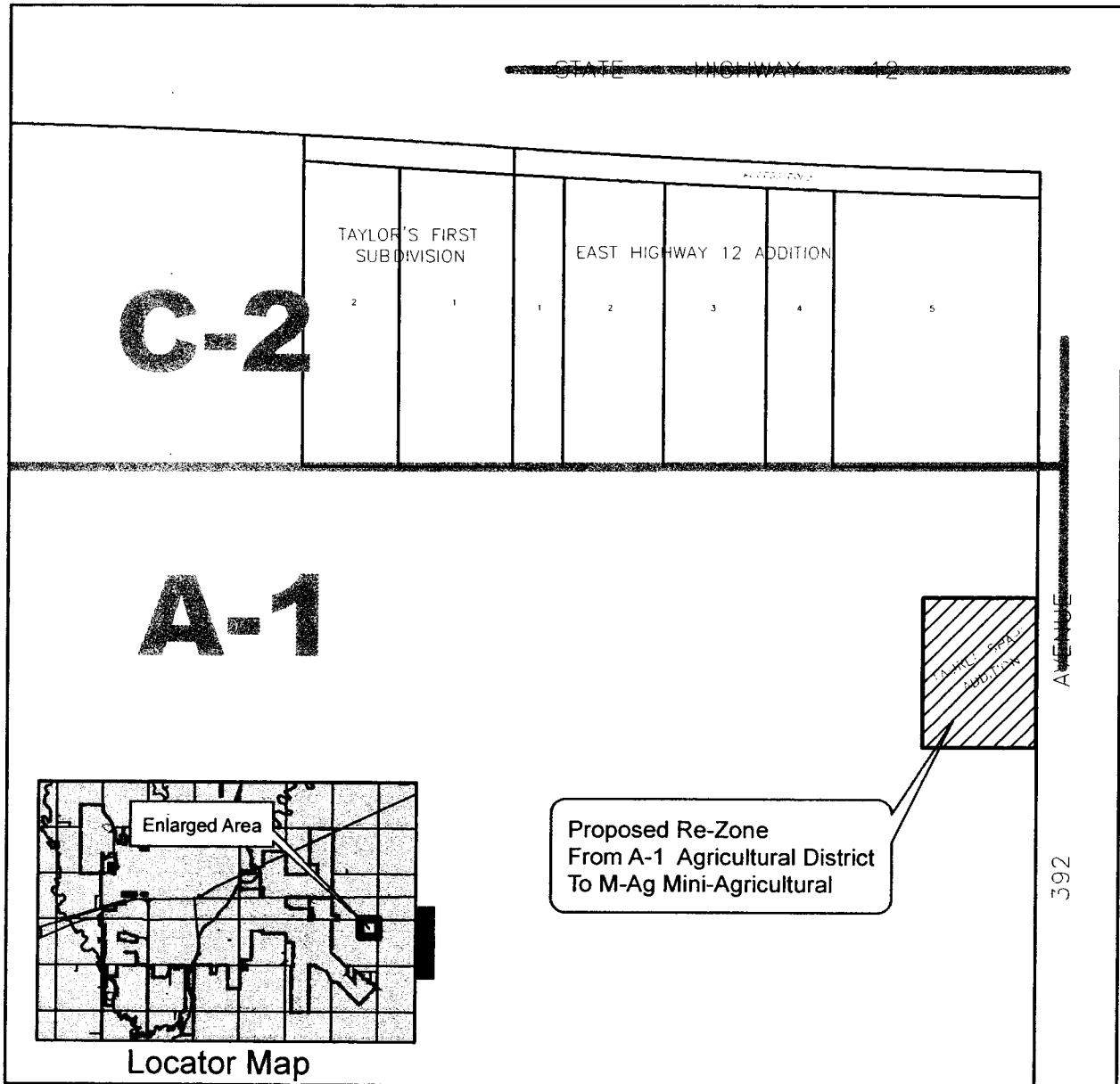
(Additional Signatures may be submitted on a separate page)

Proposed Re-Zone

Address / Legal Description : 13343 392nd Ave / Proposed Lot 1, Laurel Sharp Addition in the NE1/4 Sec. 22 T123N R63W

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 11-01-01 (394)
Address boundaries and legal descriptions were obtained from the assessor's office of Brown county, South Dakota
Not a Legal Document