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**AGENDA, JOINT CITY COUNCIL/COUNTY COMMISSION MEETING  
MONDAY, APRIL 25, 2011, 5:30 P.M.  
CITY COUNCIL CHAMBERS, 123 SOUTH LINCOLN STREET, 3<sup>RD</sup> FLOOR**

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1. ROLL CALL
2. ORDINANCE NO. 11-04-01 (395) – ORDINANCE AMENDING ORDINANCE NO. 1164 TO REZONE CERTAIN DESCRIBED PROPERTY FROM SECTION 701 (A-1) TO SECTION 714 (M-AG)  
LOT 1, HINZ SUBDIVISION IN THE NE ¼ OF SECTION 7, T122N, R63W OF THE 5<sup>TH</sup> P.M.  
BROWN COUNTY, SOUTH DAKOTA  
POSSIBLE FIRST READING OF ORDINANCE NO. 11-04-01

**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:	April 25, 2011
Agenda Section		Originating Dept:	
Resolution			
Ordinance		Prepared by:	
No. of Attachments	4	Presented by:	Brett Bill, Planning/Zoning Director/Building Official

Item: Ordinance No. 11-04-01 (395) amending Ordinance No. 1164 to Rezone from Section 701 (A-1) Agricultural District to Section 714 (M-Ag) Mini-Agricultural District property described as Lot 1, Hinz Subdivision in the NE ¼ of Section 7, T122N, R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota (38895 137<sup>th</sup> Street)

City Manager's Proposed Action:

Motion by \_\_\_\_\_, Seconded by \_\_\_\_\_ to approve first reading of the proposed Ordinance No. 11-04-01 to rezone.

Overview:

The petitioner is requesting this petition to rezone in order to bring the property into compliance in order to replat the property and obtain construction permits.

Issues/Alternatives to Consider:

None

Budgetary/Fiscal Issues:

None

Attachments:

- Ordinance
- Staff Report
- Petition to Rezone
- Rezone Map

ORDINANCE NO. 11-04-01  
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 Tom Hinz 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 714 (M-Ag) Mini-Agricultural District said property being described as follows:

Lot 1, Hinz Subdivision in the NE ¼ of Section 7, T122N, R63W of the 5<sup>th</sup> 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 April 7, 14, and 21, 2011

Passed First Reading \_\_\_\_\_

Passed Second Reading \_\_\_\_\_

Adopted \_\_\_\_\_

Published \_\_\_\_\_

Effective Date \_\_\_\_\_

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Finance Officer

STAFF REPORT  
April 19, 2011

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**PETITION TO REZONE FROM A-1 TO M-AG**

**ITEM 3**

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GENERAL INFORMATION

PETITIONER	Thomas & Joyce Hinz
REQUEST	<b>Petition to Rezone from A-1 to M-Ag</b>
LEGAL DESCRIPTION	Lot 1, Hinz Subdivision in the NE¼ of Sect. 7-T122N-R63W of the 5 <sup>th</sup> P.M., Brown County, South Dakota.
LOCATION	38895 137 <sup>th</sup> St.
EXISTING ZONING	Agricultural District
SURROUNDING ZONING	
North:	Agricultural District
South:	Agricultural District
East:	Agricultural District
West:	Agricultural District
PUBLIC UTILITIES	WEB Water
REPORTED BY	Ken Hubbart

RECOMMENDATION: Staff recommends approval of this Petition to Rezone.

GENERAL COMMENTS: The petitioners are requesting this petition to rezone in order to bring the property into compliance in order to replat the property and obtain construction permits.

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>3/9/11</u>
Receipt No:	<u>389394</u>
Filing Fee: City	<u>180</u> County <u>150</u>
(non-refundable)	<u>11-04-01 (395)</u>
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):

N 208' of E 2100' NE 1/4 7-122-63  
Proposed: Hinz 1st Addition to Brown County

General Area Location or Street Address: 38895 137TH ST, WARNER TWP

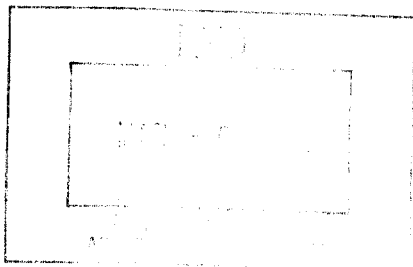
From the A-1 Agricultural District

To the M-Ag Mini-Agricultural District

Purpose: Bring property into compliance in order to construct additions to residence.

Size of Parcel: 208' X 2100' 10 acres

Existing Land Use: Residence/Hobby Farm



Petitioner (Print): Tom Hinz

Signature: Tom Hinz

Date: 3/9/11 Phone: 380-9157

Address: 1101 S High St

ABERDEEN SD 57401  
City State Zip

Checked by:	<u>[Signature]</u>
Given Sign:	<u>[Signature]</u>
Exhibit A:	_____
Site Plan:	_____
PC Meeting:	<u>4/19</u>
1st Reading:	<u>4/29</u>
2nd Reading/Final Adoption:	<u>5/2</u>

Owner (Print): \_\_\_\_\_

*If different than above.*

Signature: \_\_\_\_\_

Date: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ City State Zip

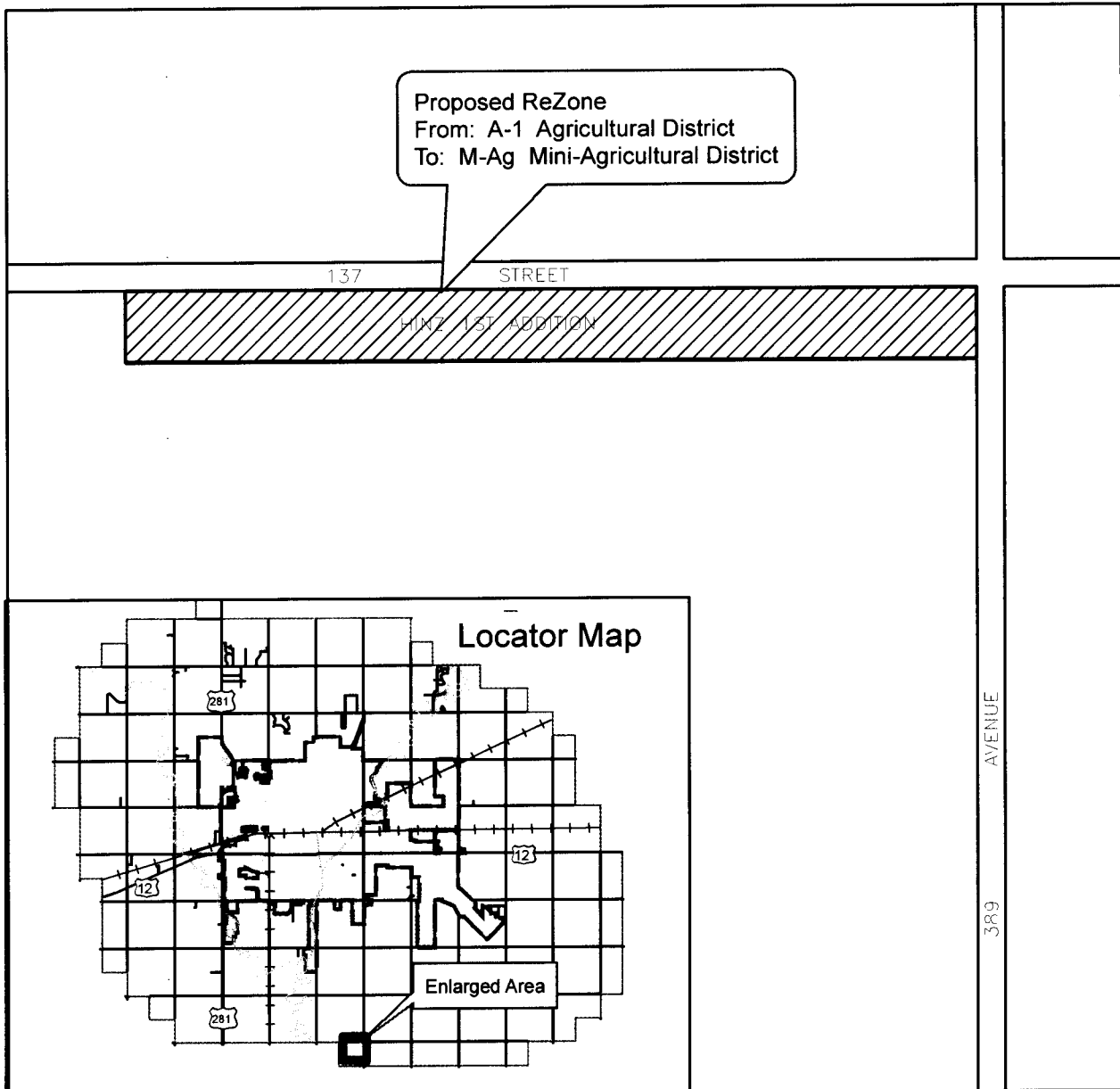
(Additional Signatures may be submitted on a separate page)

# Proposed Re-Zone

Address / Legal Description : 38895 137th St / the north 209 feet of the east 2100 feet of the NE 1/4 of Section 7, T122N 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 11-04-01 (395)  
Address boundaries and legal descriptions were obtained from the assessor's office of Brown county, South Dakota  
Not a Legal Document