
AGENDA, JOINT CITY COUNCIL/COUNTY COMMISSION MEETING
MONDAY, MAY 2, 2011, 5:30 P.M.
CITY COUNCIL CHAMBERS, 123 SOUTH LINCOLN STREET, 3RD FLOOR

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 5TH P.M. BROWN COUNTY, SOUTH DAKOTA
POSSIBLE SECOND READING AND FINAL ADOPTION OF ORDINANCE NO. 11-04-01

3. PETITION TO REZONE
 - A. REZONE FROM SECTION 701 (A-1) TO SECTION 707 (C-2) PROPERTY DESCRIBED AS THE PROPOSED LOT 1, BEADLE SUBDIVISION IN THE NW ¼ OF SECTION 26, T124N, R64W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA AND YEOMAN'S OUTLOTS 2 AND 3 AND S. 700' OF 50' EAST OF OUTLOTS 2 AND 3 IN THE NE ¼ OF SECTION 27, T124N, R64W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA.
SET JOINT HEARING DATE OF MAY 23, 2011 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:	April 25, 2011 May 2, 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 5th P.M., Brown County, South Dakota (38895 137th Street)

City Manager's Proposed Action:

Motion by _____, ^{second} 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 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 April 7, 14, and 21, 2011

Passed First Reading April 25, 2011

Passed Second Reading _____

Adopted _____

Published _____

Effective Date _____

Mayor

ATTEST:

Finance Officer

STAFF REPORT
April 19, 2011

PETITION TO REZONE FROM A-1 TO M-AG

ITEM 3

GENERAL INFORMATION

PETITIONER	Thomas & Joyce Hinz
REQUEST	Petition to Rezone from A-1 to M-Ag
LEGAL DESCRIPTION	Lot 1, Hinz Subdivision in the NE¼ of Sect. 7-T122N-R63W of the 5 th P.M., Brown County, South Dakota.
LOCATION	38895 137 th 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)	
Ord/Res No:	<u>11-04-01 (395)</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):

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

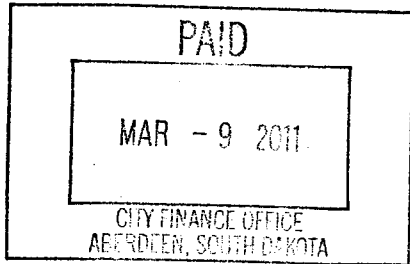
From the A-1 Agricultural District

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:	<input checked="" type="checkbox"/>
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

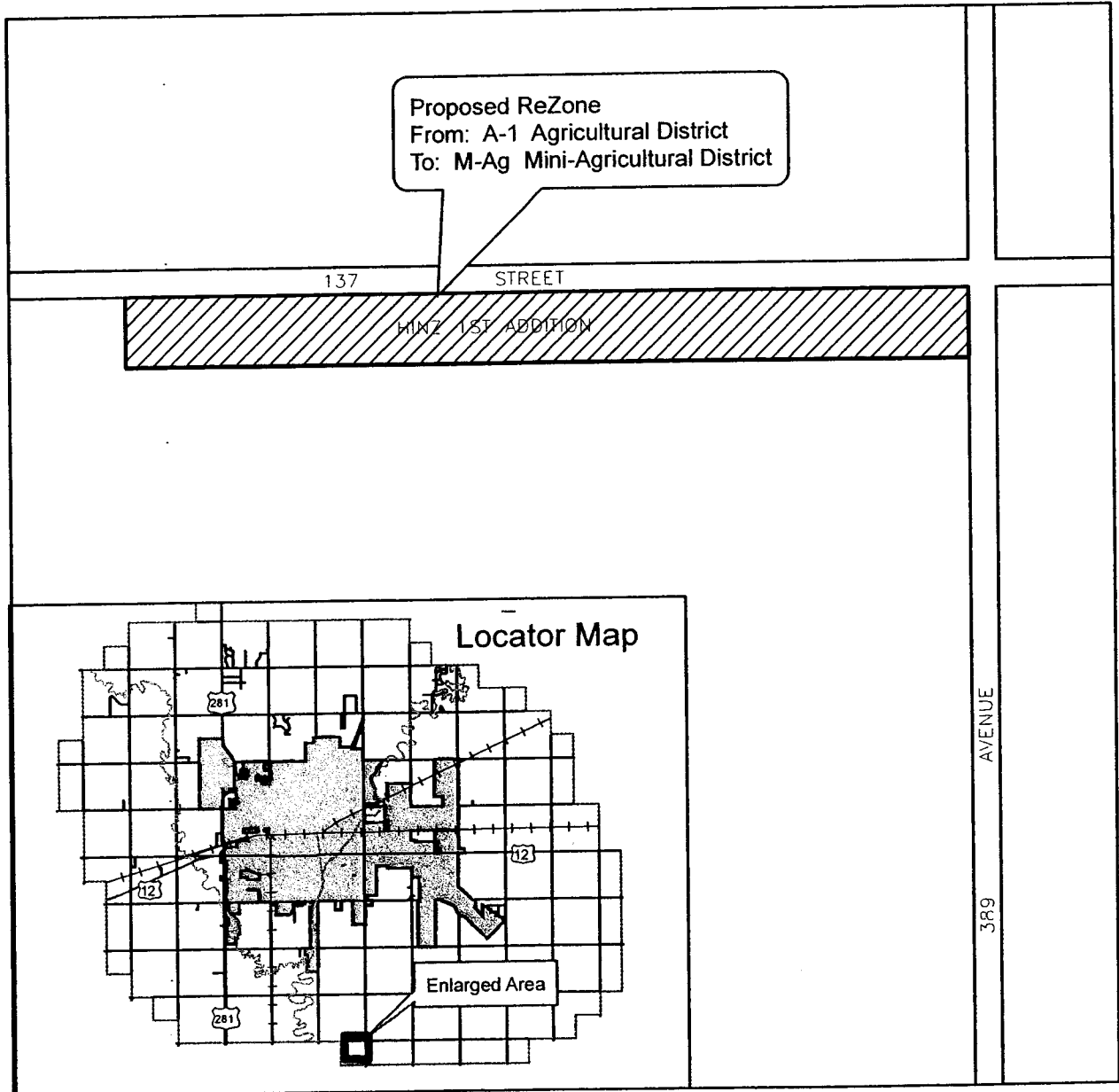
(Additional Signatures may be submitted on a separate page)

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

**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 23rd day of May, 2011, beginning at 5:30 p.m. in the City Council Chambers, 123 South Lincoln Street, to consider the Petition filed by Michael Beadle, 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 707 (C-2) Highway Commercial District, said property being described as follows:

Proposed Lot 1, Beadle Subdivision in the NW $\frac{1}{4}$ of Section 26, T124N, R64W of the 5th P.M., Brown County, South Dakota and Yeoman's Outlots 2 and 3 and S. 700' of 50' East of Outlots 2 and 3 in the NE $\frac{1}{4}$ of Section 27, T124N, R64W 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 #11-05-3 (396) granting Petition to Amend Ordinance No. 1164 and granting the Petition to Rezone said property. Dated this 2nd day of May, 2011.

ATTEST:


Karl Alberts, Finance Officer;


Maxine Fischer, 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>4/22/11</u>
Receipt No:	<u>400145</u>
Filing Fee: City	<u>180</u> County <u>450</u>
(non-refundable)	
Ord/Res No:	<u>110503 (396)</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 Lot 1, Beadle Subdivision in the NW 1/4 of Sect. 26 -
T124N-R64W of the 5th P.M., Brown County, South Dakota and Yeoman's
Outlots 2-3 & S. 700' of 50' East of Outlots 2 & 3, NE 27-124-64

General Area Location or Street Address: 12849 386th Ave & property across Hwy
281 to the East.

From the A-1 Agricultural Sec 701 District

To the C-2 Highway Commercial Sec 707 District

Purpose: Bring property into compliance ~~to meet~~ with current use.

Size of Parcel: Approx. 2 acres.

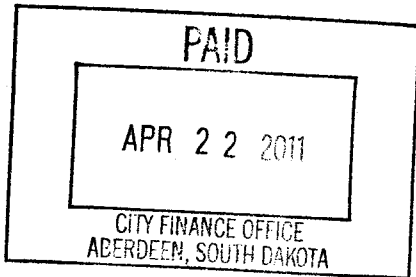
Existing Land Use: Vacant & Beadle's Nursery

Petitioner (Print): Michael Beadle

Signature: [Signature]

Date: 4-22-11 Phone: 380-1700

Address: 12850 386th Ave.
Aberdeen SD 57401
City State Zip



Checked by:	<u>Ku</u>
Given Sign:	<input checked="" type="checkbox"/>
Exhibit A:	_____
Site Plan:	_____
PC Meeting:	<u>5/17</u>
1st Reading:	_____
2nd Reading/Final Adoption:	_____

Owner (Print): _____

If different than above.

Signature: _____

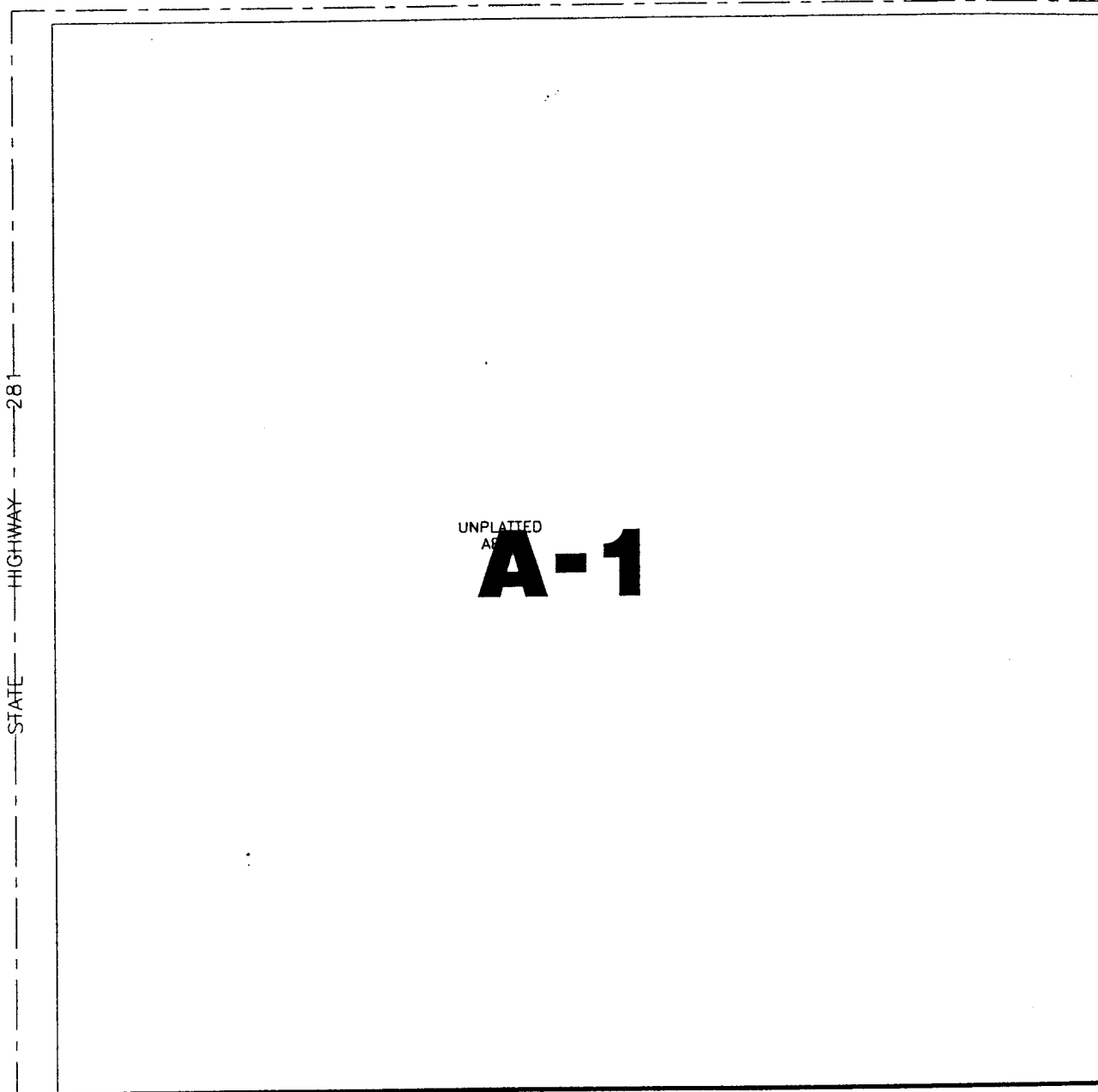
Date: _____ Phone: _____

Address: _____

City State Zip

(Additional Signatures may be submitted on a separate page)

INDEX			OFFICIAL ZONING MAP FOR THE CITY OF ABERDEEN, SOUTH DAKOTA	QUARTER	SECTION	TOWNSHIP	RANGE	SCALE	SHEET - 178	
318	319	320		NW	26	124	64	1"=400'		
179	178	177	BASE MAP REVISED: MAR- 4-1997. BY LOREN K. FUHRMANN				ZONING DISTRICTS REVISED: MAR- 4-1997. BY LOREN K. FUHRMANN			
162	163	164	APPROVED BY BRETT E. BILL, CITY PLANNING/ZONING OFFICIAL: _____							



This is to certify that this is the "OFFICIAL ZONING MAP FOR THE CITY OF ABERDEEN, SOUTH DAKOTA", in the NW 1/4 of Sec. 26, T124N-R64W, as referred to in Section 404 of Ordinance 1164, as amended

and amended by Ordinance Number _____

Dated

Timothy G. Rich
Mayor of Aberdeen, SD

Attested by Robert D. Porter Jr.
Finance Officer of Aberdeen, SD

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Dated

Tom Fischbach
Chairman of the Brown County Commission, SD

Attested by Maxine Taylor
County Auditor of Brown County, SD
04/28/2011

INDEX			OFFICIAL ZONING MAP FOR THE CITY OF ABERDEEN, SOUTH DAKOTA			QUARTER	SECTION	TOWNSHIP	RANGE	SCALE	SHEET - 179	
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161	162	163	APPROVED BY CITY PLANNING/ZONING OFFICIAL: _____									

