
AGENDA, JOINT CITY COUNCIL/COUNTY COMMISSION MEETING
MONDAY, MARCH 5, 2012, 5:30 P.M.
CITY COUNCIL CHAMBERS, 3RD FLOOR, MUNICIPAL BUILDING, 123 SOUTH LINCOLN STREET

1. ROLL CALL

2. ORDINANCE NO. 12-01-02 (402) – ORDINANCE AMENDING ORDINANCE NO. 1164 TO REZONE CERTAIN DESCRIBED PROPERTY FROM SECTION 704 (R-2) TO SECTION 714 (M-AG) LOTS 18, 20, AND 22, DOK-B SUBDIVISION AND LOTS 13A AND 19A DOK-B SECOND SUBDIVISION IN THE SE ¼ OF SECTION 22, T123N, R64W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA
POSSIBLE SECOND READING AS AMENDED AND FINAL ADOPTION OF ORDINANCE NO. 12-01-02

3. PETITION TO REZONE – FROM SECTION 701 (A-1) TO SECTION 714 (M-AG) PROPERTY DESCRIBED AS THE PROPOSED OUTLOTS 1 AND 4, LUKE'S FARM OUTLOTS IN THE N ½ OF SECTION 13, T123N, R63W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA
SET JOINT HEARING DATE OF MARCH 26, 2012 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:	February 27, 2012 March 5, 2012
Agenda Section	New Business Joint City/County Meeting	Originating Dept:	Planning and Zoning
Resolution	NA		
Ordinance	12-01-02 (402)	Prepared by:	John Stoll - Planner
No. of Attachments	7	Presented by:	Brett Bill Planning and Zoning Director/Building Official

Item:

Rezoning: R-2 (Medium Density Residential District) to M-Ag (Mini-Agricultural District) 1504, 1605 and 1705 Boschee Drive; 1228 U.S. Highway #281; 2120 134th Street – Robert King, Kevin Boschee, Diana Daley, and David Osborn.

City Manager's Proposed Action:

Motion by _____, Second by _____ to approve first/second reading of the proposed petition to rezone. – City Council As Amended - Legal Should Be Lots 18, 20, And 22, DOK-B Subdivision And Lots 13A and 19A, DOK-B Second Subdivision not Lots 13A, 18, 19A, 20, AND 22, DOK-B Subdivision.
 Motion by _____, Second by _____ to approve first/second reading of the proposed petition to rezone. – County Commission As Amended.

Overview:

The petitioners are requesting this rezoning with the intention of bringing the lots into compliance with their current land use. This rezoning was stipulated by the Aberdeen Board of Zoning Adjustment in order to permit one of the petitioners to construct an accessory structure on a lot without a primary structure. The accessory structure in question would serve the present agricultural use of the property.

Primary/Issues/Alternatives to Consider:

None.

Budgetary/Fiscal Issues:

None.

Attachments:

- Staff Report
- Petitions to Rezone
- Map of proposed Rezone
- Ordinance

ORDINANCE NO. 12-01-02
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 Robert L. King, David Osborn, Diana Daly, and Kelvin Boschee 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 704 (R-2) Medium Density Residential District to Section 714 (M-AG) Mini-Agricultural District, said property being described as follows:

Lots 18, 20, and 22, DOK-B Subdivision and Lots 13A and 19A, DOK-B Second Subdivision in the SE 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 January 6, 12, and 19, 2012

Passed First Reading February 27, 2012

Passed Second Reading _____

Adopted _____

Published _____

Effective Date _____

Mayor

ATTEST:

Finance Officer

STAFF REPORT
February 21, 2012

PETITION TO REZONE

GENERAL INFORMATION

PETITIONER Robert L. King, Kevin Boschee, Diana Daley, David Osborn

REQUEST **Petition to Rezone**

LEGAL DESCRIPTION Lots 18, 20, 22 DOK-B Subdivision, and Lot 13A, and 19A DOK-B Second Subdivision in the SE ¼ of Section 22, Township 123 N, Range 64 West

LOCATION 1504, 1605, 1705 Boschee Dr; 1228 US Highway 281; and 2120 134th St.

EXISTING ZONING Medium Density Residential District

SURROUNDING ZONING

North: Medium Density Residential District
South: Medium Density Residential District
East: Medium Density Residential District
West: Mini-Agricultural District

PUBLIC UTILITIES WEB Water

REPORTED BY John Stoll

RECOMMENDATION: Staff recommends approval of this petition to Rezone.

GENERAL COMMENTS: The petitioners are requesting this petition to rezone in order to bring the lots into compliance with their current use. This was stipulated by the Board of Zoning Adjustment to allow the petitioner to construct an accessory structure with no primary structure on the lot. The accessory structure in question would serve the present agricultural use of the property.

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:	_____
Receipt No:	_____
Filing Fee: City	<u>#180</u> County <u>4/50</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):

Dk-B Subdivision SE Quarter Section 22 Township 123
Range 64 Lot 22

General Area Location or Street Address: 1228- US Highway 281

From the Medium Density Residential District

To the Mini-Ag District

Purpose: Zone Property to Current Use

Size of Parcel: 43.37 Acres

Existing Land Use: Ag

Petitioner (Print): Robert L King

Signature: Robert L King

Date: 12/20/11 Phone: 226-1932

Address: 821- 12th Ave. SE
Aberdeen SD 57401
City State Zip

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

Owner (Print): David Johnson

Signature: David Johnson If different than above.

Date: 12/20/11 Phone: 226-3504

Address: 803- NE 17th Ave.
Aberdeen SD 57401
City State Zip

(Additional Signatures may be submitted on a separate page)

REZONING PETITION (Three Mile Jurisdiction)

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

Petition No:	_____
Date:	_____
Receipt No:	_____
Filing Fee: City	<u>180</u> County <u>450</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):

DOK-B 2nd Subdivision SE Quarter Section 22 Township 123
Range 64 Lot 13A

General Area Location or Street Address: 2120-134th Street

From the Medium Density Residential District

To the Min.-Ag District

Purpose: Zone Property to Current Use

Size of Parcel: 14.22 Acres

Existing Land Use: Ag

Petitioner (Print): Robert L. King

Signature: R. L. King

Date: 12/20/11 Phone: 226-1902

Address: 821-12th Ave. SE

Aberdeen SD 57401
City State Zip

Checked by:	_____
Given Sign:	_____
Exhibit A:	<u>DCS</u>
Site Plan:	_____
PC Meeting:	_____
1st Reading:	_____
2nd Reading/Final Adoption:	_____

Owner (Print): DIANA DALY

Signature: Diana Daly
If different than above.

Date: 12/20/11 Phone: 626-3333 (work)

Address: 411 - 7th Ave. SE Apt. 1

Aberdeen SD 57401
City State Zip

(Additional Signatures may be submitted on a separate page)

REZONING PETITION (Three Mile Jurisdiction)

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

Petition No:	_____
Date:	12/20/11
Receipt No:	455627
Filing Fee: City	180
County	150
(non-refundable)	
Ord/Res No:	12-01-02 (402)

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):

DCR-B subdivision SE QUARTER SECTION 22 TOWNSHIP 123
RANGE 64 Lots 19A & 20

General Area Location or Street Address: 1605 Sanchez Dr. & 1705 Sanchez Dr.

From the Medium Density Residential District

To the Mini-Ag District

Purpose: Zone property to current use

Size of Parcel: 40.5

Existing Land Use: Ag

Petitioner (Print): Robert L. King

Signature: R. L. King

Date: 12-20-11 Phone: 226-1902

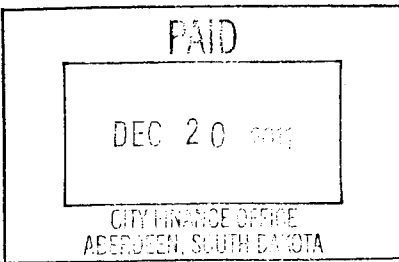
Address: 821 12th AVE. S.E.
Aberdeen S.D. 57401
City State Zip

Owner (Print): _____
If different than above.

Signature: _____

Date: _____ Phone: _____

Address: _____
City State Zip



Checked by:	<u>[Signature]</u>
Given Sign:	<u>[Signature]</u>
Exhibit A:	<u>DCS</u>
Site Plan:	<u>[Signature]</u>
PC Meeting:	<u>1/17/12</u>
1st Reading:	<u>1/23</u>
2nd Reading/Final Adoption:	<u>1/30</u>

(Additional Signatures may be submitted on a separate page)

REZONING PETITION (Three Mile Jurisdiction)

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

Petition No:	_____
Date:	_____
Receipt No:	_____
Filing Fee: City	#180
County	4/50
(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):

DOK B Subdivision SE Quarter Section 22 Township 123
Range 64 Lot 18

General Area Location or Street Address: 1504 Boschee Drive

From the Medium Density Residential District

To the Mini Ag District

Purpose: Zone Property to Current use

Size of Parcel: 12.66 Acres

Existing Land Use: Ag

Petitioner (Print): Robert L. King

Signature: Robt L. King

Date: 12/20/11 Phone: 226-1932

Address: 821- 12th Ave. SE
Aberdeen SD 57401
City State Zip

Checked by:	_____
Given Sign:	_____
Exhibit A:	<u>JDS</u>
Site Plan:	_____
PC Meeting:	_____
1st Reading:	_____
2nd Reading/Final Adoption:	_____

Owner (Print): Melvin Boschee

Signature: [Signature]
If different than above.

Date: 12/20/11 Phone: 626-3333 (work)

Address: 1504 Boschee Drive
Aberdeen SD 57401
City State Zip

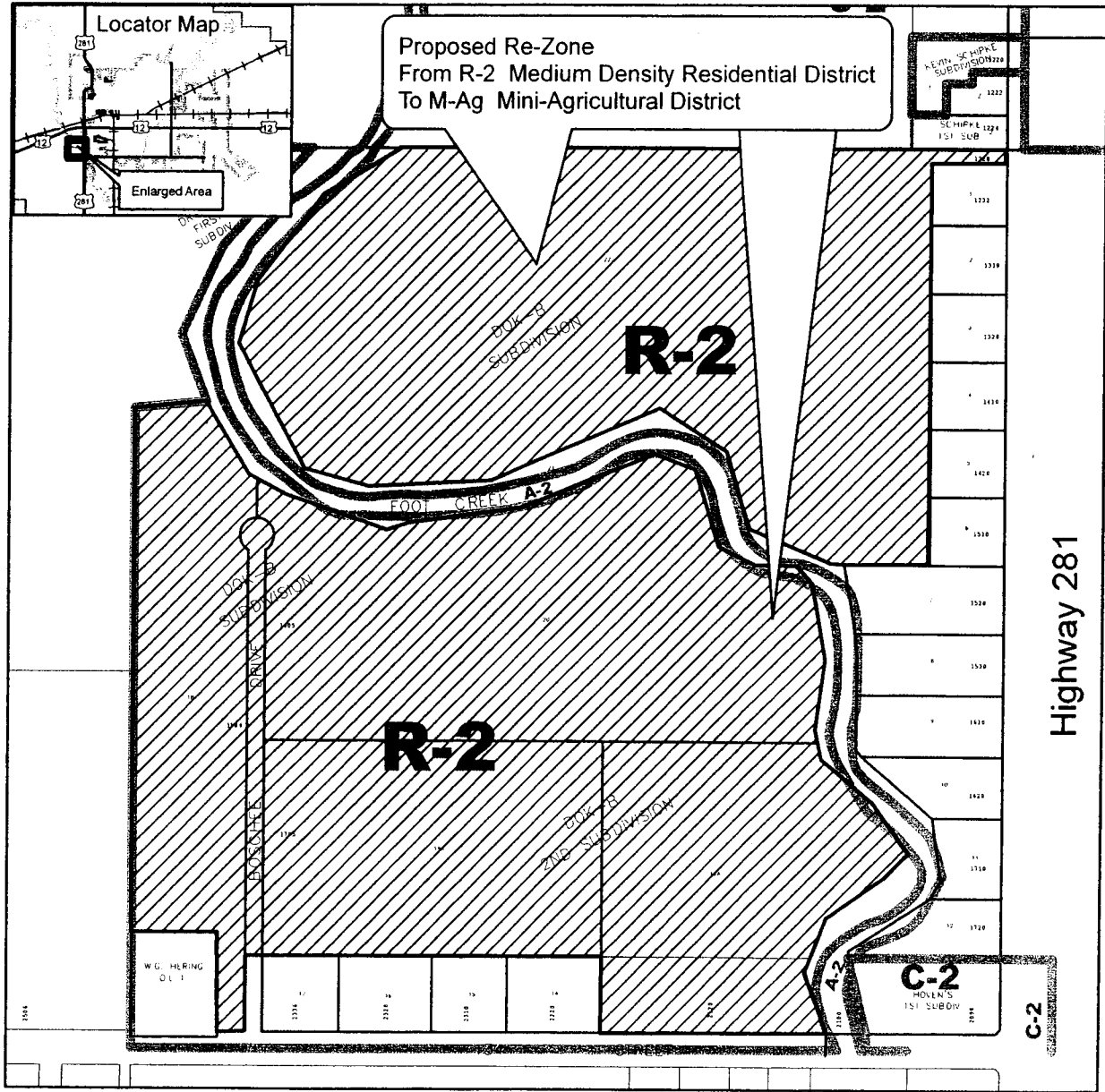
(Additional Signatures may be submitted on a separate page)

Proposed Re-Zone

Address / Legal Description : 1504, 1605 & 1705 Boschee Drive; 2120 134th St; 1228 US Highway 281 / Lots 18, 20, & 22 DOK-B Subdivision, Lots 13A & 19A, DOK-B 2nd Subdivision in the SE 1/4 of Section 22, T123N R64W

Current Zone: R-2 Medium Density Residential District

Proposed Zone: M-Ag Mini-Agricultural District



Prepared By: Dwayne Schueller, GIS/Planning Technician, City of Aberdeen File: Re-Zone 12-01-02 (402)
 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 26th day of March, 2012, beginning at 5:30 p.m. in the City Council Chambers, 123 South Lincoln Street, to consider the Petition filed by Lois Pletten 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 Outlots 1 and 4, Luke's Farm Outlots in the N ½ of Section 13, 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 #12-03-01 (405) granting Petition to Amend Ordinance No. 1164 and granting the Petition to Rezone said property. Dated this 5th day of March, 2012.

ATTEST:



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>2/24/12</u>
Receipt No:	_____
Filing Fee: City	<u>180</u> County <u>150</u>
(non-refundable)	
Ord/Res No:	<u>12-03-01 (405)</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 Outlots 1 + 4, Luke's Farm Outlots in the NW
of Sect. 13-T123N-R63W of the 3rd P.M., Brown County, South
Dakota.

General Area Location or Street Address: 13234 393rd Ave, Bath, SD 57427

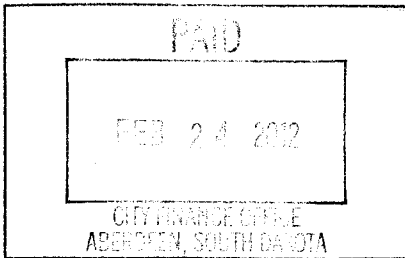
From the (A-1) Agricultural Sec. 701 District

To the (M-Ag) Mini-Agricultural Sec. 714 District

Purpose: Bring property into compliance in order to plat outlots.

Size of Parcel: 1.30 acres and 4.46 acres

Existing Land Use: Ag and Residence



Checked by:	<u>Ken</u>
Given Sign:	<input checked="" type="checkbox"/>
Exhibit A:	_____
Site Plan:	_____
PC Meeting:	<u>March 20, 2012</u>
1st Reading:	<u>3/26</u>
2nd Reading/Final Adoption:	<u>4/2</u>

Petitioner (Print): _____

Signature: _____

Date: _____ Phone: _____

Address: _____

City State Zip

Owner (Print): Lois Pletten

If different than above.

Signature: Lois Pletten

Date: 2-24-12 Phone: 216-0383

Address: 13234 393rd Ave

Bath SD 57427
City State Zip

(Additional Signatures may be submitted on a separate page)

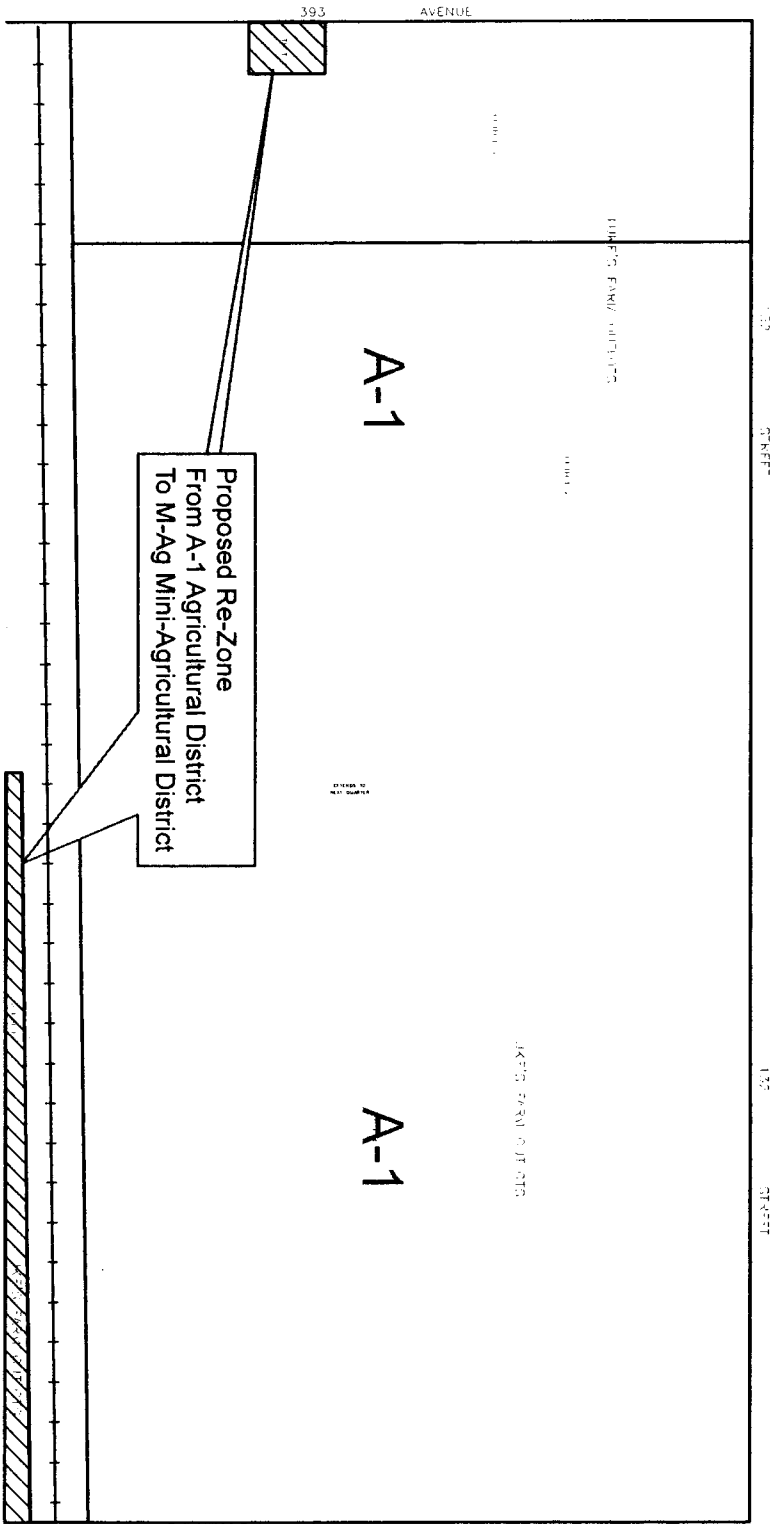
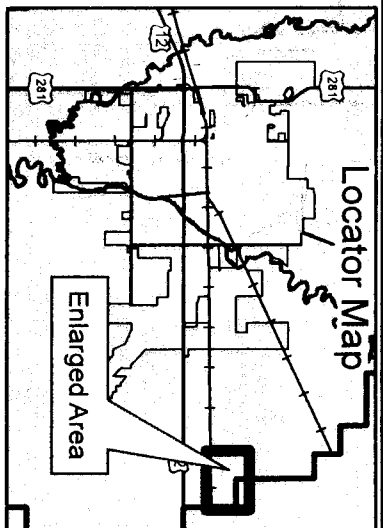
Proposed Re-Zone

Address / Legal Description : 13234 393rd Ave Bath, SD 57427 / Proposed Outlots 1 & 4,

Lutke's Farm Outlots in the N 1/2 Section 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 12-03-01 (405)
 Address boundaries and legal descriptions were obtained from the assessor's office of Brown county, South Dakota

Not a Legal Document