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**AGENDA, JOINT CITY COUNCIL/COUNTY COMMISSION MEETING**  
**MONDAY, APRIL 2, 2012, 5:30 P.M.**  
**CITY COUNCIL CHAMBERS, 3<sup>RD</sup> FLOOR, MUNICIPAL BUILDING, 123 SOUTH LINCOLN STREET**

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1. ROLL CALL
  
2. ORDINANCE NO. 12-03-01(405) – ORDINANCE AMENDING ORDINANCE NO. 1164 TO REZONE CERTAIN DESCRIBED PROPERTY FROM SECTION 701 (A-1) TO SECTION 714 (M-AG) OUTLOTS 1 AND 4, LUKE'S FARM OUTLOTS IN THE N ½ OF SECTION 13, T123N, R63W OF THE 5<sup>TH</sup> P.M., BROWN COUNTY, SOUTH DAKOTA  
POSSIBLE SECOND READING AND FINAL ADOPTION OF ORDINANCE NO. 12-03-01
  
3. PETITION TO REZONE – FROM SECTION 701 (A-1) TO SECTION 704 (R-2) PROPERTY DESCRIBED AS LOT 6, AUDITOR'S SECOND SUBDIVISION IN THE SE ¼ OF SECTION 27, T123N, R64W OF THE 5<sup>TH</sup> P.M., BROWN COUNTY, SOUTH DAKOTA  
SET JOINT HEARING DATE OF APRIL 23, 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:	March 26, 2012 (Joint) April 2, 2012
Agenda Section	<del>New</del> Business old	Originating Dept:	Planning and Zoning
Resolution	NA		
Ordinance	12-03-01 (405)	Prepared by:	John Stoll, Planner
No. of Attachments	4	Presented by:	Brett Bill Planning and Zoning Director/Building Official

Item:

Rezoning: A-1 (Agricultural District) to M-Ag (Mini-Agricultural District)  
13234 393<sup>rd</sup> Avenue (Directly east of South Dakota Wheat Growers Grebner Terminal.) – Lois Pletton

City Manager's Proposed Action:

Motion by \_\_\_\_\_, Second by \_\_\_\_\_ to approve first/second reading of the proposed petition to rezone.

Overview:

The petitioner is requesting this rezoning with the intention of bringing the zoning into compliance with the proposed lot sizes. A preliminary and final plat for this property was approved by the Joint City/County Planning Commission on March 20, 2012 with the stipulation that proposed Outlots 1 and 4 be rezoned to Mini-Agricultural District. These two lots, within the proposed plat, were less than the required 40 acres, thus they should be rezoned to Mini-Agricultural District in order to bring them into compliance for their size and use. This petition to rezone was approved by the Joint City/County Planning Commission on March 20, 2012.

Primary/Issues/Alternatives to Consider:

None.

Budgetary/Fiscal Issues:

None.

Attachments:

Staff Report  
Petition to Rezone  
Map of proposed Rezone  
Ordinance

ORDINANCE NO. 12-03-01  
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 Lois Pletten 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:

Outlots 1 and 4, Luke's Farm Outlots in the N ½ of Section 13, T123N, 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 March 8, 15, and 22, 2012

Passed First Reading March 26, 2012

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

Adopted \_\_\_\_\_

Published \_\_\_\_\_

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

\_\_\_\_\_  
Mayor

ATTEST:

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

STAFF REPORT  
March 20, 2012

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REZONING A-1 TO M-AG

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GENERAL INFORMATION

PETITIONER Lois J. Pletton

REQUEST **Rezone from Agricultural District to Mini-Agricultural**

LEGAL DESCRIPTION Proposed Outlots 1 and 4, Luke's Farm Outlots in the N ½ of Section 13, T123N, R63W of the 5<sup>th</sup> PM, Brown County, South Dakota

LOCATION 13234 393<sup>rd</sup> Ave., Bath SD

EXISTING ZONING Agricultural District

PROPOSED ZONING Mini-Agricultural District

SURROUNDING ZONING

North: Agricultural District  
South: Agricultural District  
East: Agricultural District  
West: 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 to Mini-Agricultural District in order to comply with minimum lot size requirements. This petition to rezone was submitted in conjunction with a preliminary and final plat.

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>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 5<sup>th</sup> P.M., Brown County, South  
Dakota.

General Area Location or Street Address: 13234 393<sup>rd</sup> Ave, Bath, SD 57427

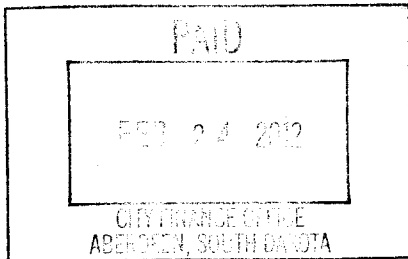
From the (A-1) Agricultural Sec. 701 District

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



Petitioner (Print): \_\_\_\_\_

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

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

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

City State Zip

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>

Owner (Print): Lois Pletten

Signature: Lois Pletten If different than above.

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

Address: 13234 393<sup>rd</sup> Ave

Bath SD 57427  
City State Zip

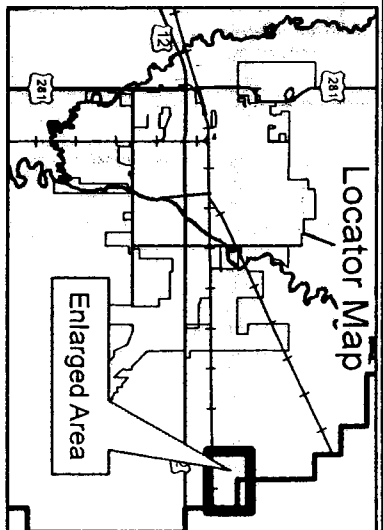
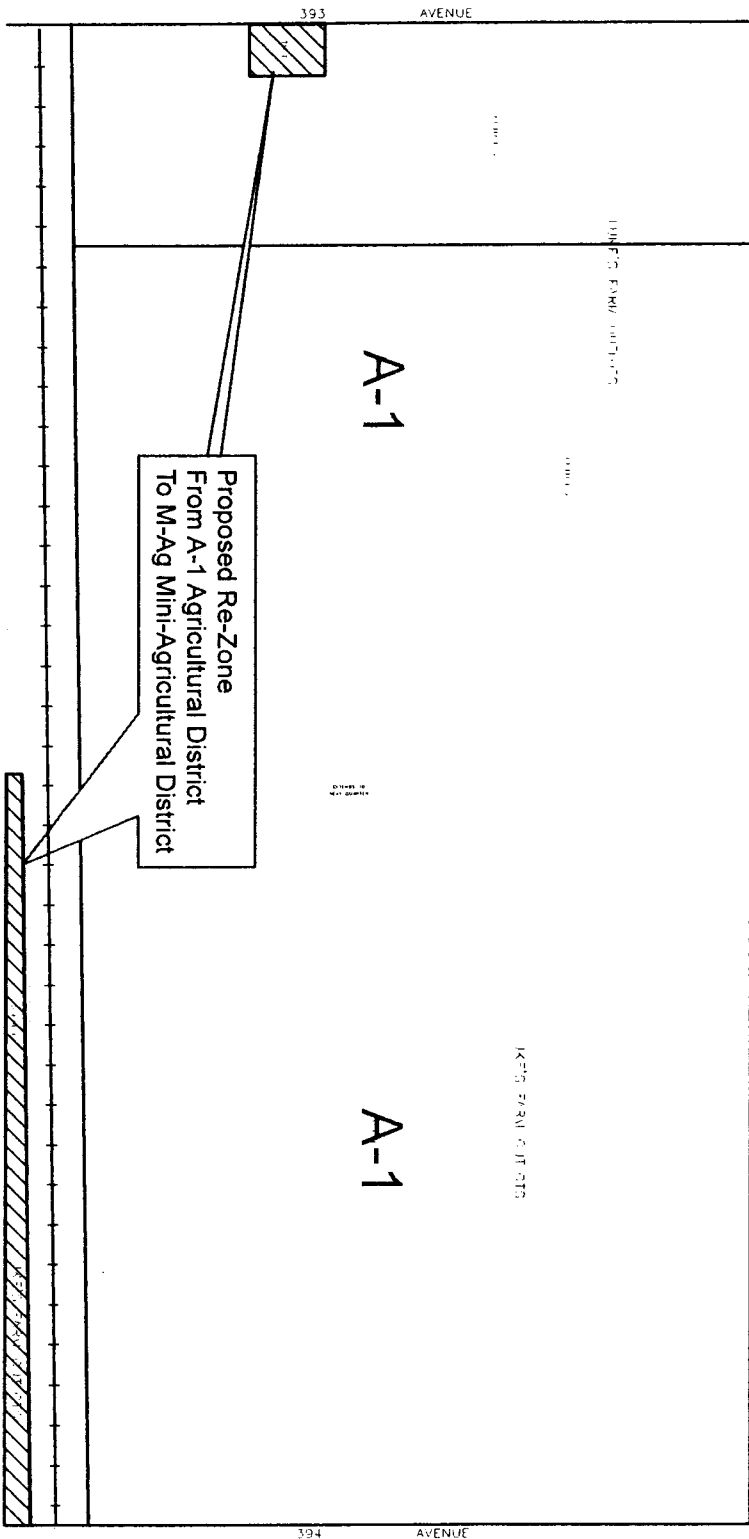
(Additional Signatures may be submitted on a separate page)

# 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

**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 23<sup>rd</sup> day of April, 2012, beginning at 5:30 p.m. in the City Council Chambers, 123 South Lincoln Street, to consider the Petition filed by Chris Byrum 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 704 (R-2) Medium Density Residential District, said property being described as follows

Lot 6, Auditor's Second Subdivision in the SE ¼ of Section 27, T123N, R64W of the 5<sup>th</sup> 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 #12-04-02 (406) granting Petition to Amend Ordinance No. 1164 and granting the Petition to Rezone said property. Dated this 2<sup>nd</sup> day of April, 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>3/21/12</u>
Receipt No:	<u>475843</u>
Filing Fee: City	<u>180</u> County <u>150</u>
(non-refundable)	
Ord/Res No:	<u>12-04-02 (406)</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 6, Auditor's Second Subdivision in the SE 1/4 Sect. 27-T123N-R64

General Area Location or Street Address: 2712 Hwy 281 S.

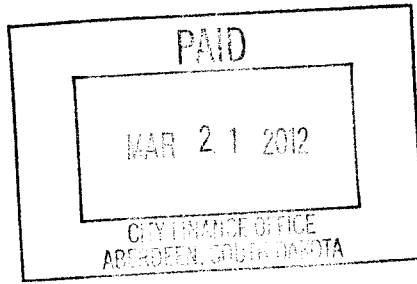
From the A-1 Agricultural Zoning Sec. 701 District

To the R-2 Medium Density Residential Zoning Sec. 104 District

Purpose: Bring property into compliance with existing use to construct accessory building

Size of Parcel: 66' x 300'

Existing Land Use: Residential



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>4/17/12</u>
1st Reading:	<u>4-23-12</u>
2nd Reading/Final Adoption:	<u>4-30-12</u>

Owner (Print): Chris Byrum

Signature: [Signature] *If different than above.*

Date: 3-21-12 Phone: 228-4198

Address: 2712 S. Hwy 281

Aberdeen S.D. 57401

City State Zip

(Additional Signatures may be submitted on a separate page)

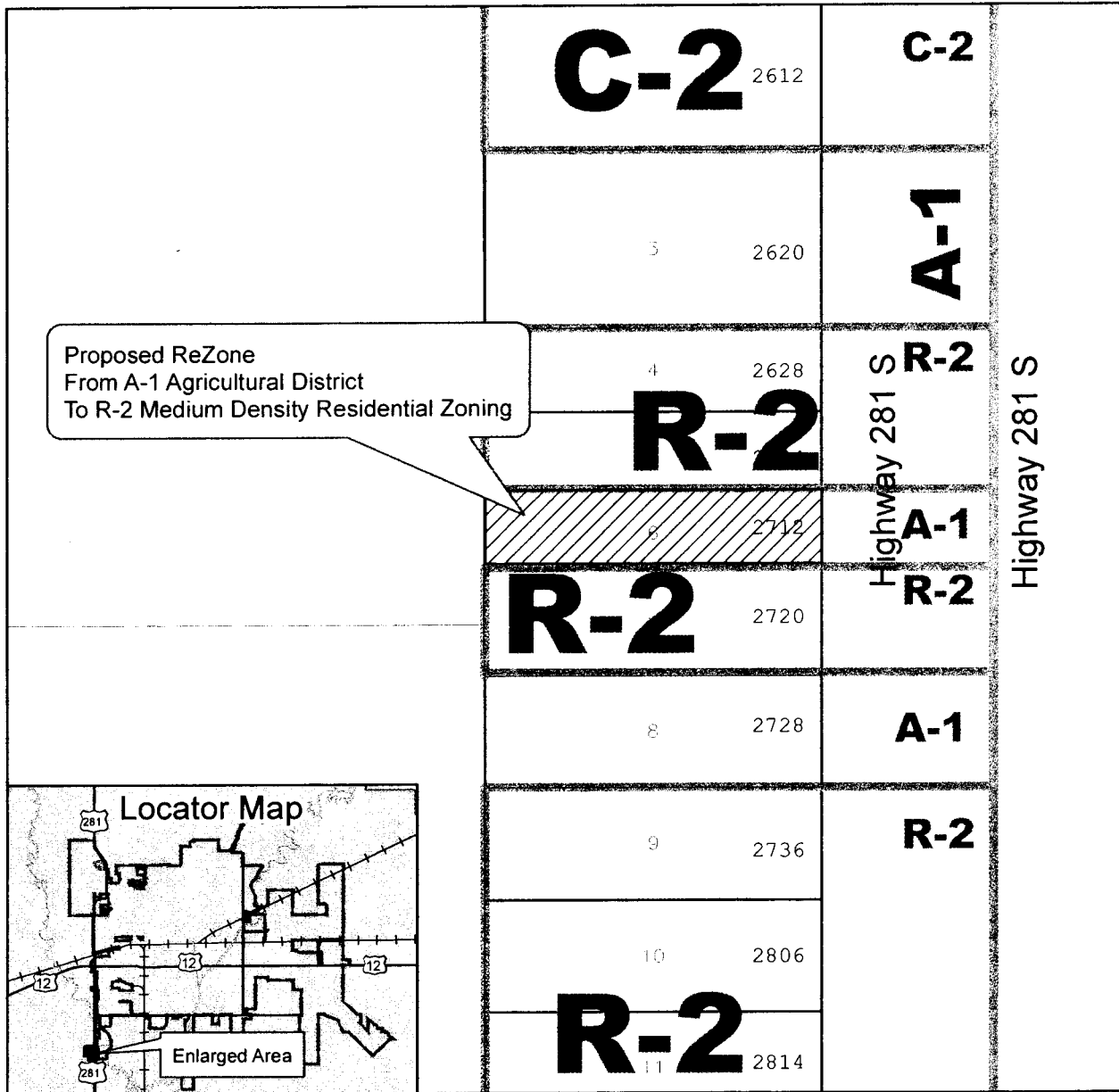


# Proposed Re-Zone

Address / Legal Description : 2712 Hwy 281 S / Lot 6, Auditor's Second Subdivision in the SE 1/4 of Section 27 T123N R64W

Current Zone: A-1 Agricultural District

Proposed Zone: R-2 Medium Density Residential District



Prepared By: Dwayne Schueller, GIS/Planning Technician, City of Aberdeen File: Re-Zone 12-04-02 (406)  
Address boundaries and legal descriptions were obtained from the assessor's office of Brown county, South Dakota  
Not a Legal Document