

1. Agenda

Documents: [01-12-15 AGENDA.PDF](#)

2. Packet

Documents: [01-12-15 PACKET.PDF](#)

PLANNING COMMISSION AGENDA

DATE: Monday, January 12, 2015

TIME: 12:00 NOON

CALL TO ORDER:

ROLL CALL:

APPROVE AGENDA:

MINUTES: Regular Meeting December 8, 2014

NEXT MEETING: January 26, 2015

VARIANCE: Bill Wittstruck for a side-yard on a corner variance of 0' vs 15' as required and an oversize variance of 5,400 square feet vs 2,000 square feet for an addition to an existing accessory building at the 301 Block of E Hackberry, legally described as W 100' of N 158' of Block 9, Weaver's Square Addition, City of Mitchell, Davison County, South Dakota. Zoned R3.

DISCUSSION: Possible Zoning Code Amendments. Please bring zoning code with you.

OTHER BUSINESS:

ADJOURN:

"The City of Mitchell invites all interested parties to give oral or written comments. If special accommodations are required, please notify the Public Works Department at 995-8433 at least 24 hours prior to the scheduled meeting."

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**CITY OF MITCHELL
CITY PLANNING COMMISSION
MINUTES, DECEMBER 8, 2014**

NOT APPROVED

Chairman Larson called to order the December 8, 2014 meeting at 12:00 pm, Council Chambers, City Hall, 612 N. Main St, Mitchell, SD

Members Present: Larson, Everson, Molumby, Fergen, and Griffith

Members Absent: Meyers, Schmucker and Doescher

Others Present: Putnam, London, Laursen, Koch, Overweg, Hegg

Agenda: Motion by Molumby, seconded by Everson to approve the December 8, 2014 agenda as published. All members present voting aye, motion carried.

Minutes: Motion by Griffith, seconded by Fergen to schedule the next meeting for January 12, 2015. All members present voting aye, motion carried.

Conditional Use: Kathy and Jim Metz have made an application for a two-family dwelling at 219 E. 7th Avenue, legally described as Lot 2, Block 7, Rowley's 1st Addition, City of Mitchell, Davison County. The property is zoned R2 Single Family Residential District.

Kathy Metz was available to answer questions.

No one testified in opposition.

The commission reviewed written comments.

Letters to the neighboring property owners were mailed November 26, 2014 and the legal notice was published in the *Mitchell Daily Republic* November 26 & December 3, 2014.

The house is being moved from DWU and moving permit was approved by the council.

Motion by Everson, seconded by Fergen to recommend approval of the conditional use permit to the Board of Adjustment. All members present voting aye, motion carried.

Variance: James and Lori Bertus have made an application to a front yard variance of 13 feet vs. 25 feet as required for construction of a covered porch at 712 S Minnesota, legally described as Lot 13, Block 10, Van Eps 2nd Addition, City of Mitchell, Davison County

The contractor was available to answer questions.

No one testified in opposition of the application.

No written objections were received.

Letters to the neighbors were sent November 26, 2014 and the legal notice was published in the *Mitchell Daily Republic* on November 25, 2014.

Motion by Molumby, seconded by Griffith to recommend approval to the Board of Adjustment of the variance. Members voting aye, Larson, Molumby, Griffith, Fergen, voting no Everson. Motion passed 4 to 1.

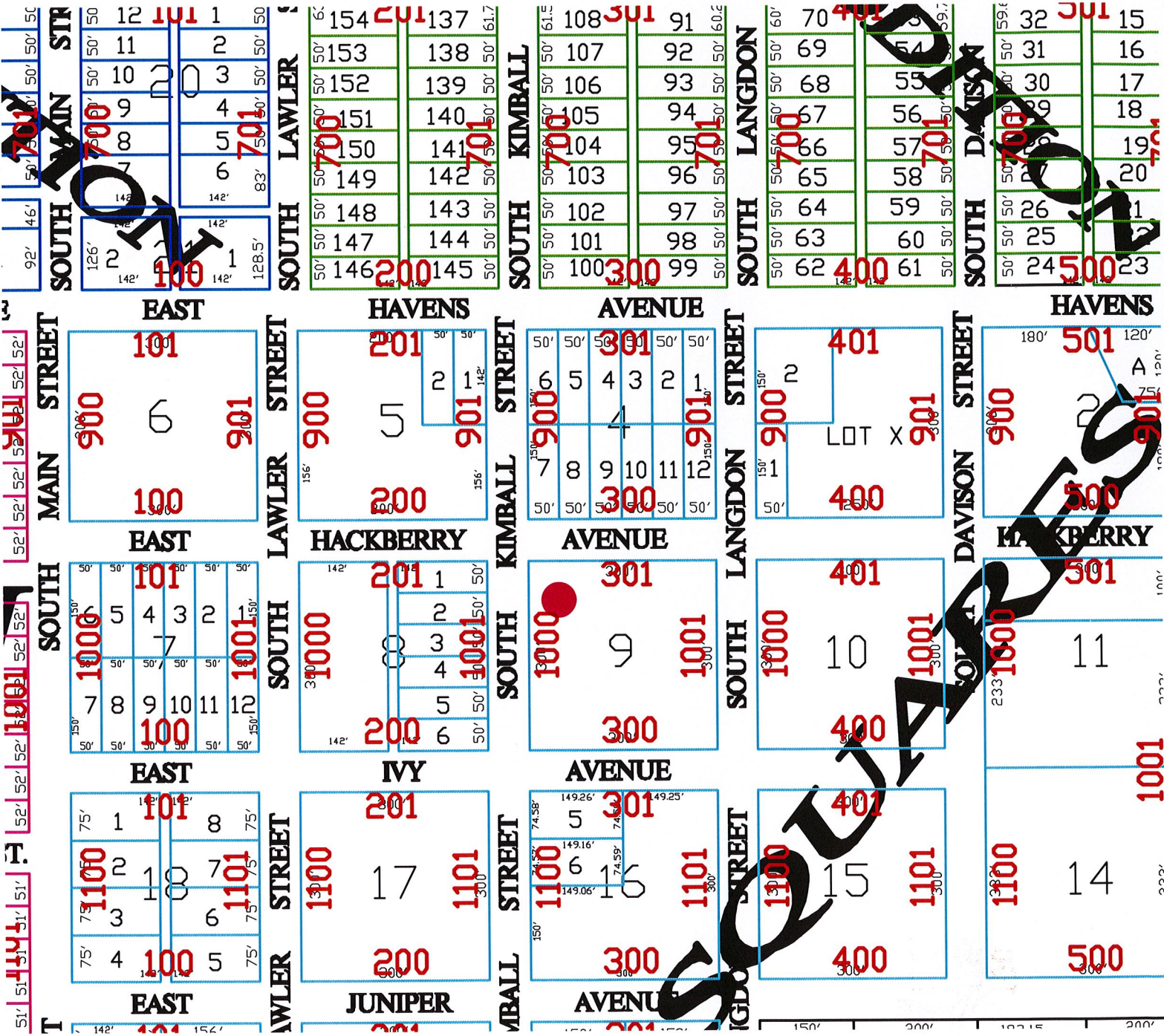
Code Review:

Putnam presented the commission some suggested updates to zoning code. They include definitions, revision to procedure and review of uses within the zoning districts. Putnam will prepare a comprehensive amendment and arrange a public hearing to be held by the planning commission at a later date. No action taken.

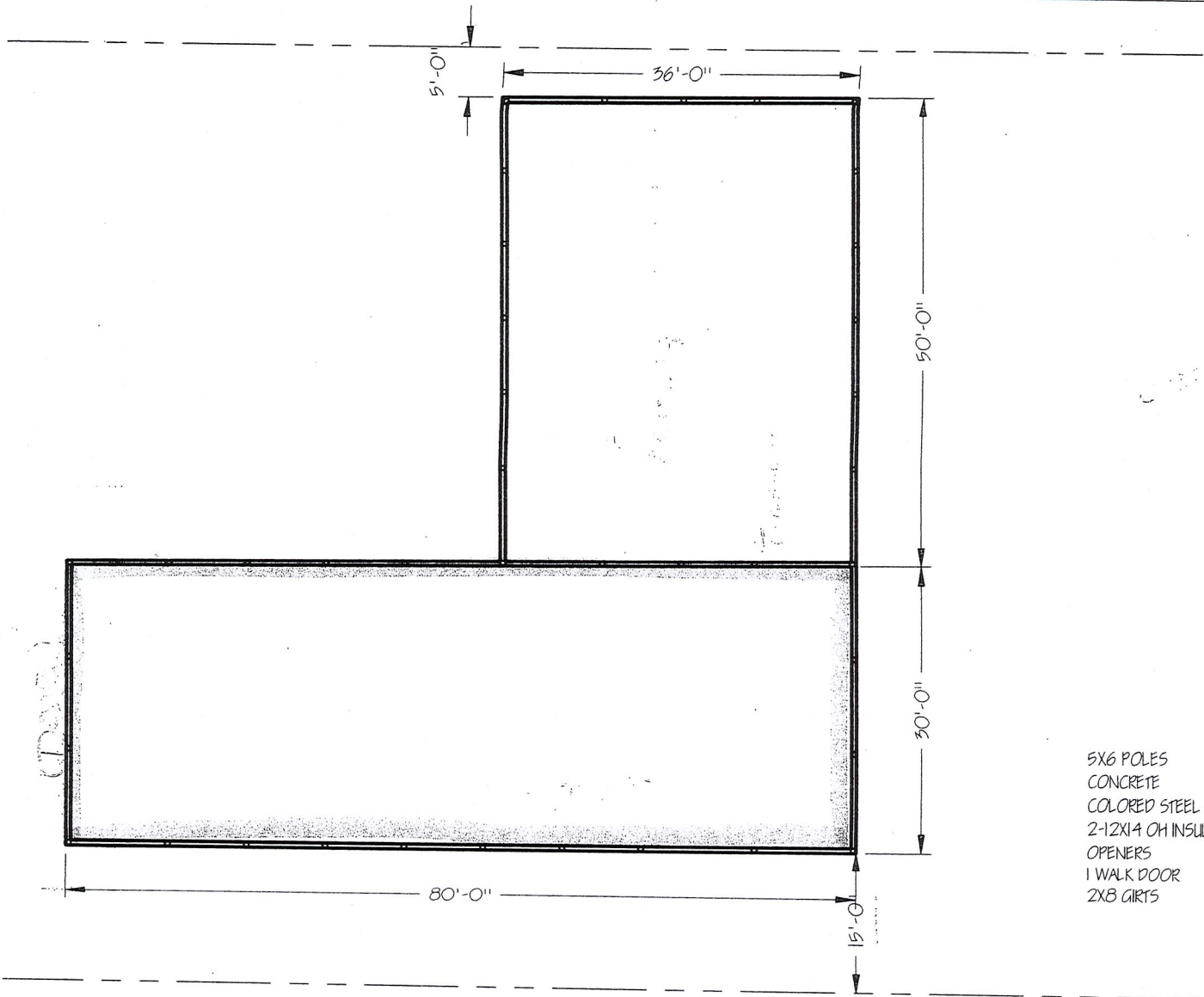
Chairman Larson adjourned the meeting at 1:05 pm.

Chairman

Date



FLOOR PLAN



5X6 POLES
CONCRETE
COLORED STEEL
2-12X14 OH INSULATED DOORS WITH
OPENERS
1 WALK DOOR
2X8 GIRTS

DRAWN FOR:	BILL WITTSHIEL	SCALE:	0" = 1'-0"	WALL HEIGHT:	0'-0"	SQUARE FOOTAGE - NOT INCLUDING GARAGE:	0000
DATE REVISED:	00-00-2007	ETHAN CO P LUMBER			PERIMETER - NOT INCLUDING GARAGE:	000'-0"	

WITTSTRUCK

DAVID & PHYLLIS MUTZIGER
425 E HACKBERRY
MITCHELL SD 57301

CHRISTINE WITTSTRUCK
413 E HACKBERRY
MITCHELL SD 57301

GRACE REFORMED CHURCH
PO BOX 252
MITCHELL SD 57301

DARREN & KELLY STERK
401 E HACKBERRY
MITCHELL SD 57301

KOUPAL FAMILY TRUST
32 N HARMON DR
MITCHELL SD 57301

BILL & PAM WITTSTRUCK
316 E HACKBERRY
MITCHELL SD 57301

ARROW LLC
C/O SMW ACCOUNTING SERVICE
PO BOX 8352
RAPID CITY SD 57709

LINUS & MARY MAYER
1001 S KIMBALL ST
MITCHELL SD 57301

BERNARD METZ
41340 257TH ST
MITCHELL SD 57301

RODNEY & BARBARA SCHURZ
1021 S KIMBALL ST
MITCHELL SD 57301

MIDDLE BORDER ESTATES
1401 S MAIN ST
MITCHELL SD 57301

CHARLENE NESPOR
C/O HABITAT FOR HUMANITY
PO BOX 1331
MITCHELL SD 57301

MICHAEL & SUEANN MIILLER
1112 S KIMBALL ST
MITCHELL SD 57301

LARRY & KATHLEEN GEBEL
1118 S KIMBALL ST
MITCHELL SD 57301

THOMAS PATZER
PO BOX 1022
MITCHELL SD 57301

ELAINE DOUGHERTY
313 E HACKBERRY
MITCHELL SD 57301

DENNIS & WYONNE KAEMINGK
1312 MITCHELL BLVD
MITCHELL SD 57301

BOYD REIMNITZ
116 E 3RD AVE
MITCHELL SD 57301

WILLIAM SCHOENFELDER
915 S LANGDON ST
MITCHELL SD 57301

PROPOSED ZONING CODE AMENDMENTS (2015)

10-2-2

DEFINITIONS OF WORDS AND PHRASES:

BREW PUB (MICROBREWERY): ~~A restaurant, drinking establishment or similar facility that includes the brewing of a malt alcoholic beverages as an accessory use. The brewing operation processes water, malt, hops, and yeast and other ingredients into beer or ale~~ alcoholic beverages by mashing, cooking, and fermenting and other processes performed on the site.

BUILDING CODE: A code or codes governing the erection, construction, renovation, demolition, movement, or maintenance of buildings as currently adopted by the city.

BUILDING PERMIT: Permission in writing that is issued by the proper authority for the construction, repair, alteration, demolition, movement, or addition to structure(s).

COMPREHENSIVE PLAN: ~~The document which describes in words, and may illustrate by maps, charts, plats, charts, and other descriptive matter, the goals, objectives of the municipality to interrelate all functional and natural systems and activities relating to the development of the territory under its jurisdiction.~~

any document which describes in words, and may illustrate by maps, plats, charts, and other descriptive matter, the goals, policies, and objectives of the municipality to interrelate all functional and natural systems and activities relating to the development of the territory under its jurisdiction;

SDCL 11-6-1 (2)

~~DISTILLATION: the process of purifying a liquid by successive evaporation and condensation.~~

CONCENTRATED ANIMAL FEEDING OPERATION: A facility as defined by Davison County, South Dakota, where animal units are stabled, confined, fed, or maintained in either open or housed lots for a total of 45 days or more in any 12 month period. The open lot does not sustain crops, vegetation, forage growth, or post-harvest residues in the normal growing season. The operation shall comply with state and Davison County performance standards and regulations.

EDUCATIONAL INSTITUTION (SCHOOL): A public, parochial, private, charitable, or nonprofit school, offering instruction for preschool, elementary and/or secondary students. Also included are facilities offering instruction for students of a junior or community college, college, university, vocational or technical institution (including industry training and support), including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants, assembly halls, and other incidental facilities for students, faculty, administrators and support staff.

HOME OCCUPATION: A use incidental and secondary to a property's primary residential use. A home occupation use shall ~~not change the residential character of the property or the neighborhood and~~ shall meet all applicable legal requirements as set forth in chapter 5, article G of this title.

OUTSIDE STORAGE: The keeping in an unroofed area of any goods, junk, material or merchandise in the same place for more than one month.

(reference only)

OUTSIDE COMMERCIAL STORAGE: The short-term or long-term leasing for the parking or storage of motor vehicles, equipment, or personal items outside.

PERMITTED USE: The listing of uses, buildings or land which ~~are~~ is acceptable in a particular zoning district. A building permit may be issued for a permitted use set forth under a listing of "permitted uses" based upon a properly filed application without further action.

RAILROAD TERMINAL STATIONS AND ACTIVITIES: A facility for the operation of a line-haul or short-line freight railroad.

THEATER: A structure used for dramatic, operatic, motion pictures, or other performance, for admission to which entrance money may be received.

VARIANCE: A departure from any provision of the zoning requirements for a specific parcel, except use, without changing the zoning ordinance or the underlying zoning of the parcel. A variance is granted only upon demonstration of hardship based on the peculiarity of the property in relation to other properties in the same ~~zone~~ zoning district.

10-3-1 ADMINISTRATIVE AUTHORITIES:

B. In case any building or structure is erected, constructed, reconstructed, altered repaired, converted or maintained, or any building, structure or land is used in violation of this title, the appropriate authorities of the city, ~~may,~~ in addition to other remedies...

10-3-3 BOARD OF ADJUSTMENT POWERS AND DUTIES:

A. Appeals: ...

1. Filing: Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the city affected by any decision of the administrative officer. Such appeal shall be taken within fifteen (15) calendar days, as ...
4. Vote: The concurring vote of two-thirds (2/3) of the full membership ~~members~~ of the board of adjustment shall be necessary to reverse any order...
7. Consideration of Submission and Testimony: The planning commission and board of adjustment will only consider the site plan, building plans, and drawings submitted by the applicant, staff, and interested parties and testimony presented to said body.

C. Conditional Uses:

1 e. The planning commission and board of adjustment will only consider the site plan, building plans, and drawings submitted by the applicant, staff, and interested parties, and testimony presented to said body.

7. Vote: The concurring vote of two-thirds (2/3) of the full membership ~~members~~ of the board of adjustment ~~elected~~ shall be necessary ...

10-3-4 CHANGING THE ZONING DISTRICT CLASSIFICATION:

C 4. Approval or Denial: Approval or Denial of any application for a zoning district classification change shall be a majority of the members of the city council, ~~who are present and voting.~~

10-4-5 GENERAL STANDARDS:

D. Accessory Buildings and Uses:

1. In the R-L, R-1, R-2, R-3, R-5, and UD districts ~~and planned developments~~ consisting of residential properties...
2. No accessory building or use shall be constructed or established upon a zoning lot located in a residential zoning district until the construction of the principal building has actually commenced, and no accessory buildings shall be use unless the principal building on the zoning lot is also being used, *unless approved by a conditional use permit*. The exterior appearance and materials shall be consistent with residential construction materials and comparability with the neighboring properties.
3. The total square footage of all accessory buildings on a zoning lot used for residential in the R-L, R-1, R-3, R-4, R-5, and UD districts, ~~and planned developments~~ shall not exceed the standards set forth in the respective district descriptions. Exceptions are as follows:

Lots with apartment buildings, townhouses, condominiums and similar uses.

G. Conformance:

1. c. Only in conformance with federal and state law and in accordance with all municipal ordinances and regulations as may be applicable. Where this ~~chapter~~ title and any other ordinance conflict or overlap, which imposes the more stringent restrictions shall apply.
2. The density and yard regulations of this ~~chapter~~ title are minimum regulations for each building existing at the time of the effective date of this ~~chapter~~ title or for any building erected or structurally altered thereafter. No land required for yards, zoning lot frontage or other open spaces adjacent to an existing building or any building hereafter erected or structurally altered shall be

considered a yard, frontage, or zoning lot area for more than one building except for a unit group of buildings.

10-5A-3: Conditional Uses:

Childcare (Family Residential) not permitted on properties on the shoreline.

10-5G-3: Home Occupation Permits:

- A. Application: If the applicant meets all the conditions hereinabove set forth, the appropriate public official, as designated by the director of public works, shall issue the home occupation permit. All other applicants who do not meet the criteria above set forth shall be required to make the appropriate application for a conditional use permit ~~home occupation permit~~ under the provisions of this article ~~title~~. ~~The city planning commission shall review applications that do not meet the conditions set forth and the city board of adjustment may approve applications for those asking for exceptions to the conditions set forth.~~
- B. Fee, ~~Duration; Renewal~~: The fee for the permit shall be set by resolution of the city council, ~~and be valid for a period of three (3) years, with a requirement that the permit be renewed on an annual basis, which renewal shall be computed from the date of the original issuance. Failure to renew shall constitute a revocation of authority to conduct a home occupation until such time as the renewal process has been completed.~~

Chapter 5 Article D, R-3 Medium Density Residential District

10-5D-3 Conditional Uses:

Community Residence up to twelve (12) units more than four and less than twelve (12) units

Multi-family Dwelling units of twelve (12) units or less between five and twelve (12) units

Residential Care Facility up to twelve (12) units between five and twelve (12) units

Supportive Living Home up to twelve (12) units between five and twelve (12) units

Chapter 5 Article E, R-4 High Density Residential District

10-5E-3 Conditional Uses:

Assisted Living Center more than 24 units

Chapter 6 Commercial Districts

10-6-1: Conditions of Use:

- A. 2. The building official shall transmit these plans and drawings ~~to the chairman of the planning commission, who shall set a meeting for the review, as here and after set forth,~~ The the planning commission shall review...

Article A NS Shopping District

10-6A-3 Conditional Uses:

Outside Storage

Article B Highway Oriented Business District

10-6B-2 Permitted Uses:

Outside Storage

Article C. CB Central Business District

10-6C-2 Permitted Uses:

~~Preschool/nursery~~ (duplicative)

~~Hotel~~-(covered in retail)

10-6C-3 Conditional Uses:

Outside Storage

Chapter 7 Industry and Transportation, Warehousing, Commercial Districts

Article A. Transportation, Warehousing, and Commercial District

10-7A-2 Permitted Uses:

~~Veterinarian~~ (covered in Animal hospital/clinic)

Outside Storage

Outside Commercial Storage

10-7A-5: Density, Area and Height Regulations:

~~2. Telecommunication towers 100 feet in tower height or under are permitted. Telecommunications towers over 100 feet require a conditional use permit.~~

10-7B-4 (I) Industrial Districts

10-7B-4 Conditional Uses:

~~Distillation Facilities~~

Chapter 8 Other Districts

Article A. PL Public Lands and Institutions District

10-8A-2: Permitted Uses:

Community Theater

Retail Services and Trade

10-8A-3: Conditional Uses:

Telecommunication Towers

Chapter 9, Planned Unit Developments

- D. Adopted planned unit development districts may be identified by legal descriptions that may have been platted or re-platted subsequent to the original adoption of the districts. The uses listed in the respective districts may not be specifically defined in 10-2-2. Therefore, similar terms listed in 10-2-2 or commonly used definitions from a Standard English Dictionary or other recognized sources may be used to determine the definitions of uses listed in the district.

Mitchell Technical Institute Planned Development

10-9A-8: Sign Regulations:

Signs shall be regulated in conformance with ~~this code~~ Title 9 Chapter 4.

Woodland Heights Planned Development

10-9B-3 Scope of Regulations:

- A. Sub-area A:
 - 4. Sign Regulations: Signs regulations shall be in conformance with ~~this code~~ Title 9 Chapter 4.
- B. Sub-area B.
 - 4. Sign Regulations: Signs regulations shall be in conformance with ~~this code~~ Title 9 Chapter 4.
- C. Sub-area C.
 - 5. 4. Sign Regulations: Signs regulations shall be in conformance with ~~this code~~ Title 9 Chapter 4.

South Point Village Planned Development

10-9E-7: Sign Regulations:

Signs and the placement thereof shall be in conformance with ~~this code~~ Title 9 Chapter 4.

10-10-5: Damage and Destruction:

Any structure, other than residential, destroyed or damaged due to involuntary circumstances to an extent of more than seventy five percent (75%) of its replacement cost, at the time of destruction or damage, ~~or any sign destroyed or damaged to an extent of fifty percent (50%) of its replacement cost at the time of destruction or damage,~~ shall not be rebuilt except in conformance with this title. The reconstruction of any structure ~~and sign~~ used for a nonconforming use, otherwise prohibited by this section, may be permitted if a variance is granted prior to reconstruction, in accordance with the standard procedure relating to variances. In such case, the reconstruction shall be limited to a structure not larger than the structure destroyed, determined by the square footage of floor area of a building ~~and square footage of sign area for a sign.~~ Residential structures may be reconstructed without restriction. Upon approval, the nonconforming prior lawful use subject to this section shall be deemed a permitted use, notwithstanding any other provision of this title.

CHAPTER 11 OFF STREET PARKING AND LOADING

10-11A-2 General Requirements and Design Standards

D. Off street parking spaces may be located in any required yards, ~~except front yards. Residences may provide a driveway for parking purposes not to exceed twenty four feet (24') in width in the front yard.~~

~~F. Any lighting used to illuminate an off street parking area shall be so arranged as to reflect light away from adjoining premises in any residential district or from any public or institutional uses.~~

Standards for Outdoor Lighting: Community lighting practices should promote personal safety and crime prevention.

1. Eliminate glare onto neighboring property or street right-of-way.
2. Limit light trespass over a property line onto residential property.
3. Canopy lights shall contain fully shielded (cutoff) light fixtures to prevent glare onto adjacent property or street rights-of-way, except for focus lighting.

Possible use changes:

Adjustment Training Facilities	PL
Assembling and Packaging	PL
Assisted Living	NS, CB, PL, R4
Bakery	NS
Bed & Breakfast	NS
Boarding House	CB, PL
Boarding School	CB
Business Service	NS
Car Wash (Industrial)	CB
Childcare/Preschool	TWC
Coffeehouse	PL
Community Garden	NS, PL
Community Residence	PL
Congregate Housing	PL
Drive Up Service	??
Grocery Store	NS
Historic Site	NS
Hospice Residential Care	CB
Locker/Butcher	CB
Lodging House	CB
Outside Storage	HB/TWC
Open Space	CB, HB, TWC, I, PL
Race Track	PL

Recreational Indoor Facility	NS
Residential Care	CB
Retail Service & Trade	PL
Riding Stable	PL
Roadside Stand	NS, CB, PL
Rodeo Grounds	PL
Shooting Range	PL
Student Housing (Off Campus)	CB, PL
Supportive Living	CB, PL
Telecommunication Towers	PL
Temporary Emergency Shelter	PL
Theater	CB, HB, TWC, I, PL
Truck Terminal	TWC
Utility Station	CB (residential districts)