

**CITY OF MITCHELL
CITY PLANNING COMMISSION
MINUTES, July 13, 2015**

Chairman Larson called the July 13, 2015 City Planning Commission meeting to order at 12:00 pm, Council Chambers, 612 N Main St, Mitchell, SD.

Members Present: Everson, Schmucker, Larson, Molumby, Meyers, and Doescher

Members Absent: Fergen and Griffith

Others Present: Putnam, Overweg, Hegg, McGannon, London, Johnson, Bathke, McGannon and Mayor Toomey.

Agenda: Motion by Schmucker, seconded by Everson to approve the agenda as presented. All members present voting aye, motion carried.

Minutes: Motion by Molumby, seconded by Everson to approve the minutes of the June 22, 2015 meeting. All members present voting aye, motion carried

Next Meeting: Motion by Everson, seconded by Schmucker to schedule the next meeting for July 27, 2015. All members present voting aye, motion carried.

Election of Chairman and Vice Chairman for the terms commencing July, 2015 to July, 2016: Motion by Meyers, seconded by Molumby to nominate Larson as chairman and Schmucker as vice-chairman. There were no other nominees. All members present voting aye, motion carried.

Variance: Calvin Muilenberg has requested a backyard variance of 22' vs 25' for an addition to his residence at 1501 E Hanson Ave, legally described as Lot 6, Block 4, Sunnybrook Estates, City of Mitchell, Davison County, SD. The property is zoned R2 Single Family Residential.

Muilenberg was present to answer questions of the commission. No other parties other than staff and commissioners testified in regards to this application. Letters to the neighboring property owners were sent July 1, 2015 and the public notice was published in the *Mitchell Daily Republic* on July 2, 2015. The commission reviewed a letter they received in regards to nuisance issues. The applicant indicated he would like the space to store some of the items in his yard. The commission discussed if this variance request meets the criteria of a hardship.

Motion by Everson, seconded by Schmucker to recommend the Board of Adjustment to deny the variance. All members present voting aye, motion carried.

Variance: Adam Roeder has made an application for a front yard variance of 0 vs. 35' as required for construction of a covered porch at 312 S Winsor Ave, legally described as Lots 12 & 13, Block 8, Applegate's Addition, City of Mitchell, SD. The property is zoned (TWC) Transportation, Warehousing, and Commercial District.

Roeder was present to answer questions about his application. The Commission reviewed written comments received from the neighboring property owners. No one other than staff and commissioners testified in regards to this application. Letters to the neighboring property owners were sent July 1, 2015 and the public notice was published in the *Mitchell Daily Republic* on July 2, 2015. It appears the home may not currently meet the setbacks as the right-of-way is not improved and the home has been there for many years. The property has been surveyed.

Motion by Molumby, seconded by Meyers to recommend the Board of Adjustment approves the variance. Voting aye: Molumby, Meyers, Schmucker, and Larson; voting no Everson. Motion passes 4 to 1.

Variance: Jennifer Coats has requested a front yard variance of 17' vs 25' for an addition to her residence at 1400 S Minnesota, legally described as Lots 14 & 15 and the S ½ of vacated Fowler Street lying adjacent to Lot 15, Block 33, University Addition, City of Mitchell, Davison County, SD. Property is zoned R2 Single Family Residential District.

Coats was present to answer questions in regards to the application. No one other than staff and commissioners testified in regards to this application. The commission reviewed written comments received by the public. Letters to the neighboring property owners were sent July 1, 2015 and the public notice was published in the *Mitchell Daily Republic* on July 2, 2015. The commission noted the location of utilities to the residence and the street is not straight.

Motion by Schmucker, seconded by Molumby to recommend the Board of Adjustment approves the variance. Voting aye: Schmucker, Meyers, Molumby, Larson; Voting no: Everson. Motion passes 4 to 1.

Variance: Quail View Senior Living Mitchell LLC has made an application for a backyard variance of 10' vs. 25' as required for construction of a 15 unit multi-family complex to be located in the 1400 Block of West 21st Avenue, legally described as: The South 130' of the North 730' of Block 4 of Westwood First Addition (recorded in plat book 21 on page 9) including that portion of Tract A-2 of Westwood First Addition (recorded in plat book 29 page 17) lying therein, all of which is abutting and lying east of Pheasant Street (recorded on plat 29 page 17) and abutting and lying north of the platted portion of West 21st Avenue (recorded in plat book 30 page 33) and which eastern boundary is 757' West of Lot 1, Block 4 of Westwood First Addition (recorded in plat book 28 page 44), A Subdivision of the NW ¼ of Section 16, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, SD. Property is zoned R4 High Density Residential District.

Scott Dell, applicant and Chuck Mauszycki, Sr. were present to answer questions. Mauszycki indicated the property owner to north is supportive of the variance and the new project. Mauszycki also talked about the master plan of the area. It was reported that West 21st Avenue will be extended to accommodate this project. No written comments were received. Letters to neighboring were sent July 1, 2015 and the public notice was published in the *Mitchell Daily Republic* July 2, 2015.

Dell shared with the commission specifics about the construction plan. John Hegg shared with the applicant and commissioners various aspects of the fire and building codes. Meyers also commented this project may help with the housing needs in Mitchell.

Motion by Schmucker, seconded by Meyers to recommend the Board of Adjustment approve the variance. Roll Call: Larson aye, Molumby aye, Meyers aye, Schmucker aye, Everson no. Motion passes 4 to 1.

Variance: Lamar Advertising (applicant) and Miedema Sanitation (owner) has made an application for a variance of 250' vs 300' radius from an existing off-premise sign at 1805 S Rowley, legally described as Lot 8A, Block 8, Morningview Addition, City of Mitchell, Davison County, SD. The property is zoned TWC Transportation, Warehousing, and Commercial District.

Representatives of Lamar Advertising were present to answer questions about the application. No one other than staff and commissioners testified in regards to this application. The commission reviewed written comments. Letters to the neighboring property owners were mailed July 1, 2015 and the public notice was published in the *Mitchell Daily Republic* on July 2 & July 9, 2015. Lamar indicated that are trying to accommodate DWU's request to remove the off-premise signs on DWU's property. They also noted the existing sign on Rowley faces north-south, whereas the new billboard will face east and west. Putnam said that the applicant and he have consulted with the SDDOT and they yield to city regulations. Putnam also indicated the DWU property is no longer zoned commercial, so once the off-premise signs are removed they cannot be replaced.

Motion by Meyers, seconded by Everson to recommend to the Board of Adjustment the variance to be denied. Roll Call: Meyers aye, Everson aye, Larson aye, Schmucker aye, and Molumby aye. Motion passes 5 to 0.

Conditional Use: Lamar Advertising (applicant) and Miedema Sanitation (owner) has made an application use permit for an off-premise sign (billboard) to have a sign face area of 381 square feet which exceed the 300 square feet requirement. The sign is to be located at 1805 S Rowley, legally described as Lot 8A, Block 8, Morningview Addition, City of Mitchell, Davison County, SD. The property is zoned TWC, Transportation, Warehousing and Commercial District. The commission recommended denial of the variance, therefore they decided to table the request and review if the Board of Adjustment approves the variance.

Motion by Molumby, seconded by Meyers to table the application pending council approval. All members present voting aye, motion carried.

Plat: Lot D-2-A of Rising Sun First Addition, 8th Avenue SE and Dorothy Court in Lot D-2, and R-2-A of Rising Sun First Addition in Lot R-2, all in the NW ¼ of Section 23, T 103 N, R 60 W of the 5th P.M., portions of which lies within the City of Mitchell, Davison County, SD.

Putnam indicated the purpose of this plat is to delineate parcels for possible transfer between the city and a private landowner in the area. The streets to be platted were to identify public right-of-way that was to be dedicated, but was not completed.

Motion by Everson, seconded by Molumby to approve the plat. All members present voting aye, motion carried.

Plat: Lots 1, 2, and 3, Block 4 of Woodland Heights First Addition, a subdivision of Lot 2, Crane's Addition in the SE ¼ of Section 34, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, SD. The proposed plat appears to follow the master plan. Motion by Everson, seconded by Meyers to approve the plat. All members present voting aye, motion carried.

Plat: (Tabled from June 22, 2015 meeting) Lot 6-4, Block 7 of Westwood First Addition, a subdivision of the SW ¼ of Section 16, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, SD. The revised plat has the required verbiage that indicates an access easement. Motion by Molumby, seconded by Everson to approve the plat. All members present voting aye, motion carried.

Plat: Lot 3B-1-A, a Subdivision of Previously platted Lot 3B-1 of Cabela's First Addition, City of Mitchell, Davison County, South Dakota. Motion by Everson, seconded by Molumby to approve the plat. All members present voting aye, motion carried.

Plan Approval: Northridge Baptist Church, 323 W 23rd Avenue, property is zoned Highway Oriented Business District. Puetz construction submitted plans for an educational addition to the existing church. Motion by Molumby, seconded by Meyers to approve the plans as submitted.

Other Business: Council Member Doescher asked the commission to consider a policy or ordinance amendment that would hold contractors accountable for not securing building permits prior to construction. Putnam and Hegg will do some research and the commission will discuss this at their next meeting. No action taken.

Chairman Larson adjourned the meeting at 1:10 pm.


Chairman

07-27-15
Date