

**CITY OF MITCHELL
CITY PLANNING COMMISSION
MINUTES, July 27, 2015**

Call to Order: Chairman Larson called the July 27, 2015 City Planning Commission to order at 12:00 pm, Council Chambers, City Hall, 612 N Main St, Mitchell, SD

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

Members Absent: none

Others Present: Putnam, Hegg, London, Johnson, Laursen, Ellwein, Koch, Bathke, Mayor Toomey

Agenda: Motion by Everson, seconded by Griffith to approve the July 21, 2015 agenda. All members present voting aye, motion carried.

Minutes: Motion by Molumby, seconded by Schmucker to approve the minutes of July 13, 2015 meeting. All members present voting aye, motion carried.

Next Meeting: Motion by Griffith, seconded by Fergen to schedule the next meeting for August 10, 2015. All members present voting aye, motion carried.

Plan Approval: 201 Cabela Drive, Avera Grassland Clinic. Landscaping Plan

Jacob Bunde, Architect with Avera, presented a proposed landscaping plan for the Avera project on Cabela Dr. He presented a power point presentation and explained the "Grassland Theme". He indicated some of the grasses to be planted may exceed typical height standards. He showed that a fountain that will be installed in the retention pond. He showed examples of a similar project in Sioux Falls. Avera would only like to plant 17 trees, but the landscape ordinance requires 44. They are asking for a variance or waiver of said required. Putnam indicated that if the planning commission is receptive to such a waiver, then a public notice would be required for a future meeting. Mr. Bunde indicated there are some trees to the south of this project; however that property is not being developed at this time. Commissioners indicated that perhaps this project may be worthy of rezoning the property to a Planned Unit Development District and the landscaping could be address in the new district. The commission indicated they may be in favor of allowing fewer trees than required, but will take action at a later date. No action at this time.

Conditional Use: (Tabled from 7/13/2015) Lamar Advertising (applicant) and Miedema Sanitation (owner) has applied for a conditional use permit for an off-premise sign (billboard) that exceeds the size limitation of 300 square feet sign face area with a sign face of 381 square feet. The property is legally described as Lot 8A, Block 8, Morningview Addition, City of Mitchell, Davison County, South Dakota (1805 S Rowley St). The property is zoned TWC Transportation, Warehousing and Commercial District.

Marty Jacobsen of Lamar Advertising was present to answer questions in regards to the request. He submitted background information. No one other than staff and commissioners testified in regards to this application. The commission reviewed written correspondence from the neighboring property owners.

The public notice was published in the *Mitchell Daily Republic* on July 2 and July 9, 2015 and letters to the neighboring property owners were sent July 1, 2015.

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

Rezone: EVI Prairie LLC has made an application to rezone the real property legally described as Tract 1-C, Tract 1-E, Tract 1-F, Starlite Estates in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 34, T 103 N, R 60 W, West of the 5th P.M., to the City of Mitchell, Davison County, SD from South Point Village Planned Development District and Highway Oriented Business District to R4 High Density Residential District.

Dale Kline a principal of the project was available by phone. Denny Robinson, realtor with Fischer/Rounds, was present to answer questions. The commission also reviewed written correspondence of the neighboring property owners.

Putnam noted there is an error in the publication in regards to the notice of the planning commission it should have read July 27 not June 27. Therefore, Koch advised that the meeting should be re-noticed and no action taken until the notice has been corrected. However, it was acceptable if the chairman authorized to take testimony at this meeting. The chairman so authorized testimony.

Basil Kelly, Urbana Drive, expressed concern about the access to Urbana Drive and pointed out it is not a city street and not improved. There is water and sewer in the street. He was concerned there is no maintenance of the street. He is not supportive of the project.

Laursen indicated that Public Safety would like to see the South Point Village Street to be installed for access. Commissioners indicated the street should be wider to accommodate heavier traffic. Putnam reminded the commission this in TIF District #18. Robinson indicated the site plan is subject to change to meet codes and standards that the city may require. Kline and Robinson indicated they will have additional information for the next meeting.

Conditional Use: EVI Prairie LLC has also made an application for a conditional use permit to construct a 60 unit assisted living complex. A facility larger than 24 units requires a conditional use permit.

Motion by Everson, seconded by Fergen to table the rezoning and conditional use application until the August 10, 2015 meeting. All members present voting aye, motion carried.

Plat: Lots 1-D and 2-D, a subdivision of Block D in the Westview Addition in the SE ¼ of Section 20, T 103 N, R 60 W, of 5th P.M., City of Mitchell, Davison County, SD.

Ralph Kiner, Realtor, explained that the owner would like to plat these properties for future sale. Motion by Everson, seconded by Fergen to approve the plat. All members present voting aye, motion carried.

Plat: Lot E of CJM Second Addition, a subdivision of the NW ¼ of Section 32, T 104 N, R 60 W of the 5th P.M., Davison County, South Dakota.

Chuck Mauszycki Sr, was present to explain this plat. He indicated there is a correction in the size it should be 160 x 160 not 165 x 165. Motion by Everson, seconded by Molumby to approve the plat. All members present voting aye, motion carried.

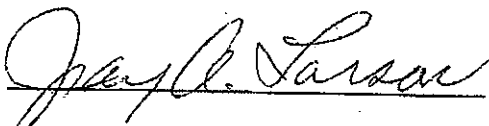
Plat: Lot B, Block 4 of Westview First Addition and West 21st Avenue, a subdivision of Tract A-2 and Block 4 of Westwood First Addition in the NW ¼ of Section 16, T 103 N, R 60 W of the 5th P.M., Davison County, City of Mitchell, South Dakota. Chuck Mauszycki, Sr., was present to answer questions about this plat. Putnam indicated this is to plat is for the apartment complex that was previously approved by the commission and council. This also extends West 21st Avenue. Motion by Everson, seconded by Fergen to approve the plat. All members present voting aye, motion carried.

Plat: Lot 5-A, 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, South Dakota. Chuck Mauszycki Sr., was present to answer questions about this plat. This is for a future sale. Putnam noted the plat should be 160' x 160' not 165' x 165'. Motion by Molumby, seconded by Everson to approve the plat with the change in dimensions. All members present voting aye, motion carried.

Plat: Lots 2-A and 2-B, a subdivision of previously platted Lot 2, Block 22, Van Eps First Addition to the City of Mitchell, Davison County, South Dakota. Kristi Thill, property owner was present. She indicated that there are two homes on lot and she is trying to sell them separately and identify the property lines. Putnam also mentioned the new lots will not conform with zoning code, because they are not wide enough. Therefore, if the commission wishes to approve the plat a lot size variance will be required. Motion Everson, seconded by Griffith to deny the plat. Roll Call vote: Molumby yes, Everson yes, Larson yes, Fergen yes, Meyers yes, Griffith yes, and Schmucker no. Motion carried.

Discussion: The commission discussed with Council Doescher and Carl Koch the possibility of a policy or ordinance that would incorporate a penalty or fine for individuals that start construction prior to securing a building permit. Staff indicated that some other communities that have a fine or double the permit fee on construction that is started prior to permits. Hegg indicated that with the new building code there may be some misunderstanding of what is required and what is not required to have permits. Koch explained the process of assigning a municipal fine. Staff and City Attorney will discuss this issue and submit a proposal at a future meeting.

Chairman adjourned the meeting at 1:30 pm.

A handwritten signature in cursive script, reading "Jay A. Larson", written over a horizontal line.

Chairman

A handwritten date "08-10-15" written in cursive script over a horizontal line.

Date