

CITY PLANNING COMMISSION AGENDA
CITY COUNCIL CHAMBERS, CITY HALL
612 N MAIN ST, MITCHELL, SD
DATE: AUGUST 14, 2017

1. TIME: 12:00 PM
2. CALL TO ORDER:
3. ROLL CALL:
4. APPROVE AGENDA:
5. Approval Of Minutes: July 24, 2017

Documents:

[PLANNINGCOMMMINUTES7242017.PDF](#)

6. SCHEDULE NEXT MEETING: AUGUST 28, 2017

7. PLAT

A PLAT OF LOT 11, BLOCK 4 OF THE WOODS FIRST ADDITION, A SUBDIVISION OF THE EAST 1/2 OF THE SW 1/4 OF SECTION 23, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA

Documents:

[PLATL11B4WOODS1ST.PDF](#)
[L11 B4 WOODS 1ST.PDF](#)

8. Variance:

David & Phyllis Mutziger have applied for a front yard variance of 19 feet vs 25 feet as required for installation of a deck to their home. The property is legally described as E 105' of N ½ Square 10, Weaver's Square Addition, City of Mitchell, Davison County, South Dakota (425 E Hackberry St). The said real property is zoned (R3) Medium Density Residential District.

Documents:

[MUTZIGERAPP.PDF](#)
[MUTZIGERNOH.PDF](#)
[MUTZIGERDRAWING.PDF](#)
[MUTZIGERMAP.PDF](#)
[MUTZIGERNEIGHBORS.PDF](#)
[B10 WEAVERS SQUARE.PDF](#)

9. Plan Approval: Trail-Eze-323 W Quince St-Zoned Industrial District

Documents:

[TRAIL-EZESITEPLAN.PDF](#)
[TRAIL-EZEELEVATION.PDF](#)

10. OTHER BUSINESS:

11. ADJOURNMENT:

"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 605-995-8433 at least 24 hour prior to the scheduled meeting."

**CITY OF MITCHELL
CITY PLANNING COMMISSION
MINUTES, JULY 24, 2017**

NOT APPROVED

Chairman Larson called to the July 24, 2017 planning commission meeting to order at 12:00 pm in the Council Chambers, City Hall, 612 N Main St, Mitchell, SD.

Members Present: Larson, Everson, Fergen, Jirsa, Schmucker, and Allen

Members Absent: Griffith & Molumby

Others Present: Putnam, Ellwein, J. Johnson, McGannon, Hegg, London, Overweg, Laursen, Mayor Toomey, Council Members Rice & Doescher, Jenniges, & members of the Mitchell media.

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

Approval of Minutes: Motion by Everson, seconded by Schmucker to approve the minutes as presented. All members present voting aye, motion carried.

Schedule Next Meeting. Motion by Fergen, seconded by Everson to schedule the next meeting for August 14, 2017. All members present voting aye, motion carried.

Conditional Use Permit:

Farmers Union Industries, LLC of Redwood Falls, MN announces plans to expand their current Performance Pet Products facility at 1801 Van Dyke Drive. In efforts to reduce environmental impact and improve process efficiencies, the company will install state of the art canning equipment in an approximately 70,000 square foot addition to the existing building. Performance Pet Products will continue to employ their current workforce during and after this expansion. The property is legally described as Lot B Ex B-1, B-2, & Ex Lot 1 & Lot 2 of Syncom Addition in N1/2 SW ¼, Section 27, T 103 N, R 60 W, Platted Various, City of Mitchell, Davison County, South Dakota. The property is zoned Transportation, Warehousing, and Commercial District and a Processing Facility requires a conditional use permit.

Applicants were present. The commission reviewed written comments received. Letters to neighboring property owners were sent on July 12, 2017 and the public notice was published in the *Mitchell Daily Republic* on July 13 & 27, 2017.

Nate Thomas, Michelle Gudgel, and Dan Hildebrant of Farmers Union Industries/Performance Pet Products provided testimony on behalf of the applicant. They provided an overview of the project. They addressed various issues such as odor control, site selection, operational activities, truck traffic, and employment. They reminded the commission that they have owned this property for a couple years and it's a business decision to expand at the Van Dyke location versus the Havens site. They indicated the product will arrive at the new site in a frozen state and then cooked in cans for shipment. The applicants talked about workforce and they indicated they will be seeking workers with additional skills. They were asked from the commission to provide examples of other similar sites and they cited examples in Minnesota, Arkansas, Iowa, and Kansas. They indicated they will continue to operate the

Havens property. Chairman Larson asked the representatives various prepared questions. The applicants indicated that they will update the appearance of the existing building provide an attractive facility.

Tom Clark, representing Avera, testified in opposition of the application, he questioned the appropriateness of the location. Dr. Amy Novak, DWU President, also expressed concern about this proposal as DWU is concerned about traffic and impact on the college. Roger Musick, Innovative Systems, testified in opposition to the proposed location for this type of expansion. He asked the commission to be concerned about impact this project may have on our entry way. McGannon addressed questions about infrastructure. Public Safety expressed concern about another access from Kimball street, which is currently not improved.

Motion by Everson, seconded by Schmucker to recommend the Board of Adjustment deny the conditional use permit. Roll Call Larson aye, Schumucker aye, Everson aye, Jirsa aye, Fergen abstain, Molumby absent, and Griffith absent. Motion passes 4 ayes, 1 abstaining 2 absent.

Public Hearing & Zoning Code Amendment: Justin Johnson, City Attorney, provided summary of an amendment to Title 10-Zoning Regulations in Regards to Animal Breeding. He explained the updates to the definitions of Animal Boarding, Animal Breeding, and Animal, domestic. The proposed ordinance also provides Animal Breeding as a conditional use in the residential districts, HB, and UD districts. It would be permitted in the TWC district. Cassandra Bunde testified about her project to board and breed very small pigs. There was some discussion about what other requests would be forth coming if this ordinance passes. Motion by Everson, seconded by Jirsa to recommend approval of this proposed zoning code amendment. Roll Call: Everson aye, Larson aye, Fergen aye, Schmucker no, Molumby absent and Griffith absent. Motion carried.

Plat: Lot 3 in Weaver's Square Addition to the City of Mitchell, Davison County, South Dakota. Putnam indicated this is part of the master plan the commission approved a couple meetings ago. Motion by Everson, seconded by Jirsa to approve the plat. All members present voting aye, motion carried.

Plat: A Plat of Lot 3, Block 5 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, South Dakota. Motion by Everson, seconded by Jirsa to approve the plat. All members present voting aye.

Update and Possible Comments on Ordinance No. O2017-10. Justin Johnson, City Attorney, provided an overview of the ordinance call "An Ordinance Revising Article C of Chapter 8-9 of the Mitchell City Code Regarding Storm Drainage". This has passed 1st reading of the city council. It updates the requirements for drainage plan submittals. It also affects the issuance or denial of building permits if drainage plans are not acceptable. It prohibits the alteration of a drainage system and it provide a public notice process. This was for information only.

Chairman Larson adjourned the meeting at 1:30 pm.

Chairman

Date

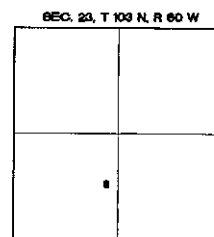


GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.

Center of Sec.
23/103/60



LOCATION MAP

SCALE: 1" = 800'

LEGEND

- = PREVIOUSLY LOCATED MONUMENT
- = SET 5/8" X 18" REBAR
- WITH PLASTIC CAP NO. 6702
- 100' (P) = PLATTED BEARING OR DISTANCE
- 100' = MEASURED BEARING OR DISTANCE
- ⊙ = SET NAIL
- ▲ = SET SURVEY SPIKE
- 4.00 CH (P) = PLATTED DISTANCE BY CHAINS
- = FOUND NAIL

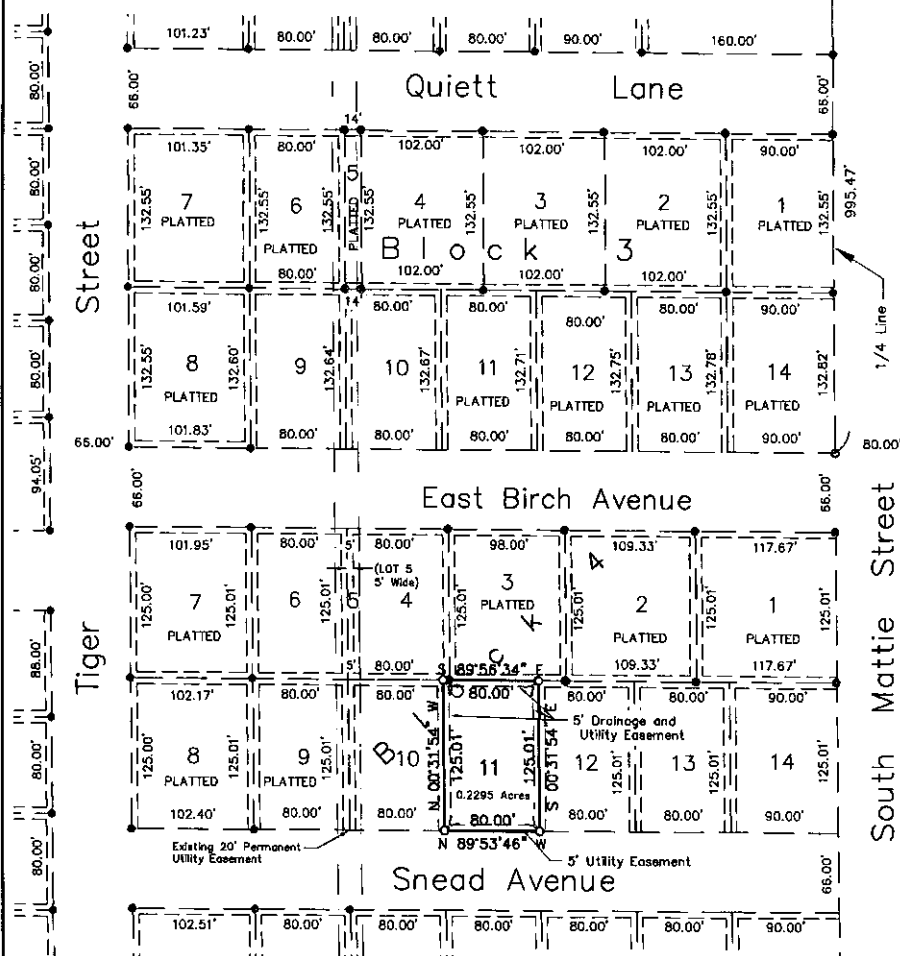
PREPARED BY: PAUL J. REILAND, R.L.S.
2100 NORTH SANBORN BLVD. - P.O. BOX 398
MITCHELL, SOUTH DAKOTA 57301
PHONE: (605) 996-7761

BEARINGS ARE BASED ON AN
ASSUMED COORDINATE SYSTEM

**EASEMENTS WITHIN LOT 11,
BLOCK 4 DEDICATED BY THIS PLAT.**

FRONT ALONG SNEAD AVENUE = 5'
UTILITY EASEMENT.

SIDES AND REAR AS SHOWN = 5'
DRAINAGE AND UTILITY EASEMENT



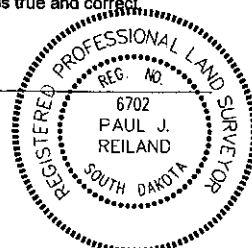
A PLAT OF LOT 11, BLOCK 4 OF THE WOODS FIRST ADDITION, A SUBDIVISION OF THE EAST 1/2 OF THE SW 1/4 OF SECTION 23, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

SURVEYOR'S CERTIFICATE

I, Paul J. Reiland, the undersigned, do hereby certify that I am a Registered Land Surveyor in and for the State of South Dakota. At the request of CJM Consulting, Inc., a South Dakota corporation, as owner, and under its direction for purposes indicated therein, I did on or prior to July 28, 2017, survey those parcels of land described as follows: LOT 11, BLOCK 4 OF THE WOODS FIRST ADDITION, A SUBDIVISION OF THE EAST 1/2 OF THE SW 1/4 OF SECTION 23, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

In my professional opinion and to the best of my knowledge, information and belief, the within and foregoing plat is true and correct.
Dated this _____ day of _____, 2017.

Registered Land Surveyor #SD6702



SPN

& Associates

Engineers, Planners and Surveyors

2100 North Sanborn Blvd. - P.O. Box 398 Mitchell, South Dakota 57301
Phone: (605) 996-7761 Fax: (605) 996-0015

A PLAT OF LOT 11, BLOCK 4 OF THE WOODS FIRST ADDITION, A SUBDIVISION OF THE EAST 1/2 OF THE SW 1/4 OF SECTION 23, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

OWNER'S CERTIFICATE, DEDICATION AND AGREEMENT OF PROTECTION OF WATER

KNOW ALL MEN BY THESE PRESENTS that I, the undersigned, hereby certify that CJM Consulting, Inc., a South Dakota corporation, is the absolute and unqualified owner of all of the land included in the within and foregoing plat; the plat is of a parcel of ground located in THE EAST 1/2 OF THE SW 1/4 OF SECTION 23, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA; that the plat has been made at the request of CJM Consulting, Inc., a South Dakota corporation, and under its direction for the purposes indicated therein; which said property as so surveyed and platted shall hereafter be known as LOT 11, BLOCK 4 OF THE WOODS FIRST ADDITION, A SUBDIVISION OF THE EAST 1/2 OF THE SW 1/4 OF SECTION 23, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, as shown by this plat; and CJM Consulting, Inc., a South Dakota corporation, hereby dedicates to the public, for public use forever as such, the streets and alleys, if any, as shown and marked on said plat; and that development of the land included within the boundaries of said Lot 11, Block 4 shall conform to all existing applicable zoning, subdivision, and erosion and sediment control regulations; further that there now exists Snead Avenue. Pursuant to SDCL 11-3-8.1 and 11-3-8.2 the developer of the property described within this plat shall be responsible for protecting any waters of the state located adjacent to or within such platted area from pollution from sewage from such subdivision and shall, in prosecution of such protections conform to and follow all regulations of the South Dakota Department of Environment and Natural Resources relating to the same. Additionally the developer of the property described within this plat shall be liable for any pollution that occurs from failure to execute such protections or follow such regulations, exception being those lots in subdivisions that show documentation that wastewater drainage shall be connected to a municipal system.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 2017.

Charles J. Mauszycki, Jr., Vice President of CJM Consulting, Inc.,
a South Dakota corporation

CORPORATION ACKNOWLEDGMENT

STATE OF SOUTH DAKOTA)
)SS
COUNTY OF DAVISON)

On this, the _____ day of _____, 2017, before me, _____, the undersigned officer, personally appeared Charles J. Mauszycki, Jr., of CJM Consulting, Inc., a South Dakota corporation, and that he, as such Vice President, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as Vice President.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public, South Dakota
My Commission Expires: _____

RESOLUTION OF CITY PLANNING COMMISSION

WHEREAS, the plat of LOT 11, BLOCK 4 OF THE WOODS FIRST ADDITION, A SUBDIVISION OF THE EAST 1/2 OF THE SW 1/4 OF SECTION 23, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, prepared by Paul J. Reiland, duly licensed Land Surveyor in and for the State of South Dakota, heretofore filed in the office of the City Finance Officer of Mitchell, South Dakota, has been submitted to the City Planning Commission of the said City of Mitchell, South Dakota; and

WHEREAS, the City Planning Commission, in regular meeting assembled, had duly considered said plat and finds as a fact that said plat is in conformity and does not conflict with the Master Plan for the City of Mitchell, South Dakota, heretofore adopted by this Commission;

NOW THEREFORE, be it resolved by the City Planning Commission of Mitchell, South Dakota, that the plat of LOT 11, BLOCK 4 OF THE WOODS FIRST ADDITION, A SUBDIVISION OF THE EAST 1/2 OF THE SW 1/4 OF SECTION 23, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, prepared by Paul J. Reiland, a Land Surveyor, be and the same is hereby approved and its adoption by the City Council of the City of Mitchell, South Dakota, is hereby recommended.

The undersigned does hereby certify that the foregoing resolution was passed by the City Planning Commission of Mitchell, South Dakota, at a meeting thereof held on the _____ day of _____, 2017.



Chairman/Vice Chairman of the City of Mitchell
Planning Commission

SPN

& Associates

Engineers, Planners and Surveyors

2100 North Sanborn Blvd. - P.O. Box 358 Mitchell, South Dakota 57301
Phone: (605) 996-7761 Fax: (605) 996-0015

A PLAT OF LOT 11, BLOCK 4 OF THE WOODS FIRST ADDITION, A SUBDIVISION OF THE EAST 1/2 OF THE SW 1/4 OF SECTION 23, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

RESOLUTION OF CITY COUNCIL

WHEREAS, it appears that the City Planning Commission of the City of Mitchell, South Dakota, did duly consider and did recommend the approval and adoption of the hereinafter described plat, at its meeting held on the _____ day of _____, 2017; and

WHEREAS, it appears from an examination of the plat of LOT 11, BLOCK 4 OF THE WOODS FIRST ADDITION, A SUBDIVISION OF THE EAST 1/2 OF THE SW 1/4 OF SECTION 23, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, as prepared by Paul J. Reiland, a duly licensed Land Surveyor in and for the State of South Dakota, that said plat is in accordance with the system of streets and alleys set forth in the Master Plan adopted by the City Planning Commission of the City of Mitchell, South Dakota, and that such plat has been prepared according to law;

THEREFORE, be it resolved by the City Council of Mitchell, South Dakota, that the plat of LOT 11, BLOCK 4 OF THE WOODS FIRST ADDITION, A SUBDIVISION OF THE EAST 1/2 OF THE SW 1/4 OF SECTION 23, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, prepared by Paul J. Reiland, be and the same is hereby approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

The undersigned does hereby certify that the foregoing resolution was passed by the City of Mitchell, South Dakota, at a meeting held on the _____ day of _____, 2017.

Finance Officer/Deputy Finance Officer of the City of Mitchell

CERTIFICATE OF COUNTY TREASURER

The undersigned does hereby certify that all taxes which would, if not paid, be liens upon any of the land included in the within and foregoing plat, as shown by the records of this office, have been fully paid.

Treasurer/Deputy Treasurer of Davison County

Date

DIRECTOR OF EQUALIZATION

The undersigned does hereby certify that a copy of the plat of LOT 11, BLOCK 4 OF THE WOODS FIRST ADDITION, A SUBDIVISION OF THE EAST 1/2 OF THE SW 1/4 OF SECTION 23, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, has been received by me and is filed in this office.

Director of Equalization/Deputy Director of Equalization of Davison County

Date

REGISTER OF DEEDS

STATE OF SOUTH DAKOTA)
)SS
COUNTY OF DAVISON)

FILED for record this _____ day of _____, 2017, at _____, and recorded in Book _____ of Plats on Page _____ therein and recorded on Microfilm Number _____.

Register of Deeds, Davison County

By _____

Deputy

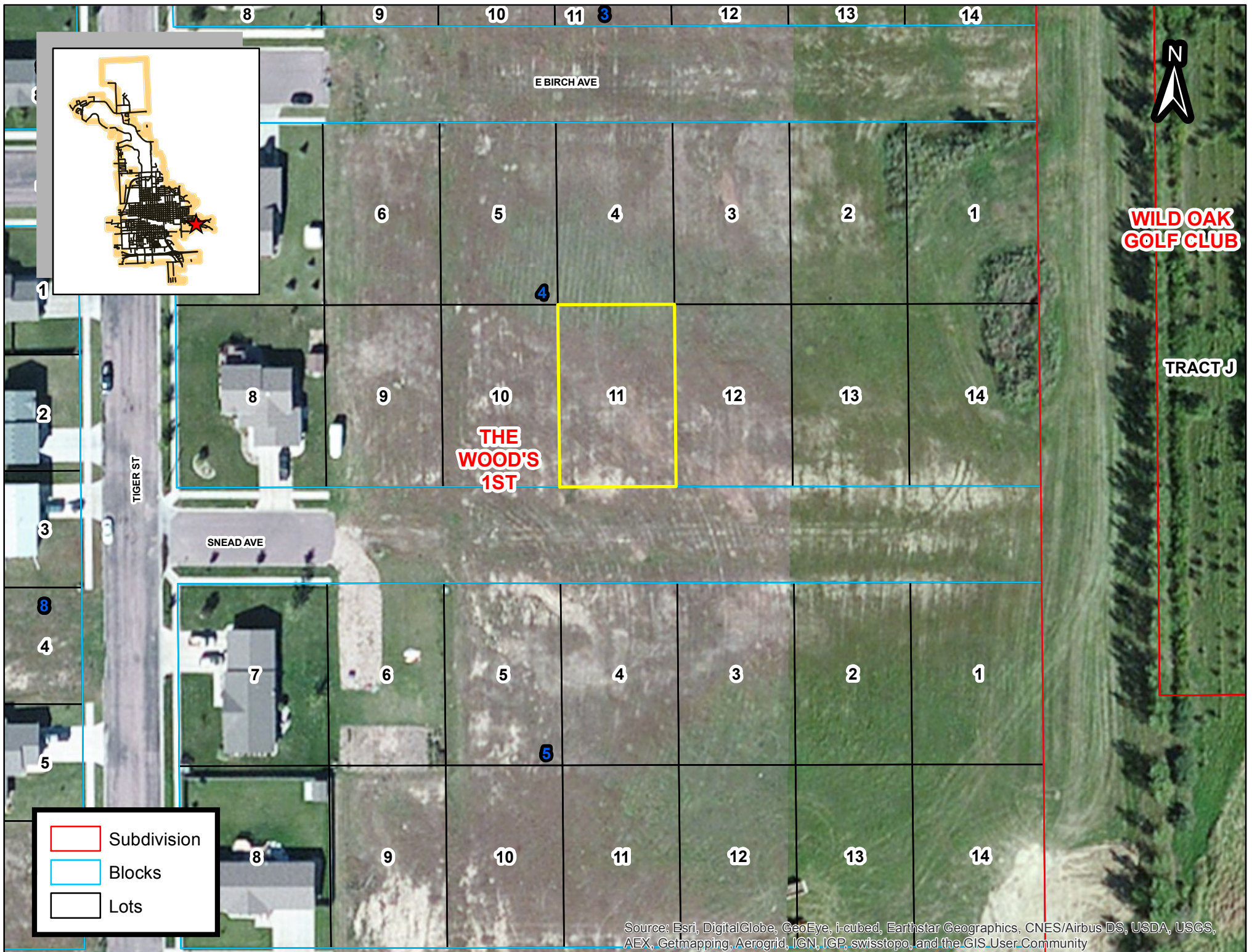


SPN

& Associates

Engineers, Planners and Surveyors

2100 North Sanborn Blvd. - P.O. Box 398 Mitchell, South Dakota 57301
Phone: (605) 996-7761 Fax: (605) 996-0015



APPLICATION FOR VARIANCE

TO: THE MITCHELL PLANNING COMMISSION AND THE BOARD OF
ADJUSTMENT THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

The undersigned applicant(s) David & Phyllis Mutziger hereby are making an application for a variance pursuant to the provisions of the City of Mitchell Zoning Code as amended.

This Application is for the following described real property:

E 105' of N ½ Square 10, Weavers Square Addition, City of Mitchell, Davison County,
South Dakota (425 E Hackberry Ave)

The applicant of the above described real estate, request(s) to construct a deck with a front yard setback of 12 feet vs 25 feet as required. The said real property is zoned (R3) Medium Density Residential District.

The names and addresses of the current property owners within one hundred and forty feet (140') of the applicant's property (excluding streets and alleys) will be notified upon the filing of this application.

Applicant(s) request that dates be set for public hearings before the Mitchell Planning Commission and the Board of Adjustment. Furthermore, the applicant requests the City of Mitchell to publish the appropriate notice(s) in accordance with the City of Mitchell's Ordinances.

Dated this 1st of August, 2017.

David P. Mutziger
APPLICANT

David P and Phyllis J. Mutziger
OWNER

NOTICE OF HEARING

To: The Planning Commission, Board of Adjustment of the City of Mitchell, Mitchell South Dakota, and to the general public:

^{19 A.}
YOU ARE HEREBY NOTIFIED, that David & Phyllis Mutziger have applied for a front yard variance of ~~12~~ feet vs 25 feet as required for installation of a deck to their home. The property is legally described as E 105' of N ½ Square 10, Weaver's Square Addition, City of Mitchell, Davison County, South Dakota (425 E Hackberry St). The said real property is zoned (R3) Medium Density Residential District.

YOU ARE FURTHER NOTIFIED, that public hearings will be held by the Planning Commission on August 14, 2017 at 12:00 P.M and the Board of Adjustment on August 21, 2017 at 6:30 P.M., at the Council Chambers, Mitchell City Hall. All interested parties may attend the public hearings and provide comments in regards to the applicant's request.

Dated at Mitchell, South Dakota, this the 28th day of July, 2017.

Michelle Bathke

FINANCE OFFICER

Publish once: August 4, 2017

Approximate Cost:

425 E. Hackberry Ave

North

Sidewalk

3 steps

22'

12'

4' 7"
Existing
Platform
5' 5"

Front
Door

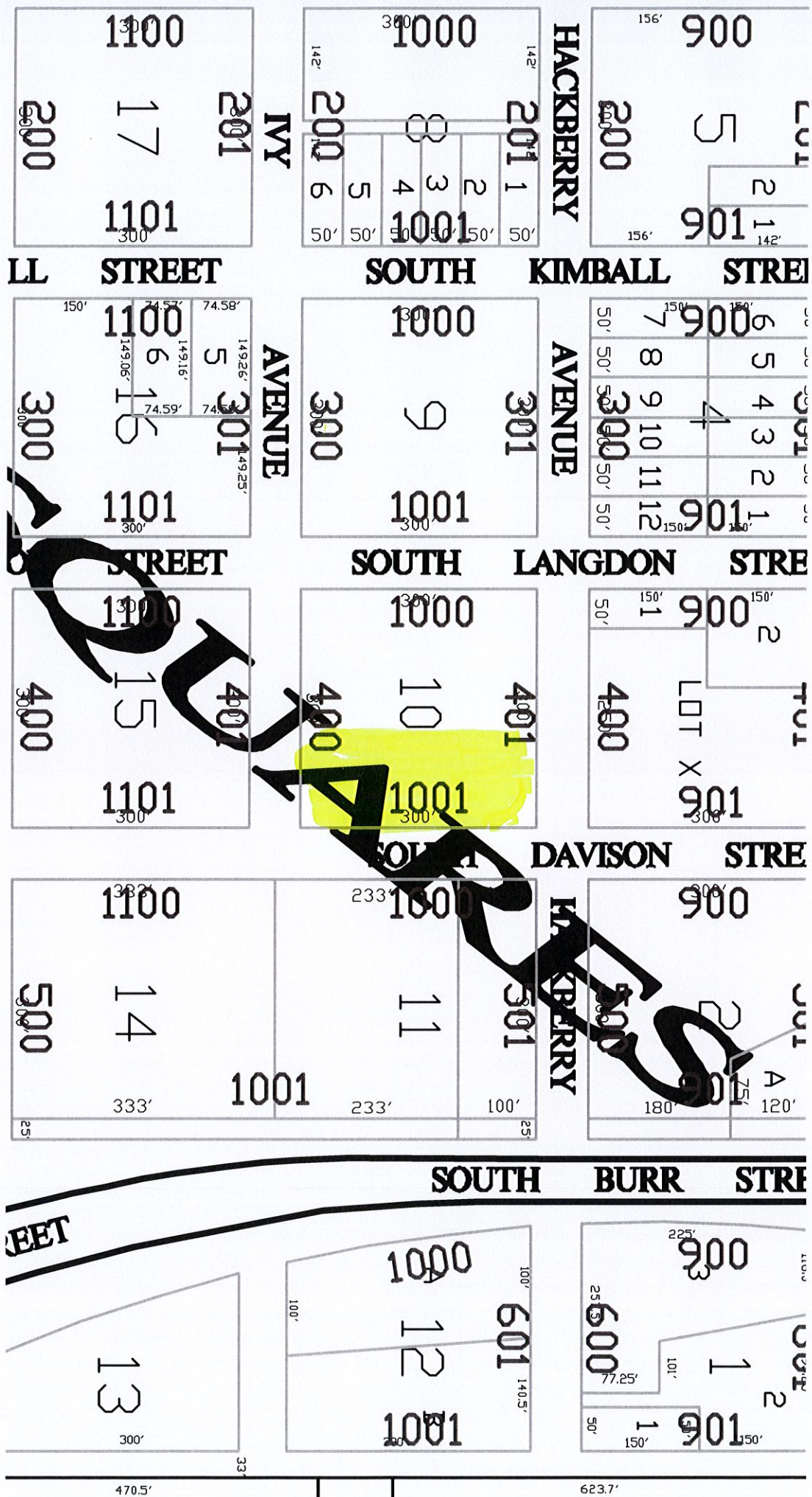
Home

East
End

3 steps

Sidewalk

Call 911 for police service



CHRISTINE WITTSTRUCK
413 E HACKBERRY
MITCHELL SD 57301

DAREN & KELLY STERK
401 E HACKBERRY
MITCHELL SD 57301

GRACE REFORM CHURCH
PO BOX 252
MITCHELL SD 57301

FREDRICKSEN MOTELS INC
601 E HAVENS AVE
MITCHELL SD 57301

WG DSTS REAL ESTATE PROP. TAX
PO BOX 1159
DEERFIELD IL 60015

WILBEMAC INC
126592 W SHORE DR
ABERDEEN SD 57401

