

CITY OF MITCHELL
CITY PLANNING COMMISSION AGENDA
COUNCIL CHAMBERS, CITY HALL, 612 N MAIN ST
MAY 26, 2020 (TUESDAY); 12:00 PM (NOON)

1. CALL TO ORDER:
2. ROLL CALL:
3. Declaration Of Conflicts Of Interests
4. APPROVE AGENDA:
5. Approval Of Minutes: 5/11/2020 Meeting

Documents:

[PLANNINGCOMMINUTES5112020..PDF](#)

6. Schedule Next Meeting: June 8, 2020

7. Review Plan: 1801 N Main "Former Palace Mall"

Per Board of Adjustment approval of the Conditional Use Permit; proposed 'outside storage' is to be approved by the planning commission. The owner would like to place a UHaul business on the location.

Documents:

[UHAULDETAILS.PDF](#)

8. Plat: A Plat Of Lot 3-A Of North Maui's First Addition, A Subdivision Of Lot 1 In The West 1/2 Of The NW 1/4, Also Described As Lot 1, Subdivision Of Government Lot 1, All In Section 31, T 104 N, R 60 W Of The 5th P.M., Davison County, South Dakota

Documents:

[PLATLOT3-AMAUIFIRST.PDF](#)
[AERIALLOT3-AMAU1ST.PDF](#)

9. Plat: A Plat Of Lot N, A Subdivision Of Previously Platted Lot S Of Maui Farms Second Addition, City Of Mitchell, Davison County, South Dakota

Documents:

[PLATLOTNSAMSTREET.PDF](#)
[AERIALLOTNSAMSTREET.PDF](#)

10. Plat: A Plat Of Lot 10, Block 7 Of Westwood First Addition, A Subdivision Of The SW 1/4 Of Section 16, T 103 N, R 60 W Of The 5th P.M., City Of Mitchell, Davison County, South Dakota

Documents:

[PLATLOT10WESTWOOD.PDF](#)
[AERIALLOT10WESTWOOD.PDF](#)

11. OTHER BUSINESS:

12. PUBLIC INPUT: If You Need To Address The City Planning Commission On An Item That Was Not On The Agenda, Excluding Personnel Items, Please Come Forward To The Podium And State Your Name And Your Concern. Presentations Are Limited To Three Minutes. Items Will Be Considered But No Action Will Be Taken At This Time.

13. 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
MAY 11, 2020**

NOT APPROVED

Chairman Larson called to order the May 11, 2020 City Planning Commission Meeting to order at 12:00 PM (Noon) in the Council Chambers, City Hall, Mitchell, South Dakota,

Members Present: Larson, Osterloo, Molumby, Vaux, Jirsa (telephonically) and Allen
Members Absent: Fergen & Genzlinger

Staff Present: Putnam, Croce, Schroeder, J. Johnson, Hegg, Ellwein, Mayor Everson

Conflicts of Interests: none

Approval of Agenda: Motion by Osterloo, seconded by Molumby to approve the agenda as presented.
Roll Call vote: Larson yes, Vaux yes, Molumby yes, Osterloo yes, Jirsa yes, Fergen absent, Genzlinger absent 5 yes 0 no 2 absent. Motion carried

Approval of Minutes: Motion by Jirsa, seconded by Vaux to approve the minutes of the April 27, 2020 meeting. Vaux yes, Molumby yes, Osterloo yes, Jirsa yes, Larson yes, Fergen absent, Genzlinger absent, 5 yes 0 no 2 absent. Motion carried.

Schedule Next Meeting: Motion by Osterloo, seconded by Molumby to schedule the next meeting for May 26, 2020 (Tuesday), Roll Call: Osterloo yes, Vaux yes, Molumby yes, Jirsa yes, Larson yes, Fergen absent, Genzlinger absent. 5 yes 0 no 2 absent.

Conditional Use Permit: R & M Rentals LLC has applied for a conditional use permit to operate a two-family dwelling building located at 300 W 10th Ave, legally described as Lot 12, Block 41, Capital Addition, City of Mitchell, Davison County, South Dakota.

The owner was present and answered questions from the commission. No one testified in opposition. Letters to the neighboring property owners were mailed and a public notice has been provided to the legal newspaper. The owner said he is providing off-street parking for the tenants. Motion by Jirsa, seconded by Osterloo to recommend approval of the conditional use to the Board of Adjustment. Roll Call Molumby yes, Jirsa yes, Osterloo yes, Vaux yes, Larson yes, Fergen absent, Genzlinger absent. 5 yes 0 no 2 absent.

Conditional Use Permit: Henry & Patricia Flack have applied for a conditional use permit for a non-contiguous building to be located on Barington Court, legally described as Lot 12I within Lot 12 of Fiala's Addition, in the East ½ of the NW ¼, Section 4, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota. The said real property is zoned RL Residential Lake District.

Henry Flack was present to answer questions. Written objections were received. Letters to the neighboring property owners were sent and a public notice has been provided to the legal newspaper.

Mr. Flack indicated he would use the proposed building for personal storage. Dale Odegaard, developer of neighboring property, said there are 13 lots in his development and the existing homes are around \$400,000 in value. He was required to install curb, gutter and streets and asked if this project will do the same. He mentioned that he has covenants on the development. He expressed concern that allowing this 'one shed' would result in more being approved. Phil Becker, neighbor, also expressed concern about 'opening the door' for more sheds. What could happen if the lots in this development are sold in the future? Marty Barington, son-in-law of Mr. Flack, stated this development is family owned. The purposes of the building is to store boats, watercraft and other items in order to move them off the lake property. He mentioned there are other similar buildings in the area that have been approved, specifically, Gerlach and Bernard. He stated the building will meet setbacks and will be placed in a location that it may not be noticeable. Croce asked about the possibility of a road and utilities. Barington said they are only seeking electricity. Putnam stated the council has the authority to approve a permit without an improved road. Becker responded that the Gerlach and Bernard buildings are on the same housing lot.

Motion by Molumby, seconded by Jirsa to recommend the board of adjustment deny the conditional use permit. Roll call: Larson yes, Jirsa yes, Molumby yes, Osterloo yes, Vaux abstaining, Fergen absent, Genzlinger absent. 4 yes, 0 no, 1 abstaining, 2 absent. Motion carried.

Variance: Henry & Patricia Flack have applied for an oversize variance of 3,200 square feet vs. 2,000 square feet and a height variance of 24 feet vs 22 feet as required and it will be located on Barington Court, legally described as Lot 12I within Lot 12 of Fiala's Addition, in the East ½ of the NW ¼, Section 4, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota. Written objections were received. Letters to the neighboring property owners were sent and a public notice has been provided to the legal newspaper

Motion by Osterloo, seconded by Jirsa to recommend denial of the variances to the Board of Adjustment. Roll Call: Osterloo yes, Molumby yes, Larson yes, Jirsa yes, Vaux abstaining, Fergen absent, Genzlinger absent. 4 yes, 0 no, 1 abstaining, 2 absent, Motion carried.

Plat: A Plat of Lot 10, 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. Putnam and Schroeder provided an update on the master plan and drainage for the area. Staff has been working with the developer and consultant to review and formalize the most recent plan that should be adopted by the city planning commission. Motion by Osterloo, seconded by Molumby to table action on the plat pending staff and developer completing a plan. Roll Call: Jirsa yes, Molumby yes, Larson yes, Osterloo yes, Vaux yes, Genzlinger absent, Fergen absent. 5 yes, 0 no, 2 absent. Motion carried.

Plat: A Plat of Lot A, A Subdivision of Previously Platted Lot S of Maui Farms Second Addition, City of Mitchell, Davison County, South Dakota. The plat appears to follow the master plan. Motion by Osterloo, seconded by Jirsa to approve the plat. Roll Call: Larson yes, Vaux yes, Jirsa yes, Osterloo yes, Molumby yes, Fergen absent, Genzlinger absent. 5 yes, 0 no, 2 absent. Motion carried.

Plat: Lots 1, 2, 3 of Koupal Brother's First Addition to the City of Mitchell, in Lot No. 1 of the Northeast Quarter (NE ¼) of Section 27, Township 103 North, Range 60 West of the 5th P.M., City of Mitchell, Davison County, South Dakota. The purpose of the plat is to separate the parcel into lots to be sold separately. Motion by Vaux, seconded by Jirsa to approve the plat. Roll Call: Jirsa yes, Molumby yes, Larson yes, Vaux yes, Osterloo yes, Fergen absent, Genzlinger absent. 5 yes, 0 no, 2 absent. Motion carried.

Public Input: none

Chairman Larson adjourned the meeting at 12:50 pm.

Hi Neil - Mark sent me the below email as he's traveling today. I met you a awhile back but as a reminder, I'm one of the three partners in the project. We have recently been approached by UHaul who would like to partner with us to better serve our storage customers by offering moving trucks. We would like to use our parking lot on the backside of our building to park the UHaul trucks/trailers when they are not in use. We don't have a definitive number of how many trucks that would be but it will align with whatever the market demands. There is a lot of unused space in the back and it is currently being used by teenagers who hang out in the parking lot and leave their garbage. We believe that productively using some of that space will eliminate the loitering/littering/liability and be a great service to the community who may need the UHaul service, and provide additional tax revenue to the City of Mitchell.

We would appreciate the commission's approval at your next meeting. Our goal is to have Simply Stor-It open around the second week of June and the UHaul services would likely be ready near that time as well.

Please let us know if you have any additional questions.

Thanks.

Roman

Roman Daniels-Brown
roman@danielsbrown.com
360-870-4789



1 Inch = 100 Feet

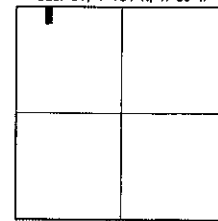
LEGEND

- = FOUND IRON 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 IN CHAINS
- = FOUND NAIL
- ◇ = SET 3/8" X 12" SPIKE W/WASHER PUR-6702
- NM = WITNESS MONUMENT

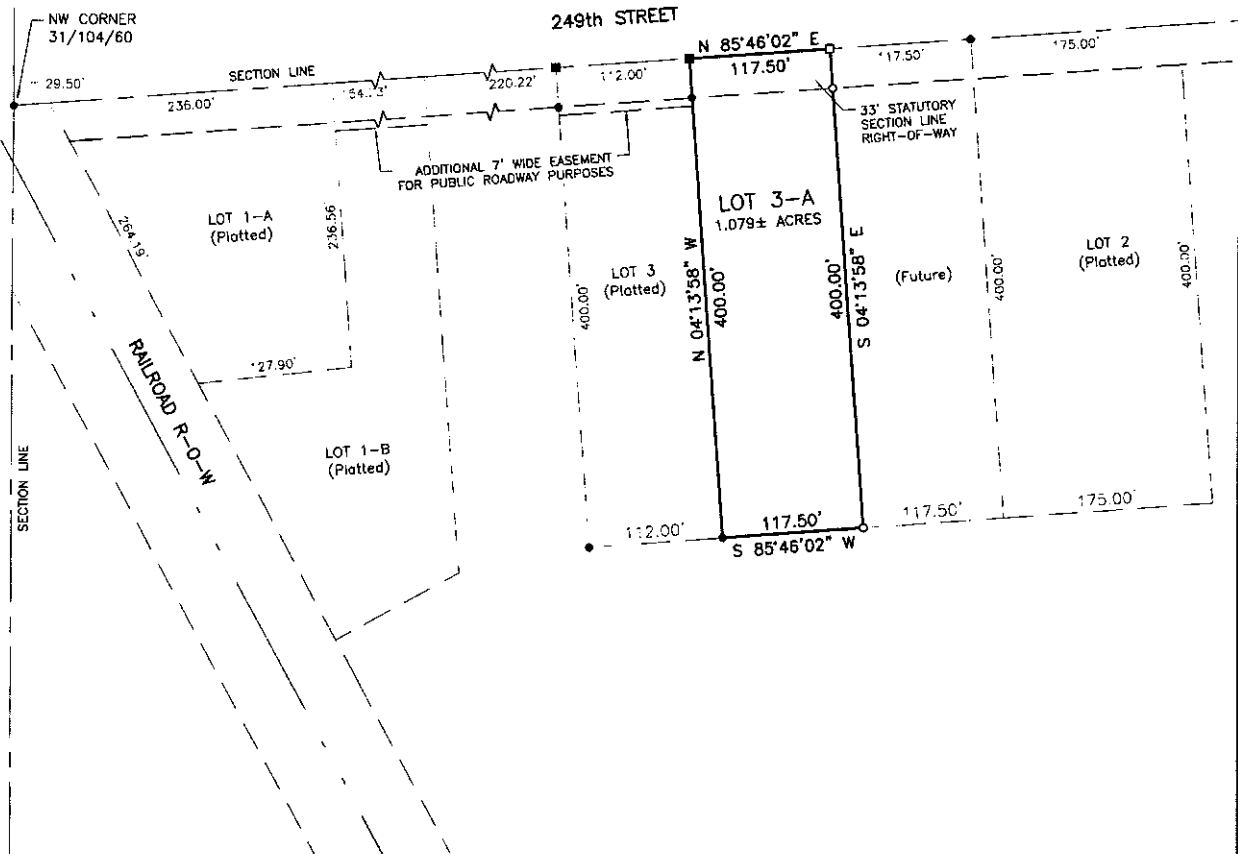
PREPARED BY: PAUL J. REILAND, R.L.S.
2100 NORTH SANBORN BLVD. - P.O. BOX 398
MITCHELL, SOUTH DAKOTA 57301
PHONE: (605) 996-7761

BEARINGS ARE BASED ON AN ASSUMED COORDINATE SYSTEM USING GPS GRID BEARINGS/GROUND DISTANCES

NOTE:
THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT OR TITLE COMMITMENT. EASEMENTS OF RECORD WERE NOT RESEARCHED AND ARE NOT SHOWN UNLESS OTHERWISE NOTED.



LOCATION MAP
SCALE: 1" = 3000'



A PLAT OF LOT 3-A OF NORTH MAUI'S FIRST ADDITION, A SUBDIVISION OF LOT 1 IN THE WEST 1/2 OF THE NW 1/4, ALSO DESCRIBED AS LOT 1, SUBDIVISION OF GOVERNMENT LOT 1, ALL IN SECTION 31, T 104 N, R 60 W OF THE 5th P.M., 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 Maui Farms Inc., a South Dakota corporation, as owner, and under its direction for purposes indicated therein, I did on or prior to May 18, 2020, survey those parcels of land described as follows: LOT 3-A OF NORTH MAUI'S FIRST ADDITION, A SUBDIVISION OF LOT 1 IN THE WEST 1/2 OF THE NW 1/4, ALSO DESCRIBED AS LOT 1, SUBDIVISION OF GOVERNMENT LOT 1, ALL IN SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., 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 _____, 2020.

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 3-A OF NORTH MAUI'S FIRST ADDITION, A SUBDIVISION OF LOT 1 IN THE WEST 1/2 OF THE NW 1/4, ALSO DESCRIBED AS LOT 1, SUBDIVISION OF GOVERNMENT LOT 1, ALL IN SECTION 31, T 104 N, R 60 W OF THE 5th P.M., 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 _____, 2020; and

WHEREAS, it appears from an examination of the plat of LOT 3-A OF NORTH MAUI'S FIRST ADDITION, A SUBDIVISION OF LOT 1 IN THE WEST 1/2 OF THE NW 1/4, ALSO DESCRIBED AS LOT 1, SUBDIVISION OF GOVERNMENT LOT 1, ALL IN SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., 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 3-A OF NORTH MAUI'S FIRST ADDITION, A SUBDIVISION OF LOT 1 IN THE WEST 1/2 OF THE NW 1/4, ALSO DESCRIBED AS LOT 1, SUBDIVISION OF GOVERNMENT LOT 1, ALL IN SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., 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 hereby certifies that the foregoing resolution was passed by the City of Mitchell, South Dakota, at a meeting held on the _____ day of _____, 2020.

Finance Officer/Deputy Finance Officer of City of Mitchell

RESOLUTION OF COUNTY PLANNING COMMISSION

WHEREAS, the plat of LOT 3-A OF NORTH MAUI'S FIRST ADDITION, A SUBDIVISION OF LOT 1 IN THE WEST 1/2 OF THE NW 1/4, ALSO DESCRIBED AS LOT 1, SUBDIVISION OF GOVERNMENT LOT 1, ALL IN SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., 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 County Auditor of Davison County, South Dakota, has been submitted to the County Planning Commission of the said County of Davison, South Dakota; and

WHEREAS, the County 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 County of Davison, South Dakota, heretofore adopted by this Commission;

NOW THEREFORE, be it resolved by the County Planning Commission of Davison County, South Dakota, that the plat of LOT 3-A OF NORTH MAUI'S FIRST ADDITION, A SUBDIVISION OF LOT 1 IN THE WEST 1/2 OF THE NW 1/4, ALSO DESCRIBED AS LOT 1, SUBDIVISION OF GOVERNMENT LOT 1, ALL IN SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, prepared by Paul J. Reiland, a Land Surveyor, be and the same is hereby approved and its adoption by the Board of Commissioners of the County of Davison, South Dakota, is hereby recommended.

The undersigned hereby certifies that the foregoing resolution was passed by the County Planning Commission of Davison County, South Dakota, at a meeting thereof held on the _____ day of _____, 2020.

Chairman/Vice-Chairman of Davison County Planning Commission

RESOLUTION BY BOARD OF COUNTY COMMISSIONERS

Be it resolved by the Board of County Commissioners of Davison County, South Dakota, that the plat of LOT 3-A OF NORTH MAUI'S FIRST ADDITION, A SUBDIVISION OF LOT 1 IN THE WEST 1/2 OF THE NW 1/4, ALSO DESCRIBED AS LOT 1, SUBDIVISION OF GOVERNMENT LOT 1, ALL IN SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, which has been submitted for examination pursuant to law, is hereby approved and the County Auditor is hereby authorized and directed to endorse on such plat a copy of this Resolution and certify the same.

Dated this _____ day of _____, 2020.

Chairperson/Vice-Chairperson, Board of County Commissioners of Davison County

SPN

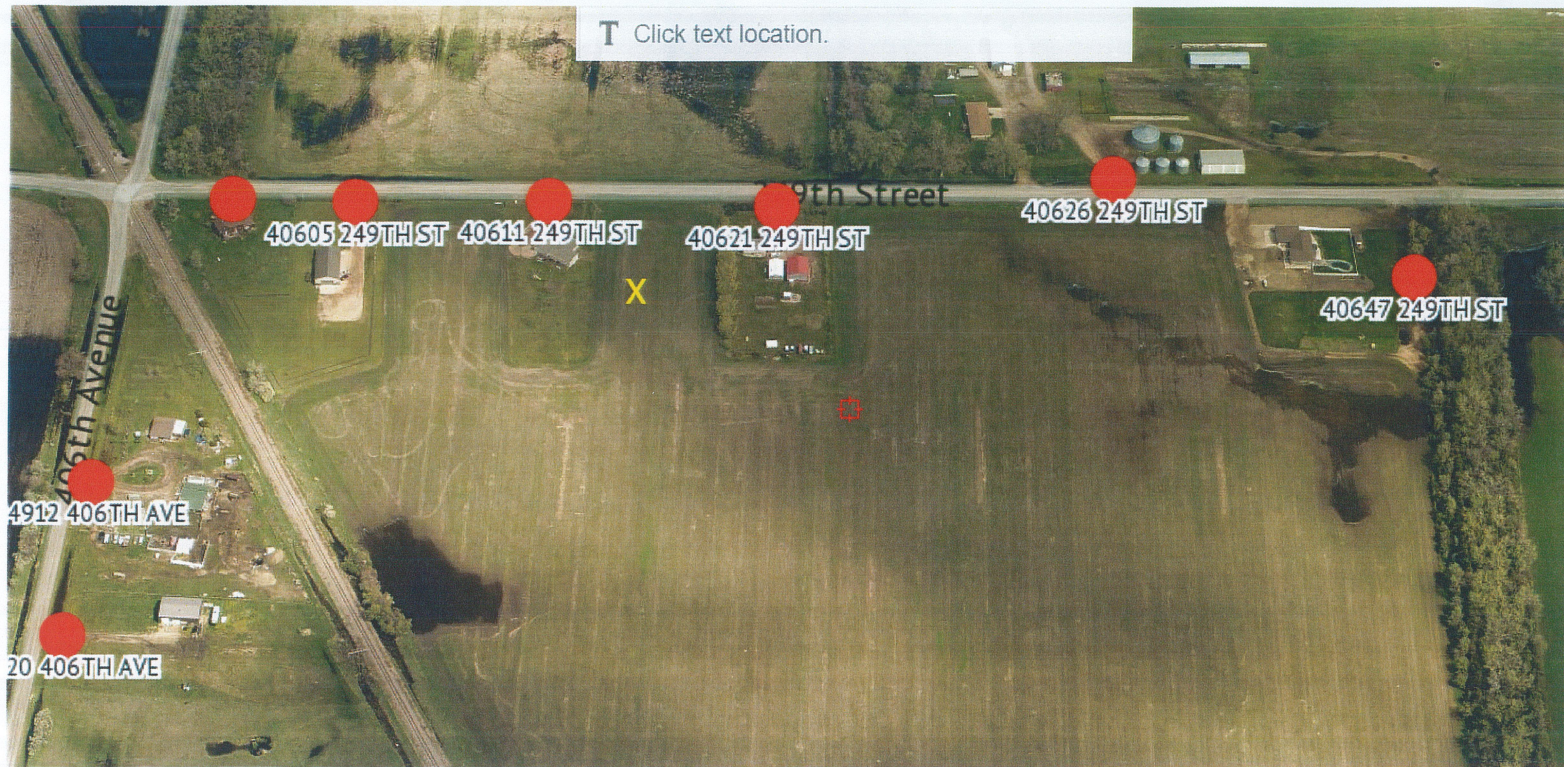
& Associates

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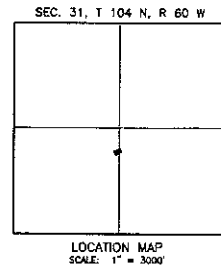
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1 inch = 100 Feet

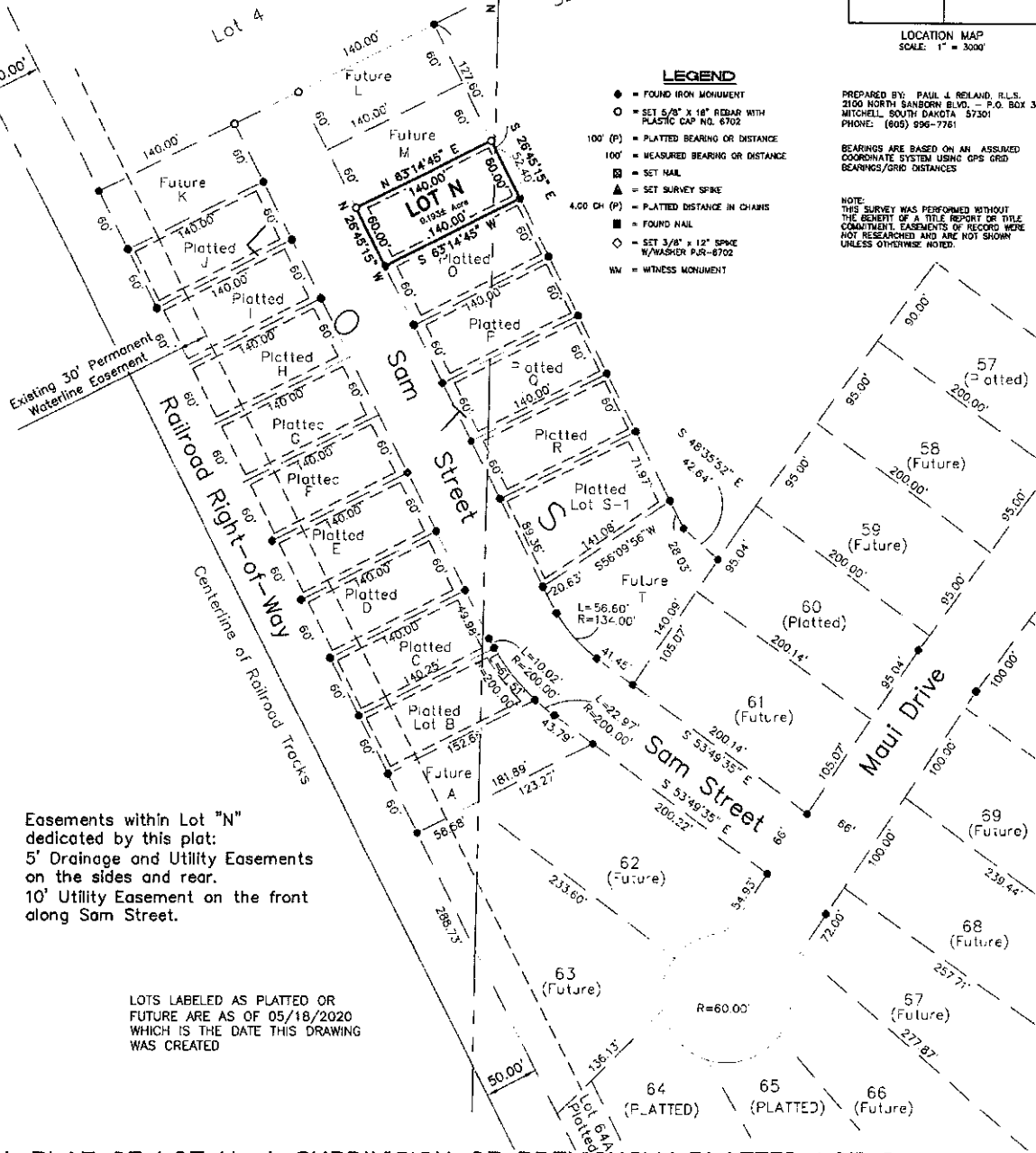
LOCATION MAP
SCALE: 1" = 3000'**LEGEND**

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- = FOUND NAIL
- ◇ = SET 3/8" X 12" SPIKE N/WASHER P.U.R.-6702
- WM = WITNESS MONUMENT

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

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A PLAT OF LOT N, A SUBDIVISION OF PREVIOUSLY PLATTED LOT S OF MAUI FARMS SECOND ADDITION, 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 Maui Farms Inc., a South Dakota corporation, as owner, and under its direction for purposes indicated therein, I did on or prior to May 12, 2020, survey those parcels of land described as follows: LOT N, A SUBDIVISION OF PREVIOUSLY PLATTED LOT S OF MAUI FARMS SECOND ADDITION, CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

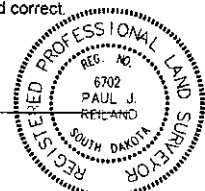
In my professional opinion and to the best of my knowledge, information and belief, the within and foregoing plat is true and correct.

Dated this _____ day of _____, 2020.

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 circular professional seal for a Registered Professional Land Surveyor. The outer ring contains the text "REGISTERED PROFESSIONAL LAND SURVEYOR" in a circular arrangement. Inside this ring, the text "REG. NO." is at the top, followed by the number "5702". Below the number is the name "PAUL J. REILAND" and at the bottom is "SOUTH DAKOTA".



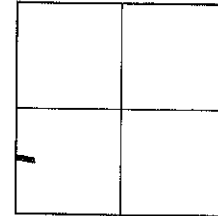
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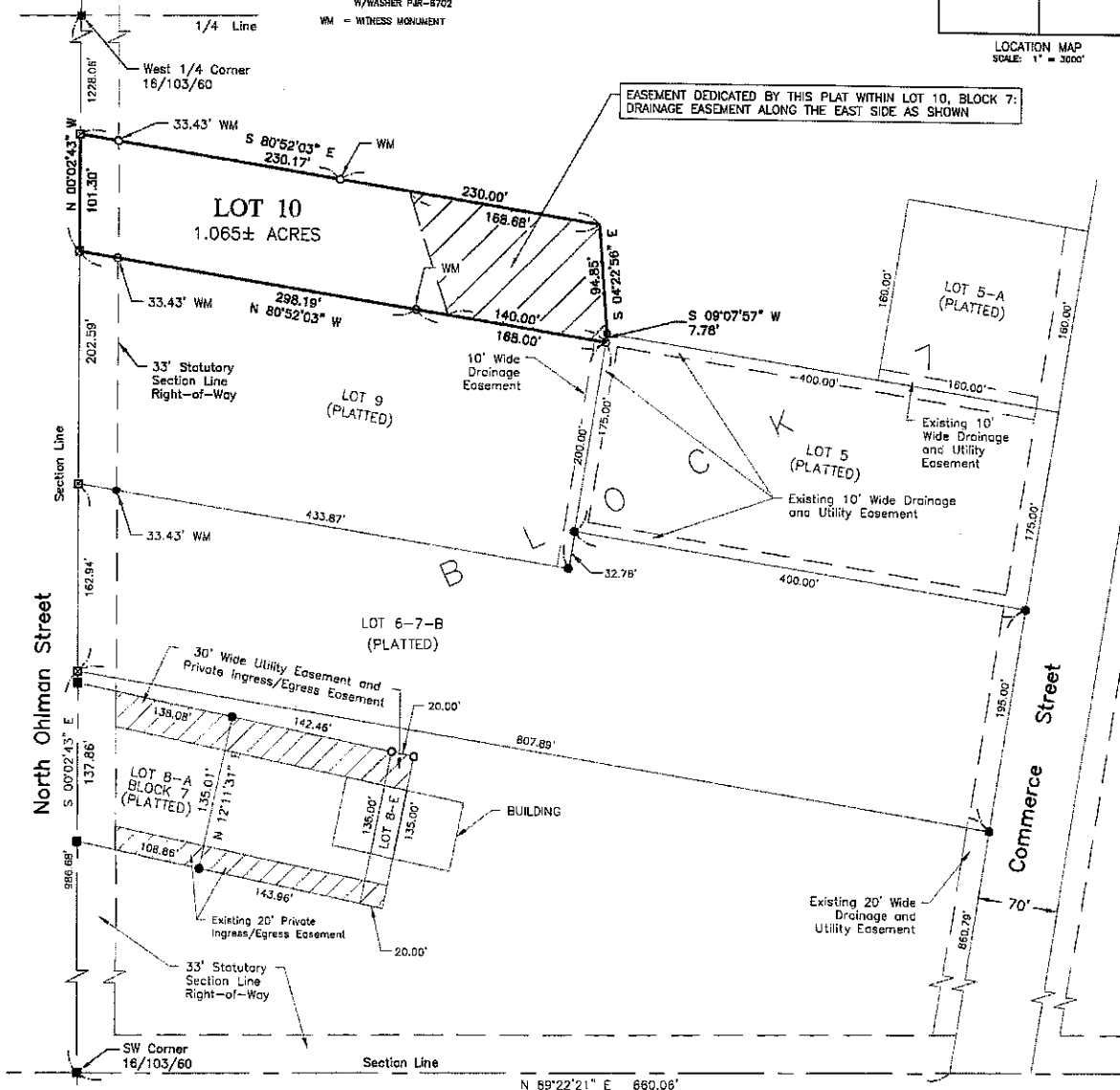
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SEC. 16, T 103 N, R 60 W



LOCATION MAP
SCALE: 1" = 3000'



SURVEYOR'S CERTIFICATE

Dated this _____ day of _____, 2020.

SPN

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