

**CITY OF MITCHELL
CITY PLANNING COMMISSION AGENDA
CITY COUNCIL CHAMBERS, CITY HALL
612 N MAIN ST
OCTOBER 12, 2021 @ 12:00P.M. (NOON)**

- 1. Call To Order:**
- 2. Roll Call:**
- 3. Declaration Of Conflicts Of Interests**
- 4. Approve Agenda:**
- 5. Approval Of Previous Minutes 9-27-21**

Documents:

[PLANNING COMMISSION UNSIGNED MINUTES 9-27-21.PDF](#)

- 6. Schedule Next Meeting-October 25, 2021 @ 12:00 P.M.**

- 7. Variance: Ryan & April Kirkpatrick**

Ryan & April Kirkpatrick have applied for a side-yard on a corner variance of 0 feet vs 20 feet as required to construct an attached pergola at 823 E 5th Ave, legally described as Lot 1, Block 11, F.M. Greene Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned R2 Single-Family Residential District.

Documents:

[KIRKPATRICK-APPLICATION.PDF](#)
[KIRKPATRICK-GIS.PDF](#)
[KIRKPATRICK-PHOTOS.PDF](#)
[KIRKPATRICK-NOTICE OF HEARING.PDF](#)
[KIRKPATRICK-NEIGHBORS.PDF](#)

- 8. Conditional Use Permit: Abbott House-1812 N Minnesota**

Abbott House has applied for a Conditional Use Permit to construct an asphalt parking facility at 1812 N Minnesota, legally described as Lot 6 Ex S 16', Block 9 of Fullerton Properties First Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned R4 High Density Residential District.

Documents:

[ABBOTT HOUSE-APPLICATION.PDF](#)
[ABBOTT HOUSE-GIS.PDF](#)
[ABBOTT HOUSE-NOTICE OF HEARING.PDF](#)
[ABBOTT HOUSE-NEIGHBORS.PDF](#)

- 9. Plat: Plat Of Lot 13, Block 5 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 Requested By CJM Consulting Inc.**

Documents:

10. Other Business:

11. 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.

12. 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
September 27, 2021

NOT APPROVED

1. Chairperson Larson called the September 27, 2021 City Planning Commission Meeting to order at 12:00 P.M. noon in the Council Chambers, City Hall, 612 N Main Street.
2. Roll Call-quorum is met, simple majority vote required for all items.
Present: Larson, Molumby, Genzlinger, Penney, Osterloo, Sonne, Doescher.
Absent: Jirsa.
Staff Present: Jenniges, Schroeder, Sandoval, London, Ellwein, Mayor Everson.
3. Declare conflicts of interest-None.
4. Approval of proposed agenda: Motion by Genzlinger, seconded by Sonne, to approve the proposed agenda. All present members voting aye, motion carried.
5. Approval of proposed Minutes: Motion by Molumby, seconded by Osterloo, to approve the minutes of the September 13, 2021 Planning Commission meeting. All present members voting aye, motion carried.
6. Schedule next meeting: Motion by Osterloo, seconded by Genzlinger, to schedule the next meeting for October 12, 2021. All present members voting aye, motion carried.
7. Variance: Jason Bates has applied for a north side-yard variance of 0 feet vs 3 feet as required for an addition located at 1112 N Rowley St, legally described as Lot 16, Block 4, D.A. Scotts Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned R2 Single-Family Residential District. The applicant was present to answer questions. Notices were sent out to the neighbors and it was published in the official newspaper with the 3 responses in favor, one of which being the neighbor the side-yard abuts and 0 opposed to the variance,

The neighbor originally came in questioning what was going on at the residence and if a building permit had been issued. The city did not have any record so Building Inspector Hegg investigated. The structure has already been built and finished. Pictures were provided in the packet showing the completed project and pin location on the lot line.

Molumby questioned if the board was being asked for permission or forgiveness.

Jason Bates stated it is not attached to the house. He did not know he needed a building permit because it wasn't attached to the house. He finished the structure and said it wouldn't take long to take down and move if he needed to. The posts are not concreted into the ground, they are fastened by metal brackets. There is a gutter on the north side draining the water back onto his own property.

Drew Boyden stated he is the neighbor to the north and originally had issues with it but after conversations with Bates he is okay with it. His main concern was the drainage of water onto his property, but with the gutter installed he is okay with it and does not foresee any drainage issues.

Molumby voted against and explained his vote that if everyone in town starts doing this, why do we have rules. Larson stated he agreed with Doug when he voted against.

Motion by Genzlinger, seconded by Osterloo, to recommend approval to the Board of Adjustment with the condition the structure can not be any further enclosed. Roll call vote: Larson – nay, Molumby – nay, Jirsa – absent, Osterloo – aye, Genzlinger – aye, Sonne – aye, Penney – aye. 4 aye, 2 nay, 1 absent, motion carried.

8. Plat: Plat of Lots 1 & 2 in Tract I and Lots 9 & 10 in Tract H, Wild Oak Golf Club Addition to the City of Mitchell, Davison County, South Dakota; as requested by Firesteel Links, LLC. The applicant was not present to answer questions. Elevation certificates were provided with the plat.

Public Works did have a concern with the elevation certificate with there being a 3' drop along the lot line. Public Works Director Schroeder has reached out to the surveyor but have not received a response.

Doescher gave an overview of the area for drainage and the water drains all from the west to the east into these parcels and into a culvert going under the road and then north to the pond. He has seen water standing in this area. He believed there was one buyer for the two parcels but could not confirm if they were building across the lot line or if they were building just on one parcel and keeping the other for green space.

Schroeder reminded the board that any drainage plans or site layout plans would be discussed and addressed at the time of a building permit being applied for.

Motion by Osterloo, seconded by Molumby, to approve Plat with the recommendation that if the requested information is not presented to the Council, the Council table the plat. Roll call vote: Larson – nay, Molumby – aye, Jirsa – absent, Osterloo – aye, Genzlinger – nay, Sonne – aye, Penney – aye. 4 aye, 2 nay, 1 absent, motion carried.

9. Plat: Plat of Lots 13 & 14 in Tract I, Wild Oak Golf Club Addition to the City of Mitchell, Davison County, South Dakota; as requested by Firesteel Links, LLC. The applicant was not present to answer questions. Elevation certificates were provided with the plat.

Motion by Molumby, seconded by Penney, to approve Plat. All present members voting aye, motion carried.

10. Plat: Plat of Lots 17, 18 & 19 in the replat of Tract A, Wild Oak Golf Club Addition to the City of Mitchell, Davison County, South Dakota; as requested by Firesteel Links, LLC. The applicant was not present to answer questions. Elevation certificates were provided with the plat.

Motion by Genzlinger, seconded by Sonne, to approve Plat . All present members voting aye, motion carried.

11. Other Business-None.

12. Public Comment-None.

13. Chairman Larson adjourned the meeting at 12:33 P.M.

Jay Larson
Planning Commission Chairperson



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

The undersigned applicant(s) and owner(s) is hereby making an application pursuant to the provisions of the City of Mitchell Zoning Code.

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 City Council or City Board of Adjustment. Furthermore, the applicant(s) request the City of Mitchell to publish the appropriate notice(s) in accordance with the City of Mitchell's Ordinances.

☐ **Rezoning** \$150 application due with the application.

- Applicant is request to rezone property from _____ District to _____ District.

☒ **Variance** \$100 application due with the application.

- Description of Variance Requested: 0' vs 20' on side corner setback

☐ **Conditional Use Permit** \$100 application due with the application.

- Description of Conditional Use: _____

This Application is for the following described real property:

- Legal Description: Lot 1, Block 11 of FM Greene Addition,
City of Mitchell, Davison County, South Dakota

- Property Address: 823 E 5th Ave

Dated this 14th day of September, 2021

Anita Villanueva

Applicant

Owner







NOTICE OF HEARING

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

YOU ARE HEREBY NOTIFIED that Ryan & April Kirkpatrick have applied for a side-yard on a corner variance of 0 feet vs 20 feet as required to construct an attached pergola at 823 E 5th Ave, legally described as Lot 1, Block 11, F.M. Greene Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned R2 Single-Family Residential District.

YOU ARE FURTHER NOTIFIED, that public hearings will be held by the City Planning Commission on October 12, 2021, 12:00 P.M. (Noon) and the Board of Adjustment on October 18, 2021 at 6:00 P.M., at the Council Chambers, Mitchell City Hall, 612 N Main St. All interested parties may attend the public hearings and provide comments in regards to the applicant's request.

Dated at Mitchell, South Dakota, this 24th day of September, 2021.

Michelle Bathke

FINANCE OFFICER

Publish once: 29th day of September, 2021

Approximate Cost:

Ryan & April Kirkpatrick
823 E 5th Ave
Mitchell, SD 57301

Eric Zilla
808 E 5th Ave
Mitchell, SD 57301

Hansen Homes & Rentals LLC
47152 276th St
Harrisburg, SD 57032

Derald & Mari Pahl
818 E 5th Ave
Mitchell, SD 57301

Melvin & Brenda Eilts
821 Kynette Pl
Mitchell, SD 57301

Jerry & Kellie Hilton
904 E 5th Ave
Mitchell, SD 57301

Chelsea Kulm
908 E 5th Ave
Mitchell, SD 57301

Clark & Charola Matrinek
PO Box 1103
Mitchell, SD 57301

Joel Rang
805 E 5th Ave
Mitchell, SD 57301

Melissa Olson
819 E 5th Ave
Mitchell, SD 57301

Mathew & Diana Evers
2304 Dean Dr
Mitchell, SD 57301

Chad Holmberg
905 E 5th Ave
Mitchell, SD 57301

James & Wendy Klemetsrud
909 E 5th Ave
Mitchell, SD 57301

Kelly Wessels
808 E 4th Ave
Mitchell, SD 57301

Jodi Zastrow
812E 4th Ave
Mitchell, SD 57301

Mercedes Dalton (CP)
Samuel Dalton (WD)
816 E 4th Ave
Mitchell, SD 57301

Earl & Barbara Vandever
820 E 4th Ave
Mitchell, SD 57301

Eugene & Donna Farris
900 E 4th Ave
Mitchell, SD 57301

Kenneth & Jill Johnson
40446 254th St
Mitchell, SD 57301



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

The undersigned applicant(s) and owner(s) is hereby making an application pursuant to the provisions of the City of Mitchell Zoning Code.

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 City Council or City Board of Adjustment. Furthermore, the applicant(s) request the City of Mitchell to publish the appropriate notice(s) in accordance with the City of Mitchell's Ordinances.

☐ **Rezoning** \$150 application due with the application.

- Applicant is request to rezone property from _____ District to _____ District.

☒ **Variance** \$100 application due with the application.

- Description of Variance Requested: _____

☒ **Conditional Use Permit** \$100 application due with the application.

- Description of Conditional Use: Parking Facility - Asphalt parking Area.

This Application is for the following described real property:

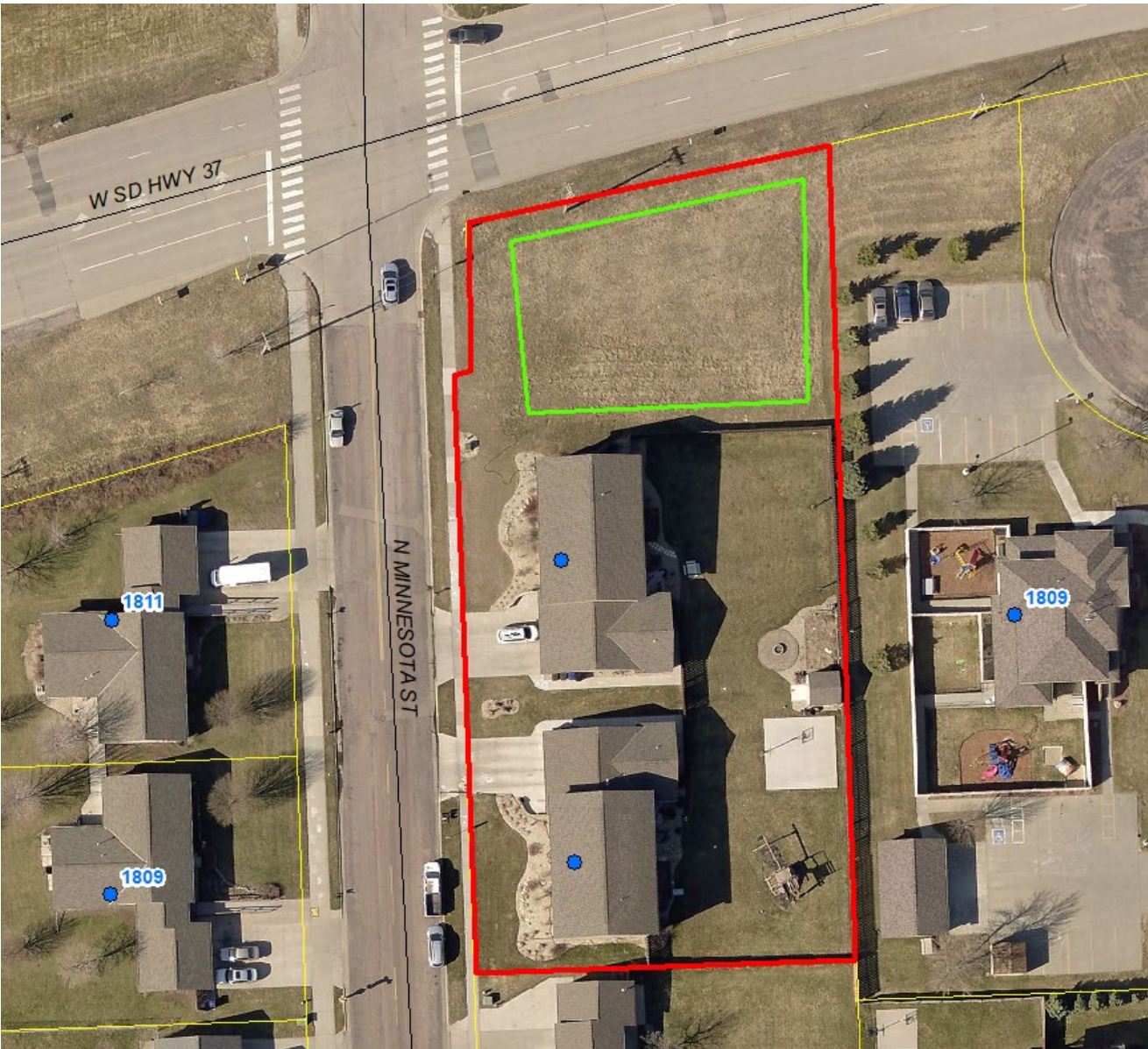
- Legal Description: Lot 6 Ex S 16', Block 9 of Fullerton
Properties First Addition, City of Mitchell,
Davison County, South Dakota
- Property Address: 1812 North Minnesota

Dated this 21st day of September, 2021.

Abbott House Inc.

Applicant

[Signature]
Owner



NOTICE OF HEARING

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

YOU ARE HEREBY NOTIFIED that Abbott House has applied for a Conditional Use Permit to construct an asphalt parking facility at 1812 N Minnesota, legally described as Lot 6 Ex S 16', Block 9 of Fullerton Properties First Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned R4 High Density Residential District.

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Dated at Mitchell, South Dakota, this 24th day of September, 2021.

Michelle Bathke

FINANCE OFFICER

Publish once: 29th day of September, 2021

Approximate Cost:

Abbott House In
909 Court Merrill
Mitchell, SD 57301

Cayla & Thomas Holleman
1801 N Minnesota St
Mitchell, SD 57301

Austin & Brooke McCourt
1805 N Minnesota St
Mitchell, SD 57301

James & Grace Radke Land LLC
324 Fair Oaks Ave
Mitchell, SD 57301

Jeanne Blaallid Living Trust
800 W Spruce St
Mitchell, SD 57301

Israel Espinosa
1101 S Burr St
Mitchell, SD 57301

Gerald & Donna Wulf
600 W 18th Ave
Mitchell, SD 57301

Sarah & Craig Lieber
1805 N Wisconsin St
Mitchell, SD 57301

Mitchell Area Safehouse
1809 N Wisconsin St
Mitchell, SD 57301

Summer Crest LTD
% Skogen Company
PO Box 216
Irene, SD 57037

IS Properties LLC
1000 Innovative Dr
Mitchell, SD 57301

Dental Designs Properties LLC
515 Oakmond Ave
Mitchell, SD 57301

Mitchell Retirement LLC
2100 N Wisconsin St
Mitchell, SD 57301



1 Inch = 60 Feet

LEGEND

- = FOUND IRON MONUMENT
- = SET 3/8" 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 P.W.-4702
- WM = WITNESS MONUMENT

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.

PREPARED BY: PAUL J. REILAND, R.L.S.
2100 NORTH SANBORN BLVD. - P.O. BOX 358
MITCHELL, SOUTH DAKOTA 57301
PHONE: (605) 996-7761

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

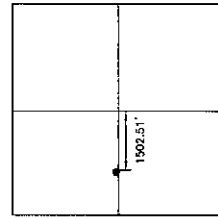
EASEMENTS WITHIN LOT 13, BLOCK 5 DEDICATED BY THIS PLAT:

FRONT ALONG CHARLES AVENUE = 5' UTILITY EASEMENT

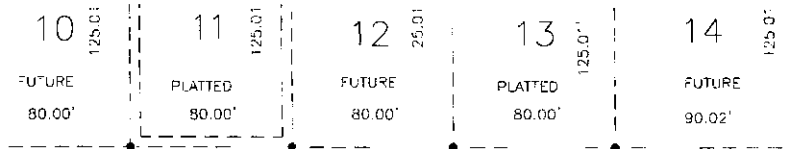
SIDES AS SHOWN = 3' DRAINAGE AND UTILITY EASEMENT

REAR AS SHOWN = 5' DRAINAGE AND UTILITY EASEMENT

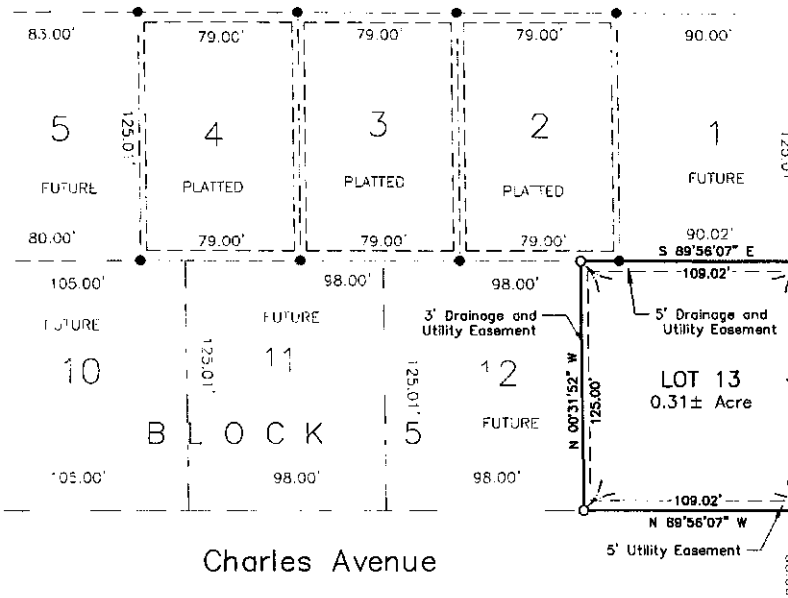
SEC. 23, T 103 N, R 60 W



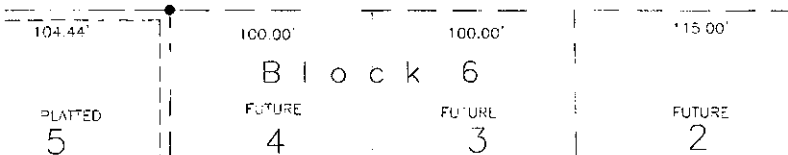
LOCATION MAP
SCALE: 1" = 3000'



Snead Avenue



Charles Avenue



A PLAT OF LOT 13, BLOCK 5 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 September 30, 2021, survey those parcels of land described as follows: LOT 13, BLOCK 5 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 10th day of October, 2021.

Registered Land Surveyor #SD6702

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



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

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 2021.

CORPORATION ACKNOWLEDGMENT

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

RESOLUTION OF CITY PLANNING COMMISSION

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 _____, 2021.

21-15705

REGISTERED PROFESSIONAL LAND SURVEYOR
REG. NO.
6702
PAUL J.
REILAND
SOUTH DAKOTA
REGISTERED

SP

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

