

**CITY OF MITCHELL
CITY PLANNING COMMISSION AGENDA
CITY COUNCIL CHAMBERS, CITY HALL
612 N MAIN ST
FEBRUARY 14, 2022 @ 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 2-3-21.**

Documents:

[PLANNING COMMISSION UNSIGNED MINUTES 2-3-22.PDF](#)

- 6. Schedule Next Meeting-2-28-22 @ 12:00 P.M.**

- 7. Variance: Gold Key Properties LLC-707 S Davison St.**

Gold Key Properties LLC has applied for a Variance Permit for a front-yard variance of 23' vs 25' to construct a duplex; located at 707 S Davison St, legally described as Lot 55 of Overlook Addition, City of Mitchell, South Dakota. The said real property is zoned R3 Medium Family Residential District.

Documents:

[GOLD KEY PROPERTIES LLC-APPLICATION.PDF](#)
[GOLD KEY PROPERTIES LLC-SITE PLAN.PDF](#)
[GOLD KEY PROPERTIES LLC-GIS.PDF](#)
[GOLD KEY PROPERTIES LLC-NOTICE OF HEARING.PDF](#)
[GOLD KEY PROPERTIES LLC-NEIGHBORS.PDF](#)
[GOLD KEY PROPERTIES LLC-LETTER FROM NEIGHBOR-HILL.PDF](#)

- 8. Conditional Use Permit: Erika Zilla-1105 Chalkstone Drive.**

Erika Zilla has applied for a Conditional Use Permit to operate a childcare, family residential; located at 1105 Chalkstone Drive, legally described as Lot 4, Block 4, Northridge Park Subdivision, City of Mitchell, South Dakota. The said real property is zoned R1 Single Family Residential District.

Documents:

[ZILLA-APPLICATION.PDF](#)
[ZILLA-GIS.PDF](#)
[ZILLA-NOTICE OF HEARING.PDF](#)
[ZILLA-NEIGHBORS.PDF](#)
[ZILLA-LETTER FROM NEIGHBOR-VANOVERSCHELDE.PDF](#)
[ZILLA-LETTER FROM NEIGHBOR-CHRISTENSEN.PDF](#)
[ZILLA-LETTER FROM NEIGHBOR-HEEMSTRA.PDF](#)
[ZILLA-LETTER FROM NEIGHBOR-POWERS.PDF](#)

9. Variance: Rockwell-5213 Fiala Rd

That Nick and Hilary Rockwell have applied for a Variance Permit for an oversized garage and accessory building combination of 4,560 square feet vs 2,000 square feet and maximum height for an accessory building of 27' vs 22'; located at 5213 Fiala Rd, legally described as Lot 4 of Fiala's Addition in the NW 1/4 of Section 4, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota. The said real property is zoned RL Lake Residential District.

Documents:

[ROCKWELL-APPLICATION.PDF](#)
[ROCKWELL-PLANS.PDF](#)
[ROCKWELL-GIS.PDF](#)
[ROCKWELL-NOTICE OF HEARING.PDF](#)
[ROCKWELL-NEIGHBORS.PDF](#)

10. Rezoning: Jensen Capital And Development LLC-Area Of S Miller St And Quincy St.

Jensen Capital and Development LLC is requesting the following property legally described as Block 12 Ex S 395' of N 490' of W 231' of Morningview Addition in the SE ¼ of Section 28, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota be changed from UD Urban Development District to I Industrial District AND THE OFFICIAL ZONING MAP BE CHANGED TO REFLECT THE SAME. (Area of S Miller St and Quincy St) For the purpose of moving his business to that location.

Documents:

[JENSEN CAPITAL AND DEVELOPMENT LLC-APPLICATION.PDF](#)
[JENSEN CAPITAL AND DEVELOPMENT LLC-GIS.PDF](#)
[JENSEN CAPITAL AND DEVELOPMENT LLC-NOTICE OF HEARING.PDF](#)
[JENSEN CAPITAL AND DEVELOPMENT LLC-NEIGHBORS.PDF](#)
[JENSEN CAPITAL AND DEVELOPMENT LLC-LETTER FROM NEIGHBOR-SCHNABEL.PDF](#)
[JENSEN CAPITAL AND DEVELOPMENT LLC-LETTER FROM NEIGHBOR-REIMNITZ.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
February 3, 2022

NOT APPROVED

1. Vice-Chairperson Molumby called the February 3, 2022 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: Molumby, Osterloo, Penney, Genzlinger, Jirsa (telephonically), Doescher.
Absent: Larson., Penney,
Staff Present: Jenniges, J Johnson, Ellwein.
3. Declare conflicts of interest-None
4. Approval of amended agenda: Motion by Genzlinger, seconded by Sonne, to approve the proposed agenda. Roll call vote: Larson – absent, Molumby – aye, Jirsa –aye, Osterloo – aye, Genzlinger – aye, Sonne –aye, Penney– absent. 5 aye, 0 nay, 2 absent, motion carried.
5. Approval of proposed minutes: Motion by Osterloo, seconded by Genzlinger, to approve the minutes of the January 10, 2022 Planning Commission meeting. Roll call vote: Larson – absent, Molumby – aye, Jirsa –aye, Osterloo – aye, Genzlinger – aye, Sonne –aye, Penney– absent. 5 aye, 0 nay, 2 absent, motion carried.
6. Schedule next meeting: Motion by Genzlinger, seconded by Osterloo, to schedule the next meeting for February 14, 2022. Roll call vote: Larson – absent, Molumby – aye, Jirsa –aye, Osterloo – aye, Genzlinger – aye, Sonne –aye, Penney– absent. 5 aye, 0 nay, 2 absent, motion carried..
7. Plat: Plat of Lots 25 & 26 of the Island First Addition, a subdivision of the SE ¼ of Section 31, Township 104, Range 60 West of the 5th P.M. to the City of Mitchell, Davison County, South Dakota; as requested by Maui Farms Inc. The applicant was not present to answer questions.

Jenniges gave a description of the two lots being platted. These two lots will become one parcel but staff did not want to lose any of master plan future lot numbers. There are no easements between the two lots since the owner intends to build across the lot lines.

Motion by Jirsa, seconded by Genzlinger, to approve the Plat. Roll call vote: Larson – absent, Molumby – aye, Jirsa –aye, Osterloo – aye, Genzlinger – aye, Sonne –aye, Penney– absent. 5 aye, 0 nay, 2 absent, motion carried.

8. Public Hearing: Hearing and Recommendation on Ordinance #2022-01, Repealing, Readopting and Amending Zoning Regulations for Cannabis Establishments.

Johnson gave an overview of the proposed changes to the ordinance. The first is changing the title number associated to the location of the ordinance which was done incorrectly and put under the building regulations title and was supposed to be under zoning regulations title. The second is removing “but excluding public rights of way” from Section 10-15-6(B). Staff has found that measuring excluding public rights of way like the interstate has created some issues and extra variances that were not intended when the ordinance was written. Also the existing language can have the direct line from property line to property line be all in the rights of way even if the properties are over a mile apart but on opposite sides of the right of way. Johnson gave some other examples that staff was looking at proposing for changes but including the public rights of way was the simplest to follow.

Genzlinger agreed it should be property line to property line and include rights of way. Molumby agreed.

Johnson stated state law only requires 1,000’ from schools, K-12, and the City of Mitchell put more restriction by adding the 1,000’ from dispensary to dispensary and picked the 1,000’ to stay consistent with the state. The city also allows for variances to be requested when hardships can be presented and there is a process those applicants will have to follow.

Motion by Genzlinger, seconded by Osterloo, to recommend approval of O-2022-01. Roll call vote: Larson – absent, Molumby – aye, Jirsa –aye, Osterloo – aye, Genzlinger – aye, Sonne –aye, Penney– absent. 5 aye, 0 nay, 2 absent, motion carried.

9. Other Business-None.

10. Public Comment-None.

11. Vice-Chairman Molumby adjourned the meeting at 12:19 P.M.

Doug Molumby
Planning Commission Vice-Chairperson



TO: THE MITCHELL PLANNING COMMISSION AND CITY COUNCIL, 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. 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 fee due with the application.

Applicant is request to rezone property from District to District.

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

Description of Variance: Front-yard variance of 23' vs 25 to construct a duplex.

☐ **Conditional Use Permit** \$150 application fee due with application

Description of Conditional Use:

This Application is for the following described real property:

Legal Description: Lot 55 of Overlook Addition, City of Mitchell, Davison County, South Dakota.

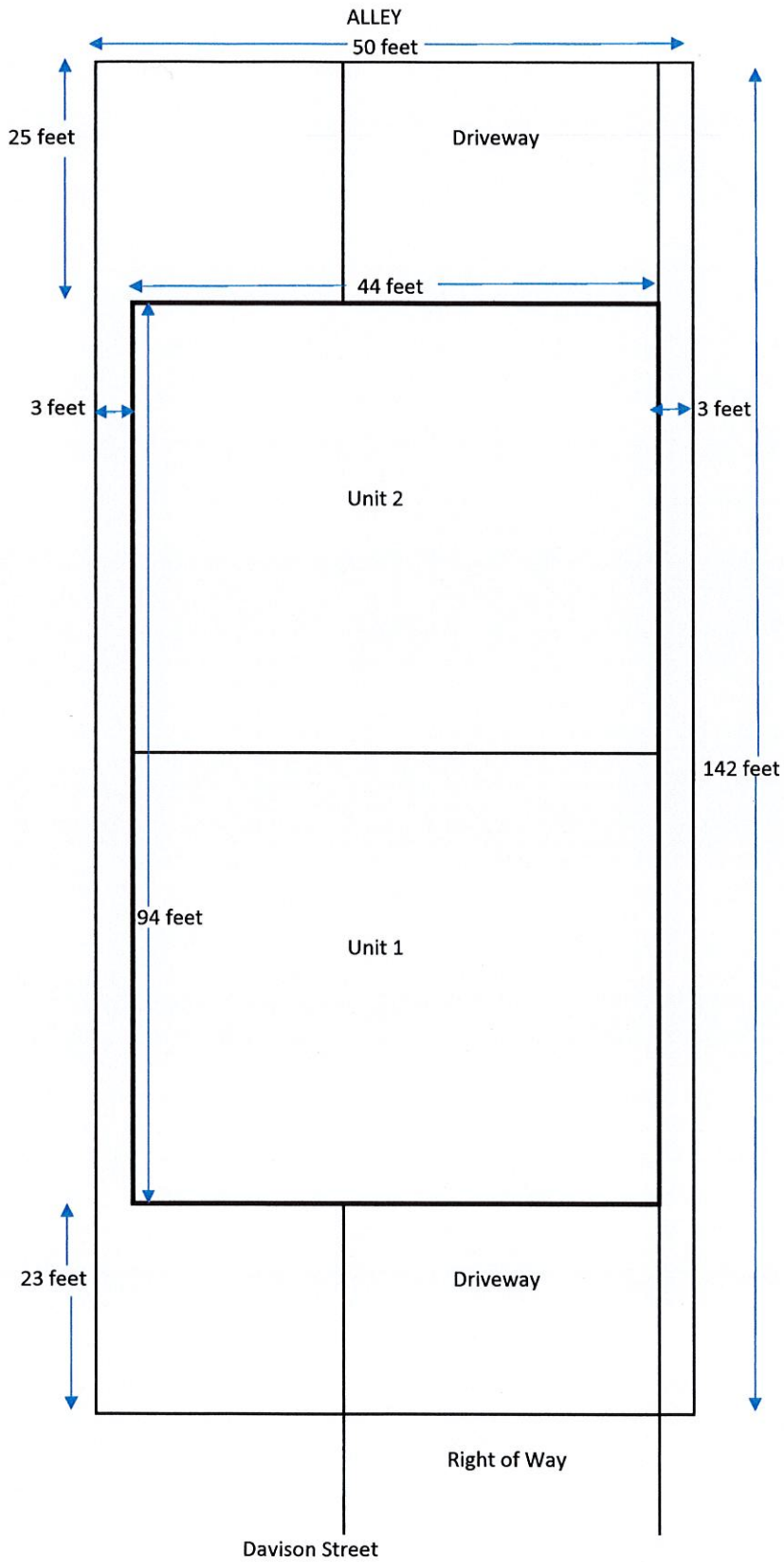
Property Address: 707 S Davison St, Mitchell, SD

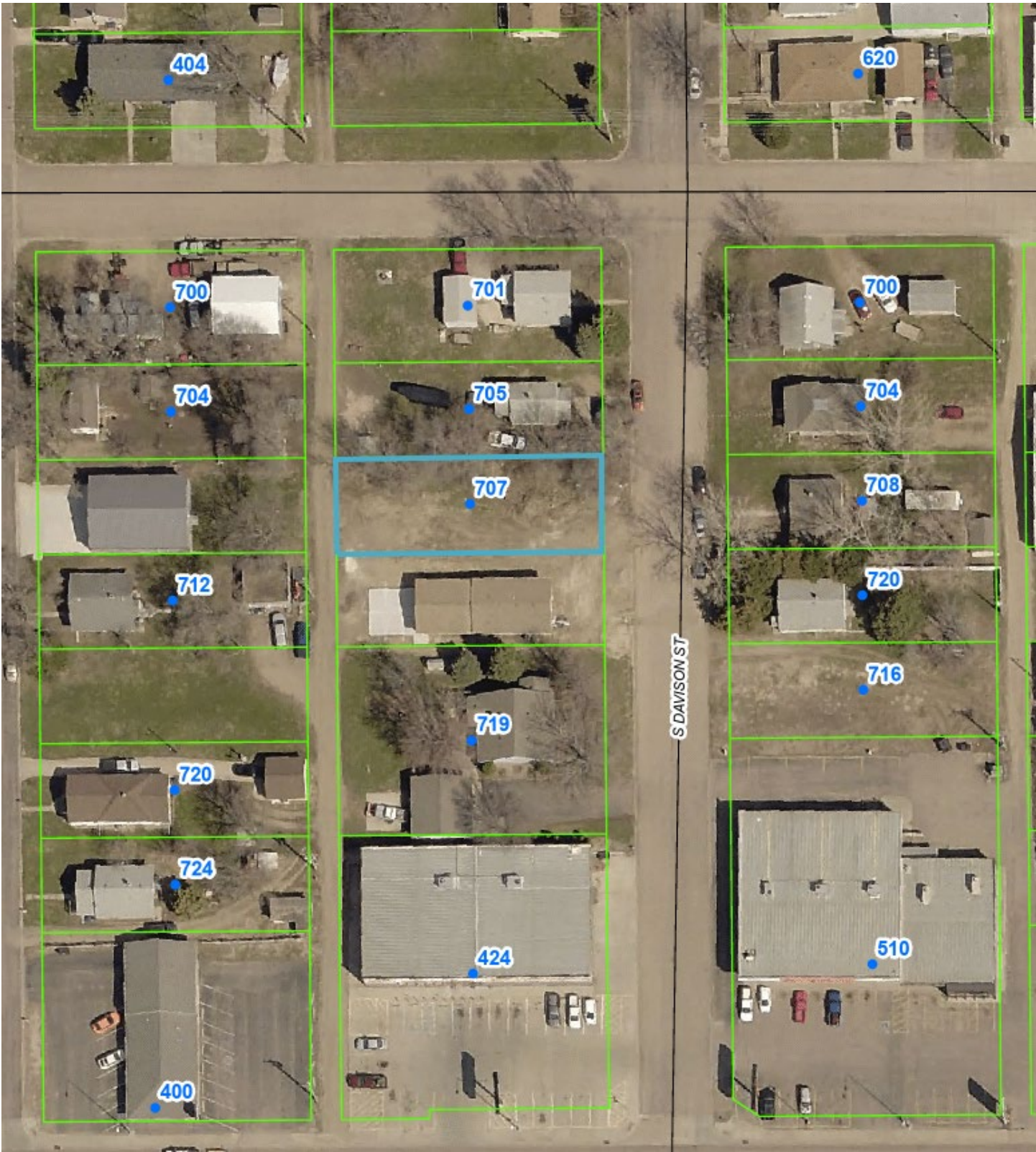
Dated this 12th of January, 2022

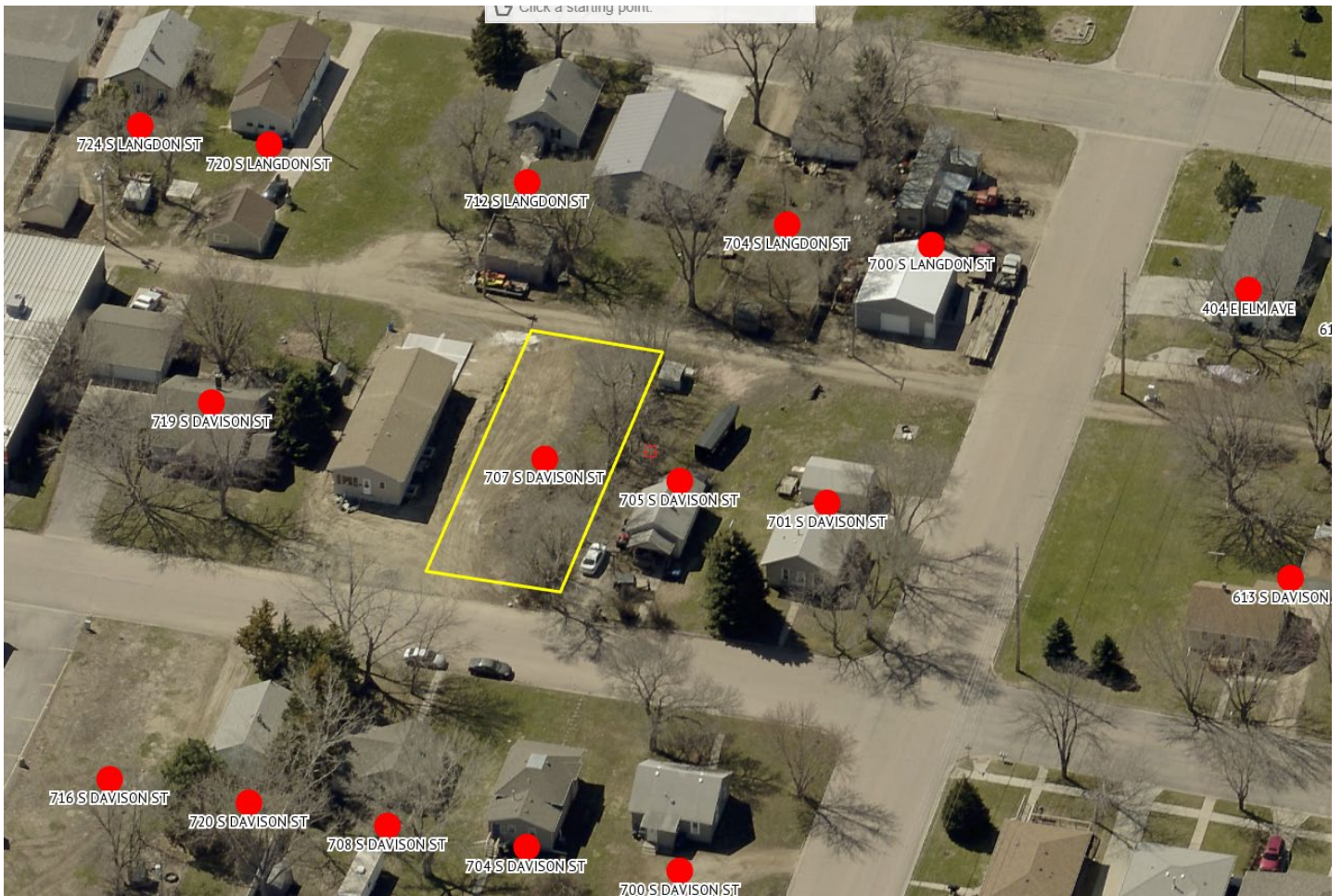
Pam Battle, Gold Key Properties LLC
APPLICANT

Pam Battle, Gold Key Properties LLC
OWNER

Gold Key Properties LLC - 707 S. Davison Proposed Duplex
Lot is 50' x 142'
Residential structure is 44' x 94' including overhang
Requesting a 2' variance in the front







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 Gold Key Properties LLC has applied for a Variance Permit for a front-yard variance of 23' vs 25' to construct a duplex; located at 707 S Davison St, legally described as Lot 55 of Overlook Addition, City of Mitchell, South Dakota. The said real property is zoned R3 Medium Family Residential District.

YOU ARE FURTHER NOTIFIED, that public hearings will be held by the City Planning Commission on February 14, 2022, 12:00 P.M. (Noon) and the Board of Adjustment on February 22 (Tuesday), 2022 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 27th day of January, 2022.

Michelle Bathke

FINANCE OFFICER

Publish once: 2nd day of February, 2022

Approximate Cost:

Gold Key Properties LLC
1660 E 8th Ave
Mitchell, SD 57301

Tammy & Josh Renken
25815 Hwy 37
Mitchell, SD 57301

Transmission Pros Inc
621 S Burr St
Mitchell, SD 57301

Donald Walters
PO Box 161
Mt. Vernon, SD 57363

Jeff George
40532 257th St
Mitchell, SD 57301

Christopher Sindt
712 S Langdon St
Mitchell, SD 57301

Jared Hartmann
720 S Langdon St
Mitchell, SD 57301

R & M Rentals LLC
723 E 7th Ave
Mitchell, SD 57301

Bonnie Wells
613 S Davison St
Mitchell, SD 57301

Stacy Maeschen
701 S Davison St
Mitchell, SD 57301

Robert Klein
705 S Davison St
Mitchell, SD 57301

Craig & Amy Hildebrand
719 S Davison St
Mitchell, SD 57301

Jeanne Blaalid Living Trust
PO Box 2198 Dept 8088
Memphis, TN 38101

Jacob Brunsen
620 S Davison St
Mitchell, SD 57301

Daniel & Renee Niehus
1216 E 11th Ave
Mitchell, SD 57301

Nathan & Valerie Ruml
704 S Davison St
Mitchell, SD 57301

Hill Properties LLC
1434 Pinehurst Ave
Mitchell, SD 57301

Mitchell Real Estate LLC
5024 S Old Yankton PL
Sioux Falls, SD 57108

February 2, 2022

TO WHOM IT MAY CONCERN:

YOU ARE HEREBY NOTIFIED that Gold Key Properties LLC has applied for a Variance Permit for a front-yard variance of 23' vs 25' to construct a duplex; located at 707 S Davison St, legally described as Lot 55 of Overlook Addition, City of Mitchell, South Dakota. The said real property is zoned R3 Medium Family Residential District

YOU ARE FURTHER NOTIFIED that the City Planning Commission will be conducting a hearing on this application on Monday, February 14, 2022, 12:00 P.M. (Noon) and the Board of Adjustment on Tuesday, February 22 (Tuesday), 2022 at 6:00 P.M, all meetings will be in the Council Chambers, City Hall, 612 N. Main St, Mitchell, SD. All interested parties may attend the hearings.

I/We Blair Hill
OWNER

708 S Davison
ADDRESS

 APPROVE

X DISAPPROVE

No response will indicate approval.

COMMENTS:

There is not enough room to put a duplex over there.



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** \$150 application due with the application.

- Description of Conditional Use: To operate a child care, family residential

This Application is for the following described real property:

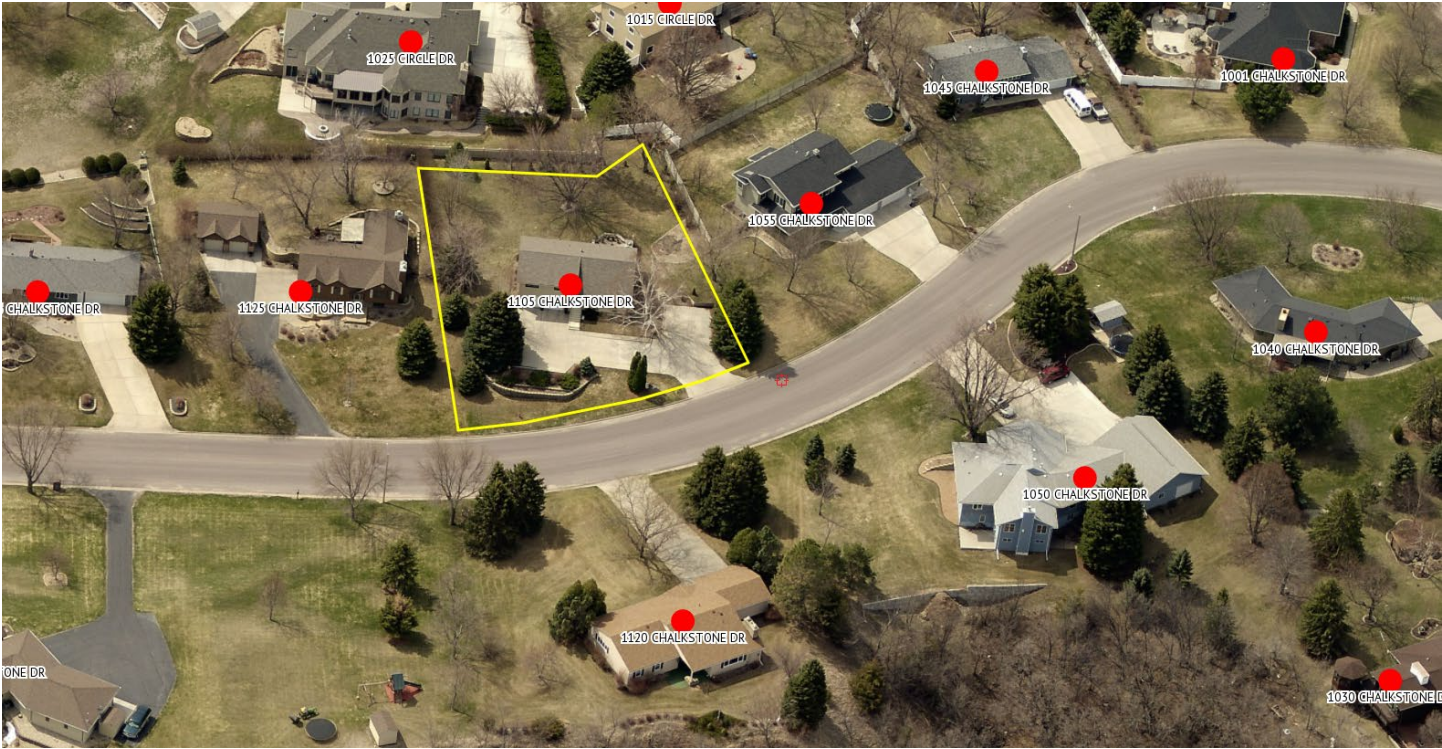
- Legal Description: Lot 4, Block 4, Northridge Park Subdivision, City
at Mitchell, Davison County South Dakota

- Property Address: 1105 Chalkstone Drive

Dated this 12th day of Jan., 2022

Erika J. Zille
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 Erika Zilla has applied for a Conditional Use Permit to operate a childcare, family residential; located at 1105 Chalkstone Drive, legally described as Lot 4, Block 4, Northridge Park Subdivision, City of Mitchell, South Dakota. The said real property is zoned R1 Single Family Residential District.

YOU ARE FURTHER NOTIFIED, that public hearings will be held by the City Planning Commission on February 14, 2022, 12:00 P.M. (Noon) and the Board of Adjustment on February 22 (Tuesday), 2022 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 27th day of January, 2022.

Michelle Bathke

FINANCE OFFICER

Publish once: 2nd day of February, 2022

Approximate Cost:

Erika Zilla
1105 Chalkstone Dr
Mitchell, SD 57301

Darlene Christensen
1040 Chalkstone Dr
Mitchell, SD 57301

Bill & Jane Sebert
1050 Chalkstone Dr
Mitchell, SD 57301

Betty Dixon
1120 Chalkstone Dr
Mitchell, SD 57301

Douglas & Shiori Powers
1140 Chalkstone Dr
Mitchell, SD 57301

John & Joan Heemstra
1045 Chalkstone Dr
Mitchell, SD 57301

Jason & Tressa Wede
1055 Chalkstone Dr
Mitchell, SD 57301

Richard & Sheri Vanoverschelde
1125 Chalkstone Dr
Mitchell, SD 57301

David & Jamie Cole
1145 Chalkstone Dr
Mitchell, SD 57301

Lisa Paulson
1011 Circle Dr
Mitchell, SD 57301

Clark & Jerilyn Mickelson
1015 Circle Dr
Mitchell, SD 57301

Jeanine Bleeker
1025 Circle Dr
Mitchell, SD 57301

Jesse & Kayla Tolsma
1010 Circle Dr
Mitchell, SD 57301

Denise Asmus
1020 Circle Dr
Mitchell, SD 57301

Rick & Kelsey Fuchs
1030 Circle Dr
Mitchell, SD 57301

City of Mitchell | Mayor's Office
612 North Main Street | Mitchell, SD 57301
Phone: 605-995-8420 | Fax: 605-995-8054
CityOfMitchell.org



February 2, 2022

TO WHOM IT MAY CONCERN:

YOU ARE HEREBY NOTIFIED that Erika Zilla has applied for a Conditional Use Permit to operate a childcare, family residential; located at 1105 Chalkstone Drive, legally described as Lot 4, Block 4, Northridge Park Subdivision, City of Mitchell, South Dakota. The said real property is zoned R1 Single Family Residential District.

YOU ARE FURTHER NOTIFIED that the City Planning Commission will be conducting a hearing on this application on Monday, February 14, 2022, 12:00 P.M. (Noon) and the Board of Adjustment on Tuesday, February 22 (Tuesday), 2022 at 6:00 P.M, all meetings will be in the Council Chambers, City Hall, 612 N. Main St, Mitchell, SD. All interested parties may attend the hearings.

I/We Rick VanOverscheele
OWNER

1125 Chalkstone Dr. Mitchell, SD
ADDRESS

____ APPROVE

X DISAPPROVE

No response will indicate approval.

Walter Hachee

February 7, 2022

Reference: Conditional Use Permit

In regards, to the Conditional Use Permit, in which Erika Zilla has applied I, Rick VanOverschelde have the following concerns pertaining to using her home as a Day Care, in which I "Disapprove" for safety reasons:

- 1.) This property is located on the top/peak of the street, this has over the pass few years has becoming a "highly" traveled street on behalf of the increase number of residents located East on Shanard Road.
- 2.) I have witness, the manner of speed that people travel on Chalkstone Drive coming from both the West and East, in which is a safety concern. With this property being located right at the top/peak of the hill of the Street, and with additional traffic coming and going from the Property, daily drop offs and picking up their children, having open car doors, getting children out of their vehicle, other oncoming traffic at times are in need of moving over to the center part of the street, to avoid them. Vehicles coming from the West, until they are right on the top part of the street where the property is located, are unable to see parked vehicles with open car doors and children coming out of the vehicles, until once over the hill of this area of the street, is another safety concern.
- 3.) Also, Chalkstone Drive during the winter months, is not one of the City's "emergency" snow routes, in which it not plowed until later in the day. During the winter months, the hill that is in front of this person property applying for the Permit, needs to be used with extreme caution, due to hill/street being very slick and icy during the winter months. And the parent/parents of whom are taking their children to the Day Care have no other option but to park on either the South side or North side of the street.

4.) On behalf of the concerns, I have stated regarding safety issues. I would appreciate it if the Zoning Board and Mayor Bob Everson would go out and evaluate the hill/parking situation on the street and perhaps can see the reason for my concerns. Thanks in advance for your time, appreciate it.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rick VanOvershelde", with a long, sweeping underline that extends to the right.

Rick VanOvershelde

City of Mitchell | Mayor's Office
612 North Main Street | Mitchell, SD 57301
Phone: 605-995-8420 | Fax: 605-995-8054
CityOfMitchell.org



February 2, 2022

TO WHOM IT MAY CONCERN:

YOU ARE HEREBY NOTIFIED that Erika Zilla has applied for a Conditional Use Permit to operate a childcare, family residential; located at 1105 Chalkstone Drive, legally described as Lot 4, Block 4, Northridge Park Subdivision, City of Mitchell, South Dakota. The said real property is zoned R1 Single Family Residential District.

YOU ARE FURTHER NOTIFIED that the City Planning Commission will be conducting a hearing on this application on Monday, February 14, 2022, 12:00 P.M. (Noon) and the Board of Adjustment on Tuesday, February 22 (Tuesday), 2022 at 6:00 P.M, all meetings will be in the Council Chambers, City Hall, 612 N. Main St, Mitchell, SD. All interested parties may attend the hearings.

I/We Darlene Chrustenson
OWNER
1040 Chalkstone Dr
ADDRESS

____ APPROVE

X DISAPPROVE

No response will indicate approval.

COMMENTS:

City of Mitchell | Mayor's Office
612 North Main Street | Mitchell, SD 57301
Phone: 605-995-8420 | Fax: 605-995-8054
CityOfMitchell.org



February 2, 2022

TO WHOM IT MAY CONCERN:

YOU ARE HEREBY NOTIFIED that Erika Zilla has applied for a Conditional Use Permit to operate a childcare, family residential; located at 1105 Chalkstone Drive, legally described as Lot 4, Block 4, Northridge Park Subdivision, City of Mitchell, South Dakota. The said real property is zoned R1 Single Family Residential District.

YOU ARE FURTHER NOTIFIED that the City Planning Commission will be conducting a hearing on this application on Monday, February 14, 2022, 12:00 P.M. (Noon) and the Board of Adjustment on Tuesday, February 22 (Tuesday), 2022 at 6:00 P.M, all meetings will be in the Council Chambers, City Hall, 612 N. Main St, Mitchell, SD. All interested parties may attend the hearings.

I/We

John Heemstra John Heemstra
OWNER

1045 Chalkstone Drive Mitchell, SD

ADDRESS

____ APPROVE

✓ DISAPPROVE

No response will indicate approval.

COMMENTS:

*Please see attached sheet
Thank you.*

Outside expectations

Comments:

February 7, 2022

1. This neighborhood is well established with a good reputation in a desirable location. The homeowners take pride and care in maintaining their homes and yards. Allowing a conditional use permit to 1105 Chalkstone Drive will be detrimental to the nearby properties. This would set a precedence for allowing future businesses and/or rental situations to take hold thus affecting the longstanding integrity of the neighborhood and, consequently, property values.
2. It appears that Mrs. Zilla may, despite not having yet received the conditional use permit from the city of Mitchell, be already operating a day care service from her residence at 1105 Chalkstone Drive.
3. Safety and existing traffic patterns coupled with our "normal" winter weather street conditions (waist high/higher snow banks in and around the driveways as well as ice on the street in this north facing location) are dangerous and do not allow for clear views. This is a safety concern for both parents and children. In addition, Chalkstone Drive seems to be the "shortcut" for farm machinery and heavy construction vehicles. Drivers, old and young alike, also use the hill as a speedway. Vehicles are floored going down the hill and coming up. In our 26 years of residency on Chalkstone, we have had countless experiences of near misses by such drivers as we carefully and slowly backout of our driveway. They cannot see us over the crest of the hill nor can we see them below it. With this in mind, imagine the potential for tragic and unfortunate situations that could quite easily occur.
4. This neighborhood does have an existing covenant that specifically states "residential use only". Please refer to item #1 on Document #461 filed 4-19-1966 with the Davison County Register of Deeds. This applies to all homeowners in the neighborhood including the Zilla's.

February 2, 2022

TO WHOM IT MAY CONCERN:

YOU ARE HEREBY NOTIFIED that Erika Zilla has applied for a Conditional Use Permit to operate a childcare, family residential; located at 1105 Chalkstone Drive, legally described as Lot 4, Block 4, Northridge Park Subdivision, City of Mitchell, South Dakota. The said real property is zoned R1 Single Family Residential District.

YOU ARE FURTHER NOTIFIED that the City Planning Commission will be conducting a hearing on this application on Monday, February 14, 2022, 12:00 P.M. (Noon) and the Board of Adjustment on Tuesday, February 22 (Tuesday), 2022 at 6:00 P.M, all meetings will be in the Council Chambers, City Hall, 612 N. Main St, Mitchell, SD. All interested parties may attend the hearings.

I/We Doug Powers
OWNER

1140 Chalkstone Dr
ADDRESS

 APPROVE

 X DISAPPROVE

No response will indicate approval.

COMMENTS: I can't approve this due to a Safety Concern. This location is below the crest of a hill and on a curve. This would be a dangerous location for loading & unloading children, especially in the winter. I have lived in the neighborhood for 30 years & I know how people drive on this road. I would hate to see someone get hurt.



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: Build a pole shed for wood shop and storage. The building will ~~measure~~ measure 40' x 64'. This will be in addition to the 2000 sq ft garage attached to the house.

Variance of 4560 as opposed to 2000 sq ft - height variance of 27' instead of 22'

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

- Description of Conditional Use: _____

This Application is for the following described real property:

- Legal Description: Fialas Addition - NW Lot 4 5.38 Acres

- Property Address: _____

Dated this 19th day of January, 2022.

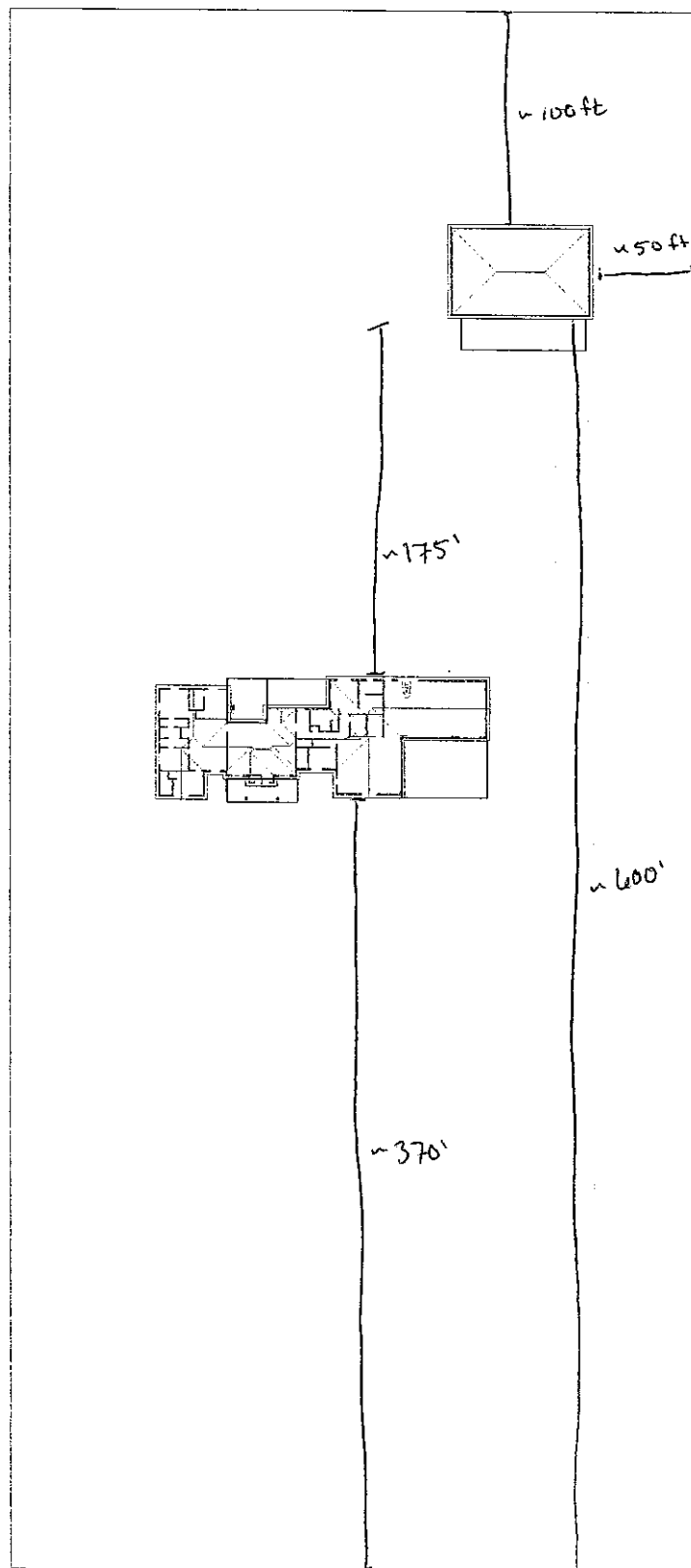
Nick & Hilary Ratzel

Applicant

[Signature]

Owner

Rockwell
Fala Rd





FLOOR PLAN & POLE LAYOUT



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 Nick and Hilary Rockwell have applied for a Variance Permit for an oversized garage and accessory building combination of 4,560 square feet vs 2,000 square feet and maximum height for an accessory building of 27' vs 22'; located at 5213 Fiala Rd, legally described as Lot 4 of Fiala's Addition in the NW 1/4 of Section 4, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota. The said real property is zoned RL Lake Residential District.

YOU ARE FURTHER NOTIFIED, that public hearings will be held by the City Planning Commission on February 14, 2022, 12:00 P.M. (Noon) and the Board of Adjustment on February 22 (Tuesday), 2022 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 27th day of January, 2022.

Michelle Bathke

FINANCE OFFICER

Publish once: 2nd day of February, 2022

Approximate Cost:

Nick & Hilary Rockwell
100 N Harmon Drive
Mitchell, SD 57301

PSG Properties, LLC
125 Caleb Ct
Parker, SD 57053

Alyssa & Sidney Stemper
1101 Woods Cr
Mitchell, SD 57301

Morris & Ardis Beck
951 National Guard Rd
Mitchell, SD 57301

City of Mitchell
612 N Main St
Mitchell, SD 57301

Gregory & Cindy
1213 Jo Gene Ct
Mitchell, SD 57301

Jill Luque
1208 Jo Gene Ct
Mitchell, SD 57301

Legacy Leasing LLC
502 Fair Oaks Ave
Mitchell, SD 57301

B & D Enterprises LLC
21 S Harmon Dr
Mitchell, SD 57301

Chad & Robin Cahoy
1100 Jo Gene Ct
Mitchell, SD 57301

Robert Porter
5100 Fiala Rd
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 UD District to I District.

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

- Description of Variance Requested: _____

☐ **Conditional Use Permit** *\$150 application due with the application.*

- Description of Conditional Use: _____

This Application is for the following described real property:

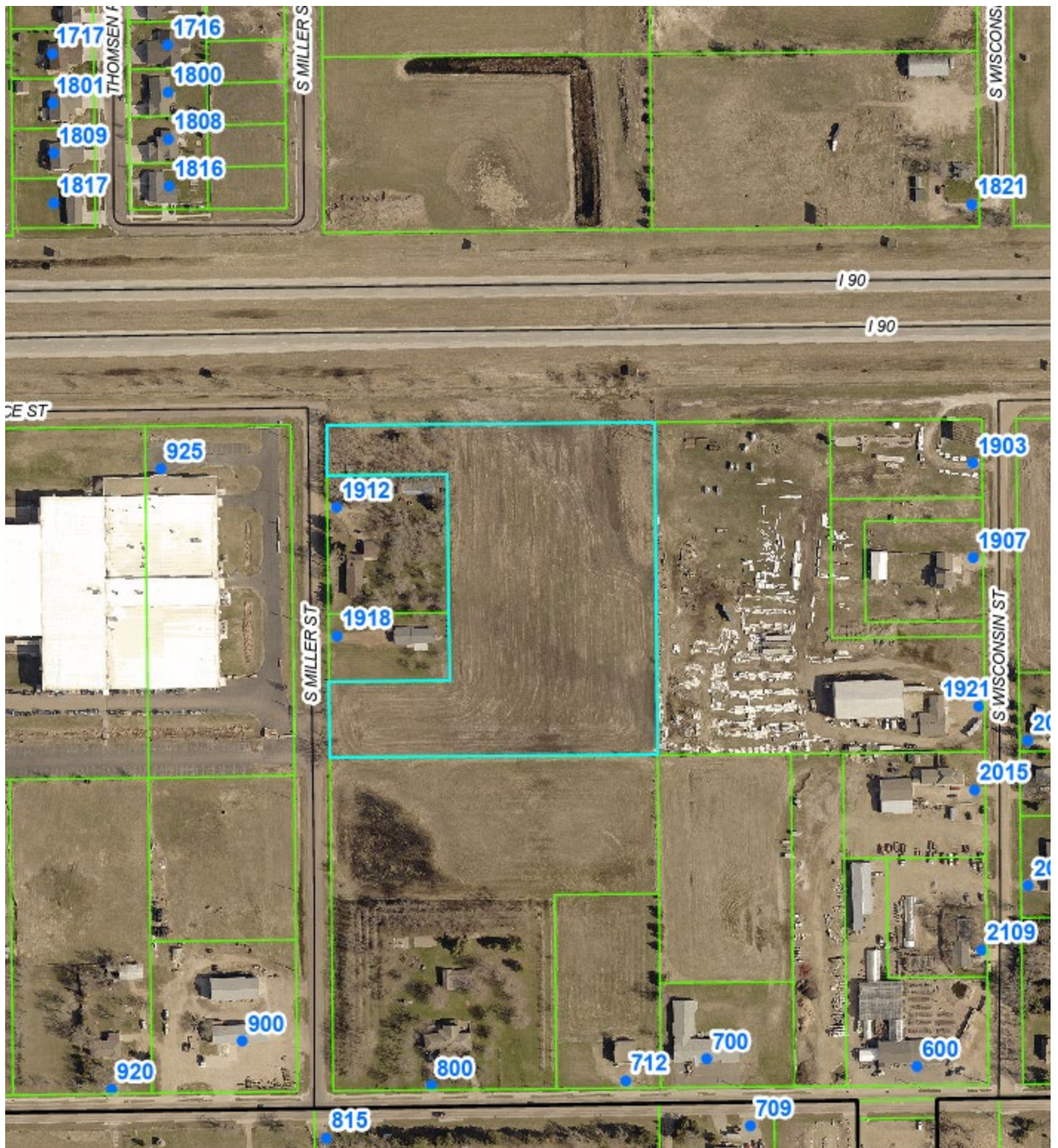
- Legal Description: Block 12 Ex 5395' of N490' of W231'
of Morningview Addition, City of Mitchell, Davison
County, South Dakota
- Property Address: _____

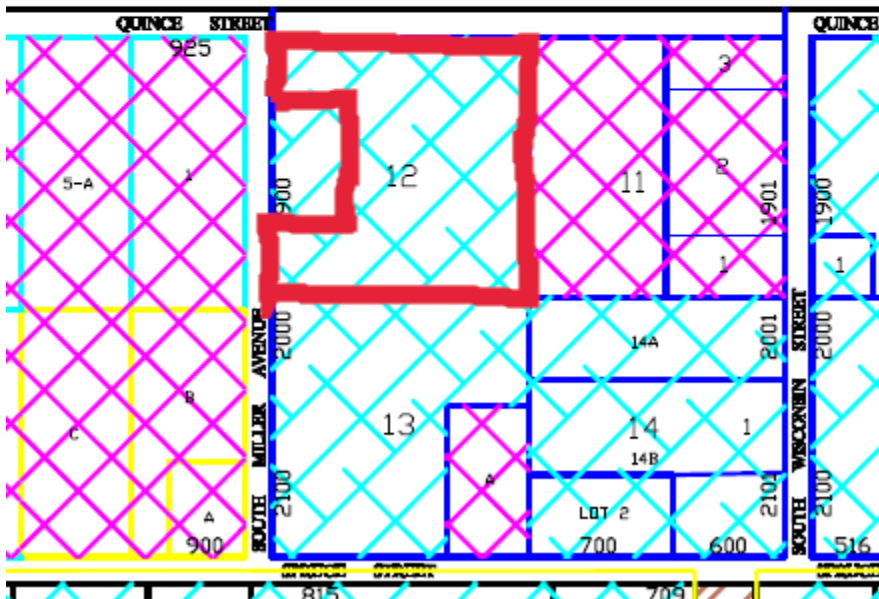
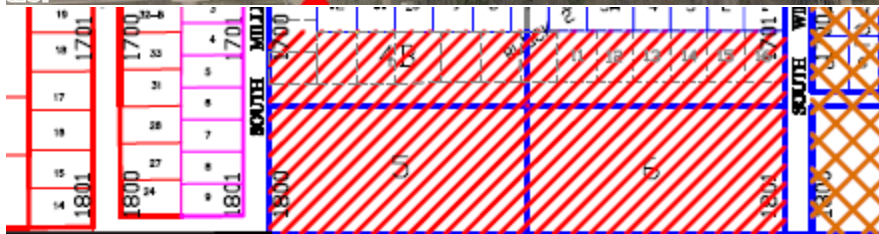
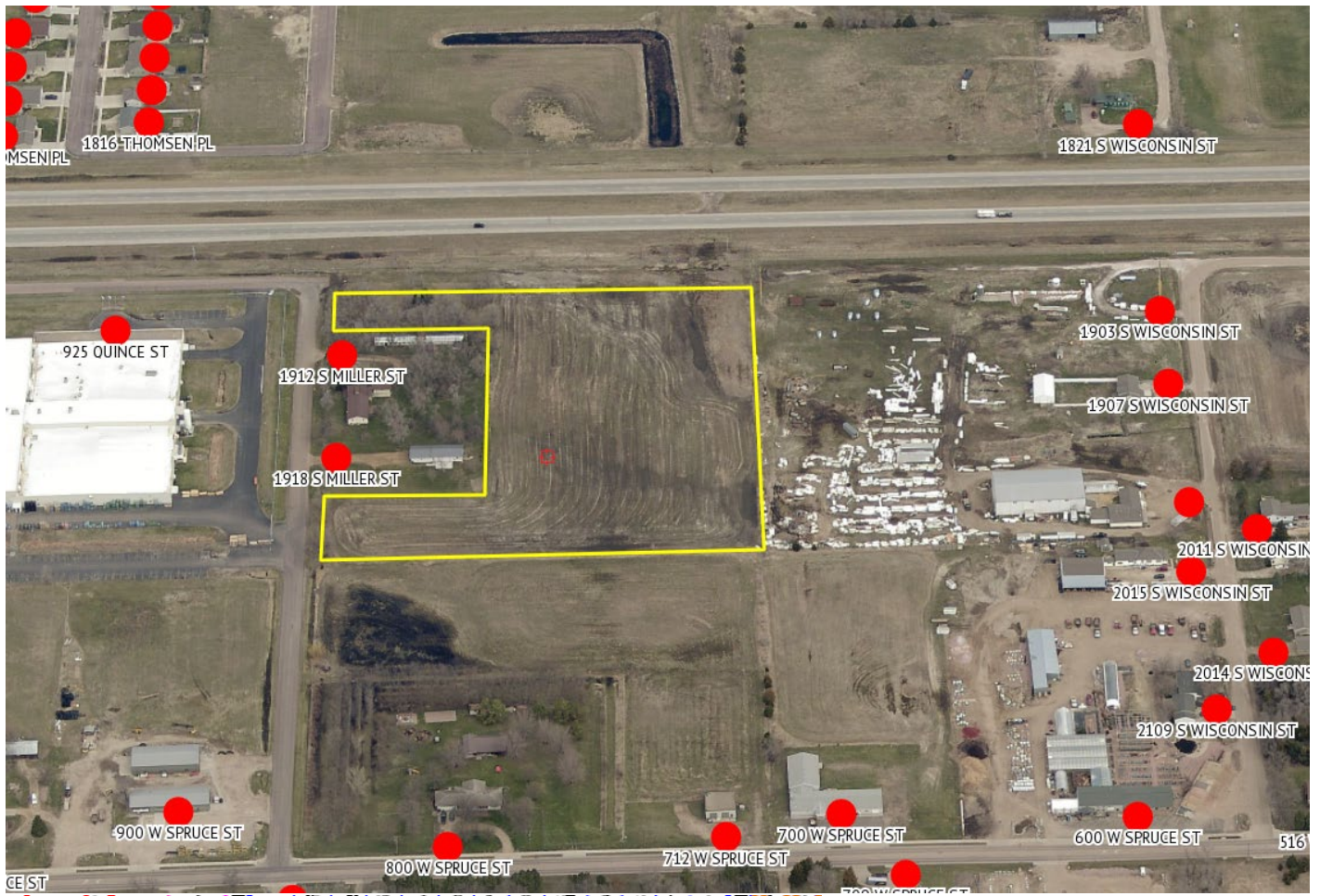
Dated this 20th day of January, 2022.

Jensen Capital & Development, LLC

Applicant % Jeremy Jensen

Owner [Signature]





NOTICE OF HEARING

TO: Mitchell City Planning Commission, City Council, and the General Public:

The City Planning Commission has scheduled a public hearing and action on the following ordinance. The Planning Commission hearing will be Monday February 14, 2022 at 12:00 p.m., the City Council will consider 1st Reading of the Ordinance on Tuesday, February 22, 2022 at 6:00 p.m. and 2nd Reading and Adoption on Monday, March 7, 2021 at 6:00 p.m. all meetings will be held in the Council Chambers, City Hall, 612 N Main St, Mitchell, SD. All interested parties are encouraged to attend the meetings.

ORDINANCE NO. O2022-02

AN ORDINANCE OF THE CITY OF MITCHELL, THAT CHANGES THE ZONING DISTRICT CLASSIFICATION OF THE REAL PROPERTY LEGALLY DESCRIBED AS; Block 12 Ex S 395' of N 490' of W 231' of Morningview Addition in the SE ¼ of Section 28, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota from UD Urban Development District to I Industrial District AND THE OFFICIAL ZONING MAP BE CHANGED TO REFLECT THE SAME.

BE IT ORDAINED BY THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA:

Section 1: THE ZONING DISTRICT CLASSIFICATION OF THE REAL PROPERTY LEGALLY DESCRIBED AS Block 12 Ex S 395' of N 490' of W 231' of Morningview Addition in the SE ¼ of Section 28, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota from UD Urban Development District to I Industrial District AND THE OFFICIAL ZONING MAP BE CHANGED TO REFLECT THE SAME

Section 2. The City Finance Officer shall publish notice of this ordinance and the same shall be effective 20 days after the completed publication thereof, unless the referendum shall be invoked as provided by law.

Passed and approved this the ____ day of _____, 2022.

MAYOR

ATTEST:

FINANCE OFFICER

{SEAL}

FIRST READING: February 22, 2022
SECOND READING: March 7, 2022
ADOPTION: March 7, 2022

Published three times: February 2, 9 and 23, 2022
Approximate Costs:

Jensen Capital & Development LLC
25063 Alex Ct
Mitchell, SD 57301

Mueller Lumber Company
400 N Ohlman St
Mitchell, SD 57301

Boyd Reimnitz
817 N Sanborn Blvd
Mitchell, SD 57301

AKG North America Inc
7315 Oakwood St Ext
Mebane, NC 27302

Lee Bitterman
1912 S Miller Ave
Mitchell, SD 57301

Dustin Schnabel
1918 S Miller Ave
Mitchell, SD 57301

Blair & Lynn Gades
712 Doris Dr
Mitchell, SD 57301

Van Laecken Properties LLC
900 W Spruce St
Mitchell, SD 57301

Elizabeth Olson
800 W Spruce St
Mitchell, SD 57301

City of Mitchell | Mayor's Office
612 North Main Street | Mitchell, SD 57301
Phone: 605-995-8420 | Fax: 605-995-8054
CityOfMitchell.org



February 2, 2022

TO WHOM IT MAY CONCERN:

YOU ARE HEREBY NOTIFIED that Jensen Capital and Development LLC is requesting the following property legally described as; Block 12 Ex S 395' of N 490' of W 231' of Morningview Addition in the SE ¼ of Section 28, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota from UD Urban Development District to I Industrial District AND THE OFFICIAL ZONING MAP BE CHANGED TO REFLECT THE SAME. (Intersection of S Miller St and Quincy St). For the purpose of a new business.

YOU ARE FURTHER NOTIFIED that the City Planning Commission will be conducting a hearing on this application on Monday, February 14, 2022 at 12:00 pm (noon) and the City Council will consider 1st Reading of the Ordinance on Tuesday, February 22, 2022 at 6:00 p.m. and 2nd Reading and Adoption on Monday, March 7, 2022 at 6:00 p.m., all meetings will be in the Council Chambers, City Hall, 612 N. Main St, Mitchell, SD. All interested parties may attend the hearings.

I/We Dustin & Amber Schnabel
OWNER
1918 S Miller AVE Mitchell SD 57301
ADDRESS

☐ APPROVE

☒ DISAPPROVE

No response will indicate approval.

COMMENTS: Concerned it will devalue our property,
Cause heavy traffic

Outside expectations

February 2, 2022

TO WHOM IT MAY CONCERN:

YOU ARE HEREBY NOTIFIED that Jensen Capital and Development LLC is requesting the following property legally described as; Block 12 Ex S 395' of N 490' of W 231' of Morningview Addition in the SE ¼ of Section 28, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota from UD Urban Development District to I Industrial District AND THE OFFICIAL ZONING MAP BE CHANGED TO REFLECT THE SAME. (Intersection of S Miller St and Quincy St). For the purpose of a new business.

YOU ARE FURTHER NOTIFIED that the City Planning Commission will be conducting a hearing on this application on Monday, February 14, 2022 at 12:00 pm (noon) and the City Council will consider 1st Reading of the Ordinance on Tuesday, February 22, 2022 at 6:00 p.m. and 2nd Reading and Adoption on Monday, March 7, 2022 at 6:00 p.m., all meetings will be in the Council Chambers, City Hall, 612 N. Main St, Mitchell, SD. All interested parties may attend the hearings.

I/We Boyd A. Reimund
OWNER

1821 S Wisconsin
ADDRESS

✓ APPROVE

 DISAPPROVE

No response will indicate approval.

COMMENTS:

Let to Mitchell