

**CITY OF MITCHELL
CITY PLANNING COMMISSION AGENDA
CITY COUNCIL CHAMBERS, CITY HALL
612 N MAIN ST
FEBRUARY 28, 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 2-14-22.**

Documents:

[PLANNING COMMISSION UNSIGNED MINUTES 2-14-22.PDF](#)

- 6. Schedule Next Meeting: 3-14-22 @ 12:00 P.M.**

- 7. Plan Approval: Jeremy Gunkel-615 N Main.**

Jeremy Gunkel is proposing to remodel the exterior of 615 N Main St. The property is zoned Central Business.

Documents:

[GUNKEL-PLAN.PDF](#)
[GUNKEL-GIS.PDF](#)

- 8. Rezoning: City Of Mitchell, Northwest Corner Of N Minnesota St And W 15th Ave.**

City of Mitchell is requesting the following property legally described as; Lot 1, Block 1 of Fullerton Properties Second Addition, a subdivision of the N ½ of Section 16, and a portion of previously platted Outlot B-2, a subdivision of Outlot B, Section 16, all in T 103 N R 60 w of the 5th P.M., City of Mitchell, Davison County, South Dakota; from PL Public Lands District to R3 Medium Density Residential District AND THE OFFICIAL ZONING MAP BE CHANGED TO REFLECT THE SAME (intersection of W 15th Ave and N Minnesota St).

Documents:

[CITY OF MITCHELL-APPLICATION.PDF](#)
[CITY OF MITCHELL-GIS.PDF](#)
[CITY OF MITCHELL-NOTICE OF HEARING.PDF](#)
[CITY OF MITCHELL-NEIGHBORS.PDF](#)

- 9. Other Business:**

- 10. 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.**

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
February 14, 2022

NOT APPROVED

1. Chairperson Larson called the February 14, 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: Larson, Molumby, Osterloo, Penney, Genzlinger, Jirsa (telephonically), Doescher.
Absent: Sonne.
Staff Present: Jenniges, T Johnson, J Johnson, Sandoval, Ellwien, Mayor Everson.
3. Declare conflicts of interest-None
4. Approval of proposed agenda: Motion by Osterloo, seconded by Genzlinger, to approve the proposed agenda. Roll call vote: Larson – aye, Molumby – aye, Jirsa –aye, Osterloo – aye, Genzlinger – aye, Sonne –absent, Penney– aye. 6 aye, 0 nay, 1 absent, motion carried.
5. Approval of proposed minutes: Motion by Molumby, seconded by Osterloo, to approve the minutes of the February 3, 2022 Planning Commission meeting. Roll call vote: Larson – aye, Molumby – aye, Jirsa –aye, Osterloo – aye, Genzlinger – aye, Sonne – absent, Penney– aye. 6 aye, 0 nay, 1 absent, motion carried.
6. Schedule next meeting: Motion by Genzlinger, seconded by Osterloo, to schedule the next meeting for February 28, 2022. Roll call vote: Larson – aye, Molumby – aye, Jirsa – aye, Osterloo – aye, Genzlinger – aye, Sonne –absent, Penney– aye. 6 aye, 0 nay, 1 absent, motion carried..
7. Variance: 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. The applicant was present to answer questions. Notices were sent out to the neighbors and it was published in the official newspaper with one response against and 17 non responses.

Jenniges explained this is really a double lot and will have 3 dwellings on it so it meets the 100’ width minimum and is under the lot coverage limits. The site plan has 3’ showing but it will need to be 5’ for a setback and the existing structure on the south meets the requirement already.

Pam Bathke representing Gold Key Properties LLC stated it will be a slab on grade duplex. Both will have a double garage and the reason they asked for the front yard

instead of the rear yard is because there is off street parking in front and the alley access in the rear yard is tight.

Osterloo questioned if a drainage plan was required which it is not but the applicant stated they will drain to the road using gutters. Jenniges noted an elevation certificate will be required before a building permit will be issued.

Motion by Molumby, seconded by Jirsa, to approve the Variance. Roll call vote: Larson – aye, Molumby – aye, Jirsa – aye, Osterloo – aye, Genzlinger – aye, Sonne – absent, Penney – aye. 6 aye, 0 nay, 1 absent, motion carried.

8. Conditional Use: 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, Davison County, South Dakota. The said real property is zoned R1 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 five responses against 10 non responses.

Jenniges stated most of the responses dealt with safety concerns with high traffic volume and speed on their road. One response did mention a covenant from 1966 but the city does not enforce local covenants.

Zilla stated she has operated a daycare for 14 years. Previous locations were on 5th Ave, Elm St by John Paul II and Hwy 37. All of those locations were busy roads and has never had any issues with safety at the roads. Safety is her main concern. She has 8-12 kids at her daycare depending on the day and some are siblings. Her busiest time is between 7:30 and 8:15 when kids are getting dropped off. Kids get picked up starting at 3:30 till 5:15 so that is more spread out. She has a large driveway that can fit multiple vehicles. She will install a fence this spring in the back yard. Kids are not allowed outside unless it's in a fenced area.

Bill Sebert stated he did not return a letter because he wanted to talk at the meeting. He has talked with the applicant but has concerns over safety of the road. He also questioned if she moves does the permit stay with the land? Jenniges responded with the three standard conditions put on to the conditional use permit; 1) license is non-transferable, 2) if the business ceases operation for a period of 6 months and new application is required, 3) pass a fire inspection.

John Heemstra stated his concerns with safety with the road. He had mailbox on the north side of the road get taken out by a vehicle and launched it about 50'.

Sandoval stated he has completed a fire inspection and has no issues. If anyone has concerns at a later date he can go back in and check.

Tate Ellwein stated he is Erica's son and when they lived on Hwy 37 and there were big drifts it was up to the parents to decide if it was safe to take their kids to daycare that day.

Molumby stated he drove the road and has safety concerns with it. Genzlinger question if the daycare is creating more safety issues or just bringing to light an existing problem that the city needs to look into. Molumby also questioned if the applicant has been operating a daycare already without permit to which the applicant state she had been. She said it slipped her mind when moving from her previous location that she needed a new conditional use permit.

Motion by Genzlinger, seconded by Osterloo, to approve the Conditional use with three conditions; 1) license is non-transferable, 2) if the business ceases operation for a period of 6 months, a new application is required, 3) pass a fire inspection.. Roll call vote: Larson – aye, Molumby – nay, Jirsa – nay, Osterloo – aye, Genzlinger – aye, Sonne – absent, Penney – aye. 4 aye, 2 nay, 1 absent, motion carried.

9. Variance: 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. The applicant was present to answer questions. Notices were sent out to the neighbors and it was published in the official newspaper with two responses for and nine non responses

Jenniges explained that he had received a few phone calls and people stopping by the office to discuss this. They had concerns about the shed size and materials being used to build it. It was explained that it is a combination of the attached garage and shed to get to the square footage, the shed being proposed is 40' x 64'. Jenniges read 10-4-5 D2 from the ordinance which states the accessory building can't be built before the house and materials shall be consistent with residential construction and comparable to the neighborhood. There are a few sheds in the neighborhood that are pole sheds and some that are sided with asphalt shingles.

Rockwell stated he plans to build the house and shed at the same time. The shed will be a hobby workshop for him.

Motion by Osterloo, seconded by Genzlinger, to approve the Variance. Roll call vote: Larson – aye, Molumby – aye, Jirsa – aye, Osterloo – aye, Genzlinger – aye, Sonne – absent, Penney – aye. 6 aye, 0 nay, 1 absent, motion carried.

10. Rezone: 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 (intersection of S Miller St and Quincy St). For the purpose of a new business. The applicant was present to answer questions. Notices were sent out to the neighbors and it was published in the official newspaper with one response in favor, one opposed and 7 non responses.

Jenniges gave an overview of the area. AKG and BBBB fencing are abutting landowners and their land is zoned Industrial already so there is no spot zoning.

Jensen stated plans to move his business to this location, his current business is at 968 N Ohlman. He will be constructing houses that get moved off-site. He is also a wholesale building supplier so he will have deliveries to the site. He plans to have his main driveway on Quincy St which has not been developed yet but he has been in talks with the city and they plan to develop it half way and assess it back to the landowners.

Motion by Osterloo, seconded by Genzlinger, to recommend approval of the rezone. Roll call vote: Larson – aye, Molumby – aye, Jirsa –aye, Osterloo – aye, Genzlinger – aye, Sonne –absent, Penney– aye. 6 aye, 0 nay, 1 absent, motion carried.

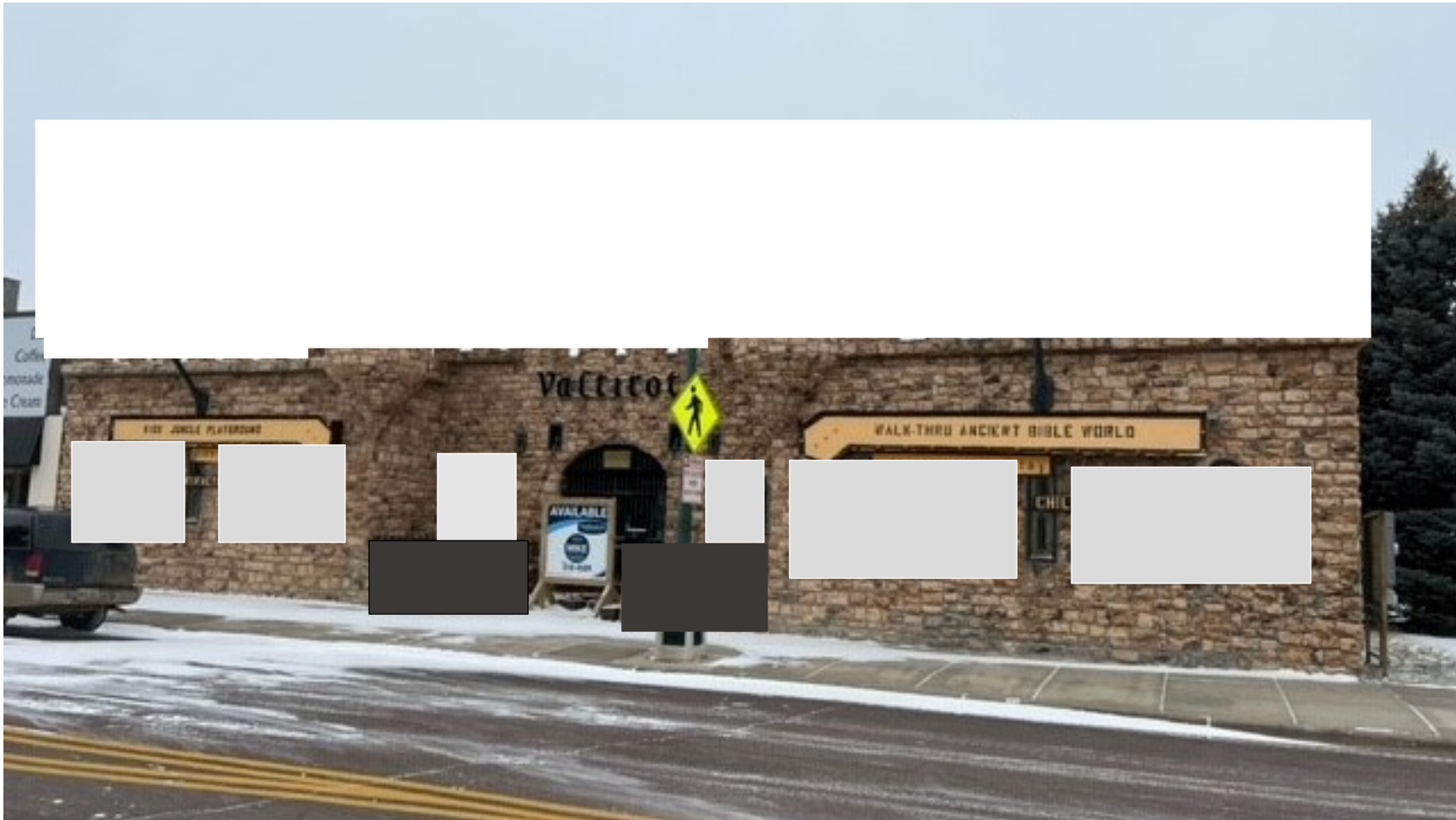
11. Other Business-None.

12. Public Comment-None.

13. Chairperson Larson adjourned the meeting at 12:39 P.M.

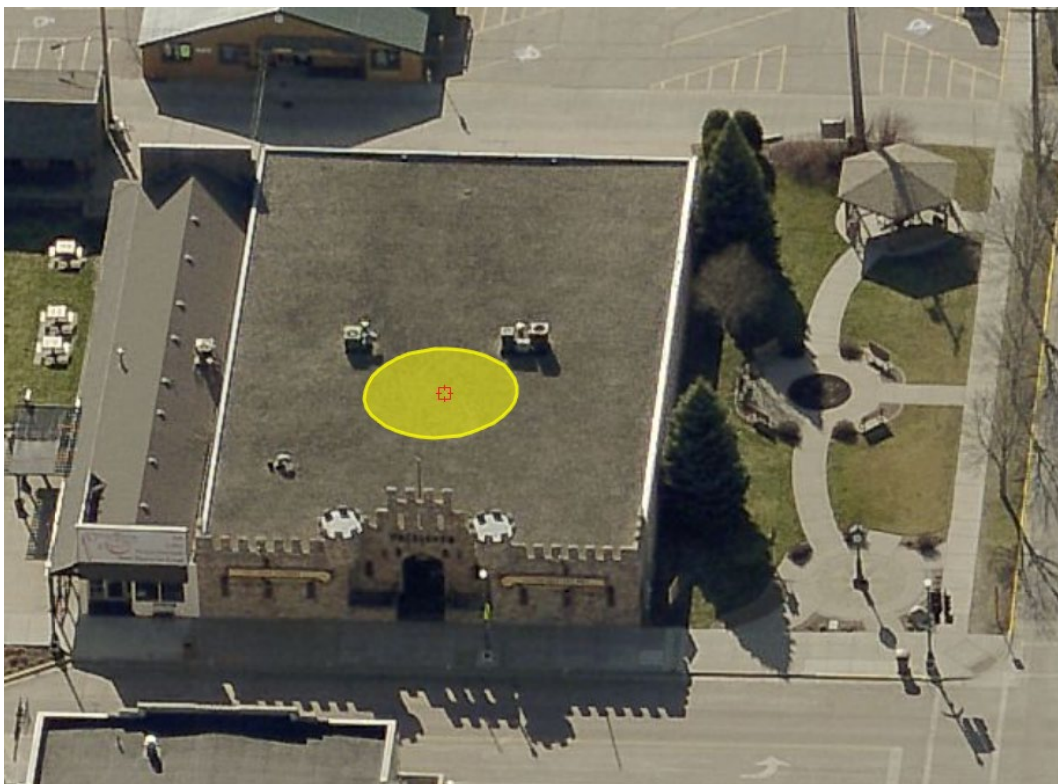
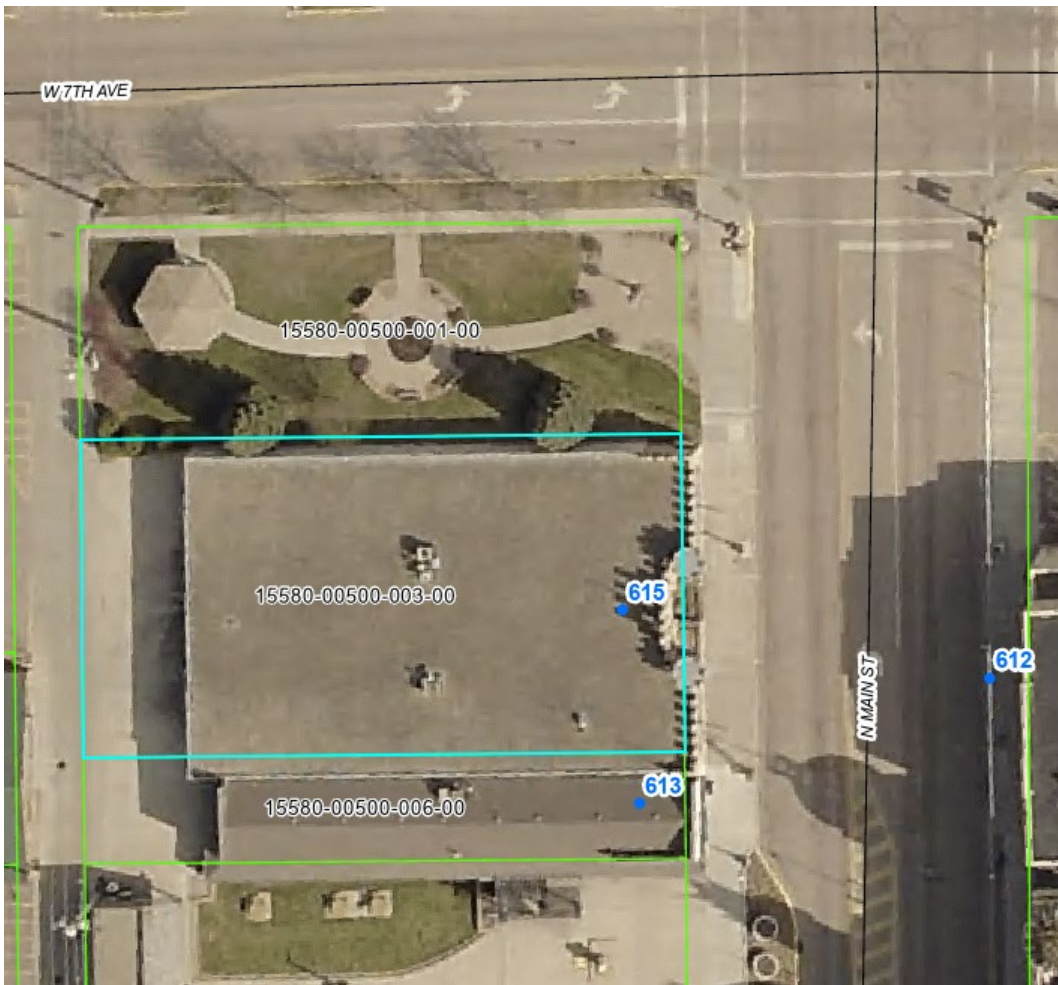
Jay Larson
Planning Commission Chairperson

615 N Main (Doll Museum)



Outside:

1. Remove the castle look and towers from the top.
2. Install large windows and a new door in the front. Also install a new customer double window in the rear of the building for customer entry.
3. Remove the square block buildups on each side of the door.
4. Paint the exterior block with for a new finish.





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 PL District to R3 District.

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

Description of Variance: _____

☐ **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 1, Block 1 of Fullerton Properties Second Addition, a subdivision of the N ½ of Section 16, and a portion of previously platted Outlot B-2, a subdivision of Outlot B, Section 16, all in T 103 N R 60 w of the 5th P.M., City of Mitchell, Davison County, South Dakota

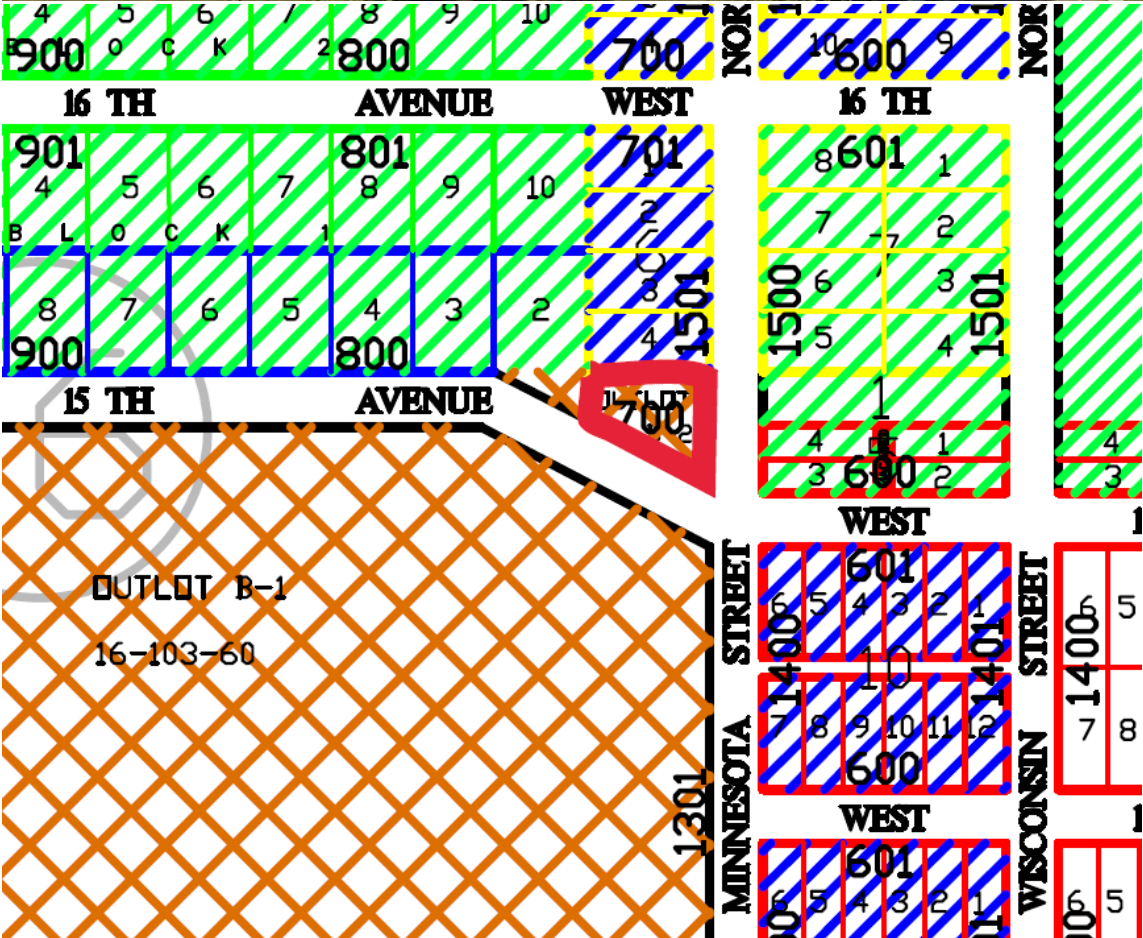
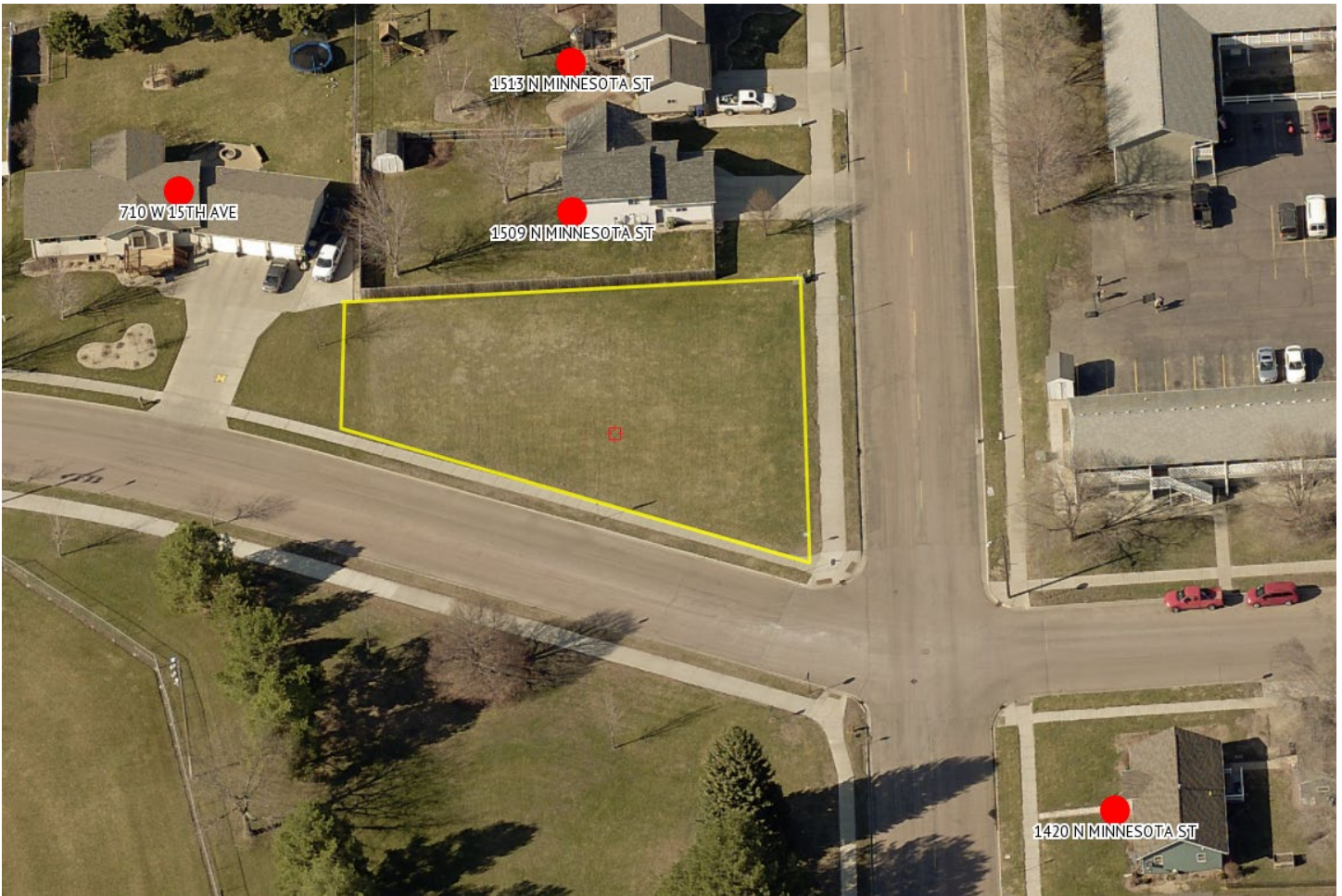
Property Address: Northwest corner of N Minnesota St and W 15th Ave.

Dated this 8th day of February, 2022

City of Mitchell
APPLICANT

City of Mitchell
OWNER





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 28, 2022 at 12:00 p.m., the City Council will consider 1st Reading of the Ordinance on Monday, March 7, 2022 at 6:00 p.m. and 2nd Reading and Adoption on Monday, March 21, 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. O2022-03

AN ORDINANCE OF THE CITY OF MITCHELL, THAT CHANGES THE ZONING DISTRICT CLASSIFICATION OF THE REAL PROPERTY LEGALLY DESCRIBED AS; Lot 1, Block 1 of Fullerton Properties Second Addition, a subdivision of the N ½ of Section 16, and a portion of previously platted Outlot B-2, a subdivision of Outlot B, Section 16, all in T 103 N R 60 w of the 5th P.M., City of Mitchell, Davison County, South Dakota; from PL Public Lands District to R3 Medium Density Residential 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; Lot 1, Block 1 of Fullerton Properties Second Addition, a subdivision of the N ½ of Section 16, and a portion of previously platted Outlot B-2, a subdivision of Outlot B, Section 16, all in T 103 N R 60 w of the 5th P.M., City of Mitchell, Davison County, South Dakota PL Public Lands District to R3 Medium Density Residential 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: March 7, 2022
SECOND READING: March 21, 2022
ADOPTION: March 21, 2022

Published three times: February 16, 23 and March 9, 2022
Approximate Costs:

City of Mitchell
612 N Main St
Mitchell, SD 57301

Kerri Lutjens
720 W 15th Ave
Mitchell, SD 57301

Mark & Jodi Wilson
710 W 15th Ave
Mitchell, SD 57301

Krohmer Properties LLC
PO Box 1264
Mitchell, SD 57301

James & Geraldine Hunt
717 E 2nd Ave
Mitchell, SD 57301

Lawrence Szczesny
1420 N Minnesota St
Mitchell, SD 57301

Brian Hildebrandt
2957 Dailey Dr
Mitchell, SD 57301

Jason & Amy Hehr
1509 N Minnesota
Mitchell, SD 57301

Cory & Mallory Arneson
1513 N Minnesota
Mitchell, SD 57301